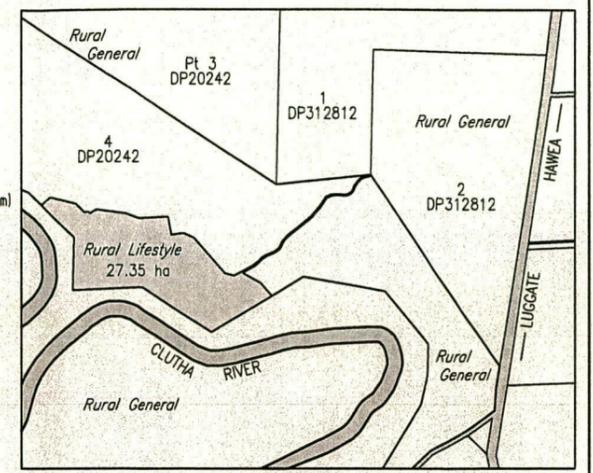


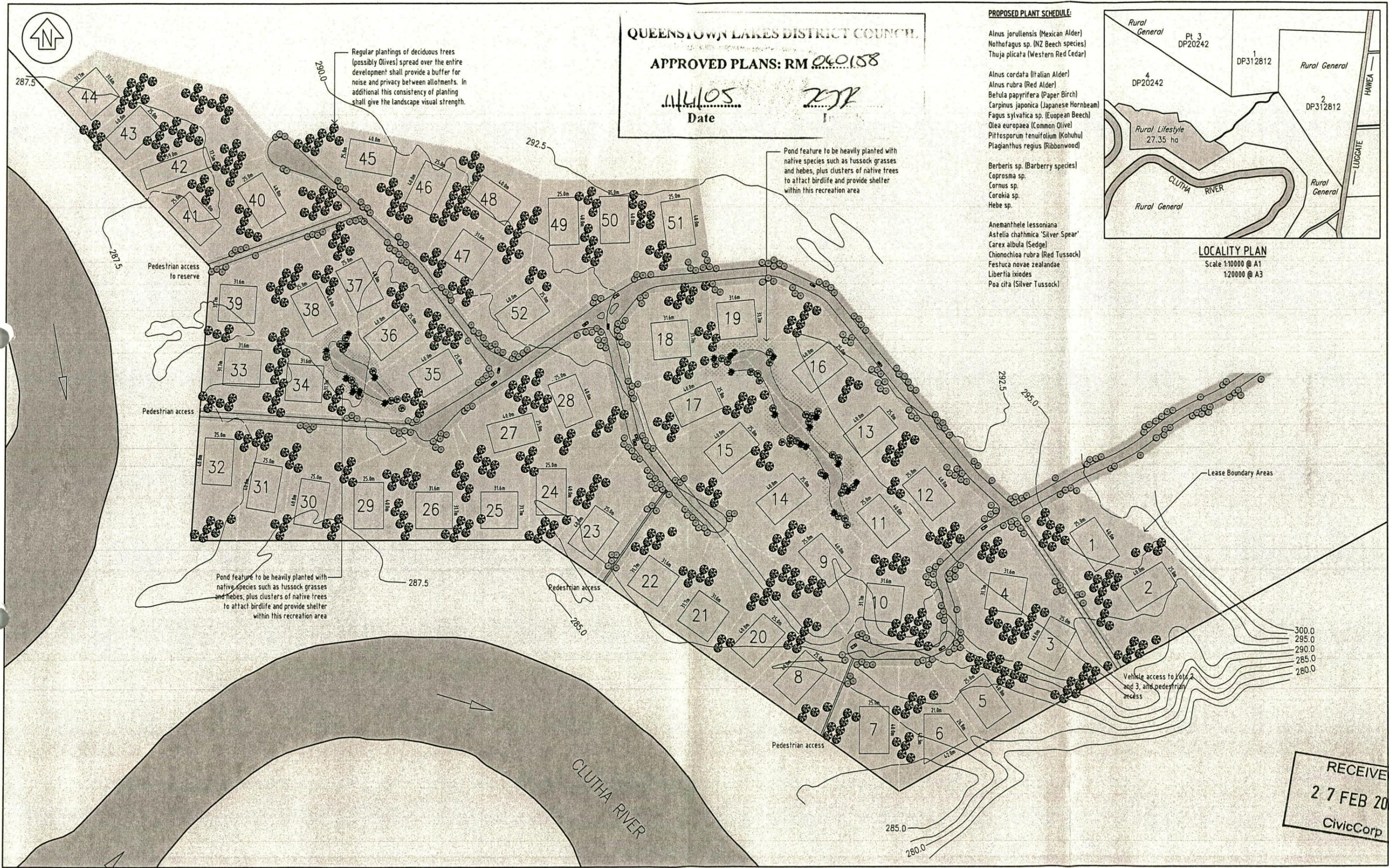
QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 040158  
 11/1/05 Date

PROPOSED PLANT SCHEDULE:

- Alnus jorullensis (Mexican Alder)
- Nothofagus sp. (NZ Beech species)
- Thuja plicata (Western Red Cedar)
- Alnus cordata (Italian Alder)
- Alnus rubra (Red Alder)
- Betula papyrifera (Paper Birch)
- Carpinus japonica (Japanese Hornbeam)
- Fagus sylvatica sp. (European Beech)
- Olea europaea (Common Olive)
- Pittosporum tenuifolium (Kohuhu)
- Plagianthus regius (Ribbonwood)
- Berberis sp. (Barberry species)
- Coprosma sp.
- Cornus sp.
- Corokia sp.
- Hebe sp.
- Anemanthele lessoniana
- Astelia chathamica 'Silver Spear'
- Carex albula (Sedge)
- Chionochloa rubra (Red Tussock)
- Festuca novae zealandae
- Liberia ixiodes
- Poa cita (Silver Tussock)



LOCALITY PLAN  
 Scale 1:10000 @ A1  
 1:20000 @ A3



RECEIVED  
 27 FEB 2004  
 CivicCorp

**CLARK FORTUNE  
 McDONALD &  
 ASSOCIATES**  
 REGISTERED LAND SURVEYORS LAND DEVELOPMENT  
 & RESOURCE MANAGEMENT CONSULTANTS  
 309 Lower Shotover Road, P.O. Box 553 Queenstown  
 Tel. (03)442-0990, Fax (03)442-1066, Email g.t.surv@xtre.co.nz

ISSUE	COMMENTS	BY	DATE
1			

DEVELOPMENT/SUBDIVISION PLAN

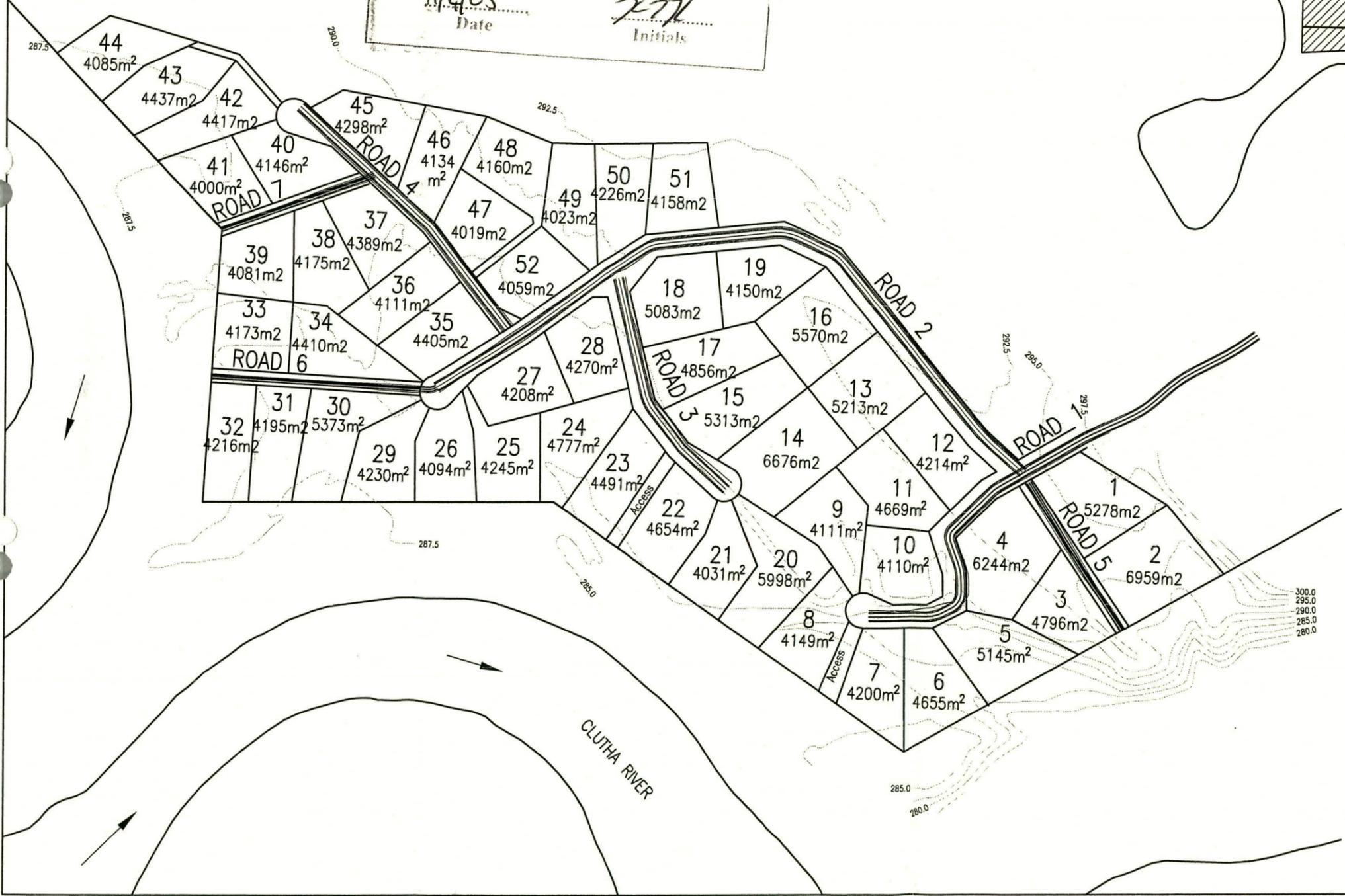
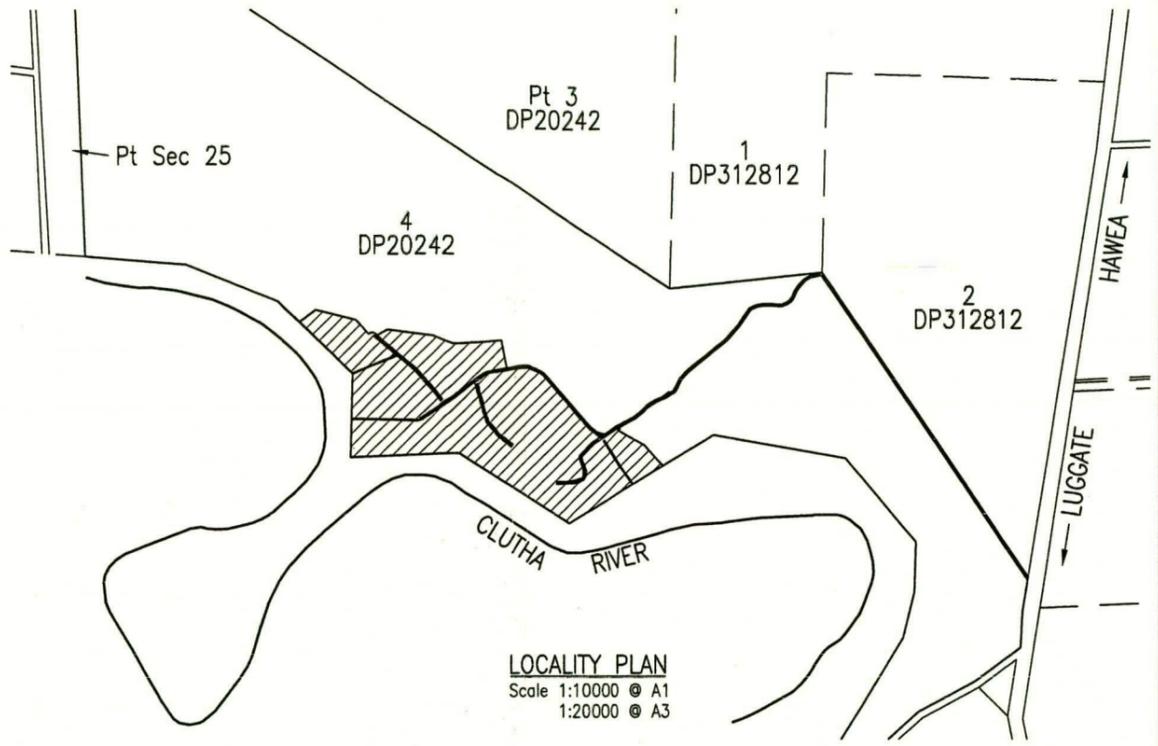
PROJECT:  
**Clutha Oasis**  
 PRINCIPAL:  
**Fox Rock Developments**

APPROVED:	DESIGN:
CHECKED:	DRAWN: ED (25.02.04)
REVISION	COMMENTS
	BY
	DATE

SURVEY:	LEVEL:
FB	LB
SCALE	DATUM
1:1500 @A1	OTAGO
1:3000 @A3	
JOB No.	DRAWING
8635	8635-02



QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM #040158  
 14/4/05 Date  
 JTT Initials



NOTES  
 1. Areas & Dimension Subject To Survey

**CLARK FORTUNE  
 McDONALD &  
 ASSOCIATES**  
 REGISTERED LAND SURVEYORS LAND DEVELOPMENT  
 & RESOURCE MANAGEMENT CONSULTANTS  
 309 Lower Shotover Road, P.O. Box 553 Queenstown  
 Tel. (03)442-0990, Fax (03)442-1066, Email g.l.surv@xtra.co.nz

ISSUE	COMMENTS	BY	DATE
1	Resource Consent	CCH	1 June 04

PROPOSED EXTENTS OF EARTHWORKS

PROJECT:  
**Luggate**  
 PRINCIPAL:  
**Fox Rock Developments**

APPROVED:	DESIGN: CCH		
CHECKED:	DRAWN: CCH		
REVISION	COMMENTS	BY	DATE

SURVEY:	LEVEL:
FB	LB
SCALE 1:2000 @A1 1:4000 @A3	DATUM OTAGO
JOB No. 8635	DRAWING 8635/6





Datum 280		0	20	40	60	80	100	120	140	160	180	200	220	240	260	274.2
VERTICAL ALIGNMENT									1:102.62 (0.97%)							
HORIZONTAL ALIGNMENT								TAN 120.33m								TAN 150.41m
DESIGN CENTRELINE	286.73	286.44	286.54	286.39	286.59	286.78	286.98	287.02	287.17	287.37	287.56	287.76	287.95	288.15	288.34	288.48
NATURAL SURFACE	286.73	286.44	286.54	286.39	286.59	286.78	286.98	287.02	287.17	287.37	287.56	287.76	287.95	288.15	288.34	288.48
DEPTH OF CUT/FILL (FROM EXISTING)	0.00	0.43	0.44	0.47	0.47	0.52	0.53	0.51	0.42	0.36	0.55	0.56	0.5	0.43	0.41	0.2
ROAD CHAINAGES	0	20	40	60	80	100	120	140	160	180	200	220	240	260	274.2	

Rd4->Rd4  
HORIZONTAL 1:500  
VERTICAL 1:500

Datum 281		0	20	40	60	80	100	111.81	112.53	125.86	130.22	140	160	180	200	220
VERTICAL ALIGNMENT								1:-35.57 (-2.81%)								
HORIZONTAL ALIGNMENT								TAN 112.53m								
DESIGN CENTRELINE	288.08	288.15	287.85	288.58	288.02	287.45	286.89	286.56	286.58	286.57	286.73	286.77	286.63	286.85	287.04	287.23
NATURAL SURFACE	288.08	288.15	287.85	288.58	288.02	287.45	286.89	286.56	286.58	286.57	286.73	286.77	286.63	286.85	287.04	287.23
DEPTH OF CUT/FILL (FROM EXISTING)	-0.62	-0.39	-0.71	-0.48	-0.33	-0.09	0.09	0.17	0.21	0.21	0.04	-0.02	-0.03	-0.01	0.01	0.06
ROAD CHAINAGES	0	20	40	60	80	100	111.81	112.53	125.86	130.22	140	160	180	200	220	

Rd3->Rd3  
HORIZONTAL 1:500  
VERTICAL 1:500

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLANS: RM 040158  
Date 11/4/05  
Initials ZZZ



ISSUE	COMMENTS	BY	DATE
1	Resource Consent	CCH	24.05.2004

LONGSECTIONS ROADS 3 AND 4

PROJECT: LUGGATE  
PRINCIPAL: FOX ROCK DEVELOPMENTS

APPROVED:	DESIGN: CCH
CHECKED:	DRAWN: CCH 24.05.04
REVISION	COMMENTS

SURVEY: MP - GPS	LEVEL: LB
SCALE 1:500 @A1 1:1000 @A3	DATUM OTAGO
JOB No. 8635	DRAWING 8635_5

Datum 281										
VERTICAL ALIGNMENT										1:201.6 (0.5%)
HORIZONTAL ALIGNMENT										TAN 187.19m
DESIGN CENTRELINE	286.97	286.97	286.69	286.87	286.72	286.73	286.79	286.89	287.08	287.18
NATURAL SURFACE	286.97	287.04	287.06	287.06	287.06	287.06	287.29	287.41	287.08	287.03
DEPTH OF CUT/FILL (FROM EXISTING)	0.0	0.32	0.33	0.33	0.33	0.33	0.5	0.52	0.21	0.21
ROAD CHAINAGES	0	11	20	40	60	80	100	120	140	160

Rd6->Rd6  
HORIZONTAL 1:500  
VERTICAL 1:500

Datum 286										
VERTICAL ALIGNMENT										1: 74.27 (1: .35%)
HORIZONTAL ALIGNMENT										TAN 87.3m
DESIGN CENTRELINE	293.66	293.66	293.39	293.12	292.85	292.58	292.48	292.38	292.31	292.04
NATURAL SURFACE	293.66	294.04	294.04	293.96	293.68	293.18	293.03	292.91	292.78	291.91
DEPTH OF CUT/FILL (FROM EXISTING)	0.0	0.23	0.64	0.84	0.83	0.6	0.55	0.53	0.46	-0.13
ROAD CHAINAGES	0	20	40	60	80	87.3	95.23	100	120	140

Rd5->Rd5  
HORIZONTAL 1:500  
VERTICAL 1:500

Datum 282										
VERTICAL ALIGNMENT										1:1029.33 (0.1%)
HORIZONTAL ALIGNMENT										TAN 139.54m
DESIGN CENTRELINE	287.64	287.64	287.66	287.67	287.69	287.71	287.73	287.75	287.77	287.77
NATURAL SURFACE	287.64	288.13	288.13	288.08	287.85	287.67	287.41	287.63	287.73	287.73
DEPTH OF CUT/FILL (FROM EXISTING)	0.0	0.47	0.47	0.41	0.16	-0.04	-0.32	-0.12	-0.04	-0.04
ROAD CHAINAGES	0	20	40	60	80	100	120	139.27	159.55	179.55

Rd7->Rd7  
HORIZONTAL 1:500  
VERTICAL 1:500

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLANS: RM 060158  
11/14/05 Date  
JJK Initials

LONGSECTIONS ROADS 5, 6 AND 7

**CLARK FORTUNE McDONALD & ASSOCIATES**  
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Tel. (03)442-0990, Fax (03)442-1066, Email c.f.surv@xtra.co.nz

ISSUE	COMMENTS	BY	DATE
1	Resource Consent	CCH	24.05.2004

PROJECT: LUGGATE  
PRINCIPAL: FOX ROCK DEVELOPMENTS

REVISION	COMMENTS	BY	DATE

APPROVED: DESIGN: CCH  
CHECKED: DRAWN: CCH 24.05.04  
SURVEY: MF - GPS  
SCALE: 1:500 @A1  
1:1000 @A3  
JOB No. 8635  
LEVEL: LB  
DATING: OTAGO  
DRAWING: 8635\_5

ORIGINAL

Decision No. C 70 /2006

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN E J CLEARY

(ENV C 77/05)

Appellant

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

AND BETWEEN QUEENSTOWN LAKES DISTRICT  
COUNCIL

(ENV C 100/05)

Appellant

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson (presiding)

Environment Commissioner K Edmonds

Environment Commissioner C E Manning

Hearing at Queenstown on 10 April 2006

Appearances: Mr T G Stapleton and Mr R Ibbotson for E J Cleary  
Mr G M Todd for the Queenstown Lakes District Council  
Mr G P Curry for Dr R L Congreve and the Congreve Family Trust  
(section 274 party)



## DECISION

### *Introduction*

[1] In January 2005 the Queenstown Lakes District Council issued a decision granting land use consent to the identification and use of 52 building platforms on 27.35 hectares of land zoned rural-residential, located on Kane Road, Hawea Flats in the Queenstown Lakes District. The decision was subject to a condition limiting its duration to 30 years and requiring that on the lapse of the consent all buildings be removed from the site and that identified building platforms be removed from the title. That condition is the issue in this case.

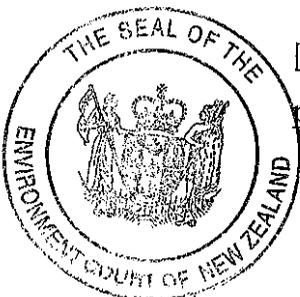
[2] The reason the resource consent was necessary is that by rule 8.2.2.2(i) of the Queenstown Lakes District Partly Operative District Plan ('PODP') the addition, alteration, or construction of buildings, including residential units within approved residential building platforms in that zone is a controlled activity.

[3] The land is part of a larger 190 hectare block, the remainder of which is zoned rural-general. Consent was also granted for 10,400 m<sup>3</sup> of earthworks across both the rural-residential and rural-general land relating primarily to the creation of an accessway from Kane Road. Earthworks of this volume are a restricted discretionary activity under the Partly Operative District Plan.

### *Background*

[4] The land is owned by Mr E J Cleary. The original consent was granted to Fox Rock Developments, but Mr Cleary gave notice of a change of name under Rule 111 of the District Court Rules and identified himself as the appellant. The consent was granted by the Council subject to 23 conditions. Appeals against various conditions were taken by the Queenstown Lakes District Council, which made submissions on the application, and by Mr Cleary. Dr Congreve and the Congreve Family Trust joined the proceedings as a section 274 party.

[5] By the time the matter was brought to hearing all matters had been agreed by the parties, except condition 23. This condition is:



Pursuant to section 116 of the Resource Management Act 1991, this consent shall lapse on a date 30 years after the registration of the proposed building platforms and the above covenants on the certificate of title for the property. All buildings shall be removed from the site, and the identified building platforms on the site shall be removed from the certificate of title, prior to this date.

Mr Cleary contends that the Council lacks jurisdiction to impose such a condition, and that even if jurisdiction exists, the condition serves no resource management purpose and should be cancelled by the Court. Dr Congreve seeks that the condition be upheld. The Council abides the decision of the Court but Mr Todd made submissions on the law to assist the Court.

[6] All parties accept that the reference to section 116 of the Act is an error, and if the condition is to remain, the phrase 'section 116' should be replaced by the expression 'section 123'.

[7] There is a further matter of significance to the parties. There is a restrictive covenant applying to the land on which Mr Cleary intends to erect houses in the following terms:

No subdivision of the [land] shall permit the creation of more than three separate allotments nor permit more than one dwelling to be erected on each allotment.

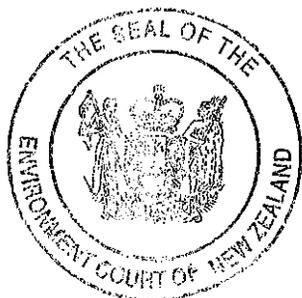
Whether that covenant restricts development of the type proposed is the subject of a case before the High Court, and we make no comment on that question. But the covenant may have relevance to these proceedings insofar as it may shed light on the scope of the application, or influence the receiving environment for the proposed development.

***The central issues***

[8] Whether condition 23 should stand turns on the scope of the application.

Consent cannot be granted for more than was applied for. In *Clevedon Protection Society v The Manukau City Council*<sup>1</sup> the Environment Court noted:

<sup>1</sup> C43/1997 at p. 20.



... the consent cannot go beyond those documents which set the initial framework and the limits beyond which the notification and consent cannot go.

There is then the question of whether the limitation serves a resource management purpose.

[9] Since Mr Curry, in submissions, made a plea that the consent be declined altogether, we also consider whether the Court has jurisdiction to make such a decision.

***The scope of the application***

[10] The application contained on Form 9 is notable for its brevity and lack of detail. The type of resource consent applied for is stated as:

Controlled Activity Land Use Consent for the Erection of Buildings pursuant to Rule 8.2.2.2 of the Partly Operative District Plan.

Attached to the application are four documents:

- an assessment of environmental effects (“AEE”);
- a certificate of title;
- a development/landscape plan;
- a servicing report.

Accompanying the application form and attached documents was a letter from the applicant’s advisors, Messrs Clark, Fortune, McDonald and Associates. It is only from the material which accompanies the application form that the Council would have been able to glean sufficient information to process the application.

[11] Under the heading “What is being sought”, the AEE states:

[r]esource consent is sought for:

- (a) The formation of an accessway to and within the development;
- (b) Approval for the location of buildings within the development (through the identification of 54 building platforms);



- (c) Approval for the external appearance of buildings, including materials and height;
- (d) Access, landscaping and earthworks associated with the development;
- (e) Services<sup>2</sup>.

No subdivision is proposed as part of this resource consent application.

[12] The letter accompanying the application, dated 27 February 2004, states:

The application is for a controlled activity land-use consent for the identification of 52 building platforms, design controls, structure landscaping and servicing. No subdivision is proposed as part of this application. It is intended that areas of land will be leased in accordance with the RM Act 1991 for a period less than thirty years (thus not constituting a subdivision).

It is signed by Mr Carey Vivian, a planner employed by the applicant's advisers at that time.

[13] The parties are agreed that the letter contains the only reference to a particular length of lease, although the AEE also refers to an intention to lease lots for a period of time "less than what constitutes a subdivision under the RMA, 1991"<sup>3</sup>, to leaseholders<sup>4</sup>, and to lease areas<sup>5</sup>. What is contested is whether the reference to less than 30 years in the accompanying letter is to be regarded as indicative only, as Mr Cleary contends, or whether it is to be construed as part of the application, as Dr Congreve and the Congreve Family Trust assert.

[14] The Environment Court held in *Robert William Brown v Central Otago District Council and Southland District Council*<sup>6</sup> that in that case the wider application included a covering letter. We now consider whether the covering letter in this case is to be regarded in the same way.

[15] We note that the statement in the covering letter is not inconsistent with any statement in any of the documents attached to the application. Further, to avoid the operation of the covenant described in paragraph [8], the applicant must provide for the 52 building platforms he proposes without subdividing the land. Section 218 of the

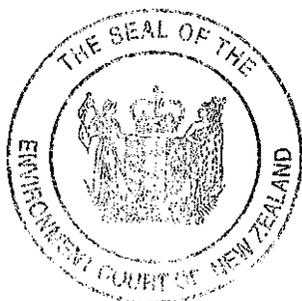
<sup>2</sup> It is the applicant's advisers who use capitals after the colon and semi-cola.

<sup>3</sup> AEE p. 3.

<sup>4</sup> AEE pp. 3-4.

<sup>5</sup> AEE pp. 3,5.

<sup>6</sup> C56/1997 at p.6.



Resource Management Act defines subdivision of land as the division of an allotment by (amongst other means) the lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years<sup>7</sup>. The statement in the covering letter is the most precise statement of how the applicant proposes to avoid subdivision, and as such, complements and amplifies the statement in the AEE that lots are to be leased for a specified period of time less than would constitute a subdivision under the Act.

[16] There is force in the submission of Mr Curry that the statement in the applicant's covering letter was widely relied on. Some time after notification of the application the Council's solicitors relied on it in advising Civic Corp, the Council's agents in resource management matters. This is made clear in a letter dated 15 October 2004. While in some of their correspondence between submitting the application and notification of it, in response to requests for further information under section 92 of the Act, Mr Cleary's advisers were reluctant to disclose further details of any leasing arrangements, they at no point resiled from or disclaimed the term stated in the initial covering letter.

[17] We note the following passage from Mr Curry's cross-examination of Mr C B Ferguson<sup>8</sup>, a resource management planner called by Mr Cleary:

Mr Curry:	Now would you agree that it was entirely reasonable for all of these parties [the Council, the submitters, Civic Corp, the Council's solicitors, and the Commissioner] to rely on that letter?
Mr Ferguson:	Yes I can see where the linkage has been made with the various submissions and documents you've just raised, yes.

We also accept that the Council and its Commissioner were entitled to rely on the letter and treat it as part of the application.

[18] Mr Stapleton, for Mr Cleary, submitted and advanced the argument through cross-examination, that even if the covering letter of 27 February 2004 is construed as part of the application, it is to be taken as a statement that there will be no subdivision in terms of section 218 of the Act, not a statement about the duration of consent in terms of section 123. With respect, that is to cede the point: if the statement of intention in the

<sup>7</sup> Section 218(a)(iii).

<sup>8</sup> Notes of evidence, p. 30.



covering letter is part of the application, whether the time limit of 30 years is designed to avoid a subdivision under section 218, or to offer a limit to the duration of consent under section 123 does not matter. It is a statement that the applicant is seeking building platforms on parts of the land which are to be leased for 30 years. The applicant cannot have more than he applied for.

[19] We have considered whether the existence of condition 23 has any significance for the extent of the application. If an applicant cannot have more than was applied for, is condition 23 unnecessary? And, more importantly, does its existence suggest an intention to import a limit not inherent in the application?

[20] It may be that since the applicant has suggested a limit of 30 years in the covering letter, the type of restriction imposed in condition 23 would be implicit in condition 1, "that the development be carried out in accordance with ... the application as submitted". However a number of consent authorities do record in the consent restrictions which derive from the limits of the application, for the very good reason that a specific condition contained in the consent avoids the need for recourse to the application documents at a future date when the original parties to the consent have left the scene, or time has caused memories to fade. Moreover, section 123 is very specific that the period for which a land use consent (other than a consent for coastal reclamation or relating to uses of beds of rivers and lakes) is granted is unlimited unless otherwise specified in the consent. In those circumstances we find that the Council's Commissioner acted correctly in imposing a limit to the duration of the consent that was inherent in the application.

[21] We also find that since the application was for a consent to erect buildings and to lease areas that are part of the application site for periods of less than 30 years, not only did the Council's Commissioner have jurisdiction to impose such a time limit on the consent, he lacked jurisdiction to act otherwise. Mr Cleary's objection to an imposition of a time limit on a consent for the dwellings must therefore fail.

[22] However, since the limit is inherent in the application it would be better included in the statement of what is consented to rather than in an associated condition. Condition 23 is then amended to become a consequence of the expiry of the consent. A



reference to the expiry of consent under section 123, rather than lapse of consent, is more accurate and ensures there is no confusion with the provisions of section 125.

[23] We therefore consider that, prior to outlining conditions the consent should state:

[c]onsent is granted for a controlled activity land use for a period of less than thirty years for the erection of buildings pursuant to rule 8.2.2.2 of the Partly Operative District Plan.

[24] The conditions should then follow, and condition 23 should be amended to read:

Since, pursuant to section 123 of the Resource Management Act 1991 this consent expires 30 years after the registration of the proposed building platforms and the above covenants on the certificate of title for the property, all buildings shall be removed from the site, and the identified building platforms shall be removed from the certificate of title prior to this date.

[25] Condition 23 is thus a consequence of the consent applied for, and we do not need to consider whether the Council has jurisdiction to impose it. However, we do consider whether the limitation of the consent serves any resource management purpose, and also whether, as Mr Curry submitted, the consent should be entirely cancelled.

***Does the limitation of the consent serve a resource management purpose?***

[26] From the applicant's point of view there is a clear resource management purpose in the arrangements outlined in the covering letter of 27 February 2004. That purpose is alluded to in the parenthesis "thus not constituting a subdivision". It is to prevent the proposal being a subdivision in accordance with section 218(a)(iii) of the Act. So the condition is one of a number of means of achieving the applicant's purpose and enabling him (subject to the decision of the High Court) to provide for his development without falling foul of a covenant restricting the subdivision and use of the land.

[27] Beyond that it was Mr Cleary's contention that there was no resource management reason why the duration of this resource consent should be limited. In support of this contention Mr Cleary called evidence from Mr Ferguson. Mr Ferguson told us that apart from the requirement to obtain an earthworks consent, the proposed development achieves full compliance with all the relevant site and zone standards and achieved a lower density of building development than that permitted on the rural-



residential land. He considered that building was contemplated in this area, and was consistent with the relevant objectives and policies of the plan. That was also his view of the development as a whole. Mr Ferguson added that in terms of Part 2, the imposition of a condition limiting duration of the consent and requiring subsequent removal of buildings would disenable future generations by preventing their use of the housing and development opportunities afforded within this zone.

[28] We note that, with or without the condition, a covenant freely entered into by the then owners of the land prevents potential lessees of the buildings and allotted areas enjoying possession of a site for a period sufficient to constitute a subdivision in terms of the Act. It is trite to say that the purpose of the Act, subject to certain provisos, is to enable people and communities to provide for their well-being. But the Act does not envisage that the provisions of district plans – and the observance of them – will be the only means people use to do that. People may wish to ensure a higher standard of amenity than that guaranteed by the plan. Land sales not infrequently include restrictions on heights of buildings, covenants against further subdivision, design controls and the like which guarantee, in the view of the seller, higher levels of amenity and better resource management outcomes than those provided by the district plan. These additional restrictions become part of the expectations of the parties to the agreement, and the means by which they provide for their well-being.

[29] In this case, parties have made an agreement that the subject land will not be subdivided into more than three allotments, and that no more than a single house will be built on each lot. At the very least they have ensured for themselves that any effect of dwellings on the land in excess of three will be temporary, that is they will be there for a period less than constitutes subdivision. The Act, not surprisingly, distinguishes a temporary from a permanent effect. If a particular effect is adverse, it is likely to be less so if it is temporary than if it is permanent. There is a clear difference in effect between the consent limited in duration and including condition 23 and a consent without those features. In resource management terms, condition 23 allows the parties to the covenant, at least in the long-term, to provide for what is in their view a better level of amenity than the plan necessarily provides.



[30] We do not accept the argument put forward by Mr Ferguson that, since the applicant intends to undertake the proposed development in stages, condition 23, or the revision of it we have adopted, unreasonably prevents this. The application and supporting documentation does not qualify the 30 years as extending to lease arrangements which would come into effect progressively over time. In addition there were no legal submissions on how such an arrangement could work without involving subdivision under the Resource Management Act. We accept that condition 23, in specifying that the consent expires 30 years after the registration of the proposed building platforms and covenants on the certificate of title for the property recognises that the environmental effects of the development on the ground are likely to occur after that date.

[31] Mr Ferguson also disputed the requirement for the buildings to be removed from the site on the basis of his interpretation of the condition that the access road, driveways, earthworks, landscaping, water supply and wastewater infrastructure were allowed to remain, with all their attendant environmental effects. The Court received no legal submissions on the interpretation of this condition in the light of the scope of the application. However, since the application is for a period of 30 years only, none of the elements of the development package contained in the application have a right to remain beyond that period. These include:

- (a) the formation of an accessway to and within the development;
- (b) access, landscaping and earthworks associated with the development;
- (c) services

as outlined in the AEE.

[32] Mr J C Kyle, a planning consultant called by Dr Congreve, also noted that while purchasers of allotments made themselves familiar with the details included in conditions of resource consents applying to the property, in his experience few researched the details of planning applications. He considered it fair that condition 23 be included, because it placed before prospective purchasers at the outset the limited term for which the activity can exist at the site. He stated:



... there is in the vast majority of instances, an underlying presumption that the process of assessing and issuing resource consents is one having integrity and is one that is procedurally just. Where a consent is issued, and is issued subject to conditions, it is important that conditions squarely reflect all ongoing duties, obligations and restrictions that might effect an applicant and/or that applicant's successors in title. Consents often include conditions that have an enduring obligation. Conditions often define parameters within which consent holders are able to operate. As time wears on, the importance of consent documents incorporating all of the inherent duties and obligations arising from it in a clearly transparent way become all the more important.

He concluded that such effects as effects on the expectations of prospective purchasers, on the integrity of the plan and on the expectations of the community were all "valid" effects, and that a condition or conditions responding to them can fulfil a Resource Management Act purpose. We agree, and have suggested that Mr Kyle's concerns be met in the way outlined in paragraphs [23] and [24].

[33] We now consider whether the whole application should be refused.

***Should the whole application be refused?***

[34] At the close of his submissions Mr Curry urged the Court to express its disapproval by declining consent or at least to stay the decision pending other proceedings. The ground on which he made this submission is basically that the application is based on a misrepresentation and that what the applicant intends is a permanent subdivision. In support of that allegation he notes that the land use consent contains, without objection from the applicant, conditions normally found in subdivision consents, such as the requirement for a reserve contribution.

[35] Mr Stapleton submitted in response that the Court has no jurisdiction to decline the consents granted. For this he relied on the principle that when an appeal relates only to specific conditions, the Court has no power to refuse consent, and can only rule on the conditions challenged, or the amended conditions sought by the appeal, citing *Brown*<sup>9</sup>:

The general principle on Appeals is that even though an appeal to the Environment Court is heard *de novo*, it is still limited by the scope of the appeal. So if there is an appeal only against

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<sup>9</sup> C56/1997.



conditions of a granted consent, the Court has no jurisdiction to consider whether or not the resource consent should be granted. This is established practice whose principle is implicit in section 120 of the Act which grants the right to appeal: "... against the whole or any part of a decision ...". The right to appeal against only part of a decision (eg, as in this case, the part imposing conditions) would be pointless if that allowed other parties to raise other issues or if the whole resource consent was thereby open to question. An appeal against all (or nearly all) the conditions does not make the appeal against the consent itself. It is simply a wide appeal against conditions, but not so wide as to be against the consent.

[36] We also note that if an activity is described in a plan as a controlled activity, the consent authority (and on appeal this Court) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity<sup>10</sup>.

[37] In this case no appellant has sought in their appeal that the consent be declined. Moreover Rule 15.2.3.2 provides that any subdivision ... in any zone which complies with all the Site and Zone Standards shall be a Controlled Activity. In other words even if we were to conclude that what was intended was a subdivision, we doubt that we would have jurisdiction to decline consent totally —though of course such a finding may have an impact on other proceedings.

[38] A finding that subdivision was intended might however give cause to stay the issuing of the decision. The assessment criteria for subdivision are not the same as those for buildings in the rural-residential zone, and there would be an argument of the kind made by Mr Curry that the scrutiny of all interrelated resource consents is essential to the sound management of resources. That line of reasoning finds support in the judgement of the then Planning Tribunal in *AFFCO NZ Limited v Far North District Council*<sup>11</sup>:

The value of integrated decision-making is apparent from the purpose of the Act and from the considerations stipulated by section 104. Unless all the effects, positive and negative, of a proposal are assessed together, the consideration required to make the ultimate judgement whether the consent should be granted or refused may be incomplete and the balancing of them distorted.

<sup>10</sup> Section 77.  
<sup>11</sup> [1994] NZRMA 224.



We would not wish to say that the same principle could never apply in the case of controlled activities where the issues to be decided relate solely to the appropriate conditions of consent, though we accept there are occasions when it may be less significant.

[39] However, the application as we have construed it in paragraphs [1] – [25] of this judgement is not for subdivision but for houses to be constructed on land that is to be leased for not more than 30 years. We are not persuaded that a condition requiring a reserve contribution undermines that position. If houses are to be built and occupied for slightly less than 30 years, their occupants during that period will place demands on the recreational facilities of the district. In broad terms the amount required as a reserve contribution is modest and appears to reflect the temporary nature of their occupancy. Such a condition is fair, and unchallenged.

[40] What has given us cause to hesitate and examine this question at such length is a passage in the applicant's own evidence given by Mr Ferguson. Mr Ferguson wrote<sup>12</sup>:

The imposition of a condition limiting the duration of the consent and subsequent removal of buildings is likely to disenable future generations to take advantage of the housing and development opportunities afforded within the zone. While this will have economic consequences for Big River Paradise [the company proposed to be involved in the development at the time Mr Ferguson wrote his evidence] it will also contribute to the wider loss of available and suitably zoned land to undertake low density residential living.

Of course Mr Ferguson may have been writing of the loss of five years between the length of use afforded by the condition and the maximum length of occupancy by lease before the leases constitute a subdivision, but the language gives the impression of looking beyond that.

[41] However, evidence given on behalf of a party cannot extend the scope of an application or alter the fact that what is applied for is consent to build houses on areas of land to be leased for not more than 30 years. But Mr Ferguson's evidence shows how

<sup>12</sup> Para 61, evidence-in-chief.



easy it is for even a professional adviser to misconstrue the effect of constructing houses for which freehold title cannot be made available because of the existence of the covenant, and how important it is that the limitation on the duration of consent, and the consequences of it described in condition 23, appear on the face of the consent.

***Outcome***

[42] We accept that the Court has no jurisdiction to decline the consent nor reason to stay its decision. The position of Dr Congreve that a limit on the duration of the consent should be imposed, is upheld. That limit is to be stated prior to outlining conditions as explained in paragraph 23.

[43] In consequence condition 23 amended to read as follows is confirmed as part of the agreed conditions attached to the land use consent:

Since, pursuant to section 123 of the Resource Management Act 1991, this consent shall expire on a date 30 years after the registration of the proposed building platforms and the above covenants on the certificate of title for the property, all buildings shall be removed from the site, and the identified building platforms on the site shall be removed from the certificate of title, prior to this date.

[44] Costs are reserved. Any application should be made within 15 working days and any reply within a further 15 working days.

DATED at CHRISTCHURCH

8<sup>th</sup> June 2006

*C E Manning*  
 C E Manning  
 Environment Commissioner



*K A Edmonds*  
 K A Edmonds  
 Environment Commissioner

Issued<sup>13</sup>: - 8 JUN 2006

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**CIV.2005 404 6809**

BETWEEN

ROBIN LANCE CONGREVE, ERICA  
MARGARET CONGREVE AND  
THOMAS ALBERT CECIL MURRAY IN  
THEIR CAPACITIES AS TRUSTEES OF  
THE CONGREVE FAMILY TRUST  
Applicants

AND

BIG RIVER PARADISE LIMITED  
Respondent

Hearing: 21 February 2007

Counsel: G P Curry for Applicants  
T G Stapleton for respondent

Judgment: 8 March 2007

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**RESERVED JUDGMENT OF WILLIAMS J**

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**This judgment was delivered by  
Hon. Justice Williams  
on  
8 March 2007 at 4:00pm  
pursuant to R 540(4) of the High Court Rules**

.....  
**Registrar/Deputy Registrar**  
**Date: .....**

---

Solicitors:  
Russell McVeagh (G P Curry/D Minhinnick), P O Box 8, Auckland  
Evans Henderson Woodbridge (J F C Henderson) P O Box 326 Marton

Copy for:  
T G Stapleton, P O Box 25420 Wellington  
Wendy Pukeiti, Case Officer, High Court Auckland

- A** There will be a declaration under the Declaratory Judgment Act 1908 s 3 that the true meaning and effect of the covenant contained in transfer 5066489.5 Otago Registry is to prevent the creation of more than three allotments of the servient lot as therein described or the construction of more than one dwelling on each such allotment.
- B** Order A answers issues (a)-(d) in Associate Judge Faire’s identification of the issues in his second case management conference Minute of 19 October 2006.
- C** The respondent’s objections to admissibility of certain evidence are upheld.
- D** Costs are to be dealt with in accordance with paragraph [75] of this judgment.
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**TABLE OF CONTENTS**

	<i>Paragraph</i>
<b>Introduction, Issue and Facts</b>	<b>[1]</b>
<b>Evidence</b>	<b>[16]</b>
<b>Construction of Covenant</b>	<b>[30]</b>
(1) <i>Submissions</i>	<b>[30]</b>
(2) <i>General</i>	<b>[44]</b>
(3) <i>Question (a)</i>	<b>[45]</b>
(4) <i>Question (b)</i>	<b>[55]</b>
(5) <i>Question (c)</i>	<b>[67]</b>
<b>Result</b>	<b>[72]</b>
<b>Costs</b>	<b>[74]</b>

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## **Introduction, Issue and Facts**

[1] In August 2001, the applicants, the Congreve Family Trust, entered into a contract with Poplar Beach Limited to buy 61.1 ha of land on the south bank of the Clutha River in central Otago for \$1.2 m. The contract was conditional on the vendor effecting a subdivision of the whole of its land, including lots 6 and 7, the land the Congreve Trust was buying, and approval of house sites on the land. Separate titles later issued. They were identifiers 104103 and 104104 Otago Registry. Although the contract contained provisions relating to the subdivision of the whole of the vendor's land, it omitted reference to the covenant at the heart of this case.

[2] Satisfaction of the conditions took time and it was not until 23 June 2004 that the Congreve Trust settled the contract. By that time, according to the agreed statement of facts, the transferor was Black Bag Limited. The copies of titles 104103 and 104104 put in evidence recorded a transfer of the lots to The Big River Company Limited being registered on 5 February 2004, followed by the transfer to the Congreve Trust, registered on 16 June 2005. Nothing appears to hang in this case on the corporate difference since a Mr Ferguson was a director of both companies and he and his wife were shareholders of Black Bag Limited.

[3] On the north bank of the Clutha - from the papers filed in this case it would seem approximately east or north-east of the land now owned by the Congreve Trust - was a block of some 190.83 ha. By transfers registered on 2 August 2001 the land was transferred, first, to Black Bag Limited, and then to a Mr Russell for \$2m subject to a covenant in the following terms:

It is the Transferors intention to create for the benefit of the land in ... Schedule A (called "the Dominant Lots") [*sic.*] Land Covenant set out in Schedule B over the land in Certificate of Title 11D/497 (called "the Servient Lot") TO THE INTENT that the Servient Lot shall be bound by the stipulations and restrictions set out in Schedule B ... and that the owners and occupiers for the time being of the Dominant Lots [*sic.*] may enforce the observance of such stipulations against the owners for the time being of the Servient Lot.

...

#### **SCHEDULE A**

Certificate of Title 18D/836

Certificate of Title 1257

#### **SCHEDULE B**

No subdivision of the Servient Lot shall permit the creation of more than three separate allotments nor permit more than one dwelling to be erected on each such allotment.

It was common ground that the Congreve Trust's titles form part of the "dominant lots".

[4] This proceeding seeks a declaration as to the correct interpretation of Schedule B.

[5] It arises because in about April 2003, a Mr Cleary became interested in buying CT 11D/497 and discovered the covenant registered against the title. He also discovered that in 2002, 27.35 ha of the servient lot had been rezoned rural residential with the balance of 163.48 ha remaining zoned rural general.

[6] Through one of his companies, Meath Nominees Limited, he entered into a contract on 23 May 2003 to buy the servient lot for \$3m. That contract was assigned to the respondent, Big River Paradise Limited, in June 2003, following its incorporation on 11 June. The purchase was settled on 13 June 2003 and the transfer to Big River Paradise Limited was registered on 19 September 2003.

[7] As an experienced developer, Mr Cleary considered Big River Paradise's options for development of the rural residential portion of the servient land.

[8] He took legal and planning advice and on 27 February 2004, under the name of Fox Rock Developments, applied to the Queenstown Lakes District Council for resource consent for 52 building platforms with associated landscaping on the rural residential section of the servient lot. Fox Rock's planners said in the application that:

No subdivision is proposed as part of this application. It is intended that areas of land will be leased in accordance with the RM Act 1991 for a period less than 30 years (thus not constituting a subdivision).

[9] On 7 August 2004, the District Council publicly notified of the proposal. It noted it involved some 10,400m<sup>2</sup> of earthworks with limitations on the size of the proposed building platforms - all were over 4000m<sup>2</sup> - and with buildings restricted to 6 m in height.

[10] The Congreve Trust opposed the application, saying, amongst other objections, that: “a restrictive covenant applies to the proposal land to restrict development of this very nature”.

[11] An independent Commissioner granted the application on 18 January 2005. So far as may be relevant to the present application, the Commissioner observed:

[36] ... there was the concern expressed by a number of submitters that the resource consent was contrary to the restricted covenant registered against the title, apparently entered into by the applicant (or a predecessor of the applicant) in favour of the airport (and therefore the Council), that the subject-land should not be subdivided into more than three separate allotments with one dwelling on each allotment (the covenant dated evidently 5 June 2001).

...

[40] ... It may well be that the existence of the covenant had the effect of persuading the parties who might otherwise have objected to the zoning of this land to withhold embarking upon what might have been a lengthy and costly involvement in Environment Court proceedings. However that may be, the covenant is an issue which is not amenable to any decision I have power to make. The applicant has carefully crafted its application in order not to offend against the letter of the covenant by subdividing the land. By proposing to provide leases of the length set out in the application, the applicant is in compliance with the Resource Management Act 1991 (as amended). Whether there will be a market for such leases is no doubt something the applicant has taken into consideration.

and included an appropriate limitation in the conditions of consent:

[12] In April and May 2005, the principal parties appealed, as did the Congreve Trust.

[13] However, the principal parties – but not the Congreve Trust – agreed to delete condition 23 from the consent and the Environment Court, in a reserved

decision delivered on 8 June 2006, dismissed the appeal for lack of jurisdiction. In discussing the evidence from Mr Ferguson, called by Mr Cleary, the Court observed:

[28] We note that, with or without the condition, a covenant freely entered into by the then owners of the land prevents potential lessees of the buildings and allotted areas enjoying possession of a site for a period sufficient to constitute a subdivision in terms of the Act. It is trite to say that the purpose of the Act, subject to certain provisos, is to enable people and communities to provide for their well-being. But the Act does not envisage that the provisions of district plans – and the observance of them – will be the only means people use to do that. People may wish to ensure a higher standard of amenity than that guaranteed by the plan. Land sales not infrequently include restrictions on heights of buildings, covenants against further subdivision, design controls and the like which guarantee, in the view of the seller, higher levels of amenity and better resource management outcomes than those provided by the district plan. These additional restrictions become part of the expectations of the parties to the agreement, and the means by which they provide for their well-being.

[29] In this case, parties have made an agreement that the subject land will not be subdivided into more than three allotments, and that no more than a single house will be built on each lot. At the very least they have ensured for themselves that any effect of dwellings on the land in excess of three will be temporary, that is they will be therefor a period less than constitutes subdivision. The Act, not surprisingly, distinguishes a temporary from a permanent effect. If a particular effect is adverse, it is likely to be less so if it is temporary than if it is permanent. There is a clear difference in effect between the consent limited in duration and including condition 23 and a consent without those features. In resource management terms, condition 23 allows the parties to the covenant, at least in the long-term, to provide for what is in their view a better level of amenity than the plan necessarily provides.

[31] Mr Ferguson also disputed the requirement for the buildings to be removed from the site on the basis of his interpretation of the condition that the access road, driveways, earthworks, landscaping, water supply and wastewater infrastructure were allowed to remain, with all their attendant environmental effects. The Court received no legal submissions on the interpretation of this condition in the light of the scope of the application. However, since the application is for a period of 30 years only, none of the elements of the development package contained in the application have a right to remain beyond that period. These include:

- [a] the formation of an accessway to and within the development;
- [b] access, landscaping and earthworks associated with the development;
- [c] services.

and amended condition 23 to read:

[23] Since, pursuant to section 123 of the Resource Management Act 1991, this consent shall expire on a date 30 years after the registration of the proposed building platforms and the above covenants on the certificate of title for the property, all buildings shall be removed from the site, and the identified building platforms on the site shall be removed from the certificate of title, prior to this date.

[14] An appeal to this Court was dismissed by Chisholm J on 3 August 2006 (*Congreve v Big River Paradise Ltd and Queenstown Lakes District Council* HC CHCH CIV 2006-409-768) and Big River Paradise's consent became operative and effective that day.

[15] By a statement of claim filed on 25 November 2005 and amended on 21 December 2006, the Congreve Trust sought a declaration under the Declaratory Judgments Act 1908, s 3, that the true construction of the covenant is to:

Prevent the creation of more than 3 allotments or the construction of more than three buildings on this servient land.

## **Evidence**

[16] Aspects of the affidavits of Dr Congreve and his solicitor, Mr Morrison, were objected to and accordingly it is first necessary to consider those objections in order to define the evidential matrix within which this application is to be decided.

[17] As far as Dr Congreve is concerned, the objection related to his evidence of conversations with Mr Ferguson and his real estate agent as to the effectiveness of the covenant, its purpose and a suggestion that similar covenants were to be registered against other land owned by Black Bag Limited and The Big River Company Limited.

[18] The passages in Mr Morrison's affidavit to which objection was taken related to newspaper articles he put in evidence and later correspondence with solicitors for other parties.

[19] The basis of the objection was that those passages were inadmissible extrinsic evidence, evidence of negotiations, evidence of subsequent contact, and hearsay.

[20] There is obvious hearsay in much of the material to which objection was taken, but, that notwithstanding, Mr Curry, counsel for the Congreve Trust, submitted that the challenged passages in Dr Congreve's affidavit were relevant to interpretation of the covenant. They showed that Mr Ferguson's conduct after the covenant was registered was consistent with what he submitted was the covenant's ordinary and natural meaning.

[21] For Big River Paradise, Mr Stapleton presented comprehensive submissions as to the admissibility of extrinsic and subsequent conduct evidence.

[22] The short answer to the issue may well be, as Mr Stapleton submitted, that the covenant was negotiated and put in place by Black Bag Ltd and Mr Russell. There was no evidence from Mr Russell and, although Mr Ferguson was a director of both Black Bag Ltd and The Big River Company Ltd at the date the covenant was created, it is not immediately obvious how he could have given admissible evidence as to the parties' intentions in relation to the covenant in speaking with a prospective purchaser of land from the dominant lots when his statements related to the intentions of the owner of the servient lot. That seems clearly indicated by Dr Congreve's evidence that he was "assured on several occasions by Mr Ferguson that the covenant had been put in place to protect the value of the subdivision which he proposed". The highest that could be put for the applicants may be that any assurances given by Mr Ferguson were on behalf of both Black Bag Ltd and The Big River Company Limited but, even so, assurances by a non-lawyer as to the effectiveness and interpretation of the covenant contained in a registered legal document cannot be accorded significant weight in interpreting the covenant.

[23] There is another reason Mr Ferguson's statements to Dr Congreve are inadmissible.

[24] The contemporary rules as to interpretation of documents are as listed by Lord Hoffman in *Investors Compensation Scheme Ltd v West Bromwich Building*

*Society* (1998) 1 All ER 98, 114 –5 where his Lordship summarised the principles in the following passage (the principles being adopted by the Court of Appeal in *Boat Park Ltd v Hutchinson* [1999] 2 NZLR 74, 82):

- (1) Interpretation is the ascertainment of the meaning which the document would convey to a reasonable person having all the background knowledge which would reasonably have been available to the parties in the situation in which they were at the time of the contract.
- (2) The background was famously referred to by Lord Wilberforce as the ‘matrix of fact’, but this phrase is, if anything, an understated description of what the background may include. Subject to the requirement that it should have been reasonably available to the parties and to the exception to be mentioned next, it includes absolutely anything which would have affected the way in which the language of the document would have been understood by a reasonable man.
- (3) The law excludes from the admissible background the previous negotiations of the parties and their declarations of subjective intent. They are admissible only in an action for rectification. The law makes this distinction for reasons of practical policy and, in this respect only, legal interpretation differs from the way we would interpret utterances in ordinary life. ...
- (4) The meaning which a document (or any other utterance) would convey to a reasonable man is not the same thing as the meaning of its words. The meaning of words is a matter of dictionaries and grammars; the meaning of the document is what the parties using those words against the relevant background would reasonably have been understood to mean. The background may not merely enable the reasonable man to choose between the possible meanings of words which are ambiguous but even (as occasionally happens in ordinary life) to conclude that the parties must, for whatever reason, have used the wrong words or syntax ...
- (5) The ‘rule’ that words should be given their ‘natural and ordinary meaning’ reflects the commonsense proposition that we do not easily accept that people have made linguistic mistakes, particularly in formal documents. On the other hand, if one would nevertheless conclude from the background that something must have gone wrong with the language, the law does not require judges to attribute to the parties an intention which they plainly could not have had.

[25] As was observed by the Court of Appeal in *Pyne Gould Guinness Ltd v Montgomery Watson (NZ) Ltd* (1999) 2001 NZAR 789, 799 para [29], previous negotiations and matters of purely subjective intention as to meaning are excluded. However, conduct by parties after execution of a contract may assist in its interpretation (*Attorney-General v Dreux Holdings Ltd* (1996) 7 TCLR 617,

*Valentines Properties Ltd v Huntco Corporation Ltd* [2000] 3 NZLR 17, 27, para [19], *Raptorial Holdings Ltd (In Receivership) v Elders Pastoral Holdings Ltd* [2001] 1 NZLR 179, 187, para [36]).

[26] The covenant being in a transfer registered on the relevant Certificate of Title and accordingly deemed to be “embodied in the register as part and parcel thereof” (Land Transfer Act 1952 s 38(2)) there is force in Mr Stapleton’s submission that additional restrictions apply to the admissibility of extrinsic and subsequent conduct arising out of what may be called the “public document” gloss on the authorities earlier discussed.

[27] Mr Stapleton drew attention to the decision of the Privy Council in *Opua Ferries Ltd v Fullers Bay of Islands Ltd* [2003] 3 NZLR 740, a case which revolved around interpretation of a publicly-notified timetable where it was argued that extrinsic evidence from the parties as to its meaning was admissible. In holding that the public was entitled to rely on the meaning of a public document and not be at risk of that meaning being altered by extrinsic evidence, Lord Hope of Craighead, for the Privy Council, after referring to the cited passage from *Investors’ Compensation Scheme*, held (at 749-750 para [20]):

[20] But it does not follow that the same approach is to be taken when one is construing a public document. The documents included in the register maintained by a regional council under s 52(1) of the Act have that character. This is, and is intended to be, a public register of passenger transport services. Members of the public who consult the register may come from far and near. They may have some background knowledge, but they may have none at all. In *Slough Estates Ltd v Slough Borough Council* [1971] AC 958 at p 962 Lord Reid said that extrinsic evidence may be used to identify a thing or place referred to in a public document. But he went on to say that this was a very different thing from using evidence of facts known to the maker of the document but which are not common knowledge to alter or qualify the apparent meaning of words or phrases used in it. As he put it, members of the public, entitled to rely on a public document, ought not to be subject to the risk of its apparent meaning being altered by the introduction of extrinsic evidence. Moreover, the only information which a regional council is obliged by s 53 to ensure is reasonably readily available to the public is that which gives details of the service which the council has registered. The statute makes the position clear. The register is expected to speak for itself.

[28] Mr Stapleton's endeavours only located one case in which *Opuā Ferries* has been cited. In *Art Deco Society (Auckland) Inc v Auckland City Council* [2006] NZRMA 49, one of the issues was the status of an Advice Note included in resource consents. Holding that Advice Notes did not vary consents, Asher J (who was counsel for Fullers in *Opuā Ferries*) observed (at 70 para [90]):

It is appropriate in relation to a public document to consider material available for the public or referred to in the document as an aid to interpretation, but not evidence which was not so available or not referred to: *Slough Estates Ltd* pp 962, 967-8. It is necessary to consider the meaning of a public document in the context of its statutory framework.

[29] The contested evidence from Dr Congreve and Mr Morrison is inadmissible. Much is hearsay and much also offends against the interpretative principles listed in *Investors Compensation Scheme*, particularly principle 3 excluding evidence of negotiations and the parties' subjective intent. In addition, the covenant is a public document and the contested evidence is inadmissible on the authority of *Opuā Ferries* and *Art Deco*.

### **Construction of Covenant:**

#### *(1) Submissions*

[30] The clearing away of those issues leaves for consideration the one point around which this application revolves, namely the correct interpretation of the covenant.

[31] Mr Curry urged consideration of the context in which the covenant had been entered into including the geographical context. He submitted Big River Paradise's scheme was no more than a device to circumvent the burden of the covenant and that, read as a whole, the covenant's purpose was plainly to limit to three the number of dwellings on the servient land, each on its own allotment. Such an interpretation, he suggested, would be the meaning a reasonable person with the requisite background knowledge would give the covenant.

[32] He contended that the same interpretative rules applied to documents such as the covenant as to other such documents, relying on *Bonnar & Ors v Summerland*

*Property Development Ltd & Ors* (HC Auckland cCP134IM02, 4 July 2002, Heath J) and *Myers Park Apartments Ltd v Sea Horse Investments Ltd* (HC Auckland Civ.2004-404-7180, 24 July 2006, Venning J).

[33] *Bonnar* was a R 418 hearing as to the meaning of restrictive covenants in a registered transfer while *Myers Park* concerned the meaning to be given to redevelopment covenant registered against stratum titles in an Auckland mid-city building. Both Judges relied on *Investors Compensation* and *Boat Park*, Venning J expressly stating (para [19]) that:

The principles to apply to construction of contracts apply to the construction of the redevelopment covenant.

[34] However, neither judgment suggests that the particular rules of interpretation applying to public documents enunciated in *Slough Estates* and, later, in *Opuia Ferries* and *Art Deco Society* were drawn to attention.

[35] Mr Curry relied on dictionary definitions of the words “subdivision” and “subdivide” to found a submission that the terms are not confined to the process of subdivision in real property law. He accordingly suggested that reasonable persons knowledgeable of the background would regard Big River Paradise’s plan as creating separate ownership or occupation rights in land. To such persons, that would create a subdivision.

[36] Though accepting the decisions preceded the statutory definition of “subdivision” in the Resource Management Act 1991 s 218 (“RMA”), he relied on various judicial observations on the meaning to be ascribed to the terms “allotment” and “subdivision”. They will be later considered.

[37] Anticipating Big River Paradise’s reliance on s 218, Mr Curry submitted that the interpretation for which he contended was open because of the provisions of s 11. Those sections relevantly read:

**218 Meaning of “subdivision of land”**

(1) In this Act, the term *subdivision of land* means—

- (a) The division of an allotment—
  - (i) By an application to a District Land Registrar for the issue of a separate certificate of title for any part of the allotment; or
  - (ii) By the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
  - (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years;
  - (iv) By the grant of a company lease or cross lease in respect of any part of the allotment; or
  - (v) By the deposit of a unit plan, or an application to a District Land Registrar for the issue of a separate certificate of title for any part of a unit on a unit plan; or
- (b) An application to a District Land Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,—

and the term *subdivide land* has a corresponding meaning.

- (2) In this Act, the term *allotment* means—
  - (a) Any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
    - (i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
    - (ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
  - (b) Any parcel of land or building or part of a building that is shown or identified separately—
    - (i) On a survey plan; or
    - (ii) On a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
  - (c) Any unit on a unit plan; or
  - (d) Any parcel of land not subject to the Land Transfer Act 1952.

...

- (4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

#### **11 Restrictions on subdivision of land**

- (1) No person may subdivide land, within the meaning of section 218, unless the subdivision is—
  - (a) Expressly allowed by a rule in a district plan and in any relevant proposed district plan or a resource consent, and a survey plan relating to the subdivision has in accordance with Part 10—
    - (i) Been deposited by a District Land Registrar or a Registrar of Deeds;  
...

[38] It is of some importance to note that the lease term of 35 years in s 218(1)(a)(iii) was substituted with effect from 1 August 2003 by the Resource Management Amendment Act 2003 s 69. Prior to that time the maximum term in the subsection from the time the RMA came into force was 20 years. The maximum term was accordingly 20 years when the covenant was registered.

[39] Mr Curry relied on the definitions in s 218 being confined to subdivision in the RMA with s 11 similarly being linked to the RMA. He submitted s 218 and the balance of the RMA applied only to subdivisions requiring consent and were thus inapplicable in this situation since Big River Paradise, although recognising it required consent for its earthworks, was at pains to ensure the consent was not for “subdivision” of the servient lot. He made the point that, were s 218 to govern interpretation of the covenant, what would amount to a subdivision under the covenant would have altered over the years with the amendment to the maximum lease term – and could alter again in the future.

[40] It was the possibility of such a variation that led Heath J in *Bonnar* to reject the definition of “residential section” for which the defendants had contended as the content of the definition would be difficult for persons affected to ascertain. Here, any use of the servient land leading to more than three dwellings being erected, no matter how many, would be open if “subdivision of land” were confined to the s 218 definition.

[41] Mr Stapleton submitted the Congreve Trust was trying to re-write the terms of the covenant to its advantage and made the point that rectification had never been sought, even if such were open. *Bonnar*, he submitted, was inapplicable given the differences in the phrases under consideration and, whilst he accepted Heath J's observations that fine distinctions concerning the creation of legal interests in land are unlikely to be known to members of the public who wish to buy residential sections, he submitted the same did not apply to the subdivision provisions of the RMA especially because, as Randerson J said in *Waitakere City Council v Kitewaho Bush Reserve Co Ltd* [2005] 1 NZLR 2080, 226 para [80] the "RMA provides a complete code for the control of the subdivision of land in New Zealand".

[42] He particularly relied on the use on occasions in correspondence by the Congreve Trust or its advisers of the word "development" where use of "subdivision" might have been expected.

[43] Mr Stapleton submitted that parties experienced in property subdivision and development entering into a public document to transfer land nearly 10 years after the RMA came into force would have understood that the phrase "no subdivision of the servient lot" meant "no subdivision of the servient lot as defined from time to time by the provisions of the RMA at the time of development of the servient land". That, Mr Stapleton submitted, was the natural and ordinary meaning of the words because, he contended, a proper interpretation of the phrase "subdivision of the servient lot" would conclude that development of the servient lot was not proscribed and development, not subdivision was, as a matter of fact, what Big River Paradise proposed and now had consent to undertake.

(2) *General*

[44] The three principal matters for discussion and decision in relation to interpreting the covenant can be conveniently summarized in the following propositions:

- a) Does the RMA, particularly the definitions of “subdivision of land” and “allotment” in s 218 govern interpretation of those terms in the covenant?
- b) Given the covenant is to be interpreted in accordance with the approach in *Investors Compensation Scheme* and *Boat Park*, would precedent decisions as to terms used in the covenant, particularly “subdivision” and “allotment”, be part of the background knowledge reasonably available to the parties when they executed the covenant?
- c) What meaning does the covenant, construed as a whole, convey to a reasonable person with such knowledge?

(3) *Question (a)*

[45] Turning to the first question, if it applies, the RMA says in its Long Title that it re-states and reforms the law relating to the use of land and its purpose is to promote the “sustainable management of natural and physical resources” (s 5(1)). It includes amongst matters of national importance listed in s 6 the “preservation of the natural character of ... rivers and their margins and the protection of them from inappropriate subdivision use and development”.

[46] Big River Paradise has, however, deliberately crafted the scheme of development of the 52 building platforms included in its consent so as to ensure its proposal is not caught by the s 218(1) definition of “subdivision of land”.

[47] Big River Paradise’s proposal may also not involve an “allotment” within s 18(2) since the only plan on the Court file was a “development/landscape plan” depicting the development of the land including the building platforms, accessways and planting. Indeed, the decisions of the Commissioner and the Environment Court on Big River Paradise’s proposal suggest no detailed inquiry has, as yet, been publicly undertaken as to the method by which Big River Paradise proposes to comply with the numerous and detailed conditions imposed by the Commissioner and the Court, how the required clearance at the end of the lease terms would be

effected, whether the proposed leases would be registered against Big River Paradise's title (as would seem probable for lessees' funding purposes) and how the development is to be managed throughout the 30 year term. But since those issues are not for decision in this proceeding, they may be noted and put aside.

[48] That Big River Paradise's proposal does not come within the definition of "subdivision of land" in s 218(1) has been accepted by the Commissioner and the Environment Court. Even though Big River Paradise now has resource consent for the development of its building platforms and associated earthworks, s 11 is accordingly inapplicable since the respondent's land is not to be "subdivided" and, it would appear, no survey plan has yet been deposited with the Land Transfer Office. None may be required.

[49] Is Mr Stapleton correct, therefore, that, particularly in light of the observations in *Kitewaho* that the RMA is a complete code controlling the subdivision of New Zealand land, the covenant must be construed in accordance with the definition of "subdivision of land" in s 218 and, since it admittedly falls outside that definition, what Big River Paradise proposes cannot be a "subdivision" within the meaning of the covenant?

[50] The answer to that must be that the definition of "subdivision of land" in s 218 does not limit the interpretation of the covenant. This is because, while the RMA constitutes a code for the subdivision of land in this country, land use, including division of land in ways outside the s 218 definition of "subdivision of land", means that, in its terms, the RMA is inapplicable. There are many uses of land in New Zealand which can legitimately occur without the RMA being triggered. The Environment Court mentions a few examples in para [28] of its decision cited earlier in this judgment. Not all subdivisions of land in this country involve compliance with the RMA: Big River Paradise's proposal was deliberately designed to avoid RMA involvement other than for the earth-works for which it was required to seek consent.

[51] Put another way, *Kitewaho* said the RMA provides a code for the subdivision of land. The s 218 definition of "subdivision of land" is inapplicable to Big River

Paradise's development proposal in this case because, as Mr Curry submitted, the definition is expressly limited to subdivisions under the RMA ie "in this Act". Big River Paradise's development is not a subdivision of land under the RMA. Accordingly, the RMA is inapplicable and the observation in *Kitewaho* is inapplicable to Big River Paradise's proposal.

[52] Further, the covenant has been registered under the Land Transfer Act 1952 whereas the resource consent process undertaken by Big River Paradise has, of course, been under the RMA. Only a proportion – perhaps a small proportion – of land use proposals requiring consideration under the RMA result in or require registration under the Land Transfer Act 1952. Caution should therefore be exercised against importing definitions under the former into the construction of documents under the latter.

[53] And finally on this aspect of the matter, as Heath J held in *Bonnar*, if the s 218 definition of "subdivision of land" were applicable to interpretation of the covenant, those considering its terms would need to take account of the possibility of changes – as have already occurred – to know how the covenant was to apply from time to time.

[54] For all those reasons, the Court concludes that construction of the covenant is not limited by the definitions of "subdivision of land" and "allotment" in the RMA s 218.

(4) *Question (b)*

[55] The covenant being in a document registered under the Land Transfer Act 1952, reasonable persons with the background knowledge available to its framers would be likely to form the view that technical terms contained within the covenant such as "subdivision" and "allotment" may have been judicially construed and the effect of any such decisions would therefore be taken into account by the framers. They would be correct.

[56] The Public Works Acts Amendment Act 1900 ss 20 and 21 provided that where owners of land fronting streets under 66 feet in width subdivided their land to lease part for more than 14 years or for sale, they were required to dedicate that portion of their land fronting the street to the extent that the half of the street immediately adjacent to their land would then be 33 feet wide.

[57] In *In re Transfer, Hunter to Gaulter* (1902) 4 GLR 179, the owner of land fronting an underwidth street sold off part of the title without dedicating part of the street frontage. A summons to compel the Land Transfer Office to register the ensuing transfer was dismissed by the then Supreme Court on the grounds that sale of part of the land was a subdivision in terms of the amending Act. Stout CJ held (at 179-180) that “allotment” meant dividing land into any number of lots and of subdivision; that (at 180):

The word “sub-divide” is used, not “divide,” and in its primitive sense “sub-divide” means divide after a prior division. This is now how the word is popularly used in this colony. We speak of “sub-dividing” a section where there has been no prior division meaning “divide.” But if the word “sub-divide” is to be used in the strict sense of “sub-dividing” after a prior division this section has been divided and part only of the section was left before this division,. A part had been previously cut off and sold.

[58] Sitting in the Court of Appeal, Stout CJ amplified those remarks in *Ex Parte the Mayor Councillors of the City of Wellington, In re Transfers from Francis and Overend* (1902) 21 NZLR 394. In that case, Wellington City Corporation bought strips of land from two owners for road-widening purposes but the Land Transfer Office refused to register them because they would not result in the adjoining streets being 66 feet wide as required under the 1900 Amendment. The Court of Appeal directed registration. Williams J held (at 398):

I take the word “subdivision to be equivalent to “division.” The land divided must necessarily have been an original section or sections, or part of an original section. A section is itself a division, and divisions of it would be properly called subdivisions.

[59] Denniston J took a similar view and (at 399) held that the “division of a section may not unreasonably be called a subdivision”, a subdivision being “what is generally known as ‘cutting up land’ for a township or for closer settlement”. The other Judges concurred, though Edwards J would have confined the phrase to

(at 403) the “pegging off of allotments upon the land in accordance with a definite scheme followed by deposit of a survey plan in the land registry”.

[60] The construction of the 1900 Amendment again came before the Court of Appeal in *In re Transfer to Palmer* (1903) 23 NZLR 1013. There the land in question had been advertised for sale and sold in several lots without preparation of a subdivisional plan. The majority of the Court of Appeal held the 1900 Amendment applied only to subdivisions involving new roads, but it is of note that Williams J held (at 1020):

The phrase “subdivision into allotments” has no legal meaning, nor is it a term of art. The section refers to dealings with land, and the phrase must be understood in the way in which persons who are in the habit of dealing in land would understand it ... The ordinary meaning of the term “subdivision into allotments” is that there is either an actual demarcation of the allotments on the ground, or, at any rate, a plan of the land showing the allotments as subdivided – something, in short, to show clearly to a purchaser that he is purchasing an allotment of land which has been subdivided into allotments.

and Edwards J (for himself, Denniston and Cooper JJ) observed (at 1026):

The statute itself ... prescribes the acts which are essential to a valid subdivision, and those acts are applicable only to what, during my experience extending over more than a quarter of a century, has been called in ordinary parlance a “subdivision for sale” – the cutting-up of a considerable area of land into smaller parcels, providing some at least of such smaller parcels with the means of access by laying off new roads or streets.

[61] Those authorities were followed by the Court of Appeal in *Waitemata County v Expans Holdings Ltd* [1975] 1 NZLR 34 where the meaning of “subdivision” under the Town and Country Planning Act 1953 was under consideration. The term was undefined in that Act though defined in others. One of the questions for decision was whether a subdivision was effected on deposit of a subdivisional plan or whether the process continued until presentation for registration of transfers of lots within that plan. McCarthy P’s view was (at 36):

But the variety of circumstances which establish that land in a municipality or a county is subdivided for the purposes of those Acts are not all suitable as qualifications for the use of the word in the Town and Country Planning Act. So one has to fall back on the commonly accepted meaning of the word. ... But at least in legal circles the process beginning with the preparation of a plan capable of deposit under the Land Transfer Act and ending in its

approval and signing by the District Land Registrar has long been treated, when completed, as having effected a subdivision. So at least one should be able to say that land is subdivided once a plan is deposited. ... These two Judges [Stout CJ, Williams J] whose pronouncements on the Land Transfer Act have always been treated with great respect stress that the word has no strict technical meaning - it is not a term of art. I think it most important that we take a practical approach to its use in the section we are now dealing with, and that we reject meanings which create practical difficulties.

[62] Richmond J reached the conclusion (at 44):

... by the process of survey and deposit of a plan an area of land can be effectively "divided" both in fact and in law. By reference to the survey pegs the several allotments can be inspected on the ground. By reference to the plan they can be separately described and dealt with in law. In my opinion subsequent dispositions of the allotments carry the process of subdivision of the land itself (as opposed to the ownership or possession) no further. ...

whilst Haslam J concluded (at 48):

The absence of legislative consistency in the use of the term suggests that where, as here, the word "subdivision" is left undefined in an enactment, it must be accorded a common sense meaning which will conform to the context in which it is used.

[63] Finally, it is of assistance to note that the Planning Tribunal observed of the word "subdivision" in *Re Application by Hamilton City Council* (1993) 2 NZRMA 641, 642 that:

To consider whether an additional lot or lots are created, adapting the provisions for conventional subdivisions for application to cross lease subdivisions, one should consider the reality of dwellinghouses, or sites for dwellinghouses, that are capable of being dealt with and disposed of separately. For that purpose it is of no consequence that what is dealt with or disposed of is not a freehold estate in one lot, but an undivided joint interest in a freehold estate, together with a leasehold lease in the defined site of a building and associated exclusive use area.

[64] Turning to the term "allotment", the term was, at least partially, defined in some of the authorities to which reference has already been made. But it is a term of considerable antiquity in real property law. Citing *Littleton's Tenures* (circa 1481), Burke *Jowitt's Dictionary of English Law* (2<sup>nd</sup> ed 1977 p 89) says that:

To allot is to indicate that a portion of property held by a number of joint owners is in future to belong exclusively to a specific person called the

“allottee”. Thus a partition of land is effected by allotting to each owner his share in severalty (Litt. 246).

[65] The common theme derivable from all those authorities is that, absent an applicable statutory definition, the words “subdivision” and “allotments” are not terms of art but are to be accorded their everyday meaning as known to those involved in dealing in land. That accords with the dictionary definition of “subdivide” as “to divide (a part of a divided whole); to divide again after a first division (sometimes used loosely for ‘divide’)” (*Oxford English Dictionary* 2<sup>nd</sup> ed Vol XVII p 20).

[66] Accordingly, the approach to construing the covenant should be to invoke the generally held and understood meanings of the words “subdivision” and “allotment” rather than any strict definition as if the words were a term of art - still less the definition of those terms in the RMA - and the framers of the covenant could reasonably be supposed to have had at least a general understanding of the judicial approach to the interpretation of the words they were using.

(5) *Question (c)*

[67] In light of the whole of the foregoing, in June 2001, the date of the transfer containing the covenant, what is the meaning the framers would have intended to convey to reasonable persons with their background knowledge?

[68] In that regard, it is first pertinent to note that whilst the covenant was created for the benefit of the owners of the dominant lot, one of whom was a director of the company owing those lots, the interpretation of the covenant is not confined to persons with an interest in the dominant lots but, being a public document, is to be construed from the point of view of a reasonable person with the framers’ background knowledge. Construction of the covenant is not synonymous with enforceability.

[69] Secondly, it is crucial to the construction of the covenant and what underpins it that, at the time the covenant was entered into, the servient lot, despite its size, was vacant (apart, perhaps, from one house the evidence suggests may have already been

on it). The framers of the covenant clearly intended the servient lot to be capable of subdivision but only to the extent of creating three separate lots with one house on each. Development of part of the servient lot by permitting 52 dwellings to be erected with the necessary roading, planting and infrastructure would clearly not have been intended by the framers of the covenant. Having contemplated subdivision of the servient lot, had the framers intended its development by permitting seventeen times the stated number of lots and houses, being property developers themselves they would have said as much.

[70] Further, reasonable persons, with a normal understanding of the meaning of the words and knowing something of the precedential background, would have concluded that where subdivision of the servient lot into three with one house on each was permitted, a division of the land in the sense of cutting up the servient lot into 52 smaller allotments with access and necessary infrastructure went well beyond what the covenant allowed and amounted to a subdivision of that land, even though not a “subdivision of land” for the purposes of s 218 of the RMA.

[71] The conclusion must accordingly be that the Congreve Trust, as owners of part of the dominant lot, are correct in their approach to its construction.

## **Result**

[72] In the result, for the foregoing reasons, there will be a declaration under the Declaratory Judgment Act 1908 s 3 that the true meaning and effect of the covenant contained in transfer 5066489.5 Otago Registry is to prevent the creation of more than three allotments of the servient lot as therein described or the construction of more than one dwelling on each such allotment.

[73] That order would appear to answer issues in (a) (b) (c) and (d) in Associate Judge Faire’s identification of the issues in this proceeding in his second case management conference Minute in this case dated 19 October 2006. Issue (e) is answered “No”.

## **Costs**

[74] If counsel are unable to agree on the scale or quantum of costs, memoranda may be filed (maximum 5 pages) with that from the applicants being filed and served no later than 28 days from delivery of this judgment and that from the respondents being filed and served no later than 42 days with counsel certifying in their memoranda, if they consider it appropriate, that all questions of costs can be determined without a further hearing.

.....  
**WILLIAMS J**

**Appendix 5**

**Copies of RM140279, RM140733, RM030390, RM020352, and RM081523 (253)**



**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Wanacare Limited
<b>RM reference:</b>	RM140279
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for Land Use consent to undertake a 270m <sup>2</sup> addition to the existing Wanaka Lakes Health Centre building
<b>Location:</b>	23 Cardrona Valley Road, Wanaka
<b>Legal Description:</b>	Lot 1 DP 410739 held in Computer Freehold Register 439997
<b>Zoning:</b>	Rural General & Rural Residential
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Decision Date</b>	<b>20 June 2014</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Paula Costello, Senior Planner, on 19 June 2014 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Paula Costello, Senior Planner, as delegate for the Council.

## 1.0 PROPOSAL AND SITE DESCRIPTION

Consent is sought under section 88 of the RMA to undertake a 270m<sup>2</sup> extension to the existing Wanaka Lakes Health Centre building at 23 Cardrona Valley Road, Wanaka. The proposed extension will accommodate additional space for the pharmacy, an office, nurse station, treatment area, space for occupational therapists and a dental practice.

### *Site and Locality Description*

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section 2.0 of the report entitled Wanacare Limited, Application for Land Use Consent to extend Wanaka Lakes Health Centre, Cardrona Valley Road, Wanaka, prepared by Duncan White of Patterson Pitts Group Limited, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

### *Site History*

RM090946 was granted on 16 April 2010 for the construction and operation of a medical centre at the site. Subsequently, RM110143 (coffee stand (retail activity)), RM110313 (helipad and windsock for emergency landings) & RM120198 (signs and to vary condition 1 of RM090946) were granted associated with the Health Centre on the site.

## 2.0 ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Rural General and Rural Residential and the proposed activity requires resource consent for the following reasons:

#### **Rural General**

- A **Discretionary Activity** resource consent pursuant to rule 5.3.3.3(i)(a) for additions to the existing building onsite.
- A **Restricted Discretionary Activity** resource consent pursuant to rule 5.3.3.3(xi) as the proposal breaches site standard 5.3.5.1(iii)(a) as the gross floor area for the medical centre is more than 100m<sup>2</sup> and is proposed to increase by 270m<sup>2</sup> from 2,009m<sup>2</sup> to 2,279m<sup>2</sup>.
- A **Restricted Discretionary Activity** resource consent pursuant to rule 5.3.3.3(xi) as the proposal breaches site standard 5.3.5.1(vi)(a) as the proposed extension infringes the 15 metre building setback by up to 10.1 metres.

#### **Rural Residential**

- A **Controlled Activity** resource consent pursuant to Rule 8.2.2.2(i) for the construction of an addition to the existing building onsite.
- A **Restricted Discretionary Activity** resource consent pursuant to Rule 8.2.2.3(iv) as the proposal breaches site standard 8.2.4.1(v)(a) as the maximum gross floor area for the medical centre is more than 40m<sup>2</sup> and increasing by 270m<sup>2</sup> from 2,009m<sup>2</sup> to 2,279m<sup>2</sup>.
- A **Restricted Discretionary Activity** resource consent pursuant to Rule 8.2.2.3(iv) as the proposal breaches site standard 8.2.4.1(x)(1)(a) as the total volume of earthworks is in excess of 100m<sup>3</sup>. The total estimated volume is 350m<sup>3</sup> which would extend over both zones.

#### **Transport**

- A **Restricted Discretionary Activity** resource consent pursuant to Rule 14.2.2.3(ii) as the proposal breaches site standard 14.2.4.1(i) for a 13 space shortfall in parking spaces onsite.

Overall, the application is considered to be a **Discretionary** activity.

## 2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 3.0 SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)). No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)). The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment in this respect follows.

### 4.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

#### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *Trade competition and the effects of trade competition (s95D(d)).*
- C: *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
PD Gordon Trust (D H M Gordon & P D Gordon) & Aspiring Retirement Investments Limited (R P Anderson & R D Anderson)	Rodeo Drive, Wanaka – Lot 1 DP 417191 Located to the east and north of the subject site.

#### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case any alterations or additions to buildings within both the Rural General and Rural Residential zones require resource consent at a minimum of a controlled activity. Hence, the District Plan does not provide a permitted activity status for any comparative building or associated activity.

#### 4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor:

The relevant District Plan assessment criteria for this proposal is with respect to the location and appearance of buildings and associated earthworks, access and landscaping and parking areas has been considered in the assessment below.

The Assessment of Effects provided in sections 3 & 4 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

Furthermore, the following is noted;

### **Landscape**

Council's Consultant Landscape Architect, Richard Denney has reviewed the proposal with respect to landscape matters. Mr Denney acknowledged that the landscape has more in common with the rural residential zone than the visual amenity landscape to the south and would fall into the classification as an Other Rural Landscape. The proposed development has little if any relevance to the character of the rural landscape, and is within a context that is more urban in character. The development is not complementary or sympathetic to the surrounding character of the adjoining visual amenity landscape, as it no longer has an association with that landscape. The proposed development would, however, be consistent with the existing consented development on the site.

Mr Denney recommends that further planting is established, with completion of a landscape plan submitted for approval prior to works commencing onsite to clarify the extent, composition and density of proposed planting. The concept plan submitted identifies an intent to maintain a landscape character around the existing building and provide a vegetated buffer to the building and car park extension to residents to the east. Proposed landscaping would soften the presence of the existing and proposed built form, rather than affect the rural quality of the broader landscape. This landscaping would soften the internal setback breach and would maintain an attractive vegetated buffer to proposed built form and car parking areas.

The form of the building is complementary to the existing development within the site, and the adjoining retirement village. This is considered to be appropriate.

Overall, it is considered that provided that appropriate landscape planting is implemented, the development maintains the character of the existing environment which is highly modified and more urban in character.

### **Parking and Access**

Council's Engineer, Lynette Overton has reviewed the proposal and the Traffic Report prepared by Bartlett Consulting, dated 30 May 2014. The report concluded that the entire medical facility, including the proposed extensions, created a total demand for parking onsite of 104 car parks as per District Plan requirements. Currently, there are 117 car parks onsite. Additionally, the applicant has proposed to construct an additional four parking spaces onsite. A survey of the car parking onsite undertaken on 20 May 2014 identified that the existing car park is at 74% capacity, however it is acknowledged that there would be seasonal variation to this figure. The report concluded that 121 car parks would be sufficient to cater for any peak demand of the medical centre. It is unlikely that the peak demand would affect the adjoining roading network. It was also noted that the existing parking arrangement (117 spaces) would also have capacity to cater for this peak demand and would equate to 84% capacity.

Conditions of consent have been recommended with respect to construction and sealing of the extended parking area in the future, traffic management and ensuring the works are undertaken in accordance with current standards. These are acceptable and can be imposed in order to avoid adverse effects.

## **4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))**

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

## **5.0 EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

## 5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

A: *The persons outlined in section 4.1 above have provided their **written approval** and as such these persons are not affected parties (s95E(3)(a)).*

## 5.2 ASSESSMENT: EFFECTS ON PERSONS

Taking into account section 5.1 above, the following outlines an assessment as to if the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

<b>Adverse Effects: Examples to consider</b>	<b>Effects on Persons</b>
Traffic Generation	Less than minor
Dominance / Privacy	Less than minor
Shading	Less than minor
Amenity / Density	Less than minor
Views and Outlook	Less than minor
Land Stability	Nil

The landowners immediately adjoining the subject site have given their written approval to the proposal and therefore adverse effects on this property have been disregarded.

The building proposed is of a scale and character appropriate given the existing use of the site, and has been designed to reflect the existing design of the building. The proposed extension is to the rear of the property, and will not be highly visible from other properties in the vicinity of the site.

Furthermore, the traffic report submitted has noted that the carpark has sufficient capacity and will not affect the efficiency of the adjoining roading network.

Additionally, other properties in the wider environment are well separated from the location of the proposed work, therefore it is anticipated that the works will have no impact on properties in the wider environment.

## 5.4 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the Act, no person is considered to be adversely affected.

## 6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

## 7.0 S104 ASSESSMENT

### 7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

### 7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The objectives and policies of Part 5 (Rural Areas) and Part 8 (Rural Living) were considered as part of the original decision for the medical centre on the site. The objectives and policies in this case were not considered to be particularly relevant given that the development as approved was unusual in scale and nature for these zones. The commissioner noted that the objectives and policies were more applicable to the typical Rural General Zone circumstances than to this particular location on the edge of Wanaka. The proposed addition to the medical centre would not alter this assessment that has previously been made on the policies and objectives of the plan, as the proposal is of a scale and nature similar to what has already been consented.

### 7.3 PART 2 OF THE RMA

The proposal is considered to be aligned with the purpose and principles of Part 2 of the RMA.

### 7.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## 8.0 OTHER MATTERS

### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Please contact the Council if you require a Development Contribution Estimate.

### *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 RMA no later than 15 working days from the date this decision is received.

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 if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Sarah Baker on phone (03) 441 0499 or email sarah.baker@qldc.govt.nz.

Report prepared by



Sarah Baker  
**PLANNER**

Decision made by



Paula Costello  
**SENIOR PLANNER**

**APPENDIX 1** - Consent Conditions  
**APPENDIX 2** - Assessment of Environmental Effects

## **APPENDIX 1 – CONSENT CONDITIONS**

### General Conditions

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

Opus Architecture

- Site Plan – A010
- Floor Plan – A101
- Elevations – A200

**stamped as approved on 19 June 2014**

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

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

### Landscaping

3. A planting plan based on the landscape plan "*Wanacare Extension, Concept Plan, plan version A*", dated 17/02/2014 shall be submitted to council for certification within three months of the issue of this consent. The plan shall include a planted visual buffer between the car park and building extension and the eastern property boundary. Species shall be those as identified on the concept plan. Planting shall be set back from the pedestrian paths to avoid overhang. Planting shall include three kowhai trees to be planted immediately adjacent to the car park to soften views towards the parking area. The planting plan shall identify species, grades of plant and density of planting.
4. The certified landscape plan shall be implemented within 12 months from the completion of construction of the building extension, and thereafter be maintained and irrigated in accordance with the plan. If any tree or plant shall die or become diseased it shall be replaced within 12 months.
5. All external lighting shall be down-lighting only so as not create light spill beyond the property.

### Engineering

6. 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.

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

7. Prior to the commencement of the carpark extension works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".

8. At least 5 working days prior to commencing the carpark extension work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works.
9. Prior to the commencement of the carpark extension works, the consent holder shall ensure that the suitable traffic management measures and signage is installed within the existing carpark. The signage shall remain in place for the duration of the construction period of the car park and extension to the building.

***To be monitored***

10. The construction and sealing of all vehicle manoeuvring and car parking areas in accordance with the Paterson Pitts Group 'Wanaka Health Centre, Cardrona Valley Road, Wanaka – Carpark Extension Layout Plan' (dated 8/05/2014, job No. W4246, sheet 100, rev C) to Council's standards. This shall include the provision of a 100mm high wheel stop installed along the top of the retaining wall. Parking spaces shall be clearly and permanently marked out.

***On completion of all development work***

11. The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with the carpark extension at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include any alterations to the existing stormwater reticulation.
12. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

**Advice Notes**

1. The consent holder is advised that the retaining walls proposed in this development which will be bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
2. 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.



Our Ref: W4246  
22 April 2014

**Wanacare Limited**

**Application for Land Use Consent**

**to Extend Wanaka Lakes Health**

**Centre**

**Cardrona Valley Road, Wanaka**

**DUNEDIN:**

P.O. Box 5933,  
Dunedin 9058.

**T** 03 477 3245

**CHRISTCHURCH:**

P.O. Box 160094,  
Christchurch 8441.

**T** 03 928 1533

**ALEXANDRA:**

P.O. Box 103,  
Alexandra 9340.

**T** 03 448 8775

**CROMWELL:**

P.O. Box 84,  
Cromwell 9342.

**T** 03 445 1826

**QUEENSTOWN:**

P.O. Box 2645,  
Queenstown 9349.

**T** 03 441 4715

**WANAKA:**

P.O. Box 283,  
Wanaka 9305.

**T** 03 443 0110

## Table of Contents

<b>1.0 APPLICATION DETAILS .....</b>	<b>3</b>
<b>2.0 DESCRIPTION OF PROPOSAL.....</b>	<b>3</b>
2.1 THE SITE.....	3
2.2 PROPOSAL .....	3
<b>3.0 RELEVANT DISTRICT PLAN PROVISIONS.....</b>	<b>4</b>
3.1 OPERATIVE DISTRICT PLAN .....	4
3.2 ASSESSMENT AGAINST RURAL GENERAL SITE AND ZONE STANDARD (RULE 5.3.5.1).....	6
3.3 RURAL GENERAL ASSESSMENT MATTERS .....	10
3.4 ASSESSMENT AGAINST RURAL RESIDENTIAL SITE AND ZONE STANDARDS .....	13
3.5 RURAL RESIDENTIAL ASSESSMENT MATTERS .....	14
3.6 ASSESSMENT AGAINST TRANSPORT STANDARDS.....	15
<b>4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS .....</b>	<b>15</b>
<b>5.0 NOTIFICATION ASSESSMENT .....</b>	<b>18</b>
5.1 AFFECTED PARTIES.....	18
5.2 NOTIFICATION .....	18
<b>6.0 CONCLUSION.....</b>	<b>19</b>
<b>APPENDIX A – COMPUTER FREEHOLD REGISTER.....</b>	<b>20</b>
<b>APPENDIX B – ARCHITECTURAL AND CARPARKING PLANS.....</b>	<b>21</b>
<b>APPENDIX C – LANDSCAPE PLAN.....</b>	<b>22</b>
<b>APPENDIX D – AFFECTED PARTY APPROVAL .....</b>	<b>23</b>

## 1.0 APPLICATION DETAILS

<b>Applicant:</b>	Wanacare Limited
<b>Site Location:</b>	23 Cardrona Valley Road, Wanaka
<b>Legal Description:</b>	Lot 1 DP 410739
<b>CFR Identifiers:</b>	439997
<b>Area:</b>	1.0007 ha
<b>Zoning:</b>	Rural Residential and Rural General

## 2.0 DESCRIPTION OF PROPOSAL

### 2.1 THE SITE

The subject site is a 1 hectare site on Cardrona Valley Road. The computer freehold register for this site is contained in Appendix A. This site contains the Wanaka Lakes Health Centre and associated carparking.

A medical centre of 2,250m<sup>2</sup> was approved under RM070220 as part of a comprehensive integrated retirement village including 110 residential units, a 46 unit apartment block, hospital and medical centre.

RM090946 approved the construction and operation of the medical centre to a different design to that approved under RM070220. This consent was varied by RM100300.

The medical centre has been constructed and operational for three years or so.

The application relates to a grassed area to the rear of the existing building between the existing carpark and the site boundary.

The area to the north and east of the site contains the Aspiring Lifestyle Retirement Village.

### 2.2 PROPOSAL

Current Ministry of Health practice is to develop hubs for the delivery of medical services. The Wanaka Lakes Health Centre is the local hub for such services and as such it makes sense to expand to increase the size of some of the existing healthcare tenants, expand the range of services offered and to incorporate the dental practice. This means residents need visit only one location for the majority of their medical needs.

Resource consent is sought to enable a 270m<sup>2</sup> extension of the Wanaka Lakes Health Centre building. This application is to extend the building to the north-east to provide additional space for the pharmacy, an office, a nurse station, treatment area, space for occupational therapist and a dental practice.

The design of the extension is to match into the existing building and so uses the same materials, colours, window style as the existing building and extends an existing roof at the same pitch. The design of the proposed extension is shown on the plans contained in Appendix B. The proposed extension straddles the boundary between the Rural Residential and Rural General zones.

It is proposed to extend the existing carpark to the east of the building to provide carparking for the extension. The carparking is shown on the architect's plan in Appendix B. The proposed carpark is at the same level as the existing carpark.

The changes to the building and the carparking necessitate some changes to the landscaping around the building. These changes are shown on the landscape plan contained in Appendix C.

Patient access to the extension will predominately be from the main carpark in front of the building, although secondary access will also be available from the rear of the building.

The services to the building will not change as a result of the extension.

The application also seeks approval for earthworks to form the carpark extension and the building extension.

Both the proposed extension and carpark extension extend over the boundary between the Rural Residential and the Rural General zones. Medical centres are not activities that would normally be expected in Rural General or Rural Residential zoned areas so the extension creates various infringements to these site and zone standards.

## 3.0 RELEVANT DISTRICT PLAN PROVISIONS

### 3.1 OPERATIVE DISTRICT PLAN

The application relates to a site with a split Rural Residential and Rural General zoning.

It is considered that the medical use of the building does not require resource consent as community activities (which include doctors' surgeries and other health professionals) are an activity permitted by Rule 5.3.3.1 for the Rural General area of the site and Rule 8.2.2.1 for the Rural Residential area of the site.

**Land Use consent** is required for the following:

#### **Rural General**

- **Discretionary Activity** under Rule 5.3.3.3 (i) (a) for the construction of an alteration to the existing medical centre building.

- **Restricted Discretionary Activity** under Rule 5.3.3.3 (xi) for a site standard infringement to Rule 5.3.5.1 (iii) (a) as the gross floor area for the medical centre is more than 100m<sup>2</sup> and increasing by 270m<sup>2</sup> from 2,009m<sup>2</sup> to 2,279m<sup>2</sup>.
- **Restricted Discretionary Activity** under Rule 5.3.3.3 (xi) for a site standard infringement to Rule 5.3.5.1 (vi) (a) as the proposed extension infringes the 15 metre building setback by up to 10.1 metres.

## Rural Residential

- **Controlled Activity** under Rule 8.2.2.2 for the construction of an alteration to the existing medical centre building.
- **Restricted Discretionary Activity** under Rule 8.2.2.3 (iv) for the following site standard infringement to Rule 5.3.5.1 (iii) (a) as the maximum gross floor area for the medical centre (an non-residential use) is more than 40m<sup>2</sup> and increasing by 270m<sup>2</sup> from 2,009m<sup>2</sup> to 2,279m<sup>2</sup>.
- **Restricted Discretionary Activity** under Rule 8.2.2.3 (iv) for the following site standard infringement to Rule 5.3.5.1 (x) (a) as the total volume of earthworks is in excess of 100m<sup>3</sup>.

## Transportation

- **Restricted Discretionary Activity** under Rule 14.2.2.3 (ii) for the following site standard infringement to Rule 14.2.4.1 (i) for a 13 space shortfall in parking provision.

The application has also been assessed against the Rural General Site and Zone Standards contained in Chapter 5, the Rural Residential Site and Zone Standards contained in Chapter 8 and the Transport Site Standards and the relevant assessment matters contained in Chapter 14 of the District Plan as detailed in subsequent sections.

**3.2 ASSESSMENT AGAINST RURAL GENERAL SITE AND ZONE STANDARD (RULE 5.3.5.1)**

The proposed extension of the medical centre has been assessed against the standards of the Rural General Zone as detailed in the following sections.

**3.2.1 Rule 5.3.5.1 - Site Standards**

Ref	Title	Standard	Comment
<i>i</i>	<i>Setback from Neighbours of Buildings Housing Animals</i>	<i>30m from internal boundary</i>	NA
<i>ii</i>	<i>Access</i>	<i>Each residential unit shall have legal access to a formed road</i>	NA
<i>iii</i>	<i>Scale and Nature of Activities</i>	<i>Applies to all activities except farming, forestry and residential: a) Max GFA of all buildings on site 100m<sup>2</sup> b) No goods, materials or equipment stored outside c) All manufacturing etc shall be carried out within a building.</i>	The gross floor area for the medical centre is more than 100m <sup>2</sup> and increasing by 270m <sup>2</sup> from 2,009m <sup>2</sup> to 2,279m <sup>2</sup> . No goods or materials are stored outside and there is no manufacturing onsite.
<i>iv</i>	<i>Retail Sales</i>	<i>Buildings &gt;25m<sup>2</sup> GFA to be used for retail sales shall be setback from road boundaries by 30m.</i>	NA
<i>v</i>	<i>Significant Indigenous Vegetation</i>	<i>In areas identified on DP maps and included in App 5: a) no earthworks shall exceed 1000m<sup>3</sup> (volume) and/or 50m<sup>2</sup> (area) in any one hectare in any continuous period of 5 years; or be located on slopes with an angle &gt;20°. b) No clearance of indigenous vegetation shall exceed 100m<sup>2</sup> in area in any one hectare in any continuous period of 5 years. c) There shall be no exotic tree or shrub planting. d) No building shall be erected.</i>	NA
<i>vi</i>	<i>Minimum building setback from internal boundaries</i>	<i>15m (except Closeburn Station).</i>	The building infringes the setback from internal boundaries as the building is located 4.9m from the boundary.
<i>vii</i>	<i>Forestry and Shelterbelt Planting</i>	<i>a) No forestry activity shall be undertaken within 20m of the boundary. b) No forestry or shelterbelt planting greater than 1070m ASL.</i>	NA as no shelterbelts or forestry activities are proposed as part of this application.

viii	Earthworks	<p>1. Limitations except in case of Ski Area Sub-Zone and where approved by a resource consent.</p> <p>a) Max area of bare soil exposed 2500m<sup>2</sup> per site within any one consecutive 12 month period.</p> <p>b) Max volume of moved earth 1000m<sup>3</sup> within any one consecutive 12 month period.</p> <p>c) Where any earthworks are undertaken within 7m of a water body volume shall not exceed 20m<sup>3</sup>.</p> <p>2. Height of cut and fill slope</p> <p>a) No road, track or access way shall have an upslope cut or batter greater than 1m in height.</p> <p>b) All cuts and batters shall be laid back so angle less than 65° from horizontal.</p> <p>c) Max height of fill 2m.</p> <p>3. Environmental Protection Measures</p> <p>a) Implement erosion and sediment control measures to avoid soil erosion or sediment entering water body.</p> <p>b) Revegetate exposed soil within 12 months.</p> <p>c) Cut or fill shall not expose groundwater aquifer.</p> <p>4. Protection of Archaeological Sites The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological site identified in App 3. See note on Ngai Tahu Statutory Acknowledgement Areas.</p>	<p>Earthworks are proposed to prepare the site for the extension and to shape the carpark. In the Rural General zone these works will expose less than 2,500m<sup>2</sup>, have a total estimated volume of less than 300m<sup>3</sup>, involve cuts of up to 1.2 metres in the eastern corner of the site to reshape the landscape bund that extends over the boundary with the adjacent retirement village. These earthworks do not require resource consent in the Rural General zone.</p>
ix	Commercial Recreation	<p>No commercial recreation shall be undertaken except where the recreation is outdoors, the scale recreation is limited to five people in any one group.</p>	NA
x	Indigenous Vegetation	<p>There shall be no clearance of indigenous vegetation except for:</p> <p>a) The clearance of indigenous vegetation that is:</p> <p>i) Totally surrounded by pasture and other exotic species; and</p> <p>ii) less than 0.5 hectares in</p>	<p>No natural indigenous vegetation is proposed to be removed as part of this application. Some of the existing landscaping is to be removed and replaced.</p>

		<p>area and more than 200m from any other indigenous vegetation which is greater than 0.5 hectares in area and</p> <p>iii) less than 1070m ASL, and</p> <p>iv) more than 20m from a water body; and</p> <p>v) not listed in App 9 as a threatened species.</p> <p>b) The clearance of indigenous vegetation for the operation and maintenance of existing roads, tracks, drains, utilities structures and fencelines, excluding their expansion.</p> <p>c) The clearance of indigenous vegetation for the construction of public walkways up to 1.5m in width provided that is not listed as a threatened species in App 9.</p> <p>d) The clearance of dangerous windthrown or dead standing trees as a result of natural causes.</p>	
	<i>Farm Buildings</i>	<p>a) No farm buildings shall be replaced, extended or constructed:</p> <p>i) on any holding &lt;100ha in area; or</p> <p>ii) at a density of more than one farm buildings per 50 ha; or</p> <p>iii) On any land above 600m ASL; or</p> <p>iv) Within the ONL – WB or an ONF within the WB; or</p> <p>v) On an ONF outside WB if:</p> <ul style="list-style-type: none"> <li>• there is already a farm building within that holding or if there is land within that holding that is not on an ONF; or</li> <li>• the site containing all or part of the ONF was not contained in a separate CT prior to 10 June 2005.</li> </ul> <p>b) The existence of a farm building approved under Rule 5.3.3.2(i)(d) shall not be considered the permitted baseline for development within the Rural General zone.</p>	NA as the medical centre is not a farm building.
<i>xii</i>	<i>Alpine Environments</i>	<i>Only any land &gt;1070m ASL, there</i>	NA

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		<i>shall be no exotic tree or shrub planting and no clearance of indigenous vegetation.</i>	
xiii	<i>Planting of Species with Wilding Potential</i>	<i>No planting of listed species.</i>	No planting of species with wilding potential is proposed as part of this application.

**3.2.2 Rule 5.3.5.2 - Zone Standards**

Ref	Title	Standard	Comments
i	<i>Building Height</i>	<p>a) <i>No part of any building, other than non-residential building ancillary to viticultural or farming activities shall exceed 8m AGL.</i></p> <p>b) <i>No part of any non-residential building ancillary to viticultural or farming activities shall exceed 10m AGL.</i></p>	The maximum height of the extension is 6m so complies with the maximum building height.
ii	<i>Setback from Roads</i>	<i>Minimum set back from roads – 20m</i>	Complies
iii	<i>Retail Sales</i>	<i>No retail sales from sites by way of access to any State Highway</i>	NA as no retail sales proposed.
iv	<i>Surface of Lakes and Rivers</i>	<i>Surface of lakes and rivers only</i>	NA
v	<i>Noise</i>	<p><i>Non-residential activities shall be conducted such that the following noise levels are not exceeded, neither at, nor within, the notional boundary of any residential unit, other than residential units on the same site as the activity:</i></p> <p><i>(a) during daytime (0800 to 2000 hrs) L10 50dBA.</i></p> <p><i>(b) during night time (2000 to 0800 hrs) L10 40dBA and Lmax 70dBA.</i></p> <p><b>except:</b></p> <p><i>(i) When associated with farming and forestry activities, this standard shall only apply to noise from stationary motors and stationary equipment.</i></p> <p><i>(ii) Noise from aircraft operations at Queenstown Airport is exempt from the above standards. Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.</i></p>	The extension will not create any additional noise and so is expected to comply with the noise standard. There will be some construction noise as the civil works for the formation of the carpark and the construction of the building are completed.
vi	<i>Lighting</i>	<i>All fixed exterior lighting shall be directed away from adjacent sites and roads</i>	NA
vii	<i>Airport Noise</i>	<i>Queenstown airport only</i>	NA
viii	<i>Wanaka Airport Building Line</i>	<i>No building shall be erected, constructed or relocated within the area defined by a line 150m on the western side of the centre line of the</i>	NA

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		<i>Wanaka Airport main runway, the Airport Purposes Designation boundary at either end of the main runway, and a line 200m on the on the eastern side of the centre line of the Wanaka Airport main runway.</i>	
ix	Screening	<i>Storage areas for waste materials, outdoor display areas and parking associated with commercial activities, wineries and other productive activities shall be generally be positioned and managed to minimize any adverse visual effect.</i>	The extended parking required as a result of the extension has been positioned behind the building and landscaped so as to minimize any visual effect.
x	<i>Airport Noise – Wanaka Airport</i>	<i>(a) On any site within the Outer Control Boundary as indicated on the District Plan Maps, any buildings or part of a building to be used for residential activities, visitor accommodation or community activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments where no special insulation is required. (b) This control shall be met in either of the following two ways: EITHER: (i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level. OR (ii) The building shall be constructed and finished in accordance with the provisions of Table 1 in part 5.3.5.2.</i>	NA
xi	<i>Residential Density</i>	<i>Closeburn Station only</i>	NA
xii	<i>Building Coverage</i>	<i>Tucker Beach Road only</i>	NA
xiii	<i>Building Line Restriction</i>		NA

### 3.3 RURAL GENERAL ASSESSMENT MATTERS

#### 3.3.1.1 Rule 5.4.2.2 - Rural General Landscape Assessment Matters

Rule 5.4.2 first requires an assessment of a landscape classification. The site is clearly not an Outstanding Natural Feature or Landscape, nor could it be considered a Visual Amenity Landscape. The Commissioner’s decision on RM 070220 identifies at paragraph 36 that “*although the landscape character of this locality has been compromised by surrounding development, the site retains the “arcadian” character expected of a Visual Amenity Landscape.*” That was true at the time of that application, however the site now has a significant urban building on it and the adjacent houses constructed as part of the retirement

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village mean that the site can no longer be considered as part of a Visual Amenity Landscape. The site is therefore by default classified as an Other Rural Landscape as it is in the Rural General zone but not one of the other classifications. The site is not a rural landscape at all so this classification is a misnomer. Nevertheless the application has been assessed against these provisions as detailed below:

- (i) *the proposed development will be complementary or sympathetic to the character of adjoining or surrounding visual amenity landscape;*

Comments: The proposed extension is entirely consistent in height, form, materials and colours with the existing building, carparking and landscaping. Adjacent to the medical centre site are the single storey villas of the retirement village. The character of these houses is different to the medical centre, but the extension is not incongruous with the adjacent residential use. The building extension is the same form, materials and height as the current medical centre building.

- (ii) *the proposed development will be visible from public roads or from neighbour's properties;*

Comments: The extension will not be visible from surrounding public roads, but will be visible from the retirement village.

- (iii) *the proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility;*

Comments: The scale of the proposed extension and the proximity to residential use means there is limited opportunity to reduce its visibility, but the landscape plan is designed to integrate the building and the carpark into the landscape as much as possible.

- (iv) *the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate landscaping including earthworks and planting as a result of any proposed mitigation or increased domestication;*

Comments: This assessment matter is of very limited relevance as the site is already domesticated and so not a natural or rural landscape. The proposed landscaping is considered to be appropriate and consistent with the landscaping of the existing medical centre and the retirement village, and has been designed by the same landscape architect who designed the landscaping for both the medical centre and the retirement village.

- (v) *landscaping as a result of development maintains and/or enhances historic or cultural patterns although it is acknowledged that this assessment matter is not necessarily consistent with others e.g. (iii) and (iv) above or (vii) below;*

Comments: Not applicable, although the proposed landscaping is consistent with the existing medical centre and the adjacent retirement village.

- (vi) *the proposed development is complementary or sympathetic to, or can be co-ordinated with, existing or proposed development on adjoining or adjacent properties in terms of landscaping, roof design, roof materials and/or colours, and other external materials and/or colours;*

Comments: See (i) above.

- (vii) *the proposed development is designed and/or intended to be carried out in a comprehensive manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;*

Comments: Not applicable.

- (viii) *the nature and extent of building setbacks and/or earthworks and/or landscaping can create buffers to avoid or mitigate the potential effects of development on adjoining properties, public roads or public places.*

Comments: The building extension has been designed with input from the adjacent retirement village and its residents to avoid or mitigate the potential effects of development on adjoining properties. The building has been designed so as not to shade the adjacent houses, the carpark has been set into the ground and landscaping consistent with the adjacent retirement village and the existing building proposed around the building and carpark.

- (ix) *the proposed subdivision is part of a co-ordinated development plan incorporating any balance land (outside the proposed subdivision) in the same ownership;*

Comments: Not applicable.

- (x) *here is an opportunity to provide a communal passive or active recreational area which is accessible to residents outside the subdivision as well as within the subdivision;*

Comments: Not applicable.

- (xi) *the proposed development does not introduce densities which reflect those characteristic of urban areas;*

Comments: Not applicable.

- (xii) *the proposed development maintains the rural amenities of the neighbourhood.*

Comments: Not applicable as the neighbourhood is not rural in character.

### 3.3.1.2 Rule 5.4.2.3 – Rural General – General Assessment Matters

- ii) The extension of the medical centre will not exacerbate any natural hazards.
- xxiii) The application is for the extension of the medical centre building and so is of a scale different to the residential uses to the east. The extension of the building has the same character as the existing building and so will not change the character of the site. There will be no outside storage nor manufacturing, nor noise. The visual impact of the proposed extension has been covered in previous sections. The

extension will create some additional traffic generation within the capability of the roading system and intersections and onsite carparking can be provided.

- xxvii) Minor earthworks for the formation of the building footprint and the carpark are proposed. These works will be managed to ensure that there are no offsite effects from these works apart from some noise during the construction period.

### 3.4 ASSESSMENT AGAINST RURAL RESIDENTIAL SITE AND ZONE STANDARDS

The application to extend the medical centre has been assessed against the Rural Residential Zone's Site and Zone Standards:

#### 3.4.1.1 Rule 8.2.4.1 Rural Residential – Site Standards

(i) <i>Building Coverage</i>	The existing medical centre building covers 23.1% of the Rural Residential area of the site and so already infringes the maximum building coverage of 15% by 8.1%. The proposed extension further increases the building coverage by 0.5% to 23.6%.
(ii) <i>Setback from Internal Boundaries</i>	The eaves of the building are located approximately 2 metres from the boundary and therefore infringe the Rural General setback rule by approximately 13 metres.
(iii) <i>Access</i>	The site has access to Cardrona Valley Road.
(iv) <i>Retail Sales</i>	N/A
(v) <i>Nature and Scale of Activities</i>	The existing medical centre already provides more than 40m <sup>2</sup> of non-residential use. The extension increases the area of this infringement.
(vi) (b) <i>Residential Density</i>	N/A
(vii) <i>Indigenous Vegetation</i>	N/A
(viii) <i>Building Restriction</i>	N/A
(ix) <i>Boundary Planting</i>	N/A
(x) <i>Earthworks</i>	Earthworks are proposed to prepare the site for the extension and to shape the carpark. These works will expose an area in excess of 200m <sup>2</sup> , have a total estimated volume of 350m <sup>3</sup> (total volume for both zones and more than 100m <sup>3</sup> in the Rural Residential zone) for the building extension and carpark formation.
(xi) <i>Building Height</i>	N/A
(xii) <i>Open Space</i>	N/A
(xiii) <i>Boundary Planting</i>	N/A
(xiv) <i>Building Setbacks</i>	N/A

#### 3.4.1.2 Rule 8.2.4.2 Rural Residential - Zone Standards

(i) <i>Building Line Restriction</i>	N/A
(ii) <i>Building Height</i>	The extension is 6m high so complies.
(iii) <i>Noise</i>	The extension is expected to comply with noise

	standards at all times.
<i>(iv) Glare</i>	N/A
<i>(v) Nature and Scale of Activities</i>	No outside storage or heavy vehicles are required as a result of the building extension.
<i>(vi) Heavy Vehicle Storage</i>	N/A
<i>(vii) Screening</i>	N/A
<i>(viii) Residential Density</i>	N/A
<i>(ix) Setback from Roads</i>	N/A
<i>(x) Roof Colours</i>	N/A
<i>(xi) Rural Residential at Bob's Cove</i>	N/A
<i>(xii) Indigenous Vegetation at Bob's Cove</i>	N/A
<i>(xiii) In the Ferry Hill Rural Residential sub-zone</i>	N/A

RM090946 and RM100300 approved the construction and operation of the medical centre with various infringements. This application to extend the medical centre increases the area of building coverage so increases the building coverage infringement in the Rural Residential area of the site by 0.5% from 23.1% to 23.6%. This application also seeks to increase the area of building used for non-residential use.

### **3.5 RURAL RESIDENTIAL ASSESSMENT MATTERS**

For buildings constructed as Controlled Activities in the Rural Residential zone Council has reserved control over location and external appearance, associated earthworks, access and landscaping. The purpose of this control is to avoid or mitigate adverse effects on the landscape and visual amenity value, nature conservation values and the natural character of the rural environment. Council has also reserved its control over the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

For Restricted Discretionary Activities Council's discretion is limited to the effects of building coverage, conditions in relation to the nature and scale of the medical centre activities and earthworks.

The application has also been assessed against the relevant assessment criteria contained in Rule 8.3.2 as detailed below. Many of these matters are similar to the assessment matters for the Rural General zone and so have not been repeated where there is any overlap.

- ii) The extension of the medical centre will not exacerbate any natural hazards.
- iii) The assessment criteria for the breaking the line and form of the landscape and appropriateness of the building in the rural context are not relevant for an urban context.
- viii) There is a demand for additional medical services in Wanaka and the medical centre site is the logical location for additional and expanded medical services, and this is in accordance with current Ministry of Health preferences. The application enables the expansion of the existing building without significant changes to the site operation or parking layout and so represents the most efficient and practical use of this area of the site.

The building extension has been designed with input from the adjacent retirement village and its residents to avoid or mitigate the potential effects of development on adjoining properties, particularly on their amenity. The building has been designed so as not to shade the adjacent houses, the carpark has been set into the ground and landscaping consistent with the adjacent retirement village and the existing building proposed around the building and carpark.

- x) The existing medical centre is the largest building in the surrounding area and different in character to surrounding building (at least until the hospital to the north is constructed).

**3.6 ASSESSMENT AGAINST TRANSPORT STANDARDS**

The application for subdivision consent has been assessed against the Parking Site Standards contained in Rule 14.2.4.1 (i).

This rule requires two visitor carpark spaces per professional staff, plus one carpark space per professional staff plus one space per two other full time staff, or 1 per consulting room (whichever is greater) for staff parking. The extension provides six consulting rooms (three for the dental practice and three for visiting health care specialists).

The extension of the pharmacy will not increase the number of carparks required for the pharmacy tenancy.

The carpark ratio from Rule 14.2.4.1 (i) requires 12 visitor carparks. This rule also requires one per professional staff (six spaces) plus one per two other full time staff (two full time staff = 1 space) or one space per consulting room (six spaces) (whichever is greater). This rule therefore requires 12 visitor carparks plus 7 staff spaces or a total of 19 carparks. The plan is to redevelop the carpark to the north of the building to provide six additional carpark spaces. This leaves a theoretical 13 space shortfall. In practice staff generally park to the north and east of the building, with patients parking between the building and the road. There is usually plenty of staff parking and a surplus of patient parking, except when the carpark is used by some as all day skifield parking. The building extension will make more efficient use of the existing under-utilised carparking and the proposed carpark extension is expected to provide sufficient carpaking for the extended building.

**4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

The effects of the proposed extension to the Wanaka Lakes Health Centre building and carpark have been assessed under the following headings:

Land, Flora and Fauna

Effect	Effects on the Environment	Other Comments
Vegetation	Nil	Removal and replacement of some landscaping.
Wildlife	Nil	
Landform	Nil	Only minor earthworks proposed to prepare site for construction, and create

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		the carpark.
Waterbodies	Nil	
Groundwater	Nil	
Contamination	Nil	

Infrastructure

Effect	Effects on the Environment	Other Comments
Water Supply	Nil	
Effluent Disposal	Nil	
Stormwater Control	Nil	
Energy Supply	Nil	
Telecommunication	Nil	
Pollution	Nil	

People and Built Form

Effect	Effects on the Environment	Other Comments
Neighbourhood Character	Less than minor	The application is for an extension of an existing building, with the same roof line and height and in the same materials as the existing building. The original building was an inverted tee shape and the extension fills in one wing of the tee. This extension brings the building closer to the retirement village along the eastern boundary. Neighbour's approval from the adjacent retirement village has been secured. This approval as the landowner includes the approvals of the residents of the adjacent four retirement units. Effects on neighbourhood character are therefore considered to be less than minor.
Visibility	Less than minor	The extension brings the building closer to the boundary, but as the building is the same height, form and materials, and the eastern boundary is to be landscaped the visibility effects area considered to be less than minor and part of the neighbourhood character effects considered above.
Building Density	Nil	
On-site Amenity	Nil	
Cumulative Effects	Nil	
Precedent Effect	Nil	
Reverse Sensitivity	Nil	

Traffic Generation and Vehicle Movements

Effect	Effects on the Environment	Other Comments
On-Site Parking	Less than minor	The addition of the dental practice and additional consulting rooms will create a

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		demand for additional parking. The carpark is to be extended to provide six additional carpark spaces. This provides sufficient carparking for the professional staff at full occupancy, but leaves a theoretical shortfall for patient parking. This shortfall is considered to be theoretical only as the current carpark is not fully utilised and when combined with the extension has sufficient capacity for the proposed extension.
On-Street Parking	Nil	
Vehicle Safety	Nil	
Pedestrian Safety	Nil	
Cyclist Safety	Nil	
Traffic Generation	Less than minor	This application will create additional traffic demand. The effects of this are considered to be less than minor over the existing traffic generated by the medical centre.
Roading Capacity	Less than minor	It is considered that the entrance road to the medical centre and the intersection with Cardrona Valley Road have sufficient capacity to handle this additional load without creating any more than minor adverse effects on roading capacity.
Noise	Nil	

Nuisance

Effect	Effects on the Environment	Other Comments
Odour	Nil	
Noise	Nil	
Hours of Operation	Nil	
Dust	Nil	
Air Discharges	Nil	
Vibration	Nil	

Cultural

Effect	Effects on the Environment	Other Comments
Sites of Heritage Significance	Nil	
Sites of Cultural Significance	Nil	

Scale of Environmental Effects

Nil Effects	No effects at all.
Less than Minor Adverse Effects	Adverse effects that are discernable day-to-day effects, but too small to adversely affect other persons.
Minor Adverse Effects	Adverse effects that are noticeable but that will not cause any significant adverse impacts.

More than Minor Adverse Effects	Adverse effects that are noticeable that may cause an adverse impact but could be potentially mitigated or remedied.
Significant Adverse Effects that Could Be Remedied or Mitigated.	An effect that is noticeable and will have a serious adverse impact on the environment but could potentially be mitigated or remedied.
Unacceptable Adverse Effects	Extensive adverse effects that cannot be avoided, remedied or mitigated.

As described above, the effects of the proposed building and carpark extension are considered to be less than minor.

## **5.0 NOTIFICATION ASSESSMENT**

### **5.1 AFFECTED PARTIES**

The proposed extension has been designed so as not to shade the adjacent houses on the retirement village, the carpark is at or slightly below ground level ground and screened by an existing low landscape bund installed as part of the retirement village earthworks. The proposed landscaping is consistent with the adjacent retirement village and the existing building proposed around the building and carpark.

The extension of the medical centre building has been designed with input from the adjacent retirement village and its residents to as far as possible avoid creating any adverse amenity effects on the retirement village. There will be some effect, but the design of the building, carparking, window treatments and landscaping have been designed to mitigate the potential effects of development on adjoining properties to a level that the retirement village neighbours have been prepared to provide their written approval to the extension of the medical centre and carpark.

The affected party approval is contained in Appendix **D**. This approval has been signed by the authorised representative of the retirement village and the village's approval incorporates the approval of the residents of the four retirement units closest to the medical centre. These residents are not landowners but occupy their units under a licence to occupy from the owners of the retirement village. No other parties are considered to be adversely affected.

### **5.2 NOTIFICATION**

The adverse environmental effects of the building and carpark extension are considered to be less than minor as the approval of all affected parties has been obtained. No other parties are considered to be adversely affected.

Public notification has not been requested.

There is no rule that requires the application to be publicly notified.

## **6.0 CONCLUSION**

Resource consent is sought to enable a 270m<sup>2</sup> extension of the Wanaka Lakes Health Centre building. This application is to extend the building to the north-east to provide additional space for the pharmacy, an office, a nurse station, treatment area, space for occupational therapist and a dental practice.

The application also seeks approval for earthworks to form the carpark extension and the building extension.

Both the proposed extension and carpark extension extend over the boundary between the Rural Residential and the Rural General zones. Medical centres are not activities that would normally be expected in Rural General or Rural Residential zoned areas so the extension creates various infringements to these site and zone standards.

Current Ministry of Health practice is to develop hubs for the delivery of medical services. The Wanaka Lakes Health Centre is the local hub for such services and as such it makes sense to expand to increase the size of some of the existing healthcare tenants, expand the range of services offered and to incorporate the dental practice.

The extension has been designed as a continuation of the height, roofline, materials and colours from the existing building. The proposed landscaping has been designed as a continuation of the existing landscaping around the building. The effect of the building extension is therefore limited to bringing part of the building closer to the site's eastern boundary. From the south and west the extension will be of limited visibility due to the shape of the existing building, from the north the extension continues the northern façade in front of the existing building. The extension does bring the building in closer proximity to the eastern boundary.

The proposed carpark extension is limited by the available space and the distance from residential neighbours. As a result of these constraints there is a theoretical parking shortfall. The existing carpark is under-utilised and is expected to provide sufficient carpaking for the extended building without creating an environmental effect.

The building design has been modified as a result of discussions with the adjacent Aspiring Lifestyle Retirement Village and the residents living in the four adjacent retirement units. As a result of these modifications the retirement village (including on behalf of the four units) has provided written approval for the building and carpark extension. It is considered that no other parties are affected.

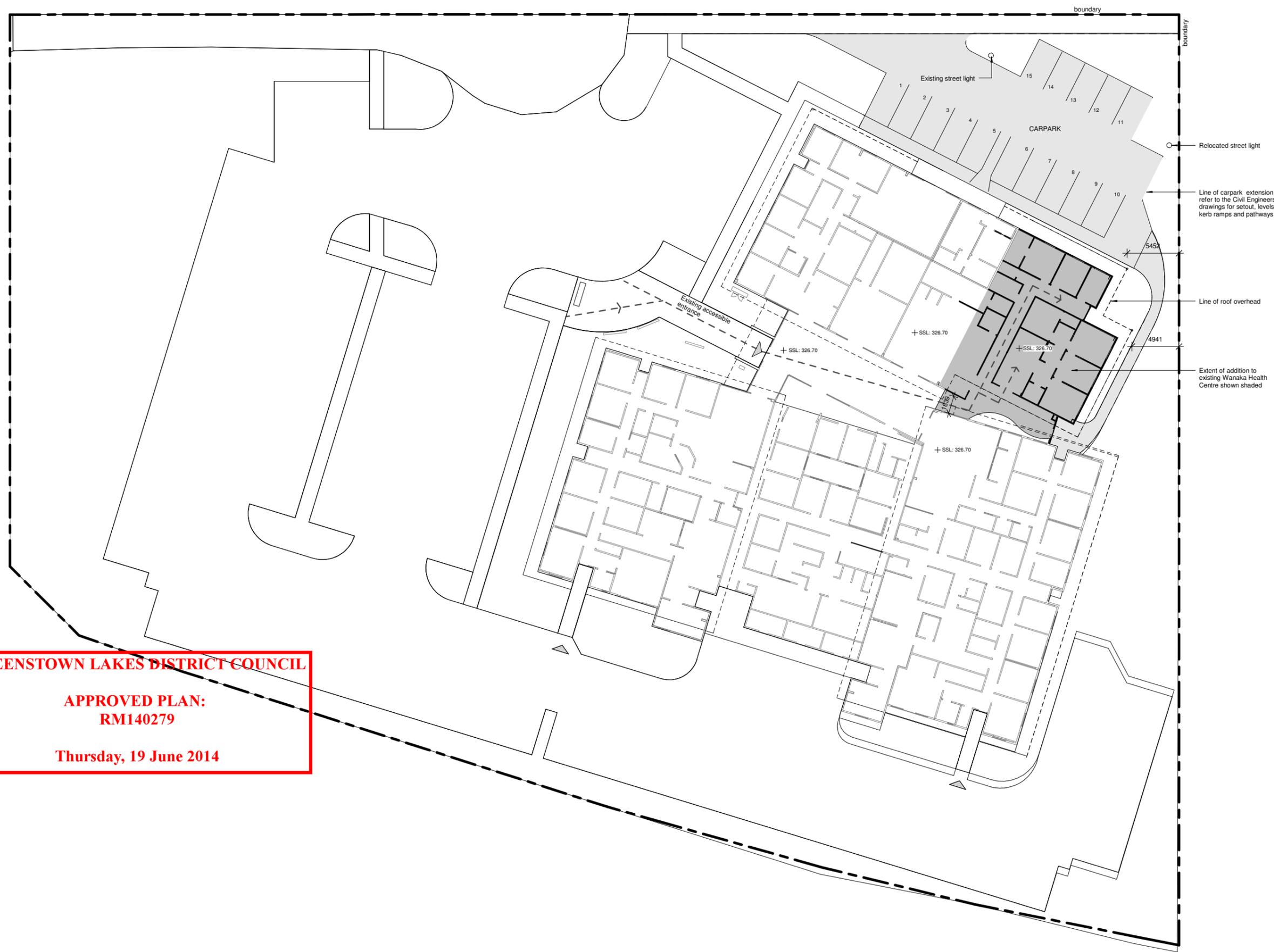
It is considered that the as environmental effects of the application to extend the building and the carpark will be less than minor, and that all parties adversely affected by this application have provided their written approvals, that this application could be processed without notification and consent could be granted.

**Paterson Pitts Partners (Wanaka) Ltd**

**Duncan White  
Planner**

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REVISIONS		
A	Issued for Information	12/02/2014
B	Issued for Services Coordination	18/03/2014
C	Resource Consent Amendments	28/03/2014



**PRELIMINARY**  
 NOT FOR CONSTRUCTION

NOTES

- Relocated street light
- Line of carpark extension - refer to the Civil Engineers drawings for setout, levels, kerb ramps and pathways
- Line of roof overhead
- Extent of addition to existing Wanaka Health Centre shown shaded

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
 RM140279**

**Thursday, 19 June 2014**

**OPUS architecture**  
 Christchurch Studio  
 PO Box 1482, Christchurch 8140  
 New Zealand  
 +64 3 363 5400

Client  
**WANAKA HEALTH CENTRE**

Project  
**Additions to Health Centre  
 Cardrona Valley Road  
 Wanaka**

Sheet Name  
**LOCALITY AND SITE  
 PLANS**

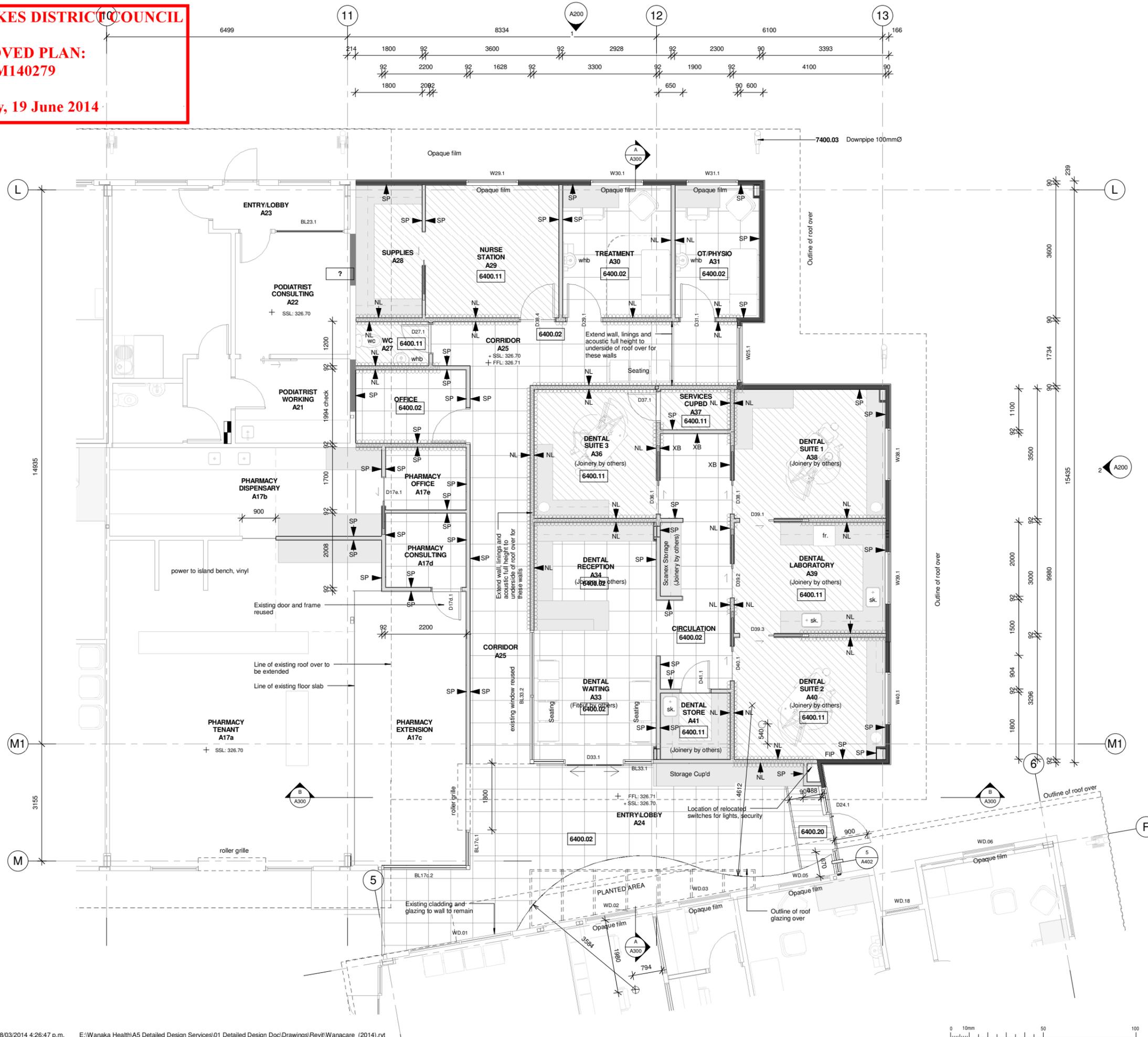
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North	DESIGN	CJC
	DRAWN	SDP
	VERIFIED	
	APPROVED	

Project No.	Issue Date
411365.01	28/03/2014
Revision	Sheet No.
C	A010

**ARCHITECTURAL**





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REVISIONS	
A	Issued for Information 12/02/2014
B	Dental Surgery Amended 27/02/2014
C	Staffroom Deleted 28/02/2014
D	Dental & District Nurse Changes 11/03/2014
E	Issued for Services Coordination 18/03/2014
F	Resource Consent Amendments 28/03/2014

**PRELIMINARY**  
NOT FOR CONSTRUCTION

- NOTES
- WALL FINISHES LEGEND**
- SP ▶ 13mm Standard Plasterboard lining - paint finish
  - NL ▶ 13mm Acoustic Plasterboard - paint finish
  - XB ▶ 13mm Gib X-Block Wall Lining - paint finish
  - 92mm = Steel Stud
  - 64mm = Steel Stud
  - 90mm = Timber Framing
  - R1.8 75mm batts min. to wall cavity Plus 1 layer 13mm NOISELINE in accordance with GIB GNS132 System to achieve STC 45

**OPUS architecture**  
Christchurch Studio  
PO Box 1482, Christchurch 8140  
New Zealand  
+64 3 363 5400

Client  
**WANAKA HEALTH CENTRE**

Project  
Additions to Health Centre  
Cardrona Valley Road  
Wanaka

Sheet Name  
**FLOOR PLAN**

SCALE @ A1= 1:50

North

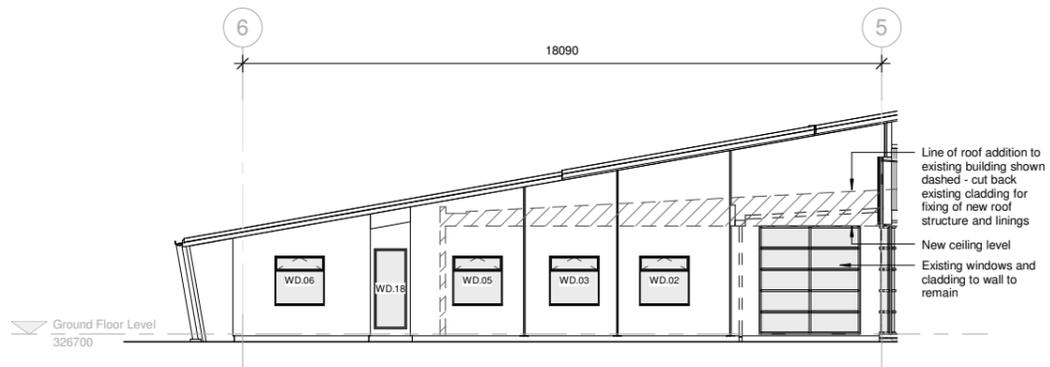
DESIGN CJC  
DRAWN SDP  
VERIFIED  
APPROVED

Project No. 411365.01 Issue Date 28/03/2014  
Revision Sheet No.

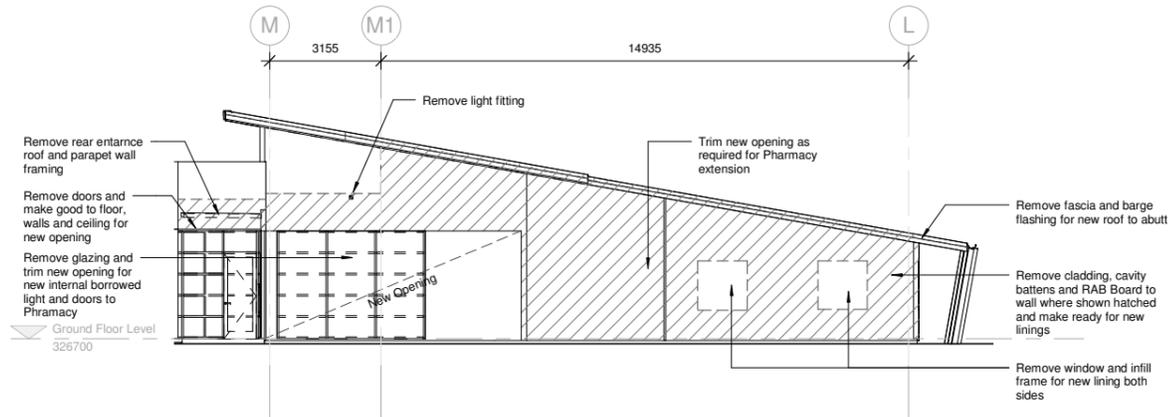
**F A101**  
**ARCHITECTURAL**



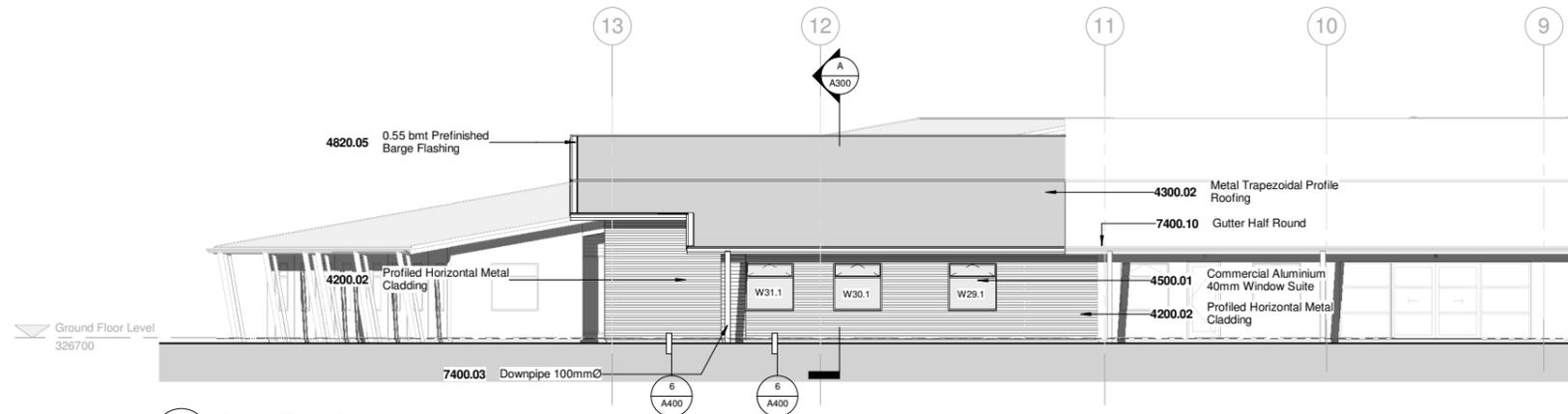
**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM140279**  
**Thursday, 19 June 2014**



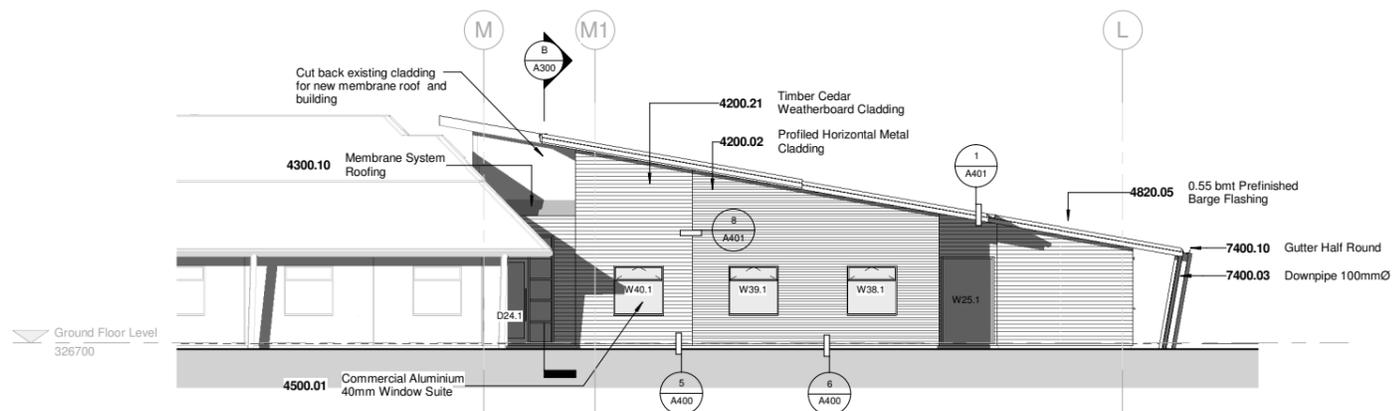
**4** Elevation - North Demolition  
A100 1 : 100



**3** Elevation - East Demolition  
A100 1 : 100



**1** North Elevation  
A101 1 : 100



**2** East Elevation  
A101 1 : 100

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REVISIONS	
A	Issued for Services Coordination 18/03/2014
B	Resource Consent Amendments 28/03/2014

**PRELIMINARY**  
NOT FOR CONSTRUCTION

NOTES

**OPUS architecture**  
 Christchurch Studio  
 PO Box 1482, Christchurch 8140  
 New Zealand  
 +64 3 363 5400

Client  
**WANAKA HEALTH CENTRE**

Project  
**Additions to Health Centre  
 Cardrona Valley Road  
 Wanaka**

Sheet Name  
**ELEVATIONS**

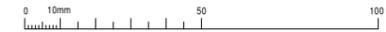
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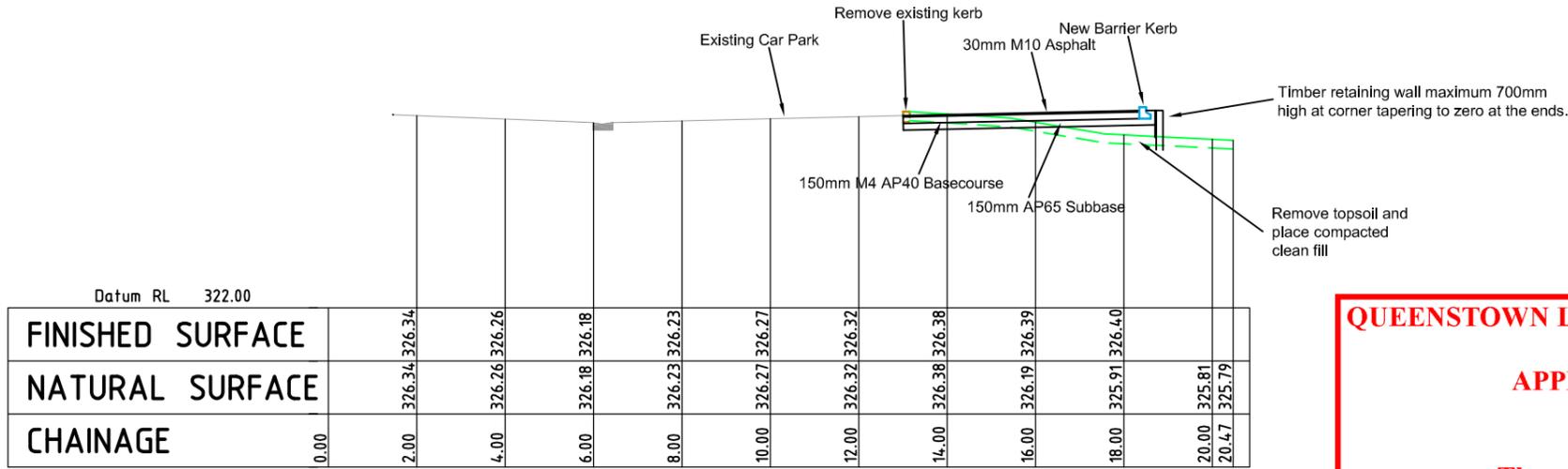
North	DESIGN	CJC
	DRAWN	SDP
	VERIFIED	
	APPROVED	

Project No.	Issue Date
411365.01	28/03/2014

Revision	Sheet No.
B	A200

**ARCHITECTURAL**





**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM140279**  
**Thursday, 19 June 2014**

- KEY**
- Building
  - Bush or Shrub
  - Mudtank
  - Stormwater Manhole
  - Power Service Box
  - Power Transformer / Switch
  - Street Light
  - Fence
  - Carpark Layout
  - Kerb / edge of seal (to remain)
  - Kerb to be removed
  - Kerb New
  - Lot Boundary
  - New Seal
  - Seal to be removed & grass established

**NOTES:**

Coordinates are in terms of Lindis Peak 2000  
 Origin of coordinates: A3PF  
 804267.63mN  
 373973.23mE

Elevation in Terms of: Dunedin Vertical Datum  
 1958  
 Origin of Levels: A3PF  
 RL= 314.08m

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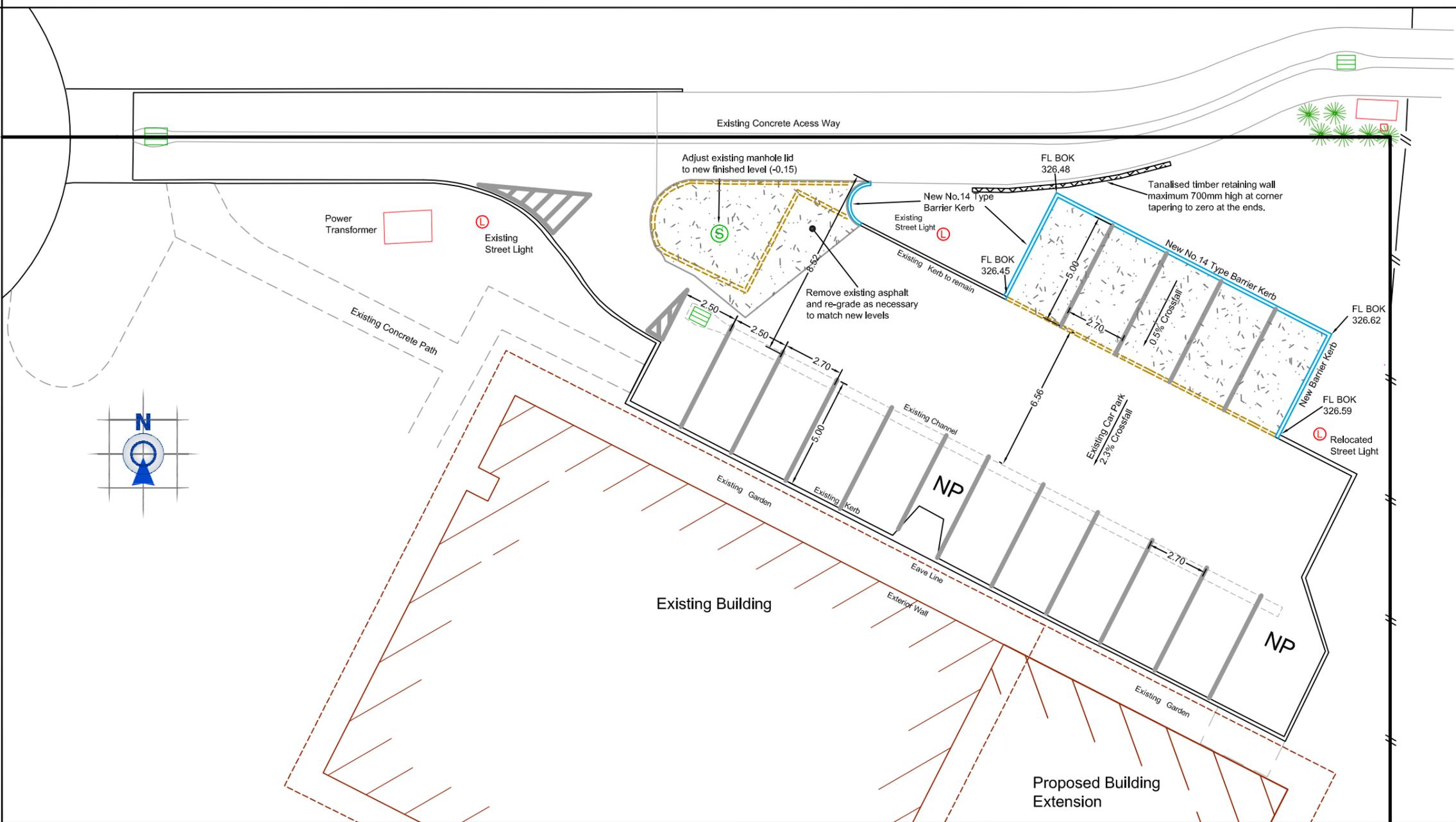
**WANAKA**  
 19 Reece Crescent  
 or P.O. Box 283  
 Wanaka 9343  
 T 03 443 0110  
 E wanaka@ppgroup.co.nz

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Client & Location:  
**Wanaka Lakes Health Centre**  
 Cardrona Valley Road,  
 Wanaka

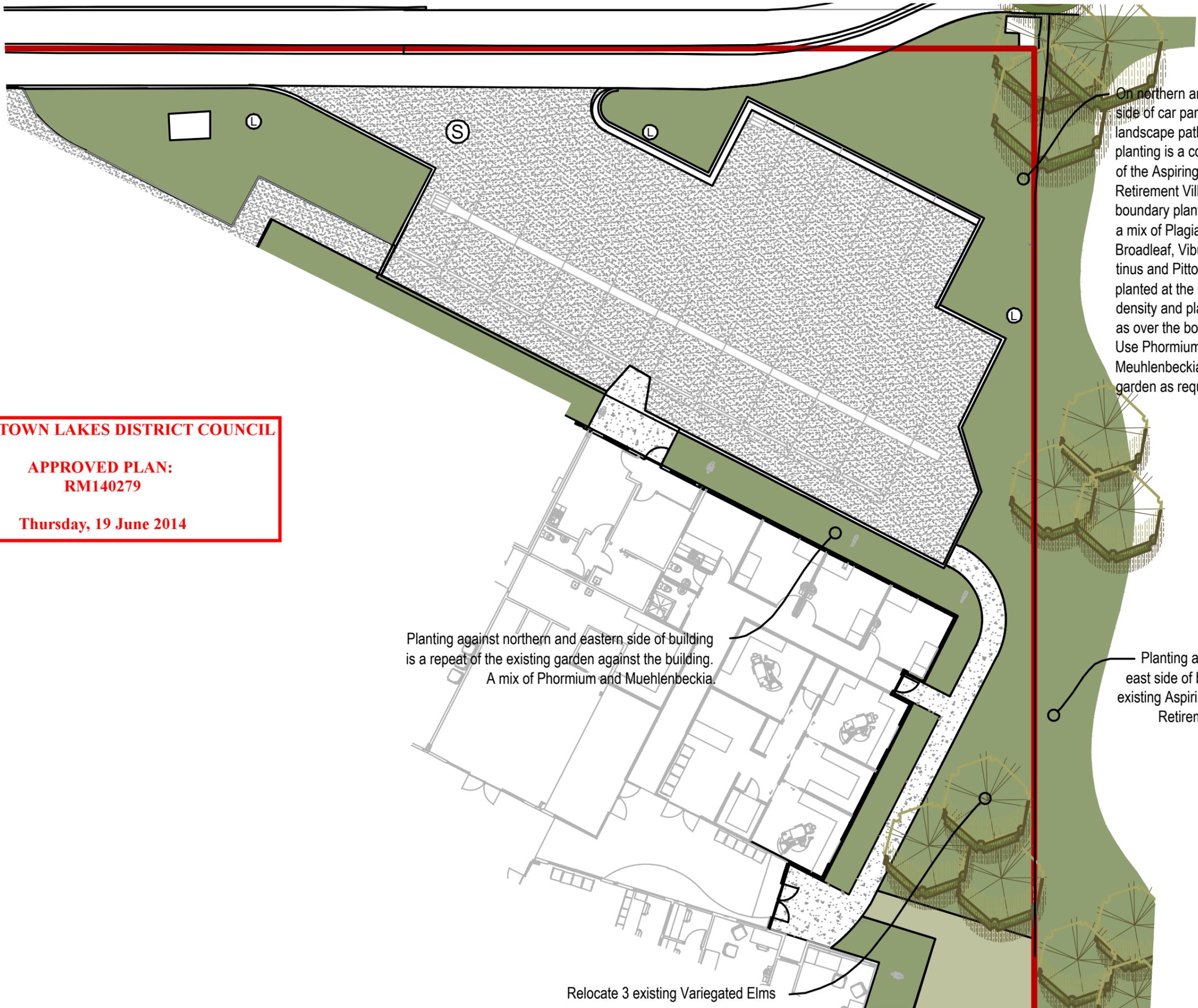
Purpose & Drawing Title:  
**Carpark Extension**  
**Layout Plan**

Surveyed by:	MHC	Original Size:	Scale:
Designed by:	SJD	A3	1:200 @ A3
Drawn by:	PGS		
Checked by:	SJD		
Approved by:	SJD		
Job No:	W4246	Sheet No:	100
		Revision No:	C
		Date Created:	08/05/2014



PRELIMINARY DRAWING- NOT FOR CONSTRUCTION

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM140279**  
**Thursday, 19 June 2014**



Planting against northern and eastern side of building is a repeat of the existing garden against the building. A mix of Phormium and Muehlenbeckia.

Relocate 3 existing Variegated Elms

On northern and eastern side of car park and landscape pathways the planting is a continuation of the Aspiring Lifestyle Retirement Village boundary planting. This is a mix of Plagianthus, Broadleaf, Viburnum tinus and Pittosporum planted at the same density and planting sizes as over the boundary. Use Phormium and Meuhlenbeckia at front of garden as required.

Planting and trees on east side of boundary is existing Aspiring Lifestyle Retirement Village planting.



**GEORGIE P**  
LANDSCAPE ARCHITECTURE

0274435817  
www.georgiep.co.nz

WANACARE EXTENSION  
Concept Plan

Scale 1:200 @ A3  
Client # 09-641  
Plan Version A  
Print Date 17/02/2014 2:14:27 p.m.

PLAN KEY

- Deciduous Tree
- Planting
- Lawn
- Asphalt
- Concrete





**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Aspiring Retirement Investments Limited and P D Gordon Trust Limited
<b>RM reference:</b>	RM140733
<b>Application:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for a land use consent to construct and operate a hospital and hospice facility with associated car parking and landscaping, to erect a free-standing entrance sign, and to subdivide the facility from the remainder of the Wanaka Aspiring Lifestyle Retirement Village.</p> <p>Land use consent is also sought to erect a caretaker's shed building within the Retirement Village.</p>
<b>Location:</b>	Cardrona Valley Road, Wanaka
<b>Legal Description:</b>	Lot 1 Deposited Plan 417191 held in Computer Freehold Register 466275
<b>Zoning:</b>	Rural Residential
<b>Activity Status:</b>	<b>Non-Complying</b>
<b>Decision Date</b>	<b>29 January 2015</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Ian Greaves, Senior Planner, on 29 January 2015 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1 and 2** of this decision imposed pursuant to Section 108 and Section 220 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Ian Greaves, Senior Planner, as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to construct and operate a hospital and hospice facility with associated car parking and landscaping, to erect a free-standing entrance sign, and to subdivide the facility from the remainder of the Wanaka Aspiring Lifestyle Retirement Village.

The application to construct and operate the hospital is a replacement proposal for the assisted care hospital approved by resource consents RM070220 and RM100610 (52 geriatric beds and 13 assisted care beds). It has been determined that the nature and scale of the changes to the facility from that approved by RM070220 (including significant changes to the design of the building and an additional 17 beds) are outside the ambit of that which could be assessed as a 'change' to Condition 1. Therefore the applicant has applied for a new land use consent to replace RM070220.

### Hospital Building Design and Location

The proposed hospital will be single-storey (to a maximum height of approximately 5.4m above the original ground level prior to completion of earthworks) and will contain three main wings. The facility will contain 82 beds, lounge/dining areas, administration facilities, and support areas (i.e. kitchen, laundry, waste areas). There will be a small (one-bedroom) hospice care suite, and various outdoor living areas (courtyards etc).

The total Gross Floor Area of the building will be 3947m<sup>2</sup>, resulting in a building coverage of 35.88% of the proposed Lot 2. The building will setback from the relevant boundaries as follows:

- North: 4.66m from the building wall, 3.975m from roof eave line.
- South: 0.31m from the internal boundary of the site (as defined in the District Plan as from the *net area* - excluding the right of way), 5.62m to the legal southern boundary.
- East (proposed boundary): 9.21m from building wall, 8.52m from roof eave line.
- West (Cardrona Valley Road boundary): 10m from building wall, 9.32m from roof eave line.

The exact external colours and materials for the building are yet to be decided. The applicant has volunteered a condition of consent that these are submitted to the Council for certification prior to the commencement of construction, as is the method used with the remainder of the retirement village buildings. In general terms the materials for the building will be as follows:

Roof: Longrun Colorsteel

Wall Cladding: horizontal weatherboards, board and batten, and stone

Joinery: Double-glazed aluminium

No earthworks are proposed. Earthworks on the site have been carried out in accordance with resource consent RM110618.

### Hospital Staging

It is anticipated that the development will be undertaken in three stages as outlined below:

Stage 1: 19 bed wing + 20 dementia beds + 1 hospice care suite

Stage 2: 30 bed wing

Stage 3: 12 bed wing

### Nature and Scale of Activity

The hospital/hospice will primarily be a 'live-in' facility whereby residents are permanently based on the site, as opposed to a regular hospital where patients are generally of a temporary nature. The facility will be linked to the Aspiring Lifestyle Retirement Village via a pedestrian walkway (which also incorporates an ambulance right of way). As outlined above there will be a total of 82 beds contained within the facility.

### Access and Car Parking

Access into the site will be from Cardrona Valley Road, via an existing cul-de-sac on the application site which also serves the adjoining Wanaka Lakes Health Centre.

There will be a car parking area adjacent to the head of the cul-de-sac containing 33 car parks (including two disabled parks and one hospice car park). There will also be an identified funeral director space.

The applicant has also identified an area for potential future additional car parking adjacent to the proposed eastern boundary in order to resolve concerns raised by the Wanaka Lakes Health Centre in relation to car parking capacity.

### Landscaping

A proposed landscape plan has been submitted with the application. This landscape plan generally identifies boundary planting around the site and within the car parking areas. It is intended to retain existing trees in the centre of the western (Cardrona Valley Road) boundary. Proposed species include a mix of shrubs and specimen trees.

### Free-Standing Sign

Consent is sought to erect a free-standing facility identification sign in the south-western corner of the site. The sign will be 5.76m<sup>2</sup> in area (3.2m width and 1.8m height) and will consist of plastered masonry block wall with river stone veneer at the base. Given that the final content of the sign has yet to be determined, this sign will be a 'sign platform'.

### Subdivision

Consent is sought to subdivide the site in order to enable the hospital land to be held in separate ownership from the remainder of the retirement village. Proposed lot sizes are as follows:

Lot 1: 10.97ha

Lot 2: 1.15ha (1.10ha net)

### Caretaker's Building

Consent is also sought to construct an implement building on the main retirement village site for the use of Caretakers for the facility. This building will be 73.44m<sup>2</sup> and have a maximum height of 3.75m above ground level. It will contain one toilet/shower and two roller doors. The building will be clad in Coloursteel in *Ironsand* colour (a dark grey). The building will be located approximately 5m from the new boundary between proposed Lots 1 and 2, and approximately 8.5m from the adjoining neighbour's boundary.

### *Site and Locality Description*



Figure 1 - The Application Site

The site (as seen in Figure 1 above) is located adjacent to Cardrona Valley Road, to the direct north of the Wanaka Lakes Health Centre. The site currently comprises of the Wanaka Aspiring Lifestyle

Retirement Village. The Retirement Village is nearing completion with the majority of residential units and a community centre constructed.

The site of the proposed hospital has been levelled. This site fronts onto Cardrona Valley Road, and a private cul-de-sac which also provides access to the Wanaka Lakes Health Centre. The wider area to the north is the Wanaka Golf Course and Rural Living allotments, land to the south and east is rural (although contains residential allotments), and land to the west is a QLDC owned recreation reserve, surrounded by urban development.

#### *Relevant Site History*

Resource consent RM070220, granted 22 January 2008, approved a large scale retirement village/medical centre development comprising 110 residential units in the form of stand-alone and duplex villas, 46 independent apartments, communal and recreational facilities, a hospital and a medical centre.

RM080132 was granted on 25 June 2008 to subdivide the medical centre approved by RM070220 from the retirement village site to allow each development to proceed independently.

Resource Consent RM090660 approved 8.64m<sup>2</sup> of advertising signage on site for a period of two years.

Resource consent RM090783, granted 3 December 2009, approved an amendment to conditions 1 and 18 of RM070220 to amend the layout and design of buildings, roading, and development staging.

Resource Consent RM090946 approved an amended design for the medical centre now located to the south of the application site. The design was further changed by RM100300.

Resource consent RM100128 was granted 22 June 2010 to allow the approved signage to remain on site for a further five years.

Resource Consent RM100610 was granted 28 January 2011 as a new land use consent to amend the layout and staging of the proposed retirement village development. RM100610 was granted to partially supersede Resource Consent RM070220. The result is there are two resource consents for the retirement village, both which will lapse in 2018. The design of the hospital approved by RM070220 did not change through this process.

Resource Consent RM110326 was granted on 15 June 2011 for earthworks of 3120m<sup>3</sup> over an area of 1360m<sup>2</sup>.

Resource Consent RM110618 was granted on 7 November 2011 to undertake 1500m<sup>3</sup> of earthworks to establish a borrow put, and to confirm the volume of approved earthworks undertaken on Lot 1 associated with the construction of the village and hospital.

Resource Consent RM120602 was granted on 22 November 2013 and approved an amended layout and design for the community centre on site. This was completed through a variation to RM120602 and aligned the conditions of both RM070220 and RM100610.

Resource Consent RM130428 approved a 2.88m<sup>2</sup> temporary advertising sign associated with the proposed hospital.

#### *Consideration of Change to Resource Consent RM070220*

Consideration has been given as to whether the conditions of resource consent RM070220 (or RM100610) need to be changed in order accommodate the development. The current application is a replacement proposal for the hospital facility to that originally approved by RM070220. The approved hospital facility is currently Stage 'H1 and H2' of RM070220 (condition 16). However condition 16 also allows alternative staging to be approved by the Council, provided the alternative staging is in general accordance with the approved master plan.

In this case it is considered that an additional variation to RM070220 will further complicate an already complex resource consent history. There is no requirement for stage H1 and H2 to actually be constructed/implemented. The current application is a replacement proposal, and with the proposed subdivision the facility will likely be held in separate ownership to the remainder of the retirement village.

Therefore it is determined that the most appropriate approach is to not change any conditions of RM070220/RM100610. Should consent be granted, the two consents can co-exist and either can be given effect to until the lapsing date.

## 2. ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Rural Residential and the proposed activity requires resource consent for the following reasons:

#### *Land Use*

- A **controlled** activity resource consent pursuant to Rule 8.2.2.2(i) for the construction of the proposed hospital building and proposed caretakers building. The Council's control is with respect to:
  - (a) The location and external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment.
  - (b) The provision of water supply, sewage treatment and disposal, electricity and telecommunication services.
- A **restricted discretionary** activity consent pursuant to Rule 8.2.2.3(vi) for a breach of site standard 8.2.4.1(i) in respect of the maximum 15% building site coverage. The proposal will result in a building site coverage of 35.88% on Proposed Lot 2. The Council's discretion is with respect to this matter.
- A **restricted discretionary** activity consent pursuant to Rule 8.2.2.3(vi) for a breach of site standard 8.2.4.1(ii)(a) in respect of the minimum 6m setback of buildings from internal boundaries. The hospital building will be located in the position described above, including 1m from the southern internal boundary. The proposed caretakers building will be positioned approximately 5m from the western boundary of proposed Lot 1. The Council's discretion is with respect to these matters.
- A **restricted discretionary** activity pursuant to Rule 8.2.2.3(vi) for a breach of site standard 8.2.4.1(v)(a) which limits the maximum GFA of non-residential activities to be 40m<sup>2</sup>. All 3947m<sup>2</sup> of the proposed hospital building will likely be used for non-residential activities. The Council's discretion is restricted to this matter.
- A **non-complying** activity pursuant to Rule 8.2.2.4(vii) as the proposal breaches zone standard 8.2.4.2(ix) in regard to the required 10m setback of buildings from a road boundary. It is proposed to extend the eaves of the building into the Cardrona Valley Road setback, meaning the building will be setback 9.32m from the road boundary.
- A **non-complying** activity pursuant to Rule 18.2.3 of the Operative District Plan as the proposal free-standing sign breaches zone standard 18.2.5(ii) which restricts the size of signage associated with medical facilities on a site to be 2m<sup>2</sup>. It is proposed to erect a free standing that will be 5.76m<sup>2</sup> in area.

#### *Subdivision*

- A **controlled** activity subdivision resource consent pursuant to Rule 15.2.6.1 (lot sizes and dimensions), Rule 15.2.7.1 (subdivision design), Rule 15.2.8.1 (property access) Rule 15.2.10.1 (natural and other hazards), Rule 15.2.11.1 (water supply), Rule 15.2.12.1 (storm water disposal), Rule 15.2.13.1 (sewerage treatment and disposal), Rule 15.2.14.1 (trade waste disposal), Rule 15.2.15.1 (energy supply and telecommunications), Rule 15.2.16.1 (open space and recreation), Rule 15.2.17.1 (vegetation and landscaping), Rule 15.2.18.1 (easements). The Council's control is respect to these matters.

Overall, the application is considered to be a **non-complying** activity.

## 2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

### 4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

#### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *Trade competition and the effects of trade competition (s95D(d)).*
- C: *The following persons have provided their **written approval to the construction and establishment of the hospital facility** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
S Meyer, L O'Hagen, J Davies, J Pettit, S Brebner, V Bush, A McLeod, D Allen - all as directors of Wanacare Limited	Owner of the adjoining site to the south (Wanaka Lakes Health Centre)
P D Gordon, Central Lodge Trustees 2006 Limited	Owner of both the application site and adjoining property surrounding the application site (Lot 3 DP 417191)

#### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case there is no permitted baseline in relation to buildings, given that the construction of any building or subdivision in the Rural Residential Zone will require a resource consent.

In relation to signage, the Operative District Plan permits signage associated with medical facilities to be a maximum of 2m<sup>2</sup> per site, to be either attached to a building or freestanding.

Adverse effects contained within the permitted baseline will be disregarded from the below assessment.

### 4.3 THE EXISTING ENVIRONMENT

#### *Resource Consent RM070220 and RM100610*

RM070220 was granted on 23 January 2008 to establish the retirement village, including the hospital comprising 52 geriatric and 13 assisted care beds (total of 65 beds). The hospital approved by RM070220 identifies a hospital in the same location of the site as that proposed with a GFA of 4404m<sup>2</sup>. The approved plans demonstrate that the hospital has been approved as a two-storey building. Thirty three car parks were to be provided for the hospital.

Condition 22 of RM070220 specifies a 10-year lapse period for RM070220, meaning the consent will lapse on 23 January 2018.

RM100610 was granted on 28 January 2011 to change the master plan for the retirement village, which included new land use consents. However this did not change the location or design of the hospital facility and is therefore not relevant to the current proposal.

Turning to the matter of the existing environment, consideration needs to be given as to whether the hospital development consented by RM070220 forms a part of the 'environment' - that being the consent is likely to be implemented. On this matter the following is noted:

- The majority of the retirement village has been completed, with the final stages under construction.
- Earthworks for the hospital facility have been completed.
- A resource consent was granted in 2013 for the erection of a temporary sign to advertise the hospital.
- RM070220 remains a live consent and will not lapse until January 2018.
- While a different building design and additional beds are proposed, the overall general nature and location of the facility will remain the same to that approved by RM070220.

Therefore it is concluded that it is reasonable to determine the hospital development approved by RM070220 is likely to be implemented and therefore forms a part of the 'existing environment' from which adverse effects must be assessed.

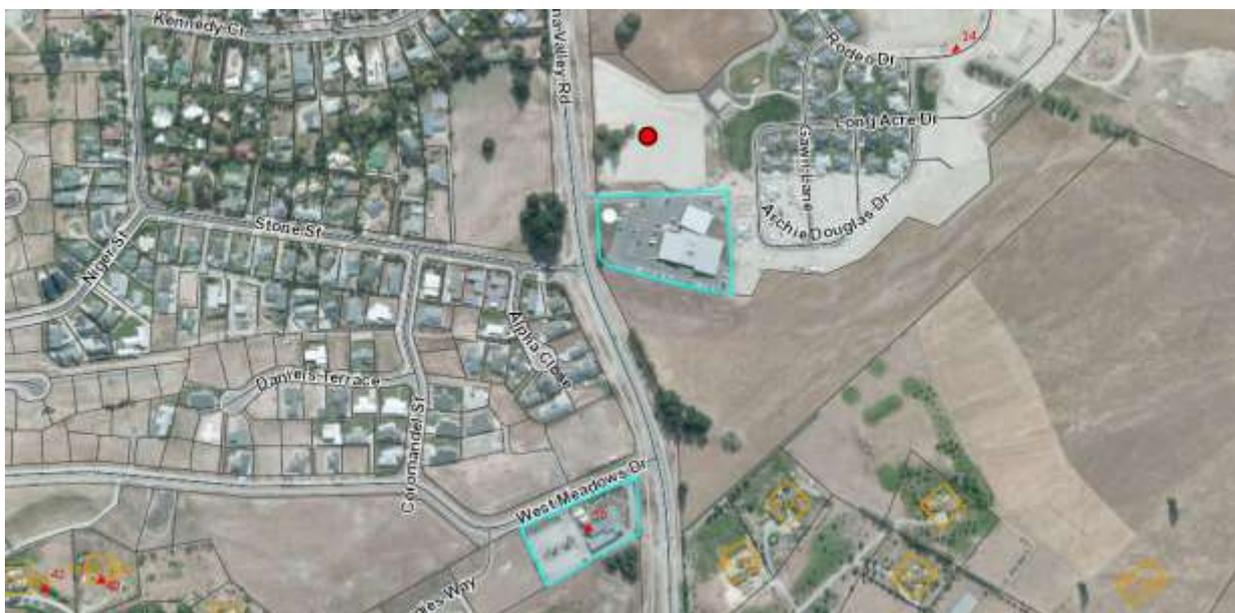


Figure 2 - Surrounding Land Use

Other relevant aspects of the existing environment are two large-scale facilities along the subject stretch of Cardrona Valley Road. As seen in Figure 2 below, the site is abutted by the Wanaka Lakes Health Centre which incorporates two medical centres, physiotherapy and chiropractic facilities, an optometrist, podiatrist, message therapy clinic, a radiologist, and café.

The 'Basecamp' facility is located 270m to the south, incorporating a rock climbing centre, cinema, restaurant, and offices.

Therefore in addition to the urban residential development in the near vicinity of the site, the existing environment incorporates the hospital approved by RM070220, the Wanaka Lakes Health Centre, and Basecamp complex.

#### **4.4 ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

Taking into account sections 4.1, 4.2, and 4.3 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Queenstown Lakes District Council Resource Management Engineer, Lyn Overton, has undertaken an assessment of the application. This assessment is attached as *Appendix 3* and will hereafter be referred to as the 'engineering report'.

##### *Construction Effects*

In relation to construction and traffic management, while Ms Overton has not raised any specific concerns, a condition of consent has been recommended that a traffic management plan is submitted to the Council should any parking, traffic, or movement of pedestrians be disrupted. This is considered to be acceptable and will adequately avoid adverse effects in this regard.

The New Zealand Construction Noise Standards (NZS 6803:1999) (NZCNS) allow construction activity 24 hours a day; seven days a week, providing the activities meet specified noise standards. However, in the absence of any expert assessment or analysis of predicted noise levels, it is likely that certain types of construction activities would also have to be avoided at certain times of the day and on Sundays and public holidays to ensure that the more stringent noise restrictions of the NZCNS can be complied with.

The District Plan anticipates construction activity will occur providing the activities meet the NZCNS. Ensuring compliance with construction noise standards and enabling the building to be built over a short duration enables adverse effects associated with noise-related nuisance to be minor. A condition of consent can be imposed accordingly which will adequately protect the amenity of the area.

The earthworks necessary for the development have already been completed on site under a previous resource consent. With respect to other construction effects (dust and vibration) it is considered that given the temporary nature of the construction period, the flat site, and site management conditions any adverse effects will be mitigated in this regard, such that they will be minor.

Overall it is considered that adverse effects resulting during the construction period are likely to be minor.

##### *Hospital Building Location and Impact on the Streetscape*

The proposed hospital building will be positioned in the same area of the site as that approved by RM070220. This area has been cleared and earthworks undertaken in anticipation of the development. In consideration of the existing environment, it is concluded that the proposed location within the site is appropriate to contain the development.

While the roof eaves of the western portion of the building will infringe 10m the Cardrona Valley Road setback (by a maximum of 0.685m), from the wider environment there is unlikely to be any apparent difference between a compliant setback and that proposed given the small infringement. The eaves will

have a low profile in comparison to the road level and in conjunction with the proposed landscaping it is considered that adverse effects on the streetscape will be adequately mitigated.

The internal boundary setback infringement in the north-eastern area of the site (3.975m from the boundary) is unlikely to be apparent from the wider environment. This area of infringement will be set against an upward slope of the land, adequately mitigating adverse effects.

As outlined above, the building will be setback 0.31m from the eave line from southern internal boundary (being the boundary of the legal right of way). However the right of way easement will contain landscaping, grassed areas, and half of the formed access cul-de-sac on which buildings cannot be constructed. Furthermore only a very small portion of the building will be located at this distance from the boundary, with the majority having a greater setback.

From public places outside the site (primarily Cardrona Valley Road) the building will appear adequately setback from the cul-de-sac so as to protect the amenity of the area. When travelling along Cardrona Valley Road, the facility will be viewed in direct relationship with the Wanaka Lakes Health Centre, and the Retirement Village to the rear. Furthermore the floor level of the building will be below the level of the road, helping to mitigate adverse effects on the streetscape by reducing the potential for dominance effects.

The applicant proposes to retain existing trees along the road boundary, in addition to undertaking the planting of new specimen trees. It is considered that these measures will ensure that adverse effects on the streetscape of Cardrona Valley Road will be no more than minor.

Overall it is concluded that the location of the hospital building is appropriate in the context of the site and surrounds, and the existing environment. While intrusions into the road and internal boundary setbacks will exist, resultant adverse effects are unlikely to be more than minor.

#### *Hospital Building Design and External Appearance*

The design of the building will be substantially changed from that approved by RM070220. The entire building will be single storey and as a result have a larger footprint. However given the relationship of the site to Cardrona Valley Road and the adjoining medical centre, a single-storey building is considered to reduce the level of built form experienced from public places. While the site coverage will slightly increase (to 35.88%), adverse effects on the environment are likely to be minor in this regard.

The layout of the consented building is such that a car parking area fronts onto Cardrona Valley Road. The proposed site configuration will ensure that the car parking area is partially obscured from public view by the southern wing of the building; this is considered to be an improvement over RM070220.

The physical design of the building will appear compatible with the adjoining medical centre facility with pitched roof structures of low gradient and the visible retirement village units. The winged design of the building is commonly seen in similar facilities and considered to be appropriate in the subject context.

The final colours and materials for the building are yet to be selected, however general materials have been provided on the submitted elevations as outlined above. The applicant has requested the same condition as that imposed in RM070220, requiring the final cladding and roofing colours to be submitted to Council for approval. The colours are required to be a naturally recessive green, brown or grey with a reflectance value (LRV) of 35% or less.

It is generally considered desirable to have the final colours/materials assessed as part of the resource consent processing stage. However previous experience with the Aspiring Lifestyle Retirement Village has proven this condition to work well, with complying colours successfully submitted and approved prior to construction beginning on a particular stage. The specified range of colours and LRV are considered adequate to ensure a suitably recessive building that will tie in with the surrounds of the site.

Overall it is considered that the design and external appearance of the hospital building will be such that adverse effects on the environment will be no more than minor.

### *Hospital Access*

Access into the facility will primarily be from Cardrona Valley Road via the existing cul-de-sac which has been constructed over the southern portion of the lot. While the ownership of this is split with the adjoining property to the south, right of way easements are registered to protect access.

Pedestrian access will be provided within the car parking area via footpaths and surface markings. There will also be a direct linkage from the hospital to the remainder of the Aspiring Lifestyle Retirement Village. It is considered that there will be adequate provision for pedestrian access within the site.

Ms Overton has undertaken an assessment of the proposed access arrangement on page 2 of the engineering report. Ms Overton has advised that the proposed visitor entrance into the facility will be of an appropriate design and has recommended conditions of consent that crossings are formed to the Council's standards, complete with any necessary markings and signage.

A secondary access point will be established off the existing ambulance right of way that is shared with the adjoining Wanaka Lakes Health Centre land. It is intended that this access will be used by delivery vehicles and staff. Ms Overton has advised that this right of way is already formed to the Council's Standards, and a condition of consent has been recommended to ensure that any necessary easements to secure protection of this access are granted prior to completion of the subdivision. This is considered adequate to avoid adverse effects.

Should the subdivision not proceed the applicant has confirmed there is an existing right of way easement (6m width) over this access. Ms Overton has not raised any concerns in this regard.

It is therefore considered that adequate provision will be made to access the facility.

### *Hospital Car Parking*

It is proposed to construct and mark out a total of 33 car parks within the site, including 2 accessible car parks and a car park allocated especially for the hospice. The applicant has also identified another area on the site plan which could become additional car parking in future, should it be required. This was a result of discussions between the applicant and the adjoining Wanaka Lakes Health Centre.

Ms Overton has provided a detailed assessment of the proposed car parking provision on page 3 of the engineering report. This assessment is accepted and adopted for the purposes of this report. In summary:

- The submitted traffic assessment has identified a likely demand of 32.4 car parking spaces.
- The design of car parks (including disabled car parks) will comply with District Plan requirements.
- The staff car parking area and loading zone used for service vehicles will be accessed via the right of way off the head of the cul-de-sac. Subject to minor changes to the detailed design of the entrance to the proposed car park, an 8m truck will be able to reverse into the loading zone by using the right-of-way as a turning head. A condition of consent has been recommended to ensure this design modification will be undertaken.

It is noted that Ms Overton has referenced a traffic report submitted with the application, prepared by traffic consultant, Andy Carr of *Carriageway Consulting*. Mr Carr assessed the facility as a 'Community Care Activity' against the transport standards of the District Plan. It is noted that there is no definition provided for a community care activity, however the parking requirements for this activity refer to 'residents'.

The District Plan Transport Standards also contain a 'Hospitals' activity classification, which uses the term 'beds'. A hospital facility requires a higher level of car parking to be provided on site (51 car parks for the current proposal).

Consideration has been given to whether the activity will be defined as a 'hospital' or a 'community care' activity for the purposes of an assessment of the required car parking. In this matter it is noted that the facility proposed will be one whereby residents live permanently on site, in an assisted-care situation. In this living situation it is considered unlikely that residents will own a car.

This is in contrast to a standard hospital facility whereby patients are often contained within the facility for short-duration medical treatment.

Mr Carr has advised that the parking ratio most often used for retirement villages is to provide 1 car park per 5 residents for visitors, plus 1 parking space per 2 staff member on-site at any one time. Based on an anticipated maximum staffing level of 32 people, this would require 28 car parks.

It is therefore concluded that the activity will be more similar to a 'community care' facility as opposed to a 'hospital', and be compliant with the District Plan in this regard. Ms Overton has not raised concerns with the number of car parks proposed.

Overall it is considered that subject to conditions relating to design, the proposed provision for car parking within the facility will adequately serve the needs of residents and staff. Therefore adverse effects on the environment are likely to be minor in this regard.

### *Servicing*

Ms Overton has undertaken an assessment of the proposed hospital servicing on pages 4 - 5 of the engineering report. This assessment is accepted and adopted for the purpose of this report. In summary:

- It has been advised that Council's reticulated water and wastewater services are available to connect into.
- Water supply to the site is constrained, and the Council's reticulation will need to be upgraded. However there are options available and can be considered in detail at the time of engineering approval. A condition of consent has been recommended to ensure a suitable water connection is provided to the development.
- In relation to fire fighting water supply, the building will need to be sprinklered. There are serviceable fire hydrants available to serve the development. However a condition of consent has been recommended to require an engineer to confirm that there will be sufficient water within the Council's mains to meet the operational the needs of the development.
- An existing wastewater main within the retirement village can be extended to service the development; however will need to be upgraded. Conditions of consent have been recommended accordingly.
- Stormwater disposal will be made on-site as there are is no available Council reticulation to connect into. A report submitted with the application confirms that this will be feasible and conditions of consent have been recommended accordingly.
- Power and telecommunication connections can be provided to the development and conditions of consent have been recommended accordingly.

Based on the advice provided by Ms Overton, the development can be adequately serviced. While upgrades and extensions of existing services will be required, the engineering approval process can consider the detail of these connections.

Overall adverse effects on the environment are considered to be minor with respect to servicing.

### *Natural Hazards*

The site is identified on the Council's current hazard register as subject to liquefaction risk category LIC1 - *Nil to Low Risk*. This is the lowest risk category and the Council's current stance is that no further action is required in this regard. Therefore based on the current information available it is considered that adverse effects on the environment are likely to be less than minor with respect to natural hazards.

### *Landscaping*

A landscape plan has been submitted with the application, prepared by *Georgie P Landscape Architecture*. The plan has been designed so that the perimeter of the hospital site will be planted with general shrubs, intermixed with clusters of specimen trees. It is recorded that these specimen trees will

be mainly ornamental (i.e. flowering cherry, liquidamber, flowering dogwood etc). Existing trees along the Cardrona Road boundary will also be retained.

While ornamental flowering trees are generally not considered to be appropriate in a rural context, the subject locality and existing environment is more reflective of a peri-urban context in which such species are considered appropriate. Previous landscape plans for the Retirement Village site have been certified by the Council's Landscape Architects and include similar ornamental species. The proposed landscape plan will therefore appear consistent with the landscaping undertaken in the wider Retirement Village.

RM070220 contains conditions of consent in relation to landscaping. Relevant conditions in relation to the hospital site prevent the planting of Silver Birch and Alder trees; require screening from properties to the south; the identification of existing vegetation, and minimum tree heights for structural planting. The proposed landscape plan is considered to achieve these objectives, and conditions of consent can be imposed accordingly.

While the landscape plan is unlikely to completely screen the development from view of public places, the landscaping will provide a satisfactory level of mitigation and ensure the extent of built form is visually absorbed into the environment.

Therefore adverse effects on the environment are considered to be less than minor in relation to landscaping.

#### *Nature and Scale of the Activity*

The overall nature and scale of the activity will be similar to that approved by RM070220, forming a part of the existing environment. The increase in the scale of the activity is limited to the additional 17 beds within the hospital.

It is considered reasonable to assume that elderly residents living in an assisted-care hospital situation will not own a car. The majority of additional traffic movements will result from an increase in the number of friends and family visiting the site. However as determined above, there will be adequate provision for access and car parking formed on site to cater for the activity.

The application site is adjacent to an established medical facility and retirement village, both of which cumulatively generate a high level of traffic movements on Cardrona Valley Road. Therefore from the perspective of the wider environment, the additional traffic movements associated with a further 17 beds will easily be absorbed into the nature and scale of the existing environment.

While an increase in hospital beds will likely result in a small increase in staff levels (and associated adverse effects), as concluded there will be adequate car parking available on site. These additional staff are unlikely to change the overall nature or scale of the activity above that approved by RM070220.

While the facility will not be a rural/residential activity, it will be viewed in strong connection to the non residential activity occurring in the adjacent Wanaka Lakes Health Centre, thereby minimising adverse effects.

Therefore adverse effects on the environment are likely to be minor in relation to the likely nature and scale of the activity.

#### *Rural Character and Effects on Views/Outlook*

While the proposed hospital will be located within an area zoned for Rural Living in the District Plan, the nature of the existing environment is more reflective of an urban context, as described in detail above. The proposed hospital building will be of a lower scale than that approved by RM070220, and therefore considered to be more compatible with the surrounding edge of urban Wanaka. Given that the facility will be co-located with the Wanaka Lakes Health Centre, any adverse effects on rural character are considered to be minor.

The hospital site is not located in an area of open landscape. When viewed from public places (Cardrona Valley Road in particular), any loss of views toward the wider landscape are likely to be less than the previously approved development, given the lower building height. The extent of views afforded from public places is already restricted by the adjoining Health Centre, and Retirement Village backdrop. In the overall context of the site and surrounds, it is determined that any loss of views or outlook from public places will be less than minor.

Overall adverse effects on the environment are likely to be minor with respect to rural character and views/outlook.

### *Noise*

The applicant has not applied for resource consent to breach any noise standards of the District Plan. The facility will be a full-time living arrangement for residents who reside on the site and therefore will more closely reflect the character of the Retirement Village rather than a traditional hospital facility.

The author has visited two similar facilities in Auckland on multiple occasions. On each occasion the only noise readily observed from the facility was ambient background noise from the wider environment and low-level, intermittent noise from the car park. Given that the proposed facility will be similar in nature, it is considered reasonable to draw similar conclusions as to the likely noise effects.

Regardless the noise rules of the District Plan will remain in effect, in addition to section 16 of the RMA (prescribing a duty to avoid unreasonable noise). While at this stage it is considered that a noise assessment is not needed, in future should it become apparent that noise issues result, resource consent may be required in this regard.

Another important consideration is the likely noise that will result from the mechanical equipment (i.e. air conditioning units, refrigeration etc) that will be installed within the facility. There is potential for noise emitted from this machinery to adversely affect the amenity of both the wider environment and neighbours. In this regard a condition of consent can be imposed to require a suitably qualified acoustic professional to certify that noise associated with plant equipment will comply with the non-residential noise standards of the District Plan. This is considered satisfactory to avoid adverse effects.

Adverse noise effects on the environment are therefore considered to be less than minor.

### *Signage*

The proposed entry sign platform will be located adjacent to Cardrona Valley Road in the south-western corner of the site. While the sign will be large, it will appear of a similar nature and scale to the Wanaka Lakes Health Centre sign across the right of way access into the site (6.48m<sup>2</sup> - approved by RM120198). In this case the sign will be a directory to a medium-sized facility, set amongst a 1.1ha site. The base of the sign will be constructed from river stones and the structure will be positioned within a landscaped garden. It is therefore considered that the size of the sign proposed will be able to be absorbed into the site and prevent adverse effects on the streetscape that are more than minor.

In addition to the Wanaka Lakes Health Centre sign, the existing environment includes large signage associated with the Basecamp facility (approved by a resource consent process). Therefore the proposed sign will not appear out of context when viewed from Cardrona Valley Road.

With respect to effects on vehicle and pedestrian safety, it is noted that the proposed sign will be located approximately 17m from the main Cardrona Valley Road. Therefore the sign will not restrict any sightlines or result in adverse safety effects.

While the application does not specify that the sign platform will be illuminated, it is considered that some form of illumination will likely be desired. In this regard it is considered that internal backlit illumination will not appear in keeping with the peri-urban nature of the site and surrounds. Up lighting is considered to be a more subtle method of illumination, and will appear consistent with the adjoining sign on the medical centre site. Therefore should consent be granted, a condition of consent can be imposed in this regard.

As with all sign platforms, a future change of signage content can be enabled through conditions of consent providing for certification by the Council.

Overall it is concluded that the proposed sign platform will be of an appropriate location, design, and size. Adverse effects on the environment are therefore considered to be minor in this regard.

#### *Cumulative Effects*

Given the size of the proposed hospital facility and associated sign platform, consideration needs to be given to the cumulative effects. An adverse cumulative effect is an effect, when combined with other effects, is significant only when it breaches a threshold. In this respect it is considered that the RM070220 consent (which forms a part of the existing environment) has determined an appropriate level of development for the site. The proposed facility, while different to that approved by RM070220, will be of a lesser height and therefore reduce the potential for cumulative visual effects.

While the number of hospital beds will increase, this increase is small and unlikely to be easily noticed above the existing environment. The extent of cumulative effects resulting from this increase is mitigated by the fact that adequate car parking will be provided for visitors and linkages to the adjacent retirement village and medical centre.

With respect to signage, although a large freestanding sign is proposed in the vicinity of other large signs, cumulative effects are effectively mitigated by the size of the site, landscaping, and construction materials of the sign. A large sign is more readily absorbed when viewed in conjunction with a large building, as will be the case in relation to the hospital facility.

Overall it is determined that the effects of the proposed hospital facility, when assessed in conjunction with the effects of the surrounding land use, will not reach a threshold where adverse effects that are more than minor will result.

#### *Subdivision*

As outlined above, it is proposed to subdivide the hospital site from the balance of the Aspiring Lifestyle Retirement Village land to enable separate ownership and operation. It is noted that a similar approach was taken for the Wanaka Lakes Health Centre (approved by subdivision RM080132). The subdivision component of the application is anticipated by the District Plan as a controlled activity, given that all subdivision Site and Zone Standards will be met.

It is considered that the design of the subdivision and location of boundaries will be logical to separate the hospital facility from the remainder of the Retirement Village land. Proposed Lot 1 will be of a sufficient size to contain the hospital facility, including associated car parking and landscaping.

The scheme plan identifies that right of way easements will be created along the southern portion of proposed Lot 2. This right of way will protect access from the retirement village through to the hospital and Wanaka Lakes Health Centre. Ms Overton has recommended a condition of consent that any necessary easements are granted or duly reserved prior to the Council signing the title plan. This is considered satisfactory to protect access and services where needed.

As outlined above, Ms Overton has advised that the development can be adequately serviced, subject to the upgrading of certain infrastructure. Ms Overton has recommended conditions of consent to ensure all necessary services are upgraded and installed into proposed Lot 1, prior to completion of the subdivision. This is considered adequate to avoid adverse effects.

Overall adverse effects on the environment are likely to be no more than minor with respect to the proposed subdivision.

#### *Caretakers Building*

As outlined above, separate to the application to establish the hospital, it is proposed to construct a caretaker's shed building within the main retirement village site. This building will be located in an area earmarked as a future caretaker's facility on the approved master plan. It is unlikely that this building will

be visible from the wider environment, being screened from view by the hospital building, ground topography, and landscaping. Even if visible, the building will be setback from Cardrona Valley Road by approximately 100m, adequately minimising adverse effects. The building will be an appropriate recessive colour, and such can be enforced by condition of consent.

Therefore it is concluded that adverse effects on the environment are likely to be less than minor with respect to the proposed caretakers building.

#### *Conclusion - Assessment of Effects on the Environment*

The proposed hospital is a replacement facility to that approved by resource consent RM070220. The above assessment has determined that overall; the adverse effects of the activity will be less, or equal to the existing environment. The building will be of an appropriate design and location, and will be adequately accessed and serviced. While an increase to the number of beds within the facility is proposed, this increase will be easily absorbed into the wider environment.

The proposed subdivision has been designed to separate the ownership of the facility from the main Retirement Village. It has been determined that the design of the subdivision is logical, and conditions of consent can ensure all necessary services are installed at the cost of the developer.

The caretaker's shed is considered to be small-scale, in a good location and of an appropriate external appearance to avoid adverse effects.

Overall adverse effects on the environment are considered to be no more than minor.

#### **4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))**

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

### **5.0 EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

#### **5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)**

A: *The persons outlined in section 4.1 above have provided their **written approval** and as such these persons are not affected parties (s95E(3)(a)).*

#### **5.2 PERMITTED BASELINE (s95E(2)(a))**

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above and will be considered in the below assessment.

#### **5.3 ASSESSMENT: EFFECTS ON PERSONS**

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

##### *North*

The adjoining property owner to the hospital site has provided their written approval to the application. With respect to other northern property owners, it is considered that adverse effects of the proposed hospital facility and related subdivision will be less than minor. The proposal will overall result in similar adverse effects to the existing environment provided by RM070220. The reduction to building height will likely enhance neighbour's views in comparison to the previously-approved two-storey building. Adverse effects will be effectively mitigated by the external appearance of the building and landscaping.

The proposed signage will not adversely affect the visual amenity of these parties; given the sign will both be adequately absorbed into the environment as a result of the size of the application site, and the physical separation of the sign from these parties.

Therefore adverse effects on nearby northern neighbours are considered to be less than minor.

#### *South*

Nearby land to the south (excluding the Wanaka Lakes Health Centre) contains residential allotments. These parties are not considered to be adversely affected for the same reasons as northern neighbours.

Therefore adverse effects on nearby southern neighbours are considered to be less than minor.

#### *East*

Land to the adjoining/nearby east of the hospital facility (where written approval has not been received) is of a sufficient distance (200m+) to be considered a part of the wider environment, and therefore no assessment needs to be made in this regard.

Whilst forming a part of the application site, consideration needs to be given to the occupiers of the residential units located within the Aspiring Lifestyle Retirement Village. In this matter, the existing environment is relevant. From the perspective of these residents, the hospital facility approved by RM070220 is likely to result in greater perceivable adverse effects, being a greater building height. The proposed building will have an appropriate design, be suitably recessive, and landscaping will provide a good degree of visual mitigation when viewed from residents' properties.

While the proposed facility will contain additional beds, as discussed in detail above, in the context of the activity in the surrounding area, additional adverse effects associated with this increase are likely to be imperceptible, particularly given that it has been demonstrated that adequate car parking will be provided for the activity. Therefore adverse effects on the residents of the Retirement Village are considered to be less than minor.

#### *West*

Land to the west of the hospital site is primarily a QLDC-owned recreation reserve. It is determined that the proposal will not affect either users of this reserve, or the interests of the Council in administering the land. With respect to neighbouring properties to the west, these parties are not considered adversely affected for the same reasons as northern neighbours.

Therefore adverse effects on nearby western neighbours are considered to be less than minor.

#### *Caretaker's Building*

With respect to the proposed caretaker's facility, it is considered that adverse effects on all neighbouring/nearby parties will be less than minor. This building will be adequately setback from all the above parties so as to ensure adverse effects are minimal.

Overall it is determined that adverse effects on all nearby/neighbouring property owners are likely to be less than minor, such that these parties are not considered to be adversely affected.

### **5.4 DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

## **6.0 OVERALL NOTIFICATION DETERMINATION**

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

## **7.0 S104 ASSESSMENT**

### **7.1 EFFECTS (s104(1)(a))**

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

### **7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))**

The relevant objectives and policies in relation to the establishment of the hospital and caretaker's building are contained within Parts 8 (Rural Living Areas), 15 (Subdivision, Development and Financial Contributions), and 18 (Signage) of the District Plan. Relevant objectives and policies are as follows:

#### *Part 8 - Rural Living Areas*

##### **Objective 1 – Rural Living**

***Establishment of low density rural living managed and contained in both extent and location.***

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

- 1.1 Identify areas for rural living activity having regard to the self-sufficiency of water and sewerage services.*
- 1.2 Recognise and provide for rural living development.*

The proposed hospital will provide for semi-permanent living accommodation. However the development will result in a high density of living activity, with up to 85 people living within the facility at any one time. While development will not represent low density rural living, the existing environment is not of rural character. The existing approved hospital, in conjunction with the adjoining medical centre and retirement village, has changed the nature of the environment such that rural living is no longer a part of the immediate surrounds of the site.

The above assessment has determined that the development will be adequately serviced and conditions of consent have been recommended to ensure this.

Therefore while the proposal will be partly contrary to this objective and associated policies, given the existing environment these are no longer considered to be critical in determining the appropriateness of the proposal.

##### **Objective 2 – Rural Amenity**

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

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

...

- 2.2 Remedy or mitigate adverse effects of activities, buildings and structures on visual amenity.*
- 2.3 Ensure residential dwellings are set back from property boundaries, so as to reduce adverse effects from activities on neighbouring properties.*

The above assessment has determined that the location, design, and external appearance of the proposed hospital facility and caretaker's building will be appropriate as a result of the existing

environment. In a true rural living context, the proposal would likely be inconsistent with the outcome sought by the District Plan. However as discussed in detail above, the existing environment contains little rural amenity. In the context of an approved hospital facility, an adjacent medical centre, and retirement village, the proposal is considered to be appropriate.

The single-storey design of the proposed building will represent a reduction of effects in comparison to the permitted baseline. A condition of consent can ensure a recessive appearance of the building and landscaping to provide further mitigation of adverse effects. While internal and road boundary setback intrusions will exist, it has been determined that adverse effects on the environment or neighbours will be minimal in this regard.

Overall while the proposal will not strictly align with all Part 8 objectives and policies, the departure from these provisions has been justified by the assessment of effects on the environment, in particular the consideration of the existing environment.

#### *Part 15 - Subdivision, Development, and Financial Contributions*

The relevant objectives and policies in relation to the proposed subdivision are contained within Part 15 (Subdivision, Development, and Financial Contributions) of the District Plan. The objectives and policies of Part 15 seek to ensure that subdivision is undertaken in a manner which will protect amenity, and is adequately serviced at the cost of the subdivider.

The proposal is considered to align with Objectives 1 (Servicing) and 2 (Cost of Services to be Met by Subdivides). Ms Overton has confirmed that with necessary upgrades, the development can be serviced. Conditions of consent will ensure all necessary services, including access and car parking, will be provided at the cost of the developer.

The proposal will align with Objective 5 (Amenity Protection) given that the subdivision has been designed in a logical and efficient manner which will minimise effects on amenity values.

Overall the proposal is considered to align with the relevant objectives and policies of Part 15.

#### *Part 18 - Signage*

In relation to the proposed free-standing sign, both the Operative District Plan (found in Part 18) and the signage provisions as amended by Plan Change 48 need to be considered.

Relevant objectives and policies are found within Section 18 - *Signs* of the District Plan:

#### ***Objective 1 – Outdoor Signs***

***Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.***

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

- 1 *To ensure the number, size, location and nature of outdoor signs in different areas are in accordance with the character and amenity of those areas and the community's desire to maintain and/or enhance the environment, appearance or visual amenity through attention to:*
  - *lettering design*
  - *site specific locations*
  - *relationship to background surroundings*
  - *the number, area and height of signs*
  - *ensuring signs are designed in sympathy with local amenity, visual and heritage values*
  - *the effect of illumination on adjoining properties and public places.*

The proposed signage will not adversely affect the surrounding character or amenity of the area. The signage will be located on the subject site and relate to activities taking place on that site.

- 3 *To ensure the display of outdoor signs does not adversely affect traffic safety by causing confusion or distraction to, or obstructing the views, of motorists or pedestrians.*

It has been determined that traffic safety is unlikely to be jeopardised.

- 7 *To ensure outdoor signs are limited to those relating to a particular activity, the use of land or buildings, and located on the site of that activity, land or building.*

The purpose of the signage is to direct people to occupiers of the building on site. Therefore it relates specifically to the site on which it is displayed.

It is therefore concluded that the proposal will not be contrary to the relevant objective and policies of the Operative District Plan.

#### Queenstown Lakes District Plan as Proposed By Plan Change 48 (Signs)

Plan Change 48 – *Signs* is a Council-initiated Plan Change designed to simplify and streamline the signage provisions within the District Plan. The Council's decision on submissions on Plan Change 48 was notified on 3 December 2014. Under s86B(1) of the RMA the PC48 rules, objectives, and policies now have legal effect. However as the application was lodged prior to this date, it is only the objectives and policies which need to be considered.

Therefore it is considered necessary to assess the relevant objectives and policies of PC48 in relation to the proposal.

#### **Objective 1 – Signs**

***Signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access and on the District's important landscape, streetscape, cultural heritage and water area visual amenity values.***

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

- 1 *To ensure the number, size, location and design of signs in different areas are compatible with the character and amenity of those areas.*
- 4 *To ensure all signs are constructed and located in a manner that does not pose a danger to property and/or obstruction to pedestrians.*
- 7 *To ensure signs are limited to those relating to a particular activity and/or the use of land or buildings, and are located on the site of that activity, land or building.*
- 12 *To provide, in limited circumstances, for signs on commercial buildings of a size or dimension which exceeds that otherwise anticipated in the area where the increased size is visually compatible with the surrounding environment and the scale and character of the building to which it relates*

It is considered that the proposed sign will be compatible with the character and amenity of the area, will not distract pedestrians or motorists, will relate to activity undertaken on site and will be visually compatible with both the surrounding environment and the scale/character of the building.

The proposal is therefore considered to be in accordance with the relevant objective and policies proposed by PC48.

#### ***Weighting***

Given the above, that the application has been found not to be contrary to either set of signage provisions, weighting is not critical. However it is recorded that while Plan Change 48 has advanced to the stage of Council's decision, this decision is subject to appeal in its entirety. Therefore the most

weight must be given to the Operative Plan. The assessment above has found that in an overall reading of the Operative Plan provisions, the proposal is not contrary to these matters.

### *Conclusion*

Overall the proposal has been found to be consistent with most, but not all, of the relevant objectives and policies of the District Plan. The inconsistency relates to the Rural Residential zoning of the site, where as the existing environment contains little rural living character.

### **7.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))**

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is acknowledged that the proposal is, strictly speaking, inconsistent with an objective and supporting policies of the Rural Residential Zone. Despite this inconsistency being determined to be appropriate given the existing environment, the proposal cannot pass through the second threshold prescribed by s104D. However as the proposal has passed through the first threshold test, discretion does exist to grant consent for this non-complying activity.

### **7.4 PART 2 OF THE RMA**

Section 5 of the RMA outlines the purpose of the Act, to promote the sustainable management of natural and physical resources. This includes avoiding, remedying, or mitigating any adverse effects of activities on the environment. As outlined in detail above, it is considered that the proposal will adequately avoid and mitigate adverse effects on the environment.

Section 6 of the RMA outlines matters of national importance, which a consent authority shall recognise and provide for. The proposal will not interfere with any natural features, natural landscapes, indigenous vegetation, ancestral lands, historic heritage, or affect customary rights. Therefore it is considered that the proposal will align with Section 6 of the RMA.

Section 7 of the RMA outlines other matters which a consent authority shall have particular regard to, including kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources, and the maintenance and enhancement of the quality of the environment. It is considered that the proposal will represent kaitiakitanga/stewardship, will represent an efficient use and development of the land resource, and will not degrade the quality of the environment.

Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi. It is considered that the development proposed will not be contrary to any of the principles of the Treaty of Waitangi.

Overall it is considered that the proposal aligns with Part 2 of the RMA

### **7.5 DECISION 1 - LAND USE RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

### **7.6 DECISION 2 - SUBDIVISION RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** subject to the conditions outlined in *Appendix 2* of this decision report imposed pursuant to Section 220 of the RMA.

## 8.0 OTHER MATTERS

### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions, the Council has identified that a Development Contribution is required. This will be sent under separate cover.

### *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.

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 if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

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 Richard Kemp on phone (03) 441 0499 or email [richard.kemp@qldc.govt.nz](mailto:richard.kemp@qldc.govt.nz)

Report prepared by



Richard Kemp  
**PLANNER**

Decision made by



Ian Greaves  
**SENIOR PLANNER**

- APPENDIX 1** - Land Use Consent Conditions
- APPENDIX 2** - Subdivision Consent Conditions
- APPENDIX 3** - Engineering Report

## **APPENDIX 1 – LAND USE CONSENT CONDITIONS**

### *General*

1. That the development must be undertaken/carried out in accordance with the plans titled:
  - 'Site Plan' by HPA Services, Sheet A001
  - 'Hospital Plan' by HPA Services, Sheet A011
  - 'Elevations' by HPA Services, Sheet A200
  - Landscape Plan entitled 'Hospital Landscape Plan for Resource Consent Approval' by Georgie P Landscape Architecture, dated 12/12/2014
  - 'Caretakers Building Site Plan'
  - 'Caretakers Building Floor Plan'
  - 'Caretakers Building Elevations'

**stamped as approved on 23 January 2015**

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

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.
3. The development may be staged. The conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed.
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 Commencement of Construction*

5. Prior to development commencing on the hospital facility, the final cladding and roofing colours of the hospital building shall be submitted to Council for certification against the following criteria:
  - Materials shall be in general accordance as those shown on the approved elevations
  - All colours and materials shall be a recessive green, brown or grey with a reflectance value of 35% or less.
6. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
7. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
8. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, 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. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.
- b) The provision of a foul sewer connection to the development. This shall include any upgrades as identified in the Paterson Pitts Group 'Aspiring Lifestyle Village Hospital, Cardona Valley Road, Wanaka, Infrastructure Report' (dated August 2014). The costs of the connection shall be borne by the consent holder.
- c) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for Lot 2 in accordance with Council's standards and connection policy.
- d) The provision of a Fire Fighting Assessment Report to be undertaken by a suitably qualified Fire Engineer for the development. This shall address (but not be limited to) the following:
  - Calculations of the anticipated fire fighting water supply demand created by the completed hospital facility, and of each stage of the facility should the development be staged.
  - Water modelling to confirm that the required pressure and flow is available
  - Details on the recommended fire fighting methodologies (i.e. sprinklers or otherwise)
  - Recommendations for alternative water supply / storage options if it is determined that the existing Council water supply is insufficient to service the proposed hospital

*Advice Note: The consent holder will likely be required to produce a Fire Fighting Report as part of Building Act processes, which will likely require additional areas of assessment. Both these matters and the four requirements of the above condition can be incorporated within the same report if desired. This condition has been specifically imposed to mitigate actual or potential adverse effects associated with the uncertainty about water supply to the facility.*

- e) This provision of a firefighting water supply to the buildings within the development with adequate pressure and flow to service the development in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies NZS PAS 4509:2008. This shall be based on Council's standards and the recommendations in the Fire Fighting Assessment Report (Condition 8(d) above). The consent holder shall also provide evidence that this water supply (including any alternatives) have been approved in writing by the New Zealand Fire Service Chief Fire Officer, Central/North Otago Area 23, Region 5.
- f) The provision of lighting for the car park area in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- g) The provision of a sealed vehicle crossing that shall be constructed to the development to Council's standards.
- h) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking and loading spaces shall be clearly and permanently marked out.
- i) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

### Construction Management

9. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
10. Hours of operation for all construction activities, shall be limited to Monday to Sunday, 7.30am to 9.00pm.
11. The consent holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the following table. Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise. The consent holder shall ensure that no construction activities that are likely to exceed the relevant noise limits below are undertaken:

Time Period	Weekdays		Saturdays		Sundays and public holidays	
	(dBA)		(dBA)			
	<i>L<sub>eq</sub></i>	<i>L<sub>max</sub></i>	<i>L<sub>eq</sub></i>	<i>L<sub>max</sub></i>	<i>L<sub>eq</sub></i>	<i>L<sub>max</sub></i>
0630 – 0730	55	75	45	75	45	75
0730 – 1800	70	85	70	85	55	85
1800 – 2000	65	80	45	75	45	75
2000 – 2100	45	75	45	75	45	75

### To be completed when works finish and before occupation of building

12. Prior to the occupation of the building, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all certified works detailed in Condition (8) 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) Any power supply and/or telecommunications connections to the building shall be underground from existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
  - e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (6) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

### *Acoustic Certification of Mechanical Plant Equipment*

13. Prior to opening of the first stage of the hospital facility, the Consent Holder shall supply the Council with evidence that all mechanical plant (including ventilation systems, air conditioning, and refrigeration's systems) have been designed, installed and operated to ensure compliance with the non-residential District Plan noise limits of the Rural Residential Zone at the boundaries of the site (proposed Lot 2). Evidence is to be in a form of certification by an experienced and qualified Acoustic Consultant.

### *Landscaping*

14. The landscaping depicted on the landscape plan approved under Condition 1 shall be implemented within six months from the completion of the first stage of the development. Thereafter all vegetation shall be maintained and **irrigated** in accordance with the plan. If any tree or plant shall die it shall be replaced within six months with vegetation that achieves an equivalent screening effect.
15. Specimen trees for the purpose of structural planting shall be planted at a minimum height of 1.5 meters.

### *Signage*

16. The approved hospital entrance sign as depicted on the approved landscape plan shall function as a 'sign platform', whereby new signage designs and content can be erected into the platform, subject to Conditions 17 and 18 below. All signage shall be located within the platform to be eligible.
17. If the sign is to be illuminated, this shall be via up-lighting. There shall be no internal illumination. If any signage is to be illuminated, the brightness of such shall not exceed a level of 150cd/m<sup>2</sup>.
18. There shall be no offensive content within the sign platform.
19. Prior to the erection/display of any future signage within the approved sign platform, the consent holder shall submit specific design specifications including the exact location, content, colour and illumination (if applicable) of the sign to the Council for certification. The signage shall not be erected until certification has been issued by the Council that compliance with Conditions 16, 17 and 18 is achieved.

### *Caretaker's Building*

20. Coloursteel '*Ironsand*' are the approved colour/material for the caretakers building approved under Condition 1. Any amendment to this colour/material shall firstly be certified by the Council as being within the natural range of greens, browns, or greys with an LRV of 36% or less, prior to being used on the building.

### *Car Parking Review Condition*

21. 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.

This condition shall be limited to the effects resulting from the number of on-site car parks to be provided with the development. Should it be determined that adverse effects on the roading network are arising from an inadequate number of on-site car parks, the consent holder may be required to form additional car parks in the area outlined in red on the Site Plan approved under Condition 1.

**Advice Note**

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.

## **APPENDIX 2 – SUBDIVISION CONSENT CONDITIONS**

### *General*

1. That the subdivision must be undertaken/carried out in accordance with the scheme plan titled:
  - 'Scheme Plan, Lots 1-2 Being Subdivision of Lot 1 DP 417191 and Easement over Lot 1 DP 410739' by Paterson Pitts Group, Received by Council 20/1/15

**stamped as approved on 23 January 2015**

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.

### *General*

3. 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.

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

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
5. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition (7) below shall be demonstrated.
6. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
7. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
  - a) The provision of a water supply to Lot 2. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from Lot 2 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include any upgrades as identified in the Paterson Pitts Group '*Aspiring Lifestyle Village Hospital, Cardona Valley Road, Wanaka, Infrastructure Report*' (dated August 2014). The costs of the connections shall be borne by the consent holder.

- c) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within Lot 2 in accordance with Council's standards and connection policy.
- d) The provision of a Fire Fighting Assessment Report to be undertaken by a suitably qualified Fire Engineer for the development. This shall address (but not be limited to) the following:
  - Calculations of the anticipated fire fighting water supply demand created by the completed hospital facility, and of each stage of the facility should the development be staged.
  - Water modelling to confirm that the required pressure and flow is available
  - Details on the recommended fire fighting methodologies (i.e. sprinklers or otherwise)
  - Recommendations for alternative water supply / storage options if it is determined that the existing Council water supply is insufficient to service the proposed hospital

*Advice Note: The consent holder will likely be required to produce a Fire Fighting Report as part of Building Act processes, which will likely require additional areas of assessment. Both these matters and the four requirements of the above condition can be incorporated within the same report if desired. This condition has been specifically imposed to mitigate actual or potential adverse effects associated with the uncertainty about water supply to the facility.*

- e) This provision of a firefighting water supply to the buildings within the development with adequate pressure and flow to service the development in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies NZS PAS 4509:2008. This shall be based on Council's standards and the recommendations in the Fire Fighting Assessment Report (Condition 7(d) above). The consent holder shall also provide evidence that this water supply (including any alternatives) have been approved in writing by the New Zealand Fire Service Chief Fire Officer, Central/North Otago Area 23, Region 5.
- f) The provision of a sealed vehicle crossing that shall be constructed to Lot 2 to Council's standards.
- g) The provision of lighting for the car park area in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- h) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

***To be completed before Council approval of the Survey Plan***

- 8. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include the easements indicated on the Paterson Pitts Group Ltd *Scheme Plan, Lots 1-2 Being Subdivision of Lot 1 DP 417191 and Easement over Lot 1 DP 410739* (received 20/01/2015, job No. W4500, sheet 100).

***To be completed before issue of the s224(c) certificate***

- 9. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent

holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

- b) The completion and implementation of all works detailed in Condition (7) above.
- c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.
- d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available and for ongoing access have been met.
  - i) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (4) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
  - j) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
  - k) All newly constructed foul sewer and stormwater 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.
  - l) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

**Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that consent notice 8060605.2 will no longer apply to Lots 1 or 2 and may be removed from the new titles at the completion of this development.

**APPENDIX 3 - ENGINEERING REPORT**



# ENGINEERING REPORT

**TO:** Richard Kemp

**FROM:** Lyn Overton

**DATE:** 21/01/2015

APPLICATION DETAILS	
REFERENCE	RM140733
APPLICANT	Aspiring Retirement Investments Ltd & PD Gordon F/T
APPLICATION TYPE & DESCRIPTION	Subdivision consent is sought to create two lots. Land Use consent for the lifestyle retirement village on proposed lot 1 and for a geriatric and dementia hospital on lot 2.
ADDRESS	Aspiring Lifestyle Retirement Village, Wanaka
ZONING	Rural Residential
LEGAL DESCRIPTION	Lot 1 DP 417191
SITE AREA	12.1494ha
ACTIVITY STATUS	Non-Complying

<b>Application</b>	<b>Reference Documents</b>	Consent Application.
	<b>Previous Relevant Consents</b>	RM070220 – Underlying subdivision and variations RM090660, RM100505, RM100610 and RM120602. RM110534 – Right of way connecting Wanacare Medical Centre and Aspiring Lifestyle Retirement Village.
	<b>Date of site visit</b>	17/10/2014

## Location Diagram



Comments	
<b>Existing Use</b>	Aspiring Lifestyle Retirement Village is located on this site.

<b>Neighbours</b>	The Wanacare Medical Centre is located to the south of the proposed hospital, and there is residential development to the west and a vacant lot to the north.
<b>Topography/Aspect</b>	The construction area has been levelled.
<b>Water Bodies</b>	Nil.

ENGINEERING		COMMENTS	Condition
<b>TRANSPORT</b>	<b>Access</b>	<p><b>Access</b></p> <p>Access to the site can be made from either Rodeo Drive or Cardona Valley Road. The retirement village is accessed by private road Rodeo Drive from Golf Course Road. The proposed Hospital will be accessed from a right of way from Cardona Valley Road. The right of way from Cardona Valley Road also serves the medical centre to the south. An entrance point will be created to the care facility from the cul-de-sac turning head located in the right of way. The HPA Services 'Site Plan' (revised 21/11/2014, project No. 3240, sheet A001, rev N) indicates that the proposed entrance to the hospital for visitor parking will consist of a dual vehicle crossing separated by a 3.5m wide island. I am satisfied that this will be appropriate for the proposed development and recommend that the crossings are clearly identified as entrance and exit to avoid conflict between vehicles entering and exiting the site. An appropriate condition is recommended to ensure that the crossings are formed to Councils standards, including any necessary markings and signage.</p> <p>There is an existing formed access (refer to photograph below) connecting the retirement village with the medical centre and care facility located in the southeast corner of the site. The applicants intend to access the staff car parking and service area via this right of way. I am satisfied that the right of way is formed to Councils standards. The Paterson Pitts Group Ltd <i>Scheme Plan, Lots 1-2 Being Subdivision of Lot 1 DP 417191 and Easement over Lot 1 DP 410739</i> (received 20/01/2015, job No. W4500, sheet 100) indicates that a right of way easement will be created over this access. A condition is recommended to ensure that all necessary easements are granted.</p>	
			X

		<p><b>Parking</b></p>	<p>A parking assessment for the care facility has been undertaken by traffic consultants Carriageway Consulting <i>Aspiring Lifestyle Retirement Village – Aged Care Hospital</i> (dated 10 September 2014, CCL Ref: 140822-100914-fairmaid). The assessment confirms that under current District Plan rules the parking requirement for the activity is 14 car parks (1 per 6 beds) for visitors and 14 car parks for staff (1 per 6 beds). The author of the report, Andy Carr, has confirmed that in his experience parking for community care facilities have identified the need for 1 car park per 5 beds and 1 car park for 2 staff members is required resulting in a total demand for 32.4 car park spaces. I accept the conclusions of this report. The HPA Services (Healthcare Planning and Architecture) <i>Aspiring Lifestyle Village Hospital, Proposed New Hospital, Site Plan</i> (revised 21/11/2014, Project No. 3240, Sheet A001, rev N) identifies a total of 33 car parks including 2 accessible car parks and a car park allocated especially for the hospice. Signage will be required to identify the hospice car park.</p> <p>The car parks identified for visitor parking will be 2.7m in width with the provision of a 6m aisle width. The 9 car parks identified for staff parking will be 2.6m with a 7m aisle width. The car parks have been shown as being 4.2m in depth with an 800mm wheel stop depth. The District Plan requires accessible car parks to be 3.6m in width. There is a 1.35m wide no parking strip located between the two accessible car parks and another strip located down the side of the hospice car park. This strip would allow a disabled person enough room to turn a wheel chair and is in accordance with standard NZS4121:2001 ('Design for Access and Mobility'). The Medical Centre has raised concerns regarding staff and visitors using the medical centre car parks. As a result the applicants will retain a reserve area on the east side of the staff car parks for future car parking demands. I am satisfied that the District Plan design requirements for parking can be met.</p> <p>The staff car parks and loading zone for service vehicles will be accessed via the right of way that leads off the cul-de-sac head into the retirement village. Carriageway Consultants have undertaken an assessment for truck movements accessing the staff car park. This assessment is titled <i>'Aspiring Lifestyle Retirement Village – Aged Care Hospital Truck Manoeuvring'</i> (dated 25 November 2014, CCL ref: 14082-251114-fairmaid). The assessment is based on an 8m truck being able to reverse into the loading zone using the right of way as a turning head. The report identifies there will be a need to relax the width of the radii on both sides of the entrance to this car park due to the narrow width (4.2) of the carriageway within the right of way and possibility of over run at the pinch points. I accept this report and recommend appropriate conditions to ensure that the car parks are constructed in accordance with the HPA Services plan, and recommendations by Carriageway Consultants Ltd, and that the car parks are marked and signed in accordance with the Manual of Traffic Signs and Markings (MOTSAM) requirements.</p>	<p><b>X</b></p>
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<b>SERVICES</b>	<b>Existing Services</b>	Council's reticulated water and wastewater services are available to connect into.		
	<b>Water</b>	<b>Potable</b>	Paterson Pitts Group Ltd has confirmed (Infrastructure Report dated August 2014) that the Tonkin and Taylor Water modelling report undertaken in September 2013 indicates that the water supplies in this area of Wanaka are severely constrained and that Council's reticulation will need to be upgraded. Council have plans to install a pump station opposite Bills Way within Wanaka - Mount Aspiring Road, and to install a connection from the end of Kelliher Drive through the Alpha Ridge site to Stone Street to increase water supplies in this area. Another possibility to increase pressure to this area is to provide a connection from Gordon Road through to the site. Council's Senior Engineer has confirmed verbally that a new 300mm (ID) water main is to be constructed through the Three Parks Site to Ballantyne Road, and that there is the possibility to upgrade the water main in Gordon Road and to extend this through to the site to increase water supplies. I am satisfied that there are options available to upgrade the water supplies in this area of Wanaka and that these can be considered at the time of Engineering Approval. Appropriate conditions are recommended to ensure that the site is provided a suitable water connection for the development.	<b>X</b>
		<b>Fire-fighting</b>	<p>There is a fire hydrant available within the cul-de-sac head at the entrance to the site and Council's GIS system indicates the there are two fire hydrants available within Archie Douglas Drive. Council's building officers have also confirmed that hospitals and care facilities are required to be sprinklered under the Building Code Clauses C1 - C6. The Tonkin And Taylor water modelling report indicates that the fire hydrants meet FW2 Fire flow classification, and therefore complies with NZ fire Service standard, NZS PAS 4509:2008, classification to service non-residential sprinklered buildings. It appears that the hydrants have sufficient capacity to service the development, however, it is unclear what volume of water is required to service the sprinkler system and if this is available within the existing reticulated supply. The T &amp; T report confirms:</p> <p><i>"Modelling shows that Class FW3 is available to the hospital and apartment block during the 2011 design peak day demand scenario. This modelling does not account for additional sprinkler demands which may reduce the fire flows available at the hydrants, and hence firefighting requirements should be reassessed for the hospital and apartment block specifically during detailed design of these building."</i></p> <p>Accordingly, I recommend a condition to ensure that an assessment is made by a suitably qualified Engineer to confirm that there will be sufficient water within Council's mains to operate both the sprinklered system and operational capacity of the fire hydrants to meet the requirements of NZS PAS 4509.</p>	<b>X</b>

	<b>Effluent Disposal</b>	Paterson Pitts Group Ltd has confirmed (Infrastructure Report dated August 2014) that the 150mm sewer main within the retirement village was installed as part of the retirement village development and can be extended to service the site. The report also confirms that a section of wastewater main downstream within the retirement village will require upgrading as there will be insufficient capacity. An appropriate condition is recommended to ensure that the site is provided a wastewater connection and that the wastewater main is upgraded as necessary within the retirement village as per the Paterson Pitts Group Infrastructure Report.	<b>X</b>
	<b>Stormwater</b>	Stormwater disposal is to be made on-site as there is no available Council reticulation to connect to. Petherick Consultancy Ltd has provided a 'Stormwater Management Assessment' (dated 9 July 2009), and this assessment confirms that stormwater disposal is possible within the site. A condition is recommended to ensure that details for the stormwater design for the buildings and car park area are submitted for review prior to the building being constructed.	<b>X</b>
	<b>Power &amp; Telecoms</b>	Confirmation that power and telecommunication can be provided to the site has been received from utility providers Aurora and Chorus. The existing power pole within the site is to be upgraded and fitted with a transformer. Appropriate conditions are recommended to ensure that both lots are provided with power and electricity connections.	

<b>NATURAL HAZARDS</b>	<b>Hazards on or near the site</b>	The QLDC Hazard Register Maps show the lots fall within the LIC 1 liquefaction hazard category, with an assessed liquefaction risk being "Nil to Low". Based on this hazard category and lack of any obvious site factors which suggest otherwise, I am satisfied that the proposed buildings are unlikely to be at risk of liquefaction in a seismic event.	
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<b>PROJECT INFORMATION</b>	<b>Developers Engineering Representative</b>	Developer's representative is necessary as there is a need to create easements and ensure that service connections are completed to Council standards. An appropriate condition is recommended.	<b>X</b>
	<b>Notice of commencement</b>	An appropriate condition is recommended to ensure that Council are notified of the start of the works.	<b>X</b>
	<b>Traffic Management Plan</b>	Traffic management will be required at the time the vehicle crossing is installed within the cul-de-sac head and may be required for the upgrade of the wastewater main. An appropriate condition is recommended.	<b>X</b>
	<b>Design Certificates</b>	An appropriate condition is recommended to ensure that Design certificates are submitted for the upgraded main.	<b>X</b>
	<b>Completion Certificates</b>	An appropriate condition is recommended to ensure that Completion certificates are submitted for the upgraded main.	
	<b>As built</b>	An appropriate condition is recommended for asbuilt information to be submitted at the completion of works..	<b>X</b>

<b>TITLES</b>	<b>Consent Notices</b>	<p>Conditions a - c) registered on consent notices 8060605.2 and 8282267.10 relate to stormwater disposal, access and firefighting.</p> <p>Condition d) registered on consent notice 8282267.10 states: <i>"Should a comprehensive development be undertaken on any lots 1-3 in the future then all services shall be provided to that development in accordance with Council's relevant standards and requirements, and condition a - c) above shall not apply"</i>. Therefore, I am satisfied that the conditions registered on both consent notices do not apply to the development and can be removed from new Lots 1 and 2 of the proposed subdivision. An advice note is recommended to this affect.</p>	<b>X</b>
	<b>Easements</b>	A condition is recommended to ensure all necessary easements are granted or reserved.	<b>X</b>
	<b>Road Names on title plan</b>	Not required.	
	<b>Amalgamation Condition</b>	None proposed.	

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### **RECOMMENDED CONDITIONS**

It is recommended that the following conditions are included in the consent decision:

#### Land Use Conditions

##### **General**

1. 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.

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

2. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
3. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
4. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition **(1)**, to detail the following engineering works required:
  - a) The provision of a water supply to the development. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.

- b) The provision of a foul sewer connection to the development. This shall include any upgrades as identified in the Paterson Pitts Group *'Aspiring Lifestyle Village Hospital, Cardona Valley Road, Wanaka, Infrastructure Report'* (dated August 2014). The costs of the connection shall be borne by the consent holder.
- c) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for Lot 2 in accordance with Council's standards and connection policy.
- d) The provision of an assessment by a suitably qualified Engineer to confirm that there will be sufficient capacity within Council's water mains to operate both the fire hydrants and sprinkler system within the hospital building in the event of an emergency.
- e) The provision of a firefighting water supply to the buildings within the development with adequate pressure and flow to service the development in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008. This shall be based on Council's standards and the recommendations in a Fire Fighting Assessment Report to be undertaken by a suitably qualified Fire Engineer for the development.
- f) The provision of lighting for the car park area in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- g) The provision of a sealed vehicle crossing that shall be constructed to the development to Council's standards.
- h) The construction and sealing of all vehicle manoeuvring and car parking areas to Council's standards. Parking and loading spaces shall be clearly and permanently marked out.
- i) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

***To be completed when works finish and before occupation of building***

- 5. Prior to the occupation of the building, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all certified works detailed in Condition (4) 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) Any power supply and/or telecommunications connections to the building shall be underground from existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
  - e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (2) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.

## **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.

### **Subdivision Conditions**

#### ***General***

1. 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.

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

2. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
3. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition (5) below shall be demonstrated.
4. Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
5. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as are considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) The provision of a water supply to Lot 2. This shall include a bulk flow meter which consists of an approved valve and valve box with backflow prevention and provision for water metering to be located at the road reserve boundary. The costs of the connection shall be borne by the consent holder.
  - b) The provision of a foul sewer connection from Lot 2 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. This shall include any upgrades as identified in the Paterson Pitts Group 'Aspiring Lifestyle Village Hospital, Cardona Valley Road, Wanaka, Infrastructure Report' (dated August 2014). The costs of the connections shall be borne by the consent holder.
  - c) The provision of a stormwater collection and disposal system which shall provide both primary and secondary protection for future development within Lot 2 in accordance with Council's standards and connection policy.
  - d) The provision of a firefighting water supply to the building within the development with adequate pressure and flow to service the development in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2008. This shall be based on Council's standards and the recommendations in a Fire Fighting Assessment Report to be undertaken by a suitably qualified Fire Engineer for the development.

- e) The provision of a sealed vehicle crossing that shall be constructed to Lot 2 to Council's standards.
- f) The provision of lighting for the car park area in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- g) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

**To be completed before Council approval of the Survey Plan**

- 6. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include the easements indicated on the Paterson Pitts Group Ltd *Scheme Plan, Lots 1-2 Being Subdivision of Lot 1 DP 417191 and Easement over Lot 1 DP 410739* (received 20/01/2015, job No. W4500, sheet 100).

**To be completed before issue of the s224(c) certificate**

- 7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
  - b) The completion and implementation of all works detailed in Condition **(5)** above.
  - c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available have been met.
  - d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the boundary of Lot 2 and that all the network supplier's requirements for making such means of supply available and for ongoing access have been met.
  - h) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition **(2)** for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
  - e) The submission of Practical Completion Certificates from the Contractor for all assets to be vested in the Council.
  - f) All newly constructed foul sewer and stormwater 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.
  - g) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

**Advice Note:**

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that consent notice 8060605.2 will no longer apply to Lots 1 or 2 and may be removed from the new titles at the completion of this development.

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Prepared by:



Lyn Overton  
**RESOURCE MANAGEMENT ENGINEER**

Reviewed by:



Richard Flitton  
**PRINCIPAL RESOURCE MANAGEMENT ENGINEER**

# CARDRONA VALLEY ROAD

**STAGE 3**  
30 Bed Wing

**STAGE 1**

19 Bed Wing +  
20 Dementia Beds +  
1 Hospice Care Suite

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM140733**  
**Friday, 23 January 2015**

**TOTAL**

61 Hospital Beds  
20 Dementia Beds  
Hospice Care Suite



**NOTES:**  
DO NOT SCALE  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK.  
Contractors and Sub Contractors: to ensure all restricted building works are to be carried out by approved licensed building practitioners.

REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE
G	CONCEPT REVISION	10-07-2013	M	DEVELOPED DESIGN	17-10-2014
H	RESOURCE CONSENT	22-11-2013	N	CARPARK LAYOUT	21-11-2014
I	RESOURCE CONSENT	29-01-2014			
J	FLOOR PLAN AMENDED	24-02-2014			
K	PARKING AMENDED	30-04-2014			
L	DEVELOPED DESIGN	31-06-2014			

**HPA Services**  
PO Box 54108  
Bucklands Beach  
MANUKAU, 2014  
09 974 3641  
www.hpa.co.nz  
info@hpa.co.nz



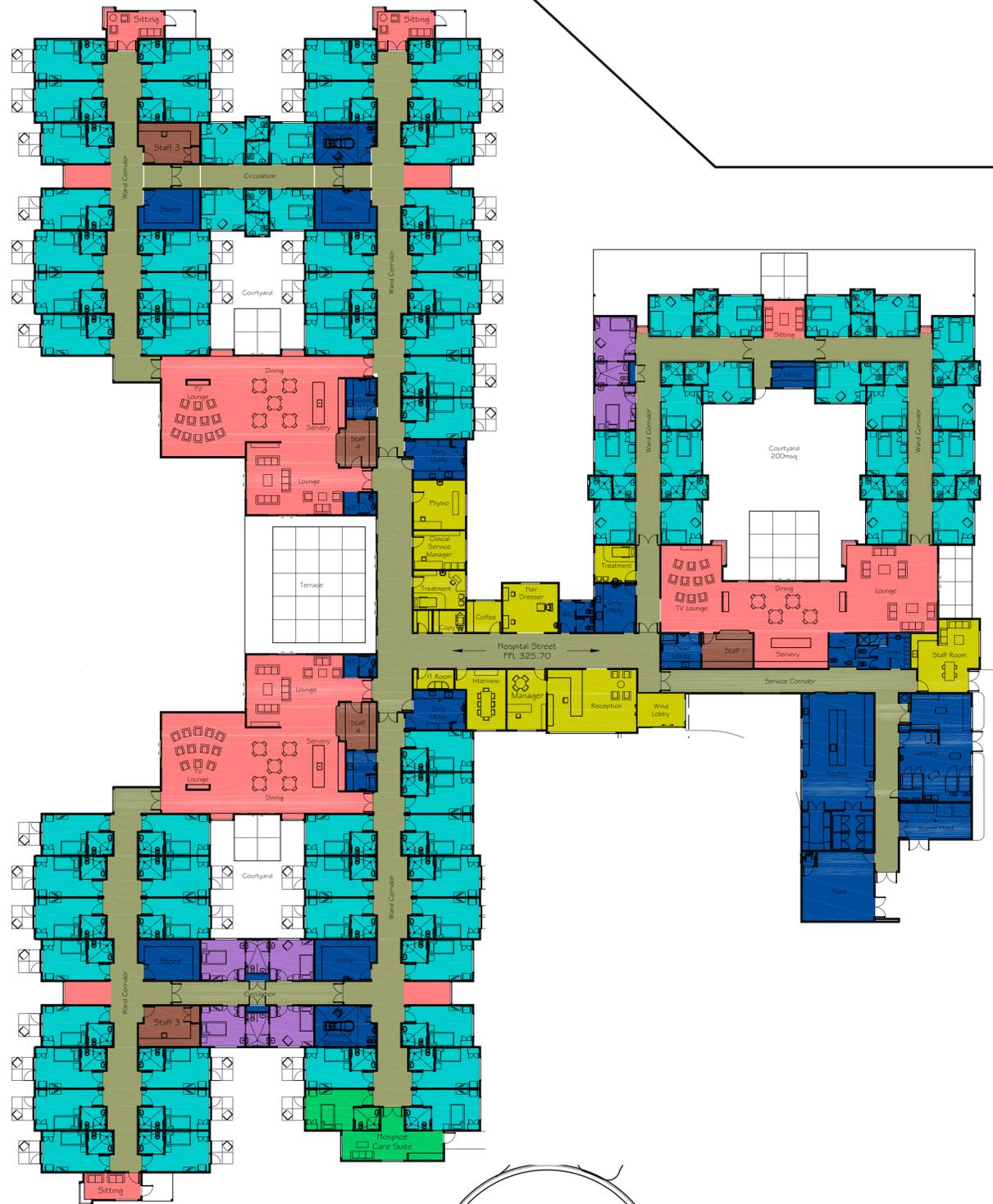
**CONSULTANTS**  
Structural Engineer .  
Services Engineer .  
Quantity Surveyor .  
Town Planner .  
Civil Engineer .  
Traffic Engineer .  
Fire Engineer .



**CLIENT**  
**PROJECT TITLE**  
ASPIRING enliven CARE CENTRE

**SHEET TITLE**  
SITE PLAN

PROJECT NO.	SHEET NO.	
3240	AOO 1	
DESIGNED	DRAWN	CHECKED
TC / SK	SK	TC/SK
SCALE	DATE	REVISION
1:250 @ A1	17-02-2014	N



- ADMIN SERVICES
- PREMIUM BEDROOMS
- STANDARD BEDROOMS
- CIRCULATION
- LOUNGE/DINING AREAS
- STAFF AREAS
- SUPPORT SERVICES
- HOSPICE

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
 APPROVED PLAN:  
 RM140733  
 Friday, 23 January 2015

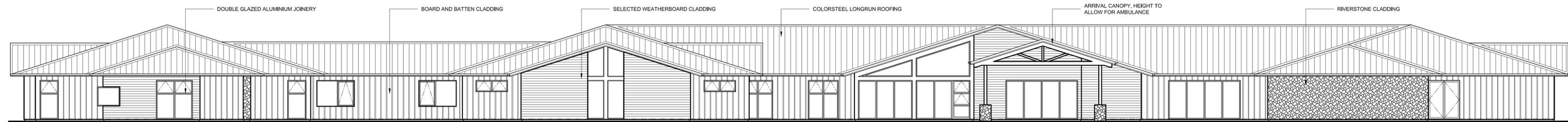
NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE
DO NOT SCALE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK.	A	RESOURCE CONSENT	28-08-2014			
	B	PLAN + STAGING AMENDED	02-09-2014			
	C	PARKING AMENDED	10-09-2014			

**HPA Services**  
Healthcare Planning and Architecture

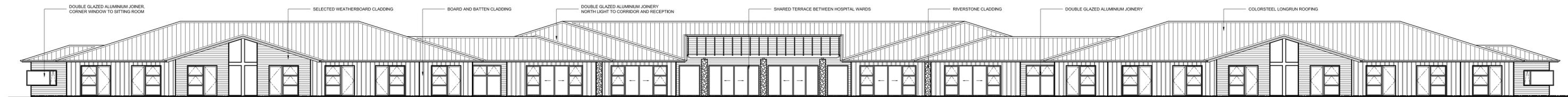
PO Box 54108,  
 Bucklands Beach,  
 MANUKAU, 2014  
 Ph (09) 974 364  
 www.hpa.co.nz  
 info@hpa.co.nz

CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.
Structural Engineer . Services Engineer . Quantity Surveyor . Town Planner . Civil Engineer . Traffic Engineer . Fire Engineer .	<b>ASPIRING LIFESTYLE VILLAGE HOSPITAL</b>	<b>PROPOSED NEW HOSPITAL</b>	<b>HOSPITAL PLAN</b>	3240	AO11
				DESIGNED	DRAWN
				TC / SK	SK
				SCALE	DATE
				1:500 @ A3	17-02-2014
					REVISION
					C

**RESOURCE CONSENT**



**SOUTH ELEVATION**  
scale 1 : 100



**CARDRONA VALLEY ROAD ELEVATION**  
scale 1 : 125



**EAST ELEVATION**  
scale 1 : 125

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
 APPROVED PLAN:  
 RM140733  
 Friday, 23 January 2015



**NORTH ELEVATION**  
scale 1 : 100

NOTES:	REVISION	DESCRIPTION	DATE	REVISION	DESCRIPTION	DATE
DO NOT SCALE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK.	A	RESOURCE CONSENT	26-08-2014			
	B	STAGING CHANGES	08-09-2014			



**HPA Services**  
Healthcare Planning and Architecture

PO Box 54108,  
Bucklands Beach,  
MANUKAU, 2014  
Ph (09) 974 364  
www.hpa.co.nz  
info@hpa.co.nz

CONSULTANTS	CLIENT	PROJECT TITLE	SHEET TITLE	PROJECT NO.	SHEET NO.
Structural Engineer . Services Engineer . Quantity Surveyor . Town Planner . Civil Engineer . Traffic Engineer . Fire Engineer .	ASPIRING LIFESTYLE VILLAGE HOSPITAL	PROPOSED NEW HOSPITAL	ELEVATIONS	3240	A200
				DESIGNED	DRAWN
				TC / SK	SK
				SCALE	DATE
				1:125 @ A1	01-08-2014
					REVISION
					B

RESOURCE CONSENT