

## Consent Conditions (QLDC – Land Use)

Under clause 18 Schedule 5 of the FTAA and sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

### **Definitions**

“**Council**” means Queenstown Lakes District Council;

“**EMP**” means Environmental Management Plan;

“**ESCP**” means Erosion and Sediment Control Management Plan;

“**FHEMP**” means Flood Hazard Emergency Management Plan;

“**FTAA**” means Fast-track Approvals Act 2024;

“**HOLD POINT**” means a mandatory confirmation point beyond which no further construction activities may commence until Council has provided notice to the consent holder that the HOLD POINT matter(s) have been certified;

“**LDSCoP**” means Queenstown Lakes District Council Land Development and Subdivision Code of Practice (2025);

“**LMP**” means Lighting Management Plan;

“**LizMP**” means Lizard Management Plan;

“**NZS**” means New Zealand Standard;

“**ONMP**” means Operational Noise Management Plan;

“**QLDC**” means Queenstown Lakes District Council;

“**RMA**” means Resource Management Act 1991;

“**SNZ PAS 4509:2008**” means New Zealand Fire Service for Firefighting Water Supplies (Code of Practice 4509:2008);

“**SQEP**” means Suitably Qualified and Experienced Person as defined in the LDSCoP.

### **General Conditions**

1. The consent holder must undertake the works in general accordance with the information and plans submitted with the application and formally approved by the Environmental Protection Authority on **XX XXXX2026** comprising the following documents. In the event that any of the provisions of the following documents conflict with the requirements of any other condition of consent, the other condition of consent prevails.

### **Planning**

- a. Application form dated 22 August 2025;

**Commented [WPDL1]:** Definition added for better clarity on the implementation of the Hold Point in Conditions 12 and 20.

**Commented [WPDL2]:** Definitions added.

**Commented [WPDL3]:** Approval date to be added.

**Commented [WPDL4]:** Correction to the date of the Application Form.

- b. Ayrburn Screen Hub Planning Report, prepared by Barker & Associates Ltd, dated 18 November 2025;
- c. Ayrburn Screen Hub – Planning Statement, prepared by Barker & Associates Ltd, dated 23 January 2026;
- d. Supplementary Memorandum – Responses to Panel Minute 14, dated 20 February 2026;

**Commented [WPDL5]:** Correction to the title of the Planning Report.

#### **Architectural Design**

- e. Architectural Design Report, prepared by SA Studio, dated 27 June 2025;

#### **Landscape**

- f. Landscape Assessment Report, prepared by RMM Landscape Architects, dated 15 August 2025 and Addendum Landscape Assessment Memo, prepared by RMM Landscape Architects, dated 18 November 2025;
- g. Supplementary Landscape Assessment Memo, prepared by RMM Landscape Architects, dated 21 January 2026;
- h. Supplementary Landscape Assessment Memo, prepared by RMM Landscape Architects, dated 10 February 2026;
- i. Supplementary Landscape Assessment Memo, prepared by RMM Landscape Architects, dated 20 February 2026;
- j. Landscape Maintenance Plan, prepared by RMM Landscape Architects, dated 11 July 2025;
- k. Ayrburn Screen Hub – Southern Boundary Bank Planting Specification and Maintenance Plan, prepared by Winton and submitted on 23 January 2026;

#### **Design Report**

- l. Ayrburn Screen Hub Design Report, prepared by Winton, dated 10 February 2026;

#### **Engineering**

- m. Engineering Drawings, prepared by Patersons, dated 18 July 2025 (except for Sheet 210 which is dated 15 December 2025);
- n. Geotechnical Report, prepared by Geosolve, dated 25 June 2025, GeoSolve Ref: 150098.12;

#### **Three waters**

- o. Stormwater Management Plan, prepared by CKL, dated 13 August 2025;
- p. Water and Wastewater Assessment, prepared by CKL, dated 30 June 2025;

#### **Transport**

- q. Transportation Assessment, prepared by Carriageway Consulting, dated 08 August 2025;

#### **Noise**

- r. Assessment of Noise Effects, prepared by Marshall Day Acoustics, dated 07 August 2025;
- s. Supplementary Noise Assessment Memo, prepared by Marshall Day Acoustics, dated 20 January 2026;
- t. Ayrburn Screen Hub – Peer Review of Noise Assessment, ONMPs and Conditions, prepared by Styles Group, dated 22 January 2026;
- u. Supplementary Noise Assessment Memo, prepared by Marshall Day Acoustics, dated 16 February 2026;
- v. Ayrburn Screen Hub and Accommodation – Response to Minute 14, prepared by Styles Group, dated 19 February 2026;
- w. Ayrburn Screen Hub – Neighbours Adjoining Site, prepared by Winton, dated 6 March 2026;

**Management Plans**

- x. Draft Environmental Management Plan (including ESCP), prepared by Enviroscope, dated 23 May 2025;
- y. Draft Studio Facilities Operational Noise Management Plan, prepared by Marshall Day Acoustics, dated 20 January 2026;
- z. Draft Accommodation Facilities Operational Noise Management Plan, prepared by Marshall Day Acoustics, dated 20 January 2026;
- aa. Draft Flood Hazard Emergency Management Plan, prepared by CKL, (undated); and
- bb. Draft Lighting Management Plan, prepared by Xyst, dated 08 January 2025.

**Commented [WPDL6]:** Proposed relocation of these documents to underneath the Management Plans heading.

**Stamped as approved on date.**

**Commented [WPDL7]:** Approval date to be added.

- 2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full:
  - a. all charges fixed in accordance with section 36(1) of the RMA: and
  - b. any finalised, additional charges under section 36(3) of the RMA.
- 3. The consent holder is liable for costs associated with the monitoring of this consent under section 35 of the RMA.
- 4. All engineering works shall be carried out in accordance with the Council’s policies and standards, including QLDC’s LDSCoP and subsequent amendments to that document up to the date of issue of this resource consent, or as otherwise detailed in conditions of consent.

**Commented [WPDL8]:** Edit proposed as engineering works may be specified in a consent condition that differ from the LDSCoP.

*Note: The current standards are available on Council’s website via the following link: <https://www.qldc.govt.nz/>.*

**Management Plans**

5. The consent holder must not commence any physical works until certification has been obtained from Council for the following management plans as referenced in the corresponding conditions:
  - a. EMP – refer Condition 12; and
  - b. ESCP – refer Condition 19.
6. Each management plan required under Conditions 12 and 19 shall:
  - a. be prepared by a SQEP;
  - b. be prepared in accordance with GD05 *'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region GD2016/005 (August 2023, incorporating Amendment 3)* and any subsequent amendments (as applicable);
  - c. be submitted in draft to Ngāi Tahu for consultation and feedback;
  - d. when submitted to Council, be accompanied by responses to any feedback from Ngāi Tahu under Condition 6c. that is received within 15 working days of the draft management plan being provided to Ngāi Tahu; and
  - e. be submitted to Council in electronic form for certification that the management plan meets the objective(s) specified in the management plan and gives effect to the relevant consent conditions to which the plan relates.

Note: Ngāi Tahu contact address(es) for the purposes of Condition 6c. are Te Ao Mārama Office: office@tami.maori.nz

7. The consent holder may amend a certified management plan to provide updated information or reflect changes in design, construction methods or the management of effects. Any change must be consistent with the objective(s) of the relevant certified management plan and the requirements of the relevant conditions of this consent, and must be submitted to Council for certification in accordance with Condition 6e. All revisions shall be contained in a table in the management plan outlining the changes made, a revision number, and the date the changes are proposed.
8. All works shall be carried out in accordance with the relevant certified management plans(s).

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

9. Prior to commencing any works on site the consent holder shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development, including contact details, and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's LDSCoP, in relation to this development.

10. Prior to commencing ground-disturbing activities, the consent holder shall nominate an Environmental Representative for the works program in accordance with the requirements detailed on pages 9 and 10 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*.
11. At least 7 working days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified geoprofessional as defined in Section 1.7 of QLDC's LDSCoP who is familiar with the Report titled *Geotechnical Report, prepared by Geosolve, dated 25 June 2025, 150098.12* and the Memo titled *Engineered Batter Planting Stability Memo Ayrburn Screen Hub, prepared by GeoSolve, dated 19 December 2025, 150098.11*.

#### ***Environmental and Construction Management***

12. At least 15 working days prior to any works commencing on site, the consent holder shall submit the finalised EMP to Council's Monitoring and Enforcement Team for review and certification by Council in accordance with Condition 6 **HOLD POINT 1**. The finalised EMP shall be prepared in general accordance with the draft EMP prepared by Enviroscope referenced in Condition 1(w.).
13. Prior to commencing ground disturbing activities, the consent holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction in accordance with the requirements detailed on page 8 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*. A record of inductions must be provided in the monthly reports required under Condition 26.
14. The geoprofessional nominated under Condition 11 shall supervise the excavation/earthworks/fill procedures and retaining wall construction and any ground improvement and ensure compliance with the recommendations of the Geotechnical Report referred to in Condition 11.
  - a. The geoprofessional shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
  - b. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a SQEP shall submit to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works in accordance with Condition 7 prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.
15. Prior to commencing works on the site (except for earthworks and erosion and sediment controls which may be undertaken when the EMP has been certified by Council under Condition 12, tree removal, planting and construction of fencing), the consent holder

shall obtain 'Engineering Review and Acceptance' from the Council for the following development works:

- a. The 'Engineering Review and Acceptance' application shall include all development items listed in Condition 15e.(i) to (xi).
- b. A partial Engineering Review and Acceptance may be undertaken where this approach has been approved in writing by the Manager of Resource Management Engineering at Council.
- c. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued.
- d. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the consent holder's cost.
- e. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 4, and shall include detail addressing the following requirements:
  - (i) The provision of a potable water supply to each serviced building within the development in terms of Council's standards and connection policy (including identification of any permanent or temporary irrigation required for landscaping, or water for firefighting), and in general accordance with the report by CKL Limited: titled '*Water and Wastewater Assessment, Ayrburn Screen Hub*', Reference: A20254, dated: 30 June 2025 and the Engineering Drawings Package by Patersons, titled: '*Waterfall Park Developments Ltd' Ayrburn Screen Hub, Consent Drawings*', Reference: P240664, dated: 18 July 2025.
    - i. This shall include a Council approved isolation valve, pressure reducing valves at the site entrance and approved water meters as needed on the private network (noting existing bulk metres) and as detailed in QLDC's Water Meter Policy (Appendix J), dated 2017.
  - (ii) The provision of a foul sewer connection to each serviced building within the development in terms of Council's standards and connection policy, and in general accordance with the report by CKL Limited: titled '*Water and Wastewater Assessment, Ayrburn Screen Hub*', Reference: A20254, dated: 30 June 2025 and the Engineering Drawings Package by Patersons, titled: '*Waterfall Park Developments Ltd' Ayrburn Screen Hub, Consent Drawings*', Reference: P240664, dated: 18 July 2025.
  - (iii) If not already covered by separate resource consent and/or Engineering Approval, the provision of a wastewater pump station or multiple pump stations to collect and convey the total development peak wet weather flow in accordance with Council's standards. The pump station shall be shown to include suitable emergency storage for the consented development flows.
  - (iv) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within

the development, in accordance with Council's standards and the report produced by CKL Limited: titled '*Stormwater Management Plan, Ayrburn Screen Hub*', Reference: A20254, dated: 13 August 2025 and the Engineering Drawings Package by Patersons, titled: '*Waterfall Park Developments LTD' Ayrburn Screen Hub, Consent Drawings*', Reference: P240664, dated: 18 July 2025. The proposed stormwater system shall be designed by a SQEP. This shall include:

- i. A reticulated primary system to collect and dispose of stormwater from all potential impervious areas proposed as part of this consent to the stormwater management and treatment system consisting of swales and piped network sized to cater for 5% AEP storm event, via outfalls discharging to Mill Creek:
    - Percolation testing shall be undertaken at the individual bioretention device and infiltration pond locations to confirm soakage. A copy of the test results shall be provided and shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1 Surface Water".
    - The final design and sizing of each bioretention device shall be based on the final design contributing catchment area and bio media infiltration rate to cater for water quality flow rate (10mm/hr). Additional treatment is to be provided in pod wetlands and infiltration ponds, both sized to treat the Water Quality Volume (1/3<sup>rd</sup> of 2yr ARI) for contributing catchments.
    - A secondary conveyance system consisting of swales and overland flow paths sized to cater for the 1% AEP storm event.
  - ii. A secondary protection system consisting of pod wetlands and the flat area adjacent to Mill Creek to be converted to a shallow dry pond planted with vegetation to cater for the 1% AEP storm event, to treat the Water Quality Volume (16mm) from the internal road catchment and provide secondary treatment after the bioretention devices and for the filming studios 'backlot' paved area and for the wider catchment, as such acting as polishing treatment for the entire catchment.
  - iii. A copy of the full stormwater model and report outlining the parameters used.
- (v) The provision of a suitable firefighting water supply storage and hydrants with adequate pressure and flow to service the development and accompanying report from a SQEP demonstrating compliance with SNZ PAS 4509:2008.
- i. Any buildings shall either be fitted with a sprinkler system and/or be designed with an appropriate fire cell size to meet the requirements of SNZ

PAS 4509:2008 for the relevant water supply classification prior to the occupation of any buildings.

- ii. This shall include hydrant testing carried out during the peak period of an average day to confirm that there are sufficient hydrants with adequate pressure and flow to service the development with a Class FW2 fire risk in accordance with Appendix G of SNZ PAS 4509:2008. Any lesser risk must be approved in writing by Fire & Emergency NZ, Queenstown Office. The testing shall be carried out by a SQEP and evidence of the SQEP suitability to undertake or oversee such testing shall be submitted with the hydrant testing results. The results shall be submitted to QLDC and all related costs shall be borne by the consent holder.
- (vi) The provision of Design Certificates for all engineering works associated with this development submitted by a SQEP (for clarification this shall include, but not be limited to, all roads, water, wastewater and stormwater Infrastructure). The Design Certificates shall be in the format of the QLDC's LDSCoP Schedule 1A Certificate.
- (vii) The provision of car parking, manoeuvring areas, access and public bus stops shall be in accordance with the plans prepared by Patersons titled '*Waterfall Park Developments Ltd – Ayrburn Screen Hub, Consent Drawings*', Reference: P240664, dated 18 July 2025. This must include:
- i. Two accessways to be provided from Ayr Avenue to the site, at least 6 meters wide and sealed.
  - ii. The provision of all vehicle manoeuvring for the carparking areas to Council's standards. Provision shall be made for stormwater disposal.
  - iii. The provision of 5 mobility spaces.
  - iv. The provision of the pedestrian accesses.
  - v. The provision of a two public bus stops on Arrowsmith – Lake Hayes Road, as per Sheet 371 on the Engineering Drawings.
- (viii) The provision of an Engineering NZ PS1 Producer Statement for any permanent retaining walls within the development which exceed 1.5m in height or are subject to additional surcharge loads.
- (ix) The provision of a Computed Easement Plan and Easement Instrument showing all necessary easements established over adjacent lands required to legally service Lot 4 DP 540788 for where service to the site is reliant on neighbouring lots (this includes, but is not limited to roads, water, wastewater and stormwater).

- (x) The provision of roading upgrades for a right-turn bay from Arrowtown - Lake Hayes Road (north) to Speargrass Flat Road.
- (xi) The provision of a 'Flood Hazard and Emergency Management Plan' (FHEMP) in general accordance with the draft FHEMP referred to in Condition 1, for review and acceptance. This plan shall outline ongoing procedures for monitoring of stormwater flows during periods of prolonged rainfall and, if required, closing Ayr Avenue. This plan shall be made well known to owners, operators, and staff.

**To be monitored throughout earthworks**

- 16. The earthworks and batter slopes shall be undertaken in accordance with the recommendations of the report by Geosolve (including the provision of necessary cut off drains) titled "*Geotechnical Report for Resource Consent*" dated 25 June 2025, Geosolve Ref: 150098.12"
- 17. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site.
  - a. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at the consent holder's expense, to clean the roads;
  - b. The loading and stockpiling of earth and other materials shall be confined to the areas identified for stockpiling in the certified EMP required by Condition 5, or as modified by Condition 7.
- 18. No earthworks, temporary or permanent, are to breach the boundaries of the site as identified in the certified EMP required by Condition 5 (excluding internal boundaries between Lots 1, 2, 3 and, 4 DP 540788 or any subsequent corresponding lots resulting from subdivision).

**Erosion and Sediment Control Plan**

- 19. At least 15 working days prior to any works commencing on site, the consent holder shall submit an ESCP prepared in general accordance with the draft ESCP prepared by Enviroscope referenced in Condition 1 to Council's Monitoring and Enforcement Team for certification by Council in accordance with Condition 6.
- 20. Prior to bulk earthworks operations (and vegetation clearance) for the initial stage or any subsequent new stage of works, the consent holder must install erosion and sediment controls in accordance with the certified ESCP as well as provide As-built documentation for these controls prepared by a SQEP to the Manager of Resource Management Engineering at Council **HOLD POINT 2**. NOTE: It is noted that earthworks required to construct environmental management controls are allowed to commence once Council has provided notice that **HOLD POINT 1** has been met.

21. The certified ESCP shall be accessible on site at all times during work under this consent.
22. The consent holder shall establish and implement document version control as set out in Condition 7.
23. The consent holder shall develop and document a process of periodically reviewing the certified ESCP as outlined on page 6 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*.
24. The consent holder shall undertake and document weekly and Pre and Post-Rain Event site inspections as detailed on pages 10 and 11 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*.
25. A SQEP shall monitor the site monthly to ensure that the site is complying with the certified ESCP, identify any new environmental risks arising that could cause an environmental effect and suggest alternative solutions that will result in more effective and efficient management. This must include a specific audit by the SQEP of the effectiveness of the certified ESCP. The outcome of these inspections shall be included in the Monthly Environmental Report referenced to in Condition 26.
26. The consent holder shall complete and submit exception reporting to Council's Monitoring and Enforcement Team in the form of a Monthly Environmental Report. The Monthly Environmental Report shall be submitted to Council's Regulatory Department within five (5) working days of the end of each month.
27. In accordance with page 9 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*, where any Environmental Incident where the measure(s) in the certified ESCP have failed leading to any adverse environmental effects offsite occurrences-the consent holder shall:
  - a. report to [rcmonitoring@qldc.govt.nz](mailto:rcmonitoring@qldc.govt.nz) details of any Environmental Incident within 12 hours of becoming aware of the incident;
  - b. provide an Environmental Incident Report to QLDC within 10 working days of the incident occurring as per the requirements outlined in *QLDC's Guidelines for Environmental Management Plans (June 2019)*.
28. Environmental records are to be collated onsite and shall be made available to Council upon request; immediately if the request is made by a Council official onsite and within 24 hours if requested by a Council officer offsite. Records and registers to be managed onsite shall be in accordance with the requirements outlined on page 14 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*.

29. Any discharge (refer definition in the *QLDC's Guidelines for Environmental Management Plans*) that leaves the site shall comply with the Water Quality Discharge Criteria outlined on page 19 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*, with the exception of Total Suspended Solids which should be at a concentration of no more than 25mg/L.
30. The consent holder shall engage an independent SQEP (to be approved by Council), to prepare an independent review report assessing the compliance of the erosion and sediment control measures against the:
  - a. certified ESCP;
  - b. erosion and sedimentation section of the *QLDC's Guidelines for Environmental Management Plans (June 2019)*, specifically the ESCP principles outlined;
  - c. discharge criteria specified in the water discharge table on page 19 of the *QLDC's Guidelines for Environmental Management Plans (June 2019)* (except as modified by Condition 29).

The consent holder shall submit the independent review report to Council's Monitoring and Enforcement Team with proposed and completed actions undertaken to address the issues identified during the audit, not more than seven (7) working days following the audit. The audit shall be undertaken within five (5) days of commencement of earthworks, and thereafter at intervals no greater than 1 month or at key stages of the erosion and sediment control programme.

***On completion of earthworks and prior to commencement of the commercial activity***

31. On completion of earthworks within the building footprints and prior to the construction of any buildings on those footprints, the consent holder shall ensure that either:
  - a. Specific Engineering Design (SED) of all building foundations are designed in accordance with the recommendations in Part 10 of the geotechnical report by Geosolve referenced in Condition 1 (*Titled "Geotechnical Report for Resource Consent" dated 25 June 2025, Geosolve Ref: 150098.12"*).

Or:

  - b. Ground improvements endorsed by a suitably qualified geo-professional shall be undertaken unless the geotechnical engineer can otherwise confirm the presence of 'good ground'. In the event that 'good ground' can be established then standard NZS3604 building foundation solutions may be utilised instead of SED.
32. On completion of the earthworks, and prior to commencement of the Screen Hub and accommodation activities, the consent holder shall, at its cost, complete and implement the following:

- a. The submission of 'as-built' plans and information to Council's Manager - Monitoring and Enforcement is required to detail all engineering works completed in relation to or in association with this development. This information shall be formatted in accordance with Council's 'as-built' standards as referenced within the LDSCoP and shall include all roads (including rights of way and access lots), water, wastewater and stormwater reticulation (including private laterals and toby positions).
- b. Gain certification from QLDC that the completed works and as-built plans, required under Condition 15 and Condition 32a, have been undertaken in accordance with the Engineering Review and Acceptance works set out in Condition 15.
- c. Any power supply connections to the commercial buildings shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements, with certification from the provider provided to QLDC.
- d. Any telecommunications connections to the commercial buildings shall:
  - (i) be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements, with certification from the provider provided to QLDC.

Or

  - (ii) The consent holder shall demonstrate that telecommunication services can be provided by way of a cellular, satellite or wifi connection and maintained at the sole responsibility of the consent holder until such time as underground services have been provided in accordance with i. above.
- e. The submission of Completion Certificates from both the contractor and SQEP for all infrastructure engineering works completed in relation to or in association with this development (for clarification this shall include all roads, water, wastewater and stormwater Infrastructure). The certificates shall be in the format of the QLDC's LDSCoP Schedule 1B and 1C Certificate.
- f. All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
- g. The consent holder shall remedy any damage to all existing public road surfaces and berms that result from work carried out for this consent.
- h. The submission of any Engineering NZ PS4 Producer Statement(s) with Construction Monitoring to CM4 for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.

***Flood Hazard and Emergency Management Plan***

33. Prior to the occupation of any building, the consent holder shall provide to Council a finalised FHEMP in accordance with the FHEMP previously reviewed and accepted under Condition 15. If any changes are proposed from the previously accepted version, these are to be identified for review and acceptance by Council. This plan shall outline ongoing procedures for monitoring of stormwater flows during periods of prolonged rainfall and, if required, closing Ayr Avenue. This plan shall be made well known to owners, operators, and staff.

***Water and Wastewater***

34. Prior to occupation of any building, a Covenant in Gross (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Records of Title detailing the water supply and wastewater monitoring and management requirements for the lot owner(s).
- a. All costs, including those relating to the checking of the legal instrument by Council's solicitors (if required) and registration of the document, shall be borne by the consent holder.
- b. This legal document shall include provisions to ensure:
- (i) The total daily demand and peak flow rates for potable water will be monitored by Council's Monitoring and Enforcement Team at the private supply point located at the boundary of Waterfall Park Development Limited (Lots 1-4 DP 540788), via a magnetic flow meter installed at the consent holder's expense.
- (ii) Wastewater flow rates from the Waterfall Park and Ayrburn pumpstations on Lots 1-4 DP540788 are to be managed to not exceed a peak discharge of 23.4 l/s or daily discharge of 416 kl/d to the receiving Council pipeline. This is to be managed through:
- i. appropriate wastewater storage and synchronised pumping; and
- ii. a minimum of 9 hrs emergency storage of average dry weather flow is to be provided at all pump stations within Lots 1-4 DP540788; and
- iii. wastewater flow rates and daily totalised discharges from all pump stations are to be monitored and recorded on a daily basis. These are to be recorded with records made available to Council's Monitoring and Enforcement Team on a quarterly basis or sent automatically to Council through a SCADA system; and
- iv. the Property and Infrastructure team at Council are to be made aware within 24 hours if any exceedance of these discharge flow rates occurs.

35. In relation to water supply:

- a. No water shall be supplied to the site, that originates from the reticulated Council water supply network, without the approval of the Council Infrastructure Development Engineering Manager.
- b. No construction of buildings shall commence until the consent holder has secured a water supply to the site (either through c. and d., and/or e. and f. below) that will be available on completion of any buildings provided that:
  - (i) this restriction does not apply to establishment of environmental controls, earthworks, and foundation and related works up to (but not above) ground level;
  - (ii) commencement of construction of buildings may occur earlier by agreement with the Council that water supply upgrade is imminent and will be available on completion of the Ayrburn Screen Hub.
- c. Where Council's reticulated water supply is to be utilised:
  - (i) a minimum flow rate of 10 litres per second (Peak Hour Demand) is to be provided for potable supply;
  - (ii) a minimum flow rate of 25 litres per second to service FW2 is to be provided for hydrant fire fighting supply;
  - (iii) for irrigation supply, a minimum flow rate of 2.8 litres per second (Peak Hour Demand) shall be provided. This is based on an irrigation requirement of 37.68 m<sup>3</sup> per day, applied over a 12-hour irrigation period, which gives:
    - an average irrigation flow of 0.87 L/s, and
    - a Peak Hour Demand using a factor of 3.3, resulting in 2.8L/s.
    - irrigation is assumed to occur outside potable peak-demand periods (e.g. overnight operation);
  - (iv) adequate water supply calculations shall include consideration of landscape maintenance requirements as set out in the draft "*Landscape Maintenance Plan*" prepared by Rough Milne Mitchell, dated 11 July 2025, with sufficient provision for maintenance and irrigation of landscaped areas identified in the "*Ayrburn Screen Hub Design Report*", approved under Condition 1.
- d. In order to secure water supply referred to in a.-c. above, the consent holder shall enter into a Development Agreement under s207A of the Local Government Act 2002 with Council for any required upgrades to water supply infrastructure to accommodate the demand required for the Ayrburn Screen Hub, including, but not limited to, reservoirs, water treatment, pump stations, and associated pipework to accommodate additional demand as a result of the implementation of this consent. The Development Agreement shall confirm:

- The scope of any upgrades to the Council water supply network (including design and construction) that are required to enable that network to provide the water supply contemplated in c. above (Required Water Supply).
- The apportionment of costs and responsibilities in relation to the design and construction of the Council's water supply network to enable that network to provide the Required Water Supply.
- Any development contributions and/or other financial contributions to be paid by the consent holder in respect of design and construction of upgrades to Council's water supply network to provide the Required Water Supply.
- The value of any credits to be applied to the development contributions payable by the consent holder for works undertaken in relation to the design and construction of upgrades to Council's water supply networks to provide the Required Water Supply.
- That any costs for the design and construction of upgrades to Council's water supply network attributed to the consent holder shall be proportionate to its contribution to additional demand only, and shall not include any demand that otherwise results from other users of Council's water supply network over and above the Required Water Supply.

e. Nothing in this condition prevents b. being satisfied by a private water supply via a lawfully established private bore for some, or all of the Required Water Supply.

f. Any water sourced by way of private supply for the site shall comply with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022, except where this is solely used for the purpose of irrigation or firefighting water supply.

36. Except as provided for in Condition 35 above, the costs of potable water connection shall be borne by the consent holder.

*Advice Note: The Council reticulated potable water supply system, which will service this development, supplies potable water to a part of the Wakatipu Basin which contains a significant number of existing properties and zoned or consented developments which are yet to be constructed. Council has recently commissioned a review of that system to accommodate existing and potential future demand for the next 30-year horizon. The consent holder is working with the Council to ensure that that review is expedited and includes provision for the proposed development.*

*Any reservoir constructed within the Open Space Activity Area identified in the Ayrburn Structure Plan will require separate resource consent and is not approved as part of this application.*

37. In relation to the provision of wastewater services, the consent holder shall enter into a Development Agreement with Council to negotiate Development Contributions under the Local Government Act 2002 that are payable for development authorised by this consent for the purpose of funding growth related projects for wastewater network

infrastructure, in accordance with Queenstown Lakes District Council's Development Contributions Policy.

38. The costs of connection for wastewater shall be borne by the consent holder.

The Development Contributions Policy can be found here:

<https://www.qldc.govt.nz/services/resource-consents/before-you-apply/development-contributions/>

*Advice Note: Reserves, community infrastructure and roading infrastructure are all covered by QLDC's Development Contributions Policy as included within the contributing areas for these aspects. Development Contributions will be required, but a condition of consent is not required.*

#### **Transport upgrades**

39. The roading and public transport upgrades required by Conditions 1e.(vii)v. and 15e.(x) shall be implemented prior to the commencement of screen hub activities or use of accommodation units.
40. The cost of roading and public transport upgrades required by Conditions 15e.(vii)v. and 15e.(x) shall be borne by the consent holder.

#### **Operational Noise**

41. All activities on the site must be conducted, and buildings located, designed and used to ensure that the noise rating level from the operation of the Screen Hub complies with the following limits, when measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008:

a. **Wakatipu Basin Lifestyle Precinct, Waterfall Park Zone, and Millbrook Zone**

- i. 0800 to 2000 hours: 50 dB LAeq (15 min)
- ii. 2000 to 0800 hours: 40 dB LAeq (15 min)
- iii. 75 dB LAFmax

Compliance must be achieved at any point within any site.

b. **Wakatipu Basin Rural Amenity Zone**

- i. 0800 to 2000 hours: 50 dB LAeq (15 min)
- ii. 2000 to 0800 hours: 40 dB LAeq (15 min)
- iii. 75 dB LAFmax

Compliance must be achieved at any point within the notional boundary of a residential unit.

*Advice Note: The noise limits specified above are consistent with the applicable rules in the Queenstown Lakes Proposed District Plan at the date of issue of this consent (with the exception of the additional 75dB LAFmax added to the Lifestyle Precinct limits) and would apply irrespective of this consent. They are included here for clarity and ease of reference.*

42. The noise rating level of the cumulative operation of all fixed outdoor mechanical plant (such as for air conditioning, HVAC, refrigeration or similar) shall not exceed a limit of 30dB L<sub>Aeq</sub> when measured and assessed at any point within any site in the Wakatipu Basin Lifestyle Precinct, Waterfall Park Zone and Millbrook Zone or at the notional boundary of any residential unit in the Wakatipu Basin Rural Amenity Zone. The Consent Holder shall provide a report prepared by a SQEP to the Council prior to occupation of any building, that demonstrates how this condition has been achieved.
43. The Consent Holder shall provide to the Council a report prepared by a SQEP that demonstrates:
  - a. the necessary level of sound insulation for the Sound Stage building to ensure that all noise likely to be generated within it, and the cumulative noise from the site from all typical operational noise sources, will comply with Condition 41; and
  - b. how the specified level of sound insulation will be achieved in the design and construction process.
44. The report required under Condition 43 must be provided to the Council prior to commencing construction of any part of the above-ground structure of the Sound Stage building.
45. The Consent Holder shall have a SQEP prepare an Operational Noise Management Plan (ONMP) for all studio related activities for certification by QLDC that the matters listed in a to f below have been included at least 10 days prior to the Studio being operational. The ONMP shall be generally in accordance with the draft ONMP prepared by Marshall Day Acoustics as referenced in Condition 1. The objective of the ONMP is to set out all of the methods and procedures necessary to ensure compliance with the operational noise limits in this consent in Condition 41, and to ensure that the noise from the operation of the Screen Hub is minimised as far as practicable. The ONMP must include, (but is not limited to):
  - a. Methods and procedures for ensuring that all typical studio related activities are managed to ensure compliance with the noise limits in Condition 41;
  - b. Methods and procedures for ensuring that any atypical or unforeseen activities that are sought to be undertaken are managed appropriately to ensure compliance with the noise limits in Condition 41;
  - c. Methods and procedures for ensuring that any complaints from neighbours are investigated and responded to without unreasonable delay and that appropriate action is taken to address the complaint if such action is required;

- d. Methods and procedures for ensuring that all persons involved with the studio activities of the Screen Hub are made aware of the requirements of the ONMP, including through specific training, inductions or other methods;
- e. Methods and procedures for ensuring that noise monitoring is undertaken at appropriate times when noise levels from Studio activities may approach (or even exceed) the noise limits in Condition 41, in response to complaints about noise and at the Council's reasonable request. The triggers for requiring noise monitoring must be clearly specified in the ONMP and must include (but is not limited to):
  - i. Outdoor filming between 8pm and 8am on any day
  - ii. When any pyrotechnics are used outdoors
  - iii. When wind / rain machines are used outdoors
  - iv. When any other noisy activity is conducted outdoors that has not already been the subject of noise monitoring that demonstrates that the activity can readily comply with the noise limits in Condition 41.
- f. Procedures for ensuring that any permanent noise mitigation measures (such as fences, acoustic treatment in buildings etc) are maintained as being acoustically effective for the duration of this consent.

*Advice Note: 'Studio related activities' for the ONMP relate to any activity within areas A, B and C as shown on the Masterplan page within the Ayrburn Screen Hub Design Report referenced in Condition 1.*

- 46. The Consent Holder shall have a SQEP prepare an ONMP for all accommodation activities for certification by QLDC at least 10 days prior to the accommodation being operational that the ONMP complies with the following requirements. The ONMP shall be generally in accordance with the draft ONMP prepared by Marshall Day Acoustics as referenced in Condition 1. The objective of the ONMP is to set out all of the methods and procedures necessary to ensure compliance with the operational noise limits in this consent in Condition 41, and to ensure that the noise from the operation of the Accommodation activity is minimised as far as practicable.

*Advice Note: 'Accommodation activities' for the ONMP relate to any activity within the Screen Hub with the exception of areas A, B and C as shown on the Masterplan page within the Ayrburn Screen Hub Design Report referenced in Condition 1.*

- 47. No outdoor speakers may be used for playing amplified speech, music or other sounds between the hours of 8pm and 8am. Any outdoor speakers used during the day shall not exceed the noise limits in Condition 41.
- 48. The film studios, workshop buildings, accommodation reception/lobby and gym shall have all windows and doors closed between the hours of 8pm and 8am.
- 49. Amplified music in the accommodation reception/lobby and gym shall only be played through the installed in-house systems. All systems shall have an automatic sound

limiting device installed that has been commissioned by a SQEP. Prior to commencement of operations, the consent holder shall provide to the QLDC a letter from a SQEP that an automatic sound limiting device has been installed and the sound level at which the system has been set to ensure that the cumulative noise rating level from all noise sources on the site will comply with the noise limits in Condition 41.

50. Any traffic associated with Studio Activities (including crew and delivery trucks) shall only use the second entry/exit off Ayr Avenue as shown on the 'South Neighbours Additional Mitigation Plan' on page 32 of the Ayrburn Screen Hub Design Report referenced in Condition 1.
51. Prior to commencement of operations, the consent holder shall provide to QLDC photographic evidence of signage in place and a copy of any induction procedures that clearly outlines the requirement in Condition 50.
52. Prior to construction activities commencing (excluding establishment of any environmental controls), a 2.4m high acoustic barrier as specified in the 'Acoustic Barrier Specification' plan by Marshall Day on page 33 of the Ayrburn Screen Hub Design Report referenced in Condition 1 is to be constructed along the southern boundary and screened with hedges as shown on the 'South Neighbours Additional Mitigation Plan' on page 32 of the Ayrburn Screen Hub Design Report referenced in Condition 1.
53. Prior to any studio building being occupied, a 2.4m high Acoustic Barrier as specified in the 'Acoustic Barrier Specification' plan by Marshall Day on page 33 of the Ayrburn Screen Hub Design Report referenced in Condition 1 is to be constructed around the backlot area as shown on the 'South Neighbours Additional Mitigation Plan' on page 32 of the Ayrburn Screen Hub Design Report referenced in Condition 1.

#### ***Construction Traffic, Noise and Vibration***

54. No construction related vehicles, including contractor and staff vehicles, shall park on any public road, berm, footpath, or road shoulder at any time. All construction vehicle parking shall be contained within the site or on other appropriately authorised private land.
55. Construction noise is to be measured and assessed in accordance with NZS 6803: 1999 *Acoustics - Construction Noise*. Construction noise must comply with the recommended upper limits in Tables 2 and 3 of NZS6803. The long-term noise limits in that standard applies.
56. The consent holder shall, at least 10 working days prior to the commencement of construction activities authorised by this consent, undertake a letter drop to the owners/occupiers of neighbouring adjoining properties as identified in the 'Ayrburn Screen Hub – Neighbours Adjoining Site', prepared by Winton, dated 6 March 2026 referenced in Condition 1, outlining expected work times and duration as well as the contact details for the site management.

57. In addition to the requirements of Condition 55, earthmoving plant, trucks, craneage, rock excavation equipment and any other noisy plant, machinery or construction processes used or undertaken during the construction of the project may only be operated between 0730 and 1800 hrs from Monday to Friday, and between 0830 and 1300 on Saturday (both excluding public holidays). Only construction work that is inaudible at any occupied building on another site (such as planting, painting, electrical fitout or interior work) may be conducted outside of these hours.
58. Set construction or construction work associated with filming is considered an operational noise source and must comply with the noise limits in Conditions 41 and 42.
59. Construction vibration is to be measured and assessed in accordance with and must comply with the guideline vibration limits in German Standard DIN 4150-3:1999 *Structural Vibration - Effects of Vibration on Structures*.

#### **Construction Noise Monitoring**

60. Noise monitoring shall be undertaken by a SQEP at the following points during the construction and operation of the Screen Hub:
  - a. On commencement of any earthworks within 70m of any adjoining occupied receiver;
  - b. On commencement of any rock excavation works;
  - c. As requested by Council.
61. Noise shall be measured and assessed in accordance with NZS6803:1999.
62. The results of the noise monitoring shall be provided to Council within 5 working days of completing the monitoring and made available to adjoining neighbouring properties on request.
63. Where monitoring identifies non-compliance, the consent holder shall implement mitigation measures to achieve compliance and undertake follow-up monitoring within 5 working days.

*Advice Note: The requirements of this condition are in addition to any noise monitoring required under the ONMP as per Condition 45 and in response to any noise complaint as per Condition 64.*

64. In the event the consent holder receives a noise complaint(s) that is reasonable, that relates to an activity that is taking place on the Site and that has not already been the subject of monitoring that demonstrates clear compliance in downwind meteorological conditions, the consent holder shall commission a SQEP to undertake noise monitoring within 5 working days of the complaint. The noise monitoring shall be targeted at the noise source or activity that was the reason for the complaint(s) and to capture any other

potentially noisy activities or plant that is operating during the monitoring period and / or when the complaint(s) was received.

65. Where monitoring identifies non-compliance, the consent holder shall implement mitigation measures to achieve compliance within 5 working days and undertake follow-up monitoring within 7 working days of the initial noise monitoring.
66. Results are to be provided to the Council within 10 working days of the initial noise monitoring.

### **Landscaping**

67. The consent holder must not commence any physical works until certification has been obtained from Council for the detailed Landscape Plans and final Landscape Maintenance Plan. The detailed Landscape Plans shall:
  - a. meet Part 7 – Landscape, of QLDC’s LDSCoP and subsequent amendments to that document up to the date of issue of this resource consent.
  - b. be prepared in accordance with the Ayrburn Screen Hub Design Report referenced under Condition 1.
  - c. The consent holder shall plant a minimum of 3.1ha of regenerative native planting including riparian planting as shown on pages 26-29 of the Ayrburn Design Report referenced in Condition 1.
  - d. All areas of regenerative planting shall be fenced to exclude stock and be maintained to achieve a closed canopy. Plant losses in excess of 10% shall be replaced with specimens true to the sizes and spacings specified, in the following planting season.
  - e. Predator trapping shall be undertaken in the areas of regenerative native planting for the life of the consent.
  - f. In any new areas of riparian planting, to ensure the mauri and wairua of the catchment are enhanced, planting patterns shall be natural as what would be expected to occur in nature. No exotic species shall be permitted to be planted within a 10m setback from the water. For visible bank stabilisation, only natural materials shall be used such as local stone.
  - g. Any new areas of planting along the edge of Mill Creek shall be positioned to overhang the creek to provide refuge for native Taonga such as Koura (freshwater crayfish) Koaro (galaxid) and Tuna (eel), and provide nesting grounds for Papango (scaup), Kawau (shag), Pukeko (swamp hen) and putangitangi (paradise Shelduck).
  - h. Watercress shall be left to grow freely in Mill Creek and never have any herbicide, pesticide or other chemicals / contaminants applied.
68. The detailed Landscape Plans and final Landscape Maintenance Plan shall be prepared by a suitably qualified Landscape Architect for certification by the Council’s Parks & Open Spaces Planning Manager that it addresses the matters identified in Condition 67.

69. All landscaping, planting and its maintenance shall be carried out in accordance with the detailed landscaping plan and final Landscape Maintenance Plan certified in accordance with Condition 68. Any plant or tree that dies or becomes diseased shall be replaced within 12 months in accordance with the certified detailed landscaping plan.
70. Except for planting on the spur landform, native riparian margin plantings, grapevine plantings, planting in the WT Plans required under Conditions 75 and 76 and the planting of retaining structures behind the studio buildings, the detailed Landscape Plans must be fully implemented by the consent holder within 12 months of the completion of any part of the development. This includes all trees, shrubs, grassed areas, native species, and any existing vegetation identified for retention.
71. Planting of the spur landform, native riparian margin plantings, grapevine plantings and the planting of the retaining structures behind the studio buildings must be fully implemented by the consent holder prior to the commencement of construction of buildings. This includes all trees, shrubs, grassed areas, native species, grapevine planting and any existing vegetation identified for retention.
72. All planting shall be maintained and irrigated in accordance with the detailed Landscape Plans in perpetuity. Any plant or tree that dies or becomes diseased shall be replaced within 12 months in accordance with the certified detailed Landscape Plans in Condition 68.
73. The use of fertiliser containing nitrogen or phosphorous shall be prohibited within the Site apart from the initial establishment of hydroseed grass areas and the initial establishment of plants. Organic fertiliser such as compost, manure or seaweed shall be permitted. For plant establishment, fertiliser shall be limited to 1 x 10g slow-release tablet placed below the base of the rootball.
74. All areas of exposed earth shall be re-sown in grass, planted as per the certified detailed Landscape Plans, or covered in leaf litter within the woodland area within three months of completion of earthworks.
75. The following obligations relate to the Wilding Tree Removal and Proposed Native Planting Plan and Phasing Plan (**WT Plans**) in the Ayrburn Screen Hub Design Report referenced in Condition 1:
  - a. The obligations under this condition in respect of each of Areas A, B and C shown on the WT Plans are subject to the consent holder obtaining the written approval detailed in Condition 76 in respect of each Area (i.e. the obligations in respect of each of Areas A, B and C apply separately in relation to each of Areas A, B and C).
  - b. The consent holder shall:
    - (i) remove all exotic vegetation (excluding grass) from each of Areas A, B and C shown on and in accordance with the WT Plans;

- (ii) replant each of Areas A, B and C in native vegetation in accordance with the directions detailed in the WT Plans;
  - (iii) maintain on an ongoing basis, the native planting within Areas A, B and C shown on the WT Plans in accordance with the Ayrburn Screen Hub – Southern Boundary Bank Planting Specification and Maintenance Plan.
- c. Vegetation removal and planting required under this condition shall be completed for Phase 2 (Top Area) prior to the occupation of any buildings authorised under this consent.
- d. Conditions 67-74 apply to the native planting required under this condition provided that, in the event of any inconsistency between Conditions 67-74 and this condition, this condition shall prevail.
76. The consent holder shall not implement any part of Condition 75 without first obtaining the written approvals of the relevant registered proprietors of Areas A, B and C shown on the WT Plans. The following shall apply:
- a. The consent holder may deal separately with the registered proprietors of each of Areas A, B and C (i.e. there is no obligation for the registered proprietors of Areas A, B and C to agree with each other).
  - b. When providing their written approval, each registered proprietor shall be entitled to identify specific trees and require that they be topped to a certain height and not removed for a period of time which that registered proprietor may specify. If that occurs, the consent holder's obligation to replant native vegetation shall not apply for the specified period in respect of the land within the dripline of the tree(s) being topped and retained. When such tree(s) is/are eventually removed, the replanting obligation must be complied with.
  - c. If the consent holder requests a written approval for the purposes of this condition, and the relevant registered proprietor does not provide that written approval within two months of that request being made, the consent holder's obligations under Condition 75 in respect of the Area adjoining that registered proprietor's property shall be at an end.
77. The registered proprietors of each of Areas A, B, C, D and E, as shown on the South Neighbours Additional Mitigation Plan on page 32 of the Ayrburn Screen Hub Design Report referenced under Condition 1, shall have the right to enter the relevant adjoining Area (**Access Right**) upon the following basis:
- a. Each Access Right only applies in respect of the adjoining Area. For example, the Access Right created under this condition for the benefit of the registered proprietor of Lot 1 DP336908 only applies to the adjoining Area A and does not apply to the other Areas B, C, D or E.

- b. The Access Right shall be for the purpose of topping vegetation to preserve or enhance views or sunlight access. The registered proprietor who tops vegetation under this condition shall remove excess topped vegetation from the relevant Area.
- c. The Access Right may be secured through a registered easement over the relevant Area, in favour of the relevant registered proprietor, at the request of the registered proprietor provided that each party shall execute the relevant registration documents and shall meet their own legal costs.

### **Lighting**

78. Prior to commencing construction of any part of the development (excluding earthworks and environmental measures), a Light Management Plan (LMP) with associated external lighting design plans shall be submitted to QLDC for certification by QLDC that any light spill or glare does not exceed the standards in the QLDC District Plan which are operative as at the date of this consent. The LMP shall be generally in accordance with the draft LMP prepared by Xyst as referenced in Condition 1.
79. Prior to occupation of any building, external lighting shall be inspected by a SQEP to ensure lighting is installed in accordance with the certified LMP and is correctly aimed and operated in accordance with the approved design and the LMP. Results are to be submitted to QLDC. External lighting is to then be inspected annually on an ongoing basis, with results submitted to QLDC, to ensure ongoing compliance with the approved design and the LMP.
80. There shall be no external up-lighting, including but not limited to, any feature, tree or building.

### **External Appearance**

81. Building materials and colours shall be in accordance with the materials and colours approved in the Architectural Design Report under Condition 1d. of this consent (refer to Sheet 3.2).

*Advice Note: Any subsequent changes to the approved building materials and colours will require separate authorisation such as a s127 variation under the current RMA provisions.*

### **Accidental Discovery Protocol**

82. If the consent holder discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Māori artefact material, the consent holder shall without delay:
- a. notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police;

- b. stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate Rūnanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

#### **Unexpected Contamination Protocol**

84. If the consent holder discovers unexpected contaminated material, buried waste, or hazardous substances during earthworks within the development site, all works in the immediate vicinity must stop immediately. The consent holder must notify Council and the Otago Regional Council and engage a SQEP in contaminated land to assess the material.

*Advice Note: Any works associated with contaminated land shall be undertaken in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and where required, consents sought.*

#### **Complaints Register**

85. The consent holder must maintain a record of any complaints received in relation to the exercise of this consent. The register must include, but not be limited to:

- a. the date, time, location and nature of the complaint;
- b. the name, phone number, and address of the complainant, unless the complainant elects not to supply this information;
- c. action taken by the consent holder to remedy the situation and any policies or methods put in place to avoid or mitigate the problem occurring again.

86. A record of the complaints must be submitted to the Council at any time upon request.

#### **Use of Accommodation Units**

87. None of the accommodation units shall be occupied prior to the date that the following have been completed and are operational:

- a. the two studios (and associated workshop and workroom spaces); and

- b. the ephemeral tributary riparian planting, the in-line sediment trap in Mill Creek, the two in-line sediment traps in the ephemeral tributary and the public trail connections.

88. To ensure that a proportion of the accommodation units remains available for booking by persons associated with studio activities, the maximum number of accommodation units that may be booked by persons not associated with studio activities must not exceed that set out in the Table below:

- **Column A** sets out the applicable time periods, measured in advance from (and including) the date that any accommodation booking commences, as that applies to the associated row of column B.
- **Column B** specifies the maximum number of accommodation units that may be booked by any person not associated with studio activities during the period of time specified in Column A.

<b>Column A – Period of time</b>	<b>Column B – Number of Accommodation Units</b>
<b>53 weeks or more</b>	20
<b>47 to 52 weeks</b>	40
<b>40 to 46 weeks</b>	60
<b>34 to 39 weeks</b>	80
<b>28 to 33 weeks</b>	100
<b>21 to 27 weeks</b>	120
<b>14 to 20 weeks</b>	140
<b>7 to 13 weeks</b>	170
<b>6 weeks or less</b>	201

*Advice Note: The purpose of this condition is to reflect the primary purpose of the accommodation units being for studio activities, with other general use assisting with economic viability being a secondary purpose, by ensuring that a portion of the accommodation remains available for people associated with studio activities when booking in advance. The further ahead the booking is made, the greater the proportion of units that must be available for bookings associated with studio activities, with up to 181 accommodation units available for studio bookings 53 weeks or more in advance.*

89. The consent holder shall maintain a register containing details of bookings by persons not associated with studio activities to demonstrate compliance with Condition 88. The register shall also include any complaints with regard to availability of accommodation units for persons associated with studio activities and be maintained as follows:
- a. Once a month, the consent holder shall lodge with Council (to an email address or other e-portal advised by Council) a report from the register in a form which records compliance with Condition 88.
  - b. Details of all monthly reports from the register required by Condition 89a. for at least the preceding 5 years shall be continually maintained.
  - c. The register shall be made available for inspection by the Council at all times.

#### **Monitoring and Review**

90. On the second anniversary of the accommodation units commencing occupation under this consent, a report shall be submitted by the consent holder to the Council's Monitoring and Enforcement Team, detailing:
- a. a summary of the monthly reports from the register as set out in Conditions 89a and 89b;
  - b. any complaints received by the Consent Holder with regard to availability of accommodation units for persons associated with studio activities;
  - c. whether, to the Consent Holder's knowledge, there have been any instances of refused bookings for persons associated with studio activities due to unavailability of accommodation units already booked by other persons not associated with studio activities.

*Advice note: The purpose of this condition is to monitor the extent to which Conditions 88 and 89 are sufficiently ensuring that accommodation units are available for, and not prohibited from access to bookings by persons associated with studio-related activities, and to inform whether a review of Conditions 88 and 89 is appropriate, including under Condition 91 below.*

91. Pursuant to Section 128(1) of the Resource Management Act 1991, the Council may review Conditions 88 and 89 of this consent within 6 months of receiving the report required under Condition 90 for the purposes of ensuring that:
- a. accommodation units are available for, and not prohibited from access to bookings by persons associated with, studio-related activities;
  - a. the provision of information (including the register and monthly reports under Condition 89 enables the efficient and effective monitoring of use of

accommodation and its availability for persons associated with studio-related activities.

*Advice Note: The contents of the report required in accordance with Condition 90, and any complaints and feedback received by the Consent Holder or the Council in respect of Condition 88 and studio-related booking availability, will be considered by Council in deciding whether a review of Conditions 88 and 89 of this consent under Condition 91 is warranted. If the Consent Holder is able to show that they are taking appropriate measures to address identified problems as they arise then a review will not be required.*

### **Public Access**

92. Prior to the commencement of any works on the site for the trails under this consent, the consent holder shall provide detailed landscape and engineering plans (including design specifications) to be certified by the QLDC's Parks & Open Spaces Planning Manager. The final plans shall achieve the following:

- a. All works shall meet Part 7 – Landscape, of QLDC's LDSCoP (dated 2025) and subsequent amendments to that document up to the date of issue of any resource consent;

*Note: This applies to the trails and any planting within the easement area only. The current standards are available on Council's website via the following link: <https://www.qldc.govt.nz/media/3yyc4fzi/2020-qldc-land-development-and-subdivision-code-of-practice.pdf>*

- b. Path width, material and construction details so that all tracks achieve a minimum grade 2 standard as set out in Appendix J Trail Design Standards & Specifications – 2025 of the QLDC LDSCoP. <https://www.qldc.govt.nz/media/cglfzr5c/qldc-trail-design-standards-and-specifications-02-july-2025.pdf>.

*Note: Pathways with a hard sealed surface such as asphalt shall be no less than 2.2 metres in width – case specific.*

- c. All planting within any public access easement.

*Note: This applies to the trails and any planting within the easement area only. The current standards are available on Council's website via the following link: <https://www.qldc.govt.nz/media/3yyc4fzi/2020-qldc-land-development-and-subdivision-code-of-practice.pdf>*

93. Access and maintenance works easements must be secured over the pedestrian and cycle trails identified as Trails A, B, and C. These shall be Right of Way easements in gross in favour of Council. The easement agreements must be approved by the Parks and Open Spaces Planning Manager prior to registration.

*Note: The Grantor bears all reasonable costs associated with the registration and/or alteration of the easement, including legal, survey and registration costs.*

94. The consent holder shall enter into a maintenance agreement under s207A of the Local Government Act 2002 Amendment Act (LGA) as per clause 7.4.11.2 of the QLDC LDSCoP, with the Council's Parks and Reserves Department, with the obligation being upon the consent holder to fulfil the requirements detailed in a. to d. below. The maintenance period shall be three (3) years from the date construction is completed of Trails A, B and C.
- a. All new assets, including trails, irrigation and fencing, shall be kept in good working order and be free of defects or disrepair;
  - b. Trees and vegetation within the public access easements shall be irrigated and maintained to an acceptable standard as specified by Council's Parks and Reserves Planning team. It shall be the responsibility of the consent holder to ensure that any new plantings, as shown on the approved landscape plans, that die or decline at any time over the three (3) year maintenance period following the initial planting shall be replaced. The replacement plants shall be of the same species, grade and size as the original specimens and planted no later than the following planting season or as instructed by Council;
  - c. The public access easement areas shall be kept in a tidy condition and shall be free of litter and refuse;
  - d. On completion of construction, asbuilts for any area vested with Council shall be provided as per the LDSCoP.

*Advice Note: Asbuilt submission package, including asbuilt specs and guidelines, are available on the QLDC LDSCoP 2025 website: <https://www.qldc.govt.nz/services/resource-consents/land-developments-and-subdivisions>*

95. Following the completion of the relocation of the Countryside Trail marked "C" on the Public Trails Plan contained in the Ayrburn Design Report (Page 25) referenced in Condition 1, the consent holder shall undertake rehabilitation works to reinstate the trail's former alignment area to a natural condition. The rehabilitation shall include:
- a. reinstatement of the natural landform contours to match the surrounding topography;
  - b. regrassing of all disturbed areas using a seed mix appropriate to the local environment, to promote rapid revegetation and minimise erosion;
  - c. completion of the rehabilitation works within three (3) months of the trail relocation;
  - d. maintenance of the reinstated area for a period of 12 months following completion, to ensure successful establishment of vegetation.

#### **Performance of stormwater devices**

**NOTE:** The following conditions shall be read in conjunction with the 'Ayrburn Screen Hub – Stormwater Overview Plan' at page 16 of the Ayrburn Design Report referenced in Condition 1.

96. Sediment build up in the tertiary treatment pond and smaller ponds identified as 'D' & 'E' on the Stormwater Overview Plan shall be monitored as follows:
  - a. Within two months of installation being completed, the tertiary treatment pond and smaller ponds as identified as 'D' & 'E' on the Stormwater Overview Plan shall be surveyed, using a licenced surveyor, and an as-built plan created, and a record kept by the consent holder and lodged with the Council. This plan shall show as-built levels at the invert or base of all devices. A survey reading shall be taken every 2m<sup>2</sup>.
  - b. The ponds shall be monitored yearly to ensure that sediment levels are <250mm above the surveyed as-built levels. A record shall be kept by the consent holder and made available to Friends of Lake Hayes Society Incorporated, Kāi Tahu and the Council. If there is a positive height variance of >250mm the pond shall be reinstated to the surveyed as-built level. After the first 3 years of yearly monitoring, if the ponds are <150mm above design levels, the period may be extended to 3 yearly monitoring.
97. Planting within stormwater infrastructure and riparian areas shall be monitored and maintained to ensure that any stormwater-related plantings and riparian plantings survive and carry out their treatment function.
98. Monitoring and removal of sediment from the In-line Sediment Trap identified on the Stormwater Overview Plan shall be implemented as follows:
  - a. After completion but before commissioning, the In-line Sediment Trap shall be surveyed, using a licenced surveyor, and an as-built plan created, and a record kept by the consent holder and lodged with the Council. A reading showing as built levels shall be taken every 2m<sup>2</sup>.
  - b. The In-line Sediment Trap shall be cleaned by the removal of sediment to asbuilt survey levels within the first 24 months of its operation to establish the sediment load captured. A report, including photographs and volumes captured, shall be created and provided to Friends of Lake Hayes Society Incorporated, Kāi Tahu (via Te Ao Marama) and Council.
  - c. The In-line Sediment Trap shall be monitored for water depth 3 monthly. A record shall be kept by the consent holder and provided to Friends of Lake Hayes Society Incorporated, Kāi Tahu and Council. Should the water depth become an average of <400mm deep in the middle of the pond, the pond shall be cleared by removal of sediment to asbuilt levels.

### **Water Quality Monitoring**

99. Before the commencement of construction, the consent holder shall install and commission telemetry dataloggers that measure and record turbidity in Nephelometric Turbidity Units (NTU) at regular intervals. These shall be located at the upstream and downstream boundary of the consent holder's land.
100. Live data information from the data loggers shall be made available to Kai Tahu, Friends of Lake Hayes Society Incorporated and Council.

***Ecology - Lizard Management Plan***

101. Prior to any vegetation removal or earthworks within the construction footprint a lizard survey must be undertaken by a herpetologist (specialising in lizards) to identify whether any population of native lizard are present on the site.
  - a. The results of the survey must be submitted to QLDC and the Department of Conservation prior to any works, including vegetation removal, being undertaken within the construction footprint.
  - b. Where a lizard population is recorded during the survey a LizMP must be developed.
102. The objective of the LizMP is to provide for capturing and relocating as many indigenous lizards as practicable prior to and during vegetation removal and earthworks, and providing for habitat enhancement and pest control. The LizMP aims to achieve the following:
  - a. The population of each species of native lizard present on the site at which vegetation clearance or earthworks is to occur (impact site) shall be maintained or enhanced, at an appropriate alternative location on the site; and
  - b. The habitat(s) that lizards are transferred to (release site) will support viable populations for all species present pre-clearance.
103. The LizMP must include:
  - a. Use of current best practice to capture native lizards;
  - b. Use of current best practice to capture native lizards from vegetation in the footprint prior to and during vegetation clearance or earthworks and relocating any captured individuals to safe and suitable habitats;
  - c. Use of current best practice to enhance habitats and monitor relocated native lizards, including provision of success criteria and reporting;
  - d. The area to be impacted by the works (including a plan) and the proposed release area for native lizards;
  - e. Credentials and contact information for the project herpetologist;

- f. Timing of the implementation of the LizMP:
  - i. A description of methodology for survey, trapping and relocation of lizards rescued including appropriate salvage protocols;
  - ii. Relocation protocols (including method used to identify suitable relocation location(s));
  - iii. Nocturnal and diurnal capture protocols;
  - iv. Supervised habitat clearance/transfer protocols; and
  - v. Appropriate opportunistic relocation protocols.
  
- g. A description of the lizard monitoring methodology, including but not limited to:
  - i. Baseline surveys (as necessary) to identify potential release area for salvaged lizard populations and lizard monitoring sites;
  - ii. Ongoing annual surveys to evaluate translocation success;
  - iii. Pre and post -translocation surveys; and
  - iv. Any updates (where necessary) to be consistent with any approval required under section 53 of the Wildlife Act 1953.

*Advice Note: The consent holder must hold an approval under the Wildlife Act 1953 before capturing and translocating any indigenous lizards. Any capture and relocation of indigenous lizards will need to be undertaken in accordance with the requirements of that approval.*

- 104. Where an LizMP is required by Condition 101, the LizMP must be submitted to QLDC for certification and must:
  - a. Be prepared and implemented in accordance with the LizMP Conditions 102 and 103; and
  - b. Be prepared by a suitably qualified and experienced herpetologist (specialising in lizards).
  
- 105. The certification process must be confined to confirming that the LizMP gives effect to its objective and complies with the information requirements and will achieve the performance standards in the above condition(s) and the LizMP is in accordance with Condition 102.
  
- 106. The LizMP will not be subject to a third-party approval; however, in deciding whether to certify the LizMP Council may obtain advice from other suitably qualified person(s).
  
- 107. The consent holder must not commence any works or activities within the construction footprint until the LizMP has been certified by QLDC.

***Lapse of Consent***

108. In accordance with clause 87(2)(b) and clause 26 Schedule 5 FTAA, this consent shall lapse six (6) years after the date it commences unless the consent is given effect to within that six-year period.

## Consent Conditions (ORC – Water Permit)

To temporarily divert Mill Creek for the purpose of creating and maintaining a sediment trap.

For a term expiring 1 September 2053.

Under clause 18 Schedule 5 of the FTAA and sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. The temporary diversion of Mill Creek for the purpose of installing and maintaining the online sediment trap must be carried out in accordance with the plans and all information submitted with the application, detailed below, and referenced as consent number FTAA-242-1008:
  - a) Application form dated 22 August 2025, Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates titled "Ayrburn Screen Hub" and dated 18 November 2025;
  - b) Draft Environmental Management Plan, prepared by Enviroscope, dated 23 May 2025;
  - c) Engineering Drawings, prepared by Patersons, dated 18 July 2025; and
  - d) Ecology Assessment, prepared by SLR Consulting New Zealand titled, dated 25 July 2025;

If there are any inconsistencies between the above information and any other condition of this consent, the other condition of this consent prevails.

2. For the avoidance of any doubt:
  - a) **Temporary diversions** refer to any diversion occurring for a period while instream works occur, initially to create the online sediment trap and then to maintain the online sediment trap on an ongoing basis;
  - b) **Online sediment trap** refers to the sediment trap to be installed within the bed of Mill Creek.
3. These consent conditions must be exercised in conjunction with the Otago Regional Council Land Use Consent Conditions below.

### **Diversion**

4. When diverting water into the new diversion channel, sediment discharges associated with the works must not cause a conspicuous change. For the purposes of this condition, a "conspicuous change" will be deemed to occur if:
  - a. turbidity in downstream samples exceeds the more stringent of:
    - i. 40% increase relative to concurrent upstream samples; or
    - ii. 150 NTU;
  - b. there is conspicuous oil or grease films, scums, foams, or floatable or suspended material beyond 50 metres from the construction site.

5. Diversions of Mill Creek must not be undertaken until the diversion channel has been fully excavated and constructed. The diverted water must not come into contact with any exposed or disturbed ground prior to its discharge back into the creek.
6. The consent holder must ensure that no fish become stranded, and fish passage is not impeded as a result of the diversions.
7. Temporary diversions for the construction and maintenance of the online sediment trap shall only occur during periods of low flow, and shall be limited to the period between 1 January to 30 March<sup>1</sup> each year, provided that no instream works shall be undertaken when flows in Mill Creek are less than 230 litres per second<sup>2</sup>, as measured at the Fish Trap flow monitoring site approximately 1.5 km downstream of the online sediment trap.
8. For any diversion:
  - a) a suitably qualified freshwater ecologist is to be present for the dewatering of any waterway;
  - b) the dammed stretch of the waterway must be fished for aquatic fauna prior to dewatering being completed;
  - c) any species caught should be relocated to an appropriate nearby habitat and be recorded in the NZ Freshwater Fish Database;
  - d) any fish removed during the operation must be returned immediately back into the water upstream of the works; and
  - e) the activity must be undertaken in accordance with the fish recovery protocol provided in: Ministry for the Environment 2021. *National works in waterways guideline Appendix 5: Fauna capture, relocation and salvage*.
9. If pumping is required, pumping must be at a rate at which the creek level at the time of the proposed works is maintained. The pumping cannot lower the water level in the upstream reach. All pumping equipment is to have a 2 – 5 mm fish screen attached.
10. On completion of the works the diversion must cease. The temporary diversion channel may be kept for the purpose of diverting water to perform maintenance on the sediment traps but must be re-grassed for stability.

#### Performance monitoring

11. Within 5 working days of the completion of the temporary diversion of Mill Creek for the purpose of installing and maintaining the online sediment trap, all machinery, equipment, construction materials, surplus material, debris, rubbish and other material related to the temporary diversion of Mill Creek must be removed from the site. Evidence of compliance with this condition must be included in the photographic record required by Condition 12.

<sup>1</sup> Advice Note 1: This restriction is intended to avoid adverse effects on the spawning habitats of kōaro and brown trout.

<sup>2</sup> Advice Note 2: The 230 L/s flow threshold ensures that instream works are carried out during low and stable flow conditions, which helps to minimise sediment mobilisation and protect downstream aquatic habitats.

Note: For the purposes of this condition, “completion of the temporary diversion” means the time at which flow is reinstated to the main channel of Mill Creek and any temporary bypass of flow ceases.

12. Any disturbance of the riverbank or riverbed shall be rehabilitated to a degree at least equivalent to that prior to the diversion commencing. The consent holder must submit to the Otago Regional Council photographic evidence of the completed works and rehabilitation undertaken in accordance with this condition within 20 working days of the completion of the diversion activity.

#### **Lapse of Consent**

13. In accordance with clause 87(2)(b) and clause 26 Schedule 5 Fast-track Approvals Act 2024, this consent shall lapse six (6) years after the date it commences unless the consent is given effect to within that six-year period.
- 13A. In accordance with section 123 of the Resource Management Act 1991, this consent shall expire on 1 September 2053.

#### **Review**

14. Otago Regional Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent within 3 months of each anniversary of the commencement of this consent for the purpose of:
  - a) determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - b) ensuring the conditions of this consent are consistent with any National Environmental Standards.

#### **Notes to the consent holder:**

1. *Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand (see Section 6). For pre-contact Māori sites this evidence may be in the form of Taonga (artefacts) such as tōki (adzes) or flake tools as well as bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Pre-1900 buildings are also considered archaeological sites. Burials/kōiwi tangata may be found from any historic period. Archaeological sites are legally protected under Sections 42(1) & (2) of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an Authority from Heritage New Zealand Pouhere Taonga irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act 1993 or Building Act 1991.*
2. *Section 126 of the Resource Management Act 1991 provides that Otago Regional Council may cancel this consent by written notice served on the consent holder if the consent has been exercised in the past but has not been exercised during the preceding five years.*

3. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*
4. *The consent holder will be required to pay Otago Regional Council an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*

## Appendix 6 –Consent Conditions (ORC – Land Use)

To disturb the bed, remobilise sediment, remove sediment and alluvium for the purposes of installing and maintaining a sediment trap in Mill Creek.

For a term expiring 1 September 2053.

1. The in-stream works (installation and maintenance of the online sediment trap) must be carried out in accordance with the plans and all information submitted with the application, detailed below, and referenced as consent number FTAA-242-1008:
  - a) Application form dated 22 August 2025, Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates titled “Ayrburn Screen Hub” and dated 18 November 2025;
  - b) Draft Environmental Management Plan, prepared by Enviroscope, dated 23 May 2025;
  - c) Engineering Drawings, prepared by Patersons, dated 18 July 2025; and
  - d) Ecology Assessment, prepared by SLR Consulting New Zealand titled, dated 25 July 2025.

If there are any inconsistencies between the above information and any other condition of this consent, the condition of this consent prevails.

2. The activities authorised by this consent must only be exercised in conjunction with the Water Permit Conditions above.
3. All works authorised by this consent within or adjoining Mill Creek must only be in the locations illustrated in the Engineering Drawings, prepared by Patersons Land Professionals, titled ‘Waterfall Park Developments Ltd Ayrburn Screen Hub, Consent Drawings’, and dated 18 July 2025.
4. No works within or adjoining Mill Creek shall be undertaken during the period 1 April to 30 September inclusive.

### **Management Plan**

5. At least 15 working days prior to the commencement of the activity, the consent holder shall submit a finalised Environmental Management Plan (EMP) for certification by the Otago Regional Council (ORC). The EMP shall be based on the draft EMP prepared by Enviroscope dated 23 May 2025 referenced in Condition 1b).
6. The EMP required under Condition 5 shall be:
  - a) prepared by a SQEP;
  - b) prepared in accordance with the GD05 Standard (as applicable);
  - c) submitted in draft to Ngāi Tahu for consultation;
  - d) when submitted to ORC, accompanied by responses to any feedback from Ngāi Tahu under Condition 6c) that is received within 15 working days of the draft management plan being provided to Ngāi Tahu; and

- e) submitted to ORC in electronic form for certification that the management plan meets the objective(s) specified in the plan and gives effect to the relevant consent conditions to which the plan relates.

Note: Ngāi Tahu contact address(es) for the purposes of Condition 6c) are Te Ao Mārama Office: [office@tami.maori.nz](mailto:office@tami.maori.nz)

7. The consent holder must submit an updated EMP to the ORC when:
  - a. any significant changes have been made to the construction methodology since the original plan was accepted; or
  - b. There has been an Environmental Incident and investigations have found that the management measures are inadequate.
8. Any updated versions of the EMP must be submitted to the ORC for review and acceptance. Works implementing the updated EMP must not commence until it has been accepted, and all works must be undertaken in accordance with the most current EMP accepted by ORC at all times.
9. The consent holder must establish and implement document version control and ensure that the ORC is provided with an electronic copy of the most current and complete version of the EMP at all times.
10. All earthworks must be carried out in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005).
11. Prior to commencement of activity, all required erosion and sediment control measures on the subject site must be constructed in accordance with the information contained and approved in the EMP specified in Condition 5.

#### **Performance Monitoring**

12. The consent holder must notify the ORC in writing of the commencement date no less than 10 working days prior to the commencement of in-stream works. The prestart notification must include the following information:
  - a) The start date of works.
  - b) Photographs of the area/s where work is to be undertaken - Photographs must be in colour and no smaller than 200 x 150 millimetres in size and be in JPEG form.
  - c) Name and contact details of their Environmental Representative for the works.
13. Prior to commencement of the works the consent holder must ensure that all personnel working on the site are made aware of, and have access at all times to:
  - a) The conditions of this consent;
  - b) the certified EMP as required by Condition 5.

Copies of these documents must be present on-site at all times while the work authorised by this consent is being undertaken

14. The consent holder must, while exercising this consent, ensure the following:
- a) an Environmental Representative must observe the sediment removal activity;
  - b) the instream works must not cause a permeant reduction in fish passage/ migration;
  - c) a suitably qualified freshwater ecologist is to be present for the dewatering of Mill Creek;
  - d) the dammed stretch of the waterway must be fished for aquatic fauna prior to dewatering being completed;
  - e) any species caught must be relocated to an appropriate nearby habitat and be recorded in the NZ Freshwater Fish Database;
  - f) any fish removed during the operation must be returned immediately back into the water upstream of the works; and
  - g) the activity must be undertaken in accordance with the fish recovery protocol provided in: Ministry for the Environment 2021. *National works in waterways guideline Appendix 5: Fauna capture, relocation and salvage.*
15. The consent holder must notify the ORC in writing no more than 20 working days after the completion of each sediment extraction event and provide:
- a) a record of the volume of sediment removed from the ponds; and
  - b) photographs of each pond before, during and after sediment extraction (looking upstream and downstream of the location of each pond and including date and location of photographs). Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.
16. The consent holder must maintain a record of any complaints received in relation to the exercise of this consent. The register must include, but not be limited to:
- a) the date, time, location and nature of the complaint;
  - b) the name, phone number, and address of the complainant, unless the complainant elects not to supply this information; and
  - c) action taken by the consent holder to remedy the situation and any policies or methods put in place to avoid or mitigate the problem occurring again.

A record of the complaints must be submitted to the ORC Compliance Team at [compliance@orc.govt.nz](mailto:compliance@orc.govt.nz) by 1 October each year and made available for inspection at other times upon request.

#### **General**

17. The consent holder must while exercising this consent ensure:
- a) bed disturbance be limited to the extent necessary to carry out the works within the wet bed of the watercourse, and no material must be removed from within or under the banks of the watercourse;

- b) at completion the works must not result in any decrease of the upstream and downstream cross-sectional area of the stream bed, as the stream bed exists prior to commencement of the works authorised by this consent; and
  - c) at the completion of each sediment extraction event authorised by this consent, the consent holder must ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and any other material brought on site is removed from the site within 5 working days. The site must be tidied to a degree at least equivalent to that prior to the works commencing;
18. The consent holder must ensure that any sediment extraction event authorised by this consent does not cause any flooding, erosion, scouring, land instability or property damage of any other person's property.
19. When undertaking works within the bed of Mill Creek the consent holder must:
- a) ensure that sediment losses to natural water are avoided where practicable and that silt control measures are in place;
  - b) ensure that all machinery operates from the banks of the watercourse as far as reasonably practicable and only enter the bed of the watercourse for the extent necessary to carry out required works and use one corridor for entering and exiting;
  - c) ensure that fuel storage tanks and machinery stored in the construction area are maintained at all times to prevent leakage of oil and other contaminants into the creek. No refuelling of machinery must occur within the river. In the event of contamination, the consent holder must undertake remedial action and notify the ORC within 48 hours;
  - d) ensure that disturbance of riparian vegetation is restricted to the minimum necessary.
20. The consent holder must take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the consent holder must:
- a) water blast all machinery to remove any visible dirt and/or vegetation prior to being brought on-site to reduce the potential for pest species being introduced to the bed of the watercourse. Machinery and equipment that has worked in watercourses must, prior to entering the site, also be cleaned with suitable chemicals or agents to kill didymo;
  - b) to avoid the spread of the *Didymosphenia geminata* or any other pest plant, not use machinery in the berm or bed of Mill Creek that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless the machinery has been thoroughly cleansed with a decontamination solution (for information on decontamination contact Otago Regional Council's Biosecurity Team);
  - c) remove any vegetation caught on the machinery at the completion of works.
21. In the event that an unidentified archaeological site is located during works, the following will apply:
- a) work must cease immediately at that place and within 20 metres around that place;
  - b) all machinery must be shut down, the area must be secured, and the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Otago Regional Council must be notified;

- c) if the site is of Māori origin, the consent holder must also notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975);
  - d) if human remains (koiwi tangata) are uncovered the consent holder must advise the Heritage New Zealand Pouhere Taonga Regional Archaeologist, NZ Police, the Otago Regional Council and Ngāi Tahu (through Te Ao Mārama Office: [office@tami.maori.nz](mailto:office@tami.maori.nz)) and the appropriate iwi groups or kaitiaki representative and the above process under (c) will apply. Remains are not to be disturbed or moved until such time as iwi and Heritage New Zealand Pouhere Taonga have responded;
  - e) works affecting the archaeological site and any human remains (koiwi tangata) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Further assessment by an archaeologist may be required; and
  - f) where iwi so request, any information recorded as the result of the find such as a description of location and content, must be provided for their records.
22. In accordance with clause 87(2)(b) and clause 26 Schedule 5 Fast-track Approvals Act 2024, this consent shall lapse six (6) years after the date it commences unless the consent is given effect to within that six-year period.

#### **Review**

23. The ORC may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period of three months either side of the date of granting of this consent each year, or within two months of any enforcement action taken by the Otago Regional Council in relation to the exercise of this consent, for the purpose of:
- a) determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;
  - b) ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement; or
  - c) reviewing the frequency of monitoring or reporting required under this consent.

#### **Notes to the Consent Holder**

- 1) *Section 126 of the Resource Management Act 1991 provides that Otago Regional Council may cancel this consent by written notice served on the consent holder if the consent has been exercised in the past but has not been exercised during the preceding five years.*
- 2) *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource*

*Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*