



GEORGIE P  
LANDSCAPE ARCHITECTURE  
Ph 0274435817  
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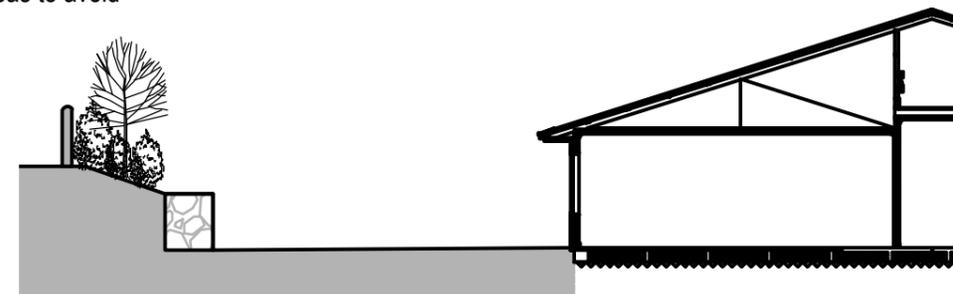


HOSPITAL  
Landscape Plan for  
Resource Consent  
Approval

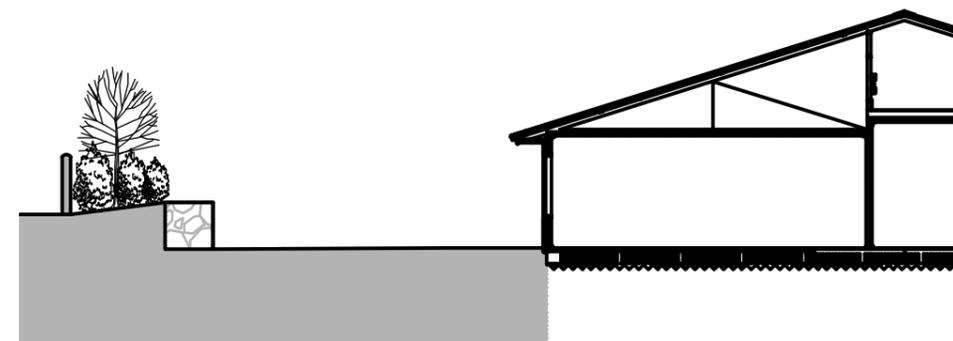
Resource Consent Issue F  
Scale 1:600 @ A3  
Client # 09-624  
Print Date 12/12/2014 5:17:17 p.m.

PLAN KEY

- Existing Deciduous Tree
- Existing Evergreen Tree
- Existing Tree REMOVE
- Proposed Deciduous Tree
- Planting
- Landscaping: Grass, planting or paving

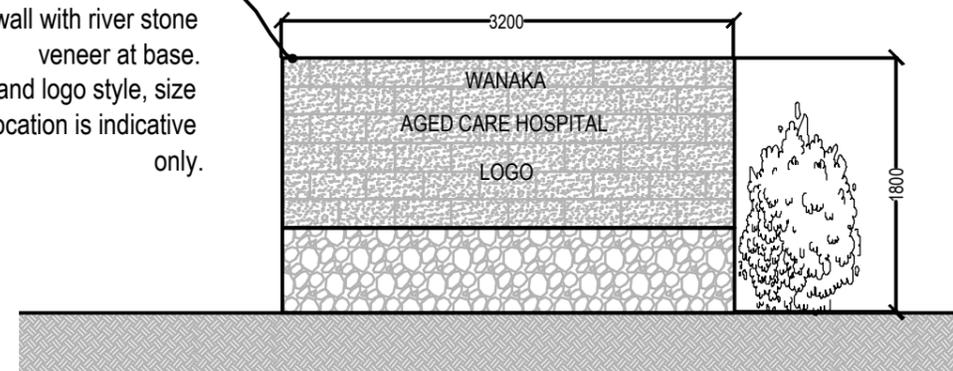


CROSS SECTION AA SCALE 1:150



CROSS SECTION BB SCALE 1:150

Plastered masonry block wall with river stone veneer at base. Text and logo style, size and location is indicative only.



SIGNAGE ELEVATION SCALE 1:50

PLANT SCHEDULE HOSPITAL

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
Amc	Amelanchier canadensis / Canadian Serviceberry	35L	30mm Cal	3 metres	9
Con	Cornus nuttallii / Western Flowering Dogwood	35L	30mm Cal	2.5 metres	6
Fs R	Fagus sylvatica 'Riversii' / Rivers Purple Beech	80L	40mm Cal	3 metres	3
Ls W	Liquidambar styracilua 'Worpleson' / Worpleson Sweet Gum	35L	30mm Cal	2.5 metres	10
Po AG	Platanus orientalis 'Autumn Glory' / Cut Leaf Plane Tree	130L	60mm Cal	3 metres	5
Ps U	Prunus serrulata Ukon / Japanese Flowering Cherry	45L	40mm Cal	2.8 metres	3
Ps Ss	Prunus serrulata 'Shimidsu-sakura' / Japanese Flowering Cherry	45 L	40mm Cal	2.8 metres	7
Pc A	Pyrus calleryana 'Aristocrat' TM / Aristocrat Flowering Pear	45 L	35mm Cal	2.8 metres	4





Golf Course Road

Lot 1  
DP23665

Lot 1  
DP465988

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM140733**

**Friday, 23 January 2015**

Lot 2  
DP417191

Cardrona Valley Road

26.9

57.1

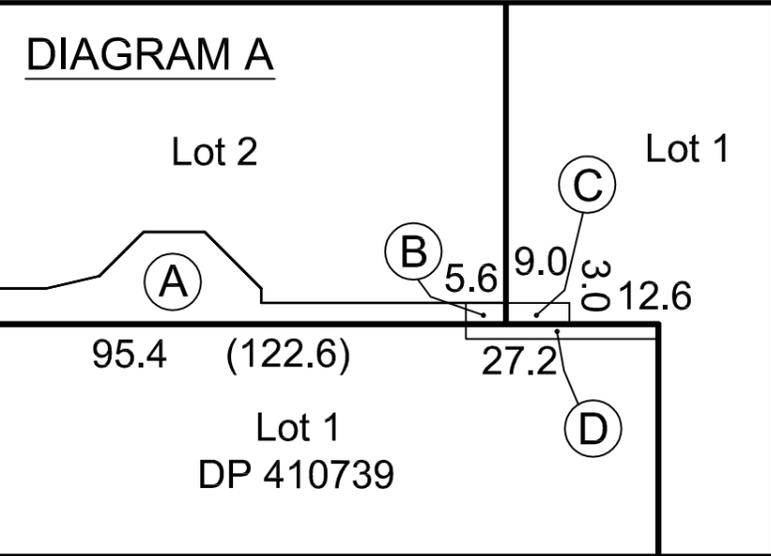
32.1

46.1

Lot 1  
10.97 ha

Lot 2  
1.10 ha Nett  
1.15 ha Gross

Rural Residential Zone  
Rural General Zone



90.0 (93.0)

See Diagram A

Lot 3  
DP417191

95.4 (122.6)

Lot 1  
DP 410739

Lot 1  
DP410739

Schedule of Existing Easements			
Purpose	Shown	Servient	Dominant
Right of Way	A	Lot 2 hereon	Lot 1 DP 410739
Schedule of Proposed Easements			
Purpose	Shown	Servient	Dominant
Right of Way	A	Lot 2 hereon	Lot 1 hereon
	B	Lot 2 hereon	Lot 1 hereon
	C	Lot 1 hereon	Lot 2 hereon
	D	Lot 1 DP 410739	Lots 1 & 2 hereon

**PATERSONPITTS**GROUP

Your Land Professionals  
www.ppgroup.co.nz  
0800 PPGROUP

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

Client & Location:  
**Aspiring Lifestyle Retirement Village**  
Golf Course Road  
Wanaka

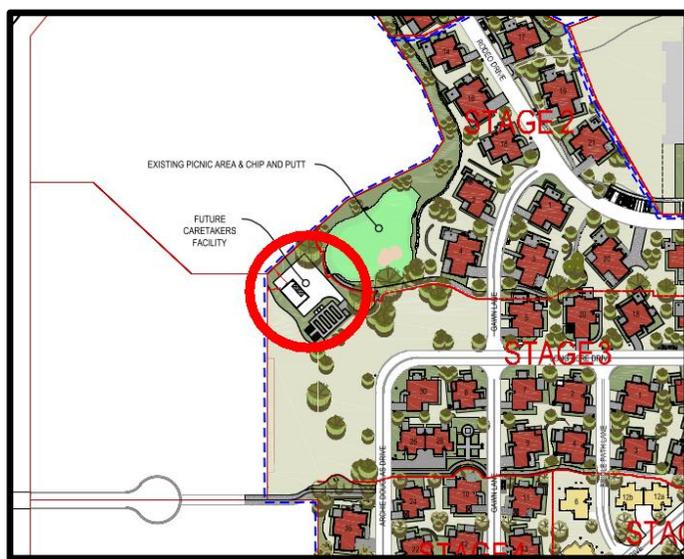
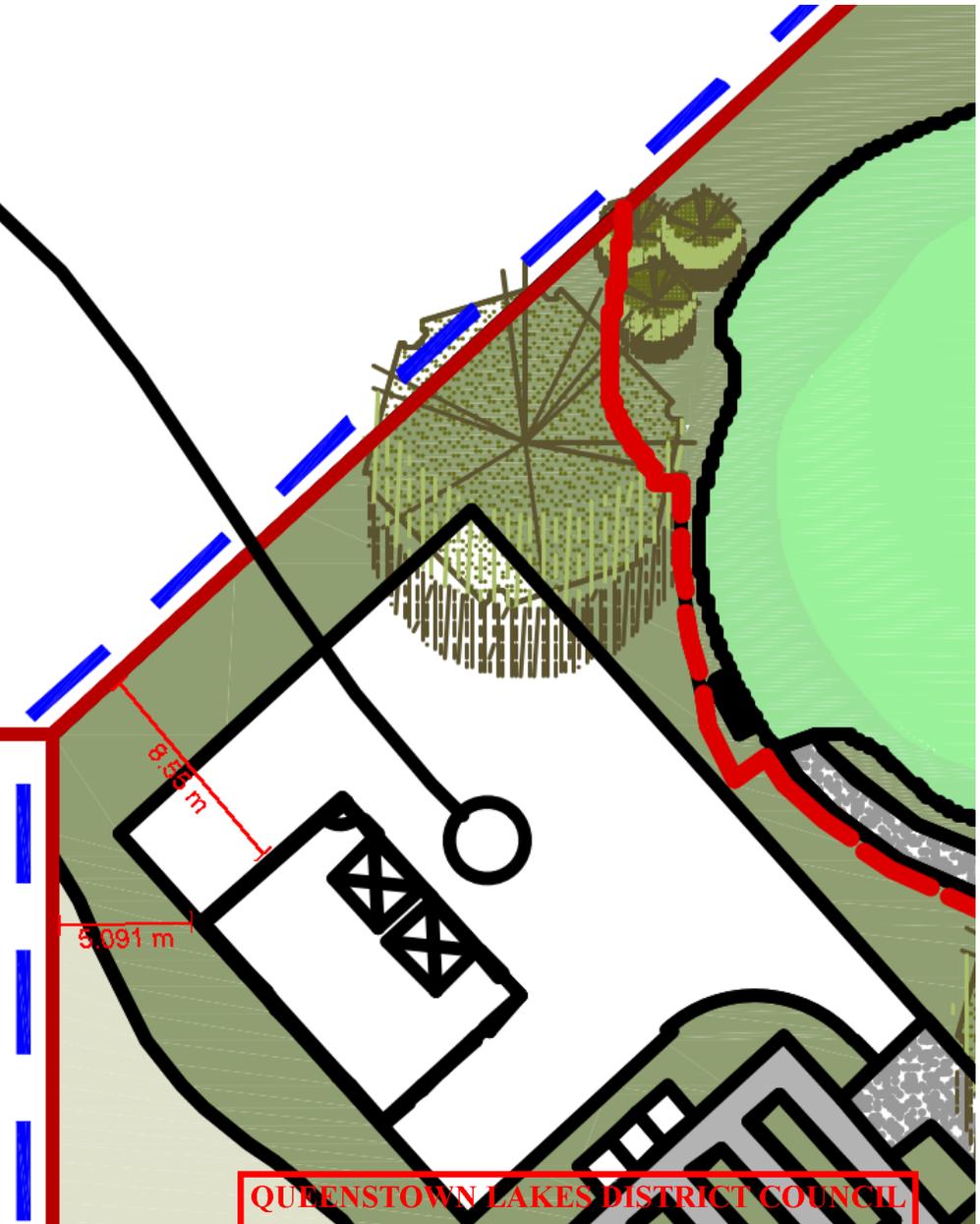
Purpose & Drawing Title:  
**Scheme Plan , Lots 1-2 Being Subdivision  
of Lot 1 DP 417191 and Easement  
over Lot 1 DP 410739**

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Surveyed by: xxx	Original Size: A3	Scale: 1:2000 @ A3
Designed by: xxx		
Drawn by: PHJ		
Checked by: xxx		
Approved by: xxx		<b>DO NOT SCALE</b>
Job No: W4500	Sheet No: 100	Revision No: A Date Created: 11/09/2013

# Caretakers Building Site Plan

## FUTURE CARETAKERS FACILITY

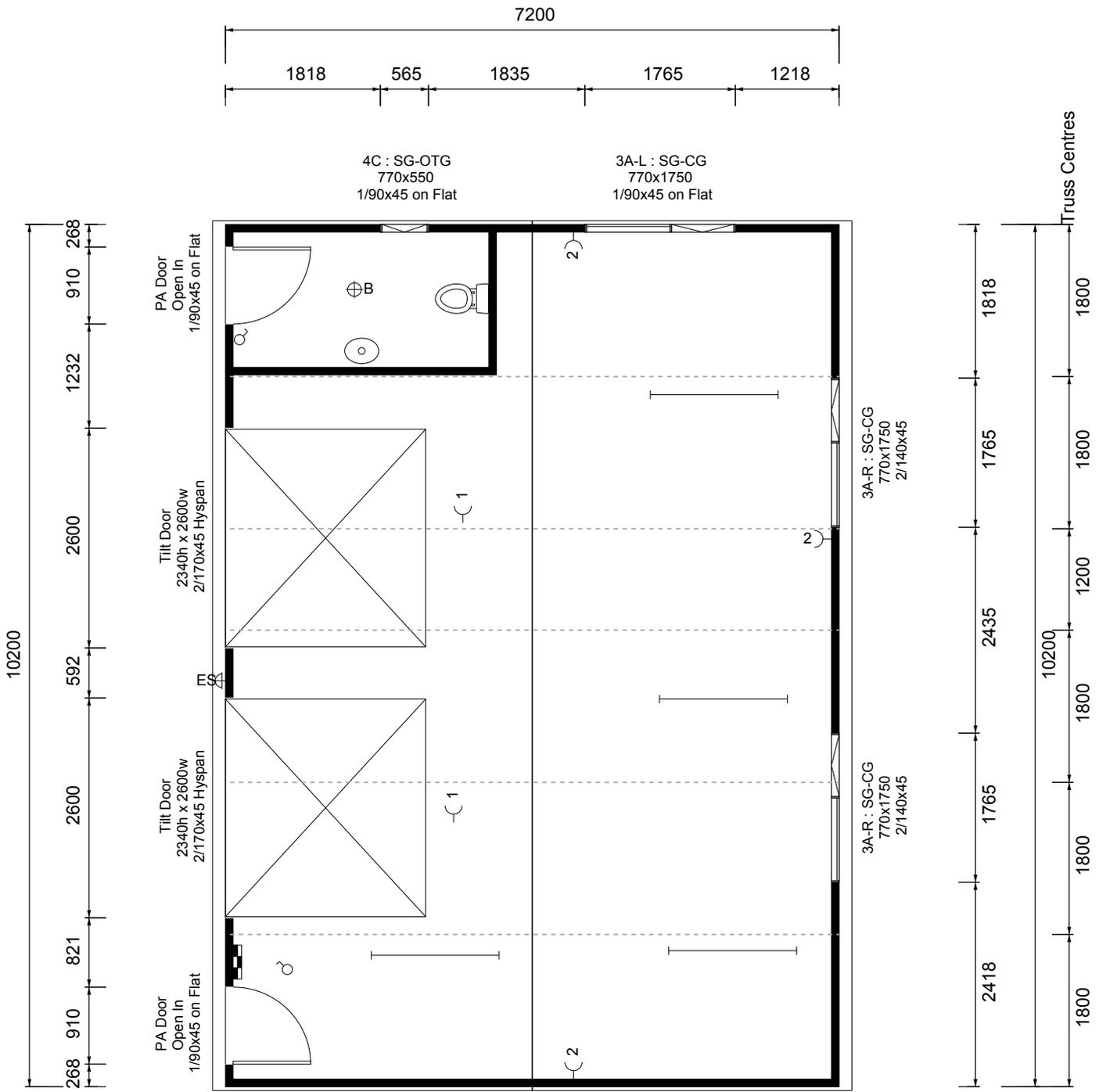


Site Location

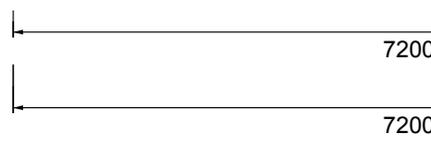
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM140733

Friday, 23 January 2015



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



Project No.: 473-473127J1.0



**VERSATILE**  
HOMES & BUILDINGS

Versatile Homes & Buildings Cromwell  
 P.O. Box 88  
 CROMWELL  
 9342  
 03 445 0790  
 cromwell@versatile.co.nz

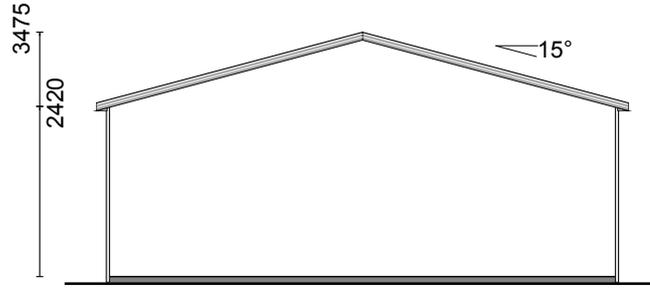
For: Shane Fairmaid  
 Aspring&lifestyle Retirement Village  
 Wanaka

SCALE NTS  
 Plan  
 Page 5 of 7

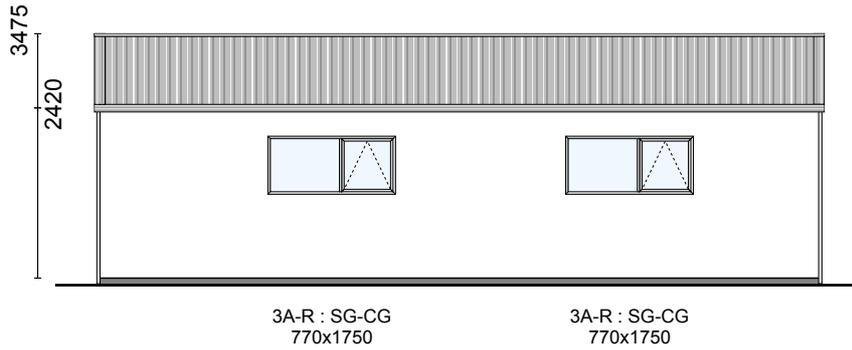
Design Approved by Client:

Date

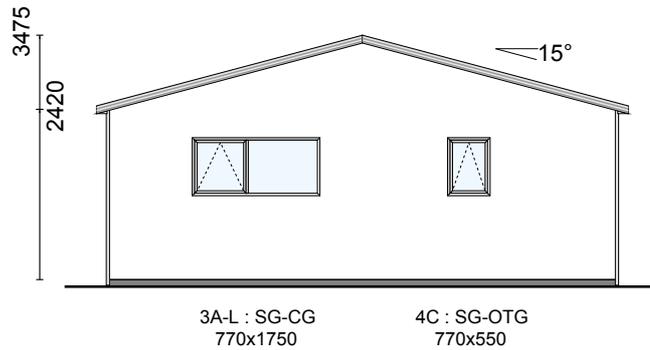
VIEW 1



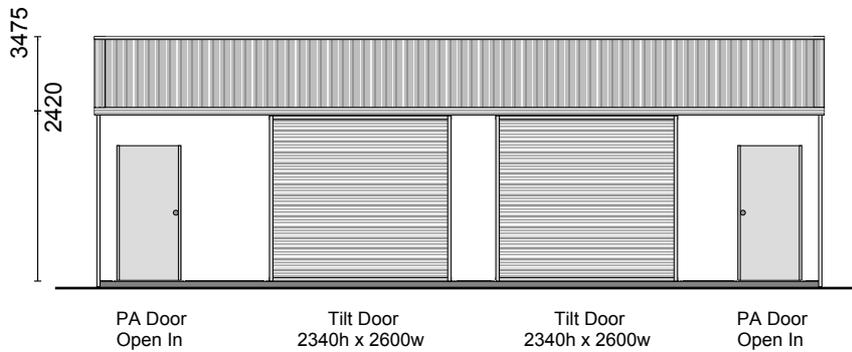
VIEW 2



VIEW 3



VIEW 4



Project No.: 473-473127J1.0



Versatile Homes & Buildings Cromwell  
 P.O. Box 88  
 CROMWELL  
 9342  
 03 445 0790  
 cromwell@versatile.co.nz

For: Shane Fairmaid  
 Spring & Lifestyle Retirement Village  
 Wanaka

SCALE NTS

Elevation

Page 7 of 7

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
 RM140733**

Design Approved by Client:

Date

**Friday, 23 January 2015**



File: RM030390  
Valuation Number: 2906103210

6 November 2003

James Ledgerwood  
C/- David Reid Homes Ltd.  
PO Box 340  
WANAKA

Dear Sir

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT ACT 1991**  
**J LEDGERWOOD – RM030390**

I refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to erect a new building to be utilised as a restaurant and car museum. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 4 October 2003.

This decision was made and its issue is authorised by Mr Duncan Field, Chief Executive Officer as delegate for the Council.

The subject site is located at the corner of Orchard and Cardrona Valley Roads, Wanaka. The site has recently been subdivided into 11 allotments (refer to RM010502), and the subject site is described as Lot 14 of a subdivision of Lot 7 Deposited Plan 301095.

This application was received prior to the enactment of the Resource Management Amendment Act 2003 and pursuant to section 112 of the Amendment Act, is to be assessed in accordance with the provisions of the Principal Act as if the Amendment Act had not come into force.

The site is zoned Rural B under the Transitional Plan and the proposal requires resource consent for a non-complying activity pursuant to Section 374(4) of the Resource Management Act (1991), as the proposed activity is not expressly provided for within this plan.

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and

any amendment thereto. Under these decisions the site is zoned Rural General and the proposed activity requires the following resource consents:

- A discretionary activity resource consent pursuant to Rule 5.3.3.3(i) regarding buildings not located within an approved building platform.
- A non-complying activity resource consent pursuant to Rule 5.3.3.4(i) regarding commercial activities.
- A discretionary activity resource consent pursuant to Rule 5.3.3.3(xi) as the proposed development does not comply with Site Standard 5.3.5.1(iii)(a) regarding the nature and scale of non-residential, non-farming activities.

The application was considered on a non-notified basis in terms of Section 94 of the Act following a notification determination hearing before the Queenstown Lakes District Council Hearings Panel on 17 October 2003, who determined that the written approval of all those persons who may be adversely affected by the granting of the resource consent was obtained, and that the adverse effect on the environment of the activity for which consent is sought was considered to be minor.

## Decision

Consent is granted pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

### General Conditions

- 1 That the development be carried out in accordance with the application and plans titled "Stables Museum and Cottage Restaurant," by Kim Maitland Architects and Interior Designers, stamped as "Approved Plans," dated 4 November 2003 and attached to this decision, with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- 3 That the consent holder shall pay to Civic Corporation Limited all required administration charges fixed by the Council pursuant to Section 36 of the Act in relation to:
  - a) the administration, monitoring and supervision of this consent; and
  - b) charges authorised by regulations.
- 4 The consent holder shall pay to Civic Corporation Limited an initial fee of \$80 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
- 5 That upon completion of the proposed activity, the consent holder shall contact the Monitoring Section at Civic Corporation Limited to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.

## Specific Conditions

### Landscaping

- 6 A landscaping plan shall be submitted to and approved by the Principal: Resource Management (Civic Corporation Limited) prior to any development of the site. The approved landscaping plan shall be implemented within the first planting season of approval, and shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.

In this instance the landscape plan should be designed to meet the following objectives:

- Increased screening of the car parking area from Cardrona Valley Road and Orchard Road.
- Additional screening to reduce the bulk of the building from the Cardrona Valley Road.

### Design Control

- 7 The proposed building shall comply with the following standards:

- (a) Roof colours shall be natural, of low reflectivity, or dark coloursteel colours
- (b) Joinery shall be in timber, steel or aluminium. Joinery colours (excepting timber) shall complement roofing, gutter and spouting colours.

### Engineering

- 8 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:1981 with the amendments to that standard adopted on 1 June 1994, except where specified otherwise.
- 9 The owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works required in association with this development and shall confirm that this representative will be responsible for all aspects of the works covered under section 104 of NZS4404:1981 "Code of Practice for Urban Land Subdivision", in relation to this development.
- 10 Prior to the commencement of any works on the land being developed, the applicant shall provide to the Queenstown Lakes District Council for approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (8), to detail the following engineering works required:
- a) The provision of a water supply system and connection to this development. Connection to the Council's reticulation network shall be via a single rider main with stopcock from Council's reticulation network. The rider main shall be sized in accordance with Table 2 NZS4404:1981, or any other larger requirement recommended by a Fire Safety consultant.
  - b) The provision of fire hydrants with adequate pressure and flow to service the development with a Class D fire risk (or any lesser risk approved by the New Zealand

Fire Service) in accordance with the NZ Fire Service Code of Practice for Fire Fighting Water Supplies 1992.

- c) The forming and surfacing of all additional vehicle manoeuvring and parking areas to Council's standards.
  - d) The provision of stormwater disposal from all impervious surfaces.
  - e) A connection to the Council's foul sewer reticulation.
- 11 All earth worked areas shall be re-grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as the earthworks are completed.
  - 12 The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this development.
  - 13 The completion of all works detailed in condition (10) above.
  - 14 Where this subdivision or development involves the vesting of assets in the Council, the consent holder shall submit to CivicCorp a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.
  - 15 All necessary easements shall be granted or reserved.
  - 16 The provision of a power and telecommunications supply to serve the development.

#### Financial Contributions

- 17 Prior to any development of the site the applicant shall pay to the Council a reserve contribution in terms of Section 409 of the Resource Management Act 1991.

In respect of the commercial component the contribution payable is based on half of a percent of the capital cost of these works. In the circumstances the contribution is based on half of a percent of the assessed value of the development.

Proposed value of work	=	\$750,000.00
x 0.005	=	\$3,750.00
<u>plus GST</u>	=	\$468.75
<b>Total</b>	=	<u>\$4218.75</u>
		=====

- 18 Payment to the Council of the following headworks fees:

Wastewater	\$16,293.33	(including GST)
Water	\$7,866.13	(Including GST)

The wastewater and water headworks fees are based on an additional 104 persons. No credits have been allowed for.

These headworks fees are based on the residential equivalents for Wanaka being \$1,960.00 for water and \$2,350.00 for wastewater. These fees are provisional at present for this land. If the Council reviews the headworks fees to pay for the cost of extending Council's services to this land, then the fees for this development will be reviewed.

### Nuisance

- 19 The maximum number of people in the restaurant and museum shall not exceed 104 persons (excluding staff) at any time.
- 20 The operation of the restaurant shall be limited to the hours of 0900 hours to 2200 hours, daily.
- 21 There shall be no sound system speakers, public address system etc located outside the premises or attached to the exterior of the building.
- 22 The consent holder shall ensure that patrons in relation to the museum and restaurant are off the premises and site by 2200 hours each day until 0900 hours the following day.
- 23 Deliveries and pick-ups to the restaurant by heavy vehicles shall be limited between the hours of 0800 hours and 2000 hours each day.
- 24 The consent holder shall ensure that non-residential activities conducted on the site shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site.

Daytime (0800 – 2000 hrs)	50 dBA L <sub>10</sub>
Nighttime (2000 – 0800 hrs)	40 dBA L <sub>10</sub> and 70 dBA L max

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991 and shall take into account special audible characteristics.

- 25 Within 10 working days of each anniversary of the decision or upon the receipt of information identifying non-compliance with the conditions of this consent, the Council may, in accordance with Sections 128 & 129 of the Resource Management Act 1991, serve notice on the consent holder of it's intention to review the conditions of this resource consent for any of the following purposes:
  - (a) there is or is likely to be an adverse environmental noise effect as a result of the exercise of this consent, which was unforeseen when the consent was granted.
  - (b) monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.
  - (c) there has been a change in circumstances such that the conditions of the consent are no longer appropriate in terms of the purpose of the above Act.

### **Reasons for the Decision**

Consent is sought to erect a new building to be utilised as a restaurant and car museum. The proposed building is 6.5 metres in height and has a footprint of approximately 430m<sup>2</sup>. The building

will be clad in a combination of timber, stone, and plaster, with a coloursteel roof.

The subject site is located at the corner of Orchard and Cardrona Valley Roads, Wanaka. The site has recently been subdivided into 11 allotments (refer to RM010502), and the subject site is described as Lot 14 of a subdivision of Lot 7 Deposited Plan 301095. The site contains an existing building utilised as a café.

### *Effects on the Environment*

The proposed development will increase the building coverage on the subject site and introduce an additional commercial activity into a site that although zoned Rural General, exhibits a level of domestication that is not in accord with that normally anticipated in the rural areas of the District.

Given the site's proximity to the township, and hence areas of greater residential density, the proposed development is not inconsistent with the surrounding environment and is not considered to adversely affect the amenity of the surrounding environment through excessive building coverage when surrounding development such as Oakridge Lodge and the Merlin Genesis development are considered. Furthermore, the external appearance of the building is considered to be suitably recessive, utilising a low-profile design, appropriate colours, and appropriate materials. It is therefore considered that the proposed development will not adversely affect the amenity of the surrounding environment. However, given the overall development on the property it is considered that the construction of the proposed building will result in the site reaching a threshold beyond which any further development will give rise to adverse visual effects.

The nature of a commercial activity, with the increase occupancy of the site, may reduce privacy for adjacent landowners. However, given the relatively large distance to the nearest residential neighbour, and existing landscaping that will screen the development, this effect is considered to be no more than minor. Moreover, all adjoining landowners have given their written approval for the proposed development.

The proposed commercial activities within the site may result in excessive noise effects, which will extend into the evening. These effects are partially mitigated by the distance to the nearest residential neighbour (approximately 80 – 100 metres). The applicant has also obtained the written approval of all those parties that may have been affected by the resulting noise, including from Lot 15 Heritage Park, Lot 10 Heritage Park, Lot 11 Heritage Park, and current owners of the existing restaurant on Lot 14 Heritage Park. Pursuant to section 104(6) of the Resource Management Act 1991, any adverse effects on these parties are not grounds for refusing consent. Conditions have been imposed on the hours of operation of the facility in order to ensure that any adverse effects on surrounding properties are limited.

The proposed development will increase the level of traffic in and around the subject site, which could potentially disturb adjacent landowners and/or cause congestion. Effects resulting from the increased traffic were considered to be no more than minor, given the accesses were formed to an appropriate standard at the time of subdivision (RM010502), the surrounding public roads are formed to an appropriate standard, and the potentially affected neighbours have given their written approval for the development.

The total number of required parking spaces was calculated to be 13, of which 5 are required for the existing café and 7 for the new restaurant. The site plan indicates that there will be an area of 1225m<sup>2</sup> allocated for parking, and it is therefore considered that there will be ample to fulfil the

parking requirements for the proposed activities. CivicCorp's Engineer has reviewed the application and has recommended that the parking and manoeuvring area be formed and surfaced in order to mitigate adverse effects of dust and potentially reduce noise from vehicles entering and leaving the facilities.

The proposed development will be serviced with potable water and effluent disposal through the town-reticulated schemes, and stormwater will be disposed of on the site. CivicCorp's Engineer has assessed the proposed development, and recommends the imposition of appropriate headworks fees to mitigate the effects of the increased demand on these services. The applicant will be required to install a hydrant for fire fighting purposes within 135 metres of the new building, which can be ensured through a condition of this consent. Provided the proposed development is undertaken in accordance with the Engineers recommendations, imposed through consent conditions, the adverse effects on infrastructure resulting from the proposed development are considered to be no more than minor.

### *Policies and Objectives*

It is considered that the area surrounding the subject site is part of a visual amenity landscape as the surrounding landscape wears a "cloak of human activity" through the presence of domesticated farmland and both farm related and lifestyle residential dwellings. Council has reserved control over a number of assessment matters as established under the Environment Court C75/2001 decision, which are contained in Section 5.4.2.2(3) of the Proposed District Plan and are discussed below.

The relevant assessment matters are:

#### a) Effects on Natural and Pastoral Character

The environment surrounding the subject site is characterised by rural, residential, and some commercial activities. It is considered that the proposed development does not adversely affect the surrounding landscape, given the screening provided through the existing level of domestication within the subject site and vicinity, and existing and future landscaping within the site.

#### b) Visibility of Development

The proposed development will be visible from Cardrona Valley Road, Orchard Road, and adjoining properties. Adverse visual effects are considered to be minor given the appropriate external appearance of the proposed building, and through additional landscape planting on the site. It is considered that further development on the site or in the immediate vicinity will give rise to more than minor adverse effects, as it is considered that the level of development on the site following completion of the proposed building has reached a threshold beyond which further change cannot be absorbed.

#### c) Form and Density of Development

It is considered that given the existing level of residential density within the underlying subdivision and surrounding environment, the site is not considered to represent the zone in which it is located. The proposed development is not inconsistent with the surrounding environment and is not considered to adversely affect the amenity of the surrounding environment through excessive building coverage, although it is considered that further development will give rise to adverse

cumulative effects and give rise to an over domestication of the site.

d) Cumulative Effects of Development on the Landscape

Cumulative effects of domestication can degrade rural character. Existing development in the vicinity of the site consists of residential, rural, and commercial activities, and as such the proposed development is considered to be consistent with the existing development in the vicinity. Development within the subject site could represent cumulative effects that are more than minor with two restaurant facilities, but all affected parties within the underlying subdivision have given their written approval for the development, and any effect on these parties is therefore not grounds to refuse consent.

While the proposed building will not result in more than minor adverse cumulative effects, it is considered that further development will increase the domestication of the site to an inappropriate level, and it is therefore considered that the site has reached a threshold beyond which any further development cannot be absorbed into the landscape.

e) Rural Amenities

Given the appropriate external appearance and the maintenance of some open spaces on the site, views across the landscape are not considered to be compromised by the proposed development to a more than minor extent.

*Policies and Objectives*

The objectives and policies relevant to this application are contained in Section 4 (District Wide Issues) and Section 5 (Rural Areas), which are discussed below.

The key issues in Section 4 for this proposal, are those concerned with landscape and visual amenity under 4.2.5. These policies and objectives seek to avoid development in areas highly visible from public places and scenic roads, to mitigate adverse effects through planting, and allow development in areas with the ability to absorb change.

The relevant policies for Part 4 are as follows:

- Policies 1(a), (b), and (c), which consider the need to ensure that all structures are located in areas that can absorb change, and in harmony with the surrounding landscape.
- Policies 4(a) and (b) which seek to mitigate adverse visual and landscape character effects of developments in visual amenity landscapes.
- Policies 8(a) and (b) regarding cumulative degradation of the landscape.
- Policy 9(a), which seeks to ensure all structures are sympathetically designed and located.
- Policy 17, which encourages land use that minimises adverse effects on the landscape.

The relevant objectives and policies in Section 5 (Rural Areas) to this proposal include:

- Objective 1, which seeks to protect the character and landscape value of the rural area and control adverse effects caused through inappropriate activities
- Policies 1.5 & 1.7, which consider the need to provide for a range of activities and to ensure that all structures are located in areas that can absorb change.
- Objective 3, which seeks to avoid, remedy or mitigate adverse effects of activities on rural amenity.

Given the assessment of effects discussed above and the inclusion of appropriate consent conditions, it is considered that the proposal is not contrary to these objectives and policies of the Proposed District Plan.

### Other Matters

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

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

*The conditions of this consent include the payment of an initial fee of \$80 to cover the cost of CivicCorp's statutory requirement to monitor the conditions of your resource consent. The initial \$80 is for the first hour of monitoring. Should your consent require more monitoring you will be charged for the additional time.*

*To minimise your monitoring costs it is strongly recommended that you contact the Monitoring Section of CivicCorp when the conditions have been met or with any changes you have to the programmed completion of your consent.*

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

Please contact the Principal: Monitoring (Civic Corporation Limited) when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

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

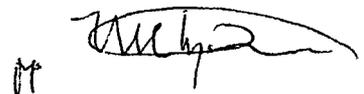
If you have any enquiries please contact Andrew Henderson on phone (03) 443 9955.

Prepared by  
**CIVICCORP**



Andrew Henderson  
**PRINCIPAL PLANNER: WANAKA**

Reviewed and Approved by  
**CIVICCORP**



Jane Titchener  
**PRINCIPAL: RESOURCE MANAGEMENT**



Award winning quality costs no more



**COPY**

2 August 2004

CivicCorp  
Private Bag 50077  
Queenstown

Attn: Mr Andrew Henderson

030390

**Ref: DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL  
RESOURCE MANAGEMENT ACT 1991  
J LEDGERWOOD – RM020352**

Dear Andrew,

Please find enclosed a site plan of the "Stables" restaurant and museum.

I wish to apply for a variance to the original resource consent on behalf of Jim Ledgerwood.

Unfortunately the site plan used for consent did not match where the building was envisaged on site. I enclose affected parties signoff as to the proposed location being outside the 15m boundary rules for rural residential zoning.

Please consider this application and let me know if you have any questions.

Yours Faithfully

Phillip Smith

COPY

No 49722

RECEIPT

Date 18/8/04

RECEIVED from David Reid Jones  
the sum of One hundred & fifty  
dollars only Debtor No.: RC

With Thanks



**Civic Corp**  
QUEENSTOWN LAKES

G.S.T. No. 69-875-742

RM030390

Cheque \$ 150.00

Cash \$

TOTAL \$ 150.00

Per

R

COPY

CARDRONA ROAD

ORCHARD ROAD

LOT 1A

Septic tank & effluent disposal system by registered engineer

6.0m

30m

EXTENDED CAR PARK

STABLES MUSEUM

CONSERVATORY DINING ROOM

'COTTAGE' DINING ROOM

DINING ROOM ENTRANCE

BOUNDARY

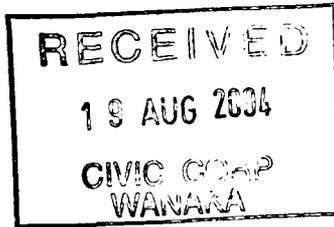
Existing Amenity planting

Existing Amenity planting

STABLES MUSEUM AND COTTAGE RESTAURANT  
HERITAGE VILLAGE  
CARDRONA ROAD, WANAKA

SITE PLAN  
N.T.S  
DWS N° 01  
24 MARCH 2004.

Architects  
**MAITLAND**  
 ARCHITECTS AND INTERIOR DESIGNERS  
 Mob. 0274 415 855



(Resource Management Act 1991 Resource Consent Application No: \_\_\_\_\_  
Section 94)

**AFFECTED PERSON'S APPROVAL**

1. AFFECTED PERSON'S DETAILS

I/We BRIAN ERSSAGE-THEOMAS (name)  
are the owners/occupiers of 11 ORCHARD RD WANAKA  
(address)

2. DETAILS OF PROPOSAL

I/We hereby give written approval to the proposal to: Move the  
Stables Restaurant Building Closer to  
the R.O.W (describe proposal)

by \_\_\_\_\_  
(Name of Applicant), at David Reid Homes on  
behalf of Heritage Village Developments  
Ltd Wanaka (address for proposal)

3. INFORMATION ON AREAS OF NON-COMPLIANCE

It does not comply in respect of; (e.g. height recession planes control by 0.2m – north boundary only ...)

As Above.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(list all aspects that consent is required for)

I/we understand that by signing this form the Council when considering this application, will not consider any adverse effects of the proposal upon me/us.

CARDRONA ROAD

ORCHARD ROAD

LOT 1A

Septic tank & effluent disposal system by registered engineer

EXTENDED CAR PARK

STABLES MUSEUM

CONSERVATOR DINING ROOM

DINING ROOM ENTRANCE

COTTAGE DINING ROOM

BOUNDARY

Existing Amenity Planting

Existing Amenity Planting

RECEIVED  
19 AUG 2004  
CIVIC ENGINEERING  
WANAKA

STABLES MUSEUM AND COTTAGE RESTAURANT  
HERITAGE VILLAGE  
CARDRONA ROAD, WANAKA

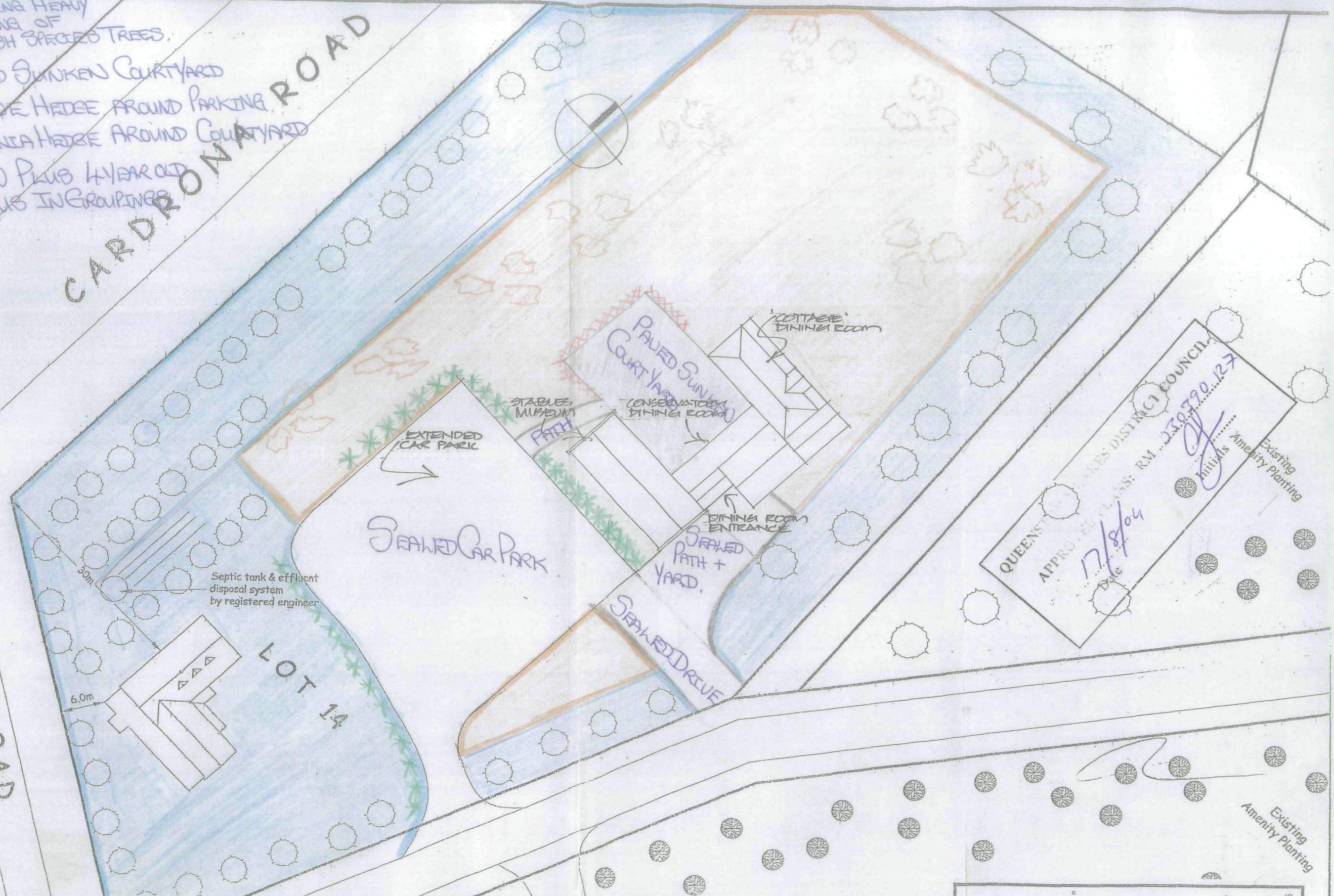
SITE PLAN  
NETS /  
DWS N° 01  
24 MARCH 2004.

Maitlands<sup>®</sup> ARCHITECTS AND INTERIOR DESIGNERS Mob: 0274 415 855

-  = EXISTING HEAVY PLANTING OF ENGLISH SPECIES TREES.
-  = PAVED SUNKEN COURTYARD
-  = OLIVE HEDGE AROUND PARKING.
-  = PRISTINIA HEDGE AROUND COURTYARD
-  = LAWN PLUS 4-YEAR OLD PRUNUS IN GROUPINGS

CARDRONA ROAD

ORCHARD ROAD



QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 230790.127  
 17/8/04  
 Date  
 Initials

STABLES MUSEUM AND COTTAGE RESTAURANT  
 HERITAGE VILLAGE  
 CARDRONA ROAD, WANAKA  
 SITE PLAN 1:500.

DWG 01. MAY 2003.

**Maitland Architects**  
 ARCHITECTS AND INTERIOR DESIGNERS  
 Mob. 0274 415 855

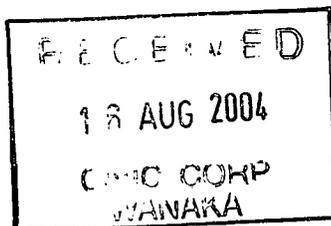


Award winning quality costs no more



2 August 2004

CivicCorp  
Private Bag 50077  
Queenstown



Attn: Mr Andrew Henderson

**Ref: DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL  
RESOURCE MANAGEMENT ACT 1991  
J LEDGERWOOD - RM030390**

Dear Andrew,

Please find enclosed a site plan of the "Stables" restaurant and museum.

I wish to apply for a variance to the original resource consent on behalf of Jim Ledgerwood.

Unfortunately the site plan used for consent did not match where the building was envisaged on site. I enclose affected parties signoff as to the proposed location being outside the 15m boundary rules for rural residential zoning.

Please consider this application and let me know if you have any questions.

Yours Faithfully

Phillip Smith



In reply please quote  
File Ref: RM030390

Civic Corporation Limited  
Private Bag 50077,  
CivicCorp House, 74 Shotover Street  
Queenstown, New Zealand  
Tel. 64-3-442 4777  
Fax. 64-3-442 4778  
e-mail: [enquiries@civiccorp.co.nz](mailto:enquiries@civiccorp.co.nz)  
site: <http://www.civiccorp.co.nz>

16 August 2004

J Ledgerwood  
c/- David Reid Homes  
P O Box 340  
WANAKA

Dear Sir/Madam

**RE: ACKNOWLEDGEMENT OF REQUEST FOR VARIATION OF CONDITIONS TO RM030390**

I acknowledge receipt of your application for a variation to conditions for resource consent RM030390 under Section 127 of the Resource Management Act 1991 for a consent for construction of a Restaurant (Stables) & Car Museum at Cardrona Valley Road, Wanaka.

Please contact me on 03 443 9955 if you require further information.

Yours faithfully  
**CIVICCORP**

A handwritten signature in black ink, appearing to read 'E Herd'.

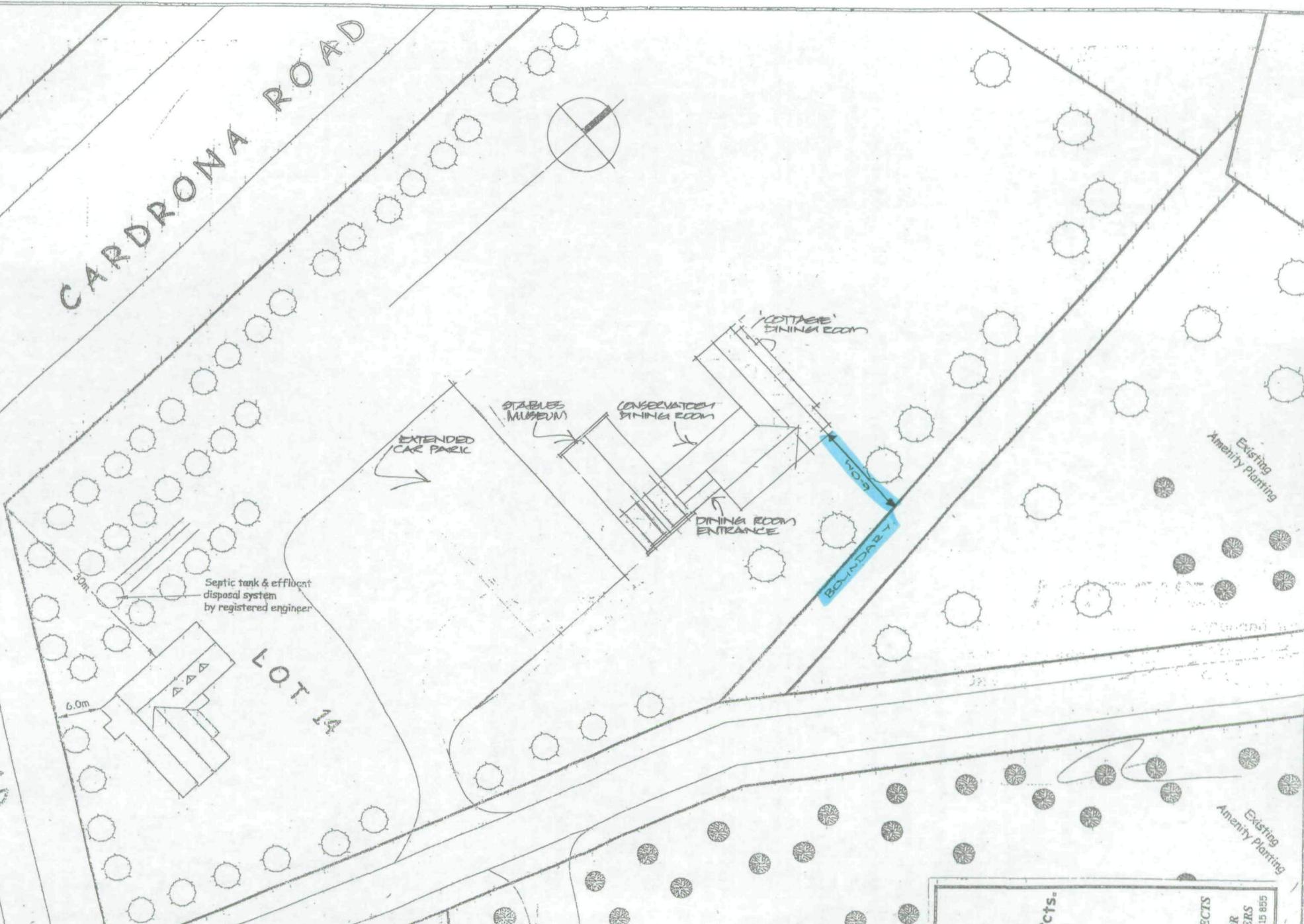
Elanor Herd  
**OFFICE MANAGER, WANAKA**

CARDRONA ROAD

ORCHARD ROAD

LOT 1A

STABLES MUSEUM AND COTTAGE RESTAURANT  
HERITAGE VILLAGE  
CARDRONA ROAD, WANAKA



● SITE PLAN  
N.T.S  
DWA N° 01  
24 MARCH 2004.

**Maitlands**  
Architects  
AND  
INTERIOR  
DESIGNERS  
Mob. 0274 415 855



(Resource Management Act 1991 Resource Consent Application No: \_\_\_\_\_  
Section 94)

**AFFECTED PERSON'S APPROVAL**

1. AFFECTED PERSON'S DETAILS

I/We SUE & JULIAN PRICE (name)  
are the owners/occupiers of LOT 11 HERITAGE PARK  
WANAKA (address)

2. DETAILS OF PROPOSAL

I/We hereby give written approval to the proposal to: SHIFT THE  
STABLES RESTAURANT BUILDING  
CLOSER TO THE RIGHT OF WAY TO LOTS 10+11 (describe proposal)

by \_\_\_\_\_  
(Name of Applicant), at DAVID REED HOMES ON BEHALF  
OF "HERITAGE VILLAGE DEVELOPMENTS  
LTD, WANAKA (address for proposal)

3. INFORMATION ON AREAS OF NON-COMPLIANCE

It does not comply in respect of; (e.g. height recession planes control by 0.2m – north boundary only....)

SITE PLAN SHOWS BUILDING  
IN DIFFERENT POSITION TO  
THAT WHICH IS PROPOSED

\_\_\_\_\_ (list all aspects that consent is required for)

**I/we understand that by signing this form the Council when considering this application, will not consider any adverse effects of the proposal upon me/us.**

+034438899



Resource Management Act 1991 Resource Consent Application No: \_\_\_\_\_  
(Section 94)

**AFFECTED PERSON'S APPROVAL**

**AFFECTED PERSON'S DETAILS**

I/we JAMES ALBERT LEDGERWOOD (name)  
are the owners/occupiers of LOT 10 HERITAGE PARK  
CARORONA RD - HERITAGE PARK (address)

**DETAILS OF PROPOSAL**

I/we hereby give written approval to the proposal to: MOVE THE  
STROLES RESTAURANT BUILDING CLOSER TO  
THE R.O.W. TO LOT 10 & 11. (describe proposal)

by \_\_\_\_\_  
(Name of Applicant), at DAVID RIED HINES ON  
BEHALF OF HERITAGE VILLAGE  
DEVELOPMENTS LTD. WANAKA (address for proposal)

**INFORMATION ON AREAS OF NON-COMPLIANCE**

It does not comply in respect of; (e.g. height recession planes control by 0.2m - north boundary only....)

AS ABOVE.

(list all aspects that consent is required for)

I/we understand that by signing this form the Council when considering this application, will not consider any adverse effects of the proposal upon me/us.

+034438899

4. WHAT INFORMATION/PLANS HAVE YOU SIGHTED

I/We have sighted and initialled plans dated 25th MARCH 2004 and approve them.

5. APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

Signature

Signature

Print Name

Print Name

Date

Date

Contact Phone No.

Contact Phone No.

Fax No.

Fax No.

*[Handwritten Signature]*

JIM LEDGERWOOD

2-8-2004

03 4438899

03 4438899



(Resource Management Act 1991 Resource Consent Application No: \_\_\_\_\_  
Section 94)

**AFFECTED PERSON'S APPROVAL**

1. AFFECTED PERSON'S DETAILS

I/We STAN & CHERRY VOYLES (name)  
are the owners/occupiers of LOT 12 HERITAGE PARK  
WAIKANA (address)

2. DETAILS OF PROPOSAL

I/We hereby give written approval to the proposal to: "CHIEF THE STABLES  
RESTAURANT" BUILDING CLOSER TO THE R.O.W  
TO LOTS 10+11 (describe proposal)  
by DAVID REID HOMES ON BEHALF OF  
(Name of Applicant), at "HERITAGE VILLAGE DEVELOPMENTS"  
OF WAIKANA.  
(address for proposal)

3. INFORMATION ON AREAS OF NON-COMPLIANCE

It does not comply in respect of; (e.g. height recession planes control by 0.2m – north boundary only ....)

SITE PLAN SHOWS BUILDING  
IN DIFFERENT POSITION TO  
THAT WHICH IS PROPOSED

(list all aspects that consent is required for)

I/we understand that by signing this form the Council when considering this application, will not consider any adverse effects of the proposal upon me/us.

4. WHAT INFORMATION/PLANS HAVE YOU SIGHTED

✓ We have sighted and initialled plans dated 25TH MARCH 2004 and approve them.

5. APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

Stanley Owen Vowles  
Signature

STANLEY OWEN VOWLES  
Print Name

04/08/04  
Date

03 443 8458  
Contact Phone No.

Same  
Fax No.

Cherry Vowles  
Signature

CHERRY VOWLES  
Print Name

04/08/04  
Date

03 443 8458  
Contact Phone No.

Same  
Fax No.



**Contact Details:**  
CivicCorp House, 74 Shotover Street, Queenstown  
Private Bag 50077, Queenstown

**Phone:** 03-442 4777  
**Fax:** 03-442 4778  
**E-mail:** enquiries@civiccorp.co.nz



(Resource Management Act 1991 Resource Consent Application No: \_\_\_\_\_  
Section 94)

**AFFECTED PERSON'S APPROVAL**

1. **AFFECTED PERSON'S DETAILS**

I/We Karl Hessman (name)  
are the owners/occupiers of CITRE FE  
\_\_\_\_\_  
\_\_\_\_\_  
(address)

2. **DETAILS OF PROPOSAL**

I/We hereby give written approval to the proposal to: Move the  
Stables Restaurant Building Closer to  
the ROW (describe proposal)

by \_\_\_\_\_  
(Name of Applicant), at David Reid Homes on  
behalf of Heritage Village Development  
Ltd Wanaka. (address for proposal)

3. **INFORMATION ON AREAS OF NON-COMPLIANCE**

It does not comply in respect of; (e.g. height recession planes control by 0.2m – north boundary only ...)

As above  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(list all aspects that consent is required for)

I/we understand that by signing this form the Council when considering this application, will not consider any adverse effects of the proposal upon me/us.

4. WHAT INFORMATION/PLANS HAVE YOU SIGHTED

I/We have sighted and initialled plans dated 25 March 2004 and approve them.

5. APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Phone No.

\_\_\_\_\_  
Fax No.

\_\_\_\_\_  
Signature

Karl Hessom  
\_\_\_\_\_  
Print Name

3/8/04  
\_\_\_\_\_  
Date

03 443 469 7  
\_\_\_\_\_  
Contact Phone No.

\_\_\_\_\_  
Fax No.



**Contact Details:**

CivicCorp House, 74 Shotover Street, Queenstown  
Private Bag 50077, Queenstown

**Phone:** 03-442 4777

**Fax:** 03-442 4778

**E-mail:** enquiries@civiccorp.co.nz

CARDRONA ROAD

ORCHARD ROAD

LOT 1A

Septic tank & effluent disposal system by registered engineer

EXTENDED CAR PARK

STABLES MUSEUM

CONSERVATORY DINING ROOM

COTTAGE DINING ROOM

DINING ROOM ENTRANCE

BOUNDARY

Existing Amenity planting

Existing Amenity planting

STABLES MUSEUM AND COTTAGE RESTAURANT  
HERITAGE VILLAGE  
CARDRONA ROAD, WANAKA

SITE PLAN  
N.T.S.  
DWS  
24 MARCH 2004

Architects  
MAITLAND

ARCHITECTS  
AND  
INTERIOR  
DESIGNERS  
Tel: 0274 415 855



(Resource Management Act 1991 Resource Consent Application No: \_\_\_\_\_  
Section 94)

**AFFECTED PERSON'S APPROVAL**

1. AFFECTED PERSON'S DETAILS

I/we JAMES ALBERT LEDGERWOOD (name)  
are the owners/occupiers of LOT 10 HERITAGE PARK  
CARORONA RD - HERITAGE PARK (address)

2. DETAILS OF PROPOSAL

I/we hereby give written approval to the proposal to: MOVE THE  
STABLES RESTAURANT BUILDING CLOSER TO  
THE R.O.W. TO LOT 10 & 11. (describe proposal)

by \_\_\_\_\_

(Name of Applicant), at DAVID RIED HINES ON  
BEHALF OF HERITAGE VILLAGE  
DEVELOPMENTS LTD. WANAKA (address for proposal)

3. INFORMATION ON AREAS OF NON-COMPLIANCE

It does not comply in respect of; (e.g. height recession planes control by 0.2m – north boundary only....)

AS ABOVE.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(list all aspects that consent is required for)

**I/we understand that by signing this form the Council when considering this application, will not consider any adverse effects of the proposal upon me/us.**

4. WHAT INFORMATION/PLANS HAVE YOU SIGHTED

I/We have sighted and initialled plans dated 25th March 2004 and approve them.

5. APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Phone No.

\_\_\_\_\_  
Fax No.

Jim Ledgerwood  
Signature

JIM LEDGERWOOD  
Print Name

2-8-2004  
Date

03 4438899  
Contact Phone No.

03 4438899  
Fax No.



**Contact Details:**

CivicCorp House, 74 Shotover Street, Queenstown  
Private Bag 50077, Queenstown

**Phone:** 03-442 4777

**Fax:** 03-442 4778

**E-mail:** enquiries@civicc corp.co.nz

## Submission on behalf of James Ledgerwood, RM030390

### Background

The subject land was originally subdivided into 9 allotments, and Lot 7 of this subdivision was further subdivided in January 2001 into 11 allotments, including a café and car museum on Lot 14. In June 2002 resource consent was obtained for design control for the café, without the car museum. Later in 2002, resource consent was obtained for the development of 21 unit style dwellings on Lot 20. The applicant now seeks consent on a non-notified basis to erect a second restaurant on Lot 14.

To be considered on a non-notified basis, the proposal must satisfy the two tests of Section 94 of the RMA. That is that any environmental effects resulting from the development are no more than minor, and that there are no affected parties, other than those from which written consent has already been obtained.

### Effects on the Environment

The following potential environmental effects resulting from the proposed development have been identified and are assessed below:

#### 1. Visual amenity & cumulative effects of domestication

It was noted in the Planner's Report for notification that the proposed development would increase the building coverage within the subject site, thereby reducing open spaces and compromising the amenity of the site. However, with every development there will be some loss of open space. What must be answered is whether the location of the proposed development is appropriate, and will the development compromise the existing character of the area?

The form and density of development in the vicinity of and within the subject site influence cumulative effects. The environment surrounding the site is characterised by rural, residential, and commercial developments. In the area to the north of the subject site, the residential density ranges in size from 1 dwelling per 450m<sup>2</sup> to 1 dwelling per 2 hectares. Many residential and commercial developments are visible from the public roads. This area represents a buffer between the Wanaka Township and the truly pastoral landscapes. Conversely, the areas to the south of Studholme and Orchard Roads and up the Cardrona Valley are characterised by the larger pastoral farming properties.

The underlying subdivision contains allotments ranging in area from 0.21 hectares to 5 hectares, with the majority being under 3000m<sup>2</sup> in area and an average of 1 dwelling per 8493m<sup>2</sup>. The proposed development will increase the density on the subject site to one building per 6310m<sup>2</sup>, which is still consistent with the rural residential nature of the

underlying land and surrounding environment. The location of the subject site and proposed new building will serve to cluster existing similar developments.

The total building coverage for the site is approximately 4.4%, which is well under any bulk and location standard within the Proposed District Plan. There remains over 55 metres between the existing building on the site and the proposed new building, approximately 50 metres to the nearest public road, and 60 metres to the northern internal boundary, thereby maintaining appropriate setbacks from other buildings and public roads.

Overall, it is put forward that the proposed development is located in an area that is able to absorb some change, and the existing character is not unduly compromised by the additional of one new building.

## 2. Traffic and noise

It was noted in the Planner's report that the proposed development may result in increased noise and traffic in the immediate vicinity of the subject site, but that these effects could be mitigated through appropriate consent conditions, and written approval had been obtained from all adjacent landowners.

It also should be noted that the roads in the subdivision and adjacent public roads are of sufficient standard to accommodate potential increases in traffic. Also, the common car parking area will cluster potential visual effects and increased landscaping will further soften any views of the parking area.

## 3. Consistency with relevant planning provisions

The subject site is zoned **Rural General** under the **Proposed District Plan**.

The proposed commercial activity is deemed to be a **non-complying activity** and a **discretionary activity** given the scale and nature of non-residential/non-farming activities. However, the site has taken on a rural residential character through the underlying subdivision, and does not reflect the pastoral landscapes contained within the Rural General zone. The surrounding environment contains Rural Residential and Rural Lifestyle zones across Cardrona Valley Road, together with an existing Visitor Accommodation sub-zone. There are commercial activities on the site, and at the time resource consent was obtained, the environmental effects arising from the café were considered to be no more than minor. Also, as stated earlier, any adverse effects resulting from the commercial activities on the site can be mitigated through consent conditions.

The proposed building is a **discretionary activity**, as it is not located within an approved building platform. The building will be visible from the adjacent public roads, but the design is rustic and consistent with the rest of the subdivision. The building conforms to all the relevant standards regarding bulk and location, and landscaping further softens visual effects. Infrastructural services are reticulated to the site, and the access has already been formed to a high standard. The proposed location is, of course, deemed to be appropriate given the form and density of existing developments in the vicinity of the site.

The Strategic Plan for Wanaka, **WANAKA 2020**, identified the area as "Future Wanaka," thereby an area appropriate for growth of the township. The Strategic Plan identified in-

OVER DOMESTICATION

filling, or increasing the density within already developed areas, as desirable. In the summary of group reports, the Plan states, "Increased density of the town was favoured rather than sprawl into rural areas," and that, "In-filling should generally be encouraged. Thus, the proposed development is considered to be consistent with the goals set for and by the community in the Strategic Plan.

NOT  
R/S

Affected Parties

Adjoining landowners would be the most likely to be affected by the proposed development through increased traffic, noise, or loss of open space. However, all adjoining landowners have given their written approval for the restaurant and car museum. Landowners within the Heritage Park subdivision have known about the proposed development and the existing café, since the time they purchased the property. While the general community and visitors generally enjoy increased dining opportunities.

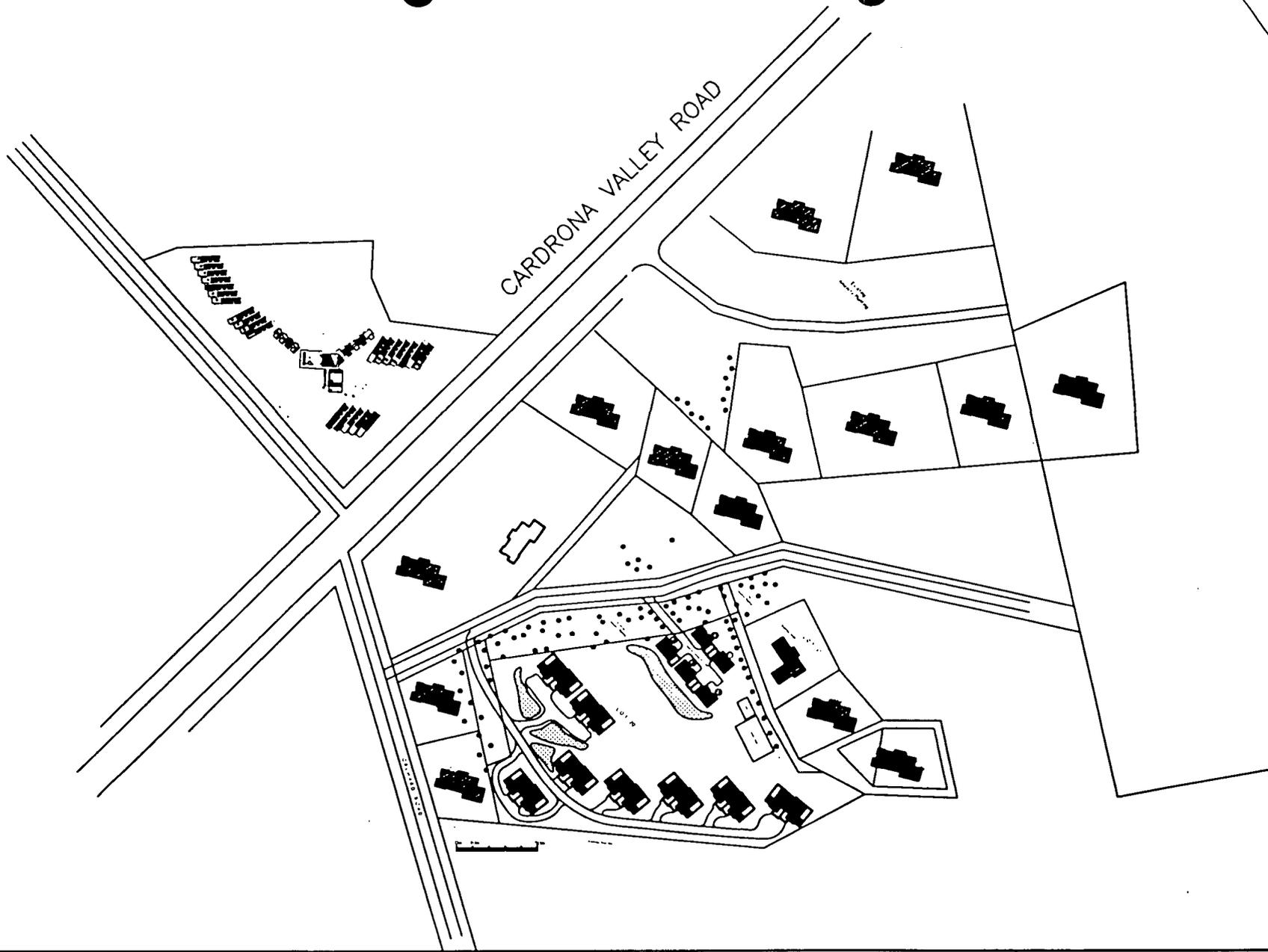
Conclusion

Overall, it is considered that environmental effects resulting from the proposed development are no more than minor. There is some loss of open space associated with all built developments, but the cumulative effects of this development do not represent over-domestication given the remaining open spaces on the site, and the consistency of the development with the surrounding environment. The location of the proposed development does not reflect a truly pastoral landscape, and is thereby more able to absorb some change, and therefore the proposal does not offend the relevant planning provisions. The location of the subject site, in a landscape sense, represents a buffer between extensive pastoral farming activities to the south and intensive residential developments to the north. Nuisance effects associated with a commercial activity can be appropriately mitigated through conditions of the resource consent. Finally, it is noted that any potential effects resulting from the proposal will only affect adjacent landowners, for which written approval has been obtained. Therefore, the two tests of Section 94 have been met, and we request the application be allowed to proceed on a non-notified basis.

Yours faithfully,

Robin Patterson  
Paterson Pitts Partners (Wanaka)  
Principal Surveyor  
B.Sc, B.Surv, MNZIS

~~• Submitters / effect of notification?~~  
~~• Residential v commercial / non-res.~~  
~~• RCU use v zoning.~~  
2020  
~~• Conference centre / car museum?~~  
• Area set aside for open space?



*Paterson Pitts Partners Ltd.*  
 Land Surveying, Development & Resource Management  
 Wanaka Cromwell Queenstown Dunedin

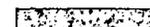
EXISTING HERITAGE PARK DEVELOPMENT  
 CARDRONA VALLEY ROAD

Notes \*\*\*DRAFT PLAN\*\*\*  
 Areas are Net

Drawn RLP	Scale
Date OCT 2009	Job W1973 Sheet Rev1



QUEENSTOWN  
LAKES DISTRICT  
COUNCIL



File: RM020352  
Valuation Number: 2906103210

21 June 2002

Mr J Ledgerwood  
C/- David Reid Homes Ltd  
PO Box 340  
WANAKA

Dear Sir

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

**J LEDGERWOOD – RM020352**

I refer to your application for land use consent under Section 88 of the Resource Management Act 1991 for design control for the construction for a café facility building. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 21 June 2002. The subject site is located on the corner of Cardrona Valley and Orchard Roads and is located on Lot 14 of RM010502. Certificates of Title have not yet been issued for this subdivision.

By way of background, RM010502 originally consented to a café/museum building on this site, and the design of the building was also approved at this time. This application does not include a museum in the building, and the café is the only activity to be undertaken.

The subject site is zoned Rural B under the Transitional Plan and the proposal requires consent for a non-complying activity pursuant to section 374(4) of the Resource Management Act 1991 as the activity is not provided for in the Rural B zone.

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto. Under these decisions the site is zoned Rural General and the proposed activity requires a controlled activity resource consent pursuant to Rule 5.3.3.2(i)(b) for the construction of a building on an approved building platform. The Council's control is limited to the external appearance of the dwelling, associated earthworks, access and landscaping, and the provision of services necessary to support the dwelling.

RM020352

The application was considered on a non-notified basis in terms of Section 94 of the Act because no persons were deemed to be adversely affected by the granting of the resource consent, and because the adverse effect on the environment of the activity for which consent is sought was considered to be minor.

## Decision

Consent is granted pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

### General Conditions

- 1 That the development be carried out in accordance with the application and plans (David Reid Homes – Heritage Park Café, Drawing Numbers 1, 2, 3, 15 and 2 (Colour scheme) dated 19/3/02) stamped as “Approved Plans” dated 21 June 2002 with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement is imposed by this consent shall be at the consent holder’s own expense.
- 3 That the consent holder shall pay to Civic Corporation Limited all required administration charges fixed by the Council pursuant to Section 360 of the Act in relation to:
  - a) the administration, monitoring and supervision of this consent; and
  - b) charges authorised by regulations.
- 4 The consent holder shall pay to Civic Corporation Limited an initial fee of \$80 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
- 5 That upon completion of the proposed activity, the consent holder shall contact the Compliance Section at Civic Corporation Limited to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.
- 6 The driveway is to be constructed to conform to the following minimum standards:
  - a) Carriageway of not less than 3 metres width,
  - b) A compacted AP40 basecourse (to NRB M/4 1985 standards) of not less than 150mm depth.
- 7 The maximum number of people in the café shall not exceed 60 persons (excluding staff) at any time.
- 8 The operation of the café shall be limited to the hours of 7am to 6pm daily.
- 9 There shall be no sound system speakers, public address system etc located outside the premises or attached to the exterior of the building.
- 10 The consent holder shall ensure that patrons in relation to the museum and café are off the premises and site by 18:00 hours each day until 07:00 hours the following day.

11 Deliveries and pick-ups to the café by heavy vehicles shall be limited between the hours of 0800 hours and 2000 hours each day. ✓

12 The consent holder shall ensure that non-residential activities conducted on the site shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of the site.

Daytime (0800 – 2000 hrs)	50 dBA L <sub>10</sub>
Nighttime (2000 – 0800 hrs)	40 dBA L <sub>10</sub> and 70 dBA L max

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991 and shall take into account special audible characteristics.

13 At the time that the Wanaka water supply is upgraded to provide domestic and fire fighting pressure for the allotment and reticulation is provided in the road reserve adjacent to the site, the owner for the time being shall connect to the Council reticulation within three months of its availability. The owner will be required to pay water headworks fees at the time that the connection is constructed. The work shall be carried out at the owner's own expense. *ON OWN SUPPLY - NO Reticulation @ 8/7/04*

14 Prior to the use of the building for its intended purpose, the consent holder shall provide confirmation to the Principal: Resource Management that the domestic water supply complies with the requirements of the New Zealand Drinking Water Standards 2000. *Domestic water 25,000 l tank*

### Review

15 Within 10 working days of each anniversary of the decision or upon the receipt of information identifying non-compliance with the conditions of this consent, the Council may, in accordance with Sections 128 & 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) there is or is likely to be an adverse environmental noise effect as a result of the exercise of this consent, which was unforeseen when the consent was granted.
- (b) monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.
- (c) there has been a change in circumstances such that the conditions of the consent are no longer appropriate in terms of the purpose of the above Act.

### **Reasons for the Decision**

Consent is sought for the construction of a café building on an approved building platform created by RM010502. Plans for the building were considered at the time the land use component of RM010502 was undertaken. Since that time the plans have been amended and a new resource consent for design control has been applied for. The museum is not provided for in this application, and the café takes up the entire floor space. However, the original conditions regarding maximum occupancy of the café have been carried over to this consent, and it is considered that the scale of the proposed café is no different to that which was originally consented to.

The building is to be clad in a mixture of plaster and weatherboards with a coloursteel roof. The exterior walls are to be painted in recessive colours, detailed on the elevations provided with the application.

### *Effects on the Environment*

#### Design

The design of the proposed building is similar to that previously approved in RM010502. In any event, the building is to be constructed on an approved building platform, and the effects of the construction of the café building were assessed at the time RM010502 was processed. The materials to be used comprise of plaster and weatherboards, and the intention is to give the appearance of an aged rural building. The colours selected are consistent with the range of recessive colours provided for in the rural area, and it is considered that the proposed building will be sympathetic with the surrounding area, resulting in no more than minor adverse visual effects.

#### Earthworks

Minor earthworks will be required to construct the platform and set out the foundations. However, these are minor and will not result in any adverse effects beyond the boundary of the site.

#### Access

Access to the site is available of the formed and sealed Right of Way off Orchard Road. The car parking and access area is to be formed in accordance with Council's standards. The use of the site for a café has been anticipated in RM010502, and it is considered that the traffic to be generated will not result in adverse effects on adjoining properties. The conditions of consent require the premise to only be open between the hours of 7am and 6pm, and this will ensure that there are no adverse traffic effects at night arising from the development.

#### Landscaping

No landscaping has been required for this consent. Extensive landscape planting has been undertaken on the site as part of the underlying consent, and it is not considered that additional landscaping is necessary.

#### Services

An onsite effluent disposal system has been approved as part of the Building Consent issued for this development.

Water supply is to be provided to the development in accordance with the conditions of the underlying subdivision consent. Fire fighting supply is to be provided in a tank farm in accordance with the conditions of the underlying consent. No individual tank is required.

The above issues are matters over which the Council has reserved control, and are considered to be satisfied by this proposal. No additional effects have been identified, and it is considered that the adverse effects of this application are no more than minor.

### *Policies and Objectives*

The site is located within a visual amenity landscape. The construction of the café building was assessed in accordance with the visual amenity landscape assessment matters at the time the subdivision consent was approved, and it was accepted at that time that the landscaping undertaken by the applicant would sufficiently screen the development, and that the layout of the proposed

subdivision was suitable for the topography and the surrounding area. The design of the building has been amended. However, the development is in accordance with the original approval and it is considered that there are no additional effects on the visual amenity landscape, and it is therefore considered that the proposal is consistent with the objectives and policies of the Proposed District Plan.

*Conditions*

Conditions relating to the operation of the café have been carried over from the earlier consent giving approval to the development.

**Other Matters**

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

*The conditions of this consent include the payment of an initial fee of \$80 to cover the cost of CivicCorp's statutory requirement to monitor the conditions of your resource consent. The initial \$80 is for the first hour of monitoring. Should your consent require more than one hour of monitoring you will be charged for the additional time.*

*To minimise your monitoring costs it is strongly recommended that you contact the Compliance Section of CivicCorp when the conditions have been met or with any changes you have to the programmed completion of your consent.*

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

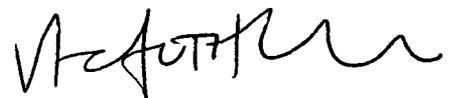
Please contact the Principal: Compliance (Civic Corporation Limited) when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within two 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 Andrew Henderson on phone (03) 443 4134.

Prepared by  
**CIVICCORP**

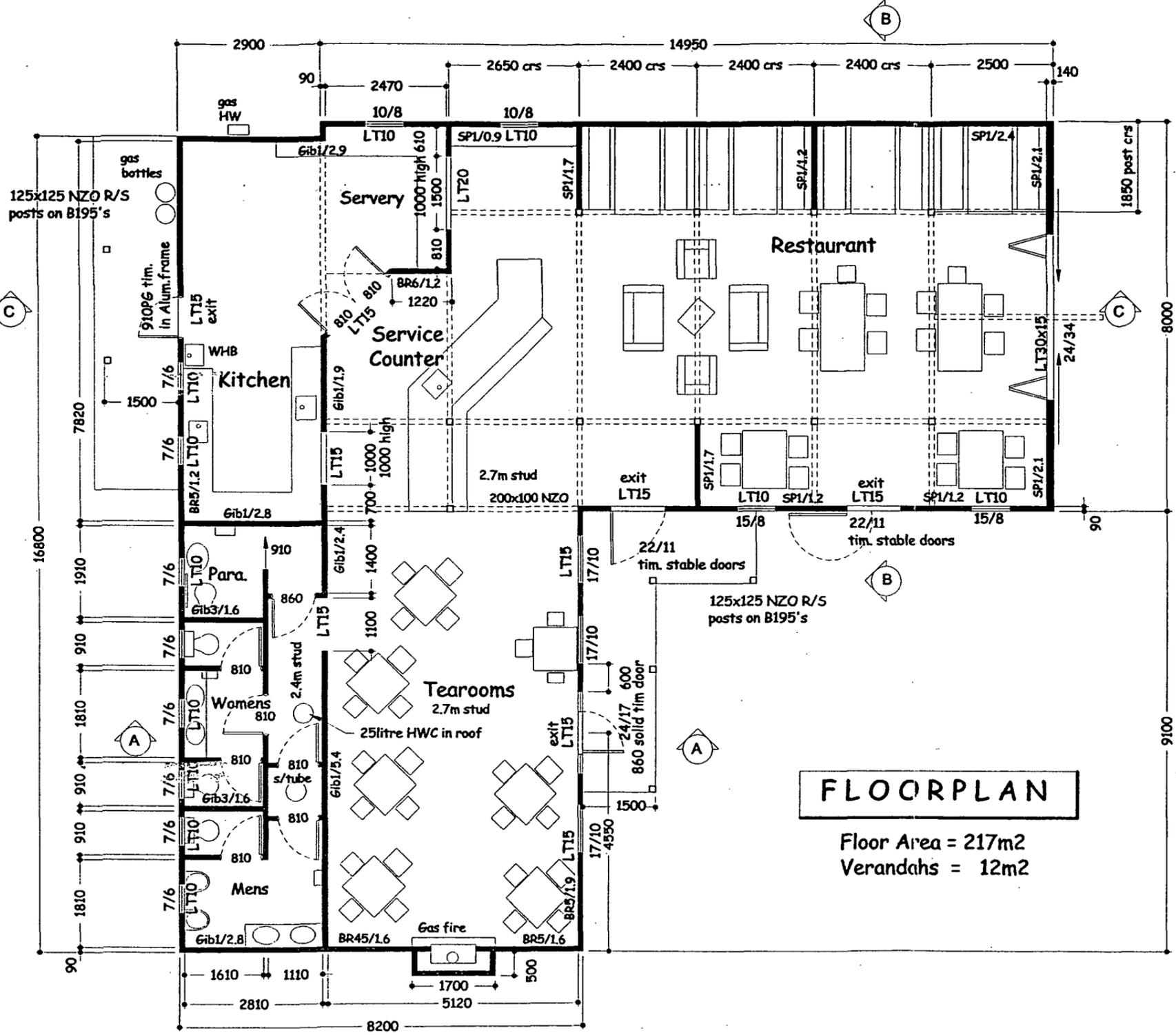
Reviewed and Approved by  
**CIVICCORP**



Andrew Henderson  
**PRINCIPAL PLANNER: WANAKA**

Jane Titchener  
**PRINCIPAL: RESOURCE MANAGEMENT**

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 020352.....  
 21/6/02 Date  
 Initials

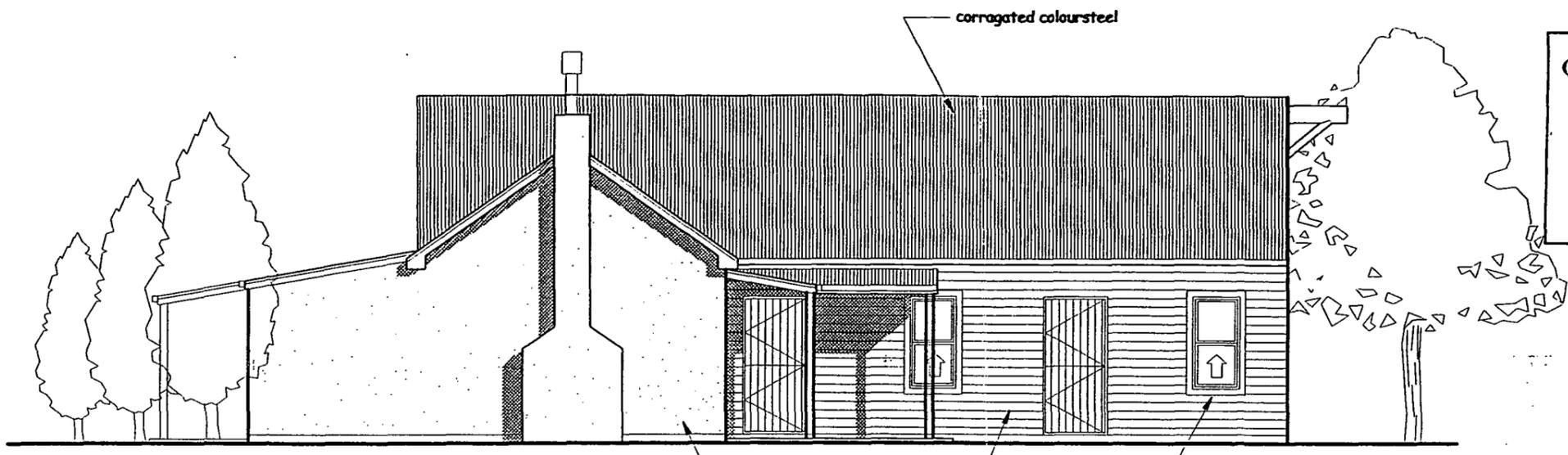


**FLOORPLAN**  
 Floor Area = 217m<sup>2</sup>  
 Verandahs = 12m<sup>2</sup>

- NOTES:**
- 1) All details including lintels as per NZS 3604 unless noted.  
 LT20 = 200x100, LT15 = 150x100, LT10 = 100x100
  - 2) Gib1 bracing panels to have metal angle brace.  
 See attached bracing specifications for Special BR panel hold down details. SP1 panels 7mm min plywood to have 6KN hold downs. SP1 fixing with 30x2.5mm FH galv Fh nails @ 150cs on sheet edges and 300crs to inside. Note : SP1 panels can be substituted with BR4/BR5 panels if interior of stables is not lined with weatherboards.
  - 3) windows to be recessed back from plaster.

- Revised: 7 May 2002 Sheets 1-6, 11, 14, 15
- Revised: 2 May 2002 Sheet 1 Toilet changes
- Revised: 30 April 2002 Sheets 1-5, 11, 13, 14
- Revised: 23 April 2002 Sheet 1 toilet lobby changes

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 020352  
 21/6/02 Date      APA Initials

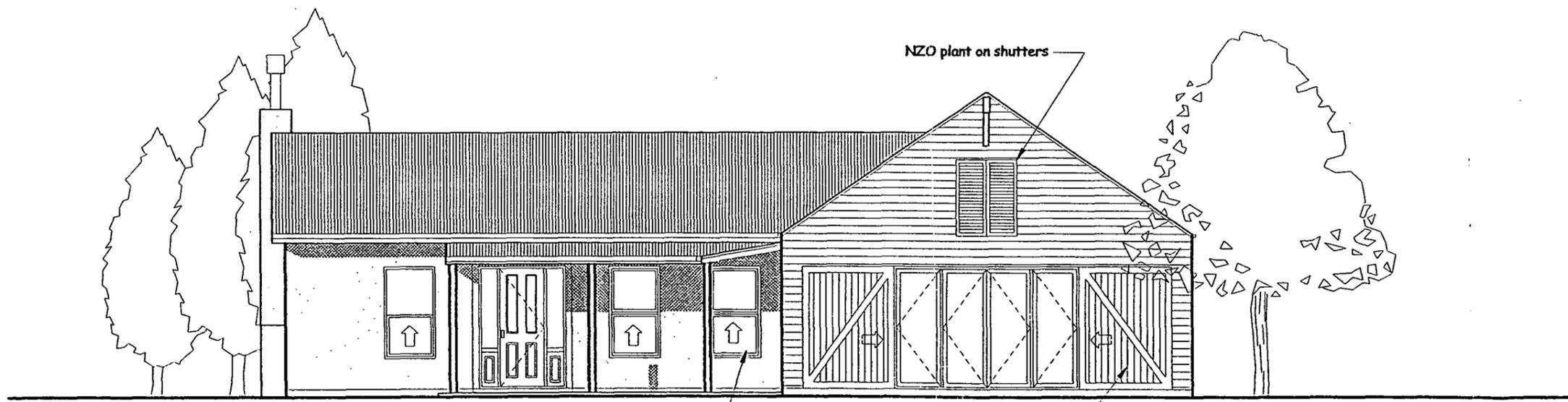


**EAST ELEVATION**

cement plaster

200x25 NZO R/S  
bevel back weatherboards

100x25 plant-on facing  
boards around windows



**NORTH ELEVATION**

Aluminium joinery

NZO shutter doors on tracks

- Revised: 7 May 2002    Sheets 1-6, 11, 14, 15
- Revised: 2 May 2002    Sheet 1 Toilet changes
- Revised: 30 April 2002    Sheets 1-5, 11, 13, 14
- Revised: 23 April 2002    Sheet 1 toilet lobby changes

**DAVID REID**  
**HOMES**  
 LTD

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 PO Box 340 WANAKA  
 Phone & Fax (03) 443-1352  
 Mobile 025388-147

Heritage Park Cafe  
 Cardrona Road  
 WANAKA

TITLE :  
 ELEVATIONS I

DRAWN:  
 Tony McMurray

DATE:  
 19 March 2002

SCALE:  
 1:100

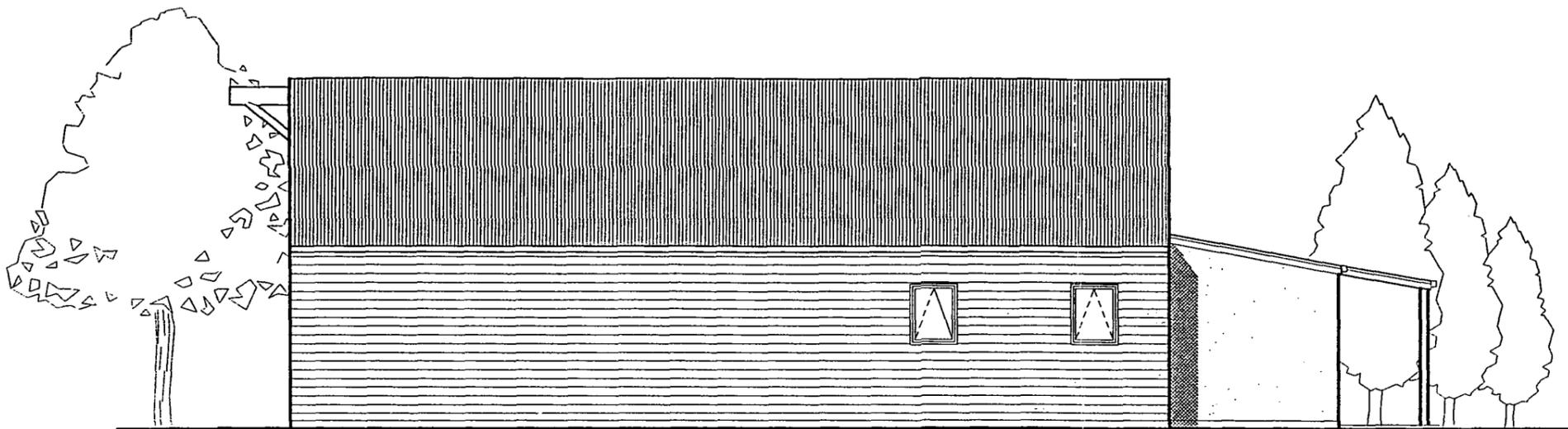
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 2

QUEENSTOWN LAKES DISTRICT COUNCIL

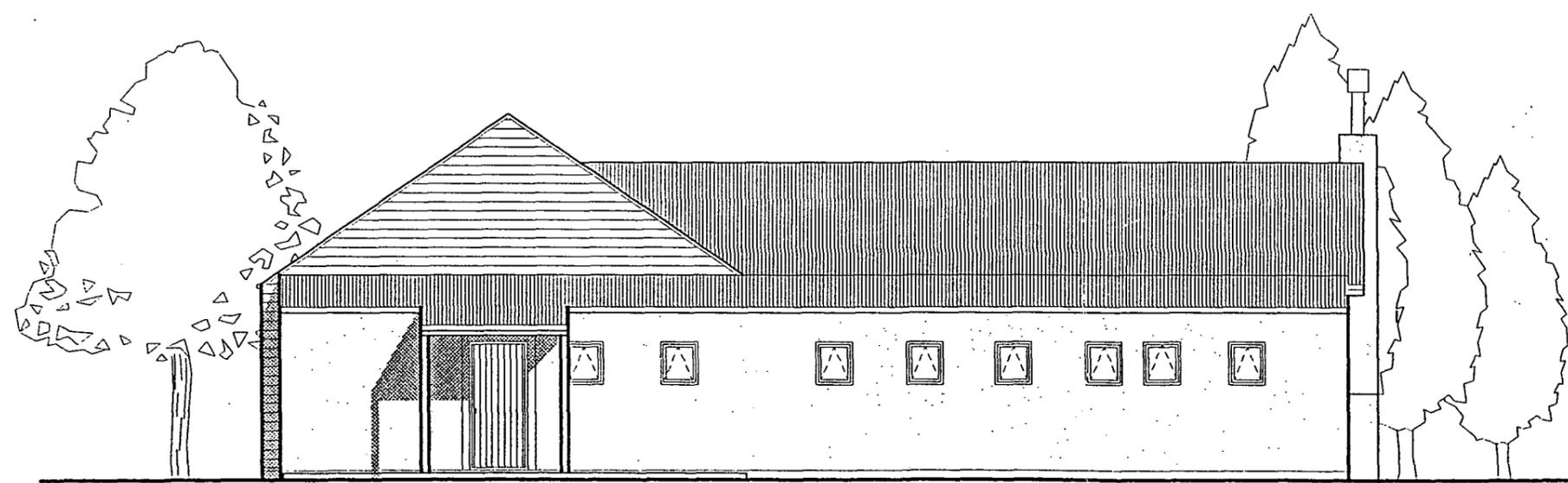
APPROVED PLANS: RM 020352

21/6/02  
Date

AAA  
Initials



WEST ELEVATION



SOUTH ELEVATION

Revised: 7 May 2002

Sheets 1-6, 11, 14, 15

Revised: 2 May 2002

Sheet 1 Toilet changes

Revised: 30 April 2002

Sheets 1-5, 11, 13, 14

Revised: 23 April 2002

Sheet 1 toilet lobby changes

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Mobile 025388-147

Heritage Park Cafe  
Cardrona Road  
WANAKA

TITLE :  
ELEVATIONS II

DRAWN:  
Tony McMurray

DATE:  
19 March 2002

SCALE:  
1:100

DWG. NO:  
3

CARDRONA ROAD

ORCHARD ROAD

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 020352  
 21/6/02 Date      CUPA Initials

Existing plantings - London Plane trees as hedge (3m approx)  
 Row of Japanese Willow as hedge (3m approx)

EXISTING PLANTINGS  
 Conifer & english deciduous mixture (6m approx)  
 birch, rowan, ash, oak

Hedging clusters (2-3m approx)

Existing Conifer & english deciduous mixture (6m approx)  
 birch, rowan, ash, oak

Existing Amenity Plant

Septic tank & effluent disposal system by registered engineer

Carparking

LOT 14

Existing Conifer Mixture (4m approx)

Existing Amenity Plant

- Revised: 7 May 2002    Sheets 1-6, 11, 14, 15
- Revised: 2 May 2002    Sheet 1 Toilet changes
- Revised: 30 April 2002    Sheets 1-5, 11, 13, 14
- Revised: 23 April 2002    Sheet 1 toilet lobby changes

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Heritage Park Cafe  
 Cardrona Road  
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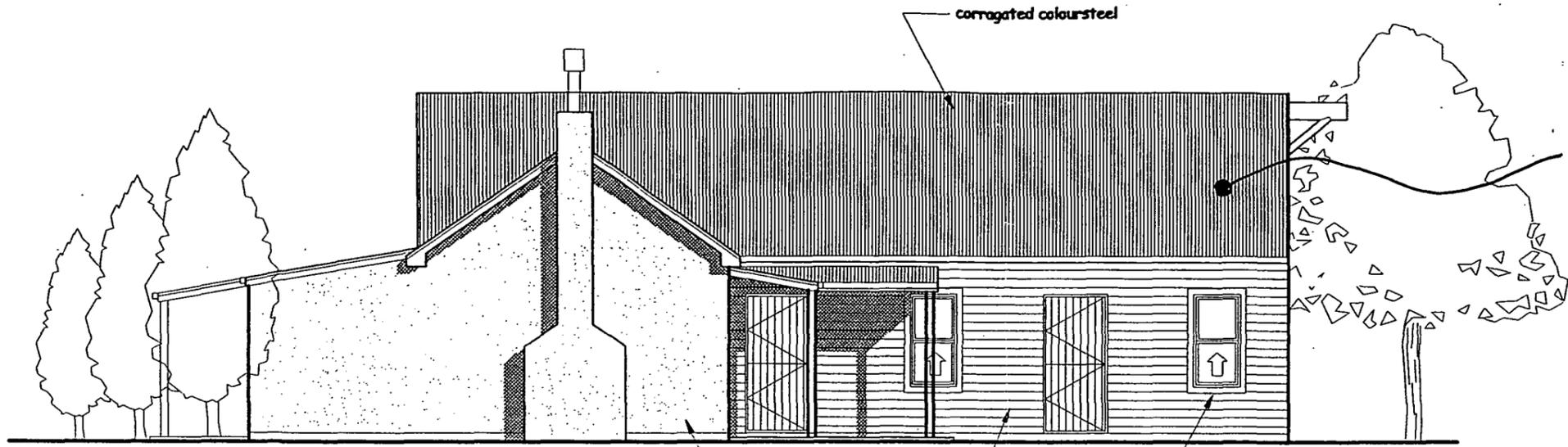
TITLE :  
 SITE PLAN

DRAWN:  
 Tony McMurray

DATE:  
 19 March 2002

SCALE:  
 1:500

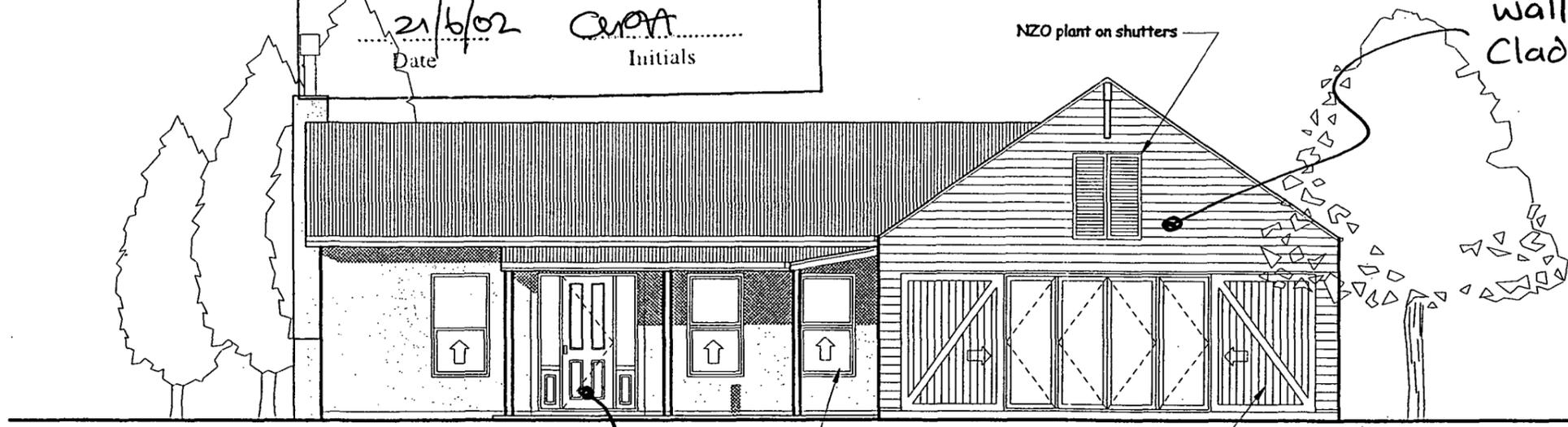
DWG. NO:  
 15



**EAST ELEVATION**

ROOF  coloursteel.  
Greyfriars

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLANS: RM 020352  
21/6/02 *CRAT*  
Date Initials



**NORTH ELEVATION**

 w/boards opaque stained or painted as below.  
WEATHERED CEDAR

 Sandstone Grey

 Birch Grey

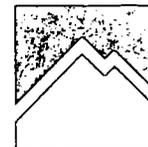
 Grey Flannel

plaster + w/board painted in colours similar to these coloursteel equivalents.

wall claddings

ENTRY DOOR   Heritage dark green or weathered red.

- Revised: 7 May 2002 Sheets 1-6, 11, 14, 15
- Revised: 2 May 2002 Sheet 1 Toilet changes
- Revised: 30 April 2002 Sheets 1-5, 11, 13, 14
- Revised: 23 April 2002 Sheet 1-toilet lobby changes



**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	The Venue Lake Wanaka Ltd
<b>RM reference:</b>	RM081523
<b>Location:</b>	Heritage Park, Orchard Road, Wanaka
<b>Proposal:</b>	Consent is sought to operate an approved restaurant as a function venue and to vary Condition 1 of RM070474 relating to approved signage
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lot 14 Deposited Plan 309977 held in Computer Freehold Register 39293
<b>Valuation Number:</b>	2906103210A
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	Non-Complying for Consent; Discretionary for Variation
<b>Notification:</b>	12 August 2010
<b>Commissioner:</b>	Shiels and Cocks
<b>Date:</b>	22 November 2010
<b>Decision:</b>	<b>Application Granted with Conditions</b>

## **A DECISION**

For the reasons set out below, we grant the application on the conditions recorded at the end of this decision.

## **B INTRODUCTION**

1. We have been appointed as Independent Commissioners to hear and determine the above resource consent application on behalf of the Queenstown Lakes District Council.
2. The application was prepared by the principal of the Applicant. As lodged, it was for a variation of an earlier consent, RM030390. With the Applicant's consent, and prior to notification to the public and affected parties, it was treated as:
  - An application for land use consent to operate an existing building as a function centre; and
  - An application to vary Condition 1 of RM070474 in relation to approved signage.
3. The application site is on the corner of Cardrona Valley Road and Orchard Road, Wanaka. Access is gained from Orchard Road using a shared driveway. It is in the Rural General Zone of the Queenstown Lakes District Council Operative District Plan ('District Plan'). The site is a little over 1.2 ha. It has on it a café (Café Fé) and an existing restaurant facility. The restaurant facility is leased to the Applicant and this application relates to it. The café is separately let. There is a carpark between them. There are existing residences to the north and east of the site. Directly to the east is 'Heritage Park'. This consists of 21 residential developments with some shared facilities. They are mainly used for short-term rentals. Across Cardrona Valley Road to the west, the land is zoned Rural Lifestyle, with some sort of sub zone permitting visitor accommodation. Immediately opposite the subject site is the Oakridge Resort.
4. The resource consent history of the site is set out in the section 42A Report, which we refer to shortly. We do not repeat that.
5. During the course of the processing of the application, the Applicant's intentions in relation to numbers of people varied. It appears that amended applications were filed from time to time. At the hearing, a pragmatic approach was taken. It was accepted that the way the application was notified and provided to directly affected parties constrained the numbers for which consent could be granted. The application as originally filed included an Acoustic Assessment Report. That presumed a limit of 300 people. Ultimately at the hearing the numbers put forward were as follows:
  - Functions to be permitted on any day of the year, between 8am and 1am the following day.
  - There is a general limit of 120 guests, but with between 120 and 150 guests on up to 24 occasions annually, and between 150 and 200 guests on a further 12 occasions annually. The absolute maximum sought is 200 guests.

6. Notwithstanding that there is a resource consent to use the building to which the application relates as a restaurant, it was common ground that a new resource consent is necessary to use it as a function centre. That is a commercial activity in the Rural General Zone, and a non-complying activity under Rule 5.3.3.4(1) of the District Plan. The proposal also did not meet the Site Standard in Rule 14.2.4.1(i) for carparks. Any non-compliance with that Standard can appropriately be dealt with in the context of the consent sought for the non-complying commercial activity and no separate consent is needed. The details of parking proposed have varied through the process. As finally advanced in closing submissions, it is for a total of 45 parks, being 40 carparks in a parking area between Café Fé and The Venue, and five immediately adjacent to Café Fé.
7. The signs which the Applicant seeks (retrospective) consent to alter were themselves authorised by RM070474. This could probably also be dealt with in the context of the consent for the non-complying commercial activity, but as it was presented to us as a variation of RM070474, we will deal with it on that basis. It is therefore a discretionary activity.

## **C THE HEARING**

8. The Application was publicly notified on 12 August 2010 and the formal hearing was held in Wanaka on 12 October 2010 after which we adjourned the hearing for further material to come from the Applicant. We were assisted at the hearing by the following Lakes Environmental staff:
 

• Ms Rachel Beer	Planning Process Manager
• Ms Rebecca Willey	Committee Secretary
• Mr Ian Greaves	Planner
• Ms Zoe Hammett	Environmental Health Officer
• Mark Townsley	Engineer
• Ms Michelle Grinlington-Hancock	Planner
9. We were also assisted by reports prepared and made available pursuant to section 42A of the Resource Management Act 1991 ('RMA'). These were from:
 

• Mr Ian Greaves	Planner
• Ms Zoe Hammett	Environmental Health Officer (two reports)
• Mr Mark Townsley	Engineer
10. Four submissions were received in the statutory time period. There was one late submission. With the consent of the Applicant, we allowed the late submission. Four of the submissions were in support. The opposing submission was from Mr Tony Williams, The Oakridge Resort.
11. A number of Affected Party Approval Forms were tabled at the hearing. Those approving include all the immediate neighbours on the eastern side of Cardrona Valley Road.
12. We visited the site with Mr Greaves prior to the hearing. The purpose of a site visit is to assist us in the assessment of the material presented at and for the hearing, and we have been careful to use the site visit only for that purpose.
13. At the hearing, appearances were entered as follows:

- Applicant Ms Jan Caunter
- Stay Wanaka Ltd Mr C Chaplin

An email on behalf of Mr Tony Williams, Oakridge Resort, was tabled.

Officer's Opening Comments

14. Mr Greaves explained some of the background and that the application was now being treated as a new application coupled with a variation of an existing application authorising signage. He noted that there were no external changes to the building, and that the change to the signage related only to the words on the existing signs.
15. In response to a question from Commissioners about a proposed condition that doors and windows be closed after 10.00 pm, he advised that this a standard condition in licensed premises in the Lakes District.

Submissions and Evidence for Applicant

16. Because the application was effectively unopposed, we conducted the hearing reasonably informally and discussed contentious issues as they arose. Our account of the submissions and evidence reflects this. It includes some discussion and conclusion on the relatively few contentious points.

**Submissions of Ms Caunter**

17. Ms Caunter noted that the activities on the Applicant's site, and on surrounding properties, bore little resemblance to what the Rural General Zone anticipated. As a matter of law, the Rural General Zone provisions had to be considered, but she suggested that they offered limited guidance. It was acknowledged that the application for a variation of the signage consent was retrospective. Only the words and the colour have changed. This meant that the Commissioners had already seen the proposed new signs on the site inspection and we were immediately able to confirm there was no issue with those. It also transpired that, to a considerable extent, the function centre has already been operating without a consent. Our task is to deal with the application for the future and any issues of past non-compliance are not for us. As it happens, this is one of those situations where, because the application is in effect retrospective, there is reasonably reliable evidence of what the effects will be, based on past experience.
18. There were a number of Affected Party Approval Forms. Initially, there was no Affected Party Approval Form from the Applicant's landlord, who also has a significant interest in Heritage Park. By the time of the hearing the landlord, Mr Ledgerwood and also Mrs Ledgerwood, had signed a form of submission in support. That was tabled and he was also present. The provision in the Act for written approvals does not specify any particular form in which, or any particular time at which, they should be supplied. We treat the form of submission in support as a written approval. We do not take into account any adverse effects on those people who gave Affected Party Approvals (including Mr and Mrs Ledgerwood). As Ms Caunter submitted, it was notable that a large range of the neighbours had provided written approvals.

19. Notably, these included both the Body Corporate for Heritage Park and a number of those with interests in particular units within Heritage Park. It also included some of the owners of units at Oakridge Resort.
20. Ms Caunter raised concerns about the submission from Mr Williams. Although the wording in the submission is not totally clear, it appeared that he was purporting to represent the Body Corporate for the owners of 92 apartments within the Oakridge Resort. The Oakridge Resort operates similar function facilities to those proposed in this application and is separated from the present application site only by Cardrona Valley Road. Ms Caunter referred us to the provisions of the Act dealing with submissions raising trade competition issues and submissions by trade competitors.
21. At the start of the hearing, an email had been tabled in relation to Mr Williams' submission. While he didn't send the email, a copy was sent to him and we infer that the email was on his behalf. This referred to revoking the letter of opposition. However, Ms Caunter correctly noted that this was not unequivocal. It seemed to depend on what conditions were imposed and also subsequent monitoring. She took the cautious approach of assuming that the submission in opposition was still alive. That approach was probably correct. However, we concluded and indicated to the hearing that the submission was very brief and there was no evidence in support of it. It certainly appeared that trade competition may be part of the background to the submission, but we preferred not to make any ruling on that. In light of the supporting submissions, the Affected Party Approval Forms, and the section 42A Report, and in the absence of any material in support of Mr Williams' submission, we indicated that it simply carried no weight.
22. Ms Caunter then made brief submissions in relation to Part 2 of the Act, the receiving environment, and the actual and potential effects on the environment. We have taken into account what she said but in the circumstances no point is served by paraphrasing or summarising it.

#### **Evidence of Brent Makeham**

23. Mr Makeham is a director of the Applicant Company and is obviously its guiding hand. He also operates a mobile catering company but told us that he wanted to develop the present site as a function centre because of the growing wedding market in Wanaka. He told us that the previous restaurant activity in the building had proved to be uneconomic. A couple had run a function centre from the existing building for two years and then sold that business to the Applicant. It appears that the Applicant was not aware of the need for a resource consent when he purchased the building. That is irrelevant to our consideration. However, the fact that something similar to the activity applied for has been operated from the building for a number of years does assist us in assessing the effects.
24. Mr Makeham told us that the Applicant promotes the use of taxis and provides a shuttle service for functions. He also told us that it promotes the use of nearby accommodation providers to minimise the need for vehicle traffic to the site. He considered this was successful and gave us some statistics. Perhaps ironically, on Mr Makeham's assessment, up to 25% of guests at the functions stayed at the nearby Oakridge Resort. He also indicated that the existing parking area could be expanded on to a grassed area adjacent. On this basis, he could provide 45 carparks although there was an agreement for Café Fé to also use some carparks.

25. Mr Makeham acknowledged that noise would be the biggest concern. He told us that he provided all neighbours with 24 hour contact details for himself, and considered that the Affected Party Approval Forms were an endorsement of how he operated the business. Mr Makeham clearly has a genuine concern to operate in harmony with his neighbours. He also confirmed that in the time he had been operating the existing building as a function centre, there had been no noise complaints to the Council's regulatory agency. There had been no formal complaint to him in this period, although there was one expression of concern from a neighbour about the base sound in amplified music. It was this expression of concern that led him to provide 24-hour contact details, and he told us that bands also have express instructions about limiting noise, particularly the base.
26. In summary, Mr Makeham considered that The Venue was an asset to Wanaka and the ability to offer a function centre generated considerable turnover for related businesses in Wanaka. In fact, he also operates a "Wanaka Weddings" website for which he provides links to a wide variety of other businesses.
27. In response to questions from the Commissioners, he advised that he considered that the adjoining carpark currently providing 30 parks was sufficient for about 50% of the functions, but the overflow carpark currently used on the Heritage Park site was adequate for the other functions. There was one regular group of older function attendees who occasionally caused issues with parking on the grass at Heritage Park but he believed he had this issue under control.
28. He confirmed that he had air conditioning in the building and saw no problem with the condition requiring doors and windows to be closed after 10.00 pm. Function attendees who had been drinking alcohol sometimes made their own decisions whether doors and windows should be open but he considered that he had any issues well under control. We were impressed by his attitude and are confident that he has and will continue to exercise vigilance in controlling any such issue.
29. As we made clear to the Applicant and its representatives throughout the hearing, all the various conditions suggested to mitigate noise issues are means to an end. There are noise limits in the District Plan and there is no suggestion that any noise exceeding these limits should be allowed.
30. Ms Hammett noted that Mr Hunt's noise assessment filed with the application was on the premise that there would be no amplified music outside. The conditions suggested in the section 42A Report, would limit numbers outside to 150. Commissioner Cocks queried how practical this was. He gave the example of an afternoon wedding. Mr Makeham agreed that if there were more than 150 attendees at a function (which the limit on numbers proposed would allow up to 12 times a year), it would be impractical to restrict the number outside to 150.
31. There was considerable discussion about whether, if the existing formed carparking area was expanded with a view to providing an additional 15 spaces, it would need to be sealed and marked. By the end of the hearing there was consensus that it would be appropriate to impose a condition that the existing area for a carparking area between the function centre and Café Fé be sealed and marked out with carparks dimensioned in accordance with the District Plan. If a further 15 carparks adjacent to that were provided, it would, in the view of Mr Greaves, be sufficient for both the venue and Café Fé. It was further agreed that so long as the extension carpark was

adequately identified by signs, it was probably not necessary for it to be sealed and for dimensioned carparks to be shown on it.

### **Evidence of Mrs Nicola Scott**

32. Mrs Scott is a Planning Consultant based in Wanaka. She has nine years experience in a planning role in the Queenstown Lakes area, including for the Council. She also has relevant professional qualifications.
33. In her evidence, she identified the rules that triggered the need for a resource consent. She then went on to discuss the District Plan Assessment Matters for the Rural Zone. She adopted much of what Mr Greaves had said about these. We agree that the Rural General Zone provisions related to Visual Amenity Landscapes (which was the agreed category for this site) are not of much assistance in the circumstances. She also noted the Assessment Matters relevant for commercial activities in the Rural General Zone and these are of rather more assistance, although again the practical situation in the vicinity of this site does reduce their relevance. We take into account all she had to say on this.
34. Mrs Scott then reviewed Section 104 and Section 104D of the Resource Management Act and the Objectives and Policies. Again, we have taken into account everything she has said on this.
35. She then referred to the consent conditions proposed in the section 42A Report and addressed us in relation to two of these. In relation to a condition for a sprinkler system, she explained discussions she had had with the Fire Service and that there was a 25,000 litre water tank near to the building to which the application related. Mr Townsley confirmed that he had not been aware of this tank and he was no longer concerned about water supply for firefighting. He also confirmed that he was not concerned that the water tank appears to be on a separate title in which the Applicant has no interest. Mrs Scott also noted that the building existed and the existing approval for a restaurant for up to 104 people was in the same fire hazard category as the current proposal for a function centre for up to 200 people.
36. She next addressed a proposed condition precluding sound amplification outside of the building. She considered it was unrealistic as, among other things, the services offered included outdoor weddings where some sort of amplification of the formal ceremony was entirely appropriate. She also spoke of light background music at low decibels sometimes used in the courtyard to the building. One of the reasons why the Applicant had built a wall around the courtyard was to help contain noise. In making this submission, she noted that the Applicant confirmed that outdoor speakers were never used past 10.00 pm and that would continue.
37. Mrs Scott gave her professional opinion that we could confidently grant the consent having regard to Section 104 and Section 104D and Part 2 of the Resource Management Act. She expressly noted that the application was in effect a retrospective one and that the neighbours, in particular those who provided approval, had 18 months experience of the operation exactly as it was intended to operate in the future.

### Evidence and Submissions for Submitters

38. Mr Chaplin spoke in support of the submission by Stay Wanaka Limited. Stay Wanaka Limited is a group representing owners of various units at the Oakridge Resort. It appears that there are some ongoing disputes about the management of Oakridge Resort. He contended that the Body Corporate had no authority to make the submission in opposition. We do not need to consider that point as, for other reasons, we are putting no weight on Mr Williams' submission.
39. Mr Chaplin believes that the Applicant provides a valuable community facility and its presence also provides a benefit for nearby accommodation facilities (including Oakridge Resort) and other businesses. From time to time, he occupies a unit at Oakridge and he had never had any noise issues with functions at The Venue. For some time did not even know it was present.

### Closing Comments of Staff

40. Ms Hammett indicated that it was a standard condition to require noise limiters on noise amplification equipment in such premises. She was not able to give an indication of what the cost of this was likely to be.
41. Mr Townsley indicated that he had no issues with what is now proposed in relation to supply of water for fire fighting.
42. Mr Greaves considered that the fire fighting condition should remain and noted that the condition as proposed allowed for alternative systems as accepted by the Fire Service. Ultimately the Applicant accepted this approach.
43. Mr Greaves also considered that there should be a plan produced showing the proposed new parking and that at least the number of carparks required by the District Plan should be sealed but that any provided over and above that did not need to be sealed.
44. There was some discussion at this stage of the hearing about the noise conditions. The Commissioners were mindful of what appears to be a very responsible attitude by Mr Makeham and particularly mindful of the lack of complaints in something over three years when a very similar business had been operating on this site. Having regard to that, we indicated that we were prepared to rely on the imposition of a condition repeating the District Plan noise standards and to rely on the Applicant to manage noise to achieve those standards. Some of the detailed conditions proposed were therefore not necessary. However, we did indicate that monitoring could be expected and that a review condition might well be invoked if there were noise concerns. Ms Caunter asked us to limit the number of monitoring exercises having regard to the cost of those. We doubt that we have the power to tell Council how to exercise its monitoring function and in any event would not be prepared to do so. We believe that there is goodwill and common sense on both sides. However, the Applicant has volunteered a condition for monitoring on not less than three occasions. Because that condition is volunteered, and because it leaves scope for more monitoring if thought necessary, we adopt it. The condition we now impose is one put forward by the Applicant after the hearing and accepted by Lakes Environmental staff. We also impose a condition for a Noise Management Plan, and the Applicant does not oppose that.

**D STATUTORY CONSIDERATIONS**

- 45. We have set out above the consents required.
- 46. Section 104 of the Resource Management Act is relevant to consideration of all applications.

**“104 Consideration of applications**

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –
  - (a) any actual and potential effects on the environment of allowing the activity; and
  - (b) any relevant provisions of -
    - i .....;
    - ii .....;
    - iii .....;
    - iv a plan or a proposed plan and
  - (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.
- (2) .....
- (3) A consent authority must not -
  - (a) have regard to trade competition when considering an application:
  - (b) when considering an application, have regard to any effect on a person who has given written approval to the application:
  - (c) .....
  - (d) .....
- (4) .....
- (5) A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.”

- 47. Section 104B is particularly relevant to applications for discretionary and non-complying activities.

**“104B Determination of applications for discretionary or non-complying activities**

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

- (a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.”

48. In addition, Section 104D is relevant to consents for non-complying activities.

**“104D Particular restrictions for non-complying activities**

- (1) Despite any decision made for the purpose of section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
  - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or
  - (b) the application is for an activity that will not be contrary to the objectives and policies of—
    - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
    - (ii) .....
    - (iii) .....
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.”

Actual and Potential Effects on the Environment

49. The section 42A Report identified the following types of effects for consideration.

- ✦ Infrastructure
- ✦ Amenity Effects
- ✦ Traffic Generation and Vehicle Movements
- ✦ Noise

50. In the course of recounting the discussions during the hearing, we have recorded both our assessment and our conclusions in relation to amenity, traffic generation and vehicle movements, and noise. In relation to infrastructure, we note there are some standard conditions. The reporting officers now have a fuller understanding of the provision for fire fighting water and the Applicant now agrees that the form of condition as proposed is appropriate.

51. The parking standards in the District Plan require 34 carparks, on the basis of a public floor area of 334m<sup>2</sup>. The parking requirement for Café Fé is probably five parks. While the resource consent for it refers to five parks, it doesn't require them. However, the Applicant's lease provides that the sealed carpark is for café patrons between 8am and 4pm, but also contemplates variation by mutual agreement. We understand that no issues have arisen between the café and The Venue. The sealed carpark is to be marked with properly dimensioned carparks. This will provide 26 parks. In addition, the Applicant originally relied on five parks immediately adjacent

to the building. It is not clear that these meet District Plan requirements for dimensions. At the hearing, Mr Ledgerwood advised that it had always been anticipated that the area between the existing sealed carpark and the building occupied by The Venue could be used for parking. This area could provide another 14 spaces. During the formal hearing, it appeared that the Applicant was willing to seal this area. However, his final position is that this area will have the grass removed, be packed with cracker dust, and have a top layer of gravel.

52. Clearly, there will be an adequate number of carparks, measured against the District Plan standard and recognising the parking area is shared. However, the District Plan standard is for parks to be sealed and marked. Only 26 will be sealed. Nevertheless, we have decided that this is acceptable. There is no evidence that there would be any adverse off-site effects. However, parking can be looked at further if need be under the review condition.

#### Conclusion on Actual and Potential Effects

53. We are quite satisfied that it is very unlikely that the grant of the consent would lead to any actual or potential adverse effects and that the possibility that it would do so is appropriately mitigated by requiring a Noise Management Plan, the detailed parking provisions, and the review clause. We are not prepared, at least at this stage, to require the Applicant, which operates a relatively small business, to spend money on noise limiting equipment, unless and until there is some evidence that the general condition and the goodwill of the consent holder are not sufficient. Nor do we consider that the specific noise conditions suggested are justified.

#### Relevant Provisions of Planning Documents

54. It was generally agreed that insofar as the Objectives and Policies have any real relevance, the application is not inconsistent with them. As the application is in effect unopposed, we will not lengthen this decision with any discussion of those. We adopt what was said in Mr Greaves' report.
55. In relation to the Assessment Matters, and insofar as they are really relevant given the circumstances, we record that we have taken them into account in our assessment of the effects and that we adopt what was said in the section 42A Report.
56. We are satisfied that any adverse effects will, at most, be minor. The threshold requirement of section 104D is therefore met.
57. It is appropriate to record that this site, and a considerable number of properties in the vicinity are now used in a manner that is not consistent with the expectations of the Rural General Zone. This is a matter that the Council should give attention to at some stage, and some sort of Plan change may be appropriate.

#### Other Matters

58. There are no relevant Other Matters.

**Part 2**

59. Nothing in Part 2 of the Act requires discussion and we are satisfied that the proposal is not inconsistent with Part 2 of the Act.

**E OVERALL DECISION**

60. We are satisfied that adverse effects will be, at the very most, minor. We are also satisfied that by granting the application it will not be contrary to the Objectives and Policies of the Plan. While the application is non-complying, it seems to be an entirely appropriate use of existing facilities on the site and in an area where the zoning is anomalous. Accordingly, we have decided to grant the consent.

**CONSENT IS HEREBY GRANTED** pursuant to Sections 104 and 104D of the Resource Management Act 1991 to operate a facility known as 'The Venue' at Heritage Park, Orchard Road, Wanaka (legal description Lot 14, Deposited Plan 309777, Computer Freehold Register 39293) as a function venue.

**SUBJECT TO** the following conditions imposed pursuant to Section 108:

- 1 The development must be carried out in accordance with the plans (**stamped as "Approved Plans" 22 November 2010**) and the application as submitted, with the exception of the amendments required by the following conditions of consent.

The approved plans are as follows:

- *The Venue Revised Main Parking Plan dated 2 November 2010*
- *Parking around 'The Venue' Building received 10 February 2009*

- 2 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.

Specific Condition

- 3 The function venue approved under this consent cannot operate concurrently with the approved restaurant consent (RM030390).

Engineering Conditions

- 4 Prior to the use of the building as a Function Centre the consent holder shall:
  - a) Install a suitable sprinkler system to an approved standard OR shall obtain written approval from the New Zealand Fire Service, Dunedin office for an alternative supply, such as additional on-site storage, in accordance with NZS PAS 4509:2008. Any alternative approved system shall be installed prior to the use of the building as a function centre.
  - b) Construct and seal all vehicle manoeuvring areas and carparking areas to Council standards for no fewer than 26 carparks (out of the total of 45 carparks as shown on the Parking Plans referred to in Condition 1 above). All parking spaces shall be clearly identified and no fewer than 26 will be individually marked out.

Environmental Health Conditions

- 5 All activities associated with the activity must comply with the District Plans noise limits. The following noise levels must not be exceeded at or within the boundary of any residential unit:

daytime (0800 – 2200 hrs) 50 dBA L<sub>10</sub>  
night-time (2200 – 0800 hrs) 40 dBA L<sub>10</sub> and 70 dBA L<sub>max</sub>

- 6 For the first 12 months after implementing this consent, noise monitoring shall be undertaken on no fewer than three occasions to ensure compliance with the District Plan noise provisions specified in Condition 5. The consent holder is liable for the costs associated with this monitoring.
- 7 A Noise Management Plan must be provided to, and approved by Council prior to the implementation of this consent. This plan should include provisions to ensure the activity meets the District Plan noise requirements specified in Condition 5 and for dealing with persons on the premises causing noise nuisance. Management must ensure that the Noise Management Plan is adhered to at all times.

- 8 Amplified music other than background music at a level at which a conversation can be held 1 metre from a speaker is limited to the function room.
- 9 When amplified music or similar, other than at background levels, is playing all external doors and windows must be closed.
- 10 The maximum number of guests at any one time is limited to 120. Except that on no more than 24 occasions in any 12 month period starting from the anniversary of the commencement of this consent (in accordance with s116 of the Act) between 120 and 150 guests are permitted. On a further 12 occasions in any 12 month period starting from the anniversary of the commencement of this consent (in accordance with s116 of the Act) between 150 and 200 guests are permitted.
- 11 All exterior doors and windows must be closed from 2200 hours and remain closed. Access to the courtyard should be limited to one designated door.
- 12 The maximum number of guests outdoors is limited to 200 between the hours of 0800 and 2200 hours, and to 20 after 2200 hours.
- 13 Deliveries and collections must only take place between the hours of 0800 and 2200. Heavy vehicles shall be limited to between the hours of 0800 and 2000.
- 14 No rubbish may be taken from inside the premises to any exterior area between the hours of 2200 and 0800.
- 15 Events must finish by 0030 hours and all guests must have vacated the premises by 0100 hours.
- 16 An onsite manager must be present during all functions.
- 17 The above conditions shall be reviewed annually or upon evidence of non-compliance with the conditions being received.
- 18 The consent holder shall keep a log of all functions held onsite and submit this to Council each year within 10 working days from the anniversary of the commencement of this consent (in accordance with s116 of the Act). The log is to include the date of the event, the number people attending the event and the hours of the event.
- 19 The consent holder must ensure that the log of functions is kept up to date at all times, as this information may be required to be submitted at any time during the year, to ensure that ongoing compliance with the conditions of this consent.

#### Review

- 20 Within ten working days of each anniversary of the commencement of this consent 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.

21 As part of the review clause stated in condition 20 of this consent, the Council may have the Noise Management Plan audited at the applicant's expense.

**CONSENT IS HEREBY GRANTED** to vary Condition 1 of resource consent RM070424 pursuant to s127 of the Resource Management Act 1991, such that:

1. Condition 1 of resource consent RM070424 is amended to read as follows:

That the development be carried out in accordance with the plans (stamped as "Approved Plans" dated 12 June 2007) and the application as submitted and as amended by the information and plans stamped as approved on 22 November 2010 under RM081523.

Dated at Dunedin this 22<sup>nd</sup> day of November 2010



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Trevor J Shiels  
for Commissioners

LAKES ENVIRONMENTAL LIMITED  
PRIVATE BAG 50077  
QUEENSTOWN

Ph 03-450 0300

Fax 03-442 4778  
Sales No: 160

Receipt #: 249011

NOTIFICATION DEPOSIT

GST #: 96-426-976

Date: 4/08/2010 2:02:55 p.m.

28751 -RM081523  
THE VENUE LAKE WANAKA LTD  
PO BOX 763  
WANAKA 9343

9343

Payment Type	Amount
VISA	-1,500.00
Total:	-1,500.00

Thank you for your payment

The Venue Revised Main Parking Plan  
 PARKING SLOTS ARE 2.7m WIDE  
 AISLE WIDTH IS 6m WIDE

41.	42
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← CAFE FE STAFF PARKING

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM. 081523  
 22.11.10 Date  
 Initials

**LODGED**  
 - 2 NOV 2010  
 Lakes Environmental

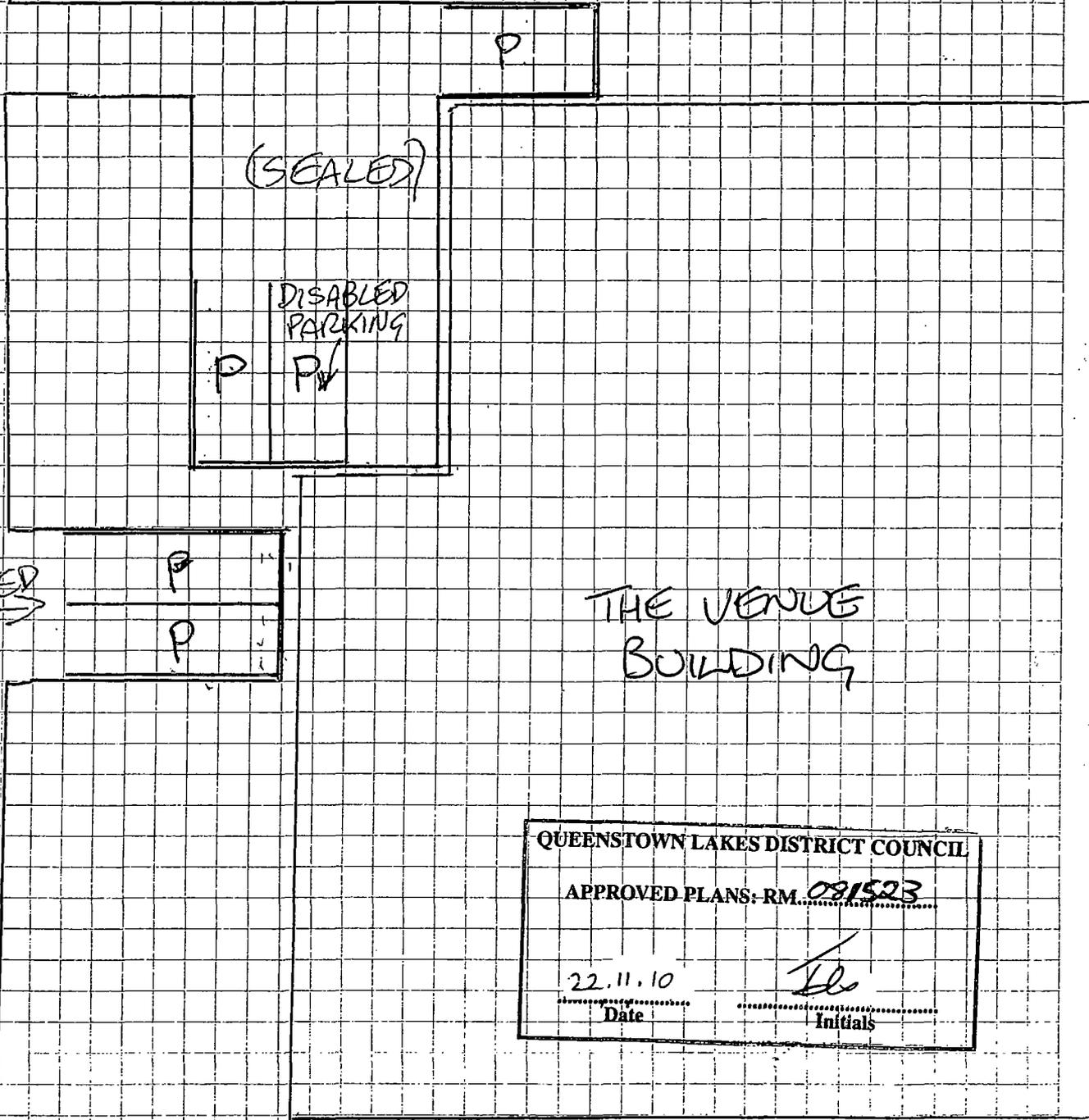
1	2	3	4	5	6	7	8	9	10	11	12	13	7m	
													X	
													6m	
													X	
14	15	16	17	18	19	20	21	22	23	24	25	26	5m	
													X	
													6m	
													X	
27	28	29	30	31	32	33	34	35	36	37	38	39	40	5m
														V

ADDITIONAL 5 PARKS  
 ALREADY IDENTIFIED  
 AROUND VENUE BUILDING.

ADDITIONAL AREA CURRENTLY  
 GRASSED. PROPOSED TO REMOVE  
 GRASS AND PACK WITH CRUSHER  
 DUST AND GRAVEL ON TOP.

# PARKING AROUND THE VENUE BUILDING

**RECEIVED**  
 10 FEB 2009  
 Wanaka  
 Lakes Environmental



THE VENUE BUILDING

QUEENSTOWN LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM. 091523  
 22.11.10  
 Date Initials

THE VENUE STAFF PARKING  
 AGAINST LOT 15 ON LOT 21  
 REFER 1

# THE VENUE

LAKE WANAKA

2000 x 900

Weddings ◦ Functions ◦ Celebrations

03 443 8368

[www.thevenuewanaka.co.nz](http://www.thevenuewanaka.co.nz)

# THE VENUE

LAKE WANAKA

Weddings ◦ Functions ◦ Celebrations

1600 x 385

*Signage is to be black, white & grey.  
No colour is to be used.*

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM. 081523

22.11.10

Date

*Id*  
Initials