

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Mr G Beazley
<b>RM reference:</b>	RM150441
<b>Location:</b>	1 Balneaves Lane, Wanaka
<b>Proposal:</b>	Construction of a Kingdom Hall Church facility and associated earthworks, landscaping and signage.
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lot 1 Deposited Plan 349593 held in Computer Freehold Register 203170
<b>Zoning:</b>	Rural Residential
<b>Notification:</b>	Limited Notification
<b>Commissioners:</b>	Commissioner D Jane Taylor
<b>Date:</b>	1 March 2016
<b>Decision:</b>	<b>The application is granted, subject to the imposition of conditions</b>

**BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of an application by Mr G  
Beazley for land use  
consent to construct a  
Kingdom Hall Church  
facility with associated  
earthworks, landscaping  
and signage at 1  
Balneaves Lane, Wanaka

**Council file:** RM 150441

---

**DECISION OF COMMISSIONER JANE TAYLOR APPOINTED BY  
QUEENSTOWN LAKES DISTRICT COUNCIL**

---

**1 March 2016**

## **The Hearing and Appearances**

Hearing Date:

Monday, 14 December 2015 at Wanaka

Appearances for G Beazley:

Ms Maree Baker-Galloway, Counsel

Mr Brett Giddens, Resource Management Planner and  
Director Town Planning Group Limited

Mr Peter Murray, Architectural Designer

Mr Grant Beazley, Architectural Designer (and  
Applicant)

Mr Andrew Carr, Traffic Engineer

Mr Nevil Hegley, Acoustic Engineer

Appearances for Submitters:

Ms Jan Caunter, Counsel

Submitters Appearing in Person:

Ms Claire Perkins & Mr Nigel Perkins, 6 Balneaves  
Lane, Wanaka

Ms Sarah Robertson & Mr Paul Robertson, 5 Balneaves  
Lane, Wanaka

Mr Trevor Duncan & Ms Vivienne Duncan (written  
evidence tabled), 17 Balneaves Lane, Wanaka

Ms Sandra Tumarū, 9 Balneaves Lane, Wanaka

In Attendance:

Mr Nigel Bryce, Reporting Planner for Queenstown  
Lakes District Council

Mr Richard Denney, Landscape Architect for  
Queenstown Lakes District Council

Ms Rachel Beer, Committee Secretary

## Introduction

1. Mr G Beazley ("the Applicant") has applied for resource consent to construct and operate a Kingdom Hall Church Facility, together with associated earthworks, landscaping and signage at 1 Balneaves Lane, Wanaka. The application also sought a variation to a Consent Notice condition relating to a previous subdivision consent, RM031158, described further below.
2. The legal description of the property is Lot 1, Deposited Plan 349593 held in Computer Freehold Register 203170. The application site comprises 4,007 square metres and is located at 1 Balneaves Lane, Wanaka. Full details of the proposal can be found in the application prepared by Ms Charlene Kowalski of Town Planning Group Limited and also in the Section 42A planning report prepared by Mr Bryce.
3. The property is currently zoned Rural Residential under the Operative District Plan (the "District Plan"). The Proposed District Plan was publicly notified on 26 August 2015, after the application was lodged but prior to the hearing. Accordingly, the relevant provisions of the Proposed District Plan, which are confined to the objectives and policies, have been considered in the planning evidence. The property retains its Rural Residential zoning under the Proposed District Plan.
4. The Balneaves Lane subdivision, of which the site forms part, was established under subdivision consent RM031158 in July 2004. This subdivision created 9 rural residential lots with a density of one residential unit per 4,068m<sup>2</sup>. As mentioned above, the site is subject to a Consent Notice pursuant to Section 221 of the Act, imposed in conjunction with the issue of RM031158. The Consent Notice contains conditions relating to the development of the lot, which includes site-servicing requirements and design controls. The proposal as notified (on a limited basis) complied with all of the provisions of the consent notice with the exception of condition (h), which requires fencing to be "*in a rural style, i.e: post and wire, post and rail etc*".
5. The locality is characterised by the rural residential properties that are located along Balneaves Lane and which are well set back from the road. A Vetlife Centre (which is a commercial activity) is located directly opposite the site at 2 Balneaves Lane. The landscape report prepared by Mr Denney dated 20 August 2015 contains a very detailed description of the proposal, the application site and the receiving environment.
6. The application site is very close to the intersection of the Lake Hawea Albert Town Road (State Highway 6) with the Wanaka Luggate Highway (State Highway 6). The site has direct access from Balneaves Lane, which is classified as a local road that adjoins the Lake Hawea Albert Town Road. Balneaves Lane is a "no-exit" road that provides access to the application site, together with eight adjoining lots.
7. Since the application was lodged and assessed by Council, the Applicant has made some additional amendments to the proposal as a result of queries raised by the Reporting Planner in the Section 42A report, including:
  - A post and rail fence is now proposed around the perimeter of the property in order to comply with condition (h) of the Consent Notice;



- In response to the concerns of Mr Denney, the acoustic barrier has been relocated from the boundary closer to the noise sources (the carpark and Church building) and reduced in scale to 1.2 metres;
  - A revised landscaping plan has been tabled which provides for an increase in the number of trees and shrubs to be planted on the site to break up views of the building, carpark and acoustic barrier;
8. I visited the site and the environs before the hearing (unaccompanied) and immediately following the hearing on 14 December 2016 (accompanied by Mr Bryce), during which I was able to focus on the issues that had been raised by submitters at the hearing. I am satisfied that I obtained a good understanding of the subject site and the receiving environment.

### Planning and Assessment Framework

9. At section 6 of his Section 42A report, Mr Bryce has set out the relevant Operative District Plan Rules and the consents that are required. Overall, Mr Bryce considered that the application was required to be assessed as discretionary activity.
10. The discretionary nature of the activity arose as a result of the proposed variation to the Consent Notice to accommodate an acoustic fence on the boundary of the property, which is required to be processed in accordance with sections 88 to 121 and 127(4) to 132 of the Act. However, as set out above, the Applicant has since amended the application to both 'internalise' the proposed acoustic barrier and to erect a post and rail fence on the boundary, which it argued ostensibly complies with condition (h) of the Consent Notice.
11. At the hearing Mr Giddens submitted there was no longer any requirement for a discretionary activity consent, as the proposed post and rail boundary fence, which is indisputably rural in style, now complied with the Consent Notice. In his reply, Mr Bryce accepted that the newly proposed post and rail fencing around the perimeter of the site would meet the intent of Consent Notice condition (h); however, he considered that as the definition of "fence" under the Fencing Act may potentially capture the acoustic barrier (although he also considered that this interpretation would appear to be somewhat strained), and that as condition (h) does not refer specifically to boundary fencing, the Consent Notice may still require a variation. To remove any doubt, the Applicant, in its Right of Reply lodged following the hearing, advised that it had further amended the application to provide for a Schist façade on the acoustic fence, which would "*clearly and unambiguously comply with the Consent Notice if it is to be interpreted as a fence*". As a result of these changes (noting that I am no longer required to consider whether the internalised acoustic fence is a fence for the purposes of condition (h)) I accept that the conditions of Consent Notice have been complied with and that a variation is no longer required.
12. As there is no longer a requirement for a variation of the Consent Notice, the application falls to be considered as a **restricted discretionary activity** under section 8.2.2.3iv of the Operative District Plan as a result of the breaches of the Site Standards set out in the Section 42A Report. Council's discretion is restricted to the matter(s) specified in the standard(s) not complied with. The relevant breaches of the site standards will be fully discussed in the assessment section of this decision.
13. For completeness, I have considered Ms Caunter's submission that if the proposal fails to comply with the Zone noise standards, it would fall to be assessed as a non-complying

activity. As the evidence of both acoustic experts was that the proposal (as mitigated) will comply with the District Plan provisions with respect to noise, I am satisfied that this issue, insofar as the activity status is concerned, has been resolved. No evidence was introduced to the contrary.

14. Under the Proposed District Plan the site retains its Rural Residential zoning (Planning Map 18). The relevant proposed policies and objectives against which the development must be assessed under the Proposed District Plan are Part 4: *Rural Environment*, Part 22: *Rural Residential and Rural Lifestyle Zones* and Part 26: *Subdivision and Development*. There are a number of objectives and policies which are relevant to this proposal, to which I am required to have regard to (albeit that very little weight can be assigned) and which are considered further in the Assessment section of this decision. Mr Bryce noted that none of the Proposed District Plan rules relevant to the proposal have been identified as having immediate legal effect. I concur with Mr Bryce's conclusion that the proposed rules are not relevant to the determination of this proposal and confirm that they have been given no weight in my analysis.
15. The objectives and policies contained within the Otago Regional Policy Statement ("RPS") are also relevant to the proposed development. Mr Bryce has set out the relevant objectives and policies in Appendix G to his Section 42A report. At section 8.2.3 of his Section 42A Report, Mr Bryce noted that the RPS and the Proposed RPS raise very similar matters to the objectives and policies contained within the District Plan and that, accordingly, the same assessment can be applied to the interpretation of both sets of objectives and policies. I accept Mr Bryce's evidence in this regard.
16. The provisions of the Resource Management Act 1991 ("the Act") relevant to the assessment of this application as a **restricted discretionary activity** are Sections 87A(3), 104, 104C, 108 and Part 2 of the Act.

#### **Application Information**

17. The following information has been received and considered by the Commission in reaching its decision:
  - (a) The application as notified on 10 June 2015 titled "Land Use Consent to establish a Kingdom Hall with associated access, earthworks and landscaping, 1 Balneaves Lane, Wanaka";
  - (b) The supporting information attached to the application, which included a copy of the Computer Freehold Register title, Legal Encumbrances, Plans of the Proposal and Proposal Summary by Plan-It Architecture; Site Earthworks Management Plan; Traffic Assessment Report by Carriageway Consulting Limited; Site Servicing Reports by R D Agritech; Acoustic Report by Mr Nevil Hegley and Contaminated Site Information;
  - (c) A Section 42A Planning Report dated 20 November 2015 prepared by Mr Nigel Bryce, Consultant Planner ("the Section 42A Report");
  - (d) The Appendices to the Section 42A Report which include a Landscape Assessment Report dated 20 August 2015 prepared by Mr Richard Denney, Consultant Landscape Architect; an Acoustic Engineer Peer Review Report dated 21 June 2015 prepared by

Dr Stephen Chiles and an Engineering Report prepared by Ms Lynn Overton, Engineer with Queenstown Lakes District Council;

- (e) Further information in relation to the application by way of a letter dated 18 November 2015 addressed to Mr Bryce from Mr Brett Giddens; and
  - (f) An Onsite Wastewater Design Report dated 24 September 2015 prepared by R D Agritech Limited.
18. The Section 42A Report recommended that resource consent be granted pursuant to Section 104 of the Act for the following reasons:
- (i) The proposal has appropriately avoided, remedied or mitigated any actual and potential adverse effects to an acceptable level. The proposal is not considered to result in adverse effects on landscape and visual amenity of this rural residentially-zoned area and wider rural areas.
  - (ii) The proposal is considered to result in no more than minor adverse effects on the amenity of adjoining rural residential properties contained within Balneaves Lane and issues relating to noise can be mitigated to an appropriate level by proposed acoustic controls and design responses employed within the building design. Any privacy-related issues can be adequately mitigated by proposed landscaping responses.
  - (iii) The proposal is not considered to result in adverse cumulative effects when considered in conjunction with the Vetlife Clinic at 2 Balneaves Lane, given that the frequency of use of the proposed hall and the proposed hours of operation will seek to avoid any cumulative adverse effects linked to the operation of an additional non-residential use operating within the Lane.
  - (iv) The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans.
  - (v) The proposal is considered to be consistent with the purpose and principles set out in Part 2 of the Act.

#### **Notifications and Submissions**

- 19. The application was publicly notified (on a limited basis) on 24 September 2015, with submissions closing on 22 October 2015. A total of 10 submissions were received within the statutory timeframe.
- 20. One submission in support of the application was received by Mr Peter Murray of Luggate (on behalf of the Queenstown congregation of Jehovah's Witnesses).
- 21. Nine submissions in opposition to the proposed development were received. All of the submitters in opposition either own property or currently reside in Balneaves Lane. At Section 5 of his Section 42A Report, Mr Bryce has set out details of the submitters and very helpfully summarised the nature of the submissions and the relief sought. In summary, the primary concerns of the submitters in opposition relate to:
  - Loss of rural residential amenity as a result of noise from the Kingdom Hall;

- The adequacy of the proposed landscaping and the obtrusiveness of the proposed acoustic boundary fence;
  - The proposed signage, which was perceived to have a negative impact on property values in the area;
  - Traffic concerns in relation to the increased traffic volumes and the hazard risk at the intersection of Balneaves Lane and State Highway 6, together with the perceived danger to pedestrian foot traffic within the lane;
  - Concerns in relation to the sufficiency of the proposed carparking and potential overflow of parking into Balneaves Lane;
  - Concerns in relation to implications for the residents' current water supply, together with adverse effects of loading on the existing treatment system; and
  - The proposal is contrary to Objectives 1 and 2 of Chapter 8 of the Operative District Plan with respect to the recognition and protection of rural amenity values.
22. Written approval was received from JBH (2006) Limited, the previous owner of the application site; the New Zealand Transport Agency ("NZTA") and Vetlife (Mr Adrian Campbell) of 2 Balneaves Lane, Wanaka. Accordingly, any adverse effects on these parties have been disregarding in accordance with section 95D(e) of the Act.

### Summary of the Evidence Heard

#### The Applicant

23. Planning, traffic, acoustic and architectural design evidence for the Applicant was filed prior to commencement of the hearing in accordance with the new statutory framework. The content of this evidence will be referred to as appropriate during the course of my assessment.
24. At the hearing, **Ms Maree Baker-Galloway** introduced the case for the Applicant and explained the background to the proposal, which included the reasons leading to the decision to provide a permanent meeting point for Jehovah's Witnesses in Wanaka. She then outlined the changes that have been proposed since lodgement of the application, in particular the changes to the proposed fencing, landscape plan and signage.
25. In Ms Baker-Galloway's submission, as the proposal (following amendment) is now fully compliant with both the existing Consent Notice and the signage provisions of the District Plan, the activity status of the application reverts to restricted discretionary. She summarised the matters over which Council's discretion or control is restricted and outlined the process for determination of applications for restricted discretionary activities. Ms Baker-Galloway noted that all of the non-compliances, whether technical or otherwise, are in respect of site standards only. She referred me to the introduction to the District Plan, which states:

*"Site standards are specified in relation to matters which tend to impact on the use of the particular site or adjacent areas. While these standards are important, **they are not considered fundamental to the integrity of an area as a whole** and so are specified in a way that if development does not comply with these standards the*

*Council will consider the matter of non-compliance by way of a resource consent for a discretionary activity...*<sup>1</sup> [Ms Baker-Galloway's emphasis]

In Ms Baker-Galloway's submission, a breach of a site standard is quite different to that of a zone standard, with the latter being fundamental to the environmental standards or character that is to be attained for a zone or area. She submitted that in most cases the breaches in question in relation to this proposed development are technical or have *de minimis* effect.

26. Ms Baker-Galloway then described the proposal in more detail, commenting on the location and external appearance of the building and earthworks, the proposed access and landscaping, and the servicing of the site. She noted that there will be no adverse traffic effects associated with the activity and that the NZ Transport Authority has provided written approval.
27. Ms Baker-Galloway then addressed the key issue, which is the non-residential nature of the activity. She referred specifically to Site Standard 8.2.4.1v, which restricts the permitted "nature and scale" of non-residential activities to 40 square metres gross floor area. In her submission, this is the only site standard in respect of which non-compliance is more than *de minimis*. She discussed the interpretation of the relevant assessment matters, noting that assessment matters simply guide assessment and the application of discretion, rather than directing it, referring to *Ayrburn Farms Estates Limited v Queenstown Lakes District Council*.<sup>2</sup> Ms Baker-Galloway suggested that there is no requirement at a policy level that the effects of non-residential activities be avoided on rural living amenities. In her submission, at best there is a requirement that effects on visual amenity only be remedied or mitigated (not avoided) and she submitted that it is clear that the proposal "definitely achieves that". She helpfully referred to me to a passage in the Environment Court decision in *Ayrburn Farms Estates Limited*,<sup>3</sup> which was cited with approval by the High Court,<sup>4</sup> which, in her submission, provides a useful context for the judgement to be applied to the "*thrust of the Rural Residential provisions as they apply to community activities that breach the 40m<sup>2</sup> site standard*".
28. Ms Baker-Galloway concluded by submitting that: "*churches are allowed for in "normal" residential zones in the District as non-complying activities (unless there is a person residing on site) and churches are also allowed for in the more spacious rural living zones*". She noted that the objectives and policies for the Rural Residential Zone give minimal direction in terms of non-residential activities generally and submitted that there is "*certainly no directive that non-residential activities and their effects are to be avoided*". In her submission, the direction of the objectives and policies for the rural living areas, as compared to the urban living areas is "*more permissive and passively accepting of churches by its silence*". Ms Baker-Galloway concluded by describing the proposal as "*incredibly modest in nature and scale*", noting that the building, were it a house, would have no consenting hurdles. She submitted that the activity that will take place within the building will satisfy a currently unmet community need and that this is a positive effect of the proposal. In this respect, the congregation wishes to be a "good neighbour" and cares for the future of the Wanaka community.
29. In relation to the other technical non-compliances, Ms Baker-Galloway noted that the non-compliances will not result in any adverse efficiency or safety effects and that any small non-compliances can be adequately managed. She submitted that the activity complies with the relevant noise standards as confirmed by two acoustic engineers, both of whom concluded

<sup>1</sup> Operative District Plan – Page 1-2

<sup>2</sup> [2013] NZRMA 126 at 132, paragraph 40.

<sup>3</sup> Ibid, paragraphs [120] to [122].

<sup>4</sup> *Ayrburn Farm Estates Ltd v Queenstown Lakes District Council* [2013] NZ RMA 126 at [23].

that the effects are acceptable. In her submission, there is no expert evidence to the contrary and therefore no basis upon which to make an alternative finding. In relation to the non-residential nature of the activity, she submitted that as all other matters are clearly *de minimis*, permitted or entirely compatible and comparable with a similar sized house on the site, *“there is no reason or rational basis that a finding of adverse effects sufficient to justify decline, could be found”*.

30. Ms Baker-Galloway called evidence from Mr Peter Murray, Mr Grant Beazley, Mr Andrew Carr, Mr Nevil Hegley and Mr Brett Giddens. Each witness presented a brief executive summary of their evidence, which in the main referred to the points made in their written evidence filed in advance of the hearing. There was some discussion in relation to whether the evidence of Mr Murray could be accepted as expert evidence, given his submission in support of the application on behalf of the community of Jehovah's Witnesses. I concur with Ms Caunter that Mr Murray is in a conflicted position and, accordingly, his evidence cannot be relied on as that of an expert. Mr Murray's submission explained the process leading to the selection of a suitable site for the Kingdom Hall, the nature of the standard Kingdom Hall plans, and the revisions to the drawings that accompanied the original application to accommodate concerns raised by the residents of Balneaves Lane. He also explained the coloured segments of the height poles that had been erected on site and described the advice that had been received from fire safety consultants in relation to the size of the water storage tank that would be required.
31. **Mr Grant Beazley**, the Applicant, supported Mr Murray's submission. He explained how similar community facilities function within residential and rural zones, and stressed that Jehovah's Witnesses are concerned to maintain good relationships with neighbouring property owners and occupants. He described the consenting process that other Kingdom Halls had undertaken and submitted that in all cases the environmental effects generated by the Halls, once established, had been less than initially perceived and had not created any nuisance or other undue effects on neighbours. Mr Beazley gave extensive evidence (in response to questioning) in relation to the nature and scale of the activity that is likely to take place in the Hall, which is of a very modest intensity.
32. **Mr Nevil Hegley** gave evidence that the only noisy activity that would potentially have an effect on the closest neighbours would be singing accompanied by recorded music. In his opinion, this could be adequately mitigated by conditions relating to the closure of windows and doors after 8:00pm, noting that the operation of the Hall and use of the car park had been designed to comply with the night-time requirements of Rule 8.2.4.2 of the Operative District Plan. He noted that as it will be necessary to keep the windows closed to control noise to the outside, air conditioning has been proposed.
33. In Mr Hegley's opinion, the relocation of a 1.2 metre high acoustic barrier to the edge of the car park will be slightly more effective in reducing noise than the original 1.8 metre high barrier proposed for the boundary.
34. **Mr Andrew Carr** explained that he had been requested by the Applicant to review and assess the traffic-related effects of the proposal to develop a Kingdom Hall at 1 Balneaves Lane. He referred specifically to the summary of submissions, stating that he has reviewed the transportation-related matters raised and concluded that there were no traffic and transportation effects of concern.

35. **Mr Brett Giddens** directed his oral evidence at the primary issues which, in his opinion, were the effects arising from the scale and nature of the activity, such as noise and traffic, and how the activity aligns with the expectations for the zone. He noted that as consent is no longer sought or required for the variation of the Consent Notice and signage reduced to within the permitted size, the activity status was now that of a restricted discretionary activity.
36. Mr Giddens placed considerable weight on the “residential style” design and the scale of the building, which he considered was in keeping with the scale and appearance of other buildings in the locality and which, in his opinion, significantly mitigated the concern that the community activity is taking place in a building that is larger than 40 square metres. In his view, the imposition of controls via consent conditions would ensure that the effects of the activity that are unrelated to the scale of the building (such as traffic and noise) are avoided or mitigated to an appropriate level. Mr Giddens expressed the view that the effects on amenity would be consistent with the expectations of the Operative District Plan as guided by the assessment matters. He confirmed that his assessment of the relevant objectives and policies of both the Operative and Proposed District Plans had found that the proposal was consistent with both sets of provisions.
37. In summary, Mr Giddens was satisfied that the proposal represents the sustainable management of resources and would have positive social effects by providing for a community activity in an appropriate location; that submitters’ rural residential living amenity would be maintained and protected, and the effects of the proposal would be adequately avoided, remedied or mitigated, such that the purpose set out in Part 2 of the Act is achieved.

#### The Submitters in Opposition

38. **Ms Jan Caunter** of Galloway Cook Allan, Lawyers, Wanaka, presented legal submissions on behalf of Mr Nigel and Ms Claire Perkins, Mr Paul and Ms Sarah Robertson, Mr Mike Wight and Ms Sandra Tumarū, Mr Kane Moreati, Mr Mike and Ms Ellena Whelan, and Mr Trevor and Ms Vivienne Duncan.
39. In her legal submissions, Ms Caunter gave an overview of the submitters’ position and summarised the “essential” issues as:
  - Consultation by the Applicant;
  - The inappropriateness of this activity in this zone;
  - Effects on residential amenity, including visual, noise and traffic effects;
  - The inadequacy of the proposed landscaping and concerns in relation to the proposed acoustic fence;
  - The issues in relation to water supply;
  - The inadequacy of carparking and related traffic safety in Balneaves Lane;
  - A concern that the site will not be able to accommodate any future growth; and
  - Proposed conditions of consent.

She then outlined the statutory framework, highlighting her disagreement with Mr Giddens' opinion that this activity is reasonably expected within the Rural Residential Zone. On the contrary, Ms Caunter submitted that this application threatens the zone's integrity. In her submission, the community's intent, expressed through the Operative District Plan provisions, is that community activities should not feature in the Rural Residential Zone. The purpose of the Rural Residential Zone is to *"provide for low density residential opportunities as an alternative to the suburban living areas of the district"*.<sup>5</sup> The zone is anticipated to be characterised by *"low density residential areas with ample open space, landscaping and with minimal environmental effects experienced by residents. Rural activities are not likely to remain a major use of land in the Rural Residential Zone or a necessary part of the rural residential environment"*.<sup>6</sup>

40. Ms Caunter acknowledged that the zone purpose clearly signals a primary residential use and acknowledged that there may be a movement away from rural activities in this zone over time. However, she submitted that the zone does not suggest that large non-residential activities are anticipated: Site Standard 8.2.4.1v (a) limits the level of non-residential activity in the zone to 40 square metres.
41. Ms Caunter discussed the objectives and associated policies of the Rural Residential Zone, concluding that *"not one objective or policy in the zone supports the establishment of a large non-residential facility"*. In her submission, to suggest otherwise is to ignore the intent of this zone and the anticipated environmental effects of activities encouraged within the zone. She noted that the assessment matters in the Rural Residential Zone include buildings, structures, the scale and nature of activities, setbacks from roads and earthworks. Contrary to the Low Density Residential Zone, there are no specific assessment matters for community activities.
42. Ms Caunter submitted that the 40 square metre non-residential site standard in the zone (8.2.4.1v (a)) is important as it sets the level of anticipated non-residential activity at a very small scale. Such an activity would conceivably be some small non-residential use such as a home occupation or some form of rural activity (given that rural activity is also anticipated in the zone, such as where a heavy vehicle might be required on site).
43. In Ms Caunter's submission it is not the building per se that is of concern but the church *activity*, the associated infrastructure that is required to support the activity (such as car-parking) and the measures that would be required to mitigate the non-residential effects of the activity (in particular, the acoustic fence). She submitted that these are not effects generally associated with a residential dwelling. She then discussed the relevant objectives and policies of the Operative District Plan, first focusing on the Future Development policy and in particular sub-paragraph (b),<sup>7</sup> which is directed at encouraging development in areas of the District with the potential to absorb change without detracting from landscape and amenity value. She stated that the Balneaves Lane residents are very firmly of the opinion that their existing landscape and amenity values will be compromised by this development. She also discussed the Urban Edge objectives and policies,<sup>8</sup> noting that the site falls outside the urban boundary line for Wanaka. Ms Caunter submitted that a church can fairly be described as 'urban' in nature and is more appropriately located near or in the town centre. In her submission, the proposal is contrary to the urban edge policy.

---

<sup>5</sup> Part 8.2 of the Operative District Plan.

<sup>6</sup> Ibid.

<sup>7</sup> At Part 4.2.5.1 of the Operative District Plan.

<sup>8</sup> At Part 4.2.5.7 of the Operative District Plan.



44. Ms Caunter also discussed the Avoiding Cumulative Degradation policy,<sup>9</sup> which is directed at ensuring that development does not lead to a result where the benefits of further planting and building are outweighed by the adverse effect on landscape values or over-domestication of the landscape. In her submission, the mitigation required to address the adverse effects, which includes a large and very non-rural acoustic fence, together with a significant amount of large planting, is contrary to this policy. Similarly, the Land Use policy<sup>10</sup> is non-compliant as a church, with its associated infrastructure and required mitigation, does not use land in a way that minimises adverse effects on the open character and visual coherence of the landscape in which this subdivision sits. Overall, Ms Caunter submitted that the proposal was contrary to a number of the objectives and policies contained in Part 4 of the Operative District Plan.
45. Ms Caunter also made submissions with respect to the Proposed District Plan. However, she submitted that little weight can be placed on the objectives and policies of the Proposed Plan at this early stage of the process.
46. Ms Caunter then addressed the role of the site and zone standards in the Operative District Plan, and the activity status overall. She submitted that the proposed signage remains non-compliant and, accordingly, the activity remains a non-complying activity. Further, as there is some question over whether the noise (zone) standards can be met if some of the proposed mitigation is not implemented, the application could remain non-complying under this head also.
47. Ms Caunter then discussed the evidence to be presented by the residents at the hearing, which addresses the environmental effects associated with noise, traffic effects and landscape effects. She then addressed Part 2 of the Act and in particular the ongoing social well-being which is important to the residents of Balneaves Lane.
48. In conclusion, Ms Caunter submitted that the proposal is inappropriate for this site or for the zone in that it creates a level of adverse effect that requires significant mitigation in a residential area, with the required mitigation itself raising another level of adverse effect (for example, the need to provide an acoustic fence). In her submission, the zone does not expect or anticipate a church. Other zones do provide for such an activity and include very specific provisions to address such a proposal. She suggested that the Applicant should reconsider the options available to it with proper consideration to the planning framework rather than simply considering monetary costs and convenience.
49. **Ms Claire Perkins** presented very detailed submissions with respect to the proposal. Although Ms Perkins cannot be considered to be providing expert evidence for the purposes of this hearing as she is an interested party, I note that she has 10 years' experience in the field of planning and resource management. Ms Perkins discussed the level of consultation between the Church and the residents, commented on the Section 42A Planning Report, and gave detailed submissions on the planning matters. She then addressed the Applicant's evidence in relation to the water supply, noise, traffic, amenity and landscaping, and the implications for growth of the church community. I will refer to Ms Perkins' submissions in more detail during my assessment of the environment effects.
50. Ms Perkins then commented on the proposed conditions, noting that while she did not consider the proposal should be granted on the site due to the adverse effects on residents' amenity, her comments on the proposed conditions might assist the Commission to address

---

<sup>9</sup> At Part 4.2.5.8 of the Operative District Plan.

<sup>10</sup> At paragraph 4.2.5.17 of the District Plan.

the residents' concerns should a decision to grant be made. I am very grateful to Ms Perkins for her very comprehensive and well articulated submissions, which have been of valuable assistance in aiding my understanding of the effects on rural residential amenity and the measures required to remedy or mitigate these to an appropriate level.

51. **Mr Nigel Perkins** presented a written submission amending and/or updating the comments expressed in his original submission, in particular with regard to the water supply issues. He also addressed the changes made to the application since lodgement and his views on potential remedies. I will refer to Mr Perkins' submissions during my assessment as relevant.
52. **Mr Paul and Ms Sarah Robertson** presented a written submission which covered the extent of consultation between the Applicant and the residents, and their concerns in relation to landscaping, noise levels from music, signage, the extent of car-parking and the proposed earthworks. In particular, they opposed the Applicant's proposed changes to some of the conditions that had been recommended by Mr Bryce in his Section 42A Report and requested that the application be declined in its entirety.
53. **Ms Sandra Tumaru** also presented a written submission expressing her concerns in relation to the nature and scale of the non-rural residential activity in particular. She drew my attention to the cumulative effect on the residents of Balneaves Lane from the proposed Kingdom Hall in conjunction with the existing Vetlife operation, which she considered had been overlooked. She also addressed the issue of noise and overflow car-parking.
54. Ms Caunter also tabled written evidence on behalf of Mr Kane Moreati, Mr Trevor and Ms Vivienne Duncan and Mr Mike and Ms Ellena Whelan.

#### Reporting Officer's Reply

55. Following the adjournment of the hearing, Mr Bryce tabled a written response addressing the Applicant's evidence at the hearing together with the points raised by the submitters in opposition. Mr Bryce addressed the activity status of the application, the controlled activity baseline, the Applicant's proposed changes to the recommended conditions of consent, and responded to issues raised by submitters at the hearing. I will refer to Mr Bryce's evidence in reply during my assessment, as appropriate.
56. In conclusion, Mr Bryce stated that subject to the further revisions set out within the proposed conditions of consent, attached as Appendix A to his reply, his conclusion reached in the Section 42A Report recommending that consent be granted was affirmed.

#### Applicant's Right of Reply

57. The Applicant provided a written Right of Reply on 25 January 2016. The Applicant largely accepted the conditions contained in the Reporting Officer's reply; however, some specific conditions were addressed in more detail as well as some of the more general points raised by submitters at the hearing, as follows:
  - The provision of replacement earthworks plans to address the deficiencies identified by Ms Overton;

- Confirmation that the construction of any building will be in a “standard manner and pace”, with no unusual effects that would not be expected of a residential house construction project at the same site;
  - A proposal that the acoustic fence incorporate a schist façade to mitigate its visual effect and to “unambiguously” ensure compliance with the Consent Notice;
  - Provision of a draft landscape plan prepared by an independent landscape architect, Ms Annabel Riley, to give form to proposed condition 16. The Applicant suggested that as a result of the schist façade and the indicative landscape plan, full screening of the building was no longer warranted, and proposed that condition 16 be amended to change the word “fully” to “substantially”.
  - The condition relating to Hours of Operation be amended to include provision for cleaning after 9.30pm.
58. Ms Baker-Galloway then addressed the submissions of Counsel for the submitters in relation to the interpretation of the provisions of the Operative District Plan, many of which I have referred to in the Assessment section of this decision.
59. As the Right of Reply contained new evidence (the indicative landscape plan) and a corresponding change to proposed condition 16, which is an important aspect of the mitigation of rural residential amenity, this matter was referred to Mr Denney for comment prior to finalising my decision. A response from Mr Denney was received on 9<sup>th</sup> February 2016, in which he clarified that there was no intention to visually screen the building. He confirmed that the Applicant’s plan provided a “*dense indigenous shrub cover near the eastern and southern boundaries... that once established, would provide adequate visual mitigation within 5 to 7 years*”. Mr Denney also suggested a number of minor changes to the landscaping conditions in relation to plants and rabbit fencing, and volunteered that in his opinion the cladding of the acoustic fence with Schist was not necessary from a landscape perspective.
60. The Applicant’s Counsel confirmed on 24 February that the Applicant had agreed to the suite of conditions proposed by Mr Bryce, including the revisions suggested by Mr Denney as outlined above.

### **The Principal Issues in Contention**

61. A wide range of matters were traversed in the application, submissions, the Section 42A Report and supporting material, and during the hearing.
62. The principal issues in contention arising from the application, the Section 42A Report and the contents of submissions, including matters raised during the hearing, were:
- (a) The activity status of the application following the proposed changes with respect to both fencing and signage;
  - (b) The nature and scale of the proposed Kingdom Hall activity in the Rural Residential Zone and the corresponding adverse effects on rural residential amenity, with particular reference to:
    - Visual amenity and the adequacy of the landscaping mitigation proposed;

- Noise effects, including the appropriateness of the acoustic fence;
  - Traffic effects and carparking, together with associated safety issues.
- (c) The appropriateness of the proposed earthworks;
- (d) Servicing issues including water supply, wastewater and fire-fighting;
- (e) Precedent and any adverse effect on the integrity of the Operative and Proposed District Plans; and
- (f) The extent to which the proposed development is consistent with the objectives and policies of the Operative District Plan and the purpose set out in Part 2 of the Act.

## **Assessment**

### The Permitted Baseline and the Environment

63. Mr Bryce has discussed the relevance of the permitted baseline at Section 8.1.1 of his Section 42A Report. In my assessment, the permitted baseline has very little relevance to this application. Any addition, alteration or construction of a building over 5 square metres requires a controlled activity consent in the Rural Residential Zone. In terms of the proposed church activity, the Applicant has argued that community activities are permitted as of right under the District Plan; however, as any supporting buildings do not form part of the permitted baseline, whether or not the activity is permitted is essentially moot. In any event, the District Plan specifies that any non-residential activities that have a maximum gross floor area in excess of 40 square metres in the Rural Residential Zone must be assessed as a restricted discretionary activity. Accordingly, only very small scale non-residential activities are permitted within this zone.
64. In relation to signage, the District Plan provides a maximum area for a freestanding sign of up to 2 square metres as a permitted activity. Accordingly, the revised signage proposed by the Applicant does form part of the permitted baseline as clarified by Mr Bryce in his written reply.
65. Mr Bryce has set out the extent of permitted activity for earthworks, which is a volume of up to 100 cubic metres per site within a 12 month period, maximum cut heights of 2.4 metres and a maximum fill height of up to 2 metres. I concur with Mr Bryce that earthworks that fall within the permitted thresholds are a relevant consideration and this has been factored into my decision.
66. The consent history is adequately explained in the application and also in Mr Bryce's Section 42A Report and is a relevant factor insofar as the consented baseline is concerned.
67. With respect to the receiving environment, Mr Denney's landscape report contains a very good description of the site and the surrounding environment. He noted that the major intersection of State Highway 6 and State Highway 84 is immediately adjacent to the site. To the north of the site the Rural Residential Zone continues, with Rural Lifestyle zoning towards the south of State Highway 6 and Rural General towards the west. The location forms part of the entrance experience approaching the Wanaka township along the State Highways.
68. Importantly, Mr Denney noted that the character of the location is strongly influenced by the highway corridors towards the west and south of the Balneaves Lane area, characterised by

busy traffic at the highway intersection and assorted large scale highway signage and lighting. To the east and north the land is more open and pastoral in character, with a large open field to the north and an established shelterbelt of trees. However, this area is zoned Rural Residential and, accordingly, has the potential for much higher density rural dwellings than currently exist.

69. Immediately opposite the subject site on Balneaves Lane is the location of the Vetlife business. This occupies the first property to the right on entering Balneaves Lane and is immediately opposite the subject site.
70. Mr Denney noted that the subject site is generally bare with rough grass, an existing water tank and a slight mound elevating the site above the surrounding neighbourhood. The high point of the site is some 3 to 4 metres above the lane carriageway and the adjacent State Highway 6, which increases the prominence of the site from both surrounding properties and the highway. This topographical aspect is an important consideration in the landscape mitigation that is required.
71. In his evidence, Mr Giddens referred to the application of what he termed a “controlled activity baseline”. I accept Ms Caunter’s submission, supported by Mr Bryce, that controlled activities do not form part of the permitted baseline. I note that in her Right of Reply, Ms Baker-Galloway clarified that Mr Giddens was not attempting to create a new legal principle, rather, he was merely pointing out that a house the same size as the proposed Kingdom Hall would be assessed as a controlled activity. I accept this clarification and the relevance of the comparison in the assessment of effects on visual amenity, which has been covered in the expert evidence of Mr Denney, Mr Bryce and Mr Giddens.

#### Actual and Potential Effects on the Environment

72. Mr Bryce has identified that the assessment of actual and potential effects on the environment is guided by the assessment matters provided in the District Plan. The assessment matters relevant to the proposal are contained in Part 8: *Rural Living Area*, Part 18: *Signs*, and Part 22: *Earthworks*, of the Operative District Plan. These fall under four main headings:
  - Buildings (which are a controlled activity in this zone);
  - The scale and nature of activities;
  - Earthworks; and
  - Transport matters.

#### *Nature and Scale of the Proposed Activity*

73. As previously discussed, the principal issue in contention is the nature and scale of the church activity that is proposed to take place within the proposed building, and the corresponding adverse effects that may be generated on rural and residential amenity, which principally include visual amenity and landscape, noise (volume and character) and effects associated with traffic and carparking.
74. The *Rural Living Areas* section of the Operative District Plan does not contain any specific provisions regarding the location of community activities within this zone. Having considered

the legal submissions of Counsel for the Applicant, Counsel for the Submitters and the relevant Plan provisions, the planning framework can be summarised as follows:

- (i) The provision of rural lifestyle and rural residential living areas in the District Plan (Part 8: *Rural Living Areas*) reflects a desire by some people to live on small holdings in a rural environment while undertaking either limited farming, or no farming at all.
- (ii) The Rural Living Areas section of the District Plan (Part 8) emphasises the protection of amenity and environmental values which are particular to all rural zones, including privacy, rural outlook, spaciousness, ease of access, clean air and, at times, quietness. However, levels of noise, dust, traffic generation and odour that are associated with rural activities are considered to be an integral part of rural amenity values and must be accepted as anticipated components of rural amenity.<sup>11</sup>
- (iii) The District Plan recognises that unmanaged residential living in rural areas can give rise to adverse effects on rural amenity and rural activities. Pressure for further random development, inefficiencies in services and the peripheral extension of existing towns and settlements must be managed.<sup>12</sup>
- (iv) Objective 2 of Part 8 *Rural Living Areas* is concerned with avoiding, remedying or mitigating the adverse effects of activities on rural amenity. Other than Objective 3, which is confined to safeguarding of the life-supporting capacity of water, this is the only specific objective that is directly concerned with the management of adverse effects of activities in this Zone. Accordingly, the avoiding, remedying or mitigating of the adverse effects of activities on rural amenity, recognising that permitted activities associated with farming in rural areas may result in smell, noise, dust and traffic generation (which are accepted as anticipated elements of rural amenity), is a critical component in the assessment of any application.
- (v) Community activities are not specifically identified in Section 8.2.2 of the *Rural Living Areas – Rules*. Accordingly, any community activity which complies with the site and zone standards for the zone is essentially permitted (recognising, however, that any buildings associated with the community activity will still comprise a controlled activity under section 8.2.2.2 i). The only site standard that is directed to controlling the extent of non-rural and non-residential activities (which includes community activities) is 8.2.4.1 v(a), which provides that in the Rural Residential Zone the maximum gross floor area of non-residential activities shall not exceed 40 square metres. Any breach of this site standard requires the activity to be assessed as a *restricted discretionary activity* (section 8.2.2.3 iv), with the exercise of Council's discretion restricted to the matters specified in the standard that is not complied with.
- (vi) Section 8.3 of the District Plan sets out the applicable assessment matters and specifies at section 8.3.1 iii that the assessment matters to be taken into account shall only be those relevant to the matters over which Council's discretion is restricted as specified in a particular standard.
- (vii) The assessment matters set out in section 8.3.2 include assessment matters relating to the scale and nature of activities (section 8.3.2 x(a) to (h)). Accordingly, when considering an application for a non-rural or non-residential activity that breaches site

---

<sup>11</sup> Part 8.1.1i of the District Plan.

<sup>12</sup> Part 8.1.1iv of the District Plan.

standard 8.2.4.1 v(a), which concerns the nature and scale of the proposed activity, the assessment matters set out at 8.3.2 x(a) to (h) must be *applied* (section 8.3.1 i), *taken into account* (section 8.3.1 iii) and *had regard to (but not be limited by)* (section 8.3.2).<sup>13</sup>

75. Extensive consideration of the scheme of the District Plan and, in particular, the approach to the assessment of an application which breaches the site standards contained in Part 8 *Rural Living Areas* was given by both the Environment Court and the High Court in the *Ayrburn Farm Estates Limited* cases.<sup>14</sup> At paragraph [39] of the High Court case, the Court noted that it was common ground that only those assessment matters which relate to the particular site standard at issue are relevant to the assessment of a restricted discretionary activity. This follows from the District Plan and from the Act at section 104C. Importantly, the Court also noted that the assessment matters in the District Plan are merely guidelines and not tests.

76. At paragraph [42] the High Court considered the site standard system, which is explained in the District Plan as follows:

*"Site standards are specified in relation to matters which tend to impact on the use of the particular site or adjacent areas. While these standards are important, they are not considered fundamental to the integrity of an area as a whole and so are specified in a way that if development does not comply with these standards the Council will consider the matter of non-compliance by way of a resource consent for a discretionary activity. This enables the Council to consider the implications of non-compliance on the use and enjoyment of the site involved and on neighbouring sites."*

77. Accordingly, while site standards are not considered fundamental to the integrity of an area as a whole, I am required to consider the implications of non-compliance on the use and enjoyment both of the site and, in particular, neighbouring sites. In this respect, the maintenance of rural amenity, which is a particular objective of Part 8 of the District Plan, is of fundamental importance. In this respect, the Environment Court in *Ayrburn Farm Estates Limited*, which also concerned a development in the Rural Residential Zone, noted at [110] that *"the relevant rural amenity values are those that relate to the rural residential amenity of the area having regard to the provisions of the Plan and existing development, and not to some other purely rural amenity"*.

78. At paragraph [46] the High Court considered the application of the assessment matters, noting that section 8.3.2 of the District Plan states:

*"In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters: ..."*

79. The High Court was of the view that although there were three possible interpretations of this provision, the preferred interpretation was:<sup>15</sup>

*"(ii) The specified assessment matters and the applicable provisions of the Act, while mandatory, are not exhaustive, the Consent Authority is also entitled to have regard to any other matter provided it is an effect of the breach of the particular site standard at issue"*.

80. In the Court's view, this interpretation accords with the natural, ordinary meaning of the words of section 8.3.2 and, in particular, gives meaning to the phrase *"shall have regard to, but not*

<sup>13</sup> Sections 8.3.1 and 8.3.2 of the District Plan.

<sup>14</sup> *Ayrburn Farm Estates Limited v Queenstown Lakes District Council* [2013] NZ RMA 126 (High Court); *Ayrburn Farm Estates Limited v Queenstown Lakes District Council* [2011] NZ EnvC 98.

<sup>15</sup> At paragraph [47] of the High Court decision.

*be limited by*". However, the Court reaffirmed that it is only matters which relate to the particular site standard that may be considered.<sup>16</sup>

81. Interestingly, at paragraph [61] the Court noted that if the Environment Court had taken evidence about other zones into account, that would have been contrary to the stated purpose of the site standards and therefore not relevant.
82. In view of the principles set out in the *Ayrburn Farm Estates Limited* High Court decision, I have considered the particular assessment matters set out at section 8.3.2 x when considering the breach of site standard 8.2.4.1 v. In accordance with the High Court's preferred approach,<sup>17</sup> I have also had regard to any other matter that is an effect of the breach of this particular site standard as appropriate. My assessment is set out as follows.

Assessment Matter 8.3.2 x(a)

83. Assessment matter 8.3.2 x(a) concerns the extent to which the scale of the activity and the proposed use of buildings will be compatible with the scale of other buildings and activities in the surrounding area. It is plain from the expert evidence that the design and scale of the building proposed to be used as the Kingdom Hall is, in effect, very similar to that of a residential house that could be constructed on the site as a controlled activity. The building complies with the requirements of the Zone and of the applicable Consent Notice. I concur with Ms Baker-Galloway's submission, having had the benefit of Mr Denney's expert landscaping opinion, that when constructed, the Hall "*will not look dissimilar to a house with an extensive garden nestled within a swathe of rural residential or denser sites that wrap around the base of Mt Iron*". Accordingly, I find that the building is compatible with the scale of other buildings in the surrounding area and note that the submitters did not have any particular issue with the physical building aspect of the proposal.
84. However, this assessment matter also requires consideration of the proposed *use* of the building and the compatibility of that use with the scale of other buildings and activities in the surrounding area. With the exception of the Vetlife Clinic immediately opposite the application site, the remainder of Balneaves Lane comprises rural residential dwellings. The rural residential land to the east of Balneaves Lane is still very rural in character, as it has not yet been developed more intensively. The assessment criteria do not give any further guidance as to the assessment of the proposed *use* and, in particular, its compatibility with the scale and usage of other buildings and activities in the surrounding area.
85. Having considered this section of the District Plan, and in particular the objectives and policies set out for *Rural Living Areas*, it is plain that rural amenity is a paramount consideration (Objective 2) and, accordingly, the use of the building and its impact on rural residential amenity needs to be carefully assessed in this context. In this respect, I do not entirely accept the emphasis placed by Mr Giddens on Policy 2.2, which is largely concerned with visual amenity: the headline Objective plainly specifies rural amenity, which is a much wider context (noting that section 8.1.1 i supports this view), although the two are highly correlated.<sup>18</sup>
86. I have had extensive evidence from both the Applicant's experts and from Council's experts in relation to the effects of the proposed activity (use) on the various aspects of rural residential amenity. These can be summarised as landscape and visual amenity, noise, loss of privacy,

<sup>16</sup> At paragraph [50] of the High Court decision.

<sup>17</sup> At paragraph [47] of the High Court decision.

<sup>18</sup> at paragraph [43] of the Applicant's opening submissions



and access, parking and traffic. It should be noted that the “extent of noise” is also covered in more detail by assessment matter (c) and that the adverse effects of traffic generation from the activity is covered by assessment matters (g) and (h).

*Landscape and Visual Amenity*

87. Visual amenity in relation to neighbouring properties was a particular concern of the residents, as noted by Mr Bryce in his Officer's Reply. At paragraph 21 of her statement presented at the hearing, Ms Perkins commented that the submitters are specifically concerned about the “urban activities” that would accompany the use of the proposed building. She drew my attention in particular to the large sealed and paved parking areas, and the requirement for a solid fence to screen lights, people and to reduce noise.
88. A number of submissions raised specific concerns relating to the visual dominance that may be generated by the proposal on adjoining properties, exacerbated by the elevated nature of the site. There was widespread concern that the current landscaping plan was inadequate to mitigate the adverse effects, particularly in relation to the proposed planting on the boundary of the site. Mr Bryce noted that while the scale of the proposed building is considered compatible with the scale of buildings in the area, the scale of the proposed activity is not consistent with existing residential activities (other than the Vetlife operation). In particular, the areas to be set aside for parking and “hardstanding” reflect a more urban character. Mr Denney considered that the proposed carparking area would introduce urban elements that would be out of character in this rural setting and would be more pronounced due to the elevation of the site. Although the acoustic fence would screen much of the hard surface area, vehicles will still be visible above this. However, Mr Denney also considered that there was potential to mitigate these urban elements through appropriate landscaping and a setback of the acoustic fence.
89. I accept the evidence of Mr Bryce and Mr Denney, supported by Ms Perkins' submission and those of other submitters, that the landscape and visual amenity effects have the potential to adversely impact on both visual and rural residential amenity of neighbouring properties unless adequately avoided or mitigated.
90. There have been a number of changes to the application designed to remedy or mitigate the adverse effects of the application on landscape and visual amenity since the application was lodged; in particular, the change to the size, structure and location of the proposed acoustic fence and the extent of planting required to adequately screen the site from neighbouring properties. I accept Mr Denney's evidence that a key outcome of the planting plan should be to visually screen non-residential activities so as to ensure that the rural residential amenity values of neighbouring residents is maintained to an acceptable level. Given the emphasis on visual amenity at Policy 2.2, and its high correlation to rural amenity in the Rural Residential Zones, I concur with Mr Denney that non-rural or non-residential activities should be appropriately screened from neighbouring properties. Accordingly, the acoustic barrier, the parking area, headlight glare from the parking area and any water storage tanks must be adequately screened when viewed from neighbouring properties, as these “non-residential” activities have the potential to significantly detract from the rural residential amenity of these residences.
91. The location and construction of the proposed acoustic fence was a key issue raised by neighbours, who expressed concern in relation to its adverse impact on both rural residential and visual amenity. Since lodging of the application, the proposed 1.8 metre acoustic fence,

which was originally located on the boundary of the property, is proposed to be re-sited to the carparking area and reduced to 1.2 metres in height. Mr Bryce noted in the Section 42A Report that the re-siting will allow for additional landscaping to assist with mitigating and breaking up of the “closed boarded fence”, which would go some way to addressing submitters concerns in relation to the potential of the fence to introduce “urban forms” into the subdivision. He further considered that the new fence location and size would reduce its visual prominence, provide improved mitigation of noise from the activity, and be more appropriately integrated into the site in conjunction with the proposed additional landscaping. However, he noted that until landscaping reaches a height that breaks up the form of the fence, vehicles and people will be visible from neighbouring properties, which impacts privacy-related concerns.

92. In the Applicant's Right of Reply, the design of the acoustic fence was amended to incorporate a schist façade to further mitigate its visual effect and to unambiguously ensure that it complies with the Consent Notice (if it was to be interpreted as a “fence” for this purpose). I concur with Counsel for the Applicant that the Consent Notice controls appearance only. In that respect, the schist façade meets the requirement of being “in a rural style” and, accordingly, complies with clause (h) of the Consent Notice.
93. However, as a result of the amendment of the acoustic barrier to incorporate a schist façade, the Applicant considered there was no longer any justification for *“absolute full screening of the building and barrier, given that the building and barrier will look for all intents and purposes as a ‘fairly normal house’.*” In Ms Baker-Galloway's submission, the visual effects associated with a schist-clad acoustic fence do not justify complete screening. Mr Denney subsequently indirectly supported this view, by clarifying that it was not the intention of the condition to “fully” visually screen the building. He considered that the planting proposed in the newly submitted Landscape Plan would provide adequate visual mitigation within 5 to 7 years.
94. In relation to the proposed schist cladding of the acoustic fence, it was Mr Denney's view that given the degree of visual screening the proposed planting would provide, schist cladding was not required in terms of visual mitigation; however, he noted that: *“with the schist cladding the overall character I consider would be consistent with similar landscape development in nearby properties”.* Given the importance on rural residential and visual amenity in this zone, coupled with the evidence that the planting will take 5 to 7 years to adequately visually screen the development, I have retained the Applicant's volunteered condition in relation to the schist cladding as an important mitigating measure. I note also that this condition will remove any doubt with respect to compliance with condition (h) of the Consent Notice.
95. A number of submitters raised concerns in relation to the extent and visual impact of the signage originally proposed for the site. In response, the Applicant submitted a revised signage proposal which meets the requirements of the District Plan (confirmed by Mr Bryce in his Officer reply) and, accordingly, is a permitted activity.
96. I note that Mr Bryce recommended in his Officer reply that the proposed sign be relocated within the site. He considered that it would be appropriate for the sign to be set back a minimum of 10 metres from the front boundary to allay submitters' concerns in relation to its visual amenity. Ms Baker-Galloway, in the Applicant's Right of Reply, submitted that the sign is necessary to mitigate the effect of Kingdom Hall traffic traveling past the entrance to the site and on into Balneaves Lane, as explained by Mr Carr during questioning at the hearing. To prevent this happening, the sign needs to be obvious to visitors to the site. Accordingly, the Applicant is not prepared to volunteer any further setback.

97. As the signage is associated with the proposed use of the building and therefore must be considered in conjunction with the proposal as a whole under assessment matter 8.3.2 x(a), I am of the view that the location of the sign is a matter that Council can control through conditions in order to mitigate the effects of the proposal on rural residential amenity. However, having considered the evidence on this matter, I am inclined to accept the Applicant's case that the signage is necessary, on balance, to ensure that users of the Kingdom Hall travelling by car do not enter Balneaves Lane inadvertently. The safety of pedestrians (particularly children) in the narrow lane, which was a concern raised by a number of submitters, is a key factor in my decision. Notwithstanding this conclusion, I would urge the Applicant to give consideration to a setback that is greater than 5 metres should this be sufficient (in a practical sense) for the sign to be seen by new visitors to the site.
98. Having considered the landscaping and visual amenity evidence, the Applicant's Right of Reply (which included a detailed Landscape Plan prepared by a qualified expert) and the further evidence of Mr Denney, I am satisfied that the conditions of consent in relation to landscaping will adequately avoid and/or mitigate the adverse effects of the proposal on landscape and visual amenity.

#### *Loss of Privacy*

99. It was acknowledged by Mr Bryce that the immediate adjoining landowners at 5 Balneaves Lane may lose privacy due, in particular, to the orientation of the parking area and the elevated nature of the site. I accept the evidence of Mr Bryce and Mr Denney that the revised landscaping plan, which provides for additional mounding and landscaping, together with the landscaping conditions, will mitigate the potential loss of privacy to an acceptable level, albeit that there may be temporary effects until such time as the landscaping is sufficiently mature.
100. Accordingly, I am satisfied that the proposal will not result in unacceptable effects on the amenity of the adjoining residents in this respect, although it is acknowledged that there may be a minor temporary loss of privacy until the mitigation planting is established to a sufficient height.

#### *Noise Effects*

101. Assessment matter (c) requires me to consider the extent of noise that may associated with the activity. Nearly all of the submitters raised both the level of noise and the kind of noise that would be generated by the Church activities as a particular concern. In their view, the activity is highly likely to generate excessive levels of "non-rural or residential" noise, particularly on Sundays when residents expect a heightened level of peace and quiet in keeping with rural residential amenity.
102. Noise has been the subject of expert evidence from Hegley Acoustic Consultants (for the Applicant) and Dr Chiles (for the Council). At page 21 of his Section 42A Report, Mr Bryce described the noise effects in detail and summarised the evidence of both experts, highlighting the measures and conditions required to remedy and/or mitigate the potential adverse noise effects of the proposal. Both experts were of the view that the noise effects, through the proposed mitigation and conditions of consent, could either be reduced to an acceptable level or managed (through hours of operation) such that that noise from the Kingdom Hall activities would not impact on rural residential amenity.

103. A number of modifications were suggested at the hearing in response to specific concerns of submitters. Further evidence in relation to the proposed amendments was subsequently obtained from Dr Chiles, as outlined in Mr Bryce's officer reply. In summary, Mr Chiles supported the amendments recommended by Mr Hegley to original conditions 19, 20 and 21, which have now been carried through to the final set of conditions. In particular, Mr Chiles agreed with submitters' concerns that the closing of doors and windows after 8:00pm, mechanical ventilation and the specification of the acoustic fence in the drawings should be required by way of appropriate conditions of consent. The experts both concluded that the recommended conditions would appropriately mitigate the noise effects of the Church activities (predominantly singing, music and the noise of cars) and that, as a result, noise levels would comply with the District Plan noise limits.
104. In his officer's reply, Mr Bryce noted that while neither acoustic expert considered it necessary to place controls on people, noise and amplified music (given that this will be principally controlled by compliance with the noise limits specified in proposed condition 20 and through shutting doors and windows after 8:00pm), a condition could be imposed that requires all windows and doors to be closed in the Hall during the playing of amplified music and singing. A similar condition was imposed on a Kingdom Hall at 35 Robertson Street, Frankton under resource consent RM150557. Dr Chiles considered that such a condition is "not essential but not harmful".
105. The submissions of the residents that music and singing associated with church services has a potential adverse effect on rural residential amenity was not challenged by the Applicant. I am cognisant of residents' concerns that peace and quiet on Sundays in particular is an important component of rural residential amenity and one of the reasons that this zone exists. Accordingly, I have included Condition 22 as a condition of consent, which will require all windows and doors to be closed in the Hall when there is amplified music and singing in progress, as a precautionary measure. While I appreciate that this is very much a "belts and braces" approach, any adverse effects on the Applicant will be minimal (given that mechanical ventilation will be available) whereas the extent of adverse noise effects on the near residents may be more significant if not fully controlled, particularly during weekends and evenings. In my view, such a measure is important to ensure that the existing rural residential amenity of the near neighbours is maintained.

#### *Hours of Operation*

106. The hours of operation of a non-rural or non-residential activity plainly have the potential to impact on the rural residential amenity of the neighbouring area. It also is a factor in the generation of noise and, accordingly, needs to be considered in conjunction with the assessment of noise effects generally. The submitters raised a number of concerns in relation to the proposed hours of use of the Hall and, accordingly, the impact of the activity on their amenity. Particular concerns were expressed in relation to evenings and weekends, which is the time during which the rural residential amenity values of peace and quiet were considered most important.
107. Following the hearing, Mr Bryce considered the issues that had been raised by submitters at the hearing and proposed some amendments to the original conditions to address these. Of particular concern was the ability to limit the hours of operation of the two "formal meetings" that are undertaken each week and the need for all people (and vehicles) attending these meetings to leave the property by 9:30pm Monday to Sunday. Mr Bryce recommended that the term "formal meetings" be included within Condition 17 and that further clarification be

provided to explain the weekly operation of the main formal meeting events. I concur with Mr Bryce's proposal, which I note has been accepted by the Applicant.

108. In relation to the vacating of the premises by 9:30pm, I accept the Applicant's position that there may be instances where the final close-up of the premises (which may involve cleaning and rearranging furniture by one or two people) may extend beyond 9:30pm. The presence of a small number of people for this purpose in the Hall, coupled with one or two vehicles leaving the site after 9:30pm, is not expected to create any significant effect on neighbouring properties and, accordingly, I have accepted the Applicant's proposed change to Condition 17 to reflect this. Should this prove to be nuisance in practice, it can be reassessed under the review conditions.

*Traffic Effects*

109. Assessment matter (g) requires me to have regard to any adverse effects of traffic generation from the activity in terms of:
- (i) Noise, vibration and glare from vehicles entering and leaving the site or adjoining road;
  - (ii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road; and
  - (iii) Any cumulative effect of traffic generation.
110. Similarly, assessment matter (h) is concerned with the ability to mitigate any adverse effects of additional traffic generation, such as through the location and design of vehicle crossings, parking and loading areas, or through the provision of screening and other factors which may reduce the effects of additional vehicles.
111. All submitters in opposition to the proposal cited increased traffic volume and noise generated from additional vehicles as a concern. The small size of the subdivision, the rural nature of the existing environment and the no-exit nature of Balneaves Lane are factors that contribute to these concerns.
112. The extent of traffic that will be generated by the use of the building and site as a church, together with the car-parking that is required for the church congregation, are effects associated with the use of the activity that are neither rural nor residential and, accordingly, which may have a significant adverse effect on rural residential amenity. The visual amenity of cars parked on the site, and travelling to and from the site, is also a particular consideration with respect to Policy 2.2 of the District Plan. Accordingly, in order that a sufficient level of rural residential amenity be maintained, it is essential that the adverse effects of traffic generation and parking are fully remedied or mitigated.
113. Mr Bryce discussed the traffic issues in detail at pages 23 and 24 of his Section 42A Report and recommended a number of conditions to mitigate concerns in relation to traffic generation and parking. He noted that there is no reason for members of the congregation to enter Balneaves Lane, other than to access the main entrance to the Kingdom Hall site, which would be clearly signposted. In relation to parking, I accept the evidence of Mr Carr that the proposal considerably exceeds the number of car parks required by the District Plan. Provided the hours of use are adhered to, the traffic volumes, although higher than would be expected from a rural residential use of the site, will not be excessive. Accordingly, I am

satisfied that traffic generation and parking will not result in cumulative adverse effects on the safe and efficient operation of the lane or adversely impact on the amenity of the residents.

114. The noise effects of vehicles on the site have been discussed above and have been appropriately mitigated by the proposed acoustic screening and the conditions that govern the frequency and timing of use of the Kingdom Hall. Similarly, nuisance effects, which include glare and vibration from vehicles, particularly car headlights moving onto and off the site have, in my view, been sufficiently mitigated by the proposed landscaping conditions, which require adequate screening of the entrance and the car-parking area. I accept Mr Bryce's evidence that a heightened level of mitigation is required to ensure that light spill will not create any significant adverse effect, in order to maintain an adequate level of rural residential amenity.
115. Mr Carr indicated in his evidence that he agreed with the Council's recommended traffic conditions. I am satisfied that Condition 5, with respect to the requirement for a travel management plan, is appropriate and will assist to reduce the traffic effects associated with the Church activity.
116. I am also satisfied that any effects associated with the construction of the Church have been fully addressed by the proposed conditions of consent and will not result in any adverse effects that are unacceptable.
117. Accordingly, I am persuaded overall that there will not be any traffic or transportation effects of concern provided that the conditions of consent are fully complied with. I note Ms Baker-Galloway's closing submission that if there are unanticipated adverse effects in future associated with car-parking, the Council has the power to review the consent and the power to impose conditions that will remedy any unanticipated adverse effects.

#### *Remaining Assessment Matters*

118. I have considered the remaining assessment matters 8.3.2(x)(b), (d), (e) and (f).
119. Assessment matter (d) requires me to consider the extent to which the activities on the site remain dominated by rural activities, rather than by activities which are not associated with or incidental to rural activities. Similarly, assessment matter (e) examines the extent to which the activity requires a rural location in terms of scale, use of or relationship to rural resources, effluent disposal requirements, or potential adverse effects on an urban environment. In both the Environment Court and High Court *Ayrburn Farm Estates Limited* decisions, the Courts took the view that assessment matters (d) and (e) were "not seriously at issue". The High Court stated at paragraph [73] that "*it was obvious that once the school was established, the site would not be dominated by rural activities ... equally obviously, schools do not require a rural location. It could not be seriously argued otherwise.*"
120. With respect to both Courts, it is my view that the relevance of these assessment criteria has been misunderstood. While the conclusion of the High Court was open to it on the facts, it does not appear to ascribe any purpose to the words "*the extent to which...*", which are essentially redundant. In my view, taking a purposive approach, the thrust of the two assessment matters, read together, would positively encourage proposals which result in the site remaining dominated by rural activities and/or those that require a rural location and actively discourage those that do not. Accordingly, to simply state that the location of a school, which will plainly not result in the site remaining dominated by rural activities and which clearly does not require a rural location (in the *Ayrburn Farm Estates Limited* case),

means that the assessment criteria are “not seriously at issue” effectively ignores the reasons why these particular assessment matters may have been included in what is a fairly short list. Further, the Courts’ approach does not address the more holistic reason for the inclusion of these particular assessment criteria in this Part of the District Plan, which is to protect and maintain the rural residential amenity of the neighbouring properties from the adverse effects of non-rural or non-residential activities that do not require a rural location or will not remain dominated by rural activities.<sup>19</sup>

121. It is plain from the evidence that the current proposal does not require a rural location and that the site will not remain dominated by rural activities, although it is arguable that schools and churches are incidental to rural residential living in that they meet the needs of communities. In my view, these two assessment matters are “at issue” and weigh against the location of a church in this area.
122. However, as previously discussed, the assessment matters are guidelines, not rules, and must be considered as a whole. Accordingly, given that I am satisfied that any adverse effects raised by assessment matters 8.3.2(x)(a), (b), (c), (f), (g) and (h) can be successfully mitigated or remedied so that both the scale of the activity and the proposed use of the buildings will maintain the rural residential amenity of the area, my findings in relation to assessment matters (d) and (e) do not outweigh a grant of consent, particularly given the restricted discretionary activity status of this proposal.
123. For completeness, I note that there are no other matters that have been drawn to my attention that are relevant to the breach of site standard 8.2.4.1(v) with respect to the nature and scale of the proposed activity.

#### *Earthworks*

124. Mr Bryce noted that the proposal is a breach of site standards 8.2.4.1(x)(1)(a) with respect to earthworks volumes and also site standard 8.2.4.1(x)(1)(b) with regard to the area of exposed earthworks. The assessment matters applicable to the breach of the earthworks site standard are set out in Section 8.3.2(xvi) of the District Plan and include environmental protection measures, effects on landscape and visual amenity values, effects on adjacent sites, general amenity values, and impact on sites of cultural heritage value.
125. A number of submitters raised concerns with relation to earthworks activities, including damage to Balneaves Lane from construction traffic and an increased safety risk.
126. Mr Bryce has carried out a comprehensive assessment of the effects of the proposed earthworks with supporting evidence from the Council Engineer, Ms Overton. I note that the proposed earthworks would be located near the centre of the site and that the future building would cover half of the area exposed to the earthworks. Mr Denney considered that the extent of earthworks proposed is relatively small and within the context of a modified landform and that once landscaping is complete, any adverse effects on visual quality and amenity value would be negligible. Conditions of consent were suggested to mitigate any potential adverse effects associated with the proposed earthworks.
127. The extent of batter slopes adjoining neighbouring properties, particularly 5 Balneaves Lane, was also a concern voiced at the hearing. In his Officer reply, Mr Bryce sought clarification

---

<sup>19</sup> This follows from Objective 2 of Part 8 of the District Plan.

from Ms Overton in relation to the concerns of submitters and the Commission in relation to the extent and potential effects of the proposed earthworks. The Applicant has resolved these inconsistencies through the provision of revised earthworks plans 2, 3A and 3B, which more accurately reflect the nature of the earthworks to be undertaken.

128. Having considered the expert evidence in relation to earthworks in the context of the assessment matters referred to above, I am satisfied that any adverse effects of the proposed earthworks can be appropriately mitigated by conditions of consent, which include the landscaping conditions.

#### *Transportation*

129. Part 14 of the District Plan sets out the objectives, policies and rules in relation to transportation, together with the relevant assessment matters. As previously noted, Restricted Discretionary activity consent is required for breaches of various transportation site standards (14.2.4.1 and 14.2.4.2), which relate to the adverse effects of the width of the aisle required for a disabled carpark, the 10.5 metre wide vehicle crossing to accommodate the angle and gradient required (the maximum permitted for non-residential activities is 9 metres), the design of the access and the minimum site distances from the vehicle access, which requires 18 metres for "other users" under Table 3.
130. Having considered the evidence in relation to the transportation breaches, Mr Bryce's Section 42A Report and the evidence of Mr Carr for the Applicant, and having regard to the approval received from the New Zealand Transport Authority, I am satisfied that any adverse effects associated with the breaches of the transportation site standards have been appropriately mitigated by the conditions of consent and that, accordingly, any adverse effects will be minimal.

#### *Service Infrastructure*

131. Mr Bryce has set out a detailed description of the various services required in his Section 42A Report at pages 25 to 26. The Council Engineer, Ms Overton, was satisfied that onsite effluent disposal, fire-fighting, storm water disposal and power and telecommunications services could be provided to the site subject to appropriate conditions. However, a question remained in relation to the potable water supply, which was also raised by Mr Perkins at the hearing. In his Officer reply, Mr Bryce referred the matter back to Ms Overton, who then contacted the Southern District Health Board regarding water supply and water quality. As a result of this discussion, a number of additional conditions have been proposed, which have been accepted by the Applicant.
132. A number of concerns raised by Ms Perkins at the hearing in relation to storm water disposal, onsite effluent disposal and storm water discharge, were also considered by Ms Overton and I accept her evidence that with the conditions that she has proposed, no adverse effects will arise from the provision of these services.

#### *Natural Hazards*

133. I have reviewed the report commissioned by Mt Iron Geodrill which considered that the proposed development is geotechnically suitable for the site, subject to the adoption of suitable mitigation responses in relation to design and construction. I note also that no flooding hazards have been identified for the site. Based on this report, together with Ms



Overton's evidence, I am satisfied that there are no adverse effects associated with natural hazards.

#### *Positive Effects*

134. Mr Murray, on behalf of the Queenstown congregation of Jehovah's Witnesses, noted that the proposal will result in a well maintained and landscaped property that will be unused for the majority of the week and that the proposal will provide an attractive entrance to the Lane that will benefit all residents. While I accept the residents' concerns in relation to the signage (which is a permitted activity), I concur that the degree of landscaping proposed will provide an attractive entrance to Balneaves Lane.
135. It is also plain from the Applicant's evidence that the location of a Kingdom Hall in Wanaka will meet a community need and, as a consequence, will result in positive effects to the members of the congregation that the Hall will serve.

#### *Cumulative Effects*

136. Mr Bryce discussed the issue of cumulative effects at pages 24 and 25 of his Section 42A Report. He considered that the development, in conjunction with the Vetlife Clinic located directly across the road from the subject site at the entrance to Balneaves Lane, has the potential to generate adverse cumulative effects on the wider receiving environment as a direct result of the scale of the development proposed. However, he was of the opinion that, largely as a function of the very limited use of the Hall at alternative times to the Vetlife clinic (which is tightly controlled by conditions), the proposal will not result in adverse effects linked to the operation of an additional non-residential use at this location. Accordingly, I accept Mr Bryce's conclusion that the proposal will not generate any adverse cumulative effects that have not been addressed through appropriate conditions of consent.

#### *Summary of Effects on the Environment*

137. As a result of the modifications to the proposal that aim to strengthen the protection of rural residential amenity, together with the conditions of consent designed to ensure that an appropriate level of rural residential amenity is maintained in this area, I am satisfied that any actual and potential effects of the proposed development have been adequately avoided, remedied or mitigated to an acceptable level for the reasons explained above.

#### The District Plan - Objectives and Policies

138. Both Mr Bryce and Mr Giddens have discussed the relevant objectives and policies of the Operative District Plan in detail. Ms Perkins also addressed the objectives and policies of the District Plan in her submission, in which she considered that Objectives 1 and 2 of Chapter 8 of the District Plan and their associated policies (particularly Policy 2.2) are the most relevant for the proposed activity in respect of the establishment of low density rural living environments and rural amenity values. I agree with Ms Perkins that these objectives and policies include recognition and provision for rural living development with self-sufficient water and sewerage services, and the avoidance, remedying or mitigating of adverse effects of activities on rural amenity. Accordingly, the focus of Applicant has rightly been on remedying or mitigating the effects of the proposal that have the most adverse consequences on rural residential amenity and which include landscaping and visual amenity, traffic and car-parking, noise effects and the nature and scale of the activities proposed.

139. Taking into account my assessment of the actual and potential effects on the environment (set out above), I am satisfied that the proposal, with the conditions of consent attached to this decision, is consistent with the objectives and policies of the Operative District Plan, for the following reasons.
140. Part 4 of the District Plan (*Districtwide Issues*) contains Objective 4.2.5, which requires subdivision use and development to be undertaken in the District in a manner that avoids, remedies or mitigates adverse effects on landscape and visual amenity values. A number of policies are relevant, including those relating to future development, avoiding cumulative degradation, the preservation of visual coherence through the appropriate location of structures and the use of land in a manner that minimises adverse effects on the open character and visual coherence of the landscape. I am satisfied that the proposal is consistent with Objective 4.2.5 and the associated policies.
141. Part 14 of the District Plan deals with transport and contains a number of relevant objectives and policies at 14.1.3. Mr Bryce noted that Objective 1 provides for the efficient use of the District's existing and future transportation resource and the fossil fuel usage associated with transportation. Supporting Policy 1.1 seeks to encourage efficiency in the use of motor vehicles. Similarly, Policy 1.5 seeks to promote the efficient use of fuel for transport centre, by providing for a District wide policy of consolidated urban areas, townships, retail centres and residential environments. As the proposal is located on the periphery of the outer growth boundary identified by the Wanaka Structure Plan 2007, it is not within an urban area. As a result, there is likely to be a greater reliance on private vehicles (at least in the short-term) which do not promote the efficient use of fuel for transport purposes as envisaged by Policies 1.1 and 1.5. To address this issue, the Applicant has agreed to a travel management plan, which primarily seeks to promote objectives that will reduce the number of individual vehicle trips to and from the Kingdom Hall by supporting the adoption of carpooling and other sustainable modes of transport.
142. Policy 1.3 seeks to promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function. Based on the evidence of Carriageway Consulting and the response of the NZ Transport Authority, I am satisfied that there are no safety or efficiency issues in relation to the siting of the Kingdom Hall at this location. The proposed development is also consistent with Policy 1.9, which requires off-road parking and loading, and Policy 1.10 which is concerned with the accessway.
143. I am also satisfied that the proposal is consistent with Objective 2, which addresses the safety and accessibility of pedestrian and vehicle movements throughout the District. Although some concern was raised by submitters in relation to the safety of pedestrians, given the position of the accessway, the conditions restricting any use of Balneaves Lane for parking and the extent of car-parking available, I am satisfied that the proposed development is not inconsistent with this objective and its associated policies.
144. Part 22 of the District Plan concerns earthworks. For the reasons set out previously in relation to earthworks, the assessment undertaken by Ms Overton and the conditions of consent, I am satisfied that earthwork activities can be suitably managed in such a way that they will not be contrary to Objective 1 and supporting policy 1.1, and Objective 3 and supporting policies 3.1 and 3.3.

*Objectives and Policies of the Proposed District Plan*

145. As previously discussed, the site remains subject to rural residential zoning under the Proposed District Plan. Mr Bryce has identified the relevant proposed objectives and policies against which the development should be assessed, which are Part 22 – *Rural Residential and Rural Lifestyle Zones*, and Part 26 – *Subdivision and Development*. Although the proposed objectives and policies have immediate legal effect, I concur with Mr Bryce, Ms Baker-Galloway and Ms Caunter that as the Proposed District Plan has only recently been notified, its provisions should be accorded very limited weight, if any.
146. Notwithstanding that only very limited weight can be given to the Proposed District Plan, I note that the relevant objectives (22.2.1 and 22.2.2, in particular Policy 22.2.1.5) are generally consistent with the objectives in the Operative District Plan. Objective 22.2.2 arguably is more accepting of community activities in the Rural Residential Zone as it states: “*ensure the predominant land uses are rural, residential and where appropriate visitor and community activities*” (although this appears to be inconsistent with Policy 22.2.2.3 which actively discourages commercial and “non-residential” activities). The emphasis is still plainly on maintaining and enhancing rural amenity, as well as not undermining the vitality of the District’s commercial zones. Accordingly, the proposal is generally consistent with the objectives and policies of the Proposed District Plan.

#### *Summary of Objectives and Policies*

147. I concur with Mr Bryce that the proposed development broadly aligns with the policy framework supporting the Rural Residential Zone and earthworks under the Operative District Plan. Having considered the proposal against both the Operative and the Proposed District Plan, I am satisfied that the development accords with the central policy outcomes of the relevant sections of both statutory planning documents.

#### Other Matters

148. A number of submitters have raised the issue of precedent effect. Ms Baker-Galloway submitted that the issue of precedent is not relevant to restricted discretionary activities where the application is not in breach of a “directive provision” that could be undermined: *Campbell v Napier City Council*.<sup>20</sup> I concur with this submission.
149. Notwithstanding this conclusion, as the application as modified has been assessed as a restricted discretionary activity, my decision is highly unlikely to set a precedent that has the potential to undermine the integrity of the Operative or Proposed District Plans. This is apparent from the very fact-specific consideration of the impact of the proposed development on rural residential amenity and the modifications made to the proposal to mitigate the specific concerns of submitters (particularly through very site-specific and design conditions). It is plain that the proposal has been assessed on its merits and that it has no more ability to set a precedent than previous applications for community activities in the Rural Residential Zone, such as the *Ayrburn Farm Estates Limited* case, which is also largely confined to its facts. Any such development in the Rural Residential Zone that has Restricted Discretionary activity status will need to be considered on a case by case basis.

#### Part 2 of the Act

---

<sup>20</sup> Environment Court W067/05.

150. Section 104 requires applications for resource consent to be considered subject to Part 2 of the Act, which details the purpose of the Act in promoting the sustainable management of natural and physical resources.
151. In *Ayrburn Farm Estates Limited* the High Court made it clear that consent authorities are obliged to have regard to any Part 2 matters which relate to the matters over which the Council has reserved its discretion.<sup>21</sup> With respect to this application, this requires consideration of sections 7(c) and 7(f), which require the Commission to have particular regard to the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. The key issue with respect to maintaining and enhancing amenity values and the quality of the environment is the effect of the proposed Kingdom Hall on those values arising out of the breach of the 40 square metre site standard.
152. For the reasons previously outlined in my discussion regarding the breach of this site standard, I have concluded that the effects on amenity and the quality of the environment have been adequately avoided, remedied or mitigated by the modifications made to the proposal since it was notified and through the conditions of consent. Most of this discussion was specifically structured around adverse effects on rural residential amenity and its associated values.
153. I acknowledge that the proposed activity will enable the Applicant to provide for its members and their social, economic and cultural well-being. I also concur with Mr Bryce that the proposal represents an efficient use of this land resource (section 7(b)) and is consistent with section 7(g)) which addresses any finite characteristics of natural and physical resources. Rural Residential Zones are a finite resource within the District and while the proposal will not accommodate a rural residential use, it will provide for a community activity that will not undermine the existing zone or adjoining rural residential properties. Accordingly, I am satisfied that the proposal accords with Part 2 of the Act and promotes the overall purpose of sustainable management.

### Conclusion

154. For the reasons set out above, I am satisfied that the proposal represents the sustainable management of natural and physical resources provided that it complies with the conditions imposed. A review condition has been included, which supports the ongoing monitoring of the effects of the activities and provides a mechanism for further controls by Council in future if necessary.
155. Accordingly, consent is **granted** to Mr G Beazley to establish and operate a Kingdom Hall at 1 Balneaves Lane, Wanaka, subject to the conditions set out in Appendix A to this decision.

---

<sup>21</sup> At paragraphs [87] to [100].

## Appendix A

### RM150441: Mr G Beazley Conditions of Consent

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - Site Plan –Set Out, prepared by Plan-It Architecture Ltd, dated January 2016, Sheet 1B
  - Landscape plan titled '*1 Balneaves Lane, Resource Consent Plan – Indicative*', prepared by Landscape Architect Annabel Riley dated January 2016
  - Site Plan – Minimum Setback Plan prepared by Plan-It Architecture Ltd, dated March 2015, Sheet 10
  - Site Plan – Neighbours prepared by Plan-It Architecture Ltd, dated March 2015, Sheet 11
  - Site Plan – Cut /Fill prepared by Plan-It Architecture Ltd, dated 20/01/16, Sheet 2A
  - Site Cross Sections prepared by Plan-It Architecture Ltd, dated 20/01/16, Sheet 3-A
  - Site Cross Sections prepared by Plan-It Architecture Ltd, dated 20/01/16, Sheet 3-B
  - Floor Plan -Basic prepared by Plan-It Architecture Ltd, dated January 2016, Sheet 5A
  - Floor Plan –Fittings prepared by Plan-It Architecture Ltd, dated January 2016, Sheet 6A
  - Elevations –prepared by Plan-It Architecture Ltd, dated January 2016, Sheet 7B
  - Elevations –prepared by Plan-It Architecture Ltd, dated January 2016, Sheet 8B
  - Perspectives–prepared by Plan-It Architecture Ltd, dated January 2016, Sheet 9B
  - Car parking Plan – Sheet 102
  - Acoustic Cross Sections Kingdom Hall, dated 20/01/16, Sheet C-K01A
  - Acoustic Cross Sections Kingdom Hall, dated 20/01/16, Sheet C-K02A
  - Site Plan –Acoustic, Kingdom Hall, dated 20/01/16, Sheet C-101

**stamped as approved on 29<sup>th</sup> February 2016**, and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. 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.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

#### Engineering General

3. All engineering works, including the construction of any retaining walls, 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 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

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

<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>

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

4. Prior to commencing works on site, the consent holder shall submit a Traffic Management Plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at Council prior to works commencing and shall be

prepared in order to limit impacts upon the users of Balneaves Lane during the construction phase of the development.

5. Prior to commencing works on site, the consent holder shall submit a Travel Management Plan to the Queenstown Lakes District Council Resource Consenting Manager for certification. The Travel Management Plan shall include guidance for users for congregations or other group events on measures to be adopted where possible to reduce reliance on private vehicles and shall include but not be limited to:
  - (a) Adoption of a car pooling scheme whereby patrons are encouraged to car pool between existing church members in order to reduce vehicle trips to and from the site;
  - (b) Promotion of sustainable travel modes to and from the site, including but not limited to cycling to and from the hall. In meeting this objective, the consent holder shall provide for cycle parking facilities necessary to accommodate the needs of church members.

*Advice note: This condition only relates to the use of the hall for congregation and any other group events and does not relate to day to day use by its members or visitors.*

6. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. The construction traffic crossing shall be upgraded in accordance with Condition (9b) on completion of works
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the site management measures submitted with the consent application. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
8. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the Mt Iron Geodrift report (dated 22 July 2015, Job ref – G16002) and who shall supervise the excavation procedure and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
9. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
  - a) The provision of earthworks plans by a suitably qualified professional demonstrating the extent of earthworks to be undertaken. This shall include the provision of cross-section plans. All plans shall be in general accordance with the drawings prepared by Plan-It Architecture Ltd, including:
    - Site Plan – Cut /Fill prepared by Plan-It Architecture Ltd, dated 20/01/16, Sheet 2A
    - Site Cross Sections prepared by Plan-It Architecture Ltd, dated 20/01/16, Sheet 3-A
    - Site Cross Sections prepared by Plan-It Architecture Ltd, dated 20/01/16, Sheet 3-B
  - b) The consent holder shall provide a potable water supply to the building that can be treated to consistently to comply with the requirements of the Drinking Water Standard for New

- Zealand 2005 (Revised 2008). This shall include the provision of UV treatment, if necessary.
- c) The provision of a sealed vehicle crossing to the site from Balneaves Lane to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the District Plan. This shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Provision shall be made to continue any roadside drainage.
  - d) The provision of an access way to the building that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. This shall include the provision of stormwater disposal.
  - e) The provision of a firefighting water supply to the meeting hall/church in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008). This shall be based on the recommendations in a Fire Fighting Assessment Report to be undertaken by a suitably qualified Fire Engineer for the development.
  - f) The provision of carpark lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. The carpark lighting shall be privately maintained and all operating costs shall be the responsibility of the lot owners.
  - g) The construction and sealing (including the use of Gobi Blocks or similar) of all vehicle maneuvering and car parking areas to Council's standards. Parking and loading spaces shall be clearly and permanently marked out. This shall include appropriate signage where necessary in accordance with MOTSAM (Manual of Traffic Signage and Markings). Provision shall be made for stormwater disposal.

To be monitored throughout earthworks

- 10. No permanent batter slope within the site shall be formed at a gradient that exceeds 2(H):1(V).
- 11. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Mt Iron Geodril 'Geotechnical Assessment Report – Wanaka Kingdom Hall – 1 Balneaves Lane, Wanaka' (dated 22 July 2015, Job ref – G16002).
- 12. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 13. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for the works required for the vehicle crossing.

To be completed when works finish and before occupation of building

- 14. Prior to the occupation of the building, 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 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 of all works detailed in Condition (8) above.
  - c) The provision of an effluent disposal system in accordance with the RD Agritech Ltd *On-site Wastewater Design Report Rev 4 – Kingdom Hall Waste Water, Lot 1 DP 349593, 1 Balneaves Lane Wanaka* (dated 24 September 2015, Job No. 50229 report submitted with the application. The on-site wastewater disposal and treatment system

shall comply with AS/NZS 1547:2012 and shall provide sufficient treatment/renovation to effluent prior to discharge to land.

The contractor shall provide a Completion Certificate to the Principal Resource Management Engineer at Council confirming that the system has been installed in accordance with the approved design. The Completions Certificate shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B.

- d) All earthworked / exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- e) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

#### Accidental Discovery Protocol

15. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
  - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
  - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 and;
  - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

#### Landscaping

16. Prior to works commencing on site, the consent holder shall submit a revised Landscape Plan, which shall be broadly consistent with the landscape plan titled '*1 Balneaves Lane, Resource Consent Plan – Indicative*', prepared by Landscape Architect Annabel Riley dated January 2016 (referred to as the 'Indicative Landscape Plan'). The revised Landscape Plan shall be prepared by a qualified landscape architect or landscape designer and submitted to the Queenstown Lakes District Council Resource Consenting Manager for certification and provide for the following:



- That the *Coprosma rugosa* (1.5 metre mature height) identified on the Indicative Landscape Plan be substituted with *Olearia avicenniaefolia* (Akeake / Tree daisy) or similar species with a mature height exceeding 3 metres to provide more effective screening along the eastern and southern boundaries of the site.
- The identification of any boundary fencing in keeping with Consent Notice 6498876.4 condition (h).
- The acoustic barrier shall have a schist façade.
- That the proposed rabbit proof fencing identified on the Indicative Landscape Plan is identified as being temporary, as it is only required for quick and healthy establishment of mitigation planting. The rabbit proof fencing is to be removed within 3 years of planting.
- All planting as identified on the certified Landscape Plan shall be planted within 12 months of completion of the building and be maintained as per the plan to ensure healthy growth.
- If any tree or plant shall die, become damaged or is no longer of healthy condition it shall be replaced within 12 months. All replacement trees shall be of the species identified on the certified landscape plan or a council approved alternative and planted at a grade of no less than 1.5m in height.
- Trees planted within the site for mitigation shall be of a non-wilding species (wilding species are *Pinus contorta*, *P.nigra*, *P.sylvestris*, *P. pinaster*, *P. radiata*, *Larix decidua*, *Psuedotsuga menziesii*, *Acer pseudoplatanus*, *Crataegus monogyna*) or problematic species such as birch, or highly ornamental, variegated, or brightly coloured tree species, cultivars or varieties such as golden elm.
- Spouting and downpipes shall be of a dark colour to match the tones of the roof or joinery colours.
- External lighting shall be down lighting only and shall be located as to not create light spill beyond the boundaries of the property. Lighting attached to buildings shall not exceed 3m in height above adjacent ground, and all other lighting not attached to a building shall be no higher than 1m above surrounding ground.

#### Hours of Operation

17. The hours of operation of the hall shall be limited to two main formal meeting events per week which shall be scheduled for midweek evenings from 7pm and on Sunday mornings or afternoons. All main formal meeting events shall run for no longer than two hours in duration and when undertaken in the evenings the premises shall be vacated by no later than 9.30pm on the evening of the event and all people (and vehicles) attending meeting shall have left the property by 9.30pm, Monday – Sunday. The presence of cars and people required for the sole purposes of cleaning the hall after a meeting shall not be bound by the 9:30 cut off.

For the purpose of this condition, the term 'main formal meeting events' shall be limited to those meeting events where up to 84 members of the congregation may be in attendance. This condition does not restrict small gatherings of individual congregation members, provided all people (and vehicles) using the hall shall have left the property by 9.30pm, Monday – Sunday.

18. A further 15 main formal meeting events are permitted in any one calendar year. The consent holder shall keep a log of all main formal meeting events on site and provide a copy of the log to the Council if formally requested by the Council. The log shall record the number of those main formal meeting events held on site to demonstrate compliance with this condition.

19. The hall shall only be used for the purpose of worship, bible education, funerals and weddings, excluding the reception. The hall shall not be available for hire to the public.

#### Noise Management

20. The consent holder shall ensure that activities on the site shall be so conducted that the following noise limits are not exceeded at any point at the boundary of any other site in the Rural Residential zone.

- Day time (0800 – 2000 hrs) 50 dB LAeq(15 min)
- Night time (2000 – 0800 hrs) 40 dB LAeq(15 min) and LAFmax 70dB

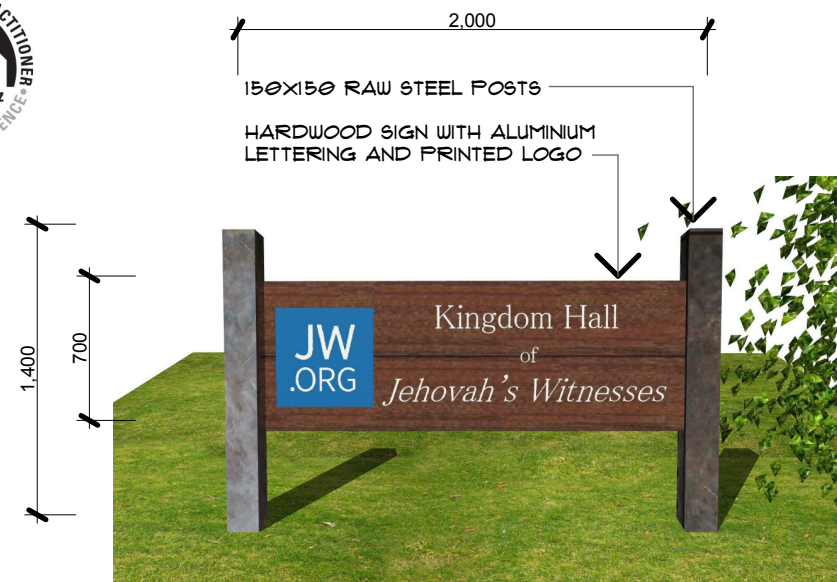
Noise levels shall be measured and assessed in accordance with NZS 6801: 2008 and NZS 6802: 2008 and shall take into account special audible characteristics. Within three months of the commencement of operation of the activity on site, noise monitoring shall be undertaken to ensure compliance with the noise levels specified in this condition and at any other as requested by the Council. Details of compliance monitoring shall be submitted to Queenstown Lakes District Council Resource Consenting Manager. The consent holder shall be liable for the costs associated with this monitoring.

21. This consent does not permit the use of live bands/music associated with any wedding or meeting event other than recorded music played through an electronic sound system.
22. All windows and doors within the hall shall be closed in the following circumstances:
- (i) when there is singing or when recorded music is being played through an electronic sound system; and
  - (ii) after 8:00pm when the hall is in use.
23. Any air conditions/heat pumps units to be installed on the exterior of the building which are located so as to directly face neighbouring properties, shall be screened. This is to reduce the noise effects on neighbouring properties.
24. This consent provides for a maximum occupancy of no more than 84 people within the hall.
25. Prior to works commencing on site, the consent holder shall submit details of the minimum specifications and location of the acoustic barrier provided to ensure that the proposed use is able to achieve the noise standards under condition 20, with the details to the Queenstown Lakes District Council Resource Consenting Manager for certification. As a minimum the acoustic barrier should achieve design requirements of a solid screen with at least 10kg/m<sup>2</sup> surface mass, 25mm timber with butted joints and battens placed over the joints. Once certified, the acoustic barrier shall be designed, located and maintained in accordance with these certified specifications.
26. The consent holder shall ensure that the hall is mechanically ventilated to ensure that the internal design sound level is above to achieve the noise levels specified in condition 20. The mechanical ventilation system shall be designed by a person suitably qualified in acoustics with the specification details to be submitted to the Queenstown Lakes District Council Resource Consenting Manager for certification. Once certified, the mechanical ventilation system shall be installed and maintained in accordance with these certified specifications.
27. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this 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.

#### Advice Notes

1. *This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.*
2. *The consent holder is advised that any retaining walls proposed in this development that exceed 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.*



#### SIGNAGE (1.82m<sup>2</sup>)

sign 1.4 m<sup>2</sup>  
posts 0.42m<sup>2</sup>



GOBI blocks

#### Promax Xpress 30,000 litre Water Tank Colour - Moss Green

#### WATER SUPPLY & FIRE FIGHTING

2x30,000 litre water tanks.

This is inclusive of a 45,000L static fire fighting reserve, and a 15,000L potable supply.

A high pressure pipe delivers this to a fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008.

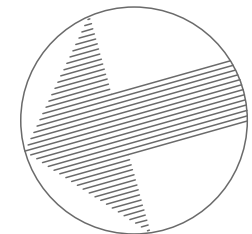
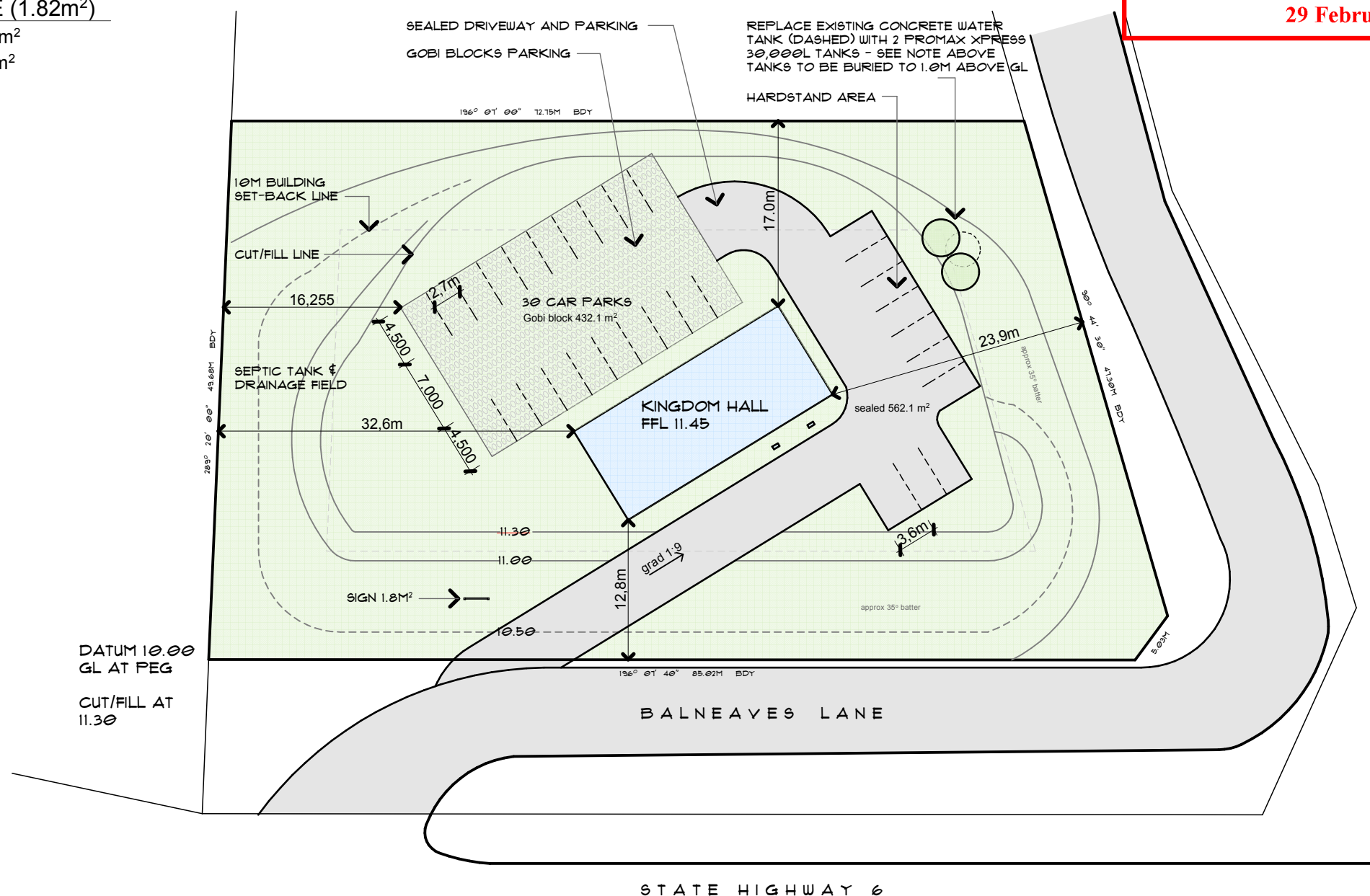
The connection shall be at a hardstand area 10m from the building



#### QUEENSTOWN LAKES DISTRICT COUNCIL

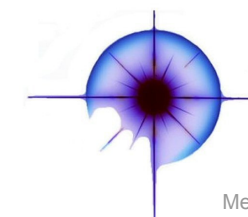
APPROVED PLAN:  
RM150441

29 February 2016



#### LEGAL

LOT	1
DP	349593
AREA	4001 M <sup>2</sup>
COVERAGE	210.4M <sup>2</sup> (5.2%)
CUT	483M <sup>3</sup>
FILL	483M <sup>3</sup>



Plan-It  
Architecture  
Ltd

Member Design Association of NZ

#### PROPOSED KINGDOM HALL AT 1 BALNEAVES LANE, WANAKA

DATE: JAN 2016  
DESIGN: PJMURRAY  
DRAWN: PJMURRAY  
SCALE: AS SHOWN

SHEET 1B

SITE PLAN - SET OUT 1:500 @ A3





- Notes**
- Planting**  
All plants to be planted with a 50/50 compost / topsoil mix and fertilised.
- Fertiliser**  
Each plant to be fertlised with 10mm of APEX fieldgrow as they are planted.
- Mulching**  
All planting areas to be mulched with 100mm of bark mulch except the entrance areas and immediate building planting.
- Fencing**  
All planted areas to be fenced with 1.2m rabbit proof netting and warratahs. All fences to be laid with 200mm of wire mesh into ground covered in soil.
- Irrigation**  
All planting areas to be irrigated with dripline pipe laid at 1.2 metres with an automatic timer.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150441

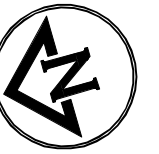
29 February 2016

- Key**
- Building
  - Gobi blocks / grass
  - Grass
  - Grass -road reserve
  - Crushed schist
  - Mulch - bark
  - Low planting mulched with crushed schist or grass
  - Tarseal
  - Boundary
  - Timber
  - Conifers to be removed
  - Low grasses

Plant Schedule

ID	Quantity	Latin Name	Common Name	Scheduled Size	Notes
Chi rub	155	Chionochloa rubra	Red tussock	1 Litre	800mm centres
Pim 'An Blue'	20	Pimelia 'Anotoki Blue'		1 Litre	.8 metre centres
Ole fra	12	Olearia fragrantissima		Olive pot	1 metre centres
Kun eri	53	Kunzea ericoides	Kanuka	Pb 5	1.5 metre centres
Ole hec	2	Olearia hectorii		2 Litre	1.2 metre centres
Ole dar	17	Olearia dartonii		Olive pot	1 metre centres
Ole avi	18	Olearia avicenniaefolia		Pb 5	2 metre centres
Gri lit	48	Griselinia littoralis	Broadleaf	2 Litre	1.0 metre centres
Cop rug	52	Coprosma rugosa		Pb 5	1.2 metre centres





PROPERTY BOUNDARY

APPROX. EXTENT OF  
EARTHWORKS. SEE NOTE 1

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM150441**

**29 February 2016**

**LEGEND:**

CUT = 700 m<sup>3</sup> + 150m<sup>3</sup> CONTINGENCY FOR  
CAPARK PAVEMENT (UNDERCUT) = 850m<sup>3</sup>

FILL = 160 m<sup>3</sup> + 150m<sup>3</sup> CONTINGENCY FOR  
CARPARK PAVEMENT (HARDFILL) = 310m<sup>3</sup>

TOTAL EARTHWORKS = 850 + 310 = 1160 m<sup>3</sup>

BALNEAVES LANE

PROPOSED HALL  
FFL = 11.45m

**NOTE:**

1. EXTENT OF EARTHWORKS SHOWN ON THIS  
PLAN IS A CONSERVATIVE ESTIMATE BASED ON  
0.5m VERGE BEHIND KERB AND 1(V):3(H)  
BATTER SLOPES. GEOTECH REPORT ALLOWS  
FOR MAX. PERMANENT UNRETAINED BATTER  
SLOPE OF 1(V):2(H) UP TO 3m HIGH.

**RESOURCE  
CONSENT**

**SITE PLAN – CUT/FILL**  
**KINGDOM HALL**  
**1 BALNEAVES LANE, WANAKA**

A	20/01/16	RESOURCE CONSENT SUBMISSION REPLY
#	DATE:	REVISION:

DATE:  
20/01/16

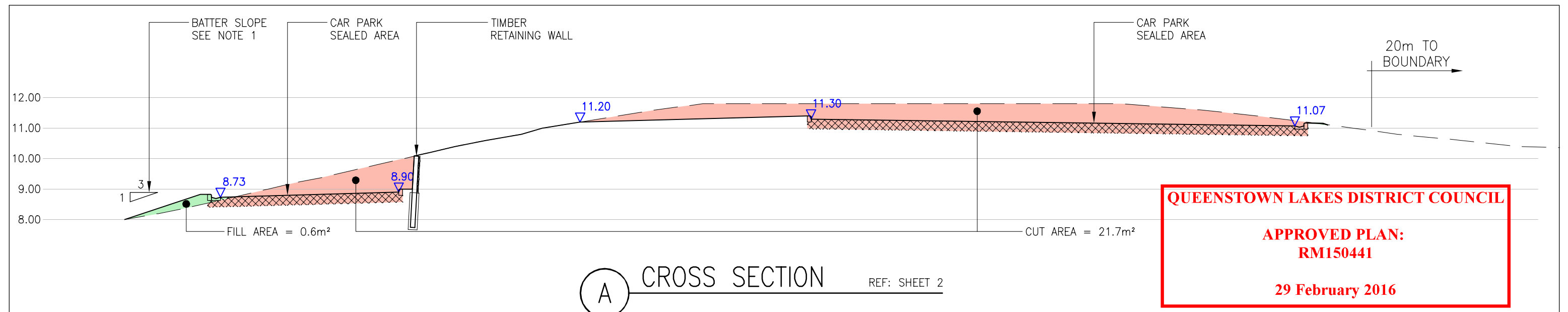
DRAWN:  
SY

SCALES:  
1:250

JOB NO:

REVISION:  
A

SHEET:  
2

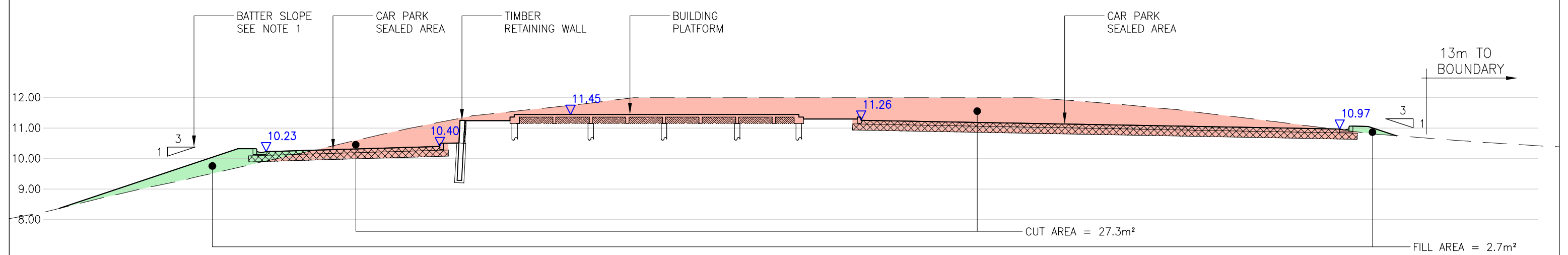


**QUEENSTOWN LAKES DISTRICT COUNCIL**

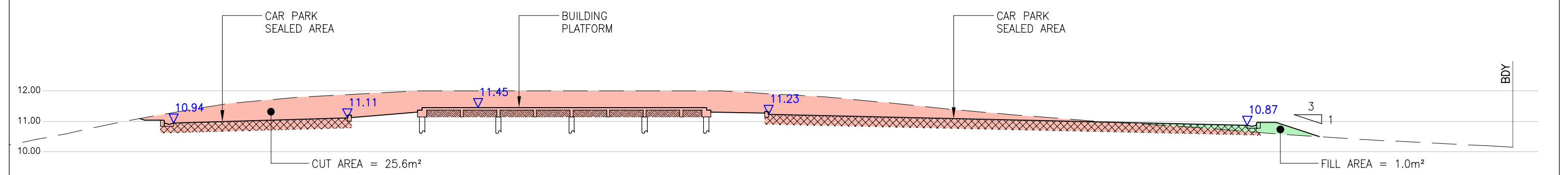
**APPROVED PLAN:**  
**RM150441**

**29 February 2016**

**A** CROSS SECTION REF: SHEET 2



**B** CROSS SECTION REF: SHEET 2



**LEGEND:**

	PROPOSED GROUND		CUT
	EXISTING GROUND		FILL

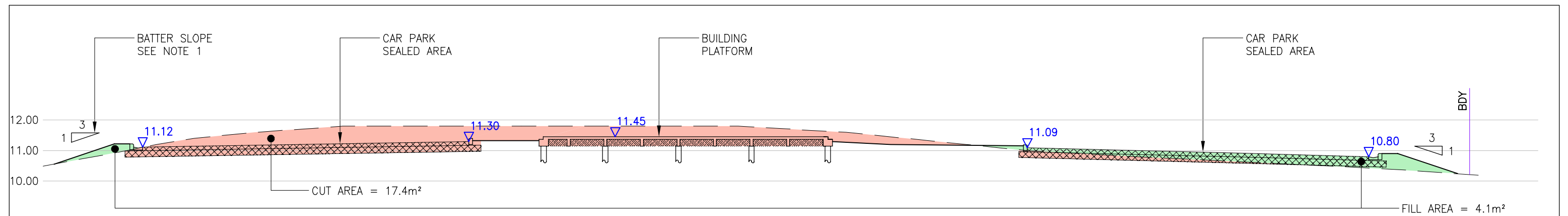
**C** CROSS SECTION REF: SHEET 2

**NOTE:**

1. EXTENT OF EARTHWORKS SHOWN ON SECTIONS ARE A CONSERVATIVE ESTIMATE BASED ON 0.5m VERGE BEHIND KERB AND 1(V):3(H) BATTER SLOPES. GEOTECH REPORT ALLOWS FOR MAX. PERMANENT UNRETAINED BATTER SLOPE OF 1(V):2(H) UP TO 3m HIGH.

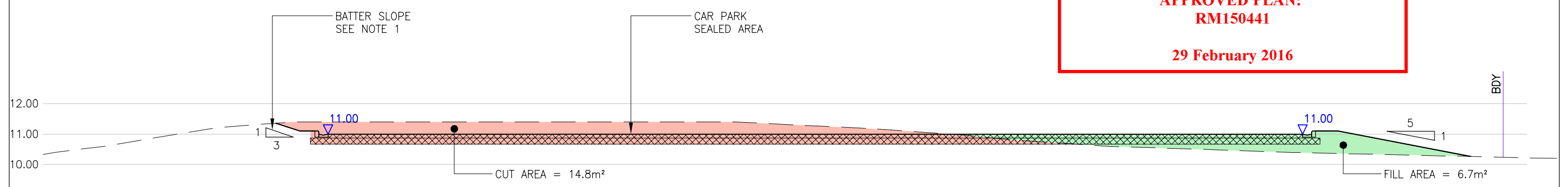
**RESOURCE  
CONSENT**

SITE CROSS-SECTIONS KINGDOM HALL 1 BALNEAVES LANE, WANAKA			DATE: 20/01/16	SCALES: 1:125	REVISION: A
A	20/01/16	RESOURCE CONSENT SUBMISSION REPLY	DRAWN: SY	JOB NO:	SHEET: 3-A
#	DATE:	REVISION:			

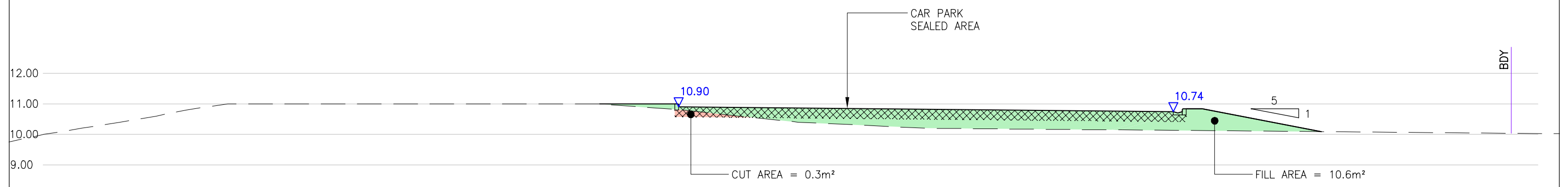


D CROSS SECTION REF: SHEET 2

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLAN:  
RM150441  
29 February 2016



E CROSS SECTION REF: SHEET 2



F CROSS SECTION REF: SHEET 2

LEGEND:

	PROPOSED GROUND		CUT
	EXISTING GROUND		FILL

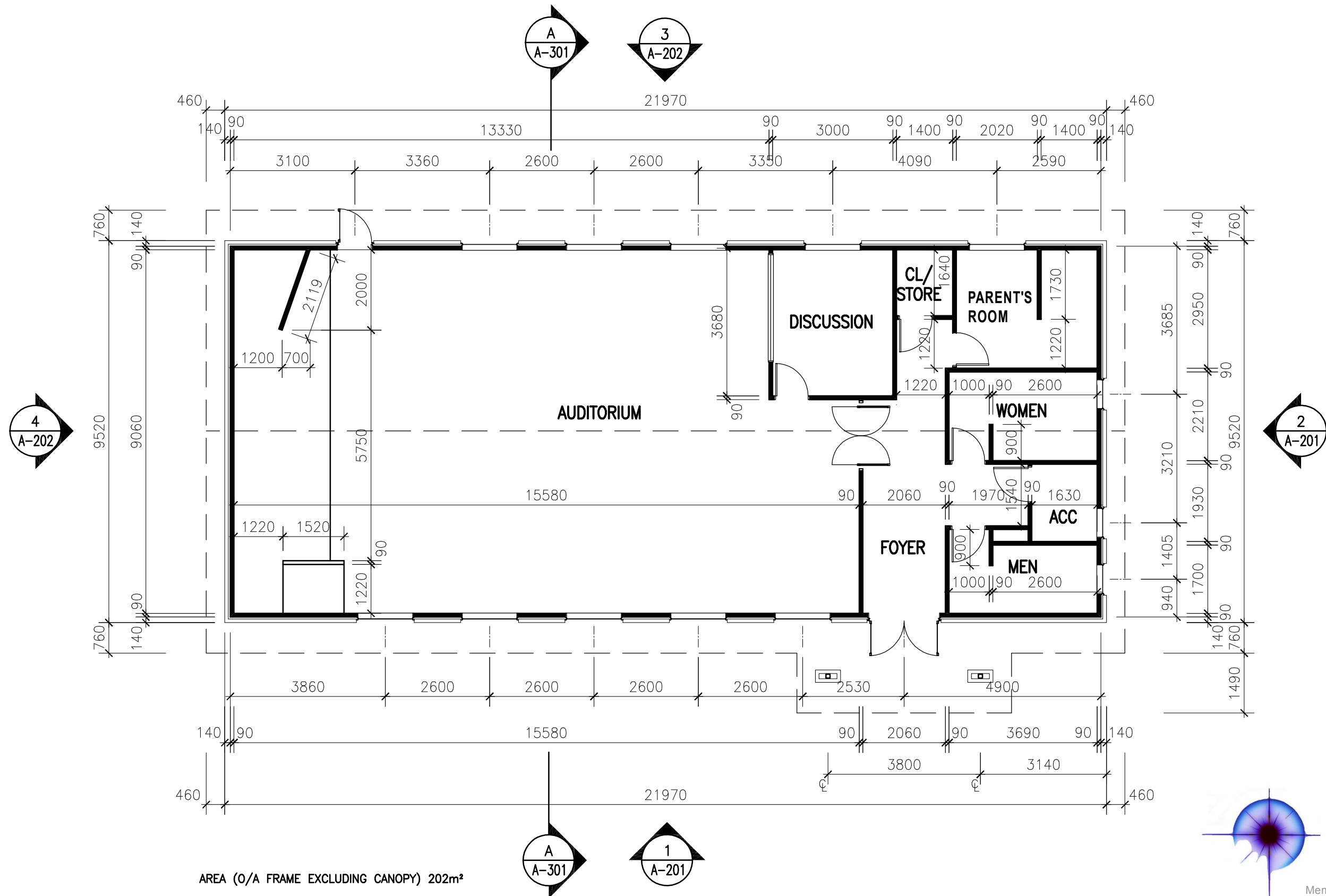
NOTE:

1. EXTENT OF EARTHWORKS SHOWN ON SECTIONS ARE A CONSERVATIVE ESTIMATE BASED ON 0.5m VERGE BEHIND KERB AND 1(V):3(H) BATTER SLOPES. GEOTECH REPORT ALLOWS FOR MAX. PERMANENT UNRETAINED BATTER SLOPE OF 1(V):2(H) UP TO 3m HIGH.

RESOURCE  
CONSENT

	SITE CROSS-SECTIONS KINGDOM HALL 1 BALNEAVES LANE, WANAKA			DATE:	20/01/16	SCALES:	1:125	REVISION:	A
				DRAWN:	SY	JOB NO:		SHEET:	3-B
				#	DATE:	REVISION:			





**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM150441**

**29 February 2016**

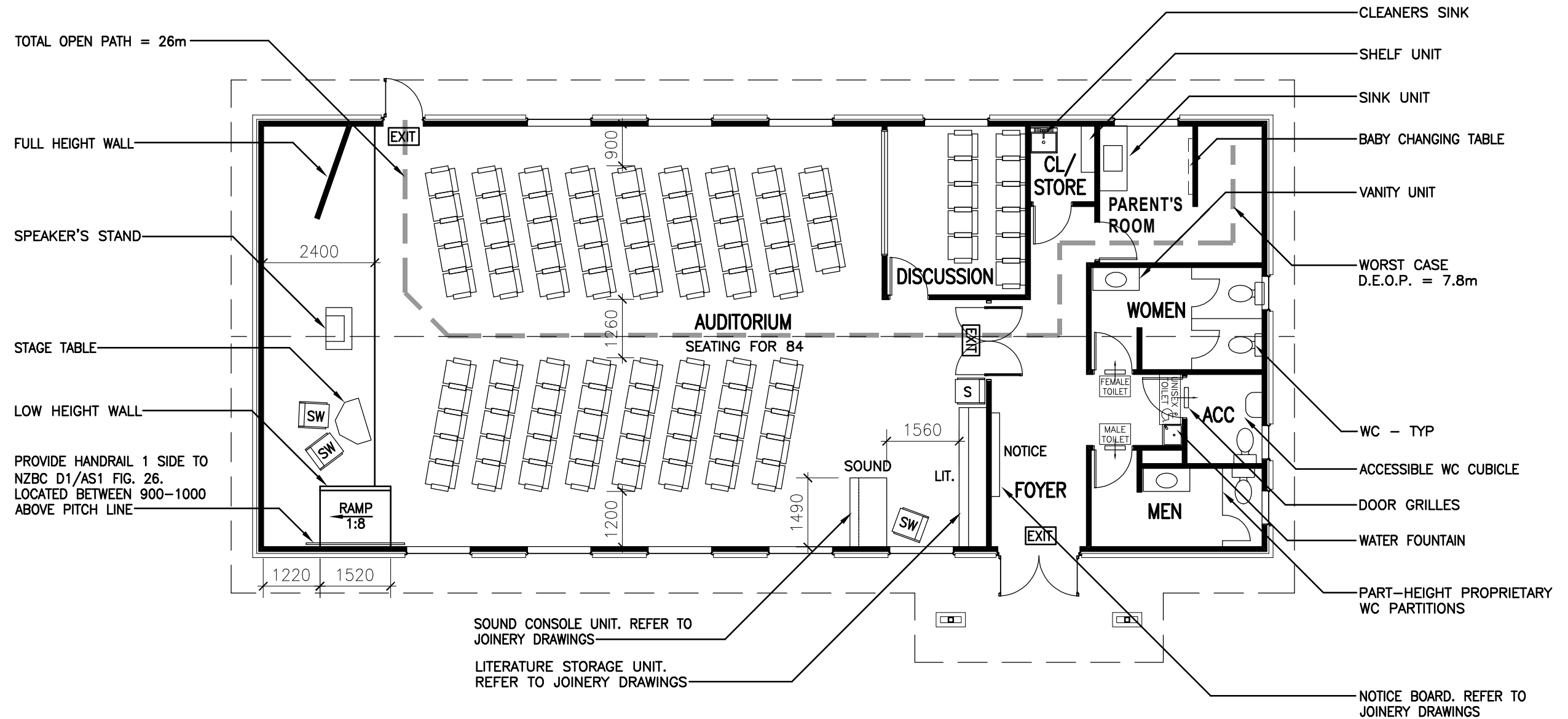


**PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA**

DATE: JAN 2016  
DESIGN: LDC  
DRAWN: C FORD  
SCALE: AS SHOWN

SHEET **5** A

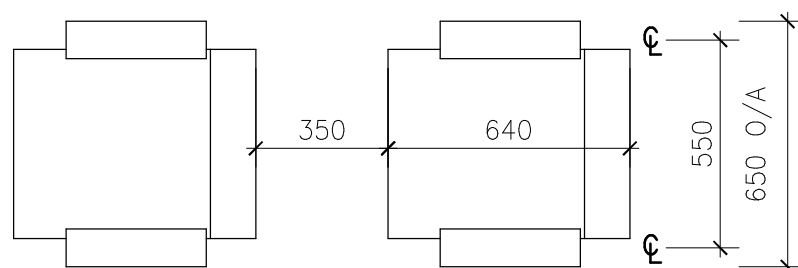
**FLOOR PLAN - BASIC** 1:100 @ A3



# LEGEND:

**EXIT** ILLUMINTAED EXIT SIGN IN ACCORDANCE WITH NZBC F8/AS1. WALL MOUNTED

**UNISEX TOILET** WC DOOR SIGN IN ACCORDANCE WITH NZBC F8/AS1



CHAIR DIMENSIONS

## FLOOR PLAN - FITTINGS 1:100 @ A3

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150441

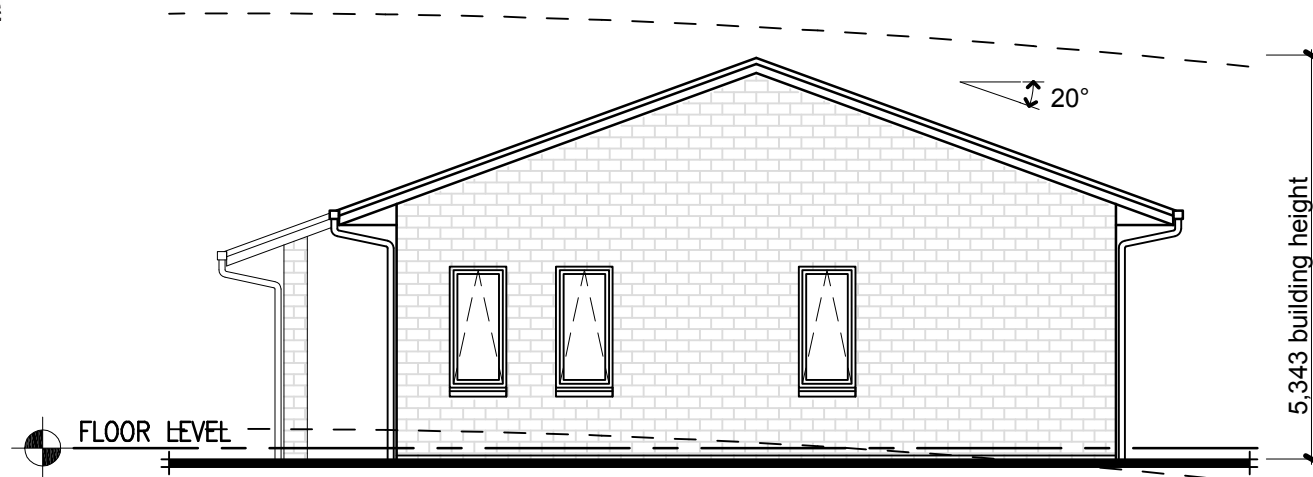
29 February 2016



PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA

DATE: JAN 2016  
DESIGN: LDC  
DRAWN: C FORD  
SCALE: AS SHOWN

SHEET 6A

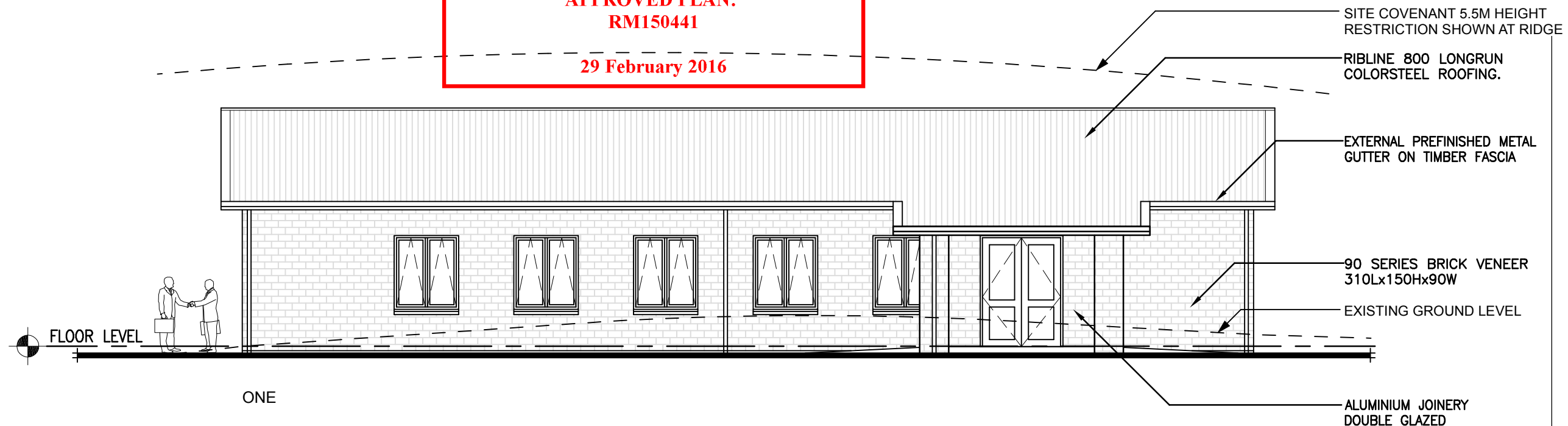


TWO

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150441

29 February 2016



ONE



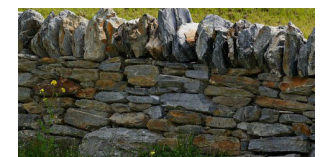
Roofing & Spouting  
Colorsteel 'Ironsand'



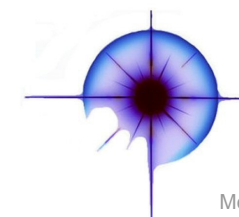
Aluminium Joinery  
'Mid Bronze'



Precision Paving  
Natural Earth Brick



Acoustic barrier  
Natural dry stack Schist



Plan-It  
Architecture  
Ltd

Member Design Association of NZ

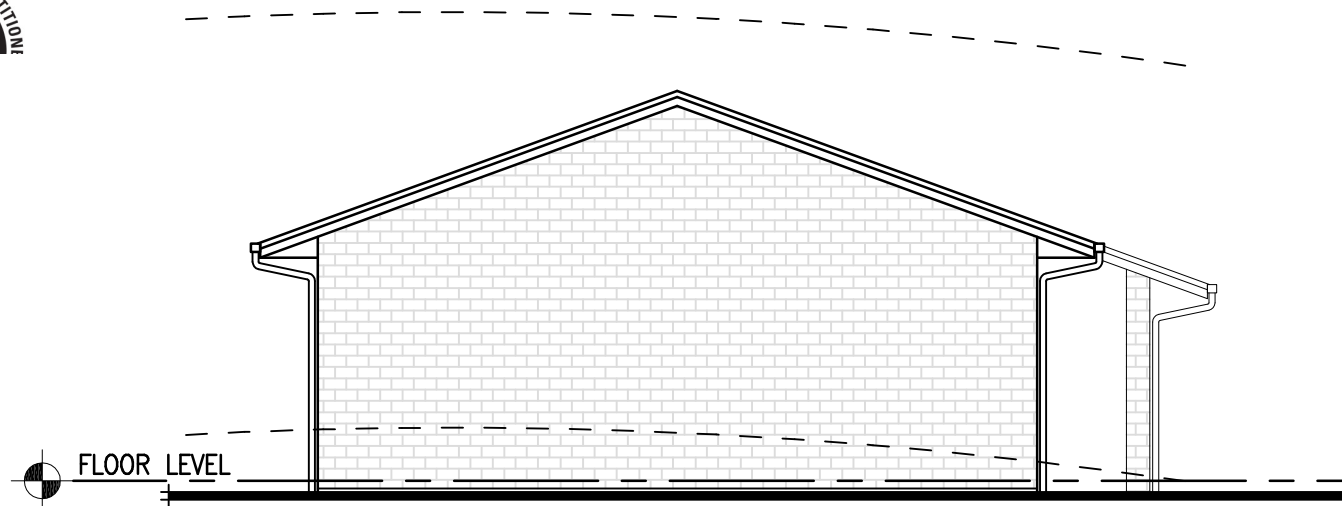
PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA

DATE: JAN 2016  
DESIGN: LDC  
DRAWN: C FORD PJMURRAY  
SCALE: AS SHOWN SHEET

7  
B

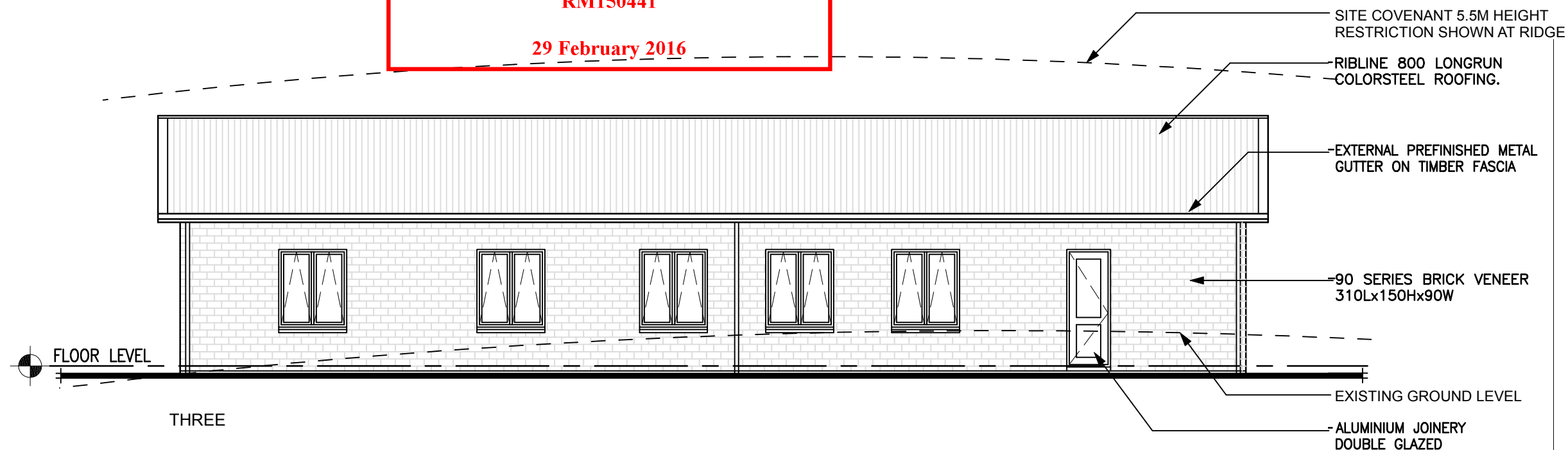
ELEVATIONS 1:100 @ A3





FOUR

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLAN:  
RM150441  
29 February 2016



THREE



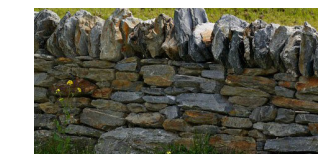
Roofing & Spouting  
Colorsteel 'Ironsand'



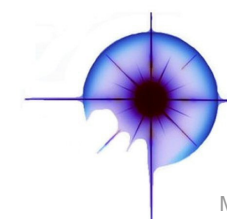
Aluminium Joinery  
'Mid Bronze'



Precision Paving  
Natural Earth Brick



Acoustic barrier  
Natural dry stack Schist



Plan-It  
Architecture  
Ltd

Member Design Association of NZ

PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA

DATE: JAN 2016  
DESIGN: LDC  
DRAWN: C FORD PJMURRAY  
SCALE: AS SHOWN

8  
B  
SHEET

ELEVATIONS 1:100 @ A3





QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLAN:  
RM150441  
29 February 2016

VIEW FROM ACROSS SH6



VIEW FROM BALNEAVES LANE



VIEW FROM MT IRON

PERSPECTIVES  
FOR CONCEPTUAL PURPOSES ONLY

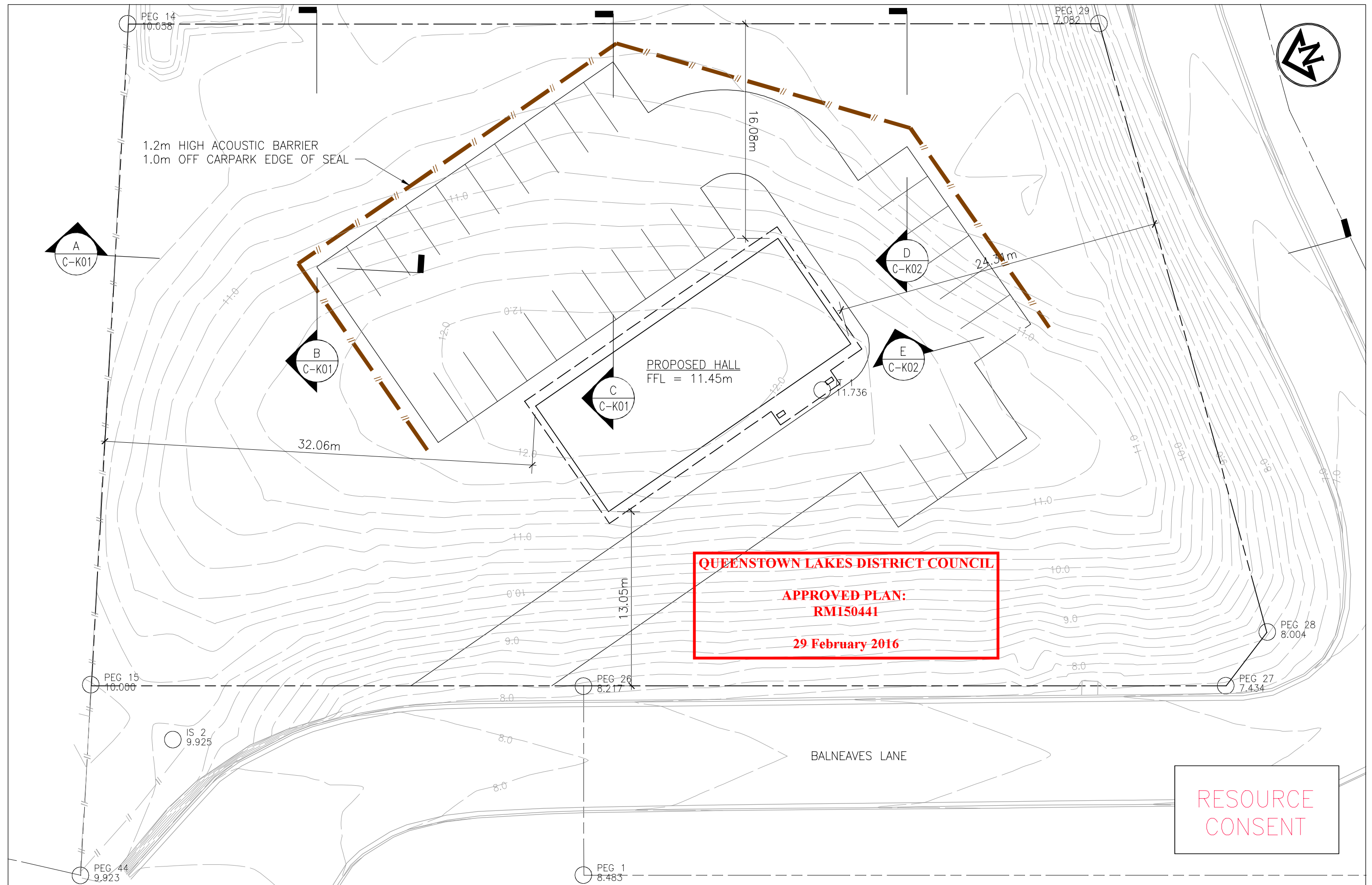


PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA

DATE: JAN 2016  
DESIGN: LDC  
DRAWN: PJMURRAY  
SCALE: AS SHOWN

SHEET 9 B





SITE PLAN – ACOUSTIC  
KINGDOM HALL  
1 BALNEAVES LANE, WANAKA

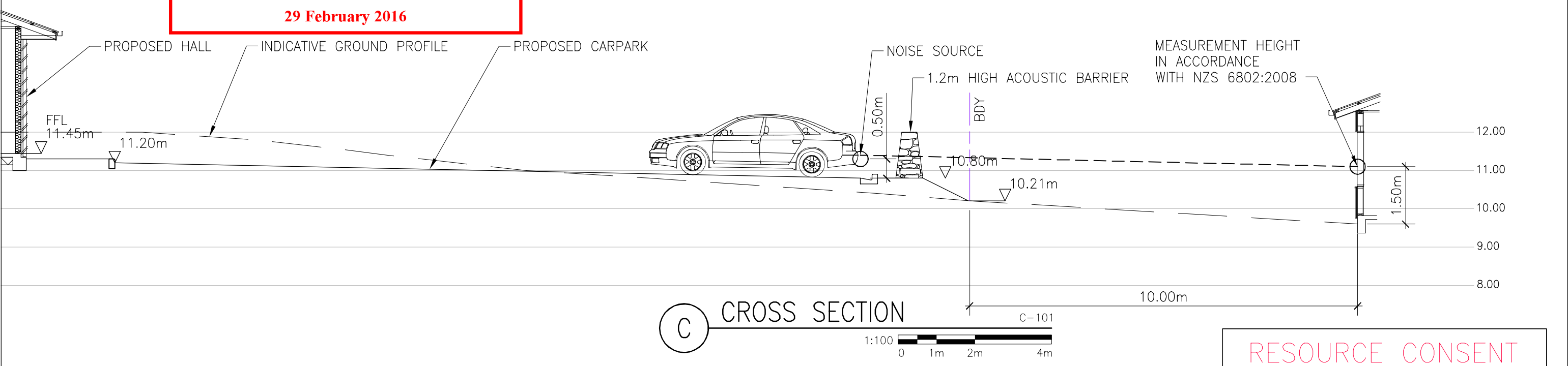
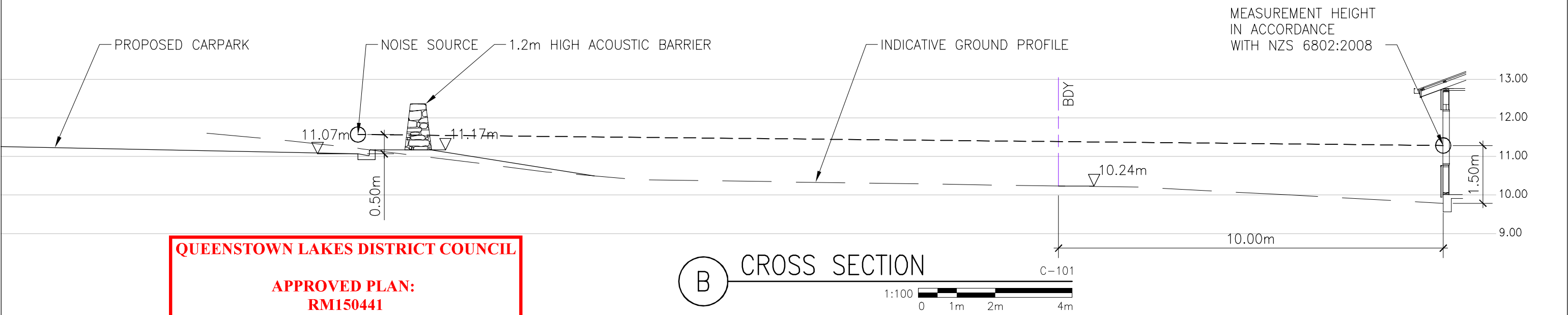
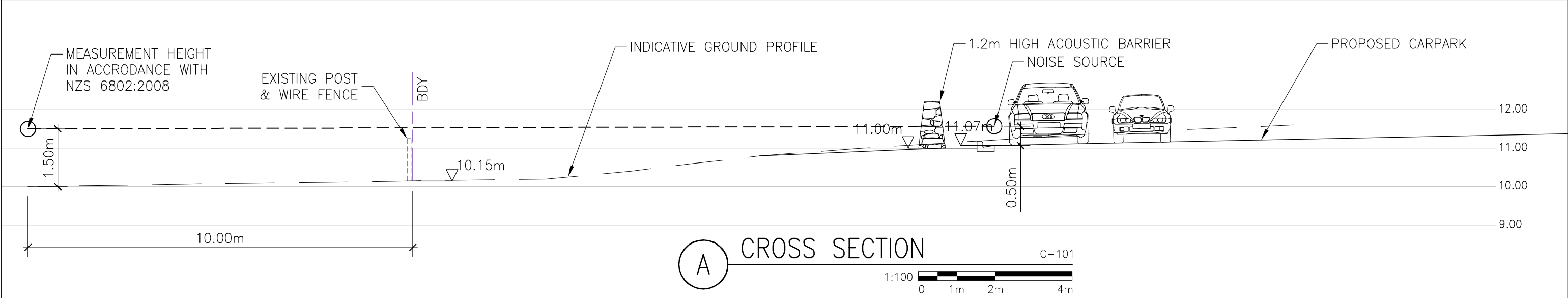
A	20/01/16	RESOURCE CONSENT SUBMISSION REPLY
#	DATE:	REVISION:

DATE:  
20/01/16  
DRAWN:

SCALES:  
1:250  
JOB NO:

REVISION:  
A

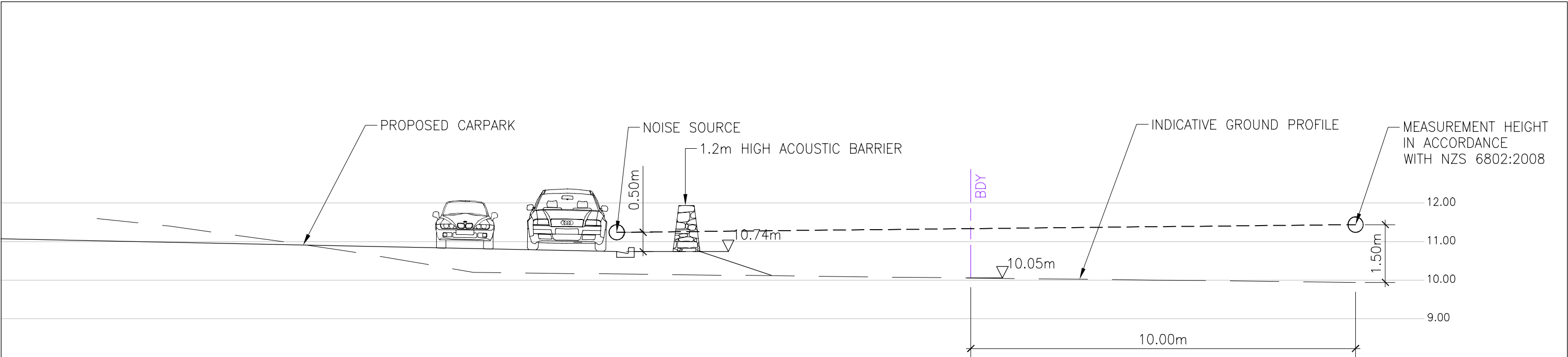
SHEET:  
C-101



**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM150441**  
**29 February 2016**

**RESOURCE CONSENT**

ACOUSTIC CROSS SECTIONS KINGDOM HALL 1 BALNEAVES LANE, WANAKA			DATE: 20/01/16	SCALES: 1:100	REVISION: A
A	20/01/16	RESOURCE CONSENT SUBMISSION REPLY	DRAWN:	JOB NO:	SHEET: C-K01
#	DATE:	REVISION:			



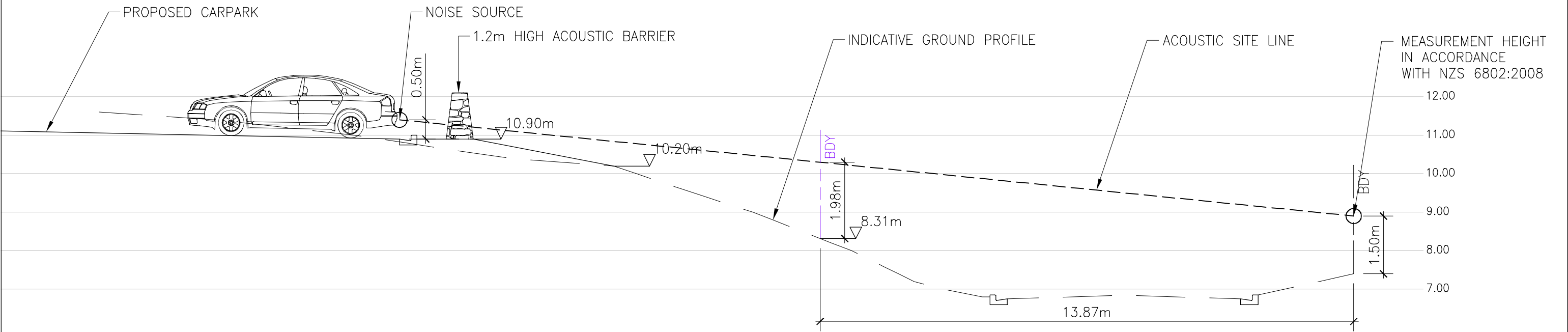
**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM150441**

**29 February 2016**

**D** CROSS SECTION C-101

1:100 0 1m 2m 4m



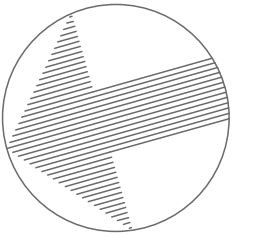
**E** CROSS SECTION C-101

1:100 0 1m 2m 4m

**RESOURCE CONSENT**

ACOUSTIC CROSS SECTIONS KINGDOM HALL 1 BALNEAVES LANE, WANAKA			DATE: 20/01/16	SCALES: 1:100	REVISION: A
			DRAWN:	JOB NO:	SHEET: C-K02
			# DATE:	REVISION:	





3  
VIEW EAST TO LOT 5  
(AS YET UNDEVELOPED)  
(DASHED YELLOW LINE IS BOUNDARY)



QUEENSTOWN LAKES DISTRICT COUNCIL  
  
APPROVED PLAN:  
RM150441  
  
29 February 2016



2  
VIEW NORTH TO FARMLAND  
(DASHED YELLOW LINE IS BOUNDARY)



4  
VIEW SOUTH TO VETERINARY CLINIC



4  
VIEW WEST TO STATE HIGHWAY

ALL PHOTOS TAKEN FROM CENTRE OF  
PROPOSED KINGDOM HALL

SITE PLAN - NEIGHBOURS 1:1000 @ A3

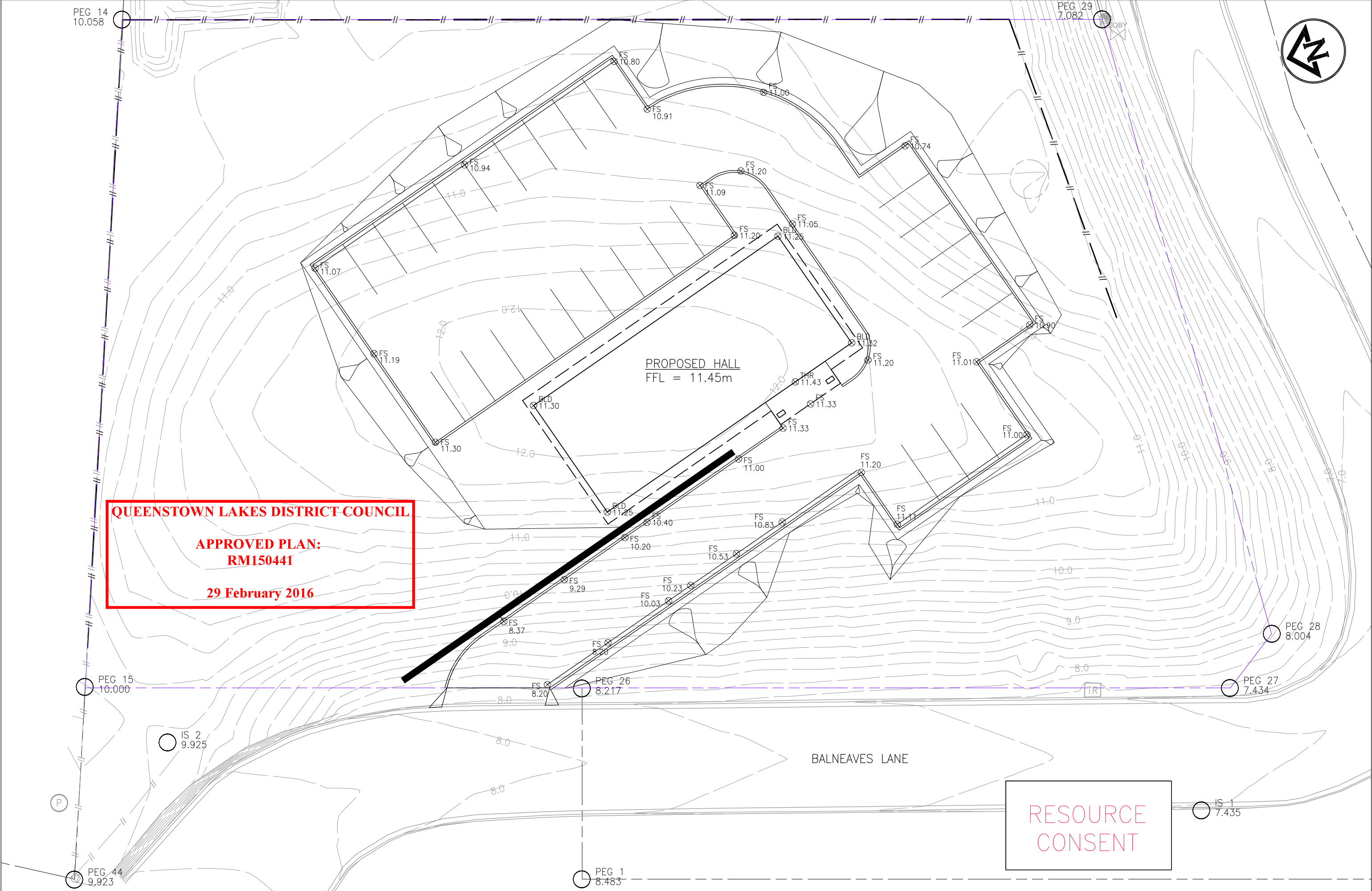


PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA

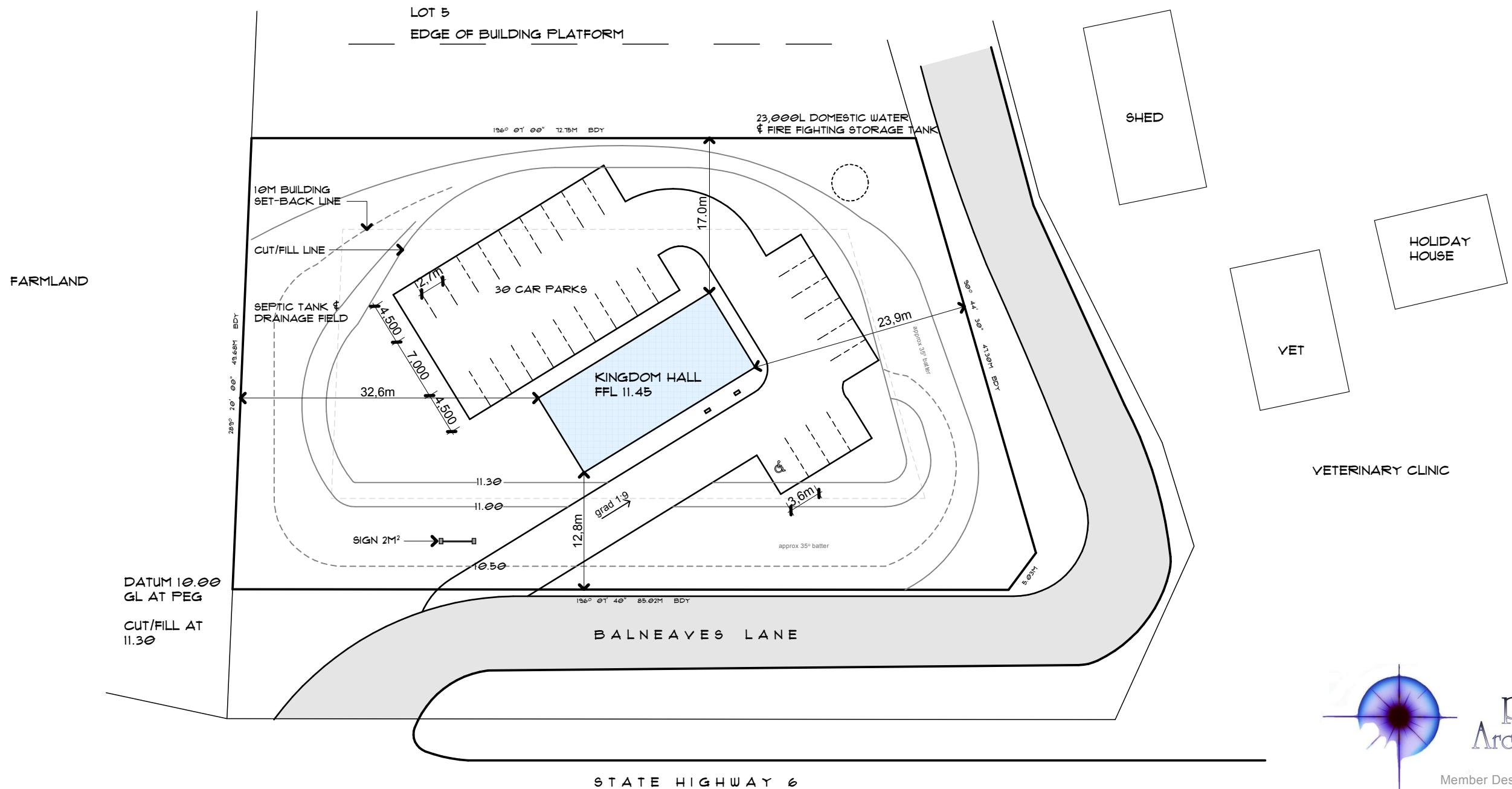
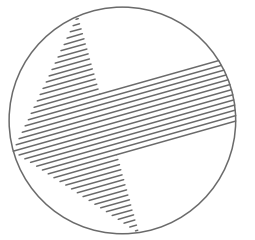
DATE: MARCH 2015  
DESIGN: LDC  
DRAWN: PJMURRAY  
SCALE: AS SHOWN

11  
SHEET





CAR PARK GRADING PLAN KINGDOM HALL 1 BALNEAVES LANE, WANAKA			DATE: 29/7/15	SCALES: 1:250	REVISION:
#	DATE:	REVISION:	DRAWN:	JOB NO:	SHEET: C-102



ZONE: RURAL RESIDENTIAL  
MINIMUM BUILDING SET-BACK = 10M

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150441

29 February 2016



PROPOSED  
KINGDOM HALL  
AT 1 BALNEAVES LANE,  
WANAKA

DATE: MARCH 2015  
DESIGN: LDC  
DRAWN: PJMURRAY  
SCALE: AS SHOWN

10  
SHEET

SITE PLAN 1:500 @ A3