



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	G & J GEORGE
<b>RM reference:</b>	RM160579
<b>Location:</b>	Wanaka-Mount Aspiring Road, Wanaka (Section 2, Block XIII Lower Wanaka Survey District contained in Computer Freehold Register OT368/189)
<b>Proposal:</b>	Establish a building platform, construct and operate a visitor accommodation lodge within the platform, construct a utility building and for commercial recreation activities and weddings/private functions.
<b>Type of Consent:</b>	<b>Land Use</b>
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	Non Complying
<b>Notification:</b>	Public Notification
<b>Commissioner:</b>	Commissioner Nixon
<b>Date Issued:</b>	18 January 2017
<b>Decision:</b>	<b>GRANTED with conditions</b>

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

Of an Application to **QUEENSTOWN LAKES DISTRICT COUNCIL** by **G. GEORGE** and **J. GEORGE (RM 160579)**

**DECISION OF COMMISSIONER ROBERT CHARLES NIXON APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL NOVEMBER 2016**

## **The Hearing and Appearances**

### **Hearing Date:**

Friday 2 December 2016 at Wanaka

### **Appearances for the Applicant:**

Ms Jan Caunter, Jan Caunter Ltd  
Legal Counsel

Mr Gavin George, applicant

Mr Benjamin Espie, Landscape  
Architect, Vivian and Espie limited

Mr Rafe Maclean, Architect, Rafe  
Maclean Architects.

Mr Rob Hay, Acoustic Consultant,  
Marshall Day Acoustics

Mr Scott Edgar, Planning  
Consultant, Southern Land

Mr Ben Espie, Landscape Architect,  
Vivian and Espie Limited

Mr Jason Bartlett, Traffic Engineer,  
Bartlett Consulting

### **Appearances for the Queenstown Lakes District Council**

Ms Sarah Gathercole, Senior  
Planner

Dr Marion Read, Landscape  
Architect, Read Landscapes

### **Appearances for Submitters:**

Ms Jayne MacDonald, Legal Counsel  
representing Andrew and Jo Todd,  
Garth and Andrea Hogan, Mike and  
Amanda Coupland, and Trevor and  
Catherine Norman

Mr Jeremy Trevathan, Acoustic  
Consultant (by telephone link to the  
hearing)

Ms Nicola Scott, Planning  
Consultant

Mr Andrew Todd

Ms Amanda Coupland

Mr Garth Hogan

Mr Rod MacLeod

Mr Geoff Blackler, Upper Clutha  
Environmental Society

A joint statement was prepared by Mr Rob Hay, and Mr Steven Chiles (Acoustic Consultant advising the Council) circulated on 1 December and presented to the hearing.

### **Abbreviations**

The following abbreviations are used in this decision:

G. George and J. George	"the Applicants"
Queenstown Lakes District Council	"the Council"
The Operative Queenstown Lakes District Plan	"the ODP"
The Proposed Queenstown Lakes District Plan	"the PDP"
Wanaka – Mount Aspiring Road	"Mount Aspiring Road"
The land subject to this application is referred to as "the site".	

The hearing was closed following the receipt of Ms Caunter's reply in writing on behalf the applicant, received on 9 December 2016.

## INTRODUCTION AND BACKGROUND

1. The site is located on the northern side of Mt Aspiring Road slightly under 1km beyond the western edge of Wanaka Township. The site comprises a total area of 17.6645 ha being Section 2, Block XIII, Lower Wanaka Survey District. It is roughly rectangular in shape, but narrowing slightly towards the lake shore. The site contains undulating terrain sloping downhill from Mount Aspiring Road towards the edge of Lake Wanaka. The Glendhu Bay track passes between the north eastern boundary of the property and the lakeshore, with Ruby Island located opposite to the east.
2. The site does not contain any existing buildings apart from a small pump shed. The western part of the site is at a similar elevation to the Wanaka Mount Aspiring Road, comprising open paddocks used for low intensity stock and horse grazing, while the central area of the site forms a line of low glacial hummocks ('roche moutonee's') running across this and adjoining properties. It is this part of the site that would contain the two proposed buildings. Pasture grass, remnant kanuka, and some large mature conifers are located in this area. Closer to the lake, the site contains moderately steep hummocky hills, and beyond the property boundary, the land slopes relatively steeply down to the lakeshore 45m below. Existing access is a grassed vehicle track from the southern corner of the site, off Mount Aspiring Road.
3. The broader landscape in this area is characterised by a shallow valley containing Mount Aspiring Road between the steep slopes of the mountains to the south-west and the lake to the north-east, and possesses high landscape value and a sense of grandeur. Notably, there have been approximately four dwellings built to the west of the site, apparently over the last 20 years.
4. To the east of the site is the Dippie property, and at the time of the hearing of this application, a resource consent had been lodged by the owner of this property for the erection of a rural dwelling.
5. I visited the site on the afternoon of Friday 1 December, and also observed the site from two neighbouring properties to the west.

## THE PROPOSAL

6. The proposal, to be called "Roy's Peak Lodge" was described in the application as follows:  
Land use consent is sought to:
  - establish a building platform;
  - construct and operate a visitor accommodation lodge within the building platform;
  - construct a utility building outside of the building platform;
  - accommodate commercial recreation activities and weddings/private functions;
  - undertake associated car parking and earthworks.
7. A description of the proposed built features of the development were conveniently set out in the evidence of Mr Espie<sup>1</sup>. The proposed lodge building would contain nine rooms and a 'main

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<sup>1</sup> Evidence by Ben Espie accompanying the application, p 4.

room' for meetings and entertainment. The lodge would be two stories in height with a ground floor of 412 m<sup>2</sup>, with the upper floor being 224 m<sup>2</sup> in area. The apex of the upper floor roof line would be 7.8m above proposed ground level. The building is proposed to be clad with coloursteel corrugated walls and roof finished in 'Flax Pod' which is described as a dark oily grey colour, with exterior window shutters of vertical cedar slats finished in a dark stain.

8. A second building would comprise a farm shed with dimensions of 18m x 9m (162 m<sup>2</sup>) in area with a mono pitch roof standing a maximum of 3.9 m above the proposed ground level, with the same colour treatment as the lodge building. Two water tanks are to be located against the western wall of this proposed farm shed along with six additional water tanks adjacent to the existing water tank north of the lodge building. These water tanks were described as being 3.9 m in diameter 3.1 m in height, and to be coloured 'slate' following adverse comment on the original 'mist green'.
9. As notified, a gravel car park area with 15 car parks and a minibus park was proposed, with five additional staff car parks close to the lodge building, five overflow staff carparks adjacent to the farm shed, and 15 overflow car parks on the grass beside the larger car park area. A traffic report accompanying the AEE by Bartlett Consulting accompanying traffic report estimated a maximum traffic volume of 428 vehicles per day, and the upgrading of the existing site entrance to Mount Aspiring Road with provision for right turning vehicles entering the site in recognition of less than ideal sight distances.
10. Earthworks would involve cut and fill to create foundation areas for the lodge and farm shed buildings, for the formation of car park areas, internal roading, and creation of a 'depression' in which the water tanks would be sited within mounds to be constructed using excavated material shaped "naturalistically" to blend in with the existing landform. The maximum height of fill would be 2.8m and the maximum depth of cut approximately 2.5m. This balance of cut and fill would amount to a total volume of 4408 m<sup>3</sup>.
11. The proposed operation of activities on the site was a matter of some discussion at the hearing and requires description. The application as notified provided that the lodge would operate year-round providing accommodation and coaching packages to sports enthusiasts and special interest groups (for example, skiing and road cycling). A secondary use of the lodge was to act as a venue for weddings and private functions, limited to a maximum of 26 events per year each involving a maximum of 100 guests and 10 staff, and confined to the hours of 10 AM to midnight<sup>2</sup>. As will be discussed subsequently, amendments to the notified proposal have been made in response to submissions.
12. The proposal was accompanied by a landscaping scheme.

### **Amendments**

13. At this point it is necessary to record a number of amendments made since the application was notified, which were drawn to my attention at the beginning of the hearing.
14. Firstly, the maximum number of people attending wedding or events would be reduced to 50 with the maximum number of staff associated with weddings or events to remain at 10. The

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<sup>2</sup> AEE by Southern Land, paragraph 4.16

number of overflow car parking spaces required would therefore be reduced from 20 to 5, with an updated car parking layout plan being prepared and attached to Mr Maclean's evidence.

15. As a more detailed change, the vegetation plan has been amended such that five stands of mountain beech trees are to be planted adjacent to the five large conifer trees, and once these trees reach 8m in height, the conifers would be removed.
16. With the reduced scale of proposed events on the site, car parking provision has been amended so that no grass overflow parking is required, and a curtilage area around the lodge is identified. The removal of the visitor overflow car parking area has the effect of reducing potential visual impacts, as discussed later.

#### **NOTIFICATION AND SUBMISSIONS**

17. The application was publicly notified on 1 September 2016 with submissions closing on 29 September 2016.
18. The applicants obtained the written consent of the owners of the neighbouring property adjoining the eastern boundary of the site (Allan and Elizabeth Dippie and Beech Cottage Trustees Limited) on 30 November 2016.
19. Five submissions, some representing multiple parties, were lodged in opposition to the application as follows:  
Andrew and Jo Todd, Garth and Andrea Hogan, Mike and Amanda Coupland, Trevor and Catherine Norman;  
Trilane Industries Ltd  
Rod McLeod  
Sam Prebble  
Upper Clutha Environmental Society (UCES).
20. The properties of submitters Coupland and Todd adjoin the northern boundary of the application site, with the Hogan property located immediately beyond these to the north. The Norman property is located on the western side of Mount Aspiring Road, diagonally opposite the site.
21. The primary grounds for submission were as follows:
  - adverse visual effects
  - adverse effects on the natural landscape and the ONL
  - adverse cumulative effects
  - adverse effects on character and amenity
  - adverse effects on traffic
  - amenity, lighting and noise effects
  - incorrect activity status
  - precedent and integrity issues
  - contrary to objectives and policies.

## STATUTORY MATTERS

22. The site is zoned Rural General, and is identified as being within an Outstanding Natural Landscape (ONL). Various non-compliances were identified in the application and AEE, as set out below, based on the assessment of Mr Edgar<sup>3</sup>.

Land use consent is required in terms of the following provisions of the Rural General Zone;

Rule 5.3.3.2 i (b) – to create building platform for a new building, which requires consent as a controlled activity

Rule 5.3.3.3 i – the construction of new buildings outside of an approved building platform requires consent as a discretionary activity.

Rule 5.3.3.3 i – the identification of a building platform of no less than 70m<sup>2</sup> and no greater than 1000m<sup>2</sup> in area requires consent as a discretionary activity.

Rule 5.3.3.3 iii – the establishment of visitor accommodation requires consent as a discretionary activity.

Rule 5.3.3.3 xi – as the establishment of Commercial Recreation Activities (other than on the surface of Lakes and Rivers) which includes an indoor component and times are likely to involve groups in excess of five people, does not comply with Site Standard 5.3.5.1 ix, consent has accordingly required as a restricted discretionary activity.

Rule 14.2.2.3 i – to provide car parking for temporary activities not identified in Table 1 – (Parking Space requirements) requiring consent as a discretionary activity.

*(Note: this is dependent on the issue of whether the activity is temporary or not – as discussed below).*

Rule 14.2.2.3 ii – the proposed access and parking arrangements do not (or may not) comply with the following site standards:

14.2.4.1v – Size of Parking Spaces

14.2.4.1vi – Parking Area and Access Design

14.2.4.1vii – Gradient of Car Parks

14.2.4.1ix – Reverse Manoeuvring

14.2.4.1xiv – Surface of Parking and Loading Areas

14.2.4.1xvii – Illumination

14.2.4.2iv – Minimum Sight Distances from Access

Rule 19.2.2.3 ii (a) – temporary activities that remain on site for more than seven days in any calendar year require consent as a discretionary activity.

*(Note: this is dependent on the issue of whether the activity is temporary or not – as discussed below).*

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<sup>3</sup> Evidence of Scott Edgar, paragraph 7.10



Rule 22.3.2.3 (a) – the proposed earthworks exceed the threshold set under Site Standard 22.3.3 i relating to the volume of earthworks, requiring consent as a restricted discretionary activity.

Rule 22.3.2.3 ii (a) (iii) – the proposed earthworks exceed 2 m in height requiring consent as a restricted discretionary activity.

Mr Edgar also noted that the signage that will be placed advertising the activity on the site will comply with the standards in the District plan and be a permitted activity.

23. On the above assessment, Mr Edgar concluded that the activity should be assessed as a ***discretionary activity***.
24. Ms Gathercole, the reporting officer, concurred with this summary of non-compliances<sup>4</sup> with one notable exception. In her opinion, supported by Ms Scott for the submitters, the proposed accommodation of events such as weddings did not constitute a 'temporary activity', and should be regarded as a commercial activity and hence the application would have an overall ***noncomplying activity*** status under Rule 5.3.3.4 (a) i.
25. I address this important difference of opinion, which in turn determines the activity status of the application, later in this decision.

## LEGAL SUBMISSIONS AND EVIDENCE

26. The points in contention through the extensive body of material accompanying the application, and in the statements of evidence to the hearing, were to a very large extent associated with impacts on the landscape and rural character, potential noise effects, and the planning evidence which relied substantially on the competing expert evidence on the above matters.
27. Accordingly, the approach I am taking is to summarise the key points of this evidence which bring into relief the points of difference between the applicant's evidence, and that of the submitters and of the Council. A similar approach has been taken in the following assessment of effects.
28. **Ms Jan Caunter** opened with legal submissions on behalf of the applicants. She began by clarifying that events would now be limited to a maximum of 50 guests. These events would be "secondary" to the use of the lodge as a base for recreational activities (the significance of the words "secondary" and "ancillary" arises later). As an important point she stated that lodge based recreation activities, and 'events' would not occur simultaneously.
29. She discussed a key point of contention, this being whether the events were in fact "temporary" in character. Temporary events (as defined) are a discretionary activity, which would otherwise default to noncomplying activity status as a commercial activity. She particularly drew attention to applications by *Glendhu Holdings* (RM 140285 and RM 160800) consented on 26 October 2016) where she said that the reporting officer on the current application (Ms Gathercole) approved consent on a non-notified basis as a temporary activity.

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<sup>4</sup> Section 42 a report of Ms Gathercole, page 4

She submitted this allowed for 24 to 30 events per year including weddings, acoustic music concerts, and corporate events – and for larger numbers of people<sup>5</sup>.

30. In response to concerns about cumulative effects, she submitted that these were concerned with events that will (not may) occur, and did not include precedent effects.
31. With respect to noise effects, she again drew attention to previous consents for ‘other noisy’ activities in this area, noting that RM 160501 authorises up to 4 flights per day and 12 flights per week by fixed wing aircraft. She noted that the applicants involved included a number of the submitters, including Currie, Hogan and Trilane (which she emphasised was actually also known as Whare Kea Lodge) and that the latter could also fly helicopters to their lodge up to 35 times per week and 12 times per day. Her point was that the area did not currently enjoy a quiet rural environment. She explained that a joint witness statement prepared by Mr Hay and Dr Chiles (the latter advising the Council) agreed that with the noise management conditions now proposed by the applicant, the activity would comply with the noise standards in the District Plan. She was also critical that the submitter’s noise consultant, Mr Trevathan, had criticised the current application despite recommending the same noise management techniques for a similar development at Corbridge east of Wanaka.
32. With respect to landscape effects, she submitted that the site was part of an area which the Environment Court in 2002 had found to be more modified than other parts of the ONL generally.
33. As a final point, she contended that the submission by Trilane was motivated by trade competition, and that the current applicant and the submitter would be effectively in competition with each other. She complained that their submission failed to identify that Trilane was in fact Whare Kea Lodge, did not state how they would be directly affected, and that this existing activity created similar or greater effects on the environment. She initially submitted that this submission should be struck out.
34. **Mr Gavin George**, explained the background to the purchase of the property by his wife and himself. Based on his business vision, it was proposed that the lodge would host groups of 6 to 14 people (with a possible maximum of 18) for the provision of professional coaching to sports enthusiasts, based on a target market of what he referred to as an “executive middle-aged demographic across New Zealand”<sup>6</sup>. The activities concerned would focus on mountain biking, cycling, triathlon, multisport and ski training and involve 4 to 5 day self-improvement/coaching retreats with the expectation that within three years the facility would be booked out for 25 of the possible 52-week blocks in the year.
35. Breakfast and packed lunches would be provided along with transport to and from the airport and to the training venues in the surrounding area. Sports massage and yoga instructions would be provided on-site on some evenings to assist athletes. He emphasised that this facility would not be marketed for casual accommodation, or that patrons would need to rely on their own vehicles to visit the site.

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<sup>5</sup> RM 160800, section 4.3

<sup>6</sup> Evidence of Gavin George, paragraph 3

36. In addition the applicant sought to host 26 events annually including weddings, but also corporate artistic and private functions. Full-time staff on the site would include a front of house manager and a chef, with additional contract staff such as drivers, cleaners, instructors etc. He was adamant that there would be no marquees on the site, and confirmed in response to a question that there would be no permanent overnight staff on site, but that the manager would stay on site until after an event was completed before going home.
37. He explained that the environmental ethic behind his proposal included implementing a native planting regime, and ensuring that the lodge building reflected 'passive haus' low energy requirements – a factor that had significance for the noise issue later. He also explained the background to his consultation with neighbours, noting he had been unable to get a response on some occasions but conceding that there was opposition expressed to the proposed events component.
38. **Dr Marion Read** presented evidence on landscape impacts for the Council, and Mr Ben Espie for the applicant. As the site is within the Rural General Zone and in particular within an ONL, this is an important consideration in assessing the application. Their evidence also had a significant influence on the planning evidence.
39. Dr Read began by explaining that she had assessed the application in terms of a seven point scale of landscape effects. This scale proved influential in determining the responses of the planning witnesses as discussed later. This scale comprised (1) very significant; (2) significant; (3) moderately significant; (4) moderate; (5) moderately insignificant; (6) insignificant; (7) indiscernible. She went on to add that any effect which was insignificant or indiscernible would be minor or less than minor in extent.<sup>7</sup>
40. In terms of visual effects, she agreed with Mr Espie that any adverse effects of visibility of the development from Roys Track to the west, from Glendhu Bay track along the foreshore and from the lake surface and Eely Point would be insignificant to indiscernible. She also agreed that visual impacts of the development from adjoining properties, with the exception of the Norman and Dippie properties, would not be significant. Although she felt the visual impacts on the Norman property had been understated by Mr Espie, she considered the extent of any adverse effect to be 'insignificant'.<sup>8</sup> (the owners of the Dippie property have given affected party approval).
41. She agreed with the colour scheme proposed for the shed and lodge buildings, but preferred that the water tanks on the property be coloured 'slate' rather than 'mist green' as this would have a less prominent effect within the landscape. This suggestion was accepted by the applicant. She was also concerned with reliance on retaining the old mature pines as visual mitigation, and proposed that once replacement indigenous trees had matured the pines should be removed. (this was also subsequently accepted by the applicant).
42. By reference to the assessment matters in the District Plan, she concluded that with respect to 'effects on the openness of landscape', the proposed development "*would have some adverse*

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<sup>7</sup> Section 42 a report, Dr Marion Read, paragraph 1.2

<sup>8</sup> Section 42 a report, Dr Marion Read, paragraph 3.9

*effect on the openness of the landscape, and the extent of this effect would be moderately insignificant”.*<sup>9</sup>

43. Cumulative effects were raised in submissions, and by reference to assessment matters she concluded that *“buildings, car parks, and mounding would all be inconsistent with the natural character of the site and the landscape..... but that the extent of this would be moderately insignificant”*. She also noted that at various points, either the lodge or shed would be visible to passing traffic on Mount Aspiring Road, and it would be preferable to relocate the proposed shed into the valley floor closer to the road. She considered that the proposed planting regime was appropriate, and would have a moderate beneficial effect.
44. Dr Read entertained concerns that the overflow car parking area would have an adverse effect on the visual amenity of neighbours and on landscape character. This concern was addressed by the applicant’s proposal to reduce the number of guests at events to 50, thus eliminating the need for overflow visitor parking.
45. Her overall conclusion was that the landscape of the site and vicinity has some ability to absorb development.<sup>10</sup> Appreciating that a conclusion of “minor or more than minor” in the parlance of the RMA might create difficulties with her scale of effects, I asked her whether this proposal was within the capacity of the site and vicinity to absorb development – as proposed in its final iteration at the hearing. She concluded that it would be.
46. **Mr Ben Espie** claimed that Dr Read stated that the site had a moderately high ability to absorb further change, although she did not use the word ‘high’ to my knowledge<sup>11</sup>. However he made reference to an Environment Court decision which had considered the ‘tongue of land’ (actually referred by the Court as the “Waterfall Creek to Damper Bay Valley”) containing the site. In this case it appeared that the Court concurred with Mr Espie’s opinion that this landscape was *“not outstanding or particularly natural when looked at in isolation, but part of a landscape that is outstanding and natural when assessed as a whole”*.<sup>12</sup> A similar view was expressed by another experienced landscape architect, Ms Lucas, on behalf of the Upper Clutha Environmental Society Inc.<sup>13</sup> On this basis Mr Espie asserted that the proposed activities would be *“less discordant with the existing landscape character than they would be in most other ONL locations within the District”*.<sup>14</sup> For completeness, I note however that the Court concluded that the “valley” was too small to constitute a landscape in itself, and should still form a component of the ONL.
47. In considering the visibility of the proposed development from public places, he said that effects would only be negligible or slight as seen by users of Roys Peak Track, the Glendhu Bay Trail, users of Lake Wanaka, from Ruby Island, and from Ironside Trig some 2.2 km north of the site. He conceded that users of the track would gain a “bird’s eye” view of the site from

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<sup>9</sup> Section 42 a report, Dr Marion Read, paragraph 4.4.4

<sup>10</sup> Section 42 a report, Dr Marion Read, paragraph 4.3.5.

<sup>11</sup> Evidence of Ben Espie paragraph 19

<sup>12</sup> Evidence of Ben Espie paragraph 19 making reference to Environment Court Decision C 73/2002 Wakatipu Environmental Society Inc. v QLDC, paragraph 35

<sup>13</sup> Ibid, paragraph 32

<sup>14</sup> Evidence of Ben Espie paragraph 23

Turnbull track adjacent to the western side of the Mount Aspiring Road, but argued that the proposed dark cladding of the buildings would result in visual intrusion being mitigated. He did concede however that there would be a moderate visual effect as seen by users of a 600m long stretch of the Mount Aspiring Road.

48. He argued that the relocation of the shed to the valley closer to the road was not desirable for practical reasons (flooding and farming operations) and was not necessary to mitigate landscape concerned.
49. The only neighbouring properties which he considered would be visually impacted were the Norman and Dippie properties, but even then only to a limited extent. In his evidence he claimed that the proposed scale of building development proposed, measured by ground floor area, was not dissimilar to that to that on neighbouring properties, specifically including those of the four submitters to the north. In terms of the visual impression associated with traffic activity, he conceded that road users would be conscious of traffic associated with events entering and leaving the site, but argued that these potential impacts would be mitigated by the use of mini-bus services. He also claimed that traffic movements can be expected in rural areas.
50. In response to a question as to what he considered was evidence of a landscape's ability to absorb change, he responded that it was a combination of topography, vegetation, and the presence of other features such as existing houses and buildings. These were factors which he considered in conjunction with detailed design, resulted in this part of the ONL having greater potential capacity to absorb change. In conclusion, he opined that visual effects would be slight or only transient from public or private viewpoints, except the immediately adjacent stretch of the Mount Aspiring Road.
51. As became apparent later, the events component of the application and particularly potential noise effects associated with these activities, emerged as the single most contentious issue, rather than landscape issues, as is typically the case for an application in an ONL. At the hearing, evidence relating to noise issues was (logically in this case) dealt with together at the suggestion of Counsel, and the following assessment approaches the evidence on that basis.
52. **Mr Rafe Maclean**, the applicant's architect produced a brief statement on the proposed ventilation system for the lodge. He said the building was designed to be airtight, so there would be no need to open doors and windows to provide fresh air or to cool or heat the building.
53. **Mr Rob Hay** produced an acoustic report on the proposed lodge dated 10 June 2016 and a further undated statement of evidence and a supplementary statement of evidence at the hearing. He also presented a joint statement of supplementary evidence with Mr Steven Chiles, dated 29 November. (Mr Chiles was not available at the hearing, and had originally produced an email statement attached to the reporting officer's evidence dated 13 July). As an initial benchmark, it was noted that the nearest dwelling at 'Location 7' was approximately 270 m distant to the west.
54. **Mr Jeremy Trevathan** prepared a statement of evidence on behalf of the group of submitters represented by Ms MacDonald, dated 24 November. He was unavailable to attend the

hearing, but was able to participate and answer questions by way of telephone link at the hearing.

55. Mr Maclean's evidence was that the lodge design was aiming for 'Passive House Certification'. This would involve the installation of a mechanical heat recovery ventilation system which was designed on the basis that the building would be very airtight, and function without opening any doors or windows.
56. A considerable amount of evidence and debate centred on the proposed noise conditions prepared by Mr Hay and attached to Mr Edgar's evidence. Accordingly, the proposed conditions presented to the hearing are reproduced below:

*"Noise Management*

*26. All activities undertaken on site shall comply with the District Plan noise performance standards for the Rural General Zone, being:*

*Daytime (0800 to 2000 hours) 50 dB  $L_{Aeq (15 min)}$*

*Night-time (2000 to 0800 hours) 40 dB  $L_{Aeq (15 mins)}$  and 70 dB  $L_{AFmax}$*

*These standards apply at the notional boundary of any dwelling not on the application site and inside the Rural General Zone. Noise is to be measured in accordance with NZS6801: 2008 and assessed in accordance with NZS6802:2008.*

*27. No more than four small fixed loudspeakers are permitted outdoors at the barbecue area only to provide quiet background music. Background music is a level at which normal conversation can be held 1 meter from a loudspeaker.*

*28. A single small portable loudspeaker is permitted outdoors for use during wedding or other ceremonies to provide speech reinforcement for the celebrant and others during such ceremonies. This loudspeaker must not generate noise levels in excess of 65 dB  $L_{Aeq (15 min)}$  at a distance of 10m. As a guide two people should be able to carry out quiet/normal conversation 10m from the loudspeaker.*

*29. Small scale unamplified music (e.g. acoustic guitar, violin, cello etc) may be played outdoors during ceremonies provided that compliance with the noise standards is still achieved at the nearest dwelling notional boundaries.*

*30. During functions the lodge doors and windows are to be closed after 2000 hours except where activities indoors are sufficiently quiet that excessive noise emissions will not occur.*

*31. Any extract fans or other associated mechanical plant are to be designed to achieve a cumulative noise level of less than 65 dB  $L_{Aeq (15 min)}$  at a distance of 10 m (i.e. less than 35 dB  $L_{Aeq (15 mins)}$  at the notional boundary of any neighbouring dwelling). A report or other documentation by a suitably qualified person is to be provided to QLDC demonstrating that the proposed equipment will comply with this condition prior to uplifting building consent.*

32. Construction noise is to be assessed according to, and comply with, the applicable limits in NZS6803:1999 Table 2.

33. The applicant should prepare a Noise Management Plan addressing such matters as:

- Matters described in conditions 26 to 32 above;
- Closing of doors and windows where noise levels become elevated particularly during functions;
- Services such as rubbish/recycling to be collected during District Plan daytime only
- Cleaning, dumping of glass and bins on-site etc only to be carried out during District Plan daytime;
- Parking only in approved areas; and
- Shuttles, buses etc to be utilised in transporting guests where possible".

57. Mr Trevathan's evidence for the submitters began with the context for the noise environment in the vicinity of the site. He commented that the evidence for the applicant had drawn attention to existing noise sources associated with the operation of an airstrip, and in addition helicopter flights; however he said these activities would only occur during daylight hours. His primary concern with noise effects were those associated with events during night time hours, beyond 2000 hours.
58. He noted that the night time noise limit under the District Plan was 40dB  $L_{Aeq}$ . His first concern specific to the operation of events beyond 2000 hours, were the internal noise levels associated with music and dancing inside the lodge building. He said that to comply with the night time noise limits at the nearest dwelling, all doors and windows would have to remain closed when internal noise levels exceeded 80dB  $L_{Aeq}$ . In his opinion, internal noise levels would typically be in the range of 90 to 105dB  $L_{Aeq}$  at functions of this nature; he considered a range of 90 to 95 dB  $L_{Aeq}$  and containing special audible characteristics was likely. On this basis, he was critical of the description of wedding receptions being described as "low-key".
59. His conclusion from examining the drawings of the lodge building were that the main room opened directly onto the outside areas via sliding doors, and he considered that if this was open more than 30% of the time, the District Plan night time noise standard would be exceeded. Based on the conditions attached to the evidence of Mr Edgar, Mr Trevathan concluded that *".....the District Plan noise limits will not be achieved, as there appears to be no method proposed for ensuring internal music noise levels are in line with Mr Hay's assumptions, and there will be unrestricted access via sliding doors to outdoor areas at times when doors are nominally closed"*.<sup>15</sup> Even with doors and windows closed, he maintained that compliance *".....may only be achieved by a small margin at times"*.<sup>16</sup>
60. While he was critical of Mr Hay's assumptions relating to vehicle noise, he anticipated that vehicle noise would comply with the night time noise limit, albeit by only a small margin. He also expressed concern at the enforceability of proposed controls relating to the external component of events (e.g., wedding ceremonies).

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<sup>15</sup> Evidence of Jeremy Trevathan, paragraph 5.1

<sup>16</sup> Evidence of Jeremy Trevathan, paragraph 5.2

61. **Mr Rob Hay** in response made reference to a report prepared by Mr Trevathan's company with respect to the *Corbridge*<sup>17</sup> application east of Wanaka, where he maintained that the night time receiving environment and the distance to nearby dwellings was similar. He said that:

*"Using Dr Trevathan's preferred 95 dB L<sub>Aeq</sub> referred to in sound level in the spectra published in the Corbridge noise assessment I have calculated the resulting noise level at location 7<sup>18</sup> from my report with one sliding door fully open. The predicted noise level with no allowance for any sound level reduction due to terrain screening is 38 dB L<sub>Aeq</sub>. As some degree of terrain screening is likely to be present actual noise levels will be lower"*<sup>19</sup>.

62. Secondly, he maintained that the proposed mitigation measures for Roy's Peak Lodge are entirely consistent with those proposed by Dr Trevathan's consultancy for the *Corbridge* application, and concluded that *"the fundamental condition to be achieved is compliance with the District Plan noise performance standard. This is appropriate, measurable and enforceable"*.<sup>20</sup>
63. In the joint statement prepared by Mr Hay and Dr Chiles, it was firstly agreed that daytime noise effects would not be significant *subject to* compliance with the noise standard (0800 – 2000 hours) of 50 dB L<sub>Aeq</sub>, and the night time standard of 40 dB L<sub>Aeq</sub>. This was also endorsed in Mr Trevathan's evidence.<sup>21</sup> It was also agreed between Mr Hay and Mr Chiles that with the appropriate noise management controls as set out attached to the evidence of Mr Edgar (as set out in paragraph 57 above), it would be practicable for the proposed activity to comply with these recommended noise limits<sup>22</sup>.
64. **Mr Bartlett** presented the only traffic engineering evidence to the hearing. He noted there were a number of breaches of the transport rules (as set out under the 'Statutory Matters' above), but considered that these were primarily matters of detail, such as those relating to sealing and marking of parking spaces. Taking into account the reduction of guest numbers to a maximum of 50 as now proposed, he said this would have the effect of significantly reducing on-site car parking demand, with a maximum of 23 spaces being required in terms of the District Plan standards. He stated that the proposed development would provide 18 formed on-site car parks, a small 8m bus park, and five overflow car parks on a grassed area. He was confident that this number of carparks would be sufficient, contending that reduced car parking demand may well eventuate as guests utilise shared transport options, and use of buses and minivans.
65. He noted that the traffic volume of the road had doubled since 2010, and that there was significant cycle traffic (but no cycle lanes). In terms of lighting, reference was made to Rule 14.2.4.1 xv (ii) which provided for low level lighting having an intensity of approximately 3 lux.

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<sup>17</sup> RM 150918

<sup>18</sup> The nearest dwelling to the proposed lodge

<sup>19</sup> Supplementary evidence of Rob Hay, paragraph 2.15.

<sup>20</sup> Supplementary evidence of Rob Hay, paragraph 2.19.

<sup>21</sup> Evidence of Jeremy Trevathan, paragraph 3.1.

<sup>22</sup> Joint statement on noise by Rob Hay and Steven Chiles, paragraph 2.4.



66. He concluded that the visitor accommodation/training element of the application could generate 58 vehicles per day with events adding a further 46 vehicles per day, although these were not planned to occur simultaneously with events. In his opinion this was a 'low volume' access amounting to less than 10% of the current traffic flow of the Mount Aspiring Road in the vicinity. He proposed that the access be formed subject to a condition based on Appendix 7, Diagram 3 'Private Access' in the District Plan. The standard design allows for widening of Mount Aspiring Road opposite and adjacent to the access, and also allows for use by heavy vehicles. The Council's evidence was broadly in agreement with the assessment of Mr Bartlett.

67. Planning assessments, relying on the evidence of other expert witnesses, were prepared by

**Mr Scott Edgar** for the applicant

**Ms Nicola Scott** for the submitters

**Ms Sarah Gathercole** for the Council.

68. Mr Edgar maintained that the limited duration and number of the proposed weddings and events fell within the definition of 'temporary activities' thus rendering the application discretionary in status. For want of caution however, he also submitted that even if the activity were assessed as a commercial (i.e. noncomplying) activity, it would still satisfy the tests under sections 104D and 104 of the Act. He was satisfied that based on the evidence and the joint witness statements of Messrs Hay and Chiles, that noise effects could be mitigated and resultant effects would be no more than minor. In his view the proposed conditions of consent for this application were consistent with those applied to similar applications for visitor accommodation and events elsewhere in the district.

69. Commenting on landscape effects he concluded:

*"With regard to landscape effects and Dr Read's seven point scale I note that while Dr Read states she considers any effect that is insignificant or indiscernible would be minor or less than minor she stops short of such stating that a moderately insignificant effect would be more than minor. I consider that this leaves Dr Read's seven point scale open to interpretation and indicates that moderately insignificant effects are more finely balanced between minor and more than minor but not necessarily more than minor"*<sup>23</sup>.

70. **Ms Nicola Scott** for the submitters disputed the Mr Edgar's view that the activity fell within the definition of a temporary activity. She also considered that in considering the effects on the receiving environment, it was more of a matter of considering cumulative effects than comparing the effects of existing activities.

71. She was concerned that there was no condition offered in respect to the maximum numbers of visitors or staff associated with the proposed lodge, and that hours of operation, control of noise generating events may not be adequately managed without the presence of a live-in manager. She also argued that 26 events per year may mask the possibility that these may be concentrated over the summer months and extend to 3 days allowing for pack-in and pack-out times. In her opinion this would significantly exacerbate potential levels of activity and associated adverse effects. She adopted Mr Trevathan's conclusions with respect to noise

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<sup>23</sup> Summary of evidence of Scott Edgar, paragraph 6.

management and the enforceability of conditions. On the basis of any non-compliance with the noise standards, she submitted there would be a breach of zone standard 5.3.5.2(v)(a).

72. With respect to the vexed issue of the landscape impacts, she stated that:

*“..... it is my understanding of Dr Read’s seven-point scale that anything which is moderately insignificant and above is more than minor”<sup>24</sup>.*

73. **Ms Sarah Gathercole’s** section 42 a report was prepared at a time when the maximum number of guests permitted in association with events on the site would have been 100. Based on that, she was concerned that the ‘level of activity’ associated with this number of people would have an adverse effect on amenity.

74. A significant part of her evidence was related to potential visual and landscape effects. In her report she came to the view that:

*“.....taking into account the assessment by Dr Read it is considered that the visual and landscape effects relating to the establishment of the residential building platform, proposed lodge and utility building will be moderately insignificant and therefore minor”.*

75. However with respect to the number of overflow car parks required (on the basis of a maximum of 100 guests) taking into account Dr Read’s comments she stated that the *“.....landscape and visual effects associated with the proposed overflow car parking area will be moderate and adverse”.*

76. She also concluded that this would result in adverse cumulative effects on the environment<sup>25</sup>.

77. She stated that she had discussed the applicants traffic assessment and proposed conditions with the Council’s Resource Management Engineer, Ms Lyn Overton and she was satisfied that the effects on the road network would be no more than minor. Council also had no issues with the proposal and proposed conditions as they related to the provision of water, stormwater and wastewater services, and natural hazards.

78. **Ms Jayne McDonald** presented legal submissions on behalf of **Andrew and Jo Todd, Garth and Andrea Hogan, Mike and Amanda Coupland** and **Trevor and Catherine Norman**.

79. In her introductory submissions, Ms McDonald stated:

*“The essence of the submitter’s case is that while on their own, some effects may be minor, or on the cusp of minor, these effects will nevertheless be cumulative to other effects and as a whole, will result in adverse effects on rural amenity in particular that are more than minor”.*<sup>26</sup>

80. She disputed that the activity could be classified as a temporary activity on the basis that consent is not sought for weddings or private functions per se, but for the commercial hire and use of the lodge building which is not by definition an activity of short duration. She also

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<sup>24</sup> Evidence of Nicola Scott, paragraph 33.

<sup>25</sup> Section 42 a report of Sarah Gathercole, page 10

<sup>26</sup> Legal submissions of Jane McDonald, paragraph 1.4

considered that the type of activities listed in the definition of ‘temporary activities’ were of the type represented by public events rather than private activities.

81. In her view there was doubt that the activities for which consent was sought would comply with the noise limits in the ODP, and that the proposed conditions were not practical or enforceable. She submitted that the consequent potential for non-compliance was of significant concern to her clients. She said they also feared that a subsequent consent would be sought to expand the activity to enable 100 people or even more, to attend events. She contended that the objectives and policies anticipated commercial recreation activities and not commercial activities generally. Overall her submission was that the cumulative effects were such that consent should not be granted.
82. Mr Andrew Todd was of the view that there was an exaggerated emphasis on statements of ‘intent and enhancement’, and that the activity was essentially a 100% commercially driven function venue. They were especially concerned about a ‘party hire venue’ with its associated noise, food, and alcohol consumption occurring on a regular basis, especially late at night. He said that the monitoring of noise was by default being left to the neighbours, as the applicants were not resident on site.
83. Mr Garth Hogan opened by saying that he and the other submitters were not opposed to a residential dwelling being built on the site. Following an initial meeting with the applicant, he said he later became aware that weddings and functions were proposed on the site, and the applicants would not be resident there. Although concerned about the potential visibility of the shed from their property, their primary concern related to noise and the potential for this to be exacerbated during unfavourable wind conditions. He considered that the wedding events were in practice likely to be concentrated during the summer months. He was concerned about summer peak traffic flows coinciding with people arriving at events and for the safety of cyclists associated with sports activities based there.
84. By way of an addendum, he also expressed concern about the potential effects of lighting at the site in terms of building lights and car lighting. His colourful description about his fears with respect to lighting were that the site might look like “Battlestar Galactica” at night.
85. Ms Amanda Coupland stated that upon meeting the applicants they were concerned to find that a commercial venture was proposed whereby the applicants will be living off – site. She was concerned about the potential for noise and traffic movements at night including the sounds of car doors slamming, and the noise of people arriving and leaving from events.
86. **Mr Geoff Blacker** appeared on behalf of the Upper Clutha Environmental Society. He made a brief verbal submission, supporting the planner’s recommendation that the application be declined. In response to a question, he said that his primary concerns were the domestication of this part of the ONL through buildings, but also the general level of activity on the site such as traffic movements and the potential for cumulative effects. He also considered that the proposal was contrary to the objectives and policies of the District Plan.
87. **Ms Caunter** in her reply began by reiterating that hosting events was *secondary*, not *ancillary* to the main activity of lodge based recreation retreats, and that the latter would take priority over events, even in the summer. She said that the applicants do not consider the commercial

activity definition applies to private events, so the activity has not been assessed as a commercial activity being ancillary to and are located on the same site as a recreational activity.

88. In similar vein, she maintained that the activity was temporary, and disagreed with Ms Gathercole's recollection of the treatment of RM 160800 relating to *Glendhu Holdings*. She said this was processed as a new resource consent and if not a temporary activity, should have been treated as a noncomplying activity. As it was not, she was adamant that the current proposal deserved to be treated on equal and consistent terms. She added that it was illustrative that the PDP sought to encourage temporary activities and temporary events – and would specifically include wedding events by way of example.
89. Her conclusions with respect to noise issues raised by submitters was a comment that:
- "With all respect to Dr Trevathan, his evidence appeared to be directed to simply cast doubt about the noise assessment undertaken by Mr Hay and cloud the issues"*<sup>27</sup>.
90. She said that Mr Hay did not agree with Mr Trevathan's opinion that the music level would be 95dB  $L_{Aeq}$ , that a door would be open, and that special audible characteristics would apply. She said Mr Hay's view was that the District Plan noise limits could be achieved if the internal noise level was set (i.e. controlled) at 95 dB  $L_{Aeq}$ , even under a worst-case scenario of a door being left open. She was also critical of Dr Trevathan's comments that any compliance would be "marginal", as "compliance was compliance".
91. She added that Dr Trevathan had conceded that terrain screening could also reduce noise, which in this case could amount to between 3 dB and 5 dB. She again raised the issue of conditions attached to the Corbridge application, noting that these included a mix of subjective and self-monitoring conditions, and provided a copy of the decision and its conditions at the hearing. With respect to external noise, she said that the noise conditions proposed for ceremonies were practicable and would not require a person to be trained in acoustic engineering.
92. She raised the context of the external environment, insisting that with respect to the Whare Kea site, the important matter was that up to 12 helicopter flights per day were *consented* to occur on that property, and that existing activities and background noise such as road traffic and activity on the lake were as noisy or noisier than aircraft movements.
93. She then drew attention to additional noise and lighting conditions being volunteered by the applicant in response to submissions on matters raised at the hearing, which included:
- a specific condition that the site will be managed overnight when events take place;
  - during weddings and events where internal noise levels are likely to exceed 90dB  $L_{Aeq}$  (15 min) a condition is proposed that doors are to be closed after 8 PM except for the purpose of entry and egress;
  - all outdoor lighting to be turned off at 12:30 AM during events, and otherwise at 8 PM as suggested by Dr Read;

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<sup>27</sup> Ms Caunter's right of reply, paragraph 28.

- a condition of consent imposing an internal noise level set at 90dB L<sub>Aeq</sub>, and regulated through a noise control limiter. A second zone of the limiter was proposed to control barbecue speakers to no more than 70 dB L<sub>Aeq</sub> at a distance of 1 m.
94. She raised two final points. The first of these was to accept that the Trilane submission – if it were considered to be based on trade competition – could not be struck out. However in those circumstances, she urged that it be noted as breaching sections 96 and 308B of the Act and to give it little or less weight.
95. Her second point claimed that Dr Read’s phrase “moderately insignificant” was not intended to be interpreted as anything more than ‘minor’, which she said significantly undermined the evidence and conclusions of Ms Scott.

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## ASSESSMENT OF EFFECTS

96. The first issue to be considered is the activity status of the application, and whether it should be assessed as a noncomplying or discretionary activity. A discretionary application can be approved, subject to conditions, or declined, and is subject to section 104 of the Act. A noncomplying activity is subject to having to pass two statutory tests, as set out below, so the distinction is very important.
97. Even if an activity is considered to satisfy one or other of the tests under section 104D for a noncomplying activity, the Council still has a discretion as to whether or not consent be granted under section 104.
98. The relevant provisions of section 104 of the Act to this application are as follows:

### ***104 Consideration of applications***

*(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to -*

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of –*

*.....*

*(v) a regional policy statement or proposed regional policy statement:*

*(vi) a plan or proposed plan; and*

*(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

*(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

*(3) A consent authority must not, -*

- (a) when considering an application, have regard to –*

- (i) trade competition or the effects of trade competition; or*
- (ii) any effect on a person who has given written approval to the application.*

99. The activity status of the application was the subject of considerable evidence and submissions, with the applicant arguing that it is a temporary activity, and the Council officer and the submitters arguing to the contrary – that is, a noncomplying activity:

***104D Particular restrictions for non-complying activities***

*(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either -*

*(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

*(b) the application is for an activity that will not be contrary to the objectives and policies of -*  
*.....*

*(iii)*

*both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Status of the Activity

100. The applicant has pursued the proposed application on the basis that the “secondary” component involving events such as weddings, falls under the District Plan’s definition of a ‘temporary activity’– in which case it is contended to be discretionary in status. Otherwise this part of the application would default to noncomplying activity status under Rule 5.3.3.4 (a)i.
101. The applicant proposes that there be up to 26 temporary events hosted on the site per year. There is no proposed restriction on how long each of these events would take, or how they would be distributed throughout the year. This desire for flexibility is to some extent understandable from a business perspective, because the applicant may not be able to distribute events evenly across the year, whilst also trying to manage the timing of sports clinics and training at the site.
102. It is common practice for district schemes to make provision for temporary activities, usually on the basis that this is necessary to accommodate events that would otherwise be forced to (possibly repetitively) go through the same resource consent procedure for a permanent activity, with consequent inefficiencies involving delays and costs for events that are infrequent or of short duration. The relevant components of the definition of ‘temporary activity’ are as follows: <sup>28</sup>

*“Temporary activities means the use of land, buildings, vehicles or structure for activities of short duration that include the following but are not limited to:*

*.....*

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<sup>28</sup> Definitions, page D 14

*Carnivals, fairs, galas, market days, tents and marquees, meetings, exhibitions, parades, rallies, filming, sporting and cultural events.*  
*Concerts, shows, musical and theatrical festivals and entertainment.*  
*Temporary sale of food and beverages including liquor.”*

103. This definition in turn works in tandem with Rule 19.2.2.3ii:

*“Notwithstanding anything to the contrary in this plan, the following shall be Discretionary Activities in any zone provided that the activity complies with all of the site standard specified below:*

*(a) Carnivals, Fairs, Galas, Market days, Tents and Marquees, Meetings, Exhibitions, Parades, Rallies, Filming, Cultural and Sporting Events, Concerts, Shows, Musical and Theatrical Festivals and Entertainment*

*Any temporary activity including the use of buildings for such purposes as carnivals, fairs, galas, market days, tents and marquees, meetings, exhibitions, parades, rallies, filming, cultural and sporting events, concerts, shows, musical and theatrical festivals and entertainment, and uses similar in character which:*

- exceed the following numbers of people partaking in the activity at any one time – 500 persons when the activity is undertaken inside a building; or*
- 200 persons when the activity is undertaken outside; or*
- Remain on site for more than a total of seven days in any calendar year; or*
- do not comply with the relevant noise standards of the zone”.*

104. The second thrust of the applicant’s case was that the Council had previously processed similar applications in the same way, by reference to the *Glendhu Holdings* example<sup>29</sup> described earlier under Ms Caunter’s submissions.

105. My understanding is that under the ‘cascade model’ used in the rules of the ODP, temporary activities are a permitted activity subject to meeting the various performance standards. Rule 19.2.2.3ii as set out in paragraph 104 above lists a group of activities under subclause (a) followed by a further subclause beginning with the words *“any temporary activity.....”* which appears to repeat the list set out above it, but with the additional words *“..... and uses similar in character which....”*. The temporary activities described in Rule 19.2.2.3ii do not fully align with those contained in the definition of ‘temporary activity’ under the definitions section of the ODP. Events, including weddings, do not appear to fit within the identified activities specified under Rule 19.2.2.3ii, except arguably under the additional words *“and uses of a similar character”*.

106. However Rule 19.2.2.3ii sets out five ‘standards’ as described above, whereby a temporary activity becomes fully discretionary. Although by no means clear, it would appear (for example) that a temporary activity only becomes discretionary if it involves more than 500 persons inside a building, more than 200 people outside, remains on site for more than seven days in any calendar year, and does not comply with the relevant noise standards of the zone. Otherwise, it is assumed the activity is permitted.

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<sup>29</sup> RM 140285, RM 160800

107. A further ambiguity is whether the ‘duration’ standard is taken to mean successive events within a calendar year provided each does not exceed seven days, or whether the total number of days in a year taken up by such events (collectively) shall not exceed seven. I note that the consultant planner preparing the original application made for the *Glendhu Holdings* (RM 140285) noted that:

*“The only constraint under this rule that differs from the proposal is the limit on events occurring over seven days in any calendar year. The frequency of events will exceed the standards for a permitted temporary activity”.*<sup>30</sup>

Clearly this consultant considered that temporary activities (collectively) were limited to a maximum of seven days in total within a calendar year.

108. Nevertheless the Council went on to grant consent on the basis of 24 events per annum, later increasing to 30 events under RM 160800, involving much larger numbers of people and at least the same range of events proposed by Roy’s Peak Lodge. This provides at least some degree of authority for the position taken by Ms Caunter and Mr Edgar.
109. It is apparent to me that the District Plan provisions relating to temporary activities have resulted in differing interpretations within the Council itself, between the Council and the applicant, between different planners, and submitters. If in fact the “seven day frequency” rule only applies to individual events, the temporary events provisions are extraordinarily liberal and would allow activities of greater potential scale and intensity than many permanent commercial activities – provided of course, they comply with the noise standards. They would go far beyond what would be needed to cater for events such as the Wanaka Triathlon, the Gibbston Music Festival, or the Queenstown Marathon, for example.
110. Notwithstanding the manner in which the Council has assessed the earlier *Glendhu Holdings* applications, I am of the view that the standard accompanying the rule 19.2.2.3ii means that events cannot collectively occur on more than seven calendar days in a year. My view on this is influenced by the description of what constitutes temporary events both under the definition and in the rule itself. I also note that events, and particularly weddings, may well take more than one day to set up, undertake, and pack out. In my view, events and weddings do not fit under the definition of temporary activities and even under the broader “definition” under Rule 19.2.2.3ii, as they “are not similar in character”. I hasten to add that this is not because I consider that events and weddings have unacceptable adverse effects, but rather because their ‘character’ is different to events contemplated by the ODP such as market days, shows, galas, etc.
111. For these reasons, I have come to the conclusion that the activity has to be assessed as a noncomplying activity. I have come to this view even though I am mindful of the submissions made by Ms Caunter and what appears to be an inconsistent approach taken by the Council. I also consider a conservative approach is justified for want of caution, should I have wrongly concluded that the activity was discretionary in status (or even permitted) on the basis of being a temporary activity.

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<sup>30</sup> Document prepared by Anita Vanstone, Town Planning Group Limited, dated 17 April 2014, page 23/43



### Landscape and visual effects

112. I was assisted by evidence from two very experienced landscape architects familiar with this district, Dr Read for the Council and Mr Espie for the applicant. As the site is within an ONL, landscape effects are of fundamental importance to determining an application.
113. Broadly speaking, the visual impacts of the development were assessed by these witnesses in terms of the visibility of the two proposed buildings on the site, the installation of water tanks, the proposed access, and parking areas. The potential visual impacts were considered by both witnesses in terms of effects on neighbours, effects on users of Mount Aspiring Road, and the visibility of the proposed development from the surrounding area and vantage points.
114. The evidence indicated to me that from the perspective of neighbours, the proposed buildings on site would be visible from the Norman and Dippie properties, although I am unable to take adverse effects on the latter into account, as this party has given their written consent. Even with respect to the Norman property, the evidence was that the visual impacts would not be significant to the point whereby the effects would be more than minor.
115. From my site visit, I noted that the existing large conifers on the site, albeit not of great quality as specimens, would contribute to any potential screening of the proposed buildings. Dr Read had suggested that in the interim these be supplemented by planting of further natives, which upon greater maturity would enable the existing conifers to be removed. I consider that is a pragmatic and practical course of action. Concerns were also expressed about the impact of earthworks, but taking into account the scale of building activity and coverage proposed, and the physical extent of the property, such effects would be temporary and unlikely to give rise to any significant adverse visual effects.
116. It was common ground that the proposed development on site would be visible to users of Mount Aspiring Road. Dr Read had suggested that the shed building be located into the 'valley' running parallel to the site frontage and effectively in the foreground, rather than on the low ridgeline behind. However taking account of the proposed recessive colour of the building, its limited height and practical issues associated with surface flooding in the 'valley', I consider the overall benefits from relocating the shed were not sufficient to justify this course of action. There may also be an issue of whether the application would need to be re-notified in those circumstances.
117. Both witnesses assessed the potential impacts of development on the site from wider vantage points, such as from the lake, the foreshore, and neighbouring walking tracks. There was agreement that the proposed structures would not be apparent to lake users or persons using the foreshore and its adjacent walking/cycling track. Although the development would be within people's line of sight from the Glendhu Bay Track for example, the relative scale of the development would be such that it would not appear as an intrusive feature in the landscape. While I entertain some scepticism about the extent to which modern buildings in recessive colours deserve the description of appearing 'rustic', the key point is that recessive colours would be largely effective in preventing these buildings from contrasting strongly with the surrounding background. It is also fortuitous in this case that the combination of rolling terrain

and existing/proposed native plantings would significantly mitigate the visual impact of building development on the site.

118. It is not simply buildings which can create an adverse visual impact. A concern raised by UCES and others, is the extent to which a development such as this results in the site appearing 'busy' – that is, a perception of frequent vehicle movements, headlights, lighting at night etc. It would be users of Mount Aspiring Road to whom any such activity would be most apparent, especially when patrons of events are arriving or leaving the site. To a large extent the effects of such activity results from a combination of the numbers of movements involved, and the frequency of such movements. The evidence of Mr Bartlett, combined with the proposed reduction in scale of the events now proposed on the site, satisfies me that the level of vehicular activity into and from the site would not be such as to create adverse effects either on an individual or cumulative basis. Certainly, users of the road would notice increased levels of movement if their presence in the vicinity happened to coincide with the beginning of an event. However this level of activity would not be regular or repetitive in nature throughout the day.
119. A major thrust of the applicant's evidence – with respect to landscape and other matters – was to compare the effects of the applicant's proposals with those of other activities in the area, particularly where these were associated with the activities associated with nearby submitters. While it is understandable that activities be treated on a 'like for like' basis, this does not necessarily create a precedent for a further consent. To that extent I agree with the comment made in Ms Scott's evidence that *"..... rather than comparing effects of existing activities as a justification purpose, it is more a matter of identifying how far the effects of the current proposal might reach, and in this respect it is a cumulative effects assessment"*.<sup>31</sup> A similar view was taken by UCES.
120. For the important issue of landscape and visual impacts in particular, the key question is the extent to which the site and its surrounds have the capacity to absorb additional development. This goes to the heart of the issue of cumulative effects. A significant thrust of the objectives and policies relating to landscape in the ONL<sup>32</sup> is directed at whether a landscape is able to absorb development. I take the view that this must include both new development, or development which is additional to that which has already occurred. If additional development has the effect of exceeding the capacity of a landscape to absorb that development, I consider it would be reasonable to conclude that a tipping point has been reached, beyond which there are adverse cumulative effects.
121. ONL status does not in itself make building in the Rural General Zone inappropriate – if it were, building in an ONL would be a noncomplying activity. In this case, as in others, noncomplying activity status does not arise because of the site is within an ONL, but because of other non-compliances. In determining the capacity of the environment to accommodate further development, Mr Espie saw it as primarily a matter of location and design. This is a different test from demonstrating exceptional circumstances. While the presence of existing development and the granting of previous consents does not require that subsequent consents be granted on a 'precedent' basis, existing development is *one* important factor to

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<sup>31</sup> Evidence of Nicola Scott, paragraph 19

<sup>32</sup> Objective 4.2, Policies 1 and 2; Chapter 5, Policy 1.7

be taken into account in determining the existing character of the environment, and whether it has the capacity to absorb further change.

122. Does this proposal represent a tipping point? Dr Read undertook a typically thorough and careful analysis whereby she assessed the effects of the proposed development using a range of different factors, such as visibility from other properties, from the road etc. She used a seven point scale for the purpose of this exercise. I acknowledge that it is not easy to 'shoehorn' such a scale into the language of "minor or more than minor" used in the RMA. However it was readily apparent that considerable confusion arose in this case, particularly with the meaning of the words "moderately insignificant", where the planners representing the applicant and the submitters, and even to some extent the Council officer, interpreted this as having quite different meanings.
123. In the course of the hearing, Dr Read confirmed to me that "moderately insignificant" should not be interpreted as meaning "more than minor". This obviously had implications for Ms Scott's conclusions which to a significant extent relied on landscape effects being assessed as more than minor – the submitters did not call their own landscape evidence. Ms Gathercole's concerns were primarily related to the overflow car parking area and its visual effects. Given the reduced scale of what was now proposed, she no longer adhered to the view that the visual impact of the development would be more than minor.
124. Accordingly, in approaching whether a grant of consent to this application would exceed the capacity of the landscape in this location to absorb the further development proposed, and taking into account the characteristics of the site and its surrounds, I concluded that:
- In terms of location, the area containing the site was identified as being more modified and had a *relatively* greater capacity than other parts of the ONL in this area to absorb development<sup>33</sup>;
  - notwithstanding what the term 'rustic' might actually mean, the design (scale, siting, and colour of the proposed buildings) was appropriate for this site and would not result in the activity being visually intrusive. There is no requirement that it be *invisible*, as indeed is the case with other approved developments in the vicinity and beyond.
  - The use of the topography of the site, combined with existing plantings and future planting to provide further mitigation, would be effective in at least partially screening the buildings and associated activities and structures.
125. Overall, I consider I must be guided by the weight of evidence, which is that a grant of consent to this application would not result in the capacity of the landscape to absorb development being exceeded. In terms of cumulative effects, *this development* would not represent a tipping point beyond which visual and landscape effects would be more than minor.
126. A further factor which emerged towards the close of the hearings, was the observation by the neighbouring submitters that they were not opposed to building on the site per se – indeed it appeared that an eventual proposal to construct a dwelling on the site was seen as virtually

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<sup>33</sup> Evidence of Ben Espie, paragraph 22

inevitable. Rather the concerns of the submitters were primarily focused on the proposed undertaking of events on the site, not visual impacts.

#### Noise effects

127. The 'secondary' component of the application was to provide for events, such as weddings but also other celebrations and similar activities. In that respect, if it were granted consent it would by no means be the only example of such an activity in the (rural) Wanaka area. It was the events component of the application which was of primary concern to the submitters, or more particularly those nearby property owners represented by Ms MacDonald. The applicant volunteered prior to the hearing to reduce the maximum number of guests at such events from 100 to 50 in an attempt to address these concerns.
128. My attention was drawn to other resource consents which had been granted in the rural environment of Wanaka. Caution must be exercised in comparing different sites, but I consider they do have some relevance, as to recent consents granted in the Wanaka area were in the rural environment, and exhibit a range of generally common consent conditions.
129. The *Glendhu Holdings* application (RM 140285) was approved on 23 December 2014. It provides for 24 events per year between the hours of 0900 and 0030, limited to no more than four events per month and a maximum of 200 people, but with 12 events permitted between 201 and 500 patrons. Amplified music is allowed, except between 2000 hours and 0800 hours. This was later extended by a further consent to allow six additional events per year of up to 200 people.
130. The *Corbridge* application (RM 150918) was approved on 14 April 2016 and perhaps a better example with respect to the proximity of neighbours. This consent allows 30 events per year between 0900 and 0030 hours with up to 300 people; and 5 further events per year between 0900 hours and 2000 hours with up to 500 people. 30 'meetings' are also allowed between 0900 and 2000 hours per year. Seven of these events are permitted to take place for up to 2 days, and two events for up to 3 days. No more than two large one-day events involving more than 50 people shall take place within any seven-day period, and no more than one '2 or 3 day events' within a seven day period.
131. Conditions of consent for both applications provide for:
- a maximum noise level at the notional boundary of the nearest dwellings of 40dB LAeq;
  - the preparation of a Noise Management Plan;
  - a review condition;
  - no internal noise level being specified in either case.
132. I note Ms Caunter's comment that the conditions relating to the *Corbridge* consent seem to rely to a large extent on the (somewhat subjective) exercise of noise management controls by the proprietor in that it case.<sup>34</sup> The suite of conditions being offered up by the applicant here (Roys Peak Lodge) include an internal noise limit whereby the output would be specifically limited to 90dB LAeq. However there is still the potential for noise to exceed this level, as

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<sup>34</sup> Reply submissions J Caunter, paragraph 33

there would be additional noise from patrons attending the event, and accordingly there would need to be a condition that doors would not be opened after 8PM except for the purposes of ingress or egress. It is also proposed that conditions would not allow amplified live bands or DJs. As explained by Mr Maclean, the design of the building means that windows and doors do not have to be left open for the purposes of cooling or heating.

133. During the exchange at the hearing, it became clear to me that subject to conditions of this nature, the events would be conducted in a manner that would be in compliance with the ODP night time limit of 40dB LAeq, even without allowance for mitigation by intervening terrain. I can place little or no weight on claims that compliance might be “marginal” – as stated by Ms Caunter, ‘compliance is compliance’. Similarly, I am satisfied that the conditions volunteered for managing noise for external events appeared fairly typical for applications of this nature, and would be satisfactory to ensure compliance at the notional boundary. There are likely to be occasions where one or more adjoining residents may notice noise from the site in the evenings, but that is to be expected, provided this level does not exceed the standards specified in the District Plan.
134. It is also readily apparent that guest numbers through this application are considerably smaller than those approved under either *Glendhu Holdings* or *Corbridge*. It is significant in my view that the Council’s qualified and experienced acoustic advisor, Mr Chiles, was also satisfied that subject to conditions, the operation of the site for events could be undertaken without significant adverse noise effects.
135. An important aspect of managing activities on the site, particularly events, is the quality of on-site management, a legitimate concern raised by adjoining residents, as this is a primary determinant of whether conditions of consent are effective. Events on the site are proposed to be undertaken without any on-site residence by the applicants themselves, whereas on-site residence is often a more effective way of ensuring that there is ‘ownership’ of any problem that arises. In this respect, I consider that a review condition is appropriate, and I note that this is entirely consistent with the two other (albeit larger scale) consents granted for *Glendhu Holdings* and *Corbridge*. Subject to an additional condition to that effect, I consider that the noise impacts associated with the operation of events on the site will be less than minor.
136. Given the multipurpose nature of the proposed venue, I also consider it would be appropriate to add a condition that there be no more than four weddings /events in any one calendar month, thus providing some relief for submitters who are concerned about a greater intensity of events during the summer months.
137. Concern was raised that the applicant may well come back and seek a further consent for larger scale events. I am not aware of any legal basis for declining consent on the basis that an applicant might apply at a later stage for a further consent, but even if they were to do so, this would be potentially open to submission and one would expect that the results of monitoring and review of the existing consent would provide an informed basis for any future decision in this respect.

#### Traffic and parking matters

138. The evidence suggested that Mount Aspiring Road has experienced significant increases in traffic volumes. With respect to safety and capacity issues, the only traffic engineering evidence was provided by Mr Bartlett, which was not challenged on any technical grounds, and the Council's engineering staff were substantially in agreement with it. As is commonly the case in rural areas the car parking arrangements are quite informal and do not have sealed (and therefore marked) spaces. The quantum of carparks proposed is sufficient for the reduced number of events now proposed, and there is a likelihood of patrons sharing transport or shuttle buses to access the site. The consent can also be subject to a condition that separate events and sports training activities not occur simultaneously.
139. Concerns were expressed by a submitter that there would be a hazard to cyclist safety, given that cycling is one of the activities that was anticipated to operate with the coaching facilities based at the site. Mount Aspiring Road is potentially hazardous to cyclists as it appears no separate provision is made for them within the road formation.
140. I have no jurisdiction to consider the effects of cyclist safety on this route, even if some of the patrons of the facility cycle to and from the site, and my understanding is that many of them would be taken to other locations to undertake that activity. I was certainly aware, even during my site visit, that Mount Aspiring Road is used by cyclists for training or fitness purposes. However there is no restriction on the use of the road by cyclists that may be based at this facility or elsewhere.
141. Provision is proposed to be made for widening of the carriageway to ensure that right turning vehicles be able to enter the site without obstructing westbound traffic, and this can be protected by a condition of consent. With the reduced scale of the proposal, the car parking provision now complies with the requirements of the District Plan with respect to the number of spaces available.

#### Servicing issues

142. No significant issues were raised at the hearing with respect to geotechnical, stormwater or water supply issues, and the applicant's proposals were acceptable to the Council's engineering staff.

#### Other effects

143. Night lighting effects were another matter which was raised with respect to this application, which is a legitimate concern in terms of potential visual effects on the landscape. Light sources would include the lodge building itself, car park lighting and vehicle headlights.
144. On-site lighting for car parking and pedestrian access is subject to the rule in Part 14 of the ODP, which requires lighting with a minimum level of 3 lux, a low level which would not create significant light effects or glare. The volume of traffic associated with events and other activities on the site during night time hours would not suggest a level of vehicle movements having either the number or frequency that would be associated with intensive use. The siting, design and scale of the lodge building does not suggest that it would be a prominent source of

lighting as seen from beyond the site, and a condition can be imposed requiring blinds to be lowered on north facing windows at night during events.

#### Positive effects

145. The proposed activity would make at least a modest contribution to recreational activities in the Wanaka area, which is recognised as a significant focus of such activity. It would also contribute to the range of localities in the area in which events could be accommodated.

#### Conclusions on effects

146. Subject to the imposition of a range of conditions with respect to landscaping, the design and appearance of the buildings and structures, noise management and access/parking arrangements, I conclude that the proposed activity would not have a more than minor effect on the environment.

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## **OBJECTIVES AND POLICIES**

147. The relevant plan provisions in this case include the Operative District Plan, the Proposed District Plan, and any relevant provisions of the Otago Regional Policy Statement. Given the current status of the PDP, I consider that the Operative Plan has primary importance in this case. Chapters 4 and Chapter 5 address landscape and rural issues respectively.

### **Chapter 4 – Natural Environment**

#### ***Objective 1 – Nature Conservation Values***

***The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.***

***The protection of outstanding natural features and natural landscapes.***

#### ***Policies:***

*1.3 To manage the sensitive alpine environments from the adverse effects of development.*

*1.11 Encouraging the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

*1.12 To maintain the site-specific, geological and geomorphological features that are of scientific importance.*

*1.17 To encourage the retention and planting of trees, and their appropriate maintenance.*

148. The site containing the application is clearly within land identified as an ONL. The 'tongue of land' described earlier in this decision is a more modified area within the ONL as a whole, but nevertheless forms part of the foreground between the lake and the spectacular alpine range behind. That part of the environment surrounding the lake itself is also ONL.
149. The evidence before the hearing clearly established that the scale and design of the development was appropriate in this location, which had the capacity to absorb the change

proposed, without extending beyond a 'tipping point' whereby the character of the ONL would be compromised. I consider that the proposed activity is not contrary to this objective.

150. The site is partially developed for pastoral farming, but contains remnant stands of regenerating vegetation, which will be supplemented by further such planting. The application will assist in promoting Policies 1.11 and 1.17. The landscape is characterised by low hummocky schistose ridges, small parts of which will be affected by some excavation and filling, but not to the extent (allowing for mitigation through landscaping) that it would be contrary to Policy 1.12.

#### **4.2 Landscape and Visual amenity**

##### **Objective:**

*Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.*

##### **Policies:**

##### **1 Future Development**

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*
151. No subdivision is proposed through this application. Landscape and visual amenity values are (relatively) less vulnerable to degradation in this location, as it has already been subject to modification by building activity and has a greater capacity to absorb change. I am satisfied that the proposal is consistent with this objective and its policies.

##### **2 Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)**

- (a) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (b) *To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- (c) *To allow limited subdivision and development in those areas with higher potential to absorb change.*
- (d) *To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*
- (v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads;*
- (vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*
152. The openness of a landscape is determined in part by its topography, and particularly by surface vegetation. The presence of existing regenerating vegetation, and further proposed plantings including those to replace existing large conifers, will be sufficient to provide some screening from neighbouring properties and the development proposed will not be visible from the lake or lakeshore. As discussed earlier, the site and the surrounding environment has relatively greater capacity to absorb change, including that proposed through this application.



However the proposed development is not consistent with subclause (d)(v) in part, as it will be visible from Mount Aspiring Road.

#### **4.4 Open Space and Recreation**

##### **Objective 2 – Environmental Effects**

*Recreational activities and facilities undertaken in a way which avoids, remedies or mitigates significant adverse effects on the environment or on the recreation opportunities available within the District.*

##### *Policies*

*2.1 To avoid, remedy or mitigate the adverse effects of commercial recreational activities on the natural character, peace and tranquillity of the District*

*2.2 To ensure the scale and location of buildings, noise and lighting associated with recreational activities are consistent with the level of amenity anticipated in the surrounding environment.*

*2.3 To ensure the adverse effects of the development of buildings and other structures, earthworks and plantings in areas of open space or recreation on the District's outstanding natural features and landscapes or significant natural conservation values are avoided, remedied or mitigated.*

153. The repeated use of the words “avoid, remedy or mitigate” are not particularly helpful, as they merely paraphrase Section 5(2)(c) of the Act, and provide little additional guidance to decision-makers. That said, the proposal is likely to facilitate recreation opportunities available within the District, and the proposed development of the site would not result in significant adverse effects on the landscape of the area. However activities of this nature have the potential to generate levels of activity which may be inconsistent with rural amenity, particularly in terms of perceptions of tranquillity and the avoidance of intrusion by noise or light spill. I was satisfied that the evidence presented established that the proposed scale of the activity, and the imposition of conditions to mitigate noise effects, would be sufficient such that the application would not be contrary to these policy provisions.

#### **Chapter 5 – Rural**

##### **Objective 1 – Character and Landscape Value**

***To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.***

##### ***Policies:***

*1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

*1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.*

*1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

*1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*

*1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*

*1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

*1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

154. The proposed activity does not of itself rely on the rural soil resource and only limited pastoral activity would appear to be undertaken on the property. Appropriate 'non-rural' activities are anticipated in the rural area, provided they do not have an adverse effect on landscape values or rural amenity. As noted earlier, based on the expert landscape evidence, it is considered that the activity can be absorbed within this part of the ONL. The proposed structures will be visible from some distant viewpoints, and from one neighbouring property, but will not occupy a skyline ridge. The evidence before me also indicated that the development would not be visible from the lake or its foreshore. As such, I consider the proposal is broadly consistent with this objective and policy framework.

**Objective 3 – Rural Amenity**

***Avoiding remedying or mitigating adverse effects of activities on rural amenity.***

***Policies:***

*3.1 Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.*

*3.2 Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.*

*3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.*

155. Issues relating to noise and traffic generation have been addressed through the evidence presented at the hearing of this application, and with the imposition of conditions, noise and traffic effects can be managed satisfactorily. The use of this property as a base for outdoor training activities is an appropriate use, and for events such as weddings, there is some advantage in these being held in a rural environment, particularly where a location within an urban environment would involve much greater number of dwellings in close proximity and greater difficulties in managing noise and potentially traffic. I consider the proposed activity is consistent with this objective and its associated policies.

**Objective 2 – Safety and Accessibility**

***Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.***

***Policies***

*2.2 To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.*

*2.6 To ensure intersections and accessways are designed and located so:*

- *good visibility is provided.*
- *they can accommodate vehicle manoeuvres.*
- *they prevent reverse manoeuvring onto arterial roads; and*
- *are separated so as not to adversely affect the free flow of traffic on arterial roads.*

156. From the perspective of access from Mount Aspiring Road to the site, the entrance point is not ideally located in terms of sight distances, but with the provision of road widening to enable traffic to pass, the uncontested traffic engineering evidence was clear that the proposed arrangement will function satisfactorily with adequate safety margins. Vehicle manoeuvring and car parking can be accommodated on site. I consider the application is consistent with this objective and its relevant policies.

***Objective 5 – Parking and Loading - General***

***Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.***

- 5.4 *To require all off-street parking areas to be designed and landscaped in a manner which will mitigate any adverse visual effect on neighbours, including outlook and privacy.*

157. With the removal of the overflow car parking area, resulting from the reduction in the scale of events proposed on the site, the originally planned overflow parking area will not be required, thus reducing an otherwise potentially adverse visual effect as seen from outside the site. The evidence was that the parking provision proposed would be sufficient to cope for demand including during events.

***The Proposed District Plan***

158. The PDP was publicly notified on 26 August 2015, and its provisions are currently subject to ongoing hearings. Because no decisions have been issued on the PDP, and its provisions are still open to challenge by way of appeal, only limited weight can be placed on it relative to the ODP.
159. Chapter 3 of the PDP contains the ‘Strategic Directions’ for the district. Relevant provisions include the following:

*Objective 3.2.1.4 – Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.*

*Goal 3.2.5 – Our distinctive landscapes and protected from inappropriate development.*

*Objective 3.2.5.3 – Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.*

160. This chapter recognises that activities that would traditionally be regarded as ‘non– rural’ can occur in the rural environment. The ONL has been largely carried over intact from the ODP, and there are many parts of the ONL which would be suitable for recreation, but not in association with building development. This aim is also encapsulated under Policy 21.2.9.1 which seeks to ensure that there is a clear link between recreation activities and the rural environment. The proposed activity provides a greater diversity of activities in the rural environment, which in this case is currently limited to low intensity pastoral farming. As discussed earlier in this decision, the evidence to the hearing clearly established that this part of the ONL had to the capacity to absorb further change.

161. Chapter 6 deals with landscape matters. Objective 6.3.1, Policy 6.3.2.1, and Policy 6.3.4.1 are broadly similar to the provisions in the ODP. Objective 6.3.2 and Policies 6.3.2.1 and 6.3.2.5 specifically address the issue of the finite capacity of the rural environment to absorb incremental change. Policy 6.3.1.3 and Policy 6.3.1.4 go further than the ODP, with the former stating that *“..... because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases”*.
162. Were these provisions beyond challenge, and were applied in conjunction with noncomplying activity status for building within the ONL, I consider it would be more difficult for applications such as this to succeed, and probably even more so for rural dwellings. The current proposal, as well as being associated with recreation rather than residential occupation, is assisted by the evidence to the hearing that this is in a location which has at least a limited capacity to absorb change.
163. Policy 21.2.9.2 seeks to avoid *“the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values”*, while Policy 21.2.9.6 seeks to *“ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places”*. Finally, Objective 36.2.1 has as its purpose the control of *“the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities”*.
164. I am satisfied on the evidence that access, on-site parking, and the management of noise through appropriate conditions would ensure that there is no conflict with these policy provisions.

### **The Proposed Otago Regional Policy Statement (PRPS)**

165. The PRPS has now reached a more advanced stage with decisions having been issued on submissions. As the site is within a landscape identified as an ONL under both the ODP and the PDP, issues of *regional significance* are raised with respect to landscape matters. Policy 3.2.4 states:
- “Managing highly valued natural features, landscapes and seascapes.  
Protect or enhance highly valued natural features landscapes and seascapes by all of the following:*
- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
  - b) Avoiding, remedying or mitigating other adverse effects;*
  - c) Recognising and providing for the positive contributions of existing introduced species to those values;*
  - d) Controlling adverse effects of pest species, preventing the introduction and reducing their spread;*
  - e Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape”*.

166. With respect to those clauses above which are relevant to the current application, the provisions of the ODP are in my view still relevant and consistent with the directions sought through the PRPS.

## **PART 2 RESOURCE MANAGEMENT ACT**

167. The assessment of an application under Section 104 of the Act is subject to the provisions of Part 2 comprising sections 5 to section 8.
168. Section 6 of the Act requires that decision-makers recognise and provide for the matters contained therein. The matter of application under section 6 is the requirement to protect outstanding natural features and landscapes from inappropriate subdivision, use and development under subsection (b). All of the land affected by the proposed development is within an area identified as an Outstanding Natural Landscape under the District Plan. However the evidence has established that this part of the ONL can absorb the development proposed through this application. Accordingly I conclude that a grant of consent to the application is not contrary to the matters contained in Section 6.
169. Section 7 contains three subclauses which are relevant to this application. These are:
- (b) the efficient use and development of natural and physical resources:*
  - (c) the maintenance and enhancement of amenity values:*
  - (f) the maintenance and enhancement of the quality of the environment.*
170. The proposed activity would represent an efficient use of the site, as it the primary activity is associated with rural recreational activities and would not be inconsistent with the ongoing use of the site for very limited pastoral farming activities. In addition the use of this site for events, subject to appropriate controls over noise, would also represent an efficient use which would be more difficult to establish an urban location.
171. With the proposed design of the buildings, their scale on what is an expansive site, the proposed colour treatment of the external surfaces, and the effect of existing vegetation and proposed landscaping, the development would be consistent with maintaining visual amenity and the quality of the environment.
172. No matters were drawn to my attention that suggested the proposal was inconsistent with the provisions of section 8 of the Act.
173. Turning to the purpose of the Act under section 5, I consider that the proposal would enable the applicant, and the district as a whole, to provide for its social, economic and cultural welfare in the form of an additional recreational facility and a facility to undertake events. I am satisfied consider that the qualification under section 5(2)(c) has been met in that the potential adverse effects of the activity can be sufficiently avoided or mitigated.

### **Section 104/104D RMA**

174. As noted earlier in this decision, I have concluded that the events proposed to be undertaken in conjunction with this application are not temporary in nature, and that the activity should be processed on the basis of being a noncomplying application.
175. Applying the provisions of section 104D of the RMA, I conclude that subject to the conditions attached to this decision, the effects of the activity will be no more than minor. On this basis, the activity passes one of the two 'gateway' tests.
176. I also consider that the activity is not contrary to the objectives and policies of the ODP, but could be potentially contrary to the objectives and policies of the PDP as notified. However at this stage only limited weight can be placed on the PDP, as no decisions have been issued on the submissions made to that plan. Accordingly, I consider that the application passes the second of the two gateway tests under section 104D.

### **Permitted baseline**

177. The range of activities which are provided for as permitted in the Rural General Zone are quite limited, and I am not of the view that the application can draw any support from such activities.

### **Trade competition**

178. Trilane were a submitter in opposition to the application, although they did not present evidence to the hearing. Also, my understanding is that their facility can provide lodge accommodation, but is not consented to undertake events. To the extent they provide accommodation, they are a trade competitor, and arguably less directly affected by the application than a number of the other submitters in close proximity.
179. Ms Caunter was somewhat concerned about this particular submission, and while accepting it could not be struck out, sought that it be given little weight on the basis of sections 96 and 308B of the RMA. These sections restrict the ability of trade competitors to challenge applications by applicants in what is essentially the same line of business. This particular submission (which is one among others) has not exercised a decisive influence on the outcome of this hearing, but I have attached somewhat less weight to the Trilane submission to the extent that it is a trade competitor.

### **Precedent effects**

180. Care has to be exercised in arriving at any assumptions relating to precedent, unless successive applications have very similar context and scale, which is frequently not the case. Given the specific nature of the activity, as it least arguably fanciful to postulate that a grant of consent would lead to more events venues or sports training facilities. In this location, there could be the potential for further dwellings but whether or not these be granted would depend critically upon whether a landscape assessment determined that the ability of the

location to absorb more development had been reached – a ‘tipping point’. That would be a matter of fact and degree depending on the proposals put forward.

## **DECISION**

Pursuant to Sections 104, 104D and 108 of the Resource Management Act 1991, consent is hereby granted to application RM160579 subject to the conditions as specified below:

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - ‘Lodge Perspectives – Rev. A’, prepared by Rafe Maclean Architects and dated 22 June 2016
  - ‘Overall Site Plan, Earthworks Calculation – Rev. A’, prepared by Rafe Maclean Architects and dated 22 June 2016
  - ‘Floor Plans – Rev. A’, prepared by Rafe Maclean Architects and dated 22 June 2016
  - ‘Elevations – Rev. A’, prepared by Rafe Maclean Architects and dated 22 June 2016
  - ‘Shed – Rev. B’, prepared by Rafe Maclean Architects and dated 02 August 2016
  - ‘Water Tanks – Rev. A’, prepared by Rafe Maclean Architects and dated 22 June 2016
  - ‘Carparking Layout – Rev. D’, prepared by Rafe Maclean Architects and dated 14 November 2016
  - ‘Proposed Access & Car Park Earthworks – Rev. A’, prepared by Southern Land Ltd and dated 08 August 2016
  - ‘Access Long-Sections – Rev. A’, prepared by Southern Land Ltd and dated 08 August 2016
  - ‘Vegetation Plan’, prepared by Vivian+Espie and dated 15 November 2016

**stamped as approved on 18 January 2017**

and the application as submitted and subsequent further information provided on 9<sup>th</sup> August 2016, subject to 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 \$145. This initial fee has been set under section 36(1) of the Act.

#### Land Use Conditions for Buildings and Earthworks

##### **General**

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

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

4. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
5. Prior to commencing works within the road reserve of Wanaka - Mount Aspiring Road, 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.



6. 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. 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.
7. The consent holder shall upgrade the water bore in accordance with the recommendations made in the LandPro '*Project Memorandum – Site Water Bore Inspection and Sampling*' (dated 4 February 2016 Ref: S16017).
8. 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 acceptance, 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) Provision of a minimum supply of 7,200 litres per day of potable water to the lodge that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008). This shall include:
    - i) Bore flow log as confirmation that a minimum of 7,200 litres is available from the bore
    - ii) Chemical and bacterial tests to be resubmitted once the bore has been upgraded in accordance with Condition (7) above
    - iii) In the event the water tests do not comply with Drinking Water Standard for New Zealand 2005 (Revised 2008), the consent holder shall provide details as to how the water is to be treated so that it does comply.
    - iv) Details as to how the water supply is to be maintained and monitored.

- b) The provision of a sealed vehicle crossing to the site from Wanaka - Mount Aspiring Road to be in terms of Diagram 3, 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.
  
- c) The provision of an access way to the buildings that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. This shall include:
  - i) The carriageway to the car park area shall have a formed metal carriageway width of no less than 5.7metres with 0.5m shoulders.
  - ii) The single lane carriageways to the buildings shall have a formed metal carriageway width of 2.5m with 0.5m shoulders.
  - iii) The gradient of the access way shall not exceed 1:6.
  - iv) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.
  - v) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the subgrade.
  - vi) Passing bays/road widening shall be provided on any single lane sections of the access, and include widening on steep and/or curved sections of the access to avoid possible vehicle conflicts.
  
- d) The provision for 18 carparks including two accessible car parks, 2 staff car parks and an 8m coach park, in general accordance with the Rafe Maclean Architects 'Car Parking Layout' (dated 14 November 2016, sheet RC7.0, rev D). The design shall include tracking curves to demonstrate that each on-site car park can operate efficiently with only one reverse manoeuvre. This shall include:
  - i) That a carpark design shall demonstrate that the gradient of the formed on-site car parks are less than the maximum gradient of 1 in 20.
  - ii) Provision shall be made for stormwater.

- e) The provision for car park lighting design for both the car park areas and the pedestrian route between the car park and the lodge and shall meet the minimum requirements of the QLDC District Plan (section 14.2.4.1xiv Illumination).
- f) The provision of fire hydrant(s) with adequate pressure and flow to service the development with a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.

***To be monitored throughout earthworks***

- 9. 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.
- 10. 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 buildings***

- 11. Prior to the occupation of the buildings, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all water reticulation (including private laterals and toby positions).
  - b) The completion of all works detailed in Condition (8) above.
  - c) The owners for the time being are responsible for monitoring and treating their individual domestic water supply, this shall include filtration and disinfection if

necessary so that it complies with the Drinking Water Standards for New Zealand 2005.

- d) Any power supply connections to the buildings shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
- e) Any wired telecommunications connections to the buildings shall be underground from existing reticulation and in accordance with any requirements and standards of the network provider.
- f) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

#### ***Ongoing Conditions/Covenants***

- 12. That on-site car parking shall be managed to prevent any vehicle from blocking the internal access roads or the access intersection from Wanaka-Mount Aspiring Road. The parking shall be managed such that drivers are efficiently directed to the provided formed and overflow (if required) parking areas.
- 13. That the internal access road shall be managed during dry periods using dust suppressants to minimise dust on surrounding properties including Wanaka-Mount Aspiring Road.

#### **Land Use Conditions for Building Platform**

##### ***General conditions***

- 14. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

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

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

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

15. The owner of the land being developed shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
16. The consent holder shall upgrade the water bore in accordance with the recommendations made in the LandPro '*Project Memorandum – Site Water Bore Inspection and Sampling*' (dated 4 February 2016 Ref: S16017).
17. Prior to any work commencing 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 (14), to detail the following engineering works required:
  - a) Provision of a minimum supply of 7,200 litres per day of potable water to the lodge that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008). This shall include:
    - i) Bore flow log as confirmation that a minimum of 7,200 litres is available from the bore
    - ii) Chemical and bacterial tests to be resubmitted once the bore has been upgraded in accordance with Condition (16) above
    - iii) In the event the water tests do not comply with Drinking Water Standard for New Zealand 2005 (Revised 2008), the consent holder shall provide details as to how the water is to be treated so that it does comply.
    - iv) Details as to how the water supply is to be maintained and monitored.
  - b) The provision of a sealed vehicle crossing to the site from Wanaka - Mount Aspiring Road to be in terms of Diagram 3, 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.

- c) The provision of an access way to the building platform that complies with the guidelines provided for in QLDC's Land Development and Subdivision Code of Practice. This shall include:
  - i) The carriageway to the car park area shall have a formed metal carriageway width of no less than 5.7 metres with 0.5m shoulders.
  - ii) The single lane carriageways to the buildings shall have formed metal carriageway width of 2.5m with 0.5m shoulders.
  - iii) The gradient of the access way shall not exceed 1:6.
  - iv) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.
  - v) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the subgrade.
  - vi) Passing bays/road widening shall be provided on any single lane sections of the access, and include widening on steep and/or curved sections of the access to avoid possible vehicle conflicts.
- d) The provision of fire hydrant(s) with adequate pressure and flow to service the development with a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008(or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.

***New Building Platform to be registered***

- 18. At the time the consent is given effect to, the consent holder shall provide a "Land Transfer Covenant Plan" showing the location of the approved building platform (as per Rafe Maclean Architects plan titled "*Roy's Peak Lodge, Aspiring Road, Wanaka – Overall Site Plan*,"

*Earthworks Calculation*", Project 15.04, Sheet RC2.0 rev A, dated 22 June 2016). The consent holder shall register this "Land Transfer Covenant Plan" on Computer Freehold Register Identifier 76752 and shall execute all documentation required to register this plan. The costs of doing so are to be borne by the consent holder.

***Prior to the registration of the building platform on the Computer Freehold Register***

19. Prior to the building platform being registered on the Computer Freehold Register, the consent holder shall complete the following:
  - a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this development to the Principal Resource Management Engineer at Council. 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) A digital plan showing the location of all building platforms as shown on the Land Transfer Plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The completion of all works detailed in Condition (17) above.
  - d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of underground telephone services has been made available to the development.

***Ongoing Conditions/Covenants***

20. At the time that the building platform is registered on the Computer Freehold Register for the site, the consent holder shall register the following conditions as a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 for works to be carried out at the time the lodge is proposed:

- a) All future buildings shall be contained within the Building Platform as shown as Covenant Area X as shown on Land Transfer Plan XXXXX with the exception of the shed approved under RM160579.
- b) At the time the lodge is erected on the lot, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
- c) At the time the lodge is erected on the lot, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an onsite effluent disposal system in compliance with AS/NZS 1547:2012. The design shall take into account the site and soils investigation report and recommendations by Mt Iron Geodrift, dated 18 February 2016, ref: - G16017. The proposed wastewater system shall be subject to Council review prior to implementation and shall be installed prior to occupation of the lodge.
- d) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Principal: Environmental Health at Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.

#### Operational Conditions

- 21. Lodge activities (being group bookings for sports or special interest retreats) and weddings or events shall not operate concurrently unless a wedding or event is associated with the lodge activities in which case the total number of guests shall not exceed 50.
- 22. Lodge accommodation shall not be made available on a casual, drop in basis.



23. No tents or marquees shall be erected on site in association with the approved weddings or events.
24. Weddings and events will be limited to 26 single day events per year with a maximum of 50 guests and up to 10 staff per event. There shall be no more than four weddings/events in any one calendar month.
25. The hours of operation for weddings and events shall be 10am to midnight.
26. A Manager, suitably trained and familiar with the Roys Peak Lodge Noise Management Plan, shall be present on site at all times (including overnight) when weddings or events are held.

#### Noise Management

27. All activities undertaken on site shall comply with the District Plan noise performance standards for the Rural General Zone, being:

- Daytime (0800 to 2000 hours) 50 dB  $L_{Aeq(15\text{ min})}$
- Night-time (2000 to 0800 hours) 40 dB  $L_{Aeq(15\text{ min})}$  and 70 dB  $L_{AFmax}$

These standards apply at the notional boundary of any dwelling not on the application site and inside the Rural General Zone. Noise is to be measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.

28. Prior to holding any weddings or events at Roy's Peak Lodge, the applicant shall install appropriate control equipment that limits the interior reverberant music sound level to no more than 90dB  $L_{Aeq(15\text{ min})}$ . Music within the lodge may only be played through this equipment.
29. There are to be no amplified live bands or DJ's. Non-amplified live music lacking heavy percussion is permitted.
30. No more than four small fixed loud speakers are permitted outdoors confined to the BBQ area to provide quiet background music. The music sound level provided by these speakers shall not exceed 70 dB  $L_{Aeq(15\text{ min})}$  at a distance of 1 metre and will be limited via suitable control equipment. As a subjective check, background music is a level at which normal conversation can be held 1 metre from a loud speaker.

31. A single small portable loudspeaker is permitted outdoors for use during wedding or other ceremonies to provide speech reinforcement for the celebrant and others during such ceremonies. This loudspeaker must not generate noise levels in excess of 65 dB  $L_{Aeq(15\text{ min})}$  at a distance of 10 metres. As a guide two people should be able to carry out quiet/normal conversation 10 metres from the loudspeaker.
32. Small scale unamplified music (e.g. acoustic guitar, violin, cello etc) may be played outdoors during daytime ceremonies provided that compliance with the noise standards is still achieved at the nearest dwelling notional boundaries.
33. During weddings or events, when internal noise levels are likely to exceed 90 dB  $L_{Aeq(15\text{ min})}$ , all doors are to be closed after 8:00pm, except for the purpose of entry and egress.
34. Any ventilation fans or other associated mechanical plant are to be designed to achieve a cumulative noise level of less than 65 dB  $L_{Aeq(15\text{ min})}$  at a distance of 10 metres (i.e. less than 35 dB  $L_{Aeq(15\text{ min})}$  at the notional boundary of any neighbouring dwelling). A report or other documentation from a suitably qualified person is to be provided to QLDC demonstrating that the proposed equipment will comply with this condition prior to uplifting building consent.
35. Construction noise is to be assessed according to, and comply with, the applicable limits in NZS6803:1999 Table 2.
36. The applicant shall prepare and implement a noise management plan addressing:
- Matters described in Conditions (27 – 34) above;
  - Closing of doors and windows when noise levels become elevated, particularly during weddings or events and in accordance with Condition (33);
  - Services such as undertaking collection of rubbish/recycling during District Plan daytime hours only;
  - Cleaning, dumping of glass into bins on-site etc only to be carried out during District Plan daytime hours only;
  - Restricting parking only to approved areas; and
  - Shuttles, buses etc to be utilised in transporting guests where possible.

## Design Controls

37. The approved buildings and structures shall be finished in the following colours and materials:

### Lodge

- Exterior Walls – Profiled steel coloured ‘FlaxPod’
- Roof – Profiled steel coloured ‘FlaxPod’
- Timber shutters – Cedar stained ‘natural’
- Vertical weatherboards – Cedar stained ‘natural’
- Window and Door Joiner – Powder Coated Aluminium in a dark colour (LRV <36%) or natural timber with clear stain.

### Utility Shed

- Exterior Walls – Profiled steel coloured ‘FlaxPod’
- Roof – Profiled steel coloured ‘FlaxPod’
- Roller Doors – coloured ‘FlaxPod’

### Water Tanks

- 30,000ltr water tanks – coloured ‘Slate’

Any amendment to the specified colours and/or materials shall be certified by the Council prior to use on the buildings and structures. The exterior colours shall be derived from the natural landscape and shall be in the natural range of greys, greens and browns and shall appear appropriately recessive in the surrounding landscape in all seasons of the year (light reflectance value less than 36%).

38. All exterior lighting associated with the approved lodge and utility shed shall be fixed no higher than 2.2 metres above finished ground level, shall be directed downwards and away from property boundaries, so that light spill beyond property boundaries does not occur.
39. Any lighting of footpaths, parking or circulation areas shall be limited to downward facing bollard lighting no higher than 1m above ground level and shall be turned off no later than 8:00pm except when weddings or events are held in which case the lighting shall be turned off no later than 12:30am.
40. During weddings or events interior blinds in north facing windows are to be pulled at 10:00pm to avoid light spill.

#### Curtilage Area

41. With the exception of the water tanks and utility shed approved as part of this consent all garden and/or domestic/commercial structures and elements (such as ornamental planting, irrigated lawns, paved areas, outdoor furniture and play equipment) shall be restricted to the curtilage area identified on the approved Vegetation Plan. For clarity, productive activities that do not require resource consent pursuant to the Queenstown Lakes District Plan (such as fruit trees, vegetable gardens and cropping) are permitted outside the curtilage area.

#### Landscape Conditions

42. The approved Vegetation Plan shall be implemented prior to the commencement of lodge activities. The site shall thereafter be managed and maintained in accordance with the approved Structural and Ecological Vegetation Management Plan submitted as part of the application. All planting shall be managed to maintain the planting densities set out in the Structural and Ecological Vegetation Management Plan. In the event that plant death or disease significantly threatens the maintenance of the planting densities, then the affected plants shall be replaced with other plants from the approved species lists or with similar species that are endemic to the vicinity.

43. The existing conifers may remain on site until such time as the replacement planting (being Mountain Beech) reach a height of 8m at which time the conifers shall be removed.

Review Condition

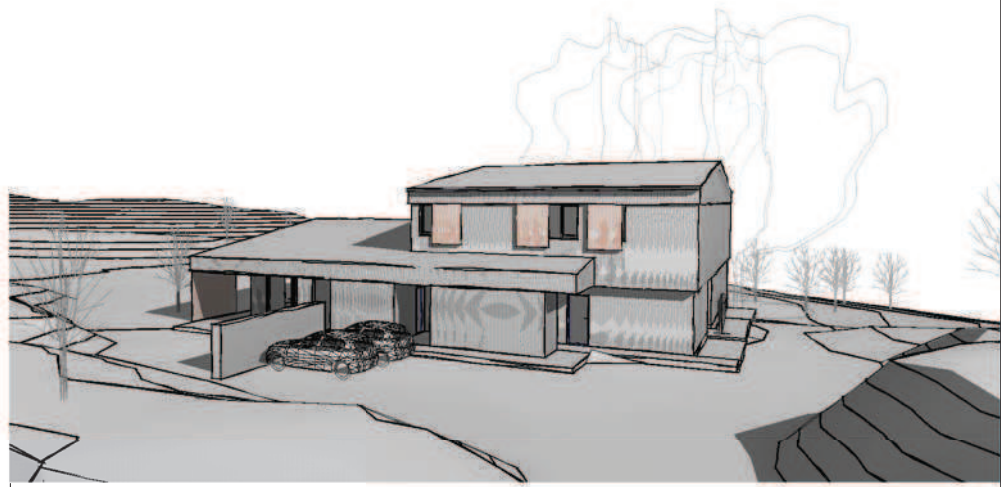
44. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- 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:**

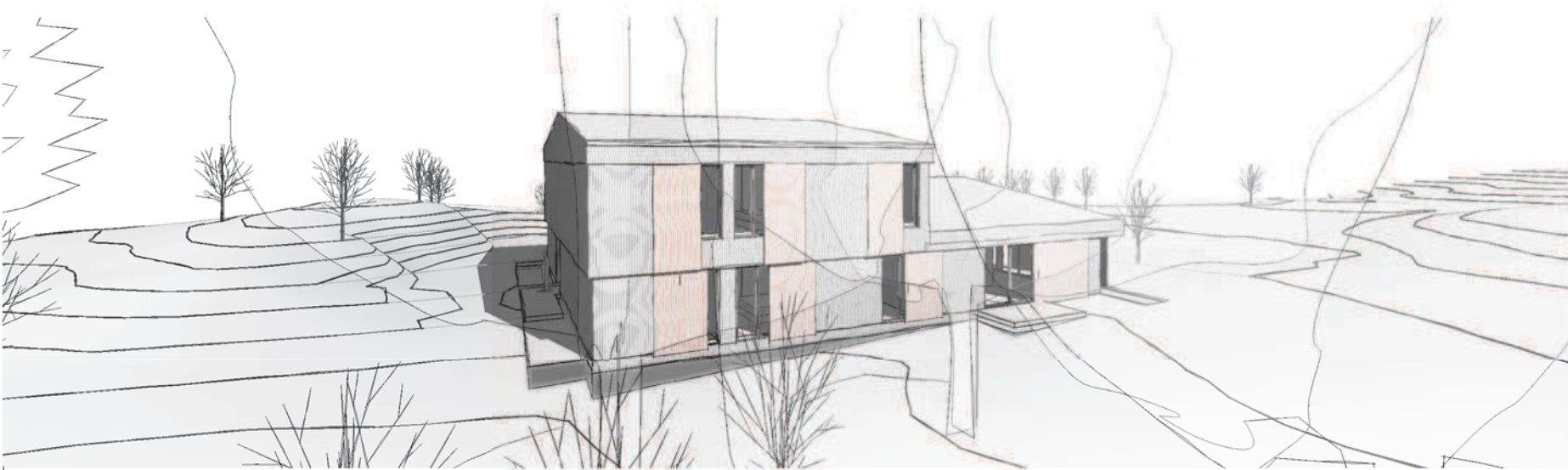
- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.
- 2. The consent holder is advised to obtain any necessary consents from the Otago Regional Council for the On-site Wastewater Disposal design.



1 VIEW FROM SOUTH-WEST  
[NOT TO SCALE]



2 VIEW FROM WEST  
[NOT TO SCALE]



3 VIEW FROM SOUTH-EAST  
[NOT TO SCALE]



4 VIEW FROM APPROACH DRIVEWAY  
[NOT TO SCALE]



5 VIEW FROM NORTH  
[NOT TO SCALE]

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160579

Wednesday, 18 January 2017

Drawing List		
Sheet Number	Sheet Name	REVISION
RC1.0	LODGE PERSPECTIVES	A
RC2.0	OVERALL SITE PLAN, EARTHWORKS CALCULATION	A
RC3.0	FLOOR PLANS	A
RC4.0	ELEVATIONS	A
RC5.0	SHED_draft	A
RC6.0	WATER TANKS	A
RC7.0	CARPARKING LAYOUT	A

notes:

All work to comply with New Zealand Building Code. Contractor shall verify all dimensions and conditions before commencing work. Do not scale drawing. To be read in conjunction with architectural specification, structural drawings & specification, specific fire reports, services engineer documents, plumbing drawings, and resource and building consent documents and conditions. If you have any questions or need clarification of the contents of these drawings please contact Rafe Maclean Architects. Design & documentation copyright Rafe Maclean Architects Ltd.

Date	No.	Description

ROYS PEAK LODGE

ASPIRING ROAD, WANAKA

GAVIN & JAC GEORGE

DATE: 22 JUNE 2016

PROJECT: 15.04

DIRECTOR IN CHARGE: RM

DRAWN: RM

RESOURCE CONSENT APPLICATION

LODGE PERSPECTIVES

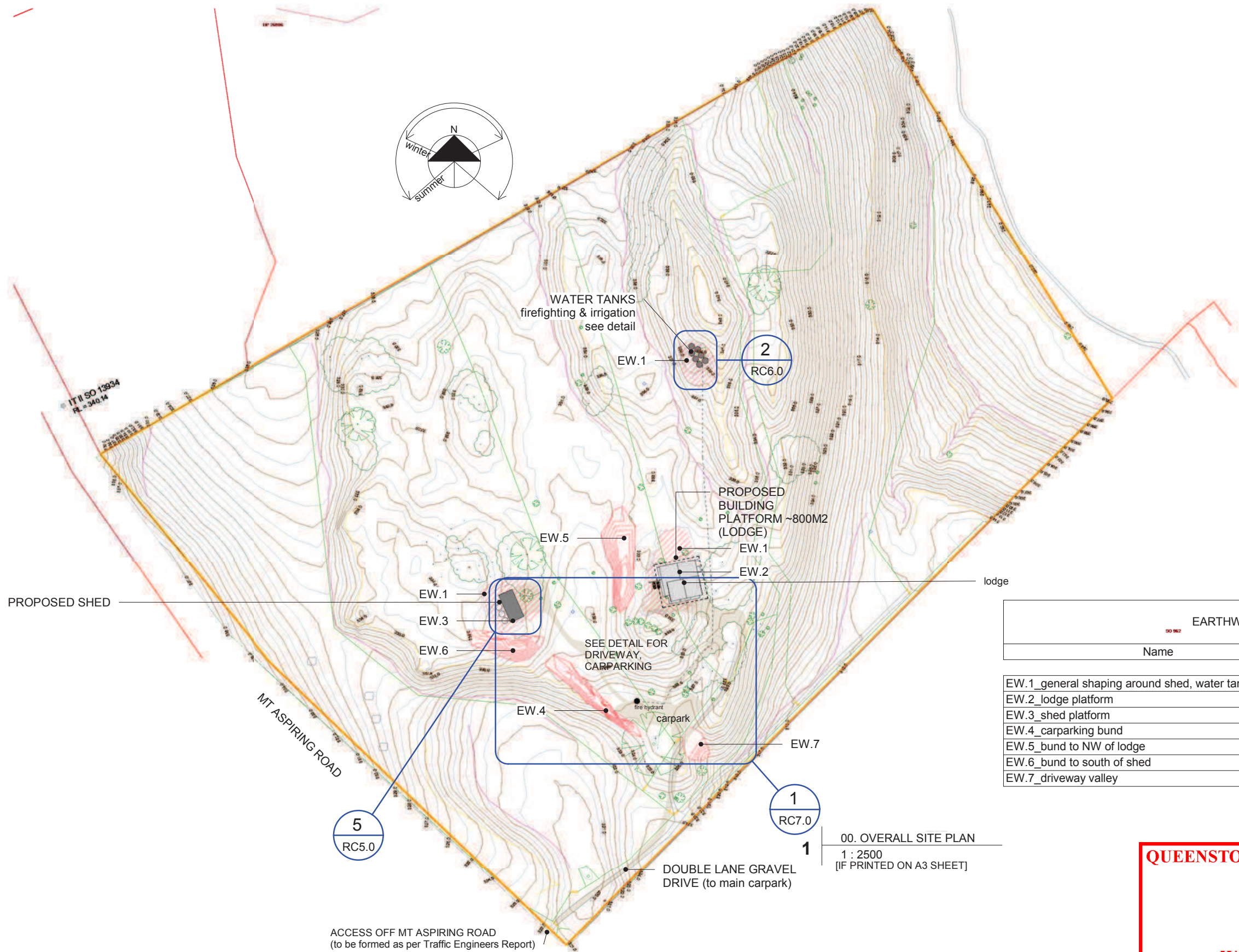
SHEET: RC1.0

REVISION: A

Rafe Maclean Architects

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EARTHWORKS SCHEDULE			
Name	Cut	Fill	Net cut/fill
EW.1_general shaping around shed, water tanks and lodge	1671.00 m³	71.48 m³	-1599.52 m³
EW.2_lodge platform	324.18 m³	15.51 m³	-308.66 m³
EW.3_shed platform	183.11 m³	0.00 m³	-183.11 m³
EW.4_carparking bund	2.00 m³	571.26 m³	569.26 m³
EW.5_bund to NW of lodge	16.97 m³	996.20 m³	979.23 m³
EW.6_bund to south of shed	10.22 m³	474.18 m³	463.97 m³
EW.7_driveway valley	10.22 m³	89.03 m³	78.81 m³
	2217.69 m³	2217.67 m³	-0.02 m³

notes:  
All work to comply with New Zealand Building Code.  
Contractor shall verify all dimensions and conditions before commencing work. Do not scale drawing.  
To be read in conjunction with architectural specification, structural drawings & specification, specific fire reports, services engineer documents, plumbing drawings, and resource and building consent documents and conditions. If you have any questions or need clarification of the contents of these drawings please contact Rafe Maclean Architects. Design & documentation copyright Rafe Maclean Architects Ltd.

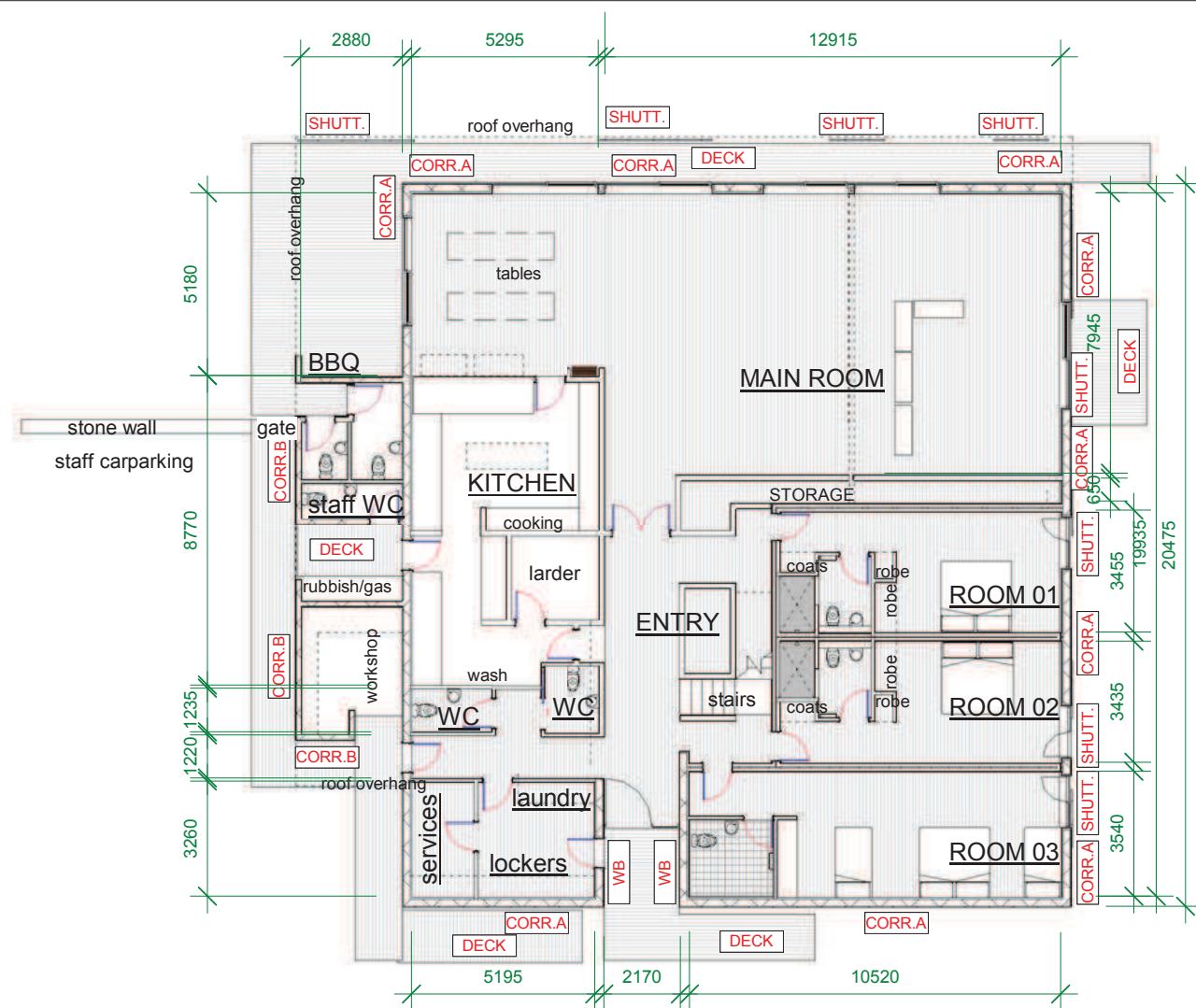
Date	No.	Description

ROYS PEAK LODGE	
ASPIRING ROAD, WANAKA	
GAVIN & JAC GEORGE	
DATE: 22 JUNE 2016	DIRECTOR IN CHARGE: RM
PROJECT: 15.04	DRAWN: RM

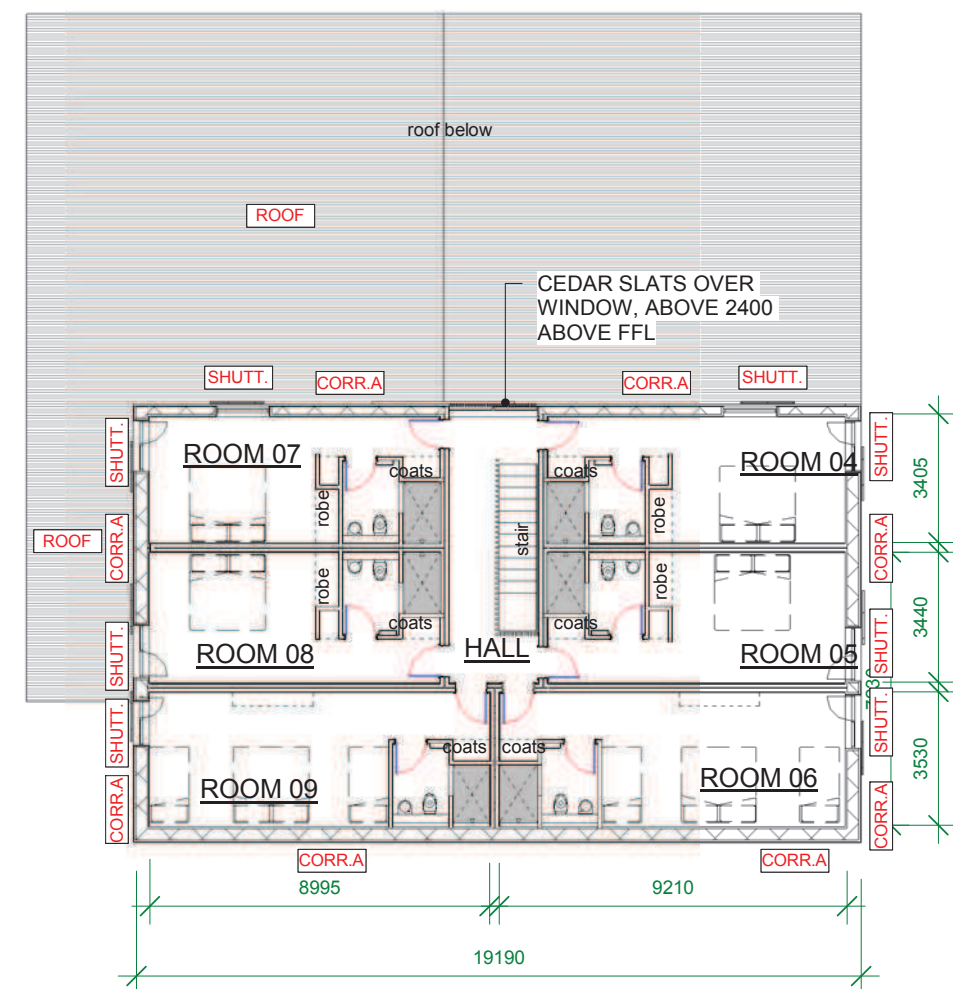
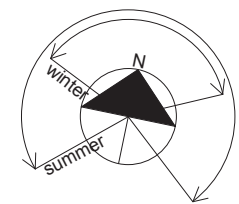
RESOURCE CONSENT APPLICATION	
OVERALL SITE PLAN, EARTHWORKS CALCULATION	
SHEET: RC2.0	REVISION: A

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1 02. LODGE\_GROUND FLOOR PLAN  
1 : 200  
[IF PRINTED ON A3 SHEET]



2 L03\_UPPER FLOOR PLAN  
1 : 200  
[IF PRINTED ON A3 SHEET]

GROSS FLOOR AREAS (exterior face of exterior walls, excluding decks and roof overhangs)  
Ground Floor: 412m<sup>2</sup>  
Upper Floor: 224m<sup>2</sup>  
**Total: 636m<sup>2</sup>**

Roof Area: 474m<sup>2</sup>

CALCULATION OF NUMBER OF SANITARY FIXTURES  
In reference to NZBC Acceptable Solution G1/AS1  
Category: Commercial, Coffee Bars, Tea Rooms, Restuarants, Bars, Night Clubs  
Number of Occupants: maximum 100 patrons, and 5 staff  
Sanitary Requirement: 5 unisex facilities, with 1 of the 5 being an accessible facility, and 1 of the 5 being dediacted to staff only.

LEGEND	
Keynote Number	Description
CORR.A	COLOURSTEEL CORRUGATE CLADDING (ARCHITECTURAL SERIES COLOUR 'FLAXPOD'), DIRECT FIXED RAB, ON 200 PLYWOOD I-BEAM STUDS @ 600CRS INSULATED WITH KNAUF JET STREAM, INTELLO LAYER, 45MM BATENS HORIZONTALLY, 13MM PLASTERBOARD_PAINT FINISH.
CORR.B	COLOURSTEEL CORRUGATE CLADDING (ARCHITECTURAL SERIES COLOUR 'FLAXPOD') DIRECT FIXED OVER RAB, ON 140 STUDS @ 600CRS INSULATED, 13MM PLASTERBOARD OR 12MM PLYWOOD.
DECK	ROSENFELD KIDSEN SUPPLIED 90x19 'GARAPA' DECKING BOARDS, fix with 50x10g STST SCREWS
ROOF	COLOURSTEEL CORRUGATE ROOFING (ARCHITECTURAL SERIES COLOUR 'FLAXPOD', FIX TO 70/45 PURLINS ON 18MM COUNTER BATTEN OVER ROOF UNDERLAY OVER 15MM H3 PLY SARKING, ON 240 i-BEAM RAFTERS, INTELLO, CEILING TIMBER BATTENS, RONDO CEILING SYSTEM, 13MM PLASTERBOARD/12MM PLYWOOD.
SHUTT.	EXTERIOR WINDOW SHUTTER. CEDAR VERTICAL SLATS FIX TO LIGHTWEIGHT STEEL FRAME, ON HENDERSON TOP HUNG SLIDING GEAR
WB	CEDAR VERTICIAL SHIPLAP WEATHERBOARDS, ON CASTILATED CAVITY BATTENS ON ECOPLY BARRIER RAB, ON 200 PLYWOOD I-BEAM STUDS @ 600CRS INSULATED WITH KNAUF JET STREAM, INTELLO LAYER, 45MM BATENS HORIZONTALLY, 13MM PLASTERBOARD_PAINT FINISH.

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:**  
**RM160579**

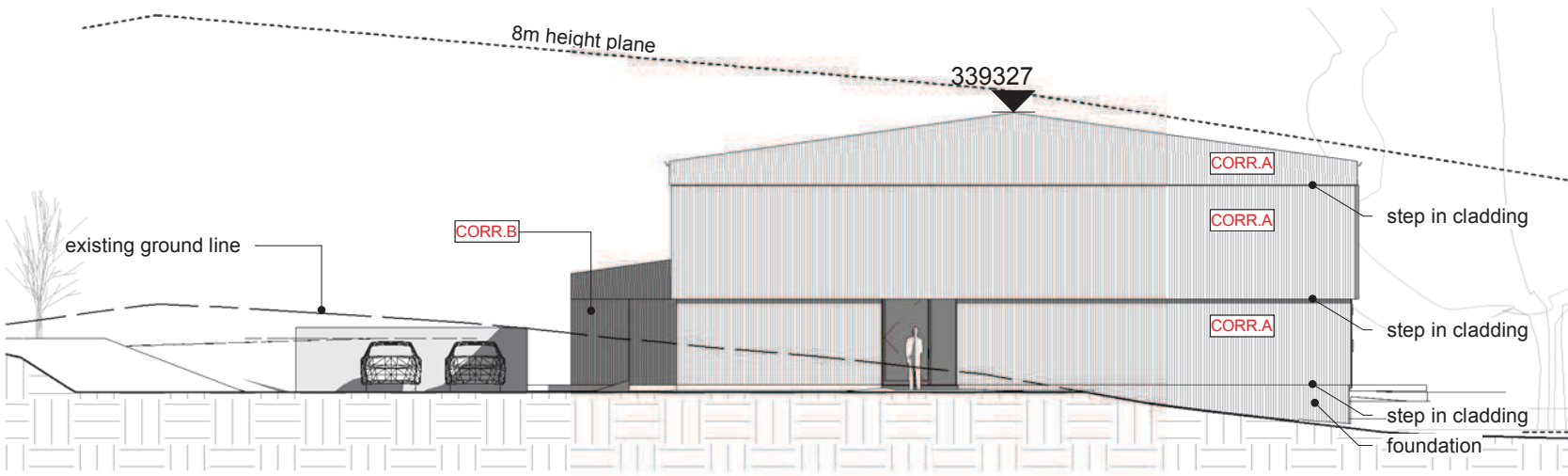
**Wednesday, 18 January 2017**

notes: All work to comply with New Zealand Building Code. Contractor shall verify all dimensions and conditions before commencing work. Do not scale drawing. To be read in conjunction with architectural specification, structural drawings & specification, specific fire reports, services engineer documents, plumbing drawings, and resource and building consent documents and conditions. If you have any questions or need clarification of the contents of these drawings please contact Rafe Maclean Architects. Design & documentation copyright Rafe Maclean Architects Ltd.	ROYS PEAK LODGE		RESOURCE CONSENT APPLICATION	
	ASPIRING ROAD, WANAKA		FLOOR PLANS	
	GAVIN & JAC GEORGE		SHEET: <b>RC3.0</b>	REVISION: <b>A</b>
	DATE: 22 JUNE 2016	DIRECTOR IN CHARGE: RM		
	PROJECT: 15.04	DRAWN: RM		

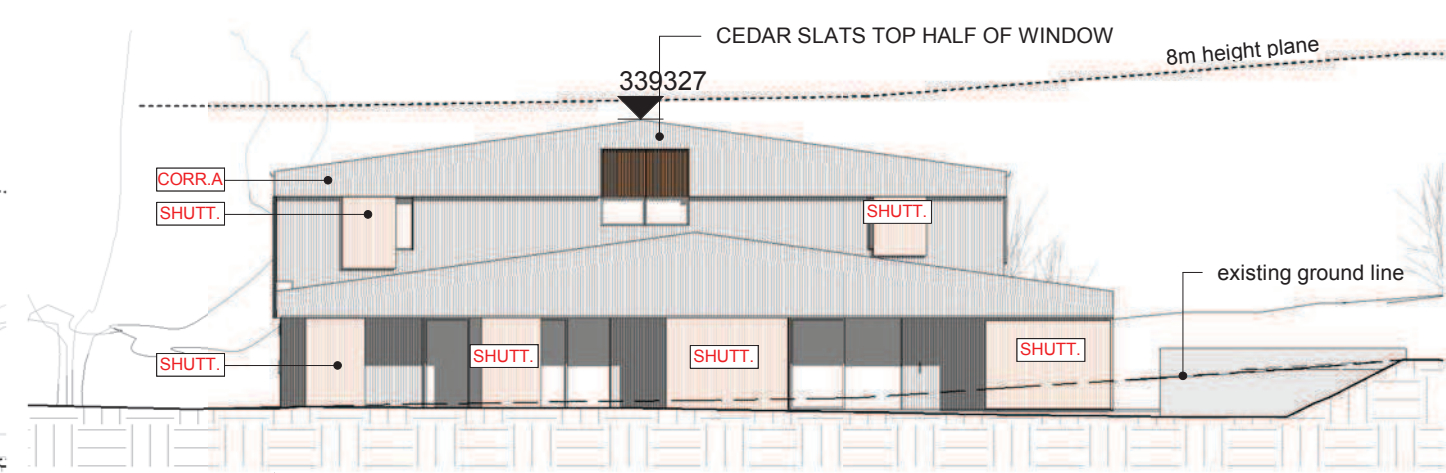
**Rafe Maclean Architects**

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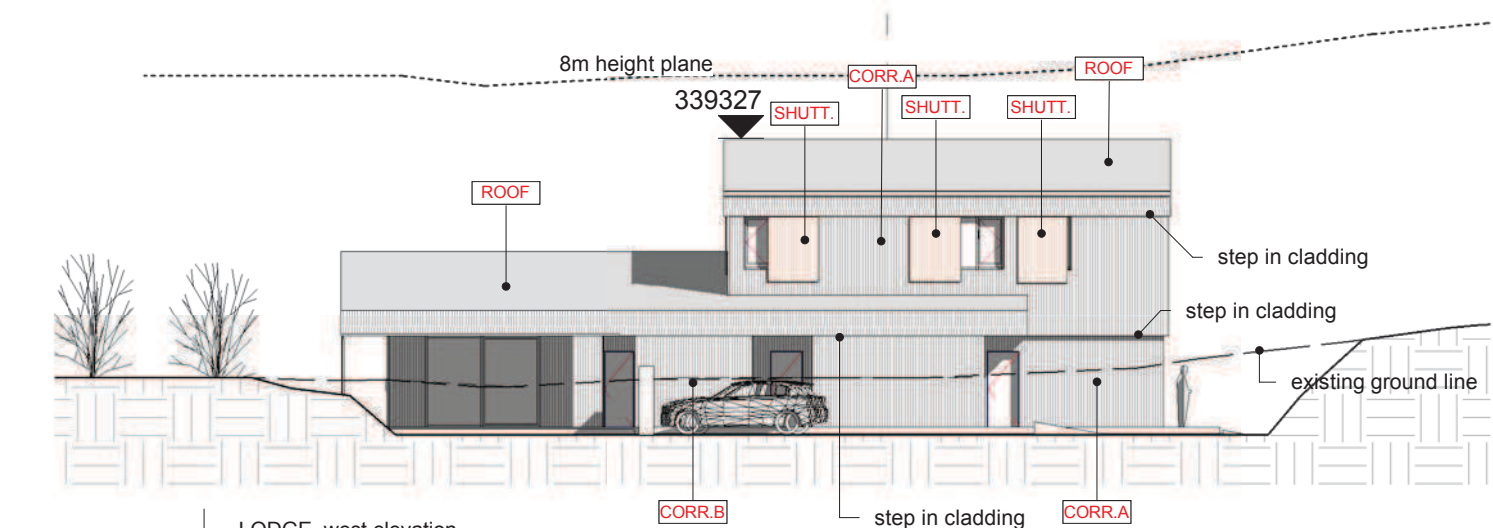




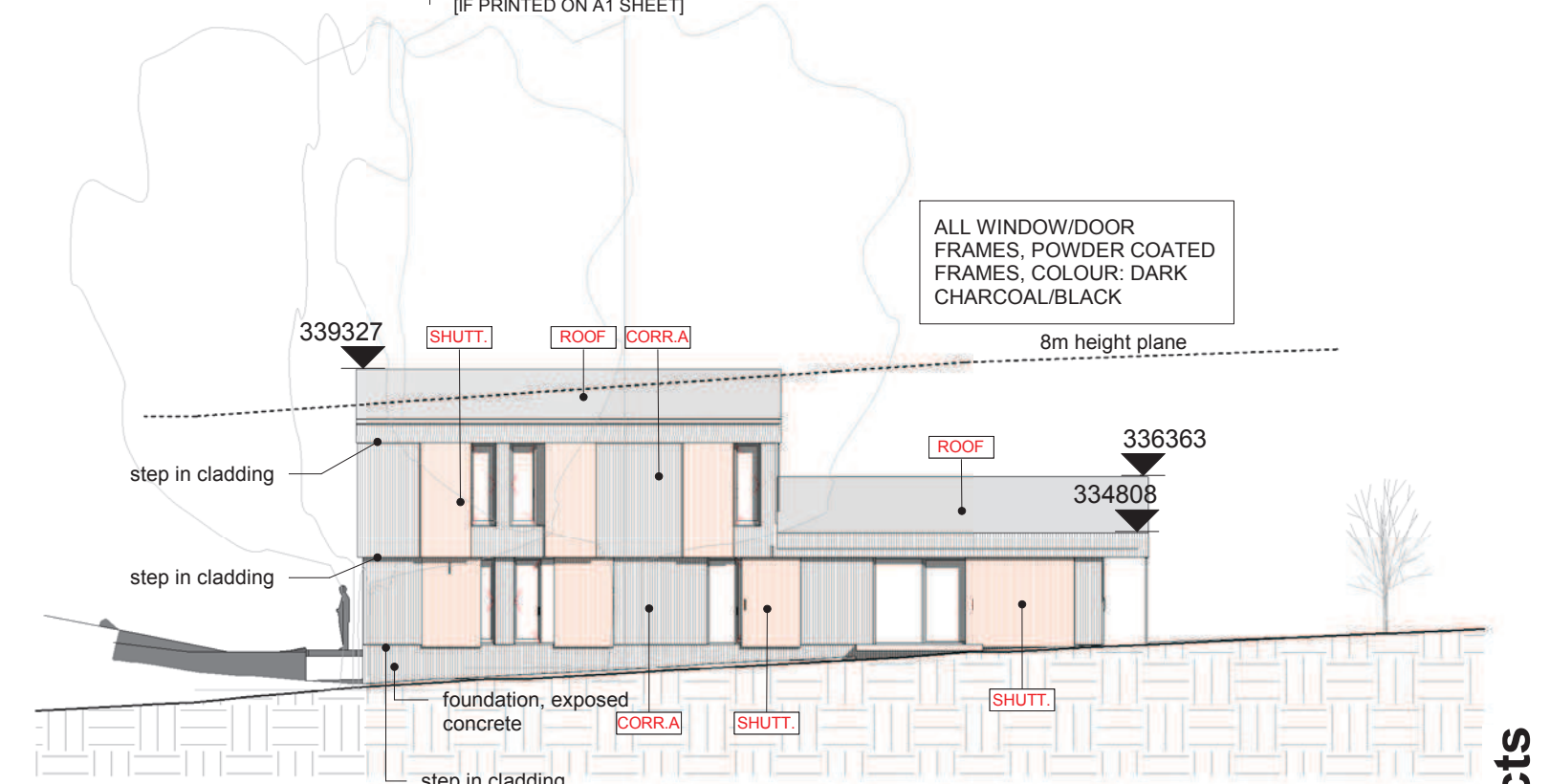
1 LODGE\_south elevation  
1 : 200  
[IF PRINTED ON A1 SHEET]



2 LODGE\_north elevation  
1 : 200  
[IF PRINTED ON A1 SHEET]



3 LODGE\_west elevation  
1 : 200  
[IF PRINTED ON A1 SHEET]



4 LODGE\_east elevation  
1 : 200  
[IF PRINTED ON A1 SHEET]

LEGEND	
Keynote Number	Description

CORR.A	COLOURSTEEL CORRUGATE CLADDING (ARCHITECTURAL SERIES COLOUR 'FLAXPOD'), DIRECT FIXED RAB, ON 200 PLYWOOD I-BEAM STUDS @ 600CRS INSULATED WITH KNAUF JET STREAM, INTELLO LAYER, 45MM BATENS HORIZONTALLY, 13MM PLASTERBOARD_PAINT FINISH.
CORR.B	COLOURSTEEL CORRUGATE CLADDING (ARCHITECTURAL SERIES COLOUR 'FLAXPOD') DIRECT FIXED OVER RAB, ON 140 STUDS @ 600CRS INSULATED, 13MM PLASTERBOARD OR 12MM PLYWOOD.
DECK	ROSENFELD KIDSEN SUPPLIED 90x19 'GARAPA' DECKING BOARDS, fix with 50x10g STST SCREWS
ROOF	COLOURSTEEL CORRUGATE ROOFING (ARCHITECTURAL SERIES COLOUR 'FLAXPOD', FIX TO 70/45 PURLINS ON 18MM COUNTER BATTEN OVER ROOF UNDERLAY OVER 15MM H3 PLY SARKING, ON 240 I-BEAM RAFTERS, INTELLO, CEILING TIMBER BATTENS, RONDO CEILING SYSTEM, 13MM PLASTERBOARD/12MM PLYWOOD.
SHUTT.	EXTERIOR WINDOW SHUTTER. CEDAR VERTICAL SLATS FIX TO LIGHTWEIGHT STEEL FRAME, ON HENDERSON TOP HUNG SLIDING GEAR
WB	CEDAR VERTICAL SHIPLAP WEATHERBOARDS, ON CASTILATED CAVITY BATENS ON ECOPLY BARRIER RAB, ON 200 PLYWOOD I-BEAM STUDS @ 600CRS INSULATED WITH KNAUF JET STREAM, INTELLO LAYER, 45MM BATENS HORIZONTALLY, 13MM PLASTERBOARD_PAINT FINISH.

notes:  
All work to comply with New Zealand Building Code.  
Contractor shall verify all dimensions and conditions before commencing work. Do not scale drawing.  
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Date	No.	Description
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ROYS PEAK LODGE	
ASPIRING ROAD, WANAKA	
GAVIN & JAC GEORGE	
DATE: 22 JUNE 2016	DIRECTOR IN CHARGE: RM
PROJECT: 15.04	DRAWN: RM

RESOURCE CONSENT APPLICATION	
ELEVATIONS	
SHEET: RC4.0	REVISION: A



ROOF & WALL CLADDING COLOUR  
Light Reflectance Value: 6.4%

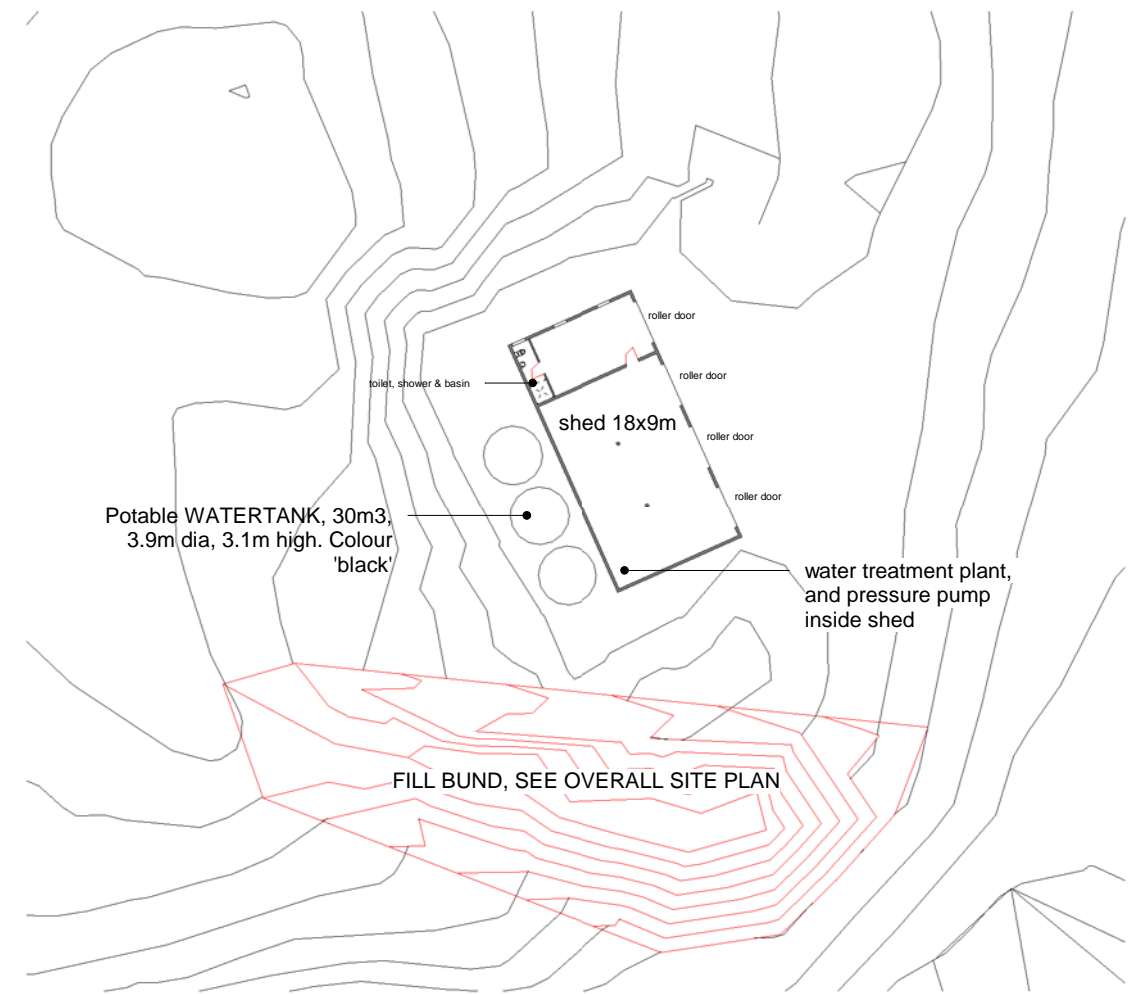
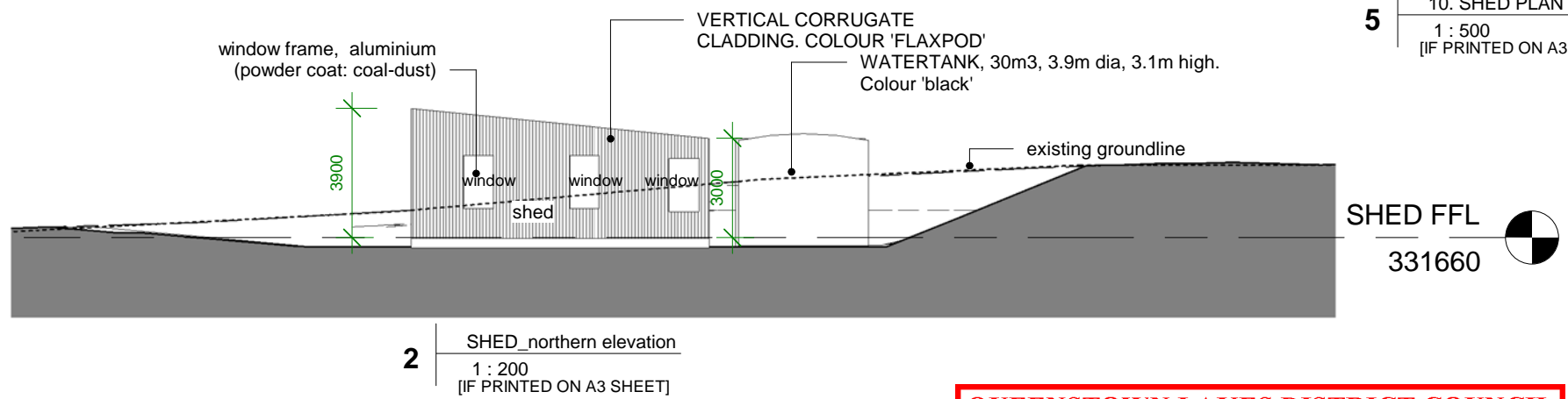
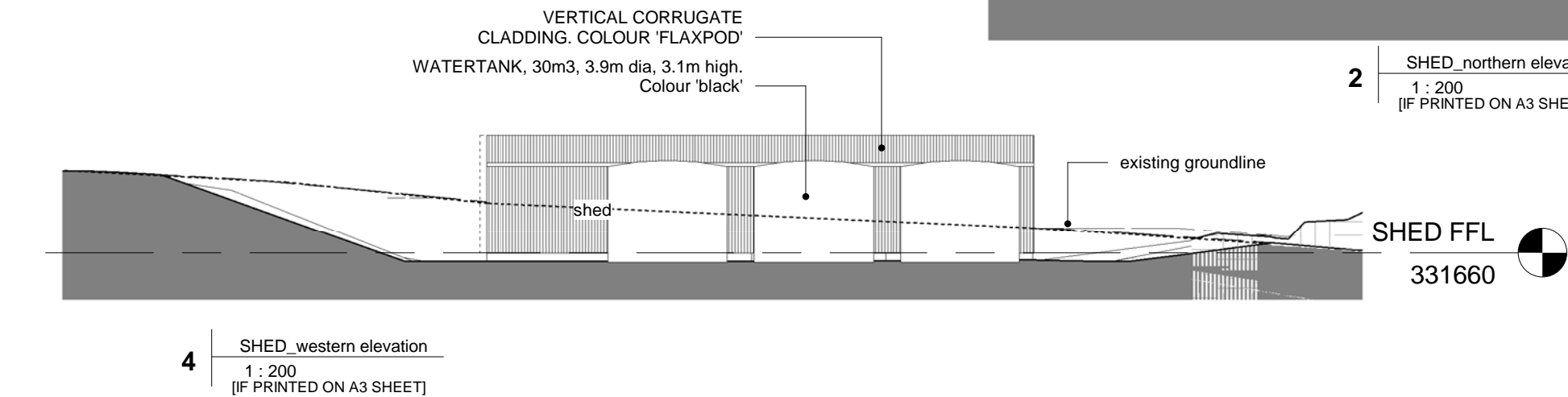
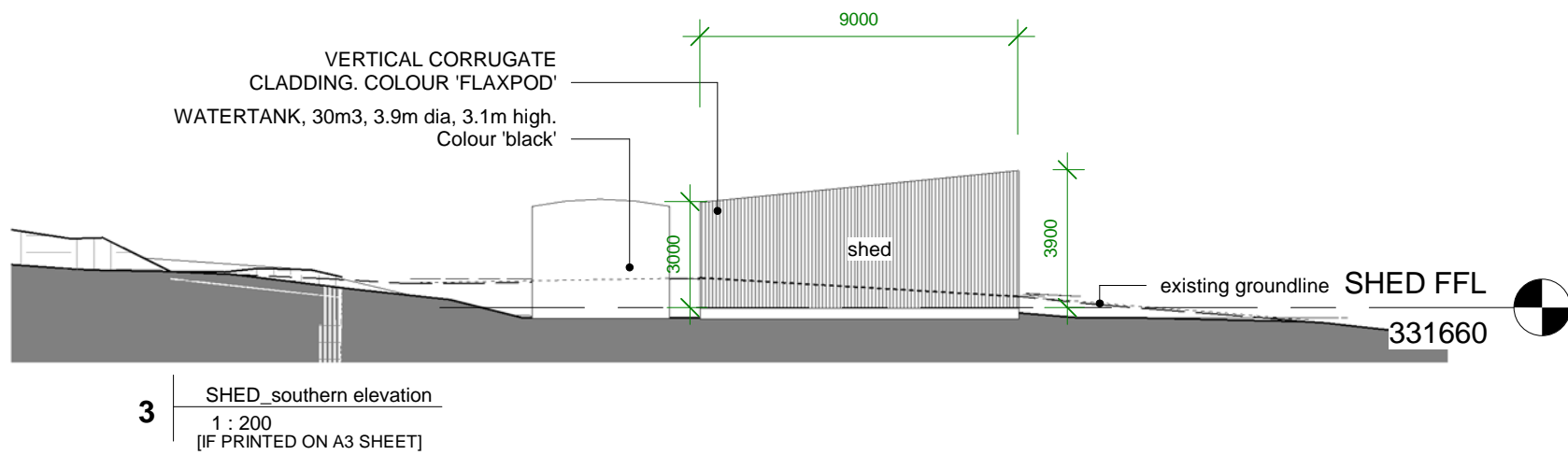
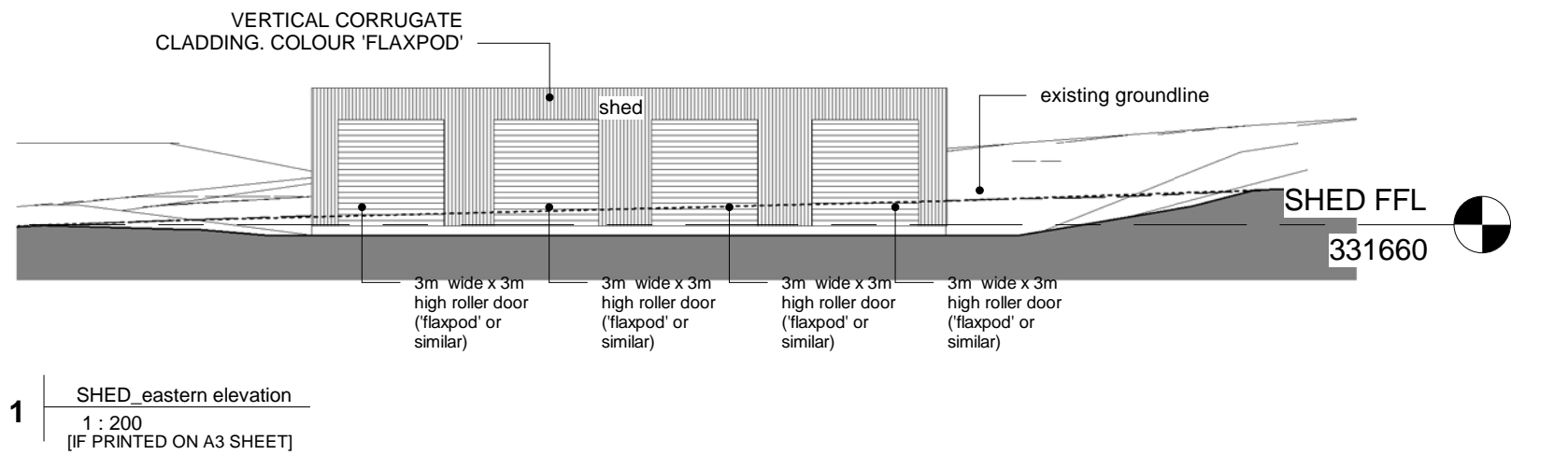


SHUTTER COLOUR (STAINED CEDAR)

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLAN:  
RM160579  
Wednesday, 18 January 2017

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RM160579

Wednesday, 18 January 2017

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Revision Schedule		
Date	No.	Description
02.08.16	1	SHED_FLOOR PLAN DETAIL ADDED

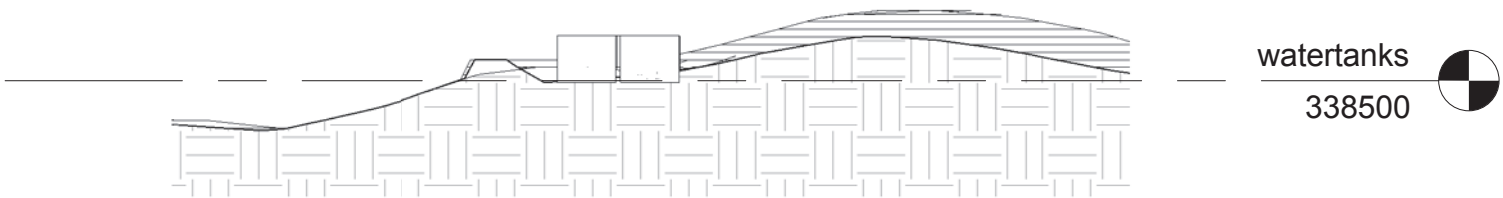
ROYS PEAK LODGE	
ASPIRING ROAD, WANAKA	
GAVIN & JAC GEORGE	
DATE: 02 AUGUST 2016	DIRECTOR IN CHARGE: RM
PROJECT: 15.04	DRAWN: RM

RESOURCE CONSENT APPLICATION	
SHED	
SHEET: RC5.0	REVISION: B

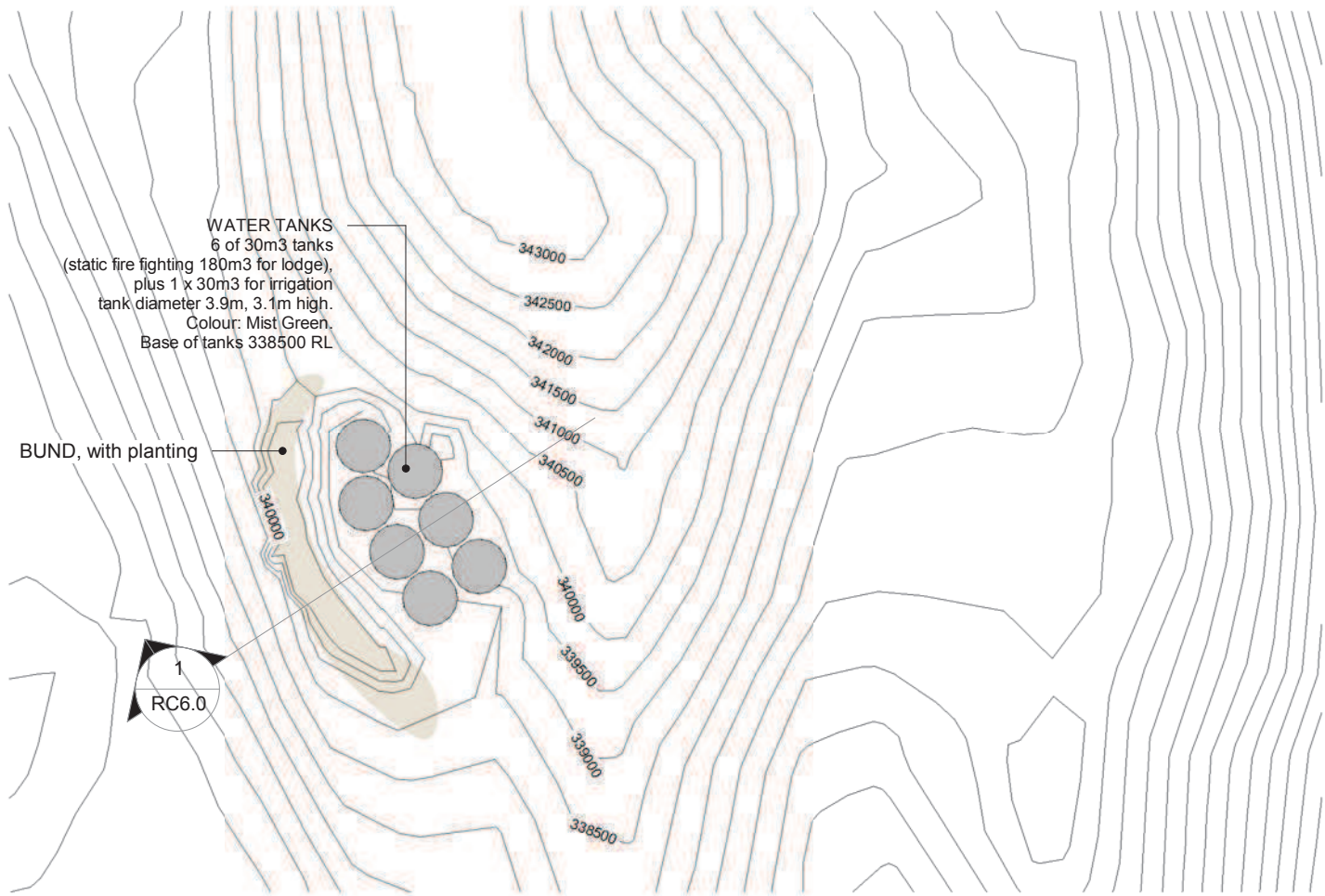
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1 | watertanks\_cross section  
1 : 500  
[IF PRINTED ON A3 SHEET]



2 | 11. water tank area  
1 : 500  
[IF PRINTED ON A3 SHEET]

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM160579

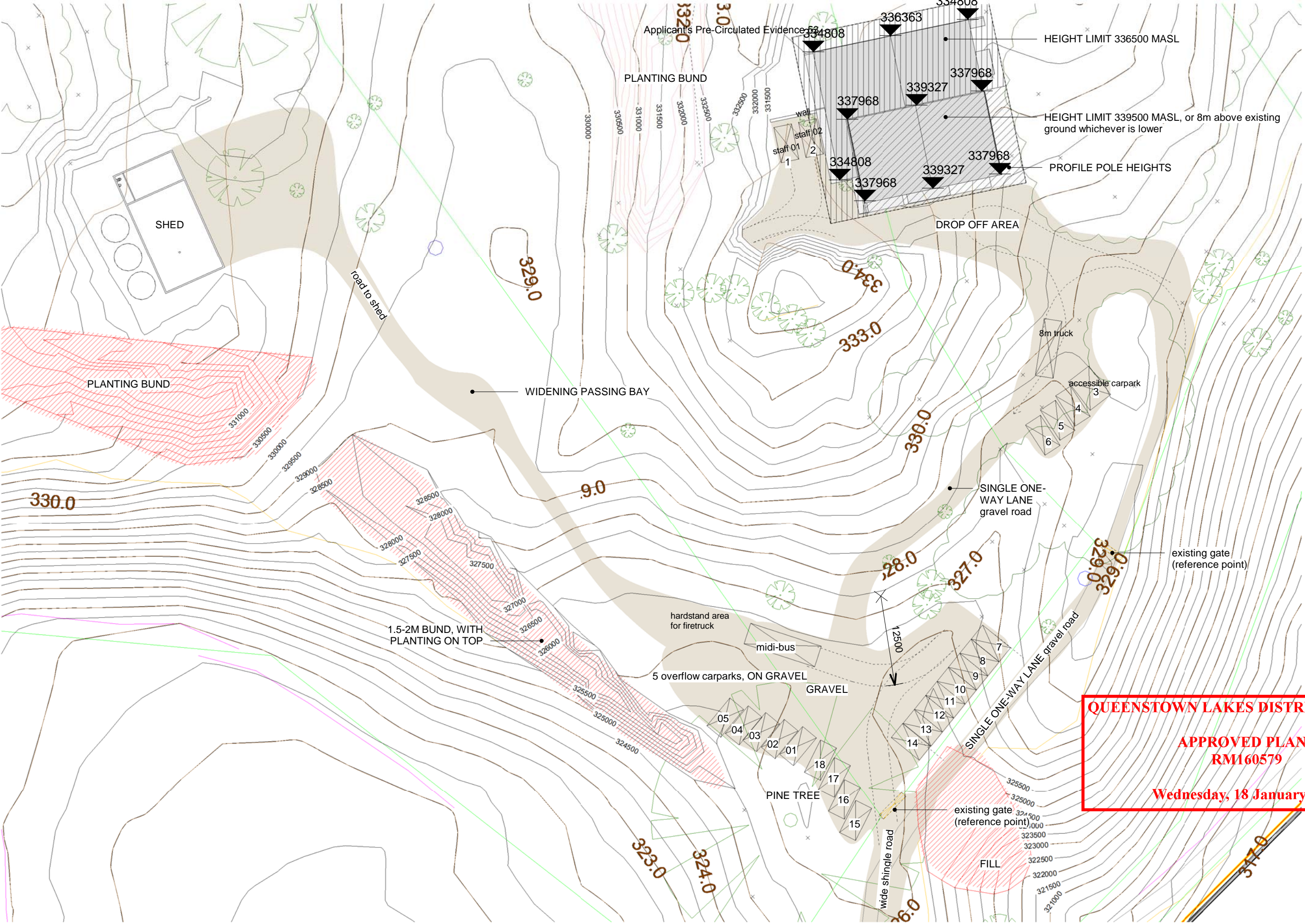
Wednesday, 18 January 2017

notes:  
All work to comply with New Zealand Building Code.  
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			ROYS PEAK LODGE		RESOURCE CONSENT APPLICATION	
Date	No.	Description	ASPIRING ROAD, WANAKA		WATER TANKS	
			GAVIN & JAC GEORGE			
			DATE: 22 JUNE 2016	DIRECTOR IN CHARGE: RM	SHEET: RC6.0	
			PROJECT: 15.04	DRAWN: RM		

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13. carparking & driveway  
1 : 500  
[IF PRINTED ON A3 SHEET]

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APPROVED PLAN:  
RM160579  
Wednesday, 18 January 2017

<div>All work to comply with New Zealand Building Code. Contractor shall verify all dimensions and conditions before commencing work. Do not scale drawing. To be read in conjunction with architectural specification, structural drawings &amp; specification, specific fire reports, services engineer documents, plumbing drawings, and resource and building consent documents and conditions. If you have any questions or need clarification of the contents of these drawings please contact Rafe Maclean Architects. Design &amp; documentation copyright Rafe Maclean Architects Ltd.</div>				ROYS PEAK LODGE		RESOURCE CONSENT APPLICATION			
				ASPIRING ROAD, WANAKA		CARPARKING LAYOUT			
				GAVIN & JAC GEORGE					
				DATE: 14 NOVEMBER 2016		DIRECTOR IN CHARGE: RM			
				PROJECT: 15.04		DRAWN: RM			
			Date	No.	Description	SHEET: RC7.0		REVISION: D	

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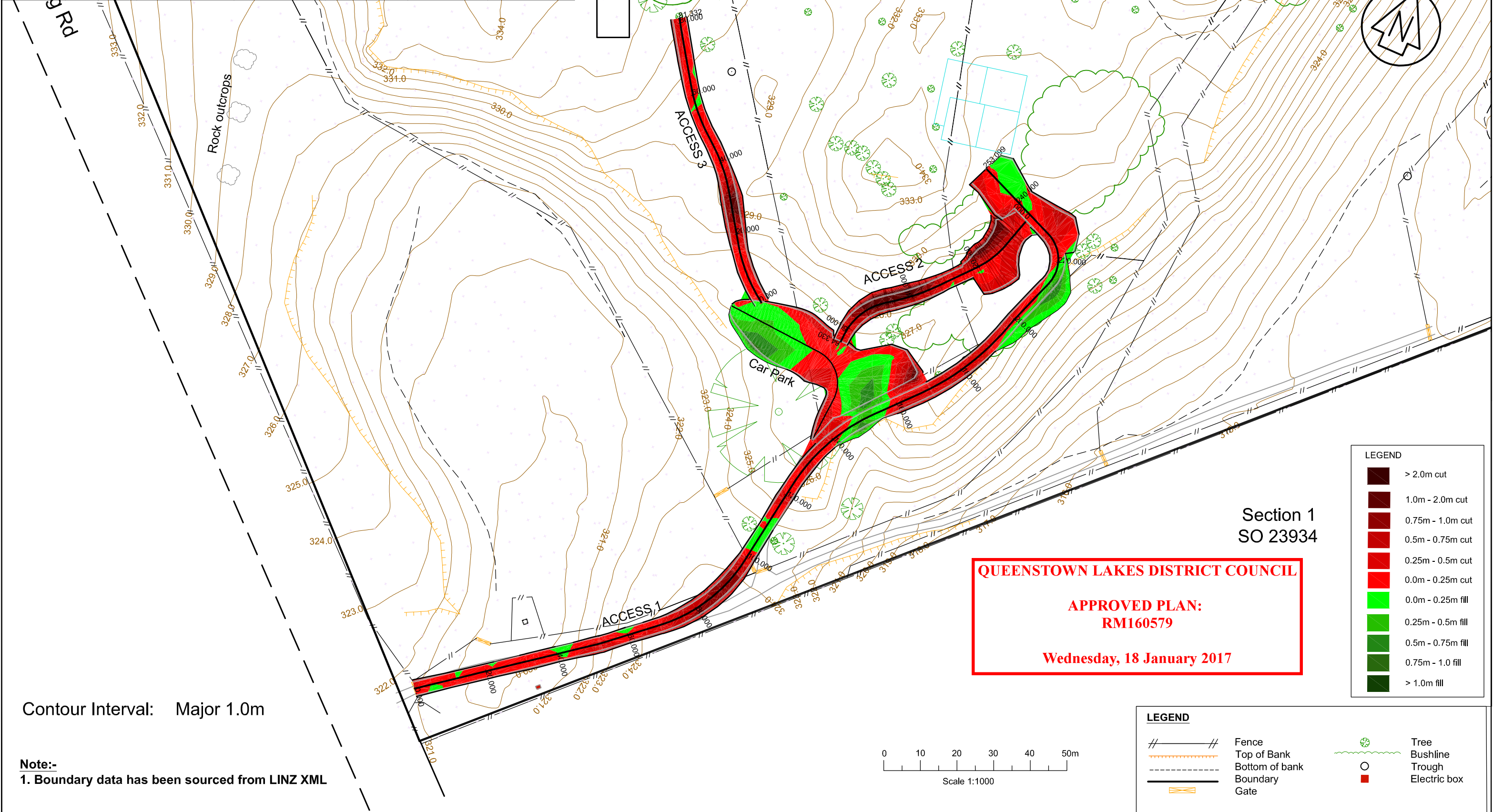
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Earthworks Summary Note: Volumes are calculated between the existing and finished surface.

Location	Area (m²)	Volume Cut (m³)	Volume Fill (m³)	Balance (m³)	Max Cut Depth	Max Fill Depth
Access & Car Park	3,200	770	180	590 (surplus)	1.4m	0.8m

S4130\_E1  
SHEET 1 OF 2



Contour Interval: Major 1.0m

Note:-  
1. Boundary data has been sourced from LINZ XML

LEGEND

	> 2.0m cut
	1.0m - 2.0m cut
	0.75m - 1.0m cut
	0.5m - 0.75m cut
	0.25m - 0.5m cut
	0.0m - 0.25m cut
	0.0m - 0.25m fill
	0.25m - 0.5m fill
	0.5m - 0.75m fill
	0.75m - 1.0 fill
	> 1.0m fill

LEGEND

	Fence		Tree
	Top of Bank		Bushline
	Bottom of bank		Trough
	Boundary		Electric box
	Gate		

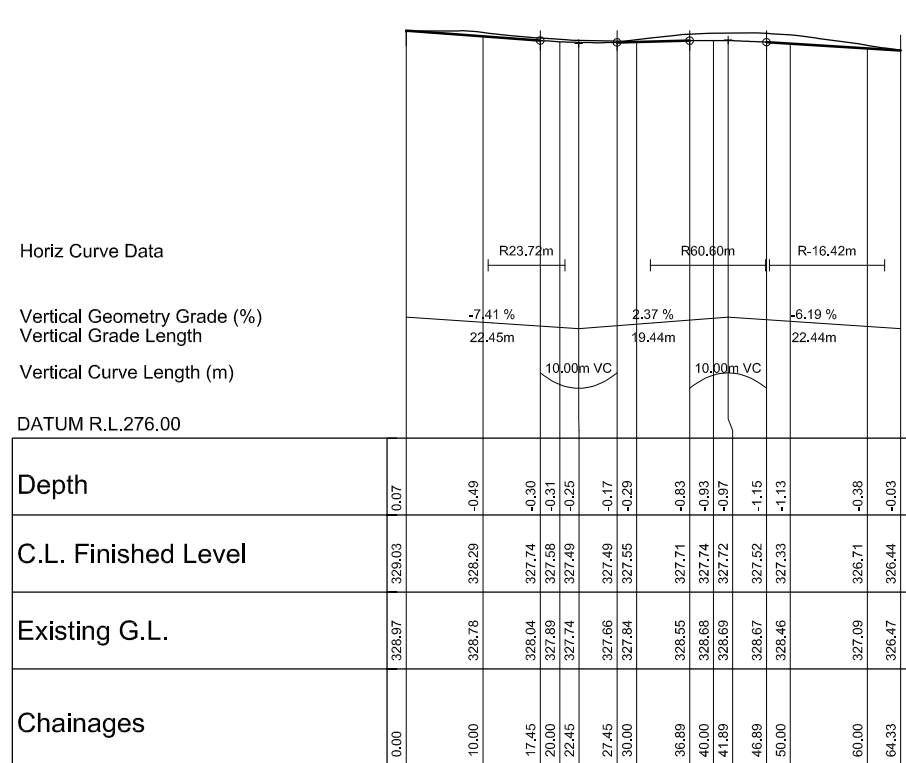


REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	08/08/16

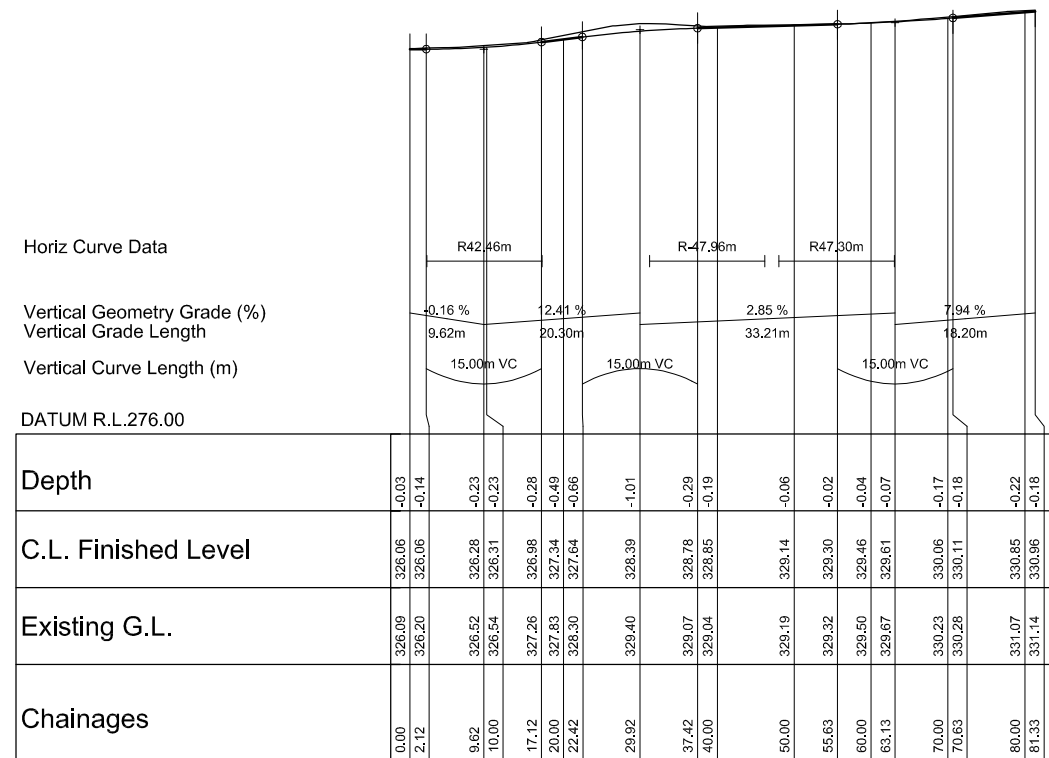
Proposed Access & Car park Earthworks  
Section 2, Blk XIII Lower Wanaka SD

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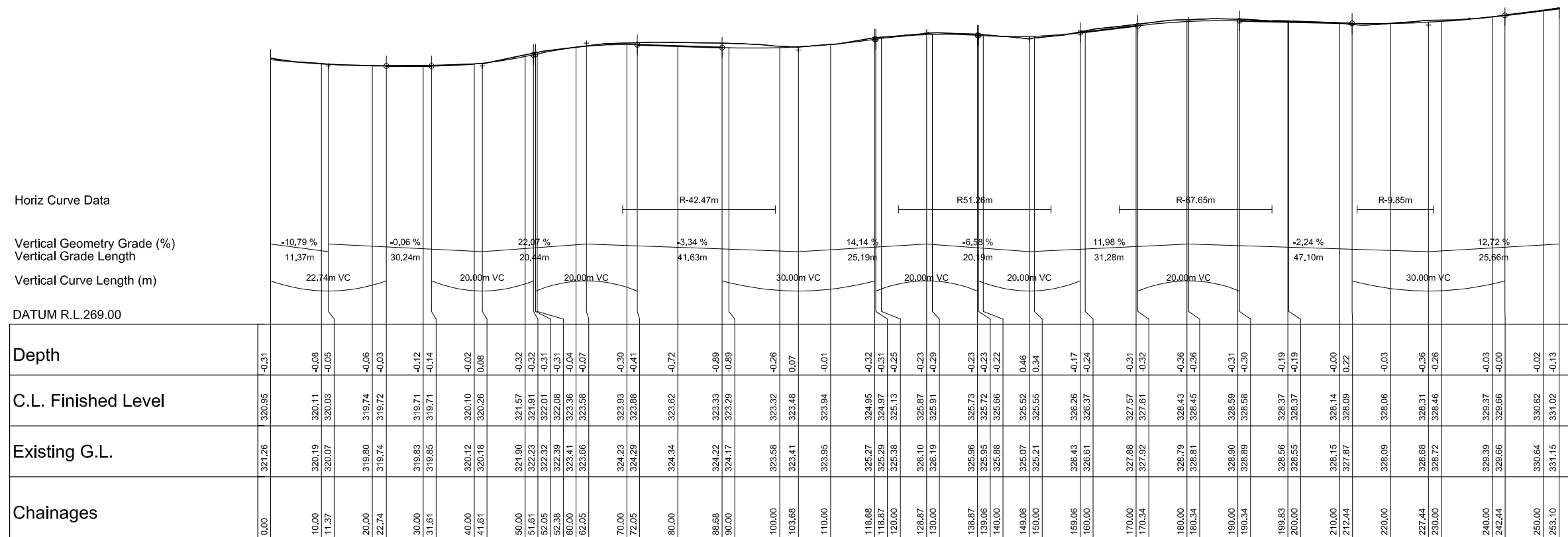
PREPARED FOR George, Gavin & Jacquetta				SCALE 1:1000 @ A3	
				DATUM & LEVEL Lindis Peak 2000 LEVEL IN TERMS OFMSL ORIGIN OIT II SO 13934 RL = 340.14	
SURVEYED BI	DATE 24/09/15	CHECKED LW	DATE 08/08/16	DRAWING REFERENCE S4130_E1	REVISION A
DRAWN LW	DATE 08/08/16	APPROVED LW	DATE 08/08/16		



## Longsection - Access 2



### Longsection - Access 3



Longsection - Access 1

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM160579**

**Wednesday, 18 January 2017**

PREPARED FOR	
--------------	--

George, Gavin &amp; Jacquetta

SCALE  
1:1000 @ A3

DATUM & LEVEL  
Lindis Peak 2000

DRAWING REFERENCE

S4130 E1

A



View lines A1 &amp; A2

View lines B1 &amp; B2

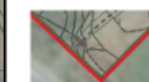
View lines C1 &amp; C2

View lines D1 &amp; D2

View lines E1 &amp; E2

View lines F1 &amp; F2

WATER TANKS  
static fire fighting 180m<sup>3</sup> for lodge  
90m (via underground pipe) to rear  
lodge

**LEGEND**

Property boundary.



Proposed curtilage area.



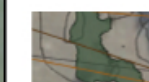
Proposed earth mounds.



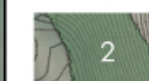
Proposed access ways and car parking.



*Fuscospora cliffortioides* (mountain beech) trees, individually located. When mature (exceeding 8m in height), the five mature conifer trees that they are adjacent to will be removed.



Proposed structural vegetation. Vegetation and management details are outlined in the Structural and Ecological Vegetation Management Plan document.



Proposed ecological vegetation. Vegetation and management details are outlined in the Structural and Ecological Vegetation Management Plan document.

**NOTE:** Existing vegetation on site is not specifically shown on this plan, although it can be seen on the underlying aerial photo (date 3 April 2012). All existing native shrub vegetation on site is proposed to be retained.

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM160579**

**Wednesday, 18 January 2017**



REF: 1097 - LP3  
DATE: 15.11.2016  
SCALE: NOT TO SCALE

**APPENDIX 1:**

**Vegetation Plan - Roy's Peak Lodge**  
**Wanaka - Mt Aspiring Road, Wanaka**

**vivian+espie**  
resource management and landscape planning

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Tel: +64 3 441 4189 Fax: +64 3 441 4190 Web: www.vivianespie.co.nz