



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	Well Smart Investment Holding (Thom) Pty Limited
RM reference:	RM180205 and RM180206
Location:	23-41 Thompson Street and 3-5 Glasgow Street, Queenstown
Proposal:	<p>To undertake 24,540m³ of earthworks and to breach construction noise limits (RM180205).</p> <p>To construct and operate a 7 storey, 130 room hotel with two restaurants, a bar, and associated parking, access and servicing (RM180206).</p>
Type of Consent:	Land use
Legal Description:	<p>Lot 1 Deposited Plan 9388 held in Computer Freehold Register OT15B/666</p> <p>Section 2 Block XXIX Town of Queenstown held in Computer Freehold Register OT15B/668</p> <p>Lot 6 Deposited Plan 8860 held in Computer Freehold Register OT15B/669</p> <p>Lot 3 Deposited Plan 8860 held in Computer Freehold Register OT15B/670</p> <p>Lot 2 Deposited Plan 8860 held in Computer Freehold Register OT394/68</p> <p>Lot 4 Deposited Plan 8860 held in Computer Freehold Register OT407/54</p> <p>Lot 2 Deposited Plan 9388 held in Computer Freehold Register OTA1/1439</p> <p>Lot 3 Deposited Plan 9388 held in Computer Freehold Register OT2C/1283</p> <p>Lot 4 Deposited Plan 9388 held in Computer Freehold Register OT6D/534</p> <p>Lot 5 Deposited Plan 8860 held in Computer Freehold Register OT394/173</p>
Zoning:	<p>Operative District Plan: High Density Residential and Town Centre (Lakeview Subzone)</p> <p>Proposed District Plan: N/A</p>

Activity Status:	RM180205 Non-complying
	RM180206 Discretionary
Public Notification:	RM180205 6 September 2018
	RM180206 13 September 2018
Commissioners:	Commissioners Jan Caunter and Dr Lee Beattie
Date:	22 January 2019
Decision:	GRANTED SUBJECT TO CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF applications by Well Smart Investment Holding (Thom) Pty Limited for:

24,540m³ of earthworks and the breach of construction noise limits (RM180205)

The construction and operation of a 7 storey, 130 room hotel with two restaurants, a bar and associated parking, access and servicing (RM180206)

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING COMMISSIONERS J CAUNTER AND DR L BEATTIE, APPOINTED PURSUANT TO SECTION 34A OF THE ACT

THE PROPOSAL

1. We have been given delegated authority by the Queenstown Lakes District Council ("the Council") under section 34A of the Resource Management Act 1991 ("the Act") to hear and determine two applications by Well Smart Investment Holding (Thom) Pty Limited ("the Applicant") and, if granted, to impose conditions of consent.
2. The Applicant has applied for the following two resource consents:
RM180205 – 24,540m³ of earthworks and the breach of construction noise limits.
 - RM180206 - The construction and operation of a 130 room hotel with two restaurants, a bar and associated parking, access and servicing. This part of the proposal includes an on-site coach drop off area, but no coach parking. An on-site carpark is also proposed. The hotel would be up to 7 storeys tall (up to 26m excluding roof plant).
3. The application lodged with the Council also included an application for subdivision (RM171132). This is being processed separately, on a non-notified basis. This decision therefore addresses only the earthworks and hotel applications.

SITE DESCRIPTION

4. A description of the site and receiving environment within which the application sits can be found in the Applicant's AEE and in various reports supporting the application, in particular the urban design and transportation reports. The descriptions accord with our impressions from our visits to the site and surrounding area. We briefly address the receiving environment later in our decision.

NOTIFICATION AND SUBMISSIONS

5. The applications were publicly notified on 6 September 2018 (RM180205) and 13 September 2018 (RM180206) respectively. Submissions closed on 4 October 2018 (RM180205) and 11 October 2018 (RM180206). The same two submitters submitted

on both applications. Council's reporting planner, Ms Stagg, provided us with a summary of the submissions, as follows:

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
1. Event Hotels (NZ) Limited	38-54 Lake Esplanade	<p>RM180205</p> <ul style="list-style-type: none"> Inadequate information has been provided in the application to demonstrate that adverse effects have been adequately avoided, mitigated or remedied. Proposal would result in more than minor adverse effects in relation effect on amenity and character, visual effects and noise, vibration, traffic and access. The AEE and subsequent documents are inconsistent. The proposal is contrary to Objective 1 of the ODP Earthworks Chapter. <p>RM180206:</p> <ul style="list-style-type: none"> Best practice noise mitigation measures have not been adopted. Inconsistent and insufficient information is provided with the application. The application is contrary to ODP Objective 5 in Chapter 3 in relation to visitor accommodation activities. Seeks assurance that design changes will be incorporated into the final design. 	<p>RM180205</p> <p>That the process be suspended so a proposer AEE can be prepared, or alternatively, that consent be refused.</p> <p>RM180206</p> <p>That the process be suspended so a proposer AEE can be prepared, or, alternatively, that consent be refused.</p>

2. Maxine Duncan and Pam McCloy	7 Glasgow Street	<p>RM180205</p> <ul style="list-style-type: none"> • The applicant has provided insufficient analysis of effects. • Proposal would result in more than minor adverse effects in relation effect on amenity and character, visual effects and noise, vibration, traffic and access. • Concern in relation to noise from bored concrete piles. • The AEE and subsequent documents are inconsistent. • The proposal is contrary to Objective 1 of the Earthworks Chapter of the ODP. <p>RM180206</p> <ul style="list-style-type: none"> • Concern about adverse effects in relation to loss of residential amenity and character, visual effects, visual dominance, and noise and traffic, related to construction. • Adverse amenity effects from proposed acoustic fence. • The proposal is contrary to the objectives and policies of the plan. 	<p>RM180205 and RM180206</p> <p>An updated AEE be prepared, or alternatively, that consent be refused.</p>
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6. By the time the hearing commenced on 4 December 2018, written approvals were provided by the following persons:

- Maxine Duncan and Pam McCloy, 7 Glasgow Street (and we understand this land had also been purchased);
- Queenstown Lakes District Council as landowner of Lots 2-18 being a proposed subdivision of Lots 2-8 and 10 RM170923, Sections 1-4 SO24298 and Sections 6-

9 and 11-14 Block XXIX Town of Queenstown.

7. We discuss consultation and the written approvals later in this decision.

THE HEARING

8. A hearing to consider the applications was convened on 4 and 5 December 2018 in Queenstown. In attendance were:
- (a) The Applicant, represented by Mr James Gardner-Hopkins (legal counsel), Mr Jack Jia (Applicant), Dr Jeremy Trevathan (noise); Mr Andy Carr (traffic); Mr Ian Munro (urban design), Mr Chris Brown (construction) and Mr Ben Farrell (planner). Other experts remained available by telephone but were not required;
 - (b) Council's reporting staff and administrative support – Mr Steve Hewland (engineering), Dr Shane Turner (transport engineering), Mr Ed Jolly (urban design), Dr Stephen Chiles (noise), Ms Erin Stagg (senior planner) and Ms Charlotte Evans (hearing secretary).
9. We had the benefit of a Section 42A Report prepared by Ms Stagg. Based upon her assessment of the application, she recommended as follows:

RM180205

"That subject to new or additional evidence being presented at the Hearing, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the effects of the activity will be more than minor for the following reasons:
 - The proposed earthworks would result in an excavated and retained site with large cuts and no built form proposed to be accommodate (sic). Adverse effects on amenity in relation to this matter are considered to be more than minor, but appropriate in this instance. If the hotel application is also approved, these effects would be further mitigated to the point of being no more than minor.
2. The proposal is consistent with, and not contrary the relevant objectives and policies of the District Plan for the following reasons:
The proposal is consistent with, and not contrary to, the objectives and policies of the Earthworks and District Wide Chapters.
3. The proposal does promote the overall purpose of the RMA."

RM180206 – Hotel

"That subject to new or additional evidence being presented at the Hearing, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 (the RMA) for the following reasons:

1. It is considered that the adverse effects of the activity will be no more than minor for the following reasons:
 - Adverse effects in relation to built form have been adequately minimised or mitigated;
 - Adverse effects in relation to construction effects have been adequately minimised or mitigated;

- Adverse effects in relation to the operation of the hotel have been adequately minimised or mitigated.
 - 2. The proposal is consistent with the relevant objectives and policies of the District Plan for the following reasons:
 - The proposal is consistent with the objectives and policies of the District Wide, High Density Residential and Town Centre (Lakeview Subzone) chapters of the Operative District Plan (ODP);
 - The proposal is consistent with the Strategic Directions objectives and policies of the Proposed District Plan (PDP) Stage 1 Decisions Version.
 - 3. The proposal does promote the overall purpose of the RMA.”
10. Following the hearing, we requested clarification from the Applicant on the final volume and area of earthworks (given the change to the carparking proposed), whether the area setback from Thompson Street would be landscaped and who would be responsible for any landscaping, given the possibility of Thompson Street being widened in the future. This additional information was provided to the Council with the Applicant’s Reply on 10 December 2018.

SITE VISIT

11. We undertook a site visit on the morning of 4 December 2017, before the hearing commenced.

THE DISTRICT PLAN AND RESOURCE CONSENTS REQUIRED

12. The AEE and the Section 42A Report identified that a large number of resource consents were required. These are fully set out in both documents and we do not repeat them here.
13. RM180205 was to be assessed as a **non-complying** activity and RM180206 was to be assessed as a **discretionary** activity. We note that the non-complying aspect of RM180205 relates to a breach of Zone Standard 7.5.5.3(xii) in relation to construction noise. However, as we have decided to bundle the consents, the application overall has been considered as a **non-complying** activity. The bundling is discussed later in this decision.
14. There are no relevant rules with immediate legal effect under the Proposed District Plan. There was some debate between the Applicant and the Council as to the relevance of the objectives and policies of the Proposed Plan, Stage 1, Decisions Version. We also address this later in our decision.

RELEVANT STATUTORY PROVISIONS

15. The applications must be considered in terms of Sections 104, 104B, 104D, and 108 of the Resource Management Act 1991 (“the” Act). As the two applications did not include subdivision, we do not consider section 106 to be relevant.
16. Subject to Part 2 of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *a national environmental standard:*

- (ii) *other regulations:*
- (iii) *a national policy statement:*
- (iv) *a New Zealand coastal policy statement:*
- (v) *a regional policy statement or proposed regional policy statement:*
- (vi) *a plan or proposed plan; and*

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

17. As a non-complying activity, the proposal must satisfy one of the two thresholds set out in section 104D of the Act, namely:

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of –*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

18. If consent is able to be granted pursuant to Section 104 and 104D, the application must be considered under Section 104B of the Act. Section 104B states:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

19. Section 104(3)(b) requires that we have no regard to effects on people who have given written approvals to the application.

20. Section 108 empowers us to impose conditions on land use consents.

SUMMARY OF EVIDENCE HEARD

21. All expert evidence was pre-exchanged ahead of the hearing. The following is a brief outline of all submissions, evidence and reports presented. This summary does not detail everything that was advanced at the hearing, but captures the key elements of what we were told.

Applicant

- **Mr Gardner-Hopkins** presented opening legal submissions addressing updates to the application, the legal framework relevant to our assessment, the relevant planning framework including the relevance of the Proposed District Plan and the Applicant's preference for two separate decisions to be issued. An updated set of conditions for both applications was attached to the submissions, these having been agreed with Event Hotels (NZ) Limited prior to the hearing commencing. A further set of amended conditions was explained by Mr Gardner-Hopkins on the morning of 5 December, in response to our questioning of the Applicant's witnesses, but prior to Ms Stagg giving us her final report.

- Of prime concern to the Applicant was the separation of the two consents and the request to have us determine these separately. The applications were originally lodged as a combined application in October 2017 but in February 2018 separation occurred, in consultation with the Council. This was apparently intended to “facilitate the swift progressing of the different applications, without one unnecessarily holding up the others – and without requiring all to be notified together.”¹ We were also told that “A key driver behind separating out the consents was to assist in providing commercial certainty to Well Smart of its consented rights as they are obtained; and also to enable early implementation wherever possible.”² Mr Gardner-Hopkins explained the Applicant was concerned about the potential for an appeal to hold up the overall development.
- Mr Gardner-Hopkins explained the Applicant had accepted it was appropriate for a visual and photographic survey to be undertaken prior to any earthworks occurring as this was potentially to its benefit also. He also confirmed that the Council, as a nearby landowner, had agreed to the Applicant installing rock anchors on its property. As Event Hotels (NZ) Limited had now provided written approval but on the basis of the specific conditions attached to Mr Gardner-Hopkins’ opening submissions, it was agreed that it would be appropriate to take any amended conditions back to that party as part of this hearing process and prior to the Applicant’s reply being lodged.
- **Mr Jia** told us that he is a director of Well Smart, the Applicant company. Well Smart is part of an international real estate and investment group, based in Singapore. It is undertaking developments in Australia and New Zealand and also owns a site at 67 Shotover Street, Queenstown, which it intends to develop into a hotel. It was intended that Well Smart would own the asset but that a hotel company would take over the management of the hotel once the fitout was completed.
- Mr Jia explained that Well Smart acquired this site in 2016 and the plans to develop it as a hotel had been through several iterations, with the company only wanting to take the application to Council once it had support from a well-respected urban designer and also had support from Council’s urban designer. Well Smart had spent some time consulting with neighbours and in the end, had purchased 7 Glasgow Street. It was conscious of the possible disruption to nearby hotels and neighbours and had sought to ensure that the relevant construction noise standards are met and/ or that effects on neighbours are minimised.
- Mr Jia also addressed the separation of consents point, noting that the Applicant wanted to be able to get on with exercising the earthworks consent if the hotel consent was appealed for some reason. It did not want to miss the next earthworks season.
- Mr Jia also emphasised that the Applicant’s intention is to construct a luxury, 5 star hotel and that busloads of guests were not part of that commercial focus. The Applicant did not consider it efficient to provide a dedicated off-site coach park facility as it did not expect there to be many coaches. The hotel would be charging rooms at more than \$500 per night, with the minimum room size being 55m². The proposal also included larger suites and penthouses of 100m² and

¹ Opening submissions for the Applicant paragraph 9

² Opening submissions for the Applicant paragraph 11

200m² in size. It was expected most guests would self-drive or would arrive at the hotel in limousines or taxis.

- **Dr Trevathan** prepared a comprehensive acoustic assessment which was summarised in his evidence. As the owners of 7 Glasgow Street had provided written approval at the time of his evidence being prepared, he had not included that aspect of the assessment in his evidence. He addressed the levels of noise that can be expected from construction and the conditions proposed to address this. We address this further in our discussion of the acoustic effects.
- **Mr Carr** also prepared a comprehensive transportation assessment which he summarised in his evidence. He responded to the points raised by Council's experts, Dr Turner and Mr Hewland, emphasising the Hotel Traffic Management Plan's intentions to manage coaches and cars at the hotel, some of which had been drawn from the recent consenting process for the Ramada hotel in Queenstown, which had been the subject of consent orders approved by the Environment Court. We address this further below in our discussion of the traffic effects.
- **Mr Munro** gave evidence addressing urban design, in which he overlapped with Mr Jolly in a joint discussion of the final approach taken to urban design following Mr Jolly's reports and input on behalf of the Council. Both witnesses were satisfied with, and supported, the design now on the table. In order to be clear on the matters they had agreed on as part of this process, we asked the two experts to prepare a Joint Witness Statement, which was tabled with the Applicant's Reply. We address all of these matters later in this decision under the heading of urban design.
- It should also be noted that we asked Mr Munro a range of planning questions, given that while he was appearing before us as a qualified urban design witness he also has qualifications and in-depth experience in urban planning matters and was able to assist us in this regard. This included his understanding of the relevant Operative District Plan provisions and how these applied to height controls and the Plan's overall intention for dealing with building height in the High Density Residential and Town Centre (Lakeview Subzone). This was very helpful.
- **Mr Farrell** gave planning evidence for the Applicant and explained the history to the applications before us. Having prepared the AEE, he summarised the main aspects of the final proposal and the consultation with submitters and with the Council as landowner. His evidence also addressed the request for separate consents to be issued. We had some concerns about Mr Farrell's interpretation of the Operative District Plan and explored this with him in questioning. As Mr Farrell had not produced a set of amended plans at the start of the hearing, these had to be located and printed for our review on the first morning of the hearing. We address the plan interpretation matters later in this decision.

Council Officers

- **Mr Jolly** provided a report on urban design. It was clear that both Mr Jolly and Mr Munro had caucused early in this consenting process and had arrived at an urban design solution they could both support.
- **Dr Turner** prepared a transportation report which raised several concerns about traffic effects and management of coaches in particular in the current roading environment.
- **Mr Hewland** prepared a comprehensive engineering report which included comment on the Hotel Traffic Management Plan and how this might be implemented. He also made comment on the coach and truck manoeuvring within the street network and hotel area, parking layouts, construction and services. A number of conditions were suggested in his report, not all of which were agreed by Ms Stagg. Mr Hewland then provided us with further comment on the amended conditions tabled by the Applicant on 5 December.
- **Dr Chiles** prepared an acoustic report. He noted that there was no fundamental disagreement between him and Dr Trevathan. The Applicant had been honest about the level of construction effects in noise terms and Dr Chiles was satisfied these effects could be managed through conditions and management plans.
- **Ms Stagg** presented her planning report. We set out earlier in this decision her recommendation to grant consent. This recommendation did not change following the Applicant's evidence. Ms Stagg produced a copy of the Council's notification of Stage 1 of the Proposed Plan and explained why she considered the objectives and policies of Stage 1 of that plan to be relevant. She also commented on the Applicant's amended conditions of 5 December 2018.

The opinions of all experts will be addressed later in this decision in our discussion of environmental effects and planning documents.

APPLICANT'S RIGHT OF REPLY

22. Mr Gardner-Hopkins lodged his reply in writing on 10 December 2018. We summarise those submissions as follows:

- (i) Mr Gardner-Hopkins clarified three matters we raised in a Minute issued following the hearing. He confirmed the volume of earthworks remained at just over 24,500m³, despite the fact an underground carpark was no longer proposed. This earthworks volume had not changed since the pre-hearing report. The plans did not therefore need to be updated. The Thompson St road frontage would be vested in the Council following the subdivision application. It was intended that Well Smart would landscape and maintain the area until any road widening of Thompson St occurs, together with any residual area following road widening if this was more associated with the hotel than the road.
- (ii) The Applicant did not agree that some parts of the Proposed District Plan were relevant. The Council's position was that Chapters 1-6 of the Proposed District Plan came into play through its public notice of the Proposed District Plan with the "intention that they would apply across the district." As Mr Gardner-Hopkins noted, and as we address below, a later public notice withdrawing PC50 from the Proposed District Plan was very clear in its terms. The Proposed District Plan did not apply to PC50 at all.

- (iii) In response to the concerns we had raised about the PC50 provisions, Mr Gardner-Hopkins submitted that PC50 is “awkwardly drafted” such that some elements are missing that would have assisted in its elements and interpretation. . Objective 3 and the fact that visitor accommodation is listed as a “predominant use” meant there was some expectation it would occur in the zone and the Plan should be read as enabling in that regard. The plan has set a range of height limits but there is no policy direction against exceedance of height limits, any exceedance having to be measured against relevant assessment criteria as well as Objective 3 and relevant policies.
- (iv) The proposal here had the support of both urban designers, derived at through conferencing from an early stage.
- (v) Mr Gardner-Hopkins made further points on the request for us to issue two separate decisions and noted again the desire for the Applicant to implement the earthworks consent immediately even if it had to appeal a condition of the hotel consent.
- (vi) In response to Ms Stagg’s point that the effects of the earthworks consent (if only that consent was exercised) would be more than minor, the non-complying status for the earthworks arose because the standard noise limits would, at times, be exceeded. Visual amenity matters could be relevant but were anticipated given the PC50 framework.
- (vii) The conditions sought to address the effects of the coaches. The hotel was not positioning itself in the market as one that would attract busloads of guests, due to its pricing.
- (viii) There are now no caveats registered against the Well Smart titles, that having been checked by the Applicant’s lawyers.
- (ix) The changes to the Applicant’s proposed final conditions were outlined.

23. As stated above, as part of this process we received a joint urban design witness statement from Mr Munro and Mr Jolly which set out their joint urban design opinion regarding:

- The Operative District Plan’s approach to height in the Lakeview Sub-Zone;
- The potential impacts of the building’s height;
- The risk of precedent from the increased height; and
- Matters of detail over the building’s form and appearance.

24. They agreed that the Operative District Plan did not explicitly set out the purpose of the plan’s height control or strategy and was silent on whether or not it provided for ‘extra’ height through the resource consent process as currently proposed. In terms of the building’s height strategy they were of the view that given the site’s location, topography and proposed building design, which provided for a range of height variation including receded heights towards the site boundaries and a high number of building vertical setbacks in the building’s facade to break up the building bulk and massing, it was appropriate in this context. This included its visual impact in the short and long views from the street, local environment, the town centre (and beyond) and from the lake where it would read as part of the over building mass. They noted that the building’s height

met the Plan's height control of the northern boundary, which would maintain the viewing opportunities from these sites.

25. In their view, the proposal was a specific and unique response to this site and would not lead to further applications of this type seeking the degree of height proposed and would thereby not undermine the Operative District Plan approach for the Lakeview Sub Zone. Finally, they stressed building materials were appropriate and what was expressed in the visual renders supporting the application was a realistic representation of the outcome that would be achieved if consent was granted.

WRITTEN APPROVALS

26. We noted earlier in our decision the written approvals that have been provided in support of this application. Pursuant to section 104(3) of the Act, we cannot have regard to any adverse effects on the property at 7 Glasgow Street or the land owned by the Council. This is particularly relevant to construction effects, but also to some of the effects that will arise from the hotel operation, such as carparking, bars and restaurants.

RELEVANT PLAN PROVISIONS

The Operative District Plan

27. The subject site is zoned High Density Residential and Town Centre (Lakeview Subzone). It has no zoning under the Proposed District Plan as zoning in this part of the District has not yet been included within the Proposed District Plan process.
28. Section 10 (Town Centres) of the Operative District Plan is particularly relevant and it that chapter of the Plan that we address in detail in this decision. This chapter was amended in part through Plan Change 50, promoted by the Council and made operative in July 2016.
29. The other relevant provisions of the Operative District Plan that require consideration can be found in Sections 4 (District Wide), 7 (Residential), 14 (Transport), and 22 (Earthworks).

The Proposed District Plan

30. Section 86[b](1) of the RMA states a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. An exemption to this is section 86[b](3) in which case a rule has immediate legal effect in certain circumstances including if the rule protects or relates to water, air or soil.
31. The Proposed District Plan was notified on 26 August 2015. Pursuant to Section 86[b](3) of the RMA, a number of rules that protect or relate to water have immediate legal effect. None of these rules are relevant to this application.
32. Stage 1 of the Proposed District Plan was the subject of decisions in May 2018. Appeals have been filed challenging those decisions. Stage 2 was notified on 23 November 2017 and hearings have been held, held, but no decisions have been released at the time of writing this decision.
33. Ms Stagg was of the opinion that Chapters 1-6 of the Proposed District Plan were relevant to our assessment. She produced an undated copy of the public notification of the first stage of the District Plan review, which noted in the second paragraph:

“There are many differences between the Operative District Plan and the Proposed District Plan. The Proposed District Plan affects all properties in the

District and may affect what you and your neighbours can do with your properties.
...”

34. In reliance on this, Ms Stagg told us Stage 1 did apply to our assessment.
35. The Applicant did not agree. Mr Farrell produced a copy of an undated public notice headed “Withdrawal of Provisions from the Proposed District Plan - Visitor Accommodation and the geographic area addressed by Plan Change 50 (Queenstown Town Centre Zone)”. This noted that at its meeting on 23 October 2015, the Council resolved to withdraw various provisions relating to visitor accommodation from the Proposed District Plan. This was apparently to provide greater public certainty as to Council’s position on visitor accommodation, to remove any potential perceptions of inconsistency and to allow for a more in-depth and robust study and analysis of issues and policy options and for some consultation to occur.
36. At its later meeting on 29 October 2015 the Council resolved to authorise the withdrawal of “All provisions as they relate to the geographic area addressed by Plan Change 50 – Queenstown Town Centre zone.” The reasons included unnecessary duplication of the PC50 process, the fact PC50 did not need to be reviewed as it had not been operative for a lengthy period, to correct an error of the mapping of the PC50 area and, most importantly:
- “To make it clearer that the Plan Change 50 area remains subject to the Operative District Plan and not the Proposed District Plan (Stage 1) in all regards (including designations, historic heritage features and protected trees).”
37. Mr Gardner-Hopkins submitted that the Council is probably not correct in selectively picking out chapters of the Proposed District Plan that may be relevant to this application. It is either all relevant or it is not relevant at all. We agree. We have reached the view that the Proposed District Plan is not relevant to our assessment and we have had no regard to it. The withdrawal of PC50 referred to above is clear in articulating this part of the district does not fall to be considered under the Proposed District Plan at this stage.

Operative Regional Policy Statement

38. The relevant objectives and policies are in Part 4, Part 9 and Part 11.

Proposed Regional Policy Statement

39. The Proposed Regional Policy Statement was notified on 23 May 2015 and decisions were notified on 1 October 2016. Appeals were lodged with the Environment Court, covering a wide range of topics, and now almost entirely resolved. We understand the Proposed Regional Policy Statement is now partially operative.
40. The relevant objectives and policies are found in Chapters 1, 4 and 5.

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

41. The Applicant reviewed Council records. This is not a HAIL site. The Council did not dispute this. We find that the NES does not apply.

REQUEST FOR SEPARATE DECISIONS

42. The Applicant requested that we issue two separate decisions for RM180205 and RM180206. As noted earlier in our decision, the subdivision consent is being processed separately.
43. The reasons for the Applicant's request were set out in its legal submissions and evidence. We summarise those reasons below.
44. Mr Gardner-Hopkins submitted:³
- “A key driver behind separating out the consents was to assist in providing commercial certainty to Well Smart of its consented rights as they are obtained; and also to enable “early” implementation wherever possible. For example, obtaining the subdivision consent to regularise the proposed title and ownership structure is important to provide Well Smart with the commercial certainty as to title and property rights.
- In respect of the earthworks consent, if granted, Well Smart wishes to give effect to it as soon as practicable. From a practical perspective earthworks can commence in advance of the detailed design required to implement the hotel consent, and Well Smart wishes to protect itself from the risk of its earthworks consent getting caught up in an appeal against the hotel consent (even if that is now a remote risk).”
45. In his oral evidence, Mr Jia told us that the Applicant was worried about appeals challenging the hotel and mentioned the possibility of it taking 3-5 months for a building consent to be processed, adding further to the delay. The Applicant wanted to have different conditions for each consent so that it could commence earthworks ahead of the hotel building. Mr Gardner-Hopkins raised similar points in his Reply.
46. Mr Farrell's evidence addressed the consent history and expressed his view that Well Smart would begin the earthworks, retaining construction and then the hotel “as soon as it practically can”. He did not see the need to tie the consents together.⁴ He then said that if a building was not established on the site after the earthworks, he thought there would be high demand for the site to be used for other purposes, such as carparking.⁵ This comment did not provide us with confidence that the Applicant intended to proceed with a hotel, but rather opened up the possibility of the Applicant wanting to preserve its commercial options to develop the site in other ways. Granting separate consents would facilitate that possibility more easily. Each consent could then be used as a baseline for other development options.
47. We do not consider that to be a good resource management outcome. As we noted with Mr Farrell in questioning, had the application for the substantial volume of earthworks been notified and come to us for determination, our first question would have been to enquire why such a large volume of earthworks was required. The Act promotes integrated management and it is appropriate for related consents to be processed and assessed together. The earthworks and hotel consents are closely linked and, in our view, they should be decided together.
48. We noted with the Applicant's counsel and witnesses the low likelihood of an appeal given one submitter had provided its written approval to the application and the other

³ Opening submissions for the Applicant paragraphs 11 and 12

⁴ Evidence of Ben Farrell paragraph 16

⁵ Evidence of Ben Farrell paragraph 24

had agreed on a set of conditions to satisfy its concerns. The final proposed and amended conditions were provided to that party, Event Hotels, for sign off. As adjacent landowner, the Council has given written approval in its corporate capacity. The only party then seriously likely to appeal would be the Applicant, and that would be its choice to bear.

49. We also noted the section 116 process available to the Applicant should an appeal be lodged.
50. This decision therefore addresses both applications RM180205 and RM180206 and bundles the consents because we consider the two applications are inextricably linked. We have set out our findings under each head for the earthworks and hotel applications, to make those findings clear.
51. Our decision attaches two different sets of conditions, one for each consent.
52. Finally on this point, we note the application is premised on a number of engineering investigations needing to be undertaken before construction methodology can be finalised and the earthworks commenced under RM180205. That is the course the Applicant has set for itself in preparing this application without all of this information being available. It must take responsibility for that and the delays that may result from that approach. We do not expect RM180205 can be implemented immediately for that reason.

DESCRIPTION OF APPLICANT'S PROPERTY AND RECEIVING ENVIRONMENT

53. The application site (earthworks and hotel) is approximately 5,145m² in area. In the past, the site has apparently been used for residential activity and as a camping ground. It is currently vacant and is on the south-western edge of the PC50 area.
54. The site is of a geometrically regular rectangle shape, its southern-facing long side fronting Thompson Street. The western side of the site faces Glasgow Street, with the two most affected properties at 7 Glasgow Street and 41 Thomson Street containing detached residential dwellings, both of which also fall within the PC50 zone. These two properties present as two-storeys. The western side of Glasgow Street contains a variety of established 1-2 storey residential dwellings, most of which are orientated to the lake to enjoy the views. To the north lie a number of residential dwellings, many of which present as old and tired. These dwellings also lie within the PC50 area. To the south lie Thompson Street and Brunswick Street, south of which lie a number of established hotels – Rydges Lakeland Resort, QT Queenstown, Peppers Beacon, and St Moritz. To the east are a number of old bachs/ cribs which are small and 1 storey in height. They are also within the PC50 area.
55. The site is sloping from north (high) to south (low) and forms part of the lower Ben Lomond basin terminating at Lake Wakatipu. There are reasonably large escarpments towards the rear of the site which will need to be removed before a hotel can be constructed. The urban design report lodged with the application described the northern boundary as being at an elevation of approximately 356m at the north-western corner, rising to slightly above 360m in the approximate centre, and falling rapidly towards the north-eastern corner to 351m⁶. The southern boundary with Thomson Street is relatively flat.

⁶ Urban Design Report page 7

56. The site is approximately 30m higher than Lake Esplanade. As the crow flies, it is approximately 500m from the intersection of Beach Street and Shotover Street, which Mr Munro considered to be the current commercial core of Queenstown. However, a more circuitous route must be taken to access the site from that core, given the slope between.
57. The site is traversed by a sewer pipe and existing power lines traverse part of the Lakeview land. A water supply pipe also traverses part of the Lakeview land. There is no significant vegetation on the site. The site is not subject to, traversed by, or located adjacent to any natural hazard, significant cultural, archaeological, historic, or natural value, including any water body.

PERMITTED BASELINE AND EXISTING ENVIRONMENT

58. The following activities are permitted:
- *Any dwelling and associated accessory buildings that comply with the Site and Zone Standard specified in sections 7, 10, 14 and 22 of the Operative District Plan. The relevant permitted standards are:*
 - *The maximum height for buildings is 2.0m, with no part of the building protruding through the following recession planes:*
 - *A recession line inclined towards the site at an angle of 45 degrees and commencing 4.5m above ground level on the Thomson Street boundary;*
 - *A recession line inclined towards the site at an angle of 25 degrees and commencing at 2.5, above ground level from the Glasgow Street boundary.*
 - *The minimum internal setback for buildings is two setbacks of 4.5m and the rest at 2m, with decks and porches being permitted within the setback up to 0.6m provided they measure no more than 2m parallel to the nearest boundary and the floor level is no higher than 1m above existing ground level.*
 - *Continuous building length - no unbroken building length greater than 16m and no aggregate length of greater than 30m;*
 - *A total volume of earthworks of 400m³, with maximum cuts of 2.4m.*
59. As Ms Stagg noted in her report, the permitted baseline is of limited assistance here given the proposal exceeds bulk and location and earthworks thresholds by a significant margin.
60. We were told by Ms Stagg that there are no unimplemented resource consents that relate to the subject site or to any neighbouring sites.

SECTION 104D STATUTORY ASSESSMENT

61. As a non-complying activity, the applications must pass through one of two thresholds. The two gateway tests in section 104D require that either:
- *Any adverse effects of the activity will be minor; or*

- *The activity is not contrary to the objectives and policies of the relevant plans.*

62. In terms of the first legal test, case law has confirmed the meaning of minor. In *Elderslie Park*,⁷ the High Court stated:

“The word ‘minor’ is not defined in the Resource Management Act. It means lesser or comparatively small in size or importance. Ultimately an assessment of what is minor must involve conclusions as to facts and the degree of effect. There can be no absolute yardstick or measure.”

63. In *Saddle Views*,⁸ the Environment Court approached the test this way:

“Turning to the dictionaries we find that the adjective ‘minor’ is defined in the New Zealand Oxford Dictionary of ‘lesser or comparatively small in size or importance’. According to the Shorter Oxford English Dictionary ‘minor’ means ‘...lesser.... opposite to major...comparatively small or unimportant’. We hold that those meanings are what is intended in section 104D(1)(a). The reference to ‘comparatively’ emphasises that what is minor depends on context – and at least all the authorities agree on that.”

64. Under the second test of section 104D(1)(b), in order to be “contrary to” the objectives and policies of the relevant plans, an activity must be “opposed to” or “repugnant to” the objectives and policies.⁹ The Act does not require us to take account of the provisions of the regional policy statement at this stage of the assessment, as those documents do not fall within the definition of “a regional plan or a district plan” as defined in section 43AA of the Act. The regional policy statement assessment does require assessment under section 104, should the proposal pass one of the section 104D thresholds. So too, any national policy statement.

65. Case law generally confirms that the objectives and policies must be considered as a whole. However, it is possible for one objective or policy to trump all others, albeit such situations would be rare.¹⁰

66. We consider below the assessment of effects and the proposal as measured up against the objectives and policies of the relevant plans.

ASSESSMENT OF EFFECTS – SECTION 104D(1)(a)

Earthworks Consent RM180205

67. The earthworks application raises a number of considerations:

- Land stability
- Amenity values;
- Site management, including traffic;

⁷ *Elderslie Park Limited v Timaru District Council* [1995] NZRMA 433 (HC) at 445-446

⁸ *Saddle Views Estate Limited v Dunedin City Council* [2014] NZEnvC 243 at [78]

⁹ *NZ Rail v Marlborough District Council* [1994] NZRMA 70 (HC) at [80]

¹⁰ *Akaroa Civic Trust v Christchurch City Council* [2010] NZEnvC 110 at [74]; see also *Re Waiheke Marinas Ltd* [2015] NZEnvC 218

- Services;
- Noise and vibration.

Land stability

68. The volume of earthworks proposed is 24,540m³. As part of this it is proposed to cut benches into the side of the slope (running west to east down the site) as the building moves up the slope ranging in depth from 5 metres for the ground floor to 4.5 metres for the first floor.
69. The geotechnical report prepared by Geosolve Ltd and forming part of the application was based on a walkover inspection and surface mapping of the site by a geotechnical engineer. Historic information held by the same company was also reviewed, along with the Queenstown Lakes District Council and Otago Regional Council Hazard Register Maps and a published geological map titles 'Institute of Geological & Nuclear Sciences Ltd, Geology of the Wakatipu, 1:25,000 Geological Map 18.' No specific intrusive investigations were undertaken, therefore the Geosolve report noted the opinions, conclusions and recommendations in the report were preliminary only and geotechnical site conditions would need to be confirmed by site-specific investigations and engineering assessment during the detailed design phase. Additionally, inspections during construction would need to be carried out by an appropriately qualified and experienced Geotechnical Engineer and/ or Engineering Geologist to confirm the conditions observed were consistent with the findings of the Geosolve report.
70. The preliminary assessment indicated that if unstable areas were identified the most appropriate solution would likely comprise the installation of temporary rock anchors and/ or rock bolts. The schist foliation or apparent dip and joint orientation were said to be unfavourable over a proportion of the proposed cut. Areas identified as being at risk of potential instability would require extensive anchoring and shotcreting.
71. By the time of the hearing, the property at 7 Glasgow Street had been purchased and the Council had also given its written approval, meaning the rock anchors could be installed if required.
72. The geotechnical report noted that building foundations were expected to be of standard shallow foundation and bear on schist bedrock in the northern part of the site. The southern part of the site would require piles to be installed given the schist was inferred to be at moderate depth. The complexity of the settlement model across the building platform would require an iterative approach between the structural and geotechnical models in order to finalise the design. It was recommended that a suitably qualified and experienced geotechnical specialist confirm the conditions on site are in assumption with the assumptions and recommendations provided in the Geosolve report and any other subsequent reports carried out as part of the detailed design.
73. The Council's engineer, Mr Hewland, accepted that the excavations, temporary retaining and permanent retaining would be feasible following detailed design and provided they were completed in accordance with the report recommendations. The conditions forming part of the earthworks consent attached to this decision reflect that position.
74. We consider the effects from land stability to be no more than minor provided the consent conditions are complied with.

Amenity values

75. As Ms Stagg noted, the earthworks would substantially change the landform of the site. Ms Stagg was concerned that, given the earthworks consent could stand on its own, without built form, there was the potential for the site to remain bare and unbuilt for some time if development did not follow the earthworks, although she also noted the site is vacant now and does not have a high level of amenity.
76. Landscaping is proposed following earthworks unless the hotel is developed immediately following the completion of earthworks. The RM180205 conditions require that if the earthworks are not immediately (within 30 days) followed by development under a separate resource consent, all earthworked and/ or exposed areas are to be topsoiled and grassed/ revegetated or otherwise permanently stabilised.
77. The RM180205 conditions also require that the consent holder is to implement and maintain a landscape plan required by that consent and retain the landscaping until works for future development begin onsite. The planting required by the landscape plan under that consent shall not be implemented if the site is developed immediately (within 30 days of completion of the earthworks). Clearly, there would be no point in undertaking planting in those circumstances as the intent of the planting under RM180205 is to make the site more attractive pending the hotel construction to follow. As Mr Gardner-Hopkins noted in his Reply, the planting requirement under RM180205 is intended to provide a further incentive to Well Smart to exercise its hotel consent on completion of the earthworks.
78. The RM180205 conditions include the provision of a bond to secure performance of the works to be carried out as per the approved plans and conditions approved. The resource consent for earthworks may not be exercised until this bond has been established. The bond is to be sufficient to cover the cost of stabilising the site and provisions for the site to be revegetated should the works be abandoned for a period in excess of 30 days. The condition also notes the intention to provide a method of recourse to potential land instability extending beyond the site boundaries as a result of complete works abandonment.
79. We consider the amenity effects to be no more than minor provided the consent conditions are complied with.

Site Management

80. The earthworks activity has the potential to generate dust, sediment, erosion, groundwater, stormwater and traffic effects. Some of these matters were raised by submitters Ms Duncan and Ms McCloy. The fact they have now provided written approval does not excuse an assessment of these wider effects from the earthworks activity.
81. Localised perched groundwater seepages were noted within the upper soil strata and could also be present through fractures in the rock mass. Further investigations were required to establish if proposed excavations would intersect regional groundwater levels. A detailed groundwater model will need to be produced to assess groundwater impacts on design and construction. Mr Hewland noted that if perched water is encountered during construction, there are dewatering methodologies available to address this. He supported the detailed groundwater investigation being undertaken and the resulting model being used to inform construction methodologies. This forms part of the conditions of consent attached.

82. Mr Hewland was of the opinion that enough information had been provided to show the construction methodology was feasible. However, in his initial report, Mr Hewland was not satisfied that the Construction Management Plan specified how stormwater should be managed and recommended a more comprehensive site management plan, to be submitted to Council for certification prior to works commencing. This approach was accepted by the Applicant and forms part of the conditions of consent attached to RM180205. These specify that a number of measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
83. The same condition includes, amongst other things, the need for dust suppression techniques, top soiling and regressing or other stabilisation of earthworked areas, communication with neighbours and traffic management of construction and contractors vehicles, to be addressed.
84. The RM180205 conditions also require the following prior to works commencing on site and being approved by the Council:
- *A Traffic Management Plan be prepared. Measures must ensure the safe and efficient management of construction traffic relating to the works, including any temporary traffic management measures;*
 - *A report proving that any vibration caused by rock breaking and rock blasting associated with the consent will not have any adverse effects beyond the site, including the QT Queenstown and Rydges Hotels;*
 - *The preparation of a Blast Management Plan by a suitably qualified professional which addresses the standards in Condition 8(b) and appropriate health and safety requirements, any practical requirements including as to preparation and timing of blasting activities and notification procedures of any blasting activity;*
 - *A visual and photographic survey of adjoining properties and buildings;*
 - *Obtaining a reliable set of benchmark readings to determine the total magnitude of movement, if any, of the site or any other land and buildings beyond the site due to excavation;*
 - *Installation of a construction vehicle crossing off Thompson St, through which all construction traffic will enter and exit the site;*
 - *Erecting 2m high solid site hoardings on all site boundaries.*
85. We consider site management effects will be adequately managed through the conditions imposed.

Services

86. A Council sewer pipe runs through the site, which the Applicant proposes to relocate. Mr Hewland noted this must be done prior to earthworks commencing. It is proposed to relocate this within adjacent Council owned land to the north of the site. The Applicant's engineer advised that a gravity (not pumped) solution was feasible and the Council accepted that assessment. Mr Hewland also noted in his report that the sewer relocation needs separate approval from the Council and that this had not been obtained when he prepared his report.

87. The RM180205 conditions require the detail of the locating, decommissioning and capping off at the main of any redundant services in accordance with Council services.
88. We consider the effects on services to be less than minor.

Noise and vibration

89. We received a comprehensive noise report from Acoustic Environmental Services (AES), which was peer reviewed by Dr Chiles on behalf of Council. There was no real debate between the experts, Dr Chiles noting that he considered AES' methodology to be in accordance with good industry practice and the findings of its report to be in accordance with expectations based on similar developments.
90. Sound from the earthworks would breach the NZS 6803:1999 criteria referenced by Rules 7.5.5.3.xii.c and 10.6.5.2.11.d of the Operative District Plan, meaning the application fell to be assessed as a non-complying activity.
91. NZS 6803:1999 contains guidelines for the setting of construction noise limits, given each site is different. Three durations are used, because higher noise levels are said to be tolerable for short term activities as opposed to more permanent noise. AES based its assessment on this construction period being approximately 31 months, and used the 'long term duration' approach. These noise limits apply at 1 metre from the noise-sensitive neighbouring dwellings and Visitor Accommodation facilities. The noise limits range from 45-70 dB L_{Aeq} and 75-85dB L_{Amax} , depending on the time of day and night. AES noted in its report that the Standard "states that best practicable options for noise avoidance or mitigation should be applied to construction activities on the site; however if the best practicable options are applied and the noise limits are still not met, discretion is able to be applied."¹¹
92. AES also noted that NZS 6803:1999 states that noise from blasting is a special case and it does not fit well with the general noise limits set out in the Standard. The key factor is the airblast pressure, which is the sound produced by the blast and transmitted through the air. AES referred to a number of technical reference documents where guidance is provided on blasting noise limits.
93. AES considered that compliance with the long-term noise limit in NZS 6803:1999, where practicable, would be in line with good practice and would result in reasonable and acceptable noise effects. As regards blasting, AES considered the effects on people to be acceptable if levels of less than 115 dB L_{peak} are received at the nearest neighbouring buildings during the period from 0730 to 1800 hours.
94. Dr Chiles had no real disagreement with this and suggested a range of matters to be covered in any consent conditions imposed.
95. Consent RM180205 attached includes a number of conditions addressing these matters, all of which must be undertaken before works commence on site:
- (i) The Site Management Plan and Construction Methodology is to include the hours of activity and noise and vibration management and mitigation; communication with neighbouring landowners, including Event Hotels, and an agreed complaints procedure;
 - (ii) The provision of a report, including methodology, which proves that any vibration caused by rock breaking and rock blasting will not have any adverse

¹¹ Acoustic Engineering Services Acoustic Report section 2.4, page 5

effect on any land and buildings beyond this site, including the QT Queenstown and Rydges Hotels;

- (iii) The preparation of a Blast Management Plan;
- (iv) Undertaking a visual and photographic survey of adjoining properties and buildings and obtaining a reliable set of benchmark readings so that the total magnitude of any movement of any land or buildings due to excavation, can be clearly and accurately determined;
- (v) Installing a construction vehicle crossing for the use of all construction traffic entering and exiting the site;
- (vi) The erection of 2 metre high solid board hoardings on all site boundaries, to be maintained throughout the development, with the exception of vehicle and pedestrian entrance points;
- (vii) Provision for works to be stopped if the Council receives justifiable complaints about or proof of effects from vibration or noise from the earthworks;
- (viii) Hours of operations for earthworks are to be Monday to Saturday (inclusive) 07.30am to 6.00pm, with no activity on Sundays and Public Holidays;
- (ix) Additionally, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate, before 07.30am. All activity on the site is to cease by 6.00pm;
- (x) Rock breaking and blasting is to occur only on weekdays between 8.00am and 5.00pm and blasting shall occur no more than twice per day;
- (xi) All earthworks must comply with a noise limit of 70 dB L_{Aeq} at the QT Queenstown and Rydges Hotels at all times, with the exception of blast detonation which is to comply with a limit of 120 dB LZ_{peak} ;

96. Overall, we are of the view that the noise and vibration effects from the earthworks will cause more than minor adverse effects.

Traffic Generation and Vehicle Movements, Parking and Access

97. The AEE noted the volume of material to be transported off-site would involve approximately 4090 truck movements, that removal occurring over a period of 5-7 months. The Construction Management Plan recorded this would result in an average of 4 trucks movements every hour (two in and two out) during the times of 07.30am and 6.00pm to remove excavated material from the site.
98. Mr Hewland noted that a Traffic Management Plan would be necessary to complete the proposed earthworks activity and a condition should be included to require this. This is covered in the RM180205 conditions.
99. Mr Hewland also noted the potential for off-site effects on the surrounding roading network and neighbours from contractor parking. There is no parking along Thompson St in the vicinity of the proposed hotel site. The Construction Management Plan condition includes a requirement that all vehicles necessary to execute the contract works must be parked on site at all times. Those commercial and private vehicles belonging to construction workers will not be permitted to park adjacent to the site if there is no room for them to park on site.

100. Traffic and engineering experts also discussed the preference for construction vehicles to avoid using Brunswick Street wherever practicable. It was agreed that no loading or unloading of trucks with excavation or fill material should be carried out on the South side of Thompson Street, or on Brunswick Street.

101. We consider the traffic effects to be no more than minor.

Hotel Consent RM180206

Visitor accommodation

102. As noted in Ms Stagg's Section 42A Report, we are directed to consider the design of the buildings, the location, nature and scape of activities, parking, noise and hours of operation. Assessment Matter 7.7.2(ii) enables the imposition of conditions in relation to character, scale, intensity, loss of privacy, the proximity of outdoor facilities, hours of operation, landscaping, urban design, adequacy of parking, noise from vehicles entering and leaving the site, pedestrian safety and provisions for coach parking.

103. Visitor accommodation has the potential to cause adverse effects on neighbours and the residential character of a neighbourhood. We consider the Lakeview sub-zone anticipates this change of character throughout the sub-zone, given the Restricted Discretionary activity status.

104. The hotel raises a number of environmental effects, which we address below.

Built Form and Urban Design

105. The design and appearance of the proposed building form, especially in terms of its height, bulk and massing were of significant concern. As we have discussed earlier in our decision we were in the fortunate position of have the benefit of a joint urban design witness statement. As we understand it, this was the result of detailed and productive discussion between the Applicant's urban designer, Mr Munro, and Council's urban design peer reviewer, Mr Jolly, both well qualified and experienced urban design experts. We were advised by both Mr Munro and Mr Jolly that the building design had been amended a number of times in order to address both Mr Munro's and Mr Jolly's initial concerns and has reached the point where both witnesses are of the view that the proposal was appropriate and does not raise adverse urban design effects.

106. In reaching this view both witnesses have considered the impact of the increased height proposal. They were of the view that the architectural response appropriately managed the building bulk and massing in the site's context. This included the degree of vertical set back in the building to create a high degree of modulation to break up the building mass and depth.

107. While we accept that the urban design effects are acceptable and no more than minor, thereby meeting one of the section104D gateway tests, we wish to make it clear that this finding has been arrived in part because of the design and materials proposed. As we have said, both Mr Munro and Mr Jolly confirmed that the visual renders were a realistic representation of the outcome proposed. As a result, and to ensure the final built form is as presented to us, Condition 1 requires **strict** accordance with the plans and renders forming part of the application.

Landscaping

108. The landscaping for the hotel includes a range of plantings and areas of paving for pedestrian access. Mr Munro explained that the landscaping now included species

suitable for the Queenstown climate and which are expected to grow well in the site conditions. Condition 3 of RM180206 requires that an updated landscaping plan is to be submitted to and approved by the Council prior to any development on site.

109. The landscape effects are no more than minor.

Traffic Generation and Vehicle Movements, Parking and Access

110. The application included a transportation assessment from Mr Carr of Carriageway Consulting Limited, which was reviewed for the Council by Dr Shane Turner of Stantec. Dr Turner agreed with much of Mr Carr's assessment but raised particular concerns about coach manoeuvring and the safety of large vehicles using the roading environment around the site.
111. In his assessment, Mr Carr set out in some detail the roading network in the vicinity of the site, which we summarise here. The narrow alignment of Thompson St is 5.5m wide and parking is prohibited on both sides of the street. There is a four-arm intersection where Thompson Street meets Glasgow Street and Brunswick Street. Thomson Street and Brunswick Street run parallel before meeting, which results in left turn movements from Thompson Street into Brunswick Street being prohibited. At this intersection, vehicles on Thompson Street retain the right of way, with traffic on Brunswick Street and Glasgow Street having to give way.
112. Glasgow Street is 7.3m wide and has a gradient of around 1 in 6. Parking is prohibited on the western side of this street.
113. Approximately 100m west of the Thompson Street/ Brunswick Street/ Glasgow Street intersection, the carriageway of Thompson Street widens to form a turning circle. Mr Carr's assessment noted this had been provided to facilitate the movement between Thompson Street and Brunswick Street, enabling a more easy turning option than the acute angle at the intersection.
114. Travelling in the opposite direction, Thompson Street travels towards the east for about 250m before turning north at a sharp curve. This curve has an advisory 30kph speed limit for eastbound traffic as well as chevron boards. There are also two speed cushions on the eastbound section which have a 15kph advisory speed limit.
115. Just north of the curve, Thompson Street meets Man Street at a priority intersection.
116. Brunswick Street runs parallel to Thompson Street over approximately 220m before it drops towards the lake, where it meets up with Lake Esplanade. Lake Esplanade provides access to the Queenstown Town Centre.
117. No bus routes operate along Thompson Street. There is no footpath on the northern side of Thompson Street or on either side of Glasgow Street.
118. There was some discussion in the reports and at the hearing of the intended Inner Links project, which would utilise Man Street, a new section of road within the campground and the alignment of Thompson Street (which would be widened). However, at the time of writing this decision, no formal application has been made to advance the Inner Links project and it could be many years away. Despite that uncertainty, the Applicant has set back its building from Thompson Street to allow for this possible road widening.
119. Mr Carr's report noted that the best available survey data of traffic flows in the site's vicinity showed there to be "a strong 'commuter' type flow, away from the residential areas of Thompson Street and towards the town centre in the morning, and vice versa

in the evening.”¹² Given its urban location, the area could also expect relatively frequent use by pedestrians and cyclists. We observed the same user patterns on our site visit.

120. It is intended that guests will access the site from Thompson Street, and deposit their cars in a drop off area before entering the hotel on foot. Valets will park the cars in the main car park on the first floor of the hotel building and return the cars to the same drop off area for collection when returning the vehicle to the guest. The same “layby” will also be used for coach pick up and drop off.
121. All mobility parking spaces will be provided within this guest car drop off/ pick up area, so that these guests need only move a short distance being entering the hotel.
122. Loading facilities will be provided towards the southern side of the hotel, northwest of the drop off/ pick up area, and accessed from Thomson Street.
123. In our questioning of Mr Carr, we noted the need to have a number of valets in attendance at the hotel during the busiest times of operation, to ensure cars were not backed up onto the surrounding street network while waiting to enter the hotel drop off area. The conditions of consent for RM180206 include the requirement for a detailed Hotel Traffic Management Plan setting out the minimum valet staffing requirements during peak times.
124. In his report to Council, Dr Turner noted the tight manoeuvring alignment available to tour coaches in the surrounding street network. He was concerned that the modelling undertaken by Carriageway did not represent how coaches would actually be driven. He raised a number of safety issues concerning the interaction between coaches and pedestrians, particularly as the coaches turned and reversed. He also noted that the turning circle further along Thompson Street created a potential for conflict with vehicles entering or exiting the western side of Thompson Street.¹³ Further, Dr Turner was concerned that the current alignment of Thompson Street was too narrow to accommodate the safe movements of tour coaches and large service trucks. He was concerned that the Applicant’s suggestion that coaches be encouraged to use Brunswick Street to access the hotel site was not enforceable as the drivers may well decide to approach the hotel from another direction.
125. Dr Turner’s report concluded by recommending that coaches be excluded from accessing the hotel until the route from the east to the pick off and drop off area and right turn-in movements could be accommodated. Once Thompson Street was widened, coaches would be encouraged to access the site from the eastern end of Thompson Street and not Brunswick Street, so as to prevent any use of the turnaround area.
126. In his oral comments to us, Dr Turner remained concerned about traffic safety and repeated his points about the narrow roading network around the site. He did not consider coaches to be suitable. His solution was not to ban coaches altogether but to have them access the site from the east and not up Brunswick Street and through the turnaround on Thompson Street.
127. For the Applicant, Mr Jia stressed to us that the Applicant intended to build a five star, luxury hotel, that would be top of the range in Queenstown. It did not anticipate the hotel being used by large tour groups arriving in tour buses. The type of hotel patron would essentially be controlled primarily by price. He expected the hotel guests would arrive

¹² Carriageway report page 10

¹³ We noted this on our site visit. The cars travelling up and down Thompson Street travel through the turning circle.

by taxi or perhaps a limousine or small shuttle service, or would self-drive. Mr Jia noted that the hotel plans provided for very large rooms, the minimum size being 55m² and the largest suites being over 200m², with high end finishes, supporting his point about high end pricing.

128. Through its Reply and the final consent conditions proposed, the Applicant sought to address the tour bus issue and matters of safety. Its conditions included the provision of a Hotel Traffic Management Plan to be provided prior to the widening of Thompson Street. This document would include the discouragement of tour buses and large trucks from accessing the hotel, giving notice to tour operators of the requirements for guests to be dropped off and picked up at alternative locations/ and or the provisioning of shuttle or other means of transporting guests to the hotel from alternative locations. These latter controls would apply to rigid vehicles of more than 8m in length.
129. The operational conditions tabled through the Applicant's Reply included:
- (i) the need for the Hotel Management Plan to be implemented continuously;
 - (ii) the provision of an off-site lease for coach parking;
 - (iii) the need for all guest vehicles entering and exiting the hotel car park to be valet driven;
 - (iv) a prohibition on coaches between 8.00pm and 8.00am; and
 - (v) The provision of a Noise Management Plan setting out measures to ensure that coaches do not idle unnecessarily or operate in the parking area between 8.00pm and 8.00am.
130. Having considered all of the evidence before us, we consider many of the points raised by Dr Turner have merit and we have sought to respond those in the RM180206 conditions attached.
131. While the Hotel Traffic Management Plan may "discourage" the use of tour buses and require guests to be shuttled in, it is not enforceable in its own right if those measures are not implemented. Having seen the narrow roading environment for ourselves and observed the movement of smaller vehicles through it, we are concerned that large vehicles may have difficulty accessing the hotel site, particularly before any widening of Thompson Street. However, we also acknowledge Mr Carr's point that forcing the Applicant's hand through specific conditions rather than a Hotel Traffic Management Plan may lead to other difficulties as a variation to conditions is then required if things have to change. Some flexibility should be provided.
132. We do not accept Dr Turner's recommendations that conditions should specify that buses should not be allowed at all, or which routes may be used to transport guests to the hotel. The second of those recommendations could create enforceability difficulties given any bus operator is likely to be a third party. However, the inclusion in the Hotel Traffic Management Plan of bus size restrictions, a ban of buses at particular hours, the need for guests to be dropped off elsewhere if large buses are used and the discouragement of some routes goes some way to achieving a similar outcome. The review condition is particularly important, requiring that any changes proposed by the consent holder be certified by the Council as achieving the objectives of the Hotel Traffic Management Plan prior to their implementation. The more general review condition provides a further review of wider traffic matters as a general catch all.

133. In total, these measures are directed at ensuring safety in the road environment surrounding the hotel. The safety of hotel patrons is one thing, but the wider safety of the road environment, and all users of that environment, are also important.
134. We note that the draft Traffic Management Plan provided with the Carriageway report will need further work to ensure all of the matters addressed above are covered off in detail and the conditions are implemented.
135. We consider the traffic effects will be no more than minor.

Operational hotel noise

136. The AES report addressed operational noise from hotel operations and was reviewed by Dr Chiles. Again, there was little difference in opinion between these experts. AES identified several possible operational noise sources - noise from coach parking on the south eastern boundary, noise generated by heavy goods vehicles accessing the site, noise from private vehicles accessing the carpark, break out noise from the restaurants and bar and noise from external mechanical plant.
137. The two submitters raised particular concerns about noise from the hotel. The submitters at 7 Glasgow Street have now given written approval, therefore we do not need to consider the effects on them. Event Hotels, the second submitter, has approved the conditions attached to the Applicant's reply. Our assessment therefore focuses on the wider noise receiving environment and the proposed conditions.
138. The AES assessment concluded that coaches dropping off or picking up guests would comply with daytime noise limits for the zone but would breach the night-time noise limits. The prohibition on coaches accessing the hotel between 8.00pm and 8.00am addresses this effect.
139. As regards the use of private cars accessing the hotel site, AES concluded the daytime noise limits would be satisfied but was concerned that any more than 4 cars (that is, 4 in and 4 out) per 15 minutes using the carpark would breach the night-time noise limits. Initially, the Applicant tabled a condition restricting the car use of the carpark so as to prevent this, but we had concerns about its enforceability and the condition is no longer included. Dr Chiles considered these effects to be minor. We agree.
140. AES was satisfied that the noise from the restaurants and bar would comply with the daytime and night-time noise limits and recommended conditions ensuring doors are closed. Dr Chiles' report noted that being on the fringe of the Town Centre zone, and in the vicinity of existing visitor accommodation, the residential zone operational noise limits represented a good standard of amenity and compliance with the noise limits specified should result in acceptable noise levels.
141. The AES report noted that there are two restaurant areas within the hotel. One restaurant contains the main restaurant area and a bar, with two doors in the south façade adjacent to Thompson Street. AES premised its assessment on these doors not being left open at any stage and noted they would rarely be used for entry. The second restaurant space may also be used for events (e.g. wedding receptions, conferences etc) and may generate more noise than the main restaurant area. There are no outdoor areas associated with either of the restaurant areas. The noise contour maps reflect doors to the outside being closed. AES recommended the Noise Management Plan include the following measures:

- (i) All entry and exit doors should remain closed, apart from the timely entry and exit of guests from the facility;
- (ii) Patrons should be requested to keep noise to a minimum as they leave the venue by means of appropriately worded notices adjacent to exists, and verbal reminders.

142. These two recommendations did not find their way through to the proposed conditions from the Applicant. Dr Chiles' report also referred to the need for a condition requiring that doors between the restaurant/ bar/ function spaces and Thompson Street must be kept closed. That did not find its way into the Council conditions. We have therefore amended the operational hotel conditions to include these requirements.

143. Otherwise, the conditions include the need for an acoustic noise report to be prepared and submitted to Council for certification prior to any music being played in particular areas of the hotel and the preparation of a Noise Management Plan that must detail how noise generated from music, functions and sound events will be managed to maintain compliance with the District Plan noise limits. This Noise Management Plan is to be implemented for the duration of the operation of the hotel.

144. Both experts were comfortable that the noise from the external roof plant could be managed.

145. We consider the noise effects from the hotel operation will be no more than minor.

Hotel construction noise

146. Construction noise was of particular concern to the two submitters.

147. AES noted there are two phases of construction – the earthworks (details and timing discussed above) and the construction of the building (likely to last about 24 months). Noise from construction would result from cranes, deliveries to site and concreting. AES assessed this noise as likely to come close to exceeding the District Plan noise limits. A number of mitigation measures were recommended, including the erection of a site hoarding and limiting the hours of operation. Dr Chiles agreed with the assessment and recommendations.

148. The RM180206 conditions attached include:

- (i) All works are to be carried out in accordance with a Construction Noise and Vibration Management Plan (to be certified by Council prior to the commencement of any works on site) and all activity must comply with the zone noise limits in the Operative District Plan;
- (ii) A limit on the hours of construction to Monday to Saturday 7.30am and 6.00pm, with the exception of concrete pours. In addition, no vehicles are to enter or exit the site, and no machinery is to start up any earlier than 8.00 am. All activity on the site is to cease by 6.00pm;
- (iii) A week's notice of concrete pours shall be provided to the owner/ operator of the QT Queenstown and Rydges Hotel of any concrete pour that is to commence before 7.30am;
- (iv) The consent holder taking all practicable steps to meet the noise and vibration criteria specified in the consent conditions.

149. We consider the construction noise effects will be no more than minor.

Infrastructure and servicing

150. The application included information on infrastructure and servicing, which was reviewed for Council by Mr Hewland. Mr Hewland was satisfied that water supply, water for firefighting and waste water supply could all be made available to the development, and recommended conditions to address these matters. He was also satisfied that the proposed stormwater solution is feasible and could be addressed through detailed design. Power and telecommunications can be provided to the proposed hotel.
151. Overall, we consider the infrastructure and servicing effects will be less than minor.

Natural Hazards

152. A geotechnical report was provided with the application. Mr Hewland reviewed this report and was satisfied that the site is not at risk from natural hazards. We find the adverse effects from natural hazards would be less than minor.

Summary - section 104D(1)(a) RM180205 and RM180206

153. Overall, having considered the evidence pre-circulated and presented at the hearing, the application and supporting reports and the submissions and the Council's reports, we find that there are some adverse effects from the activities in both RM180205 and 180206 that are more than minor.

OBJECTIVES AND POLICIES OF THE RELEVANT DISTRICT PLANS – SECTION 104D(1)(b)

Earthworks Application RM180205

154. We have considered the assessments of the objectives and policies of the relevant district plans as set out in the application, the Section 42A Report and the evidence. Given the comprehensive coverage of the objectives and policies in those documents, we have not set them out in detail in this decision.

Section 4 District Wide

155. Objective 4.9.3.2 – Existing Urban Areas and Communities states:

“Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic wellbeing.”

156. Policy 2.1 seeks to ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships. Policy 2.2 refers to clustering growth of visitor accommodation in certain areas so as to preserve other areas for residential development.
157. We agree with Ms Stagg that the proposed earthworks have the potential to affect the existing amenity of the High Density Residential Zone, especially if RM180206 did not proceed. However, we are satisfied that the conditions address those matters and ensure the site will not be left as an “eyesore” if the hotel does not proceed for some reason.

158. The proposal is not contrary to this objective and its associated policies.

Section 22 Earthworks

159. Objective 1 seeks to enable earthworks that are part of development provided they are undertaken in a way that avoids, remedies or mitigates adverse effects. It is supported by a number of policies:
- (i) Policy 1.1 – seeks to promote earthworks that are designed to be sympathetic to natural topography where practicable and provide safe and stable building sites and mitigate adverse effects on landforms.
 - (ii) Policy 1.2 promotes the use of environmental protection measures.
 - (iii) Policy 1.4 seeks to avoid, remedy or mitigate the long term adverse effects of unfinished projects.
160. We consider Policy 1.1 is partly satisfied. The earthworks are not sympathetic to the existing topography but will provide for a safe and stable building site.
161. The proposal is consistent with Policies 1.2 and 1.4. The site management plan is feasible. Conditions addressing a bond and revegetation of the site if the hotel does not proceed satisfies Ms Stagg's initial concerns about these policies.
162. Objective 3 seeks to ensure that earthworks do not adversely affect land stability or exacerbate flooding. Policy 3.3 seeks to avoid adverse effects of earthworks on steeply sloping sites or, where these effects cannot be avoided, ensure techniques are used to mitigate the potential decrease in land stability. The proposal includes engineering measures to address these matters. We consider the proposal is consistent with this objective and policy.
163. We find that application RM180205 is not contrary to most of the relevant objectives and policies of the ODP and passes the second threshold in section 104D(1)(b).

Hotel Application RM180206

164. We now turn to assess the hotel proposal RM180206 against the relevant operative district plan provisions.

Part 4 District Wide

165. We addressed Objective 4.9.3.2 and Policies 2.1 and 2.2 above in our discussion of the plan provisions applying to earthworks consent RM180205. These are also relevant to the hotel. This proposal would form part of a cluster of large scale visitor accommodation in this part of the District. It would enhance the built form and character of the existing high density residential area. The proposal is not contrary to this objective and its associated policies.
166. Objective 4.9.3.5 seeks to enable visitor accommodation activities while ensuring any adverse effects are avoided, remedied or mitigated. Associated policies 5.1-5.3 require the management of visitor accommodation so as to manage any adverse effects on the environment, avoiding, remedying or mitigating adverse effects of the letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards, and ensuring the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with

by the providers of such facilities. The proposal is not contrary to Objective 4.9.3.5 and its associated policies.

167. Objective 4.9.3.7 requires that the scale and distribution of urban development is effectively managed. Policies 7.1-7.5 seek the maintenance of urban development in a way and at a rate that meets community needs, providing for the majority of urban development to be located in the two urban centres of Queenstown and Wanaka, using the Urban Growth Boundaries (UGBs) to establish distinct and defensible urban edges. The proposal is consistent with Objective 4.9.3.7 and its associated policies. This hotel would satisfy a need in the community for additional visitor accommodation and would consolidate such development. It is not contrary to these provisions.

Part 7 Residential

168. Part 7 addresses residential zones, including High Density Residential.
169. The purpose of the High Density Residential zone is described on Page 7-18 of the Operative District Plan as follows:

“The purpose of the zone is to make provision for the continuation and establishment of higher density residential and visitor accommodation activities in recognition of these areas proximity to the town centres, entertainment, shopping facilities and the transport routes which provide a link to attractions elsewhere in the District.

Visitor accommodation has been acknowledged in the zone to protect those activities and the important contribution they make to the economic and social well-being of the community. Residential units, intended to provide a more permanent living environment for local residents who desire a more urban setting or who cannot afford nearby low density housing, are no less important as they provide for the local work force and contribute to the life of the community.

Other non-residential activities, compatible with high density residential and visitor activities are permitted in the zone provided they meet the site and zone standards and have primary regard for residential amenities affecting the local community.”

170. Part 7.1.2 sets out District Wide Residential objectives and policies. Objective 1 seeks that sufficient land is provided for a diverse range of residential opportunities for the District’s present and future urban populations, subject to the constraints imposed by the natural and physical environment. Policy 1.2 enables new residential and visitor accommodation areas in the District. Policy 1.3 promotes compact residential and visitor accommodation development. Policy 1.4 enables visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity. Policy 1.6 seeks to promote, where reasonable, a separation of visitor accommodation development from residential neighbourhoods.
171. This proposal is not contrary to Objective 1 and the relevant policies.
172. Objective 3 and its associated policies are directed to residential amenity. Policy 3.3 directs provision for and encouragement of high density residential development in high density residential zones. Policy 3.4 seeks to ensure buildings reflect the urban character and form as it relates to the landscape. Policy 3.5 seeks to ensure the hours of operation of non-residential activity do not compromise residential amenity values, social wellbeing, residential cohesion and privacy. Policy 3.7 seeks to ensure that

residential development is not unduly shaded by structures on surrounding properties. Policy 3.8 seeks that noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.

173. We consider the proposal is not contrary to Objective 3 and the relevant policies.
174. On-site parking is encouraged through Policy 3.9. This policy seeks to ensure that the amenity of neighbours and the functioning of streets is maintained. The proposal is not contrary to this policy.
175. Policy 3.13 seeks that good urban design be provided. We outlined earlier in our decision the urban design outcomes. The proposal is not contrary to this policy.
176. The High Density Residential objectives and policies at Part 7.1.3 are directed at amenity values expected of a high density living environment and good design. The vitality of town centres is also relevant.
177. Objective 1 states:

Objective 1 – Amenity Values

Sustainable residential communities and neighbourhoods that have high amenity values of a quality and character anticipated in a high density living environment.”

178. Supporting Policy 1.1 seeks to ensure development enables high density living and achieves character and amenity values anticipated in a high living zone by improving the aesthetic appeal of the built environment, ensuring buildings integrate well with the neighbouring locality and provide visual connections with the surrounding built and natural environment, provide attractive pedestrian access ways and linkages, ensure the maintenance of road setbacks that are free of structures, ensure that open space is maintained between buildings on sites and between neighbouring sites and encourage the provision of underground carparking.¹⁴
179. Other relevant policies are as follows:

Policy 1.2:

To avoid visually dominant buildings that overshadow public places, block views and degrade the built environment.

Policy 1.3:

To enhance the attractiveness of the zone, including the streetscape, by:

1.3.1 Ensuring landscaped areas are provided in scale and proportion to the size of the building.

1.3.2 Encouraging the retention of existing vegetation where appropriate, especially established trees and native vegetation.

1.3.3 Ensuring the effects of developments are internalised to the site and do not detract from the amenities of neighbouring sites and roads.

Policy 1.4:

¹⁴ Policies 1.1.1-1.1.6

To encourage a mix of housing types and sizes with variety in the number of bedrooms, that will support a flexible and sustainable reuse in the future, while recognising that the zoning anticipates large scale buildings and multi-unit developments in some areas capable of containing a wide mix of types and sizes.

Policy 1.5:

To discourage the encroachment of large visitor accommodation developments into residential neighbourhoods.”

- 180. The proposal is not contrary to this objective and its supporting policies.
- 181. Objective 3 seeks to maintain and enhance the vitality and vibrancy of the town centres and places where residents and visitors intermingle. Policy 3.1 requires the provision of high density residential living and visitor accommodation in the high density zone, near the town centres, with good linkages to the town centres. The proposal is not contrary to Objective 3 and Policy 3.1.
- 182. For similar reasons, the proposal is not contrary to the objectives and policies in that section of the plan headed Queenstown Residential and Visitor Accommodation Areas.

Part 10 Town Centres

- 183. The site falls within the Lakeview Sub-Zone, which resulted from Plan Change 50, promoted by the Council.
- 184. The purpose of the Lakeview Sub-Zone is addressed in 10.2.2(iii) as follows:

“The Lakeview sub-zone provides an extension to the Queenstown town centre. Geographically this sub zone forms the north-western boundary of the Queenstown town centre zone and is situated at a high gradient affording extensive views across Queenstown Bay and beyond. The town centre boundary is formed by the Ben Lomond recreational reserve. The western extent of this sub-zone is within the High Density Residential Zone. This allows for activities associated with that zone to establish more intensively according to the height, bulk and location controls that apply to the Lakeview sub-zone.

A structure plan for the lakeview sub-zone establishes a broad development layout for this part of the town centre. Through the structure plan, public reserve areas and the square set the scene for a high quality urban environment ensuring that the area is a desirable place to live, work and meet.

The development of activities and buildings in this sub-zone will be managed through the District Plan to accommodate its predominant uses: higher density residential, visitor accommodation, a convention centre, commercial recreation and commercial tourism activities. Ancillary Retail and Ancillary Commercial activities that are established in association with these predominant uses are also provided for. High quality urban form and public spaces will be achieved via urban design, and bulk and location provisions, and those parts of the Structure Plan that provide reserve areas will be administered under the Reserves Act 1977.”

- 185. Objective 3 repeats the same theme and seeks to provide an attractive environment where various activities can occur, including visitor accommodation. As Mr Gardner-Hopkins noted in his Reply, visitor accommodation is listed as a “predominant use” and we agree with him that it is a “statement of expectation and in that sense is enabling

(and must be more enabling than the statement that ancillary retail and commercial activities “are also provided for”).¹⁵

186. Objective 3 is to be implemented through a number of methods in the Plan, including:¹⁶
- Identification of the Lakeview sub-zone over land that is zoned Town Centre and High Density Residential in order to achieve Objective 3 and its supporting policies;
 - The use of rules and assessment matters to manage the effects of development in the sub-zone;
 - The use of a structure plan to direct how the site will develop and connect with roading and pedestrian connections.
187. Policies 3.1 and 3.2 continue the enabling” approach for visitor accommodation stated in Objective 3. Policy 3.1 refers to the provision of a mixed use environment which is a desirable place to visit, live and work through the provision of, inter alia, high quality visitor accommodation. Policy 3.2 seeks the achievement of an urban environment and built form that responds to the site’s location and creates an attractive, vibrant and liveable environment well connected to the town centre.
188. Policy 3.3 seeks a high quality of built form and landscaping. Policy 3.6 seeks to enable commercial and retail floor space that is ancillary to visitor accommodation for other anticipated activities.
189. We consider the proposal is not contrary to Objective 3 and Policies 3.1, 3.2, 3.3 and 3.7.
190. Policy 3.10 occupied much of the hearing. It states:
- “To prescribe a range of building height limits for the Lakeview sub-zone which will maximise views from buildings and appropriately manage built scale to preserve townscape values.”*
191. We explored with Mr Gardner-Hopkins and experts the words “To prescribe” in this policy, and how any breach of the specified height limit was to be assessed against objectives and policies. Having read the Commissioners’ decision in PC50 and the Plan provisions that resulted from that process, we considered the objectives and policies that were to be taken into account in considering a height breach were not immediately obvious.
192. The Commission’s decision noted that PC50 comprised a logical stepping down of building heights, with the largest building scale concentrated where there was a greater ability for the environment to absorb the additional height.¹⁷ It decided that a higher maximum building height could apply to the south-western end of the Lakeview sub-zone because that area backs up to the mountain behind it and the Ben Lomond Reserve. In that part of the sub-zone, a maximum height of 26m therefore applies. However, the Applicant’s site is subject to a “prescribed” maximum height of 12m. The 26m maximum height referred to by the Commission in its decision does not apply to

¹⁵ Legal Submissions in Reply for Applicant, paragraph 13

¹⁶ Implementation Methods, page 10-18

¹⁷ At para 9.7.15

this site, but applies to an area to the north-east of the Applicant's site. The area immediately behind the Applicant's site is also subject to a 12m height limit.

193. The intended urban design outcome appeared to be a carefully constructed one, with a variety of maximum heights proposed across the Lakeview sub-zone intended to take account of topography, views, the relationship of a site to the town centre and special features such as the Queenstown Cemetery. It was an outcome based on extensive urban design evidence. However, it has not translated well into the objectives and policies.

194. In our view, while the PC50 decision may have sought a particular design outcome, it has left open opportunities for applicants to breach the height limit and for the matters of discretion in assessing such applications to be very limited. While there are "prescribed" height limits for the Lakeview sub-zone in Figure 3, there are no policies that obviously support these height limits or a breach of them and which direct a consent authority when it comes to consider a higher building than "prescribed" in the rule. This is compounded by a breach of the height rule falling to be assessed as a Restricted Discretionary activity, suggesting a breach is more or less anticipated. It does not fall to be assessed as, for example, a non-complying activity. This point was recognised by Mr Munro and Mr Jolly in their joint witness statement at paragraphs 2-5, where they stated:

"2. PC 50 does not explicitly provide a purpose to the height rule.

3. For PC50 Policy 3.10, the word "prescribe" relates to an operational policy direction and that it requires the Plan to include a series of height limits (i.e. the PC50 height limit plan). Plan-making alternatives that the Policy precludes are general all-of-zone height limits, or no height limits such as some other District Plan have used.

4. "Prescribe" does not relate to the consideration of resource consent applications to contravene the height limits.

5. PC50 is silent on whether or not contraventions of height via resource consent are encouraged, discouraged or otherwise. It appears to be left to the Restricted Discretionary activities and assessment matters to allow applicants to show their alternative height can still achieve the PC50 outcomes."

195. The height limit sought by the Applicant is a breach of site standard 10.6.5.1xi(d) and the Council's discretion is limited to the purpose of the site standard. The purpose of the site standard is not helpfully stated. It is simply headed Building and Façade Height Site Standard 10.6.5.1xi(d) and states:

"In the Lakeview sub-zone, the maximum building height shall not exceed the height limits specified on Figure 3: Lakeview sub-zone Height Limit Plan."

196. The relevant assessment matters are found at 10.10.2(i)(d), which states:

"The extent to which any height infringement to the height limits specified on Figure 3: Lakeview sub-zone Height Limit Plan will:

- i. Adversely affect the visual quality and amenity values of the adjoining landscape;*
- ii. Adversely affect the heritage values of the adjoining Queenstown cemetery; and*

iii. *Adversely affect outlooks from within the 'Square' identified within Figure 2:Lakeview sub-zone Structure Plan."*

197. Assessment Matters listed in 10.6.3.2(vi) apply to controlled activity consent for buildings in the Lakeview sub-zone and include consideration of urban design principles. Assessment Matters listed in 10.10.2(viii) refer back to Rule 10.6.3.2A(i)(a), (b) and (c) which all relate to the Lakeview sub-zone. These Assessment Matters address the Restricted Discretionary consent required for visitor accommodation and include design and layout, transportation and landscaping.
198. The relevant assessment essentially appears to come down to matters of design.
199. We do not consider we can quite make a finding on whether the application is or is not contrary to Policy 3.10, as there is no policy directive in Policy 3.10. However, we can say that the design outcome reached satisfies the relevant assessment matters in the Plan and is not contrary to them.

Part 14 Transport

200. The objectives and policies are directed at seeking to maintain safe and efficient functioning of the District's roads.
201. Objective 1 seeks to ensure the efficient use of the District's roads. Policy 1.6 requires the promotion and provision for the consolidation of new areas of residential development and for high density development within identified areas. Policy 1.9 directs the requirement of off-street parking in order to limit congestion and the loss of safety and efficiency of roads. This site is zoned for high density living. We consider the proposal is not contrary to Objective 1 and its associated policies.
202. Objective 2 seeks the safe and accessibility of pedestrian and vehicle movement throughout the District. Policies 2.1-2.3 are directed at adopting and applying a road hierarchy with associated design, parking and access standards, ensuring the intensity and nature of activities along particular roads is compatible with road capacity and function so as to ensure vehicle and pedestrian safety, and ensuring access and movement throughout the District. The proposal is not contrary to Objective 2 and its associated policies.
203. Objective 5 seeks sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling effects. Policy 5.1 directs Council to set minimum parking requirements for each activity based on parking demand for each land use but not necessarily striving to accommodate peak parking requirements.
204. Policy 5.2 seeks to ensure there is sufficient room for loading and unloading. Policy 5.3 directs that car parking should be available, including disabled parking. Policy 5.3 requires all off-street parking to be designed and landscaped in a manner that mitigates adverse visual effect on neighbours. Policy 5.5 requires that parking areas be designed to ensure pedestrian safety and vehicle safety.
205. We find the proposal is not contrary to the objectives and policies in Part 14 of the ODP.

Part 22 Earthworks

206. The earthworks required to construct the hotel are addressed in resource consent RM180205, which we discussed above.

Summary - section 104D(1)(b) RM180205 and RM180206

207. Overall, having considered the evidence pre-circulated and presented at the hearing, the application and supporting reports and the submissions and the Council's reports, we find that neither application is contrary to section 104D(1)(b) .

SECTION 104 ASSESSMENT

208. We now turn to our section 104 assessment.

Earthworks Consent RM180205 and Hotel Consent RM180206

209. We discussed most of the environmental and adverse effects of both applications in our consideration of section 104D(1)(a). Under section 104(1)(a), we are satisfied that most effects are not significant and can be addressed through consent conditions.
210. We do not consider this proposal to raise adverse cumulative effects. We address positive effects further below.
211. As regards positive effects:
- (i) the positive effects from the hotel are the provision of hotel accommodation for Queenstown and positive urban design outcomes.
 - (ii) We do not entirely accept Mr Farrell's evidence that the proposed earthworks and associated retaining structures provide a positive benefit by "allowing the land to be more suited to developers for high density residential or visitor accommodation development which is envisaged by PC50."¹⁸ This part of his evidence was linked to the suggestion that the site, once earthworks were complete, could be used for another purpose. We see the earthworks proposal and the hotel proposal as intertwined and overlapping. The final conditions assist in ensuring that the site will not be left open and bare after earthworks are complete, awaiting another developer and the possibility of another activity to follow instead of the hotel proposed through RM180206.
212. We outlined our findings of how the applications measure up against the District Plan provisions in our assessment of the applications against section 104D(1)(b). Under section 104(1)(b), we find they are consistent with those same plan provisions.
213. In terms of the regional planning documents, we are required to take account of the Otago Regional Policy Statement ("ORPS") in our assessment. We outlined the relevant provisions of both plans earlier in this decision. The detail of those provisions can be found in the AEE and Section 42A Report. We find that both applications are consistent with the relevant objectives and policies of the Operative and Proposed Regional Policy Statements.
214. Under section 104(1)(c), Other Matters, we have taken account of two matters.

Precedent

215. We do not consider the applications will set a precedent. Any applications to follow that would seek to rely on similar applications being granted consent would have to be assessed on their merits.

¹⁸ Evidence of Ben Farrell, paragraph 27

National Policy Statement on Urban Development Capacity 2016 (NPS)

216. Ms Stagg drew our attention to the NPS, noting that it applies to all decision making concerning the urban environment. The NPS objectives aim to provide for effective and efficient urban environments that enable people and communities to provide for their wellbeing and provide sufficient opportunities for the development of housing and business land to meet demand. Objective O3 seeks to provide urban environments that, over time, develop and change in response to changing needs. As Ms Stagg noted in her report, there is a current demand for additional visitor accommodation in Queenstown. This part of the town is undergoing change and the proposed hotel is consistent with the change anticipated in this part of the town in the future.
217. OC1 directs the enabling of urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities. This proposal will provide for the economic wellbeing of the community through the additional visitor accommodation it will provide.
218. Policies PA2, 3 and 4 are directed to satisfaction at the level of infrastructure available, a consideration of choices, the promotion of the efficient use of urban land and taking into account the benefits of urban development on local communities as well as national, regional and district wide scales.
219. We find both the earthworks and the hotel are consistent with the stated objectives and policies in the NPS.

Summary Section 104 – RM180205 and RM180206

220. We are satisfied that the applications may be granted under section 104B of the Act, subject to the conditions attached to this decision.

CONDITIONS

221. The conditions have been through several iterations through the hearing process. The detail of the conditions is set out in our decision. We have made some amendments to these, including a more clear connection between the two consents.

PART 2 MATTERS

222. Mr Gardner-Hopkins helpfully referred to the recent Court of Appeal decision in RJ Davidson v Marlborough District Council¹⁹ which confirmed the application of Part 2 in the decision making process. Part 2's importance to the decision making process was acknowledged and it may be consulted directly. However there is little to be gained from that exercise if the planning document(s) being referred to have been prepared in a competent manner that appropriately reflects the provisions of Part 2. As Mr Gardner-Hopkins also noted:²⁰

“Care also needs to be taken about using Part 2 in such situations to justify an outcome contrary to the thrust of the relevant policies, so as to render the relevant plans ineffective.”

223. We agree with the submission made that, in this case, there is no real Part 2 contest. PC50 is a relatively recent addition to the Operative District Plan and we are comfortable that section 5 of the Act and Part 2 generally have been comprehensively addressed

¹⁹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

²⁰ Opening submissions for the Applicant at paragraph 19

there. Both Mr Farrell and Ms Stagg addressed Part 2 in their assessments and were of the view that this proposal met the Act's purpose. We agree.

224. Following the Davidson approach, we find the ODP and the operative ORPS are not subject to the three caveats of invalidity, incompleteness or ambiguity. The relevant provisions of those plans have already given substance to the principles in Part 2 of the Act.
225. Our assessment of the applications is that the purpose of the Act is achieved. Visitor accommodation will be provided for Queenstown and will enable people to provide for their social wellbeing whilst avoiding, remedying or mitigating any adverse effects on the environment. The applications do not offend any of the matters outlined in section 5(2).
226. The only part of section 6 that is relevant is section 6(h). The reports from both the Applicant and the Council confirmed there were no significant natural hazard risks.
227. Under section 7 we find that RM180205 and RM180206:
- *is an efficient use of natural and physical resources;*
 - *subject to the conditions of consent attached, will maintain and enhance the amenity values of the area;*
 - *subject to the conditions of consent, will maintain and enhance the quality of the environment.*
228. There are no section 8 matters of relevance.
229. For the reasons set out in this decision, we consider the applications to satisfy the relevant matters in Part 2 of the Act, and overall they will achieve the purpose of the Act.

DETERMINATION

230. The two applications considered in this decision concern:
- RM180205 - 24,540m³ of earthworks and the breach of construction noise limits.
 - RM180206 - The construction and operation of a 130 room hotel with two restaurants, a bar and associated parking, access and servicing. This part of the proposal includes an on-site coach drop off area, but no coach parking. An on-site carpark is also proposed. The hotel would be up to 7 storeys tall (up to 26m excluding roof plant).
231. The applications have been considered together as a non-complying activity.

232. We determine that consent may be granted to both applications subject to the attached conditions which are imposed under section 108 of the Act.
233. Dated at Queenstown 22 January 2019.

A handwritten signature in blue ink, appearing to read 'J Caunter', is written over a faint, light blue rectangular background.

Jan Caunter (Chair)

For the Hearings Commission

APPENDIX 1 - Conditions RM180205

APPENDIX 2 - Conditions RM180206

APPENDIX 1 - CONDITIONS RM180205

General Conditions

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

Aurum Survey

- 'Earthworks Site Plan' Dwg 4420.4R.1A 18 Sep 2017
- 'Earthworks Cross Sections' Dwg 4420.4R.2A 18 Sep 2017
- 'Earthworks Cross Sections' Dwg 4420.4R.3A 18 Sep 2017
- 'Earthworks Cross Sections' Dwg 4420.4R.4A 18 Sep 2017

stamped as approved on 22 January 2019.

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the Construction Noise and Vibration Management Plan required under Condition (6) of Resource Consent RM180206 has been certified in accordance with that condition.
4. A landscaping plan shall be submitted to and approved by Council prior to any development of the site. The landscaping plan shall be implemented within the first planting season following the Council's approval. The plants shall thereafter be maintained and irrigated by the consent holder in accordance with that landscape plan. If any plant or tree should die or become diseased it shall be replaced with a similar or the same species within the next available planting season.
5. The landscape plan referred to in Condition (4) should meet the following objectives:
 - Landscape planting with a minimum mature height of 2.5m shall be shown along the northern side of the site, and the base of the proposed retaining walls;
 - Landscape planting with a minimum mature height of 2.5m shall be shown along the base of the proposed retaining walls on the eastern and western boundaries.

The planting required by the landscape plan referred to in Conditions (4) and (5) shall not be required to be implemented if the site is developed immediately (within 30 days of completion of the earthworks) under Resource Consent RM180206.

Engineering

General conditions

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

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivisioncode-of-practice/>*

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

6. At least 7 days prior to commencing physical work on-site the consent holder shall advise the Manager of Resource Management Engineering at Council of the scheduled start date and supply all relevant contact details. Compliance with the "prior to commencement of works conditions" detailed in Conditions (7) - (10) below shall be demonstrated.
7. Prior to commencing works on-site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council's Manager of Resource Management Engineering for development works to be undertaken and information requirements met, as 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, in which case the items may be advanced for acceptance in steps or stages (with all development items obtaining acceptance before works commence. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's expense. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following requirements:
 - a) The relocation of the Council wastewater infrastructure that runs through the property.
 - b) The locating, decommissioning and capping off at the main of any redundant services in accordance with Council's standards.
 - c) The provision of a detailed Site Management Plan to be prepared in conjunction with the earthworks contractor. This plan shall include, but not be limited to:
 - Erosion and sedimentation controls and on-going management techniques including necessary calculations and documentation to demonstrate adequate storage and ensure removal of sediment, contaminants or debris prior to discharge;
 - Dust suppression techniques;
 - Procedures before, during and after either high rainfall or high wind events;
 - Temporary retaining details
 - Procedures for ensuring debris is not deposited on surrounding roads or land;
 - Identification of any stockpile areas and management of those stockpiles both short term and long in terms of visibility and migration of material;
 - Temporary cut or fill slope parameters;
 - Hours of activity;
 - Noise and vibration management and mitigation;
 - Top-soiling, re-grassing or alternative stabilisation of earth-worked areas;
 - Communication with neighbouring landowners, including Event Hotels, and an agreed complaints procedure;
 - Monitoring strategy to ensure that management measures are fit for purpose and corrective action strategy for improvements;
 - Site access for construction vehicles, including the avoidance of construction vehicles using Brunswick Street wherever practicable;
 - Parking for contractors vehicles;
 - Pedestrian safety; Temporary fencing;

- Works outside the site boundaries, provided that parking of vehicles and storage of machinery associated with works is not to occur on Brunswick Street;
- Crane operation;
- Procedures for identifying and protecting existing services.

These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

8. Prior to commencing works on site, the consent holder shall;

- a) Submit a Traffic Management Plan prepared by a Site Traffic Management Supervisor (STMS) to the Manager of Resource Management Engineering at Council for acceptance, to ensure the safe and efficient management of construction traffic relating to the works (including any temporary traffic management measures required to achieve this). All contractors obligated to implement temporary Traffic Management Plans shall employ a qualified STMS on-site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
- b) Engage a suitably qualified professional who shall prepare a report, including methodology, which proves that any vibration caused by rock breaking and rock blasting associated with this consent will not have any adverse effect on any other land and buildings beyond this site, including the QT Queenstown and Rydges Hotels. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. This report shall be peer reviewed by another suitably qualified professional. Both the report and peer review shall be submitted to the Manager of Resource Management Engineering at Council for acceptance.
- c) Submit a Blast Management Plan prepared by a suitably qualified professional , which addresses the standards referred to, and any recommendations in the reports required, in condition 8(b) above that also addresses:
 - (i) Appropriate health and safety requirements;
 - (ii) Any practical requirements, including as to preparation and timing of blasting activities; and
 - (iii) Notification procedures, with any potentially affected party (not having given prior written approval) being given at least 24 hour's notification of any blasting activity, and in particular the QT Queenstown and Rydges Hotels.
- d) Prepare a visual and photographic survey of adjoining properties and buildings (subject to being permitted access), together with the QT Queenstown building, to identify their general existing condition so that if there is an allegation that the exercise of this consent has caused any damage, the survey can assist in determining whether the exercise of the consent has in fact caused any such damage. A copy of these photo (or video) records shall be submitted to the Manager Resource Management Engineering at Council.
- e) Obtain a reliable set of benchmark survey readings, so that the total magnitude of movement, if any, of the site or any other land and buildings beyond the site, due to excavation can be clearly and accurately determined. A file copy of these benchmark records shall be submitted to the Manager of Resource Management Engineering at Council.

- f) Install a construction vehicle crossing off Thompson St in accordance with the application Construction Management Plan, which all construction traffic shall use to enter and exit the site.
 - g) Erect 2 metre high solid site hoardings on all site boundaries. The hoardings shall be maintained throughout the development, with the exception of vehicle and pedestrian entrance points.
9. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the Geosolve Report 170331-Rev1 dated September 2017, and who shall supervise the excavation and filling procedure and retaining construction.
 10. A bond shall be entered into, in a form to be determined by the Council's solicitors, to secure performance of the works to be carried out as per the approved plans and conditions approved for this consent. The cost of setting up the bond is to be borne by the consent holder. Any guaranteed bond shall be guaranteed by a financial institution approved by Council's solicitors. This resource consent shall not be exercised until the consent holder has provided evidence to the Council that the bond has been established. The bond shall be for a sufficient amount to cover the cost of stabilising the site and provision for the site to be revegetated should the works be abandoned for a period in excess of 30 days. It is intended to provide a method of recourse to potential land instability extending beyond the site boundaries as a result of incomplete works abandonment. The amount of such a bond shall be 1.5 times the value of stabilisation works as determined by an estimate made by a suitably qualified engineer experienced in such works, using as a basis for his/her calculations engineered plans and specifications provided by the consent holder. Council may require that a second estimate be provided to confirm the proposed bond amount is appropriate. Such bond may be released upon the issuance of a Certificate of Compliance for the proposed works authorised by this consent.
 11. The consent holder shall submit to Council for certification the Site Management and Construction Methodology. The consent holder must demonstrate to the satisfaction of the Council's Team Leader Resource Consents that the consent holder has provided the owners and/or operators of QT Queenstown and Rydges Hotels with the opportunity to review and comment on the suitability of the Site Management Plan and Construction Methodology required under condition (7c) above.

To be monitored throughout earthworks

13. The relocated Council sewer main design and the capping off of all redundant services reviewed and certified by Council engineers in Condition (5(b)) above and the test pitting/pilot cut earthworks shall be completed before all other earthworks associated with this consent commence.
14. All earthworks and geotechnical investigations shall be carried out under the guidance of a suitably qualified and experienced geotechnical professional as described in Section 1.7.2 of the Queenstown Lakes District Council's Land Development and Subdivision Code of Practice.
15. Should the site conditions be found unsuitable for the proposed excavation/construction methods, then a suitably qualified and experienced engineer shall submit for approval to the Manager of Resource Management Engineering at Council new designs/work methodologies for the works prior to further work being undertaken, with the exception of any necessary works required to stabilise the site in the interim.

16. A PS1 Producer Statement shall be obtained from a suitably qualified professional for any temporary or permanent retaining walls within the lot(s) which exceed 1.5m in height or are subject to additional surcharge loads.
17. The Manager of Resource Management Engineering at Council shall be notified and work shall stop immediately if any cracking, movement, structural distress or damage to any existing buildings, structures, underground services, public roads, pathways and/or surrounding land occurs. Works shall remain stopped until Council's Monitoring and Enforcement Department advise the consent holder works can commence again.
18. If at any time Council officers, or its elected representatives, receive justifiable complaints about or proof of effects from vibration, noise or dust sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report which assesses either vibration, noise or dust caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and/or buildings beyond this site. Depending on the outcome of this report, a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for review and acceptance. The consent holder shall implement any measures proposed in the report that will mitigate any adverse effects of the vibration, noise and dust.
19. The earthworks, batter slopes, temporary and permanent retaining shall be undertaken in accordance with the recommendations of the Geosolve Report 170331-Rev1 dated September 2017.
20. The site management shall be undertaken in accordance with the recommendations of the Site Management Plan and Construction Methodology certified in Condition (7c) above.
21. No loading or unloading of trucks with excavation or fill material shall be carried out on the South side of Thompson Street, or on Brunswick Street.
22. 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 its expense, to clean the roads.
23. The loading and stockpiling of earth and other materials shall be confined to the subject site. Any stockpiles shall not exceed 3 metres in height and shall be kept moist during excavation and fill works.

On completion of earthworks

24. On completion of the earthworks the consent holder shall submit the following information to the Manager of Resource Management Engineering at Council for review and certification:

EITHER

- a) An engineer's PS4 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads;

OR

- b) The consent holder shall provide a copy of a Code of Compliance Certificate obtained under a Building Consent for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.

25. On completion of earthworks the consent holder:

- a) Shall provide 'as-built' plans and information detailing the relocated wastewater and any capped off redundant services to the Manager of Resource Management Engineering at Council. This information shall be formatted in accordance with Council's 'as-built' standards.
- b) All newly constructed foul sewer mains shall be subject to a closed-circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used, and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- c) Submit to the Manager of Resource Management Engineering at Council for review and acceptance certification from a suitably qualified geo-professional attesting to the long-term permanent stability of all earthwork batters created as part of the development.
- d) Remedy any damage to all existing road surfaces and berms that result from work carried out for this consent, including those adjacent to the QT Queenstown Hotel.
- e) If the earthworks are not immediately (within 30 days) followed by development of the site under Resource Consent RM180206, all earthworked and/or exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised. The consent holder shall implement and maintain the landscaping plan required by Conditions (4) and (5) and retain the landscaping until works for future development begin onsite under this consent.

Hours of Operation – Earthworks

26. 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 7.30am. All activity on the site is to cease by 6.00pm.

- 27. Rock breaking and blasting must only occur on weekdays between 8.00am and 5.00pm and blasting shall occur no more than twice per day.
- 28. All earthworks must comply with a noise limit of 70 dB LAeq at the QT Queenstown and Rydges Hotels at all times, with the exception of blast detonation which is to comply with a limit of 120 dB LZpeak.

Accidental Discovery Protocol

29. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.

- (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

- b) does not have an Archaeological Authority and discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

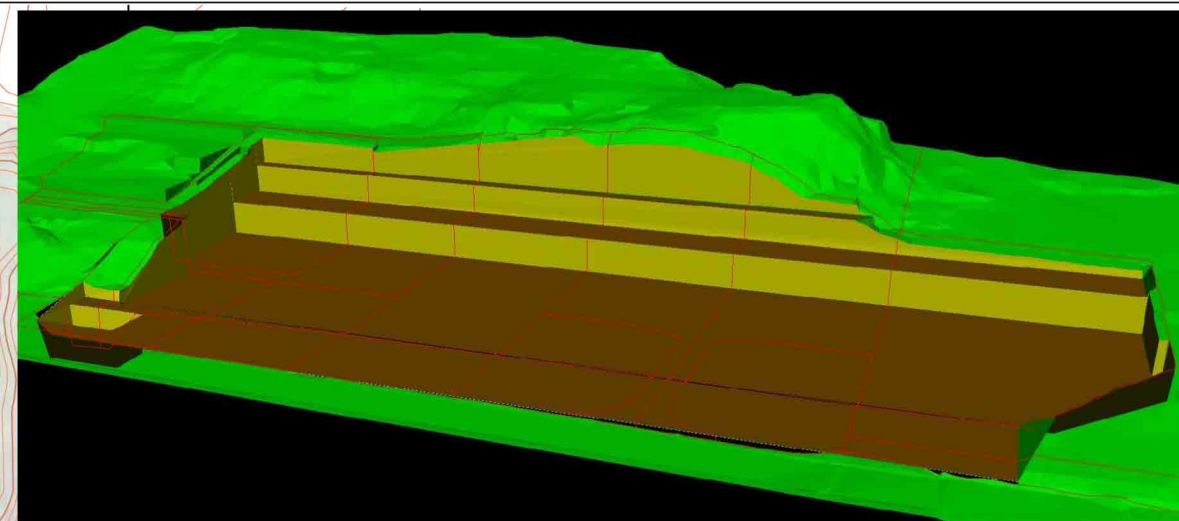
Site work may only recommence following consultation with Council.

Recommended Advice Notes

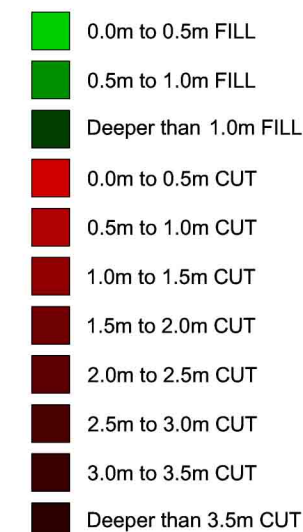
1. The consent holder is advised that any retaining walls proposed in this development which exceed 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
2. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.
3. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photos, focusing on any damage that is already apparent. Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. It is not anticipated that the survey will cover everything, but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised. For consent holders the most efficient way to ensure compliance with the condition is to undertake the survey with a consent processing engineer present. The Council will require a very brief report accompanied by as many photos as are necessary to cover the potential risks, with marked up photos identifying any damage.

APPROVED PLAN:
RM180205

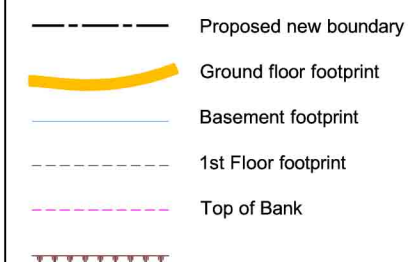
Tuesday, 22 January 2019



PERSPECTIVE VIEW OF COMPLETED EARTHWORKS



LEGEND:-



APPROXIMATE AREA & VOLUMES

Cut	24530m ³
Fill	10m ³
Excess cut over fill	24520m ³

Max. Cut Depth	10.4m
Max. Fill Depth	0.3m

Area of Earthworks
Slope 8090m²
Plan 5980m²

DRAWING & ISSUE No.
4420.4R.1A

PO Box 2493
Wakatipu 9349
Ph 03 442 3466
Fax 03 442 3469
Email admin@ascl.co.nz

NOTE: Contour interval is 0.5m metre.
Levels in terms of OIT II SO 23010, RL343.19 (MSL).

A person/company using Aurum Survey Consultants drawings and other data accepts the risk of:

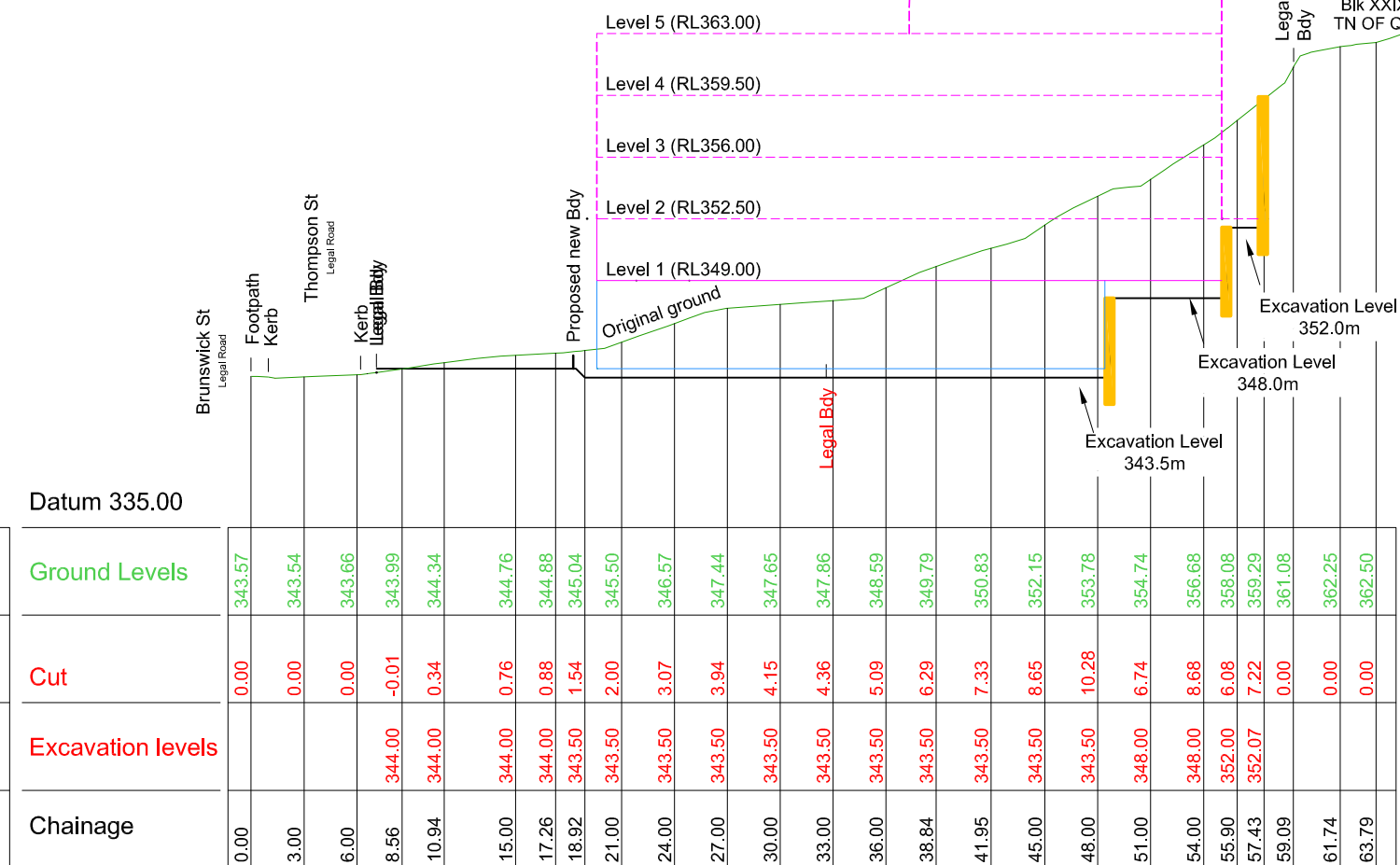
1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions;
2. using the drawings or other data for any purpose not agreed to in writing by Aurum Survey Consultants.

WARNING NOTE:
This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed subdivision on the land. It is to read in conjunction with our terms of engagement to xxxxxxxxxx. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

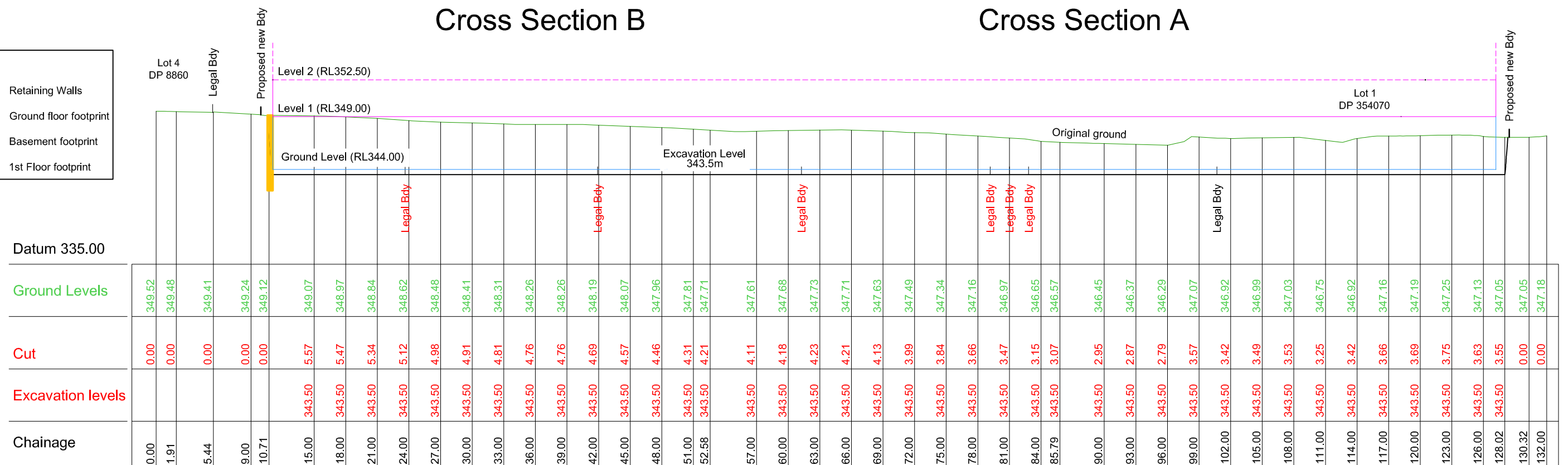
A	18/9/17	Initial release	RVB
REV.	DATE:	REVISION DETAILS:	BY:

<i>Title:</i>	Earthworks Site Plan
<i>Project:</i>	Sec 2,Blk XXIX Tn of Qtn & Lot 2,3,5,&6 DP 8860 & 1-4 DP 9388 & 23-39 Thompson Street

DATE: 18 Sep 2017	Scale 1:400 Original Plan A3	DRAWING & ISSUE No. 4420.4R.1A
BY: RB RM		




Cross Section A

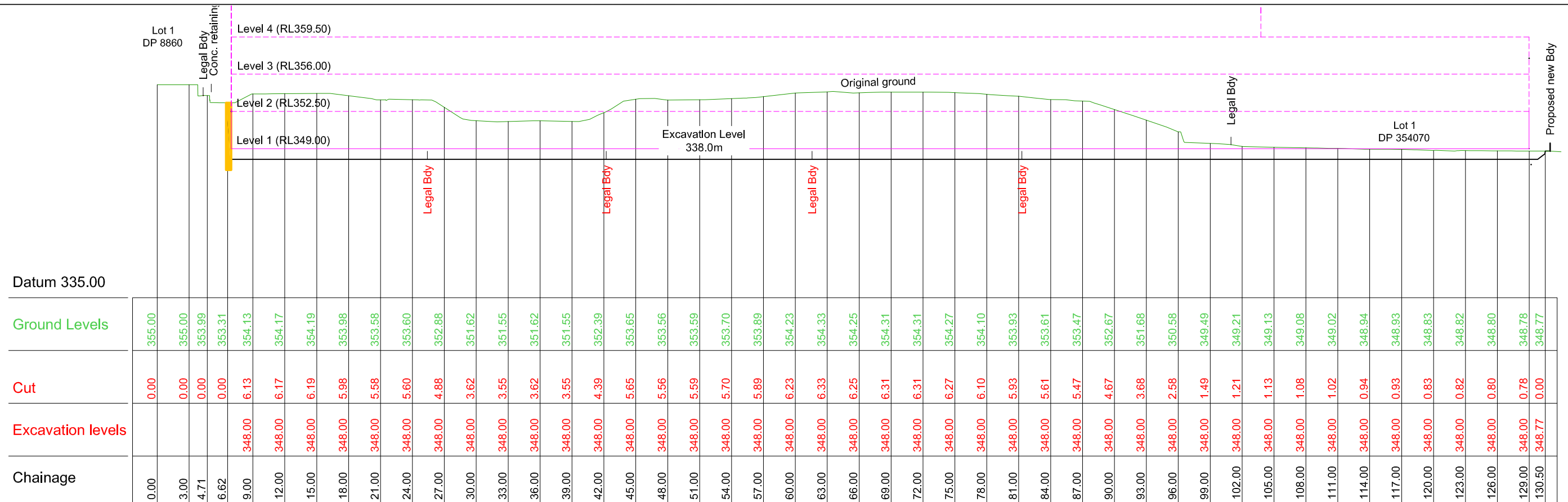


Cross Section C

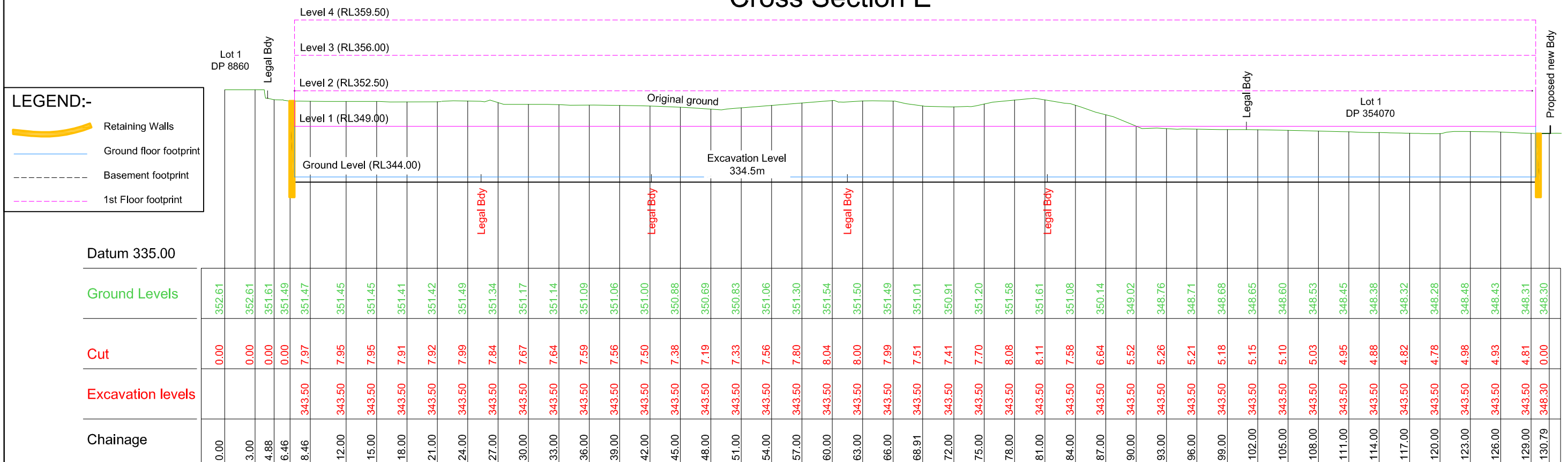
Tuesday, 22 January 2019

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				Title: <div style="text-align: center; font-size: 1.2em;">Earthworks Cross Sections</div>	DATE: 18 Sep 2017 BY: Rodney Baker	Scale 1:400 Original Plan A3	DRAWING & ISSUE No. <div style="text-align: center; font-size: 1.2em;">4420.4R.2A</div>
					Project: <div style="text-align: center; font-size: 1.2em;"> Sec 2,Blk XXIX Tn of Qtn & Lot 2,3,5,&6 DP 8860 & 1-4 DP 9388 & 23-39 Thompson Street </div>	<div style="text-align: center;">  </div> <div style="text-align: right; font-size: 0.8em;"> PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz </div>	
A	18/9/17	Initial release	RVB				
REV.	DATE:	REVISION DETAILS:	BY:				



Cross Section E




Cross Section D

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:

RM180205

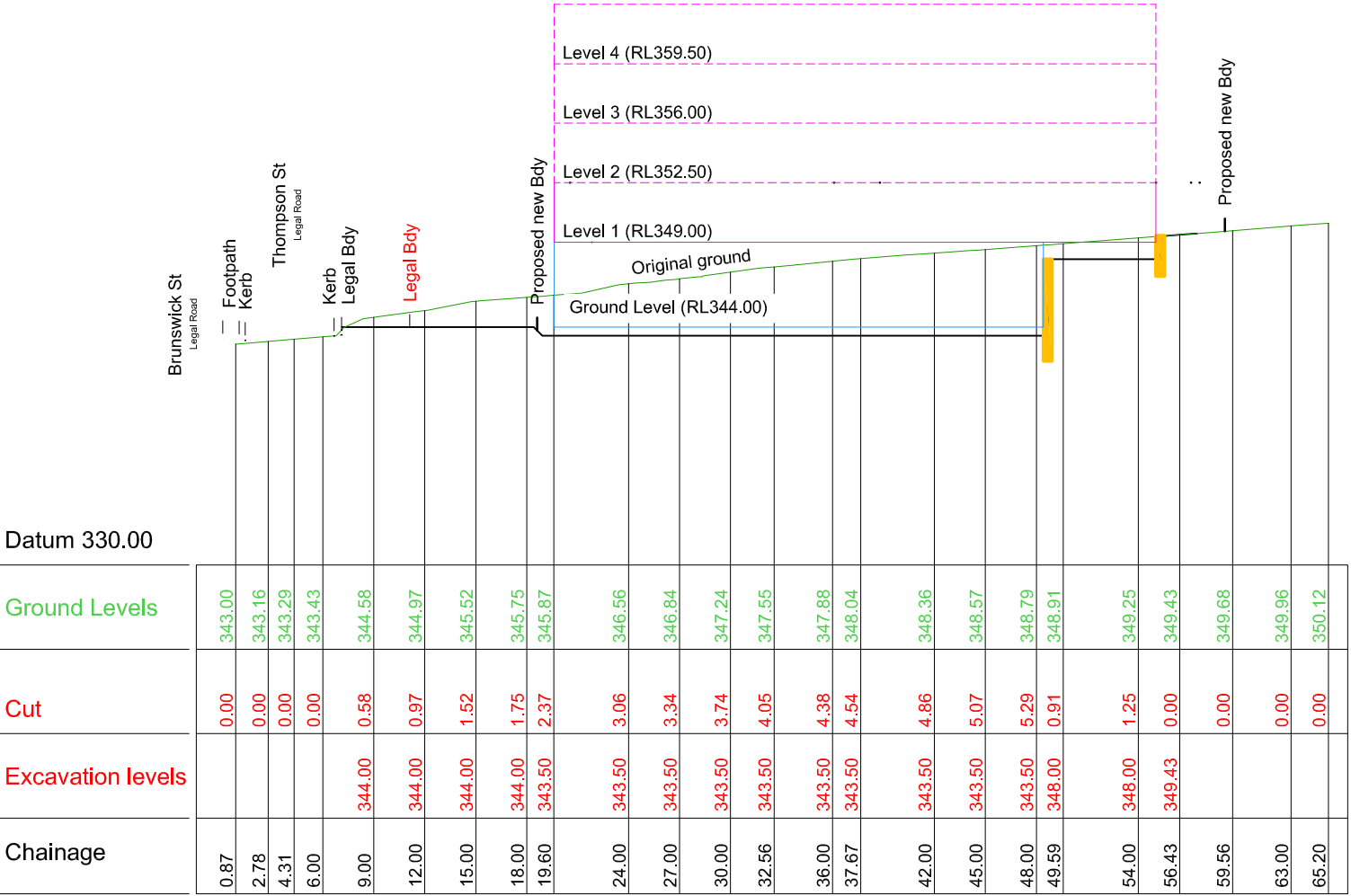
Tuesday, 22 January 2019

				Title:	Earthworks Cross Sections	DATE: 18 Sep 2017 BY: Rodney Baker	Scale 1:400 Original Plan A3	DRAWING & ISSUE No. 4420.4R.3A
				Project:	Sec 2,Blk XXIX Tn of Qtn & Lot 2,3,5,&6 DP 8860 & 1-4 DP 9388 & 23-39 Thompson Street	 PO Box 2493 Wakatipu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascl.co.nz		
A	18/9/17	Initial release	RVB					
REV.	DATE:	REVISION DETAILS:	BY:					

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180205

Tuesday, 22 January 2019



Cross Section F

LEGEND:-

Retaining Walls

Ground floor footprint

Basement footprint

1st Floor footprint

NOTE: Contour interval is 0.5m metre.
Levels in terms of OIT II SO 23010, RL343.19 (MSL).

A person/company using Aurum Survey Consultants drawings and other data accepts the risk of:
1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions;
2. using the drawings or other data for any purpose not agreed to in writing by Aurum Survey Consultants.

WARNING NOTE:
This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed subdivision on the land. It is to read in conjunction with our terms of engagement to xxxxxxxxxx. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

A	18/9/17	Initial release		RVB
REV.	DATE:	REVISION DETAILS:		BY:

Title:Earthworks Cross Sections

Project:Sec 2,Blk XXIX Tn of Qtn & Lot 2,3,5,&6 DP 8860 & 1-4 DP 9388 & 23-39 Thompson Street

DATE: 18 Sep 2017

BY: Rodney Baker

Scale 1:400

Original Plan A3

DRAWING & ISSUE No.

4420.4R.4A

PO Box 2493
Wakatipu 9349
Ph 03 442 3466
Fax 03 442 3469
Email admin@ascl.co.nz

APENNDIX 2 - CONDITIONS RM180206

General Conditions

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

FDAT Architects Development 20180815 Job 048

- 'Site Plan' Rev A8 August 2018
- 'Ground Level Plan' Rev A8 August 2018
- '1st Level Plan' Rev A8 August 2018
- '2nd Level Plan' Rev A8 August 2018
- '3rd Level Plan' Rev A8 August 2018
- '4th Level Plan' Rev A8 August 2018
- '5th Level Plan' Rev A8 August 2018
- '6th Level Plan' Rev A8 August 2018
- 'Roof Level Plan' Rev A8 August 2018
- 'South and North Elevation' Rev A8 August 2018
- 'East and West Elevation' Rev A8 August 2018
- 'Sections A-A, B-B, and C' Rev A8 August 2018
- 'Indicative Landscape Planning' Design 20180815 Rev A8

stamped as approved on 22 January 2019.

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

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

Landscaping

3. An updated landscaping plan shall be submitted to and approved by Council prior to any development of the site. The approved landscaping plan shall be implemented within the first planting season of approval, and the plants shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced within the next available planting season.

General Engineering conditions

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

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

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

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

5. Prior to the commencement of works on site, the consent holder shall submit to Council's monitoring team for certification a design report prepared by an acoustics specialist for the building services equipment. The report shall demonstrate that the design of mechanical services shall comply with the District Plan noise limits.

6. Prior to the commencement of works on site, the consent holder shall submit to Council's monitoring team for certification a Construction Noise and Vibration Management Plan (CNVMP). The objective of the CNVMP is to provide a framework for the development and implementation of measures to avoid, remedy or mitigate adverse construction noise and vibration effects, and to minimise any exceedance of the criteria set out in Conditions (18) and (19). The CNVMP must be prepared in general accordance with the NZ Transport Agency State highway construction and maintenance noise and vibration guide (version 1.0, 2013) by an appropriately qualified Acoustic Engineer.
7. Prior to lodgement of any application for building consent for the hotel development, an appropriately qualified Acoustic Engineer shall review the developed architectural design of the proposed external constructions, to ensure that the airborne sound insulation of the facades of critical listening environments meet the requirements of Rule 10.6.5.1 xvi of the Queenstown Lakes District Council's Operative District Plan.
8. Prior to commencing works on site, the consent holder shall submit a Traffic Management Plan prepared by a Site Traffic Management Supervisor (STMS) to the Manager of Resource Management Engineering at Council for acceptance, to ensure the safe and efficient management of construction traffic relating to the works (including any temporary traffic management measures required to achieve this). All contractors obligated to implement temporary Traffic Management Plans shall employ a qualified STMS on-site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
9. The consent holder shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
10. 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.
11. Prior to commencing works on-site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council's Manager of Resource Management Engineering for development works to be undertaken and information requirements met, as specified below. The 'Engineering Review and Acceptance' application(s) shall be submitted to the Manager of Resource Management Engineering at Council. 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, in which case the items may be advanced for acceptance in steps or stages (with all development items obtaining acceptance before works commence. At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the consent holder's expense. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates considered by Council to be both necessary and adequate, in accordance with Condition (5), to detail the following requirements:
 - a) The provision of a water supply to the development in compliance with Council standards. This shall include an approved valve and valve box with backflow prevention and provision for bulk flow water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.

- b) The provision of a foul sewer connection to the development. The costs of the connection shall be borne by the consent holder.
- c) 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 site to an onsite attenuation system that attenuates the discharge to a rate (litres per second) no greater than would have occurred from the undeveloped catchment during a 60 minute 5 year storm and which subsequently connects to the Council reticulated stormwater disposal system. The designs shall include the provision of water quality treatment for the interception of settleable solids and floatable debris prior to discharging to the receiving water. The connection shall be designed to provide gravity drainage for the entire development site.
- d) No privately owned infrastructure shall be located outside of the hotel site and specifically not within the area that is subject to future road widening of Thompson Street, being Lots 2 & 4 RM171132, unless otherwise agreed in advance and in writing with the Council as landowner.
- e) Provision of a suitable fire fighting water supply 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.
- f) The removal of all redundant water, stormwater, and sewer services to the site from Council reticulation. All services shall be removed and capped at the Council main.
- g) If the eastern boundary road is not yet constructed by others and the consent holder selects to undertake the construction, then provide for review and acceptance all necessary engineering roading and intersection design details in compliance with Council standards and in general accordance with the details provided with the RM170924 application for a new road and intersection formations extending from Thompson Street to the northern site boundary.
- h) The provision of all sealed access, parking, vehicle manoeuvring areas, drop off/pick up areas, loading areas, internal pedestrian facilities, accessible car parks, and valet car parking areas, in accordance with Council's standards, and including but not limited to the following;
 - (i) A full dimensioned and scaled car parking layout for the car parking floor of the hotel demonstrating full compliance with the Operative District Plan for all respective parking spaces and aisles for use by Class 1 users.
 - (ii) The provision of a sealed vehicle access way from the hotel building to the new access road adjacent to the eastern boundary of the hotel site. This shall include a sealed vehicle crossing if one is not already available.
 - (iii) The provision of sealed vehicle crossings and access formation to the development off Glasgow Street and Thompson Street that shall be constructed to the development.
 - (iv) The removal of all redundant crossing points fronting the subject site on Thompson Street and their reinstatement with kerb and channel.
 - (v) The provision of 2.5m minimum width sealed shared cycle/pedestrian path along the northern side Thompson St extending from the Glasgow Street intersection to the new road intersection immediately east of the hotel.
 - (vi) Details of all entrance and onsite access ramps demonstrating compliance with Councils standards and AS/NZ2890.01:2004.
 - (vii) Details of all on-site loading areas.

- i) Details of onsite signage and markings in compliance with the NZTA Manual of Traffic Signs and Markings, for the following;
 - (i) All onsite parking spaces including disabled spaces, loading areas, coach drop off and collection areas, guest check in/out valet parking areas,
 - (ii) Directional signage and markings on access areas and ramps including any one way areas,
 - (iii) Any vertical height restrictions signage at the ramp entrance,
 - (iv) The management of entry and exit movements, through signage and markings.
- j) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
- k) The provision of a Hotel Traffic Management Plan that details operational procedures for the management of the parking and drop-off areas so that the overarching purposes, objectives and specific requirements for the management of all vehicles within the site are well understood by staff and implemented on an ongoing basis.

The objectives shall include but not be limited to;

- ensure the safe and efficient performance of the on-site car parking and drop-off/pick-up facilities;
- ensure the on-site parking and drop-off/pick-up facilities operate safely, both within the site and the impact on the adjacent roadways;
- ensure the safe and efficient performance of the on-site coach drop-off/pick-up facility;
- ensure all hotel staff, including valets are aware of their duties and the general ways in which transport management matters, including on-site parking and drop-off/pick-up facilities are expected to operate;
- ensure parking and drop-off does not occur along Brunswick Street

This shall include but not be limited to details on the following items, to ensure that the above objectives are achieved;

- minimum valet staffing requirements, which at the commencement of operations, shall be a minimum of 6 staff at peak times, being 8.00am to 10.30 am and 4.00pm to 6.00pm;
- management of the car parking floor of the Hotel;
- management of the drop off and pickup area on the ground floor of the Hotel;
- management of service vehicles to ensure they arrive and depart outside the peak times for guest arrivals and departures so as not to block off disability parks;
- prior to any widening of Thompson Street, measures being implemented to discourage and prevent tour coach buses and large trucks (being rigid vehicles of more than 8m in length) from accessing the Hotel, including giving notice to tour operators of the requirements for guests to be dropped off and picked up at alternative locations and/ or the provisioning of shuttle or other means of transporting guests to an alternative pick-up location for tour operators; and, in particular, all practicable measures to avoid coaches accessing the Hotel between the hours of 8.00p and 8.00am the next morning;
- in any event to manage any coach pick ups and drop offs to minimise the time spent by any coach at the coach park location, including to maximise the availability of parks for valet use;
- following the widening of Thompson St, discouraging tour coach buses and large trucks from accessing the hotel via Brunswick St and having to use the turning circle;

- road safety measures;
- management and regular review of the plan.

The Hotel Traffic Management Plan is to be reviewed annually at the consent holder's cost, with any changes proposed by the consent holder to better achieve the objectives of the Plan to be certified as achieving those objectives by the Council prior to their implementation by the consent holder.

- I) A detailed Construction Management Plan and construction methodology to be prepared in conjunction with the building contractor and consent holder. This plan shall include, but not be limited to:
 - Erosion and sedimentation controls and on-going management techniques including necessary calculations and documentation to demonstrate adequate storage and ensure removal of sediment, contaminants or debris prior to discharge;
 - Dust suppression techniques;
 - Procedures before, during and after either high rainfall or high wind events;
 - Procedures for ensuring debris is not deposited on surrounding roads or land;
 - Hours of activity;
 - Noise and vibration management and mitigation;
 - Communication with neighbouring landowners, including the owner/operator of the QT Queenstown and Rydges Hotel, and an agreed complaints procedure;
 - Monitoring strategy to ensure that management measures are fit for purpose and corrective action strategy for improvements;
 - Site access for construction vehicles including the avoidance of construction vehicles using Brunswick Street wherever practicable;
 - Car parking for constructed related staff;
 - Pedestrian safety;
 - Temporary fencing;
 - Works outside the site boundaries, provided that parking of vehicles and storage of machinery associated with works is not to occur on Brunswick Street ;
 - Crane operation;
 - Procedures for identifying and protecting existing services.

These measures shall be implemented **prior** to the commencement of any works on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

To be monitored throughout the hotel construction

12. The site management shall be undertaken in accordance with the recommendations of the Construction Management Plan certified in Condition (11(I)) above.
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.
14. All works shall be carried out in accordance with a Construction Noise and Vibration Management Plan (CNVMP) required by Condition (6).

Hours of Operation – Construction

15. Hours of operation for construction activities, shall be Monday to Saturday (inclusive): 7:30am to 6.00pm, with the exception of concrete pours. There shall be no activity on Sundays and Public Holidays.

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. In respect of concrete pours, a week's notice shall be given to the owner/operator of the QT Queenstown and Rydges Hotel of any concrete pour that is to commence prior to 7.30am.
17. The consent holder shall take all practicable steps to meet the noise and vibration criteria in Conditions (18) and (19). If predicted noise and vibration from a construction activity is expected to exceed the criteria in Conditions (18) and (19), a Schedule to the CNVMP for that activity must be prepared in accordance with the NZ Transport Agency State highway construction and maintenance noise and vibration guide (version 1.0, 2013). The Schedule must be provided to the Council at least five working days, where practicable, in advance of the activity proceeding. A schedule must establish the best practicable option for noise mitigation to be implemented for the construction activity. If any construction activity is measured as exceeding the noise and vibration criteria in Conditions (18) and (19), then it shall be notified to the Council together with an explanation as to how all practicable steps will be taken to meet the criteria in the future.
18. Construction noise must be measured and assessed in accordance with NZS 6803:1999 Acoustics -Construction Noise. The construction noise criteria in Table CNV1 must be complied with:

Construction noise criteria			
Day	Time	L_{Aeq}(15min)	L_{AFmax}
Weekdays	0730h – 1800h	70dB	85dB
	1800h – 0730h	45dB	75dB
Saturdays	0730h – 1800h	70dB	85dB
	1800h – 0630h	45dB	75dB

19. Construction vibration must be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures. The Category A construction vibration criteria in Table CNV2 must be complied with as far as practicable. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified person must assess and manage construction vibration during those activities. If measured or predicted vibration from construction activities exceeds the Category B criteria those activities must only proceed if effects on affected buildings are assessed, monitored and mitigated by suitably qualified people. This shall include consultation with Event Hotels Limited to ensure vibration does not have adverse effects on their hotel operations.

Construction Vibration criteria			
Receiver	Details	Category A	Category B
Occupied Dwellings	Night-time 2000h – 0730h	0.300/s ppv	1mm/s ppv
	Daytime 0730h – 2000h	1mm/s ppv	5mm/s ppv

Other occupied buildings	Daytime 0730h – 2000h	2mm/s ppv	5mm/s ppv
All other buildings	Vibration – transient	5mm/s ppv	BS 5228-2* Table B2
	Vibration continuous		BS 5228-2* 50% of table B2 values

*BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'

20. Upon completion of the building, the consent holder shall undertake measurements to determine the actual noise reduction between internal areas used for amplified music and the site boundary. Internal noise levels shall be limited accordingly to ensure compliance with the District Plan noise limits, including consideration of special audible characteristics, as required.

Prior to the commercial operation or occupation of the hotel

21. Prior to the commercial operation or occupation of the Hotel, the consent holder shall complete the following:
- 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 Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions), and all removed reticulated services.
 - The completion and implementation of all certified works detailed in Condition (11) above.
 - The access road that the hotel connects to at its eastern boundary shall be formed and legalised as vested road to permit access by the development site.
 - All vehicle access, manoeuvring and parking areas associated with the developments shall be subject to a post construction safety audit by an independent traffic engineer in accordance with the NZTA Manual "Road Safety Audit Procedures For Projects" at the consent holder's cost and the results shall be submitted to Council for review and certification. Should the review recommend any further works required to achieve a safe traffic environment, the consent holder shall have these works approved by Council and implemented prior to occupation of the hotel.
 - Any power supply and/or telecommunications connections to the building shall be underground from existing reticulation and in accordance with any requirements/standards of the network provider's requirements.
 - The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this 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 Certificates and/or IPENZ Producer Statements PS3 and PS4.

- g) All signage and markings within the road reserve amended by this development shall be installed in full accordance with Council's signage specifications and the NZTA Manual of Traffic Signs and Markings.
- h) All exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- i) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Operational Conditions

- 22. The consent holder shall continuously implement the Hotel Traffic Management Plan required by Condition (11k), and any updates to it as certified by the Council as achieving its objectives.
- 23. Prior to the occupation of the hotel, an off-site lease for coach parking shall be in place for the duration of this consent. Prior to commercial use of the hotels the consent holder shall submit to the Manager of Resource Management Engineering at Council evidence of a formal lease arrangement for the relevant land titles. This shall guarantee the continued availability of the three (3) coach parks the off -site parking is intended to serve. If at any time the lease arrangement changes evidence of a new lease shall be submitted
- 24. An Acoustic Noise report prepared by a suitably qualified Acoustic Engineer must be submitted to Council for certification prior to any music being played in the restaurant/bar/function spaces and prior to any functions/events. The report must detail the maximum permitted internal sound level and the calibration of an automatic limiting device that will restrict music so as not to exceed that level.
- 25. All activity undertaken by the owner or operator on site must comply with the district plan noise limits, with all practicable measures undertaken (including through the Traffic Management Plan) to assist in meeting the daytime noise limit of 60 dB LAeq(15 min) between 0800h and 2000h.
- 26. All guest vehicles entering/exiting the car park must be valet driven.
- 27. Coaches shall not access the site between the hours of 8.00pm and 8.00am the next morning.
- 28. Prior to occupation of the Hotel, the consent holder shall submit to Council for certification a Noise Management Plan detailing:
 - a) How the movement of vehicles in and out of the drop-off area will be managed. This Plan shall include the following details:
 - (i) Measures to ensure that coaches do not idle unnecessarily or operate in the parking area between 8.00pm and 8.00am the next day.
 - (ii) Details of how noise generated from music, functions and sound events will be managed to maintain compliance with the District Plan noise limits.
 - b) All exit and entry doors in the restaurant/ bar/ function space facing Thompson Street shall remain closed at all times. Doors must be signed as fire exits only and have audible alarms to immediately alert hotel management that the doors are open.
 - c) All patrons of the restaurant/ bar/ function space facing Thomson Street shall be requested to keep noise to a minimum as they leave the premises by means of appropriately worded notices adjacent to exits and verbal reminders.

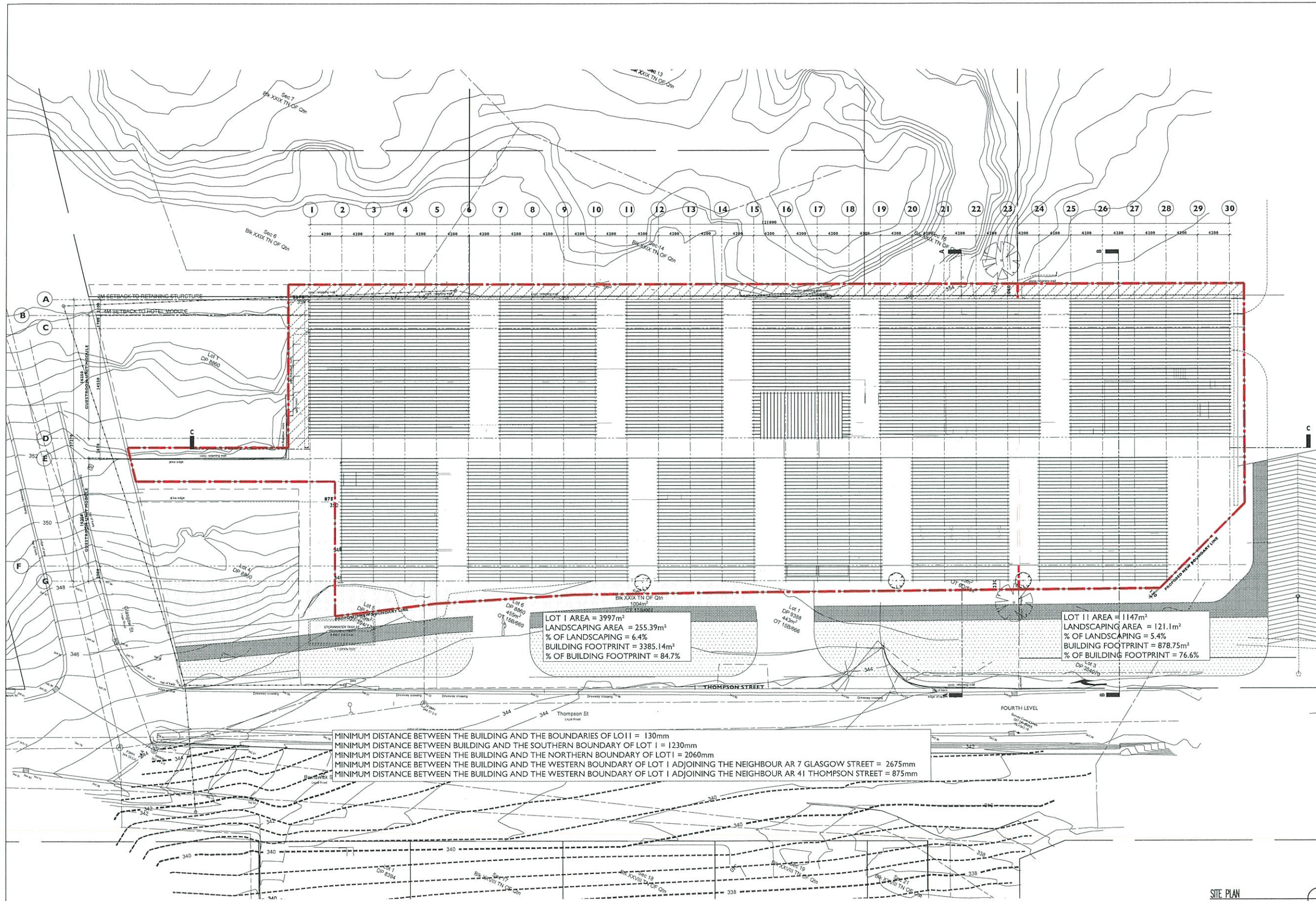
29. The consent holder shall implement the certified Noise Management Plan for the duration of the operation of the Hotel.

Covenants

30. A covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 shall be registered on the Computer Freehold Register for Lot 1 DP 22468 or any relevant replacement allotments prior to occupation of the Hotel, providing for the performance of the following condition on an ongoing basis:
- a) The Hotel Traffic Management Plan certified in Condition (11k) of resource consent RM180206, or any revisions resulting from reviews, shall be implemented and remain in place for the duration of this consented activity.
 - b) The hotel carpark floor shall not be directly accessed by hotel patrons or guests and shall be limited to hotel valet staff use only.
31. 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 and which it is appropriate to deal with at a later stage, particularly in relation to traffic effects.
 - 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.
32. As part of the review clause stated in condition (31) of this consent, the Council may have the Hotel Traffic Management Plan audited at the consent holder's expense.

Recommended 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.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180206

Tuesday, 22 January 2019

DESIGN DEVELOPMENT

20180815 REV A8

PROJECT
PROPOSED HOTEL DEVELOPMENT AT
THOMPSON STREET, QUEENSTOWN,
NEW ZEALAND

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LANDSCAPE DESIGNER

LIGHTING DESIGNER	
DRAWING	
NORTH	
DRAWN BY	APPROVED BY
CHECKED BY	DRAWING NO.
SCALE	REV
DATE	
JOB NO.	
FILE NAME	

AREA TYPE	GROUND LEVEL	1ST LEVEL	2ND LEVEL
LOBBY	111	0.0	0.0
RECEPTION	17.9	0.0	0.0
WASHROOM 1	32.8	0.0	0.0
WASHROOM 2	31.7	0.0	0.0
RESTAURANT 1	715.9	0.0	0.0
RESTAURANT 2	187.0	0.0	0.0
KITCHEN 1	143.5	0.0	0.0
KITCHEN 2	10.3	0.0	0.0
STORAGE	42.0	0.0	0.0
GYM + FACILITIES	0.0	0.0	146.3
LOBBY STAFF	0.0	0.0	0.0
REUSE BAY	35.3	0.0	0.0
LOADING BAY	47.8	0.0	0.0
MAF	18.3	18.3	0.0
TOTAL	1818	98.3	156.3

ROOM TYPE	1ST LEVEL	2ND LEVEL	3RD LEVEL	4TH LEVEL	5TH LEVEL	6TH LEVEL	TOTAL ROOM
A1	15	9	14	35	6	6	75
A2	3	7	37	13	6	6	72
A3				2			2
A4	2	2	3	3	1		11
A5	2	2	3				7
A6							1
TOTAL	22	22	40	52	13	1	130

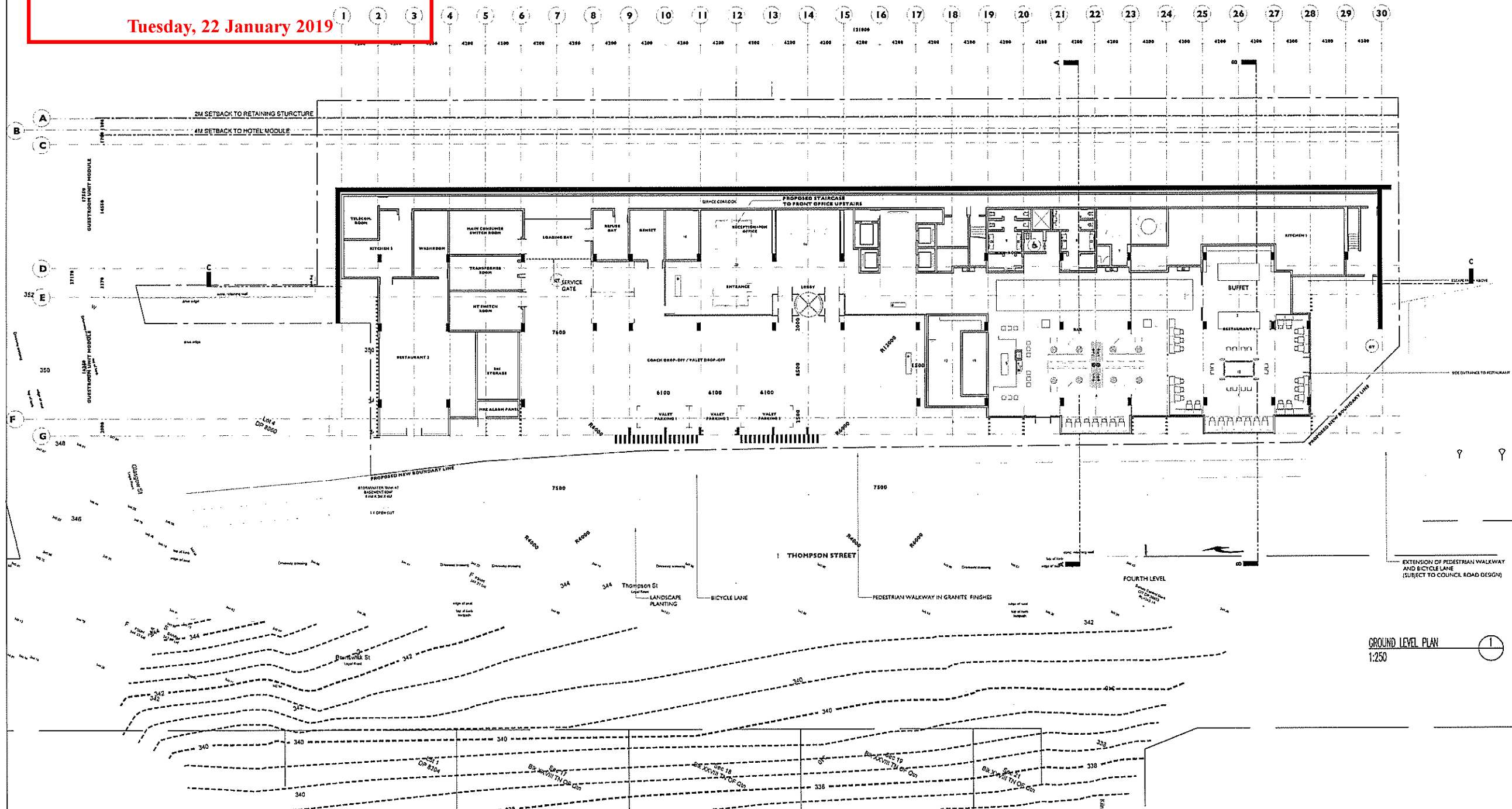
LEVEL	PARKING SPACE	ACCESSIBLE PARKING SPACE	TOTAL
1ST LEVEL	14	0	
GROUND LEVEL		2	16

- 1 DINING
2 BUFFET
3 KITCHEN
4 BAR SEATING
5 BAR
6 ENTRANCE
7 PRIVATE DINING ROOM
8 MALE TOILET
9 FEMALE TOILET
10 ACCESSIBLE TOILET
11 INFO COUNTER
- 12 LUGGAGE STORAGE
13 CONCIERGE
14 RECEPTION
15 WINE CELLAR
16 FRONT OFFICE
17 SAFE DEPOSIT BOX
18 STAFF W.C
19 W.C
20 LOBBY LOUNGE
21 GENSET
22 REFUSE BAY

QUEENSTOWN LAKES DISTRICT COUNCIL

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GROUND LEVEL PLAN
1:250

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CHECKED BY FG	DRAWING NO. REV
SCALE	
DATE	AUGUST 2018
JOB NO.	048
FILE NAME	AS

APPROVED PLAN:
RM180206

Tuesday, 22 January 2019

DESIGN DEVELOPMENT

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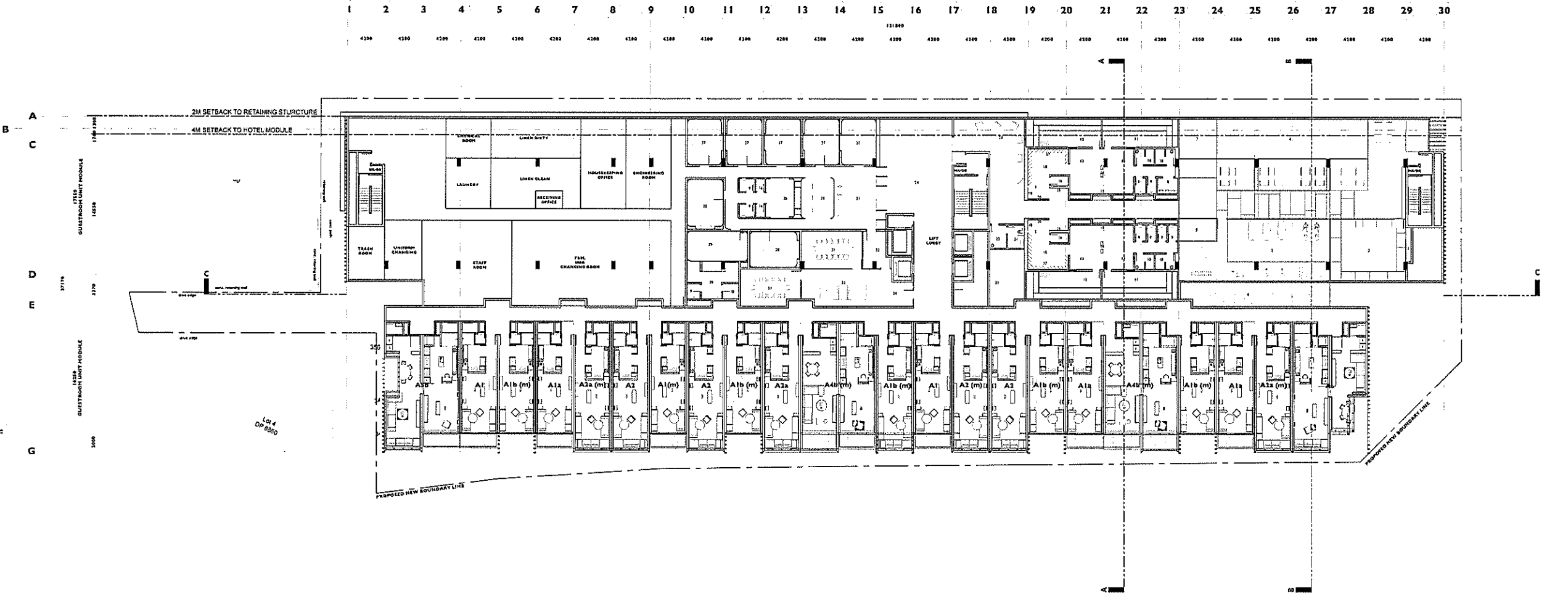
1ST LEVEL PLAN
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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180206

Tuesday, 22 January 2019



- | | | | |
|----|---------------|----|-----------------------------|
| 1 | PANTRY | 18 | CUSHION SEATING |
| 2 | YOGA | 19 | TOWEL RACK |
| 3 | GYM | 20 | MIRROR |
| 4 | OUTDOOR PLANT | 21 | ACCESSIBLE TOILET |
| 5 | SHALLOW POOL | 22 | CHANGING ROOM FOR DISABLED |
| 6 | SWIMMING POOL | 23 | LOUNGE |
| 7 | JACUZZI | 24 | RECEPTION |
| 8 | URINAL | 25 | REFLEXOLOGY |
| 9 | TOILET | 26 | POWDER ROOM |
| 10 | SHOWER ROOM | 27 | SPA ROOM TYPE 1 |
| 11 | STEAM ROM | 28 | SPA ROOM TYPE 2 |
| 12 | SAUNA ROOM | 29 | SPA ROOM TYPE 3 |
| 13 | BODY DRY AREA | 30 | SPA ROOM TYPE 2 SHOWER AREA |
| 14 | BASIN | 31 | MEETING ROOM |
| 15 | VANITY | 32 | PANTRY |
| 16 | CHANGING ROOM | 33 | BACK OF HOUSE |
| 17 | LOCKER | | |

2ND LEVEL PLAN
1:250

DESIGN DEVELOPMENT

20180815 REV A8

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LANDSCAPE DESIGNER

LIGHTING DESIGNER

NORTH



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JOB NO.

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REV

A8

3RD LEVEL PLAN
1:250

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180206

Tuesday, 22 January 2019



4TH LEVEL PLAN
1:250

DESIGN DEVELOPMENT

20180815 REV A8

PROJECT

PROPOSED HOTEL DEVELOPMENT AT
THOMPSON STREET, QUEENSTOWN,
NEW ZEALAND

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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
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6TH LEVEL PLAN
1:250

DESIGN DEVELOPMENT

20180815 REV A8

PROJECT

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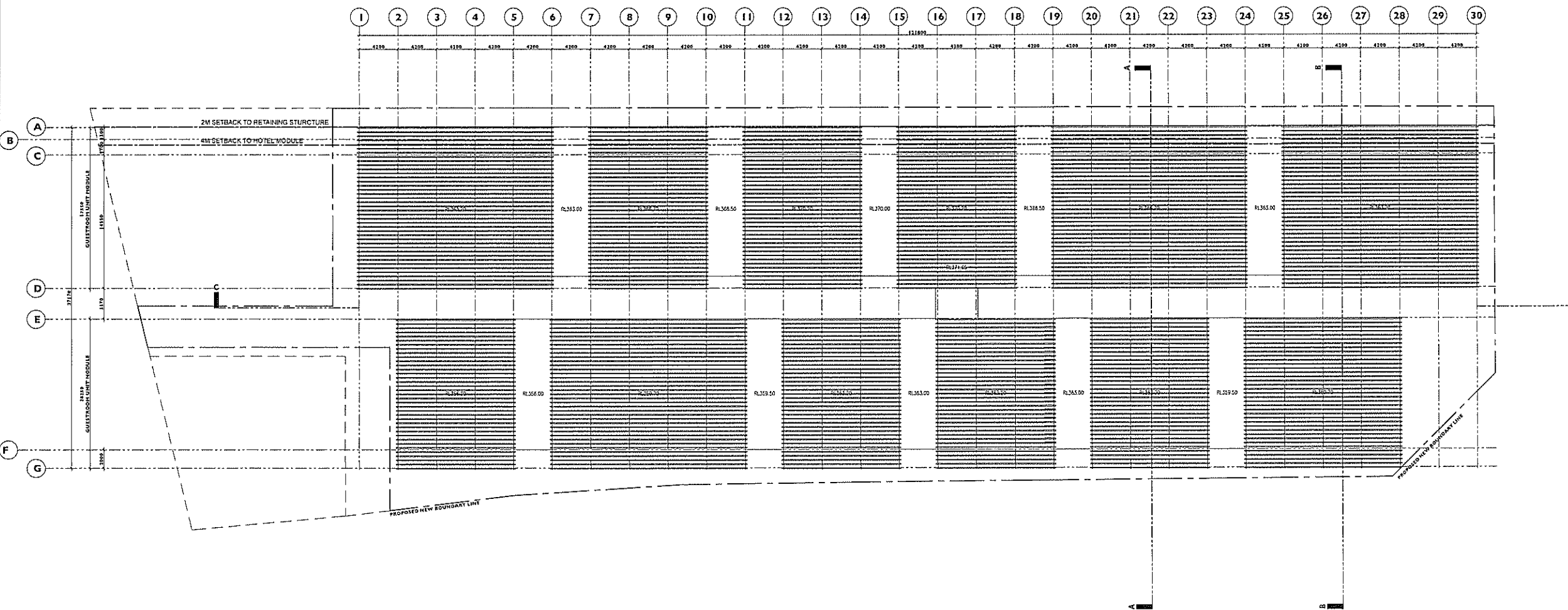
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ROOF LEVEL PLAN
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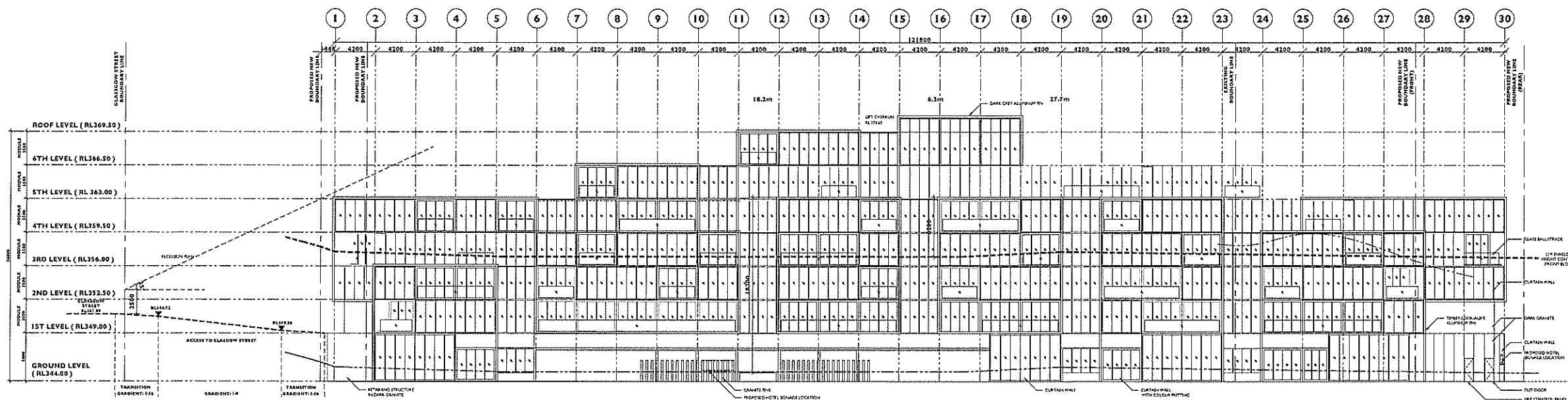
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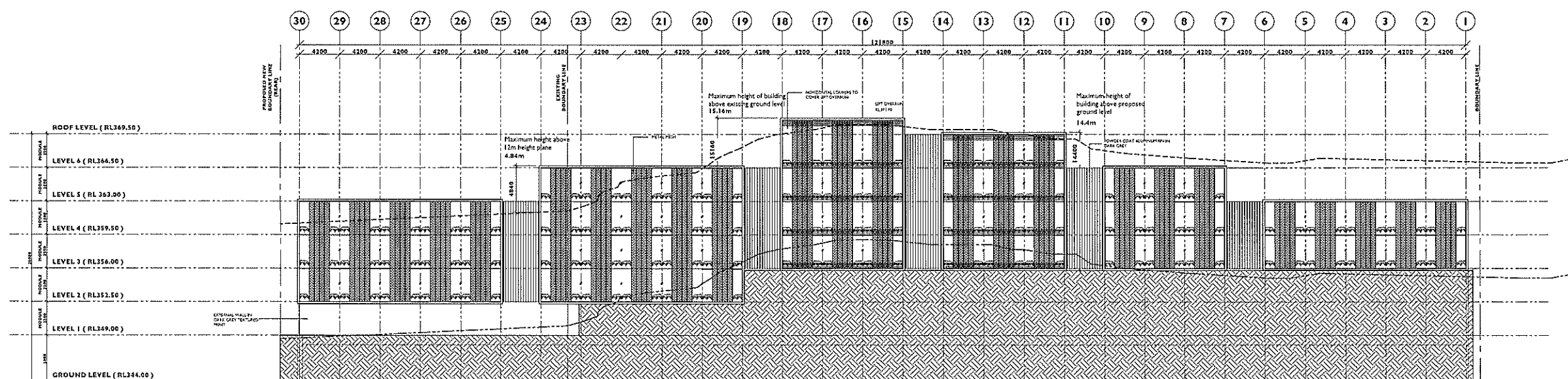
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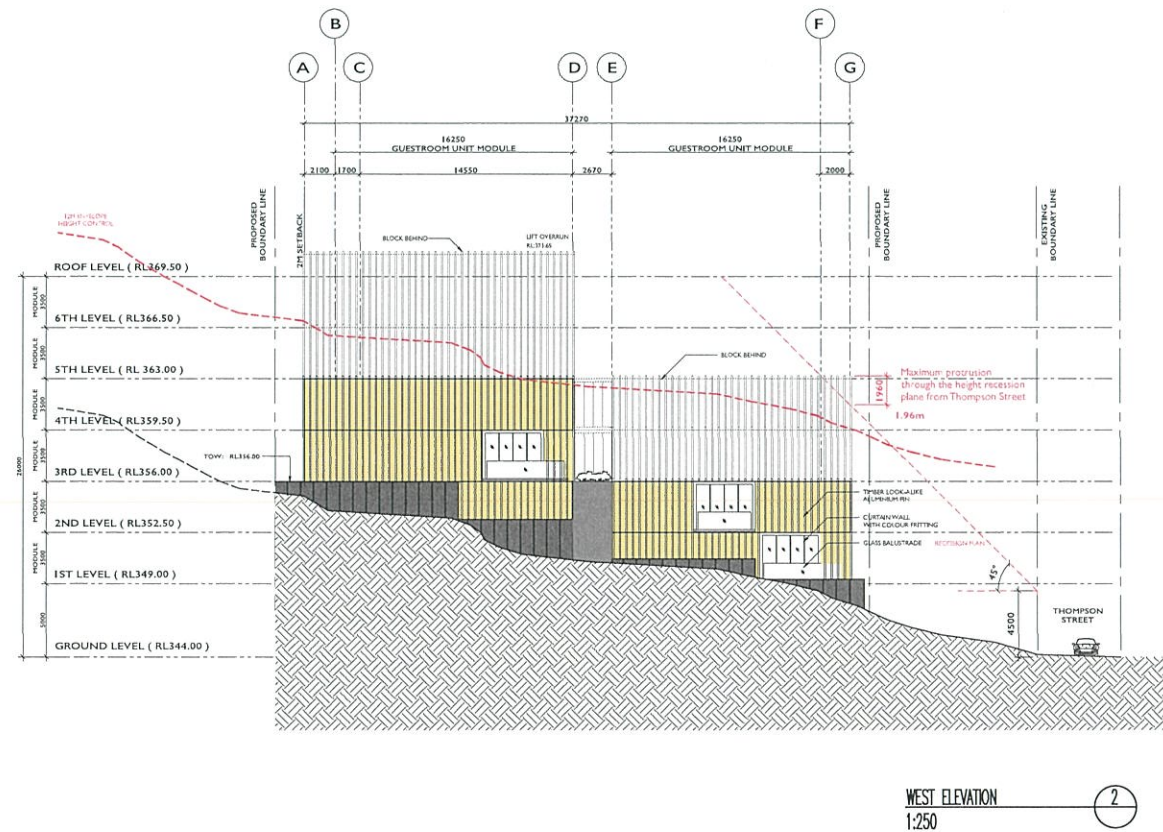
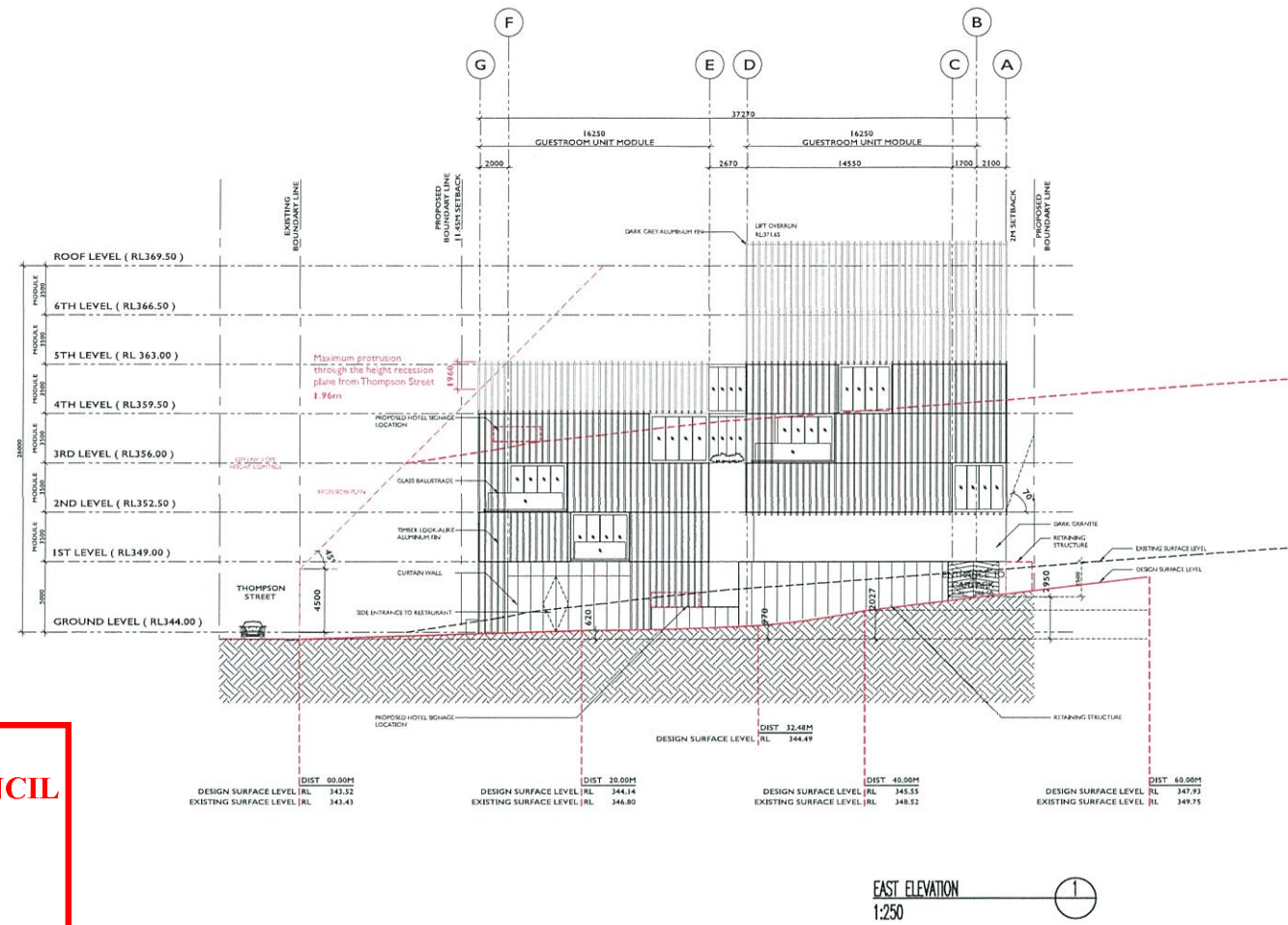
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SCALE

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JOB NO.

FILE NAME

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DRAWING NO.

REV

AUGUST 2018

048

A8

PROJECT

PROPOSED HOTEL DEVELOPMENT AT
THOMPSON STREET, QUEENSTOWN,
NEW ZEALAND

CLIENT

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LANDSCAPE DESIGNER

LIGHTING DESIGNER

NORTH



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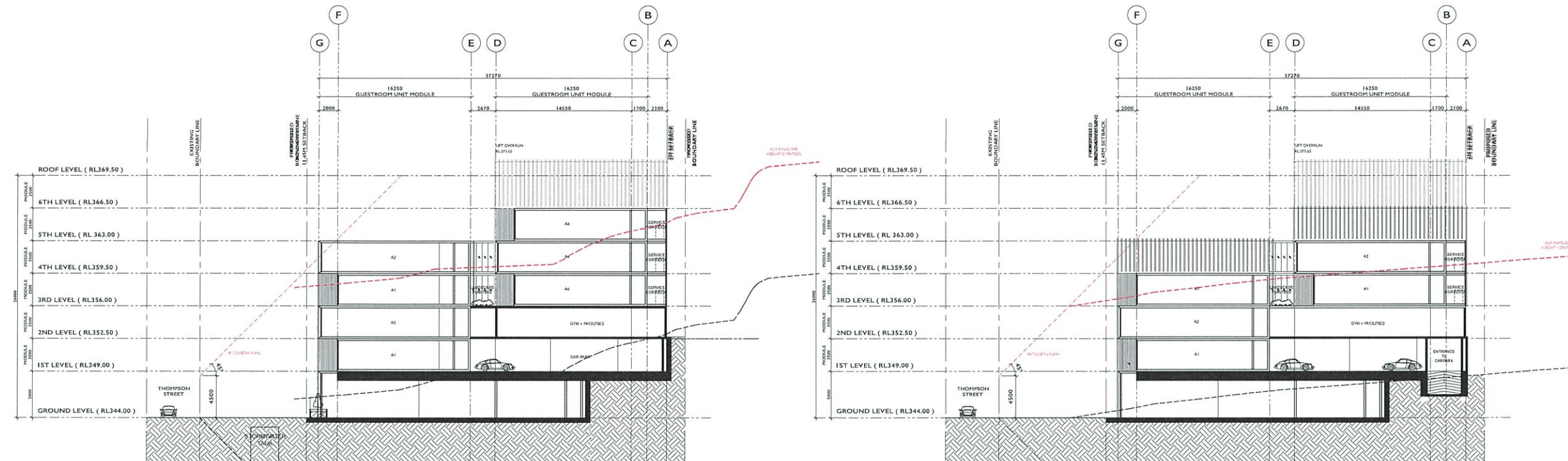
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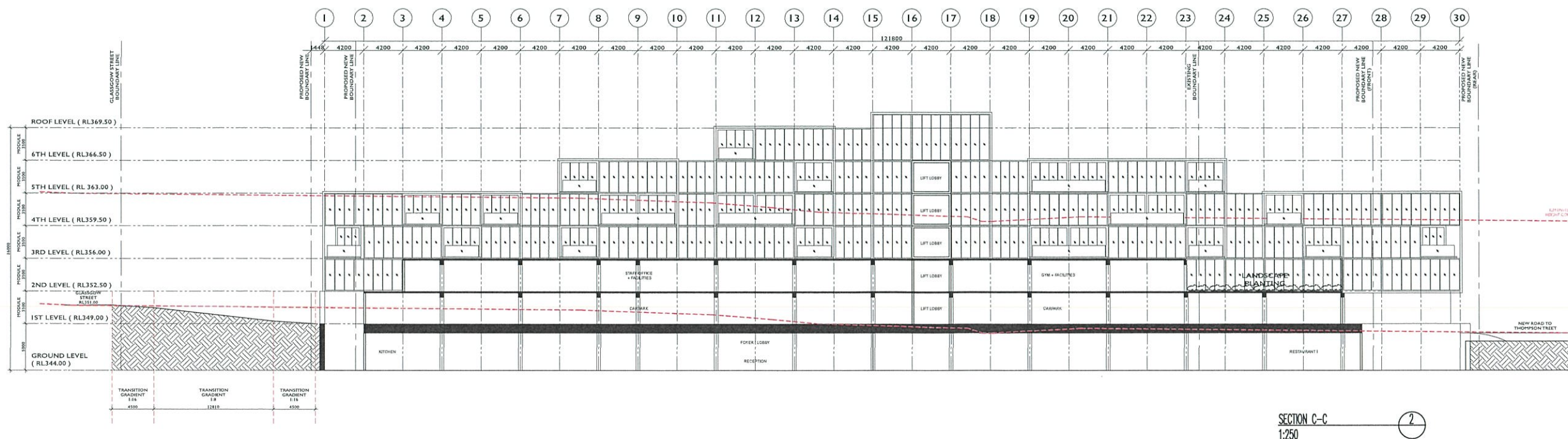
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM180206

Tuesday, 22 January 2019

SECTION A-A
1:250

SECTION B-B
1:250



SECTION C-C
1:250