



**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
ON AN APPLICATION FOR RESOURCE CONSENT FOR CHANGE OF CONDITIONS
UNDER SECTION 52 OF THE HOUSING ACCORDS AND SPECIAL HOUSING AREAS
ACT 2013 (HASHAA)**

Applicant:	Shotover Country Limited
RM reference:	SH180009
Application:	Application under section 52 of the <i>Housing Accords and Special Housing Areas Act 2013</i> (HASHAA) to delete condition 8 (t) and add condition 15 (h) of SH160139 (Decision A: Subdivision Consent) (as amended by SH170006 and SH180007) in relation ground improvement works on Lots 1 – 7
Location:	Toni's Terrace, Shotover Country
Legal Description:	Lot 1 Deposited Plan 510123 held in Computer Freehold Register 780299
Operative Zoning:	Rural General and Shotover Country Special Zone: Activity Area 5c (Riverside Protection Area) and Activity Area 5e (Open Space – Transmission Corridor)
Proposed District Plan Zoning:	N/A
Activity Status:	Discretionary
Decision Date:	31 August 2018

SUMMARY OF DECISIONS

1. Pursuant to section 29 of the HASHAA the application will be processed on a **non-notified** basis. This decision is made by Katrina Ellis, Team Leader: Resource Consents, on 29 August 2018 under delegated authority.
2. Pursuant to Section 36 of the HASHAA, consent is **GRANTED** subject to the change to conditions outlined in Section 5 of this decision. An updated set of conditions of SH160139 Decision A is provided in **Appendix 1** of this decision. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Katrina Ellis, Team Leader: Resource Consents, as delegate for the Council.

1. PROPOSAL, SITE DESCRIPTION AND SITE HISTORY

Proposal

Consent is sought under section 52 of HASHAA to change delete condition 8 (t) and to add a new condition at 15 (h) of SH160139 (Decision A: Subdivision Consent) as further varied by SH170006 and SH180007 in relation to ground improvement works on Lots 1 – 7.

The applicant has provided a detailed description of the proposal and relevant site history in a letter from Karen Hanson of Clark Fortune McDonald & Associates Limited entitled 'Variation SH160139', dated 13th August 2018 (reference: 11580_PL04), and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2).

The below sets out the change to conditions sought by the proposal.

The proposal is to delete condition 8 (t) and add new condition 15 (h) to SH160139 (Decision A: Subdivision Consent) as amended by SH170006 and SH180007, as follows (changes shown in **bold underline** and ~~strikethrough~~):

8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at the Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by the Council to be both necessary and adequate, in accordance with Condition 3, to detail the following requirements:
 - ~~t) Provision of design plans and certification from a suitably qualified Geotechnical Engineer for the provision of a layer of geogrid or similar ground improvement on Lots 1-7 to ensure the ULS seismic differential settlement and ULS seismic lateral stretch is reduced to the level tolerated by standard NZS 3604:2011 foundations for residential houses.~~
15. 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, a consent notice shall be registered on the pertinent Computer Freehold Registers for the performance of the following conditions on a continuing basis:

For Lots 1 – 7:

- h) Specific engineering design (SED) of the building foundation is required by a suitably qualified engineer in accordance with foundation options 2 – 4, Section 5.3 as contained within "Part A: Technical Guidance" of the Ministry of Business, Innovation and Employment (MBIE) guidance document titled "Repairing and rebuilding houses affected by the Canterbury Earthworks" dated December 2012. The SED shall be reviewed and certified by QLDC's Resource Management Engineering Department.**
Note: A copy of this document is contained on the consent file for SH180009 and can be accessed via eDocs.

The proposed change essentially will result in s224c being able to be signed prior to ground improvement works being carried out on Lots 1 – 7 and instead require future lot owners to carry out a specific engineering design (SED) of building foundations on these Lots. The variation to the subdivision does not change the nature or scale of the activity approved under SH160139, therefore the proposal is able to be assessed under section 52 as it is a change to conditions, and is not change to the activity.

Site History

RM160031 (granted 17 May 2016) approved Outline Development Plan associated with part Activity Area 1f of the Shotover Country development.

RM160626 (granted 20 September 2016) was an application to subdivide to create 13 residential allotments, two allotments to dedicate as legal road, and one balance allotment. Land Use consent was also sought to build within Activity Area 5c. This application included a Section 127 variation to change conditions 1 and 3, cancel condition 10 and add a new condition (12) of resource consent RM160031 to amend the allotment layout of the approved Outline Development Plan, address the new proposed road, and defer the timing the Construction Management Plan is provided.

SH160139 (granted 4 May 2017) was an application for subdivision consent to create 101 residential allotments and allotments to vest as road, reserve and a balance allotment and to undertake associated infrastructure, landscaping and earthworks; and land use consent to construct future dwellings [residential units] on the 101 residential allotments; and land use consent to undertake earthworks for flood protection measures. It is Decision A (subdivision) of this consent that the applicant seeks to vary to enable staging of the approved subdivision.

SH170006 (granted 24 November 2017) was an application to change conditions 1 and 11 of SH160139 (Decision A: Subdivision Consent) to enable the subdivision to proceed in two stages. A new staging condition (Condition 17) was added to SH160139.

SH180007 (granted 23 July 2018) was an application to change conditions 1, 11 and 17 as they relate to staging.

2. ACTIVITY STATUS

2.1 HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 (HASHAA)

The proposed activity requires resource consent for the following reason:

1. A **discretionary** activity consent in accordance with Section 52 of the HASHAA which specifies a change and/or cancellation of a condition of consent shall be processed in accordance with 127 of the RMA which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change cancel condition 8 (t) and add a new condition at 15 (h) of SH160139 (Decision A: Subdivision Consent) (as amended by SH170006 and SH180007) in relation to ground improvement works on Lots 1 – 7, as described in Section 1 above.

Overall, the application is considered to be a **discretionary** activity.

3. SECTION 52(2) HASHAA NOTIFICATION

The applicant has not requested public notification of the application, and the consent authority is not deciding to publicly notify the application using its discretion under 52(2) of HASHAA for the following reasons:

The HASHAA does not require public notification of applications for *Qualifying Development* resource consents. Under Section 29 of HASHAA, the council may only limited notify an application to adjacent owners, relevant infrastructure providers and requiring authorities. However, the council must not notify an application if it would not have been notified under the RMA, or if written approvals have been obtained from all adjacent owners, relevant infrastructure providers and requiring authorities.

SH160139 was processed on a limited notified basis under Section 29(3). Variation consents SH170006 and SH180007 were both processed on a non-notified basis pursuant to Section 29 of HASHAA.

4. CONSIDERATIONS FOR ASSESSMENT

Sections 34 and 35 of the HASHAA provide the statutory framework for consideration of any application for a qualifying development within a Special Housing Area.

4.1 STATUTORY CONSIDERATIONS

Section 34(1) of the HASHAA details the matters the council must have regard to when considering applications for resource consent. The section identifies a clear order for weighting (in descending priority) as follows:

- a) The purpose of HASHAA;
- b) Part 2 of the RMA;
- c) The Proposed District Plan;
- d) Section 104 of the RMA;
- e) The "Urban Design Protocol".

In assessing the original application, the approach used was to identify and evaluate the potential effects of the development on the environment, and then weigh the various components described above. A similar approach is taken in the following assessment, and includes an assessment on persons in accordance with RMA s127(4) under HASHAA s52.

4.1.1 Summary of Effects on the Environment

The condition proposed to be deleted was to address potential liquefaction risk on Lots 1 – 7. The proposed condition enables an alternative method to addresses liquefaction risk. The application has been assessed by Council's Resource Management Engineer, Mr Michael Wardill. Mr Wardill has commented that:

Geosolve Ltd have provided an assessment (dated 30 July 2018) recommending the removal of the ground improvements works for SCL Stage 15b Lot 1-7 and instead proposing new specific engineering foundation design for the same lots. The proposed changes have been reviewed by Tonkin and Taylor, as Council geotechnical and hydrological peer reviewers of SH160139, and they confirm the changes as acceptable. I remain satisfied with my previous email assessment with Tonkin and Taylor as contained within the application correspondence, and the proposed variations can now progress as below. I am further satisfied the CN wording is appropriate subject to any necessary 223/224 legal review/processing check.

Requiring specific engineering design for future residential units on Lots 1 – 7 ensures that the foundations of these buildings can be suitably designed to ensure that the potential risk of lateral spread is appropriately mitigated. The finished contour of these allotments will remain the same and this will be demonstrated by the provision of contour plans and survey certification to ensure that the subdivision complies with the minimum ground level requirements.

Overall it is assessed that the effect of requiring a specific engineering design at the time of building, as opposed to undertaking requiring ground improvement works prior to 224c certification will have a less than minor effect on the environment.

4.1.2 Summary of Effects on Persons

The SH160139 application was limited notified under s29 of the HASHAA, to adjacent landowners considered to be potentially adversely affected; infrastructure providers with assets on, under or over the subject site or adjacent land; and requiring authorities with designations within the subject site or adjacent land.

The SH170006 and SH180007 variation consents were processed on a non-notified basis pursuant to Section 29 of the HASHAA. No persons were considered affected by the variation consent.

Two submissions were received within the statutory submission period for SH160139; a submission from the Otago Regional Council (ORC) opposed the application with regard to natural hazard risks; and a submission from Transpower New Zealand Limited supported the application in part.

With regard to the ORC submission, the Commission found, in all the circumstances, that any flood hazard effects are to be satisfactorily mitigated by the design solutions that are proposed by the applicant – including the requirement of a finished ground level. This variation does not alter this requirement.

The proposed variation to subdivision staging conditions of SH160139 would not give rise to or exacerbate any effects with regard to natural hazards. As such, the ORC is not considered affected by the proposed changes.

With regard to future owners of Lots 1 – 7, the requirement for a specific engineering design will be placed as a consent notice condition. Requiring specific engineering design for building foundations is commonplace where it has been established that ground improvement or remediation works are required. As such, any persons with a sale and purchase agreement in place for these Lots are not assessed as being affected by this variation.

No other persons are considered affected by the proposed variation to conditions of SH160139 to enable an amendment to the staging of the approved subdivision.

4.2 HASHAA Section 34(1) Considerations

- a) **HASHAA Purpose (s34(1)(a)):** The proposed change to subdivision conditions of SH160139 (as amended by SH170006 and SH180007) will not reduce the number of lots originally approved. As a result, the proposal maintains the lot yield from SH160139, and still achieves the purpose of the HASHAA.
- b) **Part 2 RMA:** The proposal is aligned with the Purpose and Principles set out in Part 2 of the RMA as it represents sustainable development of the land and can be undertaken in a manner that will not create any significant adverse environmental effects.
- c) **Proposed District Plan:** The proposed variation to conditions of SH160139 (as amended by SH170006 and SH180007), allowing for specific engineering design for residential units on Lots 1 – 7 prior to building works commencing as opposed to carrying out ground improvement works prior to s224c certification, will have minimal effects on the Shotover Country development as a whole. As such, the change maintains consistency with the high level goals of the PDP, as determined under SH160139.
- d) **Section 104 RMA:** The zone provisions of the Operative District Plan are of little assistance in assessing this proposal as the low density living situation is at odds with the present Rural General zoning. However, the proposed change for specific engineering design for building foundations on Lots 1 – 7 will have minimal environmental effects, and would remain consistent with the relevant objectives and policies of the ODP, as determined under SH160139.
- e) **Urban Design Protocol:** The commissioners considered the original subdivision layout is appropriate in terms of the key urban design qualities expressed in the New Zealand Urban Design Protocol (2005). It is considered the proposed change to conditions will change the pattern or form of development nor enable inappropriate development, and will allow the Shotover Country development to remain consistent with the Urban Design Protocol.

Overall, the proposed change to subdivision conditions of SH160139 (as amended by SH170006 and SH180007) will not alter the number of lots or layout of the existing approved subdivision. The variation will allow development with inconsequential environmental effects above those originally approved by the Commission. The proposal meets the relevant statutory considerations under s34(1) and no weighting of the various matters is required.

4.3 SECTION 34(2) - INFRASTRUCTURE

The proposed variation does not result in any additional or different infrastructure requirements from that approved by SH160139, SH170006 or SH180007, therefore appropriate infrastructure provision is made.

5. DECISION

Consent is **granted** for the application by Shotover Country Limited to change conditions of resource consent SH160139 (Decision A: Subdivision Consent), such that:

- 1 Condition 1 of resource consent SH160139 (as amended by SH170006 and SH180007) is amended to read as follows (deleted text struck-through, added text underlined):
 8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at the Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by the Council to be both necessary and adequate, in accordance with Condition 3, to detail the following requirements:
 - t) ~~Provision of design plans and certification from a suitably qualified Geotechnical Engineer for the provision of a layer of geogrid or similar ground improvement on Lots 1-7 to ensure the ULS seismic differential settlement and ULS seismic lateral stretch is reduced to the level tolerated by standard NZS 3604:2011 foundations for residential houses.~~
 15. 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, a consent notice shall be registered on the pertinent Computer Freehold Registers for the performance of the following conditions on a continuing basis:

For Lots 1 – 7:

h) Specific engineering design (SED) of the building foundation is required by a suitably qualified engineer in accordance with foundation options 2 – 4, Section 5.3 as contained within "Part A: Technical Guidance" of the Ministry of Business, Innovation and Employment (BLIE) guidance document titled "Repairing and rebuilding houses affected by the Canterbury Earthworks" dated December 2012. The SED shall be reviewed and certified by QLDC's Resource Management Engineering Department.

Note: A copy of this document is contained on the consent file for SH180009 and can be accessed via eDocs.

Advice notes

- All other conditions of SH160139 shall continue to apply.
- An updated set of conditions of SH160139 are attached as Appendix 1 to this decision,
- The lapse period for SH160139 is as per the lapse dates for each stage as specified in Condition 16 of Decision A: Subdivision Consent of the Decision for SH160139, being 4 May 2019.

6. OTHER MATTERS*Administrative Matters*

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

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

If you have any enquiries please contact Alex Dunn on phone (03) 443 0126 or email alex.dunn@qldc.govt.nz.

Report prepared by

Decision made by



Alex Dunn
PLANNER

Katrina Ellis
TEAM LEADER: RESOURCE CONSENTS

APPENDIX 1 - Updated Conditions of Consent SH160139 (Decision A)

APPENDIX 2 - Applicant's AEE

APPENDIX 1 – UPDATED CONDITIONS OF SH160139 (DECISION A)

Please note, the Part B (Landuse Consent - Earthworks for the placement of fill) and Part C (Landuse Consent – Residential House Construction Lots 1 – 101) conditions have not been included in this appendix.

PART A: SUBDIVISION CONSENT

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - a) Clark Fortune McDonald & Associates:
 - Scheme Plans Entitled 'Stage 15 Shotover Country, Lots 1-101, 801-807, 1001-1004 being a subdivision of Lots 1 RM160626', Drawing No 01, (sheets 001-003), Rev F dated 07.04.17;
 - Shotover Country Stage 15 Subdivision Layout Plan, Drawing No 02, (sheets 001-002), Rev G dated 07.04.17;
 - Shotover Country Proposed Erosion Protection Layout, Drawing No. ER001, Sheets 001 – 006, Rev C, dated 04.11.16 *[It is noted that the willows on this plan are now excluded and do not form part of this consent];*
 - Shotover Country Fill Design, Drawing No 18, Sheets 001 & 002, dated 02.12.15;
 - Staging Plan Stage 15 Shotover Country Lots 1 – 101, 801 – 807, 1001 to 1004 being a subdivision of Lot 1 RM160626, drawing No. 01, Rev. P, dated 17.05.18
 - b) Land Landscape Architects:
 - Shotover Country – SHA 'Planting Concept Plan', drawing no. L1C, Rev C dated 30.03.17
 - Shotover Country Stage 15 'Street Tree Planting Plan' drawing no. L19, dated 24.08.16;

stamped as approved on 4 May 2017 and 23 July 2018, 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. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 (QLDC LDCP) and subsequent amendments to that document up to the date of issue of any subdivision consent, except where specified otherwise.
4. Any landscaping located within the public open space areas including reserve land, the road corridors and walking/cycling links, shall be comprised of species identified as being frost hardy and shall be connected to a reticulated irrigation supply (irrigation supplied to each tree).

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

5. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of the QLDC's LDCP, in relation to this development.
6. Prior to commencing works on site, the consent holder shall submit to the Principal Resource Management Engineer at Council an approved Traffic Management Plan from the Road Corridor Engineer at Council if any parking or public traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers need to be installed on any public road. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor and implemented in accordance with the approved Traffic Management Plan.

7. Prior to the commencement of works, the consent holder shall provide to the Principal Resource Management Engineer at Council, for review and acceptance, a Site Management Plan for the proposed works. This Plan shall specifically include measures to limit the effects of erosion, dust and silt migration in accordance with Section 2.3.7 of the QLDC LDGP. These measures shall be implemented prior to the commencement of any works on site and shall remain in place for the duration of the project. To protect the operational stormwater outfalls, and wetlands beyond, all sumps installed shall be fitted with filter cloth to exclude silt entering the system and this measure shall remain in place until 224c certification has been obtained.
8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at the Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by the Council to be both necessary and adequate, in accordance with Condition 3, to detail the following requirements:
 - a) Provision of a developer agreement (Heads of Agreement) with Council to address the upgrades to bore water field, which will provide supply to allow for the increased demand generated by the development. The developer agreement shall confirm the programming of and payment for these upgrades.
 - b) Provision of a potable water supply connection from Council reticulation to each residential lot in terms of the Council's standards and connection policy. This shall include an Acuflo CM2000 as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015. The costs of the connections shall be borne by the consent holder.
 - c) 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.
 - d) The provision of fire hydrants with adequate pressure and flow to service each residential lot with a Class FW2 fire risk in accordance with the NZ Fire Service Code of Practice for Fire fighting Water Supplies 2008. Any lesser risk must be approved in writing by the NZ Fire Service.
 - e) The provision of a foul sewer connection from each residential lot to Council's reticulated sewerage system, in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot.
 - f) The provision of a stormwater connection from each residential lot to Council's reticulated stormwater network in accordance with Council's standards and connection policy, which shall be able to drain the maximum potential impervious area within each lot under the 5% AEP storm event.
 - g) The provision of a secondary stormwater protection system consisting of secondary flow paths to cater for the 1% AEP storm event.
 - h) Provision of a minimum 1.5 m wide gravel path linking Hicks Road with the existing gravel cycle trail within the transmission line corridor to the north-west in accordance with Council standards.

- i) The extension to Hicks Road (contained within Lot 801) has a target operating speed of 40 kph and shall be designed and formed in accordance with the QLDC LDCP, Table 3.2 "Suburban, Live and Play, Primary Access to housing up to 200 du", Figure E12 with the following exceptions:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on the southern side of the road only.
- j) Headley Road (contained within Lots 801/803/807) has a target operating speed of 40 kph and shall be designed and formed in accordance with the QLDC LDCP, Table 3.2 "Suburban, Live and Play, Primary Access to housing up to 200 du", Figure E12 with the following exceptions:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on both sides of the road.
- k) Road 2 (contained within Lot 802) has a target operating speed of 40 kph and shall be designed to Figure E12 of the QLDC LDCP, with the following exception and specific design:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on one side of the road only.
- l) Peasmoor Road (contained within Lots 804 & 805) has a target operating speed of 40 kph and shall be designed to Figure E12 of the QLDC LDCP, with the following exception and specific design:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on one side of the road only.
- m) Road 7 (contained within Lot 806) has a target operating speed of 40 kph and shall be designed to Figure E12 of the QLDC LDCP, with the following exception and specific design:
- The carriageway shall be formed in asphaltic concrete.
 - Indented car parking areas and pedestrian crossing points shall be formed in exposed aggregate concrete consistent with previous stages of the development.
 - A footpath is required on one side of the road only.
- n) The rights-of-way accessing Lots 2 & 3, 7 & 8, 11 & 12, 41, 46, 47 & 50, 57 & 58, 98-100 shall be designed in accordance with the QLDC LDCP, Table 3.2 "Suburban, Live and Play, Access to houses up to 3 du", Figure E09 with the exception that the carriageway shall be constructed of asphaltic concrete.

- o) The formation of all road intersections in accordance with the latest Austroads intersection design guides. These designs shall be subject to review and approval by Council with any associated costs met by the consent holder. Intersections shall include traffic signs and markings which shall comply with NZTA's Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
- p) The provision of asphaltic concrete vehicle crossings, which shall be constructed to each residential lot to Council's standards. Crossings shall either be double width or single width, with sufficient offset from indented parking to allow future widening to a double width crossing without conflict. The crossings shall be located a minimum distance of 1 metre from side boundaries.
- q) The provision of road lighting in accordance with the Council's road lighting policies and standards, including the Southern Lighting strategy. A Lighting Subcategory of minimum P5 shall be used for all roads in accordance with AS/NZS 1158.3.1:2005. If possible, the poles and luminaires shall be consistent with those installed on previous stages of the Shotover Country development.
- r) The transportation infrastructure design submitted for review and certification shall be accompanied by the following;
- i) A design and access statement in accordance with the *Queenstown Lakes District Council – Land Development & Subdivision Code of Practice 2015*, Section 3.2.6.
 - ii) Vehicle tracking movements shall be clearly demonstrated for all roads (specifically that of an 8 m rigid truck).
 - iii) Detailed design for all roading shall illustrate how traffic calming measures have integrated pedestrian facilities, cycling facilities, parking layout and streetscapes into the overall design to achieve the target operating speed. The detailed design shall be prepared in consultation with an independent qualified person and a report submitted by this person confirming the designs achieve the target operating speed.
- s) Provision of flood protection erosion works as per the Clark Fortune McDonald & Associates Ltd Job 11494 Drawing ER001 sheets 001-006 Rev C dated 04.11.16 with the addition of the following specific changes-
- Amend drawings from 150 % gradient to 100% gradient, and add a note that all trenches should be designed and inspected by a suitably qualified Engineer before any personnel enter the trenches.
 - Add note to Specification that "Nuclear Density Meter (NDM) testing shall be undertaken at a frequency of 1 per 100 m³ of backfill material placed".
 - Add note to Specification Item 12: "Maximum particle size of 200 mm diameter".
 - Add note to Specification that "No buildings shall be constructed over the river protection works trench without specific approval of the Chief Engineer for the Queenstown Lakes District Council".
 - Add note to drawings that the double row of shrub willows at the base of the earthfill areas are "optional".
- t) *[Deleted]*
- u) The provision of Design Certificates for all engineering infrastructure works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Flood protection works, Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the *Queenstown Lakes District Council – Land Development & Subdivision Code of Practice 2015* Schedule 1A Certificate.

9. The Consent Holder shall provide to the Queenstown Lakes District Council (Property and Infrastructure Department) for review and acceptance details of the works proposed to be carried out on the walking and cycle trails within Lots 1001-1004, in accordance with Council's Cycle Trail and Track Design and Specifications 2015, to achieve the following standards in respect of the following trails:
 - a) The trail which forms part of the Queenstown Trail and runs through Lots 1002-1004 alongside the unformed legal road – Grade 1 Standard;
 - b) The cycle trail which runs through Lots 1001 and 1002 along the Transmission Line Corridor – Grade 2 Standard.
10. The consent holder shall submit a planting plan for certification by Queenstown Lakes District Council's Parks and Reserves Manager. The planting plan shall show detailed planting within the Recreation and Local Purpose Reserves being Lots 1002-1004 in general accordance with the Land Landscape Architects Planting Concept Plan listed under Condition 1b) and shall:
 - a) Include a planting list that details plant and tree species, grades and spacing at time of planting and number of each species to be planted;
 - b) Be designed so that some of the species, when mature, will achieve partial screening of the residential development when viewed from the trail which forms part of the Queenstown Trail runs alongside the unformed legal road through Lots 1002-1004 whilst avoiding excessive shading and the obstruction of views from the residential lots.

To be completed before Council certification of the Survey Plan

11. Prior to the Council certifying the survey plan pursuant to section 45 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and/or section 223 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 Title Plan and shall be duly granted or reserved.
 - b) Lots 801-807 shall be shown on the survey plan as roads to dedicate in the Council.
 - c) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.
 - d) Where Stage 1 is to be completed prior to stage 2, an easement shall be secured over Lots 1001-1004 in favour of Queenstown Lakes District Council to ensure Council access is available.

[Note: the road naming application should be submitted to the Principal Resource Management Engineer at Council and should be lodged prior to the application for the section 223 certificate]

To be monitored throughout works

12. 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.
13. No earthworks, temporary or permanent, are to breach the boundaries of the site.

To be completed before issue of the section 46 certificate of the HASHAA and/or section 224(c) of the RMA

14. Prior to issue of the section 46 certificate under the HASHAA and/or section 224(c) certification under the RMA, the consent holder shall complete the following :
- a) The completion and implementation of all works detailed in Conditions 8, 9 and 10 above.
 - b) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads, Water, Irrigation, Wastewater and Stormwater reticulation.
 - c) The provision of finished contour plans and survey certification to confirm that finished ground levels within the SHA subdivision comply with minimum levels specified within the '*Shotover Country Ltd – Special Housing Area Design Parameters & River Protection Works*' report by David Hamilton dated 9th September 2016 and the associated Clark Fortune McDonald & Associates Ltd '*Shotover Country Fill Design*' Job 11494 Drawing No.18 sheets 001-002.
 - d) 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, and any defects identified shall be repaired.
 - e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of a minimum single phase 15kva underground electricity supply has been made available to the boundaries of each residential lot and that all the network supplier's requirements for making such means of supply available have been met.
 - f) 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 boundaries of each residential lot and that all the network supplier's requirements for making such means of supply available have been met.
 - g) Any road signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public roads in accordance with NZTA's Manual of Traffic Signs and Marking (MOTSAM) and the Traffic Control Devices (TCD) Manual.
 - h) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
 - i) The submission of Completion Certificates for all engineering works completed in relation to or in association with this subdivision. The certificates shall be in the format of the *Queenstown Lakes District Council – Land Development & Subdivision Code of Practice 2015* Schedule 1B and 1C Certificate.
 - j) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - k) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
 - l) All planting within the Land Landscape Architects 'Street Planting Plan' and 'Planting Concept Plan' listed under Condition 1b) shall be implemented.
 - m) All works within the Land Landscape Architects 'Planting Concept Plan' listed under Condition 1b) and the planting plan certified under Condition 10 shall be implemented in accordance with those plans and the QLDC Land Development and Subdivision Code of Practice.
 - n) The walking and cycle trails shall be upgraded to meet the standards specified in Condition 9.

- o) The roads and services consented under Stage 14A (RM160594) and 14B (RM160626) must be constructed up to the boundary of the subject site (Stage 14A & Stage 14B, excluding balance Lot 1).
- p) All works in accordance with Part B SH160139 (land use consent – earthworks for the placement of fill) must be completed.
- q) Provision of a maintenance agreement must be established between the consent holder and Council's Parks and Reserves Manager in relation to the maintenance of planting and turf on Lots 1002-1004 on the Land Landscape Architects 'Planting Concept Plan' (listed under Condition 1b), and the maintenance of irrigation. The maintenance agreement must be certified by Council Parks and Reserves Manager. As part of this agreement, the consent holder shall be responsible for the maintenance of Lots 1002-1004 in accordance with the Agreement for a period of 5 years following the issue of 224c certification. This agreement shall include details of replacement planting if any plant shall die or become diseased within this period.
- r) Lots 1002-1004 shall be vested in Council as reserves, as detailed on the Scheme Plans listed under Condition 1a) with Lots 1002 and 1004 to vest as Recreation Reserves and Lot 1003 to vest as a Local Purpose Reserve for Water Supply, Pedestrian and Cycle Access and Amenity Purposes.

Consent Notice Conditions

- 15. 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, a consent notice shall be registered on the pertinent Computer Freehold Registers for the performance of the following conditions on a continuing basis:
 - a) For Lots 1 - 101: Any Residential Unit is not to be used for Visitor Accommodation.

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.
 - b) For Lots 1 - 101: There shall be no:
 - i) Erection, construction or installation of any solid fuel burning fireplace or appliance in any building.
 - ii) Burning of any garden waste, rubbish, or materials of any kind whatsoever other than solid fuel (such as wood or coal) burned within a Barbeque when cooking. For the purposes of this condition: 'Barbeque' means any portable or permanent device constructed or placed for the purposes of outdoor cooking.
 - iii) Any gas cylinder which is not screened from view from an adjoining road.
 - c) For Lots 89 – 100: Any species selected to be grown within 12m either side of the centreline of the transmission line should be limited to a species that will grow to a maximum height of 2m at full maturity. Any vegetation or trees outside of this 12m must be planted so that at maximum growth height they comply with the Electricity (Hazards from Trees) Regulations 2003 and cannot fall within 4m of the transmission line.

- d) For Lots 89 – 100:
- i) This condition applies to those areas named ‘*Transmission Line Consent Notice Area*’ (“**TLCNA**”) and marked ‘DA’, ‘DB’, ‘DC’, ‘DD’, ‘DE’, ‘DF’, ‘DG’, ‘DH’, ‘DI’, ‘DJ’, ‘DK’ and ‘DL’ on the Scheme Plans listed under Condition 1b);
 - ii) The TLCNA includes all land located within 25 metres from the centre line of the Cromwell -Frankton A 110k V high voltage transmission lines. This area of land is subject to those requirements set out in Section 12 of the Queenstown Lakes District Plan being a non-complying activity in terms of Rule 12.30.3.5vii with the exception of post and wire fencing to a maximum height of 1.2m. (Rule 12.30.3.5vii provides that buildings and structures within 25 metres of the centreline of the Cromwell - Frankton A 110kV high voltage transmission line are a non-complying activity).
- e) For Lots 1-4, 6-13, 15 – 17, 37, 38, 40-42, 46, 47-50, 56-59, 98-101:
- i) There shall not be any solid walls or solid fencing within the building setback (Side Yard) along any boundaries of the Lot that adjoin a right of way or leg in access way. At least 50% of any wall or fencing along those boundaries shall be visually permeable. Fence / wall heights along or within the building setbacks to these boundaries shall be no higher than 1.2m in height.
- f) For Lots 90 - 100:
- i) All northern fences (being those along the boundary fronting the reserve being Lot 1002) shall be a maximum height of 1.2m and restricted to being constructed from post and wire, or post and wire netting only
- g) For Lots 1, 2, 3, 7, 8, 11, 12, 16 – 23, 100 and 101:
- i) All western fences (being those along the boundary fronting the reserves being Lots 1003-1004) shall be a maximum height of 1.2m and restricted to post and wire, or post and wire netting only.
- h) For Lots 1 – 7
- i) Specific engineering design (SED) of the building foundation is required by a suitably qualified engineer in accordance with foundation options 2 – 4, Section 5.3 as contained within “Part A: Technical Guidance” of the Ministry of Business, Innovation and Employment (MBIE) guidance document titled “Repairing and rebuilding houses affected by the Canterbury Earthworks” dated December 2012.
The SED shall be reviewed and certified by QLDC’s Resource Management Engineering Department.

Note: A copy of this document is contained on the consent file for SH180009 and can be accessed via eDocs.

Lapse Date

16. The lapse date for this consent shall be 4 May 2019 being two years from the date of this decision

Staging Condition

17. This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in two stages as follows:

- Stage 1 – Lots 34 - 39, 46, 55 - 79 and Lots 804 – 806 (part of) and 807 (part of).
- Stage 2 – Lots 1 – 33, 40 – 45, 47 – 54, 80 – 101, Lots 1001 – 1004, Lots 801 – 803, Lot 806 (part of) and 807 (part of).

All necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent) are completed for each stage. Where Stage 1 is completed prior to Stage 2, the roads within Lots 804, 806 and 807 shall be terminated with temporary gravel turning heads at their south-western extent.

In accordance with condition 14 (p), all works consented under Part B SH160139 must be completed prior to the issue of section 46 certificate under the HASHAA and/or section 224(c) certification under the RMA for any stage.

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.
2. Prior approval from Council's Engineer and use of a backflow prevention device will be required to prevent contamination of Council's potable water supply if this water supply is to be utilised for dust suppression or temporary irrigation.
3. Shotover Country Limited is reminded of their requirements to meet the *Defects and Maintenance Covenants*, as per Schedule E of the Shotover Country Special Housing Area Deed (Infrastructure & Affordability) dated 29 April 2016. This covenant period is for five years from the date that practical completion of the Flood Protection Works is achieved.
4. For the purposes of these conditions of subdivision consent the term 'residential lot' refers to Lots 1-101 and Lot 1001 as shown on Scheme Plans referred to in Condition 1a).

APPENDIX 2 – APPLICANT’S AEE



Clark Fortune McDonald & Associates

Licensed Cadastral Surveyors - Land Development - Planning Consultants

11580_PL04

13th August 2018

Queenstown Lakes District Council

Via email: Katrina.Ellis@qldc.govt.nz

Attn: Katrina Ellis

VARIATION SH 160139

Shotover Country Limited apply for a variation to the conditions of consent of resource consent decision SH160139 as it relates to the placement of Geo-grid on Lots 1 – 7.

A copy of the resource consent decision and scheme plans are already included on the Council file. A recent copy of the Certificate of Title is included as Attachment A.

Shotover Country Limited apply under Section 52 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for a variation to SH160139. Under section 52 of the HASHAA and in accordance with section 127 of the Resource Management Act 1991, resource consent is required for the variation as a discretionary activity.

Correspondence has been had between the applicants Engineer and Councils Engineer. A copy of that correspondence is included as Attachment B. A copy of the letter from Geosolve is included as Attachment C.

Accordingly, this applicant seeks the following changes (insertions shown as underline and deletions shown as ~~strikethrough~~):

PART A: SUBDIVISION CONSENT

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

8. ~~t) Provision of design plans and certification from a suitably qualified Geotechnical Engineer for the provision of a layer of geogrid or similar ground improvement on Lots 1-7 to ensure the ULS seismic differential settlement and ULS seismic lateral stretch is reduced to the level tolerated by standard NZS 3604:2011 foundations for residential houses.~~

Consent Notice Conditions

15. h) Specific engineering design (SED) of the building foundation is required by a suitably qualified engineer in accordance with foundation options 2 – 4, Section 5.3 as contained within "Part A: Technical Guidance" of the Ministry of Business, Innovation and Employment (MBIE) guidance document titled "Repairing and rebuilding houses affected by the Canterbury Earthquakes" dated December 2012.



309 Lower Shotover Road - P.O Box 553 - Queenstown
T: (03) 441 6044 F: (03) 442 1066

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There are no effects that are more than minor that relate to this application.

The Objectives and Policies of the Proposed and Operative District Plan have been considered and covered in the original application. This application does not alter the conclusions in that report and are adopted for the purpose of this application. The application meets the requirements of Part 2 of the Resource Management Act 1991.

If you have any queries that you would like to discuss further, please call me on 021 725 316.

Regards,

Karen Hanson
CLARK FORTUNE MCDONALD & ASSOCIATES

e. khanson@cfma.co.nz