

# DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL RESOURCE MANAGEMENT ACT 1991

Applicant:

Riverside Residential Limited

RM reference:

RM090259

Location:

Albert Town - Lake Hawea Road, Wanaka

Proposal:

Construction and operation of a private communal

recreational complex

Type of Consent:

Land use

**Legal Description:** 

Lots 230, 231 & 1001 Deposited Plan 414099, and Lots

226, 227, 228, & 229 Deposited Plan 413111 held in

Certificate of Title 455949

Valuation Number:

2906301581

Zoning:

Township and Open Space (Partially Operative District

Plan)

**Activity Status:** 

Non-complying

**Notification:** 

Non-notified

Commissioner:

Commissioner Sinclair

Date:

18 June 2009

Decision:

**Granted with conditions** 

This is an application for land use consent under Section 88 of the Resource Management Act 1991 to construct and operate a private communal recreational complex. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 17 June 2009. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is located on Albert Town – Lake Hawea Road, Wanaka and is legally described as Lots 230, 231 & 1001 Deposited Plan 414099, and Lots 226, 227, 228, & 229 Deposited Plan 413111 held in Certificate of Title 455949.

Under the Partially Operative District Plan the site is zoned Township and Open Space and the proposed activity requires:

- A restricted discretionary activity resource consent pursuant to Rule 9.2.3.3 as the proposal
  does not comply with Site Standard 9.2.5.1(iii) as the eaves of the proposed changing room
  building will be within 4.5 metres of the road boundary, being approximately 4 metres.
- A **restricted discretionary** activity resource consent pursuant to Rule 9.2.3.3 as the proposal does not comply with Site Standard 9.2.5.1(x) as the total area of the proposed buildings is greater than 40 square metres, being a non-residential activity. The total area of the two buildings is approximately 182.8 square metres.
- A non-complying activity resource consent pursuant to Rule 9.2.3.4 as the proposal does not comply with Zone Standard 9.2.5.2(vii) as the total area of the proposed buildings is greater than 60 square metres, being a non-residential activity. The total area of the two buildings is approximately 182.8 square metres.

Overall, the proposal was considered as a **non-complying** activity.

The application was considered on a non-notified basis in terms of Section 93(1)(b) whereby the consent authority were satisfied that the adverse effects of the activity on the environment will be minor and in terms of Section 94(2) whereby no persons were, in the opinion of the consent authority considered to be adversely affected by the activity.

## Decision

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

## **General Conditions**

- That the development be carried out in accordance with the plans **stamped as "approved plans" dated 16 June 2009** and the application as submitted, with the exception of the amendments required by the following conditions of consent. Approved plans are as follows:
  - Titled "Road Layout Option 2 Stage 3a", Revision C, by Paterson Pitts Partners Ltd, dated 10/06/09
  - Titled "Site Plan", drawing no. A1.02B, by Salmond Architecture, dated 03/06/09
  - Titled "Floor Plans", drawing no. A2.01, by Salmond Architecture, dated 20/04/09
  - Titled "Floor Plan Comm Centre", drawing no. A2.02, by Salmond Architecture, dated 20/04/09
  - Titled "Floor Plan Change Rooms", drawing no. A2.03, by Salmond Architecture, dated 20/04/09
  - Titled "Elevations", drawing no. A3.00, by Salmond Architecture, dated 20/04/09
  - Titled "Elevations", drawing no. A3.01, by Salmond Architecture, dated 20/04/09

- That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- The consent holder shall pay to the Council an initial fee of \$100 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.

## **Engineering Conditions**

- 4 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
- Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following engineering works required:
  - a) The provision of a water supply to the development in terms of Council's standards and connection policy. This shall include an approved valve and valve box on the property boundary that includes provision for the installation of a water meter. The costs of the connection shall be borne by the consent holder.
  - b) The provision of a foul sewer connection to the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the consent holder.
  - c) The provision of a connection from all impervious areas in the development to the subdivision's reticulated stormwater disposal system. The costs of the connection shall be borne by the consent holder.
  - d) The provision of fire hydrants with adequate pressure and flow to service the development with a Class FW3 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.
  - e) The construction and sealing of all vehicle manoeuvring and car parking areas to Council standards. Parking spaces shall be sized in accordance with Appendix 7 of the District Plan and be clearly marked out.
- 6 Prior to the occupation of the building, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans in accordance with Council's 'as-built' standards, and information required to detail all engineering works completed in relation to or in association with this development.
  - b) The completion and implementation of all works detailed in Condition (5) above.
  - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - d) The consent holder shall provide a suitable and usable telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Telecom.
  - e) The roading and pedestrian/cycle linkages to be constructed in Stage 3 of RM071215 shall be completed to Council's satisfaction, to ensure that there is suitable physical access to the complex.

# Review

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

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
- (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

#### Advice Note

The Council may elect to exercise its functions and duties through the employment of independent consultants.

## Reasons for the Decision

## Proposal

Consent is sought to construct a private communal recreational complex in Riverside Park, Albert Town.

The complex comprises the following:

- A 16 x 5.4 metre swimming pool;
- A 5.4 x 3 metre child's swimming pool;
- A 3 x 3 metre spa pool;
- A community centre with kitchen facilities and gymnasium;
- A changing room building, including workshop/storage areas and plant room;
- External hard and soft landscaped areas, including two timber pergolas; and
- An outdoor BBQ area.

The proposed community building is a single storey building approximately 14.01 metres long by 7.11 metres wide, excluding the roof eaves and a covered porch area at the northern most end of the building, reaching a maximum height of approximately 6.20 metres to the highest point of a pitched roof. The community building is within the eastern side of the site and is to be constructed out of Colorsteel roofing coloured 'Ironsand' or similar, with plyboard and batten wall cladding coloured 'Pitch Black' or similar. A timber deck extension is also proposed to the south of the building and a barbecue area to the north of the building. On the plans provided, the building is shown approximately 9.29 metres from the eastern most boundary of the subject site, being the closest boundary.

The changing room building is a single storey building approximately 11.65 metres long by 7.14 metres wide, excluding the roof eaves, reaching a maximum height of approximately 6.03 metres to the highest point of a pitched roof. The changing room building is within the southern portion of the site and is to be constructed out of Colorsteel roofing coloured 'Ironsand' or similar, with plyboard and batten wall cladding coloured 'Pitch Black' or similar. On the plans provided, the building is shown approximately 4.5 metres from the southern most boundary of the subject site, being the closest boundary. The eaves of the building extend a further 0.5 metres past this wall of the building.

The two proposed pergolas are to be located to the immediate west of the community building, running lengthways north south, and slightly north of the lap pool running lengthways east west. Each pergola is approximately 10.5 metres long by 2.3 metres wide, reaching a maximum height of approximately 2.7 metres and are to be constructed out of timber.

Earthworks have not been proposed as part of this application and landscaping includes grassed lawn areas, beech shade trees, a steel perimeter fence, and a boundary hedge including Griselinia.

## Site History

As described under resource consent RM081549, which was granted in December 2008 to delete an obsolete consent notice, the following site history is relevant:

Resource consent RM071044 granted subdivision consent on 20 February 2008 to subdivide a site into two allotments. Lot 1 is zoned Rural Residential and is located on the upper terrace, and Lot 2 is zoned Township and Open Space and incorporates the land known as Riverside Stage 6.

Resource consent RM071215 granted subdivision consent on 19 May 2008 to subdivide Lot 2 of RM071044 into 242 residential allotments, an allotment for a communal pool complex, a number of other lots to be vested in Council as reserve or road, and access allotments to be held in communal ownership by the lots they serve. Variations RM081362, RM081414, RM081442 and RM081541 have subsequently been issued to amend the subdivision layout, staging and access arrangements.

The Outline Development Master Plan for Riverside Stage 6 was granted under resource consent RM070996 in December 2007. RM081442 is the most recently granted variation to RM071215, which allows the subdivision to be carried out in 4 Stages, with a number of sub-stages in between.

## Site and Locality Description

As described under Resource Consent RM070996:

The land known as Riverside Stage 6 (the subject site) is 39.66 hectares in size...

The subject site is bounded by Aubrey Road to the west and south-west, Stage Highway 6 to the south-east and the existing settlement of Albert Town to the north. The site is triangular in shape and contains two flat river terraces separated by a steep escarpment of approximately 20m in height, that sweeps around the western edge of the site. The top terrace and escarpment face have been zoned Open Space Zone under Plan Change 12 and is vegetated predominantly with pockets of kanuka and exotic pasture grasses. The lower terrace is zoned Township and is currently vegetated with exotic pasture grasses with some small areas of wetland vegetation<sup>1</sup>.

The site is surrounded by residential development. The adjacent land to the west, south-west and across State Highway 6 to the east is zoned Rural Residential and contains lots of approximately 4000m² in size. To the north and north-east is the established settlement of Albert Town containing lots with a minimum lot size of approximately  $800m^2$ . Further to the north-east is the subdivision known as Riverside Terraces which is zoned Rural Residential but has lot sizes ranging from approximately  $2000m^2$  to  $4000m^2$ . The outstanding natural feature of Mount Iron is located to the west of the site

The proposed development is to take place within Lot 993, which is within Stage 4 of the Riverside development, located on the corner of Heron Street and Wren Street. The site is currently undeveloped and flat in topography.

#### Effects on the Environment

Land, Flora and Fauna

Earthworks associated with the proposed development were addressed under the original resource consent RM071215 for the subdivision of the site. The proposed development is therefore not

<sup>&</sup>lt;sup>1</sup> Palmer, D (2006) Riverside Stage 6 Plan Change – Albert Town. Ecological Assessment and Enhancement Plan.

considered to result in adverse effects over and above those previously assessed in terms of land, flora, and fauna.

#### Infrastructure

It is proposed to supply the development with infrastructure via Council reticulated services of water supply, effluent disposal, and stormwater control. Lakes Environmental's Engineer has assessed this application and has not highlighted any issues in terms of the use of Council's infrastructure, given modelling that has previously been undertaken in terms of the entire Riverside Park development. Standard conditions will apply to ensure all connections are made to Council standards.

Energy supply and telecommunications have also previously been made available to the site and the applicant intends on connecting to these existing services. Standard conditions will apply to ensure all connections are made to the standard of the appropriate utility provider.

Overall, with the appropriate conditions of consent, adverse effects in terms of infrastructure are considered to be de minimus, with no persons considered to be adversely affected by the development as proposed.

#### Natural Hazards

The site of the proposed development is not shown on the Council's Natural Hazards Register as being susceptible to natural hazards.

## People and Built Form

It is considered that the two main proposed buildings will appear residential in nature. This is because they have a modest scale with pitched roofs with gable ends and low height, large setbacks from adjacent residential sites, recessive exterior cladding materials, and landscape buffers and lawn areas.

It is further considered that since the proposed style of the buildings is consistent with that of residential character, it is likely to assist the development blending with the anticipated residential development surrounding the site.

The subject site is part of Stage 4 of the overall subdivision of the site, which has not yet been created. The applicant therefore currently owns all land surrounding the subject site. Once Stage 4 is fully developed, the subject site will be surrounded entirely by residential lots; therefore no parties are considered to be adversely affected by the development as proposed.

Although never assessed or granted consent under resource consents RM070996 and RM071215, provisions for the proposed development had been made, as indicated on the Outline Development Master Plan for Riverside Stage 6. Therefore, potential future buyers will be aware that a development of this nature in the proposed location could be anticipated.

The applicant has stated that the proposed complex is intended for the sole use of residents of Riverside Park and will not be open to the general public. The facility will be owned and maintained by the residents as a recreational facility and not a commercial entity.

The site plan provided shows the southern wall of the changing room building to be approximately 4.5 metres from the southern most boundary of the site, adjacent Heron Street. However, the elevational plans provided show the changing room building to have eaves that protrude a further 0.5 metres past the line of the building wall on the southern elevation, therefore coming within 4 metres of the southern road boundary setback. It is considered that this breach in road boundary setback will be de minimus given that it is only the eaves of the building and not the actual wall. In addition to this, a road reserve and car parking in association with the development will be located between the actual building and the Heron Street, which will further act to soften the built form. It is further noted that the site is not yet being used for residential purposes, given that it is still under construction in accordance with RM071215 and subsequent variations.

Overall, the adverse effects in terms of people and built form are considered to be de minimus, with no persons considered to be adversely affected by the development as proposed.

#### Culture

There are no known sites of cultural significance that have any relevance to this proposal.

## Traffic Generation and Vehicle Movements

Car parking within the subject site has not been proposed as part of this application. However, 18 car parks, including one disabled park, are located on the northern side of Heron Street, directly south of the subject site and the applicant proposes to use these parks in association with the development. It is considered that the parking demands of a complex of this nature are not strictly defined in the District Plan and based on a first principles approach, Traffic Design Group on behalf of the applicant have calculated that up to 21 parking spaces would be required to accommodate the range of facilities available.

Given that the proposed development is intended for the sole use of the Riverside Park residents, Traffic Design Group considers that a number of patrons are likely to use other means of transport, such as walking or biking, to get to the complex rather than drive. This theory is supported by Lakes Environmental's Engineer, Ms Robertson. It is therefore considered that 21 parking spaces are likely to be excessive in this instance.

Confirmation has been provided by GHD on behalf of the Council that the location of these parks within the road reserve is acceptable, with adequate number parking spaces available, being 18 car parks. This road has yet to be formally created through subdivision.

Ms Robertson has not raised any further issues in terms of parking design or layout as it is considered all aspects are able to comply with the requirements of the District Plan.

The proposed communal recreational complex will increase traffic generation and vehicle movements within close proximity to the subject site. In terms of vehicle noise, all of the surrounding land is currently owned by the applicant, therefore no parties are considered to be adversely affected in this instance. Likewise, no parties are considered to be adversely affected by increased traffic generation, given that all surrounding land is owned by the applicant, and purchasers of sites within Riverside Stage 6 have knowledge of the proposed communal recreational complex through the Outline Development Master Plan. As the communal recreational complex is for use by Riverside Stage 6 residents, traffic generation is expected to be contained within the wider Riverside Stage 6 site.

Overall, adverse effects in terms of traffic generation and vehicle movements are considered to be no more than minor, with no persons considered to be adversely affected by the development as proposed.

## Nuisance

As discussed above, no parties are considered to be adversely affected by noise and hours of operation as the applicant currently owns all of the adjoining land. Adverse effects in terms of nuisance are therefore considered to be nil, with no further parties considered to be adversely affected by the development as proposed.

## Summary of Effects

Overall, the adverse effects on the environment of the activity for which consent is sought will be no more than minor.

## **Assessment Matters**

Relevant assessment matters are found under section 9.3.2(xv) *Nature and Scale of Non-Residential Activities* of the District Plan and are addressed in turn below:

(a) The extent to which the scale of the activity and the proposed use of the buildings will be compatible with the scale of other buildings and activities in the surrounding area and will not result in visual dominance as a result of the area of buildings used, which is out of character with the low density residential environment.

As addressed in detail above, the proposed buildings are considered to be compatible with the anticipated residential development surrounding the subject site.

(b) The extent to which the character of the site will remain dominated by landscaping rather than by buildings and areas of hard surfacing.

Given the large area of the site, the small area of the proposed buildings, and the large areas of grassed and landscaped areas, it is not considered the character of the site will be jeopardised by the development as proposed.

(c) The extent to which the activity will result in the loss of residential activity on the site.

Although not approved under the ODMP, a number of sites, the subject site included, have been identified on the ODMP for use as recreational reserves.

(d) Any adverse effects of the activity in terms of vibration, glare, loss of privacy, traffic and/or parking congestion.

It is not considered that the development as proposed will result in adverse effects in terms of vibration, glare, loss of privacy, traffic and/or parking congestion given its relatively small scale.

(e) The extent to which the activity provides a local function by meeting the needs of residents within the surrounding residential environment or visitors to the township.

It is considered that the proposed development will provide a local function by providing a communal recreational complex for the Riverside Residential residents alone.

(f) The ability to mitigate any adverse effects of the increased scale of activity.

As addressed in detail above, it is not considered that more than minor adverse effects will come about as a result of the proposed development.

(g) The extent to which the proposed activity will detract from the pleasantness, coherence and attractiveness of the site.

Given the landscape buffers, grassed lawns, shade trees and hedges to be established within the site, it is not considered that the proposed activity will detract from the pleasantness, coherence and attractiveness of the site.

(h) Any adverse effects of the activity on the outlook of people on adjoining sites.

Given that Stage 4 of the development has not yet been created, potential future buyers of the adjoining residential allotments will be aware of the proposed development prior to purchasing.

(i) The extent to which the activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.

As discussed above, it is considered the proposed development will not appear out of character within the context of the site.

(j) The ability to screen the activity from adjoining roads and sites by alternative means.

Landscape buffers and hedges will be utilised to screen the development from adjoining properties. Dark recessive material will also be utilised in the construction of the buildings.

(k) The ability to mitigate any adverse effects of the activity on adjoining roads and sites.

As discussed above, it is not considered adverse effects will result on adjoining road and site.

## Objectives and Policies

The proposal has been considered in terms of the Objectives and Policies relevant to this application, which are contained within Section 9 *Townships* of the Partially Operative District Plan and are as follows:

Objectives - Riverside Stage 6

1. Comprehensive development within Riverside Stage 6...

#### **Policies**

6. To provide for a range of small scale non-residential activities in the towns subject to listed standards to ensure development consistent with the predominant residential environment.

15. To provide for safe attractive and usable community and outdoor spaces

The proposal is considered to be consistent with the above objective and policies. The development will provide a small scale community facility for the residents of Riverside Park that is not considered to be out of character with the surrounding residential environment.

The proposal has also been considered in terms of the objectives and policies contained within Part 14 *Transport* of the Partially Operative District Plan. Overall, as discussed in detail in the above assessment, the proposed development is not considered to be contrary to any provision and, therefore, it is not inappropriate to grant consent for the application as proposed. Developments of this scale and nature are consistent with that of the anticipated results for the Outline Development Master Plan for Riverside Stage 6.

## **Other Matters**

Local Government Act 2002: Development Contributions

This proposal will generate a demand for network infrastructure and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required. A 'Development Contribution Notice' which includes details of how the contributions were calculated will be forwarded to you shortly.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to commencement of the consent, except where a Building Consent is required. If a Building Consent is required, then payment shall be due prior to the issue of the code of compliance certificate or prior to the connection to Council services, whichever comes first.

## **Administrative Matters**

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Robyn Johnston on phone (03) 443 0409.

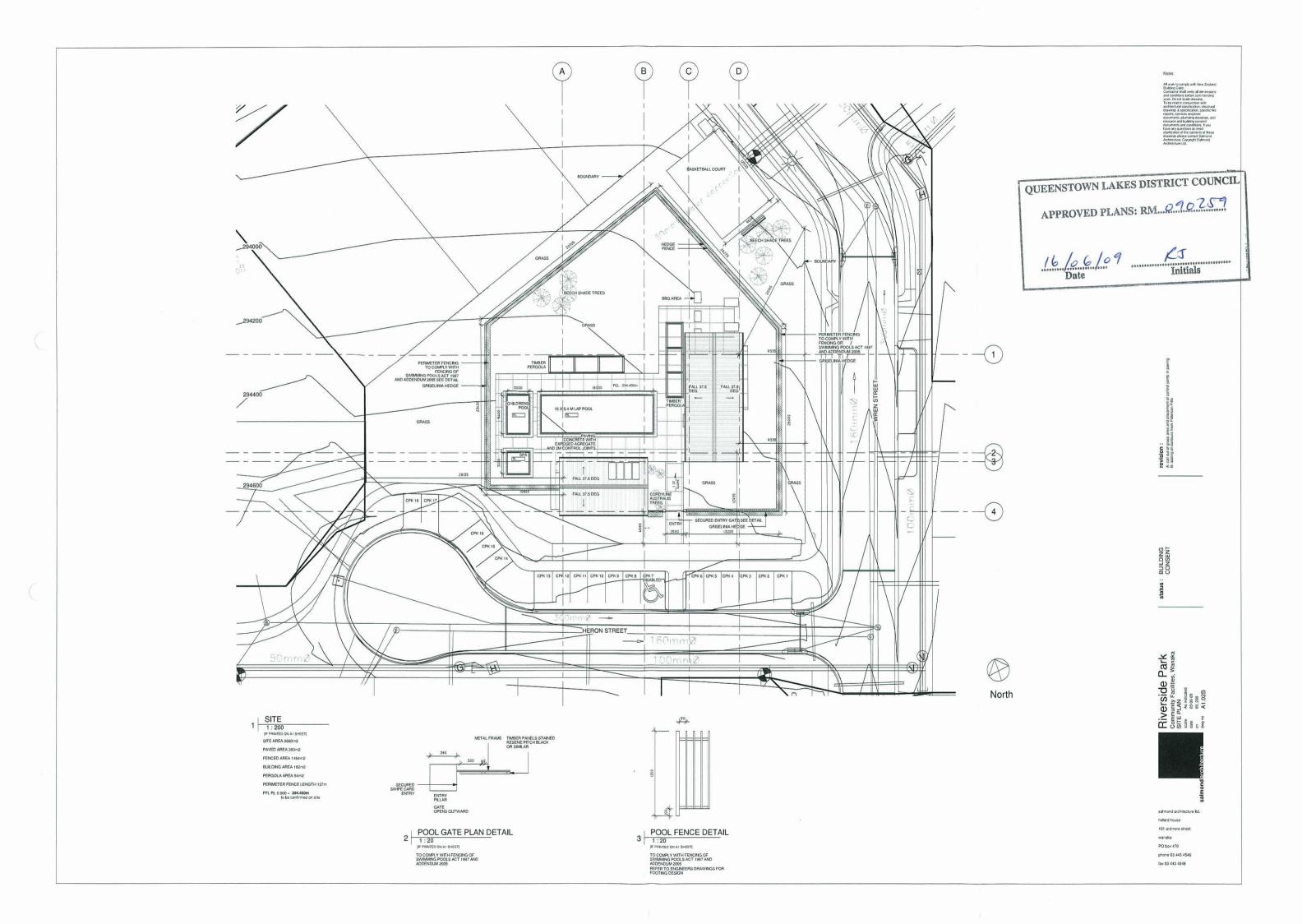
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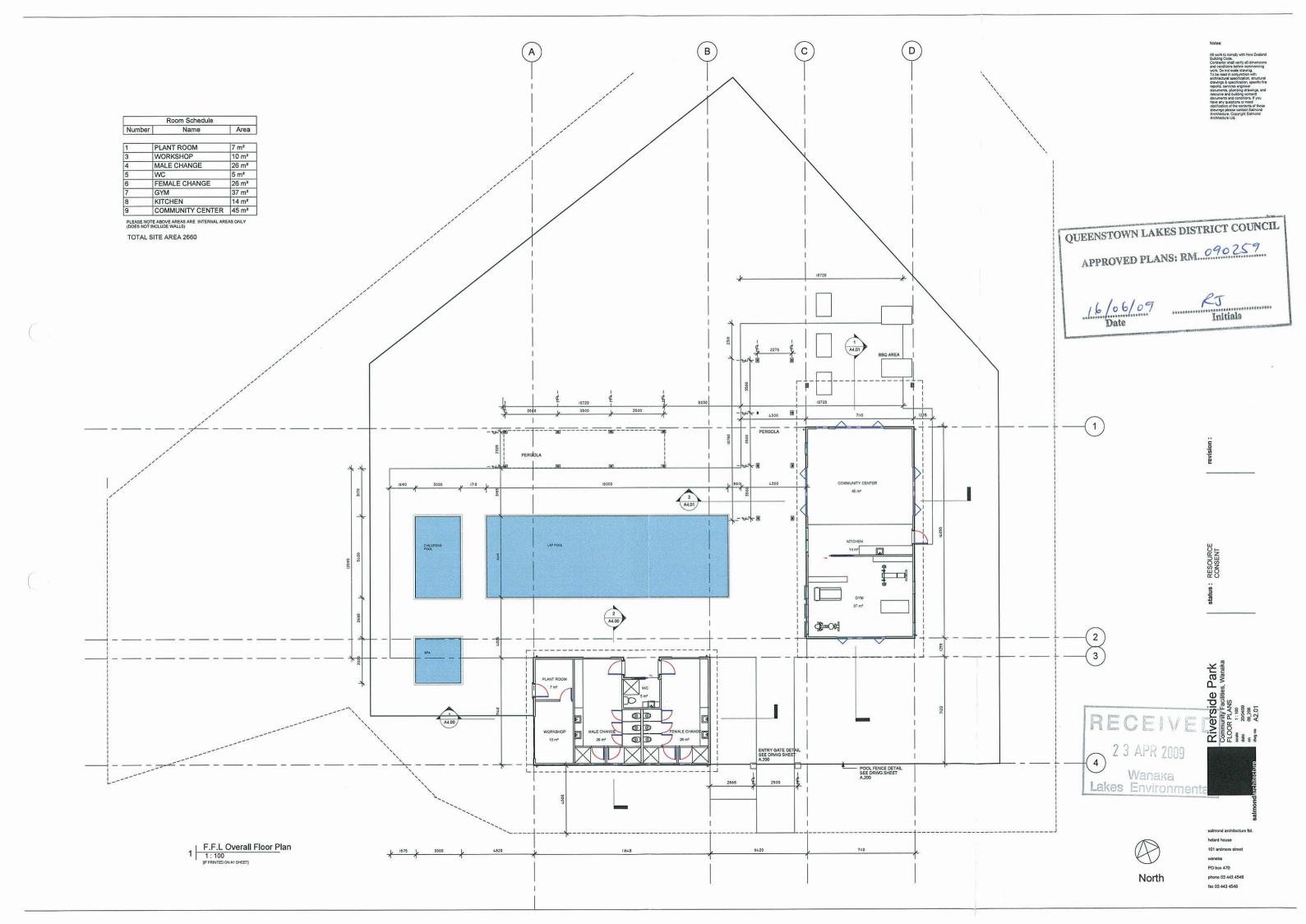
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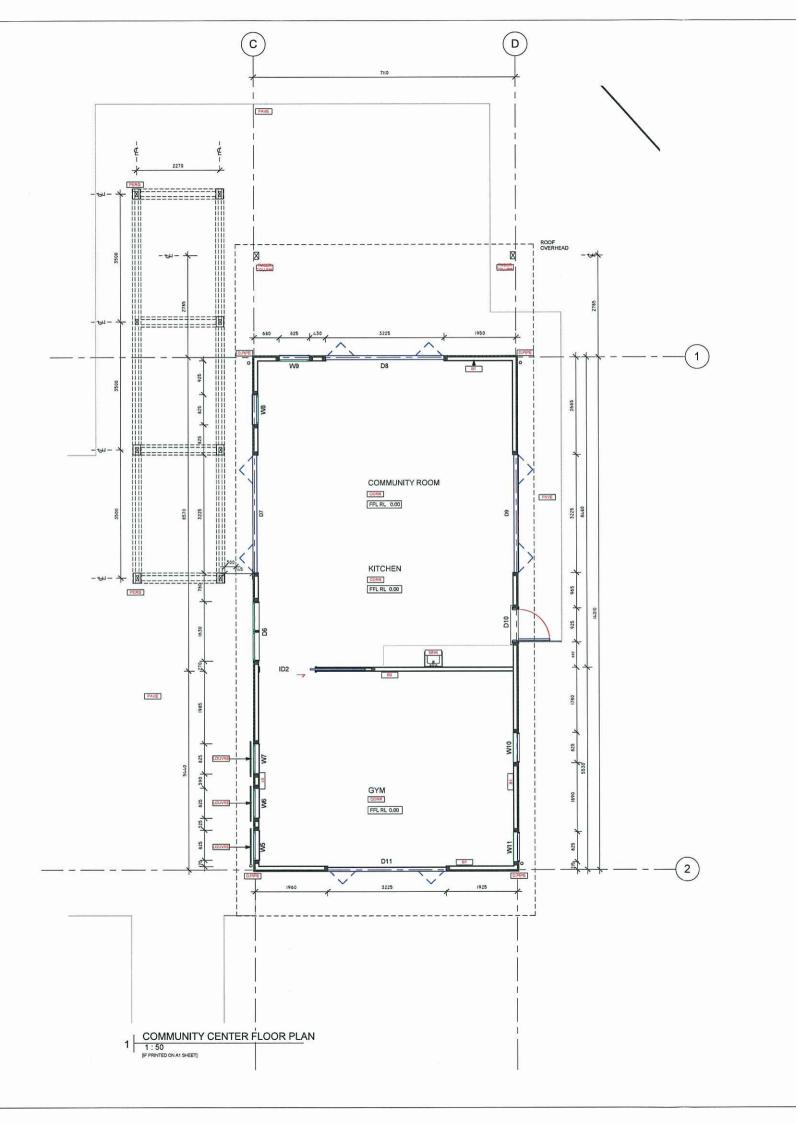
Robyn Johnston **PLANNER** 

Christian Martin
PLANNING TEAM LEADER (WANAKA)









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QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM. 090259

16/06/09 Date

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Riverside Park

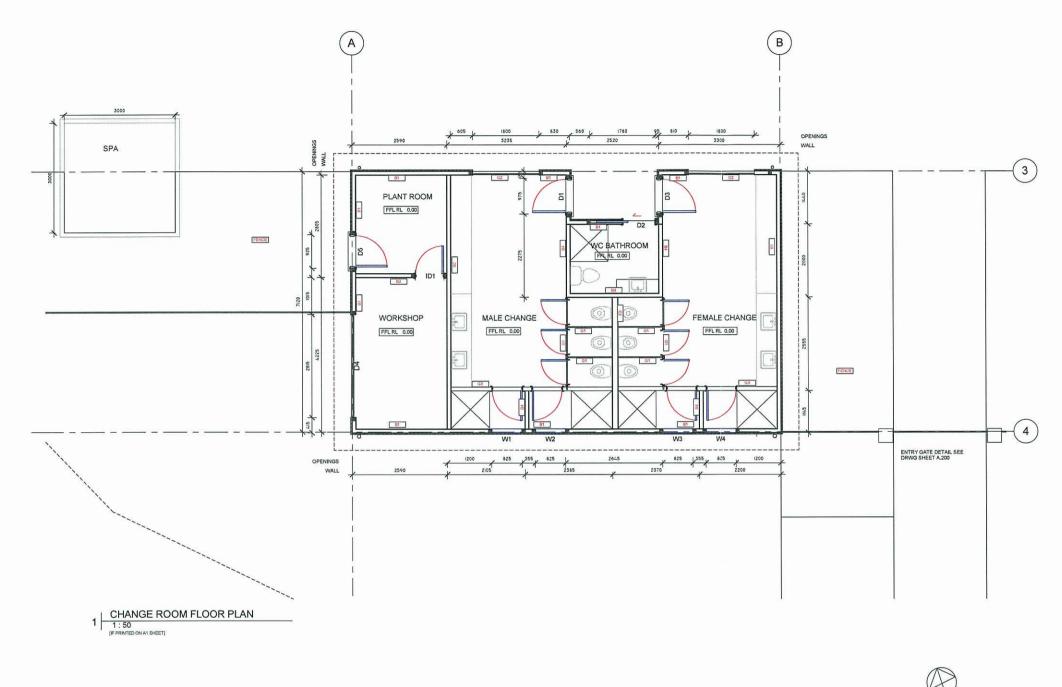
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QUEENSTOWN LAKES DISTRICT COUNCIL APPROVED PLANS: RM. 090 259 16/06/09 Date



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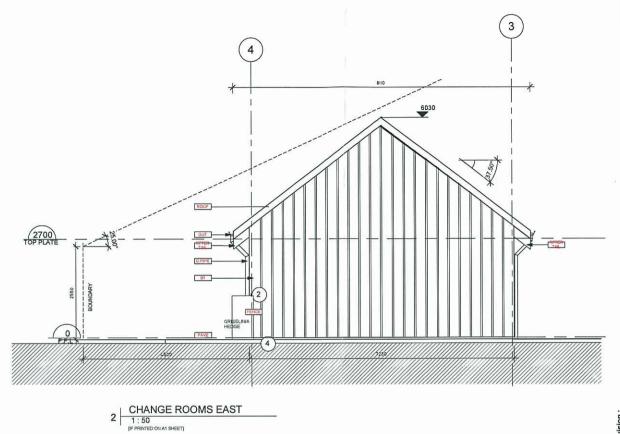
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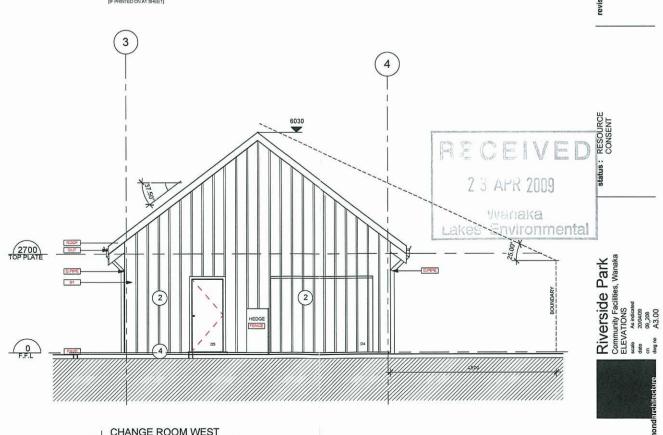
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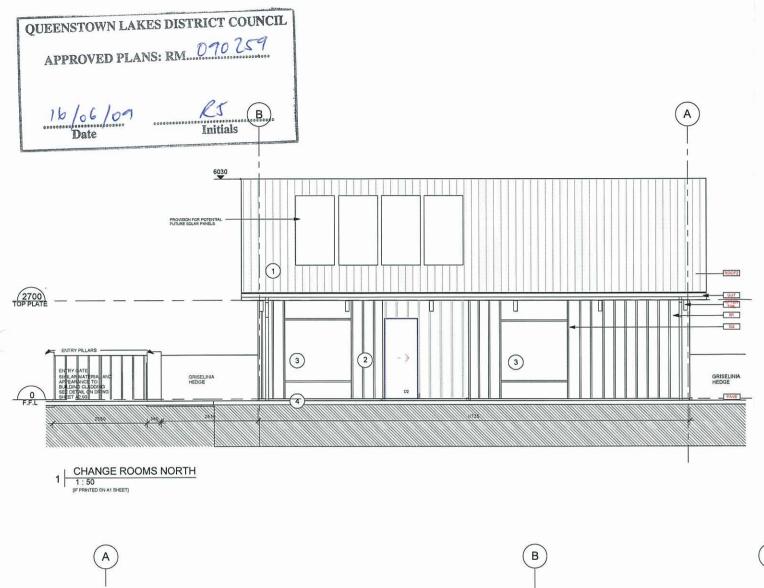
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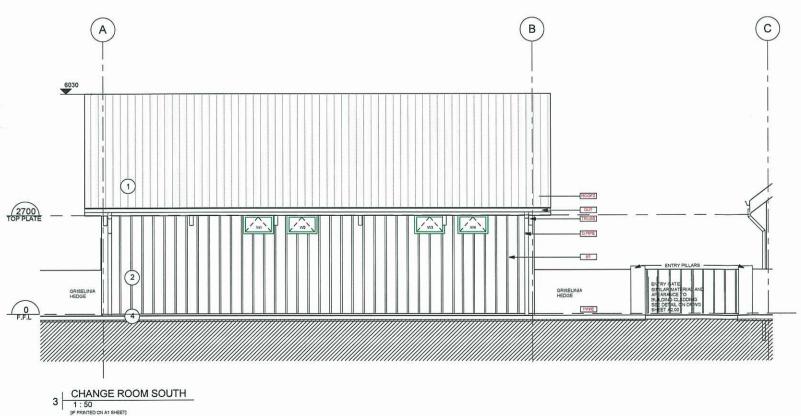
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