## BEFORE THE ENVIRONMENT COURT

Decision No. [2012] NZEnvC 79

IN THE MATTER

of the Resource Management Act 1991

**AND** 

IN THE MATTER

of appeals under section 120 of the Act

**BETWEEN** 

UPPER CLUTHA TRACKS TRUST

(ENV-2008-CHC-124)

<u>AND</u>

UPPER CLUTHA ENVIRONMENTAL

SOCIETY INCORPORATED

(ENV-2008-CHC-113)

AND

**D THORN** 

(ENV-2008-CHC-117)

**Appellants** 

AND

QUEENSTOWN

LAKES DISTRICT

Respondent

COUNCIL

Court:

Environment Judge J R Jackson

(sitting alone under section 279(1) of the Act)

In Chambers at Christchurch

Date of Decision: 27 April 2012

Date of Issue:

### THIRD (FINAL) DECISION



Under sections 279 and 291 of the Resource Management Act 1991 the Environment Court confirms the grant of resource consent to Parkins Bay Preserve Limited for the construction, provision and use of:

- an 18 hole championship golf course located either side of the Mt Aspiring Road;
- a series of lakeside buildings, including:
  - (a) a club house with restaurant and café;
  - (b) a jetty to facilitate public access to the building from the water;
  - (c) twelve visitor accommodation units, spread over three buildings;
- 42 residences/visitor accommodation units, to be located on the rolling terrace to the south of the golf course, each set on an area of land between 3,525 m<sup>2</sup> and 8,719 m<sup>2</sup>;
- ecological enhancement of approximately 65 hectares in accordance with a revegetation strategy including planting of locally appropriate native plants in the golf course and around the proposed houses;
- covenanted areas from which stock are precluded to allow natural revegetation to occur;
- enhanced public access to the site including provision of formed access from
  the Mt Aspiring Road to the Parkins Bay foreshore, formed access from
  Glendhu Bay to Parkins Bay and further along Parkins Bay, northwest of the
  Clubhouse to form a link to the second underpass under Mt Aspiring Road;
  and
- further public access in the form of a track along the Fern Burn to the
  existing Motatapu Track, provision for mountain bike access to the
  Motatapu Track, a track to the high point on Glendhu hill, and a track from
  Rocky Mountain to the existing Matukituki River track
- upon the terms and conditions set out in Appendix B to this decision and in accordance with the plans and maps set out in Appendix C.

#### <u>REASONS</u>

- [1] By decision<sup>1</sup> dated 1 March 2012 the Environment Court granted consent<sup>2</sup> to Parkins Bay Preserve Limited to construct, plant, create and use:
  - an 18 hole championship golf course located either side of the Mt Aspiring Road:
  - a series of lakeside buildings, including:
    - (a) a club house with restaurant and café;

Decision [2012] NZEnvC 43, Order C.



Decision [2012] NZEnvC 43.

- (b) a jetty to facilitate public access to the building from the water;
- (c) twelve visitor accommodation units, spread over three buildings;
- 42 residences/visitor accommodation units, to be located on the rolling terrace to the south of the golf course, each set on an area of land between 3,525 m<sup>2</sup> and 8,719 m<sup>2</sup>;
- conditionally upon certain matters being attended to.
- [2] Attached marked "A" is an appendix setting out counsel's analysis (in a memorandum dated 13 April 2012) of:
  - (1) changes requested by the court; and
  - (2) the consequential amendments made to the conditions of consent and/or plans.

The applicant has now volunteered all the matters suggested by the court.

[3] I have been through the analysis in the attachment and examined the plans and conditions. The amendments look appropriate to deal with the court's concerns and therefore final orders can now be made.

J K Jackson (

**Environment Judge** 

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Appendix A

Table of changes requested in the Environment Court Decision, dated 1 March 2012

Paragraph reference	Amendment Requested by the Court	Amendment made to the Conditions of Consent and/or Plans
32	That the additional condition proposed (outlined in paragraph 5.5 of Mr JG Darby's second supplementary statement of evidence at paragraph 5.5) be deleted as it is not necessary.	Condition 41(w) on the conditions attached at Appendix 2 has been deleted.
34	That the condition for Covenant Area E be amended to ensure that further subdivision (after exclusion of the delta block) would not result in residential accommodation on the delta.	Condition 41(a)(v)(ff) regarding the construction of an additional residential unit ancillary to the existing house has been deleted.
36	That the condition regarding the limitations of use of a marquee within Covenant Area E be amended enable a marquee to be erected the day before an event and taken down the day after an event (subject to future resource consent approval).	Condition 41(a)(v)(dd) has been amended to reflect the changes recommended by the Court.
41-42	That Plan B be amended to:  Provide additional fencing of the ephemeral stream paths above and in the vicinity of Wetlands B and C;	The area of the stream from Wetland A where it flows under the existing fence line has been included with Area 2 and Wetlands B and C in one enlarged Area 2 as shown on Plan B attached at Appendix 3.
41-42 SEAL ON 14	<ul> <li>Fencing off of the stock route from the streams which follow the runnel (above and below the crossing points);</li> </ul>	Additional fencing has been included on Plan B to ensure that the stream which follows the runnel is fenced both above and below the proposed stock crossing points.

Paragraph reference	Amendment Requested by the Court	Amendment made to the Conditions of Consent and/or Plans
41, 42 and 47	Location of the site boundary and stock route on the eastern side of wetland C;	A boundary adjustment has been undertaken on Plan B to include the ephemeral stream on the western side of Wetland C within the site boundary to ensure it is not within the proposed stock route.
41-42	Removal of any unnecessary fencing on Plan B.	Plan B has been amended to remove any necessary fencing. This is further indicated by the words "Existing Fences to be retained" in the Key to Plan B and Bl.
44	Amendment to the wording of Covenant Area G to enable 'regeneration of native forest or other vegetation'.	Condition 41(a)(viii) has been amended to include the changes requested.
46 - 48	A more detailed plan showing the proposed stock route, boundaries of the development site and fencing in the vicinity of Wetland C.	An additional plan (Plan BI) has been prepared which shows an enlarged view of Wetland C, including the location of the wetland, the stock route and the development site. The plan shows the separation between Wetland C, the stock route and the site boundary.
		The plan also includes the proposed culverts within the stock route.
46	Identification of the location of the public access track through Covenant Area D to generally follow the stock route.	The location of this track has been identified in the key on the Parkins Bay Golf Course Master Plan.
47 SEAL OO	That a slight boundary adjustment is made to the plans southwest of Wetland C so that Covenant Area D includes the fall line of the ephemeral stream rather than crossing and recrossing the stream.	The site boundary has been amended on the Parkins Bay Golf Course Master Plan and Plan B. The location of the ephemeral stream in relation to the site boundary is also indicated on Plan Bl.

Paragraph reference	Amendment Requested by the Court	Amendment made to the Conditions of Consent and/or Plans
50	Additional condition requiring that the crossing be fenced off immediately above and below the culvert to keep the integrity of the marginal strips. Such fencing could be temporary or permanent.	Condition 41(y) has been amended to incorporate these recommendations.
	A new stock crossing of the Fern Burn is to be established upstream in Wetland E.	Condition 41(y) provides for two crossing points adjacent to Wetland E to enable this additional crossing point.
51	That Wetland E should be fenced at the top of the demarcating bank on the eastern side.	Condition 41(y) has been amended to incorporate these recommendations.
56	Amendments to the track conditions to include reference to the "QLDC".	Schedule A of the conditions has been amended to incorporate reference to the "Council".
58 - 59	Amendments to the condition for the Motatapu Road track, so that the track follows the first 400m of road where it goes through a low cutting to reach the terraces above the Mt Aspiring Rd. The track could be located on either the McRae land (or the road margin if that can be accomplished) for the first 400m to clearly show users of Te Araroa footpath where they are to go when they turn away from the lake.  The Court also considered that neither the fencing nor the track should go beyond the existing road boundary fence where that is directly above Wetland E.	Condition 41(d) has been amended to incorporate the changes requested.
	above vyetlang E.	
EAL UP IN	Amendments to the fencing around Wetland E.	Condition 41(y) has been amended to incorporate the suggested changes.
61	Amendments to the condition for the Motatapu River Track.	The additional wording suggested by the Court has been included within condition 41(f).

Paragraph reference	Amendment Requested by the Court	Amendment made to the Conditions of Consent and/or Plans
62	Reinstatement of the track along the marginal strip to the northwest of the clubhouse.	The track has been reinstated on the Concept Master Landuse Plan and the Proposed Clubhouse Plan Figure 10a. It is also included in the Public Access Tracks Plan.



# Appendix B – Conditions of Consent (clean version)



ACR-606598-19-1172-V2:acr

## Parkins Bay Conditions of Consent [April 2012]

#### **General Conditions**

- 1. That the activity be undertaken in accordance with the application and subsequent amendments (except to the extent that they are inconsistent with the following conditions) as shown on the plans referenced:
  - Glendhu Station Stage 0: Master Plan, revision EC, dated Sep 2009;
  - Glendhu Station Stage 1: Master Plan, revision S1 EC, dated Sep 2009;
  - Glendhu Station Stage 2: Master Plan, revision S2, EC, dated Sep 2009;
  - Glendhu Station Stage 3: Master Plan, revision S3, EC, dated Sep 2009;
  - Glendhu Station Parkins Bay Golf Course Master Plan, revision EC, dated April 2012;
  - Parkins Bay Indicative Vegetation Categories Plan dated Sep 2009;
  - Parkins Bay Glendhu Station Concept Master Landuse Plan, dated 12 April 2012;
  - Parkins Bay Glendhu Station Public Access Tracks Plan, dated 12 April 2012;
  - Parkins Bay Glendhu Station Covenant Areas Plan, dated June 2011;
  - Parkins Bay Detail A Proposed Public Easement and Covenant area, dated Sep 2009
  - Parkins Bay Detail B Proposed Covenant Areas, dated June 2011;
  - Parkins Bay Detail 1 Proposed Club House area Figure 10a, dated 12 April 2012;
  - Parkins Bay Detail 2 Maintenance Compound Site Plan, September 2009;
  - Parkins Bay Visitor Accommodation Residences Site Location Plan;
  - Parkins Bay Visitor Accommodation Residences Building Mitigation Plan;
  - Parkins Bay Proposed Golf Course Earthworks Plan, dated August 2009:
  - Parkins Bay Entry Gate elevation, dated September 2009;
  - Parkins Bay Plan B, dated 12 April 2012;
  - Parkins Bay Plan BI, dated 12 April 2012;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan; House Site 1, dated Sep 2009:
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 3 and 4, date; Sep 2009;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 5, dated Sep 2011;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 6, dated Sep 2009:
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 8, dated Sep 2009;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 9, dated Sep 2009;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 10, dated Sep 2009;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 11, dated Sep 2009;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 13, dated Sep 2009;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 16 & 17, dated Sep 2011;
  - Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 18, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 19, dated HE SEAL OF Sep 2009;

Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 20, dated Sep 2009;

Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 21 & 22, deted Sep 2009;

- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 24, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 26, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 27, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 29 & 30, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 31 & 32, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 33 & 34, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 35 & 36, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 37, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 38 & 39, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 40, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 41 & 42, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 43 & 44, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 45, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 46 & 47, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 48, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 49, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 50, dated Sep 2009;
- a. The Clubhouse is to be moved back 3 metres from the position identified in the plan referenced Parkins Bay Detail 1 Proposed Club House area Figure 10a, dated 12 April 2012, and any necessary amendments required to be made to the layout accordingly;
- b. The south-western boundary of Development Site is to be located as shown on the Parkins Bay Glendhu Station Concept Master Landuse Plan, dated 12 April 2012;
- The public access track through the visitor accommodation residential units area (Area B) shall be in the location outlined on the plan referenced Parkins Bay Glendhu Station Concept Landuse Master Plan, dated 12 April 2012.
- The consent holder shall pay to the Council an initial fee of \$240 for the costs associated with the initial monitoring of this resource consent in accordance with section 35 of the Resource Management Act 1991 and any ongoing costs associated with the monitoring of this decision.
- 3. Upon completion of the proposed activity, the consent holder shall contact the Monitoring Section at Council to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with

metraine and Staging

he lapsing date of this consent under section 125 of the Resource Management Act 1991 shall etc. years from the commencement of the consent 5. The programme for implementation of the consent, including landscaping, shall be staged generally in accordance with the timing outlined below, subject to compliance with Condition 8 below, relating to certification of planting for visitor accommodation residences. Each stage shall be completed to the satisfaction of Council, within the specified timeframe and before the next stage commences.

### The proposed staging is as follows:

- Stage 1 within approximately 24 months of the works commencing on site.
  - Eco source seed stock and grow-on in nursery
  - 18 hole golf course/driving range and maintenance compound
  - Clubhouse
  - Shearer's quarters
  - 10 x Visitor Accommodation Residences (Units 24, 29, 31, 32, 34, 35, 36, 42, 43 &
  - Access road, car park and golf underpasses
  - **Jetty**
  - Roading earthworks
  - Earthworks for the building platforms of the 42 visitor accommodation residences
  - Re grass/sow-out exposed golf villa earthworks
  - Sow out entire golf course. This is to be done progressively as holes are completed and irrigation is available.
  - 2ha mitigation revegetation planting as detailed in the Revegetation Strategy prepared in accordance with Condition 6
  - Creation of the public access tracks and appropriate access easements.
  - Install new farm fencing as required
  - The removal of the row of Douglas Fir Trees to the southeast of the development site
  - Removal of conifers as required by Condition 41(r).
  - The golf course shall be constructed prior to the occupation of the visitor
  - accommodation residences specified in Stage 1

#### Stage 2 - within 24 months of the completion of Stage 1 iì.

- 6ha of mitigation revegetation as detailed in the Revegetation Strategy prepared in accordance with Condition 6
- 20 x Visitor Accommodation Residences (Units 1, 3, 4, 5, 8, 9, 10, 11, 13, 16, 18, 19, 20, 30, 33, 38, 47, 48, 49 & 50)

#### Stage 3 – within 24 months of the completion of Stage 2

- Remaining revegetation as detailed in the Revegetation Strategy prepared in accordance with Condition 6
- 12 x Visitor Accommodation Residences (Units 6, 17, 21, 22, 26, 27, 37, 39, 40, 41,
- Fencing off the Stock Route shown on Parkins Bay Plan B dated 12 April 2012 to prevent stock accessing the regeneration areas in Covenant Area D identified on the Parkins Bay Glendhu Station Covenant Areas Plan dated June 2011.
- Fencing of the areas required by Conditions 41(w) and 41(y).

#### **Planting Plan**

The consent holder shall prepare and implement a Revegetation Strategy that achieves the wing objectives:

> To provide a vegetation cover framework of Kanuka and other appropriate native species in the short term, which can be become the basis for biodiversity enhancement as the project develops,

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- To provide screening for residential buildings for viewers from the road in accordance with the attached plans and the Revegetation Strategy,
- To reflect the underlying of landform and soils in the native vegetation cover of the site.
- To achieve eventual revegetation of the Gully shown on Parkins Bay Plan B dated 12
   April 2012 with a mix of locally sourced native species including Totara.
- To achieve eventual revegetation of the Moraine Slope shown on Parkins Bay Plan B dated 12 April 2012.
- To ensure that the "rough" areas of the golfcourse, being the vegetated areas not required to be moved or otherwise maintained, regenerate naturally (excluding noxious weeds).
- To link with other revegetated areas outside the site;

The Revegetation Strategy shall identify those steps that need to be undertaken in each of the three areas shown on the attached plans referenced Glendhu Station Stage 1: Master Plan, Glendhu Station Stage 2: Master Plan, Glendhu Station Stage 3: Master Plan, dated September 2009 to give effect to the Strategy.

The Revegetation Strategy shall include:

- timing of planting and replacement/additional planting over 5 years;
- details of the management proposed from the time of granting consent up to 10 years after initial planting - site preparation, weed control, pest control, any watering or fertilisers, stock control and maintenance;
- details of plant sources;
- protection measures for existing values wetlands, lake shore, lake water quality;
- integration of planting with other components of the development earthworks, construction;
- fencing of the regeneration area for stock to pass through parts of the site;
- the replacement of the existing poplar trees next to the clubhouse and shearer's accommodation if they become diseased or die. Root stock shall be sourced from the existing healthy Lombardy poplars which are to be taken and grown on for this purpose

Prior to the commencement of the construction the consent holder shall provide the Revegetation Strategy for certification by Council.

7. Prior to the commencement of any construction of the visitor accommodation/residential units the consent holder shall provide for the certification of the Council details of all earth mounds, if any, and their respective volumes, location and elevations required to provide screening for the visitor accommodation/residential units which shall be tied into existing landforms and organically shaped to be congruent with their respective surroundings.

Prior to the construction of visitor accommodation / residential units for:

Stage 1 and 2 (as specified in Condition 5), certification shall be obtained from the Council that the planting conforms to the certified Revegetation Strategy for those stages and that more than 75% of the plants are live and healthy at a period of 12

months from the date of establishment. All diseased or dying plants shall be replaced to the satisfaction of the Council.

- b. Stage 3 (as specified in Condition 5), certification shall be obtained from the Council that the planting conforms to the certified Revegetation Strategy for that stage and that more than 75% of the plants are live and healthy and at an average height of 3 metres. All diseased or dying plants shall be replaced to the satisfaction of the Council.
- 9. Planting for all visitor accommodation residences implemented in accordance with the Revegetation Strategy shall be irrigated for a period of five years from establishment to ensure optimal growth rates. To avoid fire risk all planting shall be located at an appropriate distance from any residential villa.
- 10. All planting implemented in accordance with the Revegetation Strategy is to be:
  - Maintained for a period of ten years from the first season of planting to the satisfaction of Council.
  - b. All diseased or dying plants shall be replaced to the satisfaction of Council.
  - c. An annual report on the maintenance and health of planting is to be provided to the Council for a period of ten years from the first season of planting.

The Council may serve notice of its intention to review, amend or add to the Revegetation Strategy to require additional planting, as may be required in order to achieve the Objectives outlined in Condition 6. Revegetation is to be protected by a covenant registered on the land title that will protect the planting in perpetuity.

#### Lighting

- 11. All exterior lighting shall be fixed and no higher than 1 metre above finished ground level, capped, filtered or pointed downwards and screened so as to reduce lux spill. There shall be no lighting of the vehicle access ways within the site. The lighting shall be limited to:
  - a. Lighting at the entry point to the golf course.
  - b. Sensor lights in the arrival forecourts for each of the visitor accommodation residences to allow for safe navigation from the garage. These will be limited to downlights on either side of the garage and entry doors and will be located on the south side of the buildings.
  - c. Bollard and subtle up-lighting around the Clubhouse and the Shearers' Quarters.
  - d. Solar LED lights on the path between the Clubhouse and the Shearers' Quarters.
  - e. A navigation light at the end of the jetty.
  - f. Road lighting limited to low wattage, solar LED catseye lights placed at intersections in the middle of the road. These are to provide a visual cue to denote the intersection.

### **Ongoing Management Obligations**

12. No person is permitted to remove or physically alter the approved earth mounds and ESEAL dandscaping.

- 13. No person shall be permitted to plant exotic trees other than those tree species (or similar, subject to approval by Council) specified within the Planting Plan approved pursuant to Condition 6).
- 14. The consent holder shall provide for the on-going management of wilding plants and animal pests over the Development Site as outlined in the Revegetation Strategy approved pursuant to Condition 6.

### Engineering

- 15. All engineering works shall be carried out in accordance with the Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
- 16. The owner of the land being developed shall provide a letter to the 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 1.4 and 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
- 17. Prior to the commencement of any building construction the consent holder shall provide to the Council a geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, which certifies that all building platforms are capable of supporting the proposed buildings, are suitable for the activity and are free from inundation, subsidence, erosion and slippage and otherwise suitable for the proposed use.
- 18. Prior to the commencement of any work on the land being developed the consent holder shall provide to the Council for review copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (15), to detail the following engineering works required:
  - a. The construction of all roads within the development to be in accordance with the guidelines provided for in Table 3.2(a) of the NZS4404:2004 amendments as adopted by the Council in October 2005. Internal roads serving the Shearers Quarters, Golf Course and Clubhouse shall be constructed to the standards of a Local road as a minimum standard. All internal roads may remain in private ownership and shall be maintained by the consent holder. Passing bays are to be provided on one way carriageways as required but at maximum intervals of 100 metres.
  - b. The construction of the intersections of the new roads to serve the development with the Wanaka–Mt Aspiring Road to be in accordance with Council's standards and in accordance with the information supplied with the application with respect to sight distances. The sight distance from the main golf course entrance to the west is to be improved by removing obstructing trees and shrubs on the bend in Wanaka–Mt Aspiring Road. This visibility splay is to be maintained by the consent holder on a continuing basis. The intersections for both the main golf course roads and the residential chalets road shall be formed in accordance with Diagram 4 of the PODP and also in accordance with the Council's Rural Roading Corridors Corridor Management Guideline (particularly Section 4.10 Slip Lanes).
    - The construction of all vehicle manoeuvring areas and car parks specified in the application to serve the development are to be constructed in accordance with the attached Plan referenced "Parkins Bay Detail 1 Proposed Clubhouse Area, Figure 10a, dated 12 April 2012. This plan shows 12 covered parking spaces adjacent to the clubhouse, a 40 space gravel car parking area adjacent to the clubhouse, a ten space gravel car park area adjacent to the bus turning bay/parking area and 16 spaces to be provided on all weather surfacing along the access road under the trees; one gravel bus



turning bay/parking area and an overflow parking area for at least 150 vehicles that is not required to be formed

- d. All walking and cycling tracks marked by blue dotted lines on the attached plan referenced Parkins Bay Glendhu Station Concept Master Landuse Plan dated 12 April 2012 shall be constructed and maintained in accordance with the Walking Track Standard as defined in the Standard New Zealand Handbook for Tracks and Outdoor Visitor Structures (SNZ HB 8630; 2004), except as specified in Condition 41.
- e. The construction of the underpasses under Wanaka–Mt Aspiring Road are to be designed by a suitably qualified and experienced engineer. These underpasses are to be approved by the Council and all necessary permits and licenses are to be applied for and granted prior to undertaking any development on site. If the necessary Council approvals are not granted then the consent holder shall submit a revised traffic assessment for approval that addresses any issues with the golf course and other internal traffic crossing Wanaka–Mt Aspiring Road.
- f. The consent holder shall obtain approval from the Council and all necessary permits and licences are to be applied for and obtained prior to commencing construction of the jetty including the pontoon.
- g. The provision of a water supply to each residence and all other components of the development in terms of Council's standards. Each residence shall be supplied with a minimum of 2100 litres per day of potable water that complies with the requirements of the Drinking Water Standard for New Zealand 2005. All other components of the development are to be supplied with the quantity of potable water that complies with the requirements of the Drinking Water Standard for New Zealand 2005 specified in the application.
- h. The provision of fire hydrants with adequate pressure and flow to service each residence with a Class W3 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.
- i. The provision of fire hydrants with adequate pressure and flow to service each component of the development with the appropriate Class of fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.
- j. The provision of sealed vehicle crossing to each residence site from internal roads to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the Partially Operative District Plan. This shall be trafficable in all weathers and be capable of withstanding a laden weight of up to 25 tonnes with an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
- k. The provision of a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and subject to the review of Council prior to implementation.

The provision of an access way to each residence that complies with the guidelines provided for in Table 3.2(a) of the NZS4404:2004 amendments as adopted by the Council in October 2005.

The provisions of an effluent disposal system designed by a suitably qualified professional as defined in section 1.4 of NZS4404:2004in terms of AS/NZS 1547:2000 that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to

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discharge to land. To maintain high effluent quality such a system would require the following:

- Specific design by a suitably qualified professional engineer.
- A requirement that each component of the development must include systems that achieve the levels of treatment determined by the specific design.
- Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
- Intermittent effluent quality checks to ensure compliance with the system designer's specification.
- Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.
- The system is to be designed and constructed in accordance with the information supplied in the application in particular the report prepared by Glasson Potts Fowler (ref 9198GLE-1A dated July 2006)
- n. The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005 for the presence of E.coli, by the management group for the development, and the results forwarded to the Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the lots shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
- o. In the event that the number of persons to be accommodated in any residence is to be greater than three, then the Council will require commensurate increases in the water supply to that lot at the rate of 700 litres per extra person per day.
- p. All water tanks to be underground.
- 19. Prior to the occupation of any visitor accommodation residential unit, or of the Clubhouse, or of the Shearers Quarters, or of the Maintenance Compound the consent holder shall complete the following for each stage (as specified in condition 5):
  - a. The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with the appropriate part of this development.
  - b. The completion of all relevant works detailed in condition 18 above.
  - c. The consent holder shall provide a suitable and usable power supply and telecommunications connection to the residences and all other components of the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
- 20. Prior to commencing work on the site the consent holder shall obtain all necessary consents relevant to that work from the Otago Regional Council. This shall include, but is not restricted to, settle or the construction of a jetty in Lake Wanaka.

or to commencing any work on the site the consent holder shall install a vehicle crossing, in all construction traffic shall use to enter and exit the site. The minimum standard for this estimated shall be a minimum compacted depth of 150mm AP40 metal. This crossing shall be

- upgraded in accordance with Council's standards, or removed, at the time development is undertaken on the site.
- 22. Prior to commencing works, the consent holder shall submit to Council for review a site management plan for the works.
- 23. All retaining systems, permanent or temporary, shall be designed by a suitably qualified and experienced engineer. The designs shall be submitted to the Council for approval prior to installation.
- 24. The consent holder shall provide Council with the name of a suitably qualified professional as defined in section 1.4 of NZS4404:2004 who is to supervise the excavation procedure. This engineer shall continually assess the condition of the excavation and implement any design changes / additions if and when necessary.
- 25. All temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.

#### Landscape

- 26. Final colours for the maintenance building, visitor accommodation/residential units and jetty shall be submitted to Council for approval prior to development commencing on the site. In this instance, the final colour scheme for these buildings and structures shall appear appropriately recessive throughout all seasons of the year and within the natural colour ranges of browns, greens and greys as indicated throughout the surrounding landscape.
- 27. Prior to development commencing on the site, elevations of all buildings within the maintenance compound shall be submitted to Council for approval. The external appearance of these buildings shall be consistent with the rural context within which they are located.
- 28. A site plan shall be submitted to Council for approval prior to development commencing, which indicates the location and form of all batter slopes and areas of fill. The consent holder should aim to achieve batter slopes and areas of fill which have a maximum gradient of 1:3 (rise:run), with natural undulations across vertical and horizontal planes, as well as smooth transitions in changes in slope, to ensure that these are integrated as much as possible into the existing landform character.
- 29. In regards to golf course holes 1, 2, 5, 8 and 9; prior to development commencing on the site, further details of the proposed earthworks and finishing of the proposed golf course holes shall be submitted to Council for approval in relation to achieving a naturalised contour.
- 30. At the completion of earthworks for each stage (as specified in Condition 5), grassing shall occur within six weeks, to ensure that exposed areas of soil do not direct additional attention to the earthworks.
- 31. Any fencing within the development site shall be restricted to post and wire fencing to a maximum height of 1.2m only, with the exception of the fencing of the regeneration area for stock to pass through as identified within the Revegetation Strategy prepared in accordance with Condition 6.

#### **Earthworks**

32. Prior to commencing earthworks on the site the consent holder shall submit to the Council a detailed site plan of all of the earthworks proposed including depth of cut and fill and the seathwork state of the land. The accurate earthwork volumes need to be firmly calculated. Earthwork calculations and finished levels of all earthworks are to be supplied to

- 33. The consent holder shall undertake measures to prevent sediment run off from the site and to prevent a dust nuisance resulting from the works on the site. These measures shall be installed prior to commencing earthworks on the site.
- 34. A suitably qualified engineer shall assess site conditions and determine safe working conditions with regards to batters and any retention that may be required.
- 35. 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 their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 36. At the completion of the earthworks for each stage (as specified in Condition 5) a suitably qualified Registered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431 for all areas of fill within the site on which buildings are to be founded.
- 37. The earthworks shall be undertaken in a timely manner. Any excavation shall not remain open long enough to enable any instability (caused by over exposure to the elements) to occur.
- 38. No earthworks, temporary or permanent, are to breach the boundaries of the site
- 39. At the completion of the earthworks, all earthworked areas shall be topsoiled and grassed or otherwise permanently stabilized as soon as practicable, subject to Condition 29.
- 40. Upon completion of the earthworks, the consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

#### Covenants

41. Prior to the construction of any buildings on the site the consent holder shall register a covenant, in accordance with section 108(2)(d) of the RMA, in favour of the Council.

For the purpose of Condition 41(a) Stage 3 shall be deemed to be "implemented" when a final code of compliance certificate under the Building Act 2004 has issued for the 12 visitor accommodation residences referred to in Condition 5(iii).

The covenant shall provide for the following:

#### **Development Restrictions**

- a. In respect of the areas identified on the attached plans referenced "Parkins Bay Glendhu Station Covenant Areas Plan" dated June 2011 and "Parkins Bay Detail B Proposed Covenant Areas" dated June 2011:
  - i. The area marked A Bull Paddock shall be covenanted as follows:
    - aa. For a period that commences on the date of the grant of consent until the date that is ten years from the implementation of Stage 3 there shall be no further development except that this restriction does not prohibit subdivision;
    - bb. Regardless of titling structure and/or ownership, the clubhouse shall at all times be available to cater to, and for use by, users of the golf course as a place for rest, shelter, refreshment and possibly entertainment. If at any time in the future the land containing the proposed or existing clubhouse is subdivided from the land containing the proposed or



- existing golf course, a consent notice shall be registered against both resulting titles recording this ongoing consent obligation.
- cc. All activities which are carried out within, and any future allotments which are created from, A Bull Paddock area shall share one access off Mt Aspiring Road.
- ii. The area marked B Development Area shall be covenanted in perpetuity from the date of the grant of consent against further development but not prohibiting subdivision of the golf course and the 42 house-sites, and the subdivision and development of eight visitor accommodation/residential units.

Advice Note: For the avoidance of doubt this consent only authorises 42 visitor accommodation/residential units. Any future application for up to eight additional visitor accommodation/residential units within Area B will require a variation to this consent or a new consent and a rigorous assessment of the measures proposed to sufficiently mitigate any potential adverse visibility/domestication effects.

- iii. The area marked C1 Farm Area shall be covenanted, for a period that commences on the date of the grant of consent until the date that is ten years from the implementation of Stage 3, against further development not associated with usual farming activities;
- iv. The area marked C2 shall be covenanted, for a period that commences on the date of the grant of consent until the date that is 20 years from the implementation of Stage 3, against further development not associated with usual farming activities, but not prohibiting:
  - aa. activities for camping purposes;
  - bb. subdivision to separate the area marked C2 from the rest of the land currently contained in Certificate of Title 478353;
  - cc. a subdivision which will create a separate certificate of title for the area marked X within C2; and
  - dd. any boundary adjustment which does not create additional titles;
- v. Subject to subclause vi below, the area marked E shall be covenanted in perpetuity from the date of the grant of consent against further development, but not prohibiting:
  - aa. Subdivision to separate the area marked E from the rest of the land currently contained in Certificate of Title 478353 and any boundary adjustment which does not create additional titles;
  - bb. Any alterations, repairs or extensions to the existing dwelling located on the land:
  - cc. The construction of a shed for the purpose of storing farming and landscaping equipment;
  - dd. The erection of any temporary buildings such as marquees and other shelters used for the purpose of conducting weddings and reception functions, for not more than 12 calendar days per year, and a maximum of 6 occasions.:
  - ee. The construction of a chapel;



- vi. The restriction detailed in v. above relating to temporary buildings for weddings and reception functions shall take effect on and from the date the clubhouse is constructed and operational.
- vii. The area marked F shall be covenanted for a period that commences on the date of the grant of consent until the date that is 35 years from the implementation of Stage 3, against any further development, but not prohibiting:
  - aa subdivision to separate the area marked F from the rest of the land currently contained in Certificate of Title 478353;
  - bb subdivision for farming purposes;
  - cc any boundary adjustment which does not create additional titles;
  - dd the relocation, repair and replacement of the existing homestead and ancillary buildings;
  - ee the construction, repair and relocation of any improvements or buildings which relate to the farming activities carried out on the land;
  - ff the construction of two further residential dwellings on the land and any subsequent repairs and alterations to those residential dwellings;
  - viii The area marked G shall be covenanted in perpetuity from the date of the grant of consent against any development not associated with farming activities or regeneration of native forest or other vegetation, but not prohibiting any boundary adjustment which does not create additional titles.

#### Public Access Easements

- b. The consent holder will enable public access by way of a registered easement in gross over the area identified in red, as number 12, on the attached plan referenced "Parkins Bay Detail A Proposed Public Easement", dated September 2009, in favour of the Council to enable public access to this area in perpetuity.
- c. The consent holder will enable public access by way of a registered easement in favour of the Council along a route between Rocky Hill (CA1) and the Matukituki River in the location approximately shown as a blue dotted line on the attached plan referenced "Parkins Bay Glendhu Station Concept Master Landuse Plan" dated 12 April 2012, subject to the following conditions:
  - The access route shall be restricted to a route connecting Rocky Hill (CA1) and the Matukituki River that will be marked by bollards and/or poles and signs erected by the consent holder.
  - Public access shall be restricted to walking access only.
  - The conditions detailed in Schedule A.

Advice note: The Council shall be responsible for the maintenance of the access route.

- d. The consent holder will enable public access by way of a registered easement in favour of the Council along a route along the Motatapu Road between the Mt Aspiring Road and the Motatapu Track, in the location approximately shown as a blue dotted line on the attached plan referenced "Parkins Bay Glendhu Station Concept Master Landuse Plan" dated 12 April 2012, subject to the following conditions:
  - The access route shall be restricted to a specific route (which shall be for the first 400m of the road where it goes through a low cutting to reach the terraces above Mt Aspiring Road). And shall be a formed and marked walking/cycling track either on the farm land or the road margin (if that can be achieved), to clearly show users of Te Araroa footpath where they are to go when they turn off from the lake.
  - Public access shall be restricted to walking access only.



The conditions detailed in Schedule A.

Advice note: The Council shall be responsible for the maintenance of the access route.

- e. The consent holder will enable public access by way of a registered easement in favour of the Council along a route from the development site to Glendhu Hill, in the location approximately shown as a blue dotted line on the attached "Parkins Bay Glendhu Station Concept Master Landuse Plan" dated 12 April 2012, subject to the following conditions:
  - The access route shall be restricted to a specific route that will be marked by bollards and/or poles and signs erected by the consent holder.
  - Public access shall be restricted to walking access only.
  - The conditions detailed in Schedule A.

Advice note: The Council shall be responsible for the maintenance of the access route.

- f. The consent holder will enable public access by way of a registered easement in favour of the Council along a route between easement areas V and W on SO 347712 along the Motatapu River, in the location approximately shown as a blue dotted line on the attached plan referenced "Parkins Bay Glendhu Station Concept Master Landuse Plan" dated 12 April 2012, subject to the following conditions
  - The access route shall be restricted to a specific route that will be marked by bollards and/or poles and signs erected by the consent holder. This route will use both the marginal strip and enable access by way of easement over parts of the adjacent land where access along the marginal strip is not available due to erosion of the river bank;
  - Public access shall be restricted to walking and mountain biking access only.
  - In the event that the river erodes both the marginal strip and the land over which
    the easement runs, the landowner will, when requested, provide an alternative
    easement (to be surveyed and registered, formed, and maintained by the council
    at its request).
  - The conditions detailed in Schedule A.

Advice note: The Council shall be responsible for the maintenance of the access route.

- g. The consent holder will enable public access by way of a registered easement in favour of the Council along a route from the development site to the Motatapu Road and continuing southeast to the boundary with Alpha Burn Station, in the location approximately shown as a blue dotted line on the attached plan referenced "Parkins Bay Glendhu Station Concept Master Landuse Plan" dated 12 April 2012, subject to the following conditions:
  - The access route shall be restricted to a specific route that will be formed and marked by signs erected by the consent holder.
  - Public access shall be restricted to walking and mountain biking access only.
  - The conditions detailed in Schedule A.

h.

Advice note: The Council shall be responsible for the maintenance of the access route.

The consent holder will enable public access by way of a registered easement in favour of the Council along a route between Rocky Hill (CA1) and the Motatapu River in the location approximately shown as a blue dotted line on the attached plan referenced "Parkins Bay Glendhu Station Concept Master Landuse Plan" dated 12 April 2012, subject to the following conditions:

- The access route shall be restricted to a route connecting Rocky Hill (CA1) and the Motatapu River that will be marked by bollards and/or poles and signs erected by the consent holder.
- Public access shall be restricted to walking access only.
- The conditions detailed in Schedule A.

Advice note: The Council shall be responsible for the maintenance of the access route.

- i. The consent holder will procure variation of the terms of the easement El 6594177.5, so that mountain biking is permitted over the easement areas V, W and Section 19 on SO 347712, and will procure registration of an instrument providing for that variation on the relevant certificate of title.
- j. The consent holder will procure variation of the terms of the easement El 6594177.7, so that mountain biking is permitted over the easement areas X and U on SO 347712, and will procure registration of an instrument providing for that variation on the relevant certificate of title.
- k. Subject to Condition (I) below, the consent holder shall be entitled to close or restrict access to the tracks within the Development Site, as the consent holder considers necessary, for golf course operations (including tournaments), maintenance, repair, safety or security purposes.
- The consent holder shall be entitled to close or restrict access to the track along the Parkins Bay foreshore, where the track passes through the Development Site, as the consent holder considers necessary, for golf course operations (including tournaments), maintenance, safety or security purposes, for up to 25 individual days per year (but not exceeding 5 weekends).

#### Vegetation

- m. Preventing the removal and or physical alteration of the earth mounds and landscaping located around each visitor accommodation/residential unit approved in accordance with Conditions 6 and 7.
- n. The ongoing maintenance of planting implemented to give effect to the Revegetation Strategy approved in accordance with Condition 6.
- o. The establishment of exotic species within the areas identified as A, B and D on the attached plan referenced "Glendhu Station Covenant Areas Plan" dated June 2011 other than those species specified within the Revegetation Strategy approved in accordance with Condition 6 is prohibited.
- p. The ongoing management of wilding plants and animals pests by the consent holder in accordance with the Revegetation Strategy prepared in accordance with Condition 6.
- q. In order to achieve appropriate control of wilding trees and noxious weeds on an ongoing basis the following requirement shall apply within Covenant Area B identified on the attached plan referenced "Parkins Bay Glendhu Station Covenant Areas Plan" dated June 2011:



For the purposes of this condition "Plant Pests" means and includes any fir or conifer species with potential to spread naturally, sweet briar, lupins, gorse, broom, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago.

- ii. Prior to occupation of any dwelling the relevant house-site shall be cleared of all Plant Pests.
- iii. The owner of any house-site shall keep the house-site clear of any Plant Pests.
- iv. Any areas managed and maintained by a Parkins Bay Residents and Owners Association (or similar body) shall keep those areas clear of any Plant Pests.
- r. Prior to completion of Stage 1 of the development the consent holder shall remove all conifers (including any conifers or firs with wilding potential) from Covenant Areas A, B and D and from that part of Covenant Areas F and G located between Covenant Area B and the Fern Burn, all Covenant Areas as identified on the attached plan referenced "Parkins Bay Glendhu Station Covenant Areas Plan" dated June 2011.

#### Clubhouse

s. The installation or use of fires that emit smoke are prohibited except for any fire installed at the clubhouse.

#### Golf Course

t. That the 18 hole golf course will be available for green fee players to use at all times, other than when the golf course is being used for tournaments or functions held at the golf course. Affiliated members of the Wanaka Golf Course will be entitled to use the golf course at a discounted rate of no less than 20% off the green fee rate which is charged to the general public at any time.

#### Visitor Accommodation Residential Units

- u. In respect of the curtilage areas identified for the visitor accommodation/residential units within Area B on the plan referenced "Glendhu Station Covenant Areas Plan" dated June 2011:
  - The curtilage area for each visitor accommodation/residential unit shall be restricted to the curtilage areas defined on the attached plans referenced "Parkins Bay Visitor Accommodation Residences Detail Site Plan, House Sites 1, 3-4, 6, 8-11, 13, 18-22, 24, 26-27, 29-50 " dated September 2009 and "Parkins Bay Visitor Accommodation Residences Detail Site Plan, House Sites 5, 16 and 17" dated September 2011;
  - All domestication including hard landscaping and ancillary structures associated with the visitor accommodation/residential units shall be restricted to the designated curtilage area. No domestic elements shall be located outside the designated curtilage areas;
  - No introduced planting over 0.5m is permitted within the designated curtilage areas unless it is from the approved Kanuka/Grey shrubland plant list detailed in the Revegetation Strategy prepared in accordance with Condition 6;
  - No structures or fences over 0.75m in height are permitted within the designated curtilage areas (this allows for the extension of the existing stone retaining walls), except as required under the Fencing of Swimming Pools Act 1987;



- No introduced planting is permitted outside the designated curtilage areas unless it is from the approved Kanuka/Grey shrubland plant list detailed in the Revegetation Strategy prepared in accordance with Condition 6.
- v. The keeping of cats at the consented visitor accommodation/residential units is prohibited.

#### Stock and Water Quality

- w. Prior to completion of Stage 3 of the development the areas detailed below shall be fenced to prevent stock access into those areas. The fencing shall be maintained permanently to prevent stock accessing those areas. The areas are approximately detailed on Parkins Bay Plan B dated 12 April 2012 as follows:
  - i. The wetter area of Wetland A, comprising an area of approximately 150 metres by 20 metres, subject to monitoring and assessment under Condition 51.
  - ii. Wetland B and Wetland C and Areas 1 and 2.
  - iii. The Gully and the Moraine Slope.
- x. The consent holder shall ensure that any stock access to or across the watercourse running between Wetland A and Wetland C and any other watercourses shown on Parkins Bay Plan B dated 12 April 2012 has a firm rocky or pebbly substrate to prevent pugging and erosion caused by stock movements.
- Prior to completion of Stage 3 of the development the consent holder shall fence the y. eastern and western riparian boundaries of the Fern Burn (approximately 20m from each bank) to exclude cattle from the Fern Burn nparian corridor between the Motatapu Road culvert/bridge and Lake Wanaka. When implementing such fencing the consent holder may install gates to enable cattle to cross the Fern Burn riparian corridor at two crossing points, one identified as "Stock Route" on Parkins Bay Plan B dated 12 April 2012 and the other located south of Wetland E shown on Parkins Bay Plan B dated 12 April 2012. When cattle use either of those crossing points the consent holder shall ensure that the cattle move straight across from the private land on one side of the riparian corridor to the private land on the other side of the riparian corridor without lingering in the Fern Burn. Fencing installed under this condition shall be installed as close as is reasonably and practically possible to the boundary between the freehold title and the public marginal strip except that along the eastern boundary of Wetland E fencing shall be located at the top of the bank which separates the wetland from the farmland on the eastern side of Wetland E. The fencing shall ensure that no part of the wetland is separated from the marginal strip. Temporary fencing shall be erected when stock are using the crossing points to ensure that stock do not access the marginal strip on either side of the crossing point.
- z. Area 1, Area 2, the Gully and the Moraine Slope (all identified on Parkins Bay Plan B dated 12 April 2012) which must be fenced as required under w. above, shall be kept free of Plant Pests (as defined in q. above).

#### Review

42. In accordance with sections 128 and 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review; amend, delete or add to the conditions of this consent at the consent holders expense yearly for the first ten years after the commencement of consent and thereafter at two yearly intervals and at any other time when the consent holder shall be in default in a material particular in the implementation or compliance with the consent for the purposes of requiring the consent holder to:

- deal with any adverse effect on the environment which may arise from the exercise
  of this consent and which it is appropriate to deal with at a later stage, or which
  became evident after the date of commencement of the consent, or
- review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary require the consent holder to avoid, remedy or mitigate such effects by way of further or amended conditions.

#### **Poplar Trees**

- 43. Prior to the commencement of earthworks on site, further detailed arboricultural advice shall be sought on the potential effects of the earthworks on those trees most at risk from earthworks and construction. A substantial barrier fence is to be erected in accordance with the recommendation of the arboriculturalist to ensure protection of the trees and their associated root system.
- 44. Regular inspections and monitoring of tree health is to be undertaken every two years and a report provided to the Council. This work is to be undertaken by a qualified Arborist.
- 45. Where the two year inspection and reporting programme identifies evidence of tree decline, a more detailed inspection shall be arranged and the recommendations of the more detailed inspection reported to the Council.

#### **Golf Course Management**

- 46. Fertilisers are only to be applied to green and fairway areas in small and frequent applications at a level which ensures that the rate of application accurately meets plant demands and no more. Details of the application rates are to be supplied to the Council for review prior to the commissioning of the golf course.
- 47. An integrated pest management plan is to be prepared which demonstrates that the use of chemical pesticides is targeted in application only to those areas where treatment has been identified as being necessary.
- 48. Irrigation of the golf course is to be computerised to ensure that the rate of water application to the green and fairway is appropriate to maintain soil moisture at the correct level avoiding wastage of water, the saturation of soils, ponding, excess soil drainage and contaminant leaching.
- 49. Riparian vegetative buffer strips are to be maintained between the golf course and Lake Wanaka and the golf course and the edge of the Fern Burn watercourse. These buffer strips must be a minimum of 20m wide and not be subject to the application of any fertiliser, pesticide or irrigation

#### Monitoring

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- 50. Monitoring of water quality is to be undertaken every six months as detailed below from the date the golf course is commissioned. Details of the sampling methods and monitoring are to be provided to the Council for review prior to the commissioning of the golf course. The details of this monitoring regime including frequency of monitoring, what contaminants will be required to be assessed, and immediate responses required if contamination is found, needs to be established to the satisfaction of Council prior to the commissioning of the golf course. The following monitoring is required:
  - a. Monitoring of water quality within Parkins Bay close to the shoreline adjacent to the golf course.

b. Monitoring of stream water from streams upstream of the golf course/house-sites development areas, at the points where such streams cross from Glendhu Station into the golf course/house-sites development areas.

Note: The purpose of a. and b. above is to monitor the effect of golf course activities on water quality.

- 51. The areas of Wetland A detailed on Parkins Bay Plan B dated 12 April 2012 which are outside that part of Wetland A fenced under Condition 41(w) shall be monitored 5 years after the date the golf course is commissioned, within 2 weeks after the area has been grazed by stock, for the purpose of assessing any adverse effects caused by stock on the balance dry wetland areas on the margins of the fenced wetter area. If this monitoring reveals an inappropriate degree of adverse effect then the area of Wetland A required to be fenced under Condition 41(w) may be reviewed.
- 52. There shall be no netting erected associated with the driving range.

### **Accidental Discovery Protocol and Archaeology**

- 53. That if any koiwi (human skeletal remains), waahi taoka (resource of importance), waahi tapu (place or feature of special significance) or artefact material are discovered as part of the development process, then work shall stop to allow a site inspection by the appropriate runànga and their advisors, who would determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to their removal or preservation.
- 54. An archaeological authority shall be obtained from the New Zealand Historic Places Trust, should further site investigation confirm that the historic house site identified in the report of Mr Petchey is affected by construction activities.
- 55. The camp site identified in the report of Mr Petchey shall be protected during construction with fencing in a location approved by a registered archaeologist.

#### Limitations on curtilage areas

- 56. The curtilage area for each visitor accommodation/residential unit shall be limited to 1000m<sup>2</sup>, including the building platform but excluding the driveway, as identified on the attached plans referenced "Parkins Bay Visitor Accommodation Residences Detail Site Plans, House Sites 1, 3-4, 6, 8-11, 13, 18-22, 24, 26-27, 29-50 " dated September 2009 and "Parkins Bay Visitor Accommodation Residences Detail Site Plan, House Sites 5, 16 and 17" dated September 2011.
- 57. All domestication including hard landscaping and ancillary structures associated with the visitor accommodation/residential unit shall be restricted to the designated curtilage area.
- 58. No introduced planting over 0.5m is permitted within the designated curtilage areas unless it is from the approved Kanuka/Grey shrubland plant list detailed in the Revegetation Strategy approved in accordance with Condition 6.
- 59. No structures over 0.75m are permitted within the designated curtilage areas (this allows for the extension of the existing stone retaining walls) except as required under the Fencing of Swimming Pools Act 1987.

the oduced planting is permitted outside the designated curtilage areas unless it is from the proved Kanuka/Grey shrubland plant list detailed in the Revegetation Strategy approved in for lance with Condition 6.

#### **Fencing**

- 61. Fencing is to be retained and up-graded along the frontage of the Wanaka-Mt Aspiring Road ensuring that people are directed to use the underpasses.
- 62. No gates or monumental structures are permitted at or near entrances ways which would potentially distract motorists on the Wanaka–Mt Aspiring Road. The design of any entrance gate designs shall be submitted to Council for approval.
- 63. There shall be no fencing of the individual visitor accommodation residential units;

#### **Car Parks**

64. All car parks on-site (excluding carparks for private residences) shall be publicly available and shall not be restricted for specified activities or purposes.

### Signs

- 65. Signage design for the purpose of readily identifying the clubhouse and shearers quarters, the location of car parking, public walkways, cycleways, public picnic area and jetty and the lake foreshore shall be submitted to Council for prior consent. Specific signage on the lakeside walkway and the jetty shall indicate that these areas are available for public use.
- 66. The existing public access along the edge of the lake, parallel to the length of the development site, shall be identified by signage to the satisfaction of the Council.

#### Sundry

- 67. There shall be no permanent mooring at the jetty. The owner shall have priority for one berth.
- 68. All covenants as offered by the consent holder shall be in form approved by the Council. Any easements referred to in Condition 41 which have been registered prior to the registration of Covenant(s) under Condition 41 need not be referred to in such Covenant(s).
- 69. This proposal may generate a demand for network infrastructure and reserves and community facilities. If so, an invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to application under the Resource Management Act for certification pursuant to section 224(c). Pursuant to section 208 of the Local Government Act 2002 the Council may withhold a certificate under section 224(c) of the Resource Management Act 1991 if the required Development Contribution has not been paid.
- 70. Any easement proposed to be granted in favour of the Council under Condition 41 may instead be granted in favour of another public body or entity nominated by the Council provided such body or entity agrees to accept the benefit of the easement and acknowledges responsibility for maintenance of the relevant access route or other area subject to the easement for the purposes of the easement.



### **SCHEDULE A (Refer Condition 41)**

[Standard Conditions Applicable to Public Access Routes]

- The access route may be closed by the consent holder for such periods as it deems necessary to carry out its farming activities, provided that periods shall not exceed more than 3 consecutive days or a total of more than 10 days (cumulatively) in any calendar year, provided that prior approval is obtained from the Council for such closure.
- 2. In addition to the periods specified in 1 above, any access route through an area being used for sheep farming may be closed for one period (in any calendar year) of up to 6 weeks during the lambing season to prevent disturbance of ewes with lambs.
- 3. The access route may be closed by the consent holder for periods as shall be reasonably necessary if the actions of public users result in significant adverse effects to farming operations, provided that prior approval is obtained from the Council for such closure.
- 4. Dogs (other than dogs used by the farmer for farming activities) are prohibited on the access route (unless prior approval from the consent holder has been obtained).
- 5. Use or carrying of firearms is prohibited on the access route (unless prior approval from the consent holder has been obtained).
- 6. Camping is prohibited on the access routes at all times.
- 7. Such other conditions as the consent holder and the Council reasonably considers necessary to protect the public and to control the public use of the easement area (for example restrictions relating to noxious substances, noise, rubbish, track maintenance, repairs, fire risk or for safety and/or security purposes);

Note: When the relative easements are registered, the references above to 'consent holder' will become references to 'grantor'.



#### **BEFORE THE ENVIRONMENT COURT** AT CHRISTCHURCH

ENV-2011-CHC-113, 117, 124

IN THE MATTER

of an appeal pursuant to section of the Resource

Management Act 1991

**BETWEEN** 

**UPPER CLUTHA TRACKS** 

TRUST

Appellant

AND

UPPER **ENVIRONMENTAL** 

CLUTHA SOCIETY

**INCORPORATED** 

Appellant

**D THORN** 

Appellant

AND

AND

**QUEENSTOWN** 

**LAKES** 

**DISTRICT COUNCIL** 

Respondent

AND

**WANAKA GOLF CLUB INC** 

Section 274 party

AND

**M BAYLISS** 

Section 274 Party

**AND** 

PARKINS BAY PRESERVE LTD

Applicant

#### COMPLETE SET OF PLANS REFERRED TO IN THE **CONDITIONS OF CONSENT**

#### **APRIL 2012**

**ANDERSON LLOYD** 

LAWYERS **QUEENSTOWN**  Level 2,

13 Camp Street, PO Box 201. **QUEENSTOWN 9348** 

Solicitor: W P Goldsmith/A C Ritchie

Tel 03 450 0700 Fax 03 450 0799



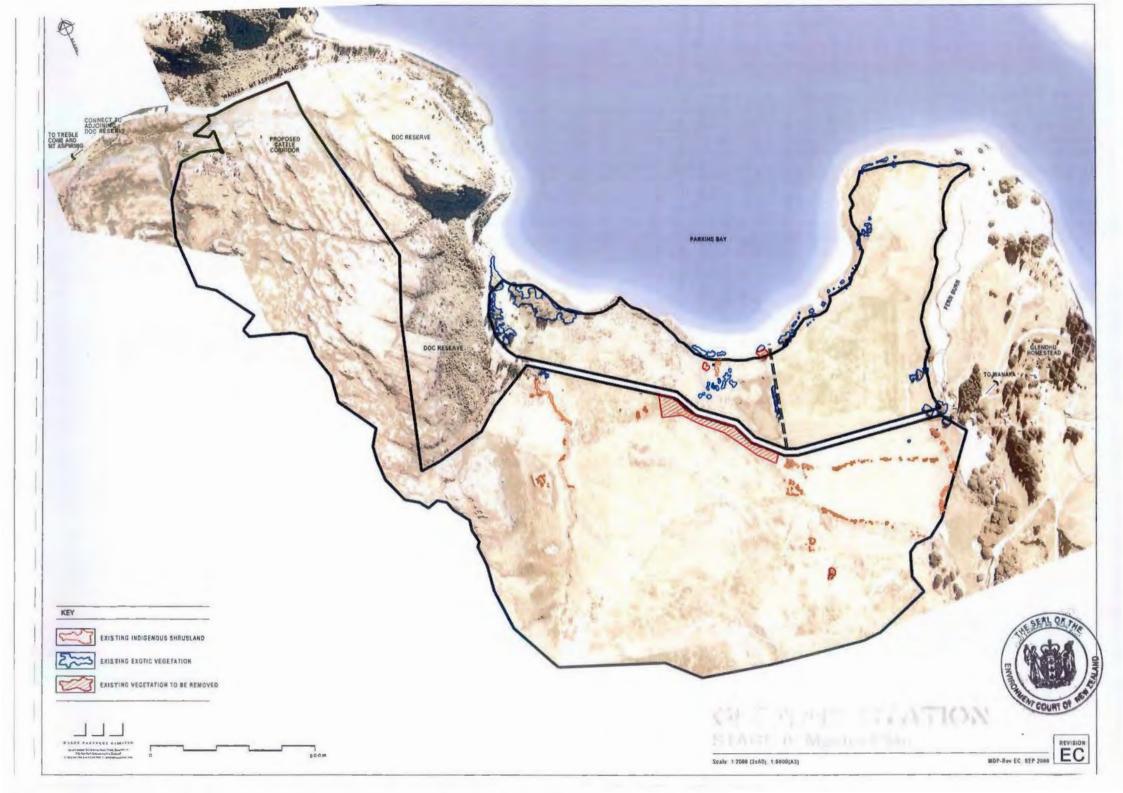
#### Plans referred to in Condition of Consent 1

- Glendhu Station Stage 0: Master Plan, revision EC, dated Sep 2009;
- Giendhu Station Stage 1: Master Plan, revision S1 EC, dated Sep 2009;
- Glendhu Station Stage 2: Master Plan, revision S2, EC, dated Sep 2009;
- Glendhu Station Stage 3: Master Plan, revision S3, EC, dated Sep 2009;
- Glendhu Station Parkins Bay Golf Course Master Plan, dated April 2012;
- · Parkins Bay Indicative Vegetation Categories Plan, dated Sep 2009;
- Parkins Bay Glendhu Station Concept Master Landuse Plan, dated 12 April 2012:
- Parkins Bay Glendhu Station Public Access Tracks Plan, dated 12 April 2012;
- Parkins Bay Glendhu Station Covenant Areas Plan, dated June 2011;
- Parkins Bay Detail A Proposed Public Easement and Covenant Area, dated Sep 2009
- Parkins Bay Detail B Proposed Covenant Areas, dated June 2011;
- Parkins Bay Detail 1 Proposed Club House area Figure 10a, dated 12 April 2012:
- Parkins Bay Detail 2 Maintenance Compound Site Plan, September 2009;
- Parkins Bay Visitor Accommodation Residences Site Location Plan;
- Parkins Bay Visitor Accommodation Residences Building Mitigation Plan;
- Parkins Bay Proposed Golf Course Earthworks Plan, dated August 2009;
- Parkins Bay Entry Gate elevation, dated September 2009;
- Parkins Bay Plan B, dated 12 April 2012;
- Parkins Bay Plan Bl, dated 12 April 2012;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan; House Site 1, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 3 and 4, date; Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 5, dated Sep 2011;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 6, dated Sep 2009:
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 8, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 9, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 10, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 11, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 13, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 16 & 17, dated Sep 2011;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 18, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 19, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 20, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 21 & 22, dated Sep 2009;



- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 24, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 26, dated Sep 2009:
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 27, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 29 & 30, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 31 & 32, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 33 & 34, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 35 & 36, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 37, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 38 & 39, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 40, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 41 & 42, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 43 & 44, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 45, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 46 & 47, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 48, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 49, dated Sep 2009;
- Parkins Bay, Visitor Accommodation Residences Detail Site Plan, House Site 50, dated Sep 2009.





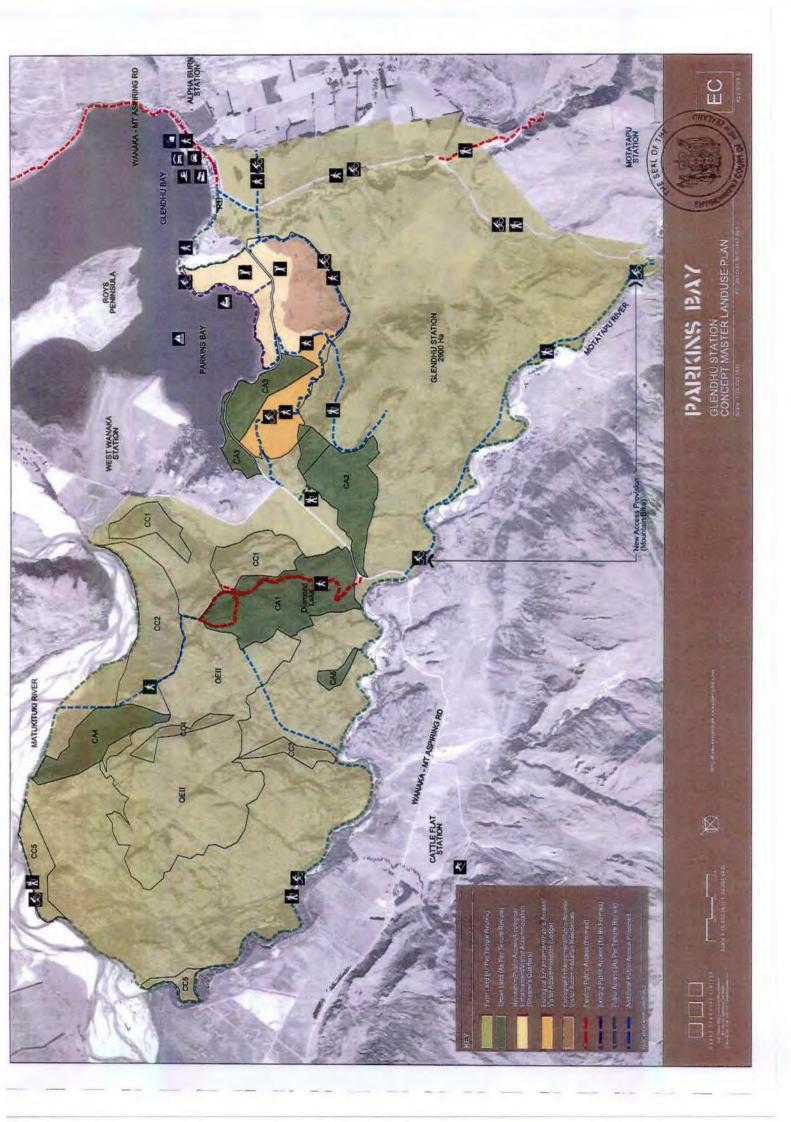


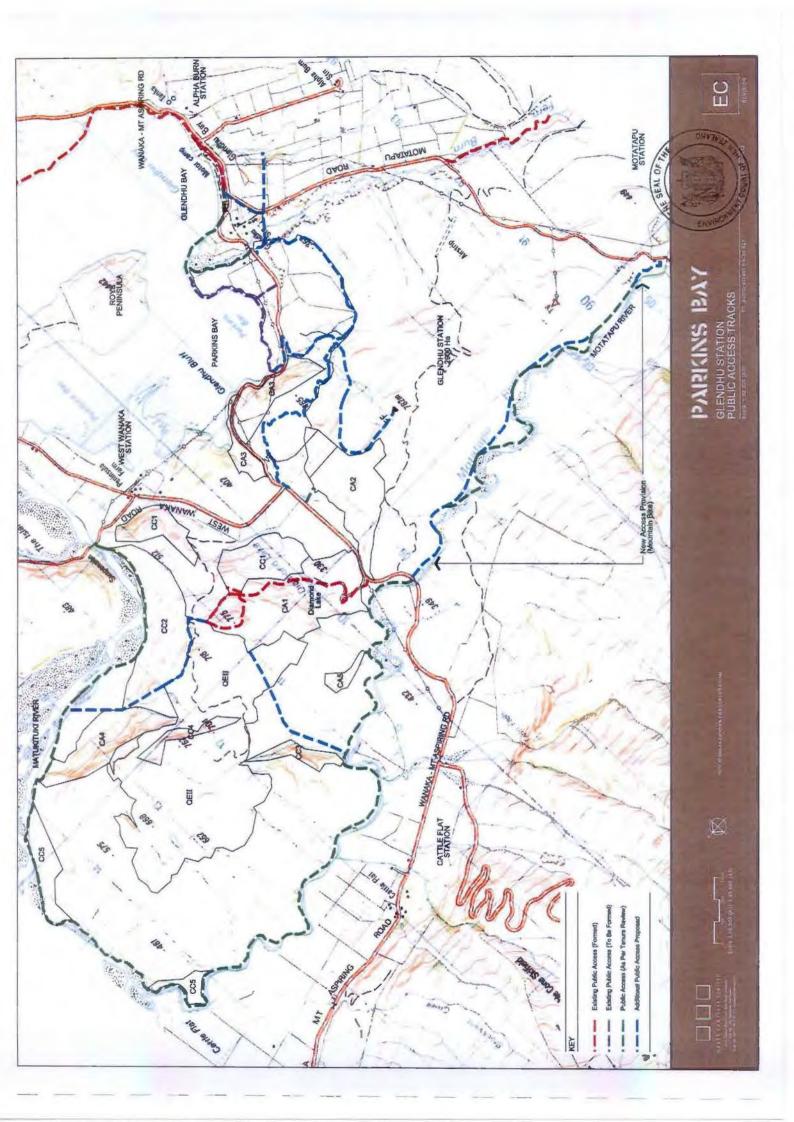






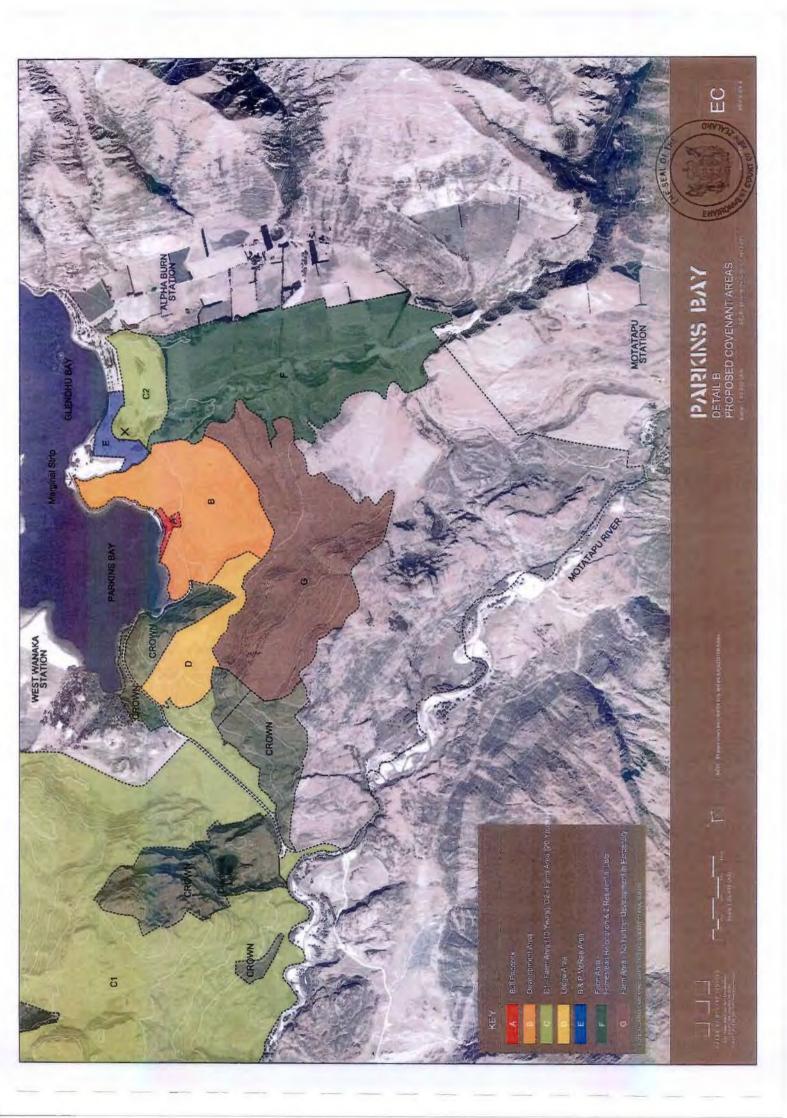


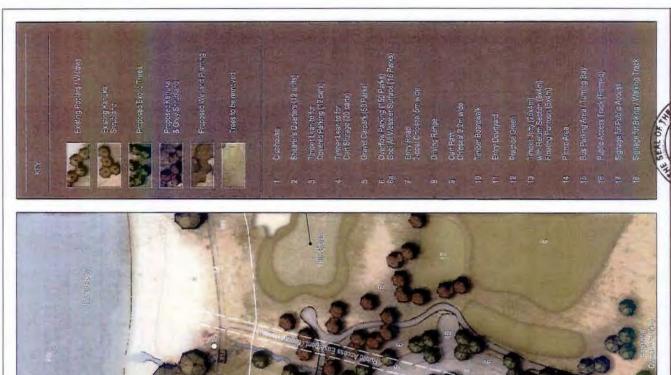
















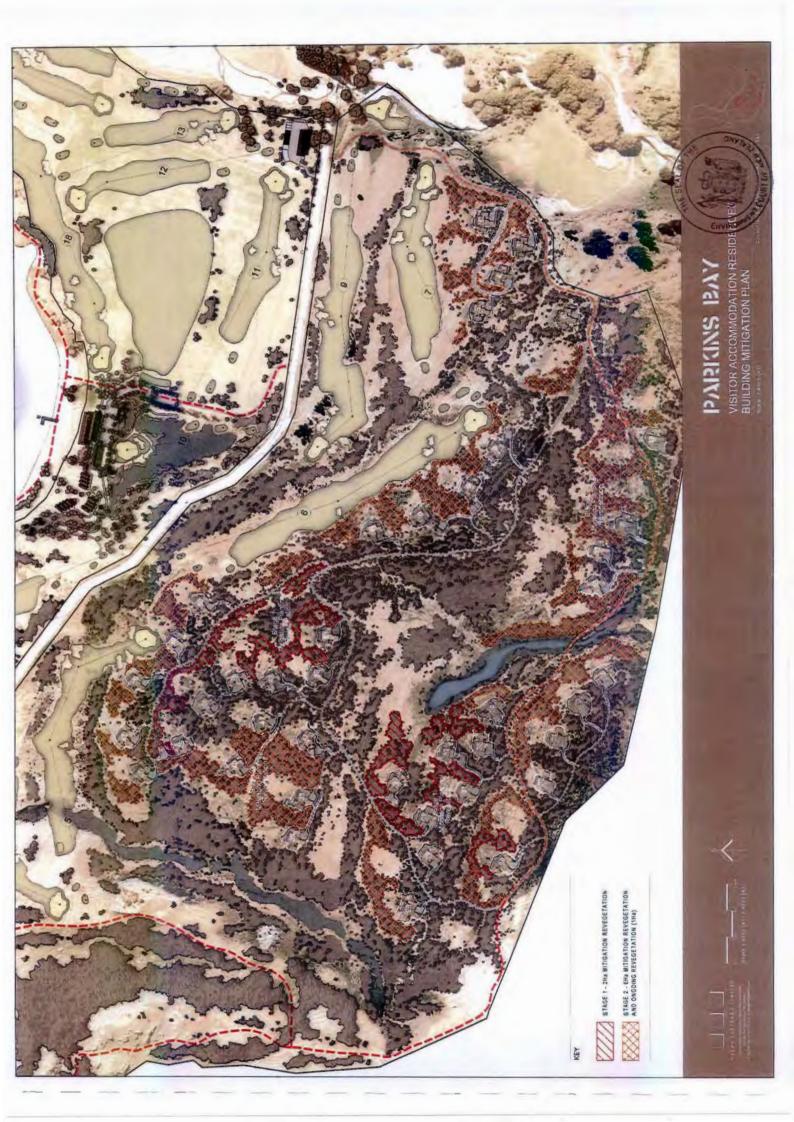




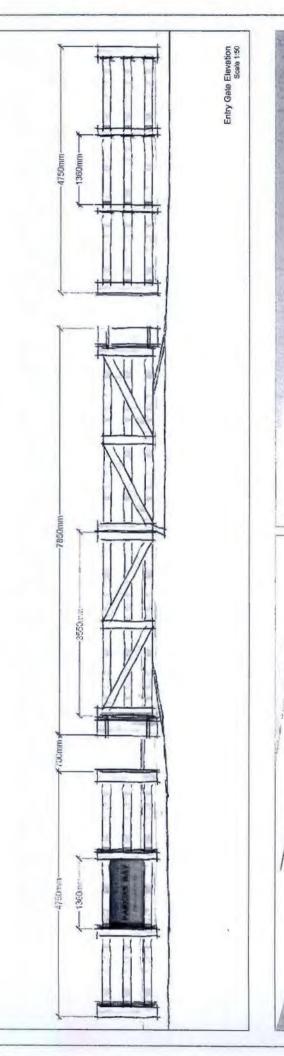


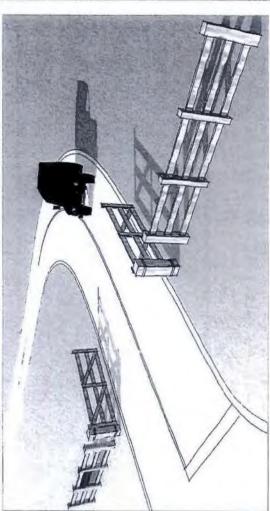
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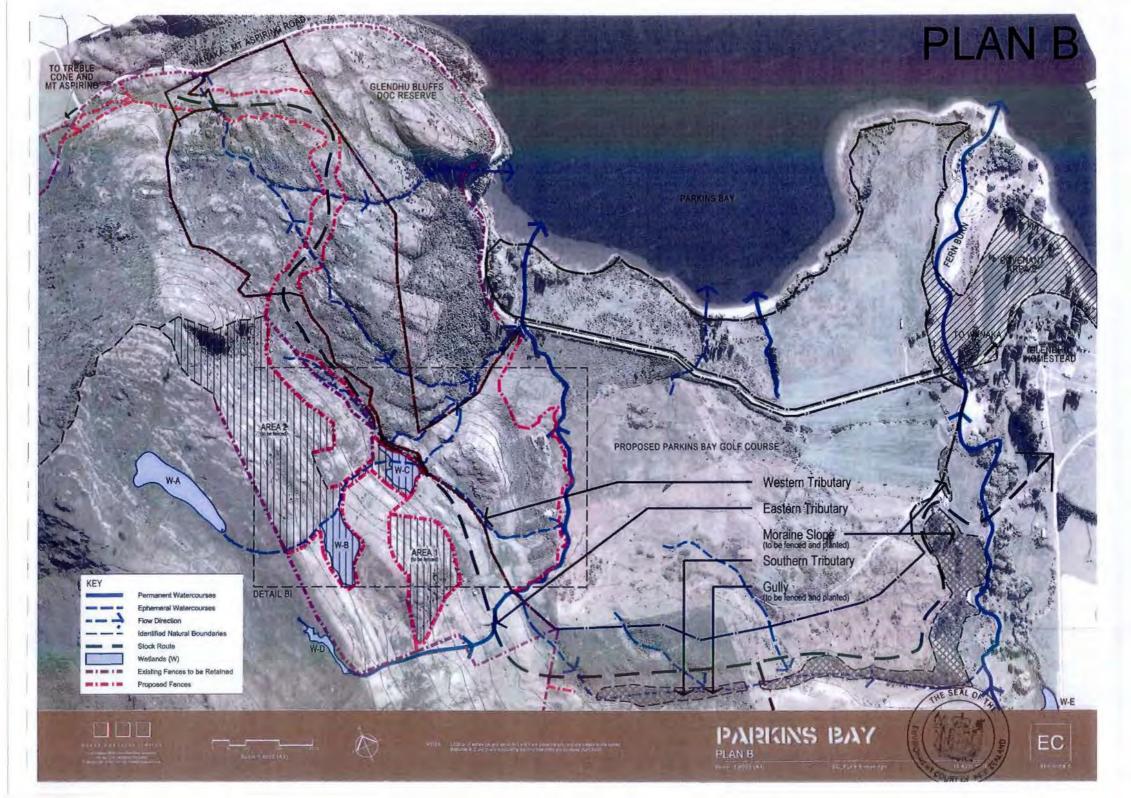
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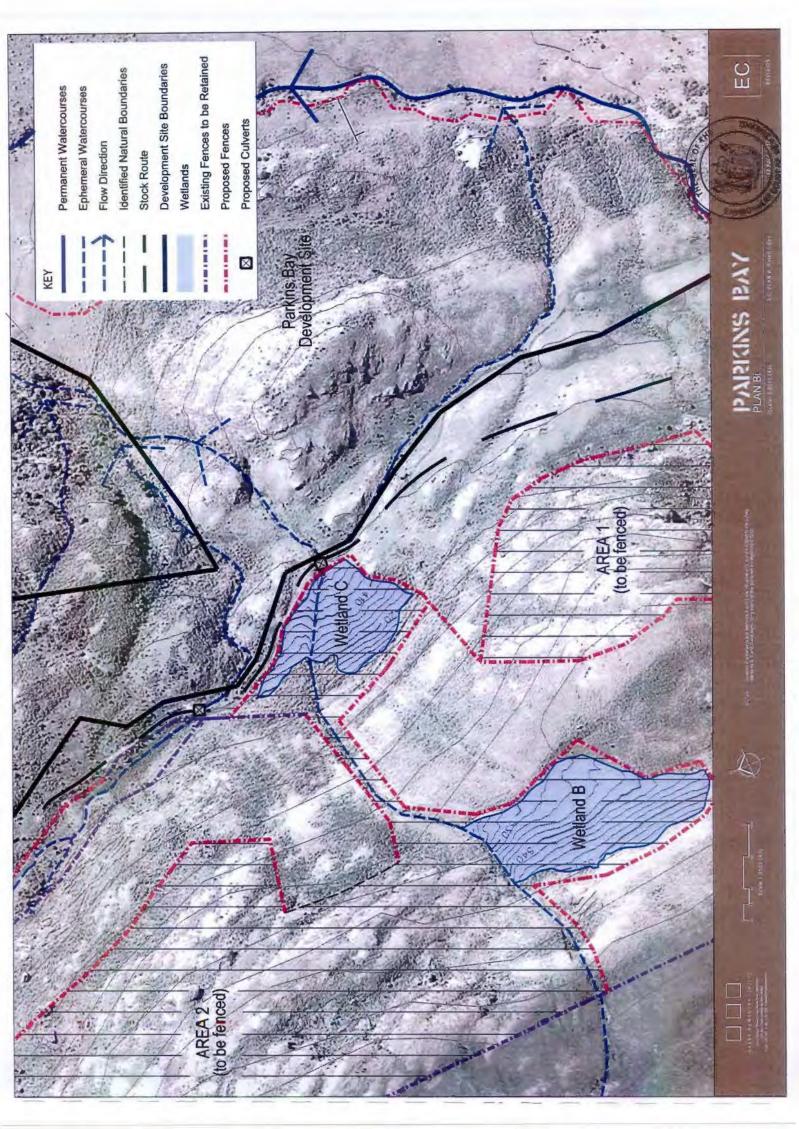


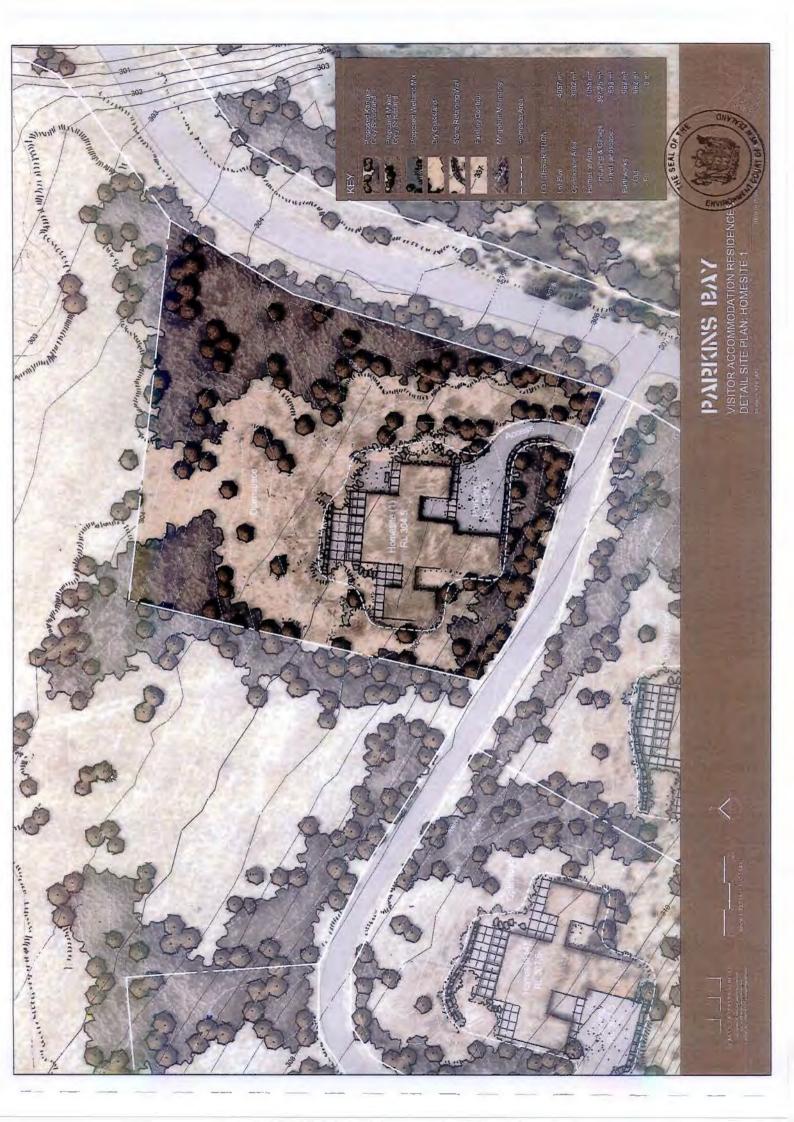
Perspective Looking North

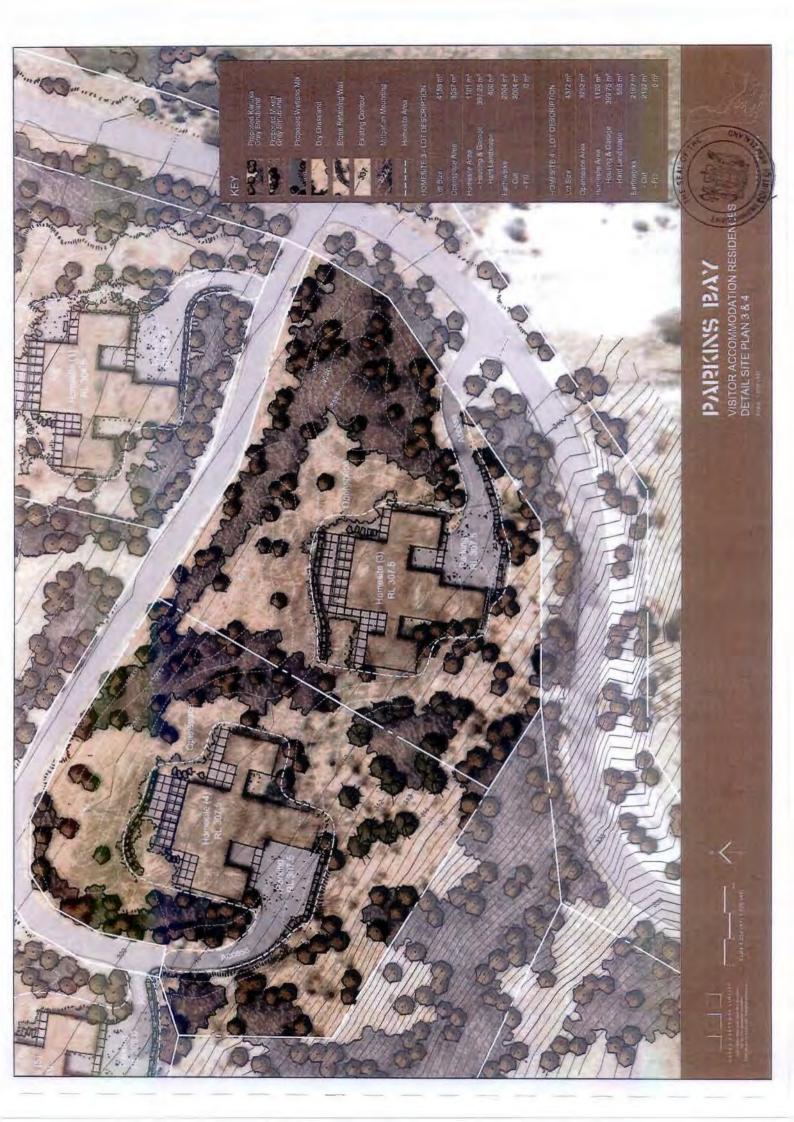


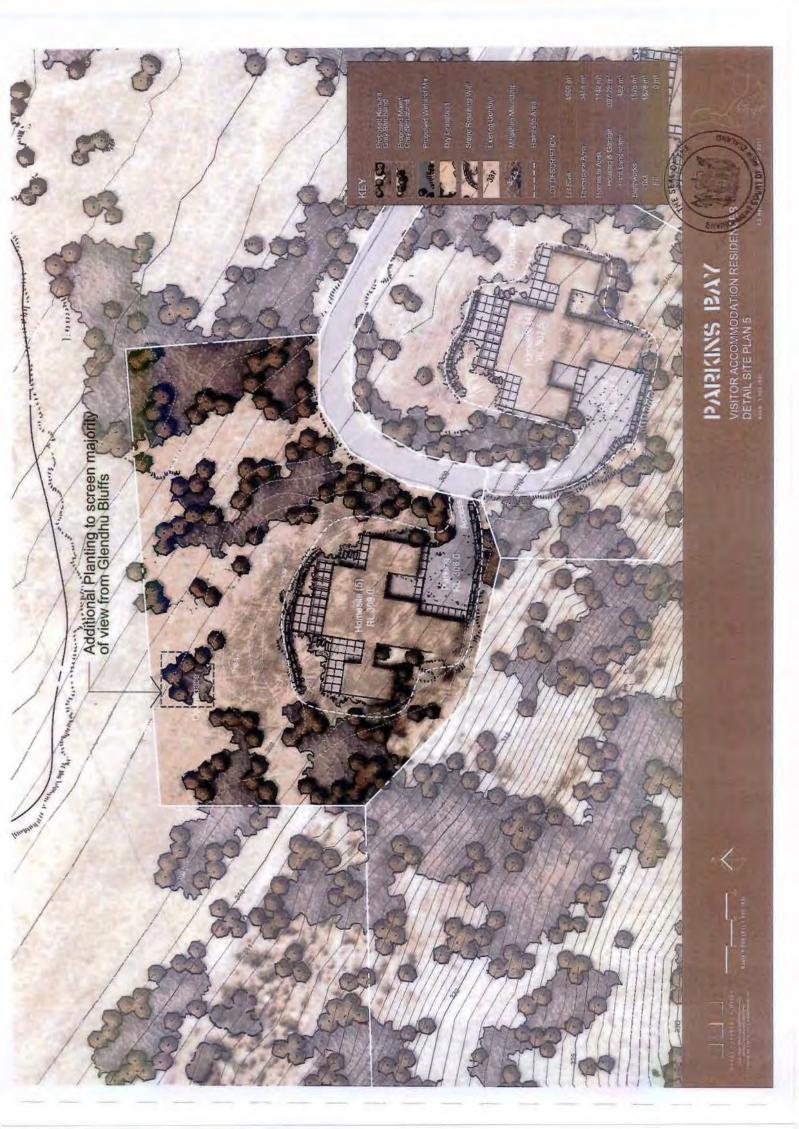


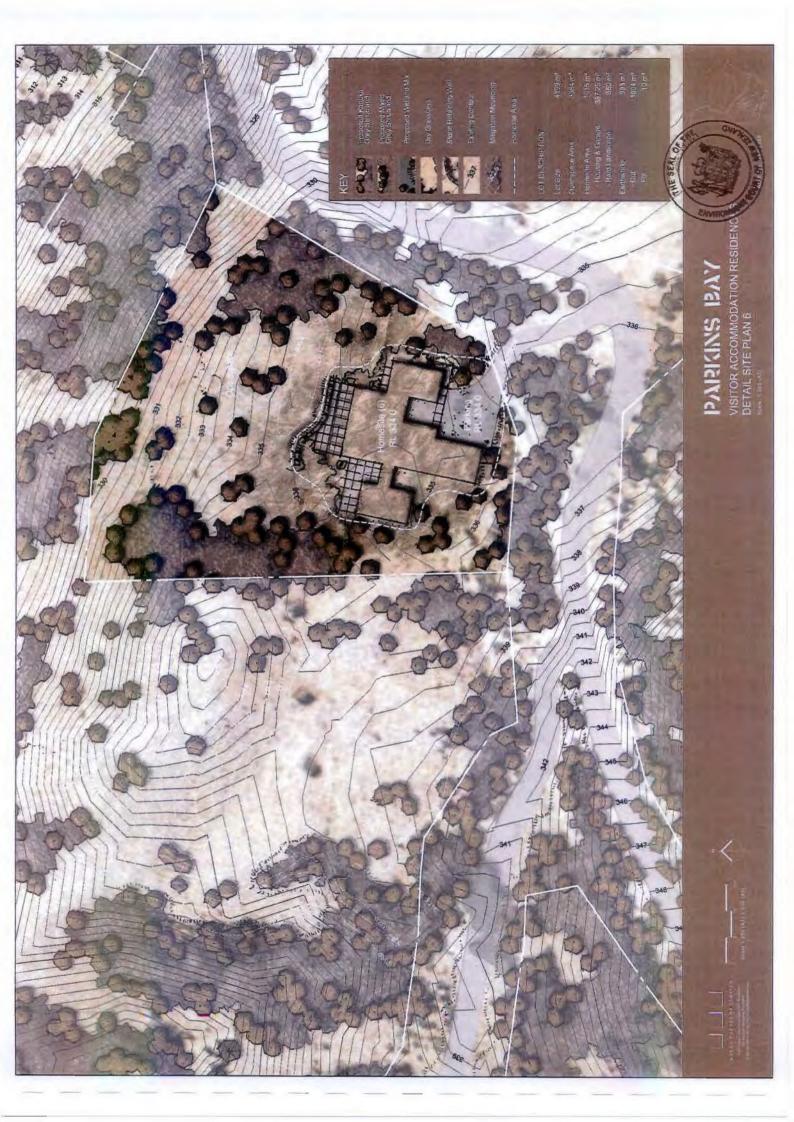






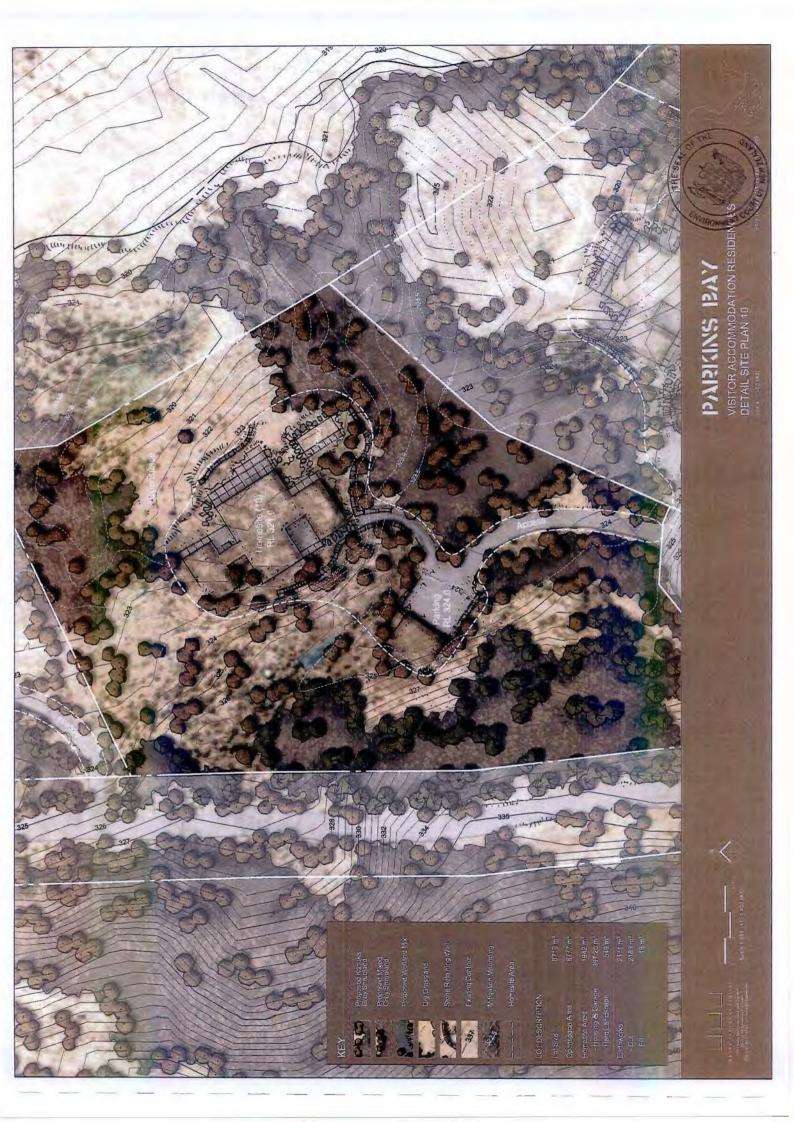


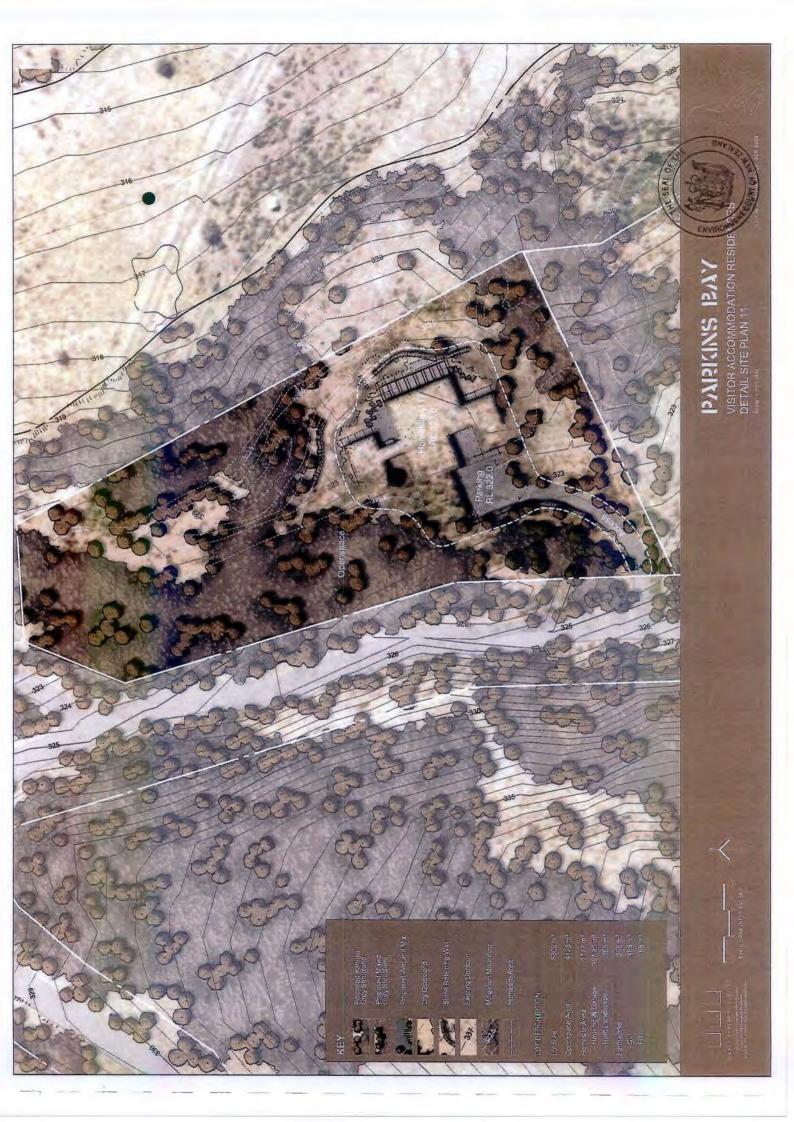


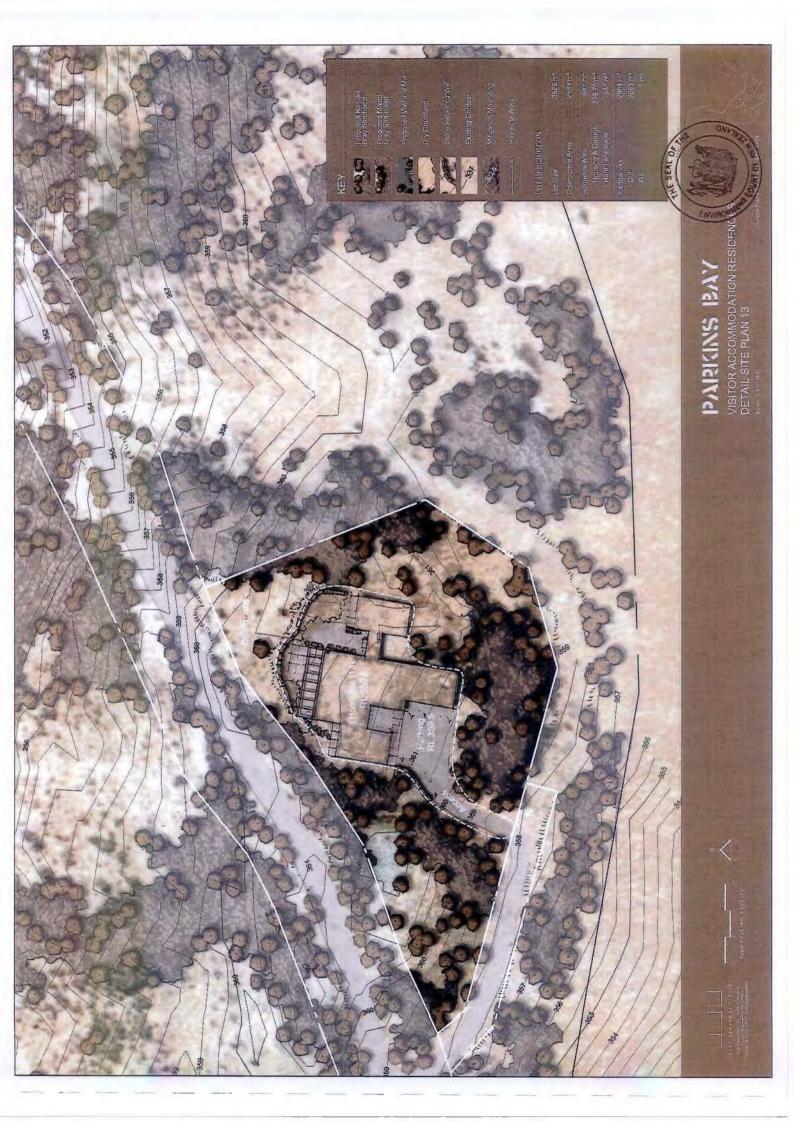














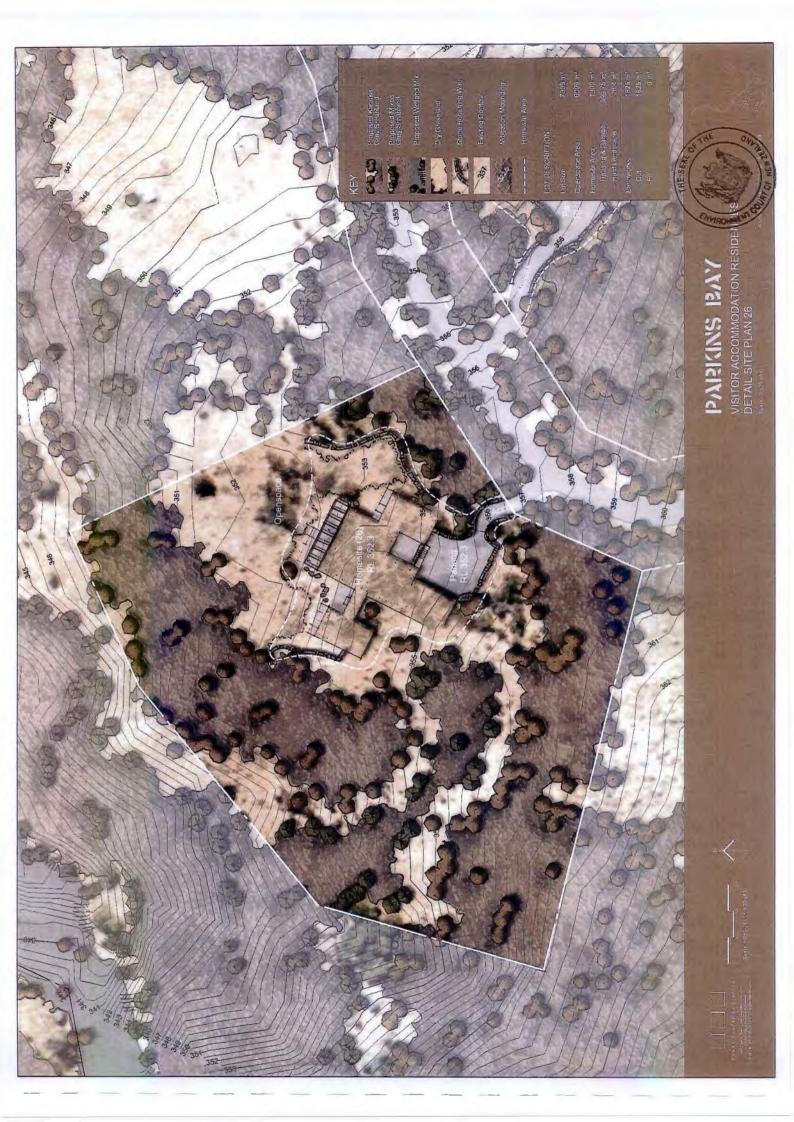










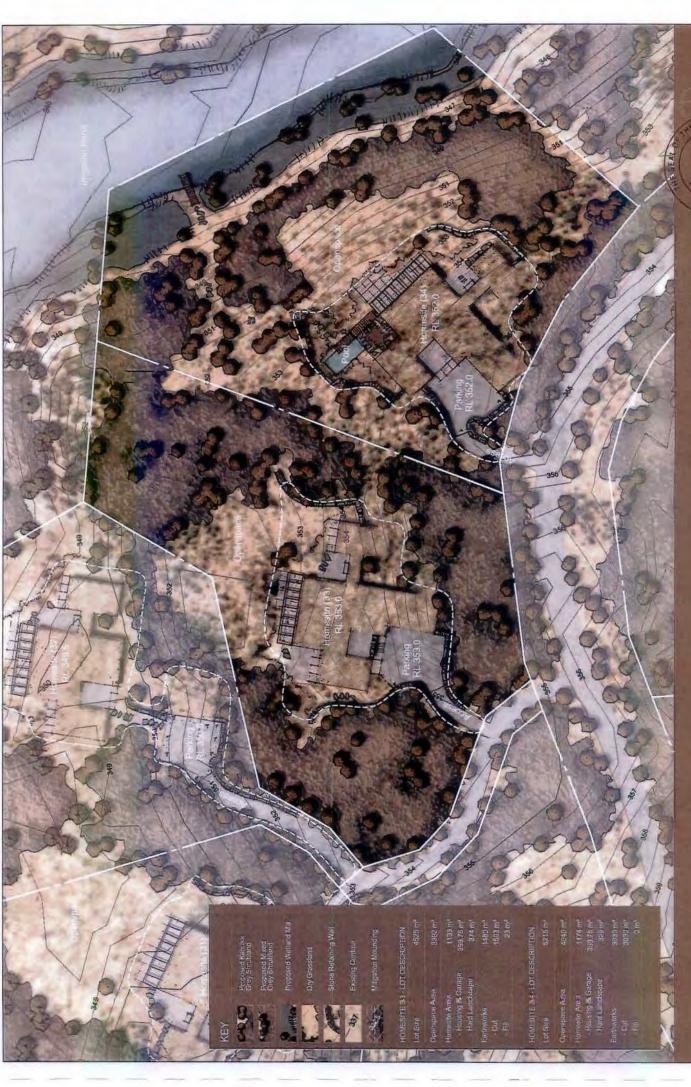






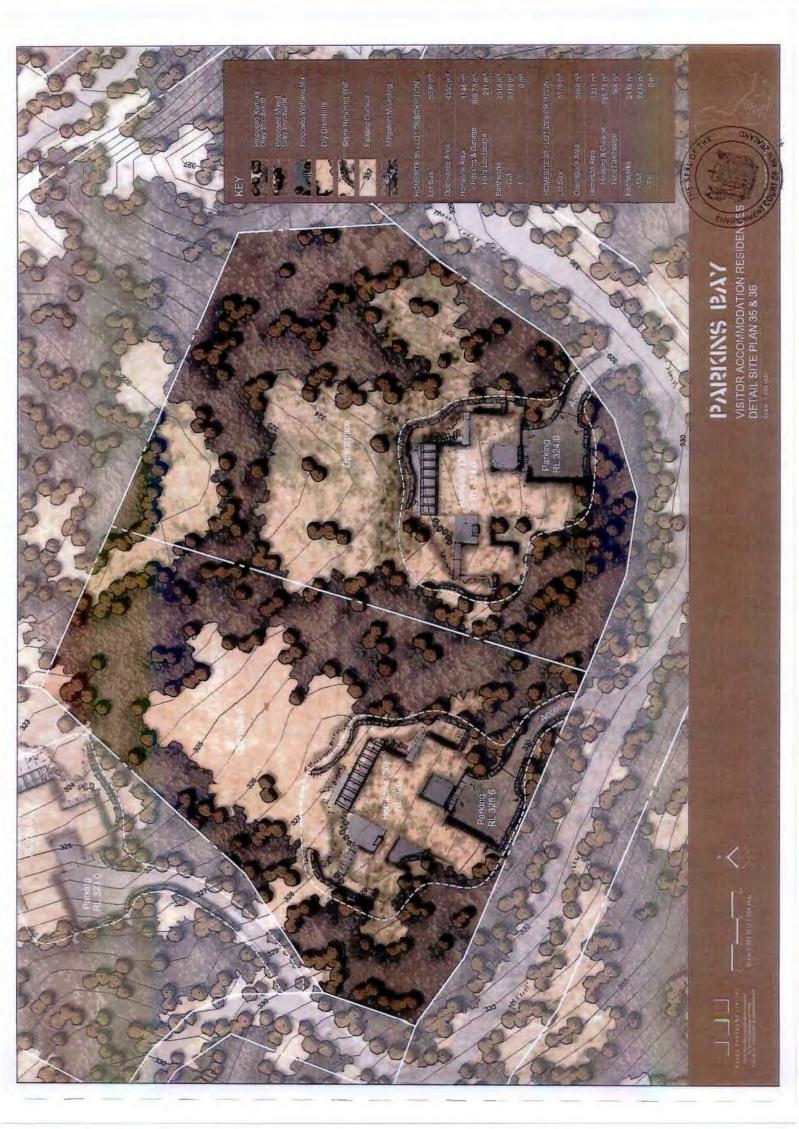
VISITOR ACCOMMODATION DETAIL SITE PLAN 29 & 30





## PAREIGINS 19AY

VISITOR ACCOMMODATION RESIDE







VISITOR ACCOMMODATION REPORTED BETAIL SITE PLAN 38 & 39



