

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2018] NZEnvC 242

IN THE MATTER	of the Resource Management Act 1991
AND	of a direct referral under s 87G of the Act
BETWEEN	SKYLINE ENTERPRISES LIMITED
	(ENV-2018-CHC-14)
	Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

Court: Environment Judge J J M Hassan
Environment Commissioner W R Howie
Environment Commissioner C J Wilkinson

Hearing: at Queenstown on 3 September 2018

Appearances: G M Todd and B B Gresson for the appellant
JMG Leckie and S C Reese for the respondent
A J Logan for Otago Regional Council
B W Walker in person (a section 274 party)

Date of Decision: 19 December 2018

Date of Issue: 19 December 2018

INTERIM DECISION OF THE ENVIRONMENT COURT

- A: Subject to determination of the Gondola Upgrade Proposal, the Carpark Building Proposal satisfies all Resource Management Act 1991 requirements for consent on the conditions in the **Annexure**.
- B: Costs are reserved, a timetable to be set following determination of the Gondola Upgrade Proposal.



REASONS

Introduction

[1] Skyline Enterprises Limited ('Skyline') seeks land use consent to construct a multi-level carpark building at 53 Brecon Street, Queenstown ('Carpark Building Proposal').

[2] That is in follow up to an interim decision the court made on Skyline's Gondola Upgrade Proposal in August 2017 ('2017 Decision'). That Proposal made no provision for carparking despite the consensus position of the traffic experts that the upgrade would generate significant further demands on already inadequate, primarily on-street, parking facilities. The 2017 Decision relevantly records (at [21]):¹

Given the presently outstanding carparking/traffic ... matters, this Interim Decision leaves reserved the ultimate question of whether or not and, if so, on what conditions, consent will be granted for the proposal. Related to the carparking/traffic matters, this decision leaves reserved any cumulative effects issues that could be associated with Skyline establishing a carpark on land it has indicated interest in adjacent to the proposed Lower Terminal (including any effects on the interface with Brecon Street).

[3] As is the case for Skyline's Gondola Upgrade Proposal, we determine this application under the 'direct referral' provisions of the Resource Management Act 1991 ('RMA'). Appeals are to the High Court, only on questions of law, under s149V RMA.

The Carpark Building Proposal²

[4] The multi-level carparking building would be constructed on a long flat terrace behind Skyline's lower terminal building. The terrace ('Carpark Building Site') is currently used as a staff carpark and for some informal storage. It is traversed by overhead power

¹ For completeness, [2017] NZEnvC 124 ('2017 Decision') also referred to outstanding stormwater management. However, we are informed that this has been resolved through Skyline securing from Otago Regional Council ('ORC') a discharge permit for stormwater disposal from the proposed new upper terminal building: Closing submissions for Otago Regional Council on the Carpark Building Proposal, dated 10 September 2018, at [3] – [5].

² The proposal is described at some length in the Assessment of Environmental Effects ('AEE') accompanying Skyline's consent application.² QLDC's report is prepared under s87F RMA ('s87F Report'). It presents a useful summary of the Proposal.



lines.³ The building would make provision for 449 car parking spaces. A minimum of 350 spaces of these would be for the exclusive use of Skyline's staff and visitors. An additional 99 spaces would be for future car parking capacity for Skyline and/or other users of Ben Lomond Recreation Reserve who utilise the gondola for access into the Reserve. There would also be bus and bicycle parking facilities. Various improvements would be made to mountain bike and pedestrian accesses (including access to the Tiki Trail).

[5] The Proposal also includes associated natural hazard protection works, fencing and landscaping, works to infrastructure services, and associated tree removal, earthworks and construction activities.

The environs

[6] The Carpark Building Site is cut into the slopes of Bobs Peak and remains as part of the QLDC-administered Ben Lomond reserve. As is described in the 2017 Decision, Bob's Peak is a prominent landscape feature in Queenstown. As a recreation reserve, it is heavily used and enjoyed, by tourists and locals, for a range of active and other recreational activities mostly accessed via the Skyline gondola.

[7] Close to the Site on the downhill side is a narrow public walking track (connecting Brecon Street and Hamilton Road). Below this, the land drops down towards the Queenstown Primary School's playing fields.

[8] The Carpark Building would be accessed from the head of Brecon Street, a cul-de-sac that runs approximately north from Man Street. In addition to serving the gondola, the street is the primary access to Kiwi Birdlife Park and a range of other tourist entertainment and commercial activities, a pre-school, the historic (but still operational) Queenstown Cemetery, and some residences.

Final version of conditions

[9] Skyline's initially proposed consent conditions evolved during the hearing



3

The s87F Report gives an extensive legal description of the site ('Site'). This encompasses both the area for the proposed carpark building and the various other above-described elements.

process. Following facilitated expert witness conferencing, the three planning witnesses⁴ produced an agreed set of recommended conditions ('Agreed Conditions') in a joint witness statement ('JWS'). That was after a hearing adjournment following the testing of expert and other evidence. At the request of Mr Basil Walker (a submitter and s274 party), the hearing resumed for cross-examination of the planners on the JWS. Following further deliberations after the close of the hearing, the court issued a Minute noting a number of legal deficiencies in the drafting of the Agreed Conditions and directing QLDC to correct these in consultation with the parties.⁵ QLDC responded, on 5 December 2018, with an updated and significantly improved set of conditions ('Final Conditions'). Our determination is with reference to those Final Conditions.

Statutory framework

[10] As we shortly explain, the Proposal is properly assessed as a 'non-complying activity' within the meaning of the RMA. As such, the statutory framework within which we must determine the application is materially the same as that for the Gondola Upgrade Proposal. The 2017 Decision traversed the relevant provisions and related interpretation principles. Interpretation of the provisions was not a matter of dispute in regard to the Carpark Building Proposal. As such, we adopt and apply the reasoning in the 2017 Decision, at [9] – [20], concerning each of the following (which s87G(6) directs we apply):

- (a) s104D RMA, being the threshold test for a non-complying activity;
- (b) ss104 and 104B, respectively on consideration of applications and determination of non-complying activity consent applications;
- (c) s108 on resource consent conditions; and
- (d) pt 2 RMA.

[11] As Skyline appropriately concedes, the Proposal does not satisfy s104D(a) in that it would give rise to adverse effects that are not fairly described to be 'no more than minor'. Hence, we do not have jurisdiction to grant consent unless we are satisfied that the Proposal satisfies the alternative threshold test in s104D(b). In essence, therefore, we must be satisfied that the Proposal is not contrary to the objectives and policies of both the operative Queenstown Lakes District Plan ('ODP') and proposed Queenstown Lakes District Plan ('PDP'). If we find the s104D threshold is passed, we have a

⁴ Mr Dent for Skyline, Ms Sinclair for QLDC and Ms Meredith for Otago Regional Council ('ORC').
⁵ Minute dated 19 November 2018.



discretion whether to grant or decline consent or, if granting, to impose conditions (s104B). In our exercise of that discretion, we must comply with s104 RMA. Broadly, that means we must consider the application and submissions and, subject to pt 2 RMA, have regard to specified matters. In this case, those are primarily the environmental effects of the Proposal, relevant provisions of the applicable statutory instruments and other specified matters.

[12] We are guided by the Court of Appeal decision in *Davidson v Marlborough District Council*.⁶ On that basis, we consider pt 2 matters in light of relevant provisions of the applicable RMA policy and planning instruments that bear on those matters.

Relevant policy and planning instruments

[13] As was the case with the 2017 Decision, the relevant RMA instruments are as follows:⁷

- (a) the ODP, which is determinative of the Proposal's non-complying activity status and specifies related objectives, policies and matters for assessment;
- (b) the PDP, a proposed replacement district plan in the early stages of preparation (Stage 1 provisions now before the court on appeal, and the remainder at an earlier stage of preparation); and
- (c) the Otago Regional Policy Statement ('RPS') and proposed Regional Policy Statement ('pRPS'), the relevant pRPS objectives and policies now being operative and hence superseding provisions of the RPS.

[14] As was the case for the Gondola Upgrade Proposal, the Carpark Building Site is within a mapped 'Outstanding Natural Landscape' ('ONL') under the ODP, namely the 'Outstanding Natural Landscape (Wakatipu Basin)'. The same ONL notation is carried into the PDP. As explained in the 2017 Decision,⁸ that notation (and related ODP provisions) pertain to the related 'matters of national importance' identified in s6 RMA and other matters in s7 RMA. In particular, those include directions related to achieving the RMA's purpose:

⁶ *R J Davidson v Marlborough District Council* [2018] 2 NZLR 283.
⁷ There are no relevant national policy statements or national environmental standards bearing on the issues concerning the Proposal.
⁸ 2017 Decision, at [81].



- (a) to recognise and provide for 'the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development' (s6(b)); and
- (b) to have particular regard to the maintenance and enhancement of amenity values (s7(c)).

[15] A further relevant direction in relation to achieving the RMA's purpose is in s6(h) RMA. That is to recognise and provide for the management of significant risks from natural hazards. As we later discuss, there are related objectives and policies to consider.

[16] The Site is within the PDP's Rural and Town Centre zones. However, only r 26.6.7, concerning development (earthworks) within the 'curtilage' or 'setting' of Queenstown Cemetery, is in legal effect.⁹

Skyline's AEE and other relevant assessment reports

[17] The AEE includes extensive background reports and other information in its Appendices A – R.¹⁰ Skyline supplemented this with further information at QLDC's request and we treat the Proposal as so modified.¹¹ As is explained later in this decision, much of that AEE and further information proved uncontested in the evidence and submissions presented.

⁹ The s87F Report and planning evidence set out the zoning and ONL and other provisions, including designations, that apply to the Site.

¹⁰ App A – site location plans, App B – certificates of title and encumbrances, App C – written approvals, App D – architectural plans, App E, Stantiall Studio images, App F – Traffic Design Group report, App G – PPG proposed earthworks plans, App H – geotechnical earthworks report, App I – landscape plans, App J – landscape visual assessment, App K – fire reports, App L – PPG infrastructure report, App M – Fluent Solutions stormwater reports, App N – GeoSolve and Opus stormwater discharge assessment, App O – draft construction management plan ('CMP'), App P – draft traffic management plan ('TMP'), App Q – urban design assessment, App R – acoustic assessment.

¹¹ Further information requests pre-notification comprise RFI Requests of 14 and 15. The information then provided is Applicant RFI Response 16 November 2017 and App A – proposed fence details, App B – trees to be removed and pedestrian access details, App C – list of submitters for consultation (App 1), App D – amended architectural elevations, App E – car park poles and peg plan, App F – coach parks and Brecon St details, RM171172 SEL email 16 November 2017 confirming – no heavy vehicle movements on public holidays. Further information post notification responses are Applicant RFI Response Post Notification – 18 November 2017, App A – proposed fence details, App B – KBP updated affected party approval, App C – coach parks & Brecon St details, App D – trees to be removed and pedestrian access details, App E – amended architectural plans, App G – urban design report 171128 revised, App H – carpark building site analysis, App I – 3D modelling, App J – car park poles and peg plan, App K – coach parks and Brecon St details, App L – full TDG response, App M – QLDC Lidar data.



QLDC s87F Report

[18] We find QLDC's s87F Report (prepared by its planning witness, Ms Sinclair) thoroughly and properly discharges QLDC's responsibilities under s87F(4), namely to:

- (a) address issues that are set out in ss 104 to 112 to the extent that they are relevant to the application;
- (b) suggest conditions that it considers should be imposed if the Environment Court grants the application; and
- (c) provide a summary of submissions received.

[19] Ms Sinclair's evidence updates some opinions expressed in that report (particularly in view of various steps taken by Skyline to address some matters she raised in the report). Subject to her evidence, we have drawn from the s87 Report in this decision. As noted, it was supplemented by QLDC's Final Conditions.

Submissions made on the notified application

[20] QLDC publicly notified the application (at Skyline's request). Six owners or occupiers, all submitters on the Gondola Upgrade Proposal and some others that QLDC considered affected persons, were personally notified. In addition, a public notice was included in *The Mirror*.¹²

[21] Seven submissions were made,¹³ one opposed ('O'), one in support ('S'), three in conditional support ('CS') and two not stating a position ('NS'):

Submitter	Position
Otago Regional Council ('ORC')	O
Queenstown Preschool and Nursery	CS
Ministry of Education ('MOE')	CS
CCR Ltd t/a CCR QT – Queenstown Lakeview Holiday Park ('CCR')	CS
Heritage New Zealand Pouhere Taonga	NS
Brecon Street Partnership Limited	S
Basil Walker and others (late submission)	NS

¹²

As required by cl10(2) Resource Management (Forms, Fees and Procedure) Regulations 2003.

¹³

ZJV (NZ) Limited, a submitter in opposition to the Gondola Upgrade Proposal, initially submitted in opposition to the Carpark Building Proposal but later withdrew it.



Section 274 parties

[22] ORC, Mr Basil Walker and MOE filed s274 notices.¹⁴ However, MOE subsequently secured agreement with Skyline for how its interests would be provided for in any consent granted (and, hence, was excused attendance at the hearing).¹⁵ We record that, while Mr Walker's s274 notice does not state a position of support or opposition to the Proposal, we have treated his position as being opposed in light of his representations at the hearing.

Affected person approvals

[23] We are precluded from having regard to any effect on any of the following persons as they are recorded in Skyline's application as having given written approvals to its application:¹⁶

- (a) Kāi Tahu ki Otago Ltd on behalf of Kāti Huirapa Rūnaka ki Pūketeraki and Te Rūnanga o Ōtākou (two of the kaitiaki Rūnanga whose tākiwa includes the site the application relates to);¹⁷
- (b) Te Ao Marama Inc, Murihiku Marae;¹⁸ and
- (c) Kiwi Birdlife Park of 51 Brecon Street.¹⁹

Carparking and traffic and transportation effects' management appropriate

[24] As we have explained, the Carpark Building Proposal is in response to evidence as to carparking demand tendered in the hearing for the Gondola Upgrade Proposal. The same traffic and transportation experts gave evidence before us on this occasion (Mr Don McKenzie for Skyline, Dr Shane Turner for QLDC). Again, on key issues, there were relatively narrow differences between them. That is helpfully put by Dr Turner in his evidence-in-chief:

¹⁴ Section 87G(4) RMA requires that submitters seeking to be heard by the court on a direct referral application must give notice under s274 RMA.

¹⁵ Memorandum of counsel for the Ministry of Education, dated 5 June 2018.

¹⁶ This is as specified in s104(3)(a) RMA.

¹⁷ Letter KTKO Ltd to Southern Planning Group Ltd, dated 17 October 2017.

¹⁸ QLDC Affected Person's Approval form, dated 18 October 2017.

¹⁹ QLDC Affected Person's Approval form, dated 25 October 2017.



The proposed 448 space multi-storey car park goes a long way to addressing the large shortfall in parking as a result of the expansion of the Gondola and associated facilities. Overall, I support the general provision of the car parking building.

[25] Initial differences were essentially about whether consent conditions should require monitoring of the choice of transport mode by Skyline staff and visitors (Dr Turner's preference). However, those differences were fully resolved by the Agreed Conditions now also reflected in the Final Conditions. In summary, these conditions concern:

- (a) a staff transport management plan to incentivise reduction in daily staff vehicle movements and associated car parking demand (cc 100 – 103);
- (b) a 'transport monitoring and car parking management plan' and associated potential review condition (cc 99 – 103, 128);
- (c) submission to QLDC's Manager Resource Consents, for approval, of a lease for a minimum of fifty staff carparks (c 105);
- (d) hours of operation for heavy vehicle movements (c 106, 107);
- (e) allocation of carpark usage between Skyline staff and visitors and other users (cc 25, 26);
- (f) prohibition on construction staff private vehicle usage of Brecon Street and nearby streets during construction (c 110);
- (g) coach and coach park management and usage, including for embarkation and disembarkation (cc 111 – 113).

[26] Prior to the conclusion of the hearing, the court questioned the planning witnesses and counsel on whether, in resource management terms, prescriptive conditions on leasing and carpark allocation were warranted. Specifically, we questioned whether there was resource management value in conditions that would operate to significantly restrict capacity to use the carpark building for public carparking even during the period when the Gondola Upgrade Proposal is not fully commissioned and operational.²⁰ Ms Sinclair informed us that the conditions related to the fact that this is reserve land governed by a reserve management plan. She supported the inclusion of the conditions because ODP objectives and policies refer to uses being related to reserve users.²¹

²⁰ Transcript, p 25, l 1 – 29, p 26, l 1 – 30, p 27, l 1 – 29, p 28, l 1 – 16.

²¹ Transcript, p 25, l 25 – 29.



When asked if removing the conditions would cause any problem 'around the Council table in regard to its lease', counsel for QLDC, Mr Leckie, informed us he did not expect it would. He explained that the lease controls what is required for obligations under the Reserves Act 1977 ('RA') and the rationale for the conditions pertained to Ms Sinclair's RMA concerns.²²

[27] Counsel for Skyline, Mr Todd, informed us that Skyline did not want the conditions included in any consent. He confirmed that they are proposed to address issues under the RA that QLDC wanted to have carried over into the RMA.²³

[28] Ms Sinclair traversed the relevant objectives and policies in her s87F Report and her evidence. Whilst we acknowledge Ms Sinclair's point that the PDP seeks to maintain proper consistency with the intentions of the Reserve Management Plan, we are satisfied that this can be readily assured through the lease.

[29] However, we are mindful that we should consider the Proposal in light of what Skyline has voluntarily put forward. Its consent application explicitly specifies that 350 car parks are to be for the exclusive use of Skyline's staff and visitors and 99 for future capacity for Skyline and other reserve users. It has also made various commitments to persons affected, and to the Council (in both its reserve administration and regulatory capacity) during the processes leading to and including our hearing. It is conceivable some people may have elected against making a submission on the application on an understanding of what Skyline was putting forward in these terms. For that reason alone, accepting that through due process various conditions could well be re-considered in the future, we find we should carry forward the substance of the Final Conditions in the Annexure to this interim decision.

[30] We find, on the evidence, that the Final Conditions are appropriate on these matters. On that basis, we also find that the Carpark Building Proposal would provide appropriate and sufficient capacity, and transport network effects would be appropriately managed.



²² Transcript, p 28, l 6 – 8.

²³ Transcript, p 27, l 15 – 18.

Operational and construction and vibration effects appropriately managed

[31] The acoustics and vibration experts, Dr Trevathan for Skyline and Dr Chiles for QLDC, reached full agreement on appropriate noise and vibration mitigation measures. These are included in the Final Conditions. In summary, those conditions:

- (a) impose a maximum cumulative operational noise limit (intended to work in tandem with any consent for the Gondola Upgrade Proposal) for the receiving environment (with additional specifications for the Kiwi Birdlife Park and Queenstown Cemetery) (c 44);
- (b) impose noise attenuation design, construction and maintenance specifications for the proposed carpark building and access roads (c 45);
- (c) specify requirements for preparing, having certified, and complying with, a Construction Noise and Vibration Management Plan ('CNVMP'), including for noise measurement and assessment in accordance with NZS 6803:1999 *Acoustics – Construction Noise* and construction vibration measurement in accordance with *IS 4866:2010 Mechanical vibration and shock - Vibration of fixed structures* (cc 46 – 49);
- (d) require cessation of certain disruptive construction activities during ceremonies at Queenstown Cemetery (c 50);
- (e) prohibit commencement of earthworks and construction activity prior to completion of certain works at the Kiwi Birdlife Park and specifying related bespoke noise controls for the Park (cc 51, 60, 61);
- (f) require pre-commencement site meetings for relevant briefing purposes with specified contractor and other parties (c 52);
- (g) require preparation and certification of a communication plan (c 53);
- (h) specify duties for minimising noise in the use of hydraulic rock breakers, and related hours of operation of such machinery (cc 54, 59); and
- (i) specify requirements for temporary construction fencing, hoardings and barriers (cc 55 – 57).

[32] On the evidence of Dr Trevathan and Dr Chiles,²⁴ we find that the Final Conditions satisfy RMA requirements in regard to operational and construction noise and vibration.



Urban design outcomes are appropriate

[33] Expert evidence on the urban design effects of the Proposal was called by Skyline (Mr Paul Edmond) and QLDC (Mr Edward Jolly). Although Mr Edmond was called and cross-examined on behalf of QLDC (on colour palette matters), Mr Jolly's evidence was entered by consent as urban design matters became uncontentious. This is reflected in Mr Jolly's conclusion, in light of additional mitigation measures agreed with Skyline, that the urban design outcomes of the Carpark Building Proposal are appropriate. He added that the bulk and location effects from the end of Brecon Street will be "minimal" and the measures taken to improve the passive surveillance and amenity between the Carpark Building and the base building "are positive".²⁵

[34] On the basis of Mr Jolly's and Mr Edmond's evidence, we find that the Final Conditions are appropriate and that the Carpark Building Proposal satisfies the relevant RMA requirements in regard to urban design.

No issues concerning QLDC infrastructure, services and property

[35] QLDC called two witnesses on these matters - Mr Peter Hansby (QLDC's General Manager of Infrastructure and Property and 'Project Sponsor' for the Town Centre Masterplan) and Ms Stella Torvelainen (a QLDC engineer).

[36] Mr Hansby gave evidence on infrastructure and property matters. He explains that this relevant division of QLDC's supports the carparking building, the proposed works on Brecon Street and the pedestrian walkway to Hamilton Road. Ms Torvelainen in essence presents QLDC's engineering perspective on matters that were also traversed by other experts (for instance, access, parking, servicing and hazards). In essence, her evidence is that QLDC has no concerns, on the basis of what is proposed and will be controlled by the Final Conditions.

[37] We accept that evidence concerning QLDC's position on these matters. We find the related Final Conditions appropriate.



Matters raised by certain submitters resolved by agreed conditions

[38] As noted, various submissions were in conditional support of the Proposal on the basis of agreements reached now reflected in the Final Conditions. On these matters, we find as follows:

- (a) effects of the Proposal on Queenstown Primary School will be properly managed under the now-agreed conditions approved for inclusion in the consent by this decision (as supported by the uncontested evidence of Mr Whyte for the Ministry of Education, also entered onto the record by consent);
- (b) the various effects or issues noted in submissions by Queenstown Preschool and Nursery, CCR, and Heritage New Zealand Pouhere Taonga are all satisfactorily addressed by Skyline's offered conditions.

Excavation and construction activities

[39] In his closing submissions, Mr Walker argues that the court has not received:

... enough detailed evidence to assess the actual and potential effects from excavation and rock breaking on land with emphasis on the 20 metre high cut and removal for the car park building at the toe of a Ben Lomond mountain and the cut to allow the car park entranceway road and the excavation for the underground Aurora power cable.

[40] The application documentation includes Paterson Pitts Group excavation plans and a GeoSolve geotechnical report. Skyline called unchallenged evidence from Mr Paul Faulkner, an engineering geologist with GeoSolve. The QLDC called related engineering and planning evidence. Mr Walker did not call expert evidence on any of these matters. Nor did he seek to have the authors of relevant engineering analysis, relied on by the planning witnesses, called for cross-examination. His cross-examination of the planning witnesses on these matters did not support his closing submissions.

[41] We find that expert evidence called on these matters sufficient in support of the Final Conditions, which we also find appropriate.



Landscape and visual amenity effects

[42] As we have noted, the Site for the Carpark Building Proposal is within an ONL and the ODP specifies related objectives, policies and assessment matters including for the purposes of ss6(a) and 7(c) RMA. Ms Sinclair analysed these in her s87F Report and we have drawn from her analysis in this decision.

[43] The Agreed Conditions resolve the initial differences between QLDC and Skyline. Those conditions are reflected in the Final Conditions which require:

- (a) amendment to the application landscape concept plans to require specified outcomes (as to the number, location and size of specimen trees and details of planting) and submission of the plans to QLDC for certification (c 62(a));
- (b) submission to QLDC of a detailed landscape plan prior to works commencing (c 62(b));
- (c) QLDC certification of completed landscape planting prior to the opening and operation of the carpark building (c 62(c));
- (d) ongoing maintenance of the planted areas to protect against weed infestation and invasion by predators and also dead plant replacements (cc 63, 64).

[44] In closing, Mr Walker submits that the Proposal would compromise “unmodified ONL land”. He argues that the landscape evidence “specifically states that scale and presence of the large car park building within the fringe of the ONL would be inconsistent with the natural character of the site, the surrounding reserve landscape and the scale of the existing built form”.²⁶

[45] Mr Walker did not call expert evidence but cross-examined witnesses called by QLDC and Skyline. We find that the evidence of those witnesses, including their answers in cross-examination, do not support his closing submissions.

[46] The landscape and visual amenity evidence was primarily given by Ms Snodgrass for Skyline and Mr Denney for QLDC. The planning witnesses for Skyline (Mr Dent) and QLDC (Ms Sinclair) gave associated evaluations of the relevant RMA principles and ODP and PDP objectives, policies and assessment matters. Mr Edmond and Mr Johns gave

²⁶ Basil Walter Walker, closing submissions dated 9 September 2018.



related urban design evidence.

[47] Ms Snodgrass' overall opinion on landscape and visual amenity effects is captured in her conclusion:

199. To summarise, the site is part of an Outstanding Natural Landscape ('ONL') and an urban landscape. The extent of the ONL includes the Ben Lomond Reserve, Bowen Peak and the mountains that form the northern edge of Queenstown and Lake Wakatipu. The proposed development is very small in scale in comparison.
200. The degree of visibility of the proposed car parking building and associated works will vary from low to high with the highest degree of visibility occurring when at the end of Brecon Street in close proximity to the site, and the end of Hamilton Road. From all other viewpoints only small to medium portions of the car parking building will be seen. The proposed materials and colours of the car park building will recede into its backdrop of Douglas fir forest and it will be less noticeable than the proposed terminal building.
201. The visual amenity of the views as experienced from the viewpoints in my evidence will vary from slight to substantial, and will not adversely affect the key elements of visual amenity, namely the natural and dominating character of Ben Lomond and the surrounding mountains, and the contrast in scale between the urban area and the mountainside.
202. The scale of the proposal is too small to change the overall character of the mountainside, and will only change the character of the site.
203. The landscape effect of the proposed car park on the site will be adverse in that it will change the character of the site from both a natural character and an urban character to a dominant urban character with a subservient natural character. The proposed development will result in the introduction of elements that are inconsistent with the natural character of the site, and natural character of the surrounding ONL landscape. The landscape effect solely on the character of the site will be high, although to a small and localised area. That landscape effect will not extend to the broader outstanding natural landscape due to the difference in scale between the proposed development, and Ben Lomond and the location of the development at the boundary between a rural landscape and an urban landscape. The planned removal of the majority of the exotic conifer trees on the Kiwi Birdlife Park site, and the replanting of native species will create a new natural character on the KBP site. That natural character will be different to that of the current KBP site, the subject site and Ben Lomond. The vegetation will be of a different form, different eventual height and different colour so will not read as an extension of the alpine character of Ben Lomond down into the urban area.



204. In my opinion the car parking building is appropriate to its receiving environment as the context is both urban and rural. The car parking building will not be uncharacteristic of the potential scale of development permitted under Plan Change 50 and Stage 1 of the District Plan review, which will potentially result in buildings like those of the iFly building, and proposed lower gondola terminal. The receiving urban environment will be of a similar and greater elevation and similar scale, and the car parking building will fit into that townscape character.

[48] By contrast, Mr Denney's overall conclusion was:²⁷

3. The proposed car park building would be dominant within its immediate proximity within the Ben Lomond Reserve and would have a severe to high adverse effect on the landscape character of the site and visual amenity when viewed from the adjoining walkway. The number of public users within this part of the reserve is currently very low and affected persons' approval has been obtained from the neighbouring KBP.
4. Viewed from the south, the building would sit behind existing and proposed buildings within the urban landscape resulting in very few to nil adverse effects on visual amenity.
5. Visually the building would sit within a green space between two reserves as viewed from urban areas to the north and east and would have slight to moderate adverse effects on visual amenity and landscape character although adverse effects may increase if further mature trees are removed from the KBP. The constrained nature of the development limits the ability for planting within the site that would potentially mitigate adverse visual effects. To be effective mitigation planting would need to be densely planted tall trees on the slope immediately below the site, within the KBP. The KBP however is not part of the development or within the control of the developer. Visual adverse effects of the development as viewed from urban areas to the east and north of the site therefore cannot be adequately mitigated.
6. Other adverse effects associated with earthworks, lighting, construction and the activity can be mitigated by recommended conditions of consent as presented with my evidence.

[49] As can be observed, Ms Snodgrass and Mr Denney agreed (and we accept) that the Carpark Building would be most visible from close views. One such view is from the walking track connecting to Hamilton Street (although Mr Denney points out current public usage is very low). Another view is from immediately proximate parts of Ben



²⁷ Richard Douglas Denney, summary statement of evidence dated 11 June 2018 at [3] – [6].

Lomond Reserve (which we observe are also very steep). Another close view is from the end of Brecon Street (although Mr Denney points out that views from the south would be behind the existing and proposed buildings within an urban landscape resulting in very few to nil adverse effects on visual amenity).

[50] While the Carpark Building would be prominent from close quarters, we find on the evidence that it would not give rise to significant ONL or other landscape or visual effects. The relative significance of those effects is properly adjudged with reference to related RMA principles and ODP and PDP provisions concerning landscape and visual amenity. For the following reasons, we find that the Proposal properly accords with those principles and provisions.

[51] Mr Denney and Ms Snodgrass (and Mr Edmond) differ to some extent in their opinions on the relative significance of those close views and related landscape or visual amenity effects. In relative terms, Mr Denney rates some close views as more significant than does Ms Snodgrass, although not to such an extent that he opposes the Proposal being granted consent. Nor did he move from that position in cross-examination by Mr Walker, as the following exchange demonstrates:²⁸

Q. Does the proposal compromise the conditions of the ONL?

A. I'm not sure that's more of a policy question for reserve management or a landscape question to be honest.

JUDGE HASSAN TO MR WALKER

Q. Perhaps clarify that a bit further, you're referring to the District Plan provisions, Mr Walker?

Q. Yes, the ONL states that the integrity of the landscape cannot be undermined or –

A. Yeah, well, I've commented in my report I guess. I mean it's already there in terms of the ONL, exit the carpark on the ONL and I don't have anything further to add to that.

[52] Further, both witnesses defer to the planning witnesses for analysis of the related ODP (and PDP) provisions.

[53] We are satisfied that Ms Sinclair and Mr Dent properly considered the relevant RMA principles and district and proposed plan provisions in their evaluations of the landscape/visual amenity experts' evidence each relied upon. Of the two, Ms Sinclair

²⁸ Transcript, p 24, l 9 – 21.



expresses the more conservative opinion (relying on Mr Denney). Even so, she is satisfied that, as a non-complying activity, the Proposal satisfies the s104D RMA threshold and it is appropriate to grant consent on the agreed conditions. In her 11 June 2016 summary statement, she summarised her opinion, at that stage, as follows:

... overall from a planning perspective, although the landscape and visual amenity effects are finely balanced, in my opinion the proposal is still appropriate and can be supported having regard to the existing environment, the planning framework, the technical advice received, the environmental effects, the statutory context, the relevant Reserve Management Plan and the various other Council strategies, and will promote sustainable management.

[54] Subsequently, Ms Snodgrass and Mr Denney reached full agreement on a colour palette for the carpark. That was after their further discussion encouraged by the court. Mr Dent and Ms Sinclair also reached agreement on the related consent conditions. Mr Dent reported:²⁹

So Ms Sinclair and I have accepted and agreed the landscape condition about the colours and specifically that we should have a condition that reads:

"Prior to construction, the consent holder shall submit for certification to the manager of resource consents, Queenstown Lakes District Council, all external finishes to the carpark building which will be of a non-reflective matt finish. External colours and materials of the roof and walls and cladding shall be dark grey and dark green colours, with a light reflectivity value of between 6% and 19%."

We have also agreed, and I've discussed with the applicant, that we would accept a bond condition and I can read the full wording out if you'd like, Sir.

[55] That position was also confirmed by Mr Denney in answer to questions from the court.³⁰

[56] Therefore, at that point of the hearing, initial differences between Ms Snodgrass (and Mr Edmond) and Mr Denney (and between Mr Dent and Ms Sinclair) were significantly further narrowed.

[57] Prior to the adjournment on 13 June 2018, the court informed the parties of its preliminary findings on these and other matters. On landscape and visual amenity issues the court observed:

²⁹ Transcript, p 97, l 34, 35, p 98, l 1 – 8.

³⁰ Transcript, p 27, l 3 – 12.



The testing of evidence supports the opinion expressed by Ms Sinclair at paragraph 43 of her supplementary evidence of 11 June 2018, although the Court does not share her view that landscape and visual effects are finely balanced. The Court finds that such effects are properly addressed by the proposed design and treatment of the proposal, including in terms of all relevant objectives and policies.

[58] As noted, the planning witnesses produced the JWS, following conferencing, on 18 July 2018. Agreements it records on conditions are now reflected in the Final Conditions.

[59] For the record, the court was satisfied with both of the original colour palette choices offered by Ms Snodgrass and Mr Denney. We find each was duly respectful of the high visual prominence of the Site and would have rendered the building properly respectful of its values. Equally, the court finds the experts' agreed position appropriate.

[60] Therefore we find that, subject to the Final Conditions, the Proposal satisfies RMA requirements in relation to ONL and other landscape and visual amenity matters (including the ODP and PDP intentions as expressed in relevant objectives and policies).

Management of natural hazard risks

Relevant principles and objectives and policies

[61] The RMA's definition of 'natural hazard' provides a focus for our consideration of this topic:

natural hazard means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

[62] We have referred to the direction in s6(h) RMA to recognise and provide for, as a matter of national significance, the management of significant risks from natural hazards. Proper identification and management of natural hazards may also be relevant to the RMA's sustainable management purpose in s5 RMA. That is as an aspect of enabling people and communities to provide for their health and safety.



[63] The ODP Section 4.8.3 concerns natural hazards:

(a) Objective 4.8.3.1 is:

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

(b) Policy 4.8.3.1.1.4 is:

To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, or other aspects of the environment.

(c) Policy 4.8.3.1.1.5 is:

To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk.

[64] In essence, the ODP intends that adequate natural hazards assessment be undertaken in resource consent application processes to inform consenting outcomes. However, it leaves a high degree of discretion to the consent authority on how identified natural hazard risks should bear upon outcomes. That discretion extends to choices as between avoidance or simply mitigation. In essence, we interpret this as calling for a properly informed response to identified hazards. That depends on what the evidence reveals as to the nature (including likelihood and seriousness) of the risk presented.

[65] PDP Objective 28.3.2 is as follows:

Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

[66] PDP Policy 28.3.2.2 is as follows:

Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:

- a. accelerate or worsen the natural hazard risk to an intolerable level;
- b. expose vulnerable activities to intolerable natural hazard risk;
- c. create an intolerable risk to human life;
- d. increase the natural hazard risk to other properties to an intolerable level;
- e. require additional works and costs including remedial works, that would be borne by the public.

[67] PDP Objective 28.3.1 seeks that the effects of natural hazards on the community and the built environment be minimised to a tolerable level. Objective 28.3.2 seeks that



development of land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated.

[68] As noted, the PDP is in the early stages of preparation. As such, we find its provisions should be given relatively little weight (although noting that, in terms of the s104D(b) threshold test, we must be satisfied that the Proposal is not contrary to its relevant objectives and policies).

[69] Under s104 RMA, we must also have regard to any relevant provisions of the RPS and pRPS (assuming we are satisfied that the Proposal passes the s104D(b) threshold as a non-complying activity). As appeals on the pRPS's Chapter 4 Natural Hazards have been determined,³¹ its objectives and policies essentially supersede equivalent RPS provisions. Objective 4.1 seeks that the risks that natural hazards pose to Otago's communities be minimised. There are related policies 4.1.1 – 4.1.5 and 4.1.10. Generally, these seek assessment of natural hazards and informed management of the risks and consequences they pose for individuals and communities. Policy 4.1.5 is on the management of natural hazard risk to people and communities with particular regard to certain matters, namely:

- a) The risk posed, considering the likelihood and consequences of natural hazard events;
- b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;
- c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;
- d) The changing nature of tolerance to risk;
- e) Sensitivity of activities to risk.

[70] The cases presented on behalf of Skyline, QLDC and ORC primarily centred on rockfall risk,³² whereas Mr Walker raised concern primarily about fire risk.



³¹
³²

They were allowed in part by consent order dated 28 June 2018.

The s87F Report (at p 71) noted that QLDC's GIS Maps show the site as being subject to a probable low risk of liquefaction, a young active composite alluvial fan of regional scale, and an alluvial fan (ORC identified) labelled as less recently active. However, in her evidence (at [447]), Ms Sinclair acknowledges that the issues associated with the alluvial fan hazard and effects of stormwater flows on slope stability have been resolved (by ORC's grant of regional resource consent). We accept that is the case.

Rockfall risk

[71] As between Skyline, QLDC and ORC (the parties who called evidence on rockfall risk) full agreement was ultimately achieved on a set of conditions for inclusion in any consent for the proper management of rockfall risk. These are in the Agreed Conditions and are, substantially, to the same effect in the Final Conditions.

[72] However, ORC's closing submissions properly describe the process towards that outcome to have been an evolving one. Given the public interest in effective natural hazard risk management, we consider we should traverse the chronology despite the consensus reached by those parties.

Expert evidence and chronology leading to informed full agreement of planners

[73] The application AEE includes a geotechnical assessment by GeoSolve Limited, including of rockfall risk. In his evidence-in-chief for Skyline, Mr Paul Faulkner (a Senior Engineering Geologist with GeoSolve) identified a risk of rockfall for the car park. He recommended remedial works be carried out on the higher bluffs on Bob's Peak.³³ In his evidence-in-chief, Skyline's planning witness (Mr Dent) responded to this with a proposed consent condition. This was to the effect that Skyline would be obliged to inform QLDC of the geotechnical professional familiar with GeoSolve's reports who would supervise, amongst other things, rock anchoring.

[74] In rebuttal of that evidence, ORC called Dr Chris Massey. He is a Senior Engineering Geologist with GNS Science with significant experience in rockfall risk management, particularly following the Christchurch earthquakes. He identified what he termed "deficiencies and uncertainties" in aspects of Mr Faulkner's and GeoSolve's risk assessment (noting, in particular an uncertainty as to the time spent by a person at the toe of the slope between the carpark and the gondola base station). He calculated that the range of risk from landslide (cumulative) hazards at the 'site' is around $1 - 4 \times 10^{-4}$ AIFR³⁴ (as compared to GeoSolve's AEE estimate of $1 - 2 \times 10^{-4}$ AIFR). He opined that the proposed mitigation would not "effectively manage the risk by reducing it to 'tolerable' levels". His essential concern was as to a lack of sufficient information to define inputs

³³ Peter George Faulkner, evidence-in-chief, witness for Skyline, dated 24 April 2018.
³⁴ Annual Individual Fatality Rate.



for the design of mitigation measures.³⁵ Dr Massey also offered the following opinions on risk tolerability:³⁶

- a. The Court should establish risk criteria for determining the tolerability or otherwise of slope instability-related risk at the site, based on societal acceptance of comparable levels of risk arising from other sources. Such criteria should be based around a defined sustainable upper limit of tolerability of AIFR, representing the risk level above which it is not considered tolerable for people to be at risk.
- b. The sustainable threshold of AIFR should be set within a range from 3×10^{-5} to 1×10^{-3} per year, consistent with risk levels currently tolerated in New Zealand and with regulatory practice elsewhere (CR 2011/319). A suitable starting point would be a level of 1×10^{-4} (1/10,000 per year) annual individual fatality risk, which is the level adopted by Christchurch City Council, for the slope hazard zones defined in its replacement district plan.

[75] Dr Massey went on to explain that, if a sustainable threshold is set within a range of 3×10^{-5} to 1×10^{-3} , then mitigation measures are needed at the site to reduce the risk to tolerable levels.

[76] The ORC also called its Manager Policy, Ms Dale Meredith, as a rebuttal witness. Ms Meredith relied on Dr Massey's opinion, including on "the sustainable threshold of AIFR". She observed that what Skyline then proposed would not reduce risk to tolerable levels. She opined that "the level of community tolerance to risk is important in establishing what actions need to be taken to avoid, remedy or mitigate risk, and to address residual risk". She noted this as being "required by" pRPS Policy 4.1.5 and PDP Policy 28.3.2.2.³⁷

[77] ORC then filed a memorandum of counsel noting that a further GeoSolve geotechnical assessment (dated 8 June 2018) had been received ('8 June GeoSolve report'). As this report was received too late to be accounted for in its rebuttal, ORC reserved its position on it.

[78] In his rebuttal evidence in response to ORC's evidence, Mr Dent proposed a significantly revised set of conditions on natural hazard risk management including a specification that Skyline submit to QLDC, as part of the information supplied prior to



³⁵ Dr Chris Massey, rebuttal evidence, witness for ORC, dated 30 May 2018.

³⁶ Dr Chris Massey, rebuttal evidence, witness for ORC, dated 30 May 2018, at [42].

³⁷ Ms Dale Meredith, rebuttal evidence for ORC, dated 30 May 2018, at [14] – [18].

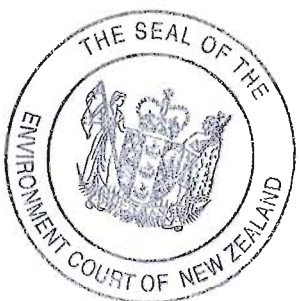
works commencing, details of:

Provision of retaining wall, rock anchoring, rock fall protection, batter, hazard mitigation and drainage detailed designs associated with the development by a Chartered Professional Engineer with associated Producer Statements including the following:

- (i) A final AIFR risk assessment which confirms that the detailed design of the hazard mitigation ensures the required threshold of below 10^{-5} has been obtained; and
- (ii) A management and maintenance plan for annual inspection of the implemented hazard mitigation measures by a suitably qualified geotechnical professional with the primary objectives that inspections shall occur in perpetuity for the lifetime of the car park building operation and ensuring the continued integrity of the installed measures to maintain an AIFR risk tolerability of below 10^{-5} .

[79] Just prior to the commencement of the hearing, a caucusing meeting was undertaken at the instigation of the relevant geotechnical witnesses. It was attended by Dr Massey, Mr Faulkner and Ms Torvelainen (as well as two others who did not give evidence, Mr Ben Mackey of ORC and Mr Michael Wardill of QLDC). A record of what was discussed and agreed at the meeting, dated 11 June 2018, was produced ('11 June caucusing report'/'report').³⁸ This report was written by Dr Massey and signed by all meeting attendees. In some respects, the report was clearly a joint opinion by its signatories. For instance, referring to the 8 June GeoSolve report, it notes that GeoSolve had done "most of the work we discussed during caucusing on 29 May" (a reference to a previous expert conferencing session). It observes that mitigation measures assume that "each line of bunds/fences will stop 95% of the boulders from the bunds/fences above them". However, it further observes that the 5% that get through "could cause the largest damage". It observes that there may be "some constructability issues" with respect to the earth bunds shown in mid slope sections (due to access issues, site constraints and visibility). It recommends that conditions require that the car park building be designed for rockfall impact. It then records various opinions of Dr Massey including that:

- (a) a 95% reduction in rocks reaching the carpark would mean a risk reduction to about 5×10^{-5} (hence within a range of 10^{-4} to 10^{-5} AIFR), although recording that these risk level estimates "have a level of uncertainty associated with them, which could be in the order of half an order of magnitude in either direction";



- (b) this range “could still be within the tolerable limits depending on precedent (e.g. Port Hills)” and the risk reduction that the detailed design achieves should be calculated to demonstrate the residual AIFR “is within the tolerable limits agreed”;
- (c) there should be further consideration, at detailed design, of the debris avalanche issue, i.e. many boulders falling at one time such as in an earthquake.

[80] The report then records the following statement by Dr Massey:

So to answer my original question contained in my rebuttal evidence “Can the currently proposed mitigation measures effectively manage the risk by reducing it to ‘tolerable’ levels? Based on the information provided in the various GeoSolve reports, my answer is that the currently demonstrated design solution could feasibly reduce the AIFR to between 10^{-4} to 10^{-5} . Whether that is acceptable or not is not a question I can answer.

[81] The report also states that all those present at the meeting consider consent conditions “an appropriate method to ensure that the risk from rockfall and debris flow hazards are [sic] reduced to tolerable levels”.

[82] Mr Dent gave evidence on 11 June 2018. When cross-examined on behalf of ORC as to why his rebuttal evidence proposed conditions based on a risk threshold of 10^{-5} , he first noted the emphasis of PDP Policy 28.3.1.3 was on minimising risk as far as practicable. He also referred to discussions he had with Mr Faulkner. He explained that those discussions had led him to understanding that, with mitigation measures being undertaken to the eight bluffs that Mr Faulkner’s report specified, the risk threshold could be achieved.³⁹ He also agreed that there would be a need to secure RMA approval and potentially, Reserves Act approval to install bunding on the hillside as indicated in Mr Faulkner’s report.⁴⁰ When ORC cross-examined Ms Sinclair on the same matters, she agreed that any earthworks for bunding on the hill would be beyond the scope of the current consent application.⁴¹

[83] On 12 June 2018,⁴² following our review of the 11 June caucusing report, we expressed some preliminary views to the parties about the report. We observed that, in

³⁹ Transcript, p 103, l 20 – 33, p 104, l 1 – 5.

⁴⁰ Transcript, p 107, l 7 – 18.

⁴¹ Transcript, p 121, l 14 – 19.

⁴² Transcript, p 28, l 1 – 32, p 29, l 1 – 29.



certain respects particularly as to its assumptions on “tolerable levels”, the report appeared to make matters unnecessarily more complicated. We noted Dr Massey’s reluctance to express a position on what the community would prefer by way of risk tolerance. On that, we invited parties to consider whether the “missing bit of the equation” is a lack of any consultation as would reliably inform the court on community risk tolerance as the pRPS would appear to contemplate. We also noted our understanding that community engagement was an important underpinning of what the Christchurch City Council had proposed as AIFR levels, reflecting community tolerance, for the purposes of the Christchurch Replacement District Plan provisions concerning rockfall risk. In the absence of any reliable evidence on community tolerance of risk, we invited parties to consider whether the focus may be more appropriately on:

- (a) what can be identified as being a reasonably practicable engineering design response to the risk (such as to inform conditions); and
- (b) what, if any, associated review condition may be appropriate for instance if community tolerance information on risk came to light that indicated some adjustments may be appropriate to the conditions.

[84] We observed that, in our preliminary view, such an approach would be preferable to imposing on the court the burden of determining, in an evidential vacuum, a tolerable risk threshold on behalf of the community. On this matter, we observed there are:⁴³

... all sorts of questions about whether or not that’s setting some sort of precedent, how well it sits with how QLDC is operating and consenting matters in the area at the moment, dealing with building consents, dealing with applications for resource consents or developments in and around Bobs Peak and elsewhere in the district where there may be rockfall risk.

[85] According to the court’s prior directions, the three planning witnesses (Mr Dent, Ms Sinclair and Ms Meredith) were recalled together (i.e. ‘hot-tubbed’) for court questioning (after which parties were given rights to ask questions arising).

[86] The court questioned Ms Sinclair as to the consistency or otherwise between other QLDC responses to rockfall hazard issues and the approach being taken to the Proposal.



⁴³ Transcript, p 29, l 34, p 30, l 1 – 4.

[87] One aspect of this concerns what is termed 'Plan Change 50', a plan change that was confirmed, on appeal in 2016. It rezoned land also below Bobs Peak and in relatively close proximity to the Site to allow a mix of residential and commercial development. Ms Sinclair explained that, when QLDC decided to approve that plan change, it relied on advice that the rockfall risk was low.⁴⁴ In essence, her answer indicated QLDC was not then aware of what Dr Massey's evidence now reveals concerning this risk.

[88] Another aspect of consistency Ms Sinclair was questioned about concerns regarding QLDC's practice for notifying 'Land Information Memoranda' (i.e. LIMs) in regard to rockfall hazard matters. Again, Ms Sinclair responded that the GeoSolve analysis and Dr Massey's evidence identifying rockfall risk was "very recent information which is available to us now". As for what this new information would mean for QLDC practices, Ms Sinclair commented that there would be a need for follow up discussion with ORC and that there may be a need to then work out a QLDC approach, possibly involving community engagement and "some consultation with the persons affected as to what their tolerability of risk might look like". However, she was not in a position to offer further comment, as it would be simply conjecture, in the absence of any budget provision for community engagement.⁴⁵ Ms Sinclair later clarified, following her enquiries, that "there's no workstream being undertaken for a district wide risk tolerability assessment".⁴⁶

[89] Each witness was asked what the implications would be, in RMA terms, if rockfall risk could not be adequately mitigated for the Proposal:

- (a) Ms Sinclair answered that, under such a scenario, consent should be declined. That is on the basis that the Proposal would fail the non-complying activity threshold (being contrary to related objectives and policies) and be contrary to pt 2. Hence, under such a scenario, she considered that it should be declined;⁴⁷
- (b) Ms Meredith was not then prepared to express an opinion on these matters in the absence of knowing the particular combination of mitigation action proposed;⁴⁸



⁴⁴ Transcript, p 131, l 31 – 34, p 132, l 1 – 13.

⁴⁵ Transcript, p 136, l 26 – 30, p 137, l 1 – 34, p 138, l 1 – 8.

⁴⁶ Transcript, p 139, l 6 – 20.

⁴⁷ Transcript, p 132, l 27 – 32, p 133, l 1 – 8.

⁴⁸ Transcript, p 133, l 17 – 25.

- (c) Mr Dent expressed the view that, assuming practicable risk minimisation measures were specified, granting consent would not be contrary to relevant objectives and policies. In essence, under such a scenario, he considered that consent could be granted.⁴⁹

[90] In regard to ODP and PDP policies on risk “minimisation”, all planners agreed that this is properly to be read as “practicable minimisation”. They also agreed that, in order to be practicable, risk minimisation needed to be able to be done within the scope of the consent application and the restraints of the Reserves Act and be commercially viable (although Ms Meredith noted that there may be a need “to look at the wider environment”).⁵⁰

[91] Each of the planners also agreed that, at that stage, they were limited in their ability to finalise their opinions on conditions because they did not then have full clarity from Skyline on what it considered practicable minimisation of the rockfall hazard risk.⁵¹ Skyline’s planner, Mr Dent, observed:⁵²

Yes, particularly with respect to what design standards may be able to be applied to the building itself, the protective measures behind the building, between the building and the primary cut face and whether it's practicable to construct a rockfall shelter, I haven't got sufficient information about those matters at present.

[92] This process led to directions being made prior to the 11 June adjournment. The essence of those was to timetable:

- (a) provision by Skyline of supplementary evidence on its proposed practicably feasible rockfall hazard mitigation measures;
- (b) further planning witness conferencing in light of Skyline’s supplementary evidence;
- (c) any requested hearing resumption for cross-examination of witnesses on the supplementary evidence and outcome of further witness conferencing; and
- (d) closing submissions.

⁴⁹ Transcript, p 133, l 27 – 32, p 134, l 1 – 5.

⁵⁰ Transcript, p 140, l 1 – 31, p 141, l 1 – 10.

⁵¹ Transcript, p 143, l 15 – 28, p 144, l 1 – 6.

⁵² Transcript, p 144, l 1 – 6.



[93] Skyline's supplementary evidence was in the form of an affidavit from Mr Dent. On Skyline's behalf, Mr Dent proposed a set of consent conditions that would, in summary, require Skyline to:

- (a) undertake rock anchoring, removal and/or mesh covering of eight specified and mapped bluffs prior to use and occupation of the carpark;
- (b) submit for QLDC certification a management and maintenance plan for all implemented rockfall minimisation measures, including provision for annual inspections and post-event inspections and reports for specified events (e.g. concerning fire, landslide, earthquake, rainfall, rockfall or debris flow);
- (c) ensure closure of the carpark to the public for any implementation of remedial or repair measures required to maintain the integrity of rockfall minimisation measures;
- (d) arrange and facilitate meetings with licensed commercial operators of Ben Lomond Reserve and QLDC's General Manager Community Services to achieve a joint Natural Hazards Event Response Plan with respect to rockfall and debris flow (and covering specified matters concerning evacuation, designated points of contact, development of a strategy for residual risk) – with contingencies for non-attendance by or failure to agree with operators;
- (e) submit to QLDC for certification the Natural Hazards Event Response Plan covering specified matters to QLDC for certification;
- (f) install rockfall warning signage at specified locations and undertake measures for managing certain activities in locations subject to a higher rockfall risk exposure, including;
- (g) control access to the rear of the carpark and coach passenger embarkation and disembarkation points;
- (h) avoid the congregation of passengers at the toe of cut slopes and require coach drivers to remain in their coaches within coach parks 1 – 7;
- (i) provide information to QLDC to demonstrate that the carparking building will be constructed to 100% of the New Building Standard of the Design Code NZS 1170.5:2004; and
- (j) provide ability for QLDC to review consent conditions:
 - (i) upon receiving the specified reports, so as to avoid, remedy or mitigate any exacerbated risk of adverse effects of rockfall and debris flow; and/or



- (ii) in the event that ORC or QLDC identify a risk tolerability threshold for Ben Lomond Reserve within the RPS, a regional plan or the district plan.

[94] Mr Dent's affidavit also explains the outcome of various enquiries he had made of Skyline management and relevant experts to satisfy him that the measures required by these conditions would be feasible. He records that he met with senior Skyline managers and directors and senior QLDC managers to explain and discuss the proposed mitigation works (including access issues for the reserve).⁵³ He notes that Skyline and Mr Faulkner agree that the proposed mitigation measures are physically practicable to implement and, on the basis of a preliminary cost prediction (\$535,000 + GST + \$60,000 contingency) would not hinder the project's financial viability. He further explains that a related mitigation works plan has been prepared by Patterson Pitts Group for inclusion in any consent. Further, he says that GeoSolve has undertaken analysis to confirm that the m³ volumes of material referred to in the volunteered condition 2(c)(iv), and the volunteered limit on debris flow (each pertaining to carpark closure and follow up inspection triggers) are properly conservative. He also explains that the volunteered requirement to construct the carpark building to 100% New Building Standard of the Design Code NZS 1170.5:2004 is on advice from Skyline's structural engineers, Holmes Consulting Group. He reports that Holmes confirms there is no specific design code to reflect the requirements of rockfall protection but advises that construction to this standard will provide some protection from rockfall and debris flow, in terms of various "very robust" design features. He quotes a passage from Holmes Group's advice to Skyline in support of that position.

[95] Mr Dent's affidavit goes on to explain why, on analysis, Skyline determined that other mitigation measures would not be practicable (high tensile steel mesh fence, impact absorbing treatments on the carpark's western wall, construction of a rockfall shelter over the western footpath).

[96] As noted, Mr Dent's affidavit was considered by the planners in conferencing. Their JWS accepts what it explains and records the planner's agreement that it is



⁵³

The meeting, on 25 June 2018, was attended by Mr Dent and Mark Quickfall (Skyline Exec Chairman), Geoff McDonald (Skyline CEO), Matthew Freeman (Skyline Project Manager), Mike Theelan (QLDC CEO), Tony Avery (QLDC GM Planning and Development), Richard Pope (QLDC Property Director), Thune Cleote (QLDC GM Community Services), Peter Hansby (QLDC GM Infrastructure and Property).

appropriate that the Proposal be granted consent on their Agreed Conditions (those conditions being substantially similar to those offered in Mr Dent's affidavit).

[97] As Mr Walker sought opportunity to cross-examine the planning witnesses, the hearing resumed on 3 September 2018.

[98] Mr Walker's cross-examination of the planning witnesses only traversed rockfall hazard matters to a limited extent. He asked Ms Sinclair about the fact that QLDC does not have, and has not asked Skyline for, a "risk tolerability threshold" for the rockfall hazard. She confirmed that he was correct in his understanding of these matters. Predominantly, he focussed on fire risk issues which we address at [102] – [110].

Closing submissions

[99] QLDC's closing submissions support as appropriate the rockfall mitigation measures as reflected in the Agreed Conditions.⁵⁴ Similarly, ORC submits that, because Skyline has undertaken to carry out and maintain the mitigation works, the related Agreed Conditions (as justified by the evidence) can be endorsed by the court such that consent can be granted.⁵⁵ Skyline refers to its offered mitigation works as "extensive" and meaning that the Proposal cannot be contrary to related objectives and policies and should be consented on those Agreed Conditions.⁵⁶

[100] Hence, all parties who called expert evidence on these matters now support consent being granted on the Agreed Conditions.

[101] The Final Conditions modify some of the Agreed Conditions to overcome drafting uncertainties. However, we find that this redrafting retains the substantial drafting intentions and that the Final Conditions are supported on the evidence and appropriate.

Fire risk

[102] As noted, the RMA definition of 'natural hazard' refers to fire as a type of such hazard. The above-noted RMA principles on natural hazards and related pRPS, ODP

⁵⁴ Closing submissions for QLDC, dated 10 September, at [6] – [13].

⁵⁵ Closing submissions for ORC, dated 10 September 2018, at [11] – [14], [47].

⁵⁶ Closing submissions for Skyline, dated 17 September 2018, at [24] and [28].



and PDP objectives and policies are, therefore, relevant to our consideration of this matter. The matter of fire risk was extensively addressed in the consideration of the Gondola Upgrade Proposal, as is reported in the 2017 Decision. Conifer trees, as are extensively present on Bobs Peak, are a related fuel source. As explained in the s87F Report, Skyline's gondola facilities are in a fire risk area identified as 'Red Zone Queenstown' and the Department of Conservation is the responsible fire authority. The Carpark Building, including parked vehicles, is another potential fuel source.

[103] QLDC and Skyline are satisfied that the management of fire risk is appropriately addressed in the Agreed Conditions. Unlike the conditions concerning rockfall hazard, the fire hazard conditions have remained relatively unchanged from those initially proposed on behalf of Skyline. In addition to conditions that bear upon fire risk management (including access, carpark security and such matters), the proposed Final Conditions would require Skyline to:

- (a) prepare (in consultation with other licenced commercial operators of the Ben Lomond Recreation Reserve) a Natural Hazards Event Response Management Plan and a Fire Risk and Evacuation Management Plan ('Plans') and have these certified by QLDC's Manager, Resource Consents. Amongst other things, these Plans would have to include a detailed management strategy for fire risk control over the reserve and require that an agreed action plan be submitted to the Otago Rural Fire Authority (cc 114 – 118);
- (b) arrange and facilitate annual meetings with other licenced commercial operators of the reserve for the purposes of updating the Plans (including in relation to any new operators) and to submit these updated Plans to the QLDC manager (c 119).

[104] Those Final Conditions are substantially the same as the Agreed Conditions. QLDC's and Skyline's planning witnesses, Ms Sinclair and Mr Dent, agree that the Agreed Conditions are appropriate and sufficient. Nor does ORC pursue any further provision against fire risk.

[105] However, Mr Walker, in his closing submissions, raises concerns that the court has not received sufficient evidence on fire hazard matters (including cumulative effects). Specifically, he refers to "threshold tolerability, evacuation, fire proofing existing buildings, fire-fighting fuel explosion, night fire-fighting, air attack fire firefighting, water



sources, evacuation shelters for elderly-incapable and infirm". He also submits that the court has not received "actual plans to ensure that fire breaks, tree removal and undergrounding of power lines will physically and effectively be undertaken to ensure that fire does not require short notice evacuation of persons on Ben Lomond Reserve".⁵⁷

[106] Mr Walker suggests that it would be ultra vires for the court to consider any duty of care QLDC owes to users of Ben Lomond Reserve. He argues that a recent High Court decision on negligence in relation to a tree that fell in a public reserve in Queenstown is relevant. On that, we disagree as we must decide the application according to the RMA, not civil liability principles.

[107] Mr Walker makes submissions on other matters that do not have any relevant bearing on the matters we must consider in determining this RMA application. In particular, his closing submissions allege that QLDC and Skyline have "ignored the Vesting and Empowering Act legislation on titles and have therefore acted contrary to that Act". Those are not matters for our enquiry. He also requests an adjournment for "Commerce Commission appraisal of" certain statements pertaining to the "Red Zone Management plan". Mr Walker does not disclose that he has made any application to the Commerce Commission on these matters. In any case, given the different legislative purposes of our determination under the RMA, we find it inappropriate to grant any adjournment for any Commerce Commission enquiry that Mr Walker may seek.

[108] In closing, Skyline notes Mr Walker's concerns but adopts the planning witnesses' view that fire risk matters are appropriately addressed in the Agreed Conditions. On the matter of cumulative effects, Skyline submits that these would be fully accounted for by its anticipated imposition of fire risk management conditions in any consent granted for the Gondola Upgrade Proposal. In response to Mr Walker's concern about cars being accumulated on the Site, Skyline notes that the Site is already used as a carpark and the Proposal will alleviate risk in the fact that the new building would include fire sprinklers. Overall, Skyline submits that fire risk effects are not unacceptable, and would be appropriately mitigated and, hence, do not preclude grant of consent.⁵⁸



⁵⁷ Closing submission of Basil Walter dated 9 September 2018, at [6] – [8].

⁵⁸ Skyline closing submissions, dated 17 September 2018, at [9] – [11].

[109] As with other natural hazard conditions, the Final Conditions overcome drafting infelicities in the Agreed Conditions but remain to substantially the same effect. We find the Final Conditions are supported on the evidence and are appropriate.

Wider statutory duties and powers in regard to natural hazards

[110] We acknowledge as genuine Mr Walker's concerns about the potential loss of life consequences of a fire on Bobs Peak.

[111] However, we are satisfied that the Final Conditions are sufficient and appropriate for RMA purposes. We do not accept Mr Walker's submission that we cannot take judicial notice of QLDC's wider statutory responsibilities for fire or other natural hazard risks for users of Ben Lomond Reserve. Rather, we consider it important to record that the RMA sits within a wider statutory framework in which QLDC and others have related duties and powers in regard to management of these risks. We refer to these matters in some detail in the 2017 Decision concerning the Gondola Upgrade Proposal. Those statutes include the Health and Safety at Work Act 2015 ('HSWA'), the Electricity (Hazards from Trees) Regulations 2003 ('EHFTR') and the Fire and Emergency New Zealand Act 2017 ('FENZA').

[112] This decision does not relieve QLDC or any other person from other statutory natural hazard risk management duties and responsibilities.

[113] Following Mr Walker's extensive cross-examination of the planning witnesses in relation to their Agreed Conditions, the court put questions to Ms Sinclair on the matters we have just traversed. In the interests of reassuring Mr Walker about these matters, we record that exchange:⁵⁹

- Q I've just got one, I think, question at this stage. If we go to 76 and those conditions again. So perhaps, Ms Sinclair, to you first, am I right to understand that when it comes to the enforceable obligation in these conditions, it's not intended that the applicant be held liable for, say, a third party not adhering to the management plan?
- A Correct.
- Q And am I right to understand too that these conditions are intended, if you like, to assist those agencies who have requisite other statutory obligations in regard to fire management, it's not replacing those obligations?



⁵⁹ Transcript 3 September 2018 hearing, p 30, l 25 – 30, p 31, l 1 – 21.

- A No.
- Q So, for instance, the council bears those obligations as the landowner?
- A Yes.
- Q And there's also the fire management regime of the new legislation that we've heard about in the prior hearing?
- A Yes.
- Q And it's not intending to supplant or replace that is it?
- A No, it's not.
- Q All right, thank you. Just as an observation, it seems to me that in our decision, and picking up on Mr Walker's cross-examination too, it may be important, as we did in our first decision, to make it quite explicit that the Court is taking judicial notice of the fact that there are agencies with direct statutory responsibilities in regard to fire management on that hill and that the resource consent and its conditions will in no way replace those obligations.
- A That's my understanding.

'Intolerable risk' and determination of a community's tolerance of risk

[114] We have considered the pRPS and PDP policies that refer to concepts of 'intolerable risk' and a community's tolerance of risk. We also noted Dr Massey's evidence to the effect that it is for the court to make a judgment for and on behalf of the community about these matters. We have also recorded the preliminary observations the court made to the parties, prior to the adjournment, as to the difficulties presented for the court in making a properly informed judgment on such matters in the context of determining a resource consent application where the evidence does not elicit any reliable evidence on community preferences (e.g. in regard to any AIFR against which natural hazard mitigation is benchmarked).

[115] It is important to note that there is a materially different expression between the relevant PDP and pRPS policies. PDP objectives 28.3.1 and 28.3.2 and policy 28.3.2.2 are relevant to our consideration of the s104D RMA threshold. Objective 28.3.1 and policy 28.3.2.2 refer simply to 'intolerable risk', 'intolerable level' and minimal to a 'tolerable level'. That is, by contrast to pRPS policy 4.1.5, which refers to the 'community's tolerance of risk'.

[116] The expert evidence on natural hazard management, including the JWS, sufficiently satisfies us that the residual risk presented by the Proposal, with the mitigation measures in place, will not be intolerable. That is an informed judgment based on various factors, including the experience of the witnesses who offered opinions that the package



is appropriate.

[117] We record that we do not base our findings on the decisions made by the Independent Hearings Panel ('IHP') on the Christchurch Replacement Plan ('CRDP') Port Hills rockfall hazard controls. That is simply because the present case has a different factual context. Specifically, the relevant Port Hills provisions were proposed by Christchurch City Council, and ultimately determined, following an extensive process of community engagement on the matter of risk tolerability. In particular, the IHP's Decision 6 relevantly records a significant acknowledgement of community engagement concerning what was proposed as a suitable AIFR in its findings concerning Mr Tony Taig's evidence, as follows:⁶⁰

The Council's use of AIFR as the metric to estimate risk and establish boundaries aligned with his recommendations, and he said that the graduated thresholds provided to manage such risk were proper. (We note that the opportunity for community consultation as to what is or is not acceptable was available through steps taken by CCC pre-notification, through the notification of the chapter (based on the Council's decision), consultation and our own hearing process.)

[118] We did not receive any evidence that any such equivalent process of engagement has been undertaken (indeed Ms Sinclair understands it has not). Hence, it would be inappropriate to borrow into the different context of Queenstown anything from the CRDP context on any basis that it has wider community risk tolerance currency.

[119] While we have had due regard to the pRPS, we find its policy 4.1.5 on community tolerance of risk cannot be reflected in this decision beyond our finding that the agreed conditions will achieve sufficient mitigation to mean residual risk is tolerable.

Overall findings concerning rockfall, fire and other natural hazard risks

[120] For those reasons, we accept the consensus opinion of the planning witnesses in finding that, granting consent on the Final Conditions concerning natural hazard risks:

⁶⁰ IHP Decision 6 Natural Hazards (Part) (and relevant definitions and associated planning maps), dated 17 July 2015, at [76].



- (a) is not contrary to, and is properly in accordance with, relevant objectives and policies of the ODP and PDP (and is also properly in accordance with the RPS); and
- (b) properly recognises and provides for the management of significant risks from natural hazards and promotes sustainable management insofar as the matter of natural hazard risk management is concerned.

Final conditions address drafting issues with the Agreed Conditions

[121] Having reviewed the Final Conditions, we are satisfied that they are properly complete and sound in overcoming the significant drafting flaws we identified in the Agreed Conditions. However, it would not be complete for us to leave this matter there. Although the Agreed Conditions were offered to the court as satisfactory and fit for purpose, that was far from the case. Many of them failed basic requirements of enforceability and certainty, as the court's Minute traversed in detail.⁶¹ So as to assist parties to rectify that, the Minute offered extensive drafting and restructuring suggestions to the Council for consideration. That tied up scarce court resources for several days and has meant an associated significant delay in the issuing of this decision (bearing in mind that the Council provided its response in the Final Conditions by memorandum of 5 December 2018). Given the scale and importance of this project, it is unfortunate that this occurred as a consequence of relevant parties not giving sufficient early and considered legal input into this drafting task. Complex drafting of this nature should not be left to planning witnesses to achieve without such input.

Conclusion


[122] Subject to determination of the Gondola Upgrade Proposal, the Carpark Building Proposal satisfies all RMA requirements for consent on the conditions in the **Annexure**. A timetable will be set for closing submissions on the Carpark Building Proposal by separate Minute.

⁶¹ Minute as to technical drafting of conditions, dated 19 November 2018.



[123] Costs are reserved and a timetable will be set once the Gondola Upgrade Proposal application is determined.

For the court:



J J M Hassan
Environment Judge



Annexure

Conditions for inclusion in any consent

Description of the Activity

Land use consent to construct, operate and maintain at 53 Brecon Street, Queenstown on various sites legally described as Part Section 110 Block XX Shotover Survey District, Lot 2 Deposited Plan 345184, Lot 4 Deposited Plan 345184, Part Section 129 Block XX Section 1 Survey Office Plan 22971 and Part Section 131 Block XX Shotover Survey District:

- a multi-level commercial carpark building with associated bus parking and bicycle parking facilities,
- new or modified vehicle, mountain bike and pedestrian accesses,
- fencing and landscaping,
- natural hazard protection works,
- infrastructure services, and
- associated earthworks, tree removal and construction activities,

(the 'development') subject to and in accordance with the following conditions.

Interpretation

1. In this consent, unless where the context otherwise requires:
 - (a) 'CCP' means the Construction Communications Plan required by condition 86.
 - (b) 'CNVMP' means the Construction Noise and Vibration Management Plan required by condition 79.
 - (c) 'CSMP' means the Construction Site Management Plan required by condition 12.
 - (d) 'Engineering Review and Acceptance' means the process specified in the Land Development and Subdivision Code of Practice for determining that works are in proper accordance with the Code.
 - (e) 'Geotechnical Investigation Work' means those works for the purposes of informing the design and implementation of 'Rockfall and Alluvial Fan Hazard Mitigation Works';
 - (f) "Hazard Works Maintenance Plan' means the plan for maintenance of the Rockfall and Alluvial Fan Hazard Mitigation Works as required by condition 58.
- 'KBP' means Kiwi Birdlife Park located at Part Section 131 Block XX Shotover Survey District.
- 'Key Stakeholders' mean those people and organisations referred to in Appendix 2.



- (i) 'Land Development and Subdivision Code of Practice' and 'Code' mean the Land Development and Subdivision Code of Practice' adopted by QLDC on 3 June 2015 and subsequent amendments to that document up to the date of commencement of the resource consent.

Note: the current Code is available on the QLDC website via the following link: <http://www.qldc.govt.nz>

- (j) 'QLDC' means the Queenstown Lakes District Council.
- (k) 'Reserve FREMP' means the Ben Lomond Reserve Fire Risk and Evacuation Management Plan required by condition 114.
- (l) 'Reserve NHERMP' means the Natural Hazards Event Response Management Plan required by condition 120.
- (m) 'Rockfall and Alluvial Fan Hazard Mitigation Works' means works designed by a suitably qualified and experienced Chartered Professional Engineer both to:
- (i) mitigate the hazard presented by rock bluffs 10, 11, 12, 13, 15, 16, 28 and 29 (including rock anchoring, removal and or/mesh covering of bluffs) as detailed in Table 3.1 and Figure I of the GeoSolve Report Ref:160073.03 dated 14 May 2018 and as shown located and identified in the plan prepared by GeoSolve titled Skyline Enterprises Ltd, Carpark Building, Skyline, Queenstown, Rockfall and Alluvial Fan Assessment, Site Plan, Figure I, Revision O, dated May 2018, attached as to this resource consent at Appendix 3; and
 - (ii) provide permanent slope stability (including rock anchoring, rock fall protection, retaining walls, drainage in the gully, batter and other slope stability measures) for the main Site cut immediately behind the car park building and for the building platform in accordance with the recommendations of the GeoSolve "Geotechnical Report For Resource Consent – Car Park Building Queenstown" dated August 2017.
- (n) 'Reserve' means the Ben Lomond Recreation Reserve.
- (o) 'STMP' means the Staff Transportation Management Plan required by condition 97.
- (p) 'TMP' means the Traffic Management Plan required by condition 17.
- (q) 'TM&CPMP' means the Transportation Monitoring and Car Park Management Plan required by condition 100.
- (r) Where conditions 51 to 54 are prefaced by the words "Prior to the commencement of any works" this shall not preclude Geotechnical Investigation Works or Rockfall and Alluvial Mitigation Works.

General

2. All works and activities under this consent must be undertaken in general accordance with the relevant plans in Appendix 1 and the application (except insofar as any condition of this consent provides otherwise).
3. Until the consent holder has paid all fixed and any additional charges imposed under section 36 Resource Management Act 1991, no work or activity authorised by this consent may be undertaken.



4. 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 must pay to QLDC an initial fee of \$290 including GST. This initial fee has been set under section 36(1) of the Act.

Engineering

5. Construction works must be carried out in accordance with the QLDC's Land Development and Subdivision Code of Practice.
6. Except in relation to Geotechnical Investigation Work and Rockfall and Alluvial Fan Hazard Mitigation Works (to which this condition and conditions 7-10 do not apply), the consent holder must:
 - (a) not less than 10 working days prior to commencing any earthworks, submit to QLDC's Manager Resource Management Engineering for review and certification (as being in accordance with paragraph (b)) a construction methodology statement ('Construction Methodology Statement', 'CMS') prepared by a suitably qualified engineer; and
 - (b) the CMS must specify:
 - (i) the stages of, and methodologies for, excavation and construction;
 - (ii) effective groundwater control measures;
 - (iii) retention measures to ensure adequate support is provided to the excavation; and
 - (iv) measures to ensure adequate protection is provided to surrounding land, structures, roads and underground services.
7. No construction works (except for any Geotechnical Investigation Work and Rockfall and Alluvial Fan Hazard Mitigation Works as outlined in Condition 52) can commence until the Construction Methodology Statement is certified.
8. Construction works must be undertaken under the supervision of a suitably qualified geo-professional ('the 'Supervisor') as notified under Condition 40 defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with:
 - (a) the GeoSolve reports titled "Geotechnical Report for Resource Consent, Carpark Building Queenstown Skyline" dated August 2017;
 - (b) the "Stormwater Discharge – Detailed Hazard Assessment, Skyline Upgrade Queenstown" dated September 2017 Revision 1 (together 'Geosolve Reports'); and
 - (c) the Construction Methodology Statement.
9. Construction works must be undertaken in accordance with the Construction Methodology Statement except where Condition 10 applies.
10. Where site conditions are found unsuitable, the consent holder may apply a methodology not specified in the Construction Methodology Statement provided that:
 - (a) the methodology is considered satisfactory to the Supervisor;
 - (b) except where the methodology is necessary for interim stabilisation, a methodology statement is submitted to QLDC's Manager of Resource Management Engineering prior to that methodology being applied; and



- (c) when the methodology is necessary for interim stabilisation, a methodology statement is submitted to that QLDC Manager as soon as is practicable.
11. In conditions 11 to 16, 'Engineering Review and Acceptance' means the process specified in the Land Development and Subdivision Code of Practice for determining that works are in proper accordance with that Code.
 12. Not less than 10 working days prior to commencing work on site (except Geotechnical Investigation Work and Rockfall and Alluvial Fan Hazard Mitigation Works to which this condition does not apply), the consent holder must submit to the QLDC Manager Resource Management Engineering for Engineering Review and Acceptance a Construction Site Management Plan ('CSMP') that is in accordance with conditions 13 and 14.
 13. The CSMP must be in accordance with:
 - (a) the Land Development and Subdivision Code of Practice; and
 - (b) the draft construction management plan submitted with the application titled "Skyline Enterprises Limited Car Park Building, Brecon St, Queenstown – Construction Management Plan" dated 12 July 2017.
 14. The CSMP must detail those measures that will be applied during construction for the effective management of construction effects including the following:
 - (a) measures for the control of dust and prevention of dust nuisance including sprinklers and water carts; and
 - (b) measures for control of management of stormwater flows and silt and sediment during earthworks including:
 - (i) silt traps (in the form of fabric filter dams or straw bales) and site drainage paths including to avoid sediments entering the QLDC stormwater reticulation system;
 - (ii) measures for the management of stormwater flows into the site from neighbouring land;
 - (iii) measures to minimise exposed areas including staging;
 - (iv) processes to stabilise the site in preparation for inclement weather; and
 - (v) specification of a principal contractor responsibility to take proactive measures to prevent sediment laden stormwater from entering the QLDC reticulated stormwater system.
 - (c) measures to maintain the road in a clean and tidy condition free of mud and debris including:
 - (i) wheel washing and gravel hardstanding (to sufficient depth); and
 - (ii) specification of a principal contractor responsibility to regularly clean (including by mechanical sweeper) the site entrance and the sections of road within 100m of the site entrance.
 - (d) measures for the safe and efficient management of traffic including:
 - (i) use of on road warning signage in proximity to the site entrance;
 - (ii) maintenance of safe adequate pedestrian routes along Brecon Street;



- (iii) measures to ensure the safety of staff and contractors whilst working on the road (including use of safety 'dayglo' vests or similar);
 - (iv) traffic management provision to maintain safety including in regard to sight distances and vehicle movements; and
 - (v) arrangements to ensure staff and contractors do not park on Brecon Street or on other surrounding roads during the earthworks and construction phases of the development.
 - (e) processes for the regular maintenance and review and, if necessary, alteration of and addition to such measures so as to ensure effective management of construction effects.
15. The consent holder must comply with the certified CSMP including in regard to any measures specified to be taken prior to commencement of earthworks on site and until exposed areas of earth are permanently stabilised to the reasonable satisfaction of the QLDC Manager Resource Management Engineering.
16. Without limiting condition 15:
- (a) in the event that any debris or other material is deposited on or soils any road the consent holder must take immediate action, at its cost, to return the road to a clean and tidy state; and
 - (b) the consent holder must ensure that the loading and stockpiling of earth and other materials is confined to the site.
17. The consent holder must:
- (a) not less than 7 working days prior to work commencing on Site, submit to QLDC's Road Corridor Engineer a Traffic Management Plan ('TMP') prepared by an appropriately qualified Site Traffic Management Supervisor (STMS);
 - (b) prior to work commencing on Site, submit a copy of the approved TMP to QLDC's Manager Resource Management Engineering; and
 - (c) ensure implementation of the approved TMP at all times during the construction period including by ensuring any relevant contractor(s) employs a qualified STMS on Site with responsibility for such compliance.
18. At least 5 working days prior to commencing work on site the consent holder must advise the Manager Resource Management Engineering at QLDC of the scheduled start date of construction works.
19. Prior to the commencement of construction of the carpark building, the consent holder must provide to QLDC's Manager Resource Management Engineering design plans, calculations and specifications that demonstrate that the building will be constructed to a minimum 100% New Building Standard of Design Code NZS 1170.5:2004.7.
20. The foundation for the carpark building must be designed and constructed under the supervision of a suitably qualified and experienced Chartered Professional Engineer with associated Producer Statement – Design (PS1) and in accordance with:



- (a) the GeoSolve "Geotechnical Report For Resource Consent - Car Park Building Queenstown" dated August 2017; and
- (b) Engineering Review and Acceptance.

21. The development must include provision for stormwater collection and disposal according to a design ('Stormwater Collection and Disposal System Design') that:
- (a) provides primary and secondary protection for future development within the site;
 - (b) is on the basis of modelling using actual controlled discharge with the estimated maximum KBP pond level confirmed;
 - (c) accounts for details of the existing discharge control(s) on the KBP site pond and any required modifications to prevent downstream pipework surcharging and flooding; and
 - (d) is in accordance with Council's standards, Council's connection policy and the Fluent Solutions Report titled "Queenstown Gondola Base Carpark Building Development Stormwater Management Plan" dated 14 August 2017.
22. The car park building must include a fire-fighting supply system, including extensions to Council's existing water main system where required, that ensures adequate flow and pressure of water and any other fire-fighting agent(s) to service the development site according to a design ('Fire-Fighting Supply Design') that:
- (a) provides:
 - (i) a sprinkler system for the car park building to ensure fire spread is adequately contained;
 - (ii) any required booster pump(s); and
 - (b) is certified by a suitably qualified professional that it complies with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008) (and the consent holder must provide to QLDC Manager Resource Consent Engineering a copy of that certification together with the Fire-Fighting Supply Design).
23. The stormwater disposal and fire-fighting supply systems must be kept and maintained in sound order and in accordance with their design specifications.
24. All vehicle accessways, manoeuvring areas and the car parking areas must:
- (a) be constructed and sealed to Council's standards and in accordance with the Wyatt & Gray Drawings A100 (Revision D dated 28/11/17), A101, A102 and A103 (all Revision C, dated 28/11/17); and
 - (b) in relation to external lighting include lighting in accordance with the Queenstown Lakes District Council Southern Light Strategy Parts One – A Lighting Strategy March 2017 and Part Two Technical Specifications July 2017.
25. The development must provide:
- (a) 448 parking spaces within the car park building not less than 350 of which must be for the exclusive use of the consent holder's staff and visitors (including 100 for staff);
 - (b) seven on-site coach parking spaces for the exclusive use of the consent holder's staff and visitors and associated pedestrian area amenity enhancements;
 - (c) in addition, two short term coach parks on the western side of the vehicle access way, the design of which must be informed by a swept path analysis to ensure the location of kerb lines provide for the tracking of coaches into and out of the designated parks;
 - (d) a dedicated staff bicycle parking area in the location shown on the Wyatt & Gray Drawing A101 Revision C dated 28/11/17 for a minimum capacity of 10 bicycles; and



- (e) a dedicated public bicycle parking area in the location shown on the Michelle Snodgrass Landscape Plans titled "Landscape Plan Gondola Car Park Building Response to QLDC RFI 14 Nov 2017" Sheet 1 of 4 for a minimum capacity of 10 bicycles.
26. The upper two floors of the car park building must be allocated exclusively to staff carparking (except those staff with appropriate disabled parking permits who require a ground floor parking space).
 27. All carparking, coach parking and bicycle parking areas and all loading spaces must be clearly and permanently marked out.
 28. The following signage must be provided in relation to the carpark building:
 - (a) signage restricting the speed limit to 10km/hr;
 - (b) advance warning signage advising of the minimum height clearances; and
 - (c) signage requiring mountain bike riders to ride slowly and to comply with the posted speed limit.
 29. A shared walking and cycle track must be provided extending from Brecon Street to Hamilton Road and to the following specifications:
 - (a) detailed design must be generally to Grade 2 Standard, and the track must be no less than 2.0m wide in general accordance with the latest version of the QLDC Cycle Trail Design Standards and Specifications; and
 - (b) track lighting must be provided in general accordance with the QLDC Southern Light Strategy (Part One-A Lighting Strategy March 2017, and Part Two- Technical Specifications July 2017).
 30. A turning bay intersection from Man Street into Brecon Street must be formed to a design that:
 - (a) is informed by the use of agreed peak hour traffic volumes for traffic modelling to determine the queueing/turning lengths required;
 - (b) is in accordance with the latest Austroads intersection design guides;
 - (c) has been reviewed and certified by QLDC's General Manager Infrastructure (with any associated costs met by the consent holder) that the design is in accordance with the requirements of this condition; and
 - (d) includes all necessary changes to road markings, signage pedestrian areas and parking areas and controls.
 31. All on-street public 90 degree and angled parking bays along Brecon Street must be removed and replaced with parallel parking spaces according to a design that includes all necessary changes to road markings, signage, and parking controls.
 32. A commercial cul-de-sac turning head must be formed at the top end of Brecon Street in accordance with QLDC standards. This condition can be satisfied by the provision of specifications, calculations, design plans and Schedule 1A design certificates prepared by the consultants appointed by QLDC to design the Brecon Street upgrades as part of the Queenstown Town Centre Master Plan works in association with the Council's Infrastructure and Property Department.

33. Access connections through the site from Brecon Street must be designed and formed to:



- (a) comply with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice;
 - (b) be in accordance with Wyatt & Gray Drawing A100 Revision D dated 28/11/2017 and Patterson Pitts Group Drawing Q4115i-64 Sheet 109 Rev A dated 15/11/2017; and
 - (c) provide for all necessary signage including a 10km/hr sign and markings to control the one-way nature of the access to/from Brecon Street.
34. Prior to the commencement of any of the works in conditions 19 to 32, Engineering Review and Acceptance must be obtained for those works and in respect of condition 29 the detailed design must be submitted to the QLDC Manager Parks and Reserves for certification that the works are in accordance with that condition. The application for Engineering Review and Acceptance must be submitted to QLDC's Manager Resource Management Engineering and include the following:
- (a) copies of all specifications, calculations, design plans and Schedule 1A design certificates demonstrating compliance with condition 19 to 32; and
 - (b) a detailed work schedule, accompanied by the written confirmation of the service provider(s), for the proposed relocation and undergrounding of any existing power poles/services within any of the construction zones.
35. The consent holder must provide to QLDC's Manager Resource Management Engineering prior to commencing any works on site (with the exception of the Geotechnical Investigation Work as defined in condition 1) design certificates by a suitably qualified design professional for all engineering works associated with this development submitted (for clarification this must include all Roads, Water, Wastewater and Stormwater reticulation). The certificates must be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
36. The carpark building must not be opened for use by the public or the staff of the consent holder prior to the completion of all the works specified in conditions 19 to 32.
37. For the avoidance of doubt, where any of conditions 19 to 32 require works on public roads or other land beyond the control of the consent holder, those requirements may also be satisfied by the specified works being done by any other person.
38. The consent holder must ensure that, not less than 2 working days prior to commencing work on site, all contractors meet with the consent holder and QLDC Resource Management Engineer to be briefed about:
- (a) the conditions of this consent and their related obligations during the construction process; and
 - (b) QLDC's role and powers in administration and enforcement of compliance with the consent.
39. At least 2 working days prior to commencing work on site the consent holder must prepare a photo survey of the neighbouring properties and buildings (subject to being permitted access to neighbouring properties for this purpose) so that the extent of damage, if any, due to excavation can be clearly and accurately determined. A copy of these photo records must be submitted to the Manager Resource Management Engineering at QLDC.

Not less than 2 working days prior to commencing any earthworks (other than the Rockfall and Alluvial Fan Hazard Mitigation Works to which condition 57 applies) the consent holder must provide the name and contact details of the suitably qualified engineer who will be responsible for on-site supervision to:

- (a) the QLDC Manager Resource Management Engineering; and



- (b) all owners of property adjacent to the Site.
41. Prior to commencing work on site, the consent holder must provide evidence to the reasonable satisfaction of QLDC's Manager Resource Management Engineering that it has provided a bond capable of being called upon by QLDC to secure performance of works described in condition 1(k)(ii) which pertain to the stabilisation works of the primary cut located immediately west/behind the car park building ('Primary Cut Stabilisation Works') on the following terms:
- (a) the form of the bond must be legally sound and enforceable to the reasonable satisfaction of QLDC's solicitors and be registerable and registered under the Land Transfer Act 1952;
 - (b) the consent holder must bear its own costs (and pay any associated s 36 charge) for setting up and registering the bond;
 - (c) the bond must be guaranteed by a financial institution approved by QLDC's solicitors;
 - (d) the bond must, to the reasonable satisfaction of that QLDC Manager, be:
 - (i) for a sufficient amount to cover the full cost of complying with the relevant other conditions of this consent should the Primary Cut Stabilisation Works be abandoned for a period in excess of two months;
 - (ii) for not less than 1.5 times the value of the Primary Cut Stabilisation Works as determined by an estimate made by a suitably qualified engineer experienced in such works, using as a basis for his/her calculations engineered plans and specifications provided by the consent holder (or, if that Manager requires that a second estimate such be provided, as determined by that second estimate); and
 - (e) the bond must not be released until completion of the Primary Cut Stabilisation Works in accordance with the conditions of this consent to the reasonable satisfaction of QLDC's Manager Resource Management Engineering.
42. At least 2 working days prior to commencing any work on the site the consent holder must construct a vehicle crossing to a minimum compacted depth of 150mm AP40 metal and extending not less than 20m into the site. The consent holder must ensure that all construction traffic that enters or exits the site does so via that crossing. On completion of earthworks at the site, the consent holder must either upgrade the crossing in accordance with QLDC's standards (if it seeks that it be retained) or remove it.
43. The consent holder must undertake the excavation, temporary works, retaining walls and batter slopes in accordance with the reports prepared by GeoSolve titled "Geotechnical Report for Resource Consent, Carpark Building Queenstown Skyline" dated August 2017 and "Stormwater Discharge – Detailed Hazard Assessment, Skyline Upgrade Queenstown" dated September 2017 Revision 1 and with Condition 6.
44. No earthworks, temporary or permanent, are to breach the boundaries of the lease site except for those associated with the car park access way improvements to the Site entrance and exit; the construction of the pedestrian/cycle trail through Pt Section 129 BLK XX Shotover SD and the rock fall mitigation works required on rock bluffs 10, 11, 12, 13, 15, 16, 28 and 29 located upslope in the Ben Lomond Recreation Reserve as identified on GeoSolve Plan Skyline Enterprises Ltd, Carpark Building, Skyline Queenstown, Rockfall and Alluvial Fan Assessment, Site Plan, Figure I, Rev O, dated May 2018 attached as Appendix 3 to this decision.



45. On completion of earthworks within the building footprint and prior to the construction of the car park building, the consent holder must ensure that either:

- (a) certification from a suitably qualified geo-professional experienced in soils investigations is provided to the Manager of Resource Management Engineering at

QLDC, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded (if any). Note this will require supervision of the fill compaction by a suitably qualified geo-professional; or

- (b) the foundations of the building must be designed by a suitably qualified engineer taking into consideration any areas of uncertified fill on-site.
46. On completion of the earthworks and prior to the carpark being open for public use or use by staff of the consent holder, the consent holder must submit the following information to the Manager of Resource Management Engineering at QLDC for review and acceptance:
- (a) an engineer's PS4 Producer Statement for any permanent retaining walls within the site which exceed 1.5m in height or are subject to additional surcharge loads; or
 - (b) a copy of a Code of Compliance Certificate obtained under a Building Consent for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
47. Prior to the car park being open for use by the public or staff of the consent holder, the consent holder must:
- (a) submit to the QLDC Manager Resource Management Engineering for approval a computed Easement Plan that shows details of any necessary easements to legalise any services associated with the development; and
 - (b) once that Easement Plan is so approved, register the easements on the Computer Freehold Register for the site.
48. The car park building must not be open for use by the public or staff of the consent holder until:
- (a) the cul-de-sac turning head has been constructed at the top of Brecon Street;
 - (b) the building's connections to power supply and telecommunications are undergrounded in accordance with any network provider requirements /standards;
 - (c) a CCTV security system has been installed on each level of the car park building and the external footpath between the car park building and coach parks;
 - (d) all earthworked/exposed areas have been topsoiled, grassed or revegetated (or otherwise permanently stabilised) in accordance with the relevant conditions of this consent;
 - (e) all damage caused to all existing road surfaces and berms has been remediated to the reasonable satisfaction of QLDC's Manager Resource Management Engineering;
 - (f) the access to the rear (western side) of the car park building located to the immediate north of the 7 coach parks has been gated off and made available only for staff for the periodic maintenance of the open storm water channel approved as part of ORC land use consent and discharge permit 17.371.01 – 17.371.02; and
 - (g) 'as-built' plans and information have been submitted to QLDC's Manager Resource Management Engineering:
 - (i) detailing all engineering works completed in relation to or in association with this development, including in relation to all roads (including rights of way and access lots), reticulation of water, wastewater and stormwater (including private laterals and toby positions) and hazard mitigation measures installed as part of this development (including rock anchors); and



- (ii) formatted in accordance with QLDC's 'as-built' standards.

49. The consent holder must, prior to the car park building being open for use by the public or staff of the consent holder, install and thereafter maintain, to the satisfaction of QLDC's Manager Resource Consents rock fall warning signage as well as signage that provides direction to the nearest evacuation and mustering points at the following locations:
- (a) the pedestrian exit from the car park building;
 - (b) the start of the internal access road on the western side of the lower terminal building; and
 - (c) along the footpath at the toe of the cut slope located between the lower terminal building and the car park building.
50. The consent holder must monitor the carpark building to ensure that all mountain bike and vehicle users are complying with the 10km/hr posted speed limit.

Geotechnical Investigations and Hazard Mitigation Works

51. In conditions 51 to 61:
- (a) 'Geotechnical Investigation Work' and 'Rockfall and Alluvial Fan Hazard Mitigation Works' have the definitions in the interpretation condition 1(e).
52. The consent holder may, for the purposes of informing the design and implementation of Rockfall and Alluvial Fan Hazard Mitigation Works, carry out geotechnical investigation work including beyond the Site of the development ('Geotechnical Investigation Work') provided that the consent holder:
- (a) has submitted to QLDC's Manager Resource Management Engineering a detailed methodology statement, prepared by a suitably qualified engineer ('Geotech Investigation Methodology Statement') and which specifies:
 - (i) the approximate locations of any access tracks and/or pilot cuts to be cut;
 - (ii) the approximate extent of any vegetation to be removed;
 - (iii) the erosion and sediment control measures to be undertaken;
 - (iv) stabilisation measures for excavations; and
 - (v) measures to ensure adequate protection of the surrounding land, structures, roads and underground services from any geotechnical investigation works.
 - (b) the QLDC Manager Resource Management Engineering has certified that the Geotech Investigation Methodology Statement submitted adequately covers the matters in paragraph (a); and
 - (c) the Geotechnical Investigation Work is undertaken in accordance with the certified Geotech Investigation Methodology Statement.
53. Geotechnical Investigation Work and the Rockfall and Alluvial Fan Hazard Mitigation Works must be carried out under the supervision of a suitably qualified engineer ('Supervising Engineer').

54. Not less than 2 working days prior to commencing the Rockfall and Alluvial Fan Hazard Mitigation Works, the consent holder must provide to:



- (a) the QLDC Manager Resource Management Engineering; and
- (b) all owners of property adjacent to the Site

the name and contact details of the Supervising Engineer.

55. No other work may commence until all Rockfall and Alluvial Hazard Alluvial Fan Hazard Mitigation Works are completed and a certificate by the Supervising Engineer (or if that person is for any reason unavailable from another Chartered Professional Engineer suitably qualified and experienced in the design and construction of rock fall and debris flow retention and defence structures) is submitted to the QLDC's Manager Resource Management Engineering that the Rockfall and Alluvial Fan Hazard Mitigation Works have been carried out and completed in proper accordance with the Hazard Mitigation Design plans and specifications.
56. No Rockfall and Alluvial Fan Hazard Mitigation Works may be commenced until the consent holder has obtained Engineering Review and Acceptance from the QLDC Manager Resource Management of the detailed design plans and specifications for those works.
57. Prior to any use of the carpark building by the public or staff of the consent holder, the consent holder must submit to the QLDC Manager Resource Management Engineering a certificate by the Supervising Engineer (or if that person is for any reason unavailable from another Chartered Professional Engineer suitably qualified and experienced in the design and construction of rockfall and debris flow retention and defence structures) to the QLDC manager Resource Management Engineering that the Rockfall and Alluvial Fan Hazard Mitigation Works have been carried out and completed in proper accordance with the Hazard Mitigation Design plans and specifications.
58. By the first anniversary of the opening of the carpark building for use by the public or staff of the consent holder, the consent holder must submit to the QLDC's Manager Resource Management Engineering for review and certification (as being in accordance with condition 59) a plan for the maintenance of the Rockfall and Alluvial Fan Hazard Mitigation Works ('Hazard Works Maintenance Plan').
59. The Hazard Works Maintenance Plan must provide for:
 - (a) annual inspections of the Rockfall and Alluvial Fan Hazard Mitigation Works by a suitably qualified and experienced engineer ('Qualified Engineer'); and
 - (b) provision of a report on the findings of each such inspection (and any maintenance recommendations) to the QLDC's Manager Resource Management Engineering, within 10 working days of each inspection; and
 - (c) additional inspections by a Qualified Engineer of the Rockfall and Alluvial Fan Hazard Mitigation Works and by a structural engineer of the carpark building within ten working days of each of the following triggering events:
 - (i) any event (including but not limited to fire, landslide or earthquake) that destroys vegetation cover on the slopes above the carpark building by >25% from the baseline vegetation cover as shown in the plan prepared by Patterson Pitts Group titled Estimate of Tree Coverage Above Proposed Carpark Building Scaled From Aerial Images, Sheet 115, Revision A, dated 27 June 2018 attached as Appendix 4 to this decision; or
 - (ii) an earthquake with an associated peak ground acceleration of equal to or greater than 0.2 g recorded at the nearest strong motion instrument site to the gondola and carpark building; or
 - (iii) a rainfall event where 20mm of rain (or greater) falls in a one hour period as measured at Queenstown Airport; or



- (iv) a rock fall or debris flow event that results in a volume of material equal to or > 0.5 cubic metres/m³ (or single rock fall or cumulative volume) or 1 cubic metres/m³ for debris flow entering the car park lease boundary and/or impacting the carpark building; and
 - (d) provision of a report on the findings of each such inspection (and any maintenance recommendations) to the QLDC's Manager Resource Management Engineering, within 10 working days of each inspection; and
 - (e) temporary closure of the car park building and associated access to the public if QLDC's Manager Resource Management Engineering reasonably directs for the purposes of implementation of any recommendation made in any engineer's report under paragraph (b) and/or (d); and
 - (f) such other measures as are appropriate to maintain the integrity of the Rockfall and Alluvial Fan Hazard Mitigation Works ('Works').
60. The consent holder must implement and comply with the Hazard Works Maintenance Plan.
61. The consent holder must implement and comply with any direction reasonably given by QLDC's Manager Resource Management Engineering for the purposes of enabling implementation of any maintenance or remediation of the Works to be undertaken on any recommendation included in any engineer's report under paragraph (b) and/or (d) of condition 59.

Landscaping

62. Prior to works commencing on site:
- (a) the consent holder must submit to QLDC's Manager Resource Consents a landscape plan that amends the Gondola Car Park Building, Landscape Concept Plan Sheets 1 to 4 dated 24 April 2018 meeting the following specifications ('Updated Landscape Concept Plan'):
 - (i) identifying the locations of no less than 12 individual specimen trees to be planted along the base of the rock batter slope between the northern boundary of the gondola cableway easement and the southwest corner of the car park building;
 - (ii) requiring planting of specimen trees of a grade no less than 2.5m in height, of an indigenous species (such as but not limited to red or silver beech) with a mature height of no less than 25m;
 - (iii) requiring planting of trees in free draining ground, within organic rich good quality topsoil to a depth of no less than 1.5m per tree to support long term tree growth.
 - (iv) detailing how the above planting is to be provided on site; and
 - (v) providing for a revised planting schedule that accords with those specifications.
 - (b) the consent holder must submit to that QLDC Manager a separate detailed landscaping plan for all planting for the areas located adjacent to pedestrian routes surrounding the base building and the car park building to identify planting species, size at planting, number of plants or planting densities for shrubs or ground cover, surfacing pavements, barriers and street furniture ('Detailed Landscape Plan'); and
- the Updated Landscape Concept Plan must be certified by that QLDC Manager as being in accordance with paragraph (a) and the Detailed Landscape Plan must be certified by that Manager as being in accordance with paragraph (b) of this condition.



63. The consent holder must:
- (a) complete all planting to the densities specified in the certified Updated Landscape Concept Plan and Detailed Landscape Plan and other landscape work in accordance with staging specified in those Plans such that planting for each stage of works is completed within 8 months of the completion of that stage; and
 - (b) maintain planting in accordance with those Plans (including by replacing within 12 months any dead tree or plant) and free of all exotic weeds (including wilding species) and grazing mammals.
64. Prior to any works commencing on Lot 4 DP345184 the consent holder must submit a landscape plan identifying suitable replacement tree planting to the Manager Parks and Reserves, QLDC for review and certification that the replacement planting is in accordance with QLDC's District Tree Policy dated December 2010.

Lighting

65. Prior to commencement of construction of the carpark building the consent holder must submit an external lighting plan including any external lighting required for the construction period to the Manager Resource Consents, QLDC for review and certification and must demonstrate that external lighting is in accordance with the QLDC, Southern Light, Parts One – A Lighting Strategy March 2017 and Part Two – Technical Standards July 2017.
66. All external lighting must be down lighting only and not be used to up-light or highlight buildings or structures, and must not direct light towards urban areas.
67. External lighting necessary for the health and safety of construction workers and to ensure adequate lighting of work sites for construction purposes is exempt from conditions 65 and 66. Such areas must be identified within the submitted lighting plan.
68. No external lighting must be located on the roof except for low level down lighting required for operational purposes.

Building Design

69. Prior to commencement of construction of the building the consent holder must submit for certification to the Manager Resource Consents, QLDC all external finishes for the car park building and structures which must be of a non-reflective matt finish. External colours and materials of the roof, walls and cladding must be dark grey and dark green colours with a light reflectivity value of between 6% and 19%.

Earthworks Design

70. Rock and earth batters must avoid smooth faces and must be puckered and varied in surface relief to provide footholds for vegetation to establish on batter slopes and rock faces and maintain a natural surface to all modified slopes.
71. All areas of earth (including areas of rock that are to be retained by structures or engineered earth) must incorporate the use of green engineering technology to enable naturalistic contouring of modified slopes and to support mitigation planting. Such areas must be shaped and designed to blend into the surrounding and broader natural landscape, enhance indigenous ecological and landscape values of the site and avoid the prominence of modifications to the natural landform. Detailed design of all battered slopes, cut rock faces, retaining structures and retained earth areas must be submitted to the Manager Resource Consents, QLDC for certification that the works are in accordance with conditions 70 and 73 prior to earthworks commencing on site.



72. All other areas of earthworks must be contoured to blend naturally into the surrounding natural contours and all areas of exposed earth must be vegetated within three months of excavation works being completed to control dust and integrate areas into the natural landscape.
73. Any slope stabilisation must avoid the use of spray concrete or similar that covers the surface. All areas of slope stabilisation must use methods that retain exposure of a natural surface such as wire netting or planting into geo-textiles that support plant growth.
74. All amendments to earthworks drawings required to achieve the above conditions must be submitted to the Manager Resource Consents, QLDC for certification that they achieve the outcomes sought in conditions 70 to 73 prior to construction commencing on site.
75. Final designs for all boundary fencing and structures must be submitted to the Manager Parks and Reserves, QLDC for certification for consistency with the relevant plans in Appendix 1 and this condition. All boundary walls and timber fencing must be painted or stained a dark recessive grey colour with a light reflective value of less than 20%. Any structures adjacent to the public walkway must not block, hinder or detract from the use of the pedestrian link between Brecon Street to Hamilton Road. Once certified the consent holder must submit a copy of the final designs to the Manager Resource Consents, QLDC.
76. All construction site hoardings located within Council reserve must be maintained in a tidy condition and free of posters or commercial signage. Any graffiti must be removed within 48 hours.

Noise

Operational Noise

77. The cumulative sound of activity authorised by this consent in conjunction with sound authorised by RM160647, measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must comply with a noise limit of 50 dB $L_{Aeq}(15 \text{ min})$ at any point within any site in a residential or town centre zone at all times except:
 - (a) at any point within the KBL, where noise associated from vehicles must comply with a noise limit of 55 dB $L_{Aeq}(15 \text{ min})$; and
 - (b) at any point in Queenstown Cemetery where sound from all activity must comply with a noise limit of 60 dB $L_{Aeq}(15 \text{ min})$.
78. The car park and access roads must be designed, constructed and maintained with:
 - (a) solid balustrades at least 1 metre high on the east façade of each floor of the car park;
 - (b) car park ventilation fans not exceeding 60 dB $L_{Aeq}(30 \text{ s})$ at a distance of 3 metres;
 - (c) a 10km/h vehicle speed limit;
 - (d) surfaces in vehicle wheel paths to minimise noise generated, as far as practicable, and no speed bumps/cushions, raised pedestrian crossings, drains or service covers in any vehicle wheel paths; and
 - (e) a surface finish in vehicle wheel paths with sufficient texture to minimise wheel squeal.

Construction Noise & Vibration

79. All works must be carried out in accordance with a Construction Noise and Vibration Management Plan (CNVMP), prepared by the consent holder and submitted to the Manager Resource Consents, QLDC for certification that the CNVMP is in accordance with conditions 80 and 81 prior to commencing work on site.



- (a) the objective of the CNVMP is to provide a framework for the development and implementation of measures to avoid, remedy or mitigate adverse construction noise and vibration effects, and to minimise any exceedance of the criteria set out in Conditions 80 and 81. The CNVMP must be prepared in general accordance with the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide (version 1.0, 2013).
- (b) as per the requirements of condition 86 and 87 the consent holder must notify the Manager of Queenstown Preschool and Nursery prior to any planned blasting and other noisy activities.
- (c) the CNVMP must be developed in consultation with the KBP and must be accompanied by written evidence of KBP's written approval. However this obligation ceases to apply if QLDC is satisfied that the consent holder has used reasonable endeavours to consult and reach agreement with KBP, but has not been able to secure their approval and the Manager Resource Consents, QLDC is satisfied that the CNVMP otherwise satisfies this condition.
80. Construction noise must be measured and assessed in accordance with NZS 6803:1999 *Acoustics - Construction Noise*. The consent holder must ensure that the construction noise criteria contained in Table CNV1 are complied with unless exceedance is certified in accordance with the requirements of condition 82.

Table CNV1 – Construction Noise Criteria

Receiving location	Time	L _{Aeq} (15 min)	L _A F _{max}	L _z peak	L _z peak (blasting)
Any occupied residential or visitor accommodation building, campervan, caravan, or tent.	0730h to 2000h	70 dB	85 dB	120 dB	
	2000h to 0730h	45 dB	75 dB	n/a	
Queenstown Primary School buildings	0830h to 1530h	70 dB	85 dB	120 dB	
	Monday to Friday				
	All other times		No limits		
45 Brecon Street nursery/preschool and kindergarten buildings	0800h to 1800h	50 dB	75 dB	120 dB	
	Monday to Friday				
	All other times		No limits		
AJ Hackett and Ziptrak platforms, any commercial building	When occupied	70 dB	85 dB	120 dB	
	All other times		No limits		
Within 1 meter from any structure housing wildlife in the Kiwi and Birdlife Park.	All times	60 dB	60 dB	90 dB	

81. Construction vibration must be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures. The consent holder must ensure that the Category A construction vibration criteria contained in Table CNV2 are complied with unless any exceedance is certified in accordance with the requirements of condition 82. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified person must assess and manage construction vibration during those activities. If



measured or predicted vibration from construction activities exceeds the Category B criteria those activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated by a suitably qualified person.

Receiver	Details	Category A	Category B
Sensitive Occupied Buildings which includes any building used to house wildlife at the Kiwi Birdlife Park.	Night-time 2000h – 0630 h	0.3mm/s ppv	1mm/s ppv
	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv
Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
All other buildings	Vibration - transient	5mm/s ppv	BS 5228-2* Table B2
	Vibration - continuous		BS 5228-2*
	B2 values		50% of table

Table CNV2 – Construction Vibration Criteria

82. If measured or predicted noise and vibration from a construction activity exceeds the criteria in conditions 80 and 81, a Schedule to the CNVMP for that activity must be prepared in general accordance with the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide (version 1.0, 2013). The Schedule must be provided to the Manager Resource Consents QLDC for review and certification of the best practicable option at least five working days in advance of the activity proceeding. The Schedule must establish the best practicable option for noise and vibration mitigation to be established for the construction activity and once certified the consent holder must ensure that the Schedule is complied with.
83. The consent holder must ensure that when a ceremony is being held at Queenstown Cemetery all blasting, rock breaking and other noisy construction and earthworks activities must cease.
84. No earthworks and construction activity may commence on the proposed car park building site until the following actions have been completed on Pt Section 131 Blk XX Shotover SD and Section 1 SO 24407 (KBP Site):
- (a) the relocation of the outdoor kiwi breeding enclosure;
 - (b) the construction of a new indoor kiwi viewing enclosure; and
 - (c) relocation of the kiwi into the new enclosures.

(Advice Note – These matters have been agreed to by KBP and must be completed in direct consultation with them. Any additional resource consents or approvals under the Reserves Act (if required) must first be obtained by the consent holder).

85. At least one month prior to the commencement of works the consent holder will arrange and conduct a pre-commencement site meeting with (but not necessarily limited to) the lead contractor(s), consent holder management and all parties listed in Appendix 2 ('Key



Stakeholders). At a minimum, in addition to an inspection of the site, and proposed work area, the following must be covered at the pre-commencement site meeting:

- (a) scheduling and staging of the works, for at least the first 3 months of site operations;
- (b) responsibilities of relevant parties;
- (c) contact details for relevant parties;
- (d) expectations regarding communication between all relevant parties;
- (e) noise mitigation;
- (f) proposals and frequency for additional site meetings with the above personnel; and
- (g) any other relevant matters identified by either the consent holder, its contractors or the Key Stakeholders identified in Appendix 2.

86. Not less than 20 working days prior to the commencement of any works, the consent holder must provide to QLDC's Manager Resource Consents a written plan for how communications will be undertaken as between the consent holder (including its contractors) and local residents (including those persons listed in Appendix 2 ('Key Stakeholders')) during the construction of the development ('CCP'). The CCP must be in accordance with condition 87.

87. The CCP must specify (but is not limited to) processes for communications as between the consent holder and local residents (including Key Stakeholders) including:

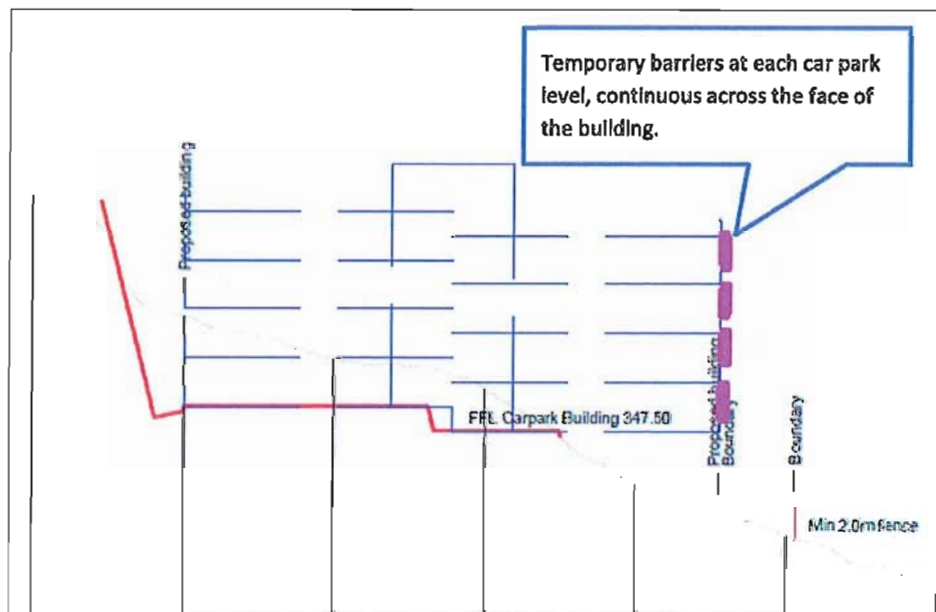
- (a) communication by the consent holder about earthworks and construction activities, scheduling/timing of works and potential temporary nuisance effects (including changes in access);
- (b) communication by local residents of any enquiries or complaints about construction activities;
- (c) procedures for and timing of direct notifications to Key Stakeholders and public media releases to ensure Key Stakeholders and any other affected local residents are given at least 5 working days' advance notice of high impact events such as blasting and heavy vehicle movements;
- (d) alternative (non-electronic) means of communicating key information to Key Stakeholders (including mail drops);
- (e) the contact details for the lead contractor/project manager and a representative of the consent holder's management team;
- (f) a regular (at least monthly) meeting of the Key Stakeholders including details of meeting location; and
- (g) arrangements to establish an incident register for residents of Lomond Crescent to specifically deal with transportation issues on this road.

88. No works may be commenced until the CCP is certified by QLDC's Manager Resource Consents as being in accordance with condition 87. The consent holder must comply with the certified CCP.

89. Where any excavation occurs via a hydraulic rock breaker mounted to an excavator, the consent holder must ensure that the lowest noise producing model hydraulic breaker available is used. This condition applies in addition to condition 96.



90. Prior to the commencement of any earthworks and construction activity on the subject site the consent holder must erect a temporary site hoarding along or on the eastern boundary of Lot 2 DP 345184 and western boundary of Pt Section 131 Blk XX Shotover SD as illustrated in blue as "Temporary Construction Fence" on the Patterson Pitts Group plan titled CONCEPT FOR FENCE AND RETAINING WALL ON KIWI AND BIRDLIFE PARK BOUNDARY, Sheet 105, Rev E dated 15.11.2017. This site hoarding must:
- (a) be a minimum of 2m in height;
 - (b) have a surface mass of 8.0kg/m² (for example 25mm timber, 15mm plywood); and
 - (c) the site hoarding must be continuous and maintained with no gaps or cracks, including by timber palings being well overlapped (25mm minimum) or by use of a 'board and batten' system. A sleeper rail must connect the base of palings to the ground.
91. During the construction process the consent holder must install temporary noise barriers above the parapet level on the eastern elevation of each car park floor sequentially following the completion of each floor level in accordance with the illustration below:



92. In addition to the temporary site hoardings/barriers the consent holder must establish a permanent 2m high fence along the entire western boundary of the KBP site (Pt Section 131 Blk XX Shotover SD and Section 1 SO 24407) in accordance with the Patterson Pitts Group plan titled CONCEPT FOR FENCE AND RETAINING WALL ON KIWI AND BIRDLIFE PARK BOUNDARY, Sheet 105, Rev E dated 15.11.2017.
93. All blasting must be restricted to between the following hours:
- (a) 0730am and 0900am December to April; and
 - (b) 0730am and 0900am and 0530pm to 0630pm May to November.

94.

All rock breaking must be restricted to between 0730 and 1800 hours subject to the requirements outlined in condition 96.

95.

All rock blasting activity must be undertaken within the specified area illustrated on Figure 5.4 (page 22) of the Acoustic Engineering Services Limited report referenced AC17062-02-F2 and



dated 25th August 2017 unless otherwise agreed to in writing by KBP. Such written approval must be submitted to QLDC's Manager Resource Consents, a minimum of five working days prior to blasting occurring in any other location.

96. Unless otherwise agreed in writing by KBP in accordance with condition 95 above, any rock extraction undertaken on the subject site must comply with the following requirements:
- (a) hydraulic rock breaking must not exceed an aggregate total of more than 4 hours on any day during the period 9am to 5pm;
 - (b) hydraulic rock breaking must not be undertaken closer than 50m to any building or enclosure on the KBP site housing wildlife unless agreed to in writing by KBP. Such written approval must be submitted to QLDC's Manager Resource Consents, a minimum of five working days prior to any rock breaking commencing within this setback distance; and
 - (c) for the avoidance of doubt, removal of rock via a traditional excavator with a bucket or pick is exempt from the above requirements.

Transport

97. In conditions 97-100, 'staff transportation management plan' ('STMP') means a plan prepared and regularly reviewed by the consent holder in consultation with its managers and staff to assist those who are in a position to do so to prefer commuting methods that lessen their dependence on single occupant private vehicle trips and their associated car parking demands.
98. The consent holder must prepare and submit a STMP to the QLDC Manager Resource Consents prior to the car park building being open for use by the public or staff of the consent holder.
99. The consent holder must monitor the effectiveness of its STMP and review and make any changes to it on an annual basis. For those purposes, prior to each anniversary of the opening of the car park building for use by the public or staff of the consent holder, the consent holder must:
- (a) prepare a report on its effectiveness or otherwise for the purpose specified in condition 97 ('Effectiveness Report');
 - (b) make that Effectiveness Report available to its managers and staff and consult with them about that Report and any related changes to improve the STMP's effectiveness; and
 - (c) submit the Effectiveness Report together with any changes to the STMP to that QLDC Manager.
100. In conditions 102 – 104, 'Transportation Monitoring and Car Parking Management Plan' (or 'TM&CPMP') means a plan prepared by a suitably qualified traffic engineer in consultation with QLDC's General Manager Infrastructure for the monitoring and management of the operation of the carpark building and kerbside parking on surrounding streets and that:
- (a) includes a strategy designed to be implemented, in conjunction with QLDC, to:
 - (i) minimise on-street parking in surrounding streets by Skyline Gondola patrons and visitors and other users of the Ben Lomond Reserve;
 - (ii) discourage from parking in the building those members of the general public who are not Skyline Gondola patrons and visitors and other users of the Ben Lomond Reserve;



- (iii) maintain, or preferably increase, the current proportions of Skyline Gondola patrons and visitors and other users of the Ben Lomond Reserve who prefer to walk or use public transport as their mode of travel to and from the Skyline Gondola;
 - (iv) encourage staff and visitors to not use their cars; and
 - (v) manage parking for campervans and other oversized vehicles.
 - (b) specifies relevant requirements for the consent holder to undertake the annual travel surveys specified in condition 102.
101. By the first anniversary of the date of commencement of this consent, the consent holder must submit a TM&CPMP to QLDC's Manager Resource Consents for certification that it complies with Condition 100.
102. The consent holder must undertake five consecutive annual travel surveys of Skyline Gondola patrons and visitors and other users of the Ben Lomond Reserve in accordance with the certified TM&CPMP and the following:
- (a) the first such survey must be undertaken before the first anniversary of the opening of the expanded and refurbished restaurant facilities;
 - (b) each survey must be of a minimum of 100 respondents / day) and be at the locations and for the durations specified in the TM&CPMP (being for a minimum seven-day week period between January and March);
 - (c) each survey must be a minimum seven-day period between January and March); and
 - (d) each survey is for the purposes of providing reliable information as to:
 - (i) travel mode adopted by each of the surveyed customers;
 - (ii) parking choices of Skyline Gondola patrons and visitors and other users of the Ben Lomond Reserve, including as between the car parking building, surrounding public streets and other off-street car parking areas (e.g. Brecon and Man street carparks);
 - (iii) whether customers incorporate their visit to the Gondola/reserve as part of a visit to the Queenstown Town Centre (or vice versa); and
 - (iv) durations of visits within the Ben Lomond Recreation Reserve.
103. The consent holder must comply with the certified TM&CPMP.
104. Except for those car parks that are provided for the exclusive use of the consent holder staff and visitors, use of car parks must be in accordance with the consent holder's lease under the Reserves Act 1977.
105. Prior to commencing any physical works associated with this consent, the consent holder must provide evidence to QLDC's Manager Resource Consents of a lease agreement confirming the provision of a minimum 50 staff car parking spaces for the duration of the car park construction period.
106. Except as is provided by condition 107, heavy vehicle movements must not occur:

- (a) at any time on Monday to Friday except between 0730 hours and 1800 hours; or
- (b) at any time on Saturday except between 0730 hours to 1230 hours; or



- (c) at any time on any Sunday or public holiday.

107. Notwithstanding condition 106 above, 20 additional heavy vehicle movements for large concrete pours may occur on any day except between the hours of 1200 hours (midnight) and 0500 hours provided that, in respect of each such movement, not less than five working days' advance notice is given in accordance with the certified CCP to each of the persons listed in Appendix 2.

Accidental Discovery Protocol

108. 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 must without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police; and
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.
- (b) any koiwi tangata discovered must be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work must recommence following consultation with Council, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
- (c) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance;
 - (ii) advise Council, Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, must make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014; and
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Surveyor's Certificate

109. In order to ensure that the proposed buildings are located exactly as proposed in the application and comply with the degree of infringement applied for, the consent holder must employ an appropriately qualified surveyor at their expense who must:

- (a) certify to the Manager Resource Consents, QLDC 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 the Manager Resource Consents, QLDC in writing upon completion of the building that it has been built in accordance with the approved plans and complies with 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.

Carpark Use

110. The consent holder must ensure that for the duration of the construction period no private vehicles belonging to construction staff or commercial vehicles associated with the construction activity are allowed to park on Brecon Street or other nearby streets.
111. The consent holder must ensure that embarking and dis-embarking of passengers from coaches/buses must only occur from the two short term coach parks on the western side of the site access road and the coach/bus parks implemented within the eastern side of the Brecon Street cul-de-sac. No loading/un-loading of passengers can occur from coach parks 1 to 7.
112. The consent holder must ensure that coach/bus passengers embarking and disembarking from the two short term coach parks on the western side of the site access road are ushered directly to and from the lower terminal building to avoid any congregation of passengers at the toe of the slope.
113. The consent holder must ensure that coach drivers do not remain within their coaches or within the area occupied by the coach parks/vehicle circulation and footpath areas located to the west and north of the lower terminal building once the coaches have been parked within coach parks 1 to 7.

Fire Mitigation and Evacuation Plan

114. In Conditions 114 - 119, 'Ben Lomond Reserve Fire Risk and Evacuation Management Plan' ('Reserve FREMP') means a plan prepared by the consent holder, where practicable in collaboration with other commercial operators within the Reserve, to assist the control and management of fire risk and evacuation and that is in accordance with condition 115.
115. A Reserve FREMP must:
 - (a) include a detailed management strategy for the control of fire risk over the reserve;
 - (b) include an action plan consistent with achieving the strategy that the Otago Rural Fire Authority governed by QLDC has approved;
 - (c) be prepared by the consent holder in consultation with QLDC's Manager Parks and Reserves and, as far as practicable, other licensed commercial operators of Ben Lomond Reserve in accordance with Condition 116;
 - (d) be approved by QLDC's Manager Parks and Reserves and, if a joint plan, be signed by all parties who have agreed to enter it; and
 - (e) to the reasonable satisfaction of QLDC's Manager Resource Consents, be properly consistent with any fire risk management and evacuation plans or strategies of other licensed commercial operators within the reserve.
116. The consent holder must consult in the preparation of a Reserve FREMP as follows:
 - (a) The consent holder must:
 - (i) invite all licensed commercial operators utilising the Ben Lomond Recreation Reserve to meet with the consent holder and QLDC's Manager Parks and Reserves for the purposes of discussing, and endeavouring to achieve, a joint Reserve FREMP; and



- (ii) use reasonable endeavours to ensure their attendance at the relevant meeting(s).
 - (b) The meeting(s) must:
 - (i) take place within three months of the date of commencement of this consent and prior to the commencement of any works on site;
 - (ii) be attended by the consent holder (and its relevant advisers on the preparation of the Reserve FREMP), QLDC's Manager Parks and Reserves (or that Manager's nominee) and those licensed commercial operators who accept the invitation to attend; and
 - (iii) be minuted by the consent holder.
117. Within six months of the date of commencement of this consent and prior to the commencement of any works on site, the consent holder must submit to QLDC's Manager Resource Consents:
- (a) A Reserve FREMP developed in accordance with condition 116;
 - (b) A copy of all minutes of the meeting(s) specified in condition 116; and
 - (c) A report detailing:
 - (i) The steps taken to endeavour to secure unanimous agreement of all other licensed commercial operators to adopt the Reserve FREMP as a joint plan of those operators and the consent holder;
 - (ii) The names of any licensed commercial operators within the reserve who has agreed to adopt the Reserve FREMP as a joint plan; and
 - (iii) The reasons given, if any, by those licensed commercial operators within the reserve for not agreeing to adopt the Reserve FREMP as a joint plan.
118. No works may commence on site until QLDC's Manager Resource Consents has certified that the Reserve FREMP properly accords with conditions 115 and 116. If that Manager is not satisfied that the consent holder has used reasonable endeavours to secure the agreement of other licensed commercial operators to adopting the Reserve FREMP as a joint plan, the Manager may direct the consent holder to undertake further consultation for those purposes before certification. Once the QLDC Manager Resource Consents has certified the Reserve FREMP, the consent holder must comply with the requirements of this plan.
119. The consent holder must review the certified Reserve FREMP on an annual basis by each anniversary of this consent to incorporate any updates and revisions and add any operators who agree to adopt the Reserve FREMP as a joint plan. Using the processes in conditions 115 and 116 the consent holder must consult with all other licensed commercial operators in the Ben Lomond Recreation Reserve as part of each such review. Each review must be completed within two months. On completion of each review, the consent holder must submit a copy of the updated Reserve FREMP to QLDC's Manager Resource Consents for certification that the updated Reserve FREMP continues to be in accordance with conditions 115 and 116. Pending such certification, the consent holder must continue to comply with the pre-existing certified Reserve FREMP. Once certified, the updated Reserve FREMP supersedes the pre-existing one. The consent holder must comply with the updated FREMP accordingly.

Natural Hazard Mitigation

In conditions 120 to 126, 'Natural Hazards Event Response Management Plan' ('Reserve NHERMP') means a plan prepared by the consent holder, where practicable in collaboration with other commercial operators within the Reserve, to assist the control and management of



natural hazard risk and evacuation with respect to rock fall and debris flow in the Reserve in accordance with condition 121.

121. A Reserve NHERMP must:

- (a) Include a detailed management strategy for the management of natural hazard risk (including any residual risk) and evacuation with respect to rock fall and debris flow in the Reserve;
- (b) Include an action plan for evacuating people from the Reserve including the car park and lower terminal buildings if a rock fall or debris flow hazard event occurs or is expected to occur;
- (c) Identifies:
 - (i) Safe evacuation and mustering points with associated signage;
 - (ii) A designated health and safety officer and emergency contact details from each of the licensed commercial operators utilising the Reserve and the QLDC.
- (d) Be prepared by the consent holder in consultation with QLDC's Manager Parks and Reserves and, as far as practicable, other licensed commercial operators of the Reserve in accordance with condition 122;
- (e) Be approved by QLDC's Manager Parks and Reserves and, if a joint plan, be signed by all parties who have agreed to enter it; and
- (f) To the reasonable satisfaction of QLDC's Manager Parks and Reserves, be properly consistent with any natural hazard risk and evacuation plans or strategies of other licensed commercial operators within the reserve.

122. The consent holder must consult in the preparation of a Reserve NHERMP as follows:

- (a) The consent holder must:
 - (i) Invite all licensed commercial operators utilising the Ben Lomond Recreation Reserve to meet with the consent holder and QLDC's Manager Parks and Reserves for the purposes of discussing, and endeavouring to achieve, a joint Reserve NHERMP; and
 - (ii) Use reasonable endeavours to ensure their attendance at the relevant meeting(s).
- (b) The meeting(s) must:
 - (i) Take place within three months of the date of commencement of this consent and prior to the commencement of any works on site;
 - (ii) Be attended by the consent holder (and its relevant advisers on the preparation of the Reserve NHERMP), QLDC's Manager Parks and Reserves (or that Manager's nominee) and those licensed commercial operators who accept the invitation to attend; and
 - (iii) Be minuted by the consent holder.

123. Within six months of the date of commencement of this consent and prior to the commencement of any works on site, the consent holder must submit to QLDC's Manager Resource Consents:

- (a) A Reserve NHERMP developed in accordance with condition 122;



- (b) A copy of all minutes of the meeting(s) specified in condition 122; and
 - (c) A report detailing:
 - (i) The steps taken to endeavour to secure unanimous agreement of all other licensed commercial operators to adopt the Reserve NHERMP as a joint plan of those operators and the consent holder;
 - (ii) The names of any licensed commercial operators within the reserve who has agreed to adopt the Reserve NHERMP as a joint plan; and
 - (iii) The reasons given, if any, by those licensed commercial operators within the reserve for not agreeing to adopt the Reserve NHERMP as a joint plan.
124. No works may commence on site until QLDC's Manager Resource Consents has certified that the Reserve NHERMP properly accords with condition 121 and 122. If that Manager is not satisfied that the consent holder has used reasonable endeavours to secure the agreement of other licensed commercial operators to adopting the Reserve NHERMP as a joint plan, the Manager may direct the consent holder to undertake further consultation for those purposes before certification. Once the QLDC Manager Resource Consents has certified the Reserve NHERMP, the consent holder must comply with the requirements of this plan.
125. The consent holder must submit the certified Reserve NHERMP to the Civil Defence Emergency Management Otago Group Controller.
126. The consent holder must review the certified Reserve NHERMP on an annual basis by each anniversary of this consent to incorporate any updates and revisions and add any operators who agree to adopt the Reserve NHERMP as a joint plan. Using the processes in condition 122 the consent holder must consult with all other licensed commercial operators in the Reserve as part of each such review. Each review must be completed within two months. On completion of each review, the consent holder must submit a copy of the updated Reserve NHERMP to QLDC's Manager Resource Consents for certification that the updated Reserve NHERMP continues to be in accordance with conditions 121 and 122. Pending such certification, the consent holder must continue to comply with the pre-existing certified Reserve NHERMP. Once certified, the updated Reserve NHERMP supersedes the pre-existing one. The consent holder must comply with the updated NHERMP accordingly.

Review Conditions

127. Within ten working days of each anniversary of the date of this decision QLDC may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- (a) to deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;
 - (b) to deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered; and
 - (c) to avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

128.

Within three months of receiving a travel survey prepared in accordance with condition 102, the QLDC may review the conditions of consent in order to address adverse transportation effects



from the grant of this consent, by encouraging access to the Skyline Gondola by travel modes such as walking and cycling and public transport (buses/coaches). Such methods for achieving alternative travel modes may include but not necessarily be limited to the following measures:

- (a) changes to the TM and CPMP in terms of pricing levels of off-street parking, changes to time restrictions for kerbside parking in Brecon Street and surrounding streets and/or encouragement of car-pooling and alternative travel modes;
 - (b) improvements to pedestrian and cyclist infrastructure at the consent holder cost and commensurate to the percentage of demand generated cumulatively amongst all commercial operators located between Brecon Street and Isle Street. (This needs to take into account that Skyline is already committed to providing better cycle parking facilities for staff and visitors than are currently provided and are working with Council on making improvements to the layout of Brecon Street for all transport modes);
 - (c) the provision of a courtesy shuttle service;
 - (d) methods of payment in the carpark; and
 - (e) signage.
129. Within 10 working days of receiving a rock fall mitigation inspection report from the consent holder following an event specified in condition 59(c) or if no report is provided within 20 working days of any of the events specified in condition 59(c) occurring, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent to avoid, remedy or mitigate the exacerbated risk and potential adverse effects of rock fall and debris flow. Any review initiated under this condition must require the consent holder to submit the natural hazard report prepared by an engineer suitably qualified and experienced in the design and construction of rockfall and debris flow retention and defence structures to the Manager of Resource Management Engineering at QLDC as specified in condition 59(d) within 20 working days of the notice being served. A peer review of the natural hazard report may be commissioned by Council at the consent holder's cost to establish the appropriateness of the findings and mitigation proposed and any section 128 review required.
130. In the event that either the Otago Regional Council or QLDC identify a risk tolerability threshold for the Ben Lomond Recreation Reserve within the Otago Regional Policy Statement, Regional Plan or District Plan, the Council may in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent to ensure that the community derived risk tolerability threshold is achieved at the car park.

Recommended Advice Notes

1. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This must include the use of a backflow prevention device to prevent contamination of Council's potable water supply.
2. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

3. The consent holder is advised to obtain any necessary resource consents from the Otago Regional Council, including any consents required in relation to the disposal of storm water and natural hazards.



4. The consent holder is advised to obtain any necessary approvals from the Council as administrator of the Ben Lomond Recreation Reserve.
5. The consent holder is advised that an archaeological assessment should be undertaken prior to the commencement of works. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps, including shell, bone and or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burial. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 201. If any activity associated with this proposal, such as earthworks or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

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 and to avoid your monitoring deposit being used before your development starts, 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 Approval Application form](#) and submit this completed form and an electronic set of documents to engineeringapprovals@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 1 – Relevant Plans

Wyatt + Gray Architects

1. New Gondola Car Park Building for Skyline Enterprises, Queenstown, Site Plan As Proposed, Drawing Number A100, Resource Consent Issue D, dated 28.11.17;
2. New Gondola Car Park Building for Skyline Enterprises, Queenstown, Level 1 / 1A As Proposed, Drawing Number A101, Resource Consent Issue C, dated 28.11.17;
3. New Gondola Car Park Building for Skyline Enterprises, Queenstown, Level 2 / 2A* As Proposed, Drawing Number A102, Resource Consent Issue C, dated 28.11.17;
4. New Gondola Car Park Building for Skyline Enterprises, Queenstown, Level 5 / 5A As Proposed, Drawing Number A103, Resource Consent Issue C, dated 28.11.17;
5. New Gondola Car Park Building for Skyline Enterprises, Queenstown, East Elevation As Proposed, Drawing Number A200, Resource Consent Issue D, dated 08.12.17;
6. New Gondola Car Park Building for Skyline Enterprises, Queenstown, South Elev'n As Proposed, Drawing Number A201, Resource Consent Issue D, dated 08.12.17;
7. New Gondola Car Park Building for Skyline Enterprises, Queenstown, West Elev'n As Proposed, Drawing Number A202, Resource Consent Issue D, dated 08.12.17;
8. New Gondola Car Park Building for Skyline Enterprises, Queenstown, North Elev'n As Proposed, Drawing Number A203, Resource Consent Issue D, dated 08.12.17;
9. New Gondola Car Park Building for Skyline Enterprises, Queenstown, Site Section As Proposed, Drawing Number A301, Resource Consent Issue A, dated 08.12.17;

Michelle Snodgrass Landscape Architecture

10. Skyline Enterprises Car Park Landscape Concept Plan dated 24th April 2018, Masterplan, Sheet 1 of 4;
11. Skyline Enterprises Car Park Landscape Concept Plan dated 24th April 2018, Detail Plan, Sheet 2 of 4;
12. Skyline Enterprises Car Park Landscape Concept Plan dated 24th April 2018, Lighting Plan, Sheet 3 of 4;
13. Skyline Enterprises Car Park Landscape Concept Plan dated 24th April 2018, Planting Concept, Sheet 4 of 4;
14. Skyline Enterprises Car Park Landscape Assessment, Response to QLDC RFI, Dated 14th November 2017, Trees Proposed to be Removed from Queenstown Cemetery, Sheet 1 of 2;
15. Skyline Enterprises Car Park Landscape Assessment, Response to QLDC RFI, Dated 14th November 2017, Trees Proposed to be Removed from Queenstown Cemetery, Sheet 2 of 2 (note that Sheet 2 is untitled).

Patterson Pitts Group – Site Plan

16. Proposed Car Park Lease Area Extension, Job Ref: Q4115K – 64, Sheet No: 69, Revision No: E, dated 18/09/17;

Patterson Pitts Group – Fencing Plans

17. Concept For Fence And Retaining Wall On Kiwi And Birdlife Park Boundary, Job Ref: Q4115 – 64, Sheet No: 105, Revision No: E dated 15/11/2017;
18. Concept For Fence And Retaining Wall On Kiwi And Birdlife Park Boundary, Job Ref: Q4115 – 64, Sheet No: 106, Revision No: E dated 15/11/2017;

Patterson Pitts Group – Hamilton Road Trail Link

19. Proposed Cycleway Overview Layout – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 120, Revision No: A, dated 28/03/2018;
20. Proposed Cycleway Detail Layout Sheet 1 of 3 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 121, Revision No: A, dated 28/03/2018;
21. Proposed Cycleway Detail Layout Sheet 2 of 3 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 122, Revision No: A, dated 28/03/2018;



22. Proposed Cycleway Detail Layout Sheet 3 of 3 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 123, Revision No: A, dated 28/03/2018;
23. Proposed Cycleway Long Section Sheet 1 of 2 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 124, Revision No: A, dated 28/03/2018;
24. Proposed Cycleway Long Section Sheet 2 of 2 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 125, Revision No: A, dated 28/03/2018;
25. Proposed Cycleway Typical Sections – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 126, Revision No: A, dated 28/03/2018;
26. Proposed Cycleway Cross Sections Sheet 1 of 3 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 127, Revision No: A, dated 28/03/2018;
27. Proposed Cycleway Cross Sections Sheet 2 of 3 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 128, Revision No: A, dated 28/03/2018;
28. Proposed Cycleway Cross Sections Sheet 3 of 3 – Issued For Discussion – Job Ref: Q4115 – 64, Sheet No: 129, Revision No: A, dated 28/03/2018;

Patterson Pitts Group – Earthworks Plans

29. Layout Plan For Car Park Building Excavation And Access – Issued For Approval – Job Ref: Q4115i – 64, Sheet No: 80, Revision No: D, dated 06/09/2017;
30. Earthworks Plan For Car Park Building Excavation And Access – Issued For Approval – Job Ref: Q4115i – 64, Sheet No: 81, Revision No: D, dated 06/09/2017;
31. Long Section Of Car Park Entry – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 82, Revision No: B, dated 06/09/2017;
32. Cross Sections Of Car Park Entry Sheet 1 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 83, Revision No: B, dated 06/09/2017;
33. Cross Sections Of Car Park Entry Sheet 2 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 84, Revision No: B, dated 06/09/2017;
34. Cross Sections Of Car Park Entry Sheet 3 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 85, Revision No: B, dated 06/09/2017;
35. Cross Sections Of Car Park Entry Sheet 4 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 86, Revision No: B, dated 06/09/2017;
36. Cross Sections Of Car Park Entry Sheet 5 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 87, Revision No: B, dated 06/09/2017;
37. Cross Sections Of Car Park Entry Sheet 6 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 88, Revision No: B, dated 06/09/2017;
38. Cross Sections Of Car Park Entry Sheet 7 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 89, Revision No: B, dated 06/09/2017;
39. Cross Sections Of Car Park Entry Sheet 8 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 90, Revision No: B, dated 06/09/2017;
40. Cross Sections Of Car Park Entry Sheet 9 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 91, Revision No: B, dated 06/09/2017;
41. Cross Sections Of Car Park Entry Sheet 10 of 10 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 92, Revision No: B, dated 06/09/2017;
42. Typical Section Of Car Park Entry – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 93, Revision No: B, dated 06/09/2017;
43. Long Section Of Car Park Batter – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 94, Revision No: B, dated 06/09/2017;
44. Cross Sections Of Car Park Batter Sheet 1 of 3 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 95, Revision No: B, dated 06/09/2017;
45. Cross Sections Of Car Park Batter Sheet 2 of 3 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 96, Revision No: B, dated 06/09/2017;
46. Cross Sections Of Car Park Batter Sheet 3 of 3 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 97, Revision No: B, dated 06/09/2017;
47. Long Section Of Car Park Exit – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 98, Revision No: A, dated 17/07/2017;
48. Cross Sections Of Car Park Exit Sheet 1 of 3 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 99, Revision No: A, dated 17/07/2017;
49. Cross Sections Of Car Park Exit Sheet 2 of 3 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 100, Revision No: A, dated 17/07/2017;



50. Cross Sections Of Car Park Exit Sheet 3 of 3 – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 101, Revision No: A, dated 17/07/2017;
51. Car Park Exit Typical Sections – Issued For Approval – Job Ref: Q4115K - 64, Sheet No: 102, Revision No: A, dated 17/07/2017;
52. Long Sections Of Storm Water Lines From Car Park Building And Access – Job Ref: Q4515K-64, Sheet No: 104, Revision No: Draft, dated 24/07/2017;

Plans attached to Joint Witness Statement dated 18 July 2018

53. GeoSolve plan titled Skyline Enterprises Ltd, Carpark Building, Skyline, Queenstown, Rockfall and Alluvial Fan Assessment, Site Plan, Figure I, Revision O, dated May 2018, attached as to this resource consent at Appendix 3;
54. Patterson Pitts Group plan titled Estimate of Tree Coverage Above Proposed Carpark Building Scaled From Aerial Images, Sheet 115, Revision A, dated 27 June 2018



Appendix 2 – Key Stakeholder Communication List

Name	Location	E-mail Address
Ally Mondillo / Lomond Crescent Residents	Lomond Crescent Residential Area	ally@mondillo.com Ken.Allott@outlook.com zizitv@me.com
Brecon St Partnership Limited	34 Brecon Street	grahamw@generus.co.nz
Mark Rose	The Rees, Queenstown	mark@therees.co.nz
Kiwi and Birdlife Park	51 Brecon Street	wildlife@kiwibird.co.nz
CCR Limited	Lake View Holiday Park	erna@camp.co.nz
Basil Walker	39 Man Street	notes4basil@yahoo.co.nz
Queenstown Pre-School and Nursery	Brecon Street	queenstownchildcare@xtra.co.nz
Queenstown Holiday Park and Motels	Robins Road	gm@camp.co.nz
Otago Regional Council	Dunedin	warren.hanley@orc.govt.nz
S Kolff	Lives in QT Motor Park	kolfff@hotmail.com
Louise Evans	17 Man Street	louise_evans_1234@hotmail.com
Ministry of Education	Queenstown Primary School	martin.swaffield@beca.com
Queenstown Primary Board of Trustees (Noel Saxon)	Queenstown Primary School	noel.miff@xtra.co.nz
Georgie Evans	17 Man Street	georgiefevans@gmail.com
Kelvin Peninsula Community Association	Kelvin Peninsula	talk2kpca@gmail.com
ZJV (NZ) Limited	Ben Lomond Reserve	tyeo@ziptrek.com scordelle@ziptrek.com
Frost Foundation Limited	Isle Street Medical Centre	mwfrost@xtra.co.nz
Robins Road Limited	Hadley Consultants Robins Road	james@hadleys.co.nz
Te Runanga o Otakou and Kati Huirapa Runaka Ki Puketeraki	KTKO	Tania@ktkold.co.nz
Lee Exell	Lomond Lodge – Man Street	lee@queenstown.com
Queenstown Primary	Queenstown Primary School	Fionac@queenstown.school.nz



School Principal (Fiona Cavanagh)		
Queenstown Lakes District Council	General Manager, Infrastructure	Peter.Hansby@qldc.govt.nz
G-Force	Ben Lomond Reserve	gavin@nzgforce.com
Wakatipu Trails Trust	Ben Lomond Reserve	mark.williams@queenstowntrail.org.nz
Department of Conservation	Ben Lomond Scenic Reserve	sgeh@doc.govt.nz
A J Hackett Bungy	Ben Lomond Reserve	David@bungy.co.nz
Vertigo Bikes	Ben Lomond Reserve	@vertigobikes.co.nz
QTMBC	Ben Lomond Reserve	secretary@queenstownmtb.co.nz president@queenstownmtb.co.nz

