



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Northlake Investments Limited
RM reference:	RM181903
Location:	Northlake Drive and Outlet Road, Wanaka
Proposal:	<p>Land use consent sought for the construction and operation of a 113-room hotel consisting of two main buildings, Building 1 (West) and Building 2 (East) including a restaurant, bar and gym for the exclusive use by hotel guests. The proposal includes associated car parking, access, coach parking, loading, landscaping, earthworks, provision of infrastructure, and signage.</p> <p>Land use consent sought for the construction and operation of an off-site coach parking facility located on either the eastern side or western side of Outlet Road.</p> <p>Consent is also sought for the approval of an alternative Outline Development Plan for that part of Activity Area D1 occupied by the hotel development.</p>
Type of Consent:	Land use and Outline Development Plan
Legal Description:	<p>Hotel site - Lot 1005 Deposited Plan 515015 held in Record of Title 803942</p> <p>Off-site coach park on the Eastern side of Outlet Road - Lot 66 Deposited Plan 371470 held in Record of Title 846779 located in Activity Area C2.</p> <p>Off-site coach park on the Western side of Outlet Road - Lot 2005 Deposited Plan 529185 held in Record of Title 857195 located in Activity Area C3.</p>
Zoning:	Northlake Special Zone, Activity Areas D1, C2 and C3 (Operative District Plan)
Activity Status:	Non-complying (Operative District Plan)
Public Notification:	21 February 2019
Commencement of Hearing:	14 May 2019
Adjournment of Hearing:	16 May 2019
Close of Hearing:	5 June 2019
Commissioners:	Ian Munro and Jane Sinclair
Date of Decision:	25 June 2019
Decision:	Consent is Granted Subject to Conditions

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an Application to **QUEENSTOWN LAKES
DISTRICT COUNCIL** by **NORTHLAKE
INVESTMENTS LIMITED**

Council Reference: **RM181903**

**DECISION OF COMMISSIONERS IAN MUNRO AND JANE SINCLAIR APPOINTED BY
QUEENSTOWN LAKES DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RMA
ACT 1991**

The Hearing and Appearances

Hearing Date:

14 – 16 May 2019, in Wanaka

Appearances for the Applicant:

Mr. Goldsmith, Legal Counsel;

Mr. Bretherton, Applicant's Development
Manager;

Mr. Crang, Civil Engineer, Crang Civil
Consulting Engineers;

Mr. McDougal, Architect, Studio Pacific
Architecture;

Mr. Barrett-Boyes, Urban Designer, Studio
Pacific Architecture;

Mr. Dun, Landscape Architect, Studio Pacific
Architecture;

Mr. Carr, Transport Engineer, Carriageway
Consulting Limited;

Mr. Ellerton, Acoustic Engineer, Marshall
Day Acoustics;

Mr. Brown, Planning Consultant and Director
of Brown & Company Planning Group.

Appearances for the Council:

Ms. Gathercole, Senior Planner;

Mr. Church, Consultant Urban Designer,
Boffa Miskell;

Mr. Jones, Resource Management Engineer;

Dr. Chiles, consultant Acoustic Engineer, Chiles Limited

Mr. Morahan, Transportation Engineer, WSP Opus; and

Ms. Charlotte Evans, Hearings Secretary.

Appearances for Submitters:

Mr. Quentin Smith;

Ms. Niamh Shaw;

Ms. Cherilyn Walthew;

Mr Lee Overton and Mr Lee Brown, representing Exclusive Developments Limited; and

Mr James Gardner-Hopkins, legal Counsel for Wanaka Community Supporting our Northlake Neighbours Incorporated.

Abbreviations:

The following abbreviations are used in this decision:

Assessment of Environmental Effects	‘AEE’
Northlake Investments Limited	‘the Applicant’
Northlake Special Zone	‘NSZ’
Activity Area D1	‘AAD1’
Outline Development Plan	‘the ODP’
Queenstown Lakes District Council	‘the Council’
Resource Management Act 1991	‘RMA’
The Operative Queenstown Lakes District Plan	‘the Operative Plan’
The Proposed Queenstown Lakes District Plan	‘the Proposed Plan’
The land subject to this application is referred to as ‘the site’.	

INTRODUCTION

1. This decision is made on behalf of the Queenstown Lakes District Council ('the Council') by Independent Hearings Commissioners Ian Munro and Jane Sinclair, appointed and acting under sections 34 and 34A of the Resource Management Act 1991 ('the RMA') to hear and determine the application by Northlake Investments Limited ("the Applicant").
2. The Commission satisfied itself that it was not subject to any conflicts of interest and work histories of each member within the district was disclosed to the Council prior to the hearing. The Commission is satisfied that it is able to objectively and fairly reach a view on the proposal's merits and treat all parties evenly.
3. No objections were otherwise received relating to the persons involved in the hearing on behalf of either the Council, the Applicant or any of the submitters.
4. The Hearing otherwise raised no procedural or administrative issues of note.

THE PROPOSAL

5. The application is described in detail within the Applicant's AEE¹ and is perhaps best summarised by Mr. Goldsmith for the applicant as follows:

Northlake Investments Limited (NIL or the Applicant) has applied for land use consent to construct and operate a 113-room hotel with restaurant, bar and gym, with associated earthworks, landscaping, carparking, access, loading and signage, located within Activity Area D1 of the Northlake Special Zone (NSZ). The proposal includes an off-site coach park for four coaches, originally intended to be located within Activity Area C2 but now proposed to be located with Activity Area C3.

6. We understand that consent is also sought to establish an Outline Development Plan (ODP) for the part of Activity Area D1 (AAD1) in which the application relates to and that no ODP is proposed for Activity Area C2 or C3 in relation to the proposed off-site coach park.
7. As set out further below, we understand that in relation to the alternative location of the off-site coach park, although both locations were presented for consideration and determination by the Commission, the Applicant is only seeking consent for one of the locations.

ADMENDMENTS TO THE APPLICATION

8. A number of amendments have been made to the application since it was notified, which were drawn to our attention either prior to the hearing or during the course of the hearing.

¹ Northlake Investments Limited, Application to the Queenstown Lakes District Council to establish a 113-room hotel with associated guest facilities, and off-site bus-parking, in the Northlake Special Zone, Wanaka, dated 13 February 2019

We were advised in a Memorandum by the Applicant's legal Counsel, dated 10 May 2019, that the Applicant wishes to relocate the off-site coach park to the opposite side of Outlet Road, slightly further to the north-west to land owned by the Applicant and surrounded by land owned by the Applicant. We understand that the design details of the coach park have not otherwise changed with the exception of additional landscaping. Other material amendments to the application include an additional public footpath to be constructed within the site, and that the hotel restaurant and bar facilities *could* be made available for use by the general public (a matter left for us to determine).

9. We find that the proposed changes are within the scope of the application as notified. We accept Mr. Goldsmith's submissions to us in that respect.
10. For completeness, the Applicant was clear that it was not withdrawing the notified off-site coach park location from the application, but was instead introducing a second option for us to consider in response to the submissions received. The second location was on a site that was controlled by the Applicant and which would on that basis not result in any potential nuisance effects on direct neighbours. It would otherwise be a very similar distance from the proposed hotel site and require the same travel routes to be taken between the hotel and the coach parking area.

THE SITE

11. The hotel site is described in the s42A report. After completing our site visit we find that is accurate and we both refer to and adopt that description given by Ms. Gathercole. It has a legal description of Lot 1005 Deposited Plan 515015, held in Record of Title 803942. It is located on the northern side of Northlake Drive, within the Northlake subdivision, Wanaka. The site is located within AAD1 of the Northlake Special Zone (NSZ). It is opposite the established 'Monkey Farm' restaurant and the existing Northlake Village centre (although the site has been identified as part of the village centre in a previous ODP that has guided the subdivision pattern to date, RM160152). The site is bounded by Merivale Avenue to the west, Mount Creighton Crescent to the north and a small reserve and a Joint Owned Access Lot to the east. The site is currently vacant of built form with the exception of an existing tennis court with associated fencing and hedging located on the eastern part of the site.
12. The off-site coach parking site located on the eastern side of Outlet Road is described in the s42A report as having a legal description of Lot 66 Deposited Plan 371470, held in Record of Title 846779 and located in Activity Area C2. The alternative off-site coach parking site located on the western side of Outlet Road is located in Activity Area C3 and is legally described as Lot 2005 Deposited Plan 529185 held in Record of Title 857195.

MATTERS CONSIDERED

13. In reaching this decision we have considered:
 - a. The application, its AEE and all its supporting documents;
 - b. The public submissions made on the application (excluding those that we have not accepted, and as identified below);
 - c. The Council Officer's s.42A report, with supporting reports attached to the s.42A report;
 - d. The pre-circulated evidence from the Applicant;
 - e. The information given to us at the Hearing including the responses given to our questions;
 - f. The Applicant's right of reply;
 - g. Our observations from our site visit, limited to the extent to that they framed questions we put to Hearing participants before us;
 - h. The relevant provisions of both the Proposed and Operative Queenstown Lakes District Plans; and
 - i. The relevant provisions of the RMA, most notably Part 2, and sections 104D, 104 and 104B.

NOTIFICATION AND SUBMISSIONS

14. The application was publicly notified on 21 February 2019, with submissions closing on 21 March 2019. In total, the Council received 141 submissions all of which were in opposition to the proposal. Of these 141 submissions:
 - Submission 56 – G. Samways was withdrawn prior to the hearing; and
 - Submission 136 – G. Logan, Submission 137 – R. Walker, and Submission 141-D. Sander were received after the close of the submission period.
15. Under s37A of the Act, a consent authority may extend a time period under s.37 only if the time period as extended does not exceed twice the maximum time period specified in the Act provided the matters listed in s.37A(1) of the Act have been taken into account. Having taken into account those matters the Commission has decided pursuant to s.37 to extend the time period for receipt of the submissions by G. Logan, R. Walker and D. Sander. In making this decision, we note that the Applicant confirmed that it did not object to acceptance of those late submissions.
16. Further, during the course of the hearing the Commission became aware that an additional late submission (the 142nd overall) comprised in email form was received by the Council on 20 April 2019, from Mr. D. Lynch. This submission was not contained in

our Agenda documents. As above, under s.37A of the Act, a consent authority may extend a time period under s.37 only if the time period as extended does not exceed twice the maximum time period specified in the Act (unless the Applicant agrees otherwise – and the Applicant did not agree in this case). This means that the time period can only be extended by a maximum of 20 working days, which in this case is 18 April 2019. As Mr. Lynch's submission was received 20 April, the Commission has no jurisdiction to accept the late submission. For completeness, were we in a position to accept the submission we would not have done so given how unreasonably late it was and that it was in our opinion prejudicial to both the Applicant and the Council's reporting planner (who had completed her s.42A report prior to the latest submission being received by the Council).

17. After the adjournment of the hearing to await information from the Applicant, the Council received a further email on 19 May 2019 from Mr. H Bradshaw which set out concerns with the proposed development. As above. Mr. Bradshaw's submission was received outside of the timeframes specified in s.37 for the ability of a consent authority to extend a time limit for the lodgement of a submission and we are unable to accept this submission. Again, even if we did enjoy the opportunity to consider whether or not to accept the submission, we would not have accepted it because of its exceptionally late arrival and the inability of either the Applicant or the Council's experts to have fair and reasonable time to consider and respond to it.
18. In Appendix 1 of the s.42A report, Ms. Gathercole summarised the contents of the submissions and we adopt this summary. The Commission confirms that it has read all of the submissions received on the application and considered the merits of the points raised, irrespective of whether or not submitters attended the hearing and spoke directly to their submission.
19. Ms. Gathercole in the s.42A report identified that Submissions 63, 64, 73 and 139 only stated a reference to section 12.33 of the Operative Plan as a reason for refusal of the application. She also commented that Submissions 65 and 76 provided no reasons for the submission. For these reasons Ms. Gathercole recommended that these submissions be struck out. The Commission has found that there is no need to strike out these submissions and that it is in the interests of fairness and natural justice that the striking out of a submission should in any event only occur where there are very compelling reasons to do so. The Applicant did not object to the submissions or seek they be struck out, and we are satisfied that they raise points that can be considered.

WRITTEN APPROVALS OBTAINED

20. The Applicant has obtained an Affected Party Approval from Northlake Investments Limited as owner of Lots 1008 DP515015 (land on the southern side of Northlake Drive). The Applicant has also stated² that it gives Affected Party Approval for the location of the alternative off-site coach park and for adjoining land around that.

² Memorandum of Mr. Goldsmith, dated 10 May 2019, paragraph 7.

21. No evidence of consultation was provided with the application.

SUMMARY OF EVIDENCE HEARD

22. Pre-circulated expert evidence was received from the Applicant before the hearing. The Applicant presented legal submissions at the hearing and with the exception of additional planning evidence from Mr. Brown in response to a request from us, no additional evidence was tabled at the hearing. Following the presentation of the legal submissions, each witness confirmed their evidence as circulated and answered questions from the Commission.
23. The section below is a summary only of the evidence we heard and we refer to the Council's website where full records of all materials presented to us is publicly available. The detail of our findings in relation to what we heard and read is addressed later on in this decision notice, in the assessment of environmental effects and in our section addressing the relevant planning provisions.

For the Applicant

24. **Mr. Goldsmith**, Legal Counsel, presented opening submissions addressing the proposal, amendments to the application, the consents required, background issues raised in s42A report, non-objection covenants, the 'real world' approach we should take, the relevant policy and rule structure, issues under debate, the previous ODP resource consent RM160152, public submissions, s.104D gateway tests, precedent, Part 2 of the RMA, and proposed consent conditions.
25. Mr. Goldsmith drew our attention to what the zone provides for, being *"...to enable development of approximately 1,600 residential lots"*. He went onto to say that *"apart from the coach park, the site is located within Activity Area D1 of the NSZ which enables and requires medium density residential development at a density of 15 residential houses per hectare (plus or minus 15%). AAD1 also enables an indeterminate amount of visitor accommodation, commercial, retail, community and retirement activities which can be located anywhere with AAD1."*
26. Mr. Goldsmith updated the Commission on the status of resource consent RM181451 advising that consent was granted 18 April 2019. That consent provides for residential activities, including an ODP, enabling 175 residential lots within newly amended boundaries of AAD1 as well as a new recreation reserve including a tennis court.
27. He advised that the relocation of the off-site coach parks reduces the matters that the Commission need to consider and that no jurisdictional issues arise as the amended location is only a short distance from the original location; the details of the coach park are the same; views from users of the road are reduced and that there is no reasonable possibility of any member of the public having concerns about, and submitting in respect of, the amended location who would not have had similar concerns about, and submitted in respect of, the original location.

28. Mr. Goldsmith advised that the Applicant acknowledges a prior obligation to provide a tennis court within the zone and intends to fulfil that obligation.
29. Mr. Goldsmith addressed the non-objection covenants that apply to the residential properties in the Northlake development, and which preclude any resident from lodging a submission in the event of applications such as this current one. He agreed with Ms. Gathercole that they are not a relevant consideration; they are a private matter between the Applicant and the individual landowners.
30. Mr. Goldsmith addressed the amount of weight that should be applied to resource consent RM160152 ODP and the apparent contention that any person (including the Council) is entitled to rely on. He submitted that requiring the Applicant to implement that consent fully would have no basis in law.
31. Mr. Goldsmith reminded the Commission that the site is zoned for a visitor accommodation use and that the proposal complies with all relevant bulk and location standards. He explained that there is a range of possibilities for a building of the proposal's bulk, size and location enabled by the zone provisions for the site. He confirmed that the tennis court is intended to be shifted approximately 130m to the west.
32. Mr. Goldsmith submitted that Ms. Gathercole's conclusions on traffic, amenity, character and noise are outside her expertise and are not supported by the Council's expert evidence. Further, he submitted that her conclusions on objectives and policies relevant to traffic, amenity, character and noise are also unsupported by evidence and are therefore inappropriate and incorrect. He submitted that the proposal is generally supported by expert evidence presented for the Council and that the only potential adverse effect is the replacement of a tennis court with the hotel.
33. Mr. Goldsmith spent considerable time traversing the details of RM160152 ODP and what relevance it has to the hearing. He drew attention to the definitions in the Operative Plan for '*Community Activity*', '*Recreation*' and '*Recreational Activity*'³. He addressed whether as a matter of fact RM160152 ODP even provided for a tennis court, submitting that the consent does not contain any explicit reference to the court; and neither does the Council decision identify or require a tennis court. He concluded that the tennis court is not relevant to the hearing.
34. He also addressed whether RM160152 ODP has any relevance to the proposed hotel. He drew attention to Rule 12.34.2.4(ii)⁴ relating to visitor accommodation activity in AAD1 where an ODP is proposed for only part of an activity area as a discretionary activity, submitting that the corresponding assessment matters under Rule 12.34.2.3ii are relevant and have been addressed in the evidence. Mr. Goldsmith focused on two assessment matters being Rule 12.34.5.2iii(k)(i) and (ii) relating to visitor accommodation (excluding buildings) where a consent with an ODP has previously been granted. He highlighted⁵ "*the extent to which a varied consent and Outline Development Plan takes into account, and enables integration with, existing Residential,*

³ Submission of Mr. Goldsmith, paragraph 37, page 8.

⁴ Submission of Mr. Goldsmith, paragraph 42, page 9.

⁵ Submission of Mr. Goldsmith, paragraphs 44 to 46.

Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages already developed in accordance with the previous consent and Outline Development Plan". He submitted that this requires consideration of the proposal in the context of development which has been implemented, and has been developed in accordance with the previous consent and ODP. He submitted that extensive development has been carried out in accordance with the approved ODP and that the visitor accommodation activity (excluding buildings) takes into account, and enables integration with, other activities already developed within the immediate neighbourhood.

35. Mr. Goldsmith addressed the second assessment matter (ii) advising that it relates to the integrity of the RM160152 consent and the related ODP and that consideration of the assessment matter raises a number of questions relating to what was consented. Given that, in his opinion, no buildings were consented as part of the ODP, he questioned how matters such as scale and frequency of use could be considered and following on from that, whether the integrity of either the consented ODP or the Operative Plan could be said to be being undermined. He submitted that in order to address integrity, one must understand what was consented under RM160152.
36. Mr. Goldsmith took the Commission through RM160152 in detail, submitting that the consent only granted residential activities (not buildings) and did not grant consent to any non-residential activities (or buildings)⁶ and that *"Therefore there is no comparison able to be made in order to apply this assessment matter"*. He continued *"As RM160152 does not grant consent for any non-residential activities, and as (in any event) RM160152 cannot and does not grant consent for any buildings, it is not possible to make any "...nature, scale or frequency..." comparisons..."*. He also submitted⁷ *"this consent only granted residential activities and has now been fully implemented to the extent that subsequent subdivision consents have been approved in respect of all areas approved for residential activities under RM160152. Therefore it is not now possible for any further consent, which includes an ODP, to undermine the integrity of the RM160152 ODP."*
37. Mr. Goldsmith advised that since the granting of RM160152, Council has issued four non-notified resource consents in the area identified on the ODP plans for non-residential activities relating to commercial buildings, a childcare centre, and a restaurant. He told us that all were issued by the Council on the basis that no ODP had been issued for any activity on the relevant site. We were told that in each case it was necessary to obtain consent for both the activity and for the building. Mr. Goldsmith submitted that this process of consenting was consistent with and corroborated the interpretation of RM160152 that he put to us.
38. Mr. Goldsmith addressed the public submissions, advising that no submissions have been received from any owner in AAD1 and that also no such owners have given an Affected Party Approval. He submitted that the Commission therefore must have regard to adverse effects on the environment and that the submissions purporting to speak on behalf of a person or persons other than each actual submitter, in relation to what

⁶ Submission of Mr. Goldsmith, paragraph 51, page 10.

⁷ Submission of Mr. Goldsmith, paragraph 51c, page 11.

expectations residents of AAD1 may or may not have held relative to the proposal, are not relevant.

39. Mr. Goldsmith addressed Submission 135 Wanaka Community Supporting our Northlake Neighbours, submitting that the site was previously zoned Rural not Rural Residential or Rural Lifestyle as stated in the submission. He advised that the public exclusion from the hotel bar, restaurant, and gym arose through the Council staff' request for further information process and that the Applicant accepts that these facilities could be available for public use.
40. Finally, Mr. Goldsmith submitted that the proposal passes both gateway tests under s.104D and even if the Commission had doubt in relation to adverse effects on the environment, the application passes the second threshold test under s104D and there is discretion to grant consent. Further, he submitted that the proposal must be judged on its merits and that granting consent will not cause a precedent. Finally, Mr. Goldsmith queried whether Part 2 was relevant. Mr. Goldsmith also addressed specific recommended conditions of consent.
41. **Mr. Bretherton**, Development Manager summarised his pre-circulated evidence. He provided background information on the tennis court and the removal of Rule 15.2.16.3 under Plan Change 53 relating to the requirement to construct community facilities. He advised⁸ that as resource consent RM160509 relating to Stages 1 -3 involved more than 50 residential lots it triggered the requirement to provide a tennis court and that the ultimate location was not proposed to be within Stages 1-3. He advised that consent RM160509 imposed condition 19 which required the tennis court be built either prior to s224(c) being issued for Stage 2 or within three years of consent being built. He stated that *"NIL owns the land in the centre of Northlake which is zoned for commercial development. It is unlikely that the land would be developed for a number of years because it is generally necessary to develop the surrounding residential community before thinking about developing commercial activities which may depend (at least in part) on the surrounding residential community."* He stated further *"NIL therefore decided to construct a tennis court on its commercial land as an interim measure... the location was never intended to be the final location of the permanent tennis court."*
42. He advised that the Applicant has recently obtained resource consent RM181451 for an ODP for Stage 15 containing 175 residential lots as well as a 1.2ha reserve which is intended to be vested in Council as a Recreation Reserve. He advised us that the Council has resolved to accept this future lot as a Reserve. He stated⁹ *"NIL intends to construct the permanent Northlake tennis court on that Reserve, as shown in the approved RM181451 Masterplan...."* and *"NIL is about to apply for subdivision consent for the first stage of that 175 residential lot subdivision which will include the construction of the proposed recreation facilities on the Reserve (refer Plan A) including the tennis court....."* He acknowledged that approval from the Council Reserves Department is required and that this approval will be sought at the same time as the subdivision is applied for. Mr. Bretherton supported a consent condition that the existing tennis court

⁸ Evidence of Mr. Bretherton, paragraph 10.

⁹ Evidence of Mr. Bretherton, paragraph 14.

remain in place and available for public use, without charge, until the replacement permanent tennis court is built and available for use.

43. Mr. Bretherton advised that the Northlake consenting process involves the obtaining of land use consent, including an ODP as a condition of consent which details the indicative location of primary structural elements such as roading, indicative size and location of residential lots and some other aspects depending on which Activity Area the ODP covers. He advised that the ODP approval is then followed by individual land use and subdivision consents which must be in general accordance with the ODP, although a degree of variation is permissible. He stated that the land covered by RM160152 ODP includes the central community/commercial area but no thought had been given to the detail of this area except for the roading links and that the entire focus of the ODP was on development of the residential lots. He stated that further consents had since been granted which have overtaken the approved RM160152 such as RM181451, RM170418 and RM161230 and that PC53 now enables the establishment of a 1,250m² supermarket.
44. Mr. Bretherton stated that *“working out how best to develop a community/commercial area....is a complex processand is not just about building design or urban design and that economic viability factors are a fundamental component of consideration, including finding suitable tenants.”* He further stated that the change from a business park to a hotel is a *“commercial decision”* and *“finding commercial business tenants who want to operate from a peripheral (to Wanaka) Business Park is a challenge, whereas Wanaka currently has a shortage of hotel rooms.”* He was of the opinion that the hotel will add more life and vitality to the Northlake Village Centre.
45. **Mr. Crang**, civil engineer, summarised his written evidence addressing earthworks, road design, wastewater, water supply, stormwater, flooding and power and telecommunications. He addressed engineering matters raised in the submissions and responded to engineering matters raised in the s42A report. He also covered specific amendments to recommended conditions of consent. He concluded that when considering earthworks and infrastructure, *“it is my opinion that the proposed development can be adequately completed and serviced if the draft conditions and amendments I have recommended are implemented, and that any adverse effects will be less than minor and acceptable”*.
46. **Mr. Ellerton**, acoustic consultant, summarised his written evidence and adopted his previous report dated 29 November 2018. He provided an overview of predicted noise levels from site activities; contextualisation of predicted site noise levels with respect to the Operative Plan noise limits and addressed recommended conditions of consent. His evidence concluded that predicted noise limits and recommended noise mitigation measures will ensure compliance with the Operative Plan noise limits can and will be achieved at properties that have not provided written approval and that a number of noise related conditions should be included. He was of the opinion that noise will comply with the noise limits if the conditions of consent are complied with. Mr. Ellerton responded to issues raised in the submissions addressing cumulative noise, rolling luggage, the coach exit, reversing coaches, rubbish disposal, hotel patrons and emergency services. Mr. Ellerton responded to issues raised in the s42A report and

advised that there was substantial agreement between himself and Dr. Chiles. He addressed the areas of disagreement including noise from vehicles existing the car park, sounds from the loading bay and the time that the outdoor area must be vacated.

47. **Mr. Carr**, traffic engineer, summarised his written evidence and adopted his earlier reports. He responded to issues raised in the submissions. He reiterated that provided the number of rooms with internal cooking facilities was limited to 88, the proposal will comply with car, loading and coach space quantity requirements. He was of the opinion that given the parking requirements are met that there would not be significant overspill onto adjacent roads and that Merivale Avenue could accommodate the predicted parking demand. In regard to traffic volumes on the road network he stated that the proposed hotel will generate a maximum of 90 vehicle (car) movements in the morning and evening peak hours. He explained Table 1 of his evidence which compared vehicle movements in peak periods to other (hypothetical) developments which could have the same floor area, bulk and location as the proposed hotel. He concluded *"...that in the evening peak hour, the traffic generation of the retail/residential scenario is greater than would arise with the hotel. In the morning peak hour, the difference between the residential scenario and the proposed hotel is just one additional vehicle movement every 72 seconds."* He advised that he also had applied the same assessment over the course of the day and concluded: *"This assessment shows that the potential retail/residential scenario would generate greater traffic volumes than the proposed hotel."*
48. Mr. Carr concluded that the extent of traffic generation associated with the hotel is of a similar scale to that expected under the Operative Plan provisions.
49. In regard to Outlet Road, he recommended that a condition of consent is required to ensure that the section of Outlet Road affected by coach movements is improved to meet Council's standards and that with this condition he was of the opinion that the roads are suitable for use by coaches. In regard to additional traffic generated on Anderson and Aubrey Road, Mr. Carr advised that Plan Change 45 assessed these roads and the intersection and found that improvements would be required when 1,150 lots were developed. He advised that 750 lots in Northlake or its immediate vicinity have been consented and consequently there is sufficient capacity in the wider roading network to accommodate the proposed development. He further stated that the Plan Change 45 provides for and anticipates development of the site in a manner proposed or some alternative proposal of a similar scale and that traffic flows proposed from the site were within what was included within the earlier plan change assessments.
50. Mr. Carr advised that Outlet Road has been reclassified by the Council as a collector road and it is incorrect for submitters to assume that there will be low traffic flows on this road. He was of the opinion that at most there would be eight coach movements per day and that provided the road is improved as proposed through consent conditions, he did not consider that there would be adverse safety related effects of concern.
51. Mr. Carr addressed submitters' concerns that local roads may be used by hotel visitors when travelling to/from Wanaka town centre. He advised that it is 8 seconds faster to use the Outlet Road route than Mt Linton Avenue and that the Council is currently

consulting on changes to the speed limits on roads in the vicinity. If that proposal were to proceed, as a result Outlet Road would be faster by 18 seconds. In addition, Mr. Carr suggested that appropriate signage would assist with directing drivers if necessary.

52. Mr. Carr confirmed that car parking dimensions, their accessibility and loading space provisions comply with District Plan standards. In respect to coach parking, Mr. Carr advised that there is agreement that the parking spaces do not comply but the spaces are appropriately accessible and that minor changes are required to the recommended conditions in this regard.
53. He advised in relation to the Merivale Avenue crossing that the Applicant accepts Mr. Jones' conclusion that the crossing be modified to better accommodate pedestrians and reduce the potential for conflicts. Further, he agreed with Mr. Jones that a condition be imposed to ensure that any adjacent planting does not obstruct road user (driver) visibility. In respect to the design of intersections of Northlake Drive/Mt Linton Avenue and Northlake Drive/Site Access intersections, Mr. Carr was of the opinion that the detailed design could be appropriately managed via a condition of consent.
54. He agreed with Mr. Jones that there will be a loss of on street car parks with the proposed Merivale Avenue crossing but did not consider that this would have any significant adverse effects on the overall availability or supply of parking in the immediate area.
55. When responding to concerns relating to additional movements of coaches, he noted the relationship between coach travel and car travel and that if more people travel by car, then there would be fewer rooms available for people travelling by coach and demand for coach parking would at that time reduce, and vice versa. He advised that a scenario where the car park and coach park are both fully used would not occur.
56. In regard to coach movements, Mr. Carr advised that the movements predicted are not sufficient to result in adverse efficiency or road safety effects on the road network and that extensive use of coaches will reduce car movements. Mr. Carr advised that coaches would be limited to using Merivale Avenue, Northlake Drive and Outlet Road. In respect to Northlake Drive and Outlet Road, Mr. Carr advised that these roads as collector roads where a higher volume of traffic is expected.
57. Finally, Mr. Carr addressed the recommended conditions of consent and suggested some minor changes.
58. **Mr. McDougal, Mr. Barrett-Boyes and Mr. Dun**, at our invitation, collectively presented their evidence and answered questions from the Commission as a group. Although an atypical way of hearing design evidence, each of the witnesses in their own written statements emphasised that they had worked closely and collaboratively together.
59. **Mr. Dunn**, landscape architect opined that the landscape proposal creates a strong structure to the development through the use of hard and soft materials and a layered approach to the boundary treatments. He advised that the landscaping responds to the differing street conditions appropriately and contributes to the overall attractiveness of

the streetscape and sense of identity within Northlake. He concluded¹⁰ *“The landscape treatment grounds the building in the local context and stitches it in appropriately to the surrounding neighbourhood”*.

60. **Mr. McDougal**, architect, concluded¹¹ *“that the proposed hotel integrates with the surrounding (existing ODP) because:*

(a) *the hotel is an appropriate use within the Northlake neighbourhood;*

(b) *the hotel fits into the Northlake neighbourhood;*

(c) *the proposed hotel is respectful of and is complementary to the Northlake neighbourhood.”*

61. He was of the opinion that visitors drawn to the hotel will add to the vitality, character and local economy of the Northlake village and community. Further, that the buildings’ siting, scale and architectural response is appropriate for this specific location and site.

62. **Mr. Barrett-Boyes**, urban designer, summarised his written evidence and answered questions from the Commission. He concluded¹² *“... based on the carefully considered architectural and landscape design treatments, aligned with the fact that the proposal fully complies with the Zone Rules for bulk and location, in my view, the scale of the building fits the character and context of the surrounding neighbourhood.”*

63. **Mr. Brown**, Planning Consultant, began his planning evidence by addressing the status of the application and that the application had to be assessed as a non-complying activity, not a discretionary activity, as identified within the application documents.

64. He concluded that the AAD1 provisions anticipate visitor accommodation activities and building bulk of the scale proposed and that the buildings meet the relevant standards for building bulk and location, including height, height in relation to boundaries, setback from boundaries, coverage and continuous building length. Mr. Brown advised us that the proposed building coverage was significantly less than allowed by Operative Plan provisions. Relying largely on the evidence of Mr. McDougal and Mr. Barrett-Boyes, he concluded that the buildings would be elegant, of high-quality architectural design, be appropriate in the zone and in the wider context, and complement existing activities and facilities. Mr. Brown advised that there are extensive setback distances from nearby residences and that the Operative Plan provisions anticipate buildings much closer to Mount Creighton Crescent and Merivale Avenue than would result from this proposal. He concluded that there are no, or minimal, adverse dominance, privacy effects or shading effects on nearby properties.

65. Relying on the evidence of Mr. Dun, Mr. Brown concluded that the landscape buffers and the car parking area proposed will contribute towards integrating the development

¹⁰ Evidence of Mr. Dunn, paragraph 6.2, page 6.

¹¹ Evidence of Mr. McDougall, paragraph 2.1, page 10.

¹² Evidence of Mr. Barrett-Boyes, paragraph 4.18, page 8.

with the surroundings and mitigate perceived visual effects, including lights from vehicles.

66. He concluded that the use of stormwater management techniques to control stormwater and treat it before discharge will ensure contaminants are appropriately removed.
67. Relying on Mr. Ellerton, Mr. Brown concluded that the use of an acoustic barrier will effectively and adequately mitigate the potential effects of noise on one nearby residential property, and the imposition of specific conditions will ensure compliance with the Operative Plan's noise standards for the hotel and off-site coach parking.
68. Finally, relying on Mr. Carr, Mr. Brown concluded that routing of coach movements will minimise travel through residential streets and that traffic effects would be acceptable, including access, parking and egress for cars and buses.
69. Turning to the assessment matters, Mr. Brown addressed these. Specifically, in terms of 12.34.5.2iii(k), he concluded that the hotel integrates with the existing commercial area by way of the synergy of the activities; and with the residential activities by the complying bulk and location and the wide separation of the buildings from Mount Creighton Crescent. He also concluded that the nature, scale and frequency of the activity is appropriate and that any adverse effects would be at most minor.
70. Mr. Brown addressed the Operative Plan objectives and policies in some detail, focusing on specific policies 1.7, 2.3, 5.4 of the NSZ. He advised that policy 1.7 provides for not just small-scale retail activities but also residential, visitor accommodation, commercial, community activities and retirement villages in AAD1. He commented that the methods refer to the various standards for building bulk and location and that the proposal complies with those. He acknowledged that in relation to off-site coach parking the proposal was inconsistent with this policy.
71. Mr. Brown addressed Policy 2.3 stating that the rules anticipate and provide for changes to ODPs. He also commented that ODPs can cover only part of an activity area and that the role of an ODP is to identify the location of future activities.
72. He addressed Policy 5.4 and advised that the tennis court is not a "*community facility*" as defined in the Operative Plan and that the terms "*community facility*" and "*community activity*" are used interchangeably by Ms. Gathercole in her s.42A planning report. Mr. Brown also advised that the definition of "*community activities*" excludes recreational activities, and that the tennis court is being relocated.
73. Mr. Brown also addressed Part 14 of the Operative Plan, in particular policies 1.3, 1.9, 2.2 and concluded that the with the exception of the coach parking being inconsistent with policy 1.7 of the NSZ the proposal is consistent with the balance of relevant provisions. Overall and taking into account the coach park inconsistency, Mr. Brown concluded that the proposal would not be contrary to the objectives and policies of the Operative Plan as a whole.
74. Mr. Brown considered the objectives and policies of the Regional Policy Statement and disagreed with Ms. Gathercole's conclusions, advising that the RPS is not a relevant

consideration of the ODP given the ODP can be modified and that the provisions provide for visitor accommodation in this activity area of the bulk and location proposed. He concluded that there is no risk that the proposal will not integrate with the surrounding area and that the proposal would therefore be consistent with the partially operative Regional Policy Statement.

75. Mr. Brown addressed the submitter's concerns relating to planning matters reiterating that the zone provides for buildings of this scale and visitor accommodation is enabled by AAD1. Relying on the Applicant's expert witnesses, he reiterated that adverse effects will be no more than minor and that the proposed ODP is appropriate in nature and scale and will not undermine the integrity of the existing ODP.
76. Finally, Mr. Brown, concluded that the proposal achieves the purpose and principles of the Part 2 of the RMA.

For Submitters

77. **Mr. Smith**, a QLDC councillor and qualified planner, presented a written summary of his submission addressing the activity status, the existing ODP, the tennis court and the coach park. Mr. Smith was careful to explain that he was not providing evidence as an expert witness. He acknowledged that the plan provisions do enable an ODP to be considered for only part of an activity area. He drew the Commission's attention to Rule 12.34.2.4ii and considered that the application should be considered as a non-complying activity. He submitted that the existing ODP forms a critical part of the zone provisions and should not be 'talked down'. He disagreed with Mr. Goldsmith that it only consented residential activity and considered that it is not ambiguous but is in fact explicit in the consent conditions that what is on the stamped plans is the ODP. He stated that if Mr. Goldsmith's legal submissions were accepted that this is the first ODP for the site then he agreed with Ms. Gathercole that the information submitted falls significantly short of what should be supplied for an ODP and that integration and appropriate connections with the surrounding area will not be achieved. He was also critical that the Applicant did not update or seek approval of the ODP through RM181451.
78. He was critical of the suggestion that the tennis court was now "somehow temporary" and was of the opinion that the tennis court was clearly anticipated by the ODP. He accepted that there was a definition issue in regard to "community facilities" and "recreation facilities". He stated that while this maybe in theory could be relocated, this relocation is not certain as it has not been approved.
79. Mr. Smith addressed the proposed coach park conditions and considered they were flawed and that only amalgamation or easement secured to the title would ensure long term provision of coach parking.
80. **Ms. Shaw** outlined her objections with the acceptability of the Applicant's use of 'no object' covenants, and the volume and complexity of the application materials. Ms. Shaw emphasised to us her understanding of the small-scale village intended by the NSZ, and contrasted this with Mr. Goldsmith's use of the word 'medium' to describe its scale, and the large-scale she felt the community perceived it as. Ultimately the proposal

was in Ms. Shaw's opinion simply too much and too large to ever fit in with its neighbourhood, and its adverse effects would not be acceptable. Ms. Shaw also considered that the hotel was poorly located and would not serve the local community in practical terms.

81. **Ms. Walthew**, spoke to her written submission and was critical of the Applicant for the lack of consultation with the residents of Northlake. She advised that the residents brought into a "lifestyle" which included a number of amenities that would be available to the residents. She addressed the 'non-object' covenant clauses, stating that despite the proposal having adverse impacts on the "lifestyle" that the residents brought into, the clauses enable drastic changes to the original plans and that the residents have ceded their rights to object. She submitted that the people who are directly affected should be allowed their say through a fair and independent consultation process. She drew the Commission's attention to the Ministry for the Environment guideline "An Everyday Guide: Consultation for Resource Consent Applicants".
82. **Mr. Overton**, accompanied by Mr. Lee Brown, represented Exclusive Developments Limited, the developer of the neighbouring Hikuwai subdivision. He submitted that it is not a trade competitor and that the proposal directly affects the Hikuwai subdivision by creating adverse effects on the environment which do not relate to trade competition. He raised issues associated with the proposal being contrary to the provisions and intentions of the NSZ; social well-being; increased traffic flows; stormwater management; open space; housing affordability; visual amenity and infrastructure.
83. In regard to the purpose of the zone, he submitted that the development was intended to provide for the integration of activities important for social well-being of the community and to achieve high-quality amenity outcomes intended for predominantly residential subdivision. He stated that the Applicant's intentions have clearly changed as demonstrated by this application, a future supermarket and changes to the community amenities now not proceeding. In Exclusive Developments Ltd.'s view these changes affect purchasers of both subdivisions in the Zone and that these changes would adversely impact on the residents and affect their social well-being.
84. Mr. Overton was concerned with the impact the coach movements would have on residents if they were to travel through the Hikuwai subdivision and had issues with the difficulty that these vehicles would have when negotiating access to Northlake Drive from Outlet Road and Aubrey Road. He noted that no assessment had been provided of the increased traffic flows and that these roads are not capable of absorbing future increase. He advised that Aubrey Road is a major arterial route and an alternative access route between Wanaka and Albertown and the increased traffic will make the roads unacceptably congested.
85. Mr. Overton advised that existing stormwater from Northlake discharges across the Hikuwai land pursuant to an existing easement and that there has been significant increases in stormwater sediment flows resulting in prosecution by the Regional Council and that while the prosecution is being defended, the proposal will only further concentrate flows across the Hikuwai subdivision and ultimately into the Clutha River and that mitigation undertaken by the Applicant has not been successful. He submitted

that no assessment has been made of the capacity of the final disposal area and that further analysis is required.

86. Mr. Overton submitted that the proposal will undermine open space amenity values by the loss of the tennis court and loss of landscape outlook by the construction of a large building. He also submitted that a reduced area of land will now be available for housing, especially affordable housing. In his view, the proposal is contrary to the stated policies of the zone which purchasers have relied on, and that purchasers should be entitled to rely on published promotional material as well as plans, policies and designs with some certainty.
87. Finally, Mr. Overton submitted that the proposal will have negative impact on visual amenity for the residential neighbourhood including associated parking, bus parking, lighting and signage. Further to this he considered that the residents will be impacted by noise, dust, dirt, and that there will be future infrastructure costs to ratepayers.
88. **Mr. Gardner-Hopkins**, Legal Counsel for Wanaka Community Supporting our Northlake Neighbours Incorporated submitted on the 'non-objection' covenants; Part 2 of the RMA; the ODP RM160152; and the section 104D threshold tests. He acknowledged that the covenants are not a relevant consideration and although he agreed that they are irrelevant to the substantive consideration, he submitted that the Applicant's approach to the covenants is relevant to the context and informing of the issues were to determine. He submitted that effects on residents do need to be considered and that public submitters help identify what issues are relevant to a community. He further submitted that submitters can, and often do, speak on behalf of others.
89. Mr. Gardner-Hopkins submitted that Part 2, in particular sections 5, 7(c), and 7(f) are important to our decision making. He further commented that the 'environment' against which the effects of the proposal must be measured, must include the existing 300 families living at Northlake and the consented environment under RM160152 so the removal of what was originally envisaged and its replacement can be considered. He stated that the Society is not relying on Part 2 to "override" any directive District Plan objectives or policies and that the Commission is in a position where it has to exercise "judgment". In Mr. Gardner-Hopkins' view Part 2 will inform how that judgment should be exercised. He submitted that the Commission should "keep on eye" on Part 2 and not use it as a post-hoc cross check or safety net.
90. In regard to the first threshold test of section 104D(1) of the Act, he submitted that adverse effects of the proposed hotel particularly against the context of what has previously been represented to residents through the consented ODP, in terms of character and amenity of the site; as being a community village, with tennis courts, not a major hotel for non-residents, will result in more than minor adverse effects and that this limb of the tests will not be met.
91. In regard to the second threshold test of section 104D(1), Mr. Gardner-Hopkins submitted that before applying the threshold tests, some context relating to the RM160152 and the existing ODP approved under it needs to be understood. He

submitted that this a significant component of Northlake's consenting process and acknowledged that a consent holder cannot be compelled to implement a consent, however the position is not as straight forward when a consent has been partially implemented. He submitted that RM160152 represents integrated development and was granted as a package and that it cannot be assumed that excising elements, or replacing them, will necessarily still achieve the same result. He submitted that the people and community of Northlake had expectations of the use of the site as a business park, with tennis court and the character and amenity that provides for the community as shown in the ODP is a significant and relevant consideration. He submitted that any change must be assessed carefully against the existing ODP as well as the environment and community that exists and will be exposed to the effects of the changes.

92. He was critical of the Applicant's unduly simplistic approach that the ODP did not grant consent for any non-residential activities or the tennis court and that while the ODP may not have authorised any non-residential activities, the ODP was adopted which clearly set the framework for further development. Mr Gardner-Hopkins submitted that RM160152 clearly shows a tennis court and a business park comprising five small buildings and that what is proposed is a major departure from that.
93. He submitted on the importance of "integrated management" and that this is a common theme through Council's functions under the Act, the Regional Council's functions, and through numerous zone provisions. He advised that achieving "integrated management" was a key goal of the zone and that could be compared to achieving "harmony" between the proposed hotel and the existing residents. He concluded that the proposal would result in a lack of harmony as well as adverse effects associated with the off-site coach park.
94. Finally, he submitted that the proposal is contrary to Policies 2.3, 2.6 and 5.4 of the Operative Plan and that this set of policies reinforces "integrated management". When considering the proposal as a whole, the proposal was in Mr. Gardner-Hopkins' view contrary to the objectives and policies and that the proposal also fails this limb of the threshold test. He further submitted that there is a risk, if consent is granted to the proposal, that it will send a signal to developers that the ODP process has a high degree of flexibility and that significant changes can be sought through successive updates. He considered that this would be a dangerous precedent that the assessment matters seek to avoid.

Council Officers

95. **Mr. Jones**, Council's resource management engineer attended the hearing and addressed the outstanding matters raised in his engineering report including clarification that only 88 rooms will have kitchenette facilities; issues surrounding the footpath on the eastern side of Merivale Avenue; concerns regarding the height of adjacent road-side planting in the vicinity of Merivale Avenue vehicle crossing; an indicative design of the Northlake Drive/Mount Linton Avenue crossing; and potential effects on the surrounding road network from increased traffic. In Mr. Jones' oral report at the hearing, he responded to changes and clarifications made during the course of the hearing and

advised that he was satisfied from an engineering perspective that consent could be granted.

96. **Mr. Morahan**, Council's consulting traffic engineer, did not attend the hearing in person but was available by telephone conference and listened to the Applicant's traffic engineer, Mr. Carr. In Mr. Morahan's report he recommended that the application could be granted subject to the following issues being resolved: confirmation that only 88 rooms will have kitchenette facilities; details on the intersection layout; additional cycle parking and clarification that traffic impacts were assessed as part of previous plan changes. In questioning from the Commission, Mr. Morahan advised that he largely agreed with Mr. Carr's conclusions, in particular that the traffic predictions were adequate and that other activities on the site could generate similar if not more traffic generation.
97. **Mr. Church**, Council's consulting urban designer, summarised the conclusions reached in his report and updated the Commission on the changes and clarifications made during the course of the hearing. He was of the opinion that the application is comprehensive in nature and provides a good explanation of the design proposal. He considered that the application with its associated amendments addressed the urban design issues previously raised, with the exception of outstanding clarification, actions and/or mitigation measures including justification of the degree of change away from the ODP; movement through the site; integration of signage; CPTED assessment; greater visual permeability of the dining terrace wall; details of the hard landscaping and material palette, and additional sunlight studies. In responding to changes and clarifications made during the course of the hearing, Mr. Church advised that there was a large amount of agreement between the urban design experts on matters such as deep setbacks from residences, a good connection with the commercial area being achieved, screening of car parking from Northlake Drive, relocation of back-of-house services away from residences and two buildings separated by a central gap (rather than one) to reduce bulk. He advised that the remaining differences of opinion related to finer grain design matters and that overall he supported the granting of consent.
98. **Dr. Chiles**, Council's consulting acoustic engineer, summarised his report and concluded that most aspects of the application would comply with the Operative Plan noise limits and should not cause undue disturbance to neighbouring residential sites. However, he advised that there remained an outstanding issue with vehicles exiting the car park onto Merivale Avenue; noise associated with the use of the loading bay and that the off-site coach park may cause exceedances of the noise limit and result in unreasonable noise effects in a residential area. He recommended that if consent was granted, conditions should be imposed to ensure that assumptions made in the Applicant's noise assessment and his review remain valid. In responding to changes and clarifications made during the course of the hearing, Dr. Chiles advised that there was a large amount of agreement between the noise experts, however there remained differences of opinion relating to the hours of operation of the outdoor dining areas, the hours coaches are allowed on site (with Dr. Chiles supporting a restriction from 8pm until 8am each day) or an alternative loading area on Northlake Drive. In regard to the proposed acoustic fence at the coach park site, Dr. Chiles raised an issue of timing of when the fence should be constructed.

99. **Ms. Gathercole**, Council's senior planner spoke to her written report and clarified some matters associated with the late submission from Mr. Lynch, the role of the ODP, and the importance of the existing ODP in relation the objectives and policies. She agreed with Mr. Brown that consent was required overall as a non-complying activity. Further she raised an issue that if the public were allowed to use the hotel restaurant and bar facilities then this could trigger the need for additional resource consent in relation to retail activities exceeding 200m²(when restricted to hotel guests only these activities fall to be defined as ancillary activities within the hotel activity and do not qualify as separate retail activities requiring consent). Ms. Gathercole's recommendation did not change following the hearing of the evidence.

Applicant's Right of Reply

100. **Mr Goldsmith**, gave a brief oral reply covering a wide range of issues, including clarification that the application is for both an ODP and a land use for the proposed hotel. In response to criticism over the level of information submitted for the ODP, he acknowledged that while the application does include an ODP it identifies the location of buildings rather than the location of activities and that this was to be corrected as part of a formal written reply. He reiterated that despite the existence "no object" covenants, the Commission can take into account effects on the environment. He queried whether Part 2 is actually relevant, however on questioning from us, accepted that Mr. Brown had included an assessment of the application against Part 2. He highlighted the extent of legal agreement between opposing Counsel that RM160152 only granted consent for residential activities and that it did not grant consent for non-residential activities. In regard to the tennis court he submitted that it is likely that the tennis court did require a resource consent but that none were ever obtained. In Mr. Goldsmith's opinion if this is indeed the case, then the consented tennis court does not form part of the existing environment.
101. In an extensive written right of reply, Mr. Goldsmith addressed a number of accompanying information and clarifications requested by the Commission, including a plan identifying the area of land in consent RM160152 not granted for residential activities (Lots 1005, 1006 and 1008); a plan identifying the residential dwellings that have outdoor living areas facing towards the road and proposed Hotel site; a plan identifying the hard material (landscaping) palette; a plan showing the dimensions of the tennis court in relation to site boundaries; an amended 'Visitor Accommodation Outline Development Plan'; a plan showing the areas of the bar and restaurant; and a new plan showing louvres to address privacy for adjacent residences.
102. Mr. Goldsmith addressed the late submission of Mr. Lynch and advised that the Commission cannot grant a waiver to allow the late submission as the submission was received after the date of the maximum extension which could be granted.
103. Mr. Goldsmith responded to issues raised by Mr. Smith, submitting that his opinion on the effects on the road network should be given no weight as he is not a traffic expert and that effects on the transportation network have been fully assessed and considered as part of Plan Change 45. In respect of the proposed hotel site, he submitted that there is no breach of Rule 12.34.2.4(ii) as the application includes an ODP. In response to

issues raised about inconsistency with RM160152, he submitted that this cannot be grounds for refusal and that the Applicant has complied with the ODP to a significant extent.

104. Mr. Goldsmith addressed in detail the 'Northlake Wanaka - ODP Housing Yield' plan approved as part of RM160152, drawing attention to the 18.1ha of land contained in AAD1; the wide range of activities that can occur in AAD1 and with the exception of "small-scale retail activities" and retail activity being limited to 200m²; as well as a supermarket of 1250m², he submitted that there is no limitation of the extent of non-residential activities, and that one or more of these activities could occur anywhere in AAD1 subject to resource consent. He stated that against this context, the RM160152 ODP provides for 16.6ha of residential activities; limits non-residential activities to an identified area of 1.5ha, creates integrated network of roads, cycleways, walkways and reserves; and provides an integrated framework.
105. He advised that with the exception of the northern part of AAD1 contained within approved RM181451 (consent relating to an amended residential subdivision layout to achieve a higher density and a different reserve layout) and the 1.5ha non-residential area, the Applicant has completed all of the development approved by RM160152 equating to 28.5ha out of 30ha or 95% and that there is no factual basis to any assertion that the Applicant has 'talked down' the importance of the RM160152 ODP process and framework.
106. He submitted that the application has assessed the relevant assessment matters contained in Rule 12.34.5.2iii and that when it comes to integrating the proposed ODP with AAD1 that the title for Lot 1005 has been created, the surrounding roading, public access and reserves have all been created and that all that is left to consent on this lot is the activity and the buildings. He submitted that in this case, the only way that activity and buildings can be integrated is through detailed design of the buildings which has been assessed and achieved as demonstrated in the Applicant's evidence.
107. Mr. Goldsmith contended that the scope of the approval is not ambiguous, in that "...the development..." referenced in condition 1 of RM160152 is a reference to what has been consented and as the consent is limited to residential activities it can only apply to the plans to the extent they relate to residential activities; and that page 8, paragraph 4 of RM160152 specially states that *"the detail of what would be contained with the community development does not form part of the ODP"* and that the direction contained in condition 1 cannot apply to the future non-residential activities.
108. In response to Mr. Smith stating that there were no plans that referenced an ODP, Mr Goldsmith stated that this was incorrect, but acknowledged the matters raised during the hearing that the plans relate to the location of buildings rather than the location of activities and that a replacement plan has now been submitted.
109. In response to legal security of the coach park, Mr. Goldsmith advised that proposed conditions have been reworded to reinforce legal certainty to achieve exclusive use by the hotel.

110. Mr. Goldsmith agreed with Mr. Smith's comments on micro-managing comprehensive planning and explained that RM160152 focussed on establishing residential activities and that while an area was set aside for non-residential use there was no thought on the detail of what activities might or could occur there because it was too early in the process. He advised the Commission that Council has consented individual buildings for non-residential activities as they become viable and able to be progressed.
111. In response to issues raised by Exclusive Developments Limited he raised issue that the presentation was expressed as being a submission, rather than evidence and that no weight should be placed on it because although they acknowledged that they are a trade competitor they did not establish any effect of the proposed activity on them. Further, that the alleged adverse environmental effects, particularly traffic, coach turning and stormwater were not supported by any expert evidence. He submitted that expressing views on behalf of purchasers or their landowners is not an effect on Exclusive Developments Ltd and that this submitter will not be living there and experiencing these effects and that the only possible effect is that the alleged adverse effects may have an adverse effect on sales which is a trade competition effect.
112. In response to Ms. Walthew and the concerns raised about consultation, Mr. Goldsmith stated that the application was publicly notified and met all legal requirements for consultation.
113. In response to Ms. Shaw, he submitted that we should give little weighting to her evidence, which in Mr. Goldsmith's opinion expressed concerns of Northlake residents based on second-hand (hearsay) evidence and which could not be tested. Mr. Goldsmith also considered that Ms. Shaw's statements were not supported by any expert evidence.
114. In response to Wanaka Community Supporting our Northlake Neighbours Incorporated, Mr. Goldsmith stated the although extensive submissions were made on legal issues they were not supported by any expert evidence and that no weight should be accorded to the submission. He stated that this does not mean that environmental effects cannot be considered but determination needs to be made on the issues, and that these issues must be determined on evidence.
115. In regard to the issue of representation on behalf of third parties, he submitted that the Commission was given no evidence on the membership of the Society or the connection between the Society and the Northlake development. Further, that no evidence has been presented demonstrating the people have relied on the business park and the tennis court shown in RM160152 ODP as part of their due diligence, however he acknowledged that a Sales Plan was attached to the submission. He submitted that it is not appropriate for us to prefer submissions made on behalf of unidentified people about what may or may not been represented to them and what they may or may not have relied on.
116. Mr. Goldsmith advised that there was broad agreement between opposing Counsel that RM160152 did not consent non-residential activities and that there is no legal uncertainty on this issue. He submitted that this undermines a number of opposing submission points relating to reliance on RM160152; the consented environment; and what was consented as part of RM160152.

117. In regard to Mr. Gardner-Hopkins 'top-down' approach to Part 2, Mr. Goldsmith advised¹³ *"that it is only after careful consideration of the relevant lower order planning instruments (in this case, the District Plan) that the consent authority should turn its mind to whether or not there is any need to refer to Part 2 to assist the required 'evaluative exercise'".* He further submitted that Mr. Gardner-Hopkins 'novel' submission to 'keep an eye on Part 2', when considering the threshold tests of section 104D, is not supported by any case law.
118. Mr. Goldsmith addressed Mr. Gardner-Hopkins' definition of 'environment' to include the consented environment of RM160152, submitting that it was incorrect to include what was originally envisaged and its replacement of what is proposed, taking into account the correct interpretation of RM160152.
119. In regard to 'integration' and the reference to 'harmony' given by Mr. Gardner-Hopkins he stated that an exercise of judgment is required and guidance can be found in policies 2.3 and 2.4, referring to¹⁴ *'...appropriate integration...'* and *'...high level of integration...'* stating that these are different standards and neither seeks to achieve perfect integration. He stated that the expert evidence of the Applicant's architect, urban designer and landscape architect must be considered and that 'appropriate integration' has been achieved.
120. In regard to precedent, Mr. Goldsmith submitted that the zone provisions anticipate an ODP for part of an activity area as a discretionary activity and that applications must be assessed on their merits and against the relevant assessment matters.
121. In response to the tennis court, Mr. Goldsmith reiterated¹⁵ that it is not relevant and that there is no existing consent condition or requirement that the tennis court be retained and that it could be removed without any legal consequence. He further submitted that as the tennis court fence breaches setback controls and that no resource consent has been obtained that the tennis court is illegal and cannot be considered as part of the existing environment.
122. Mr. Goldsmith provided guidance on how the Northlake rule structure operated, with specific reference to ODP applications.
123. Responding to questions from the Commission, he outlined the subdivision history of Lot 1005, with particular reference to the north-south road link through the middle of the site. He advised that the road link was created as part of RM160152 and the lots were subsequently altered by consent RM160159 which created a single lot removing the road link. He raised the issue of whether the Commission has the ability to review this roading link and submitted that the original road link would result in traffic effects on a greater number of existing residential properties.
124. Mr. Goldsmith addressed the retail activity issue raised by Ms. Gathercole and the proposed amendment to allow members of the public to access the bar and restaurant

¹³ Closing Submission of Mr. Goldsmith, paragraph 44.

¹⁴ Closing submission of Mr. Goldsmith, paragraph 59.

¹⁵ Closing submission of Mr. Goldsmith, paragraph 15.

and whether this would trigger a consent for a 'retail activity' and whether this activity is greater than 200m². He submitted that the 'bar' activity is complying, however an issue arises with the restaurant as it shares the toilet facility with the bar and compliance will depend upon what percentage of the toilet block area is allocated to the bar and restaurant respectively. He referred the Commission to the definitions of '*Visitor Accommodation*' and '*Retail*' and that the definition of Visitor Accommodation includes some centralised services, however as '*Retail*' does not exclude '*Visitor Accommodation*' Ms. Gathercole is technically correct that consent is required for the retail activity. He submitted that the application can be amended and referred to his opening legal statements in relation to the other two further non-complying resource consents required and that these comments would apply in this respect. He stated that if this raises jurisdictional issue, the original restriction (limited to hotel guests) can remain in place.

125. Finally, Mr. Goldsmith referred to Mr. Brown's supplementary planning evidence addressing the District Wide provisions and addressed various suggested changes to proposed consent conditions.

PLANNING FRAMEWORK

Operative and Proposed District Plans

126. The site is zoned Northlake Special Zone (NSZ), located in Activity Areas D1 (AAD1), Activity Areas C2 and C3 under the Operative Plan.
127. The resource consents required in relation to the application are set out in section 5.2 of Ms. Gathercole's s.42A report¹⁶. Mr. Brown¹⁷ agreed with the identified list of resource consents required. Further to this list, Mr. Brown identified¹⁸ that additional resource consents are required in respect to the off-site coach parking area, being:
- (i) A **non-complying** resource consent activity pursuant to Rule 12.34.2.5(viii) in regard to the use or development of land within any of Activity Areas B1 to B5, C1 to C4 and D1 that is not in accordance with Rule 12.34.2.3(i) or Rule 12.34.2.3(ii) in respect of all of that Activity Area or under Rule 12.34.2.4(ii) in respect of part of that Activity Area.
 - (ii) A **non-complying** resource consent activity pursuant to Rule 12.34.2.5(ix) in regard to visitor accommodation, commercial, retail, and community activities and retirement villages within Activity Areas A, B1 to B5 and C1 to C4.
128. There was otherwise no disagreement between the planners Mr. Brown and Ms. Gathercole as to the range of consents required and as a result we have adopted these as set out for this decision, noting that the activity must be assessed as a **non-complying activity** overall.

¹⁶ Section 42A Report, pages 8-10

¹⁷ Evidence of Mr. Brown, paragraph 3.1, page 3.

¹⁸ Evidence of Mr. Brown, paragraph 3.2, page 3.

129. Submitter Mr. Smith¹⁹ also contended that a non-complying activity resource consent was also required in regard to Rule 12.34.2.5(viii). This was because in Mr. Smith's opinion the hotel proposal was not accompanied by an ODP. We find that no consent is required under this rule. The proposal adequately includes an ODP component and that consent for the hotel under Rule 12.34.2.4(ii) is required. As will be discussed later in this decision, we find that although the information and material that comprises the ODP and hotel activity component of the proposal is minimal and mixed with the information relating to the hotel building, it is sufficient given the characteristics of the ODP to confirm a visitor accommodation activity on a site that otherwise fits into the earlier ODP in terms of site location, size and integration with other blocks and streets.
130. However and for the avoidance of any doubt, we have also considered the scenario of Rule 12.34.2.5(viii) applying as per Mr. Smith's contention. In the event that an additional non complying activity consent was required for the hotel activity and buildings, the analysis and conclusions that follow below would remain unchanged and not affect the ultimate decision we have reached.
131. The relevant provisions of the Operative Plan that require consideration can be found in Part 4-District Wide, Part 12.34 - Northlake Special zone and Part 14 - Transportation.
132. Ms Gathercole in her s.42A report advises that the Council notified its decisions on Stage 1 of the Proposed Plan on 5 May 2018, and that the Northlake Special Zone was excluded from Stage 1 and that there are no rules in Stage 1 applicable to the proposal. However we understand that the objectives and policies of Chapter 3 Strategic Direction are relevant to consider.
133. We were also advised that Council notified Stage 2 of the PDP (Stage 2 Decisions Version 2018) on 21 March 2019 and that the Northlake Special zone is again excluded from Stage 2 and therefore there are no rules relevant to this proposal. However, Chapter 29 - Transport was included in Stage 2 and is relevant to these considerations.
134. There was no disagreement between the parties on these matters and as such we have considered the Operative Plan and the PDP's policy framework (objectives and policies) with the appropriate weight, a point that we will return to later in the decision.
135. Further we were advised that on 9 May 2019, just prior to the hearing, Plan Change 53 (PC53) Northlake Special Zone became operative. Mr. Goldsmith in a Memoranda dated 1 May 2019²⁰ advised the Commission that:
- "PC53 does not amend any plan provisions, including rules, directly relevant to this application but it does have some peripheral relevance to at least one issue. In addition, Counsel will be addressing some of the Northlake Special Zone plan provisions during presentation of legal submissions."*
136. In opening legal submissions, Mr. Goldsmith advised us that PC53 was a 'tidy up plan change' which amended boundaries, removed Rule 15.2.16.3 relating to the

¹⁹ Submission of Mr. Smith presented at the hearing, paragraph 4.

²⁰ Memorandum of Mr. Goldsmith, dated 1 May 2019, paragraph 6, page 2.

construction of community facilities and provided for a small supermarket of 1250m² to be established in the NSZ.

Operative Regional Policy Statement

137. The Commission was advised that the relevant objectives and policies are found in Part 5: Land and Part 9: Built Environment.

Partially Operative Regional Policy Statement

138. Ms. Gathercole in her s42A report advised us that the Otago Regional Council released decisions on the Proposed Regional Policy Statement on 1 October 2016 and that most appeals with the Environment Court have now been resolved through Consent Orders. We understand that two appeals are not yet resolved and are still subject to legal processes. Ms. Gathercole advised that the ORC has resolved to make the Proposed Regional Policy Statement Partially Operative.
139. Further, Ms. Gathercole advised that the relevant objectives and policies are found in Chapters 1, 4 and 5 and that these generally align with the Operative Regional Policy Statement.
140. Overall we have considered the activity as a **non-complying activity**.

Relevant Statutory Matters

141. As a non-complying activity the application is subject to a s.104D RMA gateway assessment before a s.104 assessment or s.104B determination can be made. Section 104D requires that adverse effects on the environment must be no more than minor or that the proposal will not be not contrary to the objectives and policies of the Operative and Proposed Plans.
142. Finally, sections 108 empowers the Commission to impose conditions on a land use consent if granted.
143. We address Part 2 later in this decision.

PRELIMINARY MATTERS

144. Having read and heard the evidence and submissions presented, before turning to the assessment of effects and our assessment of the relevant objectives and policies, it is first necessary to make findings on three matters over which the parties disagreed. These matters are central to the assessment of the proposal, as they relate to the context within which we should consider the effects of the development. These matters are:
- a) The relevance of the ODP approved as part of RM160152;
 - b) The relevance of the existing tennis court as part of the receiving or existing environment; and

c) The adequacy of the ODP component of the proposal.

145. We will address each of these in turn.

Relevance of the ODP approved as part of RM160152

146. We find that the ODP is one of many resource consents approved by the Council for land within AAD1. We find that it has been implemented in part but has been varied inasmuch as:

- a. The internal street within the block that is the subject of the Hotel application has been removed as per subdivision consent RM160159.
- b. Commercial activities on the south side of Northlake Drive have been established via consents RM170418 for the construction and operation of an restaurant, RM161230 for the construction of buildings containing health care, office, retail, commercial activities and a gym complex and RM170368 for an early child care centre. These are in locations that are consistent with the commercial 'village' identified in RM160152 ODP, although Mr. Goldsmith advised us that strictly speaking they were approved on the basis of development occurring in the absence of an ODP.
- c. The wider street network has been varied as per RM181451 which granted consent for an ODP for part of Activity Areas D1, B3, C2 and E1 to allow for 175 allotments with associated roads and reserve. This included the creation of what we were told will be a new public recreation reserve (to be vested as part of the subsequent subdivision that is to occur).

147. The consents are interdependent and overlap. They are frankly not always clear or consistent in what they have shown and why, and it proved impossible for us to definitively dissect each one on the information we were provided with. But resource management is not always linear or straight forward. In the context of these overlapping consents and some uncertainty (perhaps inconsistency) in how the Operative Plan provisions have been applied over time, we find that it is not necessary or helpful to unravel the consent history for the subject site or to differentiate each consent individually so as to then determine the merits of the current proposal. We have instead determined to take what we consider to be the most practical 'real-world' response to the environment as it has now been accumulated before us.

148. The proposal has been made in the context of that accumulation of historical consents and development, and we find that integrated management will be best promoted by, where possible, taking such a real-world view of what has occurred on the ground and in the cumulative.

149. In the context of that approach, we find that RM160152 ODP quite plainly identified a predominantly residential subdivision and street pattern, and at its core was proposed a commercial village area that included various non-residential activities. We find the Applicant did not help its cause by creating ambiguity in that proposal by showing detailed buildings and landscaped areas in the commercial village area of RM160152;

as explained to us by Mr Goldsmith the Operative Plan is quite clear (rules 12.34.2.3 and 12.34.2.4) that ODPs are focused on activity allocations and not buildings or detailed design outcomes on land.

150. We find that RM160152 plainly identified a business park activity (eastern half of the subject site) and what can only be reasonably interpreted as two tennis courts (western half of the subject site). That a real-world tennis court has been developed on the site that is shown to have tennis courts on RM160152 is in our view something of a resource management 'smoking gun' and was a fact that Mr. Goldsmith's otherwise quite persuasive submissions could not convince us to overlook. In reaching this finding, we also refer to Mr. Bretherton's evidence to us that consent RM160509 (condition 19) included and in fact required construction of the tennis court that is currently in place. We find that this is because RM160509 followed on from and relied on the ODP granted as RM160152, including the tennis court location it showed. This is discussed in more detail below. But we are, therefore, satisfied that the tennis court has been the subject of sufficient resource management authorisation including in the initial RM160152.

Relevance of existing tennis court

151. Based on the above, we find that the tennis court is part of the existing environment and the amenity and character values enjoyed by users of the commercial village, Merivale Avenue, and the residents of dwellings that face Mount Creighton Crescent.
152. We also find that the tennis court is an important part of the social and economic opportunities provided to residents and workers within the NSZ. The Applicant constructively conceded that it should be retained within the neighbourhood rather than removed outright, but that it wished to relocate it approximately 130m to the new reserve identified in the most recent ODP approved under RM181451. That reserve has not yet been formed or vested in the Council, and the Council has not yet determined to accept a tennis court within that future reserve. The Applicant advised us that the Council's Community Board for Wanaka has approved acquisition of that reserve in due course.
153. In terms of the existing tennis court, we have already addressed the Applicant's argument that the tennis court was not provided for in RM160152. We accept at face value Mr. Goldsmith's appraisal that additional resource consent may have been required for the tennis court but not obtained, but this is balanced by explicit reference to the tennis court and requirement that it be constructed that Mr. Bretherton gave to us from RM160509. Resource consent RM160509 related to a subdivision consent to create 107 residential lots, 4 lots for community and commercial facilities, 3 lots for local purpose reserve, 6 lots as recreation reserve and 3 joint access lots. This consent stated²¹ *"The tennis court is proposed on the western portion of Lot 1005."* The consent also states²² *"The proposal includes a playground and tennis court that forms part of the necessary community facilities as defined. The Applicant has confirmed that these facilities would be constructed within three years or at the completion of Stage 2. These facilities would provide amenity and recreational opportunities for the residents of*

²¹ Resource consent RM160509, page 4

²² Resource consent RM160509, section 4.2.1.1, page 8

Northlake and the surrounding residents.”

154. We accept that there is however nothing inherently fundamental about a tennis court in resource management terms relative to a basketball court or similar recreational facility. We find that in light of the removal of rule 15.2.16.3 by the recently Operative Plan Change 53, the existing tennis court could be changed to an alternative facility albeit with some form of resource consent likely to be required. But it follows that were the tennis court to be relocated as has been signalled by the Applicant, it could at the same time also potentially change to a different type of recreational facility should the Council wish such within its future new reserve.
155. In light of that uncertainty, the Applicant volunteered conditions that preclude the existing tennis court being removed until such time as the replacement permanent tennis court is built and is available for public use (conditions 43 and 44). We have accepted these as generally appropriate, but we have amended their wording so as to be clear that a replacement must be provided prior to the existing tennis court's removal being acceptable. On the basis of our revised proposed conditions we find that they would be sufficient to ensure that the tennis court (or a suitable substitute facility, which we have also provided for in the conditions) will be available to help meet the community's social and economic wellbeing needs, and remedy or mitigate the social and health effects that could occur from the tennis court being removed from the NSZ completely.
156. The existing tennis court is close to but is not part of the commercial village in AAD1. We find that it being relocated 130m west of its current location would not have significant or inappropriate adverse effects on the amenity or character of Merivale Avenue and Mount Creighton Crescent or the commercial village. We find that the tennis courts relocation and replacement with a hotel activity and building would have amenity and character effects on the residents of Merivale Avenue and Mount Creighton Crescent and that such effects need to be considered as a matter of contention.
157. We lastly record that relocating the tennis court into a public reserve as has been indicated to us would not have any material adverse effect on the ability of the community to access or use that facility and we see no resource management concerns with such a location.

Adequacy of the proposed ODP

158. The proposal for the ODP component of the application is a combination of identification that a visitor accommodation activity be identified as applying to the site, and the various technical analysis and assessments of the effects and policy ramifications of the proposed hotel activity and buildings otherwise contained within the application.
159. We find that the Operative Plan provides for ODPs that apply to full activity areas, more than one activity area, part of one activity area, parts of two or more adjoining activity areas, or all of one or more activity areas and parts of other adjoining activity areas. Within that framework, we find that the Operative Plan is also open-ended regarding whether there can be only one ODP applying to an activity area (whether in full or in part), or whether different ODPs or ODPs applying to only part of an activity area can

overlap or sit 'on top of each other' over time. In that respect, we consider that the application to provide an ODP only for the subject site as a part of AAD1, irrespective of whether it is, as Mr. Goldsmith contends, the first such ODP for that land, or whether it is, as the submitters and Ms. Gathercole contends, a replacement ODP to part of RM160152, is fundamentally something that is enabled by the Operative Plan provisions either way.

160. In that respect, we find that having considered both of the ODP scenarios above, the ultimate decision we have reached on the merits of the application would not change depending on whichever was used (it does not change the activity status of the proposal or the effects we should consider). We record our finding that, on balance, RM160152 did identify a "business park" activity for the eastern half of the subject site and some form of privately-owned site containing a tennis court on the western half of the site. In that context, the proposed ODP for the subject site is a replacement ODP.
161. Having established that the proposal is for a replacement ODP rather than a new ODP, the information and accompanying information that the Applicant should provide has been considered. We find that the level of information required is that on which submitters and independent assessors, and the Commission, can make an informed and accurate understanding of the ODP's effects and characteristics.
162. No submission was received stating that any submitter was not able to understand the proposal or its possible adverse effects. No expert evidence was received including uncertainty that inhibited assessments or professional recommendations being drawn. And lastly, we find that we have been able to understand the extent and consequences of the ODP application including how it would relate to the area around it that has developed to date.
163. Were the ODP to change the subject site's dimensions, road patterns, the location or fundamental extent of the NSZ's village, then we record that additional analysis of these effects would have been required. But because the ODP applies to an existing site that has been formed in accordance with RM160152 and subdivided as a stand-alone lot, and that the balance of RM160152 remains unchanged, it is not necessary to return to 'square one'. Because of the quite discrete and well-defined way that the proposed ODP would fit within the RM160152 ODP, we consider a satisfactory level of information has been provided, and that there is no need for a broader or wider re-analysis of the RM160152 ODP area to occur. Referring to the evidence we heard from the Applicant's design experts and as discussed further below, we are also satisfied that sufficient integration between the new ODP and the existing one has been demonstrated.

PRINCIPAL ISSUES IN CONTENTION

164. A wide range of matters were traversed in the application, submissions, section 42A report and supporting reports and during the hearing.
165. After analysis of the application and supporting evidence (including proposed mitigation measures and volunteered conditions), a full review of the section 42A planning report,

consideration of the submissions, and the site visit, the Commission have determined that proposed activity raises a number of issues that require consideration. The principal issues of consideration are:

- (i) The extent to which the proposal will have acceptable or unacceptable adverse effects on the environment;
- (ii) Whether or not the proposal is contrary to, or inconsistent with the relevant objectives and policies of the relevant District and Regional Plans;
- (iii) The extent to which the activity will undermine the integrity of the District Plans and set a precedent.

166. The Commission's main findings on the principal issues in contention and the reasons for the findings, are as follows:

Interpretive note and summary

167. In the discussion that follows, and in recognition of the very wide extent of issues in contention between the parties, we have determined to present our discussion and findings on merit as completely and simply as possible. The RMA requires that Non Complying activities be determined in a very specific way, with certain findings under s.104D required before any consideration of merit or granting can occur under sections 104 and 104B of the Act. We confirm that we have followed the Act's requirements closely, and have written this notice having completed that decision-making process.
168. We have determined that the proposal passes the s.104D gateway relating to the proposal not being contrary to the Operative and Proposed Plan objectives and policies but fails the gateway relating to the proposal's adverse effects not being more than minor. Specifically, in relation to the latter gateway test, we find that the proposal will result in more than minor adverse amenity effects (visual amenity, character, and coach noise), with these effects confined to the residents of Merivale Avenue and those residents of Mount Creighton Crescent that face the existing tennis court. All other adverse effects on the environment would be at worst minor.
169. Because one of the gateways has been passed it has been possible for us to consider the proposal's merit and whether or not to grant consent.
170. Having undertaken that analysis under section 104 of the Act and including a consideration of Part 2 of the Act, we have found that the proposal's adverse effects (and overall effects) will be acceptable. The key reason that we reached this conclusion was that the proposal's overall effects, and its scale and intensity, are in line with what is envisaged within AAD1 and consistent with what the Operative Plan has enabled. Although we agree that it would have been clearer for the community if only one ODP had ever been lodged and implemented from 'Day 1', the Plan provides for multiple ODPs to be obtained, and we accept that one reason for this is to allow change to occur over time when it proves appropriate.
171. In the case of all adverse effects, an appropriate avoidance, remediation or mitigation has been proposed or could be achieved by way of conditions of consent.

172. In terms of proposed conditions of consent, we find that the conditions of consent included in the Applicant's right of reply, which are closely aligned with the conditions recommended by the Council in the event that consent was granted, are generally appropriate. In terms of the differences between the Applicant and the Council, these related to proposed conditions 7 (on street parking), 36 (closing time of outdoor areas), 39 (acoustic fencing at the coach park area), and 40 (coach noise at night time or early morning periods). We have also identified the need for additional conditions relating to the confirmation of an after-hours (2200 – 0800 daily) coach park. We will address these as appropriate below but in summary consider that subject to the conditions of consent attached to this decision notice the proposal should be granted consent under s.104B of the RMA.

Environmental effects

173. In respect of adverse effects relating to earthworks, construction effects, general noise, landscape and visual impact (wider environment), infrastructure and servicing (excluding traffic) we find that any adverse effects would be at worst minor and are not problematic. We accept the evidence of the Applicant and the Council in these respects.
174. In respect of adverse effects relating to the coherence and efficiency of the Northlake commercial centre, we find that the hotel will have a similar overall effect as a "business park" indicated in ODP RM160152. The loss of the tennis court will of itself not adversely affect the commercial centre as it is a recreational facility that we see as functionally unrelated to the provision of commercial services to the community or the ability of the community to efficiently access these. It is likely that guests staying at the hotel would venture to the adjoining commercial centre and spend time and money in it, in a way that would contribute to its vibrancy and success. We prefer and accept the evidence of the Applicant in this respect.
175. In terms of adverse effects relating to the relocation of the tennis court, we accept in part the conditions of consent volunteered by the Applicant; but have changed them to be clearer that the existing tennis court shall not be demolished or prevented from being used until the replacement tennis court (or substitute facility) at the nearby recreation reserve that has been signalled in RM181451 has been established. The effect of the conditions of consent is that there is no scenario of the tennis court (or suitable substitute) being fundamentally taken away from the Northlake community, only of it being relocated approximately 130m to the west. We find that in terms of the overall Northlake community this relocation will have negligible adverse effects and enable additional potential benefits such as night time use (with the addition of lighting) that would prove problematic in the tennis court's current location. We prefer and accept the evidence of the Applicant in this respect.
176. In respect of adverse effects relating to traffic effects (coach parking location), we find that there is negligible difference between the notified coach park location in Activity Area C2 and the amended alternative location identified by the Applicant in Activity Area C3. Given that the latter option is on land controlled by the Applicant and is surrounded by land controlled by the Applicant, there is an overall lower likelihood of adverse nuisance or other amenity effects arising, and for this reason we prefer it. We find that

the coach park, although notionally a non-residential activity, will have no problematic adverse effects on either AAD1 or AAC3. For the avoidance of doubt, we are not minded to consent both coach parking locations and we received no evidence as to the acceptability of both coach parks operating together. While we do not consider there to be any characteristic that would disqualify the notified coach park location in terms of a refusal of consent in and of itself, we find that were consent to be granted, it should be subject to the AAC3 location and design. We have amended proposed condition 1 so as to specify this. Because that site is on land that is under the control of the Applicant (including the land around the coach parking site), we do not agree with Dr. Chiles that proposed condition 39 relating to construction of an acoustic wall needs to change; the Applicant's version is appropriate and we prefer it.

177. In respect of adverse effects relating to traffic effects (general), we find that the proposal will generate a volume and frequency of traffic that will be appropriate and result in acceptable, but at times more than minor, adverse effects. We accept that early morning coach movements may prove disruptive to the residents of Merivale Avenue and Mount Creighton Crescent, and these effects could be more than minor (we record that we find this to be a form of noise-based amenity effect). We find that adverse effects from early morning coach traffic in the adjacent streets and Hikuwai subdivision would be at worst minor and in line with what is permitted on vested public streets.
178. We prefer Mr. Carr's evidence that it is likely that coaches will use Aubrey and Outlet Roads to access the site rather than local streets in the Hikuwai subdivision. We also prefer Mr. Carr's recommended condition 7(b) relating to on-street car parking because we feel it is clearer and simpler to administer than Mr. Jones' alternative (noting that both traffic engineers were in general agreement on the outcome that should be achieved).
179. In terms of early-morning or late-night use of Merivale Avenue for coach exit movements, we agree with Dr. Chiles to the extent that coaches leaving the site and accelerating would create an adverse amenity effect and we furthermore find that it would be likely to be more than minor, not likely in the very early morning. But we find that it is not appropriate or necessary to seek to limit the hours when coaches could visit the site (which is what Dr. Chiles' preference for proposed condition 40 would require), because due to aircraft flight times beyond the control of the Applicant it could create an unjustified burden on hotel users. While we are aware of hotels within the District that are subject to similar restrictions, we were presented with no evidence to demonstrate that such an imposition would be reasonable in this instance. Furthermore, that the AAD1 area is a mixed-use form of zoning persuaded us that the presence of non-residential activities and traffic would not be fundamentally out of place or unacceptable.
180. However, and in light of our finding that very early morning coach exit movements will be likely to result in more than minor adverse amenity effects on Merivale Avenue residents opposite the site, we do not accept that the applicant has demonstrated that it has considered all practicable or appropriate measures to avoid, remedy or mitigate those adverse amenity effects. We have identified additional conditions of consent (44A – 44C) requiring that an attempt be made to establish an after-hours coach drop off / pick up point on Northlake Drive between the hours of 2200 – 0800. If it can be

demonstrated that this cannot be reasonably achieved and that use of Merivale Avenue was necessary, which our proposed conditions of consent allows for, then that would constitute satisfactory evidence that those adverse effects had been avoided, remedied or mitigated to the greatest reasonable or practicable extent possible, and on that basis we consider an acceptable outcome would have been proven. As part of that, we do acknowledge that the hotel design and limited use of Merivale Avenue for exit coach movements does generally minimise overall coach-related amenity effects for the residential neighbours around the site and in particular along Mount Creighton Crescent. Lastly, we record that implementing the additional coach loading space along Northlake Drive in front of the site would likely result in removal of some existing on-street parking spaces. We are satisfied that there would be no problematic or inappropriate adverse effects arising from this, in light of the extent of on-site parking provided on the commercial activity sites, and that additional on-street parking spaces will be provided as the local road network is further developed.

181. Overall, we accept the Applicant's evidence that the site is likely to result in a similar if not greater level of traffic than the proposed hotel were the site put to other non-residential or "business park" use. We are also satisfied that such activities could frequently involve early morning visits by trucks to service or otherwise support those non-residential activities, and that in any scenario use of Merivale Avenue or Mount Creighton Crescent for traffic associated with the subject site is allowable and likely (subject to the usual RMA requirement that such adverse effects of avoided remedied or mitigated). We find that the mixed-use nature of AAD1 does bring with it an expectation that those residents living adjacent to non-residential activities will not be guaranteed the same level or freedom from nuisances as within a purely residential activity area. Because of our finding that the scale and characteristics of traffic likely to arise from the hotel activity are similar to what could reasonably occur in the alternative, we find that despite involving a more than minor component, and subject to the additional condition of consent we have identified, those adverse effects will be acceptable.
182. However, the exception to this is the proposal to allow public use of the Hotel bar, restaurant and/or gym. We find that public use is desirable and would help to integrate the hotel into the community as a benefit or positive effect. However, we are also uncertain as to whether or not the additional traffic that such public use may draw to the site would be appropriate. We have received no evidence on this matter and noting that we have already identified that more than minor adverse effects will result on the residents living in Merivale Avenue and Mount Creighton Crescent, we are not satisfied that allowing public use and any additional traffic effects will be appropriate. While we find that it would be a benefit to allow public use, it is not a requirement such that failure to provide for it would lead to an adverse effect of concern or refusal of consent. We recommend that the consent holder consider the benefits of public use further and if it can be demonstrated that any additional traffic could be accommodated an additional resource consent could be obtained to allow that. For completeness, we note that by not allowing public use, there is no need for us to consider an additional matter of consent for retail activities larger than 200m² flagged to us by Ms. Gathercole. Because the application was not to provide for public use and that this was never formally

changed by the Applicant (it only signalled a willingness to accommodate it), no condition of consent is required. However we have added an advice note to the proposed conditions to make this limitation clear.

183. In respect of adverse amenity effects on residents living along Merivale Avenue and Mount Creighton Crescent and those dwellings that face the application site, we find the removal of the existing tennis court and open space associated with it would have more than minor adverse amenity value effects on the owners or occupiers of those dwellings. We prefer the evidence presented by the Council and submitters over that of the Applicant in that respect although we do agree that if the tennis court was retained it could be reasonably changed (such as the addition of floodlights to enable night-time use) that would add adverse nuisance and other effects to the existing levels of residential amenity in Merivale Avenue and Mount Creighton Crescent. In terms of the owners and occupiers of the sites that face what was identified in RM160152 as a “business park” we find that the proposal will have adverse effects that are at worst minor, and which will be in all likelihood less than may have eventuated from a business park development laid out in accordance with that shown on ODP RM160152 because of the building setback proposed. We however note that we do not accept night time use of the hotel’s outdoor dining or entertainment areas after 2000 hours or before 0800 hours. This is one aspect that we consider could lead to inappropriate adverse residential amenity effects and for that reason we prefer the Council’s proposed condition 36.
184. In respect of the above, as part of our finding that the overall adverse effects of the proposal will be acceptable, we find that the reduction in adverse amenity effects on those residents living near the ‘business park’ end of the subject site is relevant to and balances, to an extent, the increase in adverse amenity effects that will result on their neighbours that live near the ‘tennis court’ end of the subject site. In respect of all of the above neighbours to the subject site, the change in use from a ‘business park’ to a hotel activity will of itself lessen land use conflict or nuisance effects between the identified residential and non-residential parts of AAD1, and result in a more residential-compatible built form outcome. While we agree with and accept the Applicant’s evidence that the approved ODP RM160152 should not be seen as a fixed or permanent outcome, and related to this that it is appropriate to expect the zone to change as it grows and develops, we also find that such changes may from time to time still result in “growing pains” and adverse effects on those residents or zone users that will experience those changes. We do not accept that resource management or the ODP provisions of the Operative Plan intend a linear or fixed built form outcome for the zone. In our view change, even unexpected change, is always a possibility and cannot be regarded as fundamentally unacceptable even if it challenges the grounds on which people initially chose to make living and other investment decisions.
185. We find that the ODP RM160152 plainly identified tennis courts in the location of the existing tennis court, and that the tennis court that has eventuated was required to be constructed by RM160509. The presence of the tennis court creates a spacious and open view that in addition to practical and convenient recreational opportunity also provides a freedom from morning shadowing, overlooking, and general noise and nuisance from users on the subject site. The openness of the tennis court area also

offers outlook space and something of a view. We find that these qualities would be entirely lost as a result of the tennis court removal and hotel replacement in its place.

186. However, in consideration of the appropriateness of those adverse effects, which we note have to our satisfaction been reasonably avoided, remedied or mitigated for what they are (including the addition of privacy louvres on the western side of the hotel building proposed in the Applicant's right of reply), we find that being more than minor is not in this instance disqualifying. The ODP RM160152 and also RM160509 do not have the effect of permanently determining what may occur on the tennis court site. That it was never vested as public reserve or identified as open space on RM160152 does somewhat corroborate the Applicant's argument that it was not intended to be a permanent fixture in the neighbourhood. We also note that the history of ODP RM160152, ODP RM181451, and resource consents RM160509, RM170418, RM161230 and RM170368 also further corroborate that in at least this part of the NSZ, there is no singular or uniform development vision but rather an ad-hoc or incremental process of ongoing refinement.
187. We have instead considered the proposal in terms of the AAD1 provisions and the outcomes we consider are envisaged by the Operative Plan. Against those, we find that while the change from tennis court to hotel will have a more than minor adverse effect on immediate neighbours, the adverse effects of the end-state hotel on those properties and their occupants will nonetheless be in line with the intention of the AAD1 provisions. Because of that, and our agreement with the Applicant's and the Council's design experts that the hotel buildings are of an appropriate and compatible form, scale and design for the site and neighbourhood, we find that the proposal's adverse effects will be acceptable. In terms of design, we have considered also the more general scale of the hotel buildings and find that they will not be out of scale or inappropriate for the AAD1 area despite being very large relative to Wanaka's existing hotel stock. We find that concentrating the buildings to the Northlake Drive frontage and away from the residential sides of the site (which would have been impossible to achieve had an arrangement of smaller buildings been spread out across the site) is an effective way of helping to mitigate the effects of the non-residential use on the adjacent residential dwellings and integrating it into that existing development pattern.
188. In terms of all other adverse effects, which were not in contention or not in substantial contention, we accept and adopt the conclusions of Ms. Gathercole and Mr. Brown. These effects will be at worst minor, be avoided, remedied or mitigated, and overall acceptable.
189. In terms of positive effects, we find that the proposal will reinforce the community node within the NSZ's commercial area and enable the efficient use of the site in a manner that is in line with the scale of non-residential activity identified in RM160152. It will contribute to the zone purpose by providing for visitor accommodation.
190. Overall, we find that the proposal will have a variety of adverse and positive environmental effects and that these will be appropriate. The key determinant in reaching this conclusion has been that despite some adverse effects being likely to be more than minor on residents living in Merivale Avenue and Mount Creighton Crescent,

those overall effects are in line with what we consider are reasonably likely and anticipated by both the AAD1 provisions, and additionally also the approved ODP RM160152 in terms of traffic generation.

191. In respect of our above findings, we additionally find that the inability of any of the residents living on Merivale Avenue and Mount Creighton Crescent to make submissions to us based on the restrictive Northlake covenants (assuming that they might have wished to), has not impeded our ability to consider adverse effects on them and reach reasoned and appropriate findings on the matter.

Objectives and Policies

192. Turning to the Plan's objectives and policies, we find that most importance should be attached to the AAD1 provisions, then the balance of the NSZ, then the remainder of the Operative Plan, then the District-wide provisions of the Proposed Plan, and then the Regional Planning documents.

193. In considering the application, we have found the following particularly significant:
- a. Objective 12.33.2(2) is focused on "urban design", sets out the importance of the structure plan, ODPs, and integration.
 - b. Policy 2.4 states: *"To achieve a high level of integration through residential lot layout, street design, recreational areas (including walkways/ cycleways, parks and open spaces) and landscaping through the resource consent process using Outline Development Plans."*
 - c. Policy 2.6 states: *"To enable visitor accommodation, commercial, community activities, retirement villages and limited small scale retail activities including one small supermarket within Activity Area D1 to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone."*
 - d. Policy 2.8 states: *"Ensure the design and appearance of non-residential buildings is compatible with the character of the wider neighbourhood and considers variation in form, articulation, colour and texture and landscaping to add variety, moderate visual scale and provide visual interest, especially where facades front streets and public spaces."*

194. We find that the Operative Plan provides for ODPs that are limited to only part of an activity area and that the ODP proposed is not problematic. It "fits" neatly into the existing ODP RM160152 as varied by the most-recent RM181451 because it occupies without change a lot developed as a result of subdivision in accordance with RM160509. That lot has been identified for non-residential activities (noting that the tennis court is not a residential activity). In that respect, the ODP proposed does not increase the size or extent of non-residential activity proposed within AAD1.

195. Because the Operative Plan provides for ODPs to be changed by replacement or substitute ODPs, including by way of ODPs affecting only part of an Activity Area, we

cannot agree with the submitters or Ms. Gathercole that there is an adverse planning consequence of allowing the proposal to proceed. We see a clear consenting pathway laid out through the Plan for proposals such as been put to us (as Discretionary or Non Complying activities), and instead consider that it is the substance of what is proposed (rather than the method of its proposal) that needs to be focused on. We ultimately find that whether or not the Applicant could have or should have applied for one singular ODP from the outset is not relevant.

196. In terms of the AAD1 provisions, we agree with and accept the Applicant's evidence that the proposal is consistent with the Operative Plan. AAD1 has a framework that provides for ODPs and part ODPs, including when an ODP or part ODP has been previously consented. We find no planning flaw with the application's proposal to lodge a part ODP the way that it has. We are satisfied that an appropriately integrated "*residential lot layout, street design, recreational areas (including walkways / cycleways, parks and open spaces) and landscaping*" will result, largely because the proposal is limited to one large lot established by RM160509 that is consistent with the wider street pattern identified in the ODP RM160152. We do not accept the suggestion that had RM160152 included a hotel from the outset that a necessarily different urban form outcome of blocks, streets and activities would have resulted. Our questioning of the Applicant's and the Council's design experts has satisfied us that the proposed hotel is appropriate for its setting and does not require wider-scale changes to the street or block structure, or the distribution of activities around it, in order to avoid, remedy or mitigate its environmental effects.
197. We find that the proposed hotel will be very large in the context of Wanaka. A number of submitters focused on its scale as evidence of its inappropriateness and instead emphasised to us the importance of the small-scale of non-residential activities in NSZ. We do not agree that the NSZ plan provisions seek a small-scale non-residential component. Policy 12.33.2(2.6) is clear that it is only retail activities that are intended or required to be small-scale. As we read this policy and the remainder of the NSZ provisions, it is enabling of hotels of the scale proposed, or multiple hotels, throughout AAD1 and to a greater extent than appears likely to now be possible given how much of AAD1 has been already given over and formed as residential (medium density housing) development.
198. The key limiter of non-residential activity scale is instead the direction in policy 12.33.2(2.6) that non-residential activities maintain "*compatibility with residential amenity*." That follows directly to policy 12.33.2(2.8) that more comprehensively addresses the design of non-residential buildings (our emphasis).
199. We find that the proposal has been designed, planned, and scaled to adequately maintain compatibility with residential amenity, accepting that the residences facing Merivale Avenue and Mount Creighton Crescent were always envisaged as fronting non-residential activities on the subject site (RM160152). The hotel buildings and the design of the car parking area will be compatible with the character of the wider neighbourhood and we adopt the analysis and conclusions of the Applicant's and the Council's design experts in that respect. While RM160509 required construction of the tennis court, we find that this was based on requirements within the NSZ for a

community facility to be provided based on a quantum of housing units being established rather than because it was essential to provide the dwellings fronting Merivale Avenue or Mount Creighton Crescent with an acceptable standard of character or amenity values. In other words, it was the provision of the tennis court, not its precise location, that was of overriding resource management importance in RM160509.

200. We do not agree that it is essential to retain the existing tennis court (or in the alternative to keep half of the subject site open as a de-facto recreation reserve) to maintain compatibility with residential amenity for the dwellings or residents along Merivale Avenue and Mount Creighton Crescent, AAD1, or the NSZ as a whole. Compliance with the NSZ development standards and positioning the hotel buildings to be at the subject site's southern Northlake Road frontage, away from the residential neighbours along Mount Creighton Crescent, will help to ensure compatibility with residential amenity accepting that within AAD1 the plan intends a 'mixed use' outcome that enables substantially more non-residential activities than will actually occur due to the cumulative combination of approved RM170418, RM161230 and RM170368 and the proposal as well. For that reason, we find that the proposal in cumulative combination with the existing and identified commercial village activities on the south side of Northlake Drive will also maintain compatibility with residential amenity.
201. We find that in respect of the above, the hotel buildings are likely to be more sympathetic to residential amenity values than the more commercially-focused "business park" identified in RM160152. Accepting that this improvement would only apply to the eastern end of Mount Creighton Crescent, the proposal is in our view a substantial betterment. While this is not in our finding a positive effect of the proposal, it is a balancing factor in terms of the loss of existing amenity values that we have previously found will occur for residents of the western half of Mount Creighton Crescent and on Merivale Avenue as a result of changing the tennis court to the hotel activity.
202. We agree with Mr. Brown and Ms. Gathercole that failing to accommodate coach parks on the subject site results in an inconsistency with NSZ policy 1.7 to the extent that they are ancillary to a non-residential activity but have not been confined to AAD1. However, we find that the outcome proposed is not so repugnant to what policy 1.7 seeks that the proposal could be said to be contrary to policy 1.7 of the NSZ as a whole. We find that off-site coach parks do not undermine the purpose of AAD1 as the focal point of non-residential activity, or the ability of AAD1 to operate effectively and with a high level of amenity. We are also satisfied, for completeness, that the coach park we have identified that we would support in AAC3 will not in our opinion materially undermine AAC3.
203. In respect of all of the above, we prefer the planning analysis and conclusions of Mr. Brown on behalf of the Applicant and we have accepted that.
204. In respect of the balance of the NSZ objectives, policies and provisions, we prefer Mr. Brown's conclusions and we adopt them,
205. In respect of the balance of the Operative Plan and Proposed Plan provisions, we prefer Mr. Brown's conclusions including in terms of chapter 14 (transportation) and we adopt them. We note that the principal matter in contention between the parties was at the

NSZ-level of planning provisions; no specific analysis or debate over higher level District Plan-wide provisions were put to us through the Hearing.

206. In respect of the Otago RPS and PRPS, we have struggled to see the material relevance of these region-wide provisions and consider that they have been inherently addressed as part of the Operative Plan and PDP provisions we have already determined. However and for completeness we acknowledge that we received evidence on this from both Mr. Brown and Ms. Gathercole. Ms. Gathercole felt the provisions would not be met because of her conclusions as to the adverse effects of the proposal. Given that we have not agreed with that conclusion, it follows that we prefer Mr. Brown's conclusion. There is no RPS or PRPS provision that would lead to refusal of consent to the proposal.
207. For all of the above reasons, we have found that the proposal is consistent with all applicable Operative Plan, Proposed Plan, RPS and PRPS objectives and policies that relate to the proposal other than NSZ policy 1.7. Following on from that and also for all the above reasons, we find that the proposal will not be contrary to the objectives and policies of either the Operative Plan or Proposed Plan as it applies to the proposal (and for completeness also the RPS and PRPS).
208. Lastly, and as was the case with our findings on the proposal's environmental effects, we have not found that the no-complaints covenants that apply to the residential properties within the NSZ have detrimentally limited our ability to consider and determine how the application performs against the applicable planning frameworks.

District Plan integrity

209. We find that the proposal will not raise any problematic Operative or Proposed Plan precedent or integrity issues. Our reasons for this are:
 - a. The Operative Plan provides for ODPs applying to an entire activity area or only part of one. The Operative Plan also provides for multiple ODPs and part ODPs to be applied for and consented.
 - b. The Operative Plan also provides for development to occur whether or not an ODP or part ODP has been approved or, if an ODP or part ODP has been approved, development that is not in accordance with that.
 - c. We accept the evidence of the Applicant that as a green field development area it is not unreasonable or unexpected that as the new community establishes some outcomes will change over time as the built environment matures.
 - d. AAD1 provides for visitor accommodation activities, with no limit on the scale or number of such activities anticipated. We find that it is significant that the word quantifier "small-scale" is expressed in policy 12.33.2(2.6) only in respect of "retail activities" but not the other non-residential activities enabled.
 - e. For the reasons above and previously set out in our findings relating to environmental effects and objectives and policies, the proposal is of a scale, intensity and overall planning that is consistent with the outcomes sought for AAD1 (accepting that it will result in more than minor adverse effects on existing

residential dwellings fronting Merivale Avenue and Mount Creighton Crescent and the existing tennis court).

210. Overall, we find it is not possible to sustain the argument that this proposal is a threat to either the Operative or Proposed Plans, because it is in line with the outcomes sought within AAD1 and has been proposed in line with the consent 'pathways' set out within that Activity Area's planning provisions.

SECTION 104D FINDINGS

211. As considered above, it was common ground between the parties that the application was a Non-Complying Activity under the Operative Plan. S.104D RMA requires that an application must pass at least one of the section's gateway tests before the consent could be granted. The tests are that the proposal's adverse effects on the environment must be no more than minor, and that the proposal must not be contrary to the objectives and policies of the Operative Plan (and Proposed Plan).
212. We find, based on our analysis above, that the proposal will have adverse effects that are more than minor and in this respect the proposal fails the s.104D(1)(a) gateway. We find, based on our analysis above, that the proposal will not be contrary to the objectives and policies of the Operative Plan or the Proposed Plan. On the basis that one of the gateway tests has been met, we may proceed to undertake a s.104 analysis and consider the proposal's overall merit under s.104B of the RMA.

SECTION 104 FINDINGS

Section 104(1)(a)

213. In terms of s.104(1)(a) of the Act, and for the reasons above, we find that the proposal will have:
- (a) Adverse effects that are at most minor other than in respect of residential amenity value effects on the owners and occupants of Merivale Avenue and the western part of Mount Creighton Crescent, which currently face a tennis court. For these persons, adverse effects would be more than minor but would not be as much as significant. For owners and occupants of the eastern part of Mount Creighton Crescent, adverse effects would be minor but would be likely to be less than from a "business park" activity established in accordance with that identified on the ODP RM160152.
 - (b) Adverse effects that have been appropriately avoided, remedied or mitigated through the design and planning of the proposal. This includes by way of conditions of consent, and design changes that were developed or volunteered through the hearing process.

- (c) Adverse effects that will be in line with the type and characteristics of effects enabled within the NSZ provisions for AAD1, and which will maintain an acceptable level of residential amenity and will provide for the social and economic wellbeing benefits that the existing tennis court provides for the community.
- (d) Positive effects that include reinforcing the commercial village core of AAD1 as per the various resource consents previously approved for the area, the efficient use of the site, and the provision of a built-form outcome designed to a high-standard of architectural and landscape design.
- (e) Overall environmental effects that are acceptable and in line with what has been anticipated within the NSZ AAD1.

Section 104(1)(b)

214. In terms of s.104(1)(b) of the Act, and for the reasons above, we find that the proposal is consistent with the NSZ provisions, and the balance of provisions from the Operative Plan, Proposed Plan and Otago RPS and PRPS that apply to the proposal. In particular:

- (a) An ODP applying to only a part of an Activity Area, and also where an ODP has been previously granted for the Activity Area, is of itself provided for within the NSZ provisions and does not represent a planning threat.
- (b) The proposal will be for a form, scale and location of non-residential activity (and associated buildings) that is appropriate for the environment, will reinforce the identified village core of the NSZ AAD1, and will maintain residential amenity.
- (c) The proposal will provide for the retention but relocation of the existing tennis court (or a similar recreational facility) and this will be key to achieving a satisfactory amenity and recreational outcome.
- (d) The proposal will achieve the district-wide planning outcomes sought by the Operative Plan and Proposed Plan frameworks that relate to settlement patterns and development, landscape and amenity. The Proposed Plan process and appeals to its Stage 1 do not directly impact on the proposal, and it can be soundly determined without those having been resolved.
- (e) The proposal will also be consistent with the overall development pattern envisaged in the ODP RM160152 as augmented by approved resource consents RM170418, RM161230 and RM170368, and the most-recently approved ODP RM181451. While a tennis court and business park area will be replaced with a hotel development, the overall location and scale of non-residential or commercial village likely in NSZ will be maintained.
- (f) The proposal raises no issues in terms of the Otago RPS or PRPS.

Section 104(1)(c)

215. In terms of s.104(1)(c) of the Act, we find that the restrictive covenants used by the NSZ developer that prevent owners or occupiers of residential properties within the NSZ from

submitting in opposition to the developers' proposals within the NSZ are not relevant or reasonably necessary matters to our decision. Similarly, we find the conjecture given to us on what views those residents may or may not hold, or what assurances or understandings they may have had from the developer on what was intended in and around the village core at the time they purchased a residence to also be neither relevant or reasonably necessary. For completeness we find that there are no other relevant or reasonably relevant matters to consider.

Part 2

216. In terms of Part 2 of the Act, we heard submissions from Mr. Gardner-Hopkins that we could consider Part 2 of the Act before we proceeded to undertake our own s.104 analysis. It was agreed that Part 2 of the Act is not relevant to the matter of the s.104D Non Complying activity gateways. Mr. Goldsmith did not agree with Mr. Gardner-Hopkins, going so far as to submit to us that Part 2 of the Act was not relevant at all.
217. We find that Part 2 of the Act is relevant and that it is appropriate to consider it. The proposal raises adverse effects that are in places more than minor, and is also based on a complex and overlapping history of resource consents that do not in our view reflect an always consistent approach to what the NSZ provisions require. In addition, both of the expert planners we received evidence from included an analysis under Part 2 and this was quite convincing to us that we should do the same.
218. We agree with Mr. Gardner-Hopkins to the extent that we see no reason why we cannot consider Part 2, in some form, alongside our analysis under s.104. But we struggle to see how we could undertake a meaningful consideration of the proposal directly against Part 2 of the Act before we had concluded on the extent to which it did or did not raise concerning environmental effects, or before we had concluded on the extent to which it was or was not in line with what the Operative Plan sought. That would as we see it be a bridge too far.
219. What we have done is something of a hybrid Part 2 analysis. Throughout the above s.104 analysis, we have kept in our minds Part 2 of the Act and what the RMA is trying to achieve. This can be regarded as something of a Part 2 shadow being cast across s.104. We regard this as in line with what Mr. Gardner-Hopkins was seeking we do, and we see no procedural risk given the wording "*subject to Part 2*" at the head of s.104. But it is fair to say that this form of Part 2 analysis is passive at best and did not go so far as to require a direct Part 2 analysis, which we have subsequent to our s.104 analysis, undertaken. For the avoidance of doubt, we also undertook an alternative consideration of the proposal under s.104 without such a Part 2 'shadow' being undertaken, and we record that we reached the same conclusions and reasons on the application's merit in any event.
220. In terms of Part 2 we find that the promotion of sustainable management would be best served by the granting of consent rather than the refusal of consent. We find that the proposal will contribute to the community's social and economic wellbeing in a way that will avoid, remedy or mitigate adverse effects, and meet the s.7 RMA environmental safeguards, notably maintaining and enhancing amenity values, and also the quality of

the environment. We find no s.6 or s.8 RMA matters directly relevant to the proposal. Critically, we find that the change from a tennis court to a hotel and the adverse amenity effects it will lead to for occupants of dwellings along Merivale Avenue and part of Mount Creighton Crescent will still allow those persons to provide for their social, economic and cultural wellbeing and for their health and safety.

SECTION 104B DETERMINATION

221. On the basis of all of the above, we find that on overall balance the proposal is in line with the outcomes sought by the Operative Plan provisions for the NSZ and that consent should be granted, subject to conditions. Our reasons for this decision are, in overall summary, that:
- (a) The proposal passes one of the two s.104D RMA gateways, allowing its merit to be considered. Specifically, the proposal will not be contrary to the objectives and policies of the Operative Plan, or the District-wide objectives and policies of the Proposed Plan.
 - (b) The proposal will have more than minor adverse amenity effects on owners and occupiers of the dwellings along Merivale Avenue and the western part of Mount Creighton Crescent that will experience the removal of an existing tennis court and its replacement with a hotel building and car parking area. Overall however, these adverse effects will be acceptable and in line with what has been envisaged within AAD1 of the NSZ.
 - (c) The proposal will otherwise have adverse effects that are at most minor and which will be acceptable. The proposal will also have a number of positive effects. Adverse effects on the owners and occupiers of dwellings along the eastern part of Mount Creighton Crescent will likely experience less adverse effects as a result of the proposal than from development in line with the “business park” identified in a previous ODP RM160152.
 - (d) All adverse effects have been avoided, remedied or mitigated including through the imposition of conditions of consent. Of particular significance, the existing tennis court may not be removed until such time as a suitable replacement has been established.
 - (e) The proposal will be consistent with the objectives and policies of the Operative Plan and the District-wide provisions of the Proposed Plan that apply to the site. The proposal is also consistent with the Otago RPS and PRPS. Specifically, the proposal is for a type, scale and intensity of activity that is in line with that enabled and envisaged within AAD1. The location of the hotel is as part of the non-residential and commercial village identified in the original ODP RM160152, and which has been in-part developed. In that respect the proposal is adequately compatible with the earlier ODP and subsequent resource consents approved by the Council to this date.

- (f) There are no relevant or reasonably relevant matters that affect the decision.
- (g) In terms of Part 2 of the Act, the proposal will enable the community's wellbeing and has avoided, remedied or mitigated its adverse effects. While some residents close to the site will experience a more than minor adverse loss of residential amenity, the proposal will overall still maintain compatibility with residential amenity, and that is the specific outcome specified in the Operative Plan for non-residential development in AAD1. Overall the promotion of sustainable management will be best served by the granting of consent.

222. In terms of conditions of consent under s.108 RMA, these were discussed throughout the Hearing and as part of its right of reply the applicant provided us with an updated set that included input from the Council's staff. We find these conditions to be acceptable, subject to the findings we have made above that the most recent (AAC3) coach park area shall be used instead of the notified (AAC2) one; and the other changes or determinations we have explained in the body of our findings.

223. The approved conditions of consent are included as **Appendix 1**.

A handwritten signature in black ink, appearing to read 'Ian Munro', is positioned above the printed name.

Ian Munro

For the Hearings Commissioners

25 June 2019

APPENDIX 1 - CONDITIONS OF CONSENT

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Site Location Plans' RC-02, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Topographical Survey' RC-03, Revision 02, by Paterson Pitts Group and Studio Pacific Architecture, dated 08.02.2019
 - 'GA Plan: Ground Floor & Site' RC-04, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'GA Plan: Level 1' RC-05, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'GA Plan: Level 2' RC-06, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'GA Plan: Roof' RC-07, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Elevations - Site' RC-08, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Elevations – Building Two: North & South' RC-09, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Elevations – Building Two: East & West' RC-10, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Elevations – Building One: North & South' RC-11, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Elevations – Building One: East & West' RC-12, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Cross Sections: North-South' RC-13, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Planting Plan - Trees' RC-14.1, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Planting Plan – Shrubs & Groundcover' RC-14.2, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Illustrative Perspectives' RC-15, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Illustrative Perspectives' RC-16, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Illustrative Perspectives' RC-17, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Accommodation Schedule' RC-18, Revision 02, by Studio Pacific Architecture, dated 08.02.2019
 - 'Outline Development Plan' RC-31, by Studio Pacific Architecture, dated 22.05.2019
 - 'Existing Stormwater & Foulsewer Connections' RC-24, Revision 01, by Studio Pacific Architecture, dated 08.02.2019
 - Merivale Footpath Plan, dated 08.05.2019
 - Alternative Coach Park Location Plan RC-29, by Studio Pacific Architecture, dated 10.05.2019
 - 'Hardscape Plan' RC-30, by Studio Pacific Architecture, dated 22.05.2019
 - 'Elevations – Louvres' RC-33, by Studio Pacific Architecture, dated 22.05.2019

stamped as approved on 25 June 2019

and the application as submitted, with the exception of the amendments required by the following conditions of consent and subject to an off-site coach park occurring on the Western side of Outlet Road - Lot 2005 Deposited Plan 529185 held in Record of Title 857195 located in Activity Area C3 ("**the AAC3 site**"), and as detailed at the public hearing held into the application. Where the conditions of consent that follow relate to off-site coach parking, they are to be read as applying to the AAC3 site.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd May 2018 and subsequent amendments to that document up to the date of issue of any resource consent.

Advice Note: The current standards are available on Council's website via the following link:
<https://www.qldc.govt.nz/>

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

5. The consent holder shall obtain and implement a traffic management plan approved by the Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS to manage the site in accordance with the requirements of the NZTA's "*Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management*". The STMS shall implement the Traffic Management Plan. The Traffic Management Plan shall include a requirement that all vehicles accessing the site off Aubrey Road shall do so via Outlet Road and Northlake Drive. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
6. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 and 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
7. Prior to commencing works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for development works to be undertaken and information requirements specified below. The application shall include all development items listed below unless a 'partial' review approach has been approved in writing by the Manager of Resource Management Engineering at Council. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council for review, prior to acceptance being issued. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition 4, to detail the following requirements:
 - a) The provision of a water supply to the hotel in terms of Council's standards and connection policy. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. Back flow prevention is to be located within the private property and located above ground.
 - b) The provision of sealed vehicle crossings from Merivale Avenue, Northlake Drive and Outlet Road that shall be constructed to the development and to the coach parking area to Council's standards.

The existing indented parking area on Merivale Avenue, opposite Number 1 and Number 3 Merivale Avenue shall be extended to a point, which will ensure that any parked vehicle will be no closer than 1m from the proposed vehicle crossing on Merivale Avenue.

- c) The provision of broken yellow no stopping at all times road markings outside and opposite Number 3 to Number 7 Merivale Avenue, in accordance with the NZTA's Manual of Traffic Signs and Markings.
- d) The removal of the existing footpath stubs outside Number 5 Merivale Avenue and opposite Number 5 Merivale Avenue and the reinstatement of grassed berm in these locations. This shall include the removal of the existing dropped kerb and reinstatement of kerbing to match the surrounding area.
- e) The construction and sealing of the proposed footpath on the eastern side of Merivale Avenue. This shall have a minimum width of 1.5m. Provision shall be made for stormwater disposal from the footpath.
- f) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking and loading spaces shall be clearly and permanently marked out.
- g) The construction and sealing of all coach manoeuvring and parking areas to Council's standards with the exception of the dimension of the spaces. Parking spaces shall be clearly and permanently marked out. The design shall ensure that no coach needs to reverse onto or off the frontage road for the parking area, using one reverse manoeuvre on-site. The coach park shall be located and constructed as shown on the Alternative Coach Park Location Plan RC-29 dated 10.05.2019
- h) The formation and sealing of Outlet Road between Mount Burke Street and the coach parking area. This shall be in accordance with Figure E2 of the Code of Practice or other standard agreed with Council. Provision shall be made for stormwater disposal from the carriageway.
- i) The formation of the intersection of Northlake Drive, Mt Linton Avenue and the hotel site access location, in accordance with the latest Austroads intersection design guides. The design shall be subject to review and acceptance by Council with any associated costs met by the consent holder. All signage and marking shall be in accordance with MOTSAM and the TCD Manual.
- j) The modification of the intersection of Northlake Drive and Merivale Avenue, in order to accommodate the swept path of a tour coach turning left from Merivale Avenue onto Northlake Drive. The final design of the intersection shall be in accordance with the latest Austroads intersection design guides. The design shall be subject to review and acceptance by Council with any associated costs met by the consent holder. All signage and marking shall be in accordance with MOTSAM and the TCD Manual.
- k) The provision of road lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy for the coach parking area, the hotel car parking area, and the section of Outlet Road between Mount Burke Street and the coach parking area. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- l) The design of a stormwater system by a suitably qualified professional as described in section 1.7 of QLDC's Land Development and Subdivision Code of Practice to dispose of water from all impervious areas within the Lot 1005 site to an onsite attenuation system that attenuates the discharge to a rate (litres per second) no greater than would have occurred from the site with an impermeable proportion of 65% of the total area during a 60 minute 5 year storm and which subsequently connects to the Council reticulated stormwater disposal system. This shall include details of treatment solutions to avoid adverse water quality effects on receiving waters, low impact design solutions are encouraged, as a minimum there shall be provision for the interception of settle-able solids, hydrocarbons and floatable debris prior to discharge from the site. The connections shall be designed to provide gravity drainage for the entire development site.

- m) The provision of a connection from all potential impervious areas within the coach parking area to the Council reticulated stormwater disposal system. This shall include details of treatment solutions to avoid adverse water quality effects on receiving waters, low impact design solutions are encouraged, as a minimum there shall be provision for the interception of settle-able solids, hydrocarbons and floatable debris prior to discharge from the site. The individual lateral connections shall be designed to provide gravity drainage for the entire area within the coach parking area.
 - n) Provision of a suitable firefighting water supply and hydrants with adequate pressure and flow to service the development and accompanying report from a suitably qualified professional demonstrating compliance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008 (SNZ PAS 4509:2008). Any buildings on the lots shall either be fitted with a sprinkler system and/or be designed with an appropriate fire cell size to meet the requirements of SNZ PAS 4509 for the relevant water supply classification prior to the occupation of any buildings.
 - o) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
8. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing in the location of one of the vehicle crossings shown on the stamped as approved plans, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site. Wooden planks or similar shall be provided to protect the footpath and kerb from damage caused by construction traffic movements, in accordance with QLDC's Land Development and Subdivision Code of Practice.

The construction traffic crossing shall be upgraded in accordance with Condition 7b on completion of works

9. The consent holder shall submit a construction Site Management Plan to the Manager of Resource Management Engineering at Council for 'Engineering Review and Acceptance'. This shall detail measures to control and or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with (but not limited to) the QLDC's Land Development and Subdivision Code of Practice. These reviewed 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 exposed areas of earth are permanently stabilised. In addition the measures shall include, but not be limited to, the following:

Dust Control

- Sprinklers, water carts or other similar measures shall be utilised on all materials to prevent dust nuisance in the instance of ANY conditions whereby dust may be generated.

Stormwater, Silt and Sediment Control

- Silt traps (in the form of fabric filter dams) shall be in place prior to the commencement of works on site to trap stormwater sediments before stormwater leaves the site.
- Site drainage paths shall be constructed and utilised to keep any silt laden materials on site and to direct the flows to the silt traps.
- Stormwater flows into the site from neighbouring lots shall be managed during earthworks.
- Silt traps shall be replaced or maintained as necessary to assure that they are effective in their purpose.
- The principal contractor shall take proactive measures in stopping all sediment laden stormwater from entering the QLDC reticulated stormwater system. The principal contractor shall recognise that this may be above and beyond conditions outlined in this consent.

Roading Maintenance

- The consent holder shall ensure tyres remain free of mud and debris by utilising a shake-down grid, constructing a gravel hardstand area of sufficient depth, and any other measures as necessary.
- The principal contractor shall ensure that the entrance to the site shall be swept regularly with stiff brooms.
- A suitably resourced contractor shall regularly mechanically sweep and clean the site entrance and the road 100m in each direction of the site entrance during works.

The measures outlined in this condition are minimum required measures only. The principal contractor shall take proactive measures in all aspects of the site's management take all reasonable, practicable steps to minimise or mitigate effects on the environment, local communities or traffic. **The principal contractor shall recognise that this may be above and beyond conditions outlined in this consent.**

10. Prior to commencing any work on the site the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP), to the Manager, Resource Consents at Council for certification that demonstrates how compliance with construction noise and vibration limits will be achieved throughout the proposed works. All works shall be undertaken in accordance with the CNVMP certified through this Condition to ensure compliance with Construction Noise Limits in NZS6803:1999.

To be monitored throughout earthworks

11. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
12. The site management shall be undertaken in accordance with the accepted Site Management Plan provided under Condition 9.
13. 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.
14. No earthworks, temporary or permanent, are to breach the boundaries of the site, except for those earthworks required for the implementation of the works accepted under Condition 7.
15. Hours of operation for earthworks, shall be:
 - Monday to Saturday (inclusive): 7:30am to 6.00pm.
 - Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

16. No earthworks shall be undertaken which would damage the encapsulation cell under the ground level of the site. Should any damage occur to the encapsulation cell by accident, a remediation plan must be provided to the Manager, Resource Consents at Council for certification and any recommendations implemented as soon as possible.

To be completed when works finish and before occupation of hotel

Landscaping

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

Engineering

18. Prior to the occupation of the hotel, 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 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, Wastewater and Stormwater reticulation (including private laterals and toby positions) and Rooding.
 - b) The completion and implementation of all reviewed and accepted works detailed in Condition 7 above.
 - c) An Elster Helix 4000 or C4000 / 4200 or Sensus Meitwin; Meistream; WP water meter shall be installed on to the Acuflo manifold as per Condition 7a.
 - d) The consent holder shall provide to the Manager Resource Consents at Council documentary evidence, acceptable to the Council, demonstrating that the proposed four off-site coach parking spaces are available and legally secured for the exclusive use of the hotel.
 - e) All earthworked areas shall be top-soiled and revegetated or otherwise permanently stabilised.
 - f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - g) The submission of Completion Certificates from both the Contractor and Accepted Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.

Noise

19. Prior to commencement of operations, the consent holder shall provide to the Manager, Resource Consents at Council a letter from a suitably qualified acoustic consultant that noise from all building services plant on site has been designed to adopt the best practicable options to mitigate and control noise beyond the application site to an appropriate level in addition to meeting the noise limits in condition 33 below.
20. Prior to commencement of operations, the consent holder shall provide to the Manager Resource Consents at Council a letter from a suitably qualified acoustic consultant that all building envelope constructions have been designed to adopt the best practicable options to mitigate and control noise beyond the application site to an appropriate level in addition to meeting the noise limits in condition 33 below.

Lighting

21. All fixed exterior lighting shall be directed away from adjacent roads and properties so that light spill beyond property boundaries does not occur.
22. Exterior lighting shall utilise hoods, louvres, snoots or other similar attachments to direct light and minimise 'light spill', and shall be incandescent, halogen or other white light and not sodium vapour or other light. Floodlighting or accent lighting is not permitted.

Signage

23. All signage shall be contained within the signage platforms shown on the plans.
24. Prior to the erection of any sign within a signage platform the consent holder shall provide to the Manager Resource Consents at Council a plan to be certified as meeting the following objective:

- a) Include detail of the sign including content, colours and size to demonstrate that the proposed sign is consistent with the design and character of the site and surrounding area.
25. The illumination of signs shall not exceed 150 candelas per square metre (cd/m²) of illumination.

Conditions relating to Hotel Operations

26. The consent holder shall provide a site management plan to the Manager Resource Consents at Council for certification prior to the use of the units for hotel operations. The approved site management plan must be implemented in perpetuity for the operation of the site.

The objective of the site management plan is to outline the techniques that will be used to manage the visitor accommodation activity and shall include the contact details of the property manager available for any complaints.

27. All rubbish and recycling shall be disposed of appropriately. Where there is kerbside collection, if this service will be used, rubbish and recycling shall only be placed on the street the day of collection.

Ongoing Conditions/Covenants

28. The consent holder shall ensure that no more than 88 units/rooms within the hotel have kitchen facilities.
29. The consent holder shall ensure that:
- a) no promotional material shows Mt Burke Street and/or Mt Creighton Crescent as routes to/from the coach parking; and
 - b) signage is placed and maintained at the vehicle exit onto Merivale Avenue directing coaches to turn left onto Merivale Avenue.
30. Any on-site planting within the visibility splays at the vehicle crossings to the car parking or coach parking areas shall be limited to species with a maximum height at maturity of 1.15m and shall be topped at that height if plants exceed that height.
31. The off-site coach parking requirement referenced in Condition 18d is an ongoing consent requirement. At all times while the hotel is in commercial operation the consent holder must have four off-site coach parking spaces available and legally secured for the exclusive use of the hotel. The location of these coach parks may change from time to time, in accordance with the following:
- a) The consent holder shall provide to the Manager Resource Consents at Council documentary evidence, acceptable to the Council, demonstrating that the proposed four off-site coach parking spaces are consented (if necessary), available and legally secured for the exclusive use of the hotel, prior to discontinuing the use of the existing coach parking area.
 - b) The consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for the new coach parking area, in accordance with the requirements specified in Conditions 7(b), 7(g), 7(h) and 7(m) of RM181903 and the requirements of the District Plan and QLDC's Land Development and Subdivision Code of Practice. The new coach parking area shall be constructed as per the reviewed and accepted plans prior to discontinuing the use of the existing coach parking area. The minimum formation standard of the road accessing the coach parking area shall be in accordance with Figure E2 of QLDC's Land Development and Subdivision Code of Practice.
 - c) All costs, including costs that relate to checking of any legal instrument by Council's solicitors and registration of any document, shall be borne by the applicant.
32. In the event that the Engineering Acceptance issued under Condition 7 contains ongoing conditions or requirements associated with the installation, ownership, monitoring and/or

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

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

33. Noise from the hotel site and coach park site shall comply with the following noise limits:
 - a) Sound from non-residential activities measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008 shall not exceed the following noise limits at any point within any other residential site in the Northlake Special Zone:

(i) daytime	(0800 to 2000 hrs)	50dB L _{Aeq} (15 min)
(ii) night-time	(2000 to 0800 hrs)	40dB L _{Aeq} (15 min)
(iii) night-time	(2000 to 0800 hrs)	70dB L _{AFmax}
 - b) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance with NZS6803:1999.
34. The use of amplified music in any outside area shall cease at 2000h. Should outdoor speakers be used between 0800h and 2000h, they shall not exceed a noise level of 75dB L_{Aeq} (5 mins) at 0.6m from the loud speaker. At 2000h the restaurant and lounge bar manager shall ensure the outdoor speakers are turned off.
35. Service deliveries, and the use of the loading bay and external rubbish facilities, shall only occur between 0800h and 2000h.
36. All outdoor areas related to the operation of the restaurant or bar must be vacated between 2000h and 0800h.
37. All external windows and doors of the restaurant and lounge bar are to be kept closed between 2000h and 0800h.
38. Signage shall be placed in the gymnasium and adjacent to the spa pool area requesting guests to be mindful of other hotel users and residential neighbours and to minimise the noise they generate, particularly between 2000h and 0800h.
39. An acoustic boundary fence shall be constructed and maintained to reduce noise to residential receivers adjoining the coach park site. The requirement for the fence to be constructed shall be generated by the implementation of a Building Consent for a residential dwelling on any Lot immediately adjoining the bus park site. The acoustic boundary fence shall be 1.8-2.0m high, be of solid construction with a surface density of no less than 10Kg/m² and be free from holes or gaps.
40. Pedestrian access through the site, from Northlake Drive to Mt Creighton Crescent, shall generally be maintained open for public use, subject to Health and Safety or CPTED considerations.

Additional Matters

41. Prior to the commencement of commercial operations the new footpath to be constructed within the site on the eastern side of Merivale Avenue, as detailed on the Merivale Footpath Plan dated 08/05/2019, shall either be vested in Council as legal road or shall be subject to an easement in gross in favour of the Council for use by the general public. The Council shall elect which option shall apply. If the easement option is elected by Council, the easement shall be on terms and conditions approved by the Council's solicitors. All costs in relation to either option shall be paid by the consent holder.
42. Prior to commencing construction of the hotel the consent holder shall supply to the Manager of Resource Management at Council, plans of the hard landscaping along the northern and eastern boundaries between the carparking and the site boundaries demonstrating that the hard landscaping is of sufficient height to avoid headlight glare from SUV-type vehicles in the carparks directly into adjacent dwellings, for review and approval that they meet that objective.
43. Subject to Condition 44, the existing tennis court located on the site as at the date this consent becomes operative shall be retained and available for public use until the proposed tennis court (or a suitable substitute facility determined by the Council to offer an at least equivalent recreational amenity to the tennis court) to be located on the proposed reserve shown on RM160509, north of Northlake Drive and west of Mt Burke Street has been completed and is available for use by the public.
44. The consent holder may close and remove the existing tennis court referred to in Condition 43 once the replacement identified in condition 43 is constructed and operational.
- 44A. Prior to commencing construction of the hotel the consent holder shall undertake its best endeavours to incorporate an after-hours (2200-0800 daily) coach drop-off / loading bay on Northlake Drive in front of the hotel. This would require changes to the existing configuration of Northlake Drive in front of the site by way of either changing some marked on-street parking spaces into a coach park, or by signing the spaces such that they were to be kept clear for loading and unloading uses between the hours of 2200-0800 daily, or possibly a different change to be identified by the consent holder. The consent holder shall consult with the Queenstown Lakes District Council to identify the optimum design solution, and if the Council accepts those identified changes to Northlake Drive the consent holder shall implement those changes at its cost prior to occupation of the hotel.
- 44B. If the Council does not accept the changes to Northlake Drive identified as a result of condition 44A above, then the consent holder shall use its on-site car parking area for coach loading and unloading, with coaches exiting the site at Merivale Avenue and then onto Northlake Drive. For the avoidance of doubt, on-site coach loading and unloading between the hours of 0800-2200 daily is permitted and not subject to conditions 44A or 44B.
- 44C. In terms of conditions 44A and 44B above, irrespective of whether or not the Council ultimately accepts changes to Northlake Drive, the consent holder shall document its best endeavours, and the Council's response, and provide this to the Council's Manager of Resource Management, to that Manager's satisfaction. This shall be provided prior to the commencement of any construction of the hotel.

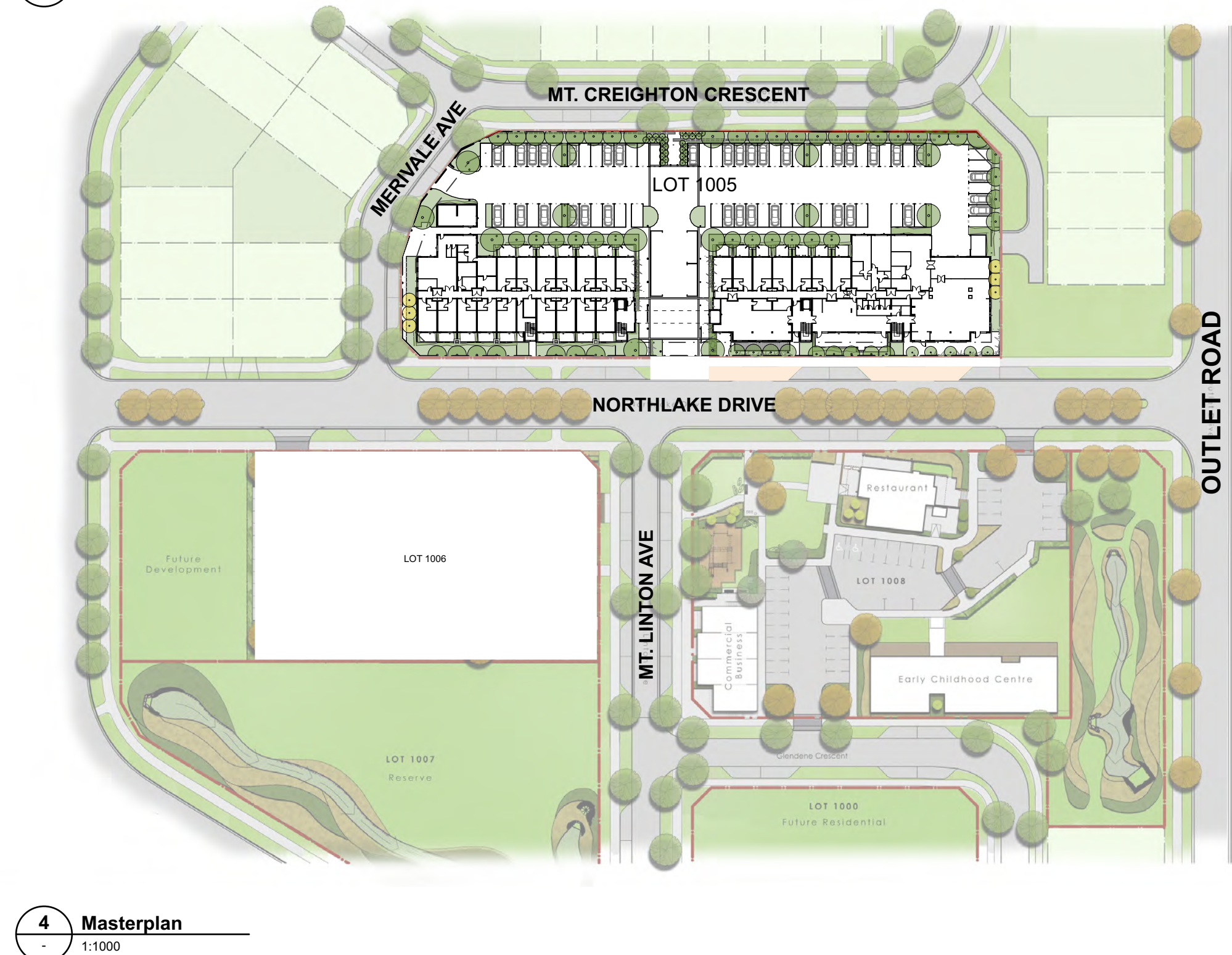
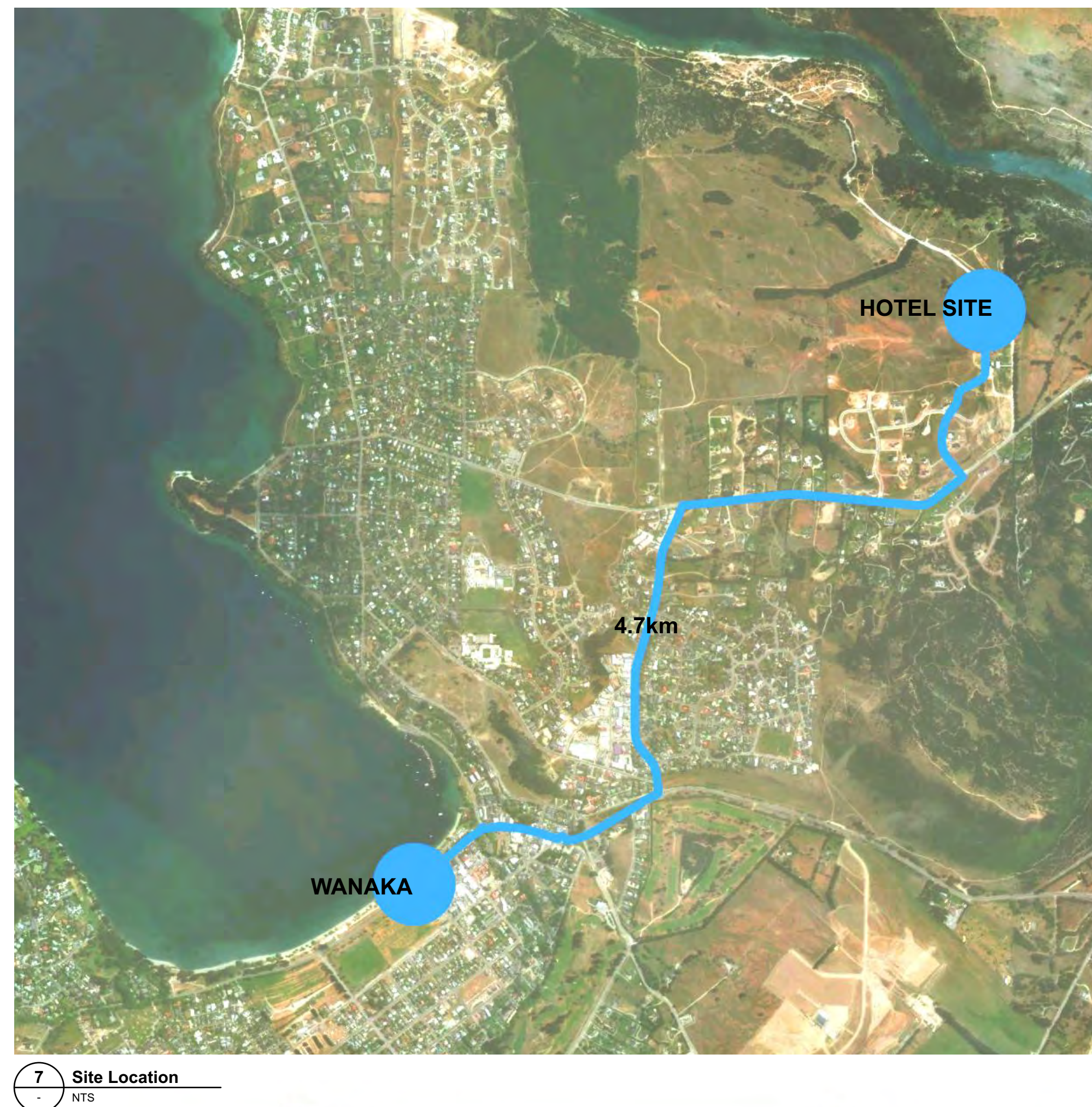
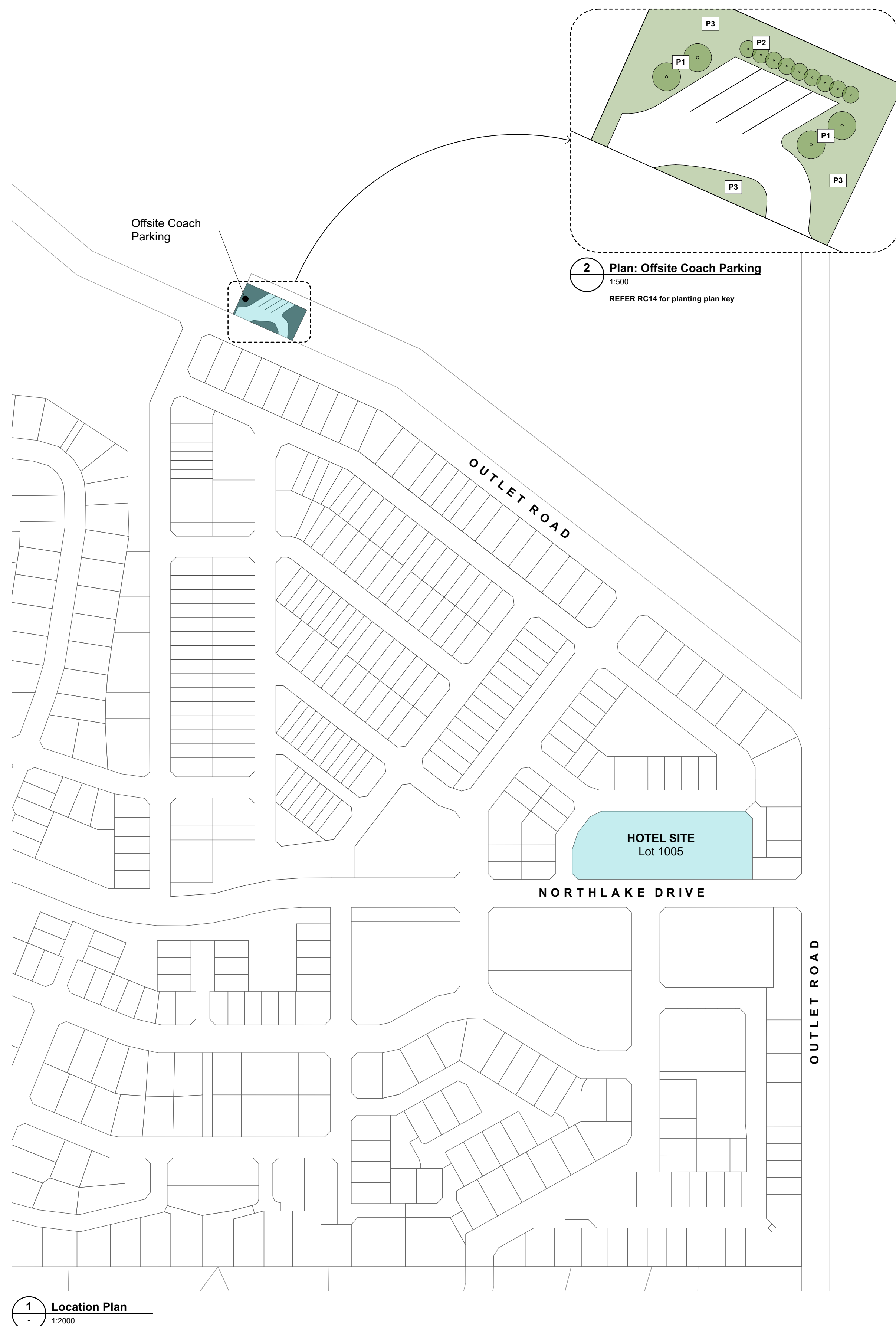
Review

45. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.

- b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
46. As part of the review clause stated in Condition 45 of this consent, the Council may have the noise information (provided through Conditions 19 and 20 above) reviewed at the consent holder's expense.

Advice Notes:

1. *This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information, please contact the DCN Officer at QLDC.*
2. *No further signs, such as window signs or sandwich boards, are permitted by this resource consent.*
3. *This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).*
4. *Any earthworks beyond the first metre of the site i.e. below the geotextile warning layer may require consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 given the presence of an encapsulation cell below this level on the site. The NES states 'the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.'*
5. *No public use of the hotel restaurant and bar has been authorised as a part of this consent, and further resource consent approval is required to allow such public use.*



PROJECT INFORMATION

SITE COVERAGE

Site Area: 6,004m²
Building Footprint: 2,021m² (excluding canopies)
Site Coverage = 33.6%

BUILDING AREA

Building 1 (West)		
L.GF -	871m ²	16 Rooms
L.01 -	787m ²	20 Rooms
L.02 -	774m ²	19 Rooms
TOTAL	2432m ²	55 Rooms

Building 2 (East)		
L.GF -	1144m ²	7 Rooms
L.01 -	996m ²	26 Rooms
L.02 -	984m ²	25 Rooms
TOTAL	3124m ²	58 Rooms

TOTAL GFA: 5556m² 113 Rooms

ROOMS & PARKING

113 Guest Rooms
88 with kitchenette
25 without kitchenette

70 carparks (includes 10 staff parks)
4 off-site coach parks
1 on-site coach drop off

Carpark Landscaping = 18.6% of carpark area

**APPROVED PLAN:
RM181903**

Tuesday, 25 June 2019

studiopacificarchitecture

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Interior Designers
Landscape Architects

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Project Title:

Northlake Hotel

at
Northlake, Wanaka
for
Northlake Investments Limited

Consultants:	
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**Brown & Co.
GHD Olson Fire
Marshall Day
Sullivan Hall
Crang Civil
Carriageway
Cosgroves Ltd**

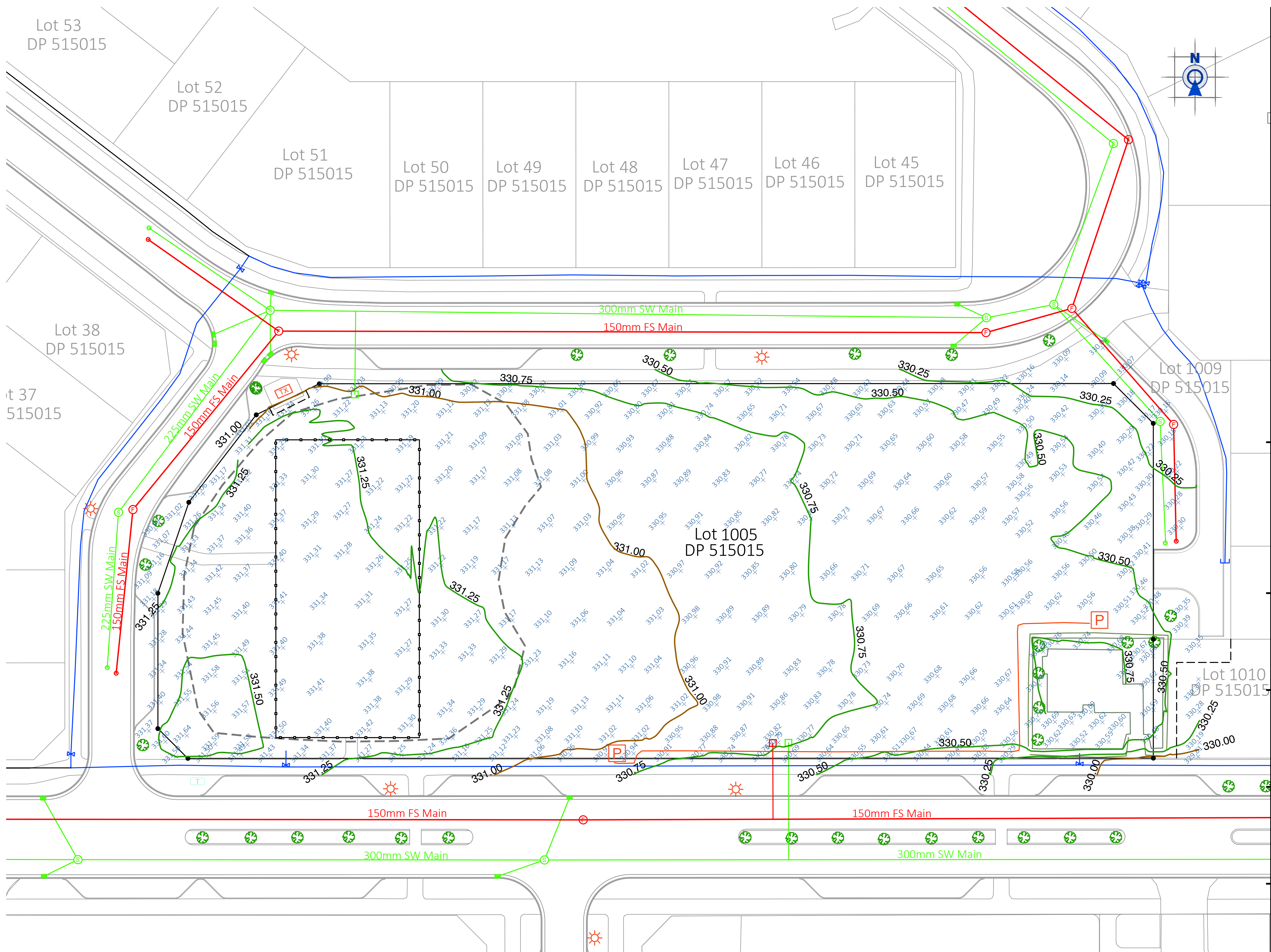
- Planner
- Fire Engineer
- Acoustic Engineer
- Structural Engineer
- Civil Engineer
- Traffic Engineer
- Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

Site Location Plans

Scale: 1:2000, 1:500, 1:1000 Orig. Size: A1

Drawing No.	Job No.: 2447
RC-02	Revision: 02



- KEY**
- Lot Boundary
 - Easement Boundary
 - Major Contours (2.0m)
 - Minor Contours (0.5m)
 - Stormwater Manhole / Lateral Marker
 - Mudtank Single / Double
 - Stormwater Line
 - Stormwater Cleaning Eye
 - Foulsewer Manhole / Lateral Marker
 - Foulsewer Line
 - Foulsewer Cleaning Eye
 - Water Toby / Valve / Hydrant
 - Water Main
 - Telecom Service Box / Pit
 - Power Service Box / Transformer
 - Street Light
 - Footpath / Kerb / Edge of Seal
 - Fence
 - Boundary Peg (RL= top of peg)
 - Site Datum
 - Building
 - Tree

NOTE
Levels in terms of Dunedin Vertical Datum 1958
Origin of levels: A3PF (LINZ 3rd Order Mark) RL 314.08m

Coordinates in terms of Lindis Peak 2000
Origin of coordinates: A3PF (LINZ 3rd Order Mark)
804267.57mN 373973.16mE

Contour Intervals 0.25m

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1 Topographical Survey
1:250

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM181903**

Tuesday, 25 June 2019

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Consultants:

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Civil Engineer
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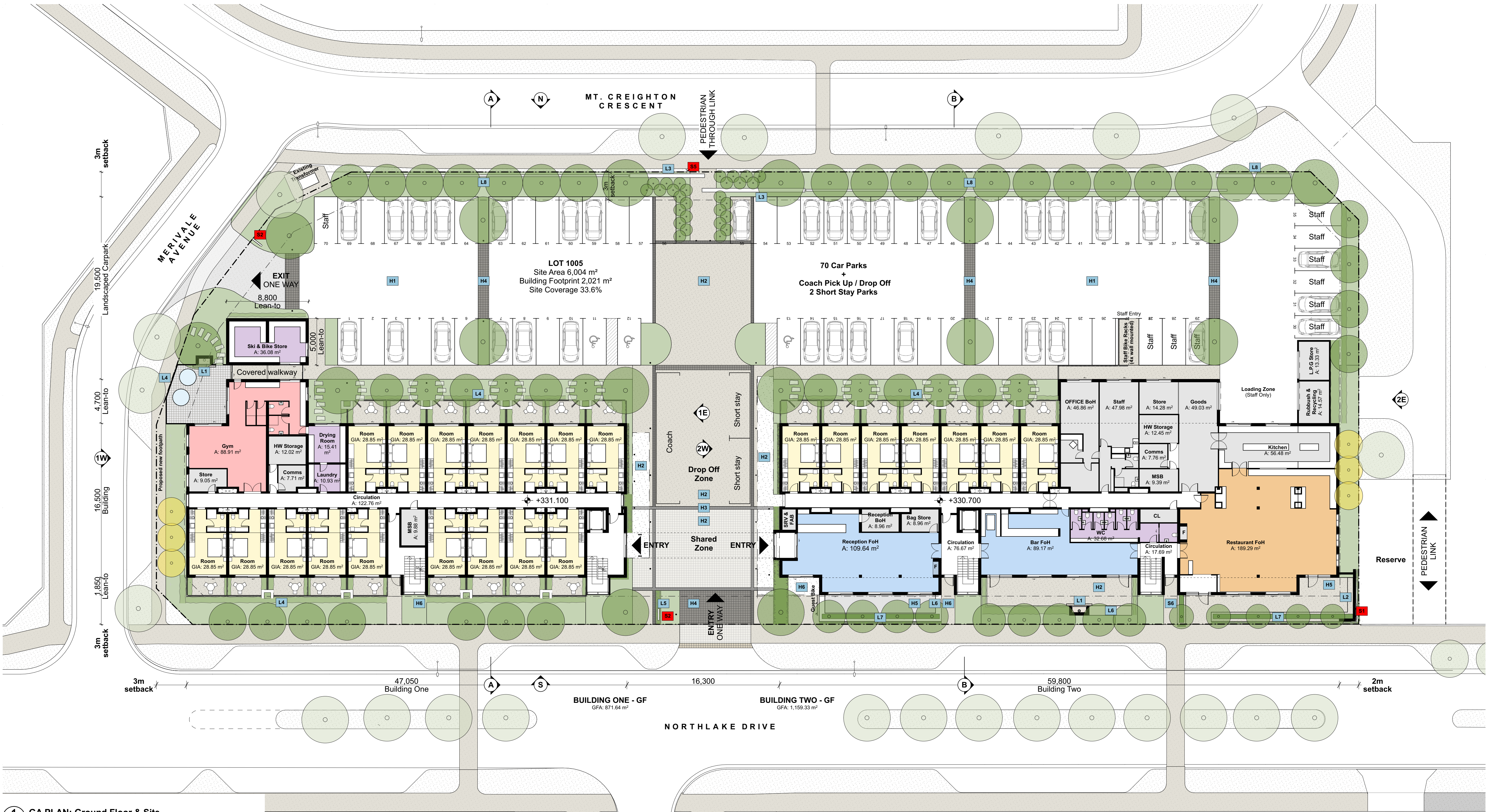
Planner
Fire Engineer
Acoustic Engineer
Structural Engineer
Civil Engineer
Traffic Engineer
Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

Topographical Survey
PATTERSONPITTS Supplied

Scale: 1:250
Drawing No.
RC-03

Orig. Size: A1
Job No.: **2447**
Revision: **02**



1 GA PLAN: Ground Floor & Site
1:200

SIGNAGE PLATFORM

- S1 Signage 1 - Northlake Drive Acoustic Wall 2400mm(w) x 600mm(h)
- S2 Signage 2 - Drive Entry/Exit Plinth Signs 1200mm(w) x 1200mm(h)
- S3 Signage 3 - Building Canopy Signs 2400(w) x 300mm(h)
- S4 Signage 4 - Restaurant Entry Sign 2400(w) x 300mm(h)
- S5 Signage 5 - Mt Creighton Pedestrian Entry Sign 600(w) x 600mm(h)

KEY:

- Front of House
- Accommodation
- Back of House
- Restaurant
- BOH Guest Facilities
- Gym and Hot Pools

Note: Refer to the Design Statement for the lighting strategy
Refer RC-14 for planting plan

MATERIAL KEY:

SURFACE TREATMENT

- H1 Asphalt Carparking
- H2 Concrete - Exposed Aggregate (oxide colour)
- H3 Stone Kerbing
- H4 Stone Set Banding
- H5 Spaced Timber Decking
- H6 Lime Chip - Compacted

LANDSCAPE - HARD

- L1 Brick Outdoor Fire Place
- L2 Brick Acoustic Wall 2.4m High
- L3 Brick Landscape Wall 1.2m High
- L4 Timber Fence:
Type 1: North Facing Plinth 1.2m High
Type 2: South Facing Plinth 1.2m - 1.7m High
Type 3: Spa Terrace 2.4m High (inc. brick sections)

- L5 Sign Plinth - Corten Steel
- L6 Bench Seat
- L7 Garden Bed - Low Level Planting
- L8 Stacked Sleeper Wall

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181903

Tuesday, 25 June 2019

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Project Title:

Northlake Hotel

at
Northlake, Wanaka
for
Northlake Investments Limited

Consultants:

Brown & Co.
GHD Olson Fire
Marshall Day
Sullivan Hall
Crang Civil
Carriageway
Cosgroves Ltd

Planner
Fire Engineer
Acoustic Engineer
Structural Engineer
Civil Engineer
Traffic Engineer
Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

GA Plan: Ground Floor & Site

Scale: 1:200

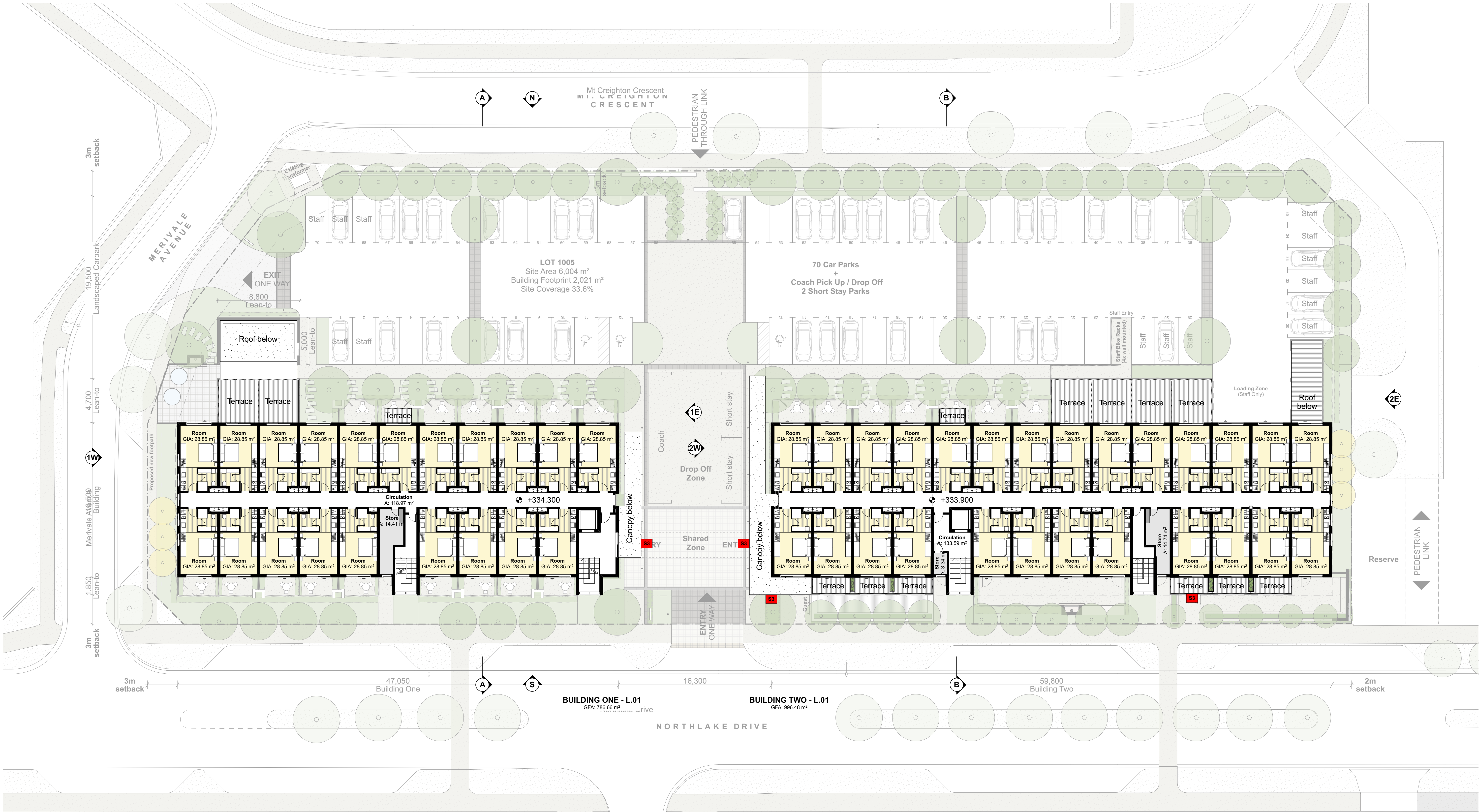
Orig. Size: A1

Drawing No.

Job No.: 2447

RC-04

Revision: 02



1 GA PLAN: Level 1
1:200

KEY:

- | | |
|----------------------|-------------------|
| Front of House | Accommodation |
| Back of House | Restaurant |
| BOH Guest Facilities | Gym and Hot Pools |

SIGNAGE PLATFORM

- S1 Signage 1 - Northlake Drive Acoustic Wall 2400mm(w) x 600mm(h)
- S2 Signage 2 - Drive Entry/Exit Plinth Signs 1200mm(w) x 1200mm(h)
- S3 Signage 3 - Building Canopy Signs 2400(w) x 300mm(h)
- S4 Signage 4 - Restaurant Entry Sign 2400(w) x 300mm(h)
- S5 Signage 5 - Mt Creighton Pedestrian Entry Sign 600(w) x 600mm(h)

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181903

Tuesday, 25 June 2019

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RESOURCE CONSENT 08.02.2019

GA Plan: Level 1

Scale: 1:200

Orig. Size: A1

Drawing No.

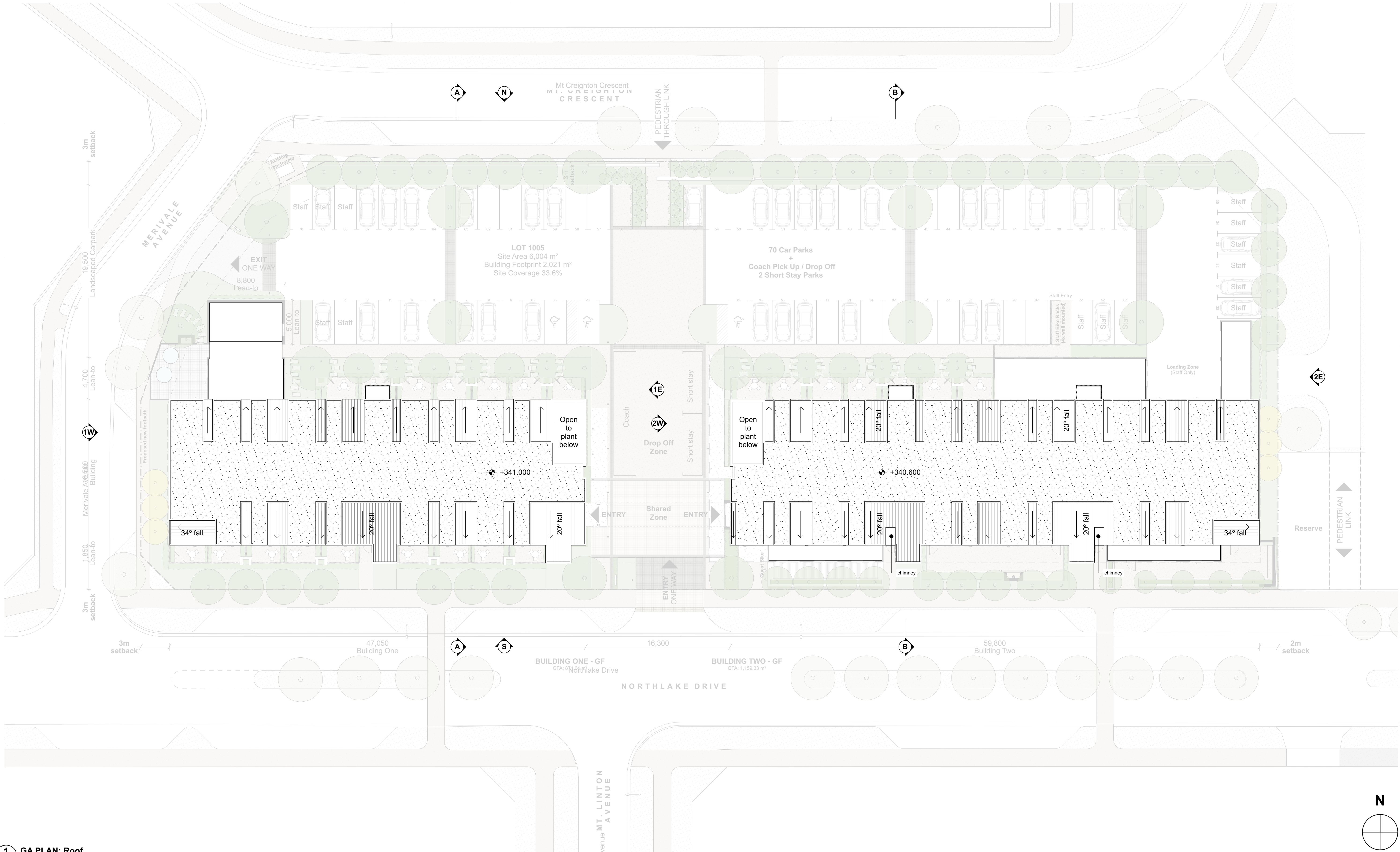
RC-05

Job No.: 2447

Revision: 02

Tuesday, 25 June 2019

Revision: **02**



1 GA PLAN: Roof
1:200

KEY:

- | | |
|----------------------|-------------------|
| Front of House | Accommodation |
| Back of House | Restaurant |
| BOH Guest Facilities | Gym and Hot Pools |

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
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Tuesday, 25 June 2019

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RESOURCE CONSENT 08.02.2019

GA Plan: Roof

Scale: 1:200

Drawing No.

RC-07

Orig. Size: A1

Job No.: 2447

Revision: 02



1 South Elevation - Northlake Drive
RC-04 1:200

BUILDING ONE

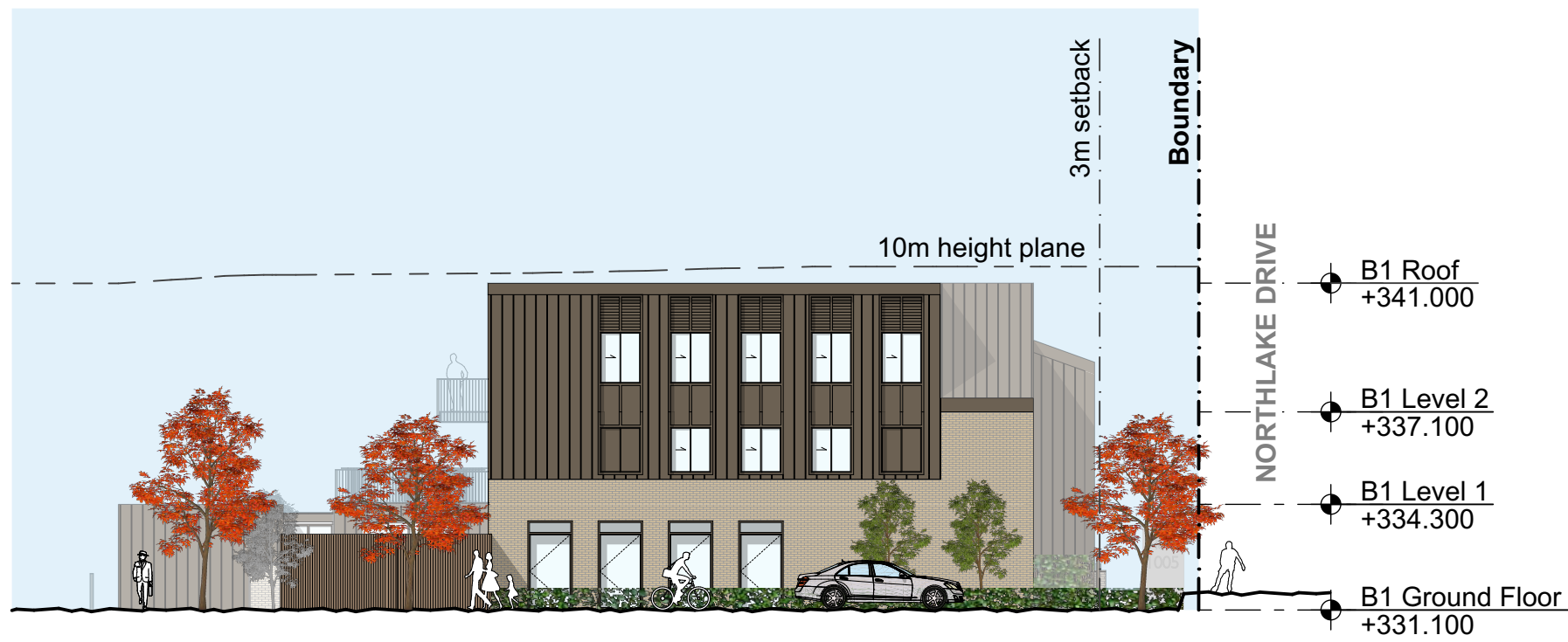
BUILDING TWO



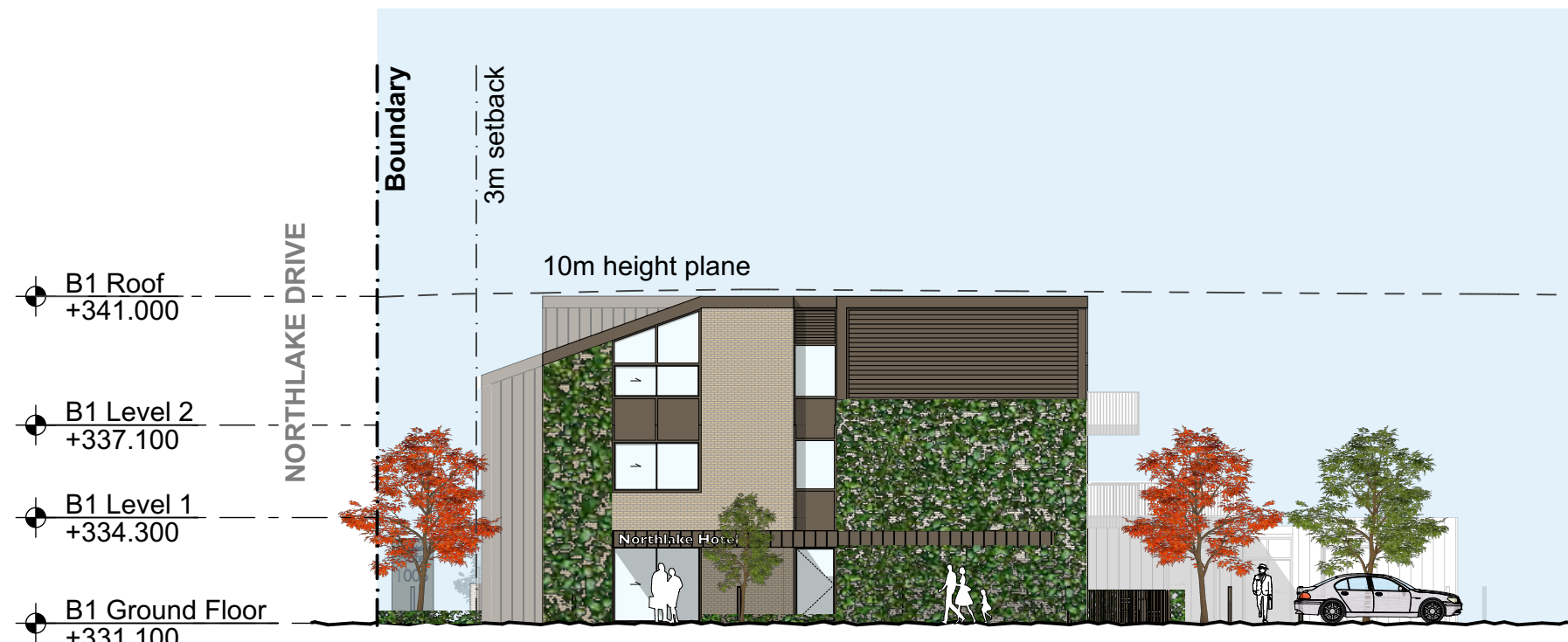
2 North Elevation - Carpark
RC-04 1:200

BUILDING TWO

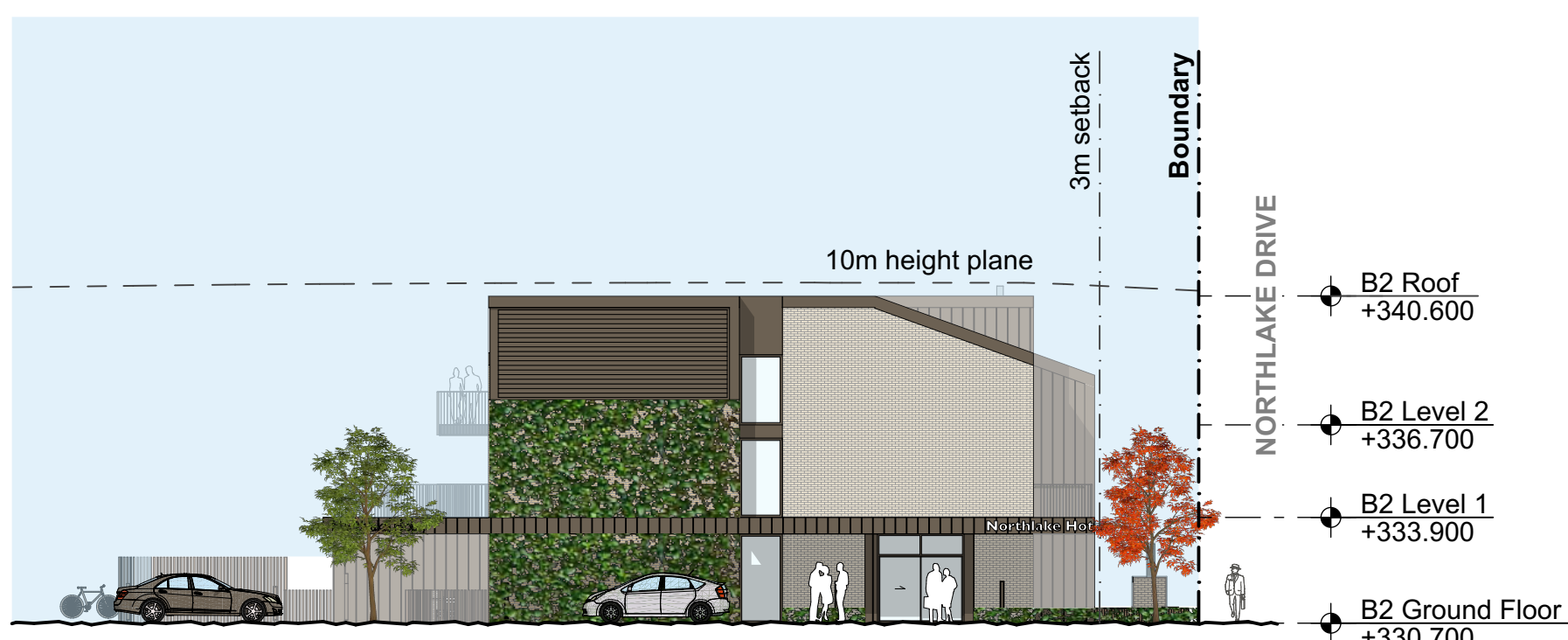
BUILDING ONE



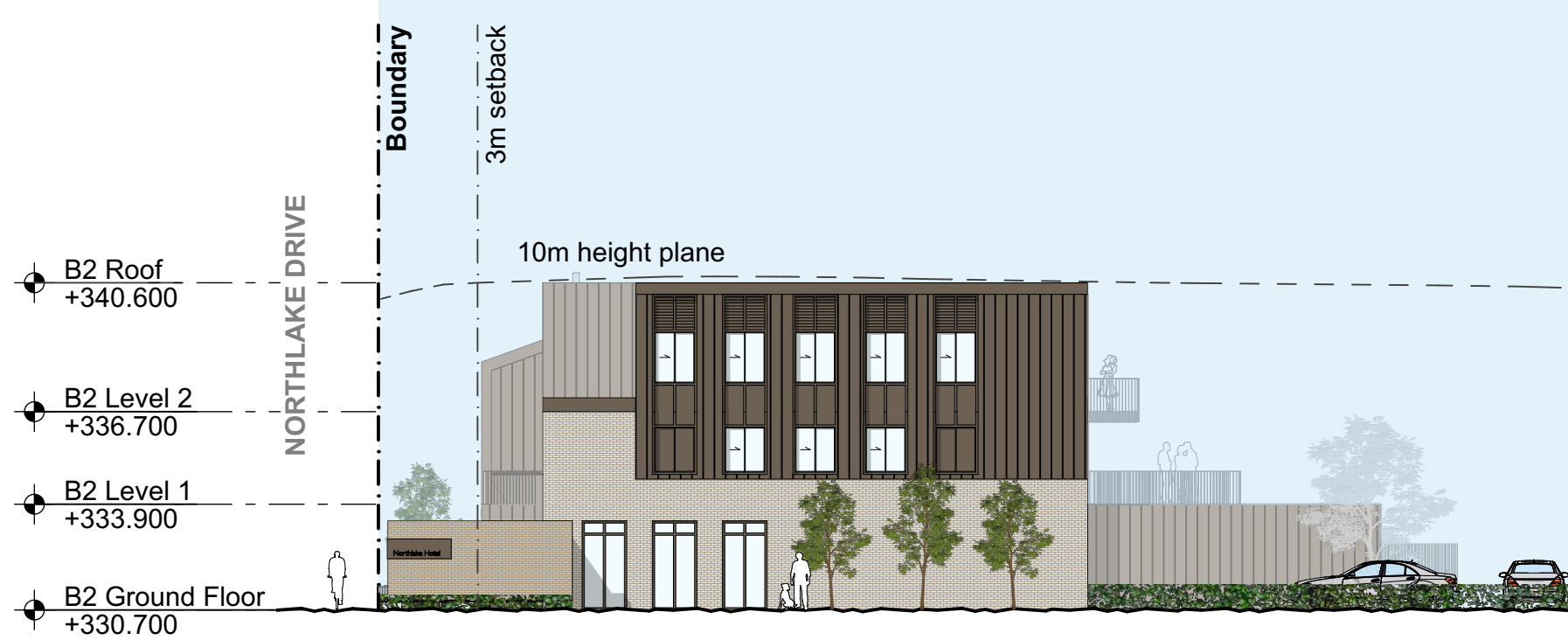
3 West Elevation - Building One
RC-04 1:200



4 East Elevation - Building One
RC-04 1:200



5 West Elevation - Building Two
RC-04 1:200



6 East Elevation - Building Two
RC-04 1:200

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RESOURCE CONSENT 08.02.2019

Elevations - Site

Scale: 1:200 Orig. Size: A1

Drawing No. Job No.: **2447**

RC-08 Revision: **02**



SIGNAGE PLATFORM	
S1	Signage 1 - Northlake Drive Acoustic Wall 2400mm(w) x 600mm(h)
S2	Signage 2 - Drive Entry/Exit Plinth Signs 1200mm(w) x 1200mm(h)
S3	Signage 3 - Building Canopy Signs 2400(w) x 300mm(h)
S4	Signage 4 - Restaurant Entry Sign 2400(w) x 300mm(h)
S5	Signage 5 - Mt Creighton Pedestrian Entry Sign 600(w) x 600mm(h)

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181903

Tuesday, 25 June 2019

MATERIAL KEY:

SURFACE TREATMENT	
H1	Asphalt Carparking
H2	Concrete - Exposed Aggregate (oxide colour)
H3	Stone Kerbing
H4	Stone Set Banding
H5	Spaced Timber Decking
H6	Lime Chip - Compacted

LANDSCAPE - HARD	
L1	Brick Outdoor Fire Place
L2	Brick Acoustic Wall 2.4m High
L3	Brick Landscape Wall 1.2m High
L4	Timber Fence: Type 1: North Facing Patio 1.2m High Type 2: South Facing Patios 1.2m - 1.7m High Type 3: Spa Terrace 2.4m High (inc. brick sections)

L5	Sign Plinth - Corten Steel
L6	Bench Seat
L7	Garden Bed - Low Level Planting
L8	Stacked Sleeper Wall

ARCHITECTURE	
A1	Brick Cladding Type 1
A2	Brick Cladding Type 2
A3	Metal Roof & Wall Tray Profile Cladding - Coated
A4	Aluminium Door & Window Joinery - Coated (incl. spandrel panel)

All metal coating <20% LRV

A5	Aluminium Louvred Plant Screen - Coated
A6	Membrane Roofing
A7	Metal Gutters & Downpipes - Coated
A8	Balustrade Type 1 - Steel/Aluminium Flats - Coated
A9	Balustrade Type 2 - Stainless Steel Rod
A10	Aluminium Canopy

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Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

Elevations - Building Two:
North & South

Scale: 1:100

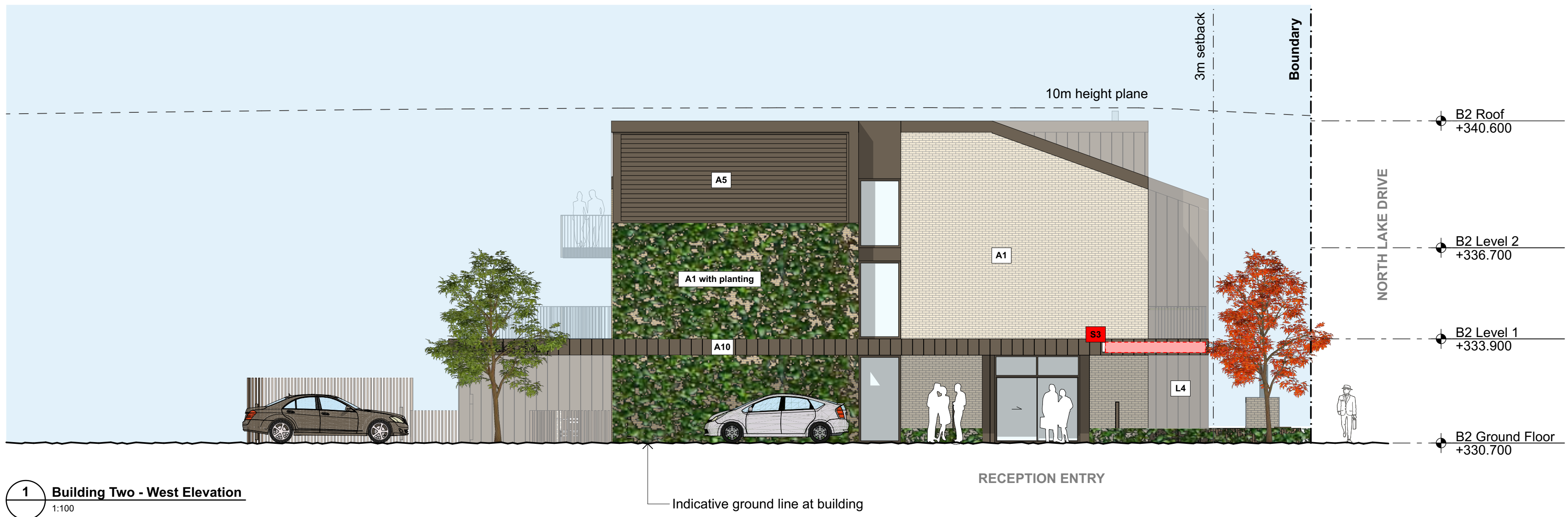
Orig. Size: A1

Drawing No.

Job No.: 2447

RC-09

Revision: 02



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181903

Tuesday, 25 June 2019

- SIGNAGE PLATFORM**
- S1** Signage 1 - Northlake Drive Acoustic Wall 2400mm(w) x 600mm(h)
 - S2** Signage 2 - Drive Entry/Exit Plinth Signs 1200mm(w) x 1200mm(h)
 - S3** Signage 3 - Building Canopy Signs 2400(w) x 300mm(h)
 - S4** Signage 4 - Restaurant Entry Sign 2400(w) x 300mm(h)
 - S5** Signage 5 - Mt Creighton Pedestrian Entry Sign 600(w) x 600mm(h)

MATERIAL KEY:

SURFACE TREATMENT	LANDSCAPE - HARD
H1 Asphalt Carparking	L1 Brick Outdoor Fire Place
H2 Concrete - Exposed Aggregate (oxide colour)	L2 Brick Acoustic Wall 2.4m High
H3 Stone Kerbing	L3 Brick Landscape Wall 1.2m High
H4 Stone Set Banding	L4 Timber Fence:
H5 Spaced Timber Decking	Type 1: North Facing Patio 1.2m High
H6 Lime Chip - Compacted	Type 2: South Facing Patios 1.2m - 1.7m High
	Type 3: Spa Terrace 2.4m High (inc. brick sections)

ARCHITECTURE
A1 Brick Cladding Type 1
A2 Brick Cladding Type 2
A3 Metal Roof & Wall Tray Profile Cladding - Coated
A4 Aluminium Door & Window Joinery - Coated (incl. spandrel panel)
All metal coating <20% LRV

A5 Aluminium Louvered Plant Screen - Coated
A6 Membrane Roofing
A7 Metal Gutters & Downpipes - Coated
A8 Balustrade Type 1 - Steel/Aluminium Flats - Coated
A9 Balustrade Type 2 - Stainless Steel Rod
A10 Aluminium Canopy

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RESOURCE CONSENT 08.02.2019

Elevations - Building Two:
East & West

Scale: 1:100

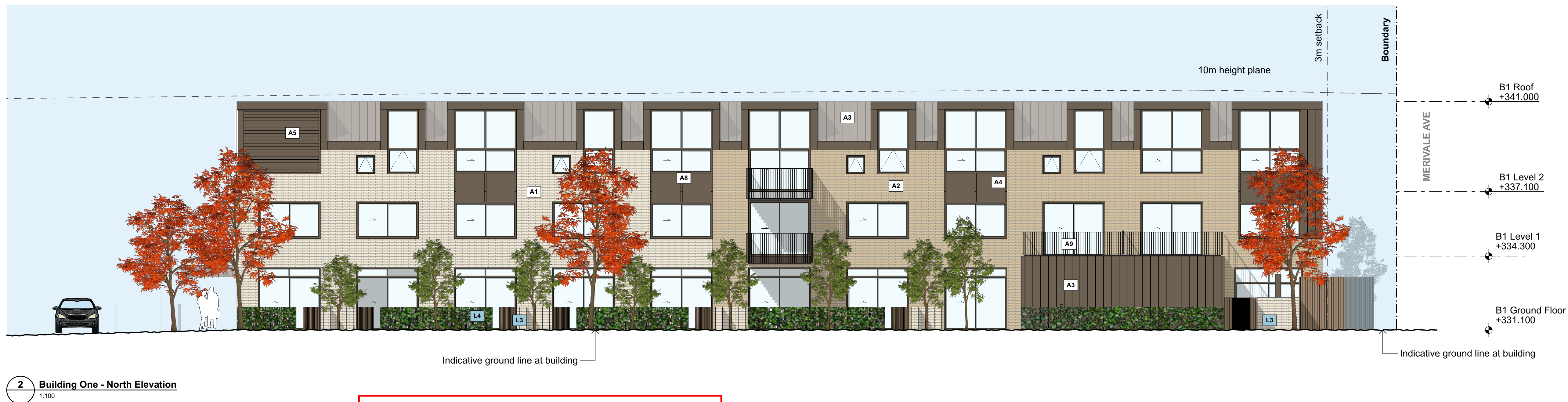
Orig. Size: A1

Drawing No.

Job No.: 2447

RC-10

Revision: 02



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181903

Tuesday, 25 June 2019

- SIGNAGE PLATFORM**
- S1** Signage 1 - Northlake Drive Acoustic Wall 2400mm(w) x 600mm(h)
 - S2** Signage 2 - Drive Entry/Exit Plinth Signs 1200mm(w) x 1200mm(h)
 - S3** Signage 3 - Building Canopy Signs 2400(w) x 300mm(h)
 - S4** Signage 4 - Restaurant Entry Sign 2400(w) x 300mm(h)
 - S5** Signage 5 - Mt Creighton Pedestrian Entry Sign 600(w) x 600mm(h)

MATERIAL KEY:

- SURFACE TREATMENT**
- H1** Asphalt Carparking
 - H2** Concrete - Exposed Aggregate (oxide colour)
 - H3** Stone Kerbing
 - H4** Stone Set Banding
 - H5** Spaced Timber Decking
 - H6** Lime Chip - Compacted

- LANDSCAPE - HARD**
- L1** Brick Outdoor Fire Place
 - L2** Brick Acoustic Wall 2.4m High
 - L3** Brick Landscape Wall 1.2m High
 - L4** Timber Fence:
Type 1: North Facing Patio 1.2m High
Type 2: South Facing Patios 1.2m - 1.7m High
Type 3: Spa Terrace 2.4m High
(inc. brick sections)

- L5** Sign Plinth - Corten Steel
- L6** Bench Seat
- L7** Garden Bed - Low Level Planting
- L8** Stacked Sleeper Wall

- ARCHITECTURE**
- A1** Brick Cladding Type 1
 - A2** Brick Cladding Type 2
 - A3** Metal Roof & Wall Tray Profile Cladding - Coated
 - A4** Aluminium Door & Window Joinery - Coated
(incl. spandrel panel)

All metal coating <20% LRV

- A5** Aluminium Louvered Plant Screen - Coated
- A6** Membrane Roofing
- A7** Metal Gutters & Downpipes - Coated
- A8** Balustrade Type 1 - Steel/Aluminium Flats - Coated
- A9** Balustrade Type 2 - Stainless Steel Rod
- A10** Aluminium Canopy

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Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

Elevations - Building One:
North & South

Scale: 1:100

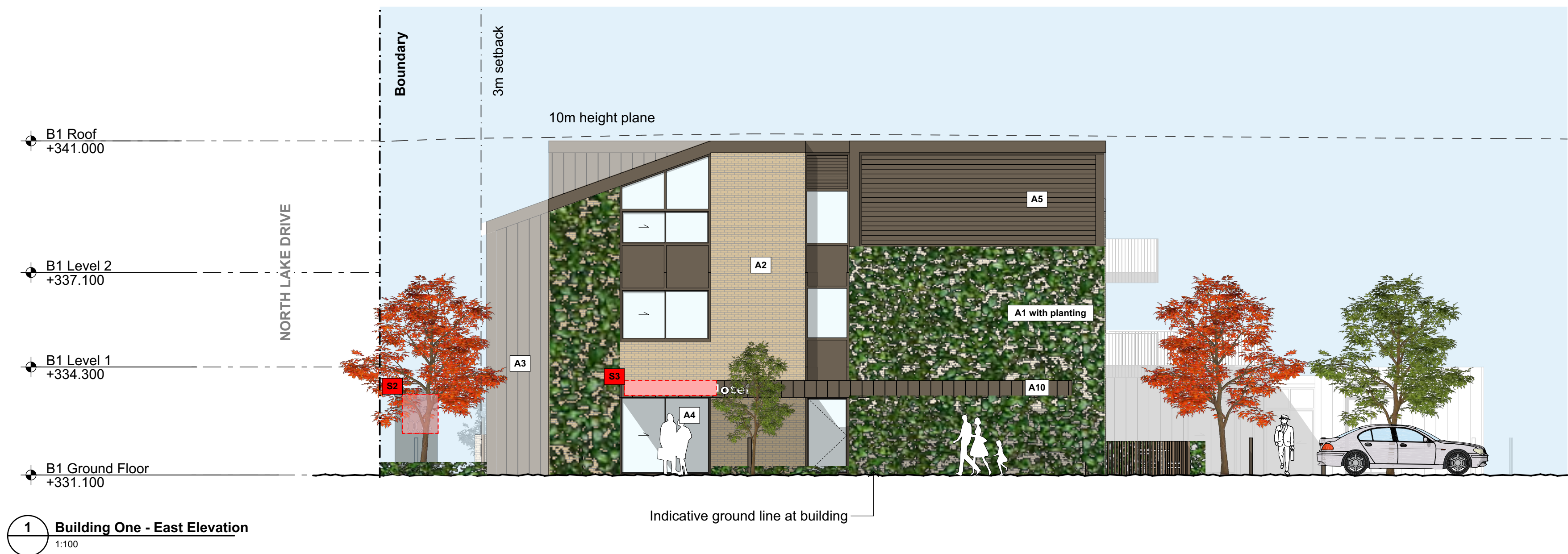
Orig. Size: A1

Drawing No.

Job No.: 2447

RC-11

Revision: 02



SIGNAGE PLATFORM	
S1	Signage 1 - Northlake Drive Acoustic Wall 2400mm(w) x 600mm(h)
S2	Signage 2 - Drive Entry/Exit Plinth Signs 1200mm(w) x 1200mm(h)
S3	Signage 3 - Building Canopy Signs 2400(w) x 300mm(h)
S4	Signage 4 - Restaurant Entry Sign 2400(w) x 300mm(h)
S5	Signage 5 - Mt Creighton Pedestrian Entry Sign 600(w) x 600mm(h)

MATERIAL KEY:

SURFACE TREATMENT		LANDSCAPE - HARD	
H1	Asphalt Carparking	L1	Brick Outdoor Fire Place
H2	Concrete - Exposed Aggregate (oxide colour)	L2	Brick Acoustic Wall 2.4m High
H3	Stone Kerbing	L3	Brick Landscape Wall 1.2m High
H4	Stone Set Banding	L4	Timber Fence: Type 1: North Facing Ratio 1.2m High Type 2: South Facing Pickets 1.2m - 1.7m High Type 3: Spa Terrace 2.4m High (inc. brick sections)
H5	Spaced Timber Decking		
H6	Lime Chip - Compacted		

- L5** Sign Plinth - Corten Steel
- L6** Bench Seat
- L7** Garden Bed - Low Level Planting
- L8** Stacked Sleeper Wall

ARCHITECTURE

A1	Brick Cladding Type 1
A2	Brick Cladding Type 2
A3	Metal Roof & Wall Tray Profile Cladding - Coated
A4	Aluminium Door & Window Joinery - Coated (incl. expanded panel)

All metal coating <20% LRV

A5	Aluminium Louvred Plant Screen - Coated
A6	Membrane Roofing
A7	Metal Gutters & Downpipes - Coated
A8	Balustrade Type 1 - Steel/Aluminium Flats - Coated
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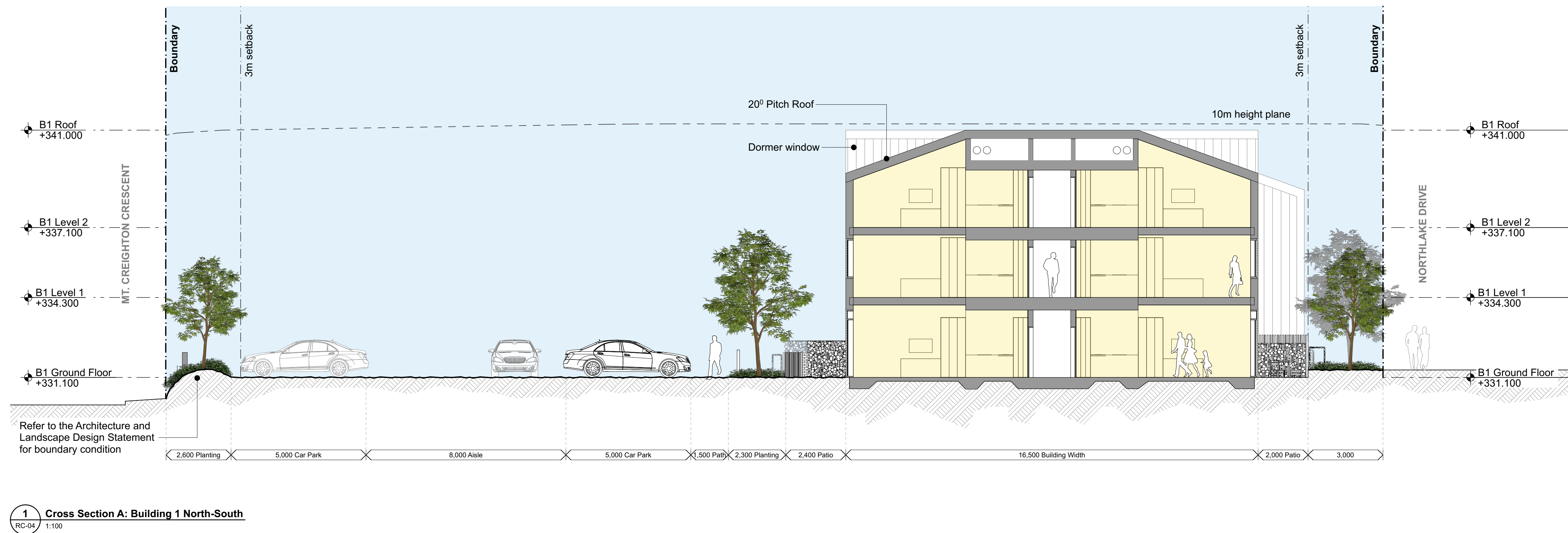
- Planner
- Fire Engineer
- Acoustic Engineer
- Structural Engineer
- Civil Engineer
- Traffic Engineer
- Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

Elevations - Building One: East & West

Scale: 1:100 Orig. Size: A1

Drawing No. **RC-12** Job No.: **24**
Revision: **02**



QUEENSTOWN LAKES DISTRICT COUNCIL

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RESOURCE CONSENT 08.02.2019

Cross Sections: North-South

Scale: 1:100

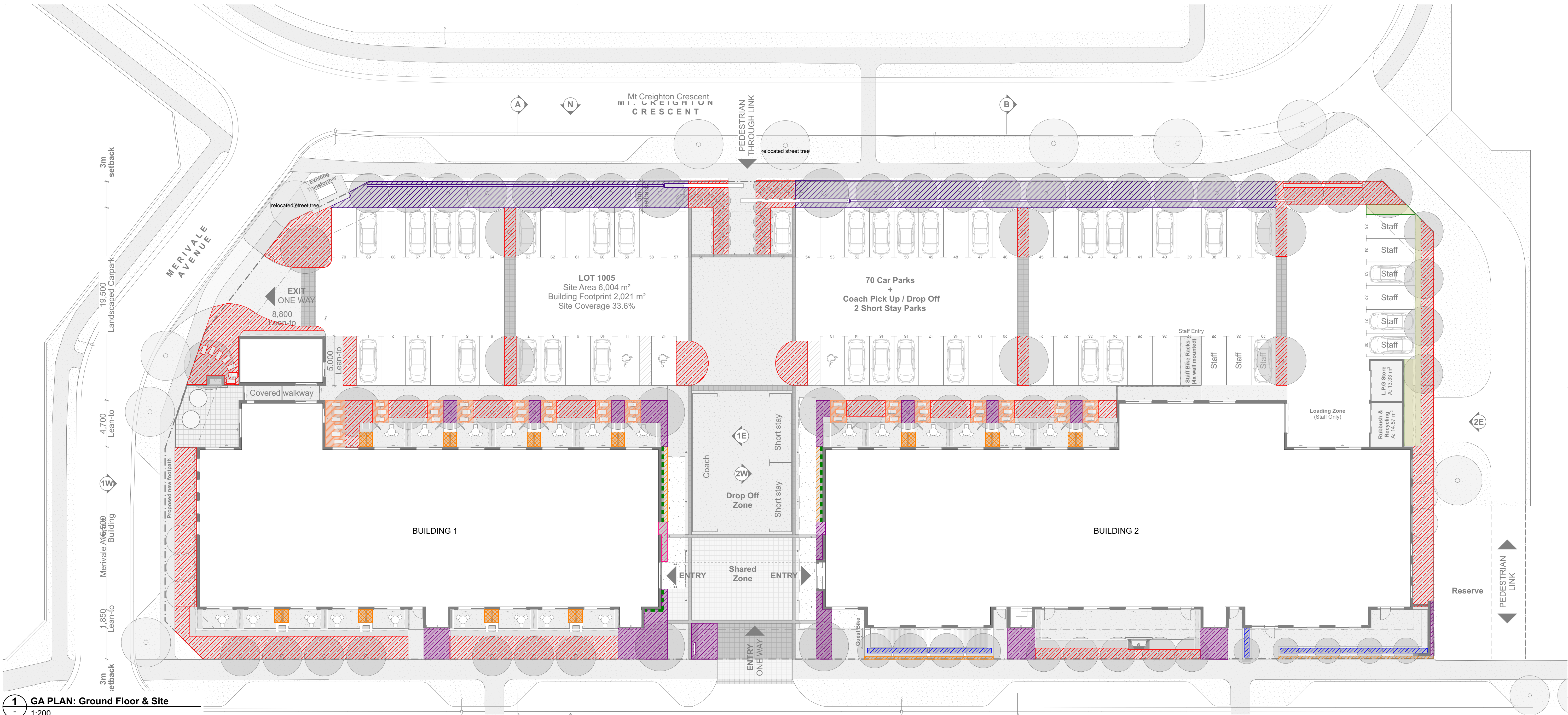
Orig. Size: A1

Drawing No.

Job No.: 2447

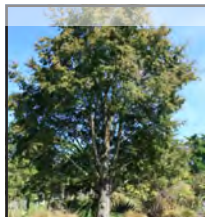
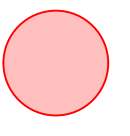
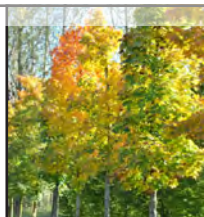
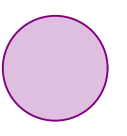



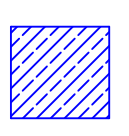



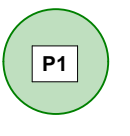

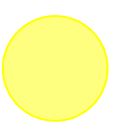

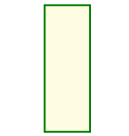





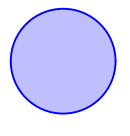

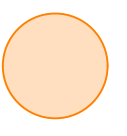



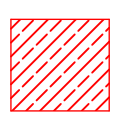





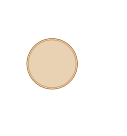

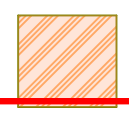

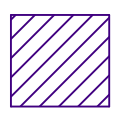


RC-13

Revision: 02



1 GA PLAN: Ground Floor & Site
1:200

PLANTING KEY

	 Red Beech <i>Nothofagus fusca</i> 80L (x12)		 Columnar Norway Maple <i>Acer platanoides 'columnare'</i> 80L (x5)		 Golden Silver Birch <i>Betula pendula 'Wades Gold'</i> 45L (x9); Multi-stemmed trunk		 Muhlenbeckia & Lavender Mix <i>Muhlenbeckia spp. & Lavandula spp.</i> 50/50 mix; PB3/PB5 @ 300-500 mm cntrs		 Sedge & Allium Mix <i>Carex spp. & Allium spp.</i> 80/20 mix; PB5 @ 400 mm cntrs
	 Black Alder <i>Alnus glutinosa</i> 80L (x29)		 Ginkgo <i>Ginkgo biloba</i> 80L (x2)		 Kapuka <i>Griselinia littoralis 'Ardmore Emerald'</i> PB28 @ 600 mm cntrs		 Libertia <i>Libertia spp.</i> PB5 @ 400 mm cntrs		 Virginia Creeper <i>Parthenocissus tricuspidata 'Veitchii'</i> PB5 @ 400 mm cntrs
	 Tulip Tree <i>Liriodendron tulipifera</i> 80L (x2)		 Birch Bark Cherry <i>Prunus serrula</i> 80L (x12)		 European Hornbeam <i>Carpinus betulus</i> PB28 @ 600 mm cntrs		 Tussock Mix <i>Libertia spp. & Chionochloa rubra</i> 50/50 mix; PB5 @ 500 mm cntrs		 Tussock, Hebe & Muhlenbeckia Mix <i>Chionochloa rubra, Hebe spp. & Muhlenbeckia axillaris</i> 50/25/25 mix; PB5 @ 1000 mm cntrs
	 Mountain Beech <i>Nothofagus solandei var. cliffortioides</i> 45L (x9)		 White Himalayan Birch <i>Betula jacquemontii</i> 45L (x26)		 Muhlenbeckia <i>Muhlenbeckia axillaris</i> PB 3 @ 300 mm cntrs		 Tussock, Hebe & Flax Mix <i>Libertia spp., Chionochloa rubra, Hebe spp. & Phormium cookianum 'Emerald Green'</i> 25/25/25/25 mix; PB5 @ 600 mm cntrs		 Libertia, Flax & Panakenake Mix <i>Libertia spp., Phormium cookianum 'Emerald Green' & Pratia angulata</i> PB5 @ 400 mm cntrs

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Planner
Fire Engineer
Acoustic Engineer
Structural Engineer
Civil Engineer
Traffic Engineer
Mechanical & Hydraulic

RESOURCE CONSENT 08.02.2019

Planting Plan - Shrubs &
Groundcover

Scale: 1:200, 1:1.0079

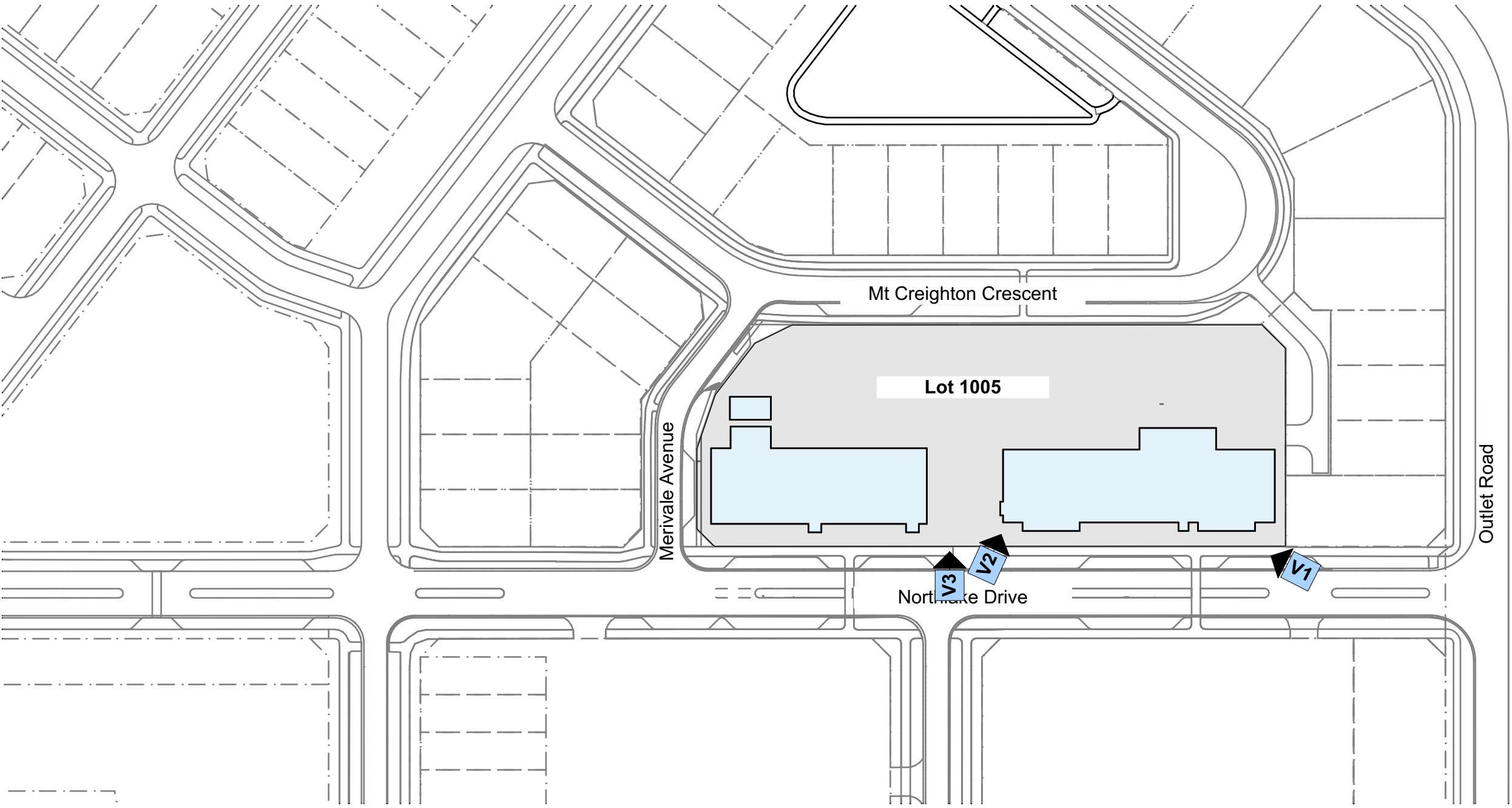
Orig. Size: A1

Drawing No.

RC-14.2

Job No.: 2447

Revision: 02



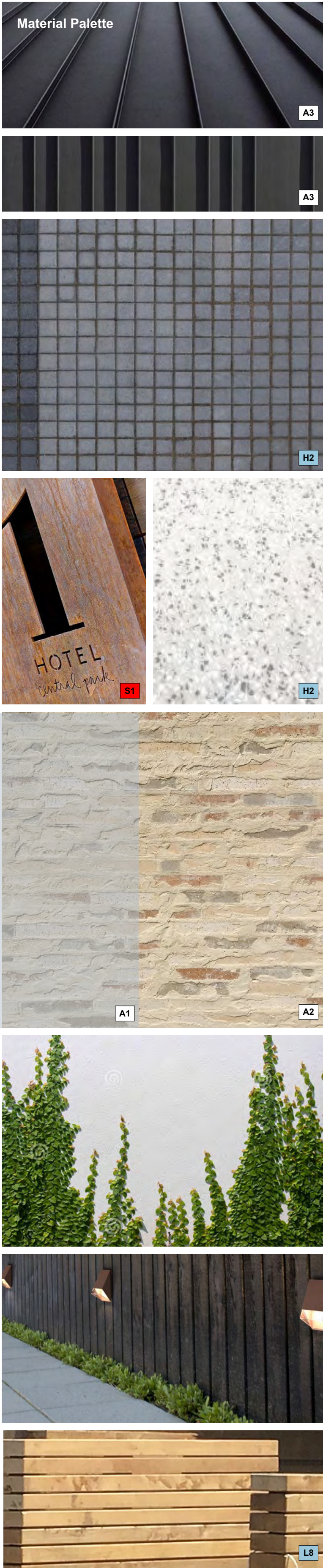
2 V2
NTS



1 V1
NTS



3 V3
NTS



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM181903

Tuesday, 25 June 2019

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at
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RESOURCE CONSENT 08.02.2019

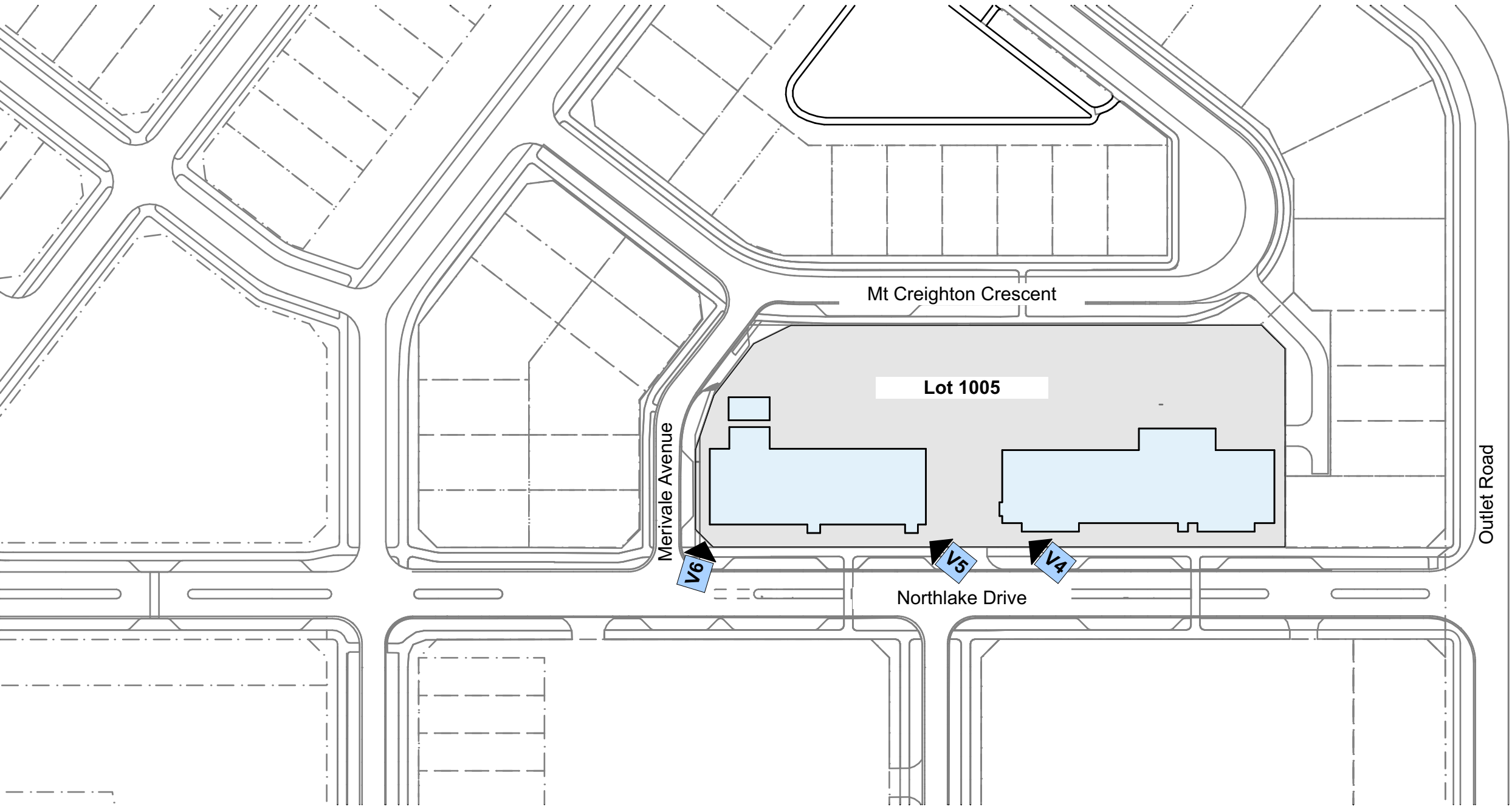
Illustrative Perspectives

Scale: Orig. Size: A1

Drawing No. Job No.: 2447

RC-15 Revision: 02

Printed: 8/02/19, 4:00 PM CAD Ref: 2447 Northlake Hotel for Resource Consent_Revision



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RESOURCE CONSENT 08.02.2019

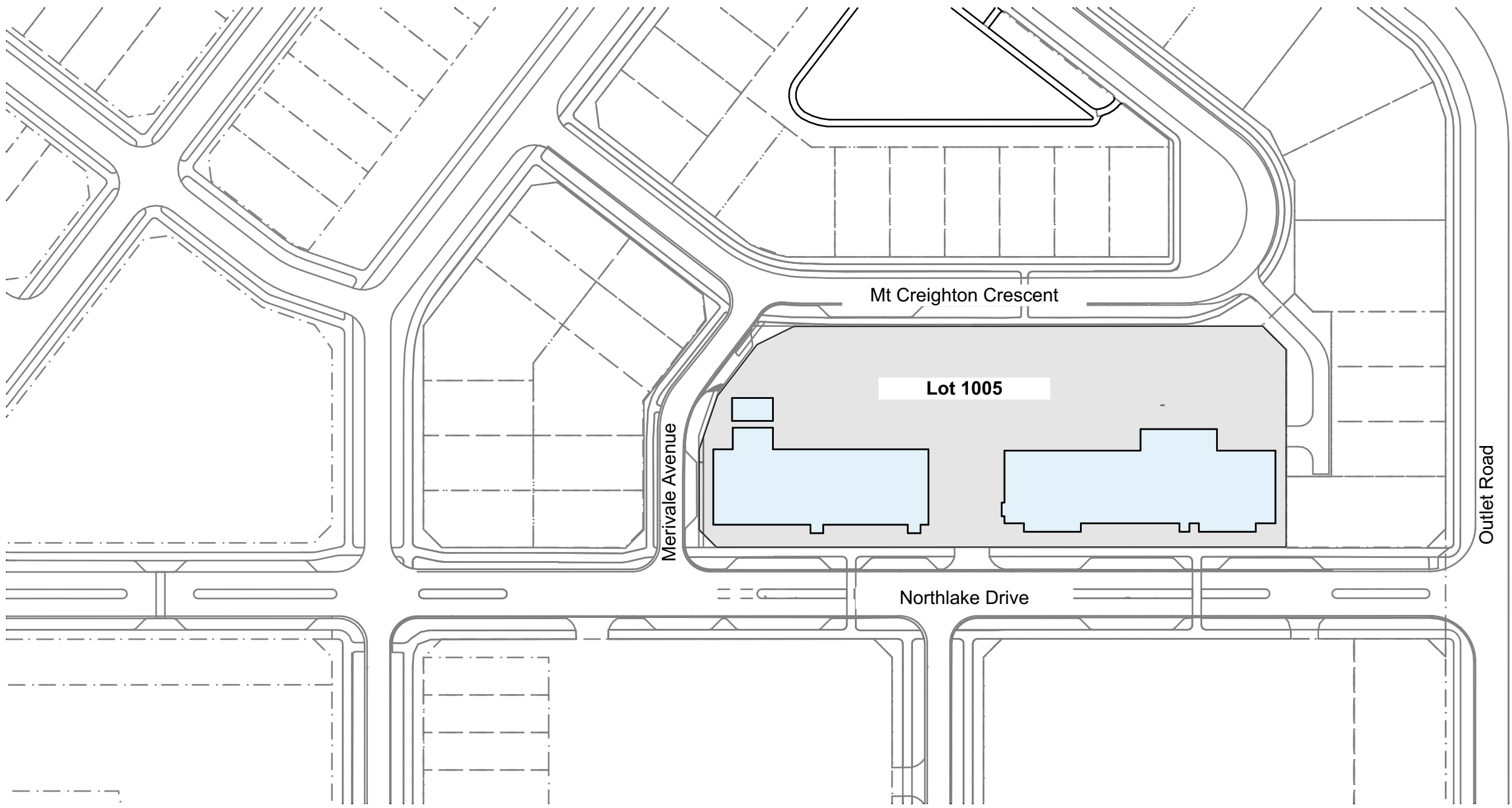
Illustrative Perspectives

Scale: Orig. Size: A1

Drawing No. Job No.: 2447

RC-16 Revision: 02

Printed: 8/02/19, 4:00 PM CAD Ref: 2447 Northlake Hotel for Resource Consent_Revise



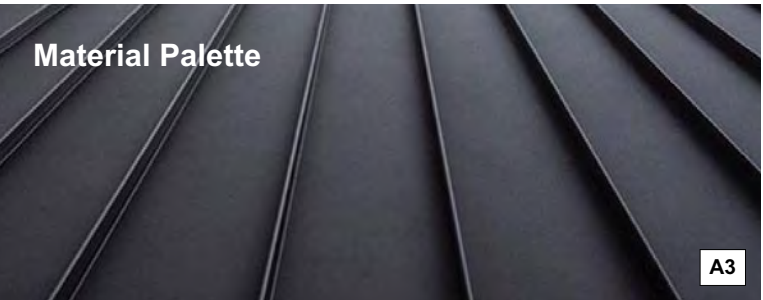
Key Plan
Scale 1:1000



1 V7
NTS



2 V8
NTS



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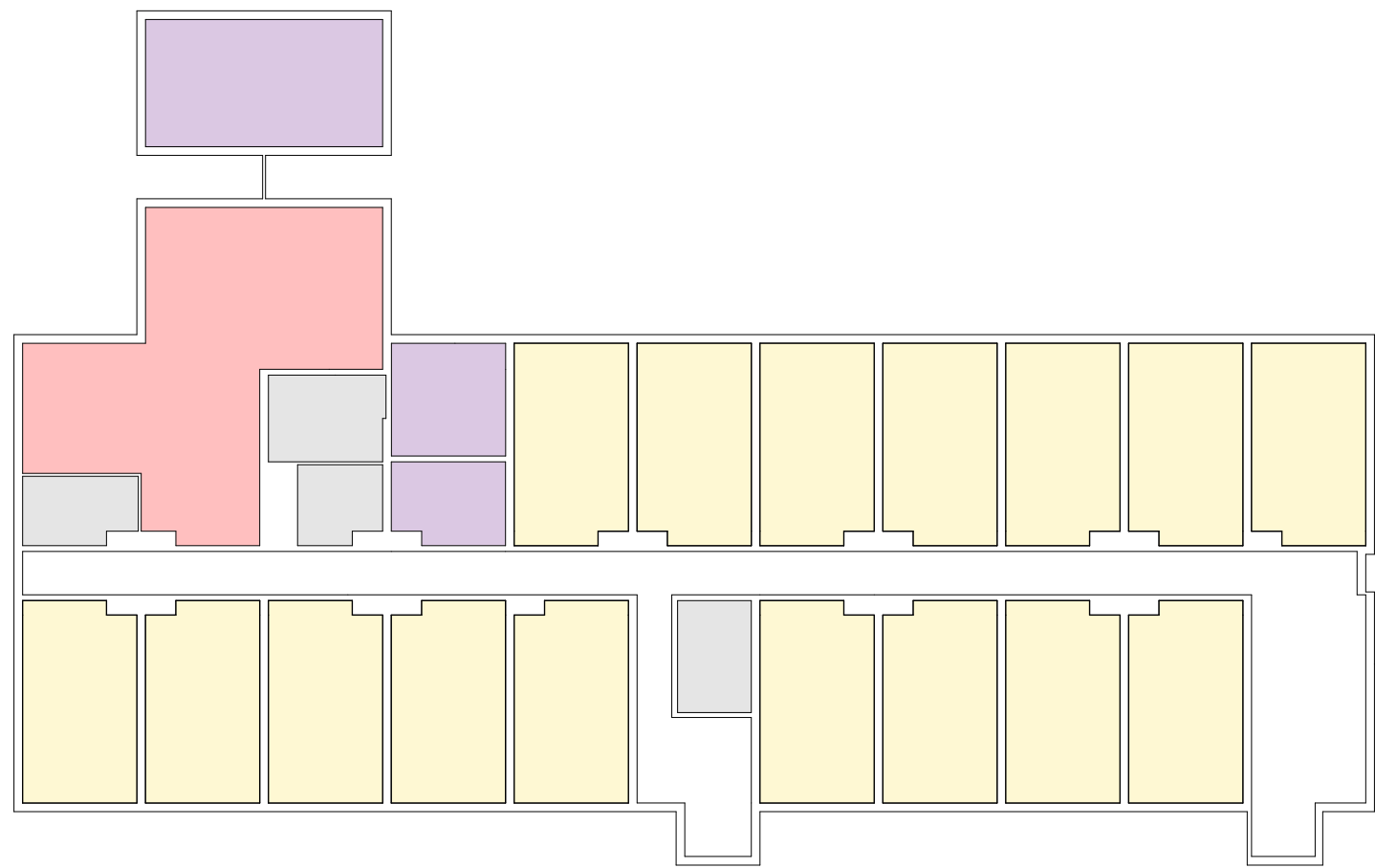
Illustrative Perspectives

Scale: Orig. Size: A1

Drawing No. Job No.: **2447**

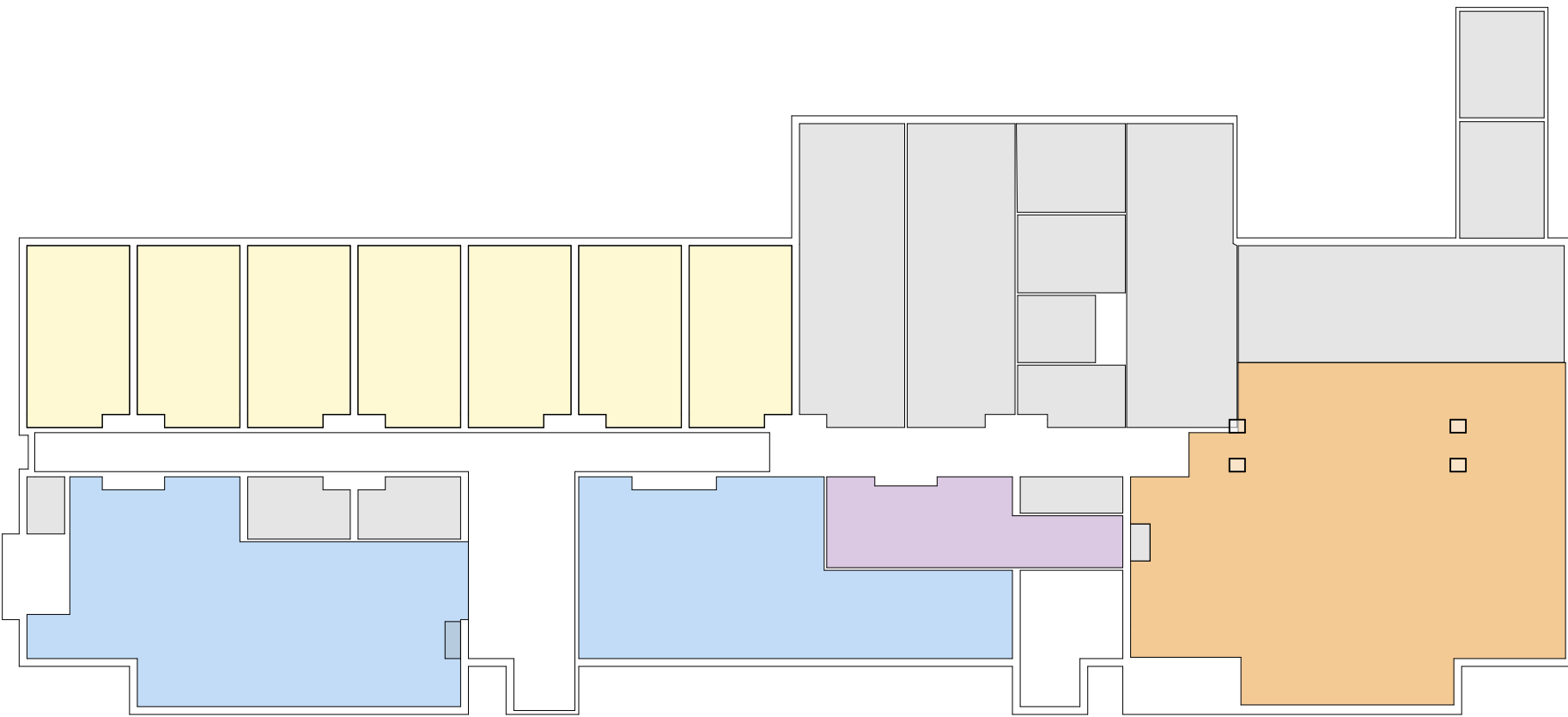
RC-17 Revision: **02**

Printed: 8/02/19, 4:00 PM CAD Ref: 2447 Northlake Hotel for Resource Consent_Revise

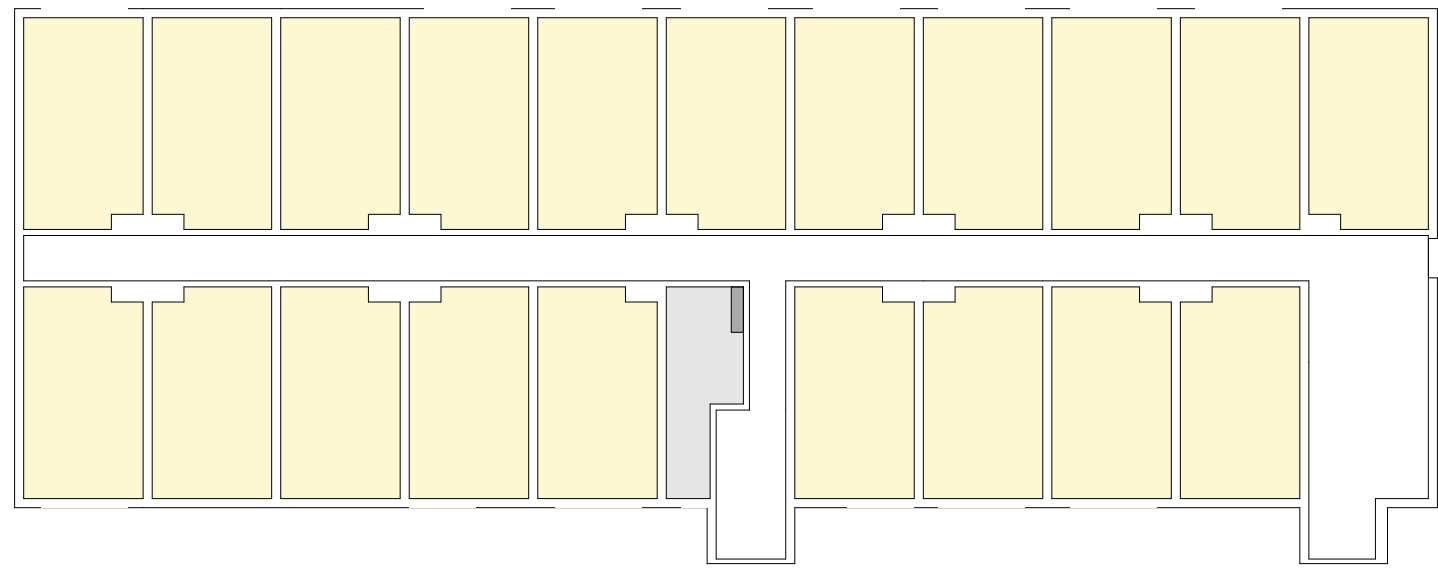


BUILDING ONE

1. Ground Floor - Schedule
1:250

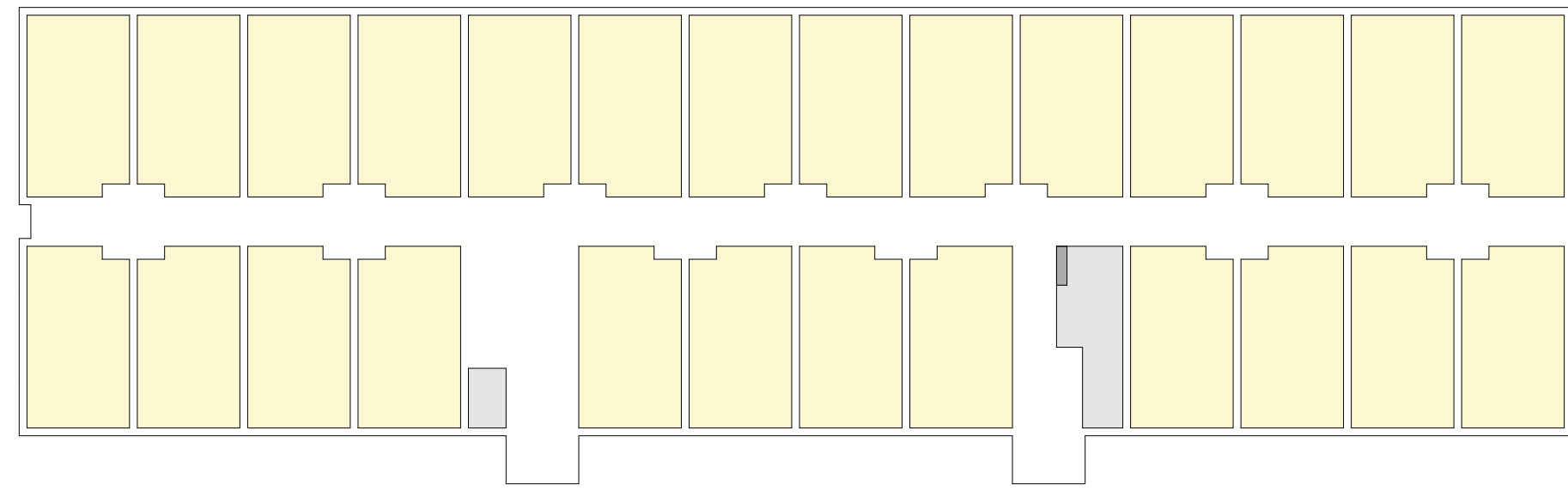


BUILDING TWO

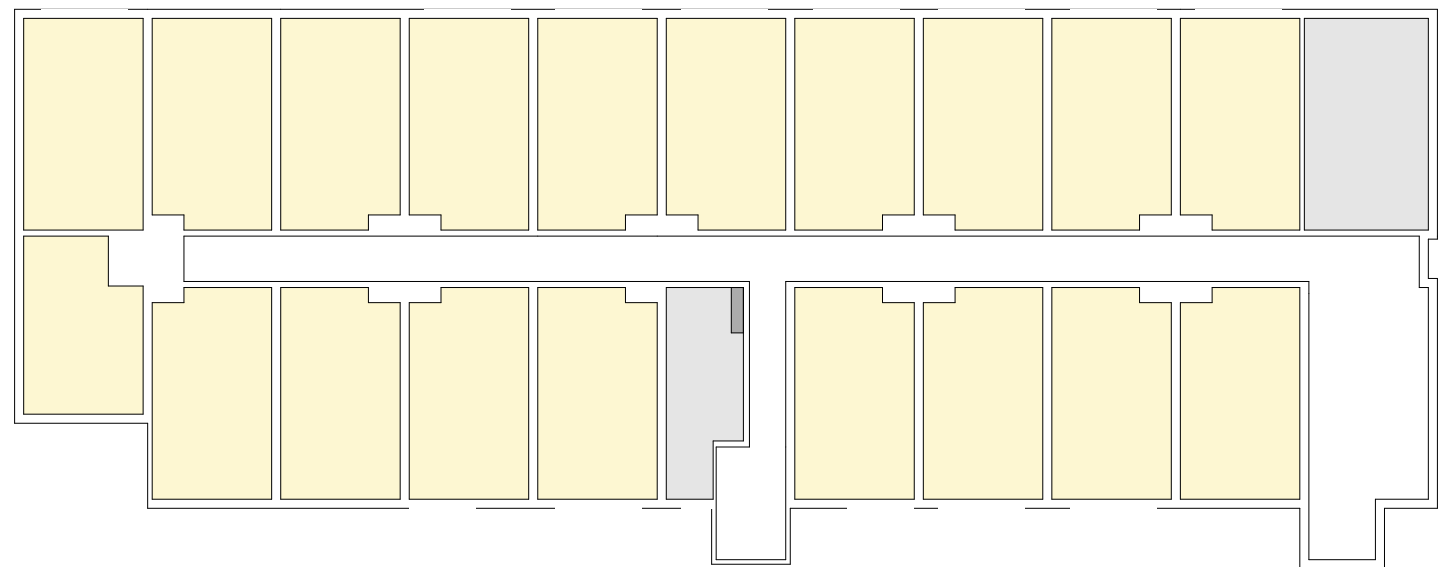


BUILDING ONE

2. Level 1 - Schedule
1:250

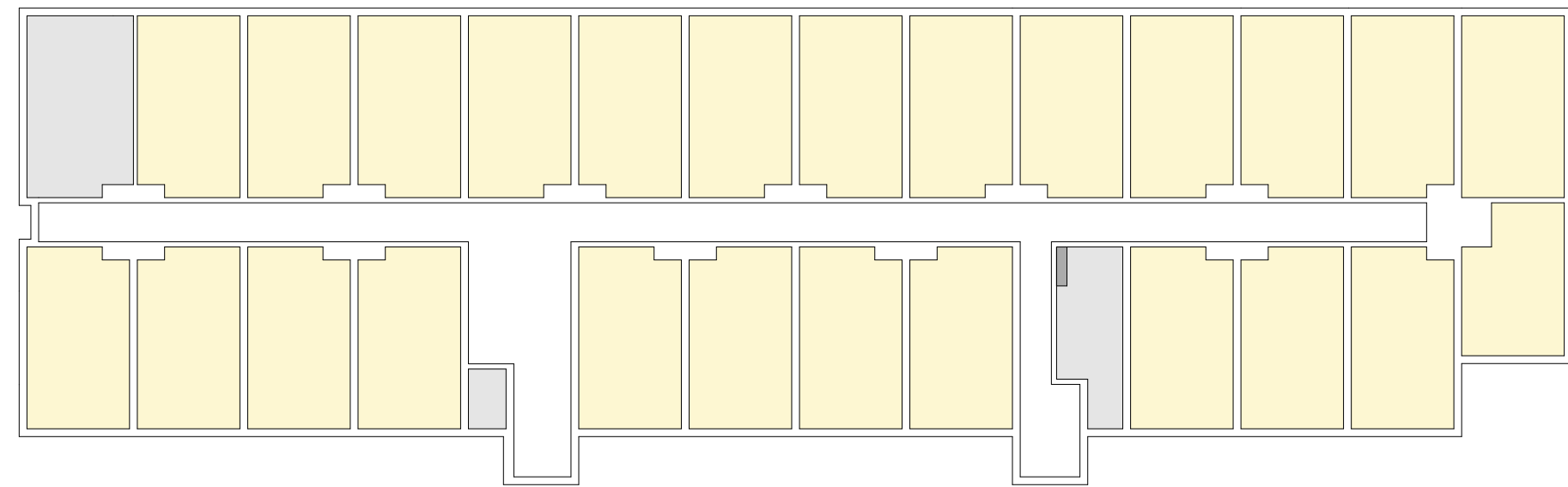


BUILDING TWO



BUILDING ONE

3. Level 2 - Schedule
1:250



BUILDING TWO

PROJECT INFORMATION

SITE COVERAGE

Site Area: 6,004m²
Building Footprint: 2,021m² (excluding canopies)
Site Coverage = 33.6%

BUILDING AREA

Building 1 (West)
L.GF - 871m² 16 Rooms
L.01 - 787m² 20 Rooms
L.02 - 774m² 19 Rooms
TOTAL 2432m² 55 Rooms

Building 2 (East)
L.GF - 1144m² 7 Rooms
L.01 - 996m² 26 Rooms
L.02 - 984m² 25 Rooms
TOTAL 3124m² 58 Rooms

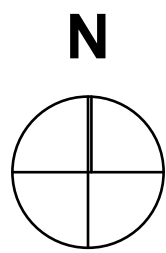
TOTAL GFA: 5556m² 113 Rooms

ROOMS & PARKING

113 Guest Rooms
88 with kitchenette
25 without kitchenette

70 carparks (includes 10 staff parks)
4 off-site coach parks
1 on-site coach drop off

Carpark Landscaping = 18.6% of carpark area



KEY:

- Front of House
- Back of House
- BOH Guest Facilities
- Accommodation
- Restaurant
- Gym and Hot Pools

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Accommodation Schedule

Scale: 1:250

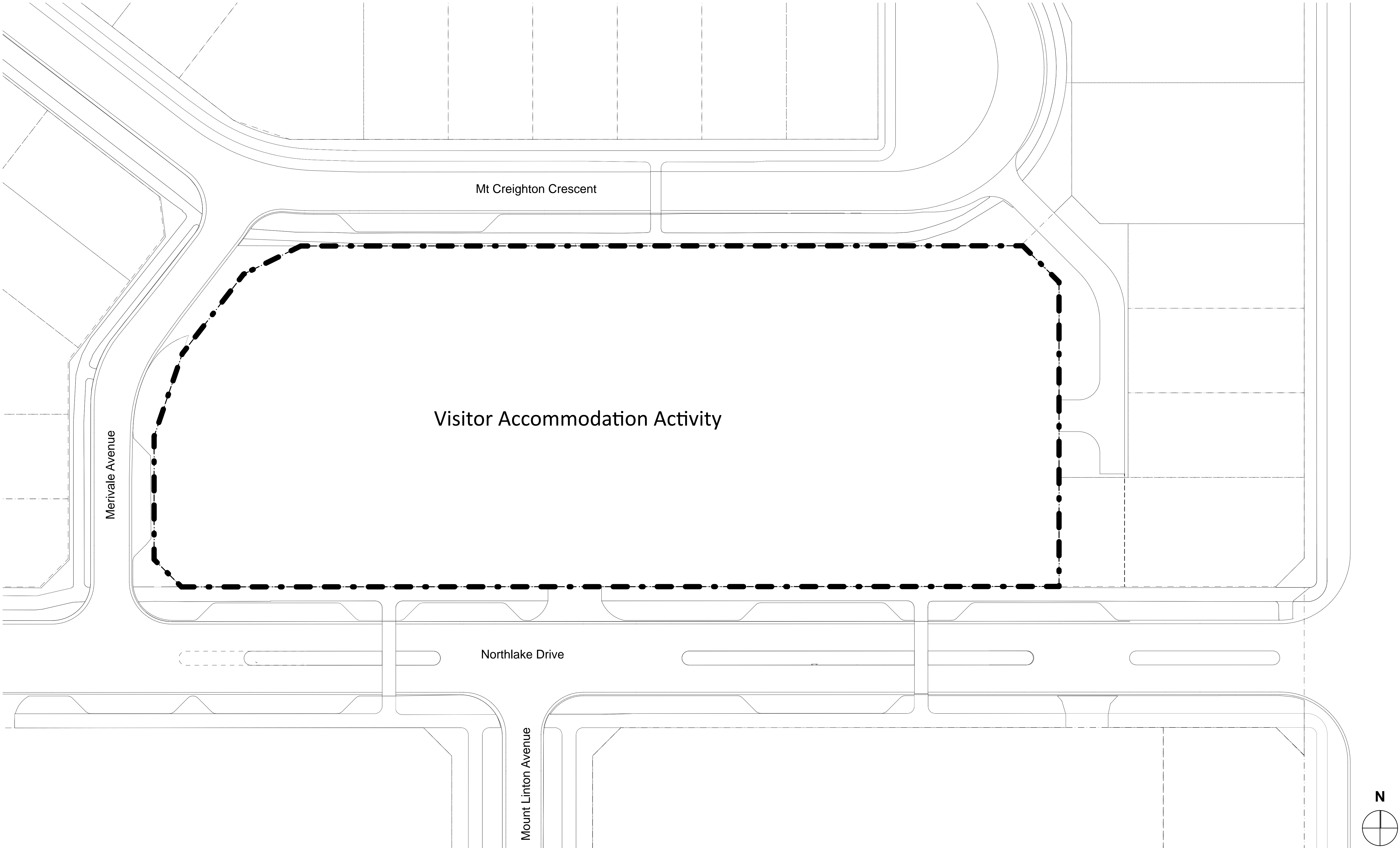
Orig. Size: A1

Drawing No.

Job No.: 2447

RC-18

Revision: 02



1 ODP Integration Plan
1:250

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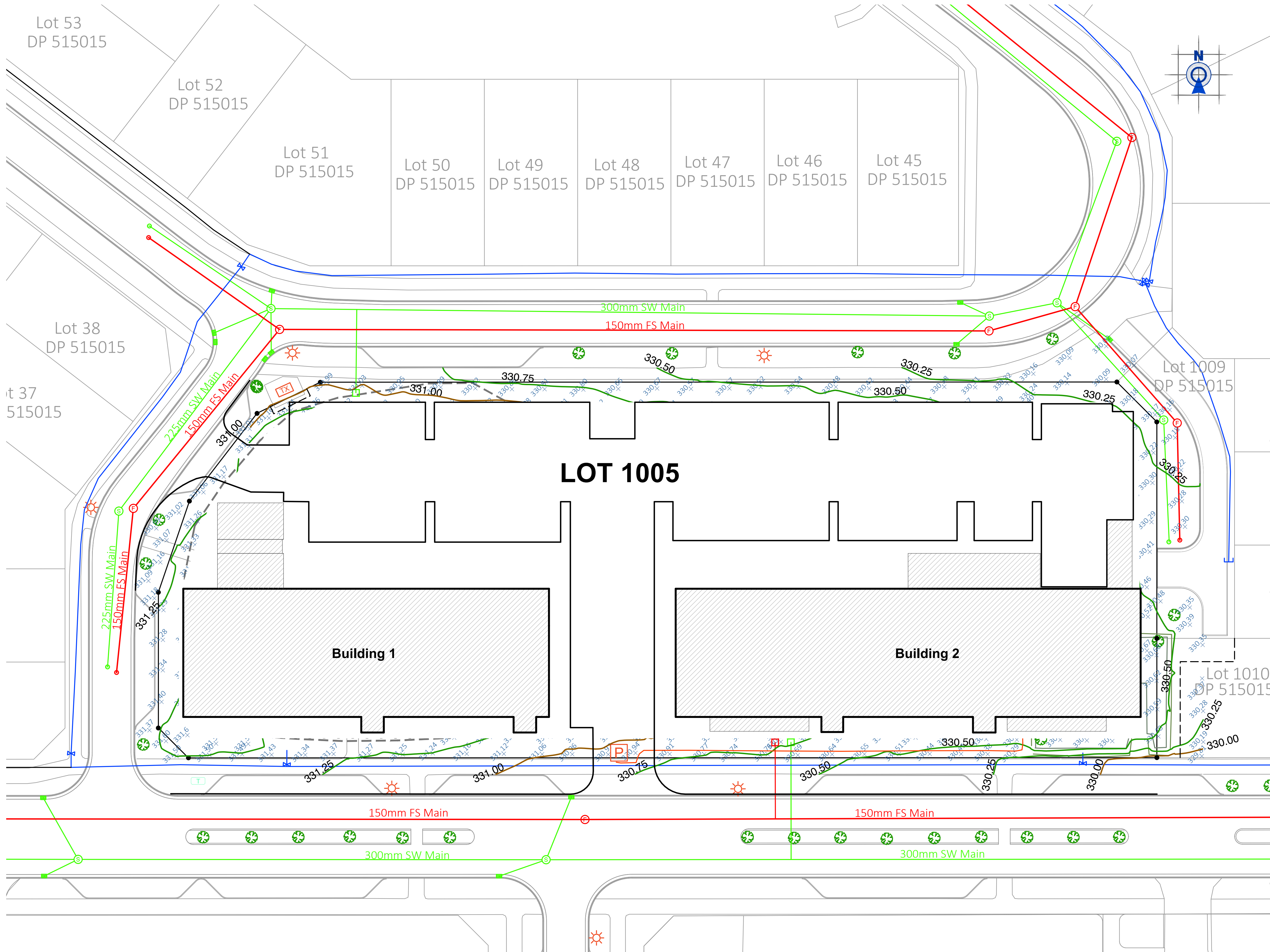
RESOURCE CONSENT 22.05.2019

**Visitor Accomodation
Outline Development Plan**

Scale: Orig. Size: A1

Drawing No. Job No.: **2447**

RC-31 Revision:



- KEY**
- Lot Boundary
 - Easement Boundary
 - Major Contours (2.0m)
 - Minor Contours (0.5m)
 - Stormwater Manhole / Lateral Marker
 - Mudtank Single / Double
 - Stormwater Line
 - Stormwater Cleaning Eye
 - Foulsewer Manhole / Lateral Marker
 - Foulsewer Line
 - Foulsewer Cleaning Eye
 - Water Toby / Valve / Hydrant
 - Water Main
 - Telecom Service Box / Pit
 - Power Service Box / Transformer
 - Street Light
 - Footpath / Kerb / Edge of Seal
 - Fence
 - Boundary Peg (RL= top of peg)
 - Site Datum
 - Building
 - Tree

NOTE
Levels in terms of Dunedin Vertical Datum 1958
Origin of levels: A3PF (LINZ 3rd Order Mark) RL 314.08m

Coordinates in terms of Linds Peak 2000
Origin of coordinates: A3PF (LINZ 3rd Order Mark)
804267.57mN 373973.16mE

Contour Intervals 0.25m

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Client & Location:
NORTH LAKE
wanaka

1 Topographical Survey
1:250

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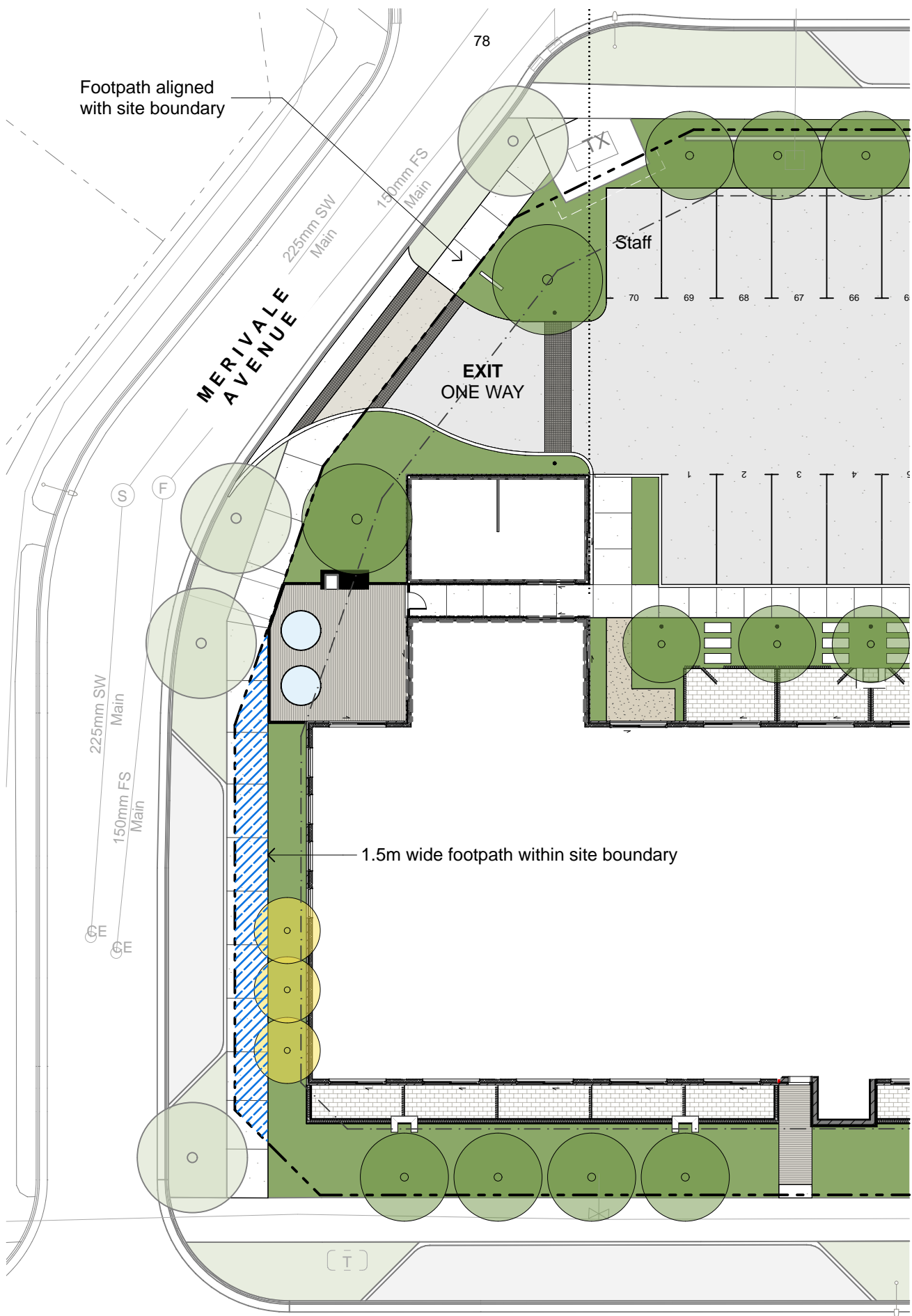
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Existing Stormwater & Foulsewer Connections

Scale: 1:250
Drawing No. **RC-24**
Orig. Size: A1
Job No.: **2447**
Revision: **01**



Merivale Footpath Plan: 08/05/2019



Area of public footpath within site boundary

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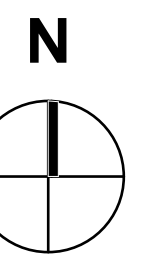
Tuesday, 25 June 2019



1 Alternative Coach Park Location Plan
1:2000 @ A1



2 Alternative Coach Park Landscape Plan
1:200 @ A1



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RESOURCE CONSENT 10.05.2019

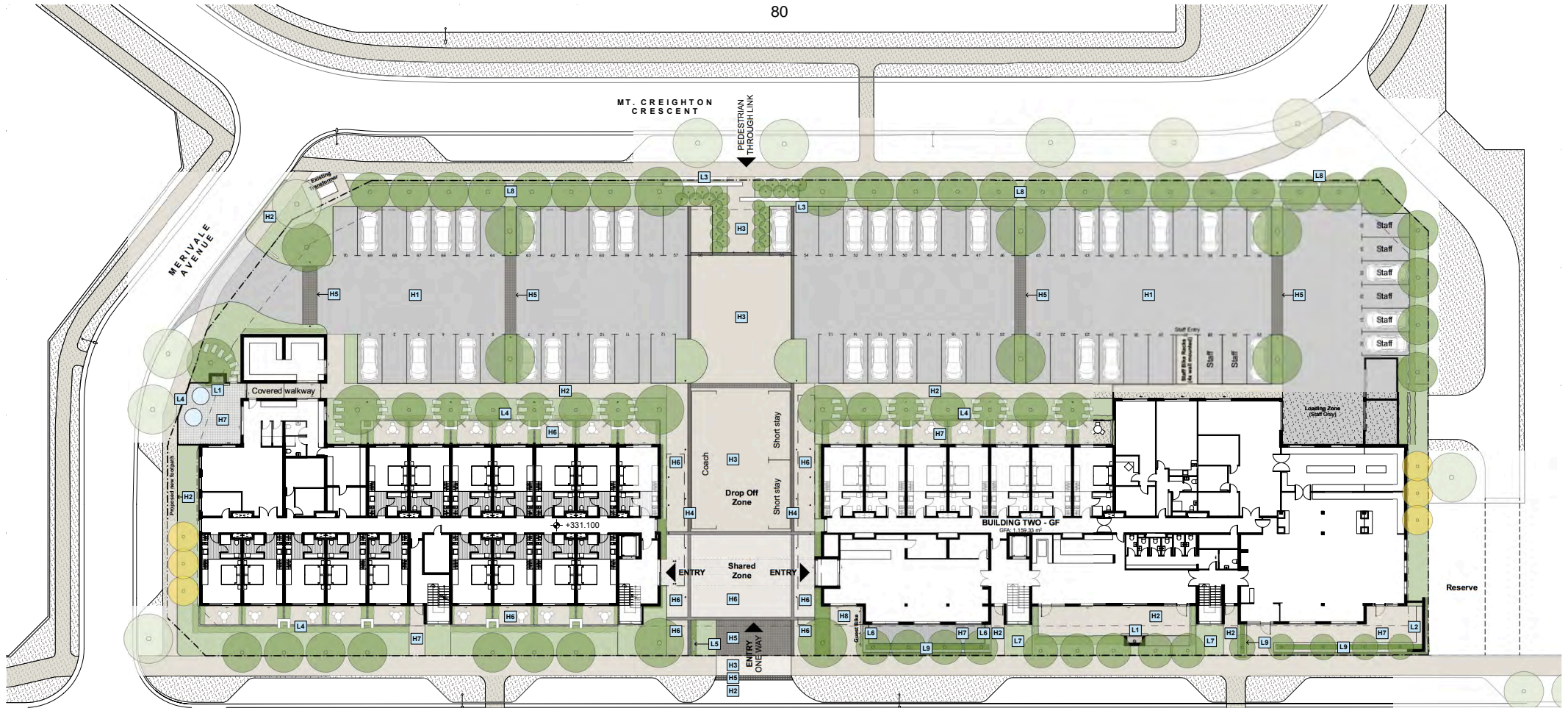
**Alternative Coach Park
Location Plan**

Scale: Orig. Size: A1

Drawing No. Job No.: **2447**

RC-29

Revision:



1 Hardscape Plan
1:200

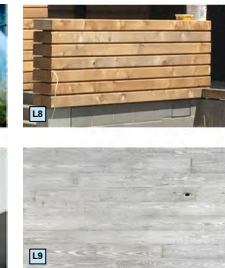
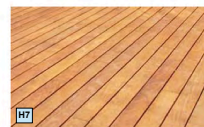
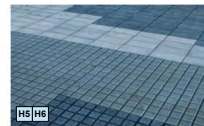
MATERIAL KEY:

SURFACE TREATMENT

- H1** Asphalt Carparking
- H2** Concrete Paving (Standard Grey)
- H3** Exposed Aggregate Concrete Paving
- H4** Natural Stone Kerbing
- H5** Firth Holland Set Pavers (200 x 100 mm)
- H6** Firth Piazza Pavers (400 x 200 mm)
- H7** Hardwood or Composite Timber Decking
- H8** Lime Hoggins

LANDSCAPE - HARD

- L1** Brick Outdoor Fire Place
- L2** Brick Acoustic Wall 2.4m High
- L3** Brick Landscape Wall 1.2m High
- L4** Timber Fence:
Type 1: North Facing Pallo 1.2m High*
Type 2: South Facing Pallo 1.2m - 1.7m High*
Type 3: Spa Terrace 2.4m High
* Includes brick column elements.
- L5** Sign Plinth - Corten Steel
- L6** Bench Seat
- L7** Garden Bed - Low Level Planting
- L8** Stacked Sleeper Wall
- L9** Off-form Concrete Planter 0.7-1.0m High



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Hardscape Plan

Scale: 1:200 Orig. Size: A1

Drawing No. Job No.: 2447

RC-30 Revision:



KEY:

150mm Louvres at 200mm centres at 45 - 60° for privacy to adjoining house living areas

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		Printed: 22/05/19, 3:29 PM CAD Ref: 2447 Northlake Hotel for Resource Consent_Revise		