

FILE REF: RM170829
TO: Quinn McIntyre – Manager, Resource Consents
FROM: Sarah Picard
DATE: 27 November 2017
SUBJECT: Requirement to hold a hearing pursuant to Section 100 of the Resource Management Act 1991 (RMA).

Applicants name have applied for resource consent to Application under Section 88 of the Resource Management Act 1991 (RMA) to breach noise standards during the construction of 44 residential/visitor accommodation units, and application under Section 127 of RMA to delete condition 5 and amend condition 26 of RM140404 in relation to noise from construction.

On 10th of October 2017 the application was limit notified and notice of the application was served on surrounding properties in the near vicinity of the application site that may be adversely affected by the proposal. The submission period closed on 10th November 2017.

A single submission was received in opposition to the application from P Jay, one of the owners of 92 Lismore Street, Wanaka. Mr Jay clearly indicates in his submission that he does not wish to be heard.

Written approval has been provided by the application from the following properties.

The persons served notice of the application are listed in the applicable section 95 (notification) report which is attached as Appendix 1.

A report has been prepared (attached as Appendix 2) for this application which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and the RMA.

The Resource Management Act 1991 allows for consideration of this application without a hearing under section 100 of the Act which states:

Section 100. Obligation to hold a hearing

A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

The applicant has advised they do not wish to be heard at a hearing and no other party wishes to be heard.

Given the conclusions contained in the report attached, a formal hearing of the application is not necessary for the substantive determination of this application.

Report prepared by

Decision made by



Sarah Picard
SENIOR PLANNER



Quinn McIntyre
MANAGER RESOURCE CONSENTS

Appendix 1 – s95 Report

Appendix 2 – s42a Report

Appendix 3 – s104 Report

APPENDIX 1

S95 REPORT



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

SECTION 95 NOTIFICATION - LIMITED NOTIFICATION for an

APPLICATION PURSUANT TO SECTION 88 and 127

Applicant:	Marina Terrace 2017 LP
RM reference:	RM170829
Application:	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to breach noise standards during the construction of 44 residential/visitor accommodation units, and</p> <p>Application under Section 127 of RMA to delete condition 5 of RM140404 in relation to noise from construction.</p>
Location:	65-95 Lakeside Road and 11 Tramore Street, Wanaka
Legal Description:	Section 115 Block IX Town of Wanaka held in Computer Freehold Register OT15A/156, Section 24 Block IX Town of Wanaka held in Computer Freehold Register OT39/154 and Lot 2 Deposited Plan 315584 and Section 1 Survey Office 24160 held in Computer Freehold Register 61228.
Zoning:	High Density Residential – Subzone A
Proposed Zoning:	High Density Residential – Subzone A
Activity Status:	Non-complying

SUMMARY OF DECISION

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **limited notified** basis given the findings of Section 6 of this report. Notice of the application will be served on those parties identified in Section 5.3 of this report in accordance with section 2AA of the RMA.
2. This decision is made by Sarah Gathercole, Senior Planner, on 20 September 2017 under delegated authority pursuant to Section 34A of the RMA.

1. PROPOSAL & SITE DESCRIPTION

Resource consent is sought to breach noise standards from construction of 44 units and associated earthworks, authorised by RM140404. Consent is also sought to delete condition 5 of RM140404 as it relates to noise.

Specifically the breaches to noise are:

- Noise from excavation of the site up to 85Db L_{Aeq} occurring between 07:30 and 18:00 for up to 80 working days;
- Noise from sheet piling up to 93 Db L_{Aeq} occurring between 08:00 and 17:00 (Monday to Friday) for up to 50 days; and
- Noise from formation and floating of foundations up to 81 Db L_{Aeq} occurring between 07:30 and 20:00.

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 2-5 of the report entitled 'Marina Terrace Ltd - Construction Noise – 65-95 Lakeside Road S4103', prepared by Ella Hardman of Southern Land Ltd, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as 'Application as Notified'). This description is considered accurate and is adopted for the purpose of this report with the addition of the following:

Subsequent to the initial receipt of the application for land use consent, confirmation has been provided that the deletion of condition 5 of RM140404 is sought to enable the construction to proceed.

Prior to the Commencement of Works on Site

Pre-Construction Acoustic Report

5. *Prior to the commencement of physical works, the consent holder shall engage a suitably qualified acoustic professional to prepare a report detailing the predicted construction noise levels and at the nearest boundary of the site, ensuring compliance with NZS 6803:1999. Upon completion this report shall be submitted to the Council's Environmental Health Department for review.*

The Acoustic Engineering Services (AES) report provided was to satisfy condition 5 but has indicated that noise levels would be breached.

For completeness the following conditions of RM140404 are noted that deal with construction noise and hours of operation:

Construction Conditions - While Works are in Progress

24. *The consent holder shall ensure that all construction activities including site excavation work shall be carried out between 0800 – 2000 hours, Monday to Saturday inclusive. No works shall occur on a Sunday.*
25. *The consent holder shall ensure that any vibro-piling activities carried out on site shall be limited to the hours between 0800 and 1700 Monday to Friday only.*
26. *The consent holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the District Plan. Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise.*

27. *At any time during the earthworks/pile driving/compaction activities approved by this resource consent, should it become evident through quantifiable proof that the resulting vibration is causing sustained and significant adverse effects on any other land or buildings beyond the site, the consent holder shall stop the activity that is causing the vibration. They consent holder shall then engage the same engineer that produced the vibration report required by condition 15 to assess the situation and recommend any further measures necessary to avoid and mitigate this vibration. The recommendations shall be submitted to the Council's Principal Resource Management Engineer prior to being adopted and works re-commencing in accordance with the recommendations of the engineer.*
28. *If any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs, all work in the affected area of the site shall cease and the Principal Resource Management Engineer at Council shall be immediately notified.*

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject site is zoned High Density Residential – Subzone A and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3xii(c) in regards to construction noise. It is proposed to undertake sheet pile construction, formation and floating of foundations and excavations which will breach construction noise standards NZS6803:1999.

2.2 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- 1 A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to cancel Condition 5 of resource consent RM140404 in relation to noise from construction.

2.3 SUMMARY OF ACTIVITY STATUS

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

3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)). No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)). The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect is therefore made in section 4 below:

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*

B: Trade competition and the effects of trade competition (s95D(d)).

4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. Construction noise that meets NZS6803:1999 is permitted. In this instance the excavation, formation and floating of foundations and sheet piling during the hours proposed would be permitted up to 70 dB Leq.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

There are no specific assessment matters relation to noise in Section 7 of the Operative District Plan.

Dr Stephen Chiles, Noise Consultant for Council, has provided acoustic comments (Appendix 1) in relation to the proposed noise breaches and has considered the report submitted with the application by Acoustic Engineering Services (AES). Dr Chiles accepts the AES findings in regards to the extent that noise and vibration levels would be breached. The noise generated by the construction as experienced within the wider surrounds would be consistent with that provided for in the construction noise standards. The applicant proposes a management plan to ensure any adverse noise effects are appropriately avoided or remedied within the surrounding area. Any adverse effects on the environment are anticipated to be no more than minor.

4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2)(a))

Overall, the proposed activity is not likely to have adverse effects on the environment that are more than minor.

5. EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

5.2 PERMITTED BASELINE (s95E(2)(a))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above.

5.3 ASSESSMENT: EFFECTS ON PERSONS

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to if the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Dr Chiles considers that there are potentially significant effects in terms of the noise breaches for the sites that directly adjoin the subject site. This is accepted, and therefore the following persons are considered to be adversely affected by the proposal. It is noted that it is only those sites that contain existing buildings that a person could potentially be adversely affected by the level of noise from construction proposed.

The persons considered affected pursuant to section 95E of the RMA and therefore to be served notice of the application are illustrated and tabled as follows:

Property Address	Owners
59 Lakeside Road WANAKA 9305	The Roy Project Company Ltd

61 Lakeside Road WANAKA 9305	Deacon, Roger Charles Deacon, Kathleen Margaret
99 Lakeside Road WANAKA 9305	Ritchie, George Fredrick Ritchie, Robin Elizabeth Ann
9 Tramore Street WANAKA 9305	Robinson, Colin Samuel Robinson, Myrtle Ann
94 Lismore Street WANAKA 9305	Horncastle, Mrrietta Lee Leake, Marlene Leal Baddeley, Catherine Mary
92 Lismore Street WANAKA 9305	Jay, Phillip Roger Jay, Catherine Mary Webb, Ross Johnson Trustees Limited
88 Lismore Street WANAKA 9305	Lismore Developments Limited
84 Lismore Street WANAKA 9305	
78 Lismore Street WANAKA 9305	Paul, Christopher John Paul, Sheila Grace Aoraki Trustees Co Limited
80 Lismore Street WANAKA 9305	
76A Lismore Street WANAKA 9305	Ryan Kevin Shane Ryan Marlene June Wards Peter Goodman
76B Lismore Street WANAKA 9305	
72 Lismore Street WANAKA 9305	Melville Park Properties Limited
68 Lismore Street WANAKA 9305	Lismore Investments Limited
64 Lismore Street WANAKA 9305 (Flat 1)	Babington, Donald Ross Babington, Katherine Jeanette AJ Wood Trustees Limited
64A Lismore Street WANAKA 9305 (Flat 2)	Smith, Wendy Sandra Preen, Anthony John Beggs, Susan Jane
60 Lismore Street WANAKA 9305 (Unit A)	Taylor, Ian Lemual Grieve, Elizabeth Palmer Broughton, Clive Philip
60 Lismore Street WANAKA 9305 (Unit B)	Harding, Christine Barbara Harding, James Fraser GCA Legal 2005 Limited
60 Lismore Street WANAKA 9305 (Unit C)	Francis, Helena Mortlock, Simon George Douch, Hamish Guyon Stantan
60 Lismore Street WANAKA 9305 (Unit 4)	

Figure 1: Map of adjoining sites for limited notification (blue outline) in relation to subject site (red cross)



6. DECISION: LIMITED NOTIFICATION AND SERVICE

For the reasons set out in the above assessment, this application for resource consent shall be notified on a limited basis to those persons identified in section 5.3 above.

Report prepared by

Sarah Picard
SENIOR PLANNER

Decision made by

Sarah Gathercole
SENIOR PLANNER

Attachments:

Appendix 1

Acoustic Comments - S Chiles

Report Dated:

27 September 2017

APPENDIX 1

Acoustic Comments

7 September 2017

Ref: 140172

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Attention: Sarah Picard

Dear Sarah

Subject: RM170829 Acoustics comments

Introduction

Chiles Ltd has been engaged by the Queenstown Lakes District Council (QLDC), to comment on an application for resource consent (RM170829) to breach construction noise limits set in the district plan, in relation to a development at 65 to 95 Lakeside Road and 11 Tramore Street in Wanaka. It is understood construction of the development is otherwise authorised under RM140404, but that consent requires compliance with the construction noise limits. This work has been conducted on a desk-top basis, from review of:

- RM140404 decision and conditions, dated 10 February 2014,
- Application for resource consent, Southern Land, dated 11 August 2017,
- Predicted construction noise and vibration levels, Acoustic Engineering Services (AES), dated 13 December 2016,
- Project noise and vibration management plan (PNVMP), Breen Construction and Dominion Constructors,
- Pile type reasoning statement, Geosolve, email dated 6 September 2017,
- Further information on press-in piles, Daniel Smith Industries, dated 6 September 2017, and
- the operative district plan.

A site visit has not been conducted specifically for this review but the author is familiar with the area.

Operative district plan

The AES report correctly sets out noise limits from NZS 6803, as specified in the operative district plan. The critical limit with respect to this application is 70 dB L_{Aeq} during the day.

The operative district plan does not include construction vibration criteria. The application does not explicitly address construction vibration. However, by allowing increased construction noise under this application, it directly facilitates a piling method that gives rise to increased construction vibration that exceeds the BS 5228-2 criteria for human perception referenced under RM140404.

Predicted sound and vibration levels

The AES report sets out predictions of construction noise levels using an appropriate method and giving results within the range expected. As is common on constrained urban sites, these predicted levels significantly exceed the NZS 6803 criteria.

The AES report bases the vibration assessment on levels measured at a different site with different ground conditions. This is not considered to be an appropriate basis for assessment. Due to the uncertainty associated with vibration predictions, this issue should be subject to management and monitoring as set out below. Even based on the AES predictions, vibration levels would substantially exceed guidelines for perception of vibration by people and would be close to or above criteria for cosmetic building damage.

Potential noise and vibration effects

Construction noise and vibration from piling are at levels that could cause substantial daytime disturbance for neighbours who are trying to rest, relax or concentrate at the time. The noise levels would interrupt conversation. Construction vibration might also cause cosmetic damage to buildings such as cracking of plaster.

These temporary effects are normal for many construction projects and can generally be managed through proactive monitoring and close liaison with neighbours. However, to determine whether the effects will ultimately be acceptable in this specific case it is necessary to establish any particular sensitivities of neighbours. For example, some neighbours might generally be absent during weekday daytimes, but others might be present in a home office and needing to concentrate, or a shift worker might need to sleep during the day. While the application and PNVMMP do refer to informing neighbours and liaising with neighbours, neither set out any specific sensitivities of neighbours that could be critical to the management of effects. Potentially, if specific effects cannot be managed in other ways then the construction methodology would need to change to one that generates less noise and vibration. Further information has been submitted that shows much quieter 'press-in' piling is not preferred for this site, but if effects cannot be managed in other ways then that would require more detailed consideration along with bored piles. Otherwise, consideration could be given to offering neighbours temporary relocation.

While the general approach to construction noise and vibration management is appropriate, information is required from neighbours before this can be confirmed. Such information could be obtained through notification of the adjoining neighbours on all sides of the site. Section 8.2 of the application contends that neighbours would not be adversely affected. However, given the significant breaches AES predict of the construction noise and vibration criteria, there is potential for substantial temporary disturbance without appropriate mitigation.

Conditions

The application proposes three consent conditions. Those conditions are considered appropriate, but it is recommended they should be augmented with conditions requiring the following:

- Compliance with the noise limits in NZS 6803 as far as practicable.

- Specific details to be included in the PNVMP including: names of trained monitoring staff and monitoring equipment held on site; and details of which neighbouring properties are occupied during weekday daytimes.
- Certification of the PNVMP by Council (more commonly called a Construction Noise and Vibration Management Plan – CNVMP).
- Monitoring of piling noise and vibration during the first week of piling operations and reporting results to the Council within one week.
- Fixed/remote vibration monitoring at the nearest neighbours.
- Pre and post construction condition surveys of all neighbouring buildings, and rectification of any vibration damage. Some aspects of this are potentially addressed by conditions 27 and 28 of RM140404, but not the condition surveys.

Conclusions

The proposed sheet piling operations could cause substantial temporary disturbance. This is common on urban sites and the temporary noise and vibration effects can normally be appropriately managed. However, this depends on the actual occupancy and specific daytime uses of adjacent buildings, and input from neighbours is required to determine whether the effects of the proposed activity would be acceptable.

If consent is granted it is recommended that it is subject to a number of construction noise and vibration controls as set out above.

Yours sincerely

Chiles Ltd



Dr Stephen Chiles
stephen@chiles.co.nz
027 519 1555

APPENDIX 2 S42A REPORT

FILE REF: RM170829

TO Quinn McIntyre, Manager Resource Consents

FROM Sarah Picard, Senior Planner

SUBJECT Report on a limited notified consent application.

SUMMARY

Applicant: Marina Terrace 2017 LP

Location: 65-95 Lakeside Road and 11 Tramore Street, Wanaka

Proposal: Application under Section 88 of the Resource Management Act 1991 (RMA) to breach noise standards during the construction of 44 residential/visitor accommodation units, and

Application under Section 127 of RMA to delete condition 5 and amend condition 26 of RM140404 in relation to noise from construction.

Legal Description: Section 115 Block IX Town of Wanaka held in Computer Freehold Register OT15A/156, Section 24 Block IX Town of Wanaka held in Computer Freehold Register OT39/154 and Lot 2 Deposited Plan 315584 and Section 1 Survey Office 24160 held in Computer Freehold Register 61228.

Zoning: High Density Residential – Subzone A

Proposed Zoning: High Density Residential – Subzone A

Activity Status: **Non-complying**

Limited Notification Date: 10 October 2017

Closing Date for Submissions: 10 November 2017

Submissions: 1

The submission from Mr P Jay is in opposition to the application. Mr Jay has confirmed that he does not wish to be heard in relation to his submission.

RECOMMENDATION

That the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the activity will be no more than minor, subject to the imposition of conditions to ensure ongoing noise and vibration management during construction.
2. The proposal is consistent with the relevant objectives and policies of the District Plan.
3. The proposal promotes the overall purpose of the RMA.

1. INTRODUCTION

My name is Sarah Picard. I am a Senior Planner with Queenstown Lakes District Council (QLDC) based in Wanaka. I have been employed as a Planner at QLDC since September 2014, becoming a Senior Planner in 2016. Prior to this I worked as a Planning Officer for Central Otago District Council from January 2011 to September 2014.

I hold the qualifications of a Bachelor of Arts (Sociology) from Victoria University, Wellington and a Master of Planning from the University of Otago, Dunedin. I am an Intermediate member of the New Zealand Planning Institute.

I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014 and agree to comply with it. In that regard I confirm that this evidence is written within my area of expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

This report has been prepared to assist the Commission. It contains a recommendation that is in no way binding. It should not be assumed that the Commission will reach the same conclusion.

2. PROPOSAL AND SITE DESCRIPTION

Resource consent is sought to breach noise standards from construction of 44 units and associated earthworks, authorised by RM140404. Consent is also sought to delete condition 5 of RM140404 as it relates to noise.

Specifically the breaches to noise are:

- Noise from excavation of the site up to 85Db L_{Aeq} occurring between 07:30 and 18:00 (Monday to Saturday) for up to 80 working days;
- Noise from sheet piling up to 93 Db L_{Aeq} occurring between 08:00 and 17:00 (Monday to Friday) for up to 50 days; and
- Noise from formation and floating of foundations up to 81 Db L_{Aeq} occurring between 07:30 and 20:00 (Monday to Saturday).

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Sections 2-5 of the report entitled 'Marina Terrace Ltd - Construction Noise – 65-95 Lakeside Road S4103', prepared by Ella Hardman of Southern Land Ltd, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as 'Application as Notified'). This description is considered accurate and is adopted for the purpose of this report with the addition of the following:

Subsequent to the initial receipt of the application for land use consent, confirmation has been provided that the deletion of condition 5 of RM140404 is sought to enable the construction to proceed.

Prior to the Commencement of Works on Site

Pre-Construction Acoustic Report

5. *Prior to the commencement of physical works, the consent holder shall engage a suitably qualified acoustic professional to prepare a report detailing the predicted construction noise levels and at the nearest boundary of the site, ensuring compliance with NZS 6803:1999. Upon completion this report shall be submitted to the Council's Environmental Health Department for review.*

The Acoustic Engineering Services (AES) report provided was to satisfy condition 5 but has indicated that noise levels would be breached.

Subsequent to this it has been further clarified that the schedule for installation of the sheet piles would be up to 15 minutes of noise associated with driving of the piles followed by 45 minutes down-time associated with the set-up for the next pile which would involve noise levels within the permitted limits. This would result in an average of eight piles being installed per day. The applicant has also noted that the further in the ground the pile is driven, the noise generated reduces.

The hours of operation proposed are consistent with those set out in condition 24 and 25 of RM140404.

It is noted that condition 26 also requires that construction work is designed and undertaken so that construction noise standards are not exceeded. On this basis an amendment to condition 26 is also sought as follows (changes shown in **bold underline** and ~~strike through~~):

26. The consent holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the District Plan **with the exception of the construction noise breaches authorised by RM170829, provided that all conditions of that consent are met.** Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise.

3. SUBMISSIONS

3.1 SUBMISSIONS

A copy of the submissions received can be found in Appendix 1.

The issues raised within the submission are summarised as:

- Object to noise limits being exceeded
- Disturbance as an immediate neighbour
- Disruption to visitor accommodation activity leading to loss of money
- Seeks for consent to be declined but should it be granted shorter timeframes should be imposed

4. CONSULTATION AND WRITTEN APPROVALS

Written approvals have been provided from the following:

Written Approval Provided

Property Address	Owners
61 Lakeside Road WANAKA	Deacon, Roger Charles Deacon, Kathleen Margaret
99 Lakeside Road WANAKA	Ritchie, George Fredrick Ritchie, Robin Elizabeth Ann
76A Lismore Street WANAKA	Ryan Kevin Shane Ryan Marlene June Wards Peter Goodman
76B Lismore Street WANAKA	
72 Lismore Street WANAKA	Melville Park Properties Limited
68 Lismore Street WANAKA	Lismore Investments Limited
60 Lismore Street WANAKA 9305 (Unit B)	Harding, Christine Barbara Harding, James Fraser GCA Legal 2005 Limited
60 Lismore Street WANAKA 9305 (Unit C)	Francis, Helena Mortlock, Simon George Douch, Hamish Guyon Stantan
60 Lismore Street WANAKA (Unit 4)	

59 Lakeside Road WANAKA	DJ Smallbone as one of two Directors of The Roy Project Company Ltd
88 Lismore Street WANAKA	PJ Crotty (1 of 3 Directors) for Lismore Developments Limited
84 Lismore Street WANAKA	
78 Lismore Street WANAKA	Paul, Christopher John Paul, Sheila Grace
80 Lismore Street WANAKA	
64 Lismore Street WANAKA (Flat 1)	Babington, Donald Ross Babington, Katherine Jeanette
64A Lismore Street WANAKA (Flat 2)	Preen, Anthony John

A map showing the location of property owners where written approvals have been provided is attached as Appendix 4.

Shaded grey areas in the table above indicates where some but not all property owners have provided written approval.

5. PLANNING FRAMEWORK

5.1 THE DISTRICT PLAN

The subject site is zoned High Density Residential – Subzone A and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3xii(c) in regards to construction noise. It is proposed to undertake sheet pile construction, formation and floating of foundations and excavations which will breach construction noise standards NZS6803:1999.

5.2 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to cancel Condition 5 and amend condition 26 of resource consent RM140404 in relation to noise from construction.

5.3 SUMMARY OF ACTIVITY STATUS

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

6.

The proposal relates to applications made under section 88 and section 127 of the RMA.

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of:
 - ...
 - (v) a regional policy statement or proposed regional policy statement

- (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(3)(a) regard must not be had for effect on those persons who have provided written approval.

In addition, Section 104D (Particular Restrictions on non-complying activity) states that *a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The application must also be assessed with respect to Part 2 that sets out the purpose of the RMA, to promote the sustainable management of natural and physical resources.

Section 108 empower the decision maker to impose conditions on a resource consent.

It is noted that the proposal was not subject to the RLAA 2017 amendments to the Resource Management Act that came into effect on the 18 October 2017.

7. INTERNAL REPORTS

The following reports have been prepared on behalf of QLDC and are attached as appendices.

- Dr Stephen Chiles of Chiles Ltd – Acoustic Comments (Appendix 2 & 3)

The assessments and recommendations of the reports are addressed where appropriate in the assessment to follow.

8. ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment
- (ii) Objectives and Policies Assessment
- (iii) Other Matters (precedent)

8.1 EFFECTS ON THE ENVIRONMENT

8.1.1 The Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. Construction noise that meets NZS6803:1999 is permitted. In this instance the excavation, formation and floating of foundations and sheet piling during the hours proposed would be permitted up to 70 dBA Leq (Mon-Sat 07:30-18:00) and 65 dBA Leq (Mon – Fri 18:00-20:00). The permitted baseline is appropriate to consider to the extent that it provides a level of reasonable noise that can be anticipated from construction activities. Given the limited extent and finite duration of the exceedances sought I consider it relevant to consider the permitted baseline when assessing effects.

8.1.2 Actual and Potential Effects on the Environment

I consider the proposal raises the following actual and potential effects on the environment:

- Noise and nuisance associated with construction
- Residential amenity

There are no specific assessment matters in relation to construction noise in Section 7 of the Operative District Plan.

Noise and Nuisance

Dr Stephen Chiles, Noise Consultant for Council, provided acoustic comments prior to notification (Appendix 2) in relation to the proposed noise breaches and considered the report submitted with the application by Acoustic Engineering Services (AES). Dr Chiles accepts the AES findings in regards to the extent that noise and vibration levels would be breached. The noise generated by the construction as experienced within the wider surrounds would be consistent with that provided for in the construction noise standards.

The applicant proposes a management plan to ensure any adverse noise effects are appropriately avoided or remedied within the surrounding area.

Residential Amenity

Mr Chiles noted that effects on adjoining neighbours could be significant if they had specific sensitivities, such as wanting to rest, relax or concentrate. On this basis the application was limit notified to adjoining property owners as their residential amenity could potentially be impacted.

As detailed in section 4 above, a number of written approvals have been received (as illustrated in Appendix 4). Appendix 4 shows the properties where an owner provided written approval, property of Mr P Jay (submitter in opposition) and those properties where no written approval or submission was provided. Under section 104(3)(a) regard must not be given to those people who have provided written approval, therefore any adverse effects on these parties will not be considered in the assessment below.

There are a number of properties where no submissions or written approvals were provided.

Subsequent to the close of submissions Dr Chiles has provided additional comment (Appendix 3). For the properties where no submissions or written approvals were provided, Dr Chiles considers that it is reasonable to assume that there are no particular sensitivities to noise or construction that would require management beyond those proposed within the management plan set out by the applicant. This is accepted.

In relation to the opposing submission of Mr P Jay, Dr Chiles notes that they recognises that some construction disturbance would be anticipated but limited to the extent of construction noise standards being met. Specifically Dr Chiles has commented:

“The one submission in opposition seeks to limit times and durations of construction activity to a greater extent than proposed in the application. There is a balance to be achieved in that restraining daily hours lengthens the overall programme. It is not practicable/possible to restrict both hours and duration as construction work requires a finite time. In my opinion if the activity is managed as proposed in the application this will achieve an appropriate balance of respite each day and limitation of the overall duration.”

The finite nature of construction noise is accepted. In this way any adverse effects associated with the proposed breaches to noise have a finite duration. The proposal includes timeframes for which exceedances are sought. Mr P Jay has indicated that he would seek reduction in both hours of operation and duration. I acknowledge that this would reduce any effects that would be experienced within the residence and bed and breakfast operation of Mr P Jay, however it is noted that the applicant has proposed the construction methodology with set timeframes associated with achieving the construction and reduction of hours would likely result in extension of duration.

As part of a further information request Dr Chiles requested that alternative sheet pile method be considered by the applicant. The applicant response indicated that the dimensions of the sheets required for the project would exceed the capacity for a sheet pile press and that the construction method set out is the most appropriate for the requirements of the project. The applicant has considered alternatives but considers the proposed methodology for construction is the most appropriate.

Dr Chiles recommends additional measures to be included in the management plan in terms of monitoring, detail of whether neighbours are present during weekday daytimes, pre and post-construction survey. These recommendations are accepted. Subject to the management plan being amended to include these conditions it is anticipated that any adverse effects on the environment and on persons within adjoining properties would be no more than minor.

Furthermore, it is noted that existing conditions of RM140404 include requirements for neighbour liaison and site management for construction works.

Deletion of condition 5 of RM140404

The deletion of condition 5 is not anticipated to result in any other adverse effects beyond those outlined above. The applicant has not been able to satisfy the condition as the Acoustic report provided confirms that construction noise standards will be breached. The effects of the breach have been outlined above and are considered to be no more than minor.

8.2 THE DISTRICT PLAN – ASSESSMENT MATTERS AND OBJECTIVES AND POLICIES

The noise is occurring as part of the overall Marina Terrace development of 44 units within the site that was considered under RM140404 (as amended by RM160730). Although there are no objectives and policies that directly relate specifically to construction noise. The applicant has provided an assessment against the objectives and policies of the Operative and Proposed District Plans. This is considered accurate and is adopted for the purposes of this report.

Overall the proposal is considered to be consistent with, and not contrary to, the relevant objectives and policies of the Operative and Proposed District Plan.

8.3 OTHER MATTERS

As a non-complying activity the issue of whether the activity would set a precedent for future applications of a similar nature is a relevant consideration. The application site is unique in terms of the area of the site, topography and ground conditions. For these reasons the subject site and extent of development is not considered to create a precedent that would in itself prevent consent from being granted.

9. DISCUSSION

9.1 Legislative Requirements (section 104D)

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to be contrary to the relevant policies and objectives of the District Plan or the Proposed District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

9.2 Consideration of application (section 104)

9.2.1 Actual and Potential Effects

Overall any actual or potential effects of the proposal are limited to the extent that the proposed construction works exceed construction noise limits and the extent that these would impact on persons within surrounding properties. Provided additional measures are included in the PNVMP, I consider that any adverse effects associated with the proposal are considered to be no more than minor. A set of recommended conditions have been provided in Appendix 5.

9.2.2 Objectives and Policies

I consider that the proposal is consistent with the relevant objective and policies of the Operative and Proposed District Plan.

9.2.3 Part 2 of the RMA

Under section 104 any consideration of the application is subject to Part 2. As in this case the relevant District Plan provisions are valid, have complete coverage and are certain, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates the proposed activity accords with Part 2 of the Act.

Overall, I consider the proposal does promote sustainable management.

10. RECOMMENDATION

I consider that any adverse effects associated with the proposal can be sufficiently mitigated such that they would be no more than minor. The proposal is consistent with the objectives and policies of the relevant objectives and policies. The proposal is consistent with Part 2 of the RMA. For the reason above I recommend that consent be granted, subject to conditions as set out in Appendix 5 and that condition 5 of RM140404 be deleted and that condition 26 be amended to acknowledge the noise breaches.

Report prepared by

Reviewed by



Sarah Picard
SENIOR PLANNER



Quinn McIntyre
RESOURCE CONSENT MANAGER

Attachments:

Appendix 1 - Submissions
Appendix 2 - Dr Chiles Comments 7 September 2017
Appendix 3 - Dr Chiles Additional Comments
Appendix 4 - Map of adjoining properties
Appendix 5 - Recommended conditions RM170829
Appendix 6 - Draft Amended conditions of RM140404

Report Dated:

27 November 2017

APPENDIX 1 – SUBMISSIONS

From: Philip Jay <info@philipjay.co.nz>
Sent: Friday, 10 November 2017 8:49 AM
To: zzDL RCSubmissions
Cc: ella@southernland.co.nz; Guy Steven
Subject: Marina Terrace 2017 LP File Number RM170829

Philip Jay

92 Lismore St, Wanaka 9305

Ph 021 111 7870

Marina Terrace 2017 LP File Number RM170829

I oppose the application

The noise and vibration levels are excessive and the timeframes are too wide. Other options need to be pursued that don't disturb the neighbours as much as these noise and vibration levels will. Any excessive noise and vibration levels that do get approved (and hopefully they won't be) should be restricted between the hours of 9am to 5pm Monday to Friday. In addition there should be a short timeframe over which there can be excessive noise and vibrations ie say a 1 month period so as to minimise the duration of the disturbance to the neighbours. I often have guests staying at 92 Lismore St via Air BNB. 92 Lismore St is registered with the council for this activity for 5 or fewer guests. The approval of this resource consent will badly affect this activity and will cost me money. It will in addition cause me undue disturbance as an immediate neighbour and permanent resident above where these activities are proposed to take place.

I would like the developers to be required to adhere to standard noise and vibration levels and this application to breach noise standards to be declined.

I don't see the need to be heard in support of this submission as it is self-explanatory.

Please note that I have received advice that the applicant's development is not a "hotel" and so I am not therefore bound by the covenants on the title of 92 Lismore St.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'P Jay', is shown on a light blue background.

Philip Jay

APPENDIX 2 - DR CHILES COMMENTS 7 SEPTEMBER 2017

Chiles Ltd

Private Bag 55037, Christchurch 8154

7 September 2017

Ref: 140172

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Attention: Sarah Picard

Dear Sarah

Subject: RM170829 Acoustics comments

Introduction

Chiles Ltd has been engaged by the Queenstown Lakes District Council (QLDC), to comment on an application for resource consent (RM170829) to breach construction noise limits set in the district plan, in relation to a development at 65 to 95 Lakeside Road and 11 Tramore Street in Wanaka. It is understood construction of the development is otherwise authorised under RM140404, but that consent requires compliance with the construction noise limits. This work has been conducted on a desk-top basis, from review of:

- RM140404 decision and conditions, dated 10 February 2014,
- Application for resource consent, Southern Land, dated 11 August 2017,
- Predicted construction noise and vibration levels, Acoustic Engineering Services (AES), dated 13 December 2016,
- Project noise and vibration management plan (PNVMP), Breen Construction and Dominion Constructors,
- Pile type reasoning statement, Geosolve, email dated 6 September 2017,
- Further information on press-in piles, Daniel Smith Industries, dated 6 September 2017, and
- the operative district plan.

A site visit has not been conducted specifically for this review but the author is familiar with the area.

Operative district plan

The AES report correctly sets out noise limits from NZS 6803, as specified in the operative district plan. The critical limit with respect to this application is 70 dB L_{Aeq} during the day.

The operative district plan does not include construction vibration criteria. The application does not explicitly address construction vibration. However, by allowing increased construction noise under this application, it directly facilitates a piling method that gives rise to increased construction vibration that exceeds the BS 5228-2 criteria for human perception referenced under RM140404.

Predicted sound and vibration levels

The AES report sets out predictions of construction noise levels using an appropriate method and giving results within the range expected. As is common on constrained urban sites, these predicted levels significantly exceed the NZS 6803 criteria.

The AES report bases the vibration assessment on levels measured at a different site with different ground conditions. This is not considered to be an appropriate basis for assessment. Due to the uncertainty associated with vibration predictions, this issue should be subject to management and monitoring as set out below. Even based on the AES predictions, vibration levels would substantially exceed guidelines for perception of vibration by people and would be close to or above criteria for cosmetic building damage.

Potential noise and vibration effects

Construction noise and vibration from piling are at levels that could cause substantial daytime disturbance for neighbours who are trying to rest, relax or concentrate at the time. The noise levels would interrupt conversation. Construction vibration might also cause cosmetic damage to buildings such as cracking of plaster.

These temporary effects are normal for many construction projects and can generally be managed through proactive monitoring and close liaison with neighbours. However, to determine whether the effects will ultimately be acceptable in this specific case it is necessary to establish any particular sensitivities of neighbours. For example, some neighbours might generally be absent during weekday daytimes, but others might be present in a home office and needing to concentrate, or a shift worker might need to sleep during the day. While the application and PNVMP do refer to informing neighbours and liaising with neighbours, neither set out any specific sensitivities of neighbours that could be critical to the management of effects. Potentially, if specific effects cannot be managed in other ways then the construction methodology would need to change to one that generates less noise and vibration. Further information has been submitted that shows much quieter 'press-in' piling is not preferred for this site, but if effects cannot be managed in other ways then that would require more detailed consideration along with bored piles. Otherwise, consideration could be given to offering neighbours temporary relocation.

While the general approach to construction noise and vibration management is appropriate, information is required from neighbours before this can be confirmed. Such information could be obtained through notification of the adjoining neighbours on all sides of the site. Section 8.2 of the application contends that neighbours would not be adversely affected. However, given the significant breaches AES predict of the construction noise and vibration criteria, there is potential for substantial temporary disturbance without appropriate mitigation.

Conditions

The application proposes three consent conditions. Those conditions are considered appropriate, but it is recommended they should be augmented with conditions requiring the following:

- Compliance with the noise limits in NZS 6803 as far as practicable.

- Specific details to be included in the PNVMP including: names of trained monitoring staff and monitoring equipment held on site; and details of which neighbouring properties are occupied during weekday daytimes.
- Certification of the PNVMP by Council (more commonly called a Construction Noise and Vibration Management Plan – CNVMP).
- Monitoring of piling noise and vibration during the first week of piling operations and reporting results to the Council within one week.
- Fixed/remote vibration monitoring at the nearest neighbours.
- Pre and post construction condition surveys of all neighbouring buildings, and rectification of any vibration damage. Some aspects of this are potentially addressed by conditions 27 and 28 of RM140404, but not the condition surveys.

Conclusions

The proposed sheet piling operations could cause substantial temporary disturbance. This is common on urban sites and the temporary noise and vibration effects can normally be appropriately managed. However, this depends on the actual occupancy and specific daytime uses of adjacent buildings, and input from neighbours is required to determine whether the effects of the proposed activity would be acceptable.

If consent is granted it is recommended that it is subject to a number of construction noise and vibration controls as set out above.

Yours sincerely

Chiles Ltd



Dr Stephen Chiles
stephen@chiles.co.nz
027 519 1555

APPENDIX 3 - DR CHILES ADDITIONAL COMMENTS

Sarah Picard

From: Stephen Chiles <stephen@chiles.co.nz>
Sent: Tuesday, 14 November 2017 5:17 PM
To: Sarah Picard
Subject: RE: RM170829 Marina Terrace Ltd

Hi Sarah

I have reviewed the one submission received in opposition and the locations where affected party approvals have been provided, and locations where no submission has been made.

Where no submissions have been made, it is reasonable to assume there are no particular sensitivities to construction noise and vibration that require special management beyond the good practice measures proposed. Should anything arise once works commence then it should be addressed through the proposed management plan.

For the one submission in opposition, while raising concern about the potential disturbance it does not describe any particular sensitivities and confirms the location is used for permanent residential and visitor accommodation (AirBNB) activities. The submission appears to acknowledge that a degree of construction noise and vibration could be acceptable if adequately controlled.

On the basis of my review of the documents I consider that no further information in relation to construction noise and vibration effects is necessary to assess this application, and I do not consider that any additional pertinent information would be likely to be elicited through a hearing.

The one submission in opposition seeks to limit times and durations of construction activity to a greater extent than proposed in the application. There is a balance to be achieved in that restraining daily hours lengthens the overall programme. It is not practicable/possible to restrict both hours and duration as construction work requires a finite time. In my opinion if the activity is managed as proposed in the application this will achieve an appropriate balance of respite each day and limitation of the overall duration.

If consent were to be granted, I confirm that the matters I detailed in my letter dated 7 September to be addressed in conditions remain appropriate. I do not recommend any additional measures.

Charlie has booked my travel for the hearing so please confirm if this should now be cancelled.

Cheers

Stephen

Dr Stephen Chiles
 Chiles Ltd
 M: 027 519 1555
 E: stephen@chiles.co.nz
 Private Bag 55037, Christchurch 8154

From: Sarah Picard [<mailto:Sarah.Picard@qldc.govt.nz>]
Sent: 14 November 2017 14:10
To: Stephen Chiles <stephen@chiles.co.nz>
Subject: RM170829 Marina Terrace Ltd

Hi Stephen

The submission period has now closed for RM170829.

I am looking at writing up my report quite quickly on this one. I have attached the list of written approvals and the submission and a map to show where the properties are located.

For my report if you have any further comment or suggested conditions to ensure any adverse effects are appropriately mitigated that would be appreciated.

Ngā mihi,

Sarah

Sarah Picard | Senior Planner | Planning & Development
Queenstown Lakes District Council
DD: +64 3 4430419 | P: +64 3 441 0499
E: sarah.picard@qldc.govt.nz



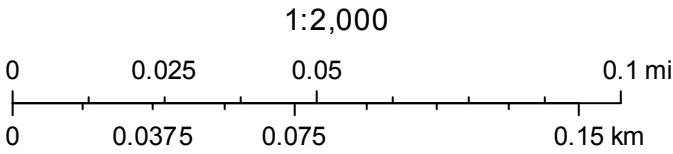
APPENDIX 4 - MAP OF ADJOINING PROPERTIES

LocalMaps Print



November 17, 2017

- House Number
 - Road Names
 - Roads
- KEY:
- Properties where all property owners have provided written approval
 - Written approval of some owners but not all provided
 - No written approvals provided
 - Opposing submitter



QLDC; NZTA; LINZ
QLDC
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors,
and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,

APPENDIX 5 - RECOMMENDED CONDITIONS RM170829

General Conditions

1. That the development must be undertaken/carried out in accordance with the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

Prior to works starting

4. Prior to works starting on site the consent holder shall provide to Queenstown Lakes District Council Monitoring Team for certification an updated 'Project Noise and Vibration Management Plan' that includes the following addition measures to meet the objective of:
 - (i) Detailing noise monitoring equipment to be placed on site and staff names trained in using and undertaking monitoring of equipment.
 - (ii) Detail of the adjoining neighbouring properties which are occupied during weekday daytimes *where the consent holder has been able to obtain this information*.
 - (iii) Updated hours of operation that include the restrictions set out in condition 8 below.
5. The consent holder shall undertake pre-construction surveys of all neighbouring buildings.

Advice Note: For the avoidance of doubt the neighbouring sites are those that adjoin the subject site and are identified in the list of properties where owners were limited notified.

During works

6. Construction work associated with the installation of sheet piles around the perimeter of the site, excavation of soil for foundations and the formation of the foundations (concrete pouring, concrete pumping etc.) shall be undertaken in accordance with the noise and vibration management plan certified by condition 4 above.
7. This consent provides for breach to noise to the extent that it is associated with the construction of the development authorised by RM140404.
8. Construction work associated with the installation of sheet piling around the perimeter of the site shall be restricted to between 0800 and 1700 hours, Monday to Friday.
9. All compressors and percussion tools shall be fitted with effective silencers of a type recommended by their manufacturer.
10. All works shall be undertaken to meet NZS 6803 as far as practicable.

Monitoring

11. Monitoring of the noise and vibration from the first week of piling shall be undertaken and the results shall be reported to Council with a week to show that the construction noise and vibration do not exceed the levels outlined in the AES report.
12. Vibration monitoring shall be undertaken at the nearest of the notified properties, where access to the property has been provided, for the piling each day.

On completion of Construction Works

13. The consent holder shall undertake a post construction survey of all neighbouring buildings so that confirmation can be provided that any vibration damage has been rectified.

For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to engineeringacceptance@qldc.govt.nz with our monitoring planner added to the email at RCMonitoring@qldc.govt.nz.

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>

APPENDIX 6 - DRAFT AMENDED CONDITIONS OF RM140404

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans titled:

- *'Indicative Overview and Roof Plan'*
- *'Consent Drawings Earthworks Cut / Fill Depths'* by Paterson Pitts Group, dated 31/03/2013
- *'Consent Drawings Cross Sections Locations'* by Paterson Pitts Group, dated 31/03/2013
- *'Consent Drawings Section Views'* by Paterson Pitts Group, dated 11/03/2013
- *'Typical Duplex Floor Plan Layout - Spinnaker, Admiral, Genoa and Navigator Buildings'* by Mason & Wales Architects, Sheet 1.0, dated 14 April 2014
- *'Typical Duplex Basement Plan - Spinnaker, Admiral, Genoa and Navigator Buildings'* by Mason & Wales Architects, Sheet 1.1, dated 14 April 2014
- *'Duplex Ground Floor Plan Layout - Anchorage and Quayside Buildings'* by Mason & Wales Architects, Sheet 1.4, dated 14 April 2014
- *'Duplex First Floor Plan Layout - Anchorage and Quayside Buildings'* by Mason & Wales Architects, Sheet 1.5, dated 14 April 2014
- *'Apartment Type - Left'* by Mason & Wales Architects, Sheet 1.6, dated 14 April 2014
- *'Apartment Type - Centre Left'* by Mason & Wales Architects, Sheet 1.7, dated 14 April 2014
- *'Apartment Type - Centre Right'* by Mason & Wales Architects, Sheet 1.8, dated 14 April 2014
- *'Apartment Type - Right'* by Mason & Wales Architects, Sheet 1.9, dated 14 April 2014
- *'Elevations - Spinnaker Building'* by Mason & Wales Architects, Sheet 2.17, dated 16 June 2014
- *'Elevations - Admiral Building'* by Mason & Wales Architects, Sheet 2.18, dated 16 June 2014
- *'Elevations - Genoa Building'* by Mason & Wales Architects, Sheet 2.19, dated 16 June 2014
- *'Elevations - Navigator Building'* by Mason & Wales Architects, Sheet 2.20, dated 16 June 2014
- *'Elevations - Anchorage Building'* by Mason & Wales Architects, Sheet 2.21, dated 16 June 2014
- *'Elevations - Quayside Building'* by Mason & Wales Architects, Sheet 2.22, dated 16 June 2014
- *'Ground Floor Plan - Café and Restaurant'* by Mason & Wales Architects, Sheet 1.11, dated 14 April 2014
- *'Café and Restaurant Elevations'* by Mason & Wales Architects, Sheet 2.15, dated 12 May 2014
- *'Café and Restaurant Elevations'* by Mason & Wales Architects, Sheet 2.16, dated 12 May 2014
- *'Ground Floor Plan - Swimming Pool and Gymnasium'* by Mason & Wales Architects, Sheet 1.10, dated 14 April 2014
- *'Swimming Pool and Gym Elevations'* by Mason & Wales Architects, Sheet 2.13, dated 12 May 2014
- *'Swimming Pool and Gym Elevations'* by Mason & Wales Architects, Sheet 2.14, dated 12 May 2014
- *'Infinity Marina Terrace Apartments Wanaka 02022014 Concept Landscape Plan for Resource Consent CP1b 19th April 2014'* by Michelle Snodgrass Landscape Architecture.
- *'Landscape Restriction Plan'* by Mason & Wales Architects, Sheet 0.0, dated 5 March 2014

RM151017

Marina Terrace Apartments Building 3- Nautilus Townside Building 4- Nautilus Lakeside, Lakeside Road, Wanaka

- Building 3- Ground Floor Car Park Plan – Plan A2.3.01 dated 01-12-2015
- Building 3- First Floor Apartment Plan – A2.3.02 dated 01-12-2015
- Building 3- Second Floor Apartment Plan- A2.3.03 dated 01-12-2015
- Building 3- Third Floor Apartment Plan – A2.3.04 dated 01-12-2015
- Building 3- Roof Plan- A2.3.05 dated 01-12-2016
- Building 3 - Elevations- A2.3.20 dated 01-12-2015
- Building 3 – Cross Sections- A2.3.30 dated 01-12-2015

RM160730

- 'Site Plan entitled 'Marina Terrace Apartments Site Plan – S4103_P1 Revision A by Southern Land, dated 03/08/16.'
- 'Marina Terrace Apartments Entry Layout – 8m & 12m Bus, Revision A, by Southern Land, dated 19/07/16
- Car Park Layout 8m and 12m Bus Entrance Access, Revision B, by Bartlett Consulting, dated July 2016.

stamped as approved on 3 February, 25 February 2016 under RM151017 and 8 September 2016 under RM160730.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
4. The development shall be undertaken in stages, providing that if the café/restaurant forms the first stage, it must be accompanied by at least one apartment block.

Prior to the commencement of the development, the consent holder shall provide to the Council a staging plan identifying the following information associated with the proposed staging of the development:

- a) The location of the building(s) to be constructed, including the access ways and car parking which demonstrates that adequate car parking will be provided for that particular stage in accordance with the requirements of the District Plan;
- b) Details of landscaping to be completed as part of the stage;
- c) The location of any storage and/or work areas;
- d) Details of the earthworks to be undertaken in that particular stage;
- e) Details on how the remainder of the development site is to be treated;
- f) Details of any earth stabilization that needs to be implemented ensure the surrounding land is not compromised.

Prior to the Commencement of Works on Site

Pre-Construction Acoustic Report

5. Deleted (RM170829)

Café/Restaurant Car Park Surface Treatment, Footpaths, and Pedestrian Refuge

6. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer and Manager, Resource Consents, at Council for review and certification, copies of specifications and design plans which detail the following:
- a) Proposed threshold treatment within the eastern (café/restaurant) parking area to ensure a visual paving delineation between the Lakeside Road carriageway and the car parking area. This could include a permeable, textured, or other approach.
 - b) A pedestrian refuge within the Lakeside Road carriageway to provide pedestrian access to the development.
 - c) Footpaths within the Lakeside Road reserve in general accordance with the approved site plan.

Building Materials, Lighting, and Glare

7. Prior to construction commencing, details of the final detailed design of buildings, including external materials, shall be submitted to the Council for certification. The Council shall certify that the detailed design and external materials/colours are in accordance with the plans stamped as approved under Condition 1, the general colours and materials specified below, and compliance with Conditions 8 and 9 will be achieved.
- Building Roof: Metal in the natural range of greens, browns, or greys with an LRV of 36% or less.
 - Wall cladding: Stone veneer, horizontal cedar weatherboard, timber facings, plaster, and aluminium composite cladding.
8. All metal cladding, roofing, plaster, or fences shall be painted or otherwise coated with low-reflective material no greater than 36% LRV.
9. All exterior plant machinery associated with buildings (i.e. air conditioning units) shall be screened from direct view of public roads.
10. All fixed exterior lighting shall be directed away from the adjacent sites and roads, with the exception of lighting needed for the café/restaurant car parking area. No greater than 3.0 lux spill of light shall be present on any other site measured at any point inside the boundary of the site.

Prior to Construction - Engineering

11. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.

12. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
13. Prior to commencing works, the consent holder shall submit to the Principal Resource Management Engineer at Council for review and certification an earthworks site management plan. The approved earthworks site management plan shall identify the location and layout of the proposed silt and storm water mitigation measures.
14. Prior to commencing any work on the site, the consent holder shall submit to the Principal Resource Management Engineer at Council for certification a 'Site and Construction Management Plan'. This shall, at minimum, set out the following:
 - Anticipated duration of earthworks phase
 - Hours of operation
 - Machinery proposed to be used on site
 - Proposed duration and hours of operation of pile-driving for wall construction (if needed)
 - Proposed dewatering methodology and measures proposed to ensure dewatering does not result in sedimentation into Lake Wanaka. This de-watering methodology shall align with any consents obtained from the Otago Regional Council.
 - Proposed construction site access details and methods to ensure material is not tracked out onto the public roads
 - Storm water controls during construction – e.g. detention, treatment, separation of ground water from construction-contaminated water. This shall align with any consents obtained from the Otago Regional Council.
 - Erosion, dust, silt and sediment controls during construction
 - Traffic Management
 - Vibration monitoring of adjoining sites
 - Parking for construction related vehicles
 - A contingency plan. This plan shall identify the monitoring regime that will be installed, identify whether any neighbouring sites need to be monitored, the actions the contractor will undertake if the monitoring regime indicates earth movement and the timeframes within which the contractor will act.
 - A flood risk management plan outlining preventive measures to reduce flood risk during construction and any contingency measures should flooding occur.
15. Prior to any work on the site, the consent holder shall engage a suitably qualified professional who shall prepare a report, including methodology, which proves that any vibration caused by earthworks/pile driving/compaction associated with this consent will not have any adverse effect on any other land and buildings beyond this site. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. The report shall be submitted to the Principal Resource Management Engineer at Council for certification. Should the Principal Resource Management Engineer consider it to be necessary, it may commission a review of this report at the cost of the consent holder.
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.
17. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the Geosolve Ltd report and who shall supervise the excavation and filling procedure and retaining wall construction.

Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Principal Resource Management Engineer at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.

18. Prior to commencing bulk excavation, the consent holder shall provide the Council with details of further site investigation which confirm the suitability of the design, the proposed excavation and work methodologies, temporary works, retaining walls and batter slopes to ensure that land stability is maintained. All earthworks shall be carried out in accordance with the recommendations made by Geosolve Ltd in their report dated March 2014. A suitably qualified and experienced engineer shall design these and will be responsible for ongoing monitoring and supervision of the works.
19. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) The provision of a water supply to each 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 GM900 toby valve for each unit located at the road reserve boundary.
 - 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 road reserve boundary. The costs of the connection shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to each unit/building within the development. The costs of the connection shall be borne by the consent holder.
 - c) The provision of a stormwater disposal system for all impervious areas within the development and any subsurface drainage. The design shall take into account existing and potential development of those properties adjoining the site which may naturally discharge stormwater onto the site, and consider minimising the impact of lake discharge points.
 - d) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.
 - e) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW3 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008. 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 a sealed vehicle crossing that shall be constructed to the development.
 - g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards for a **Class 2 user** as detailed in Appendix 7 (Table 1) of the District Plan. Parking and loading spaces shall be clearly and permanently marked out.

- h) The provision of one additional disabled car park within the apartment complex. This shall be designed in accordance with the following

Parking Angle	Stall Width (m)	Aisle Width (m)	Aisle Run (m)	Stall Depth (m)	Overhang (m)	Wheel-stop Depth (m)
Disabled	3.6	8.0		5.0	0.8	4.2

- i) The provision of a medium bus park/layby within the Lakeside Road carriageway in general accordance with that shown on the approved site plan.
- j) The provision of lighting for the parking area associated with the café/restaurant in accordance with Councils standards.
- k) The upgrading and/or widening of Lakeside Road and intersection to the accommodation activity in accordance with the latest Austroads design guide. Intersection marking and signage shall be provided in accordance with the NZTA Manual of Traffic Signs and Markings (MOTSAM).
- l) A footpath around the café/restaurant parking located on Lakeside Road, in general accordance with the approved plan.
- m) Details and location of the cycle parking, including a minimum of eight bicycle parks.
- n) Details of proposed threshold treatment within the eastern (café/restaurant) parking area to ensure a visual paving delineation between the Lakeside Road carriageway and the car parking area. This could include a permeable, textured, or other approach.
20. When all necessary investigations have been undertaken and the consent holder's Engineer has completed final design for the excavation and construction works, the consent holder shall submit the design drawings for peer review by an engineer approved by Council.

CCTV Survey

21. Prior to commencing any work on the site, the condition of the Council main which runs through the site shall be checked by Closed Circuit Television (CCTV) survey, by a suitably qualified and experienced professional, at the applicant's cost. The results of the CCTV survey (in DVD format), including a full CCTV inspection report outlining pipe condition and distances to any features of note (such as laterals, pipe damage, sediment build-up), shall be forwarded to Council's Principal Resource Management Engineer. Council shall be given access to undertake any repairs on this pipe prior to consented works commencing on site.

Site Liaison

22. The consent holder shall appoint a site manager who will be responsible for liaison with residents. The site manager shall ensure that at least four weeks prior to construction activities commencing on site that a letter is circulated to adjoining neighbouring residents with dwellings located within a 50m radius of the site (measured from the legal boundary of the site) advising of:
- The description of any disturbing activity that will occur on site
 - The date and duration that the activities will occur
 - The mitigation measures proposed to reduce the noise and/or vibration effects on residents
 - The name and 24 hour contact number of the site manager or person appointed who can be called to discuss any concerns regarding the operation/management of the site

A copy of this letter shall be forwarded to the Council four weeks prior to construction activities commencing on site.

Bond

23. Prior to the commencement of bulk excavations on the site, the consent holder shall enter into a bond to secure performance of the conditions of this consent including those which relate to any adverse effects on the environment which became apparent after commencement of the bulk earthworks, until final completion of all work authorised by this consent (RM140404). This shall include (but not be limited to):
- a) Rectifying any ground instability and the provision of any retaining walls or repairs to any retaining walls erected on the consent holder's property – all occurring as a consequence of the excavation of the consent holder's property: and
 - b) Rectifying any surface deformation including ensuring any approved contingency plans can be implemented
 - c) Stabilising and remediating the site should works be abandoned for a period in excess of 90 days.

The amount of the bond shall be calculated by applying a 150% multiplier to the costs of completing all the works specified in condition 18, and may take into account the requirement to stage the development as required by Condition 4. The engineer referred to in condition 18 shall certify to the Council's satisfaction the costs of this work prior to commencing bulk excavation.

Notwithstanding the above, the liability of the resource consent holder shall not be limited to the amount of the bond.

The resource consent holder shall in order to secure performance of the conditions of the bond, provide a guarantor, either a bank or other financial institution, in either case approved by the Council. Alternatively, the bond may be held as cash by the Council. In the event of a guaranteed bond as described above, the bond shall be registered against the title to the land and section 109(1) of the Resource Management Act shall apply to the bond.

The bond shall be prepared by the Council's solicitors to their satisfaction and all the costs of setting up and registering the bond are to be borne by the consent holder.

Construction Conditions - While Works are in Progress

- 24. The consent holder shall ensure that all construction activities including site excavation work shall be carried out between 0800 – 2000 hours, Monday to Saturday inclusive. No works shall occur on a Sunday.
- 25. The consent holder shall ensure that any vibro-piling activities carried out on site shall be limited to the hours between 0800 and 1700 Monday to Friday only.
- 26. The consent holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the District Plan with the exception of the construction noise breaches authorised by RM170829, provided that all conditions of that consent are met.. Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise.

27. At any time during the earthworks/pile driving/compaction activities approved by this resource consent, should it become evident through quantifiable proof that the resulting vibration is causing sustained and significant adverse effects on any other land or buildings beyond the site, the consent holder shall stop the activity that is causing the vibration. They consent holder shall then engage the same engineer that produced the vibration report required by condition 15 to assess the situation and recommend any further measures necessary to avoid and mitigate this vibration. The recommendations shall be submitted to the Council's Principal Resource Management Engineer prior to being adopted and works re-commencing in accordance with the recommendations of the engineer.
28. If any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs, all work in the affected area of the site shall cease and the Principal Resource Management Engineer at Council shall be immediately notified.
29. The earthworks, batter slopes, retaining shall be undertaken in accordance with the recommendations of the report by Geosolve Ltd, dated March 2014.
30. The consent holder shall ensure that construction of the retaining wall along the west, north and eastern boundaries of the site is completed as soon as practicable on completion of the excavations. If this cut will be left unstabilised for more than 8 weeks following excavation, temporary retaining and/or protection measures shall be installed to protect the exposed batter face from the elements and potential erosion or instability until such time as the cut is permanently stabilised.
31. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
32. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of the construction of an approved vehicle crossing and works to upgrade Lakeside Road in accordance with Condition 19(f).

Accidental Discovery Protocol

33. If the consent holder:
 - a) 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.

Engineering - Upon Completion of Ground Works and Prior to Building Construction

- 34. The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.11.1 of NZS 4404:2004 that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms are suitable for building development. In the event that the site conditions within the building platforms are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

Engineering - Prior to Occupation of Buildings

- 35. Prior to the occupation of any buildings, 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 way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all certified works detailed in Condition (19) above.
 - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - d) Any power supply and/or telecommunications connections to the buildings shall be underground from existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
 - e) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure 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 the NZS4404 Schedule 1B and 1C Certificate.

- f) A formal maintenance contract for the ongoing monitoring and maintenance of any permanent groundwater management systems shall be submitted to the Principal Resource Management Engineer at Council for approval to ensure the responsibility of the consent holder or any future owners or body corporates to undertake these works.
- g) A CCTV inspection of the Council main which runs through the site shall be undertaken by the consent holder following the completion of construction to confirm if any damage has resulted from the construction. The results of the CCTV survey (in DVD format), including a full CCTV inspection report outlining pipe condition and distances to any features of note (such as laterals, pipe damage, sediment build-up), shall be forwarded to Council for review and the pipe condition certified as acceptable by Council. The consent holder shall be responsible for rectifying any damage caused to the main as a result of works undertaken on-site.

Surveyors Certificate

36. In order to ensure that the proposed buildings are located exactly as proposed in the application and complies with the maximum height control of the Queenstown Lakes District Plan or the degree of infringement applied for, upon completion of each building the consent holder shall employ an appropriately qualified surveyor at their expense who shall:
- a) Certify to Council in writing that the foundations have been set out in accordance with the approved consent in terms of levels and position; and
 - b) Confirm to Council in writing upon completion of the building that it has been built in accordance with the approved plans and complies with the maximum height control/degree of infringement applied for.

Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

Landscaping

37. Prior to development commencing on site, the consent holder shall submit a detailed landscape plan to the Council's Manager of Resource Consents for certification. This plan shall identify species and density of planting and be in general accordance with the Landscape Concept Plan prepared by Michelle Snodgrass dated 19 April 2014, and stamped as 'approved' under Condition 1. This landscape plan shall identify species, planting grades, and planting densities.
38. The plants/trees on the certified landscape plan shall be implemented within the first planting season following construction of the units, or each stage of the development in accordance with the staging plan required by Condition 4. The plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.
39. In reference to the site plan labelled "Landscape Restriction Plan", landscaping within the site shall not exceed a height of 2 metres when measured above natural ground level at the rear boundary of the site (as specifically depicted by a red line on the Landscape Restriction Plan). This condition does not preclude trees on the application site being greater than 2m in height, rather it specifies that they shall not be greater than 2m in height at the specific location on the Landscape Restriction Plan.

Prior to the Opening of the Café/Restaurant and Pool/Gym Facilities

40. Prior to the opening of the cafe/restaurant and pool/gym, the Consent Holder shall forward for the certification by the Manager, Resource Consents, of the Council, an acoustic design certificate prepared by a suitably qualified and experienced acoustic consultant accepted by the Council. This acoustic design certificate shall certify that the building has been appropriately designed and materials appropriately selected and integrated within the building such that compliance with the maximum noise limits set out in Condition 48 are continually achieved.
41. Prior to operation of the café/restaurant and pool/gym, the Consent Holder shall supply the Council with evidence that all mechanical plant (including ventilation systems and refrigeration's systems) have been designed, installed and operated to ensure compliance with the District Plan noise limits, specified in Condition 48. Evidence is to be in a form of certification by an experienced and qualified Acoustic Consultant.
42. Prior to operation of the cafe/restaurant, the consent holder shall provide details of the fence design to be located on the boundary shared with 61 Lakeside Road to the Manager, Resource Consents, of the Council for certification. This fence shall be designed so as to attenuate noise emitted from the car parking areas to ensure compliance with the limits specified in Condition 48.
43. Prior to the operation of the café/restaurant and gym/pool building the consent holder shall submit noise management plans to the Manager, Resource Consents, of the Council for certification. These plans shall detail management techniques that will be in place to ensure that the café/restaurant and pool/gym continually meets the District Plan noise limits. Should changes be required to these noise management plans, the changes shall be made within five working days and the plans re-submitted to the Council for certification.

Café/Restaurant and Pool/Gym - Operational Conditions

44. Hours of operation for the café/restaurant shall be as follows:
 Indoor areas: 7am - 11pm
 Outdoor areas: 8am - 8pm
45. Hours of operation for the gym shall be limited to 6am - 10pm, Monday - Sunday and hours of operation for the pool shall be limited to 8am - 8pm, Monday - Sunday.
46. No amplified sound shall be played within or outside the pool/gym between the hours of 8pm - 8am. All doors and windows of the restaurant/café and pool/gym buildings shall remain closed between the hours of 8pm - 8am, except for the timely entering and exiting of patrons.
47. The pool and gym shall only be used by residents of the site and those staying on site for the purposes of visitor accommodation.
48. The consent holder shall ensure that activities conducted on site, including the café/restaurant and pool/gym, shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundary of the site within the High Density Residential Zone:
 - Day time (0800 – 2000 hrs) 50 dB $L_{Aeq(15\ min)}$
 - Night time (2000 – 0800 hrs) 40 dB $L_{Aeq(15\ min)}$ and 70 dB L_{AFmax}

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991 and take into account special audible characteristics.

49. The café/restaurant and gym/pool facilities shall operate in accordance with the approved noise management plans.

Signage

50. Prior to erection of new signs in the approved signage platforms, the tenant or consent holder shall submit plans and specifications of proposed signs to Council for certification. Details shall be provided regarding sign design, including colours, content, materials, lighting (type and illumination) and lettering style. All signage must be contained within the approved sign platforms and certified to comply with Condition 51 below to be eligible under this condition.
51. Not more than 25% of any sign platform shall be internally illuminated. If any signage is to be illuminated, the brightness of such shall not exceed a level of 150cd/m². There shall be no neon lighting.

To be Complied With On An Ongoing Basis - s108(d) Covenant Condition

52. Upon completion of the footpath adjoining Lakeside Road (including around the café/restaurant car parking area), and the construction of the bus stop/layby within Lakeside Road, the following conditions of the consent shall be complied with on a continuing basis and shall be registered on the relevant Computer Freehold Register by way of a covenant pursuant to section 108(d) of the RMA:
 - a) Should the Council create a pedestrian connection to the site by way of footpath, within 2 months of the creation of the connection, the owner(s) of the time being shall create an easement in gross (in favour of the Council) over the footpath that is within the subject site in to be used for public pedestrian access only.
 - b) Should the Council require the bus stop/layby formed within the Lakeside Road legal reserve to be removed, the consent holder(s) shall relocate this to within the site, in the location of the Bus Stop Re-Location Plan approved under Condition 1. Signage shall be installed adjacent to the layby to convey that the layby is only to be used for loading/unloading and not extended parking.

Review Conditions

53. Within ten working days of each anniversary of the date of this consent or upon the receipt of information identifying non-compliance with the conditions of this consent, the Council may, in accordance with Sections 128 & 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review conditions of this resource consent for any of the following reasons:
 - a) There is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted;
 - b) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment;
 - c) There has been a change in circumstances such that the conditions of consent are no longer appropriate in terms of the purposes of the above Act.
54. Condition 53 above shall enable the review of the bus/coach parking provision on the site, should Council determine that unacceptable adverse effects from the absence of on-site bus parking are occurring on the roading network.

Advice Note

- i) **Otago Regional Council consents are likely to be required for the development. The consent holder is advised that the granting of this Resource Consent does not in any way alleviate the need to obtain any consents from the Otago Regional Council, or other authorities. Please contact the Otago Regional Council for further advice in this regard.**

- ii) 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.
- iii) The consent holder is advised that if it is proposed to subdivide the units in future, then all services should be installed to the units in accordance with Council's subdivision standard NZS4404:2004 and the adopted amendments. It is recommended that Council's Engineers are contacted prior to installation of services to arrange for all necessary inspections to be carried out so that services can be checked for compliance with the Council's Code of Subdivision prior to backfilling. Otherwise, services may require excavation and inspection at time of subdivision and CCTV footage may be required to demonstrate compliance with Council's subdivision standard NZS4404:2004 and the adopted amendments.
- iv) The consent holder is advised that prior approval from Council via a 'Connection to Council Services Application' for a temporary water take 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.
- v) Prior to the commencement of work the consent holder is advised to undertake a pre-construction condition survey, including photographs, to record the existing condition of all neighbouring buildings, landscaping and roads that lie within 20m of the proposed excavations. This should be prepared by a suitably experienced building practitioner/contractor/surveyor/engineer and should be provided to the Principal Resource Management Engineer at Council for review.
- vi) The consent holder is advised of the need to obtain a Code of Compliance Certificate under a Building Consent for any retaining walls constructed as part of this consent which exceed 1.5m in height or are subject to additional surcharge loads as set out in Schedule 1 of the Building Act.

APPENDIX 3

S104 REPORT

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL****UNDER s104 RESOURCE MANAGEMENT ACT 1991**

Applicant:	Marina Terrace 2017 LP
Location:	65-95 Lakeside Road and 11 Tramore Street, Wanaka
Proposal:	Application under Section 88 of the Resource Management Act 1991 (RMA) to breach noise standards during the construction of 44 residential/visitor accommodation units, and Application under Section 127 of RMA to delete condition 5 and amend condition 26 of RM140404 in relation to noise from construction.
Legal Description:	Section 115 Block IX Town of Wanaka held in Computer Freehold Register OT15A/156, Section 24 Block IX Town of Wanaka held in Computer Freehold Register OT39/154 and Lot 2 Deposited Plan 315584 and Section 1 Survey Office 24160 held in Computer Freehold Register 61228.
Zoning:	High Density Residential – Subzone A
Proposed Zoning:	High Density Residential – Subzone A
Activity Status:	Non-complying
Delegated Authority:	Quinn McIntyre – Manager, Resource Consents
Final Decision:	GRANTED SUBJECT TO CONDITIONS
Date Decisions Issued:	27 November 2017

SUMMARY OF DECISIONS

1. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to the change to conditions outlined in Section 7.4 of this decision. An updated set of conditions of RM140404 is provided in Appendix 1 of this decision.
3. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Quinn McIntyre, Manager, Resource Consents, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Section 1 of the Section 42A (S42A) report prepared for Council (attached as Appendix 2) provides a full description of the proposal, the site and surrounds and the consenting history.

2. NOTIFICATION, SUBMISSIONS AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 10th October 2017. One submission in opposition was received.

No submitters have indicated they wish to be heard if a hearing is held and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Quinn McIntyre, Manager, Resource Consents on 23 November 2017.

3. THE PLANNING FRAMEWORK

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 8 of the s.42A report outlines S104 of the Act in more detail.

The application must also be assessed with respect to Part 2 of the Act which is to promote the sustainable management of natural and physical resources. Section 9.2.3 of the s.42A report outlines Part 2 of the Act.

5.1 THE DISTRICT PLAN

The subject site is zoned High Density Residential – Subzone A and the proposed activity requires resource consent for the following reasons:

- A **non-complying** activity pursuant to rule 7.5.3.5 as the proposal breaches zone standard 7.5.5.3xii(c) in regards to construction noise. It is proposed to undertake sheet pile construction, formation and floating of foundations and excavations which will breach construction noise standards NZS6803:1999.

5.2 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to cancel Condition 5 and amend condition 26 of resource consent RM140404 in relation to noise from construction.

5.3 SUMMARY OF ACTIVITY STATUS

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

4. SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

5. PRINCIPAL ISSUES IN CONTENTION

The principal issues arising from the application, section 42A report and content of submissions are:

- Object to noise limits being exceeded
- Disturbance as an immediate neighbour
- Disruption to visitor accommodation activity leading to loss of money
-

- Seeks for consent to be declined but should it be granted shorter timeframes should be imposed

The findings relating to these principal issues of contention are outlined in Section 8 of the attached s.42A report.

6. ASSESSMENT

6.1 Actual and Potential Effects (s104(1)(a))

Actual and potential effects on the environment have been addressed in Section 8 of the s.42A report prepared for Council and provides a full assessment of the application. Where relevant conditions of consent can be imposed under section 108 of the RMA as required to avoid, remedy or mitigate adverse effects. A summary of conclusions of that report are outlined below:

The noise generated by the construction as experienced within the wider surrounds would be consistent with that provided for in the construction noise standards.

Subject to an updated management plan being amended to include monitoring, detail of whether neighbours are present during weekday daytimes, pre and post-construction survey it is anticipated that any adverse effects on the environment and on persons within adjoining properties would be no more than minor.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 9 of the s.42A report, overall the proposed development is not contrary to the relevant policies and objectives of the District Plan.

6.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to be contrary to the relevant policies and objectives of the District Plan or the Proposed District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

6.4 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991.

7. DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Pursuant to section 104 of the RMA this consent is **granted** subject to the conditions stated in *Appendix 1* of this decision imposed pursuant to Section 108 of the RMA.

8. DECISION ON VARIATION PURSUANT TO SECTION 127 OF THE RMA

Consent is **granted/declined** for the application by Marina Terrace 2015 LP to cancel Condition 5 and amend Condition 26 of resource consent RM140404, such that:

- 1 Condition 5 of resource consent RM140404 is deleted.
- 2 Condition 26 of resource consent RM140404 is amended to read as follows (deleted text struck-through, added text underlined):

26. The consent holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the District Plan with the exception of the construction noise breaches authorised by RM170829, provided that all conditions of that consent are met. Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise.

Advice note

- All other conditions of RM140404 shall continue to apply.

9. OTHER MATTERS

Local Government Act 2002: Development Contributions

A development contribution is required for the Marina Terrace development as a whole. This land use consent and section 127 application itself is not considered a “Development” in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

Administrative Matters

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

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1 and 2. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

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

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

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact Sarah Picard on phone (03) 441 0499 or email sarah.picard@qldc.govt.nz.

Report prepared by

Decision made by



Sarah Picard
SENIOR PLANNER



Quinn McIntyre
MANAGER, RESOURCE CONSENTING

Appendix 1 – Consent Conditions

Appendix 2 – Updated Conditions of RM140404

APPENDIX 1 – RECOMMENDED CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

Prior to works starting

4. Prior to works starting on site the consent holder shall provide to Queenstown Lakes District Council Monitoring Team for certification an updated 'Project Noise and Vibration Management Plan' that includes the following addition measures to meet the objective of:
 - (i) Detailing noise monitoring equipment to be placed on site and staff names trained in using and undertaking monitoring of equipment.
 - (ii) Detail of the adjoining neighbouring properties which are occupied during weekday daytimes where the consent holder has been able to obtain this information.
 - (iii) Updated hours of operation that include the restrictions set out in condition 8 below.
5. The consent holder shall undertake pre-construction surveys of all neighbouring buildings.

Advice Note: For the avoidance of doubt the neighbouring sites are those that adjoin the subject site and are identified in the list of properties where owners were limited notified.

During works

6. Construction work associated with the installation of sheet piles around the perimeter of the site, excavation of soil for foundations and the formation of the foundations (concrete pouring, concrete pumping etc.) shall be undertaken in accordance with the noise and vibration management plan certified by condition 4 above.
7. This consent provides for breach to noise to the extent that it is associated with the construction of the development authorised by RM140404.
8. Construction work associated with the installation of sheet piling around the perimeter of the site shall be restricted to between 0800 and 1700 hours, Monday to Friday.
9. All compressors and percussion tools shall be fitted with effective silencers of a type recommended by their manufacturer.
10. All works shall be undertaken to meet NZS 6803 as far as practicable.

Monitoring

11. Monitoring of the noise and vibration from the first week of piling shall be undertaken and the results shall be reported to Council with a week to show that the construction noise and vibration do not exceed the levels outlined in the AES report.
12. Vibration monitoring shall be undertaken at the nearest of the notified properties, where access to the property has been provided, for the piling each day.

On completion of Construction Works

13. The consent holder shall undertake a post construction survey of all neighbouring buildings so that confirmation can be provided that any vibration damage has been rectified.

For Your Information

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application form](#) and submit this completed form and an electronic set of documents to engineeringacceptance@qldc.govt.nz with our monitoring planner added to the email at RCMonitoring@qldc.govt.nz.

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>

APPENDIX 2 - UPDATED CONDITIONS OF RM140404 (AS AMENDED BY RM151017 AND RM160730)

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans titled:
 - *'Indicative Overview and Roof Plan'*
 - *'Consent Drawings Earthworks Cut / Fill Depths'* by Paterson Pitts Group, dated 31/03/2013
 - *'Consent Drawings Cross Sections Locations'* by Paterson Pitts Group, dated 31/03/2013
 - *'Consent Drawings Section Views'* by Paterson Pitts Group, dated 11/03/2013
 - *'Typical Duplex Floor Plan Layout - Spinnaker, Admiral, Genoa and Navigator Buildings'* by Mason & Wales Architects, Sheet 1.0, dated 14 April 2014
 - *'Typical Duplex Basement Plan - Spinnaker, Admiral, Genoa and Navigator Buildings'* by Mason & Wales Architects, Sheet 1.1, dated 14 April 2014
 - *'Duplex Ground Floor Plan Layout - Anchorage and Quayside Buildings'* by Mason & Wales Architects, Sheet 1.4, dated 14 April 2014
 - *'Duplex First Floor Plan Layout - Anchorage and Quayside Buildings'* by Mason & Wales Architects, Sheet 1.5, dated 14 April 2014
 - *'Apartment Type - Left'* by Mason & Wales Architects, Sheet 1.6, dated 14 April 2014
 - *'Apartment Type - Centre Left'* by Mason & Wales Architects, Sheet 1.7, dated 14 April 2014
 - *'Apartment Type - Centre Right'* by Mason & Wales Architects, Sheet 1.8, dated 14 April 2014
 - *'Apartment Type - Right'* by Mason & Wales Architects, Sheet 1.9, dated 14 April 2014
 - *'Elevations - Spinnaker Building'* by Mason & Wales Architects, Sheet 2.17, dated 16 June 2014
 - *'Elevations - Admiral Building'* by Mason & Wales Architects, Sheet 2.18, dated 16 June 2014
 - *'Elevations - Genoa Building'* by Mason & Wales Architects, Sheet 2.19, dated 16 June 2014
 - *'Elevations - Navigator Building'* by Mason & Wales Architects, Sheet 2.20, dated 16 June 2014
 - *'Elevations - Anchorage Building'* by Mason & Wales Architects, Sheet 2.21, dated 16 June 2014
 - *'Elevations - Quayside Building'* by Mason & Wales Architects, Sheet 2.22, dated 16 June 2014
 - *'Ground Floor Plan - Café and Restaurant'* by Mason & Wales Architects, Sheet 1.11, dated 14 April 2014
 - *'Café and Restaurant Elevations'* by Mason & Wales Architects, Sheet 2.15, dated 12 May 2014
 - *'Café and Restaurant Elevations'* by Mason & Wales Architects, Sheet 2.16, dated 12 May 2014
 - *'Ground Floor Plan - Swimming Pool and Gymnasium'* by Mason & Wales Architects, Sheet 1.10, dated 14 April 2014
 - *'Swimming Pool and Gym Elevations'* by Mason & Wales Architects, Sheet 2.13, dated 12 May 2014
 - *'Swimming Pool and Gym Elevations'* by Mason & Wales Architects, Sheet 2.14, dated 12 May 2014
 - *'Infinity Marina Terrace Apartments Wanaka 02022014 Concept Landscape Plan for Resource Consent CP1b 19th April 2014'* by Michelle Snodgrass Landscape Architecture.
 - *'Landscape Restriction Plan'* by Mason & Wales Architects, Sheet 0.0, dated 5 March 2014

RM151017

Marina Terrace Apartments Building 3- Nautilus Townside Building 4- Nautilus Lakeside, Lakeside Road, Wanaka

- Building 3- Ground Floor Car Park Plan – Plan A2.3.01 dated 01-12-2015
- Building 3- First Floor Apartment Plan – A2.3.02 dated 01-12-2015
- Building 3- Second Floor Apartment Plan- A2.3.03 dated 01-12-2015
- Building 3- Third Floor Apartment Plan – A2.3.04 dated 01-12-2015
- Building 3- Roof Plan- A2.3.05 dated 01-12-2016
- Building 3 - Elevations- A2.3.20 dated 01-12-2015
- Building 3 – Cross Sections- A2.3.30 dated 01-12-2015

RM160730

- 'Site Plan entitled 'Marina Terrace Apartments Site Plan – S4103_P1 Revision A by Southern Land, dated 03/08/16.'
- 'Marina Terrace Apartments Entry Layout – 8m & 12m Bus, Revision A, by Southern Land, dated 19/07/16
- Car Park Layout 8m and 12m Bus Entrance Access, Revision B, by Bartlet Consulting, dated July 2016.

stamped as approved on 3 February, 25 February 2016 under RM151017 and 8 September 2016 under RM160730.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
4. The development shall be undertaken in stages, providing that if the café/restaurant forms the first stage, it must be accompanied by at least one apartment block.

Prior to the commencement of the development, the consent holder shall provide to the Council a staging plan identifying the following information associated with the proposed staging of the development:

- a) The location of the building(s) to be constructed, including the access ways and car parking which demonstrates that adequate car parking will be provided for that particular stage in accordance with the requirements of the District Plan;
- b) Details of landscaping to be completed as part of the stage;
- c) The location of any storage and/or work areas;
- d) Details of the earthworks to be undertaken in that particular stage;
- e) Details on how the remainder of the development site is to be treated;
- f) Details of any earth stabilization that needs to be implemented ensure the surrounding land is not compromised.

Prior to the Commencement of Works on Site

Pre-Construction Acoustic Report

5. Deleted (RM170829)

Café/Restaurant Car Park Surface Treatment, Footpaths, and Pedestrian Refuge

6. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer and Manager, Resource Consents, at Council for review and certification, copies of specifications and design plans which detail the following:
- a) Proposed threshold treatment within the eastern (café/restaurant) parking area to ensure a visual paving delineation between the Lakeside Road carriageway and the car parking area. This could include a permeable, textured, or other approach.
 - b) A pedestrian refuge within the Lakeside Road carriageway to provide pedestrian access to the development.
 - c) Footpaths within the Lakeside Road reserve in general accordance with the approved site plan.

Building Materials, Lighting, and Glare

7. Prior to construction commencing, details of the final detailed design of buildings, including external materials, shall be submitted to the Council for certification. The Council shall certify that the detailed design and external materials/colours are in accordance with the plans stamped as approved under Condition 1, the general colours and materials specified below, and compliance with Conditions 8 and 9 will be achieved.
- Building Roof: Metal in the natural range of greens, browns, or greys with an LRV of 36% or less.
 - Wall cladding: Stone veneer, horizontal cedar weatherboard, timber facings, plaster, and aluminium composite cladding.
8. All metal cladding, roofing, plaster, or fences shall be painted or otherwise coated with low-reflective material no greater than 36% LRV.
9. All exterior plant machinery associated with buildings (i.e. air conditioning units) shall be screened from direct view of public roads.
10. All fixed exterior lighting shall be directed away from the adjacent sites and roads, with the exception of lighting needed for the café/restaurant car parking area. No greater than 3.0 lux spill of light shall be present on any other site measured at any point inside the boundary of the site.

Prior to Construction - Engineering

11. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.

12. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
13. Prior to commencing works, the consent holder shall submit to the Principal Resource Management Engineer at Council for review and certification an earthworks site management plan. The approved earthworks site management plan shall identify the location and layout of the proposed silt and storm water mitigation measures.
14. Prior to commencing any work on the site, the consent holder shall submit to the Principal Resource Management Engineer at Council for certification a 'Site and Construction Management Plan'. This shall, at minimum, set out the following:
 - Anticipated duration of earthworks phase
 - Hours of operation
 - Machinery proposed to be used on site
 - Proposed duration and hours of operation of pile-driving for wall construction (if needed)
 - Proposed dewatering methodology and measures proposed to ensure dewatering does not result in sedimentation into Lake Wanaka. This de-watering methodology shall align with any consents obtained from the Otago Regional Council.
 - Proposed construction site access details and methods to ensure material is not tracked out onto the public roads
 - Storm water controls during construction – e.g. detention, treatment, separation of ground water from construction-contaminated water. This shall align with any consents obtained from the Otago Regional Council.
 - Erosion, dust, silt and sediment controls during construction
 - Traffic Management
 - Vibration monitoring of adjoining sites
 - Parking for construction related vehicles
 - A contingency plan. This plan shall identify the monitoring regime that will be installed, identify whether any neighbouring sites need to be monitored, the actions the contractor will undertake if the monitoring regime indicates earth movement and the timeframes within which the contractor will act.
 - A flood risk management plan outlining preventive measures to reduce flood risk during construction and any contingency measures should flooding occur.
15. Prior to any work on the site, the consent holder shall engage a suitably qualified professional who shall prepare a report, including methodology, which proves that any vibration caused by earthworks/pile driving/compaction associated with this consent will not have any adverse effect on any other land and buildings beyond this site. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. The report shall be submitted to the Principal Resource Management Engineer at Council for certification. Should the Principal Resource Management Engineer consider it to be necessary, it may commission a review of this report at the cost of the consent holder.
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.
17. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the Geosolve Ltd report and who shall supervise the excavation and filling procedure and retaining wall construction.

Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Principal Resource Management Engineer at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.

18. Prior to commencing bulk excavation, the consent holder shall provide the Council with details of further site investigation which confirm the suitability of the design, the proposed excavation and work methodologies, temporary works, retaining walls and batter slopes to ensure that land stability is maintained. All earthworks shall be carried out in accordance with the recommendations made by Geosolve Ltd in their report dated March 2014. A suitably qualified and experienced engineer shall design these and will be responsible for ongoing monitoring and supervision of the works.
19. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
 - a) The provision of a water supply to each 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 GM900 toby valve for each unit located at the road reserve boundary.
 - 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 road reserve boundary. The costs of the connection shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to each unit/building within the development. The costs of the connection shall be borne by the consent holder.
 - c) The provision of a stormwater disposal system for all impervious areas within the development and any subsurface drainage. The design shall take into account existing and potential development of those properties adjoining the site which may naturally discharge stormwater onto the site, and consider minimising the impact of lake discharge points.
 - d) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.
 - e) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW3 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008. 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 a sealed vehicle crossing that shall be constructed to the development.
 - g) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards for a **Class 2 user** as detailed in Appendix 7 (Table 1) of the District Plan. Parking and loading spaces shall be clearly and permanently marked out.

- h) The provision of one additional disabled car park within the apartment complex. This shall be designed in accordance with the following

Parking Angle	Stall Width (m)	Aisle Width (m)	Aisle Run (m)	Stall Depth (m)	Over hang (m)	Wheel-stop Depth (m)
Disabled	3.6	8.0		5.0	0.8	4.2

- i) The provision of a medium bus park/layby within the Lakeside Road carriageway in general accordance with that shown on the approved site plan.
- j) The provision of lighting for the parking area associated with the café/restaurant in accordance with Councils standards.
- k) The upgrading and/or widening of Lakeside Road and intersection to the accommodation activity in accordance with the latest Austroads design guide. Intersection marking and signage shall be provided in accordance with the NZTA Manual of Traffic Signs and Markings (MOTSAM).
- l) A footpath around the café/restaurant parking located on Lakeside Road, in general accordance with the approved plan.
- m) Details and location of the cycle parking, including a minimum of eight bicycle parks.
- n) Details of proposed threshold treatment within the eastern (café/restaurant) parking area to ensure a visual paving delineation between the Lakeside Road carriageway and the car parking area. This could include a permeable, textured, or other approach.
20. When all necessary investigations have been undertaken and the consent holder's Engineer has completed final design for the excavation and construction works, the consent holder shall submit the design drawings for peer review by an engineer approved by Council.

CCTV Survey

21. Prior to commencing any work on the site, the condition of the Council main which runs through the site shall be checked by Closed Circuit Television (CCTV) survey, by a suitably qualified and experienced professional, at the applicant's cost. The results of the CCTV survey (in DVD format), including a full CCTV inspection report outlining pipe condition and distances to any features of note (such as laterals, pipe damage, sediment build-up), shall be forwarded to Council's Principal Resource Management Engineer. Council shall be given access to undertake any repairs on this pipe prior to consented works commencing on site.

Site Liaison

22. The consent holder shall appoint a site manager who will be responsible for liaison with residents. The site manager shall ensure that at least four weeks prior to construction activities commencing on site that a letter is circulated to adjoining neighbouring residents with dwellings located within a 50m radius of the site (measured from the legal boundary of the site) advising of:
- The description of any disturbing activity that will occur on site
 - The date and duration that the activities will occur
 - The mitigation measures proposed to reduce the noise and/or vibration effects on residents
 - The name and 24 hour contact number of the site manager or person appointed who can be called to discuss any concerns regarding the operation/management of the site

A copy of this letter shall be forwarded to the Council four weeks prior to construction activities commencing on site.

Bond

23. Prior to the commencement of bulk excavations on the site, the consent holder shall enter into a bond to secure performance of the conditions of this consent including those which relate to any adverse effects on the environment which became apparent after commencement of the bulk earthworks, until final completion of all work authorised by this consent (RM140404). This shall include (but not be limited to):
- a) Rectifying any ground instability and the provision of any retaining walls or repairs to any retaining walls erected on the consent holder's property – all occurring as a consequence of the excavation of the consent holder's property: and
 - b) Rectifying any surface deformation including ensuring any approved contingency plans can be implemented
 - c) Stabilising and remediating the site should works be abandoned for a period in excess of 90 days.

The amount of the bond shall be calculated by applying a 150% multiplier to the costs of completing all the works specified in condition 18, and may take into account the requirement to stage the development as required by Condition 4. The engineer referred to in condition 18 shall certify to the Council's satisfaction the costs of this work prior to commencing bulk excavation.

Notwithstanding the above, the liability of the resource consent holder shall not be limited to the amount of the bond.

The resource consent holder shall in order to secure performance of the conditions of the bond, provide a guarantor, either a bank or other financial institution, in either case approved by the Council. Alternatively, the bond may be held as cash by the Council. In the event of a guaranteed bond as described above, the bond shall be registered against the title to the land and section 109(1) of the Resource Management Act shall apply to the bond.

The bond shall be prepared by the Council's solicitors to their satisfaction and all the costs of setting up and registering the bond are to be borne by the consent holder.

Construction Conditions - While Works are in Progress

- 24. The consent holder shall ensure that all construction activities including site excavation work shall be carried out between 0800 – 2000 hours, Monday to Saturday inclusive. No works shall occur on a Sunday.
- 25. The consent holder shall ensure that any vibro-piling activities carried out on site shall be limited to the hours between 0800 and 1700 Monday to Friday only.
- 26. The consent holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the District Plan with the exception of the construction noise breaches authorised by RM170829, provided that all conditions of that consent are met.. Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise.

27. At any time during the earthworks/pile driving/compaction activities approved by this resource consent, should it become evident through quantifiable proof that the resulting vibration is causing sustained and significant adverse effects on any other land or buildings beyond the site, the consent holder shall stop the activity that is causing the vibration. They consent holder shall then engage the same engineer that produced the vibration report required by condition 15 to assess the situation and recommend any further measures necessary to avoid and mitigate this vibration. The recommendations shall be submitted to the Council's Principal Resource Management Engineer prior to being adopted and works re-commencing in accordance with the recommendations of the engineer.
28. If any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs, all work in the affected area of the site shall cease and the Principal Resource Management Engineer at Council shall be immediately notified.
29. The earthworks, batter slopes, retaining shall be undertaken in accordance with the recommendations of the report by Geosolve Ltd, dated March 2014.
30. The consent holder shall ensure that construction of the retaining wall along the west, north and eastern boundaries of the site is completed as soon as practicable on completion of the excavations. If this cut will be left unstabilised for more than 8 weeks following excavation, temporary retaining and/or protection measures shall be installed to protect the exposed batter face from the elements and potential erosion or instability until such time as the cut is permanently stabilised.
31. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
32. No earthworks, temporary or permanent, are to breach the boundaries of the site with the exception of the construction of an approved vehicle crossing and works to upgrade Lakeside Road in accordance with Condition 19(f).

Accidental Discovery Protocol

33. If the consent holder:
 - a) 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.

Engineering - Upon Completion of Ground Works and Prior to Building Construction

- 34. The consent holder shall provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" in accordance with Section 2.11.1 of NZS 4404:2004 that has been prepared by suitably qualified geotechnical professional as defined in Section 1.2.3 and demonstrates to Council that the proposed building platforms are suitable for building development. In the event that the site conditions within the building platforms are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and certification full details of such works. The consent holder shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction. Where any buildings are to be founded on fill that has not been certified in accordance with NZS 4431:1989, the foundations of the building shall be designed by a suitably qualified engineer and a corresponding producer statement shall be submitted to the Principal Resource Management Engineer at Council.

Engineering - Prior to Occupation of Buildings

- 35. Prior to the occupation of any buildings, 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 way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all certified works detailed in Condition (19) above.
 - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - d) Any power supply and/or telecommunications connections to the buildings shall be underground from existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
 - e) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure 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 the NZS4404 Schedule 1B and 1C Certificate.

- f) A formal maintenance contract for the ongoing monitoring and maintenance of any permanent groundwater management systems shall be submitted to the Principal Resource Management Engineer at Council for approval to ensure the responsibility of the consent holder or any future owners or body corporates to undertake these works.
- g) A CCTV inspection of the Council main which runs through the site shall be undertaken by the consent holder following the completion of construction to confirm if any damage has resulted from the construction. The results of the CCTV survey (in DVD format), including a full CCTV inspection report outlining pipe condition and distances to any features of note (such as laterals, pipe damage, sediment build-up), shall be forwarded to Council for review and the pipe condition certified as acceptable by Council. The consent holder shall be responsible for rectifying any damage caused to the main as a result of works undertaken on-site.

Surveyors Certificate

36. In order to ensure that the proposed buildings are located exactly as proposed in the application and complies with the maximum height control of the Queenstown Lakes District Plan or the degree of infringement applied for, upon completion of each building the consent holder shall employ an appropriately qualified surveyor at their expense who shall:
- a) Certify to Council in writing that the foundations have been set out in accordance with the approved consent in terms of levels and position; and
 - b) Confirm to Council in writing upon completion of the building that it has been built in accordance with the approved plans and complies with the maximum height control/degree of infringement applied for.

Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

Landscaping

37. Prior to development commencing on site, the consent holder shall submit a detailed landscape plan to the Council's Manager of Resource Consents for certification. This plan shall identify species and density of planting and be in general accordance with the Landscape Concept Plan prepared by Michelle Snodgrass dated 19 April 2014, and stamped as 'approved' under Condition 1. This landscape plan shall identify species, planting grades, and planting densities.
38. The plants/trees on the certified landscape plan shall be implemented within the first planting season following construction of the units, or each stage of the development in accordance with the staging plan required by Condition 4. The plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.
39. In reference to the site plan labelled "Landscape Restriction Plan", landscaping within the site shall not exceed a height of 2 metres when measured above natural ground level at the rear boundary of the site (as specifically depicted by a red line on the Landscape Restriction Plan). This condition does not preclude trees on the application site being greater than 2m in height, rather it specifies that they shall not be greater than 2m in height at the specific location on the Landscape Restriction Plan.

Prior to the Opening of the Café/Restaurant and Pool/Gym Facilities

40. Prior to the opening of the cafe/restaurant and pool/gym, the Consent Holder shall forward for the certification by the Manager, Resource Consents, of the Council, an acoustic design certificate prepared by a suitably qualified and experienced acoustic consultant accepted by the Council. This acoustic design certificate shall certify that the building has been appropriately designed and materials appropriately selected and integrated within the building such that compliance with the maximum noise limits set out in Condition 48 are continually achieved.
41. Prior to operation of the café/restaurant and pool/gym, the Consent Holder shall supply the Council with evidence that all mechanical plant (including ventilation systems and refrigeration's systems) have been designed, installed and operated to ensure compliance with the District Plan noise limits, specified in Condition 48. Evidence is to be in a form of certification by an experienced and qualified Acoustic Consultant.
42. Prior to operation of the cafe/restaurant, the consent holder shall provide details of the fence design to be located on the boundary shared with 61 Lakeside Road to the Manager, Resource Consents, of the Council for certification. This fence shall be designed so as to attenuate noise emitted from the car parking areas to ensure compliance with the limits specified in Condition 48.
43. Prior to the operation of the café/restaurant and gym/pool building the consent holder shall submit noise management plans to the Manager, Resource Consents, of the Council for certification. These plans shall detail management techniques that will be in place to ensure that the café/restaurant and pool/gym continually meets the District Plan noise limits. Should changes be required to these noise management plans, the changes shall be made within five working days and the plans re-submitted to the Council for certification.

Café/Restaurant and Pool/Gym - Operational Conditions

44. Hours of operation for the café/restaurant shall be as follows:
 Indoor areas: 7am - 11pm
 Outdoor areas: 8am - 8pm
45. Hours of operation for the gym shall be limited to 6am - 10pm, Monday - Sunday and hours of operation for the pool shall be limited to 8am - 8pm, Monday - Sunday.
46. No amplified sound shall be played within or outside the pool/gym between the hours of 8pm - 8am. All doors and windows of the restaurant/café and pool/gym buildings shall remain closed between the hours of 8pm - 8am, except for the timely entering and exiting of patrons.
47. The pool and gym shall only be used by residents of the site and those staying on site for the purposes of visitor accommodation.
48. The consent holder shall ensure that activities conducted on site, including the café/restaurant and pool/gym, shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundary of the site within the High Density Residential Zone:
 - Day time (0800 – 2000 hrs) 50 dB $L_{Aeq(15\ min)}$
 - Night time (2000 – 0800 hrs) 40 dB $L_{Aeq(15\ min)}$ and 70 dB L_{AFmax}

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991 and take into account special audible characteristics.
49. The café/restaurant and gym/pool facilities shall operate in accordance with the approved noise management plans.

Signage

50. Prior to erection of new signs in the approved signage platforms, the tenant or consent holder shall submit plans and specifications of proposed signs to Council for certification. Details shall be provided regarding sign design, including colours, content, materials, lighting (type and illumination) and lettering style. All signage must be contained within the approved sign platforms and certified to comply with Condition 51 below to be eligible under this condition.
51. Not more than 25% of any sign platform shall be internally illuminated. If any signage is to be illuminated, the brightness of such shall not exceed a level of 150cd/m². There shall be no neon lighting.

To be Complied With On An Ongoing Basis - s108(d) Covenant Condition

52. Upon completion of the footpath adjoining Lakeside Road (including around the café/restaurant car parking area), and the construction of the bus stop/layby within Lakeside Road, the following conditions of the consent shall be complied with on a continuing basis and shall be registered on the relevant Computer Freehold Register by way of a covenant pursuant to section 108(d) of the RMA:
 - a) Should the Council create a pedestrian connection to the site by way of footpath, within 2 months of the creation of the connection, the owner(s) of the time being shall create an easement in gross (in favour of the Council) over the footpath that is within the subject site in to be used for public pedestrian access only.
 - b) Should the Council require the bus stop/layby formed within the Lakeside Road legal reserve to be removed, the consent holder(s) shall relocate this to within the site, in the location of the Bus Stop Re-Location Plan approved under Condition 1. Signage shall be installed adjacent to the layby to convey that the layby is only to be used for loading/unloading and not extended parking.

Review Conditions

53. Within ten working days of each anniversary of the date of this consent or upon the receipt of information identifying non-compliance with the conditions of this consent, the Council may, in accordance with Sections 128 & 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review conditions of this resource consent for any of the following reasons:
 - a) There is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted;
 - b) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment;
 - c) There has been a change in circumstances such that the conditions of consent are no longer appropriate in terms of the purposes of the above Act.
54. Condition 53 above shall enable the review of the bus/coach parking provision on the site, should Council determine that unacceptable adverse effects from the absence of on-site bus parking are occurring on the roading network.

Advice Note

- i) **Otago Regional Council consents are likely to be required for the development. The consent holder is advised that the granting of this Resource Consent does not in any way alleviate the need to obtain any consents from the Otago Regional Council, or other authorities. Please contact the Otago Regional Council for further advice in this regard.**
- ii) 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.
- iii) The consent holder is advised that if it is proposed to subdivide the units in future, then all services should be installed to the units in accordance with Council's subdivision standard NZS4404:2004 and the adopted amendments. It is recommended that Council's Engineers are contacted prior to installation of services to arrange for all necessary inspections to be carried out so that services can be checked for compliance with the Council's Code of Subdivision prior to backfilling. Otherwise, services may require excavation and inspection at time of subdivision and CCTV footage may be required to demonstrate compliance with Council's subdivision standard NZS4404:2004 and the adopted amendments.
- iv) The consent holder is advised that prior approval from Council via a 'Connection to Council Services Application' for a temporary water take 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.
- v) Prior to the commencement of work the consent holder is advised to undertake a pre-construction condition survey, including photographs, to record the existing condition of all neighbouring buildings, landscaping and roads that lie within 20m of the proposed excavations. This should be prepared by a suitably experienced building practitioner/contractor/surveyor/engineer and should be provided to the Principal Resource Management Engineer at Council for review.
- vi) The consent holder is advised of the need to obtain a Code of Compliance Certificate under a Building Consent for any retaining walls constructed as part of this consent which exceed 1.5m in height or are subject to additional surcharge loads as set out in Schedule 1 of the Building Act.