

From: "Trish Anderson"
Sent: Fri, 21 Jan 2022 16:05:59 +1300
To: "amanda@southernplanning.co.nz" <amanda@southernplanning.co.nz>
Cc: "Mary McConnell" <mary.mcconnell@qldc.govt.nz>
Subject: Resource Consent Decision – Queenstown Lakes District Council (RM210773)
Attachments: RM210773 s95 & Decision.pdf

Good afternoon,

Attached is your resource consent decision.

Minor Corrections

Any amendment to correct minor mistakes or defects in the consent must be processed within 20 working days of the grant of the consent. You should contact the processing planner immediately to advise of any minor mistakes or defects. If you wish to exercise a right of objection under section 357 of the Resource Management Act, then your objection must be in writing and must be made within 15 working days of notification of this decision.

Monitoring

If your decision requires monitoring, this will be advised in your consent conditions. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz prior to works commencing. Further information regarding monitoring can be found [here](#).

Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site, to ensure that compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site, as a result of construction related activities.

Engineering Acceptance

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Acceptance Application Form](#) and submit this completed form and an electronic set of documents to engineeringapprovals@qldc.govt.nz. Further information regarding Engineering Acceptance can be found [here](#).

Development Contribution

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#).

If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

Kind Regards

Trish

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DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104
OF THE RESOURCE MANAGEMENT ACT 1991

Applicant:	Queenstown Lakes District Council
RM reference:	RM210773
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) to repurpose a residential building to a community house.
Location:	516 Frankton-Ladies Mile Highway
Legal Description:	Lot 1 Deposited Plan 536321 and Lot 4 Deposited Plan 22156, held in Record of Title 889403
Zoning:	ODP: Rural General PDP: Rural Lifestyle
Activity Status:	Non-Complying Activity
Decision Date	21 January 2022

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Wendy Baker, Independent Commissioner, on 21 January 2022 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Wendy Baker, Independent Commissioner under delegated authority pursuant to Section 34A of the RMA.

1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to establish a community activity and commercial recreation within an existing residential building (referred to hereon as a 'Community House') at 516 Frankton-Ladies Mile Highway.

Works associated with this change in land use include:

- The extension of the existing car park at Howards Drive and the provision of 60 car parking spaces;
- Earthworks to fill in the existing pool and establish Wingfield Lane, which will provide vehicle access to the Community House;
- Re-painting the Community House and landscaping.

The applicant has provided a description of the proposal, the site and locality and the relevant site history in Sections 1, 2, 3 and 4 of the report entitled "*Resource Consent Application For A Change Of Use To Community Activity And Commercial Recreation For The Establishment Of A Community House*", prepared by Amanda Leith of SPG, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2).

A supplementary statement from Bartlett Consulting was provided on 29 November 2021 which also forms part of the application. This addressed the safety for pedestrians crossing across Howards Drive.

The Applicant responded to a further information request on 14 September 2021 and clarified that there will be no permanent employees or volunteers based at the Community House and that the House will be available to be hired on a temporary basis for use by groups such as Plunket and Ministry for Social Development offices when they need desk space meeting space in Queenstown. The House will not be available for rent by wedding groups or parties and will be closed unless used for programmes or community groups. The Applicant amended the a further information request on 21 January 2022 and clarified that Hours the House will be available for hire will be 8.00am to 10.00pm 7 days a week.

2. ACTIVITY STATUS

QLDC currently has an Operative District Plan (ODP) and Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the Proposed District Plan on 7 May 2018, on Stage 2 on 21 March 2019 and on Stages 3 and 3B on 1 April 2021.

Where there are rules in the PDP that are treated as operative under Section 86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

2.1 OPERATIVE DISTRICT PLAN

There are no relevant rules under the ODP as the relevant rules of Chapters 7, 14, 15 and 22 are treated as inoperative given the relevant rules under the PDP are treated as operative pursuant to section 86F.

2.2 PROPOSED DISTRICT PLAN

The subject site is zoned Rural Lifestyle by the PDP and the proposed activity requires resource consent under the PDP for the following reasons:

Rural Residential and Lifestyle Zone:

- A **restricted discretionary** activity pursuant to Rule 22.5.1.1 as the building will be repainted in Resene Whirlwind with a light reflectance of 30%. Council's discretion is limited to the following matters:

- a) whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties;
 - b) whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building;
 - c) the size and height of the building where the subject colours would be applied.\
- A **non-complying** activity resource consent pursuant to Rule 22.4.13 as community and commercial recreation activities are “any other activities” within the Rural Lifestyle zone.

Earthworks:

- A **restricted discretionary** activity pursuant to Rule 25.4.2, as the proposed volume of earthworks (3000m³) exceeds those permitted by standard 25.5.3 (400m³) Council’s discretion is restricted to the matters listed in 25.7.1 which are:
 - Soil erosion, generation and run-off of sediment.
 - Landscape and visual amenity values.
 - Effects on infrastructure, adjacent sites and public roads.
 - Land stability.
 - Effects on water bodies, ecosystem services and biodiversity.
 - Cultural, heritage and archaeological sites.
 - Nuisance effects.
 - Natural Hazards.
 - Functional aspects and positive effects.

Transport:

- A **restricted discretionary** activity consent pursuant to Rule 29.4.11 to undertake a high traffic generating activity, with Council’s discretion is restricted to effects on the transport network.
- A **restricted discretionary** activity consent pursuant to Rule 29.5.3 as the mobility parks do not comply with the dimensional requirements. Council’s discretion is restricted to the size and layout of parking spaces and associated manoeuvring areas.
- A **restricted discretionary** activity consent pursuant to Rule 29.5.16 for the width and design of vehicle crossings in Rural Zones. Council’s discretion is limited to effects on safety, efficiency, and amenity of the transport network, including the pedestrian and cycling environment.
- A **restricted discretionary** activity consent pursuant to Rule 29.5.22 relating to the minimum distance of vehicle crossings from intersections as the vehicle access is not separated by 40m from the nearest intersection of Howards Drive and First Avenue. Council’s discretion is limited to:
 - a) Effects on the efficiency of land-use and the safety and efficiency of the transport network, including the pedestrian and cycling environment.
 - b) Urban design outcomes
 - c) The efficiency of the land-use or subdivision layout.

2.4 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (“NES”)

Based on a review of Council records the proposed activity is on a piece of land that is, or is more than likely to be, a HAIL site. However, a Preliminary Site Investigation (DSI) by E3 Scientific has been provided with the application which concludes in Section 4 that:

“it is highly unlikely that hazardous substances associated with historical farming are present in soils within the site at levels that would present a risk to human health under the NESCS residential landuse scenario”

The Applicant has provided the investigation to Council and it is considered that, pursuant to Regulation 8(4)(a) of the NES, the proposed land use change is permitted and the proposed earthworks are permitted.

2.5 ACTIVITY STATUS SUMMARY

Overall, the application will be considered and processed as a **non-complying** activity.

NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

3. SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

3.1 Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification not precluded (s95A(5)(b)).

3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

3.3.1 Effects that must / may be disregarded (s95D(a)-(e))

Effects that must be disregarded:

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- *Trade competition and the effects of trade competition (s95D(d)).*
- *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Waka Kotahi New Zealand Transport Agency	State Highway 6 (also known as Frankton-Ladies Mile Highway)



Effects that may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is provided in section 3.3.2 below.

3.3.2 Permitted Baseline (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. As only rules under the PDP are triggered, only the permitted baseline under the PDP is considered. Within the Rural Lifestyle zone the following is permitted (of relevance):

- the construction and alteration to buildings outside an approved building platform the floor area is increased by less than 30% subject to meeting bulk, location and external appearance requirements.
- Residential activity (1 unit/4000m²)
- A residential flat activity
- Farming activity
- Home occupation subject to standards
- Residential visitor accommodation and homestays

Permitted activity on this site could therefore include repainting the existing residential unit in a brown, green or grey colour; addition of up to 30% of the existing floor area in built form; use of the buildings for up to four residential units and four residential flats and 150m² of the buildings for home occupation. This is a relevant permitted baseline which is taken into consideration in the assessment below.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The Assessment of Effects provided at Section 5 of the Applicant’s AEE is adopted for the purposes of this report other than as set out below and with additional assessment as follows.

Rural Lifestyle

The Community House and associated activities are not anticipated within the Rural Lifestyle zone. The effects on the wider environment of allowing this activity to be undertaken include visual effects, fragmentation of the zone and potential effects on amenity and character.

Visual Effects

The colour that has been selected for use has been matched to the existing colour of the residential dwelling. The colour, Resene Whirlwind is a blue with a light reflectance of 30%, where only greys, greens and browns with a light reflectance of 30% in the Rural Lifestyle zone are permitted. Resene Whirlwind is a muted shade and not dissimilar to the existing colour of the residential dwelling. The colour has a grey/green hue and is closely related to a grey or green colour. Adverse effects of this colour will be mitigated by the setback of the building from Ladies Mile and the surrounding recreation reserve which will aid in absorbing the colour of the building.

The removal of 9 existing trees will be to the rear of the Community House in an area currently dominated by trees and vegetation. It is considered that the loss of 9 trees will be discernible given the existing environment.

Fragmentation and Rural Amenity values

The proposed use of the site will not fragment to the existing zone to any significant extent and the adverse effects in this regard are considered to be less than minor.

Given the proposal seeks to utilise the existing house and not extend the building footprint, it is considered the visual effects of the Community House and effects on fragmentation and rural amenity values are less than minor.

The existing parking area will be on Howards Drive will be extended and will utilise land within the reserve to the north. This car park is not envisioned within the existing zoning of the site. Measures to mitigate the effects of this parking area include constructing a bund, which will act to both shelter the area from view of road users, and provide a shield at night to reduce lights from the parking area distracting State Highway 6 road users. This mitigation will reduce the visual effects of the parking area from passing vehicles on State Highway 6. The only parties aware of the area will be those using Howards Drive, who are typically residents of Lake Hayes and Lower Shotover and will be likely to already frequent the car park and utilise the reserve. As such it is considered any effects on the wider environment will be less than minor.

Transport Matters

Parking:

The development provides for 60 car parking space, 3 of which are for users with disabilities, 4 drop off and pick up spaces for vehicles, and 1 coach pick up and drop off.

The area directly east of the proposed vehicle parking has also been proposed for overflow parking during events and functions.

Pedestrians will access the Community House via a footpath that will connect to the car parking area.

Mr. Arsalan Ali, QLDC Land Development Engineer, has assessed the proposed car parking design for the community house and has provided the following comment:

Overall, I am satisfied the parking and drop off/pick up provisions are appropriate and do not result in unsafe or undesirable traffic outcomes for vehicles or pedestrians.

This assessment is relied upon and the adverse effects are therefore considered to be less than minor.

Onsite access:

Mr. Ali has assessed the proposed methods of access to the site and has made the following comment:

A Service Road located at the end of Wingfield Lane which provides access to a disabled car parking and drop off zone area... Although a 3.5m width is not suitable for vehicle passing, I am satisfied this is highly unlikely to result in unsafe or undesirable outcomes as the Service Road will be strictly used for disabled users, and thus expected volumes will be significantly low. I am satisfied the formation of the Service Road is suitable and appropriate and highly unlikely to result in unsafe or undesirable traffic outcomes. I note that street lighting for Wingfield Lane has not been proposed. It is my opinion that given the relatively low traffic volumes, and likely low speed environment, street lighting along Wingfield Lane is not required at this time.

Overall, I am satisfied that the proposed Wingfield Lane is appropriate for two-way vehicular movement, and provides a safe environment for vehicles and pedestrians. I am also satisfied the proposed Service Road is suitable and appropriate for access to disabled parking and drop off/pickup areas.

Given the above commentary on the design of the proposed car parking area and access to the site, it is considered any effects of parking and access to the site will be internalised and the outcomes of the parking design and access are suitable for parties using the Community House.

Earthworks

The earthworks associated with the application are limited to those associated with the construction of Wingfield Lane and filling in the existing pool. Mr. Ali has assessed the effects of the earthworks from a land development perspective and has made the following comments:

The Applicant has indicated that works will be undertaken in accordance with QLDC's Small Site Management Procedures contained in the [Queenstown Lakes District Council's Guidelines for Environmental Management Plans](#). It is considered these mitigation measures will be able to be implemented to internalise any effects and therefore no more than minor adverse effects on the wider environment are anticipated to occur.

The effects on visual amenity will be short-lived as earthworks will be undertaken in a short timeframe and limited to a minor section of the site. It is considered any effects on visual and amenity values will be internalised and less than minor.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4. LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the 'any other activity' category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a "permitted baseline"). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

4.3.1 [iii] Persons who have provided written approval (s95E(3))

Waka Kotahi have provided comment written approval of the proposed works and note the following:

- SH6 is a limited access road in this location. The existing access from SH6 is not an authorised Crossing Place. However, the access has been legally established. Waka Kotahi will allocate and authorised crossing place number to the access under Section 91 of the Government Roding Powers Act.
- It is the preference of Waka Kotahi that the primary access to the site is from Howards Drive, however, the existing vehicles access from the state highway can remain, subject to it being gated and only used for maintenance, security and emergency use;
- Waka Kotahi are satisfied that the proposed public access arrangement to the site will ensure access is from Howards Drive.

This comment is relied upon and on this basis it is considered that the access via Howards Drive to the State Highway will not result in any adverse effects that are minor or more than minor

4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

18 First Avenue – Queenstown Country Club

The entrance to Queenstown Country Club is located opposite to the entrance of Wingfield Drive. Houses within the Country Club are currently under development, however none at present have views facing the site.

The setback of the Community House within the recreation reserve will limit the visibility of the house by residents within the Queenstown Country Club.

The access to the Queenstown Country Club is located opposite the existing access point to the subject site off Howards Drive. The applicant has volunteered conditions requiring upgrades to this access point as outlined in the Transport Assessment (submitted as Appendix I to the AEE), the proposal is anticipated to maintain the traffic safety and efficiency of Howards Drive.

Given the setback of the development on the site and the volunteered intersection upgrades it is considered effects on persons occupying houses at the Queenstown Country Club will be less than minor.

465 Ladies Mile - Ladies Mile Pet Lodge

The owner/occupiers of the Ladies Mile Pet Lodge which is across the State Highway from the subject site contacted Council in relation to this proposal with concerns relating to the following matters:

- Use of fireworks within the reserve;
- Use of fields and lighting at night;
- Waka Kotahi programmed upgrade of the Howards Drive-Ladies Mile intersection;
- Noise generated from the extended parking area; and
- Hours of operation for the Community House.

The Applicant has advised that they are willing to volunteer a condition preventing the use of fireworks. This is already a requirement under consent RM190800 (which authorises the use of the recreation reserve), that signage be installed advising that fireworks are not permitted. The conditions of RM190800 will remain relevant and still apply to parties utilising the reserve and as such the use of fields and lighting at night will remain unchanged.

The Community House will be closed unless used for programmes or community groups. Hours of Operation will be 8am to 10 pm daily and will not be available for bookings for weddings and parties. In addition, it is likely that following an event at the House, a number of vehicles will turn left onto Howards Drive, in the direction of these subdivisions.

It is noted the Community House is located approximately 260m and the parking area approximately 60m from the Pet Lodge, separated by the State Highway and the recreation reserve. A bund will also be established at the end of the parking area which will act as a light and noise buffer between the car park and the Pet Lodge.

It is considered that the conditions of consent volunteered by the Applicant, the existing conditions of RM190800, and the significant distance will mitigate adverse effects of the Community House on Ladies Mile Pet Lodge to a extent that they are less than minor.

4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

5. NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by



Mary McConnell
PLANNER

Decision made by



INDEPENDENT Wendy Baker
COMMISSIONER

DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

6. S104 ASSESSMENT

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

Waka Kotahi and the applicant have agreed to include a condition of consent to ensure the access to the site from SH6 is gated, not used for public access, and only utilised for security and/or general property maintenance. Mr. Ali has recommended further conditions in regards to this to mitigate transport effects on the road network.

Conditions relating to the colour of the building and operational matters will also be implemented to further minimise the potential for adverse effects to arise.

6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

Operative District Plan

The objectives and policies are contained within Chapters 4 and 5 of the ODP are of most relevance to this application. However, given the confirmed zoning change, the weighting given to these provisions is minimal and therefore no further assessment is undertaken.

Proposed District Plan

The objectives and policies within Chapter 22, 25 and 29 of the PDP are relevant to the application.

The proposed activity achieves Objective 22.2.2 and Policies 22.2.2.1, 22.2.2.3 as the proposed Community House will be established within an existing residential dwelling and not occupy any further

rural zoned land. The site is largely surrounded by residential sites and the rural environment will not be diminished. The Rural Lifestyle zone provides for rural living activities on the periphery of the District. The land to the south and west of the site this land is utilised for residential purposes. The subject site on an elevated terrace in comparison making it visually somewhat isolated although the retirement development is located at the same elevation.

The proposed earthworks achieve Objective and Policies 25.2.1, 25.2.1.1, 25.1.1.4 and 25.2.1.6 as the earthworks have been limited to what is essential to develop Wingfield Lane, the carpark and fill in the swimming pool.

The applicant has accepted conditions that will ensure an environmental management plan for small risk sites will be submitted prior to works commencing which will manage dust, runoff and erosion effects.

It is considered that the proposal will align with Objective 29.2.2 and Policy 29.2.2.1 which seek to ensure access and parking is safe and efficient for all transport modes and users.

Based on this assessment, the proposal is considered consistent with the relevant objectives and policies in the PDP.

6.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

6.4 PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources. This proposal does not affect the sustainable potential of resources to meet the foreseeable needs of future generations (s5(a)), it does not affect the life-supporting capacity of air, water, soil or ecosystems (s5(b)) and as assessed does not have significant adverse effects on the environment (Section 5(c)).

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for. None of these are relevant to this application. In particular it is noted that the activities associated with this proposal will not give rise to any natural hazards.

The application has regard to the other matters specified in Section 7, specifically in this instance Sections 7(b), 7(c) and 7(f), through the redevelopment of a building that has fallen into disrepair and will be converted into a building that supports the functioning of the community. The proposed mitigation measures will ensure the quality of the surrounding environment is maintained.

The application does not contravene any principles of the Treaty of Waitangi under Section 8.

7.0 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** to Queenstown Lakes District Council to establish and operate a Community House at 516 Frankton Ladies Mile Highway subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

Prepared by



Mary McConnell
PLANNER

Decision made by



Wendy Baker
INDEPENDENT COMMISSIONER

8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS

This proposal may require a development contribution under the Local Government Act 2002 in line with QLDC's Development Contribution Policy. Where a development contribution is determined as required, payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Please contact the Council if you require a Development Contribution Estimate.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries please contact the Duty Planner on phone (03) 441 0499 or email resource.consent@qldc.govt.nz

9.0 APPENDICES LIST

APPENDIX 1 – Consent Conditions

APPENDIX 2 – Applicant's AEE

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'WINGFIELD COMMUNITY HOUSE Existing' Reference: PA21580 IS11, Prepared by Patch, dated 20 August 2021
 - 'WINGFIELD COMMUNITY HOUSE Masterplan' Reference: PA21580 IS11, Prepared by Patch, dated 20 August 2021
 - 'Concept Plan' Reference B2.03, Prepared by Assembly Architects Limited, dated 22 March 2019
 - 'Proposed House Plan' Reference B2.15, Prepared by Assembly Architects Limited, dated 24 September 2019
 - 'Proposed Hangar Plan' Reference B2.16, Prepared by Assembly Architects Limited, dated 24 September 2019

stamped as approved on 21 January 2022

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

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: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 8th October 2020 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link:

<https://www.qldc.govt.nz>

Landscaping

5. The approved landscaping plan shall be implemented within the first planting season of approval, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

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

6. The owner of the land being developed 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 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 Land Development and Subdivision Code of Practice, in relation to this development.
7. A minimum of 2 working days prior to commencing work on site the consent holder shall arrange an onsite meeting with a Resource Management Engineer at Council and the contractors responsible for the works to ensure that all parties involved are aware of what is required of them

during the construction process. Compliance with the prior to commencement of works conditions detailed in Condition (9) below shall be demonstrated.

8. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a certified Temporary Traffic Management Planner (TTMP) as validated on their CoPTTM ID certification. All contractors obligated to implement temporary traffic management plans shall employ a qualified Site Traffic Management Supervisor (STMS) to manage the site in accordance with the requirements of the NZTA's "*Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management*". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.

9. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. 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. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. 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), to detail the following requirements:
 - a) The provision of a water supply to the development. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary, or as otherwise approved by Council Principal Engineer to meet Council standards. The costs of the connection shall be borne by the consent holder.

 - b) Provision of a suitable firefighting water supply and hydrants with adequate pressure and flow to service the development and accompanying report from a suitably qualified professional demonstrating compliance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008). The solution shall include the provision of a Booster Pump (if required) to achieve necessary flows rates, and shall not reduce neighbouring development areas below adequate flows and pressures. Evidence of adequate flow testing to development hydrants and those on the adjacent neighbourhood networks shall be submitted to Council prior to use of the Community House.

 - c) The sealed formation of the development main stem access road in accordance with Figure E3 of Table 3.3 of the QLDC Land Development and Subdivision Code of Practice, with the exception that a foot path will be on one side of Wingfield Lane only. This shall also be specifically inclusive of:
 - (i) Indented drop off/pick up area for vehicles,
 - (ii) Indented drop off/pick up area for coach/bus,
 - (iii) Turning provisions
 - (iv) Signage
 - (v) Line Marking
 - (vi) Provision shall be made for stormwater disposal

- (vii) Details of the swale located to the south of the road which shall facilitate stormwater disposal.
- d) The formation of a Service Road connected to the main stem access road. The road shall have a minimum width of 3.5m. This shall also be specifically inclusive of:
 - (i) Car parking area for disability users located at the end of service road.
 - (ii) The parking and drop off area shall be sealed in asphaltic concrete
 - (iii) Signage
 - (iv) Line marking in sealed area
- e) The provision of the main stem access road and onsite parking. The design is to include:
 - (i) That on site car park provided is to include 3 spaces for people with disabilities which are to be located as close as practicable to the community house building. The car park spaces for people with disabilities are to meet the minimum requirements for the NZ Standards, this is to include a stable, firm and slip resistant surface.
 - (ii) All other car park spaces are to comply with the dimensional requirements of the QLDC District Plan and be suitable for site visitors. It is not that that the car parking area may remain unsealed if a suitable surface can be maintained.
 - (iii) Cycle parks located at the community house building are to be designed in accordance with the requirements of the QLDC District Plan, refer Section 29.14.5, Diagram 5 – Bicycle Parking Layout.
 - (iv) A lighting design for the footpath and pedestrian areas of the site. The lighting design should include (as a minimum) the car parks for people with disabilities and pedestrian paths/routes adjacent to the access road and car park area(s). The lighting design should meet the minimum requirements of the QLDC lighting strategy, Southern Light. The design should consider the rural lighting requirements and may be provided on a movement sensor so that it operates when required.
 - (v) That the Howards Drive site access is to be upgraded to generally meet the access requirements of Diagram 10 from the QLDC District Plan as a rural zone access and to be undertaken in coordination with the access intersection of Queenstown Country Club and the SH6 Howards Drive Roundabout.
 - (vi) All vehicle and pedestrian access, manoeuvring and parking area designs associated with the development shall be subject to a pre-construction safety audit in accordance with the NZTA Manual “Road Safety Audit Procedures For Projects” at the consent holders cost and the results shall be submitted to Council for review and certification and any recommendations incorporated into the designs to provide safe environments.
- f) The provisions of a 2.0m wide pedestrian footpath along the north side of the main stem access road and providing a pedestrian link extending from the development to Howards Drive.
- g) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC’s Land Development and Subdivision Code of Practice Schedule 1A Certificate.

- h) The provision of a Design Certificate submitted by a suitably qualified design professional for the Water booster pump for the fire-fighting water, if required. The certificates shall be in the format of IPENZ Producer Statement PS1.

To be completed when works finish and prior to use of the Community House

10. Prior to the use of the Community House the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all roads (including right of ways and access lots), water, wastewater and stormwater reticulation (including private laterals and toby positions).
 - b) The completion and implementation of all works detailed in Condition (9) above.
 - c) An Elster Helix 4000 or C4000 / 4200 or Sensus Meitwin; Meistream WP water meter shall be installed on to the Acuflo manifold.
 - d) The upgrade of the onsite wastewater disposal system in accordance with Council's Standards.
 - e) The submission of Completion Certificates from both the Contractor and Engineer advised in Condition (6) for all 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 a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
 - f) The submission of Completion Certificates from both the Contractor and Approved Certifier for the Water booster pump for the fire-fighting water (if required as outlined in Condition 9(b)). The certificates shall be in the format of IPENZ Producer Statement PS3 and PS4, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
 - g) All vehicle and pedestrian access, manoeuvring and parking areas associated with the development shall be subject to a post construction safety audit in accordance with the NZTA Manual "Road Safety Audit Procedures For Projects" at the consent holders cost and the results shall be submitted to Council for review and certification. Should the review recommend any further works required to achieve a safe traffic and pedestrian environment, the consent holder shall have these works approved by Council and implemented prior to use of the community facility.
 - h) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
 - i) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy. *[Note: the road naming application should be submitted to Council prior to signage installation]*
 - j) The consent holder shall develop a car parking management plan. The plan shall include:
 - (i) The identification of an appropriate overflow car parking area(s) within the site.
 - (ii) Schedule onsite activities to identify when overflow car parking will be needed, and;

k) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

11. In the event that the Engineering Acceptance issued under Condition (9) contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or maintenance of any infrastructure subject to Engineering Acceptance, then at Council's discretion, a Covenant in Gross (or other alternative legal instrument acceptable to Council) shall be registered on the relevant Records of Title detailing these requirements for the lot owner(s). The final form and wording of the document shall be checked and approved by Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected. The applicant shall liaise with the Subdivision Planner and/or Manager of Resource Management Engineering at Council in respect of the above. All costs, including costs that relate to the checking of the legal instrument by Council's solicitors and registration of the document, shall be borne by the applicant.

[Note: This condition is intended to provide for the imposition of a legal instrument for the performance of any ongoing requirements associated with the ownership, monitoring and maintenance of any infrastructure within this development that have arisen through the detailed engineering design and acceptance process, to avoid the need for a consent variation pursuant to s.127 of the Resource Management Act].

Operational Conditions:

12. The existing access to the property from State Highway 6 (SH6) shall not be used for public access to the site. The SH6 access shall be gated and locked at all times except when required as access for maintenance, security and emergency use.
13. The Community House shall remain closed unless hired by private or community groups.
14. Hours the Community House may be booked are 8.00am to 10.00pm.
15. There shall be no permanent staff or volunteers present at the Community House
16. A sign shall be placed on site, within the entry to the Community house that fireworks are not to be permitted.
17. The Community House is not to be booked by private groups for the purpose of parties or weddings.
18. The Community House is to be used for limited Community Activities. These shall include Community social service sector groups such as plunket, community and private group meetings and gatherings, cultural, recreational and wellbeing activities, recitals, presentations, education sessions, small scale library activities, and temporary desks for community organisations, government and local government purposes.
19. The Community House shall not include commercial day care or commercial health care activities, a police or fire station, a courthouse, or a probation and detention centre.
20. The Community House can also be used for Commercial Recreation Activities limited to dance, fitness, exercise and lifestyle classes.

Review Condition

21. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, 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 resource consent for any of the following purposes:
- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - d) Specifically to address parking or access effects that may arise,
 - e) Specifically to address effects that may arise from activities occurring within the Community House,

Advice Note:

1. The upgrade of the onsite wastewater disposal system will trigger the requirement of an ORC consent.

For Your Information

Monitoring

The conditions in your decision will advise if monitoring is required. To assist with compliance of your resource consent, and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at RCMonitoring@qldc.govt.nz

Environmental Management Plan

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

Engineering Acceptance

You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the [Engineering Acceptance Application Form](#) and submit to engineeringapprovals@qldc.govt.nz. Further information regarding Engineering Acceptance can be found [here](#).

Development Contribution

If this decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#).

If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

APPENDIX 2 – APPLICANT’S AEE

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

RM210773

Friday, 21 January 2022

RESOURCE CONSENT APPLICATION
FOR A CHANGE OF USE TO
COMMUNITY ACTIVITY AND
COMMERCIAL RECREATION FOR THE
ESTABLISHMENT OF A COMMUNITY
HOUSE

Queenstown Lakes District Council

516 Ladies Mile Highway, Wakatipu Basin

August 2021



QUEENSTOWN LAKES DISTRICT COUNCIL

CONTENTS

APPROVED PLAN:

RM210773

1.0 THE APPLICANT AND PROPERTY DETAILS

Friday, 21 January 2022

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

- 2.1 Site details
- 2.2 Legal encumbrances
- 2.3 Zoning
- 2.4 Receiving environment

3.0 BACKGROUND

4.0 THE PROPOSED DEVELOPMENT

5.0 DESCRIPTION OF PERMITTED ACTIVITIES

6.0 STATUTORY CONSIDERATIONS

- 6.1 Operative District Plan
- 6.2 Proposed District Plan
- 6.3 NES Assessment
- 6.4 Summary

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 7.1 Alternative locations or methods
- 7.2 Assessment of the actual and potential effects
- 7.3 Hazardous substances
- 7.4 Discharge of contaminants
- 7.5 Mitigation measures
- 7.6 Identification of interested or affected persons
- 7.7 Monitoring

8.0 SECTION 95 NOTIFICATION

9.0 SECTION 104 (1)(b) ASSESSMENT

10.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

11.0 CONCLUSION

QUEENSTOWN LAKES DISTRICT COUNCIL**1.0 THE APPLICANT AND PROPERTY DETAILS****RM210773**

Site Address: 516 Ladies Mile Highway, Wakatipu Basin

Friday, 21 January 2022

Applicants Name: Queenstown Lakes District Council

Address for Service
 Queenstown Lakes District Council
 C/- Southern Planning Group
 PO Box 1081
amanda@southernplanning.co.nz

Attention: Amanda Leith

Site Legal Description: Lot 1 Deposited Plan 536321 and Lot 4 Deposited Plan 22156

Site Area: 14.7329 hectares more or less

Operative District Plan Zoning: Rural General and Rural Residential

Proposed District Plan Zoning: Rural Lifestyle, Building Restriction Area, Rural

Brief Description of Proposal:
 Land use consent to undertake a change of use from residential to community activity and commercial recreation for the establishment of a community house.

Summary of Reasons for Consent:
 Resource consent is required under the Proposed District Plan.

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

QUEENSTOWN LAKES DISTRICT COUNCIL

List of Information Attached:

APPROVED PLAN

RM210773

Appendix A Record of Title

Friday, 21 January 2022

Appendix B Encumbrance

Appendix C QLDC Facility Venue Hire Agreement

Appendix D Proposed Floor Plans

Appendix E Proposed Landscape Plans

Appendix F Preliminary Site Investigation

Appendix G HAIL Confirmation

Appendix H Landscape Assessment

Appendix I Transport Assessment

Appendix J Infrastructure Assessment

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Amanda Leith

27 August 2021

QUEENSTOWN LAKES DISTRICT COUNCIL

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

APPROVED PLAN

RM210773

2.1 Site Details

Friday, 21 January 2022

The subject site is located at 516 Ladies Mile Highway, Wakatipu Basin.

It has an irregular shape and is located on the south side of Ladies Mile and to the east of Howards Drive. The subject site is shown outlined in Figure 1 below.



Figure 1: Subject site outlined in yellow

The site contains an existing residential unit and large garage / hangar in the southern portion of the site (see Figure 2 below). These are accessed via an existing driveway on to Ladies Mile Highway. The buildings are currently fenced via security fencing.

The site contains substantial groves of trees and shelterbelts within the eastern and southern portions of the site. Some of these can be seen in Figure 2 below. A former stables building is located amongst the grove of trees to the east of the existing residential unit.

The majority of the subject site is of flat topography however the southern portion contains an escarpment which slopes steeply down to the south. This escarpment has also been planted.

QUEENSTOWN LAKES DISTRICT COUNCIL



Figure 2: Existing building as viewed from Ladies Mile Highway

There is a line of existing trees located along the Ladies Mile Highway boundary of the site, along with overhead power lines. The remainder of the site contains pasture.

A public car park has recently been constructed within the subject site adjacent to Howards Drive. This car park allows for parking of up to 20 vehicles.

The subject site is presently used by the public for informal recreation activities. The existing buildings however are currently inaccessible to the public.

2.2 Legal Description and Encumbrances

The subject site is legally described as Lot 1 Deposited Plan 536321 and Lot 4 Deposited Plan 22156 which is approximately 14.7329 hectares in area. A copy of the Computer Freehold Register is attached in Appendix A.

Gazette notice 474208 registered on the title declares the State Highway to be a limited access road. This means that NZTA needs to approve changes to access or new accesses on to the Highway.

A land covenant is also registered on the title. This is attached in Appendix B, however it is noted not to have a bearing on the subject application.

There is no building platform registered on the Record of Title for the property.

2.3 Zoning

Under the Operative District Plan (ODP), the subject site is predominantly zoned Rural General, however there is a small strip of the site adjacent to the properties along Sylvan Street, which is zoned Rural Residential. The existing buildings are wholly located within the Rural General zone.

QUEENSTOWN LAKES DISTRICT COUNCIL

Under the Proposed District Plan (PDP), the majority of the subject site is zoned Rural Lifestyle. However, there is a small area of the site adjacent to Howards Drive (Lot 403) which is zoned Rural. A 75m Building Restriction Area is identified along the northern boundary of the site adjacent to Ladies Mile Highway. The existing buildings are located wholly within the Rural Lifestyle zoning.

2.4 Receiving Environment

Ladies Mile Highway

Ladies Mile Highway is part of State Highway 6 and is a limited access road in the vicinity of the subject site.

Funding has been set aside for the construction of a roundabout at the intersection of Ladies Mile and Howards Drive under the New Zealand Upgrade Programme being managed by Waka Kotahi (NZTA).

North and West

The surrounding area to the north is currently characterised by rural residential development, being houses on large lifestyle properties of which there is limited grazing or farming activities evident. The Ladies Mile Pet Lodge is located to the northwest of the subject site across Ladies Mile.

To the west, across Howards Drive is the Queenstown Country Club. This is a retirement village which was approved as a Special Housing Area.

Howards Drive provides access to Lake Hayes Estate and Shotover Country.

South and East

To the south and east of the subject site is Lake Hayes Estate. This is a predominantly low density residential suburb of Queenstown containing single and two storey houses. There are also some rural residential scale sections adjacent to the subject site which border Lake Hayes Estate.

There are three designated areas located to the south of the subject site (275 – 277) which link the subject site to Sylvan Street. The purpose of the designations are local purpose reserves for access. There are pathways formed within these designated sites which link up with a pathway at the bottom of the terrace face. This pathway is part of the Queenstown Trail network.

3.0 RESOURCE MANAGEMENT BACKGROUND

Resource consent RM190800 was granted on 21 October 2019 to allow the property to be utilised by the public for informal recreation activities. As part of this resource consent, the car park accessed via Howards Drive was formed providing 20 on-site parks. This resource consent has been given effect to and is to continue to be utilised in conjunction with the proposed use.

QUEENSTOWN LAKES DISTRICT COUNCIL

A master plan for the development of the land along Ladies Mile (including the subject site) has recently been the subject of consultation. The proposed Te Pūtahi Ladies Mile Masterplan shows the subject site as containing future sports fields, the demolition of the existing buildings and construction of a new community hub. See Figure 3 below. This master planning process is currently on hold pending further investigations.



Figure 3: Te Pūtahi Ladies Mile Masterplan proposal for the subject site

4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Resource consent is sought to change the use of the existing residential unit on the property from residential to community activity and commercial recreation. The intention is for the building to be utilised as a Community House predominantly to be used by the local community. The range of uses usually undertaken within a Community House are also be undertaken here.

'Community Activities' are defined as follows under the PDP:

"Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices."

The proposed community activities being undertaken within the building will include the likes of Plunket check ups and group meetings, the toy library, various community meetings, a pop up library and temporary offices for government and local government purposes.

'Commercial Recreation Activities' are defined in the PDP as follows:

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
 RM210773
 "Matters of a commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities."

Friday, 21 January 2022

The proposed Community Recreation activities on the site are to include dance and exercise classes.

The Community House will not be hired out as a wedding venue or venue for parties. A copy of the QLDC Facility Venue Hire Agreement is attached as Appendix C.

The proposed floor plan and layout of the building is shown in Appendix D. The maximum number of occupants within the building at any one time will be 160, however this maximum capacity within the building is anticipated to be infrequent.

The existing garage / hangar is to be used for storage only. The existing farm building is also to be retained for storage purposes only.

No external alterations are proposed to the existing building with the exception of the re-painting of the exterior. The proposed colour is Resene Whirlwind (example shown below) with secondary trims and steelwork in Resene Grey Friars.



A new driveway to the building is proposed. This is to extend from the existing vehicle crossing on to Howards Drive and along the northern side of the existing grove of trees. This portion is to be sealed and is to include a circular drop off area which includes parking for up to four vehicles or a coach.

From the drop off point, gravel access for deliveries and for disabled access to the building is proposed. This is to continue along the existing shelterbelt toward the rear of the existing buildings. Nine of the existing trees will need to be removed for this. The existing driveway loop is to be retained and three disabled parks are proposed.

The existing car park adjacent to Howards Drive is to be extended so to provide a total of 57 car parks (37 additional parks). An overflow parking area is also identified off the main access to the north. This area could provide parking for another 27 vehicles. If the bookings or an event is likely to generate the need for the overflow parking, on-site traffic management will be provided.

QUEENSTOWN LAKES DISTRICT COUNCIL

The existing landscaping on the site has been maintained where possible. The existing pool is to be removed and the land remediated. A playground is proposed in the location of the existing pool and is intended to be used by users of the centre.

Friday, 21 January 2022

The proposed landscaping, car parking and access as shown in the plans in Appendix E.

Removable bollards are proposed to prevent vehicular access on to the existing driveway which leads directly to the State Highway. This access is not to be utilised for the proposed activity and the gate will continue to be locked.

Potable water is to be provided via connection to the Council's reticulated water network.

Stormwater is proposed to continue to be disposed of on site with the stormwater from the new driveway and car parking areas being treated prior to disposal.

The existing on-site septic system is to be upgraded so to be adequate for the facility's needs.

Earthworks are required for the formation of the driveway, footpaths, carparking and remediation of the pool. A maximum earthworks volume of 6,200m³ is proposed (3,000m² of cut and 3,200m³ of fill).

5.0 PERMITTED BASELINE

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

Activities

Under the ODP, Community Activities are permitted in the Rural General zone. Commercial Recreation Activities undertaken indoors and with more than five persons at any one time, requires consent.

Under the PDP, the proposed Community and Commercial Recreation Activities are uses not listed within the Rural Lifestyle zone and therefore are non-complying activities requiring consent.

Earthworks

Under the ODP, earthworks are permitted subject to the volume not exceeding 1,000m³ and no road, track or access way having an upslope batter greater than 1 in 3 height, all cuts and batters being laid back no more than 65 degrees and the maximum height of the fill not exceeding 2m.

Under the PDP, earthworks are also permitted subject to the volume not exceeding 400m³, the area not exceeding 2500m², the depth of cut not exceeding 2.4m and height of fill not exceeding 2m.

QUEENSTOWN LAKES DISTRICT COUNCIL

Alteration to the building

APPROVED PLAN

RM210773

The painting of existing buildings, where it is of a different colour to that originally consented requires consent under the ODP.

Friday, 21 January 2022

Under the PDP, the re-painting of existing buildings is permitted subject to the proposed colour being in the range of browns, green or greys and having a reflectance value of not greater than 30%.

Conclusion

Under the ODP, the permitted baseline is considered to be of relevance to the extent that the Community Activity use of the building is anticipated and the earthworks required to form the access and car parking areas can be undertaken.

The permitted baseline under the PDP is considered to be of low relevance, being only in relation to the proposed earthworks.

6.0 STATUTORY CONSIDERATIONS

6.1 Queenstown Lakes District Plan

No consents are required for the proposed activity under the ODP as all of the relevant rules within the PDP are treated as operative under Section 86F.

6.2 Proposed District Plan

To undertake the recreational activity on the portion of the subject site zoned Rural Lifestyle requires consent for the following:

- A restricted discretionary activity consent pursuant to Ruel 22.4.2.3 for the alteration of a building not within an approved building platform. The external alteration to the building involves the painting of the exterior.
- A non-complying activity consent pursuant to Rule 22.4.13 for any activity which is not listed in Table 1. Community and Commercial Recreation Activities are not listed in Table 1.
- A restricted discretionary activity consent pursuant to Rule 22.5.1 as the proposed paint colour is not in the range of browns, greens or greys and has a light reflectance value of greater than 30%. The proposed colour is Whirlwind (blue) which has a light reflectance value of 33%.
- A restricted discretionary activity consent pursuant to Rule 25.4.2 as the proposed earthworks will exceed 400m³ being 3,000m³.
- A restricted discretionary activity consent pursuant to Rule 29.4.11 to undertake a high traffic generating activity¹.

¹ This rule is still subject to appeal, however there are no equivalent rules within the ODP

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

- A restricted discretionary activity consent pursuant to Rule 29.5.3 as the mobility parks do not comply with the dimensional requirements but do comply with the Standard

Friday, 21 January 2022

- A restricted discretionary activity consent pursuant to Rule 29.5.16 for the width and design of vehicle crossings in Rural Zones.
- A restricted discretionary activity consent pursuant to Rule 29.5.22 relating to the minimum distance of vehicle crossings from intersections. The access is not separated by 40m from the nearest intersection of Howards Drive and First Avenue.

6.3 Resource Management (NES for Assessing and Managing Contaminants in Soil to Protect Human Health) Assessment

A Preliminary Site Investigation (PSI) has been prepared for the subject site. This is attached as Appendix F. In summary, the PSI finds:

- It is highly unlikely that hazardous substances associated with historical farming of the land are present in the soils at levels that would present a risk to human health;
- It is highly unlikely that the herbicides used for the orchards would be present in the soils at levels which would present a risk to human health or at levels above laboratory reporting limits;
- Fuel storage has occurred at the shed however this is understood to be at small volumes. The PSI states that further investigation may be required to assess the risk to human health in this location if activities listed under the NES are proposed.
- The PSI notes that biological wastes associated with the septic tank system are contained and unlikely to present a risk to human health provided the area is not excavated.

The septic tank system is to be upgraded or replaced. Confirmation from e3 Scientific has been provided that the disturbance of the domestic septic system is no longer considered a HAIL activity. This is attached as Appendix G. Consequently, the NES is not considered to apply.

6.4 Overall Activity Status

Overall, the proposal is assessed as a non-complying activity.

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

- 7.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

QUEENSTOWN LAKES DISTRICT COUNCIL

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The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

7.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(1)(a) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
- (b) any physical effect on the locality, including any landscape and visual effects:
- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
- (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
- (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

Positive Effects

There will be positive social effects for residents within the surrounding area, including Lake Hayes Estate and Shotover Country residents. At present, these areas contain large residential communities, however there is no community amenity such as a hall where community events, meetings and activities can be held. The proposed centre will therefore increase the opportunities for social and cultural connections within the local community.

The location of local community meetings and activities within the proposed Community House will reduce the need for people living in Lake Hayes Estate and Shotover Country and their surrounds to travel into Frankton, Queenstown and Arrowtown for these activities. It will also allow for residents of Lake Hayes Estate and Shotover Country to walk and cycle to the property, rather than always having to drive to activities.

QUEENSTOWN LAKES DISTRICT COUNCIL

Visual and Landscape Effects

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RM210773

A landscape assessment of the proposed works is attached as Appendix H. This is adopted for the purpose of this report.

Friday, 21 January 2022

No external alterations or additions to the existing buildings are proposed, however it is proposed to re-paint the building and this requires consent as it is not within the prescribed list of colours.

It is proposed to re-paint the building from its current light-green colour to Resene Whirlwind with secondary trims and steelwork in Resene Grey Friars. Grey Friars complies with the PDP colour and light reflectance value (LRV) requirement, however Whirlwind does not as it is blue and has a LRV of 33% in lieu of the permitted 30%.

The proposed change to the colour is not anticipated to increase the visibility or prominence of the existing building and is still considered to maintain the character and amenity of the subject site and surrounding area.

The other physical changes to the site involve the construction of the driveway, footpaths and car parking areas. As the site is predominantly flat, these works will not alter the landform.

The construction of the driveway will require the removal of nine existing trees in the area shown below in Figure 4. The remainder of the trees on the property will be retained. The overall treed backdrop of the property as viewed from the State Highway will still remain.



Figure 4: Location of existing trees to be removed for driveway

The proposed car parking area is to be an extension of the existing parking area adjacent to Howards Drive. A bund is proposed to the north of this to screen the parking area as well as headlights to avoid driver confusion at night. Trees are proposed within the car parking area to provide amenity to the car park and to soften the views toward the car park.

QUEENSTOWN LAKES DISTRICT COUNCIL

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The proposed drop-off area to the west of the building is also to be landscaped within the centre of the turning area, as well as to the north to soften the visual effect.

Friday, 21 January 2022

The demolition of the existing pool is also proposed, with the ground reinstated and a small playground established adjacent to the northern elevation of the building. This playground is intended to be for the use of occupants of the building. It will appear as part of the curtilage of the building and with the building has its backdrop.

Overall, as outlined in the Landscape Assessment, the proposal is considered to result in very little landscape change. There will be an increase in movement in and around the building, however this is considered to be able to be absorbed given the scale of the site and the surrounding landscape, as well as the distance of the building from adjacent roads and properties. Accordingly, it is considered that the potential landscape and visual amenity effects of the proposal will be less than minor.

Access, Traffic and Parking Effects

The proposed access, traffic and parking effects of the proposal have been assessed in the attached Transport Assessment in Appendix I. This assessment and its recommendations are adopted for the purposes of this report.

The proposed activity is classed as a High Traffic Generating Activity (HTGA) and therefore the Traffic Assessment takes into account the potential effects of the proposed activity upon the transport network.

Although not applicable to HTGA's, the proposed on-site car parking provision complies with the car parking requirements of the PDP based upon the Community activity use of the entire building or the commercial recreation use of the building for up to 60 people. In practice, there may be a mixture of these activities occurring at any one time.

A total of 37 additional on-site parks are proposed, plus the three accessible parks and one coach park (or four additional parks). These are well in excess of the PDP requirement of 16 parks for the full Community activity use of the building and 12 parks for the full Commercial Recreation activity use of the building. A combination of these activities would also still comply.

Notwithstanding the above, it is identified in the Transport Assessment, that at times, the car parking demand associated with the proposed activities may be greater than the number of parks provided on site. This can be addressed via the parking of vehicles along the driveway and provision and management of overflow parking. A parking management plan can be utilised to ensure that this operates effectively.

Three proposed mobility parks are proposed on-site. These do not comply with the dimensional requirements outlined in the PDP however they do comply with the NZ Standard and therefore are anticipated to be appropriate.

The existing access point on to Howards Drive requires upgrade to form a 'T' intersection with First Avenue as recommended in the Transport Assessment. Based upon these recommended upgrades, it is considered that the Howards Drive access

QUEENSTOWN LAKES DISTRICT COUNCIL

can be provided to accommodate the increased traffic as a result of the proposal and maintain traffic safety and efficiency.

There are a number of traffic improvements required / programmed for Howards Drive and the State Highway / Howards Drive intersection as outlined within the Transport Assessment. Furthermore, the Ladies Mile area is being master planned with one of the outcomes sought to provide active and public transport use and increased connectivity through the area. Whilst the master planned outcomes cannot be relied upon, the resource consent conditions upon the Queenstown Country Club and the Waka Kotahi programmed upgrade of the intersection can.

Based upon the above, the proposed traffic generation, access and car parking associated with the proposal is anticipated to be capable of being avoided or mitigated such that the effects are no more than minor.

Servicing

The feasibility of the servicing of the proposal has been assessed in the Infrastructure Report attached as Appendix J.

The potable water supply is to be via the Council's reticulated water network. Hydrants are to be provided for fire fighting water supply.

The existing on-site septic wastewater system is proposed to be upgraded to Council standards for the anticipated demand as detailed in the Infrastructure Report.

Stormwater from the building is to continue to be disposed of to ground with the existing systems being upgraded as necessary. All stormwater from the proposed roading and parking areas is to be treated prior to discharge to land.

Based upon the above, the potential servicing effects of the proposal are considered to be less than minor.

Noise Effects

Given the distance of the building from all of the surrounding residential buildings (minimum of 150m), the proposed activities are anticipated to comply with the District Plan noise limits and therefore result in less than minor adverse effects upon the environment.

Earthworks Effects

The proposed earthworks are limited to the construction of the driveway, footpaths and parking areas, installation of servicing and remediation of the pool area. A breakdown of the proposed earthworks volumes and areas are provided in Appendix J.

As the subject site is flat, no land instability effects are anticipated.

Environmental management controls will be put in place on-site for the duration of the works. The subject site is considered to be a low risk site under the QLDC's

QUEENSTOWN LAKES DISTRICT COUNCIL

Environmental Management Plan Guidelines and conditions to this effect are anticipated.

The visual effects of the proposed earthworks will be temporary only and given the flat nature of the site and the distance of the majority of the earthworks from the surrounding roads, the adverse effects are anticipated to be less than minor.

Overall, subject to installation of environmental management controls, the potential adverse earthworks effects are considered to be less than minor.

Conclusion

Overall, taking into account the above assessment, it is considered that the potential effects upon the environment are no more than minor.

7.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

Not applicable.

7.4 If the activity includes the discharge of any contaminant, a description of:

1. The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
2. Any possible alternative methods of discharge, including discharge into any other receiving environment.

As detailed in Section 7.3 above, environmental management controls are proposed to be installed during earthworks. This will ensure that the discharge of contaminants is avoided or mitigated. There are no water bodies in close proximity to the proposed earthworks area.

7.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

The proposed mitigation measures are incorporated into the above in Sections 4 and 7.2.

7.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

466 Frankton – Ladies Mile Highway

This property is located to the southwest of the subject site and contains an existing residential unit. The property does not have a view of the existing building within the subject site due to the existing trees and vegetation located on the subject site.

Both construction and operational noise is anticipated to comply at the subject site given its distance from the proposed works and the building.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

The environmental management controls will ensure that the potential dust and runoff effects from the proposed earthworks upon this adjoining property will be avoided or mitigated.

RM210775
Friday, 21 January 2022

The existing access to this property is located 30m away from the proposed access point off Howards Drive. As detailed in the Transport Assessment, this access is proposed to be relocated under existing resource consents.

Overall, the potential effects upon this property are considered to be less than minor.

Sylvan Street Properties and Lake Hayes Estate

The properties located on the northwest side of Sylvan Street in Lake Hayes Estate adjoin the subject site and are all residential. The wider Lake Hayes Estate suburb is located beyond this, to the southwest and west of the subject site.

The Sylvan Street properties, as well as the wider Lake Hayes Estate properties, do not have a view of the building within which the activities are to be undertaken nor the proposed car parking area and driveway due to the topography of the land and the existing planting on the subject site.

Both construction and operational noise is anticipated to comply when measured at these properties given their distance from the proposed works and the building.

In addition to the distance of the proposed earthworks from these properties, environmental management controls will ensure that the potential dust and runoff effects from the proposed earthworks are avoided or mitigated.

Queenstown Country Club

This property is located to the west of the subject site, across Howards Drive and contains a retirement village. Many residential units within the village have been recently completed and construction on others as well as the clubhouse is ongoing.

Parts of the Country Club property have a view across the subject site and will be able to see a portion of the new driveway. The driveway is to be located across flat land and therefore is not anticipated to result in significant visual effects. The proposed playground will be located approximately 300m away from the nearest Country Club building and therefore is not anticipated to be visible.

Both construction and operational noise is anticipated to comply at the subject site given its distance from the proposed works (and their temporary nature) and the building.

The environmental management controls will ensure that the potential dust and runoff effects from the proposed earthworks upon this adjoining property will be avoided or mitigated.

The access to this property is located opposite the existing access point to the subject site off Howards Drive. Subject to the recommended upgrades to this access point as

QUEENSTOWN LAKES DISTRICT COUNCIL

outlined in the Transport Assessment (Appendix I), the proposal is anticipated to maintain the traffic safety and efficiency of Howards Drive.

Overall, the potential effects resulting from the proposal upon this property are considered to be less than minor.

Waka Kotahi / New Zealand Transport Agency

Consultation with Waka Kotahi is underway in relation to the proposal and the outcomes of this will be forwarded to QLDC once received.

7.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than of the conditions of consent.

7.8 If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

The proposed activity will have no effect on any customary rights.

8.0 SECTION 95 NOTIFICATION

8.1 Public Notification

Step 1 – Mandatory public notification

- The Applicant is not requesting public notification of the application.
- Provided a request is reasonable, the Applicant is unlikely to refuse to provide further information or refuse the commissioning of a report under Section 92(2)(b) of the Act.
- The application does not seek to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Accordingly, mandatory public notification of the application is not required.

Step 2 – Public notification precluded

- Public notification is not precluded by any rule or national environmental standard.
- The proposal is not a controlled activity, a restricted discretionary/discretionary subdivision or a residential activity, or a boundary activity as defined by section 87AAB.
- The proposal is not a prescribed activity.

Accordingly, public notification of the application is not precluded.

QUEENSTOWN LAKES DISTRICT COUNCIL

Step 3: if not precluded by Step 2 public notification is required in certain circumstances.

- Public notification of this application is not specifically required under a rule or national environmental standard.

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is made in Section 7 above.

Step 4 - public notification in special circumstances

- In this case it is considered that no special circumstances exist.

8.2 Limited Notification

Section 95B(1) requires a decision whether there are any affected persons. The following steps set out in this section, in the order given, are used to determine whether the Council should limited notify the application, if the application is not to be publicly notified.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

- Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or NES that precludes notification.
- Limited notification is not precluded under Step 2 as the proposal is not a controlled activity and is not a prescribed activity.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- Limited notification is not precluded under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has provided their approval, and it is not a prescribed activity.
- Limited notification is not precluded under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal on persons are assessed in section 7.6 above.

9.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

QUEENSTOWN LAKES DISTRICT COUNCIL

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

8.1 Operative District Plan

Under the ODP the relevant objectives and policies are contained within Sections 4 – District Wide, 5 – Rural Areas, 14 - Transport and 22 – Earthworks.

Section 4 – District Wide

Objective 4.2.5 and its associated policies are of relevance to the assessment of the proposal as they relate to landscape and visual amenity.

Under the ODP, the subject site is located within a visual amenity landscape. The proposal has been considered against the ODP objectives and policies for visual amenity landscapes and is considered to be consistent in that very little visual change is proposed to the existing form of development and the visual pastoral character of the front portion of the site is being retained as are the existing orchard and shelterbelt trees.

Section 5 – Rural Areas

Objective 1 and its associated policies are in relation to character and landscape values. As detailed above and in Section 7.2, the potential adverse effects upon landscape values are considered to be avoided or mitigated by the proposal and no new structures are proposed.

The proposed activity does not utilise the soil resource of the area as it relates to a change of use of the existing building. As assessed in Section 7.2 above, the character of the rural area will not be adversely impacted by the proposal will result in very little landscape change.

The proposed driveway and car parking area will not compromise the use of the land for rural productive activities as they are located at the edge of the grove of trees and adjacent to the existing parking area. The activity allows for the majority of the land to be utilised for rural productive land in the future, however it is noted that this is currently consented to be used for recreation activities.

Objective 2 relates to retention of the life supporting capacity of soils. The proposed change of use will allow for the vast majority of the site to be utilised for rural productive activities in the future. The paddock fronting Ladies Mile Highway is maintained as are the groves of nut trees. Notwithstanding, it is noted that the property is utilised for public recreation at present and consequently, the rural productive activities on the site are primarily maintenance only.

QUEENSTOWN LAKES DISTRICT COUNCIL

Objective 8 relates to avoiding, remedying or mitigating adverse effects of activities on rural amenity. As detailed in Section 7.2 above, the potential adverse effects of the proposed activities are considered to be avoided or mitigated.

Friday, 21 January 2022

Section 14 – Transport

Objective 1 and its associated policies are in relation to efficiency of the roading network. As detailed in the Transport Assessment in Appendix I, the location of the proposal is compatible with the roading hierarchy and no new access points are proposed.

Objective 2 and its related policies seek safety and accessibility. Subject to the recommended improvements to the access to the subject site, the proposal is considered to maintain access, ease and safety of the roading network.

Objective 3 is not considered to be overly relevant to the assessment of the proposal as the existing access point is to be utilised and there is existing mature planting alongside the proposed driveway to maintain the amenity of the site.

Objective 5 relates to the supply of sufficient on-site parking. The on-site carparking provision complies with the requirements of the PDP. It is acknowledged that this will not satisfy the peak demand (as allowed for via Policy 5.1) however contingency is planned for these events with parking along the access road being allowed for as well as overflow parking and management of these events.

The parking layout is compliant, with the exception of the mobility bays which still satisfy the NZ Standard and will be functional in their use.

Pedestrians are also provided for with pathways connecting the access and parking areas.

Section 22 – Earthworks

Section 22 enables earthworks to be undertaken provided that the potential adverse effects are avoided, remedied or mitigated. As outlined in Section 7.2 above, the potential effects are considered able to be avoided or mitigated.

Conclusion

Taking into account the assessment above, the proposal is not considered to be contrary to any of the relevant objectives and policies of the ODP.

8.2 Proposed District Plan

The relevant objectives and policies within the PDP are contained within Chapters 3 – Strategic Direction, 22 – Rural Living and Rural Lifestyle, 25 – Earthworks and 29 – Transport.

QUEENSTOWN LAKES DISTRICT COUNCIL

Chapter 22 – Strategic Direction

APPROVED PLAN
RM210773

3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.

Friday, 21 January 2022

The proposal is considered to be entirely consistent with the above strategic objective as the proposed community house will enable the local community to meet and undertake activities which will provide for their social and cultural wellbeing.

Chapter 22 – Rural Living and Rural Lifestyle

Objective 22.2.1 relates to landscape quality, character and amenity values. Given that the building is existing and is not being increased in size, this objective and its associated policies are of limited relevance. However, as outlined in the Landscape Assessment in Appendix H, the proposed paint colour for the building will not increase the visual prominence of the building and will maintain the landscape and amenity values of the subject site.

Low level lighting is proposed within the car parking areas of the site. Details of these are provided within the Infrastructure Report in Appendix J. These are not anticipated to result in any degradation of views of the night sky and will not cause a nuisance to any of the surrounding properties by virtue of their location and screening by the existing vegetation.

The existing vegetation is not anticipated to result in a fire risk to the existing building as it is located an appropriate distance from the building. Hydrants are to be provided to provide fire fighting water supply for the proposal.

Objective 22.2.2 and its associated policies are of more relevance. These are assessed below.

22.2.2 Objective – *The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.*

Policies

22.2.2.1 *Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, community are compatible with and enhance the predominant activities of the relevant zone.*

The proposed use of the building includes community activities which are to be provided for. As assessed in Section 7.2 above, the potential effects of the location, scale and type of activities are considered to be able to be mitigated such that the proposal will be compatible with the receiving environment. The residents within the surrounding Rural Lifestyle zone (and further afield) will be able to utilise the community house and this will therefore enhance the predominant activity of those zones (residential) through increased community connectivity. The proposal is therefore considered not to be contrary to this policy.

QUEENSTOWN LAKES DISTRICT COUNCIL

22.2.2.2 **APPROVED PLAN:** Any development, including subdivision located on the periphery of residential and settlement areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.
RM210773
Friday, 21 January 2022

The subject site is located on the periphery of the Lake Hayes Estate residential area and is located outside of the urban growth boundary. The intention of the proposed use is to provide a community centre for the residents of these adjoining residential neighbourhoods as well as the wider area.

Notwithstanding the above, the proposal does not involve the construction of any new buildings only the creation of additional access and parking, which will predominantly be screened from view.

Consequently, overall the proposal is considered to be inconsistent, but not contrary to this policy.

22.2.2.3 *Discourage commercial, community and other non-residential activities, including restaurants, visitor accommodation and industrial activities that would diminish amenity values and the quality and character of the rural living environment.*

As addressed in Sections 7.2 and 7.6 above, the existing amenity values of the area are considered to be maintained by the proposed activity. Furthermore, as detailed in the Landscape Assessment in Appendix H, the proposal is considered to maintain the quality and character of the rural living environment. Consequently, the proposal is not considered to be contrary to this policy.

22.2.3 *Objective - New development does not exceed available capacities for servicing and infrastructure.*

Policies

22.2.3.1 *Discourage new development that requires servicing and infrastructure at a cost to the community.*

The proposal is a community project to be funded by the QLDC, consequently the cost of the development will be paid for by the community. This is not considered to be the intention of the above policy however. The intention is considered to be to address developments which result in requirements for upgrades to servicing or roads which are not paid for as part of the development.

As detailed in the Infrastructure Assessment in Appendix J, the proposal does not involve the use of any servicing that will require upgrading beyond the site. All upgrades are to be paid for as part of the project budget.

Although possibly inconsistent with this policy, the proposal is not considered contrary.

22.2.3.2 *Ensure traffic generated by new development does not compromise road safety or efficiency.*

QUEENSTOWN LAKES DISTRICT COUNCIL

As added with the Traffic Assessment in Appendix I, the proposal is not considered to be contrary to this policy.

Chapter 25 – Earthworks
Friday, 21 January 2022

The relevant objectives and policies within Chapter 25 - Earthworks enable earthworks to be undertaken provided that the potential adverse effects are avoided, remedied or mitigated. As assessed in Section 7.2 above, the potential effects are considered able to be avoided or mitigated. Given the flat topography of the site, no land stability effects are anticipated. Consequently, the proposal is considered not to be contrary to any of the provisions within this chapter.

Chapter 29 – Transport

Objective 29.2.1 and its associated policies seek and integrated, safe and efficient transport network. The proposed activity is located such that people within the adjoining residential areas can walk or cycle to the site. Furthermore, an on-site coach park and drop off bays are proposed to facilitate shared transport. The proposal is therefore not considered to be contrary to this objective and its related policies.

Objective 29.2.2 seeks that parking, access and on-site manoeuvring are consistent with the character, scale, intensity and location of the zone and contribute toward providing a safe and efficient transport network and other benefits. The parking, access and manoeuvring are all addressed within the Transport Assessment in Appendix I and subject to compliance with its recommendations, the proposal is not considered to be contrary to this objective and its associated policies.

Objective 29.3.4 and its related policies seek and integrated approach to development and the transport network.

Policy 29.2.4.3 promotes the use of active transport. This is being promoted via the installation of bike parks adjacent to the building and it is anticipated that the existing pathway up from Sylvan Street will be utilised by some Lake Hayes Estate residents for accessing the site.

Policy 29.2.4.4 seeks to avoid or mitigate the adverse effects of high traffic generating activities on the transport network and the amenity of the environment by taking into account the location and design of the activity and the effectiveness of the methods proposed to limit increases in traffic generation and to encourage people to walk, cycle, or travel by public transport. This has been assessed within the Transport Assessment in Appendix I.

It is noted that roading upgrades required to be undertaken by the Queenstown Country Club include the provision of road widening and public transport stops in close proximity to the site. These were required via resource consent condition to have been undertaken by now, however these have been delayed as a result of the State Highway / Howard Drive intersection upgrade discussions.

Consequently, whilst the proposal is inconsistent with the requirements of this policy, it is not considered to be contrary, as the area is in transition and over time the transport infrastructure, including active travel and public transport connections in the area will

QUEENSTOWN LAKES DISTRICT COUNCIL

be updated. The proposed development allows for connections to these networks once they are completed.

Conclusion
 Friday, 21 January 2022

Whilst the proposal is considered to be inconsistent with some of the relevant objectives and policies within the PDP, it is not considered to be contrary to any of these provisions.

8.3 Weighting

The zoning of the subject site under the PDP is now beyond challenge, as are the Rural Lifestyle provisions which are of relevance to the assessment of the proposal. The appeals on the relevant earthworks provisions within the PDP have also been resolved. There are however outstanding appeals in relation to the relevant High Traffic Generation Activity provisions in the PDP.

Consequently, it is considered that more weight should be applied to the PDP for the assessment of the proposal, with the exception of the Chapter 29 – Transport provisions relating to High Traffic Generating Activities in which the ODP provisions should be given more weight.

10.0 SECTION 104D

As detailed in Section 7.0 above, the proposal has been assessed as resulting in potential adverse effects which are no more than minor.

The proposal is also considered not to be contrary to any of the relevant ODP and PDP objectives and policies as detailed in Section 9.0 above.

Consequently, the proposal is considered to pass both gateway tests of Section 104D.

11.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

The proposal is considered to be consistent with the principle of sustainable management as it will enable people and communities to provide for their social, economic, cultural well-being, health and safety, through provision of space available for community activities and meetings as well as dance and exercise classes. The proposal will also sustain the potential of the land resource to meet the needs of future generations and avoiding or mitigating the potential adverse effects on the environment.

12.0 CONCLUSION

Resource consent is sought to change the use of the existing residential unit at 516 Frankton – Ladies Mile to community and commercial recreation activities for the purpose of establishing a Community House.

QUEENSTOWN LAKES DISTRICT COUNCIL

The activity status of the proposal is non-complying.

APPROVED PLAN

RM210773

The proposal is considered to result in no more than minor adverse effects upon the environment as well as positive effects. The potential effects upon people are considered to be mitigated so that they are less than minor.

Friday, 21 January 2022

An assessment of the proposal against the relevant objectives and policies of the ODP and PDP has been undertaken and whilst the proposal is considered to be inconsistent with some PDP policies, the proposal is not considered to be contrary to any of these.

The proposal is therefore considered to satisfy both gateways tests of Section 104D and is also consistent with Part 2 of the RMA.

Consequently, it is sought for consent to be granted as proposed.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM210773

Friday, 21 January 2022



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM210773

Friday, 21 January 2022



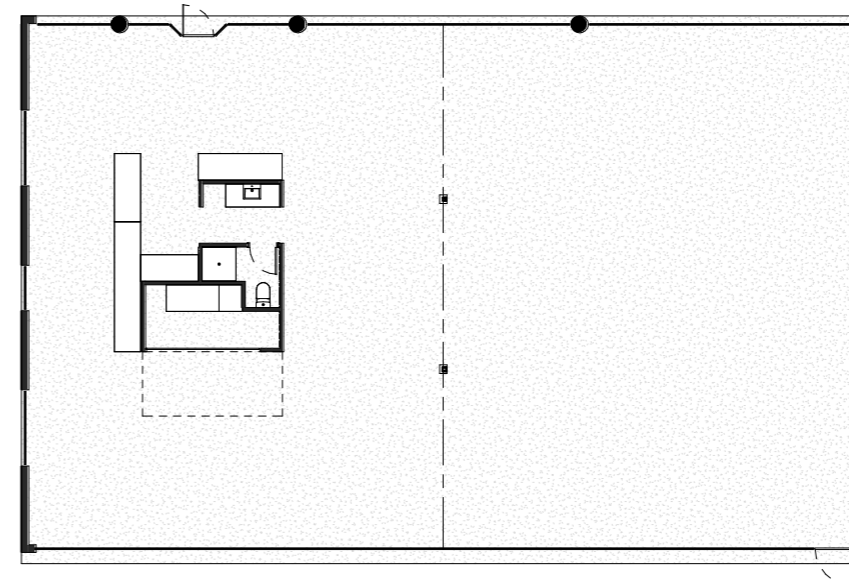
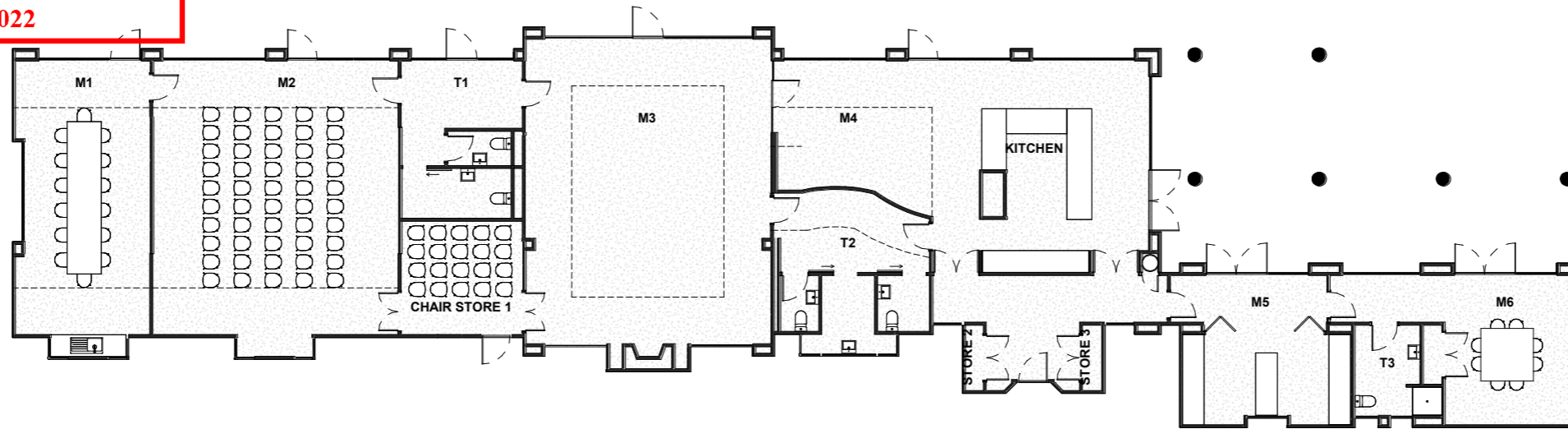
- ① Bund (1.5m in height with grass only) to screen parking area headlights from highway and roundabout
- ② Vehicle parking (57 including 18 existing)
- ③ Overflow parking (27 vehicles)
- ④ Footpath
- ⑤ Bus parking
- ⑥ Arrival / drop off (4 vehicles)
- ⑦ Bike parking
- ⑧ Playground
- ⑨ Service/accessible access
- ⑩ Accessible parking (3 vehicles)



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM210773

Friday, 21 January 2022

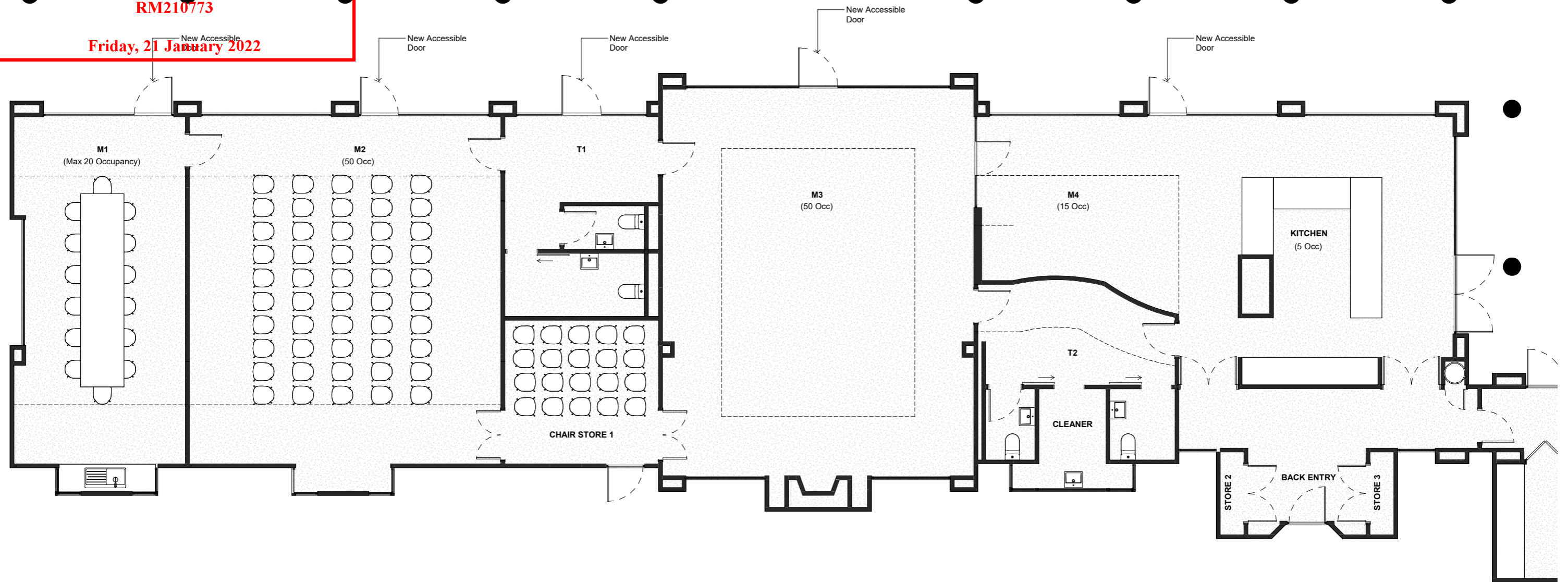


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1 : 100 @ A1

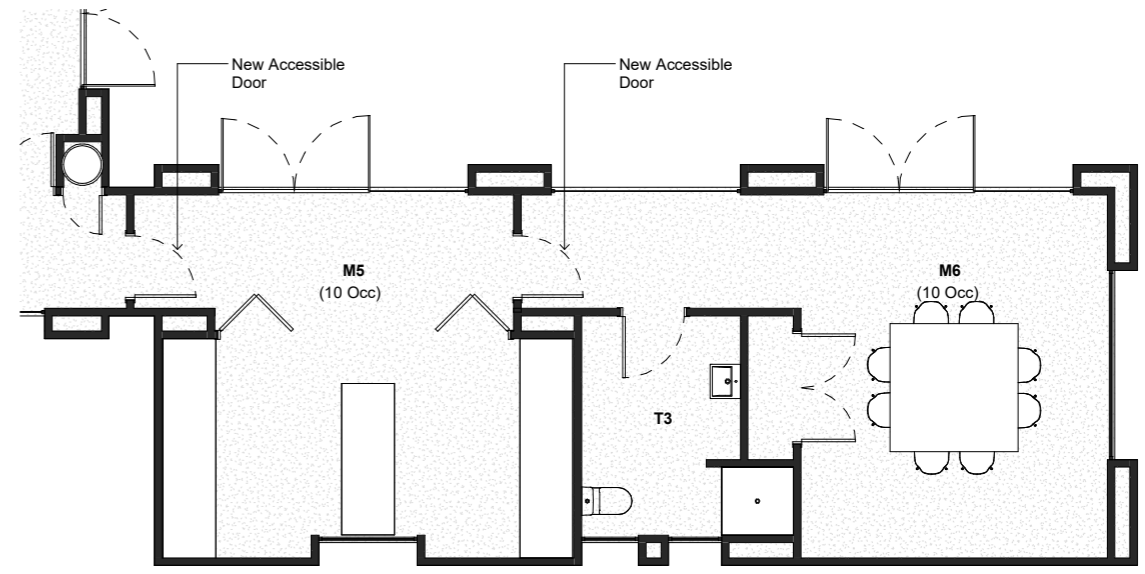
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM210773

Friday, 21 January 2022



1 Plan - Concept - Level 0 - 1-50
1 : 50 @ A1

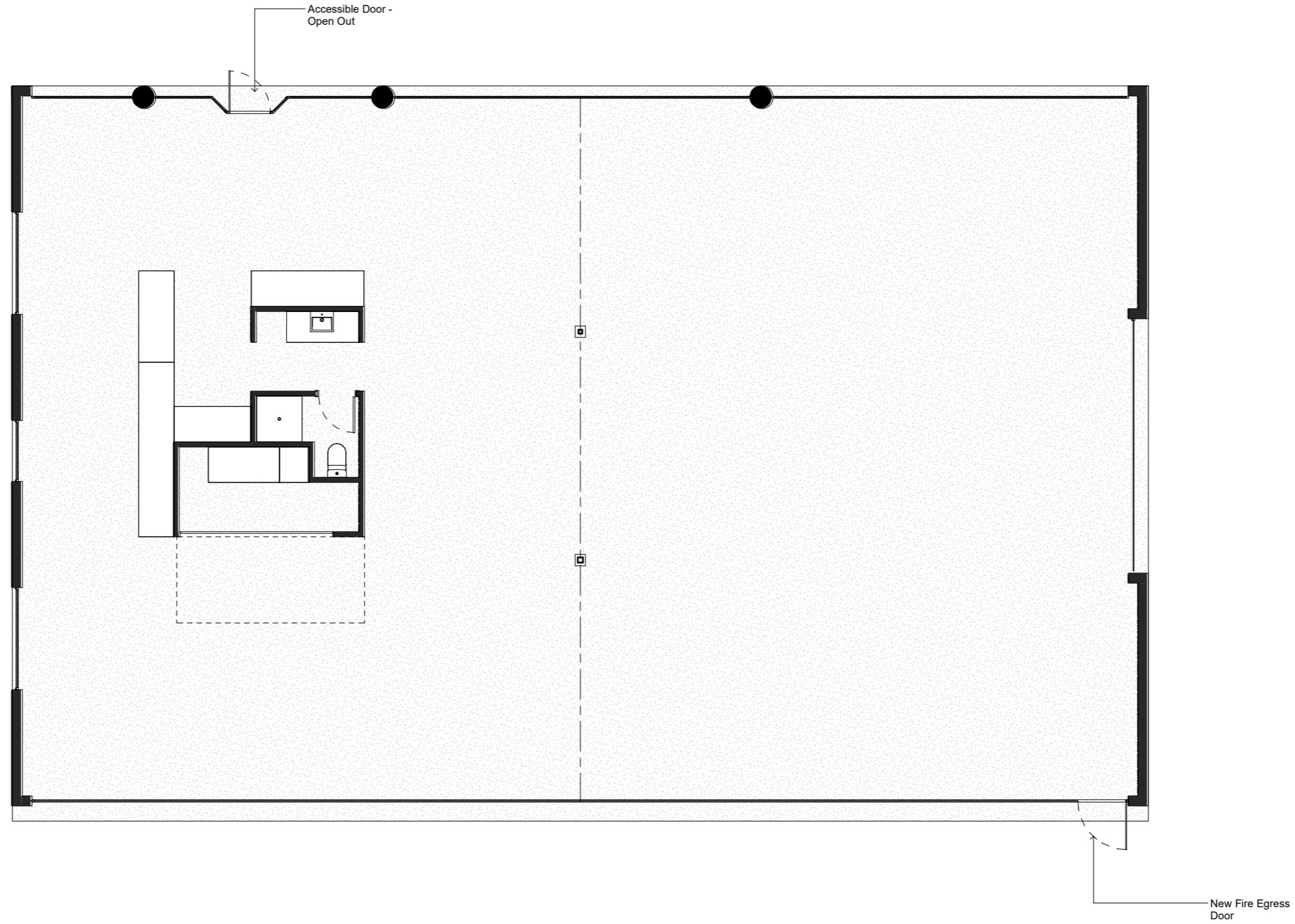


2 Plan - Concept - Level 0 - continued
1 : 50 @ A1

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM210773

Friday, 21 January 2022



1 Plan - Concept - Level 0 - Shed
1 : 50 @ A1