

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

Northbrook Wanaka Retirement Village by Winton Property Limited

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

Invitation to Comment on Draft Conditions

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

Important matters relating to the draft conditions

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

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

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

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

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

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

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



Matthew Allan

On behalf of the Northbrook Wanaka Retirement Village Expert Consenting Panel