



DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Graeme Rodwell
RM Reference:	RM170628
Location:	108 Spence Road, near Queenstown
Proposal:	Land use consent to establish and operate commercial activities including a flooring showroom and offices within an existing barn building; and for a residential unit within an existing building.
Type of Consent:	Land Use Consent
Legal Description:	Lot 2 DP 502589 in RT 753285
Valuation Number:	2907121600
Zoning:	Operative - Rural General Proposed – Wakatipu Basin Rural Amenity Zone/Wakatipu Basin Lifestyle Precinct sub-zone
Activity Status:	Non-Complying Activity
Limited Notification:	1 August 2018
Commissioners:	W D Whitney & R McRobie
Date of Decision:	17 April 2019
Decision:	Granted subject to conditions

A. INTRODUCTION

A.1 Background

1. Mr Graeme Rodwell has applied to the Queenstown Lakes District Council to establish and operate commercial activities, being a flooring showroom and offices, within an existing barn building; and for a residential unit within an existing building that is attached to the barn building complex. The site subject to this application is now described as Lot 2 DP 502589 as held in Record of Title 753285 in the Otago Land Registration District.
2. The site has an area of 3.0285 hectares more or less and is located at the northern end of Spence Road that terminates adjacent to the site. Access to Spence Road is achieved from Lower Shotover Road which in turn is accessed off the Frankton-Ladies Mile Highway (State Highway 6). Spence Road originally formed part of the main road into Queenstown which crossed the old Lower Shotover Bridge that is located to the west of the site.
3. A cluster of small lots and older dwellings are located generally to the south of the subject site to the east of Spence Road. These properties include (working from south to north) the Arnestedt property at 82 Spence Road; the Cole-Bailey property at 92 Spence Road (being the Old Ferry Hotel); the Huckins property at 94 Spence Road; and the Oakes property at 96 Spence Road. Between the subject site and the Oakes property is Lot 1 DP 502589 being a site having an area of 3840m² which includes a residential building platform as consented under RM 151065. The subject site was also created as authorised by the subdivision consent RM 151065 that was granted on 22 August 2016.
4. The subject site and the other properties listed above are located on the true left bank of the Shotover River. This locality is a focal point for cyclists and pedestrians with the Twin Rivers Trail and the Countryside Trail connecting to Spence Road adjacent to the Lower Shotover Bridge. The bridge provides a cycle/pedestrian link across the Shotover River to communities to the west including Quail Rise, Frankton and Queenstown.

A.2 Planning History

5. On 25 September 1989 the Queenstown Lakes District Council granted planning consent under the Town and Country Planning Act 1977 to JW & LN Spence:
 1. To operate a retail outlet for the sale of dried flowers.
 2. To operate guided tours around the gardens, and to view the process of dried flower industry.
 3. To erect two signs which will not be located on the applicant's site.
6. The Spence consent RM 89/26 (or RM 890026) relates to the subject site and is deemed to be a land use consent pursuant to section 383 of the Resource Management Act 1991 (the Act).

7. The Flower Barn business operated at this site during the 1990s as authorised by RM 89/26. The Commission was informed that the Flower Barn was a destination for Japanese tour buses, and that those tourists visited the site daily to view the gardens as well as to buy dried flowers which were brought in and manufactured on site. Mr Rodwell became the Managing Director of Queenstown Dried Flowers when the property was purchased in 1995; and the Flower Barn continued to run until it closed in 2004.
8. The deemed land use consent RM 89/26 has not been withdrawn or cancelled. Accordingly this land use consent remains in place and the activities authorised by RM 89/26 form part of the existing environment.
9. On 22 August 2016 subdivision consent RM 151065 was granted to G Rodwell to undertake a subdivision and to establish a residential building platform. That subdivision was described as being a boundary adjustment subdivision that related to three properties then owned by Mr Rodwell as contained in Computer Freehold Register Identifiers OT 15D/370, OT 75/155 and OT 84/230. As previously noted the subdivision consent RM 151065 authorised the creation of the subject site being Lot 2 RM 151065 (now being Lot 2 DP 502589) as well as Lot 1 (to the south) and Lot 3 (to the west). Lot 1 RM 151065 (now Lot 1 DP 502589) contains the consented residential building platform and Lot 3 RM 151065 (now Lot 3 DP 502589) contains the Rodwell dwelling.
10. RM 151065 is relevant as it authorised the creation of the subject site; and as it contains conditions that are relevant to the mitigation of effects associated with the current proposal. Condition 7a and b of RM 151065 state as follows:

“7. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s221 of the RMA.

- a. The existing vegetation and mounding located in Consent Notice Area E as shown on the approved scheme plan in Condition 1(a) shall be retained and maintained in perpetuity. If any tree becomes diseased or dies it shall be replaced within the next available planting season. The plant height shall be maintained at a minimum of 8.0 metres.*
- b. The existing vegetation located in Consent Notice Area F as shown on the approved scheme plan in Condition 1(a) shall be retained and maintained in perpetuity. If any tree becomes diseased or dies it shall be replaced within the next available planting season. The plant height shall be maintained at a minimum of 4.0m.*

...”

11. Consent Notice Area E and Consent Notice Area F, as referred to in Conditions 7a and b, respectively, require the retention of existing vegetation on Lot 1 DP 502589. This existing vegetation provides screening between the built complex on the subject site and both Spence Road and the Oakes property.

A.3 The Proposal

12. The proposal is for retrospective land use consent to utilise the existing building complex on the site for commercial activity and for a residential unit. The commercial activity comprises professional, commercial and administrative offices and a HARO timber flooring showroom within the former Flower Barn building; with offices also to be located in a part of the building immediately to the rear of the former Flower Barn building. The residential unit is to be located in the remainder of the building to the rear of the former Flower Barn building.
13. It is noted that a suite of conditions have been volunteered by the applicant in the application documentation, in subsequent correspondence and at the hearing, to mitigate effects. The proposal as presented to the Commission at the hearing (and incorporating volunteered conditions) is summarised below:
 - The office and showroom activities and the residential unit will be located within the existing building complex.
 - The office and showroom activities shall only operate between the hours of 0800 and 1800 (8:00am – 6:00pm) Monday-Friday and 0800 – 1400 (8:00am – 2:00pm) on Saturday. There shall be no operation on Sunday.
 - There shall be no more than 20 persons working at the offices/showroom at any one time.
 - The offices shall not be used for any retail or showroom activity, with the exception of the showroom that shall be restricted to a flooring showroom (HARO).
 - In the event that Graeme Rodwell is no longer the owner of the HARO flooring business, consent for the showroom shall lapse.
 - There shall be no more than 25 cars parked on the site at any one time; and if over 15 parking spaces are to be provided a new car park plan shall be provided to the Manager of Resource Management Engineering for certification.
 - There shall be a maximum of two heavy goods vehicle deliveries per week to the site during the next 12 months; and after 12 months no heavy goods vehicle deliveries shall occur to the site.
 - No buses/coaches shall access the site.

- Vehicles in association with the activity consented by RM170628 shall not park on Spence Road.
 - The consent holder shall ensure that all commercial and office activities on the site comply with the following noise limits:
 - a) 0800 to 2000 hrs 50 dB LAeq(15 min)
 - b) 2000 to 0800 hrs 40 dB LAeq(15 min), 70 dB LAFamax
 - The location of water tanks to be such that there is no skyline breach and the tanks are not visible from Spence Road; and the water tanks are to be in natural colours.
 - Total signage visible from Spence Road not to exceed 2m².
 - A landscape plan to be provided that includes the retention of existing vegetation as required by RM 151065 and location of water tanks such that they are not visible from Spence Road.
 - Consent to be granted for a limited term being a maximum period of 10 years from the date of commencement; or prior to the issue of a section 224c certificate for any subdivision of the site, whichever is the sooner.
 - The surrender of the deemed land use consent RC 89/26 prior to the exercise of RM170628.
 - A review condition.
 - Compliance with engineering conditions with respect to services within 60 working days of the commencement of the consent.
14. The Commission confirms that it has assessed the proposal on the basis of the application as lodged and as amended in terms of the conditions offered by the applicant at the hearing.
15. It is noted that an annotated set of proposed conditions was provided by the applicant on 8 April 2019.

A.4 Zoning

Operative District Plan

16. The site is zoned Rural General as shown on Map 31 of the Operative Queenstown Lakes District Plan (Operative District Plan/District Plan).
17. Rule 5.3.3.3i(a) confirms that the addition, alteration or construction of any building is a discretionary activity in the Rural General Zone where not located on a residential building platform. This rule is relevant to the alteration of the buildings for the commercial activities and for the residential unit.

18. Rule 5.3.3.4(a)i confirms that commercial activities (with exceptions that are not relevant in this instance) are non-complying activities in the Rural General Zone.
19. Site Standard 5.3.5.1iii(a) stipulates that the maximum gross floor area of all buildings on the site which may be used for activities other than farming (and other activities listed in that site standard) shall be 100m². A breach of Site Standard 5.3.5.1iii(a) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
20. Site Standard 5.3.5.1iii(b) stipulates that no goods, materials or equipment shall be stored outside a building. A breach of Site Standard 5.3.5.1iii(b) is a restricted discretionary activity in terms of Rule 5.3.3.3xi.
21. Site Standard 14.2.4.2ii stipulates that vehicle crossings providing access to a road in a Rural Zone shall comply with the standards in Appendix 7. A breach of Site Standard 14.2.4.2ii is a restricted discretionary activity in terms of Rule 14.2.2.3ii.

Proposed District Plan

22. Decisions on Stage 2 of the Proposed Queenstown Lakes District Plan (Proposed District Plan) were notified on 21 March 2019. The subject site is to be zoned Wakatipu Basin Rural Amenity Zone and is to be within the Wakatipu Basin Lifestyle Precinct sub-zone in the Proposed District Plan.
23. Commercial activity is a non-complying activity in terms of Rule 24.4.23 of the decisions version of Stage 2 of the Proposed District Plan.
24. It appears that the residential unit is also a non-complying activity in terms of Rule 24.4.1 of the decisions version of Stage 2 of the Proposed District Plan.
25. The Commission was advised that the appeal period for the Stage 2 decisions on the Proposed District Plan expires on or about 7 May 2019.
26. Section 86B(1) of the Act confirms that a rule in a proposed plan has legal effect once a decision on submissions relating to the rule is made and publicly notified. As a consequence the Commission has considered the proposal in terms of the rules of both the Operative District Plan and the Proposed District Plan.

A.5 Submissions

27. Four submissions were received within the statutory submission period which closed on 29 August 2018. The submissions by Hans & Dorothy Arnestedt, Mitzi & Dan Cole-Bailey, Leslie & Lesley Mary Huckins and Robert & Joy Oakes all oppose the proposal.
28. The Commission has given consideration to all submissions received in response to the application.

A.6 Reports and Hearing

29. The Commission has had the benefit of a planning report dated 7 March 2019 prepared by Ms Erin Stagg, a Senior Planner with the Queenstown Lakes District Council; a Landscape Assessment report prepared by Ms Helen Mellsop, Consultant Landscape Architect, dated 24 August 2017; and an Engineering Report prepared by Ms Stella Torvelainen a Land Development Engineer with the Queenstown Lakes District Council dated 13 February 2017.
30. At the hearing on Friday 29 March 2019 the Commission was assisted by Ms Stagg. Mr Denney (a Consultant Landscape Architect with DLA) and Mr Michael Wardill (a Resource Management Engineer with the Queenstown Lakes District Council) also attended the hearing to provide assistance to the Commission as Ms Mellsop and Ms Torvelainen were unavailable. Ms Charlotte Evans, Planning Support with the Queenstown Lakes District Council, provided administrative support at the hearing.
31. Prior to the hearing the Commission had the opportunity to consider the application and supporting material; the submissions; the section 42A report and appendices thereto; and the pre-circulated written evidence prepared by Mr Rodwell and Ms Millton for the applicant. In the company of Ms Stagg the Commission conducted a site inspection on the morning of the hearing on 29 March 2019.
32. At the hearing the applicant was represented by Mr Warwick Goldsmith, Barrister; Mr Rodwell (being the applicant); and Ms Lucy Millton, Resource Management Planning Consultant and Director of LM Consulting Limited. Mrs Vicky Rodwell was also in attendance.
33. Several submitters also appeared at the hearing. Mrs Joy Oakes & Mr Robert Oakes appeared in support of their submission; Mr Arnestedt appeared in support of the submission by Hans & Dorothy Arnestedt, with Mrs Arnestedt also being in attendance; and Mr Dan Cole-Bailey appeared in support of the submission by Dan & Mitzi Cole-Bailey, with Mrs Cole-Bailey also being in attendance. Les & Lesley Huckins advised in an email dated 10 March 2019 that they were not able to attend the hearing as they were to be overseas on 29 March 2019.
34. The planning, landscape and engineering reports were taken as read and Mr Denney, Mr Wardill and Ms Stagg were invited to comment following the presentation of the evidence. Of particular note is that Ms Stagg, following her further consideration of the submissions and evidence presented at the hearing, now recommends that land use consent be granted.

35. During his reply Mr Goldsmith noted that additional information was to be provided by 5 April 2019. This included confirmation of legal descriptions; a plan showing vegetation to be retained (and the location of water tanks); and a revised set of draft conditions. Leave was subsequently granted for this information to be lodged by 8 April 2019; and the Commission confirms that the additional information was received on that date. Following Mr Goldsmith's reply on 29 March 2019 the hearing was adjourned.

A.7 Principal Issues in Contention

36. The principal issues in contention are whether the effects on the environment of permitting the proposed land use activity on the subject site are greater than minor; whether such activity is contrary to the objectives and policies, particularly of the Operative District Plan; and whether a significant precedent would result if land use consent was granted.

B. EFFECTS ON ENVIRONMENT

B.1 Permitted Baseline

37. Farming activities, viticultural activities, horticultural activities, planting (with specific exclusions), fencing and earthworks which do not breach the site standards contained within Site Standards 22.3.3i-viii are permitted activities in the Rural General Zone. Within the Rural General Zone signs that are not visible from a road or any public place are permitted activities, as they are specifically excluded from the definition of a Sign as presented in the Definitions in the Operative District Plan.

B.2 Existing Environment

38. The activities authorised by deemed land use consent RC 89/26 form part of the existing environment as that consent has not been withdrawn or cancelled. It is noted, in particular, that RC 89/26 authorises the operation of a retail outlet for the sale of dried flowers, the operation of guided tours around the gardens and viewing the processing of the dried flower industry.
39. No conditions are stated in RC 89/26 that limit the vehicle movements and types of vehicles associated with the activities authorised by that deemed land use consent; that limit the number of persons engaged in those activities; and that limit the hours of operation of those activities. In essence the Flower Barn operation could be recommenced on the subject site at any time; subject only to the limited conditions of consent stated in RC 89/26. It is important to note that the scale of the Flower Barn activities, (for example, in terms of the number and type of traffic movements) could (and probably would, given the growth in tourism numbers to the Wakatipu) exceed the level apparent when the Flower Barn was previously in operation until its closure in 2004.

B.3 Affected Persons Approvals

40. Ms Millton provided affected persons approvals that have been received from Timothy Hamilton Hutchinson, John Bruce Tavendale and Anna Hutchinson for the Anna Hutchinson Family Trust; and from Graham Douglas Sim & Lynne Anderson Sim. These affected persons approvals are from the owners of properties located at 63 & 75 Lower Shotover Road, respectively.

B.4 Assessment Matters

41. The Queenstown Lakes District Plan became fully operative on 10 December 2009. The Operative District Plan contains assessment matters in Parts 5 and 14 that are relevant to development in the Rural General Zone.
42. Ms Stagg's report has assessed the effects of the activity in terms of the relevant assessment matters. This approach is appropriate in this instance, and the Commission has assessed the actual and potential effects of the proposed activity having regard to the relevant assessment matters, particularly those presented in Part 5 of the Operative District Plan.

B.5 Part 5

43. Clause 5.4.2.1 advises that there are three steps in applying the assessment criteria. These include Step 1 – Analysis of the Site and Surrounding Landscape, Step 2 – Determination of Landscape Category and Step 3 – Application of the Assessment Matters.
44. Ms Mellsop has confirmed that the landscape which the site is a part of is appropriately classified as a Visual Amenity Landscape (VAL). The Commission has determined that the proposal should be assessed on the basis of being in a VAL. The area is immediately adjacent to the true left bank of the Shotover River which in Ms Mellsop's opinion is appropriately classified as an Outstanding Natural Feature (ONF) of the District.
45. Clause 5.4.2.2(3) contains assessment matters that apply to development in the Rural General Zone on land categorised as VAL. Two of these assessment matters, being 5.4.2.2(3)(a) and (b), were presented at Appendix 5 to Ms Stagg's report. The Commission notes that Ms Stagg has listed various actual and potential effects on the environment in her section 42A report, having regard to, but not limited to, the assessment matters stated in the District Plan. Given that no new buildings are to be constructed as part of the proposal the Commission considers that it is appropriate to address the effects of the proposal adopting the headings contained in Ms Stagg's report, rather than discussing the proposal in terms of each of the detailed assessment matters listed in clause 5.4.2.2(3), many of which relate primarily to providing for new built development. For the avoidance of doubt the Commission confirms that it has considered the proposal in terms of the assessment matters listed in the Operative District Plan.

B.6 Scale and Nature of Activities

46. The existing environment includes the activities authorised by the deemed land use consent RM 89/26. The Commission considers that it is appropriate to have regard to the actual and potential effects associated with those activities when considering the current application.
47. The application is to use existing buildings on the site for professional, commercial and administrative offices and for the HARO showroom. Up to 20 persons are to be permitted to work at any one time; and no more than 25 cars are to be parked at the site. Traffic movements will be associated with the proposed activity; these movements occurring on Spence Road (and the wider roading network). There is to be a limit of two heavy goods vehicle deliveries per week for up to 12 months; with no heavy good vehicle movements thereafter. No coaches or buses are permitted to visit the site. Limits are to be imposed on the hours of operation.
48. Mr Rodwell has estimated the average number of vehicle movements per day (including for the residential unit) as being 38; with a maximum of 64 vehicle movements per day. This contrasts with the Flower Barn operation in 2003 which Mr Rodwell estimates attracted an average of 64 vehicle movements per day; and a maximum of 98 vehicle movements per day. Mr Rodwell has noted that a future Flower Barn type business could attract 64-84 vehicle movements per day on average; and a maximum of 114-144 vehicles movements per day.
49. Again it is noted that RC 89/26 does not limit the number or type of vehicle movements, the number of persons working at the site, or the hours of operation.
50. Vehicle movements associated with the Flower Barn could well include heavy vehicle movements associated with bringing flowers to the site for sale or processing; coaches or buses bringing groups of tourists and visitors to the site; and vehicles used by staff and customers visiting the property.
51. Mr Rodwell has noted that 12 persons could be employed at the Flower Barn; and that the Flower Barn would operate as a 7 day business, year round.
52. Any effects in terms of the scale and nature of the proposed activities will be less than those that can be anticipated in the existing environment being those associated with the activities authorised by the deemed land use consent RM 89/26. Accordingly the Commission has concluded that any effects of the current proposal in terms of the scale and nature of the activity will be no more than minor.

B.7 Landscape Effects

53. No new buildings are to be constructed in relation to the proposed activities. A portion of the former Flower Barn building is visible from Spence Road at the site entrance; albeit that the building complex is not visible from Spence Road further to the south of the site.
54. As noted above Condition 7a) and b) of RM 151065 are subject to a consent notice registered on the Record of Title for Lot 1 DP 502589; and the effect of these conditions is to provide substantial screening of the building complex from Spence Road and from the Oakes property at 96 Spence Road.
55. Given the level of existing vegetative screening of the buildings and carpark areas from Spence Road and neighbouring sites, Ms Mellsop does not consider that the commercial activities and the carparking north and south-west of the buildings would have any more than a low level of adverse effects on the visual amenities of the area.
56. Ms Mellsop noted that the carparking that could be established immediately north of the residential unit would appear to require some earthworks; and that cars parked in this area could be visible from parts of the elevated neighbouring properties to the east, being 63 & 75 Lower Shotover Road, albeit that the parked vehicles would not be visible from the dwellings or dwelling curtilages on those properties. Ms Mellsop recommended that the number and location of carparks be limited in order to limit the visual impact of activities on the site; or in the alternative that any larger carpark area to the north-east of the buildings should be appropriately screened by vegetation.
57. As noted above Ms Millton has now provided affected persons approvals from the owners of 63 & 75 Lower Shotover Road. Given that these affected persons approvals have been provided the consent authority must not have regard to any effect on those persons pursuant to section 104(3)(a)(ii) of the Act.
58. The Commission is satisfied that any adverse effects in relation to landscape matters, including any visual effects associated with carparking to the north of the residential unit, will be no more than minor.

B.8 Signage

59. Several small signs are displayed on a sign board type structure at the entrance to the site off Spence Road. From the site entrance two signs are visible on the façade of the barn building being a "HARO" sign and a "Kinsfolk" sign.
60. The signs visible from a road or any public place are not to exceed 2m². Accordingly the signs are a permitted activity in terms of Rule 18.2.3 and Table 2 of the Operative District Plan.
61. The proposed signs are consistent with the permitted baseline and any effects associated with the signs are considered to be less than minor.

B.9 Access, Parking and Servicing

62. Access is to be achieved from Spence Road utilising an existing driveway that is subject to right of way easements on DP 502589. Ms Torvelainen is satisfied that the access is adequate notwithstanding that it does not comply with Site Standard 14.2.4.2ii.
63. On-site parking is proposed and no vehicles associated with the residential unit or the office and showroom activity are to park on Spence Road. The provision of parking for up to 15 vehicles was assessed by Ms Torvelainen; and any parking to be provided over 15 spaces (and with a maximum of 25 carparking spaces) is to be subject to certification by the Council's Manager of Resource Management Engineering, to ensure that the carparking design and access meets the Council's standards.
64. Condition 7d) of RM 151065, which is subject to a consent notice, advises that Lot 2 RM 151065 (now being the subject site, Lot 2 DP 502589) has not been provided with services at the time of subdivision and has not been assessed as being suitable for residential development.
65. Water is provided to the development through a water take from the Shotover River. Ms Torvelainen is satisfied that the potable water supply for the development is adequate, subject to a condition with respect to providing a treated supply. Based on advice from Fire & Emergency New Zealand fire-fighting water supply comprising 45,000 litres of water tank capacity is to be provided. The applicant is agreeable to conditions with respect to water supply and fire fighting water storage, as recommended by Ms Torvelainen.
66. A wastewater treatment system has been installed on the site and Ms Torvelainen advises that this is in accordance with NZS 1547:2012 if water reduction fixtures are installed in the residential unit. Ms Torvelainen is also satisfied with the provision of stormwater disposal, power and telecommunications.
67. The Commission is satisfied that any effects in terms of access, parking and servicing will be no greater than minor and can be mitigated by adherence to appropriate conditions of consent as recommended by Ms Torvelainen and/or as volunteered by the applicant.

B.10 Positive Effects

68. The proposal will have positive effects on the environment. In particular it is noted that the deemed land use consent RM 89/26 is to be surrendered and the Commission is satisfied, as a consequence, that any adverse effects of the proposal on the submitters and on any other persons will be substantially less than those likely to be associated with the activities authorised by RM 89/26. It is again noted in this context that no conditions are applied in RM 89/26 that restrict the number of type of vehicle movements, the number of persons engaged or the hours of operation of the Flower Barn operation. This contrasts with the current proposal that will have heavy goods vehicle deliveries restricted (and ultimately cease); a maximum of 20 persons working at any one time; and hours of operation restricted to 8:00am – 6:00pm Monday to Friday, 8:00am – 2:00pm on Saturday, with no office or showroom activities permitted on Sunday.
69. The Commission also notes in the context of positive effects the condition that has been offered to restrict the term of the consent to a maximum of 10 years. This contrasts to the existing consent authorised by RM 89/26 that has no lapsing date attached to it.
70. The proposal will also have a positive effect as it enables the physical resource represented by the existing building complex to be utilised.

B.11 Summary : Effects and Assessment Matters

71. The Commission finds that the adverse effects of the proposal are no greater than minor having regard, in particular, to the existing environment associated with activities authorised by the deemed land use consent RM 89/26. Furthermore the Commission considers that any adverse effects can be satisfactorily mitigated through adherence to conditions of land use consent including those volunteered by the applicant. The proposal is considered to be appropriate having regard to the relevant assessment matters stated in Parts 5 and 14 of the Operative District Plan.

C. THE QLDC DISTRICT PLAN: OBJECTIVES AND POLICIES

72. Parts 4, 5 and 14 of the Operative District Plan contain objectives and policies for the whole district being District Wide, for Rural Areas and in relation to Transport, respectively. The objectives and policies from Parts 4, 5 and 14 have been discussed in Ms Stagg's section 42A report, and to a large degree the objectives and policies relate to matters already discussed above in the context of the effects and assessment matters. It is neither desirable nor necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing the Commission's analysis of this application.

C.1 Part 4

73. Part 4.2 of the Operative District Plan relates to Landscape and Visual Amenity. Clause 4.2.4(3) confirms that the Visual Amenity Landscapes (VAL) are those landscapes which wear a cloak of human activity much more obviously [than outstanding natural landscapes] being pastoral or arcadian landscapes with more houses and trees, greener (introduced) grasses; and VAL tend to be on the District's downlands, flats and terraces. The key resource management issues for VAL are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and to enable alternative forms of development where there are direct environmental benefits.

74. Objective 4.2.5 is:

“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.”

75. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of development; Policy 4 which relates to Visual Amenity Landscapes; Policy 6 that relates to Urban Development; Policy 8 that relates to Avoiding Cumulative Degradation; and Policy 17 that relates to Land Use.

76. Policy 1 – Future Development – is to avoid, remedy or mitigate the effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation; to encourage development and/or subdivision to occur in areas of the District that have a greater potential to absorb change without detracting from landscape and visual amenity values; and to ensure that subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

77. In this instance the site and surrounding area is not vulnerable to further degradation and can absorb additional change. This policy is therefore satisfied in this instance.

78. Policy 4 – Visual Amenity Landscapes states as follows:

“4. Visual Amenity Landscapes

(a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:

- highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and***
- visible from public roads.***

- (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above.”*

79. It is again noted that the activity is to occur within the existing building complex. Furthermore those buildings are not highly visible from public places albeit that a building is visible, in part, from Spence Road immediately adjacent to the entrance to the site. It is also noted that vehicles are able to be parked within the site such that they will not be highly visible from public places and other places frequented by the public, or be visible from public roads. In all of the circumstances the Commission considers that this policy is satisfied in this instance.
80. Policy 6(b) is to discourage urban development in the visual amenity landscapes of the District. The Commission notes, in the context of this policy, that the activity is to occur within an existing building complex; and that the activity is to be subject to a suite of conditions that will limit the nature and scale of the activity. The Commission notes that consent is sought for a limited period; and this is also relevant to this policy. The Commission concludes that the proposal is inconsistent with this policy but only to a limited degree.
81. Policy 6(d) is to avoid, remedy and mitigate the adverse effects of urban development in VALs by avoiding sprawl and development along roads. The Commission concurs with Ms Stagg that the proposal does not constitute sprawl along the road and also that the activity will not be highly discernible from the road. In all the circumstances the Commission considers that the proposal is not contrary to this policy.
82. In terms of Policy 8 – Avoiding Cumulative Degradation – the Commission acknowledges that the proposal is to utilise an existing building complex and considers that any adverse effects on landscape values and in terms of over domestication of the landscape will be less than minor. In terms of Policy 8(b) the proposal is consistent with encouraging sympathetic development given that the adverse effects associated with the activity are more limited than those that can be anticipated in the existing environment in terms of the activities authorised by RM 89/26.
83. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. Ms Stagg has noted that the subject site is not located in a landscape with an open character at present and that the proposed development, which relates to the use of the existing building complex, will not adversely affect open character or the coherence of the landscape. The Commission concurs with Ms Stagg that the proposal is consistent with this policy.

84. Part 4.9 of the Operative District Plan relates to Urban Growth. Objective 4.9.3.1 and its relevant supporting policy state as follows:

Objective 1 – Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Policies ...

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*

...”

85. In this instance the proposed development, which is to occur in an existing building complex, will not significantly affect visual amenity and is not located in a landscape with outstanding quality. The objective and policy are satisfied in this instance.
86. Objective 4.9.3.4 and the associated relevant policies state as follows:

“Objective 4 – Business Activity and Growth

A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

Policies:

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*

...”

87. In this instance the offices and showroom are proposed in a locality that is removed from the town centres and surrounding residential environments. Policy 4.1 promotes town centres as the principal foci for commercial activities, and the Commission considers that, in this instance, the nature and scale of the activity proposed is limited; and the Commission considers that providing for the use of the existing building complex for a limited period, as proposed, will not be contrary to Objective 4.9.3.4 and its associated policies.

88. Objective 4.9.3.7 and its associated policies state as follows:

“Objective 7 – Sustainable Management of Development

The scale and distribution of urban development is effectively managed.

Policies:

...

- 7.2 *To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.*

...

- 7.5 *To avoid sporadic and/or ad hoc urban development in the rural area generally. To strongly discourage urban extensions in the rural areas beyond the Urban Growth Boundaries.*

...

89. Policy 7.2 is to provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka. The Commission simply notes that this policy does not require that all urban development is concentrated within those two urban centres.
90. The Commission has given careful consideration to whether the proposed activity constitutes sporadic and/or ad hoc urban development in terms of Policy 7.5. Again it is noted that the offices and showroom are to be accommodated within the existing building complex that exists on the site. Notwithstanding this the Commission has concluded that the proposal does represent sporadic and/or ad hoc urban development, albeit at a limited scale.
91. While the proposal is contrary to Policy 7.5 it is appropriate to again acknowledge the nature and scale of the proposed activity when compared to the existing environment that results from the activities authorised by RM 89/26. It is also appropriate to acknowledge that the deemed land use consent RM 89/26 is to be surrendered; and that land use consent for the offices and showroom is sought for a limited term only.
92. The Commission has concluded that while the proposal is contrary to Policy 7.5 there are significant countervailing factors that are relevant in this instance (as discussed above).
93. There are no other objectives and policies stated in Part 4 that are of any particular relevance in this instance.

C.2 Part 5

94. Part 5 of the Operative District Plan contains objectives and policies that specifically relate to Rural Areas. Objective 1 and its associated policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area:

“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.”*
95. In terms of Policy 1.1 the district wide landscape objectives and policies have been considered fully above. In terms of Policies 1.2 and 1.3 the proposal is to utilise an existing building complex, and the soil resource and the potential value of the land for rural productive activities will not be compromised.
96. In terms of Policy 1.4 the activity is not based on the rural resources of the area; and the Commission is satisfied that the activity will not adversely impact the character of the rural area at Spence Road having regard to the extent of screening that is provided by existing vegetation (including that protected by a condition subject to a consent notice registered on the Record of Title for Lot 1 DP 502589) and having regard to the existing environment including the adverse effects associated with the activities authorised by the deemed land use consent RM 89/26.

97. The Commission also considers that the proposal is consistent with Policies 1.6, 1.7 and 1.8 again acknowledging that an existing building complex is to be utilised and having regard to the matters discussed above, including conditions volunteered by the applicant.
98. Objective 3 and associated policies seek to avoid, remedy or mitigate adverse effects of development and activity on rural amenity:

“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.*
- ...
- 3.3 *To avoid, remedy or mitigate adverse effects of activities located in rural areas.*
- ...
- 3.5 *Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.*
- ...”

99. While Policy 3.1 relates to rural activities; it is again appropriate to acknowledge that substantial traffic generation could occur from the subject site associated with activities authorised by RM 89/26. While the proposed activity will result in traffic generation beyond what would generally be anticipated for a typical rural use; such traffic generation is anticipated to be less than that which could occur within the existing environment in terms of the deemed land use consent RM 89/26.
100. The Commission has considered Policy 3.3 having regard to the existing environment and to the nature and scale of the proposal. A suite of conditions have been volunteered which, in combination, will serve to ensure that the proposed activity will have adverse effects that are less than those associated with activities authorised by the deemed land use consent RM 89/26. It is also noted in this context that RM 89/26 is to be surrendered; and that land use consent is sought for a limited term only. The Commission is satisfied that the proposal is consistent with Policy 3.3.
101. Policy 3.5 is relevant as a residential unit is proposed within the existing building complex. Given that the building that is to accommodate the residential unit exists and given that Lot 1 DP 502589 being the adjacent property with a residential building platform is owned by the applicant (who is deemed to have provided affected persons approval), the Commission considers that Policy 3.5 is satisfied.

C.3 Part 14

102. Part 14 contains objectives and policies with respect to Transport. The Commission considers that the proposal is consistent with the objectives and policies that relate to the efficiency, safety and the environmental effects of the transportation system of the District. Ms Torvelainen's Engineering Report has confirmed that she is satisfied with respect to access and parking; and it is again noted that no parking associated with the residential unit or the offices and showroom is to be permitted on Spence Road. The Commission also considers that the objectives and policies with respect to Transport should be considered in light of the activities permitted in terms of RM 89/26.
103. In all the circumstances the Commission concurs with Ms Stagg that the proposal is consistent with the objectives and policies stated in Part 14 of the Operative District Plan.

C.4 Summary: Operative District Plan Objectives and Policies

104. The Commission finds that while the proposal is contrary to a limited number of specific policies presented in Part 4; but that the proposal is consistent with the majority of the objectives and policies presented in Parts 4, 5 and 14 of the Operative District Plan that are relevant to the application. The Commission has concluded that this is not a location in the VAL where the proposed activity is inappropriate in terms of Clause 1.5.3iii(iv) of the Operative District Plan.

D. PROPOSED DISTRICT PLAN

105. Stage 1 of the Proposed District Plan was publicly notified on 26 August 2015 and has proceeded to the appeals stage. Stage 2 of the Proposed District Plan was notified on 23 November 2017 and decisions on submissions on Stage 2 were notified on 21 March 2019.

D.1 Stage 1 Proposed District Plan

106. Ms Stagg has considered the proposal in terms of the objectives and policies contained in Chapters 3 and 6 in Stage 1 of the Proposed District Plan; and the relevant objectives and policies were presented to the Commission in Appendix 6 to her section 42A report.
107. The Commission does not propose to reproduce these objectives and policies or to discuss them in any detail. The Commission simply notes that the proposal is not contrary to the objectives and policies stated in Chapters 3 and 6 in Stage 1 of the Proposed District Plan. This conclusion has been reached having regard to the nature and scale of the proposed activity and the existing environment which includes the adverse effects of the activities permitted in terms of the deemed land use consent RM 89/26.

D.2 Stage 2 Proposed District Plan

108. The objectives and policies presented in the decisions version of Stage 2 of the Proposed District Plan were provided to the Commission at the hearing. Again, having regard to the nature and scale of the proposed activity and the existing environment as provided for in terms of RM 89/26, the Commission does not consider that the proposal is contrary to those objectives and policies presented in Chapter 24 and Chapter 29 in Stage 2 of the Proposed District Plan.
109. The Commission notes that given the inchoate status of the provisions of the Proposed District Plan (particularly Stage 2) limited weight can be given to these provisions at this stage. The Commission concurs with Ms Stagg that the objectives and policies of the Operative District Plan must be given more weight than the objectives and policies of the Proposed District Plan.

D.3 Summary : Proposed District Plan Objectives and Policies

110. The Commission has concluded that the proposal will not be contrary to the objectives and policies of the Proposed District Plan.

E. SECTION 104D

111. Section 104D of the Act stipulates that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –

- The adverse effects of the activity on the environment will be minor; or
- The application is for an activity that will not be contrary to the objectives and policies of both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

112. In this instance the Commission is satisfied that the adverse effects of the activity on the environment will be minor; and that when consideration is given to the relevant objectives and policies as a whole, the activity will not be contrary to the objectives and policies of the Operative District Plan and the Proposed District Plan.

113. The Commission therefore concludes that the proposal passes through both of the gateways specified in section 104D of the Act.

F. REGIONAL POLICY STATEMENT, PROPOSED REGIONAL POLICY STATEMENT AND PARTIALLY OPERATIVE REGIONAL POLICY STATEMENT

114. The Regional Policy Statement for Otago became operative on 1 October 1998. Decisions on submissions on the Proposed Regional Policy Statement were issued on 1 October 2016; and the Partially Operative Regional Policy Statement for Otago became operative on 14 January 2019.

115. Objectives and policies from the Operative Regional Policy Statement and from the decisions version of the Proposed Regional Policy Statement are presented in Appendix 7 to Ms Stagg's section 42A report. Amendments resulting from the consent orders of the Environment Court are included in the provisions of the Proposed Regional Policy Statement, as produced by Ms Stagg. In some instances it is noted that these provisions are now operative as they form part of the Partially Operative Regional Policy Statement.
116. The Commission notes that the objectives and policies contained in the Operative Regional Policy Statement, the Proposed Regional Policy Statement and the Partially Operative Regional Policy Statement are expressed in general terms and are therefore of limited assistance in assessing the current proposal. The Commission notes, however, that the objectives and policies of the Operative Regional Policy Statement are given effect to through the Operative District Plan.
117. Again the Commission considers that the nature and scale of the proposal and the existing environment, including the activities authorised by RM 89/26, are relevant when assessing the proposal in terms of the regional objectives and policies.
118. The Commission has concluded that the proposal will not be contrary to the objectives and policies of the Operative Regional Policy Statement, the Proposed Regional Policy Statement and the Partially Operative Regional Policy Statement.

G. RELEVANT PROVISIONS OF OTHER PLANNING DOCUMENTS

119. Section 104(1)(b) of the Act directs that the consent authority have regard to the relevant provisions of a national environmental standard; a national policy statement; and any plan or proposed plan (which includes a regional plan).
120. None of these other statutory planning documents have any particular relevance to the current proposal.

H. OTHER MATTERS

121. Section 104(1)(c) of the Act requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.
122. Precedent is a matter of relevance in terms of section 104(1)(c) given that land use consent is sought for a non-complying activity.

123. The Commission has given consideration to whether granting consent to the proposal will establish a significant precedent. In this instance the existing environment includes activities authorised by the deemed land use consent RM 89/26; and this consent is to be surrendered if consent is granted to the current application. Furthermore the nature and scale of the proposed activity will have more limited adverse effects than activities permitted in the existing environment (by RC 89/26). There will be almost a complete absence of adverse landscape effects given that an existing building complex is to be utilised which is well screened by vegetation, including vegetation on Lot 1 DP 502589 that is protected by a condition stated in a consent notice. It is also again acknowledged that consent is sought for a limited term only.
124. The Commission finds that this combination of factors that relate to the proposal is highly unusual and distinguishes the current proposal from any future proposal to establish offices and a showroom and/or a residential unit within the Rural General Zone of the Operative District Plan or within the Wakatipu Basin Rural Amenity Zone – Wakatipu Basin Lifestyle Precinct sub-zone of the Proposed District Plan.
125. Accordingly the Commission is satisfied that the proposal will not establish a significant precedent if consent is granted.

I. PART 2 OF THE ACT

126. The Commission records here that it is aware of the developing caselaw around the relevance of Part 2 to resource consent applications. Until such time as the caselaw is further settled the Commission considers it prudent to undertake an assessment in terms of Part 2 matters.
127. Part 2 of the Act contains sections 5 to 8. The Commission refers to these in reverse order.
128. Section 8 requires the Commission, in exercising its functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised in reports or evidence in relation to section 8.
129. Section 7 directs that in achieving the purpose of the Act particular regard is to be had to certain matters. The Commission is satisfied, having regard to the matters addressed in Parts B - D of this decision that the proposal will serve to achieve efficient use and development of natural and physical resources, to maintain and enhance amenity values and the quality of the environment, and to recognise the finite characteristics of natural and physical resources being relevant matters stated in section 7(b), (c), (f) and (g) of the Act. In terms of section 7(b) and (g) the proposal is to utilise an existing building complex; and in terms of section 7(c) and (f) the existing environment, including the effects of activities authorised by the deemed land use consent RM 89/26, is relevant.
130. There are no other matters stated in section 7 which are of any particular relevance to the current application.

131. Section 6 sets out a number of matters which are declared to be of national importance and directs that these be recognised and provided for. No matters of national importance as listed in section 6 are relevant in this instance.
132. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commission considers that the application will achieve the purpose of the Act. In this instance the adverse effects of the land use activity are to be sufficiently avoided, remedied or mitigated by the suite of conditions volunteered by the applicant; and the Commission has concluded that these adverse effects are more limited than those provided for in the existing environment in relation to activities authorised by the deemed land use consent RM 89/26 which is to be surrendered if consent is granted to the current application.

J. OUTCOME

133. Section 104 of the Act directs that when considering an application for resource consent and any submissions received in response to it, the Commission must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity together with the relevant provisions of the Operative District Plan and of the Proposed District Plan. In the course of considering the application and submissions and in reaching this decision the Commission has followed this process. Under section 104B the Commission has discretion to grant or refuse consent to the application. Following consideration of the application and submissions the Commission hereby grants land use consent to the application for the reasons detailed in this decision, subject to the conditions specified in the Schedule to this decision.

This decision on RM170628 is dated 17 April 2019



W D Whitney
CHAIR

For the Commission being WD Whitney and R McRobie

Appendix 1 – Consent Conditions

APPENDIX 1 – CONSENT CONDITIONS

1. That the development shall be undertaken/carried out in accordance with the plans:

- ‘Site Plan’
- ‘Figure 2 : Internal Configuration of Buildings’
- Haro Flooring Otago Ltd floor plan of residential unit
- ‘Landscape Plan – Spence Road’ dated 5 April 2019

stamped as approved on 17 April 2019

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

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991.
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 3 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>

4. Within 60 working days of this consent being granted, the consent holder shall complete the following:
- a) Provide a minimum supply of 2,100 litres per day (total demand) of potable water to the building complex containing the residential unit and office and showroom activities that complies with/can be treated to consistently comply with the requirements of the Drinking Water Standard for New Zealand 2005 (Revised 2008). For clarity this requires connection of the residential unit and commercial businesses to the private water supply in accordance with Council’s standards.
- b) Provide an effluent disposal system in accordance with the Railton Contracting and Drainage Ltd report, Onsite Wastewater Disposal Site & Soils Assessment (dated 17/12/15) and the Railton Contracting Ltd letter addressed to Graeme Rodwell submitted with the RM170628 consent application. The on-site wastewater disposal and treatment system shall comply with AS/NZS 1547:2012 and shall provide sufficient treatment/renovation to effluent prior to discharge to land.

- c) Provide a Completion Certificate to the Manager of Resource Management Engineering at the Council confirming that the standard water saving fixtures as recommended in the design report (by Railton Contracting dated 17/12/15 which accompanied the application) have been installed.
- d) Ensure that 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) Ensure that 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) Provide domestic water and firefighting storage. A minimum of 45,000 litres shall be maintained at all times as a static firefighting reserve. A firefighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling.

The FENZ connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by Council's standards for rural roads (as per Council's s Land Development and Subdivision Code of Practice). The roadway 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. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire appliance to park on it and access to the hardstand area must be provided as above.

The FENZ connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Firefighting water supply may be provided by means other than the above if the written approval of the Fire and Emergency New Zealand Fire Risk Management Officer is obtained for the proposed method. The firefighting water supply tank and/or the sprinkler system shall be installed prior to the exercise of RM170628.

5. The office and showroom activities and the residential unit shall be located within the existing building complex on the site.
6. The office and showroom activities on site shall only operate between the hours of 0800 and 1800 Monday – Friday, and 0800 – 1400 Saturday. There shall be no operation of the office and showroom activities on Sunday.
7. There shall be no more than 20 persons working at the offices and showroom at any one time.
8. There shall be no more than 25 cars parked on the site at any one time.
9. At such time as car parking at the site is increased to above 15 car parks, a new car park plan shall be provided to the Manager of Resource Management Engineering for certification, to ensure that the car parking design and access meets Council standards.
10. Vehicles associated with the activity consented by RM170628 shall not park on Spence Road.
11. No buses/coaches shall access the site.
12. There shall be a maximum of two Heavy Goods Vehicle (HGV) deliveries per week to the site during the period of 12 months following the commencement of this consent. After that 12 month period, there shall be no HGV deliveries to the site.
13. There shall be no on-site retail activity, with the exception of the showroom that shall be restricted to a HARO flooring showroom.
14. In the event that Graeme Rodwell is no longer the owner of the HARO flooring business, consent for the showroom activity shall lapse.
15. The consent holder shall ensure that all office and showroom activities on the site comply with the following noise limits:
 - a) 0800 to 200 hrs 50 dB LAeq(15 min)
 - b) 2000 to 0800 hrs 40 dB LAeq(15 min), 70 dB LAFamax
16. Before RM170628 can be exercised, deemed land use consent RC89/26 shall be surrendered in whole pursuant to section 138(1) of the Resource Management Act 1991.

17. Pursuant to section 125 of the Resource Management Act 1991 this land use consent shall lapse 10 years after the date of commencement of this consent.
18. Notwithstanding Condition 17 this land use consent shall lapse upon signing of a section 224(c) certificate for any subdivision of Lot 2 DP 502589 or Lot 3 DP 502589 to create any additional lot for residential purposes if this occurs in the period within 10 years after the date of commencement of this consent.
19. Water tanks installed to comply with Condition 4(f) shall be located where shown on the 'Landscape Plan – Spence Road' dated 5 April 2019, shall not breach any skyline and shall be green or olive (green –brown) in colour.
20. Total signage visible from Spence Road shall not exceed 2m² in area.

Review

20. 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.

Note:

Conditions subject to a consent notice imposed under RM 151065 require that the existing trees and landscaping located within the Protected Landscape Areas detailed on the attached 'Landscape Plan – Spence Road' dated 5 April 2019 shall be maintained to a height of 8m (Area E) and 4m (Area F), and also require that if any plant within either of those areas dies or becomes diseased it shall be replaced within the next planting season.

ACCESS TO THE SITE

CAR PARKING UNTIL LOT 1 IS DEVELOPED

EXISTING BUILDINGS

INFORMAL CARPARKING

SITE PLAN

52

Spence Road



EXISTING EASEMENT IN GROSS			
PURPOSE	SERVIENT TENEMENT	SHOWN	CREATED BY
RIGHT TO CONVEY WATER	LOT 2 HERON	A-B-D	1.8.2011

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	C	LOT 1 HERON	LOT 2 HERON
	D	LOT 2 HERON	LOT 1 HERON
RIGHT TO CONVEY WATER	G	LOT 3 HERON	LOT 1, 2 HERON
RIGHT TO CONVEY WATER	H, I	LOT 2 HERON	LOT 1, 3 HERON
RIGHT TO CONVEY WATER	J, K	LOT 2 HERON	LOT 3 HERON
RIGHT TO CONVEY WATER	L	LOT 2 HERON	LOT 1 HERON
RIGHT TO TAKE, CONVEY AND STORE WATER	M	LOT 2 HERON	LOT 1, 3 HERON

AREA E AND F CONSENT NOTICE AREA - LANDSCAPE PROTECTION

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM151065
Monday, 22 August 2016

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170628

Wednesday, 17 April 2019

CLIENT REVIEW 31.08.15

Clark Fortune McDonald & Associates
Licensed Cadastral Surveyors - Land Development - Planning Consultants
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Tel: (03) 441-8044, Fax: (03) 442-1066, Email: admin@cfma.co.nz
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Tel: (03) 443-4448, Fax: (03) 443-4445, Email: admin@cfma.co.nz
Shop 2, Otapo House, 475 Money Place, P.O. Box 5960
Tel: (03) 470-1582, Fax: (03) 470-1583, Email: admin@cfma.co.nz

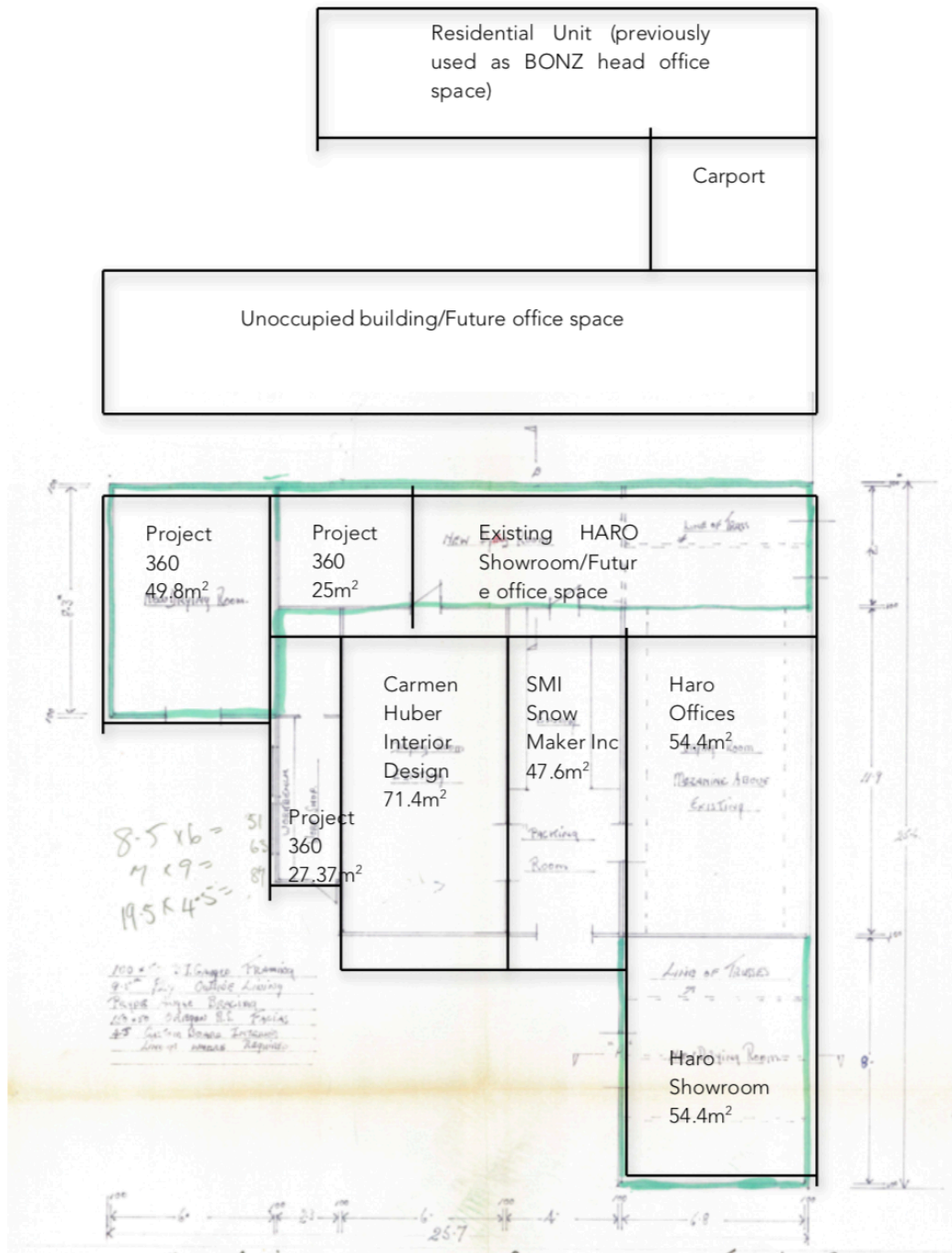
Rev.	Date	Revision Details	By
A	24.9.15	Amend boundaries	ED
B	1.2.16	Add additional Arrow Irrigation easements	ED
C	1.4.16	Add consent notice area	JK
C	1.4.16	Add ROW, Amend Lot Boundaries	JK
E	10.7.16	Add area F	EM
F	26.7.16	Add Water easements	EM

LOTS 1, 2 & 3 BEING A PROPOSED SUBDIVISION OF LOT 1 DP
23888, PT SECTION 125 & SECTION 126 & 128 BLK III
SHOTOVER SD

Client	Surveyed	Signed	Date	Job No.	Drawing No.
RODWELL	MM		31.07.15	12109	03
Drawn	Signed	Date	Scale		
HK		03.08.15	1:2000 @ A1		
Designed	Signed	Date	Datum & Level	Rev.	
			Mt Nic 2000 & MSL	F	

Notes:
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S:\JOBS\1210012109\acadi\12109 03 Scheme Plan.dwg Plotted: 28.07.2016

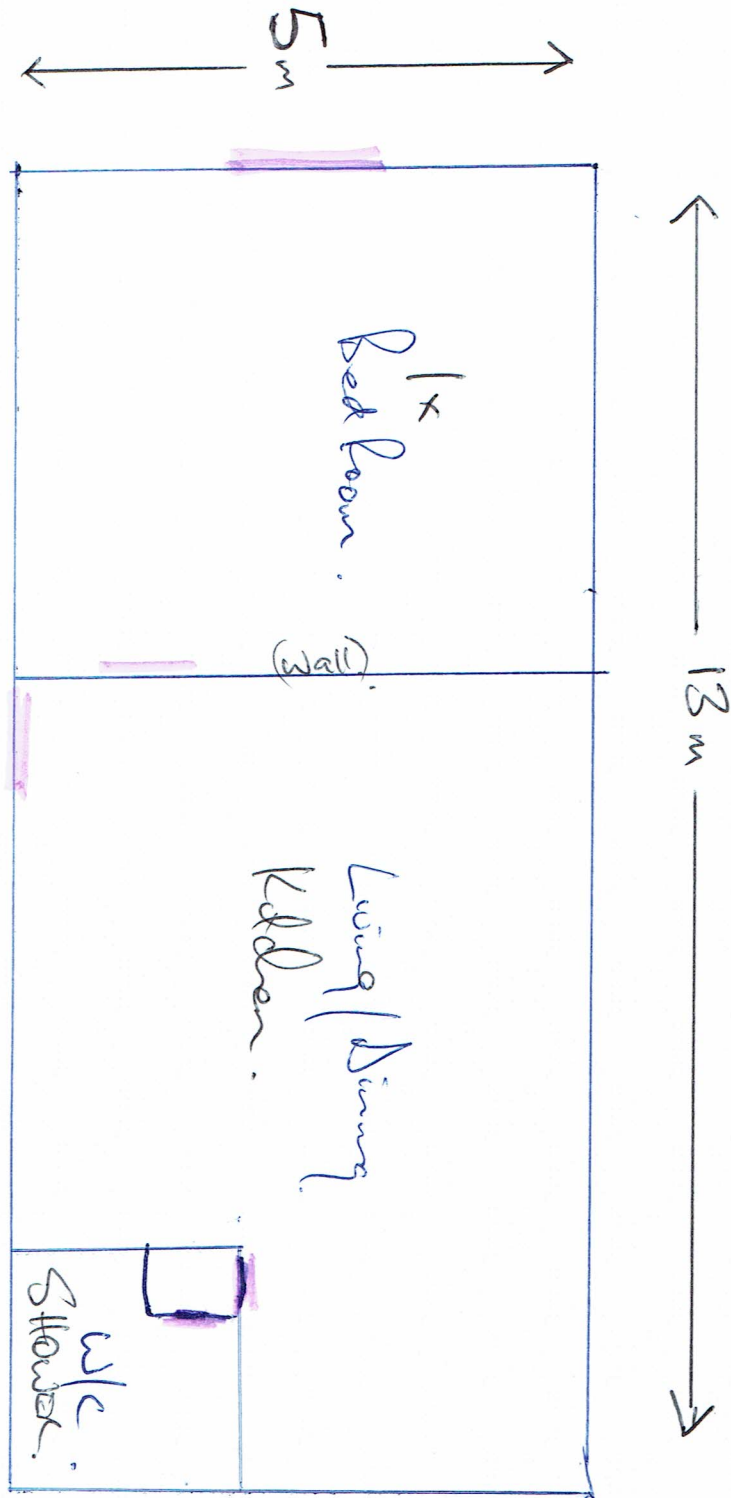


QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM170628**

Wednesday, 17 April 2019

1
= Doors.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM170628

Wednesday, 17 April 2019



LANDSCAPE PLAN – SPENCE ROAD
5 APRIL 2019

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM170628**

Wednesday, 17 April 2019