

COVID-19 Recovery (Fast-track Consenting) Act 2020

Northbrook Wanaka Retirement Village by Winton Property Limited

M-3 Minute of the Northbrook Wanaka Retirement Village Expert Consenting Panel – 15 July 2021

Invitation to Comment on Draft Conditions

1. In accordance with clause 36(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), before a panel grants a resource consent, the panel must provide a copy of its draft conditions to the consent applicant and every person or group that provided comments on the application in response to an invitation given under clause 17(2) of Schedule 6 of the Act.
2. The Northbrook Wanaka Retirement Village Expert Consenting Panel (the Panel) must also seek comments on its draft conditions from the consent applicant and every person or group that provided comments on the application in response to an invitation given under clause 17(2).
3. The Panel now invites comments on its draft conditions.
4. Please note that this is an opportunity to comment on the draft conditions, and this should be the focus of any comments received.
5. The comments on the draft conditions must be received by the Environmental Protection Authority (EPA), no later than **21 July 2021**.
6. Comments on draft conditions can be provided to the EPA at northbrookwanakafasttrack@epa.govt.nz.

Important matters relating to the draft conditions

7. There are three important matters relating to the draft conditions, which the Panel wishes to highlight:
 - a. First, while the Panel has prepared and circulated draft conditions for comment, the Panel emphasises that it has not made a final decision on the application.
 - b. Secondly, one option being considered by the Panel to address both potential adverse effects and the objective / policy framework is the approval of consent for something less than the applicant has applied for, specifically the possibility of reducing the height of the Care Pod building by one storey. Again, no final decision has been made in this regard, however a form of draft condition has been included in the draft conditions (at the end of **condition 1**) for comment.
 - c. Thirdly, the Panel has not made any decision on whether (if it grants consent), it will impose a condition relating to access to Sticky Forest, or as to the form of any such condition. At this stage, the draft conditions include the conditions proposed by the applicant, which are based on a private plan change approach, but with some minor modifications (e.g. to make it clear that the conditions apply to all consents). The inclusion of those conditions should not be taken as an indication that the Panel has decided to adopt that approach. The alternative

condition proposed by Mr Bunker and Ms Rouse (and supported by a number of others) is based on an easement. On 13 July 2021, the Panel received from the Queenstown-Lakes District Council, an amended version of the easement condition, which the Council advises it is prepared to accept. Comments are also invited on the Council's draft easement condition – set out below for convenience – in addition to those set out in the draft conditions document:

Prior to the exercise of this consent, the consent holder shall:

- (a) *grant the following easements in gross in favour of QLDC, on terms acceptable to, and approved by, QLDC:*
- i. a right of way;*
 - ii. a right to convey water, electricity, gas and telecommunications; and*
 - iii. a right to drain water and sewage,*

in respect of the part of the land owned by Winton Property Limited (WPL) shown marked "A" on the attached Memorandum of Easements (Affected Area), ~~relying upon the rights and powers implied for those classes of easement as prescribed by the Land Transfer Regulations 2018 and Schedule 5 of the Property Law Act 2007 (Easements).~~

- (b) *survey the Affected Area, provide that survey to QLDC for its approval (acting reasonably, and with a view to ensuring that the right of way easement will be aligned and of sufficient width to allow the creation of access that will comply with Councils Land Development and Subdivision Code of Practice for the development potential of the land that will be served by the access) and, once approved by QLDC, lodge the survey for approval by Land Information New Zealand (LINZ); and*
- (c) *do all such as may be necessary to register the Easements at LINZ, including, as applicable, obtaining the consent of any mortgagee, encumbrancee or other person having an interest in the Affected Area, and obtaining all necessary regulatory consents and approvals, provided always that the WPL shall pending registration be bound by the Easements as if they had been registered at LINZ.*

8. As stated in paragraph 5 of this Minute, comments on the draft conditions, as well as comments on the alternate condition wording identified in paragraph 7(c) relating to access to Sticky Forest, must be received by the EPA no later than **21 July 2021**.



Matthew Allan

On behalf of the Northbrook Wanaka Retirement Village Expert Consenting Panel

NOTE: These draft conditions should be read in conjunction with the Panel's Minute of 14 July 2021.

LAND USE CONSENT CONDITIONS

The development has been granted consent subject to the following conditions which are to be met on an ongoing basis to the extent necessary to achieve the purpose of the conditions.

General Conditions

1. That the development shall be undertaken/carried out in accordance with the following plans and documents:

360 Architecture Plans

- 'Outline Development Plan', dated 5/03/2021
- 'Masterplan Stages', RC.2.3, dated 12/11/2020
- 'Site Plans', RC.3.1, dated 12/11/2020
- 'Site Plan 01', RC.3.2, dated 12/11/2020
- 'Site Plan 02', RC.3.3, dated 12/11/2020
- 'Site Plan 03', RC.3.4, dated 12/11/2020
- 'Site Plan 04', RC.3.5, dated 12/11/2020
- 'Site Plan 05', RC.3.6, dated 12/11/2020
- 'Site Plan 06', RC.3.7, dated 12/11/2020
- 'Elevation Reference Plan & Care Pod Elevation', RC.5.1, dated 12/11/2020
- 'Road B Elevations', RC.5.2, dated 12/11/2020
- 'Road B Elevations', RC.5.3, dated 12/11/2020
- 'Front Elevations', RC.5.4, dated 12/11/2020
- 'Front Elevations', RC.5.5, dated 12/11/2020
- 'Outlet Road Elevations', RC.5.6, dated 12/11/2020
- 'Outlet Road Elevations', RC.5.7, dated 12/11/2020
- 'Elevations', RC.6.5, dated 12/11/2020
- 'Elevations', RC.6.6, dated 12/11/2020
- 'Main Building Elevations', RC.7.3, dated 12/11/2020
- 'Main Building Elevations', RC.7.4, dated 12/11/2020
- 'Clubhouse Elevations', RC.8.3, dated 12/11/2020
- 'Clubhouse Elevations', RC.8.4, dated 12/11/2020
- 'Type A Elevations', RC.9.3, dated 12/11/2020
- 'Type A1 Elevations', RC.9.7, dated 12/11/2020
- 'Type B Elevations', RC.9.10, dated 12/11/2020
- 'Type C Elevations', RC.9.14, dated 12/11/2020
- 'Type D Elevations', RC.9.19, dated 12/11/2020
- 'Type D1 Elevations', RC.9.22, dated 12/11/2020

Patch Landscape Architecture Plans

- Landscape Masterplan and all other plans and schedules contained within the 'Resource Consent Package', dated 5/03/2021

Paterson Pitts Plans

- 'Existing Contours as per RM190505 and RM200796, Sheet 101, Rev 4, dated 9/3/2021
- 'Proposed Contours', Sheet 102, Rev 4, dated 9/3/2021
- 'Cut-Fill Plan', Sheet 103, Rev 5, dated 9/3/2021
- 'Cross Sections 1', Sheet 104, Rev 2, dated 23/11/2020

- 'Cross Sections 2', Sheet 105, Rev 2, dated 23/11/2020

All plans are to be stamped as approved on (date of consent).

And all documents submitted in support of the application, and including the amendments required by the following conditions of consent.

Prior to commencement of any works, a revised set of architectural drawings (elevations and plans) must be prepared showing the removal of one floor from the Care Pod building. The revised drawings must also show any other consequential changes to the building design and are to be submitted to Council for review and acceptance. In making any consequential changes, the overall building footprint, location and roof forms shall remain unchanged. The development shall be undertaken in accordance with the revised plans, as approved by the Council (rather than the drawings for the Care Pod building as originally lodged).

2. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's (**Council**) policies and standards, being Council's Land Development and Subdivision Code of Practice.
3. The development shall be utilised as a Retirement Village. The contact details of the Retirement Village operator and any onsite manager for the Retirement Village shall be forwarded to the Council for the Council's records. This information shall be kept current at all times.
4. Under clause 37 of Schedule 6 to the COVID-19 Recovery (Fast-track Consenting) Act 2020, this consent lapses two years after the date of commencement of the consent unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.
5. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.

Staging

6. The development may be staged as indicated on the Masterplan RC.2.3. To ensuring compliance with this consent, the conditions shall be applied only to the extent that they are relevant to any particular stage.

Environmental Management

7. At least five (5) working days prior to any works commencing on site the Consent Holder shall submit an Environmental Management Plan (EMP) to Council's Monitoring and Enforcement Team for review and acceptance in writing. This document must be prepared by a Suitably Qualified and Experienced Person (SQEP). 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. Notification and management of environmental incidents
 - iii. Records and registers
 - iv. Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
 - v. Site induction

b) Operational Requirements

- i. Erosion and sedimentation (including Erosion and Sediment Control Plan)
- ii. Water quality
- iii. Dust
- iv. Cultural heritage
- v. Noise
- vi. Vibration
- vii. Contaminated sites
- viii. Indigenous vegetation clearance
- ix. Chemical and fuel management
- x. Waste management

The matters referred to in b) (i) to (x) above shall be prepared by Suitably Qualified and Experienced Persons.

The EMP shall also include sections addressing:

- i. The construction works programme; and
- ii. Construction traffic management measures.

Any amendments to the approved EMP must be submitted to the Council's Monitoring and Enforcement Team for review and acceptance in writing.

(Note: Heritage New Zealand Pouhere Taonga will be consulted on the cultural heritage aspects of the EMP, including the Accidental Discovery Protocol.)

8. The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol, or an accidental discovery protocol modified to reflect the specific project detail, shall be implemented in the event of any accidental archaeological discoveries that occur during construction works.

If the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol is not implemented, then:

- i. the Accidental Discovery Protocol shall be prepared in consultation with Aukaha and HNZPT; and
 - ii. the Council shall ensure Aukaha and HNZPT have a minimum of 20 working days to provide comment on the final Accidental Discovery Protocol.
9. Prior to ground-disturbing activities on the initial stage of works or any subsequent new stage of works, the Consent Holder shall engage a SQEP to prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Monitoring and Enforcement Team for review and acceptance. The ESCP shall form part of the EMP and must be prepared in accordance with the requirements outlined on pages 13 – 18 of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
10. Prior to commencing ground-disturbing activities, the Consent Holder shall nominate an Environmental Representative for the works programme in accordance with the requirements of the *Queenstown Lakes District Council's Guidelines for Environmental Management Plans*.
11. 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, which includes familiarisation with the Accidental Discovery Protocol.

Prior to works commencing

12. The consent holder shall obtain and implement a Traffic Management Plan (TMP) approved by Council prior to undertaking any works within or adjacent to any public road reserve that may disrupt the normal operating conditions of the public road reserve through inconvenience or delay. The TMP shall be prepared by a Site Traffic Management Supervisor (STMS). A copy of the approved plan shall be submitted to the QLDC Resource Management Engineering Manager prior to works commencing.
13. Prior to commencing any work on the site, the consent holder shall install construction vehicle crossings to each site in the location of the vehicle crossings shown on the stamped as approved plans, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be in accordance with 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the QLDC..
14. At least 5 days prior to commencing excavations, the consent holder shall provide the QLDC Resource Management Engineering Manager with the name of a suitably qualified geotechnical professional engineer as defined in QLDC's Land Development and Subdivision Code of Practice who shall supervise the earthworks procedure and retaining wall construction.

To be monitored during construction

15. All works shall be undertaken in accordance with the most current version of the EMP approved by Council. The EMP, including the Accidental Discovery Protocol, shall be kept and be available on site at all times during work under this consent.
16. The Consent Holder shall establish and implement a document version control method. Council shall at all times be provided with an electronic copy of the most current and complete version of the EMP.
17. The Consent Holder shall undertake and document weekly and Pre-/Post-Rain Event site inspections.
18. The Consent Holder shall:
 - a) Report to the Council details of any Environmental Incident within 48 hours of becoming aware of the incident.
 - b) Provide an Environmental Incident Report to the Council within 20 working days of the incident occurring.
19. Environmental Incident records are to be collated onsite and shall be made available to Council upon request.
20. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site and to clean the roads in the event that any site material is accidentally deposited on any public road.
21. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for those earthworks required for the construction of the vehicle crossings, road upgrades and retaining walls along Outlet Road.
22. Hours of operation for construction, shall be:
 - Monday to Saturday (inclusive): 7:30am to 6.00pm.
 - Sundays and Public Holidays: No Activity.

To be completed when works finish and before occupation of the Retirement Village

23. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
24. On completion of earthworks, the consent holder shall complete the following:
 - a) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - b) The consent holder shall remedy any damage to all existing public road surfaces, footpaths and berms that result from work carried out for this consent at its cost.

Prior to occupation

Engineering

25. Prior to the occupation of the Retirement Village, the consent holder shall complete the following:
 - a) Provide records of the 'as-built' plans and information required to detail all engineering works completed.
 - b) Provide records of the Completion Certificates from both the Contractor and Accepted Engineer for all infrastructure engineering works completed in relation to or in association with this development. The certificates shall be in the format of the *Queenstown Lakes District Council's Land Development and Subdivision Code of Practice* Schedule 1B and 1C Certificate.

Lighting

26. All fixed exterior lighting shall be directed downwards and away from adjacent roads and properties.
27. Exterior lighting shall utilise hoods, louvres, snoots or other similar attachments to direct light and minimise 'light spill', and shall be incandescent, halogen or other white light and not sodium vapour or other light.
28. Certification from a SQEP shall be provided to the Council prior to occupation to ensure that the intentions of Conditions 26 and 27 are met.

Landscaping

29. The landscape management plan identified as Patch Landscape Architecture Masterplan listed in Condition 1 shall be implemented and thereafter maintained with suitable, locally sourced native plants to complement the surrounding environment.

Cycle / pedestrian link

30. The two metre wide cycle / pedestrian link to the south of the Retirement Village shown on the plan entitled *Circulation within Northlake* dated 3 March 2021 shall be constructed at an accessible gradient and available for public use prior to occupation.

Advice Notes:

1. *Rūnanga shall be consulted via Aukaha and Te Ao Marama Inc around the use of Ngāi Tahu names within the subdivision.*
2. *Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga regional archaeologist must be contacted (Regional Archaeologist Otago/Southland 03 470 2364).*

SUBDIVISION CONSENT CONDITIONS

31. That the subdivision must be undertaken/carried out in accordance with the plan prepared by Paterson Pitts Group:
 - Proposed Subdivision Scheme Plan Lots 1 and 2000 being Subdivision of Lot 2000 DP 558541, Sheet No. 100, Rev 4, dated 09/03/2021

To be completed before Council approval of the Survey Plan

32. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements, including any that arise from the corresponding land use consent, 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. This shall also include a public right of way in gross in favour of the Council securing public pedestrian and cycling access to the cycle / pedestrian link to the south of the Retirement Village shown on the plan entitled *Circulation within Northlake* dated 3 March 2021. 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.

Engineering Conditions

33. All engineering works, shall be carried out in accordance with the QLDC's Land Development and Subdivision Code of Practice.

Prior to works commencing

34. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Council. 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 the following requirements:

- a) The provision of a water supply to Lot 1 in terms of Council's standards and connection policy.
- b) Confirmation shall be provided from a suitably qualified engineer that the minimum design water pressure at each allotment will be 300kPa or greater. In the event that the design water pressure is below 300kPa, approval shall be provided from Council's Chief Engineer.
- c) The provision of a foul sewer connection from Lot 1 to Council's reticulated sewerage system in accordance with Council's standards and connection policy.
- d) The design of a stormwater system by a SQEP as described in QLDC's Land Development and Subdivision Code of Practice to dispose of water from all impervious areas.
- e) Provision of a suitable firefighting water supply and hydrants with adequate pressure and flow to service the development and accompanying report from a suitably qualified professional demonstrating compliance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008).
- f) The provision of Design Certificates for all engineering works associated with this development submitted by aSQEP. The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

To be completed before issue of s224(c) certificate

35. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The consent holder shall provide 'as-built' plans and information required to detail all engineering works completed.
 - b) The completion and implementation of all works detailed in Condition 34 above, except for the stormwater connection to the permanent detention system. Timing of the connection to the detention system shall be agreed with Council's Property & Infrastructure engineers.
 - c) 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 lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - d) 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 lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - e) All earthworks and fill certification shall be carried out under the guidance of suitably qualified and experienced geotechnical professional as described in Queenstown Lakes District Council's Land Development and Subdivision Code of Practice.

- f) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition 34 for all engineering works completed in relation to or in association with this subdivision. The certificates shall be in the format of a Producer Statement, or the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- g) 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.
- h) All earth-worked areas shall be top-soiled and revegetated or otherwise permanently stabilised.

CONDITIONS VOLUNTEERED BY THE CONSENT HOLDER ON AN AUGIER BASIS (APPLICABLE TO ALL CONSENTS)

- 36. These consents shall not be implemented by the consent holder until and unless:
 - a. A request for a private plan change (**PPC Request**) is lodged with the Council in respect of the undeveloped land owned by Northlake Investments Limited located east of, and adjoining, the land referred to as 'Sticky Forest' legally described as Section 2 of 5 Block XIV Lower Wanaka Survey District; and
 - b. The PPC Request includes provision for a legal route for road access (including a route for other infrastructure services) connecting Sticky Forest to roading and other infrastructure services already installed within the Northlake Special Zone (**Sticky Forest Access**) to enable the servicing of development enabled within Sticky Forest; and
 - c. Accompanying the PPC Request is an executed deed to secure and implement the Sticky Forest Access (**Access Deed**).
- 37. The Access Deed shall:
 - a. Be executed by the consent holder and/or any other owner of any part of the land across which the Sticky Forest Access will run (as grantor of the Sticky Forest Access);
 - b. Provide for either or both of the Council and the Crown (in its capacity as the owner of Sticky Forest) to execute the Access Deed as a party which will benefit from the Access Deed;
 - c. Ensure that no aspect, right or obligation arising under the Access Deed shall in any way hinder or inhibit the ability of the consent holder to develop the land subject to this consent in accordance with the Operative District Plan provisions applicable to that land as at the date of the Access Deed, except to the extent necessary to implement the Sticky Forest Access;
 - d. Grant the following easements in favour of the Council (in gross) and/or the Crown (appurtenant to Sticky Forest):
 - i. a right of way;
 - ii. a right to convey water, electricity, gas and telecommunications; and

- iii. a right to drain water and sewage,

in respect of the part of the land necessary to create the Sticky Forest Access, relying upon the rights and powers implied for those classes of easement as prescribed by the Land Transfer Regulations 2018 and Schedule 5 of the Property Law Act 2007 (Easements), and provide for those easements to be registered;

- e. Provide for the land required for Sticky Forest Access to be vested in the Council as legal road, at the Council's discretion;
 - f. Not contain any positive obligation on the Council and/or the Crown or the consent holder to carry out any works to form any part of the road or other infrastructure enabled by the Sticky Forest Access, provided that the Council and/or the Crown and the consent holder shall be entitled to carry out any such works at their discretion;
 - g. Provide for the inclusion in those easements of any terms or conditions required by the Council and/or the Crown as grantee provided that such terms and conditions do not breach subclause c. above;
 - h. Include provision for the consent of any mortgagee, encumbrancee or other person having an interest in the land whose consent will be required to enable the implementation of the Access Deed;
 - i. Be executed by the persons or entities referred to the preceding subparagraph;
 - j. Be conditional only upon:
 - i. Sticky Forest being zoned to enable any form of development which requires the Sticky Forest Access to enable that development to be implemented;
 - ii. The Sticky Forest Access being approved through, and as a consequence of, the PPC Request.
38. These consents can only be implemented on or after the date the PPC Request and the Access Deed (executed as required under conditions 32.a and 32.i above) are lodged with the Council.
39. These consents will lapse if the PPC Request and the Access Deed are not lodged with the Council within six months of the date of this consent.