



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 &

RESOURCE MANAGEMENT ACT 1991

Applicant:	Universal Developments Hawea Limited
SH Reference:	SH190005
Location:	Cemetery Road, Lake Hawea
Proposal:	Subdivision consent to create 465 residential allotments, allotments for a childcare centre, commercial building and 10 bulk lots for commercial/community mixed use purposes, allotments to vest as Reserves and Roads and allotments to be amalgamated. Land use consent for residential units, for a commercial building, for a childcare centre and for commercial/community mixed use activities on ten lots along with all associated infrastructure, roading, access, carparking, earthworks and landscaping; consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and application to cancel conditions specified in a consent notice.
Type of Consent:	Subdivision and Land Use Consent.
Legal Description:	Lot 2 DP 343855 as held in RT 180128.
Valuation Number:	2908206003
Zoning:	Rural General Zone (Operative District Plan); Rural Zone (Proposed District Plan).
Activity Status:	Non-complying activity (Operative District Plan & Proposed District Plan)
Notification:	19 November 2019
Commissioners:	W David Whitney (Chair), Dr Lee Beattie and Lisa Mein
Date of Decision:	20 April 2020
Decision:	Consent Granted in Part Subject to Conditions

A. INTRODUCTION

A.1 Background

1. Universal Developments Hawea Limited has applied to the Queenstown Lakes District Council (QLDC/the Council) as an authorised agency under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for subdivision and land use consent with respect to land described as Lot 2 DP 343855 as held in Record of Title Identifier 180128 in the Otago Land Registration District. The applicant has also applied for consent under Regulation 11(2) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES); and to cancel conditions specified in a consent notice pursuant to section 221(3) of the Resource Management Act 1991 (RMA/the Act).
2. The site, which has an area of 34.4670 hectares more or less, has frontage to Cemetery Road at Lake Hawea, being immediately to the south of that road. The site is directly opposite Capell Avenue being an unformed legal road that currently provides a pedestrian and cycle link to Lake Hawea township to the north. The site is directly opposite the Sentinel Park residential subdivision and larger residential lots to the east that have frontage to Cemetery Road and Grandview Road. Grandview Road provides a road connection via Sarges Way to the Lake Hawea township to the north.
3. The site was created as part of a three lot subdivision (RM030820); with a building platform approved on the site as part of that consent that is located towards the southern boundary of the site. Consent notice CONO 8101037.5 specifies conditions relevant to a future dwelling or other building on this residential building platform. A four bay farm shed is the only building currently located on the site; and this was authorised by RM170075. The site is otherwise vacant rural land. Rural properties also exist immediately to the east, west and south of the subject site.
4. The QLDC and the Government entered into the Queenstown-Lakes Housing Accord (the Accord) on 23 October 2014 under section 10 of the HASHAA. The Accord established the Council as an authorised agency under the HASHAA and outlines how the Council will achieve the purpose of the HASHAA and increase housing affordability and supply. Under the Accord the Government and the QLDC have agreed to ensure that housing development provide a mix of house types, including more compact affordable homes, that can be sold at different price points.
5. The Accord provides the QLDC with the power to recommend Special Housing Areas (SHAs) for the Minister's approval. At the full Council meeting on 13 December 2018 the Council agreed to recommend to the Minister for Building and Housing that the site be classified as a SHA under the Accord. The Housing Accords and Special Housing Areas (Queenstown – Lakes) Amendment Order 2019 (Order in Council) was made on 24 June 2019 and this declared the land comprising the subject site at Lake Hawea as a SHA.
6. On 21 December 2018 the Hawea Special Housing Area Deed (Infrastructure & Affordability) - (Hawea Special Housing Area Deed/the Deed) - was entered into between Universal Developments Hawea Limited, the QLDC and the Queenstown Lakes Community Housing Trust (the Trust) regarding the requirements for the Lake Hawea SHA; and on 17 September 2019 the Deed was amended by the Hawea Special Housing Area Amendment Deed (Infrastructure & Affordability).
7. The Order in Council specifies the criteria that a development in the Lake Hawea SHA must meet in order to be a qualifying development for the purposes of the HASHAA. These qualifying development criteria are as follows:
 - The maximum number of storeys that buildings may have is 2.
 - The maximum height of buildings is 8 metres.
 - The minimum number of dwellings that must be built is 30.

8. It is noted that the Order in Council did not prescribe a percentage of dwellings that must be affordable in the Lake Hawea SHA. Instead the goal of “affordability” is achieved by the Hawea Special Housing Area Deed (as amended on 17 September 2019) as follows:
- No dwelling shall be used for visitor accommodation except as permitted in district plan rules.
 - The provision to the Trust of 12.5% of the total number of sections to be developed, which must comprise an area equivalent to 12.5% of the residential component of the developed land.
 - The provision to the Trust within Stage One of the Hawea SHA of 20% of the total number of sections to be provided to the Trust (the sections representing this additional 7.5% of Stage One to be brought forward from a future stage).
 - The registration of restrictive covenants limiting the on-sale of allotments unless those have a fully constructed dwelling on them, are transferred to a Licensed Building Practitioner in the form of a land and dwelling package, or the transfer is by a mortgagee.
 - Sale of sections to be limited to one section or land and dwelling package per purchaser; unless to a Building Company intending to sell land and dwelling packages.
 - The promotion of land and dwelling packages at agreed price points, all of which are below the QLDC price cap for a Kiwisaver First Home Grant.
9. The Commission acknowledges that the proposal as a whole meets the requirements specified for a qualifying development under section 14 of the HASHAA albeit that the Commission has some reservations with respect to the Town Service Centre (TSC) part of the proposal as discussed in paragraphs 87 and 88 in Section B of this decision, below. As such the application may be considered as an application for resource consent under the HASHAA (as well as for consent under the NES and as an application to cancel conditions specified in a consent notice under the RMA, as acknowledged in paragraph 1 above).

A.2 The Proposal

10. Consent is sought to provide for the comprehensive residential development of the site as described in Section 5.0 of the document prepared by Williams & Co dated August 2019 that formed part of the application as lodged. On 18 November 2019 in correspondence headed “SH 190005 – Response to Summary RFI dated 13 November 2019” the proposal was amended to seek resource consent for buildings and associated activities within the TSC on some 3 hectares of land comprising Lots 1-10 and Lot 600 of the proposed subdivision. The use of Lots 1-10 for TSC purposes is discussed further in Section B of this decision.
11. It is acknowledged that the application was further modified prior to and at the hearing and in the applicant’s written reply and that the proposal as presented to the Commission for a decision can be summarised as follows:
- The creation of 503 allotments as depicted on the plan of subdivision being the Southern Land Plan U4266 Revision D dated 2 March 2020. These allotments are described further below.
 - The creation of 465 residential allotments that vary between approximately 250m² and 620m² in area.
 - The creation of 10 allotments for commercial/community activity purposes; such lot areas varying between approximately 1450m² and 4010m².
 - The creation of Lot 600 (approximately 1250m²) for a commercial/café development (commercial building).
 - The creation of Lot 601 (approximately 2000m²) to accommodate a childcare centre.
 - The creation of 4 allotments (being Lots 117, 128, 147 and 159) for stormwater conveyance purposes. These allotments are to be amalgamated with Lot 172; and all 5 allotments (along with Lot 162) have been configured to provide for the creation of future road access to adjacent land.

- The creation of 8 allotments to vest in the QLDC as Local Purpose Reserve. The two larger allotments (being Lots 705 and 706) are to be vested as Local Purpose Reserve (Stormwater & Recreation); and the smaller allotments (being Lots 700, 701, 702, 703 and 704) are to be vested for Local Purpose Reserve (Stormwater & Access). Lot 707 is to be vested as Local Purpose Reserve (Wastewater); being the site for a future wastewater pump station adjacent to the southern boundary of the SHA.
- The creation of two allotments (Lots 998 and 999) to be amalgamated with the adjacent properties being Lot 1 DP 541414 and Lot 1 DP 343855, respectively.
- Twelve lots to vest as Road being Lots 800-812. Road typology varies within the subdivision with legal road widths of 20 metres, 15 metres and 9 metres proposed. Access to rear lots is to be achieved via right of way easements.
- Street planting and irrigation is proposed. Such street planting is to occur within the subdivision and at the subdivision frontage to Cemetery Road. A sealed footpath is to be provided in Cemetery Road adjacent to the site.
- All services including reticulated water, wastewater and stormwater services are to be provided along with power and telecommunication services. A temporary wastewater storage and trucking regime is proposed until all wastewater can be disposed of via reticulation to Project Pure (as discussed later in this decision).
- Earthworks in association with the proposed subdivision will be required to ensure that lots relate appropriately to the roading alignments, to install services and to form roads. Some parts of the site (notably the western side) will require earthworks to ensure secondary stormwater flows can be appropriately directed through the subdivision.
- Land use consent is sought to permit a residential unit (inclusive of one residential flat) on each residential allotment. A suite of building and design controls are proposed in the context of the land use consent sought for each residential allotment.
- Land use consent is sought for a commercial building consisting of a café and commercial/office space and associated parking on Lot 600. Plans of the commercial building are attached as Appendix B to Mr Williams's evidence.
- Land use consent is sought for a childcare centre on Lot 601. Plans of the childcare centre are attached as Appendix A to Mr Williams's evidence. The childcare facility is anticipated to have capacity for 80 children and up to 16 staff.
- Land use consent is sought for any Commercial Activities and Community Activities [as defined in the Proposed Queenstown Lakes District Plan] with specific exceptions on Lots 1-10 within the TSC.
- A condition is proposed that none of the following activities shall occur on Lots 1-10:
 - Town Hall.
 - Public Library.
 - Tennis Club.
 - Bowling Club.
 - Community Centre.
 - Residential except one residential unit located above ground floor within each building.
 - Visitor Accommodation Activities.
 - Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores.
 - Industrial Activities.
 - Factory Farming.
 - Mining Activities.
 - Airport.
 - Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.
 - Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).
 - Any activity requiring an Offensive Trade Licence under the Health Act 1956.

- Conditions are proposed to the effect that any individual Commercial Activity shall not exceed 1000m² in gross floor area (GFA); and that the total GFA of all activities within Lots 1-10 shall not exceed 8000m² at ground floor level and 16,000m² in total.
 - Any individual retail activity shall not exceed 300m² GFA except for one supermarket; and any individual office activity shall not exceed 200m² GFA.
 - A suite of other conditions is proposed for Lots 1-10 including controls with respect to building design and coverage, restricting hours of operation in the context of licensed premises, control of noise and glare, requiring a traffic assessment to confirm that Chapter 29 Transport of the Proposed District Plan is complied with, and requiring a statement outlining how the building design and layout responds to its context.
 - Staging of the subdivision is proposed. Stage 1 (185 residential allotments) relates to the eastern portion of the subdivision. Other stages proposed include Stage 2A, 2B, 3A and 3B. Lot 601 (childcare centre) is in Stage 3A; and Lots 1-10 and Lot 600 (Town Service Centre) including the commercial building (Lot 600) are in Stage 3B.
 - A non-object covenant is proposed (or alternatively a condition subject to a consent notice) to address reverse sensitivity effects relating to farming activities conducted on Section 8 Block IV Lower Hawea Survey District, being the land immediately to the east of the site.
 - Extended lapse dates (beyond the 1 year specified in section 51(a)(iii) of HASHAA) are proposed. A lapse date of 3 years is proposed for Stage 1 and a lapse date of 5 years for Stages 2A, 2B, 3A and 3B of the subdivision; and for the land use consents for residential activity, the childcare centre, the commercial building, and the building/activities in the Town Service Centre (Lots 1-10).
 - Consent is sought in terms of Regulation 11(2) of the NES with respect to the removal and remediation of an historic landfill located in the north-east corner of the subject site.
 - It is proposed that the conditions specified in consent notice CONO 8101037.5 be cancelled in their entirety with respect to Lot 2 DP 343855; such cancellation to be given effect to when section 223 (RMA) approval is given to Stage 1 of the subdivision.
12. The above represents a summary only of the proposal and further details are contained in the application, in the evidence presented at the hearing and in the applicant's written reply. This includes some amendments which were recommended in the reports prepared by Council officers and advisors; such reports informing the section 42A report presented to the Commission by Ms Ellis. The written reply also confirms that the applicant has consulted with the section 42A report author with respect to the amended conditions presented with the written reply; and the applicant understands that Ms Ellis supports these amendments.
13. The Commission confirms that it has assessed the proposal on the basis of the application as lodged and subsequently amended by the applicant prior to and at the hearing before the Commission, including the amended conditions as proposed in the applicant's written reply.

A.3 Zoning : Operative District Plan

14. The site is zoned Rural General as shown on Map 17 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan).
15. Zone Subdivision Standard 15.2.6.3iii(b) requires that every allotment created by subdivision in the Rural General Zone is to have a residential building platform approved at the time of subdivision of not less than 70m² in area and not greater than 1000m² in area. A breach of Zone Subdivision Standard 15.2.6.3iii(b) is a non-complying activity pursuant to Rule 15.2.3.4(i).
16. Rule 5.3.3.3i(a)(i) and (ii) provide for the construction of any building and any physical activity associated with any building such as roading, landscaping and earthworks, as a discretionary activity in the Rural General Zone.

17. Rule 5.3.3.4(a) stipulates that commercial activities are a non-complying activity in the Rural General Zone.
18. Site Standard 5.3.5.1iii(a) stipulates that the maximum gross floor area of all buildings on the site which may be used for all activities (with specific exclusions) shall be 100m². A breach of Site Standard 5.3.5.1iii(a) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
19. Site Standard 5.3.5.1vi(a) requires a minimum setback from internal boundaries for buildings of 15 metres in the Rural General Zone. A breach of Site Standard 5.3.5.1vi(a) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
20. Zone Standard 5.3.5.2ii requires a minimum setback from road boundaries for buildings of 20 metres. A breach of Zone Standard 5.3.5.2ii is a non-complying activity in terms of Rule 5.3.3.4vi.
21. Site Standard 14.2.4.1i requires that provision be made for on-site parking spaces as detailed in that Site Standard. Site Standard 14.2.4.1i is breached with respect to the commercial building development. A breach of Rule 14.2.4.1i is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
22. Site Standard 14.2.4.1v stipulates the size of parking spaces. This Site Standard is breached with respect to the childcare and commercial building developments. A breach of Site Standard 14.2.4.1v is a restricted discretionary activity pursuant to Rule 14.2.2.3ii.
23. Site Standard 14.2.4.1ix makes provision with respect to reverse manoeuvring. This Site Standard is breached with respect to the childcare development where 3 spaces require an additional reverse movement to enter. A breach of Site Standard 14.2.4.1ix is a restricted discretionary activity pursuant to Rule 14.2.2.3ii.
24. Site Standard 14.2.4.1xi stipulates queuing lengths. There is a 2 metre shortfall in the queuing distance with respect to the childcare development. A breach of Site Standard 14.2.4.1xi is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
25. Site Standard 14.2.4.2iv stipulates minimum sight distances from vehicle accesses. A breach of Site Standard 14.2.4.2iv is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
26. Site Standard 14.2.4.2vi stipulates distances of vehicle crossings from intersections. A breach of Site Standard 14.2.4.2vi is a restricted discretionary activity in terms of Rule 14.2.2.3ii.
27. Rule 18.2.5 confirms that any signage listed as a Discretionary Activity (DIS) in Activity Table 3 is a [unrestricted] discretionary activity.
28. Rule 22.3.2.4(b) provides for earthworks with a total volume of over 50,000m³ as a [unrestricted] discretionary activity.
29. Site Standard 22.3.3i states that the maximum total volume of earthworks (m³) shall not exceed that specified in Table 22.1 (which specifies a maximum total volume of 1000m³ in the Rural General Zone). A breach of Site Standard 22.3.3i is a restricted discretionary activity in terms of Rule 22.3.2.3(a).
30. Site Standard 22.3.3ii(a) specifies the maximum height of cut and fill in the Rural General Zone. A breach of Site Standard 22.3.3ii(a) is a restricted discretionary activity in terms of Rule 22.3.2.3(a).
31. The proposal as a whole has status as an application for subdivision and land use consent to a non-complying activity in terms of the Operative District Plan albeit that the Commission has been advised that the relevant rules of the Operative District Plan are inoperative (see paragraph 34 below).

A.4 Zoning : Proposed District Plan

32. The site is zoned Rural with a Rural Character Landscape (RCL) landscape categorisation as shown on Map 17 of the Decisions version (Stage 1) of the Proposed Queenstown Lakes District Plan (Proposed District Plan).
33. Section 86B(1) of the RMA confirms that a rule in a Proposed District Plan has legal effect once a decision on submissions relating to the rule is made and publicly notified. Decisions on submissions on Stage 1 of the Proposed District Plan were publicly notified on 7 May 2018. Accordingly the rules of the Proposed District Plan have legal effect.
34. Section 86F(1) of the RMA confirms that a rule in a Proposed District Plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and no submissions in opposition have been made or appeals have been lodged; or all submissions in opposition and appeals have been determined; or all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed. While a number of the Operative District Plan rules are breached or otherwise stipulate that resource consent is required (as identified in Section A.3 of this decision) Ms Ellis advised us that these rules can be treated as inoperative under section 86F of the RMA due to the corresponding Proposed District Plan rules not being subject to appeal. The Commission has not undertaken a forensic examination of all of the relevant rules of the Proposed District Plan to confirm that no appeals have been lodged thereto; and therefore while the Commission accepts Ms Ellis's advice in this respect it has chosen, through an abundance of caution, to identify all rules of the Operative District Plan that would otherwise be breached or otherwise require that resource consent be obtained in terms of the Operative District Plan.
35. Rule 21.5.1 requires a minimum setback of any building from internal boundaries in the Rural Zone of 15 metres. A breach of this Rule 21.5.1 is a restricted discretionary activity.
36. Rule 21.5.2 requires a minimum setback of any building from a road boundary of 20 metres in the Rural Zone. A breach of this Rule 21.5.1 is a restricted discretionary activity.
37. Rule 21.7.1 controls structures closer than 10 metres to a road boundary. A breach of Rule 21.7.1 is a restricted discretionary activity.
38. Rule 21.7.2 stipulates exterior surface requirements for buildings. A breach of Rule 21.7.2 is a restricted discretionary activity.
39. Rule 21.7.3 controls the size of buildings. In this instance buildings will be greater than 500m². A breach of Rule 21.7.3 is a restricted discretionary activity.
40. Rule 21.4.9 controls the use of land or buildings for residential activity except as provided for in any other rule. A breach of Rule 21.4.9 is an unrestricted discretionary activity.
41. Rule 21.4.11 relates to the construction of any building including the physical activity associated with buildings, including roading, access, lighting, landscaping and earthworks not provided for by any other rule. A breach of Rule 21.4.11 is an unrestricted discretionary activity.
42. Rule 21.2.34 stipulates that any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14 is a non-complying activity. The childcare facility and commercial building and activities proposed on Lots 1-10 are not otherwise provided for in those tables. The proposal is therefore a non-complying activity in terms of Rule 21.2.34.

43. The proposal breaches Rule 25.4.2 Table 25.2 as the maximum total volume of earthworks will exceed 400m³. A breach of Rule 25.4.2 is a restricted discretionary activity.
44. The proposal will breach Rule 25.5.5 and Rule 25.5.6 as the depth of cut will exceed 2.4 metres and fill will exceed 2 metres. A breach of Rule 25.5.5 and Rule 25.5.6 is a restricted discretionary activity.
45. Rule 29.5.1 stipulates minimum parking requirements. There is a shortfall of parking spaces for the commercial building development. A breach of Rule 29.5.1 is a restricted discretionary activity.
46. Rule 29.5.3 stipulates the size of parking spaces and layout. This rule is breached with respect to the childcare centre and commercial building developments. A breach of Rule 29.5.3 is a restricted discretionary activity.
47. Rule 29.5.5 stipulates requirements for mobility parking spaces. This rule is breached with respect to the childcare centre and commercial building developments. A breach of Rule 29.5.5 is a restricted discretionary activity.
48. Rule 29.5.6 provides for drop-off/pick-up spaces. This is breached with respect to the childcare centre development. A breach of Rule 29.5.6 is a restricted discretionary activity.
49. Rule 29.5.7 relates to reverse manoeuvring requirements. This is breached with respect to the childcare centre development where three spaces require an additional reverse movement to enter. A breach of Rule 29.5.7 is a restricted discretionary activity.
50. Rule 29.5.9 relates to queuing. This is breached with respect to the childcare centre development where a 2 metre shortfall in the queuing distance will occur. A breach of Rule 29.5.9 is a restricted discretionary activity.
51. Rule 29.5.18 stipulates minimum sight distances from vehicle accesses. A breach of Rule 29.5.18 is a restricted discretionary activity.
52. Rule 29.5.22 stipulates minimum distances of vehicles crossings from intersections. A breach of Rule 29.5.22 is a restricted discretionary activity.
53. Rule 27.5.11 stipulates that all subdivision activities in the Rural Zone are an [unrestricted] discretionary activity.
54. The proposed subdivision is a non-complying activity in terms of Rule 27.7.10 as no building platforms are identified on the allotments.
55. Standards for rural signs are specified in Table 31.11. As the signage proposed on the commercial building exceeds 2m² the proposal is an [unrestricted] discretionary activity pursuant to Rule 31.11.1.
56. The Commission has considered the proposal as an application for subdivision and land use consent to a non-complying activity in terms of the Proposed District Plan.

A.5 Submissions

57. Four submissions were received within the statutory submission period which closed on 17 December 2019. These submissions were received from Simon Hoskin, Willowridge Developments Limited, Su Hoskin and the Henderson Family Co Ltd. A submission was lodged by Daryl Kerin on 8 January 2020. This late submission was received 3 working days after submissions closed. Having taken into account the matters listed in section 37A of the RMA the Commission has decided to extend the time period for receipt of the Kerin submission pursuant to section 37(1)(a) of the RMA. It is noted in this context that sections 37 and 37A of the RMA apply pursuant to section 76(2)(f) of the HASHAA.
58. The Commission has given consideration to the contents of all submissions received in response to the application.

A.6 Affected Persons Approvals

59. Affected persons approvals have been provided by Richard Burdon, Gerald Raymond (Gerry) Shaw and Universal Developments Hawea Limited. These affected persons approvals have been provided by the owners of land to the west (Universal Developments Hawea Limited) and south (Shaw) being the owners of this land at the time that the application was notified. The Commission notes that the land to the south of the site has now been subdivided and that Universal Developments Hawea Limited owns the land to the south of the site that is now described as Lot 1 DP 541414; being the land immediately adjacent to the site. The remaining affected persons approval (Burdon) has been provided by the farm operator of the site directly to the east of the subject site being Section 8 Block IV Lower Hawea Survey District. It is understood that the property farmed by Mr Burdon is owned by Mr Kerin who has submitted in response to the application.
60. It is noted that the proposal, as described in the affected persons approvals, does not refer to any commercial or community development on Lots 1-10 in the proposed Township Service Centre.

A.7 Reports and Hearing

61. The Commission has had the benefit of a planning report dated 30 January 2020 prepared by Ms Katrina Ellis, the Team Leader Resource Consents with the Queenstown Lakes District Council; an Urban Design Review and Urban Design Expert Review dated 30 August 2019 and 29 November 2019, respectively, prepared by Mr Garth Falconer, Director of Reset Urban Design Limited; an Engineering Report dated 17 December 2019 prepared by Cameron Jones, Land Development Engineer with the Queenstown Lakes District Council; a Transport Review dated 12 December 2019 prepared by Mr Nick Fuller, Senior Transport Engineer, of Novo Group Limited; a Landscape Assessment Report dated 17 September 2019 prepared by Helen Mellsop, Landscape Architect; a Parks and Reserves Report dated 16 December 2019 prepared by Mr Aaron Burt, Senior Planner : Parks & Reserves with the Queenstown Lakes District Council; an Ecological Review dated 9 September 2019 [updated by an Addendum dated 25 September 2019] prepared by Dawn Palmer, Senior Ecologist at Natural Solutions for Nature Limited; and an Economic Commentary on the Hawea SHA Township Service Centre dated 24 January 2020 prepared by Ms Natalie Hampson, Director of Market Economics Limited.
62. At the hearing on Monday 24 February 2020 and Tuesday 25 February 2020 the Commission was assisted by Ms Ellis, Mr Falconer, Mr Jones, Mr Fuller, Ms Mellsop, Mr Burt and Ms Hampson; and Mr Richard Powell, Infrastructure Engineer with the Queenstown Lakes District Council, was also present. Ms Palmer was available by telephone to answer any questions from the Commission, if required. Ms Charlotte Evans, Planning Support with the Queenstown Lakes District Council, provided administrative support at the hearing.

63. Prior to the hearing the Commission had the opportunity to consider the application and supporting material; the submissions; the section 42A report and appendices thereto; and the pre-circulated written evidence prepared by Mr Hocking, Ms Scott (on behalf of the Trust), Mr Espie, Mr Walsh, Mr Smith, Mr Waite, Mr Carr, Mr Williams and Mr Davis for the applicant; and by Mr Baxter and Mr Murray in support of the submission by Willowridge Developments Limited. The Commission made a site inspection with Ms Ellis prior to the hearing on 24 February 2020.
64. At the hearing the applicant was represented by Ms Maree Baker-Galloway and Ms Rosie Hill, Counsel, of Anderson Lloyd; Mr Lane Hocking the sole Director of Universal Developments Hawea Limited (who also presented a supplementary statement of evidence); Ms Julie Scott the Executive Officer of the Queenstown Lakes Community Housing Trust who presented evidence in support of the application; Mr Ben Espie Landscape Architect and Director of Vivian + Espie Limited; Mr Fraser Walsh Engineering Geologist and Director of Ground Consulting Limited (GCL); Mr Tony Smith Civil Engineer; Mr Lucan Waite Licensed Cadastral Surveyor and Director of Southern Land Limited; Mr Andy Carr Traffic Engineer and Director of Carriageway Consulting Limited; and Mr Tim Williams Planning & Urban Design Consultant and Director of Williams & Co. Mr Glenn Davis Ecologist and Director of e3Scientific Limited was available by telephone to answer questions from the Commission, if required. Willowridge Developments Limited, a submitter, was represented at the hearing by Mrs Jayne Macdonald, Counsel, of Macalister Todd Phillips; Mr Paddy Baxter Landscape Architect and Director of Baxter Design Group; and Mr Werner Murray a Senior Planner at The Property Group Limited.
65. At the commencement of the hearing email correspondence dated 21 February 2020 and 24 February 2020 from Mr Daryl Kerin and from Amanda Henderson (for the Henderson Family Co Limited), respectively, was tabled in support of those parties' submissions.
66. The planning, urban design, engineering, transport, landscape, parks and reserves, ecological and economic commentary reports were taken as read and Mr Falconer, Mr Fuller, Ms Mellsop, Mr Burt, Mr Jones & Mr Powell, Ms Hampson and Ms Ellis were invited to comment following the presentation of the submissions and evidence. Ms Baker-Galloway sought leave to submit her reply in writing along with an amended set of conditions (based on matters discussed at the hearing). Such leave was granted. The Commission notes that the written reply and conditions were received on 4 March 2020.
67. It was noted at the adjournment of the hearing on 25 February 2020 that notification of the Commission's decision, in terms of the HASHAA, was due on or about 19 March 2020. Ms Baker-Galloway noted that section 37(1) of the RMA provides the Commission with the discretion to extend a time period; and that such extension is permitted under HASHAA [see section 76(2)(f) of HASHAA]. Given the quantity of information to be considered by the Commission it was indicated at the adjournment of the hearing that such an extension was likely in this instance. The need for a longer extension has resulted from the Government directed COVID-19 Alert Level 4 lockdown that commenced on 25 March 2020.

A.8 Principal Issues in Contention

68. The principal issues in contention are the effects on the environment of allowing the subdivision and land use activity to occur on the subject site at Cemetery Road, Lake Hawea.

B. TOWNSHIP SERVICE CENTRE

69. The Hawea Special Housing Area Deed has attached to it, at Schedule A, a plan that shows a "Township Service Centre" on the subject site immediately to the south of Cemetery Road and opposite Capell Avenue (currently unformed). Clause 1 of the Deed [under Hawea SHA E01] directs that references to the "Community Hub" in the Developers Expression of Interest : Hawea – Expression of Interest for a Special Housing Area dated May 2018 is to be read as referring to the "Township Service Centre". Furthermore, the Deed stipulates that certain activities are not to be located in the Township Service Centre; such activities being the Town Hall etc, being several of the exceptions listed in Section A.2 above (in the context of activities that are not to occur on Lots 1-10).
70. The application SH 190005 as lodged includes the document prepared by Williams & Co dated August 2019 which at Section 5.0 on page 11 states as follows:

"Township Service Centre

As part of the EOI [Expression of Interest for a SHA] process the concept of a Township Service Centre was considered. At this point the application does not seek consent for this concept other than to provide for the Childcare Facility and Commercial building."

71. As no consent was sought for the Township Service Centre as a whole in the application as lodged; the documentation provided in support of the application provided no assessment of the effects of such activity.
72. A request for further information dated 13 November 2019 from Alicia Hunter, a Senior Planner with the QLDC, advised that the provision of a Township Service Centre was required to align with the Deed. Ms Hunter advised that amended plans and accompanying design controls/covenants are required to be provided to demonstrate how this [provision of a Township Service Centre] can be achieved.
73. In correspondence dated 18 November 2019 entitled "SH 190005 – Response to Summary RFI dated 13 November 2019" Mr Williams, the applicant's planner, advised as follows:

"...

*In response, the updated Scheme Plan and Master Plan provide for bulk lots within the Township Service Centre (TSC) as requested. Please find attached as **Appendix [C]** a set of controls providing a framework for certification of activities and buildings within the Township Service Centre (TSC).*

*The proposal now formally provides for and seeks resource consent approval for buildings and associated Commercial Activities, Service Activities, Community Activities and Residential Activities (as defined) except where restricted by the controls (**Appendix [C]**) within the TSC area. The proposed controls provide for consent to be approved for activities and buildings within this area subject to a certification process for each individual building.*

..."

74. It is noted that consent is no longer sought for Residential Activities (except for one residential unit located above ground floor within each building) or for Service Activities in the TSC; such amendments to the application being made prior to and at the hearing. Other specific activities have subsequently been excluded from the TSC as stated in the applicant's written reply at paragraph 51(c).
75. The application SH 190005 was notified on 19 November 2019 incorporating the resource consent sought with respect to the TSC in the correspondence from Williams & Co dated 18 November 2019.

76. The application for land use consent for activities within the TSC (as sought in the correspondence dated 18 November 2019) was not supported by technical reports that would assist in assessing the effects on the environment of this element of the proposal. This is not surprising given that the application was widened in scope to include activities in the TSC on the day prior to the notification of SH 190005.
77. Mr Williams confirmed at the hearing that land use consent was sought within the Township Service Centre (Lots 1-10) for Commercial Activities and Community Activities, such activities as defined in the Proposed Queenstown Lakes District Plan. The Proposed District Plan defines the terms "Commercial Activity" and "Community Activity" as follows:
- "Commercial Activity***
Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays."
- "Community Activity***
Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices."
78. Again, it is acknowledged that certain activities are to be excluded from the TSC via a condition proposed in the notified application by the applicant; and that other specific activities have been excluded in terms of the applicant's written reply. It is noted that the total area of Lots 1 – 10 is approximately 3 hectares (30,000m²). This compares to the total area of approximately 4400m² included in the Local Shopping Centre Zone at Lake Hawea as provided for in the Proposed District Plan.
79. A grant of land use consent for Commercial Activities will authorise a wide range of activities. Examples include a supermarket and a petrol station, both being land uses that have a wide range of actual and potential effects on the environment. It is noted that conditions are proposed with respect to the GFA of an individual commercial activity; with respect to the total GFA of all activities within Lots 1-10 in the TSC; and with respect to individual retail activities (apart from a supermarket) and individual office activities.
80. Again it is noted that the application SH 190005 as notified contained no assessment of the effects of those activities for which land use consent is sought on Lots 1-10, being the Township Service Zone.
81. Section 88(2) of the RMA contemplates that the material prepared and lodged with an application should be proportionate to the potential effects. In this instance no assessment has been presented in the application as notified of the actual or potential effects on the environment of the activities for which land use consent is sought in the TSC. As such this aspect of the application fails to comply with section 88 and Schedule 4 of the RMA. Advisors to consent authorities and would-be submitters should not have to engage in detailed investigations to enable them to assess the effects of a proposal. It is the applicant's responsibility to provide all the details and information about the proposal to enable this to be done. This has not occurred in this instance.

82. Some evidence with respect to effects associated with the TSC land use activities has been provided at an overview level by Ms Hampson in a report prepared for the Council that informed the section 42A planning report; and some discussion of effects associated with activities in the TSC has been provided in evidence by Mr Carr and Mr Williams (for the applicant).
83. Notwithstanding the provision of such evidence subsequent to the notification of the application the Commission accepts Mrs Macdonald's submission that the Commission has inadequate information before it to properly address the adverse distribution effects of the range of Commercial Activities and Community Activities promoted in the TSC on the Hawea Local Service Zone, and beyond. The Commission also considers that it has inadequate information before it to assess the traffic effects or urban design effects of any specific land use activity for which generic consent is sought at this time. The Commission considers that there is a gross paucity of information available to it to properly assess the actual and potential effects on the environment of the TSC component of SH 190005.
84. Section 36(1) of HASHAA confirms that an authorised agency may grant or refuse an application for a resource consent made under that Act. Furthermore section 36(3)(b) of HASHAA confirms that an authorised agency has the discretion to refuse an application on the grounds that it has inadequate information to determine the application.
85. The Commission has found that it has inadequate information before it to properly assess the actual and potential effects on the environment of the land use activities proposed on Lots 1-10 in the TSC; and accordingly it is unable to properly consider those activities in terms of the objectives and policies of the Proposed District Plan and other matters relevant to its enquiry in terms of the HASHAA. Land use consent with respect to the land use activities proposed on Lots 1-10 in the TSC is therefore to be refused.
86. As previously noted, Lots 1-10 are promoted for Commercial Activities and Community Activities (with certain exceptions) in the context of the TSC. Given that the Commission has concluded that it has inadequate information to properly consider this part of the proposal; the Commission considers that the appropriate response, in the context of the application for subdivision consent, is to stipulate that Lots 1-10 be amalgamated together. This will result in this land being held as one parcel until such time as the appropriate future use for Lots 1-10 is determined.
87. The purpose of the HASHAA is discussed in Section D of this decision; that purpose being, in essence, to enhance housing affordability by facilitating an increase in land and housing supply. Section 14(1)(a) of the HASHAA confirms that a qualifying development in a SHA is a development that, *inter alia*, will be predominantly residential; and section 14(2) confirms that a development is predominantly residential if –
- “(a) *the primary purpose of the development is to supply dwellings; and*
(b) *any non-residential activities provided for are ancillary to quality residential development (such as recreational, mixed use, retail, or town centre land uses).”*
88. The Commission observes that there is considerable strength in Mrs Macdonald's submission that in this instance the non-residential activities proposed, and specifically those proposed to be enabled on Lots 1-10 in the TSC, are not “ancillary to” quality residential development and accordingly that this part of the proposal falls beyond the scope of a predominantly residential qualifying development, as defined in section 14 of the HASHAA. Given that the Commission has found that it has inadequate information to determine the TSC part of the proposal it is not necessary for the Commission to make a definitive finding on whether the TSC part of the proposal does or does not fall within the scope of a qualifying development under the HASHAA.

89. The Commission is aware that the Proposed District Plan is under preparation; and the Commission has been informed that the use of the TSC land is the subject of submissions in the context of Stage 3 of the District Plan Review.
90. While this decision can have no bearing on the outcome of the Stage 3 District Plan Review process; the Commission records its support for the provision of a Township Service Centre in this location provided that such development is supported by adequate information through the appropriate statutory process. The Commission also supports the contention that it is better to earmark land for Township Service Centre purposes at this time rather than trying later to assemble a parcel of land once the land has been subdivided into smaller allotments. The amalgamation of Lots 1-10 at this time is consistent with this approach.
91. The Commission anticipates that the District Plan Review section 32/section 32AA processes, informed by comprehensive economic analysis, is likely to determine whether all or part of Lots 1-10 should be utilised for Commercial Activities and/or Community Activities (or for any other uses that may be deemed appropriate). It is noted that if such analysis finds that not all of the land is required for a Township Service Centre; then the surplus land could be used for additional residential allotments (thus adding to the housing stock of the District and potentially benefiting the Trust in terms of affordable housing).
92. The Commission has chosen to address the Township Service Centre part of the proposal early in this decision so that the balance of the proposal can be focussed on in the succeeding Sections of this decision. A benefit of this approach is that a less complex and more concise decision is able to be produced on this application by the Commission.

C. MATTERS FOR CONSIDERATION

93. Section 34(1) of the HASHAA lists the matters which the Commission (for the authorised agency) must have regard to when considering an application for a resource consent under the HASHAA. Section 34(1) of the HASHAA states as follows:

- “(1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater or lesser) in the order listed:*
- (a) the purpose of this Act:*
 - (b) the matters in Part 2 of the Resource Management Act 1991:*
 - (c) any relevant proposed plan:*
 - (d) the other matters that would arise for consideration under-*
 - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:*
 - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):*
 - (e) the key urban design qualities expressed in the Ministry for the Environment’s New Zealand Urban Design Protocol (2005) and any subsequent editions of that document.”*

94. It is acknowledged that the matters listed in section 34(1) of the HASHAA are to be given weight in the order listed. Each matter listed in section 34(1)(a) – (e) of the HASHAA is therefore listed in descending priority.
95. Section 34(2) of the HASHAA contains a direction to the Commission (for the authorised agency) with respect to infrastructure. Section 34(2) of the HASHAA directs:
- “(2) *An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.*”
96. Section 36(1) of the HASHAA confirms that the Commission (for the authorised agency) may grant or refuse an application for a resource consent made under HASHAA; and that if it grants the application it may impose conditions under sections 37 and 38 of the HASHAA.
97. As previously noted consent is also required in terms of Regulation 11(2) of the NES; and consent is sought to cancel conditions of consent specified in consent notice CONO 8101037.5 pursuant to section 221(3)(b) of the RMA. To avoid unnecessary repetition the Commission has chosen to address all matters relevant to the consideration of the applications made in terms of the HASHAA, the NES and the RMA once only, in the order and context of the matters listed in section 34(1) of the HASHAA. It is acknowledged however that the weighting given to matters in terms of section 34(1) of the HASHAA does not apply to the consideration of the applications made under the NES or the RMA.
98. The matters listed in section 34(1) of the HASHAA are addressed in the succeeding parts of this decision being Parts D – I inclusive. Part J relates specifically to section 34(2) of the HASHAA.

D. PURPOSE OF THE HASHAA

99. The purpose of the HASHAA is the first priority matter for consideration in terms of section 34(1) of the HASHAA. The purpose of the HASHAA is stated in section 4 of that Act as follows:
- “4 Purpose**
The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.”
100. The Queenstown Lakes District is listed in Schedule 1 of the HASHAA as a District that has significant housing supply and affordable issues for the purposes of the HASHAA.
101. Under the HASHAA, housing affordability is intended to be improved by the facilitation of an increase in land and housing supply. The Commission concurs with Ms Baker-Galloway that if an increase in land and housing supply is achieved the purpose of the Act will be achieved.
102. Ms Ellis’s report advised that the Council’s affordability approach and the Lead Policy dated 30 April 2015 is not to mandate the delivery of housing at a specified price point but to focus on requiring a certain proportion of qualifying developments to comprise smaller subdivision allotments or dwellings. Ms Ellis advised that the updated Lead Policy dated 8 August 2019 (which was attached at Appendix 3B to Ms Ellis’s section 42A report) expects landowners and developers to identify appropriate mechanisms to ensure that housing developed in a SHA addresses the District’s housing affordability issues.

103. Mr Hocking advised that the applicant has a comprehensive plan for supplying hundreds of affordable sections and house/land packages within the Lake Hawea SHA at the site. A number of mechanisms are to be secured both through the Deed and proposed conditions of consent to ensure that the goal of 'affordability' is achieved, including:
- (a) Limitations on visitor accommodation;
 - (b) The provision of 12.5% of the total number of sections to be developed to the Trust (including 20% brought forward into Stage 1);
 - (c) The registration of restrictive covenants limiting the on-sale of allotments unless those have a fully constructed dwelling on them, are transferred by a Licensed Building Practitioner in the form of a land and dwelling package, or the transfer is by a mortgagee;
 - (d) Restriction on sale to one section per purchaser, unless to a Building Company intending to sell land and dwelling packages; and
 - (e) The promotion of land and dwelling packages at agreed price points all of which are below the QLDC price cap for a Kiwisaver First Home Grant.
104. Objective 4.10.1 of the Operative District Plan seeks access to community housing or the provision of a range of residential activity that contributes to housing affordability in the District. It is also noted that the Proposed District Plan provides strategic objectives that seek that development is undertaken in a manner which ensures a mix of housing opportunities, including access to affordable housing (see Objective 3.2.2 and Policy 3.2.2.1).
105. The Commission finds that the proposal to subdivide and develop the Lake Hawea SHA at the site will achieve the purpose of the HASHAA as 465 additional allotments will be created and developed for residential purposes on land currently not zoned for residential use, thus increasing the supply of residential land to enhance housing affordability in the District.

E. PART 2 OF RMA

106. The matters in Part 2 of the RMA are recognised as the second priority matter under section 34(1) of the HASHAA.
107. Part 2 of the RMA contains sections 5 to 8. These are referred in reverse order.
108. Section 8 requires the Commission to take into account the principles of the Treaty of Waitangi. While no issues were raised in reports or evidence in relation to section 8, the Commission has noted that the applicant has offered an accidental discovery protocol condition with respect to the earthworks to be authorised in terms of the subdivision consent sought.
109. Section 7 directs that in achieving the purpose of the RMA particular regard is to be had to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment; and the effects of climate change. The proposal will achieve the efficient use and development of the land resource in terms of increasing housing supply. Ms Ellis noted that while rural amenity will be diminished in the immediate setting, the proposed development is designed to provide for reasonable residential amenity. Accordingly the Commission considers that the proposal will serve to maintain and enhance amenity values and the quality of the environment. Provision of a childcare facility and commercial services in the commercial building will, to a limited extent, help to reduce carbon emissions, that would otherwise contribute to the effects of climate change.
110. There are no other matters stated in section 7 of the RMA which are of any particular relevance to the application.

111. Section 6 of the RMA sets out a number of matters which are declared to be of national importance and directs the Commission to recognise and provide for them. Section 6(c) confirms that the following is a matter of national importance:

“(c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*”

112. There are no areas of significant indigenous vegetation or significant habitats of indigenous fauna present on the site. Mr Davis's evidence confirmed that the vegetation remaining on the site is not consistent with the definition of indigenous vegetation under the Operative District Plan or the Proposed District Plan; that the vegetation on the site is not representative of the original indigenous vegetation that would once have been present on the site; and that vegetation remaining on the site is dominated by introduced species. Ms Palmer has advised, in her email dated 25 September 2019 being the Addendum to her Ecological Review, that she is satisfied that e3 Scientific Limited have undertaken an appropriate review of the ecological values of the site. Ms Palmer accepts these findings as an assessment and she advises that this material can be relied upon for the SHA planning process.
113. There are no other matters stated in section 6 of the RMA which are of any particular relevance to the application.
114. Section 5 sets out the purpose of the RMA – to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters.
115. In this instance the physical resources of this land will be developed in such a way that the social and economic wellbeing of the applicant and of the community will be provided for through the provision of 465 residential allotments and dwellings, a childcare centre and a commercial building (with associated employment opportunities during construction); such development being adjacent to existing urban development so that use can be made of existing infrastructure. The potential of natural and physical resources will be sustained to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of ecosystems will not be compromised and any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.
116. Taking into account the definition of sustainable management contained in section 5(2), the Commission is satisfied that the application will achieve the purpose of the RMA.
117. Having considered the purpose and principles of the RMA as presented in Part 2 of that Act the Commission finds that the subdivision and use of the land for residential, childcare and commercial purposes (within the commercial building), as proposed, promotes sustainable management of natural and physical resources; and that the proposal will achieve the purpose of the RMA.

F. RELEVANT PROPOSED PLAN

118. Any relevant proposed plan is recognised as the third priority matter under section 34(1) of the HASHAA.
119. Section 6(1) of the HASHAA confirms that a proposed plan has the meaning set out in section 43AAC of the RMA. The relevant proposed plan for the purposes of section 34(1)(c) of the HASHAA is the Proposed Queenstown Lakes District Plan (Proposed District Plan).

F.1 Staging of Proposed District Plan

120. Ms Ellis advised us that decisions on Stage 1 of the Proposed District Plan were notified on 17 May 2018 [Stage 1 having originally been publicly notified on 26 August 2015] and that many of these decisions are subject to appeal. An Interim Decision from the Environment Court on appeals relating to Chapter 3 Strategic Direction and Chapter 6 Landscape and Rural Character of Stage 1 was issued on 19 December 2019. No Consent Order has been issued regarding that Interim Decision; and the Commission has concluded that it can only rely on the decisions version of Stage 1 of the Proposed District Plan when considering this application.
121. Ms Ellis also advised that decisions on Stage 2 of the Proposed District Plan were notified on 21 March 2019; and that many of these decisions are also subject to appeal.
122. Ms Ellis advised that the Council publicly notified Stage 3 of the Proposed District Plan on 19 September 2019; and the Commission is aware that further submissions have now closed in response to submissions on Stage 3. It is anticipated that submissions and further submissions in relation to Stage 3 will be subject to Council hearings later in 2020.
123. Section 34(1) of the HASHAA elevates the Proposed District Plan objectives and policies above the relevant or equivalent Operative District Plan objectives and policies. This is a reversal of the normal situation which applies under the RMA, particularly when provisions of the Proposed District Plan remain subject to the submission/further submission/Council hearing process (in the case of the Hawea Urban Growth Boundary and the zoning of land in the vicinity of the site) or are otherwise still before the Courts in terms of appeals (in the case of Stages 1 and 2 of the Proposed District Plan).
124. Notwithstanding the priority given to the relevant Proposed District Plan under section 34(1) of the HASHAA Ms Baker-Galloway submitted that the Commission should treat the application of the Proposed District Plan provisions with some caution, given that these are by and large yet to be confirmed through the appeal process. In her opening legal submissions Ms Baker-Galloway helpfully summarised the descending order of Proposed District Plan appeals as follows:
 - (a) The Environment Court has recently issued its decision on higher order (Chapters 3 and 6 landscape provisions), although many of those findings are interim and subject to further Court processes, or have otherwise been appealed;
 - (b) Higher order urban development provisions have been mediated, but the Court is yet to confirm the mediation agreements;
 - (c) General Rural Zone mediations have occurred, but final mediation agreements are yet to be signed;
 - (d) The Urban Growth Boundary confirmed around the existing Hawea Township through Stage 1 has been appealed by two appellants and is yet to be set down for a hearing. The Council has confirmed the deferral of this hearing until Stage 3 of the Proposed District Plan 'catches up' which relates to the rezoning of parts of Lake Hawea and submissions on extensions to the township.
125. As noted above Council hearings will not occur until later in 2020, with Environment Court appeal processes potentially to follow.

F.2 Zoning of Land

126. The subject site is zoned Rural in the Proposed District Plan and the relevant rules of the Proposed District Plan that stipulate that resource consent is required (with respect to a rule breach or otherwise) are identified in Section A.4 of this decision (above). As previously noted the proposal has status as a non-complying activity in terms of the relevant rules of the Proposed District Plan.

127. It is appropriate to acknowledge the changes to zoning which have occurred at Cemetery Road as a consequence of the decisions on Stage 1 and Stage 2 of the Proposed District Plan.
128. When Stage 1 of the Proposed District Plan was publicly notified on 26 August 2015 land on the northern side of Cemetery Road (opposite the subject site) was proposed to be included in a Rural Residential Zone. Map 17 of the Proposed District Plan, as amended by decisions, was tabled at the hearing by Ms Ellis. This map disclosed that land to the north of Cemetery Road (aside from a narrow strip of land to the east of Capell Avenue) is now to be zoned Lower Density Suburban Residential (to the west of the Sentinel Park subdivision). A Large Lot Residential A Zone is applied to the Sentinel Park/Grandview subdivisions and extending to the east to Muir Road; albeit that Ms Baker-Galloway has advised in the applicant's written reply that the Sentinel Park subdivision [and also the Grandview subdivision] is now proposed to be rezoned Low Density Suburban Residential Zone.
129. It is apparent that the Proposed District Plan now provides for land to the north of Cemetery Road to be subdivided and developed for residential purposes.

F.3 Objectives and Policies

130. The relevant objectives and policies from the decisions version of the Proposed District Plan are presented at Appendix 5A to Ms Ellis's section 42A report. These objectives and policies were discussed in Section 6.6.6 of Ms Ellis's report and many of these objectives and policies were also addressed in Section 8.3.1 of the application document dated August 2019 prepared by Williams & Co. The Commission also acknowledges that Ms Mellsop addressed the landscape effects of the proposal having regard to the design and development criteria contained in Chapter 21 : Rural of the Proposed District Plan.

Chapter 3 – Strategic Direction

131. In general terms the key objectives and policies seek to ensure that urban development occurs in a strategic and integrated manner, and that urban areas are desirable places to live in. The proposal is considered to promote the relevant objectives and policies through provision of housing land supply at affordable price points. The Urban Design Assessment and Masterplan provided as part of the application and as subsequently amended demonstrate how the proposal will provide for urban growth at Lake Hawea (and within the District) that is managed in a strategic and integrated manner.
132. Ms Ellis drew our attention to Objective 3.2.5.2 which currently states:

“Objective 3.2.5.2 The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.”
133. Ms Ellis also drew our attention to Objective 3.3.32 being to only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.

134. The proposal is, in essence, an urban subdivision and development within a Rural Character Landscape of the Rural Zone of the Proposed District Plan. The Commission, having considered the evidence of Mr Espie and Ms Mellsop's Landscape Assessment Report, has concluded that while the proposal will result in a fundamental change in rural character and visual amenity values at the site this landscape has the ability to absorb the subdivision and development without compromising rural character and landscape values in the context of this landscape. While some nearby neighbours will experience a loss in rural character and visual amenity, the rural character and visual amenity beyond the site will be maintained. To a large extent this visual amenity results from the visual accessibility of the Outstanding Natural Landscape that surrounds the Hawea Basin. The Commission concurs with Ms Ellis that while the proposal is not entirely consistent with Objective 3.2.5.2 and Objective 3.3.32, the proposal, overall, is not contrary to them.
135. The proposal, with the exclusion of the Township Service Centre, is not considered to offend Objectives 3.3.3, 3.3.9 and 3.3.10 that relate to Town Centres and other Commercial and Industrial Areas. The commercial activity proposed in the commercial building will complement the proposed residential development and is strategically located such that access will be available via the proposed extension to Capell Avenue (that is intended to be constructed to coincide with the completion of Stage 1 of the subdivision). The location of the commercial building is conveniently located for both future residents of the Lake Hawea SHA and existing residents of Lake Hawea.
136. Objectives 3.3.13 and 3.3.14 state as follows:
- Objective 3.3.13** Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township. ...*
- Objective 3.3.14** Apply provisions that enable urban development within the UGBs and avoid urban development outside the UGBs."*
137. The application disclosed that a UGB is shown at Lake Hawea running along Cemetery Road; and that the proposal is located outside of the UGB. The Environment Court's Interim Decision with respect to Chapter 3 has deleted reference to Lake Hawea from Objective 3.3.13. It is anticipated that the UGB location at Lake Hawea will be addressed further in the context of Stage 3 of the Proposed District Plan.
138. Overall, it is considered that the proposal be largely consistent with the objectives and policies presented in Chapter 3 of the Proposed District Plan. While the development of land in the Rural Zone that is subject to the RLC landscape categorisation is not entirely consistent with Objectives 3.2.5.2 and 3.3.32; the Commission is satisfied that, overall, the proposal is not contrary to these provisions.

Chapter 4 – Urban Development

139. The Urban Development objectives and policies largely relate to Urban Growth Boundaries. For example Policy 4.2.1.3 states as follows:
- "4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries."*
140. Again it is noted that the Urban Growth Boundaries as they relate to Lake Hawea are not yet confirmed in the Proposed District Plan due to appeals on Stage 1; and that the Urban Growth Boundary at Lake Hawea will be revisited through Stage 3 of the Proposed District Plan.

141. In the absence of settled provisions with respect to the Urban Growth Boundary at Lake Hawea the Commission simply notes that the site represents a logical place for urban growth to occur given the significant challenges facing housing supply and affordability within the District; that the site directly adjoins the existing urban extent of Lake Hawea and can be accessed from existing roads that service the existing township; and that the site is located such that it provides for the efficient use of reticulated infrastructure.
142. In all the circumstances, and acknowledging the inchoate status of the Urban Growth Boundary for Lake Hawea, the Commission considers that the proposal is not contrary to the objectives and policies contained in Chapter 4 of the Proposed District Plan.

Chapter 5 – Tangata Whenua

143. The applicant has confirmed that the EOI process included consultation with Tangata Whenua and that no matters were raised in relation to the proposal. As previously noted an accidental discovery protocol condition has been promoted by the applicant that will be relevant to subdivisional earthworks. The Commission is satisfied that the proposal is not contrary to the objectives and policies presented in Chapter 5 of the Proposed District Plan.

Chapter 6 – Landscapes

144. Policies 6.3.1 to 6.3.3 set out the framework of landscape classification and zoning in the Proposed District Plan. The site is not within or adjacent to an Outstanding Natural Landscape and is therefore classified as part of a Rural Character Landscape (RCL) in the Proposed District Plan.
145. Policy 6.3.4 is to avoid urban development and subdivision to urban densities in the rural zones. The proposal is contrary to Policy 6.3.4 as this proposal is for urban subdivision and development within the Rural Zone. Notwithstanding this, the Commission accepts that this landscape has capacity to absorb the development without compromising the landscape character and values.
146. Policy 6.3.6 seeks to ensure the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character. While any lighting from the development will to some extent degrade views of the night sky and landscape character, the subject site is not remote as it is adjacent to existing and future urban development (as provided for in the Proposed District Plan). While the proposal is to some degree not consistent with this policy the Commission does not consider that it is contrary to Policy 6.3.6.
147. Commencing at Policy 6.3.19 a series of policies are presented relating to managing activities in Rural Character Landscapes. Relevant policies are as follows:
- “6.3.19 Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan. ...*
- 6.3.22 Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. ...*
- 6.3.26 Avoid adverse effects on visual amenity from subdivision, use and development that:*
- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
 - b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. ...*
- 6.3.28 In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present. ...”*

148. Again, it is noted, in the context of Policy 6.3.19, that the subject site is adjacent to existing and future urban development at Lake Hawea. Given the consolidated nature of the subdivision and, in particular, the absence of direct accesses onto Cemetery Road (apart from two road intersections) the Commission is satisfied that the proposal does not constitute sprawl along Cemetery Road. As previously noted, the proposal will have adverse effects on landscape character and visual amenity values but again the close proximity to existing and future urban development at Lake Hawea is acknowledged in this context.
149. In terms of Policy 6.3.26 it is acknowledged that the subject site is on a plateau landform surrounded by Outstanding Natural Landscapes. Due to the distance at which the ONL will be viewed, the Commission does not consider the site to be part of the foreground in views of the ONL. Future development within the subdivision will be visible from Cemetery Road where existing urban development is found and future urban development is already anticipated (to the north of the road). The Commission is satisfied that the proposal is not contrary to Policy 6.3.26.
150. In the context of Policy 6.3.28 it is acknowledged that the subject site has an open landscape character at present albeit that substantial conifer plantings are present adjacent to the site. The Commission concurs with Ms Mellsop that the landscape has the ability in this location to absorb development without compromising the openness values of the wider landscape. Accordingly, the proposal is not considered to be contrary to Policy 6.3.28.
151. While the proposal is contrary to Policy 6.3.4 and is not consistent with some other policies; the Commission considers that, on balance, the proposal is not contrary to the policy framework under Chapter 6 of the Proposed District Plan.

Chapter 21 - Rural

152. Objective 21.2.1 is to enable a range of land uses, including farming and established activities, while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values. The subject site has limited productive value and is located directly adjacent to the Lake Hawea urban area. The location for the proposed subdivision and development is considered to be suitable in that it does not compromise the rural character or landscape values beyond what the landscape can absorb.
153. Objective 21.2.4 requires that situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses. In this instance residential activity is to be provided for adjacent to properties in the Rural Zone where farming activities can be expected to occur in future. The applicant has offered a non-object covenant or alternatively a condition, to be subject to a consent notice, with respect to those residential allotments adjacent to and in the immediate vicinity of the eastern boundary of the site that are close to the Kerin property that is located in the Rural Zone in the Proposed District Plan. These mechanisms are proposed to address any potential reverse sensitivity effects.
154. The Commission accepts Ms Ellis's opinion that while to some extent the proposal is not consistent with a number of rural objectives and policies, the proposal is not contrary to the relevant objectives and policies presented in Chapter 21 of the Proposed District Plan.

Chapter 25 – Earthworks

155. The earthworks objectives and policies in Chapter 25 seek that earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values. The earthworks are to be undertaken in a manner which mitigates any adverse effects on the environment.

156. The proposal is considered to be consistent with the objectives and policies presented in Chapter 25 of the Proposed District Plan.

Chapter 27 – Subdivision and Development

157. Chapter 27 contains a number of objectives and policies relating to subdivision and development that are relevant to the proposal. Objectives and policies seek to achieve good quality subdivisions that achieve high levels of amenity, with adequate servicing and good connectivity. The Commission concurs with Ms Ellis that the design outcomes of the proposal are consistent with this approach, and that there will be adequate provision for servicing.
158. The Commission considers the proposal is consistent with the relevant outcomes sought by the objectives and policies presented in Chapter 27 of the Proposed District Plan.

Chapter 28 – Natural Hazards

159. The natural hazards objectives and policies in Chapter 28 seek to ensure that the risk to people and the built environment imposed by natural hazards are managed to a level tolerable to the community. The vast majority of the site is not subject to any known natural hazard risk albeit that the south-east corner of the site and land to the east of the site is subject to the Gladstone Gap flood hazard risk. The Commission accepts Ms Ellis's opinion that the proposal is consistent with the objectives and policies presented in Chapter 28 of the Proposed District Plan.

Chapter 29 – Transport

160. Objective 29.2.1 requires an integrated, safe, and efficient transport network. The Commission is satisfied that the proposal will achieve this objective and the relevant policies. The subdivision will integrate with the existing transport network, provides for pedestrian connectivity (including links back into the existing township) and enables other modes of transport. The connected nature of the internal street network will ensure a convenient and accessible design encouraging people to walk/cycle rather than drive. The Commission confirms in this context that it requires a direct pedestrian/cyclist access link between Road 3 and Cemetery Road generally opposite Sentinel Drive rather than the staggered access arrangement between these roads provided by Lots 700 and 701 as shown on the plan of subdivision.
161. Objective 29.2.2 will be achieved as the road network will connect back into the existing road network in Lake Hawea (via the Capell Avenue extension, Cemetery Road, and other roads that form part of the existing road network to the east and west). The primary loop road within the subdivision (Road 1) will provide the opportunity for future public transport to pass through the development. Urban design considerations have been taken into account in the design of the subdivision and development.
162. In terms of Objective 29.2.3 the Commission acknowledges that the roads have been designed to accommodate anticipated traffic volumes.
163. In terms of Objective 29.2.4 an integrated approach for managing subdivision, land use and the transport network has occurred with respect to the subdivision, the childcare facility and the commercial building.
164. Overall the Commission has concluded that the proposal is consistent with the objectives and policies presented in Chapter 29 of the Proposed District Plan.

F.4 Proposed District Plan : Conclusion

165. The Commission has had regard to the objectives and policies stated in Chapter 3 – Strategic Direction, Chapter 4 – Urban Development, Chapter 5 – Tangata Whenua, Chapter 6 – Landscapes, Chapter 21 – Rural, Chapter 25 – Earthworks, Chapter 27 – Subdivision and Development, Chapter 28 – Natural Hazards and Chapter 29 – Transport of the Proposed District Plan. The Commission concurs with Ms Ellis that the proposal is not contrary to these objectives and policies.
166. The Commission's overall conclusion is that the proposal is consistent with the overall direction provided by the Proposed District Plan and in particular that the proposal is consistent with the strategic management approach to growth and development enshrined in the Proposed District Plan.

G. OTHER MATTERS UNDER SECTIONS 104 TO 104F OF RMA

167. Other matters that would arise for consideration under sections 104 to 104F of the RMA, were the application being assessed under that Act, is recognised as the fourth priority matter as stated in section 34(1)(d)(i) of the HASHAA.
168. Section 104(1) of the RMA lists matters to be had regard to when considering an application under the RMA. Section 104(1) states as follows:

“104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-*
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (b) any relevant provisions of-*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

G.1 Actual and Potential Effects on the Environment (section 104(1)(a) of the RMA)

169. Under both the Operative District Plan and the Proposed District Plan any subdivision requires consent and associated earthworks, landscaping and infrastructure is considered to be part of the subdivision. Under the Operative District Plan and Proposed District Plan all buildings or alterations to buildings in the Rural General Zone and the Rural Zone (as well any physical activity associated with any building such as roading or landscaping) require resource consent. As such there is no relevant permitted baseline.
170. The existing environment includes the existing pasture grasses across the site, a four bay farm shed (consented under RM 170075) and a registered building platform (consented under RM 030820). Any development within the building platform is subject to conditions as specified in consent notice CONO 8101037.5, such conditions relating to planting, design controls and servicing requirements. As previously noted application has been made to cancel the conditions specified in consent notice CONO 8101037.5.
171. Ms Ellis discussed the actual and potential effects on the environment of the proposal under a series of headings as presented in Part 6.6.1 of her section 42A report. The Commission has adopted these headings as a suitable framework for the Commission's assessment of the actual and potential effects of the proposal, as presented below.

G.1.1 Subdivision Design

172. The subdivision design as shown on the latest plan of subdivision being plan U4266 S1 Revision D dated 2 March 2020 provides for the creation of 465 residential allotments, allotments for other purposes, a roading network, and reserves. There is a primary loop road through the subdivision (Road 1) that has two intersections with Cemetery Road.
173. Provision for pedestrian and cycling within the subdivision will connect to existing pedestrian/cycle tracks on the north side of Cemetery Road. Footpaths are proposed within the subdivision and a sealed footpath is also to be constructed along the Cemetery Road frontage of the subdivision.
174. The Commission concurs with Ms Ellis that the overall layout of the subdivision is suitable and mitigates adverse effects in terms of connectivity and residential amenity for future residents and the wider community.
175. Residential allotments vary in area with larger lots proposed along the northern boundary (shared with Cemetery Road) and along the eastern boundary (shared with the Kerin property). Larger lots are also proposed between Road 2 and Lot 999 (to the west) and between Road 2 and Lot 998 (to the south). Smaller lots (down to 250m²) are proposed in Stage 1 of the subdivision.
176. Mr Williams demonstrated at the hearing that the smaller lots can be satisfactorily developed for residential purposes. It is anticipated that the smaller lots are likely to be transferred to the Trust to be developed for affordable housing.
177. Lots 117, 128, 147 and 159 are to be subject to easements in gross in favour of the Council for stormwater drainage. These allotments are not to be serviced and will be amalgamated with Lot 172 being a serviced lot. Each of these allotments has a road boundary that has been designed to facilitate future use as a roading connection; as has Lot 162. Lots 117, 128, 147, 159 and 172 will be retained by the developer and maintained by the applicant.
178. Lot 998 is to be amalgamated with land immediately to the south being Lot 1 DP 541414. This adjacent land is also owned by the applicant.
179. Lot 999 is to be amalgamated with land to the west being Lot 1 DP 343855. Again this adjacent land is owned by the applicant.
180. As previously noted the plan of subdivision requires amendment such that Lots 700 and 701 are deleted and are replaced with allotments to provide for access to be achieved on an alignment between Road 7 and Sentinel Drive instead. Such an arrangement will provide more convenient pedestrian and cycle access between Road 3 and Cemetery Road than would otherwise be achieved by the existing staggered configuration of Lots 700 and 701.
181. The Commission also considers that Lots 1-10 (intended to be used as a Township Service Centre) should be amalgamated at this time. The ultimate use and development of this land is a matter which can be addressed at a later stage through District Plan Review. As noted in Section B of this decision inadequate information is available to the Commission to determine the TSC part of the application on Lots 1-10; and land use consent to the use of Lots 1-10 for commercial and community purposes is therefore to be refused.
182. The Commission's overall conclusion is that, subject to the amendments discussed above, the subdivision design is appropriate and any adverse effects resulting from subdivision design and the use of the residential allotments for residential purposes will be no more than minor.

G.1.2 Landscape Effects

183. The Operative District Plan sets out a mandatory process for landscape analysis and categorisation within the Rural General Zone. Ms Mellsop and Mr Espie agree that the site is a Visual Amenity Landscape in terms of the Operative District Plan. As previously noted the subject site is contained within a Rural Character Landscape (RCL) in terms of the Proposed District Plan.
184. The proposal will result in the domestication of what is currently rural pastoral land as urban subdivision and development is proposed in this instance. Ms Mellsop has concluded that the new urban development will reduce the openness, expressiveness, naturalness and rural character of the landscape to a moderate-low extent; and that the magnitude of adverse effects is reduced by its location adjacent to the existing township [to the north of Cemetery Road] and the relative proximity of the site to urban-style development in the Rural Residential Zone south of Cemetery Road [at the Streat subdivision consented by RM 060010]. Adverse effects on the memorability and transient values of the landscape are likely to be low in extent.
185. Ms Mellsop has expressed the opinion that the development would result in low adverse cumulative effects on the character and values of the landscape and would not exceed the absorption capacity of the rural landscape. She also considers, given the dense and confined nature of the proposal in close proximity to the Lake Hawea township, that the proposal would not result in over-domestication of the wider landscape.
186. Ms Mellsop has noted that the development will be visible from the following public and private places:
- Cemetery Road adjacent to the east of the site (at a distance of 0-1300 metres);
 - Roads and trails within Lake Hawea township that are on the southern side of the moraine that encloses Lake Hawea (at a distance of 20-700 metres);
 - An approximately 800 metre length of Gladstone Road south of the intersection with Cemetery Road (at a distance of about 1.4km); and
 - Private properties within Lake Hawea township and adjoining the site to the west, south and east.
187. Properties to the north of Cemetery Road will view the development across Cemetery Road.
188. The development of the subject site will replace open rural land with a relatively dense urban form. Ms Mellsop has noted that over time street trees and planting on the private lots and reserves will partially integrate and soften the built form. Given the urban viewing context within the township and the presence of existing development north of Cemetery Road, Ms Mellsop considers that adverse effects on the amenity of views is likely to be moderate – low for most viewers. She notes however that some residents who have more sustained or frequent views of the site, or who strongly value the rural nature of the view, are likely to be adversely affected to a greater degree.
189. The Commission acknowledges that landscape change is inevitable when rural land is utilised for urban purposes. Notwithstanding this mitigation can be achieved to some extent by landscape treatment at the boundary of the subdivision.
190. The northern boundary of the subdivision is shared with Cemetery Road. The Commission considers that the provision of uniform post and rail fencing along this northern boundary, along with street trees, the formation of a berm and a prohibition on vehicular access directly into lots will, in combination with the planting of shrubs and trees on allotments at the owners discretion, serve to mitigate visual effects of the development as viewed from Cemetery Road and from private properties to the north.

191. Along the eastern boundary an existing deer fence is to be retained. It is anticipated that shrubs and other vegetation will be established on the eastern allotments at the owners' discretion and that these, over time, will serve to soften the visual effects of the development as viewed from the east. Ultimately the Commission finds that there is no point in attempting to disguise through planting or berming the reality that urban development will be present on the site.
192. Within the subdivision street trees are proposed and these, in combination with plantings on the residential allotments, will serve to mitigate the visual effects of the subdivision as viewed from elevated positions such as the moraine escarpment that encloses Lake Hawea.
193. Overall the Commission accepts Ms Mellsop's opinion and considers that adverse effects on landscape character and values, domestication and cumulative effects will be no more than minor. It is acknowledged that adverse effects on visual amenity will be more than minor as experienced from some discrete areas and receivers, particularly properties immediately to the north of Cemetery Road. Again it is noted that these properties are located within the Lake Hawea township, that further subdivision and development can be anticipated to the north of Cemetery Road as provided for in the Proposed District Plan, and that the intent of the proposal is to provide for urban subdivision and development within an SHA. Again it is acknowledged that adverse landscape effects are inevitable when rural land is to be utilised for urban purposes.

G.1.3 Services

194. The subdivision will be fully reticulated and connected to Council services.
195. A potable water supply and firefighting water supply is to be provided. Mr Powell has confirmed that upgrades to Lake Hawea's water supply have been completed. Once the watermain connections from the development to the top of Capell Avenue and along Cemetery Road are in place there is sufficient capacity within the network to supply the development. It is noted that the upgrade to Capell Avenue (including the watermain connection on this alignment) is not likely to be completed in time to serve Stage 1 of the subdivision; but that there is sufficient capacity within the existing water supply network to service Stage 1.
196. The subdivision will connect into the Council's wastewater network. While this network does not have sufficient capacity at present to serve the subdivision, the Commission was advised at the hearing that a proposed upgrade of the network is set down to occur this year; with connection to Project Pure (being the Council's wastewater plant near Wanaka Airport) scheduled for February 2021. In email correspondence dated 3 March 2020 to Mr Hocking (that was attached to the applicant's written reply) Mr Glasner, the Council's Chief Engineer, has confirmed that the Council's existing programme is to see the Project Pure connection made by 2021 to coincide with when the existing discharge permit for the Hawea wastewater system expires. Mr Glasner advises that even though the Council may look for a temporary extension of the existing discharge consent; the Council would still have a connection to Project Pure completed by 2022 at the latest.
197. A temporary solution is proposed with respect to wastewater disposal in the interim until the connection is made to Project Pure.
198. This temporary solution will involve enlarging the underground storage tank for wastewater at the pump station on Lot 707 (and enlarging Lot 707, as now shown on the plan of subdivision, accordingly) such that 2 days of storage are to be provided; and taking the wastewater from the storage tank off site via tankers to the Council's existing Project Pure wastewater treatment plant near Wanaka Airport. A haul route is proposed through the western portion of the subdivision (ie. not through the roads to be constructed as part of Stage 1 of the subdivision); and flexibility is to be provided, such that the haul route can be adjusted as necessary to reflect the timing and coordination of the development. The haul route is to be constructed to a compacted gravel standard.

199. Stage 1 is to be served by the temporary solution. Mr Powell advised that he is comfortable with 185 lots being created in Stage 1 provided two days of wastewater storage is provided on site. Mr Glasner in his email correspondence dated 3 March 2020 considers that the temporary wastewater solution for the SHA is appropriate should houses be occupied before 2022. The Commission considers that it is appropriate to permit Stage 1 to utilise the temporary solution with provision to be made for two days storage of wastewater on site.
200. Within the subdivision it is proposed to have a local gravity fed reticulated network for wastewater disposal draining to a wastewater pump station on Lot 707 in the south-east portion of the site. The pump station will pump wastewater to Cemetery Road where it will enter the wider network. This arrangement is acceptable to the Council from an engineering perspective.
201. Ms Ellis's report advised that wastewater pump stations can typically generate localised effects in terms of odour, noise and vibration. This matter was addressed by Mr Smith in his evidence. Mr Smith noted that the wastewater pump station will provide capacity in the initial stage of development to store wastewater for truck transfer, and also in the ultimate development to provide for operational storage and pumping to the Council's wastewater network. He confirmed that all aspects of the design have been considered in accordance with engineering best practice and that approved materials and plant will be used as required by the Council. Mr Smith noted that the design of the wastewater pump station will include pumps that will operate beneath liquid (limiting operational noise), have close-fitting lids (which will minimise noise and contain odour), and will utilise activated carbon filtration (which will minimise odour effects). Mr Smith concluded that the pump station can be constructed and operated without adjoining residents being adversely affected by possible effects including residents of Lot 118, being the residential allotment immediately to the west of Lot 707.
202. It is proposed to manage stormwater via soakage and attenuation infrastructure within the two large reserves (Lot 705 and Lot 706). Reticulation is proposed to convey primary stormwater flows to the reserves, and the roads will serve as overland flow paths in larger events consistent with traditional stormwater design. Connections from each lot will serve to deliver stormwater to the reticulation, and kerb cut-outs with sediment control basins are proposed to provide some treatment to stormwater from the roading network prior to it entering the reticulation. As previously noted, four lots (Lots 117, 128, 147 and 159) will be subject to easements in gross for stormwater drainage.
203. The Commission considers that adequate provision is to be made for the disposal of stormwater from the subdivision and subsequent development.
204. Mr Jones originally recommended a condition requiring a developers' agreement to ensure that the stormwater assets operate in an acceptable manner prior to Council being responsible for their maintenance. In particular he promoted an agreement that provided for a 5 year maintenance period by the developer. This suggestion was opposed by the applicant at the hearing and it is noted that the applicant has promoted a 1 year maintenance period following the issue of section 224(c) certification for each stage; with a corresponding condition to be applied to a land use consent for residential activity to the effect that erosion and sediment control measures must be implemented prior to the construction of a dwelling on a site. Mr Jones advised at the hearing that he was comfortable with this regime. Accordingly, the Commission considers that the maintenance and management regime for stormwater, as proposed by the applicant and as detailed in the written reply, is appropriate in this instance.
205. The applicant has provided correspondence from Chorus dated 16 May 2018 and Aurora Energy dated 29 July 2019 which confirms that telecommunications and power services can be provided by extensions to the relevant networks.
206. The Commission has concluded that any adverse effects in terms of servicing the subdivision and resulting development can be mitigated by adherence to appropriate conditions of consent; and that these effects will be no greater than minor.

G.1.4 Traffic, Access and Parking

207. Within the subdivision a three tier roading typology is proposed as follows:
- Type 1 : 20 metre wide road reserve, 8.4 metre carriageway width plus channel with twin 2 metre wide footpaths.
 - Type 2 : 15 metre wide road reserve, 6.8 metre carriageway width plus channel including parking with twin 1.5 metre wide footpaths.
 - Type 3 : 9 metre wide road reserve, 4.0 metre carriageway width plus channel and 2.4 metre wide parking lane plus single 1.5 metre wide footpath.
208. The proposed road network within the subdivision and intersections with Cemetery Road are considered suitable subject to particular consideration being given to the design of Type 3 roads (Roads 14 and 15) as part of the engineering design process. This will ensure that these roads can appropriately accommodate truck movements, including refuse trucks.
209. The Commission was advised at the hearing that the carriageway of Capell Avenue is to be extended to Cemetery Road; that a cost sharing agreement has been entered into between the applicant, Willowridge Developments Limited and the Council; and that the applicant's contribution to the cost of this work is to be paid prior to the completion of Stage 1. The Heads of Agreement for the Capell Avenue Extension was provided with the applicant's written reply; and this confirms in clause 2.6 that the applicant and Willowridge are to make their respective contributions within ten working days of the date of issue of the 100th lot title in the Lake Hawea SHA, or at any earlier date as agreed to by the parties.
210. The western intersection of Road 1 with Cemetery Road is immediately opposite the Capell Avenue intersection with Cemetery Road. Once Capell Avenue is fully constructed this will provide a more direct route between the subdivision and the community facilities available within the existing Lake Hawea township.
211. The applicant has provided plans showing vehicle crossings to the residential allotments and Lots 600 and 601 (to be used for a commercial building and a childcare centre, respectively). Mr Carr noted that approximately 75 lots within the subdivision do not comply with the 25 metre separation from intersection rules; and it is noted that a list of these lots is provided at Appendix [4] to the applicant's written reply. Mr Carr also noted that some of the vehicle entrances do not comply with the 45 metre sight-line rule; and a list of these lots is provided at Appendix [5] to the applicant's written reply. Mr Carr has reviewed each of the driveway locations and has concluded that there is no reason to expect that adverse safety-related effects would arise in the proposed locations.
212. As noted above footpaths will be provided on either side of Type 1 and Type 2 roads; and a footpath will be provided on one side of the Type 3 roads (being Roads 14 and 15). A sealed footpath will also be provided on the south side of Cemetery Road adjacent to the subdivision. Satisfactory provision is to be made for pedestrians and cyclists within the subdivision; and it is noted that the subdivision enjoys convenient access to cycling and pedestrian access routes along Cemetery Road and to the north of Cemetery Road.
213. Mr Williams confirmed that testing of the smaller residential lots confirms that parking can be provided for two vehicles on each allotment.
214. The Commission's overall conclusion is that any adverse effects in terms of traffic, access and parking will, subject to adherence to appropriate conditions of consent, be less than minor. It is noted that access and parking with respect to the commercial building (on Lot 600) and the childcare centre (Lot 601) is assessed separately below.

G.1.5 Natural Hazards

215. Mr Walsh advised that the vast majority of the subject site is not in a flood hazard zone. The very extreme south-east corner of the site does fall within the flood extent of the Gladstone Gap [being the area affected by the Gladstone Gap control gate and emergency spillway] impacting a potentially small number of the proposed lots.
216. Mr Walsh referred to a Works Consultancy Services report on the Lake Hawea Dam Breach Assessment (dated 1994) that indicates that the Gladstone Gap emergency spillway has been designed for floods greater than the design flood of the Lake Hawea Control Dam which equates to a >1:500 Annual Exceedance Probability flood. Based on this information Mr Walsh advised that the proposed subdivision is protected from the 1:500 year AEP flood event; and he concluded that the risk to the proposed subdivision in the lifetime of a building within the subdivision is practically nil.
217. The site is not mapped for any alluvial fan activity or landslide activity.
218. The site is in an area associated with the Active Fault Zone of the NW Cardrona Fault (the fault trace is some 1.2km to the west of the site) and the Grandview Fault (the fault trace is some 2.5km to the east of the property). Mr Walsh advised that fault rupture within the site is not expected; but that residential foundation design within the subdivision should be cognisant of significant ground shaking.
219. Mr Jones noted that the Otago Regional Council's GIS shows that the site is "possibly susceptible" to liquefaction. Mr Walsh advised in this context that given the depth to a coherent groundwater table and the dense nature of the gravel based soil encountered; that the site is not considered to be at any risk from liquefaction.
220. The Commission has concluded that there is no significant risk from natural hazards in terms of section 106(1) of the RMA and that no specific conditions are required to mitigate the effects of any natural hazard apart from a generic condition with respect to ground bearing test results for each residential allotment (consistent with Mr Walsh's advice).

G.1.6 Earthworks

221. Earthworks are proposed across the site including bulk earthworks; and earthworks associated with the construction of roads, the conveyance of overland stormwater flow and the installation services. Recontouring will occur on much of the western portion of the site where an escarpment 1 to 2 metres in height is located. Earthworks will also be associated with the remediation of a former landfill area in the north-east corner of the site. Plans presented by Mr Williams confirmed that the total area affected by earthworks is 155,787m²; and that the estimated strip volume is 54,525m³. These plans also indicate a total cut of 38,838m³, a total fill of 37,725m³, with a net balance of 1,112m³. The surplus material is to be spread across the site and will not be transported off the site.
222. Earthworks will result in minor changes to the landform and Ms Mellsop has raised no concern in relation to the visual effects of the earthworks upon landform.
223. Topsoil stripping, assessment of underlying material, and testing of the compaction of fill material will be carried out by the applicant's nominated geotechnical professional in accordance with NZS 4431:1989. An Environmental Management Plan (EMP) will be prepared by a suitably qualified and experienced person (SQEP) to minimise the control of dust from the site, and to protect neighbouring properties and Council infrastructure from soil and sediment that may be transported by wind or rainfall runoff. The hours of operation for earthworks are to be 7:30am to 6:00pm Monday to Saturday (inclusive); with no earthworks to be undertaken on Sundays and public holidays.
224. The Commission concurs with Ms Ellis that earthworks will be effectively managed to mitigate effects on neighbours and the wider environment.

G.1.7 Contaminated Land

225. The applicant has provided a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) prepared by e3Scientific. The composite PSI/DSI being dated 26 July 2019.
226. Mr Davis confirmed that the majority of the site is suitable for residential activity without any remedial action. Correspondence from the Otago Regional Council dated 30 January 2018 confirms that part of the site appears on that Council's database of properties where information is held regarding current or past land uses that have the potential to be contaminated land. The ORC reference number for this site is HAIL.01571.01. In terms of the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) the land is listed as G3: Landfill sites.
227. e3Scientific has observed the HAIL area and has noted that materials included in the landfill include wood, metal, corrugated iron, concrete bricks, car tyres and car seats. Mr Davis confirmed that the applicant proposes to remove the contents of the landfill and to undertake soil validation sampling to confirm that the remaining soils are suitable for residential activity. Conditions are proposed by the applicant (as recommended by Mr Davis) with respect to remedial work. Mr Davis confirmed that these are standard conditions for remedial work that will ensure that the work is undertaken in accordance with the NES.
228. Based on the results of its investigations and the applicant's proposal to remediate the landfill, e3Scientific has concluded that it is highly unlikely that there is a risk to human health from the establishment and long-term use of the site as a residential subdivision.
229. The Commission has concluded that any adverse effects associated with contaminated land will be mitigated by adherence to the conditions of the consent required in terms of the NES; and that any adverse effects on human health resulting from contaminated land will be less than minor.

G.1.8 Ecology

230. Mr Davis confirmed that on 25 May 2018 he completed a site walkover resulting in the Ecological Review dated 30 May 2018 that was lodged with the application. Following the completion of a desk top peer review by Dawn Palmer (that identified information gaps in the Ecological Review) a second site visit was undertaken on 17 September 2019 and this resulted in a second document being produced by e3Scientific, such document being dated 24 September 2019.
231. Mr Davis has found that the vegetation remaining on the site is dominated by introduced species, is not at all representative of vegetation that was originally present on the site, and is not consistent with the definition of indigenous vegetation under the Operative District Plan or the Proposed District Plan. Furthermore, Mr Davis has advised that the additional ecological information provided to Ms Palmer was sufficient to satisfy her that an appropriate review of ecological values has been undertaken and that she had nothing further to add on this matter. This is confirmed in Ms Palmer's email dated 25 September 2019 which was attached as an Addendum to her Ecological Review.
232. The Commission concurs with Ms Ellis that any adverse effects on the environment with respect to ecology will be less than minor.

G.1.9 Heritage/Culture

233. Ms Ellis advised that Aukaha, on behalf of Ngā Rūnanga, has been consulted by the applicant; and that Aukaha has raised no concerns but has made the following recommendations:
- The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol should be adhered to in undertaking earthworks.
 - Where appropriate indigenous plants are used for landscape planting.

234. As previously noted, an accidental discovery protocol has been promoted by the applicant as a condition of subdivision consent; and it is also noted that indigenous plants are to be used for landscape planting in reserves (albeit that the applicant considers such plantings inappropriate for street trees). Given the accidental discovery protocol that is to be adhered to and the applicant's intentions with respect to reserve planting, the Commission considers that any adverse heritage and cultural effects will be less than minor.

G.1.10 Township Service Centre (Commercial/Community Area)

235. Consideration has been given to this element of the proposal in Section B of this decision. In summary inadequate information is available to the Commission with respect to this aspect of the proposal and land use consent for activities on Lots 1-10 in the TSC is therefore to be refused. The Commission has decided that the land subject to the Township Service Centre proposal (excluding Lot 600 that is to accommodate a commercial building) that comprises Lots 1-10 is to be amalgamated.

G.1.11 Lot 601 (Childcare Centre) & Lot 600 (Commercial Building)

236. Updated plans of the proposed childcare centre (on Lot 601) and of the commercial building complex (on Lot 600) were attached to Mr Williams's evidence.
237. The childcare centre facility on Lot 601 is anticipated to have capacity for 80 children with up to 16 staff. Some 16 on site carparks are proposed with 7 being provided for staff only; and 9 others available for other users. While there will be a shortfall of parking at the childcare centre both Mr Carr and Mr Fuller consider the proposed parking to be sufficient to meet demand albeit that vehicles may need to park on the road at peak times. The applicant proposes hours of operation for the childcare centre as being 7:30am to 6:00pm.
238. The commercial building on Lot 600 is to have a ground floor area of 370m² and a first floor area of 345m² (total 715m²). The building will incorporate a café and commercial spaces at ground floor level with offices and café space above. Mr Williams explained that Lot 600 will have no residential interface (albeit that it will be adjacent to Lot 8 that is to be amalgamated with other lots).
239. Mr Williams agreed with Ms Ellis that it was appropriate to confirm landscaping proposed for the site via a condition of land use consent. He also noted that signage on the commercial building will breach the relevant signage rules; and he expressed the opinion that the proposed signage is well located within the building architecture and is of a size appropriate to the scale of the building. Mr Williams promoted hours of operation for the café/restaurant in the commercial building of 7:30am to 11:00pm.
240. Some 16 parking spaces are proposed on Lot 600, whereas 22 parking spaces are required by the relevant Operative and Proposed District Plan rules. Mr Carr has provided information with respect to the likely utilisation of the parking spaces at different times of the day; and Mr Fuller, while satisfied with this analysis, has noted that there is potential for 3 or 4 vehicles to be parked on the road during peak periods. This can be accommodated within the road network as can provision for loading.
241. Provision is made for mobility parking spaces and for bike parking on Lot 601 and Lot 600.
242. The Commission's conclusion is that the childcare centre and commercial building are of high quality design and are suitably located adjacent to Road 1 being part of the primary road loop that provides convenient access to Cemetery Road and beyond. Both allotments can be adequately serviced and hours of operation are proposed to provide a level of residential amenity for future residents in this area.

243. The Commission is satisfied that any adverse effects associated with the development of Lot 601 as a childcare centre and Lot 600 for commercial purposes will be no greater than minor and can be appropriately mitigated by conditions of land use consent.

G.1.12 Easements & Amalgamations

244. Easements are proposed as shown on the plan of subdivision. This includes right of way easements and easements in gross with respect to the drainage of stormwater.
245. A standard condition of consent can be applied to ensure that all necessary easements are granted or reserved.
246. Amalgamation conditions are proposed by the applicant and these include the amalgamation of Lots 117, 128, 147 and 159 with 172; the amalgamation of Lot 998 with Lot 1 DP 541414; and the amalgamation of Lot 999 with Lot 1 DP 343855. As previously noted Lots 1-10 are also to be amalgamated.
247. The Commission considers that the granting or reserving of easements and the amalgamation conditions discussed above are appropriate in this instance.

G.1.13 Staging

248. The staging plan presented by the applicant provides for the subdivision to occur in five stages – Stages 1, 2A, 2B, 3A and 3B. One of the main reserves will be delivered in Stage 1 and the other in Stage 3A. The site for the childcare centre (on Lot 601) will be created in Stage 3A and the site for the commercial building development (on Lot 600) will be created in Stage 3B.
249. The Commission has concluded that staging is appropriate and notes that conditions have been prepared by the applicant that provide for such staging to occur.

G.1.14 Cancellation of Consent Notice

250. The applicant proposes that the conditions specified in consent notice CONO 8101037.5 be cancelled. This consent notice specifies conditions relating to future development on the residential building platform on the subject site, including conditions relating to planting, design controls and the servicing of any future building. In the event that the application SH 190005 is consented the conditions specified in the consent notice CONO 8101037.5 will become redundant.
251. In all the circumstances the Commission considers that it is appropriate to cancel the conditions specified in consent notice CONO 8101037.5 as these relate to the subject site.

G.1.15 Positive Effects

252. The proposal will have a significant positive effect by increasing the supply of residential sections consistent with the purpose of the HASHAA. In addition to the 465 residential allotments to be created provision is to be made for a commercial building development on Lot 600 and a childcare centre on Lot 601. These facilities, in addition to the reserves, will result in a high quality subdivision and development. Other positive effects associated with the proposal include the employment opportunities and other economic benefits which will result during the construction phases of the subdivision and development.

G.1.16 Summary : Effects

253. The Commission finds that any actual or potential adverse effects on the environment can be satisfactorily mitigated by adherence to appropriate conditions of consent; and that the proposal will have significant positive effects which outweigh any actual and potential adverse effects on the environment that may result from the proposal.

G.2 NATIONAL ENVIRONMENTAL STANDARDS (SECTION 104(1)(B)(I) OF THE RMA)

254. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES) came into effect on 1 January 2012.

255. The applicant has commissioned e3Scientific to prepare a PSI and DSI that has made recommendations with respect to remedial work relating to the removal of the contents of the landfill situated in the north-east corner of the site. The PSI/DSI contains the conclusion that it is highly unlikely that there will be a risk to human health from the establishment and long term use of the site as a residential subdivision.

256. In all the circumstances the Commission concludes that the proposal is consistent with the NES.

257. There are no other national environmental standards relevant to the proposal.

G.3 NATIONAL POLICY STATEMENTS (SECTION 104(1)(B)(II) OF THE RMA)

National Policy Statement on Urban Development Capacity 2016 (NPSUD)

258. The National Policy Statement on Urban Development Capacity 2016 (NPSUD) is about recognising the national significance of:

- a) urban environments and the need to enable such environments to develop and change; and
- b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

259. Under the NPSUD Queenstown is recognised as a “High-growth urban area” which means that all provisions of the NPSUD apply. The proposal will promote the NPSUD through the provision of additional supply into the market encouraging greater competition and opportunities for supply of housing at lower price points.

260. The Commission finds that the proposal is consistent with the relevant objectives and policies of the NPSUD.

National Policy Statement for Freshwater Management 2014 (NPSFM)

261. The objective of the National Policy Statement for Freshwater Management 2014 (NPSFM) is to improve the integrated management of freshwater and the use and development of land. Detailed site soakage testing has confirmed the suitability of the soils for stormwater management and the devices proposed will ensure that the quality of stormwater is in accordance with the QLDC Code of Practice for residential subdivision. Stormwater management will protect freshwater ecosystems from contaminants that may otherwise result from the development.

262. The Commission finds that the proposal is consistent with the objectives and policies of the NPSFM.

263. There are no other national policy statements relevant to the proposal.

G.4 REGIONAL POLICY STATEMENT OR PROPOSED REGIONAL POLICY STATEMENT (SECTION 104(1)(B)(V) OF THE RMA)

G.4.1 Operative Regional Policy Statement for Otago (ORPS)

264. The Operative Regional Policy Statement for Otago (ORPS) became operative on 1 October 1998. The key regional objectives and policies of the ORPS were attached to Ms Ellis's section 42A report at Appendix 5B.
265. Following consideration of all of the evidence the Commission has concluded that the proposal is not contrary to the objectives and policies of the ORPS as these relate to landscape and ecological values in particular.
266. The Commission concurs with Ms Ellis that the proposal will be consistent with the relevant objectives and policies of the ORPS.

G.4.2 Partially Operative Regional Policy Statement for Otago (PORPS)

267. The Proposed Regional Policy Statement for Otago was publicly notified in 2015, was amended by decisions on submissions on 1 October 2016, and became partially operative on 14 January 2019. The key regional objectives and policies from the PORPS were attached to Ms Ellis's section 42A report also at Appendix 5B.
268. Following consideration of all of the evidence the Commission has concluded that the proposal is not contrary to the objectives and policies of the PORPS as these relate to urban growth and development and other matters as traversed in Section 7.4.4 [sic] of the application document prepared by Williams & Co. Ms Ellis has adopted the applicant's analysis as being comprehensive and accurate.
269. The Commission concurs with Ms Ellis that the proposal is consistent with the relevant objectives and policies of the PORPS.

G.4.3 Proposed Regional Policy Statement for Otago

270. The Commission considers that the proposal is not contrary to the objectives and policies stated in the residual Proposed Regional Policy Statement for Otago.

G.5 PLANS OR PROPOSED PLANS (SECTION 104(1)(B)(VI) OF THE RMA)

G.5.1 Operative District Plan

271. The Queenstown Lakes District Plan became fully operative on 10 December 2009. Parts 4, 5, 14, 15, 18 and 22 of the Operative District Plan contain objectives and policies that are District Wide or relate to Rural Areas; Transport; Subdivision; Signs; and Earthworks, respectively.
272. The relevant objectives and policies of the Operative District Plan (apart from Part 18 : Signs) are presented at Appendix 5A to Ms Ellis's section 42A report; and an analysis of many of these objectives and policies is also presented in Section 7.4.5 [sic] of the application document prepared by Williams & Co.
273. Following consideration of the evidence the Commission concurs with Ms Ellis that the proposal meets the strategic policy direction of the Operative District Plan and that the proposal is not contrary to the relevant Operative District Plan objectives and policies. Accordingly the Commission finds that the proposal is not contrary to the relevant objectives and policies of the Operative District Plan.

274. The Commission concurs with Mr Williams that providing for urban development on rural land creates tension with respect to rural amenity; but that such tension is inevitable when providing for urban growth in a greenfields situation such as this.

G.5.2 Proposed District Plan

275. The relevant provisions of the Proposed District Plan have been addressed above in Section F of this decision; the relevant Proposed District Plan being a third priority matter for consideration under the HASHAA.
276. It is not necessary to again repeat the analysis of the Proposed District Plan here. The Commission's overall conclusion is that the proposal is consistent with the direction of the Proposed District Plan and in particular with the strategic management approach to growth and development enshrined in the Proposed District Plan.

G.5.3 Regional Plan : Water

277. The Regional Plan : Water was deemed to be operative on Thursday 1 March 2012. The Regional Plan : Water provides objectives, policies and rules to manage the water resource throughout the Otago Region. In this instance all earthworks will be managed to avoid runoff into waterways; and all stormwater and wastewater will be appropriately managed.
278. The Commission concurs with Ms Ellis that the proposal is consistent with the objectives and policies of the Regional Plan : Water; and with her advice that no other regional plan is considered relevant in this instance.

G.5.4 Summary : Plans and Proposed Plans

279. Following the above analysis, the Commission finds that the proposal is not contrary to the objectives and policies stated in the plans and proposed plans which are relevant to the application.

G.6 OTHER MATTERS (SECTION 104(1)(C) OF THE RMA)

280. Section 104(1)(c) of the RMA requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

G.6.1 Lead Policy

281. It is appropriate to assess this application against the updated Lead Policy dated 8 August 2019 that was attached to Ms Ellis's section 42A report at Appendix 3B. The site fits within Category 2 being "areas that may be suitable for establishment as special housing areas, subject to further assessment against this policy". As previously noted the Council accepted the EOI for the subject site to become an SHA on 13 December 2018; this action being taken under the previous Lead Policy dated 30 April 2015.
282. Ms Ellis discussed the application in terms of the Lead Policy dated 8 August 2019 in Clause 6.6.7 of her report. It is not proposed to retrace all of these matters here to avoid repetition, as most matters are discussed elsewhere in this decision; including Sections A.1 and D, in particular.
283. Having considered all the evidence the Commission concurs with Ms Ellis that the proposal is consistent with the updated Lead Policy dated 8 August 2019.

G.6.2 Mayoral Housing Affordability Taskforce 2017

284. The Mayoral Housing Affordability Taskforce report dated October 2017 was attached to the application at Appendix W. This report confirms that housing affordability within the District has now reached crisis point and measures that are proposed in that report include providing more land; intensification and inclusionary zoning; and investing in scaling up the Queenstown Lakes Community Housing Trust. The proposal will provide for additional supply of affordable housing stock into the market; and significant contributions are proposed to the Trust ie. the 12.5% of sections to be allocated overall and the 20% to be allocated in Stage 1.
285. The Commission considers that the proposal positively responds to the initiatives promoted in the Mayoral Housing Taskforce report.

G.6.3 Precedent

286. Precedent is a relevant consideration given that the subdivision and land use activity have status as a non-complying activity in terms of the Operative District Plan and the Proposed District Plan.
287. In this instance the site is adjacent to the existing urban area of Lake Hawea township and provides an opportunity to add to the District's housing stock and materially assist in addressing the affordability issue. Furthermore, it is anticipated that this is the last application that will be made under HASHAA, as no new qualifying developments are anticipated within the District in future. The Commission has concluded earlier in this decision that any actual or potential adverse effects on the environment can be satisfactorily mitigated; and that the proposal is not contrary to the objectives and policies of the Operative District Plan or the Proposed District Plan.
288. In all the circumstances the Commission is satisfied that the proposal will not establish a significant precedent.

G.6.4 Growth Management Strategy 2007

289. The Queenstown Lakes District Council Growth Management Strategy 2007 includes a key principle that growth of the smaller outlying towns (such as Lake Hawea) is to be encouraged to a point where critical mass for affordable servicing is reached and an appropriate range of local services and employment can be supported; and another key principle of the Strategy is that the landscape values and the character of rural areas surrounding the urban areas and townships are to be protected from further urbanisation. In this instance the proposal results in growth of the Lake Hawea township that is more than modest and the proposal will result in the urbanisation of rural land. Accordingly, the proposal is not consistent with the Queenstown Lakes District Council Growth Management Strategy 2007.
290. It is important to note in this context that the Strategy predates the HASHAA; the NPSUD; and the Proposed District Plan. As Ms Ellis has noted there has been significant movement in the policy environment relating to growth in this District since the Growth Management Strategy 2007 came into effect. She also noted that the residential and visitor needs and demands of the District have grown significantly since 2007; and therefore she considered that limited weight should be placed on the Strategy document. The Commission concurs with Ms Ellis and considers that limited weight should be placed on the Strategy.

G.6.5 Hawea Community Plan 2003

291. The Hawea Community Plan 2003 was prepared in 2003 with a vision extending to 2020. The Hawea Community Plan 2003 contains the following statement:

“Development occurs in the Hawea area, but only where it is well planned, and is within the capacity of the receiving environment. Development is largely contained within current zoning to ensure efficient service provision, and the retention of the surrounding rural character. There is no ribbon development, and the township and rural residential areas are distinct from the surrounding rural areas.”

292. The containment of development north of Cemetery Road, as provided for in the Hawea Community Plan 2003, may well be predicated on the facts that:
- Cemetery Road is where the urban zoning extended to at the time (2003); and
 - There was at the time sufficient capacity/undeveloped land zoned for development north of Cemetery Road.
293. Land immediately to the north of Cemetery Road has now been rezoned through the Proposed District Plan such that urban development is provided for immediately to the north of Cemetery Road in the vicinity of the subject site. It is also noted that the Street subdivision has occurred to the south of Cemetery Road to the west of the subject site as consented by RM 060010 and that this subdivision provides for 36 large residential allotments ranging between 4001m² and 4544m² in area.
294. Confining development to existing zoned areas will, based on experience, not contribute to the provision of affordable housing within the District. The Commission also accepts that the site provides a logical extension to the existing Lake Hawea township; and that development in such a locality is preferred to developing land remote from existing community services in established townships.
295. In all the circumstances the Commission has concluded that the proposal is a logical extension to Lake Hawea township and that development in this location will provide benefits to the Lake Hawea community.

G.6.6 Section 106 of the RMA

296. Section 106(1) of the RMA provides discretion for a consent authority to refuse to grant a subdivision consent or to grant a subdivision consent subject to conditions, if it considers that the land in respect of which consent is sought is, or is likely to be, subject to (or is likely to accelerate) material damage by various natural hazards including inundation. Having regard to the evidence of Mr Walsh and to Mr Jones's report the Commission is satisfied that the subject site is not subject to (or likely to accelerate) material damage by any natural hazard.
297. For completeness it is noted that sufficient provision is made for legal and physical access to each allotment to be created by this subdivision and section 106(1)(c) of the RMA therefore does not apply in this instance.

G.6.7 Any Other Matters

298. No other matters appear to have any particular relevance in this instance in terms of section 104(1)(c) of the RMA.

G.7 Section 104D of the RMA

299. As the application for subdivision and land use consent is a non-complying activity in terms of the Operative District Plan and the Proposed District Plan the proposal has to pass through one of the gateway tests specified in section 104D(1) of the RMA. Having regard to the analysis contained in Section G.1 and Section G.5 of this decision the Commission has concluded that any adverse effects of the activity on the environment (including any effects on visual amenity and rural character values) will be minor; and that the activity will not be contrary, overall, to the objectives and policies of the

Operative District Plan and the Proposed District Plan. Accordingly the Commission is satisfied that the proposal passes through both of the gateway tests specified in section 104D(1) of the RMA.

H. OTHER RELEVANT ENACTMENTS

300. The Commission is satisfied that there are no other relevant enactments; and that accordingly there are no matters that would arise for consideration under any other relevant enactment pursuant to section 34(1)(d)(ii) of the HASHAA.

I. URBAN DESIGN QUALITIES

301. The fifth (and final) priority matter under section 34(1)(e) of the HASHAA are the key urban design qualities expressed in the Ministry for the Environment's *New Zealand Urban Design Protocol (2005)* and any subsequent additions of that document.

302. The New Zealand Urban Design Protocol (2005) identifies seven essential design qualities ("the 7 C's") that together create quality urban design. These are as follows:

- **Context** – Seeing buildings, places, and spaces as part of whole towns and cities.
- **Character** – Reflecting and enhancing the distinctive character, heritage and identity of our urban environment.
- **Choice** – Ensuring diversity and choice for people.
- **Connections** – Enhancing how different networks link together for people.
- **Creativity** – Encouraging innovative and imaginative solutions.
- **Custodianship** – Ensuring design is environmentally sustainable, safe and healthy.
- **Collaboration** – Communications and sharing knowledge across sectors, professions and with communities.

303. An Urban Design Assessment prepared by Williams & Co was lodged with the application as Appendix E; and this has been peer reviewed by Mr Falconer. Ms Ellis noted that while the Urban Design Assessment had been prepared for an earlier version of the plan of subdivision/Masterplan; she considered that the Assessment was still fit for purpose and Ms Ellis adopted the Assessment for the purpose of her section 42A report.

304. The **context** of the site has been utilised as the starting point for the proposed design. In particular it is noted that the primary roads link to roading links into the existing Lake Hawea township being Capell Avenue (to be extended) and Grandview Road. The design also recognises landscape **context** and **character** in providing for east-west streets which enable view shafts to the surrounding mountain ranges in the ONL. The grid road design allows good design outcomes in terms of lot layouts (with fronts to fronts and backs to backs) and considers orientation for solar gain. **Context** has also been considered in terms of transition to the rural land to the east and the residential lots on the northern side of Cemetery Road. In this context it is noted that the largest lots (600m²) are located along the northern boundary with Cemetery Road and that vehicular access is to be achieved from the south on those lots, allowing the north facing outdoor living space to front the road and face properties to the north. Consistent boundary fencing (with post and rail fencing) will provide an appropriate response to this **context**.

305. The site is flat and does not contain any landscape features that contribute to the **character** of the new neighbourhood. In terms of built form **character** the development is to be reflective of and compatible with the newer areas of settlement to the north and west in the Lake Hawea township, but will seek to create appropriate spaces. A sense of **character** for the future community will be afforded by the road network that has a clear hierarchy. The road design is to include emphasis in respect to street planting to create a "green corridor" that is anchored by the two large reserves on each corner (of Road 1). It is also noted that the proposal includes controls in terms of built form and fencing which will ensure that a high-quality **character** results.

306. The design primarily provides for residential housing as required under the HASHAA that has a purpose of enhancing housing affordability by way of supply. The design offers **choice** in terms of lot size; and this will enable the delivery of the required range of housing types. Diversity in activity (that will serve local residents) is provided for with provision for a local café, childcare centre and reserve spaces that will be visible and accessible.
307. The **connections** in respect to the site have been driven out of the **context** analysis and have been a key design element. The design provides road **connections** from the primary road linking into the roading corridors that provide access to Lake Hawea township and Lake Hawea to the north. This represents a clear and logical pattern for **connections** that are easily understood in terms of navigation. The amendment to the plan of subdivision that will serve to provide a direct link between Road 3 and Cemetery Road (aligning between Road 7 and Sentinel Drive) will provide a direct **connection** for pedestrians and cyclists to use.
308. In terms of **creativity** effort has been made to ensure that a sense of place and identity results albeit that the site is flat land. This land is well suited for efficient subdivision and housing development. **Creativity** and architectural expression are evident in the designs proposed for the commercial building (on Lot 600) and the childcare centre (on Lot 601) and these buildings along with the relevant building controls will set the scene for high quality design.
309. The Commission is satisfied that the design of the subdivision is environmentally sustainable, safe and healthy. The proposal will efficiently utilise the land resource while allowing for optimal solar gain on the majority of lots, allowing for renewable energy options and passive solar gain. The road layout and reserve spaces provide for safety; and passive surveillance will be available at the interface with public spaces. The grid design and walkable blocks, in combination with the provision of reserves for recreation, will result in health benefits. Overall the design is consistent with the principle of **custodianship** as it will result in a quality environment.
310. The design has been the result of **collaboration** between a number of disciplines including surveying, engineering, ecology, architecture, land development, urban design, landscape architecture and planning. The HASHAA process to date has also involved various levels of government in decision making. Furthermore the relevant reports have been peer reviewed through the section 42A reporting process.
311. The Commission accepts Ms Ellis's overall conclusion that the proposal is appropriate in light of the 7 C's; and the Commission also finds that the proposal is appropriate in terms of the key urban design qualities expressed in the New Zealand Urban Design Protocol (2005).

J. SUFFICIENT AND APPROPRIATE INFRASTRUCTURE

312. Section 34(2) of the HASHAA directs that an authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.
313. The Commission has addressed infrastructural services in Sections G.1.3 and G.1.4 of this decision. The Commission is satisfied that sufficient and appropriate in-ground and roading infrastructure will be provided to support the proposal albeit that a temporary solution is proposed with respect to wastewater storage and truck transfer until such time as a trunk wastewater connection is provided to Project Pure. The Commission was informed in this context that a similar temporary solution was deployed at the Hanley Downs development to the south of Frankton within the District.
314. The Commission is satisfied that sufficient and appropriate infrastructure will be provided to support the subdivision and development which will occur within the SHA.

K. SUBMISSIONS

315. The Commission has given consideration to the submissions lodged in response to the proposal by the Henderson Family Co Limited, Simon Hoskin, Su Hoskin, Daryl Kerin and Willowridge Developments Limited. The matters raised in these submissions have been fully addressed in the evidence and in the reports that have been considered by the Commission.

L. WEIGHING EXERCISE

316. Section 34(1) of the HASHAA requires an evaluation of the proposal by having regard to the matters listed in section 34(1), giving weight to them (greater to lesser) in the order listed. This means that section 34(1)(a) – the purpose of the HASHAA – has greater weight than the remaining matters in sections 34(1)(b)-(e). As discussed in the body of this decision the Commission has concluded that:

- The proposal will achieve the purpose of the HASHAA as 465 residential allotments will be created;
- The proposal will achieve and is consistent with the purpose and principles as presented in Part 2 of the RMA;
- While the proposal will introduce a density of development not anticipated by the Proposed District Plan and will remove some of the rural character of the site; the proposal is a logical extension to the existing urban area of Lake Hawea. While there will be more than minor visual effects for some receivers in some locations the Commission has concluded that the proposal is generally consistent with the objectives and policies of the Proposed District Plan.
- In terms of sections 104 -104F of the RMA adverse effects on the environment can be adequately mitigated and the proposal is not, overall, contrary to the objectives and policies of the Operative District Plan and Proposed District Plan, or to any other policy instrument or matter.
- There are no other enactments relevant to the proposal.
- The proposal is suitable in terms of the Urban Design Protocol.

317. The Commission has concluded, having stood back and conducted the overall balancing required in terms of section 34(1) of the HASHAA, that consent should be granted to the application.

M. LAPSING DATE

318. Section 51(a)(iii) of the HASHAA has the effect of amending the lapsing date specified in section 125 of the RMA by reducing the lapse period in section 125(1)(a) from 5 years to 1 year. It is noted that section 125(1) of the RMA enables a consent authority to specify a different lapse date in the consent.

319. In this instance the applicant has sought a three year lapse period from the date of this decision for the subdivision consent as it relates to Stage 1; and a five year lapse period from the date of this decision for the subdivision consent as it relates to Stages 2A, 2B, 3A and 3B and with respect to the land use consent for the residential activity to be permitted on the residential allotments, for the commercial building development on Lot 600 and for the childcare centre on Lot 601.

320. The Commission considers that extended lapsing dates, as sought by the applicant, are appropriate in this instance.

N. OUTCOME

321. The Commission has given consideration to the Lake Hawea SHA proposal in terms of the HASHAA, the NES and the RMA.

322. Following the consideration of the application for land use consent for any commercial activities and community activities on Lots 1-10 [Township Service Centre] this part of the application is **refused** on the grounds that the Commission has inadequate information to determine this part of the application pursuant to section 36(3)(b) of the HASHAA.
323. Following consideration of the application and submissions in terms of section 34(1) of HASHAA the Commission has decided to exercise its discretion under section 36 of the HASHAA to **grant consent** to the application for subdivision consent and for land use consent for earthworks and traffic matters associated with subdivision, for residential activity on Lots 11-480 (excluding Lots 117, 128, 147 and 159), the commercial activity and building on Lot 600 and the childcare centre on Lot 601, **subject to the conditions of subdivision and land use consent** as attached in the Schedule to this decision (see Decisions A – E).
324. Following consideration of the application in terms of Regulation 11(2) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 **consent is granted** to the application **subject to the conditions** as attached in the Schedule to this decision (see Decision F).
325. Following consideration of the application the **conditions specified in consent notice CONO 8101037.5 are hereby cancelled as they relate to Lot 2 DP 343855** pursuant to section 221(3)(b) of the Resource Management Act 1991 (see Decision G).
326. Pursuant to section 76(2)(f) of the HASHAA and section 37(1) of the RMA (and having taken into account the matters listed in section 37A(1) of the RMA) the Commission **hereby extends the time period for the notification of this decision** on SH190005 to 20 April 2020.

This decision on SH190005 is dated 20 April 2020.



W D Whitney

**COMMISSION CHAIR for the Commission
being W D Whitney, Dr L Beattie and L Mein**

APPENDIX 1 - Schedule: Consents For SH190005

APPENDIX 1 - SCHEDULE: CONSENTS FOR SH190005

This Schedule details consent conditions relating to the subdivision and land use consents, consent under the NES and cancellation of conditions specified in a consent notice under the RMA as follows:

Decision A: *Subdivision Consent*

Decision B: *Land use Consent - Earthworks and Traffic Matters Associated with Subdivision*

Decision C: *Land use Consent – Residential Activity on Lots 11 – 480 (excluding Lots 117, 128, 147 and 159)*

Decision D: *Land use Consent – Childcare Centre on Lot 601*

Decision E: *Land use Consent – Commercial Activity and Building on Lot 600*

Decision F: *Consent – NES – CS*

Decision G: *Cancellation of Conditions Specified in Consent Notice 8101037.5.*

DECISION A: SUBDIVISION CONSENT

General Conditions

1. The subdivision shall be undertaken/carried out in accordance with the plans:
 - Scheme Plan U4266 Set Sheets 1 – 5 Rev D dated 2 March 2020
 - Staging Plan U4266 Rev D dated 2 March 2020
 - Engineering Drawings Earthworks Design Contours U4266 Sheets 1 & 2 Rev C dated 3 March 2020 & 3 March 2021 [sic]
 - Engineering Drawings Roothing Haul Road Plan U4266 Rev B dated 3 March 2020
 - Engineering Drawings Roothing Vehicle Crossings U4266 Sheet 1 – 5 Rev B dated 3 March 2020
 - Roothing Typical Cross Sections U4266 Rev B dated 2 February 2020

stamped as approved on 20 April 2020

and the application as submitted, **provided that the scheme plan of subdivision (and related plans) shall be amended to delete Lots 700 and 701 and replace these with allotments that provide access between Cemetery Road and Road 3 on the alignment between Road 7 and Sentinel Drive with any consequential changes to the boundaries and areas of other allotments as are necessary to accommodate these amendments**, and with the exception of any other amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3 May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

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

<https://www.qldc.govt.nz/planning/resource-consents/land-developments-and-subdivisions/>

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

4. A planting plan for all street trees shall be provided to Council Resource Consent Planning Team Leader for certification (in consultation with the Council's Arborist and Engineer). This shall include street trees on the southern side of Cemetery Road adjacent the site boundary. The objective of the planting plan is to ensure a high number (minimum one street tree per two residential lots, adjacent to residential lots) of street trees, that street trees are of suitable species, and that the location of street trees does not compromise road safety or infrastructure.
5. A minimum 1.5m wide tree berm shall be provided for all street trees. Evidence of this design outcome shall be provided to Council at the time of certification of the street tree planting plan required under Condition 4.
6. Prior to commencing works on the site, with the exception of earthworks and associated site management works approved under Conditions 13 – 16, the consent holder shall provide detailed landscape plans and design specifications prepared by a suitably qualified Landscape Architect to be certified by the Queenstown Lakes District Council's Parks & Reserves Planning Manager as achieving the following:

- a) All works shall meet Part 7: Landscape of QLDC's Land Development and Subdivision Code of Practice adopted on 3 May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.
Please note: The current standards are available on Council's website via the following link: <http://www.qldc.govt.nz>
- b) Ensure that areas of reserve exclude any areas of road.
- c) Details of landscape trees and plants that includes the species, size and location.
- d) Irrigation plan showing how trees and plants are to be irrigated.
- e) Tree pit details showing root ball treatment and staking.
- f) Ensure that all batter slopes and mounds are to a gradient not exceeding 1:5 when measured across any point to ensure that all slopes are mowable. This will require that plans clearly demonstrate that this gradient will not be exceeded.
- g) Path width, material and construction details so that all tracks achieve a grade 2 standard as set out in standards <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Parks-Planning-Documents/QLDC-Cycle-Trail-Track-Design-Standard-2016.pdf>
- h) Details of any stormwater detention areas, including planting, maintenance and confirmation that the surrounding areas can be easily mown.
- i) Details and locations for any other proposed assets, such as park seats, irrigation and fencing.
- j) Maintenance requirements.
- k) A potable water supply point to be provided to the boundary of reserve lots.

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

The Consent Holder should also be aware that the certification or acceptance of any landscape plan does not remove the requirement to ensure Council approval for vesting of reserve areas.

- 7. The road design of the western and southern extent of Road 2 must include measure(s) to calm traffic speeds and avoid monotony of views from the road. The final design of this road shall be certified by Council, in consultation with a Council appointed urban designer.

Please note: the final road design will also require Engineering Acceptance pursuant to Condition 11.

- 8. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
- 9. At least 5 working days prior to commencing work on site the consent holder shall advise the Manager of Resource Management Engineering at Council of the scheduled start date of physical works. Compliance with Conditions 10-12 below shall be demonstrated.

10. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management". The STMS shall implement the Traffic Management Plan. A copy of the approved Traffic Management Plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
11. Prior to commencing works on the site, with the exception of earthworks and associated site management works approved under Conditions 13– 16, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as are considered by Council to be both necessary and adequate, in accordance with Condition 3, to detail the following requirements:
 - a) The provision of a water supply to Lots 11 – 116, 118 – 127, 129 – 146, 148 – 158, 161 – 480, & 705 – 707 in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017. The costs of the connections shall be borne by the consent holder. The size and location of the connections to Lots 705 & 706 shall be agreed with Council's Parks & Reserves Planning Manager.
 - b) The provision of an appropriate commercial water supply to Lots 1 – 10, 600 & 601 in terms of Council's standards and connection policy. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated June 2017. The costs of the connections shall be borne by the consent holder.
 - c) Provision of irrigation to local purpose reserves, if required by Council's Parks & Reserves Planning Manager.
 - d) The provision of a wastewater pump station within Lot 707 to collect and convey the total development's peak wet weather flow in accordance with Council's standards. The design of the pump station shall be in accordance with Appendix G of QLDC's Land Development and Subdivision Code of Practice and shall include the following:
 - (i) The pump station shall have adequate capacity for the fully-developed subdivision area, including an appropriate allowance for mixed use activities in Lots 1 – 10 and 600 and the childcare centre in Lot 601;
 - (ii) Any requirements for fencing shall be agreed in advance with Council's Chief Engineer.
 - (iii) Access to the pump station shall be in accordance with section G1(1)(i) of Appendix G of QLDC's Land Development and Subdivision Code of Practice, and the access shall be sealed from the carriageway of Road 2 to the road reserve boundary. For clarity, the access can be either directly to Lot 707 or via Lot 117.
 - (iv) Operations and maintenance manuals for the pump station shall be provided.

- (v) Confirmation of how the design minimise vibration, noise and odour appropriate to its residential location
 - (vi) The capacity of the storage system shall be sufficient to provide for 2 days storage for 185 dwellings.
- e) The provision of a wastewater rising main from the pump station approved under Condition 11d to the QLDC network at a location approved by Council's Chief Engineer.
- f) The provision of a foul sewer connection from Lots 1 – 116, 118 – 127, 129 – 146, 148 – 158, 161 – 480, 600, 601, 705 & 706 to the pump station approved under Condition 11d in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder. The location of the connections to Lots 705 & 706 shall be agreed with Council's Parks & Reserves Planning Manager.
- g) The provision of necessary upgrades to the Queenstown Lakes District Council's water supply and foul sewer drainage networks to allow for the increased demands generated by the subdivision, to be agreed with Council's Chief Engineer. For clarity, these upgrades may be staged in agreement with Council's Chief Engineer.
- h) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within Lots 1 – 116, 118 – 127, 129 – 146, 148 – 158, 161 – 480, 600, 601 & 707, in accordance with Council's standards and connection policy. This shall include:
- (i) The provision of underground soakage devices within Lots 705 & 706 adequate to dispose of the runoff from all impervious areas within the development and catchment area during the critical 5% AEP storm event, designed in general accordance with the following documents:
 - '*Stormwater Technical Memo*,' prepared by Southern Land (Southern Land ref U4266, dated 7 November 2019).
 - '*Aquifer Protection Technical Memo*,' prepared by Southern Land (Southern Land ref U4266, dated 7 November 2019).
 - '*Stormwater Soakage Assessment for Proposed Subdivision Soakage Areas*,' prepared by Ground Consulting Limited (GCL ref R4372-4A, dated 22 November 2019).

The soakage devices shall be adequately sized to dispose of stormwater run-off from the development during the critical 5% AEP storm event.

The soakage devices shall include measures to intercept a 'first flush' of sediment and contaminants immediately prior to stormwater entering the devices. These measures shall be easily accessible for maintenance.

The final design and sizing of each soakage device shall be based on the individual percolation test results, shall account for the critical storm and shall drain within 24 hours of the critical event.

In addition to the permanent stormwater disposal solution, details shall be provided of a temporary stormwater and sediment management solution, which shall be adequate to service the site in the interim until the permanent stormwater management system is lived/activated.

- (ii) A reticulated primary system to collect and dispose of stormwater from all potential impervious areas within each lot, including the roading lots, to the soakage devices approved under Condition 11h(i) above. This shall include details of treatment solutions to avoid adverse water quality effects on receiving waters. As a minimum there shall be provision for the interception of settleable solids, hydrocarbons and floatable debris from stormwater from all proposed catchments. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot.
 - (iii) A secondary protection system consisting of secondary flow paths to cater for the critical 1% AEP storm event and/or setting of appropriate building floor levels to ensure that there is no inundation of any buildable areas within the lots, and no increase in run-off volumes and/or velocities onto land beyond the site from the pre-development situation.
 - (iv) A pre-development and post-development contour plan shall be provided for the stormwater design.
 - (v) Operations and maintenance manuals for the stormwater infrastructure proposed shall be provided.
- i) The provision of fire hydrants with adequate pressure and flow to service Lots 1 – 10, 600 & 601 with a minimum Class FW3 firefighting water supply and the balance of the lots with a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the Fire and Emergency New Zealand.
 - j) The provision of a sealed vehicle crossing that shall be constructed to Lots 11 – 116, 118 – 127, 129 – 146, 148 – 158, 161 – 480, 600 & 601 as per the plans prepared by Southern Land Plan titled Engineering Drawings Roading Vehicle Crossings Sheets 1- 5 Rev B dated 3 March 2020. Should the consent holder wish to change any access location from that approved, an amended location shall be provided to Council to be certified by Council Resource Consent Planning Team Leader, in consultation with Council engineer, prior to installing the crossing. The purpose of the certification is to ensure that any vehicle crossing is in a safe location, does not impact any infrastructure (including street trees) and will enable the site to have good access to solar gain.
 - k) The provision for footpaths on both sides of the road for all proposed roads (excluding road Lots 805 and 812). A footpath shall be provided on one side for roads in road Lots 805 and 812. These footpaths must be designed to Council standards
 - l) The provision for a basic access formation by way of earth ramp to the buildable areas within all lots where the gradient within 1m of the back of the vehicle crossing exceeds 1(V):5(H). The basic formation shall ensure that vehicle break over angles comply with Diagram 2 of Chapter 29 of the Proposed District Plan and the maximum gradient of the access shall not exceed 1(V):6(H).
 - m) The provision of road lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on rights of way shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such rights of way. Any lights installed on rights of way shall be isolated from the Council's lighting network circuits.
 - n) The formation of Roads 1 – 13, in accordance with Council's standards and the requirements below. This shall include:
 - (i) The roading formations shall be in general accordance with Southern Land's plans '*Universal Developments, Special Housing Area, Lake Hawea. Engineering Drawings,*

Roading, Typical Cross Sections' (Southern Land Ref U4266, sheet E342), except where amendments are required by the following conditions or where recommendations are made during the Road Safety Audit process.

- (ii) Details demonstrating how a maximum design speed of 40 km/hr will be achieved on all roads.
 - (iii) As a minimum, recessed parking bays shall be provided in the following locations:
 - Adjacent to Lots 1 – 10, 600 & 601.
 - On both sides of Road 4, except where the loading bay required by Condition 11n)iv is located.
 - (iv) A recessed on-road loading space shall be provided on Road 4, adequate to accommodate a medium rigid truck.
- o) The formation of Roads 14 & 15, in accordance with Council's standards and the requirements below. This shall include:
- (i) The minimum formed width shall be 3.5m and shall include no parking markings on one side for the length of the road.
 - (ii) Recessed parking bays shall be provided on one side for the length of the road.
 - (iii) The minimum legal width shall be 9.0m.
 - (iv) Swept paths shall be provided demonstrating that an 8m rigid truck can negotiate the length of the carriageway with 500mm of clearance on each side, and road widening shall be provided as necessary.
 - (v) Road markings and signage shall be provided at both ends of the road to ensure that motorists adhere to the requirement for one-way traffic.
 - (vi) Details demonstrating how a maximum design speed of 10 km/hr will be achieved.
- p) The formation and sealing of rights of way 'A,' 'B,' 'C,' 'D,' 'M' and 'N', in accordance with Figure E9 of QLDC's Land Development and Subdivision Code of Practice, dependent on the number of lots served by each right of way.
- q) The formation of a footpath on the south side of Cemetery Road between Lots 1 and 61 with a minimum width of 2.5m and a minimum formation standard in accordance with Drawing B2-44 of QLDC's Land Development and Subdivision Code of Practice. The footpath shall be sealed. Crossing points shall be provided where there are existing pedestrian connections to the north of Cemetery Road. In addition a post and rail fence shall be constructed on the boundary between Cemetery Road and Lots 1 - 3, 11-21, 22-26 & 50-61.
- r) The formation of intersections with Cemetery Road and all internal intersections, in accordance with the latest Austroads intersection design guides. These designs shall be subject to review and acceptance by Council with any associated costs met by the consent holder. This shall include the following:
- (i) All signage and marking shall be in accordance with MOTSAM and the TCD Manual.
 - (ii) Appropriate threshold treatments shall be provided at the intersections of Road 1 with Cemetery Road to delineate the entrances to the subdivision.
 - (iii) Broken yellow 'no stopping at all times' lines shall be installed in the intersections as required to ensure that adequate space is kept clear for manoeuvring vehicles.

- s) The consent holder shall engage an independent and suitably qualified traffic engineer to carry out a detailed design Road Safety Audit in general accordance with the NZTA Manual 'Road Safety Audit Procedures for Projects' and section 3.2.7 of QLDC's Land Development and Subdivision Code of Practice. This shall include confirmation that appropriate traffic signs and road markings have been provisioned in accordance with the New Zealand Transport Agency's traffic control devices manual. The consent holder shall comply with any recommendations of the Road Safety Audit at their own cost. A copy of the Road Safety Audit report shall be submitted to Council for review and acceptance.
 - t) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
 - u) The provision of a Design Certificate submitted by a suitably qualified design professional for the Wastewater Pump Station required for the wastewater reticulation. The certificate shall be in the format of IPENZ Producer Statement PS1 or the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
 - v) The provision of landscaping irrigation that is designed to last at least five years and includes the use of backflow preventers. This shall be accompanied by evidence that the design has been reviewed and accepted by the Council's Parks & Reserves Manager. Irrigation shall be designed in accordance with QLDC Irrigation Standards.
12. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified geo-professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the Ground Consulting Limited (GCL) report ref R4372-2A, dated 27 June 2019 and who shall supervise the earthworks procedure, in accordance with the report recommendations. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.
13. At least 15 working days prior to any works commencing on site the consent holder shall submit an Environmental Management Plan (EMP) to Council's Resource Management Engineering Team for review and acceptance. This document must be prepared by a Suitably Qualified and Experienced Person. The EMP shall be in accordance with the principles and requirements of the Queenstown Lakes District Council's Guidelines for Environmental Management Plans and specifically shall address the following environmental elements as specified in the guidelines:
- a) Administrative Requirements
 - (i) Weekly site inspections
 - (ii) Monthly environmental reporting
 - (iii) Independent audit by Suitably Qualified and Experienced Person
 - (iv) Notification and management of environmental incidents
 - (v) Records and registers
 - (vi) Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
 - (vii) Site induction
 - b) Operational Requirements
 - (i) Erosion and sedimentation (including Erosion and Sediment Control Plan to be prepared by a Suitably Qualified and Experienced Person)

- (ii) Dust
- (iii) Cultural heritage
- (iv) Noise
- (v) Vibration
- (vi) Contaminated sites (to be prepared by a Suitably Qualified and Experienced Person)
- (vii) Chemical and fuel management
- (viii) Waste management

The EMP (and any sub-plans e.g. ESCP described below) shall also be consistent with any recommendations outlined in the GCL geotechnical report (where relevant).

14. Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the consent holder shall engage an Appropriately Qualified Person to prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Resource Management Engineering Team for review and acceptance. This plan shall be a sub-plan of the overarching EMP and shall be prepared in accordance with the requirements outlined at Section 4.2.4 in Queenstown Lakes District Council's Guidelines for Environmental Management Plans. These plans must be updated when:
 - a) The construction program moves from one Stage to another; or
 - b) Any significant changes have been made to the construction methodology since the original plan was accepted for that Stage; or
 - c) There has been an Environmental Incident and investigations have found that the management measures are inadequate.
15. Prior to commencing ground-disturbing activities, the consent holder shall nominate an Environmental Representative for the works program in accordance with requirements of Section 3.3.3 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
16. Prior to commencing ground disturbing activities, the consent holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements within Section 3.1 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.

To be undertaken throughout earthworks

17. The earthworks, batter slopes and site management shall be undertaken in accordance with the recommendations of the report by Ground Consulting Limited ref R4372-2A, dated 27 June 2019.
18. All earthworks, geotechnical investigations and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Section 2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice.
19. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
20. No earthworks that are not authorised by this consent, temporary or permanent, are to breach the boundaries of the site.

21. Prior to bulk earthworks operations (and vegetation clearance) for the initial stage or any subsequent new stage of works, the consent holder shall install erosion and sediment controls in accordance with the ESCP as well as provide As-built documentation for these controls by Suitably Qualified and Experienced Person. It is noted that earthworks required to construct environmental management controls are allowed to commence once Council has provided notice that this has been met.
22. All works shall be undertaken in accordance with the most current version of the EMP as accepted as suitable by Council.
23. The EMP shall be accessible on site at all times during work under this consent.
24. The consent holder shall establish and implement document version control. Council shall be provided with an electronic copy of the most current and complete version of the EMP at all times.
25. The consent holder shall develop and document a process of periodically reviewing the EMP as outlined in Section 1.2 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*. No ground disturbing activities shall commence in any subsequent stage of development until an EMP has been submitted and deemed suitable by Council's Resource Management Engineering Team.
26. The consent holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as outlined in Section 3.5 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
27. A SQEP shall monitor the site monthly to ensure that the site is complying with its EMP, identify any new environmental risks arising that could cause an environmental effect and suggest alternative solutions that will result in more effective and efficient management. This must include a specific audit by the SQEP of the effectiveness of the ESCP. The outcome of these inspections should be included in the Monthly Environmental Report required in terms of Condition 28 below.
28. The consent holder shall complete and submit inspection reporting to QLDC in the form of a Monthly Environmental Report. The Monthly Environmental Report shall be submitted to QLDC's Regulatory Department within five (5) working days of the end of each month.
29. In accordance with Section 3.3 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*, where any Environmental Incident where the EMP has failed leading to any adverse environmental effects offsite occurs the consent holder shall:
 - a) Report to QLDC details of any Environmental Incident within 12 hours of becoming aware of the incident.
 - b) Provide an Environmental Incident Report to QLDC within 10 working days of the incident occurring as per the requirements outlined in Section 3.3.1 of Queenstown Lakes District Council's Guidelines for Environmental Management Plans.
30. Environmental records are to be collated onsite and shall be made available to QLDC upon request; immediately if the request is made by a QLDC official onsite and within 24 hours if requested by a QLDC officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined in Section 3.4 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.

Accidental Discovery Protocol

31. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) does not have an Archaeological Authority from Heritage New Zealand Pouhere Taonga *and* discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

Hours of Operation – Earthworks

32. Hours of operation for earthworks, shall be:

- Monday to Saturday (inclusive): 7.30am to 6.00pm.
- Sundays and Public Holidays: No Activity

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

To be completed before Council approval of the Survey Plan

33. Prior to the Council signing the Survey Plan pursuant to section 45 of the HASHAA (as per s223 of the RMA), the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include any Easements in Gross as required by Council for infrastructure to vest. Requirements for vested infrastructure and Easements in Gross shall be agreed with Council's Land Development Engineer prior to Council signing the Survey Plan and prior to obtaining 'Engineering Review and Acceptance' for design of infrastructure.
 - b) In the event that the access to the wastewater pump station on Lot 707 is provided over Lot 117, as detailed in Condition 11(d)(iii), a right of way Easement in Gross in favour of Council shall be provided over the access area within Lot 117.
 - c) The rights contained within easement instrument 8101037.6 as varied by instrument 10502462.1 shall be cancelled as they relate to the lots created.
 - d) The names of all roads which require naming in accordance with Council's road naming policy shall be shown on the Survey Plan.
[Note: the road naming application is to be submitted to Council prior to the application for the section 223 certificate]
 - e) The Survey Plan shall show the replacements for Lot 700 and 701 consistent with Condition 1.

Amalgamation Condition (s43 HASHAA / s220(1)(b) of the RMA)

34. a) Pursuant to section 220(1)(b)(ii) of the Resource Management Act 1991:
- (i) "That Lot 998 hereon and Lot 1 DP 541414 (RT909889) be held in one Record of Title (see CSN Request 1652004)."
 - (ii) "That Lot 999 hereon and Lot 1 DP 343855 (RT180127) be held in one Record of Title (see CSN Request 1652004)."
- b) Pursuant to section 220(1)(b)(iii) of the Resource Management Act 1991:
- (i) "That Lots 1-10 hereon be held in the same Record of Title (See CSN Request 1652004)."
 - (ii) "That Lots 117, 128, 147, 159 and 172 hereon be held in the same Record of Title. (See CSN Request 1652004)."

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

35. The consent holder shall obtain a decision from Council confirming that all areas of reserve have been formally agreed to be vested.
36. The completion and implementation of the reserves landscaping and requirements detailed in Condition 6 above.
37. The completion and implementation of the planting on the certified street trees planting plan, detailed in Condition 4 above. All street trees shall be connected to a reticulated irrigation supply (irrigation supplied to each tree).

38. The consent holder shall enter into a maintenance agreement under s207A of the Local Government Act 2002, with the QLDC (Parks and Reserves), with the obligation being upon the consent holder to fulfil the requirements detailed in a) to d) below. The maintenance period shall be three years from any issue of 224(c) certification:
- a) All new assets, including irrigation and fencing, shall be kept in good working order and be free of defects or disrepair.
 - b) Trees and vegetation shall be irrigated and maintained to an acceptable standard as specified by QLDC Parks and Reserves Planning team. It shall be the responsibility of the consent holder to ensure that any new plantings, as shown on the approved landscape plans, that die or decline at any time over the 3-year maintenance period following the initial planting shall be replaced. The replacement plants shall be of the same species, grade and size as the original specimens and planted no later than the following planting season or as instructed by QLDC.
 - c) The vested reserves shall be kept in a tidy condition and shall be free of litter and refuse.
 - d) Health and safety plans shall be provided for all non-QLDC approved contractors undertaking maintenance in the reserves or road reserves.
39. Prior to certification pursuant to section 46 of the HASHAA (as per section 224(c) of the RMA), the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Irrigation, Roads (including right of ways), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all works detailed in Condition 11 above. In terms of the stormwater connection to the soakage system this shall only occurred once the soakage system has been tested and certified as achieving the design standards specified for soakage in Condition 11 h).
 - c) An approved water meter as detailed in QLDC's Water Meter Policy (Appendix A) shall be installed onto the Acuflo manifold for Lots 1 – 116, 118 – 127, 129 – 146, 148 – 158, 161 – 480, 600, 601 & 705 – 707 as per Condition 11a).
 - d) The removal and capping of the existing water supply lateral from Lot 3 DP 343855 within the subject site.
 - e) The consent holder shall enter into a developer's agreement between the developer and Council in relation to the stormwater system. This agreement shall bind the developer to its requirements and confirm the following:
 - (i) A 1 year maintenance period following the issue of 224c certification for each stage of the subdivision to ensure all earthworked areas associated with the subdivision are grassed.
 - (ii) A program for clearing any sediment from the system within this 1 year period.
 - (iii) A final testing of the system at the end of the 1 year period to confirm the soakage system is continuing to perform as designed.
 - (iv) Any remedial works necessary to ensure the soakage rates and testing prescribed in Condition 11 h) are achieved in the event that the testing ((iii) above) identifies reduced soakage rates.
 - (v) Whether a bond is required in relation to maintenance of the system for the maintenance period.

- f) The consent holder shall enter into an Infrastructure Agreement with QLDC for the wastewater pump station in Lot 707 and associated rising main for the provision of wastewater servicing. The consent holder shall ensure that this infrastructure is vested to QLDC in accordance with this agreement. This agreement shall also provide for:
- (i) A temporary haul route in the event truck transfer is required along with acknowledgement that the haul route can be adjusted as necessary to reflect the timing and coordination of development. The haul route shall be formed to a compacted gravel standard.
- g) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kVA capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- h) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- i) The consent holder shall engage an independent and suitably qualified traffic engineer to carry out a post-construction Road Safety Audit in general accordance with the NZTA Manual "Road Safety Audit Procedures for Projects" and section 3.2.7 of QLDC's Land Development and Subdivision Code of Practice. This shall include confirmation that appropriate traffic signs and road markings have been installed in accordance with the New Zealand Transport Agency's traffic control devices manual. The consent holder shall undertake works in compliance with any recommendations of the Road Safety Audit at its own cost. A copy of the Road Safety Audit report and confirmation that the recommendations have been complied with shall be submitted to Council for review and acceptance.
- j) At the completion of onsite earthworks the geo-professional shall incorporate the ground bearing test results for each residential allotment within the subdivision (regardless of whether affected by development cut and fill earthworks) in a Geotechnical Completion Report and Schedule 2A certificate covering all lots within the subdivision.

The Schedule 2A certification shall include a statement under Clause 3(e) covering section 106 of the Resource Management Act 1991. In the event the Schedule 2A certificate includes limitations or remedial works against any lot(s) the Schedule 2A certificate shall include a geotechnical summary table identifying requirements against each relevant lot in the subdivision for reference by future lot owners. Any remedial works outlined on the Schedule 2A certificate that requires works across lot boundaries shall be undertaken by the consent holder prior to 224(c) certification being issued.

- k) The submission of Completion Certificates from the representative advised in Condition 8 for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- l) The submission of Completion Certificates from both the Contractor and Approved Certifier for the Wastewater Pump Station located in Lot 707. The certificates shall be in the format of IPENZ Producer Statement PS3 and PS4 or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificates.

- m) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- n) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all roads created by this subdivision.
- o) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
- p) All earth worked and/or exposed areas created as part of the subdivision shall be top-soiled and grassed, revegetated, or otherwise stabilised.
- q) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions/Consent Notices

- 40. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles (being all residential sections adjacent to any proposed reserve), by way of Consent Notice pursuant to s.221 of the RMA.
 - a) All boundary fences along or adjoining any areas of reserve shall be no greater than 1.2 metres in height and shall be no less than 50% visually permeable.
- 41. The Consent Holder shall ensure that a Fencing Covenant, required under s6 of the Fencing Act 1978, is registered on all land to ensure that any reserves to vest in QLDC are protected and that Council has no liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land.
- 42. Prior to certification pursuant to section 224 of the Resource Management Act 1991 and in accordance with section 221 of the Resource Management Act 1991, the following Consent Notice shall be registered on the pertinent Record of Titles for Lots 11 – 116, 118 – 127, 129 – 146, 148 – 158, 161 – 480 & 600 – 601 for the performance of the conditions detailed in the Consent Notice on a continuing basis (for the avoidance of doubt, the conditions to be specified in the Consent Notice are conditions of this consent):
 - i) The commercial letting of residential units inclusive of residential flats not exceeding a cumulative total of 90 nights per 12 month period shall be allowed.
 - ii) Homestays are not considered Visitor Accommodation for the purpose of this condition (using a room of a house for paying guests).

For the purpose of this condition Visitor Accommodation means the use of land or buildings for short-term, fee paying, residential accommodation where the length of stay for any visitor/guest is less than 3 months.

43. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) Provision shall be made for the performance of any ongoing requirements for protection of secondary flow paths or minimum floor levels for buildings, where deemed necessary by Council to satisfy Condition 11h)(iii) above. The final wording of the consent notice instrument shall be checked and approved by the Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.
 - b) In the event that the Schedule 2A certificate and Geotechnical Completion Report issued under Condition 39j) contains limitations, such as specific foundation requirements for each lot that does not meet NZS 3604:2011 foundation conditions, or remedial works required, then a Consent Notice shall be registered on the Records of Title for the affected lots detailing requirements for the lot owner(s).
44. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) To be registered to Lots 117, 128, 147 and 159 (all of which will be amalgamated with Lot 172):
 - Lots 117, 128, 147 and 159 shall not be developed as future residential allotments. These lots shall be maintained and kept tidy in perpetuity by the lot owner.

Please Note: for the purpose of this condition "maintained" and "kept tidy" is to be to the satisfaction of Council Monitoring and Enforcement Manager.

Building and Site Controls

45. The following conditions shall be complied with in perpetuity and shall be registered on the Lots 11 - 116, 118 - 127, 129 - 146, 148 - 158 and 161 - 480 Titles by way of Consent Notice pursuant to s.221 of the Act.
- a) There shall be no more than one Residential Unit (inclusive of one Residential Flat) erected on the Lot.
 - b) The vehicle crossing constructed as part of the subdivision shall be the vehicle crossing used to access the Lot. No other vehicle access point to the Lot is permitted.
 - c) Two off street car parking spaces shall be provided within the Lot per residential dwelling. An additional off street car park space shall be provided for each residential flat (if any).
 - d) The maximum building height is restricted to 8.0m
 - e) All garages shall have a minimum setback of 5.5m from the road boundary and shall be recessed back a least 0.5m from the front facade of the dwelling.
 - f) All buildings shall have a minimum setback of 4.5m and maximum of 5.5m from the road boundary. Except for the following:
 - (i) Lot 11 - 26 & 50 - 61 the minimum setback from Cemetery Road shall be 4.5m. No maximum setback applies to this boundary.
 - (ii) Lot 49 the minimum road setback shall be 2.5m from the western road boundary and 4.5m from northern road boundary. No maximum setbacks apply to these boundaries

- (iii) Lots 48 - 32 the minimum road setback shall be 4.5m from the northern road boundary. No maximum setbacks apply to these boundaries
 - (iv) Lot 31 the minimum road setback shall be 2.5m from the eastern road boundary and 4.5m from the northern road boundary. No maximum setbacks apply to these boundaries
 - (v) Lot 94 the minimum road setback shall be 2.5m from the southern road boundary and 4.5m from the eastern road boundary. No maximum setbacks apply to these boundaries
 - (vi) Lots 95-104 the minimum road setback shall be 4.5m from the eastern road boundary. No maximum setbacks apply to these boundaries
 - (vii) Lot 105 the minimum road setback shall be 2.5m from the northern road boundary and 4.5m from the eastern road boundary. No maximum setbacks apply to these boundaries
 - (viii) Lots 181, 200, 201, 232, 233, 252, 253, 270, 271, 354, 376, 381, 382, 399, 406, 426, 443, 450 and 462 the minimum road setback shall 2.5m from the northern road boundary. No maximum setbacks apply to this boundaries
 - (ix) Lots 190, 191, 216, 217, 242, 243, 262, 263, 280, 366, 372, 387, 394, 410, 422, 438, 455, 466 and 472 the minimum road setback shall be 2.5m from the southern road boundary. No maximum setbacks apply to this boundaries
 - (x) Lots 294, 296, 325, 326 & 353 the minimum road setback shall be 3m.
 - (xi) Lots 293, 324 & 327 the minimum road setback shall be 3m from the northern boundary and 2.5m from the eastern boundary. No maximum setback applies to the eastern boundary.
 - (xii) Lot 295 & 352 the minimum road setback shall be 3m from the northern boundary and 2.5m from the western boundary. No maximum setbacks apply to the western boundary
 - (xiii) Lots 281, 311, 312, 340 & 339 the minimum road setback shall be 3m.
 - (xiv) Lots 282, 313, 338 the minimum road setback shall be 3m from the southern boundary and 2.5m from the eastern road boundary. No maximum setback applies to western boundary.
 - (xv) Lots 310 & 341 the minimum road setback shall be 3m from the southern boundary and 2.5m from the western road boundary. No maximum setback applies to the western boundary.
- g) All buildings shall be located at least 1.0m from any internal boundary, with the following exceptions:
- (i) Accessory buildings including garages may be located within the setback provided they do not exceed 3.5m in height and 7.0m in length and contain no openings or windows orientated toward the internal boundary which is being encroached; and
 - (ii) Eaves may be located up to 600mm into any internal boundary setback; and
 - (iii) No setback is required from an internal boundary where buildings share a common wall on that internal boundary
- h) Recession planes for any building from internal boundaries shall not exceed:
- (i) Northern boundary: 2.5m and 55 degrees.
 - (ii) Western and eastern boundaries: 2.5m and 45 degrees.
 - (iii) Southern boundary: 2.5m and 35 degrees.

The following exceptions apply:

- (iv) Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.
- (v) Accessory buildings not exceeding 3.5m in height may encroach into the building recession planes.

Note: there are no recession planes applying to road boundaries.

- i) Building coverage is restricted to a maximum of 50% of the net area of the site.

- j) Street Articulation:
- (i) All buildings shall have a veranda, portico, porch or other similar entrance feature surrounding the front entrance.
 - (ii) The main entry door (front door) or access to the dwelling shall be visible from the street.

- k) Fences:
- (i) No fences shall be constructed within 4.5m of the road boundary with the exception that corner sections may fence up to half of the secondary road boundary (long boundary adjoining the road) within the setback.
 - (ii) Fencing of side and rear boundaries shall not exceed 1.8m in height.

For Lots 11-26 and 50-61 only:

- (iii) The fence along the Cemetery Road boundary shall be retained-

For Lots 8, 21, 22, 39, 40, 99, 100, 360 – 371, 374 – 376, 377, 462- 471, 474-480 & 600 only:

- (iv) All boundary fences along or adjoining any areas of reserve shall be no greater than 1.2 metres in height and shall be no less than 50% visually permeable.

Note: This condition is deemed to be amended, as necessary, to correspond to the replacement of Lots 700 and 701 as required in terms of Condition 1.

For Lots 1, 61, 62, 69 – 87, 106 -180, 707 only:

- (v) Any boundary fence adjoining Lot 1 DP 343855, Lot 1 DP 541414 or Section 8 Block IV Lower Hawea SD shall be constructed of post and wire only provided that the existing deer fence at the boundary with Section 8 Block IV Lower Hawea SD shall be retained. Should this adjoining land be re-zoned to an urban zoning these restrictions shall no longer apply
- l) Roof colours shall have a light reflective value of 20% or less. Solar Panels are excluded from this condition.
- m) At least 70% of total external surfaces (excluding roofs and windows) shall have a light reflectivity value of less than 35%.
- n) Utility areas shall not be visible from the road. For the purposes of this condition utility areas includes rubbish/recycling bin storage areas, gas cylinders and heat pump/air condition units.
- o) Erosion and sediment controls measures shall be implemented prior to construction of a dwelling on site and shall be maintained throughout construction. These measures shall prevent sediment exiting the site. Note for assistance in complying with this requirement please refer to the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. Auckland Guideline Document GD2016/005

Non-object Covenant

46.

- a) The consent holder shall supply to the Council the final form of the Non-Object Covenant, subject to further amendments as the consent holder's solicitor considers reasonably necessary (a draft of that instrument is attached to this consent) under which Lots 58-110 will be bound to meet the non-objection requirements of that instrument, with such instrument to be registered on

the Record of Title for the Benefited Land [Section 8 Blk IV Lower Hawea SD] on an ongoing basis. The consent holder will undertake that it will not apply for title from LINZ, and will procure its solicitors to provide an undertaking that those solicitors will not apply for title/s from LINZ, unless such instrument is lodged for registration in the same dealing,

- b) if the consent holder cannot at that time obtain the consent of the landowner of the Benefited Land [currently Section 8 Blk IV Lower Hawea SD] to sign all documents and do all things necessary to allow the instrument to be registered, as required under Condition 46a), then the provisions of the instrument shall be included within a Consent Notice condition to be registered on Lots 58–110 in favour of Council so that each of the lots is bound by the non-object provisions set out in the instrument by way of Consent Notice instead of the Non-Object Covenant.
- c) The objective of this No-Object Covenant is that the owners/operators of the farm on Section 8 Blk IV Lower Hawea SD can undertake farm activities without being subject to complaints from adjoining residential properties.

Staging

- 47. Only Stage 1 can be completed and operational prior to Council's wastewater upgrades (Project Pure) being completed and the site being able to connect to Project Pure via the upgraded Council network.
- 48. This subdivision may be staged. For the purposes of issuing approvals under sections 45 and 46 of the HASHAA (as per sections 223 and 224(c) of the Resource Management Act 1991), the conditions of this consent shall be complied with only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage 1: Lots 26, 27, 50 – 117, 263 – 371, 377 – 387, 702 (reserve), 703 (reserve), 706 (reserve), 707 (reserve), & Lots 809-812 (road). Stage 1 completion shall precede all other stages.

Stage 2A: Lots 28 – 30 118 – 137, 243 – 262, 372 – 376, 388 – 391, 402 – 405, 700 (reserve), Lots 807-808 (road)

Stage 2B: Lots 3, 4, 11 – 25, 31 – 49, 233 – 242, 392 – 401, 701 (reserve) and Lots 804-806 (road).

Stage 3A: Lots 9, 10, 138 – 150, 181 – 232, 406 – 466, 601, 704 (reserve), 705 (reserve) & Lots 800, 802, & 803 (road)

Stage 3B: Lots 1, 2, 5 – 8, 151 – 180, 467 – 480, 600, 998, 999 (balance lot) and Lot 801 (road). Stage 3A completion shall precede Stage 3B.

Note: Lot 700 and Lot 701 will be deleted and replaced in terms of Condition 1.

All stages must occur in numerical order. Any balance lots created shall either be serviced to Council's standards or held together in one title with a serviced lot.

It is required that as Lots 117, 128, 147 and 159 (the easement lots) are created, they must be amalgamated with the balance lot until such a such time as Lot 172 is created (under Stage 3B).

Lapse Date

49. The lapse date for Stage 1 shall be three years from the date of this decision. The lapse date for Stages 2A, 2B, 3A and 3B shall be five years from the date of this decision.

Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC

DECISION B: Land Use Consent – Earthworks and Traffic Matters Associated with Subdivision

General Conditions

1. The development shall be undertaken/carried out in accordance with the plans:
 - Scheme Plan U4266 Set Sheets 1 – 5 Rev D dated 2 March 2020
 - Staging Plan U4266 Rev D dated 2 March 2020
 - Engineering Drawings Earthworks Design Contours U4266 Sheets 1 & 2 Rev C dated 3 March 2020 & 3 March 2021 [sic]
 - Engineering Drawings Rooding Haul Road Plan U4266 Rev B dated 3 March 2020
 - Engineering Drawings Rooding Vehicle Crossings U4266 Sheet 1 – 5 Rev B dated 3 March 2020
 - Rooding Typical Cross Sections U4266 Rev B dated 2 February 2020

stamped as approved on 20 April 2020, provided that the scheme plan of subdivision (and related plans) shall be amended to delete Lots 700 and 701 and replace these with allotments that provide access between Cemetery Road and Road 3 on the alignment between Road 7 and Sentinel Drive with any consequential changes to the boundaries and areas of other allotments as are necessary to accommodate these amendments, and with the exception of the amendments required by the following conditions of consent.

2. Earthworks must be stage to reflect the stages of the subdivision approved under Decision A (Staging Plan U4266 Rev D dated 2 March 2020)
3. All conditions of Decision A SH190005 relating to earthworks and access must be complied with.

Please note that this land use activity is intrinsically tied to the subdivision works; and that the conditions of subdivision consent comprehensively address all relevant matters.

DECISION C: Land Use Consent – Residential Activity on Lots 11-480 (excluding Lots 117, 128, 147 and 159)

General Conditions

1. The development shall be undertaken/carried out in accordance with the application SH190005, with the exception of the amendments required by the following conditions of consent.
2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
4. There shall be no construction works undertaken until s223 certification for the relevant stage of subdivision SH190005 (being the stage that relates to the Lot concerned) is given.

Building and Site Controls

5. There shall be no more than one Residential Unit (inclusive of one Residential Flat) erected on the Lot.
6. The vehicle crossing constructed as part of the subdivision shall be the vehicle crossing used to access the Lot. No other vehicle access point to the Lot is permitted.
7. Two off street car parking spaces shall be provided within the Lot per residential dwelling. An additional off street car park space shall be provided for each residential flat (if any).
8. The maximum building height is restricted to 8.0m
9. All garages shall have a minimum setback of 5.5m from the road boundary and shall be recessed back a least 0.5m from the front facade of the dwelling.
10. All buildings must have a minimum setback of 4.5m and maximum of 5.5m from the road boundary. Except for the following:
 - a) Lot 11 – 26 & 50 – 61 the minimum setback from Cemetery Road shall be 4.5m. No maximum setback applies to this boundary.
 - b) Lot 49 the minimum road setback shall be 2.5m from the western road boundary and 4.5m from northern road boundary. No maximum setbacks apply to these boundaries.
 - c) Lots 48 -32 the minimum road setback shall be 4.5m from the northern road boundary. No maximum setbacks apply to these boundaries.
 - d) Lot 31 the minimum road setback shall be 2.5m from the eastern road boundary and 4.5m from the northern road boundary. No maximum setbacks apply to these boundaries.
 - e) Lot 94 the minimum road setback shall be 2.5m from the southern road boundary and 4.5m from the eastern road boundary. No maximum setbacks apply to these boundaries.

- f) Lots 95-104 the minimum road setback shall be 4.5m from the eastern road boundary. No maximum setbacks apply to these boundaries.
 - g) Lot 105 the minimum road setback shall be 2.5m from the northern road boundary and 4.5m from the eastern road boundary. No maximum setbacks apply to these boundaries.
 - h) Lots 181, 200, 201, 232, 233, 252, 253, 270, 271, 354, 376, 381, 382, 399, 406, 426, 443, 450 and 462 the minimum road setback shall 2.5m from the northern road boundary. No maximum setbacks apply to this boundaries.
 - i) Lots 190, 191, 216, 217, 242, 243, 262, 263, 280, 366, 372, 387, 394, 410, 422, 438, 455, 466 and 472 the minimum road setback shall be 2.5m from the southern road boundary. No maximum setbacks apply to this boundaries.
 - j) Lots 294, 296, 325, 326 & 353 the minimum road setback shall be 3m.
 - k) Lots 293, 324 & 327 the minimum road setback shall be 3m from the northern boundary and 2.5m from the eastern boundary. No maximum setback applies to the eastern boundary.
 - l) Lot 295 & 352 the minimum road setback shall be 3m from the northern boundary and 2.5m from the western boundary. No maximum setbacks apply to the western boundary.
 - m) Lots 281, 311, 312, 340 & 339 the minimum road setback shall be 3m.
 - n) Lots 282, 313, 338 the minimum road setback shall be 3m from the southern boundary and 2.5m from the eastern road boundary. No maximum setback applies to western boundary.
 - o) Lots 310 & 341 the minimum road setback shall be 3m from the southern boundary and 2.5m from the western road boundary. No maximum setback applies to the western boundary.
11. All buildings shall be located at least 1.0m from any internal boundary, with the following exceptions:
- a) Accessory buildings including garages may be located within the setback provided they do not exceed 3.5m in height and 7.0m in length and contain no openings or windows orientated toward the internal boundary which is being encroached; and
 - b) Eaves may be located up to 600mm into any internal boundary setback, and
 - c) No setback is required from an internal boundary where buildings share a common wall on that internal boundary
12. Recession planes for any building from internal boundaries shall not exceed:
- a) Northern boundary: 2.5m and 55 degrees.
 - b) Western and eastern boundaries: 2.5m and 45 degrees.
 - c) Southern boundary: 2.5m and 35 degrees.

The following exceptions apply:

- d) Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.
- e) Accessory buildings not exceed 3.5m in height may encroach into the building recession planes.

Note: there are no recession planes applying to road boundaries.

13. Building coverage is restricted to a maximum of 50% of the net area of the site.
14. Street Articulation:
 - a) All buildings shall have a veranda, portico, porch or other similar entrance feature surrounding the front entrance.
 - b) The main entry door (front door) or access to the dwelling shall be visible from the street.
15. Fences:
 - a) No fences shall be constructed on or within 4.5m of the road boundary with the exception that corner sections may fence up to half of the secondary road boundary (long boundary adjoining the road) within the setback.
 - b) Fencing of side and rear boundaries shall not exceed 1.8m in height.

For Lots 11-26 and 50-61 only:

17. The fence along the Cemetery Road boundary shall be retained

For Lots 8, 21, 22, 39, 40, 99, 100, 360 – 371, 374 – 376, 377, 462- 471, 474-480 & 600 only:

18. All boundary fences along or adjoining any areas of reserve shall be no greater than 1.2 metres in height and shall be no less than 50% visually permeable.

Note: This condition is deemed to be amended, as necessary, to correspond to the replacement of Lots 700 and 701 as required in terms of Condition 1 in Decision A SH 190005.

For Lots 1, 61, 62, 69 – 87, 106 -180, 707 only:

19. Any boundary fence adjoining Lot 1 DP 343855, Lot 1 DP 541414 or Section 8 Block IV Lower Hawea SD shall be constructed of post and wire only provided that the existing deer fence at the boundary with Section 8 Block IV Lower Hawea SD shall be retained. Should this adjoining land be re-zoned to an urban zoning these restrictions shall no longer apply
20. Roof colours shall have a light reflective value of 20% or less. Solar Panels are excluded from this condition.
21. At least 70% of total external surfaces (excluding roofs and windows) shall have a light reflectivity value of less than 35%.
22. Utility areas shall not be visible from the road. For the purposes of this condition utility areas includes rubbish/recycling bin storage areas, gas cylinders and heat pump/air condition units.
23. Erosion and sediment controls measures shall be implemented prior to construction of a dwelling on site and shall be maintained throughout construction. These measures shall prevent sediment exiting the site. Note for assistance in complying with this requirement please refer to the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. Auckland Guideline Document GD2016/005.

Lapse Date

24. The lapse date for this consent shall be five years from the date title is issued for the site.

Advice Note:

1. The conditions specified in Decision C are deemed to constitute a separate set of consent conditions for each of Lots 11-480 (excluding Lots 117, 128, 147 and 159) SH190005.
2. If the construction of dwellings precedes the creation of the Record of Title, it is noted to the developer that there are conditions in the subdivision consent that may form a consent notice requirement, such as a requirement for compliance with any specific foundation or geotechnical requirements. The developer is advised to be vigilant in understanding what requirements may be placed on the site, before developing, so that they can ensure on-going compliance and safety.
3. The consent holder is advised that no approval under the Resource Management Act 1991 has been granted for any earthworks required for the construction of the residential unit. In the event that the earthworks proposed breach any District Plan rules, a resource consent will be required.
4. The consent holder is advised to obtain any necessary consents from the Otago Regional Council for the stormwater disposal system.

DECISION D: Land Use Consent – Childcare Centre on Lot 601

General Conditions

1. The development shall be undertaken/carried out in accordance with the plans drafted by Tilt Architecture and entitled:
 - “Proposed Site Plan”, Project Number 19021, Sheet RC-09, dated 07/08/19; and
 - “Proposed Elevations”, Project Number 19021, Sheet RC-10, dated 07/08/19

stamped as approved on 20 April 2020

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being QLDC’s Land Development and Subdivision Code of Practice adopted on 3 May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council’s website via the following link:

<https://www.qldc.govt.nz/planning/resource-consents/land-developments-and-subdivisions/>

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

5. Prior to the construction of any building, the subdivision approved under SH190005 shall be complete as it relates to the subject allotment and the relevant Record of Title shall be issued.
6. Prior to the construction of any building, compliance with any specific foundation or geotechnical requirements, if any, as registered on the relevant Record of Title, shall be demonstrated to Council.
7. Prior to the construction of the building, an updated landscape plan shall be provided to Council’s Monitoring Officer for certification, showing the location, species and grades of planting. The landscape plan must show at minimum, trees in the location of trees as shown in the approved *Proposed Site Plan*. The landscape plan shall include native species.
8. Prior to commencing works on the site, the consent holder shall obtain ‘Engineering Review and Acceptance’ from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a ‘partial’ review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The ‘Engineering Review and Acceptance’ application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council’s discretion, specific designs may be subject to a Peer Review, organised by the Council at the consent holder’s cost. The ‘Engineering Review and Acceptance’ application(s) shall include copies of all specifications, calculations, design plans

and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, to detail the following requirements:

- a) The provision of a connection from all potential impervious areas within the development to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the development. In the event that the impervious area of the development is greater than that anticipated by the design of the downstream stormwater network, an onsite attenuation system shall be installed in accordance with Council's standards.
- b) The building shall either be fitted with a sprinkler system and/or be designed with an appropriate fire cell size to meet the requirements of SNZ PAS 4509:2008 for the relevant water supply classification prior to the occupation of any building.

Note: The fire hydrants servicing the site are adequate to provide fire water of classification FW3, in accordance with SNZ PAS 4509:2008.

- c) The provision of a sealed vehicle crossing that shall be constructed to the development to Council's standards.
- d) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. This shall include:
 - (i) Parking and loading spaces shall be clearly and permanently marked out.
 - (ii) Parking spaces 1, 2 & 12 – 16 (as numbered in the Carriageway Consulting Limited assessment '*Proposed Early Childcare Centre, Hawea: Parking and Access Assessment,*' dated 7 August 2019) shall be marked and/or signage shall be installed, allocating the spaces as for staff use only.
 - (iii) Provision shall be made for stormwater disposal.
 - (iv) The no parking area adjacent to parking space 6 (as numbered in the Carriageway Consulting Limited assessment '*Proposed Early Childcare Centre, Hawea: Parking and Access Assessment,*' dated 7 August 2019) shall be clearly and permanently marked and/or signed as a no parking area.
 - (v) Two mobility parking spaces shall be provided in accordance with AS/NZS 2890.6:2009. Sealed manoeuvring space shall be provided such that a vehicle can enter the southern mobility parking space with no reverse manoeuvres and park clear of the shared area between the mobility spaces.
 - (vi) The provision of 3 cycle parking spaces.

Construction and Operational Conditions

9. The planting plan certified under condition 7 shall be implemented prior to occupation of the building and all planting shall be maintained in perpetuity. Should any plant become deceased or die, it shall be replaced within the next planting season.
10. The colours and materials for the childcare building shall match those noted on the *Proposed Elevations* plan. Any changes to the colours and materials shall be provided to Council's Monitoring Officer for certification.
11. The hours of operation for the childcare facility are restricted to between 7:30am and 6:00pm.

Lapse Date

12. The lapse date for this consent shall be five years from the date title is issued for the site.

Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at QLDC.

DECISION E: Land Use Consent – Commercial Activity and Building on Lot 600

General Conditions

1. The development shall be undertaken/carried out in accordance with the plans drafted by Cordon Scott Architects and entitled:
 - “Plans” showing the site and floor plans, Project reference 19.15, Drawing number A001; version 1, dated 15/08/19; and
 - “Elevations”, Project reference 19.15, Drawing number A002; version 1, dated 15/08/19; and
 - “Images”, Project reference 19.15, Drawing number A003; version 1, dated 15/08/19

stamped as approved on 20 April 2020

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being QLDC’s Land Development and Subdivision Code of Practice adopted on 3 May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council’s website via the following link:

<https://www.qldc.govt.nz/planning/resource-consents/land-developments-and-subdivisions/>

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

5. Prior to the construction of any building, the subdivision approved under SH190005 shall be complete as it relates to the subject allotment and the relevant Record of Title shall be issued.
6. Prior to the construction of any building, compliance with any specific foundation or geotechnical requirements, if any, as registered on the relevant Record of Title shall be demonstrated to Council.
7. Prior to the construction of the building, an updated landscape plan shall be provided to Council’s Monitoring Officer for certification, showing the location, species and grades of planting. The landscape plan must show at minimum trees in the approximate location of trees shown in the approved *Plans* (drawing number A001), plus additional planting to the satisfaction of Council officers. The landscape plan shall include native species.

Note: The objective of this condition is to ensure there is sufficient planting is to ensure that adverse effects on residential amenity values are mitigated.

8. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the consent holder's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 4, to detail the following requirements:

- a) The provision of a connection from all potential impervious areas within the development to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the development. In the event that the impervious area of the development is greater than that anticipated by the design of the downstream stormwater network, an onsite attenuation system shall be installed in accordance with Council's standards.
- b) The building shall either be fitted with a sprinkler system and/or be designed with an appropriate fire cell size to meet the requirements of SNZ PAS 4509:2008 for the relevant water supply classification prior to the occupation of any buildings.

Note: The fire hydrants servicing the site are adequate to provide fire water of classification FW3, in accordance with SNZ PAS 4509:2008.

- c) The provision of a sealed vehicle crossing that shall be constructed to the development to Council's standards.
- d) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. This shall include:
 - (i) Parking and loading spaces shall be clearly and permanently marked out.
 - (ii) Provision shall be made for stormwater disposal.
 - (iii) The no parking area adjacent to parking space 1 (as numbered on *Plans* – drawing number A001) shall be clearly and permanently marked and/or signed as a no parking area.
 - (iv) Two mobility parking spaces shall be provided in accordance with AS/NZS 2890.6:2009.
 - (v) The provision of a minimum of 5 cycle parking spaces.

Construction and Operational Conditions

- 13. The planting plan certified under condition 7 shall be implemented prior to occupation of the building and all planting must be maintained in perpetuity. Should any plant become deceased or die, it shall be replaced within the next planting season.
- 14. The colours and materials for the childcare building shall match those noted on the *Elevations* plan. Any changes to the colours and materials should be provided to Council's Monitoring Officer for certification.
- 15. The hours of operation for the café/restaurant are restricted to between 7:30am and 11:00pm.
- 16. Prior to occupation of the building the content for each of the signs shown on the stamped approved plans shall be submitted to Council for certification. Signage must not include any offensive language or images.

Lapse Date

17. The lapse date for this consent shall be five years from the date title is issued for the site.

Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at QLDC.

DECISION F: Consent – NES-CS

General Conditions

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

Specific Conditions

4. The full contents of the landfill located in the north-east corner of the property shall be removed to an authorised facility.
5. The contents of the landfill shall be recorded by a suitably qualified environmental practitioner to determine if there are substances present that may have impacted soil quality.
6. At least 15 working days before commencing soil disturbance activities in the area identified on the Engineering Drawings Earthworks Design Contours Sheets 1 & 2 Rev C as “Historic Landfill Contaminated Fill to be Removed Off Site”, a Remedial Action Plan (RAP) shall be provided to the Queenstown Lakes District Council for certification. The RAP shall be prepared by a suitably qualified and experienced practitioner and in general accordance with the Ministry for the Environment’s Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Revised 2011). The RAP should contain sufficient detail to address the following matters:
 - a) the extent of remedial works required;
 - b) the remedial goals, including relevant soil guideline values;
 - c) the necessary pre-remediation site management procedures that will avoid, mitigate, or remedy any adverse effects of the remedial works on human health; and
 - d) the methodology for validating the effectiveness of the remedial works.
7. Within three months of the completion of any required remedial works, a Site Validation Report (SVR) shall be provided to the Queenstown Lakes District Council for the Council’s records. The SVR shall be prepared by a suitably qualified and experienced practitioner, and in accordance with the Ministry for the Environment’s Contaminated Land Management Guidelines No.1: Reporting on Contaminated Sites in New Zealand (Revised 2011). The SVR should contain sufficient detail to address the following matters:
 - a) summary of the works undertaken and a statement confirming whether the disturbance works have been completed in accordance with the Remedial Action Plan;
 - b) the location and dimensions of the excavations carried out, including a relevant site plan;
 - c) records of any unexpected contamination encountered during the works, if applicable;

- d) the location and dimensions of contaminated soil remaining on site including a relevant site plan (if applicable);
- e) a summary of sampling and analysis undertaken for validation sampling, and for unexpected contamination (if applicable), tabulated analytical results including laboratory transcripts, and interpretation of the results in the context of the NESCS;
- f) copies of disposal dockets for the material removed from site; and
- g) details regarding any complaints and/or breaches of the procedures set out in the Remedial Action Plan.

All sampling undertaken on site, including site validation testing, shall be overseen by a suitably qualified and experienced contaminated land professional. All sampling shall be undertaken in accordance with CLMG, No. 5: Site Investigation and Analysis of Soils (Revised 2011).

8. Construction work shall not commence in the identified Engineering Drawings Earthworks Design Contours Sheets 1 & 2 Rev C. "Historic Landfill Contaminated Fill to be Removed Off Site" area unless the reports required by Conditions 6 and 7 above have been provided to the Queenstown Lakes District Council, and the Site Validation Report confirms that it is highly unlikely there is a risk to human health from contaminants in soil.

DECISION G: Cancellation of Conditions Specified in Consent Notice 8101037.5

1. The conditions specified in consent notice 8101037.5 shall be cancelled in their entirety as they relate to Lot 2 DP 343855.
2. The conditions specified in consent notice 81010375 shall not be cancelled until Decision A SH190005 is given effect to (for clarification that means s223 approval for Stage 1 of the subdivision consented in terms of Decision A SH190005).
3. At the time Decision A SH 190005 is given effect to (as in 2. above), the consent holder and Council shall cancel the conditions specified in the consent notice and shall execute all documentation and attend to all associated registration matters, accordingly. All costs shall be borne by the consent holder.

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 Service easements shown on this plan are not necessarily exhaustive.

Universal Developments
 CT 180128
 QLDC
 Otago
 34,467 Ha
 03/03/2020

Scheme Plan
 Lots 1 - 480, 600 - 601,
 700 - 707, 800 - 812 & 998 - 999
 Being a Proposed Subdivision of
 Lot 2 DP 343855
 Overall Layout

For Resource Consent

Plan Remarks

REV	DESCRIPTION	DATE
A	For Resource Consent	09/02/2019
B	Scheme change and Update	15/10/2019
C	Scheme Updated	06/02/2020
D	Scheme change and Update	02/03/2020

Scale
 1:2500 @ A3

Author/Level
 Lindis Peak 2000
 LEVEL 1: INTERIOR FINISH VERTICAL DATUM 1984

REVISION	DATE	BY	CHKD
U4266			
RC			
LW			
APPROVED			
DATE			



U4266.LDC, Hawera SH16 Scheme 'Twin Mar' 3 16:45:59, 2020



Schedule of Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right of Way	A	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	B	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	C	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	D	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	E	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	F	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	G	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	H	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	I	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	J	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	K	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)
	L	Lot 25 (Hemion)	Lot 25, 26 & 27 (Hemion)

Schedule of Easements in Gross

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right of Way	E	Lot 127 (Hemion)	Downstream Lakes District Council
	F	Lot 127 (Hemion)	Downstream Lakes District Council
	G	Lot 127 (Hemion)	Downstream Lakes District Council
	H	Lot 127 (Hemion)	Downstream Lakes District Council
	I	Lot 127 (Hemion)	Downstream Lakes District Council
	J	Lot 127 (Hemion)	Downstream Lakes District Council
	K	Lot 127 (Hemion)	Downstream Lakes District Council
	L	Lot 127 (Hemion)	Downstream Lakes District Council

APPROVED PLAN:
 SH190005
 Monday, 20 April 2020

Amalgamation Conditions:
 That Lot 999 be held in the same Record of Title as Lot 3 DP 541414
 That Lot 999 be held in the same Record of Title as Lot 1 DP 343855
 That Lot 117, 128, 147, 159 be held in the same Record of Title as Lot 172.



APPROVED PLAN:
SH190005

Monday, 20 April 2020

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Universal Developments
CT 180128
QLDC
Otago
34,467 Ha
03/03/2020

SCHEME PLAN
Lots 1 - 480, 600 - 601,
702 - 707, 800 - 812 & 998 - 999
Being a Proposed Subdivision of
Lot 2 DP 343855
Detail

For Resource Consent

Plan Remarks

A	File Resource Consent	09/02/2019
B	File Resource Consent	15/12/2018
C	Scheme Updated	06/02/2020
D	Scheme chargeback Update	02/03/2020

DATE: 03/03/2020

SCALE: 1:1250 @ A3

UNIVERSAL DEVELOPMENTS

LAND PEAK 2000

UNIVERSAL DEVELOPMENTS



To be vested in the Queenstown Lakes District Council as Local Purpose Reserve (Stormwater & Access)

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Schedule of Easements

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
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Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
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Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
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C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
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Schedule of Easements in Gross

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Schedule of Easements in Gross

Shown	Shown	Shown	Shown
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Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
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C	G	I	K
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Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
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Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

Schedule of Easements in Gross

Shown	Shown	Shown	Shown
A	E	G	I
B	F	H	J
C	G	I	K
D	H	J	L
E	I	K	M
F	J	L	N

UNIVERSAL DEVELOPMENTS

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Universal Developments
 APPLICATION
 CT 180128
 TERRITORIAL AUTHORITY
 QLDC
 LAND DESIGN
 Otago
 34,467 Ha
 DATE
 03/03/2020

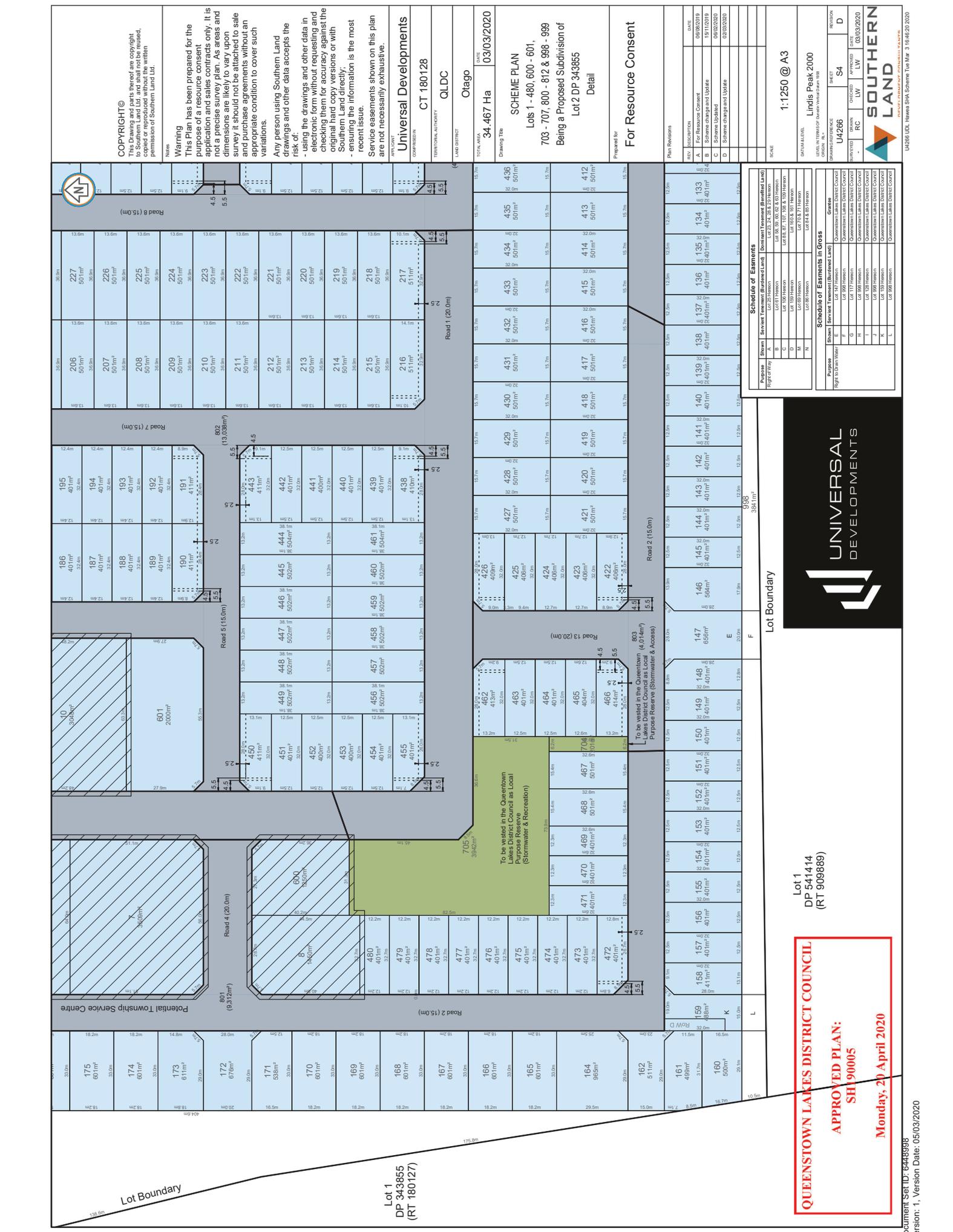
Scheme Plan
 Lots 1 - 480, 600 - 601,
 703 - 707, 800 - 812 & 998 - 999
 Being a Proposed Subdivision of
 Lot 2 DP 343855
 Detail

For Resource Consent

Plan Remarks
 1. EPC Resource Consent
 2. Scheme change and Update
 3. Scheme Unlocked
 4. Scheme change and Update

Scale
 1:1250 @ A3
Level
 Lindis Peak 2000
 LEVEL IN METRES OF SEA LEVEL DATUM 1984

UNIVERSAL DEVELOPMENTS
 SOUTHERN LAND
 1645 CHURCH STREET, PUNAKAI, AUCKLAND
 PHONE: 09 224 1234
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 EMAIL: sales@southernland.co.nz
 WEBSITE: www.southernland.co.nz



Schedule of Easements

Right to Pass (Refer)	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
A	Lot 201	Lot 199	Lot 201
B	Lot 202	Lot 200	Lot 202
C	Lot 203	Lot 201	Lot 203
D	Lot 204	Lot 202	Lot 204
E	Lot 205	Lot 203	Lot 205
F	Lot 206	Lot 204	Lot 206
G	Lot 207	Lot 205	Lot 207
H	Lot 208	Lot 206	Lot 208
I	Lot 209	Lot 207	Lot 209
J	Lot 210	Lot 208	Lot 210
K	Lot 211	Lot 209	Lot 211
L	Lot 212	Lot 210	Lot 212

Schedule of Easements in Gross

Right to Pass (Refer)	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
A	Lot 175	Lot 176	Lot 175
B	Lot 176	Lot 177	Lot 176
C	Lot 177	Lot 178	Lot 177
D	Lot 178	Lot 179	Lot 178
E	Lot 179	Lot 180	Lot 179
F	Lot 180	Lot 181	Lot 180
G	Lot 181	Lot 182	Lot 181
H	Lot 182	Lot 183	Lot 182
I	Lot 183	Lot 184	Lot 183
J	Lot 184	Lot 185	Lot 184
K	Lot 185	Lot 186	Lot 185
L	Lot 186	Lot 187	Lot 186
M	Lot 187	Lot 188	Lot 187
N	Lot 188	Lot 189	Lot 188
O	Lot 189	Lot 190	Lot 189
P	Lot 190	Lot 191	Lot 190
Q	Lot 191	Lot 192	Lot 191
R	Lot 192	Lot 193	Lot 192
S	Lot 193	Lot 194	Lot 193
T	Lot 194	Lot 195	Lot 194
U	Lot 195	Lot 196	Lot 195
V	Lot 196	Lot 197	Lot 196
W	Lot 197	Lot 198	Lot 197
X	Lot 198	Lot 199	Lot 198
Y	Lot 199	Lot 200	Lot 199

Schedule of Easements in Gross

Right to Pass (Refer)	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
A	Lot 426	Lot 427	Lot 426
B	Lot 427	Lot 428	Lot 427
C	Lot 428	Lot 429	Lot 428
D	Lot 429	Lot 430	Lot 429
E	Lot 430	Lot 431	Lot 430
F	Lot 431	Lot 432	Lot 431
G	Lot 432	Lot 433	Lot 432
H	Lot 433	Lot 434	Lot 433
I	Lot 434	Lot 435	Lot 434
J	Lot 435	Lot 436	Lot 435
K	Lot 436	Lot 437	Lot 436
L	Lot 437	Lot 438	Lot 437
M	Lot 438	Lot 439	Lot 438
N	Lot 439	Lot 440	Lot 439
O	Lot 440	Lot 441	Lot 440
P	Lot 441	Lot 442	Lot 441
Q	Lot 442	Lot 443	Lot 442
R	Lot 443	Lot 444	Lot 443
S	Lot 444	Lot 445	Lot 444
T	Lot 445	Lot 446	Lot 445
U	Lot 446	Lot 447	Lot 446
V	Lot 447	Lot 448	Lot 447
W	Lot 448	Lot 449	Lot 448
X	Lot 449	Lot 450	Lot 449
Y	Lot 450	Lot 451	Lot 450
Z	Lot 451	Lot 452	Lot 451
AA	Lot 452	Lot 453	Lot 452
AB	Lot 453	Lot 454	Lot 453
AC	Lot 454	Lot 455	Lot 454
AD	Lot 455	Lot 456	Lot 455
AE	Lot 456	Lot 457	Lot 456
AF	Lot 457	Lot 458	Lot 457
AG	Lot 458	Lot 459	Lot 458
AH	Lot 459	Lot 460	Lot 459
AI	Lot 460	Lot 461	Lot 460
AJ	Lot 461	Lot 462	Lot 461
AK	Lot 462	Lot 463	Lot 462
AL	Lot 463	Lot 464	Lot 463
AM	Lot 464	Lot 465	Lot 464
AN	Lot 465	Lot 466	Lot 465
AO	Lot 466	Lot 467	Lot 466
AP	Lot 467	Lot 468	Lot 467
AQ	Lot 468	Lot 469	Lot 468
AR	Lot 469	Lot 470	Lot 469
AS	Lot 470	Lot 471	Lot 470
AT	Lot 471	Lot 472	Lot 471
AU	Lot 472	Lot 473	Lot 472
AV	Lot 473	Lot 474	Lot 473
AW	Lot 474	Lot 475	Lot 474
AX	Lot 475	Lot 476	Lot 475
AY	Lot 476	Lot 477	Lot 476
AZ	Lot 477	Lot 478	Lot 477
BA	Lot 478	Lot 479	Lot 478
BB	Lot 479	Lot 480	Lot 479
BC	Lot 480	Lot 481	Lot 480
BD	Lot 481	Lot 482	Lot 481
BE	Lot 482	Lot 483	Lot 482
BF	Lot 483	Lot 484	Lot 483
BG	Lot 484	Lot 485	Lot 484
BH	Lot 485	Lot 486	Lot 485
BI	Lot 486	Lot 487	Lot 486
BJ	Lot 487	Lot 488	Lot 487
BK	Lot 488	Lot 489	Lot 488
BL	Lot 489	Lot 490	Lot 489
BM	Lot 490	Lot 491	Lot 490
BN	Lot 491	Lot 492	Lot 491
BO	Lot 492	Lot 493	Lot 492
BP	Lot 493	Lot 494	Lot 493
BQ	Lot 494	Lot 495	Lot 494
BR	Lot 495	Lot 496	Lot 495
BS	Lot 496	Lot 497	Lot 496
BT	Lot 497	Lot 498	Lot 497
BU	Lot 498	Lot 499	Lot 498
BV	Lot 499	Lot 500	Lot 499

Schedule of Easements in Gross

Right to Pass (Refer)	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
A	Lot 601	Lot 602	Lot 601
B	Lot 602	Lot 603	Lot 602
C	Lot 603	Lot 604	Lot 603
D	Lot 604	Lot 605	Lot 604
E	Lot 605	Lot 606	Lot 605
F	Lot 606	Lot 607	Lot 606
G	Lot 607	Lot 608	Lot 607
H	Lot 608	Lot 609	Lot 608
I	Lot 609	Lot 610	Lot 609
J	Lot 610	Lot 611	Lot 610
K	Lot 611	Lot 612	Lot 611
L	Lot 612	Lot 613	Lot 612
M	Lot 613	Lot 614	Lot 613
N	Lot 614	Lot 615	Lot 614
O	Lot 615	Lot 616	Lot 615
P	Lot 616	Lot 617	Lot 616
Q	Lot 617	Lot 618	Lot 617
R	Lot 618	Lot 619	Lot 618
S	Lot 619	Lot 620	Lot 619
T	Lot 620	Lot 621	Lot 620
U	Lot 621	Lot 622	Lot 621
V	Lot 622	Lot 623	Lot 622
W	Lot 623	Lot 624	Lot 623
X	Lot 624	Lot 625	Lot 624
Y	Lot 625	Lot 626	Lot 625
Z	Lot 626	Lot 627	Lot 626
AA	Lot 627	Lot 628	Lot 627
AB	Lot 628	Lot 629	Lot 628
AC	Lot 629	Lot 630	Lot 629
AD	Lot 630	Lot 631	Lot 630
AE	Lot 631	Lot 632	Lot 631
AF	Lot 632	Lot 633	Lot 632
AG	Lot 633	Lot 634	Lot 633
AH	Lot 634	Lot 635	Lot 634
AI	Lot 635	Lot 636	Lot 635
AJ	Lot 636	Lot 637	Lot 636
AK	Lot 637	Lot 638	Lot 637
AL	Lot 638	Lot 639	Lot 638
AM	Lot 639	Lot 640	Lot 639
AN	Lot 640	Lot 641	Lot 640
AO	Lot 641	Lot 642	Lot 641
AP	Lot 642	Lot 643	Lot 642
AQ	Lot 643	Lot 644	Lot 643
AR	Lot 644	Lot 645	Lot 644
AS	Lot 645	Lot 646	Lot 645
AT	Lot 646	Lot 647	Lot 646
AU	Lot 647	Lot 648	Lot 647
AV	Lot 648	Lot 649	Lot 648
AW	Lot 649	Lot 650	Lot 649
AX	Lot 650	Lot 651	Lot 650
AY	Lot 651	Lot 652	Lot 651
AZ	Lot 652	Lot 653	Lot 652
BA	Lot 653	Lot 654	Lot 653
BB	Lot 654	Lot 655	Lot 654
BC	Lot 655	Lot 656	Lot 655
BD	Lot 656	Lot 657	Lot 656
BE	Lot 657	Lot 658	Lot 657
BF	Lot 658	Lot 659	Lot 658
BG	Lot 659	Lot 660	Lot 659
BH	Lot 660	Lot 661	Lot 660
BI	Lot 661	Lot 662	Lot 661
BJ	Lot 662	Lot 663	Lot 662
BK	Lot 663	Lot 664	Lot 663
BL	Lot 664	Lot 665	Lot 664
BM	Lot 665	Lot 666	Lot 665
BN	Lot 666	Lot 667	Lot 666
BO	Lot 667	Lot 668	Lot 667
BP	Lot 668	Lot 669	Lot 668
BQ	Lot 669	Lot 670	Lot 669
BR	Lot 670	Lot 671	Lot 670
BS	Lot 671	Lot 672	Lot 671
BT	Lot 672	Lot 673	Lot 672
BU	Lot 673	Lot 674	Lot 673
BV	Lot 674	Lot 675	Lot 674
BU	Lot 675	Lot 676	Lot 675
BF	Lot 676	Lot 677	Lot 676
BG	Lot 677	Lot 678	Lot 677
BH	Lot 678	Lot 679	Lot 678
BI	Lot 679	Lot 680	Lot 679
BJ	Lot 680	Lot 681	Lot 680
BK	Lot 681	Lot 682	Lot 681
BL	Lot 682	Lot 683	Lot 682
BM	Lot 683	Lot 684	Lot 683
BN	Lot 684	Lot 685	Lot 684
BO	Lot 685	Lot 686	Lot 685
BP	Lot 686	Lot 687	Lot 686
BQ	Lot 687	Lot 688	Lot 687
BR	Lot 688	Lot 689	Lot 688
BS	Lot 689	Lot 690	Lot 689
BT	Lot 690	Lot 691	Lot 690
BU	Lot 691	Lot 692	Lot 691
BV	Lot 692	Lot 693	Lot 692
BU	Lot 693	Lot 694	Lot 693
BF	Lot 694	Lot 695	Lot 694
BG	Lot 695	Lot 696	Lot 695
BH	Lot 696	Lot 697	Lot 696
BI	Lot 697	Lot 698	Lot 697
BJ	Lot 698	Lot 699	Lot 698
BK	Lot 699	Lot 700	Lot 699

Schedule of Easements in Gross

Right to Pass (Refer)	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
A	Lot 701	Lot 702	Lot 701
B	Lot 702	Lot 703	Lot 702
C	Lot 703	Lot 704	Lot 703
D	Lot 704	Lot 705	Lot 704
E	Lot 705	Lot 706	Lot 705
F	Lot 706	Lot 707	Lot 706
G	Lot 707	Lot 708	Lot 707
H	Lot 708	Lot 709	Lot 708
I	Lot 709	Lot 710	Lot 709

Section 6 Block IV
Lower Hawea SD

Lot Boundary

1:1250 @ A3

Linds Peak 2000

Universal Developments

CT 180128

QLDC

Otago

34,467 Ha

03/03/2020

Scheme Plan

Lot 1 - 480, 600 - 601,

704 - 707, 800 - 812 & 998 - 999

Being a Proposed Subdivision of

Lot 2 DP 343885

Detail

For Resource Consent

Prepared for

Plan Records

DATE

09/02/2019

03/03/2020

15/12/2018

09/02/2020

09/02/2020

09/02/2020

09/02/2020

09/02/2020

09/02/2020

09/02/2020

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Warning

Notes

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15/12/2018

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03/03/2020

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704 - 707, 800 - 812 & 998 - 999

Being a Proposed Subdivision of

Lot 2 DP 343885

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For Resource Consent

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Warning

Notes

Universal Developments

CT 180128

QLDC

Otago

34,467 Ha

03/03/2020

Scheme Plan

Lot 1 - 480, 600 - 601,

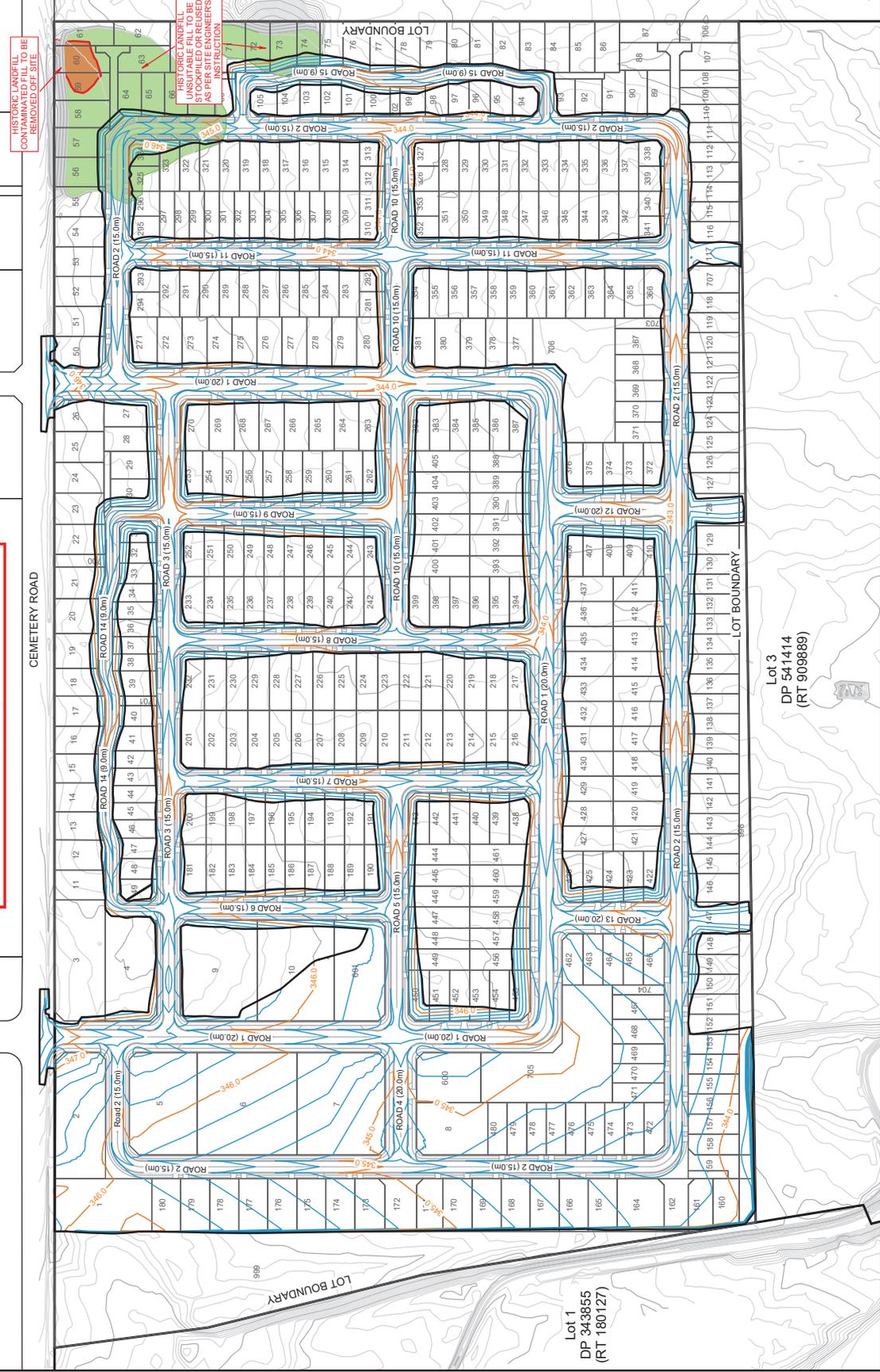
704 - 707, 800 - 812 & 998 - 999

Being a Proposed Subdivision of

Lot 2 DP 343885

Detail

For Resource Consent



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
SH190005

Monday, 20 April 2020

- EARTHWORKS LEGEND**
- 344.0 — PROP. CONTOUR MAJOR
 - 345.0 — PROP. CONTOUR MINOR
 - — EXISTING CONTOUR
 - — EARTHWORKS BOUNDARY
 - — LOT BOUNDARY

EARTHWORKS NOTES

1. FOR EARTHWORKS NOTES, REFER TO PLAN E102
2. ALL UNITS ARE IN METERS UNLESS NOTED OTHERWISE
3. CONTOUR INTERVAL ARE IN 0.2m VERTICAL
4. EXISTING INVERSION DUMP ON SITE SHALL BE REMOVED OFFSITE TO AN APPROVED LOCATION
5. TOPSOIL SHALL BE STOCKPILED AND REUSE FOR NEXT STAGE OF THE DEVELOPMENT

For Resource Consent

SOUTHERN LAND DEVELOPMENT CONSULTANTS

Level 2 Brownston House, 21 Brownston St, Wanaka, Ph: (03) 443 8577, Email: contact@southernland.co.nz
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REVISION	DESCRIPTION	DATE
A	For Resource Consent	06/03/2019
B	Earthworks Updated	15/11/2019
C	Scheme Updated	03/03/2020

Engineering Drawings
Earthworks
Design Contours

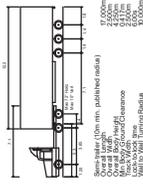


SCALE	1:2500 @ A3
DATE	03/03/2020
DESIGNED BY	LS
CHECKED BY	TS
APPROVED BY	LW
PROJECT NO.	U4266
CLIENT	E201
REVISION	C

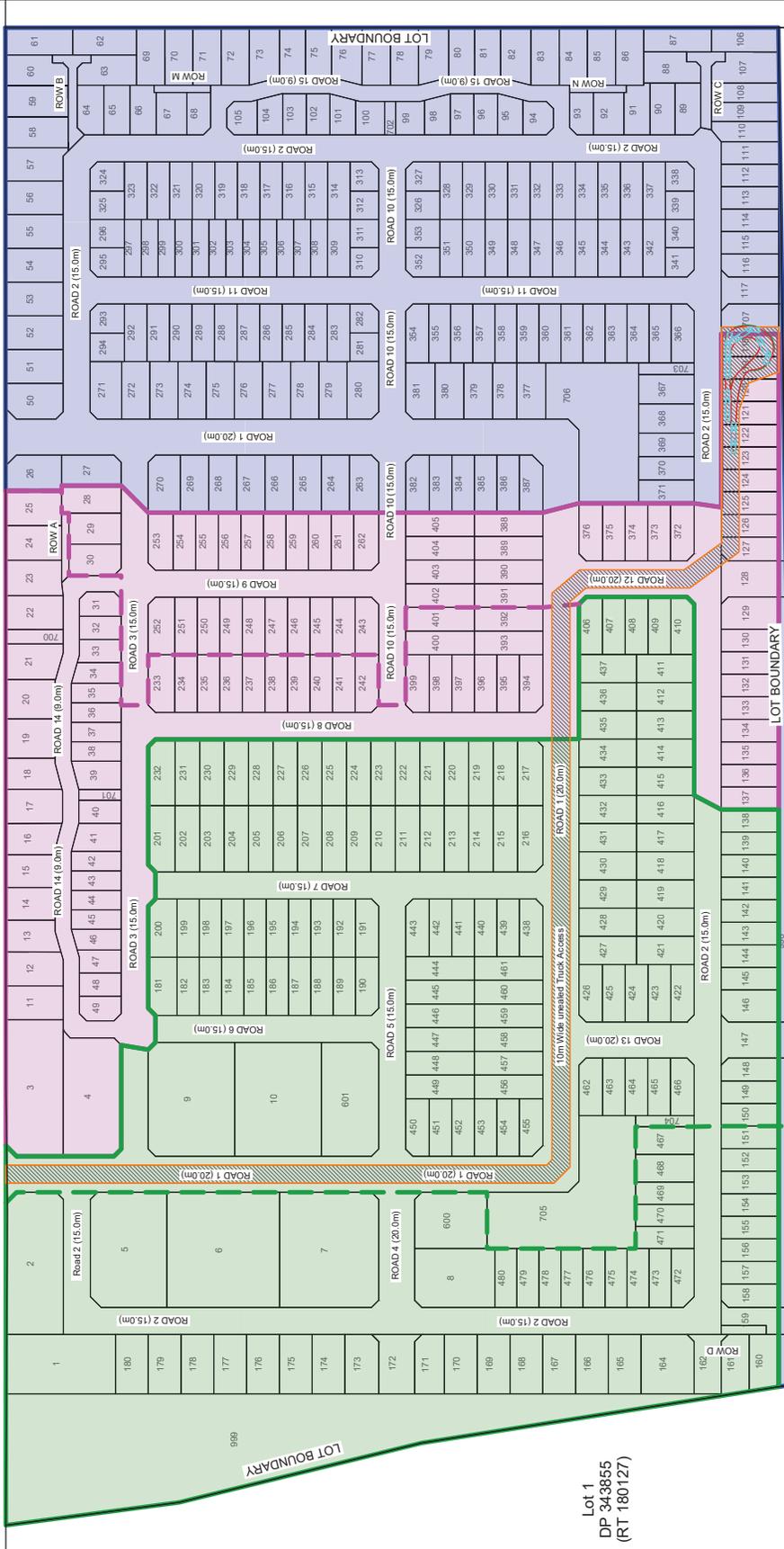


- LEGEND**
- STAGE 1 CIVIL WORKS
 - STAGE 2 CIVIL WORKS
 - STAGE 3 CIVIL WORKS
 - TEMPORARY HAUL ROAD

- NOTES**
1. HAUL ROAD ARE SHOWN IN INDICATIVE DIAGRAM
 2. TEMPORARY PAVEMENT SHALL BE UNSEALED AND WELL COMPACTED APRS ON APR40
 3. THICKNESS OF THE PAVEMENT SHALL BE CONFIRMED BASED IN INSITU CBR TESTING



CEMETERY ROAD



Lot 1
DP 343855
(RT 180127)

Lot 3
DP 541414
(RT 909889)

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
SH190005
Monday, 20 April 2020

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Engineering Drawings
Roading
Haul Road Plan



Universal Development
Special Housing Area
Lake Hawea

SCALE	1:2500 @ A3
DATUM LEVEL	Linds Peak 2000
DATE	03/03/2020
PROJECT	E302
REVISION	B

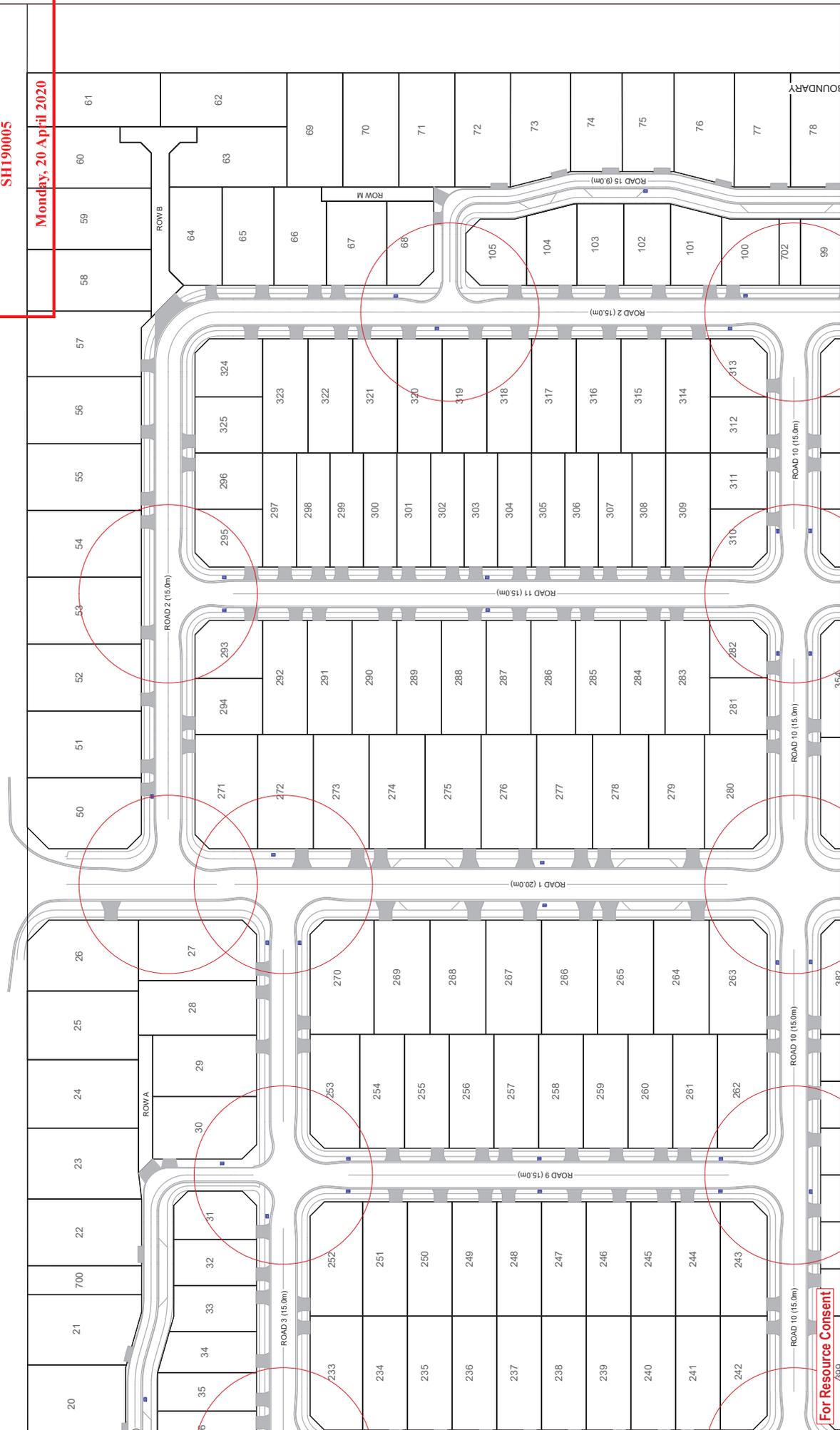
REVISION	DESCRIPTION	DATE
A	For Resource Consent Scheme Updated	03/03/2020
B		

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QUEENSTOWN LAKES DISTRICT COUNCIL

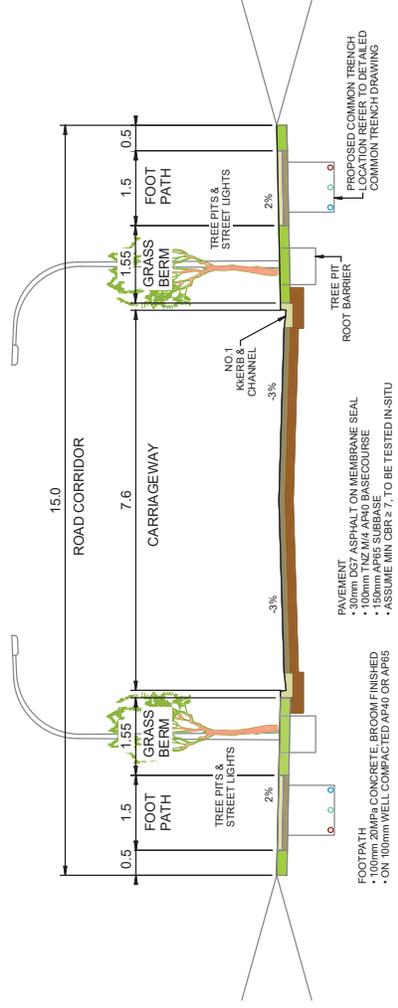
APPROVED PLAN:
SH190005

Monday, 20 April 2020

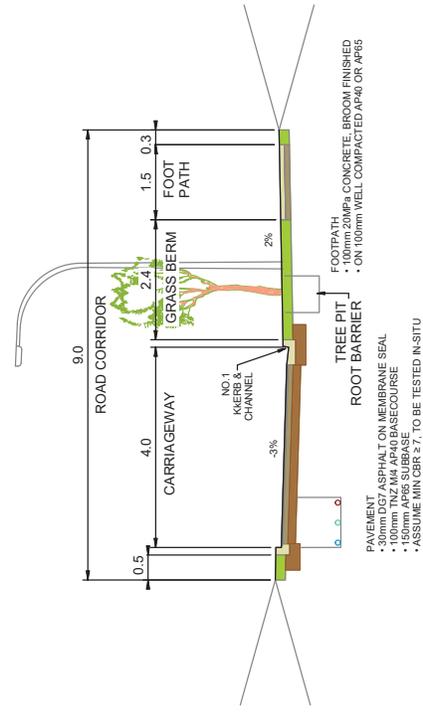


<p>SOUTHERN LAND DEVELOPMENT CONSULTANTS</p> <p>Level 2 Brownston House, 21 Brownston St, Wanaka, P.O. Box 443 8577, Email: contact@southernland.co.nz, www.southernland.co.nz Persons or units shown on this plan are shown for information only. The information is not intended to be used for any other purpose. If the information is used for any other purpose, the user must ensure that the information is accurate and up to date. The information is provided on an "as is" basis and is not intended to be used for any other purpose. The information is provided on an "as is" basis and is not intended to be used for any other purpose. The information is provided on an "as is" basis and is not intended to be used for any other purpose.</p>		<p>For Resource Consent</p>	
REVISION	DESCRIPTION	DATE	BY
A	For Resource Consent	31/03/2020	
B	Scheme Updated	03/03/2021	
<p>Engineering Drawings Roading Vehicle Crossings Sheet 2 of 4</p> <p><small>COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF SOUTHERN LAND LTD.</small></p>		<p>Universal Development Special Housing Area Lake Hawea</p>	
<p>SCALE: 1:1000 @ A3</p> <p>DATA DATE: Linds Peak 2000</p> <p>ISSUED BY: Bureau of Districts Verbal Form 198</p> <p>DRAWING NO: U4266</p> <p>SHEET: E344</p> <p>REVISION: B</p>		<p>UNIVERSAL DEVELOPMENTS</p> <p>UNIVERSAL DEVELOPMENTS</p> <p>UNIVERSAL DEVELOPMENTS</p>	
<p>DATE: 03/03/2021</p> <p>BY: LW</p> <p>CHECKED: TS</p> <p>APPROVED: LW</p> <p>DESIGNED: RC</p> <p>DRAWN: RC</p> <p>REVISION: B</p>		<p>U4266 LDC, Hawea SPA, P.O. Box 443, Wanaka, 31/03/2020</p>	

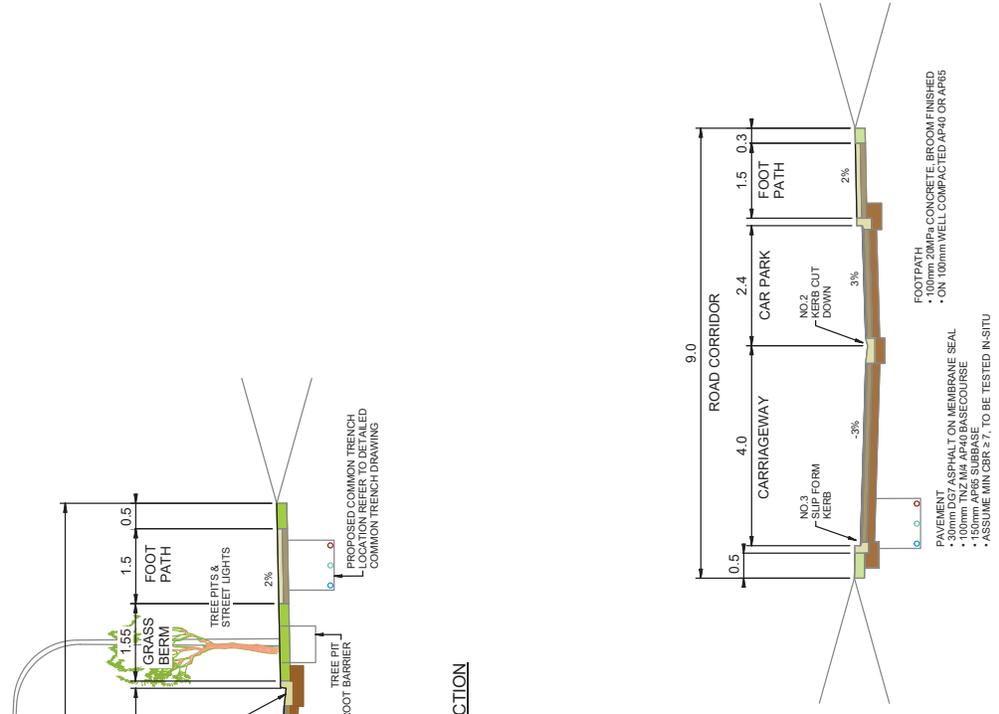
QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
SH190005
Monday, 20 April 2020



ROAD TYPE 2 - 15m CORRIDOR TYPICAL SECTION
 SCALE 1:100



ROAD TYPE 3 - 9m CORRIDOR TYPICAL SECTION
 SCALE 1:100



ROAD TYPE 3 - 9m CORRIDOR WITH CAR PARK TYPICAL SECTION
 SCALE 1:100

For Resource Consent

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REVISION	DESCRIPTION	DATE
A	For Resource Consent	06/03/2019
B	For Resource Consent	02/02/2020

Engineering Drawings
Roading
Typical Cross Sections



Universal Development
Special Housing Area
Lake Hawea

SCALE	1:100 @ A3
DATA & DATE:	Lindis Peak 2000
DATE: N. BROWN ST. WAKANA. P.O. BOX 198	
PROJECT	U4266
SHEET	E342
REVISION	B

COMPONENT OF THIS DOCUMENT BELONGS TO TILT ARCHITECTURE LTD
 CONTRACTOR SHALL VERIFY ANY DIMENSIONS OR SPECIFICATIONS TO
 ALL WORKS IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND
 SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS
 AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR
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 AND APPROVALS FROM THE RELEVANT AUTHORITIES.



PROPOSED CHILDCARE CENTRE
 SIZED FOR 80 CHILDREN Total Area - 495m2

- Operational Spaces
- Child Play Spaces
- Circulation Spaces

DESIGN CONSIDERATIONS

- A** Exterior playground to north & west, maximising sun.
- B** Deck providing transition between interior and exterior.
- C** Generous roof overhang providing shading to classroom and shelter to main entrance.
- D** Corridor adjacent exterior providing enjoyment of natural light & exterior planting.
- E** Main Entry area pushed forward to signify entrance.
- F** Generous exterior entry court.
- G** Pedestrian access from one street frontage.
- H** Play spaces are joined via operable wall.
- I** Plumbing zones generally clustered together.
- J** Two Over 2's rest/quiet areas.

Residential Body's Pre-Circulated Evidence 31

CONTRACTOR SHALL VERIFY ANY DIMENSIONS OR SPECIFICATIONS TO ALL WORKS IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

REV: 001 INITIAL: 1/20/2020
 RESOURCE CONSENT

CUSTOMER: UNIVERSAL DEVELOPMENTS HAMEA LTD
 PROJECT: LAKE HAMEA ECE LOT 601

SHEET TITLE: PROPOSED SITE PLAN

DESIGNER: CS
 DRAWN: CS
 SCALE: 1:100
 PROJECT NO: 19021

REVISION: RC-09



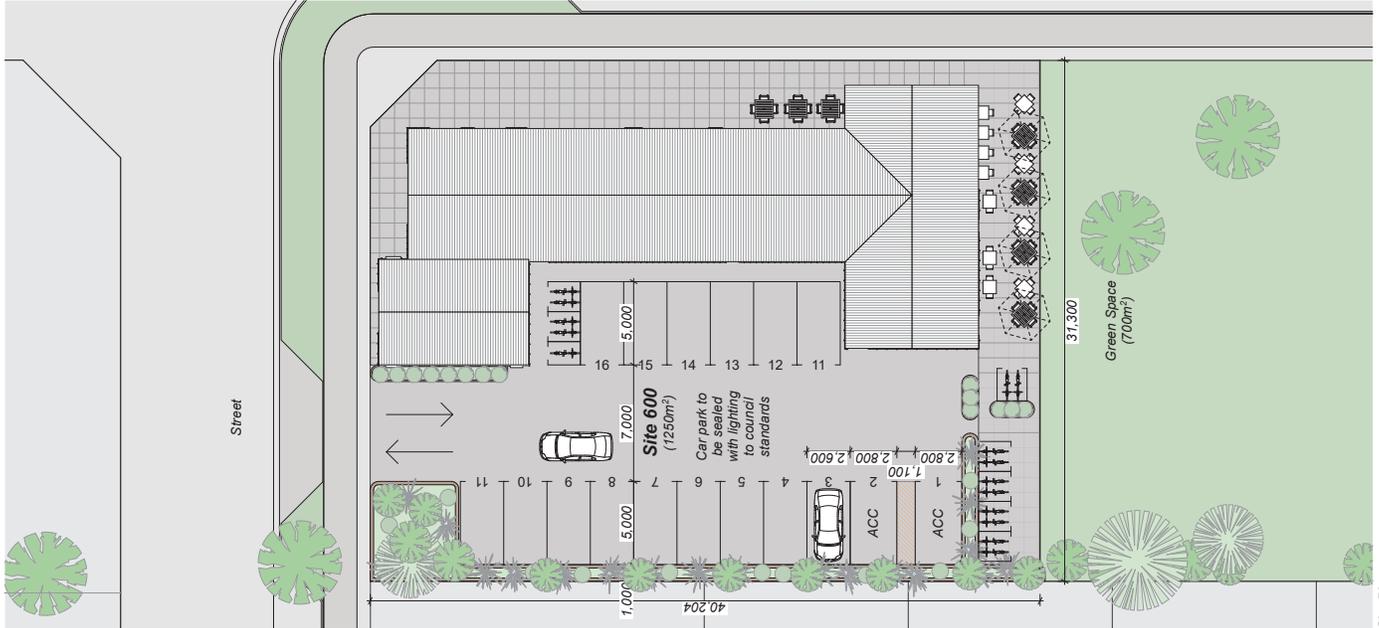
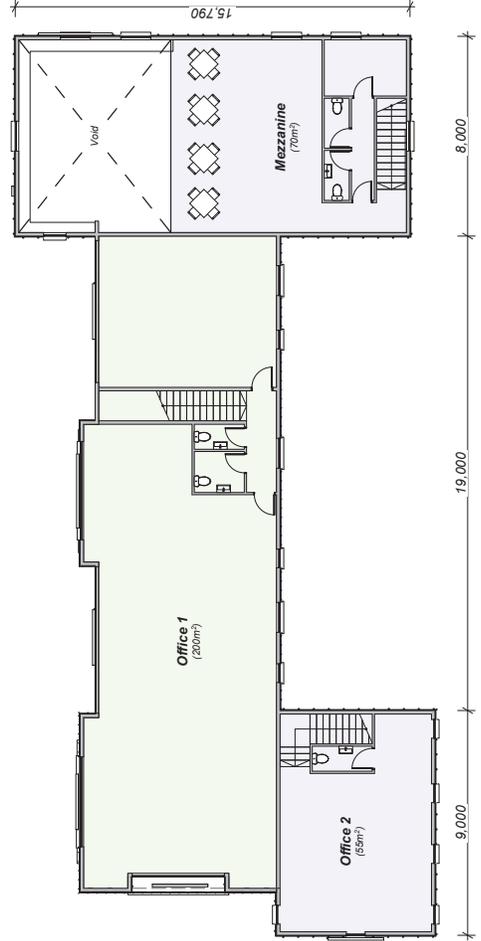
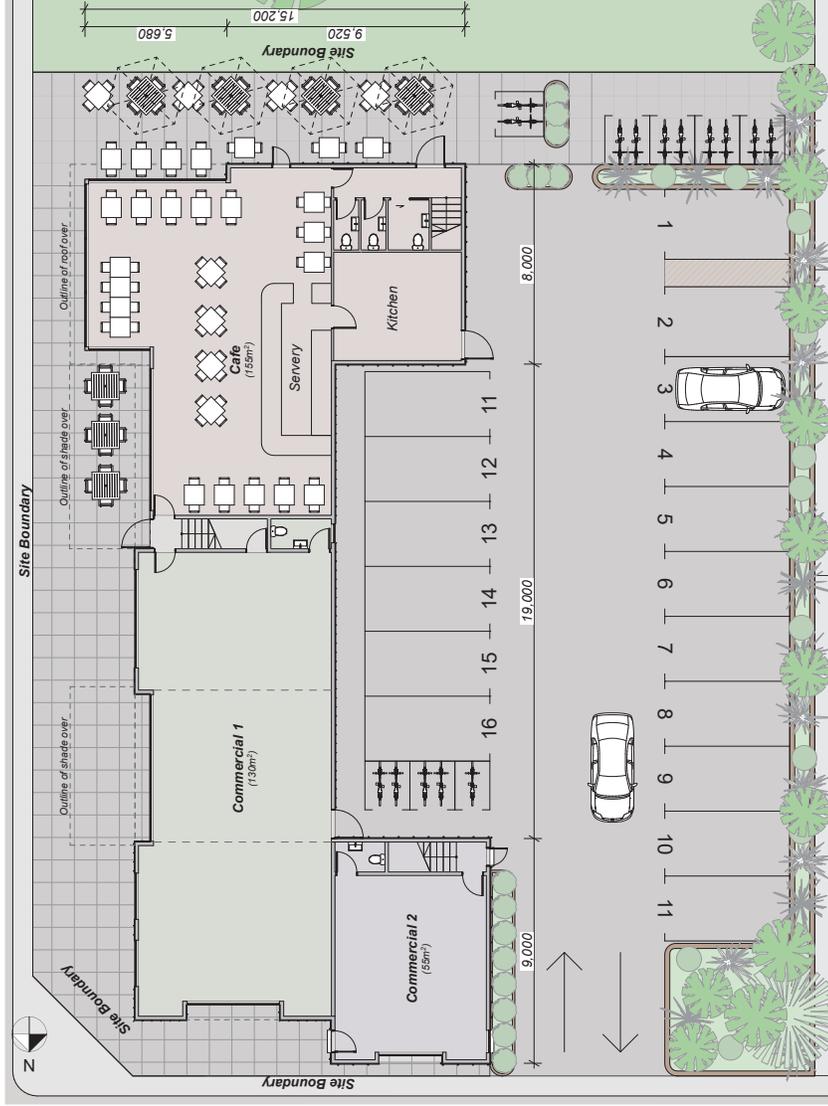
QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
SH190005
Monday, 20 April 2020

General Notes

- 1) All works to comply with NZS 3604: 2011, the NZ Building Code & best practice.
- 2) All works to be in accordance with the relevant engineering drawings & specifications.
- 3) Contractor shall supply and fix all necessary fixings and sealants to all external wall surfaces.
- 4) Refer to water tables, for the scale of drawings.
- 5) All work to be completed in accordance with the relevant engineering drawings.
- 6) All work to be completed in accordance with the relevant engineering drawings.
- 7) All work to be completed in accordance with the relevant engineering drawings.
- 8) All work to be completed in accordance with the relevant engineering drawings.

Floor Areas	370m²
Ground Floor	345m²
First Floor	715m²
Total	715m²

QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLAN:
 SH190005
 Monday, 20 April 2020



Consultants:
 Planning Consultant:
WILLIAMS & CO.
 PLANNING / URBAN DESIGN / DEVELOPMENT

UNIVERSAL DEVELOPMENTS
 DEVELOPER

Client:
CONDON SCOTT
 ARCHITECTS

Project:
Commercial Building

Client:
 Hawea SHA
 Universal Developments

Project:
 19.15

Drawing Title:
Plans

Scale: 1:100 (Site Plan), 1:100 (Ground Floor Plan), 1:100 (First Floor Plan)

Drawing Number:
A001

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General Notes

- 1. All works to comply with NZS 3604: 2011, the NZ Building Code & best practice construction methods.
- 2. All drawings to be read in conjunction with engineer's drawings & specifications.
- 3. Contractor shall supply and fix all necessary flashing and sealants to all external openings.
- 4. All drawings to be read in conjunction with the notes to drawings.
- 5. All drawings to be read in conjunction with the notes to drawings.
- 6. All drawings to be read in conjunction with the notes to drawings.
- 7. All drawings to be read in conjunction with the notes to drawings.
- 8. All drawings to be read in conjunction with the notes to drawings.
- 9. All drawings to be read in conjunction with the notes to drawings.
- 10. All drawings to be read in conjunction with the notes to drawings.



QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLAN:
 SH190005
 Monday, 20 April 2020

Consultants:
 Planning Consultant:
WILLIAMS & CO.
 PLANNING / URBAN DESIGN / DEVELOPMENT

UNIVERSAL DEVELOPMENTS

Project No: [Blank] Client: [Blank] Consultant: [Blank]
 Bulk & Location
CONDON SCOTT
 ARCHITECTS

Commercial Building

Hawea SHA
 Clients: Universal Developments
 Project: 19.15
 Drawing Title:

Scale: 1:100 (FOR PUBLICATION) 1:50 (FOR EXHIBITION)
 Drawing Number: A003 Revision:

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Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

[]

Covenantee

[]

DRAFT

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A
required

Continue in additional Annexure Schedule, if

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	Lot [] DP [] (RT [])	Lot [] DP [] (RT [])	Lot [] DP [] (RT [])

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Covenant rights and powers (including terms, covenants and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017].

Annexure Schedule 2.

DRAFT

Annexure Schedule 2 – Continuation of Covenant Provisions

Background

- A. The Covenantor is the registered proprietor of the relevant Burdened Land.
- B. The Covenantee is the registered proprietor of the relevant Benefited Land.
- C. The Covenantor and Covenantee have agreed that the Burdened Land will be subject to the Covenants.

1. Interpretation

1.1 For the purposes of this Instrument:

Approved Activities means a Farming Activity or an activity authorised under the terms and conditions of any Current Resource Consent.

Benefited Land means any part of the land contained or formerly contained in the Benefited Land set out in Schedule A of this Instrument.

Burdened Land means all or any part of the land contained or formerly contained in the Burdened Land set out in Schedule A of this Instrument.

Covenantee means the registered proprietor of the Benefited Land from time to time.

Covenantor means the registered proprietor of the Burdened Land from time to time together with any tenants, occupiers or invitees on the Burdened Land.

Covenants means the covenants set out in this Instrument.

Current Resource Consent means any resource consent operative as at the date of this Instrument which authorises any farming related activity on the Benefited Land.

District Plan means any applicable operative or proposed plan under the RMA including any regional policy statement, regional plan, district plan or unitary plan.

Farming Activity has the same meaning as in the District Plan (as at the date of registration of this Instrument).

Instrument means this instrument together with all Schedules attached to it.

Relevant Authority means any court, tribunal, government, local, statutory or non-statutory body including the Queenstown Lakes District Council and Otago Regional Council having jurisdiction over the land referred to in this Instrument.

RMA means the Resource Management Act 1991.

1.2 For the avoidance of doubt:

- (a) words importing the singular number include the plural and vice versa.
- (b) references to the parties are references to the Covenantor and the Covenantee.
- (c) a covenant to do something is also a covenant to permit or cause that thing to be done and a covenant not to do something is also a covenant not to permit or cause that thing to be done.
- (d) this Instrument binds the Covenantors and their heirs, executors, successors and assigns in perpetuity and also any lessee, occupier or invitee of the Burdened Land.
- (e) this Instrument benefits the Covenantees and their heirs, executors, successors and assigns in perpetuity and also any lessee, occupier or invitee of the Benefited Land.

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- (f) a reference to a statute, regulation or by-law includes all statutes, regulations, or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations or by-laws issued under that statute.

2. General Covenants

2.1 The Covenantor covenants and agrees:

- (a) to observe and perform all the Covenants at all times.
- (b) that the Covenants shall run with and bind the Burdened Land for the benefit of the Benefited Land as a burden on that land to the benefit of the Benefited Land.
- (c) to do all things necessary to ensure that any invitees of the Covenantor on the Burdened Land and any mortgagees, lessees or occupiers of the Burdened Land comply with the provisions of this Instrument.
- (d) to pay the Covenantee's legal costs (as between solicitor and client) of and incidental to the enforcement of the Covenantee's rights, remedies and powers under this Instrument.
- (e) to indemnify the Covenantee against all claims and proceedings arising out of a breach by the Covenantor of any of its obligations set out in this Instrument.

3. Non-object provisions

3.1 The Covenantor covenants and agrees with the Covenantee that it will not make any claim, proceeding, complaint, objection, or similar action in relation to the use, or effects of the use, of the Benefited Land for any lawfully conducted Approved Activity.

4. Notices

4.1 Any notice required to be served on a Covenantor shall be in writing, served in accordance with the Property Law Act 2007 on:

- (a) the Queenstown Lakes District Council's rating address for the applicable land owned by the Covenantor; or
- (b) the address of the solicitor who undertook the conveyance of that land for the Covenantor.

4.2 Any failure by a party to enforce any clause of this Instrument, or any forbearance, delay or indulgence granted by that party to any other party, will not be construed as a waiver of the first party's rights under this Instrument.

4.3 The Covenantor will not seek to have this Instrument removed from the title to the Burdened Land due to any lack of proximity between the Burdened Land and the Benefited Land.

5. Liability

5.1 Without prejudice to the Covenantor's and Covenantee's other rights, this Instrument binds the Covenantor's successors in title so that contemporaneously with the acquisition of any interest in the Burdened Land all such successors in title become bound to comply with this Instrument. However, the liability of any Covenantor under this Instrument is:

- (a) limited to obligations and liabilities that accrue during that Covenantor's time as registered proprietor of its Burdened Land; and
- (b) only in respect of that part of the Burdened Land owned by that Covenantor (so that a Covenantor is not liable under this Instrument in relation to any part of the Burdened Land that is not owned by that Covenantor).

5.2 A Covenantor will not be liable for any breach of this Instrument which occurs during any period prior to or after its term as registered owner of its Burdened Land (however, for the avoidance of doubt, any Covenantor shall remain liable for any such antecedent breach following the transfer of its Burdened Land).

6. Road/Reserve Vesting

- 6.1 The Covenantor and Covenantee consent to any part of the Burdened Land being vested or dedicated as any road or reserve (**Road and/or Reserve**) including (without limitation) any local purpose reserve for public utilities or esplanade reserve or strip, in the local authority, territorial authority, NZ Transport Agency (or any such replacement entity), or the Crown (each a **Governing Body**).
- 6.2 The Covenantor and Covenantee agree that the rights and obligations under this Instrument shall cease to apply and this instrument is deemed extinguished in respect of any Road and/or Reserve:
- a) in the case of vesting of Road and/or Reserve, immediately upon Land Information New Zealand's survey approval of the survey plan which provides for such vesting (**Survey Plan**);
 - b) in the case of dedication of Road, upon registration of a transfer of the proposed road to the Governing Body.
- 6.3 This clause will be deemed to be the Covenantee's consent required to allow the Road and/or Reserves to be vested, dedicated or declared as road or reserve (as applicable) (including under section 224(b)(i) of the Resource Management Act 1991 and section 114(2) of the Public Works Act 1981).
- 6.4 If the Covenantor elects and/or the consent of all or any of the Covenantees is required to deposit or register the Survey Plan, then the Covenantee will in a timely manner:
- (a) execute any required consent or covenant surrender; and/or
 - (b) use reasonable endeavours to provide any required consents from any mortgagee or encumbrancee with a mortgage/encumbrance registered on their record of title,
- as are necessary to deposit or register the Survey Plan. The Covenantor and Covenantee will meet their own costs associated with the above.
- 6.5 This clause 6 shall not apply to any Covenantee that is a Governing Body with the intent that a Governing Body is not required to provide any written consent or obtain encumbrancee consent.

7. Severability

- 7.1 If any of the provisions of this Instrument are judged invalid, unlawful or unenforceable for any reason whatsoever by a Court of competent jurisdiction, such invalidity, unenforceability or illegality will not affect the operation, construction or interpretation of any other provision of this Instrument to the intent that the invalid, unenforceable or illegal provisions will be treated for all purposes as severed from this Instrument. In the event of any such severance the parties will use reasonable endeavours to negotiate with the intent that the Instrument shall achieve the economic, legal and commercial objectives of the unenforceable term, covenant or obligation.

8. Termination of Instrument

- 8.1 The Covenantor and Covenantee agree that the Covenants contained in this Instrument shall terminate and cease to apply in respect of all of the Benefited Land, if any part of the Benefited Land is rezoned, obtains a resource consent for or is otherwise used for activities other than Farming Activities.