



## MAY IT PLEASE THE PANEL CONVENER

1. This memorandum is provided on behalf of Queenstown Lakes District QLDC (**QLDC**). The purpose is to address technical issues identified on the proposed consent conditions for the Ayrburn Screen Hub, as set out in the Panel's Minute 8.
2. On 4 February 2026, WPDL lodged a version of the conditions, highlighting matters agreed, matters not resolved due to the time available and matters of active disagreement. QLDC agrees with WPDL's response in Section 1 of its 4 February 2026 memorandum.
3. QLDC wishes to raise one technical matter in regard to changes to the conditions raised by the Panel. In a number of conditions, the Panel has changed 'for review and acceptance' to 'certify' or for QLDC's 'certification'.
4. When the condition relates to *engineering* (particularly), QLDC deliberately uses the terminology 'for review and acceptance'. The consequence of changing this terminology within the conditions to 'certify' or 'certification' is that it results in a shift of liability from the Applicant's consultant experts engaged to undertake works (including designs and construction), to QLDC.
5. Simply speaking for engineering related matters certifying a design or constructed works means that a qualified professional engineer has formally reviewed and verified that a design or constructed works (including plans, calculations, and specifications) complies with all relevant safety standards, legal regulations, and industry codes. Not complying with these review and verification requirements can result in both financial and professional consequences.
6. Such certification is not the role of QLDC nor is it appropriate for QLDC to certify the works of others. QLDC relies on consultant professionals to ensure compliance - not the other way around. QLDC's role is to check that engineering design and physical works have been undertaken by a suitably

qualified professional engineer (or reviewed by one) who retains the liability for that design and works. There are the following issues with proposing that QLDC 'certify' an engineering design or constructed works:

- (a) Implications for QLDC's Public Liability Insurance.
- (b) Qualified Engineers have professional obligations to adhere to when they certify designs and constructed works – QLDC does not have the inhouse engineering capacity to certify engineering designs and constructed works and nor would it want to do so given the implications that would have for Councils insurances and rates.
- (c) A Consent Authority (in this case the Panel) cannot bind Council to create liabilities for its ratepayers and has no authority to do so.

- 7. There is nothing novel about using the standard, reliable and orthodox conditions that were originally advanced by WPD. They reflect the QLDC conditions commonly used that are familiar to those that develop in the District, and are considered to be for a resource consent purpose, reasonable, certain, and enforceable.
- 8. QLDC supports reverting to the QLDC's general language 'for review and acceptance' of relevant design plans or constructed works. Such 'for review and acceptance' would always be subject to evidence of competence and compliance including producer statements, professional certification of works, NZ:3910 standards and schedules, QLDC's Subdivision Code of Practice, and any other relevant standards.
- 9. For these reasons, QLDC requests that for consistency across the conditions, the language in all amended conditions should change to 'for review and acceptance' by QLDC rather than 'certify' or 'certification'. This matter could be discussed further at the conference suggested by Mr Cook's memorandum dated 4 February 2026, if the Panel was minded to direct that.

**Dated:** 5 February 2026

A handwritten signature in black ink, appearing to read 'S J Scott', written in a cursive style.

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S J Scott  
Counsel for Queenstown Lakes District Council