

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

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	W & M Grant
<b>RM reference:</b>	RM130236
<b>Location:</b>	57 Frankton – Ladies Mile Highway, Wakatipu Basin
<b>Proposal:</b>	Undertake retail sales from the site, to establish two free standing signs on road frontages, and two wall signs on an existing barn.
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lot 1 Deposited Plan 355881 and Section 22, 27 – 28, 30 Block XXI and Section 125 Block I Shotover Survey District held in Computer Freehold Register 227983
<b>Valuation Number:</b>	2907148702
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	<b>Non-Complying</b>
<b>Notification:</b>	Non notified
<b>Commissioner:</b>	Commissioner Sinclair
<b>Date Issued:</b>	20 June 2013
<b>Decision:</b>	<b>Granted with conditions</b>

This is an application for resource consent under Section 88 of the Resource Management Act 1991 to undertake retail sales from the site, to establish two free standing signs on road frontages, and two wall signs on an existing barn. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 20 June 2013. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

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

- A **controlled** activity consent pursuant to Rule 5.3.3.2(ii) commercial activities limited to the retail of farm and garden produce, reared or produced on-site and handicrafts produced on the site. Council's control is in respect of:
  - (a) the layout of the site and location of buildings;
  - (b) vehicle access; and
  - (c) car parking.
- A **restricted discretionary** activity resource consent pursuant to Rule 5.3.3.3(xi) as the proposal breaches Site Standard 5.3.5.1(iv) *Retail Sales* which requires that buildings in excess of 25m<sup>2</sup> gross floor area to be used for retail sales shall be setback from road boundaries a minimum distance of 30 metres. The building will be 18.5 metres from the road boundary. Council's discretion is with respect to this matter.
- A **non-complying** activity resource consent pursuant to Rule 18.2.5(i) as the proposal includes more than 2m<sup>2</sup> of signage in the Rural General Zone. A free standing sign with a display area of 1.99m<sup>2</sup> is proposed adjacent to the Frankton – Ladies Mile Highway, a free standing sign with a visible display area of 1.08m<sup>2</sup> is proposed adjacent to Hansen Road, and two wall mounted logos are proposed on the retail building.

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

### Notification Determination

The Independent Commissioner has reviewed the Section 95 recommendation prepared for this application and has decided that it can proceed on a non-notified basis. The application was considered on a non-notified basis in terms of Section 95A and 95B whereby the consent authority was satisfied that the adverse effects of the activity on the environment are not likely to be more than minor and whereby all persons who, in the opinion of the consent authority, may be adversely affected by the activity, have given their written approval to the activity.

### Decision

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

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - Sign Location and Orientation of Frankton – Ladies Mile Sign
  - Sign Facing State Highway Design
  - Logo Signs on Farm Building
  - Sign to Face Hansen Road
  - Location of Proposed Sign Facing Hansen Road

**(stamped as approved on 19 June 2013)** and the application as submitted, with the exception of the amendments required by the following conditions of consent.

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

#### Specific Conditions

3. No signs approved by this consent shall be illuminated.
4. No signage shall be placed outside of the legal boundaries of the site.
5. The consent holder shall ensure that during the course of retail activities, the site access gate onto Frankton – Ladies Mile Highway is closed, and that no customers may access or depart the site via this access.

#### **Reasons for the Decision**

##### Proposal

Consent is sought to undertake retail sales from the site, to establish two free standing signs on road frontages, and two wall signs on an existing barn. The applicant has provided a detailed description of the proposal in Section (a) of the submitted report, prepared by Charlene Kowalski of Vivian and Espie Limited, titled and referenced "Application for Resource Consent" (attached as 'Appendix A', and hereafter referred to as the 'application report').

Further to the above, the applicant subsequently revised the proposal to confirm that the proposed sign on Hansen Road would be relocated within the application site. This is because the sign was initially located within the road reserve, it was prohibited under the Queenstown Lakes District Signs Control Bylaw and could not form part of a resource consent application. It is also noted that the existing building that is to be used for the retail activity is located 18.5 metres from the legal road boundary.

Having regard to the above matters of clarification, the applicant's description is accepted and is considered to be sufficient for the purposes of this report.

In addition to the proposal provided, the applicant has provided a comprehensive site and locality description under Section (a)(i) of the application report. This description is considered accurate, and is therefore adopted for the purposes of this report.

##### Effects on the Environment and Persons

###### *Land, Flora and Fauna*

The proposal relates to retail activities within an existing building and signage. There will be no adverse effects on the environment in terms of land, flora and fauna.

###### *Infrastructure*

Having regard to the proposal and nature of Land Use consent sought, it is determined that there will be no adverse effects on infrastructure in this regard.

###### *Natural Hazards*

The site (being Section 125 Block I Shotover Survey District) is identified as being subject to a nil to low Liquefaction Risk (1). The proposal will utilise an existing building for the retail activity, and will not exacerbate the potential liquefaction hazard.

A covenant is registered on the title that relates to a land slip hazard, although this does not relate to Section 125 Block I Shotover Survey District.

Any adverse effects associated with natural hazards will be less than minor.

### *People and Built Form* Signs

The free standing sign fronting Frankton – Ladies Mile Highway will have an overall height of 3.1 metres and a width of 1.15 metres. Aside from the two supports, the actual sign area will be 1.15 x 1.6 metres, with an additional 0.75 x 0.2 metre ‘open’ or ‘closed’ sign. The actual area of this signage is therefore 1.99m<sup>2</sup>. The primary purpose of the sign is to identify that ‘The Barn’ can be accessed from the “next right” (being Hansen Road) and is directed at westbound traffic. It is accepted that this sign is of a type and size that if assessed independently of the remainder of signage proposed by this application, would otherwise comply with the requirements of the Queenstown Lakes District Council’s Signs Bylaw 2006. It is determined that this sign is appropriate and will not result in adverse effects associated with considerations of people and built form

Another free standing sign will be located within the site boundary at the sites access onto Hansen Road. This will be a rectangular wooden four sided plinth, clad in rustic weatherboards. The plinth will be 1.2 metres in height and be 1.5 metres deep and 0.9 metres wide. A 0.45 x 0.65m sign displaying the words “the Barn” will be located upon the plinth. This sign is determined to be acceptable and will serve to identify the entrance to the site. The sign will not be prominent and will not have any adverse effects on the street scene or the rural character of the surrounds.

Two small logos are proposed on the west and south elevations of the retail building (The Barn). It is determined that these will rest well within the context of the building and not detract from the character of the building or its surrounds. There will be no significant adverse effects associated with this signage.

Overall, the various aspects of proposed signage will not have any significant adverse effects on the greater environment and are of a nature and scale that aligns with the rural context of the site.

### Retail Building

The building is existing, and aside from the two sign logos discussed above, no changes to external appearance are proposed. Whilst the intensity of use associated with the building will increase as a result of the retail activity, it is accepted that when viewed from the greater environment, any effects associated with built form will be materially similar to the existing scenario and will not detract from the rural character of the site.

Due to the small scale of the retail sales there will be no significant adverse effects on the surrounding area in terms of character or amenity as a result of the layout of the operation.

### *Traffic Generation and Vehicle Movements*

The District Plan anticipates that for rural selling places, the car parking required is 3 for the initial 25m<sup>2</sup> of Gross Floor Area (GFA) and outdoor display area, and thereafter 1 per 25m<sup>2</sup> of GFA and outdoor display area. The barn building has an area of 77m<sup>2</sup> and generates the need for six car parks.

Given the size of the site and areas in the vicinity of the barn, it is determined that a significant extent of potential parking exists on the site. Whilst the available parking areas are not formalised, it is acknowledged that the ability for visitors to the site to park vehicles is not constrained. The building is located 18.5 metres from the road boundary, although the fence line delineating the entrance to the site is approximately 30 metres from the building (and within the road reserve). Given that the road verge between Hansen Road and the applicant’s fenced entrance is rough and heavily grassed, it seems highly unlikely that visitors to the site would be encouraged to park on the road area itself, and would instead be encouraged to park within the site. Also, whilst the parking areas on the site and not substantially gravelled, vehicles exiting the site will travel onto unformed road and there will not be any adverse effects associated with mud or the tracking of debris onto the road network.

The applicant has identified that the site has an alternate access onto Frankton – Ladies Mile Highway and it could be conceivable that persons might accidentally access or depart the site from this

location. The applicant acknowledges that this would be an undesirable scenario and that this should be prevented. The applicant proposes to have a shut gate at the highway entrance. Furthermore, it is accepted that the applicant's signage will clearly direct patrons to the Hansen Road entrance. A condition of consent can ensure that the gate remains shut and cannot be accessed from the highway.

The New Zealand Transport Agency has provided written approval for the proposal and therefore it is accepted that the signage proposed will not have any adverse impact on driver safety along the Frankton – Ladies Mile Highway.

Overall, due to the small scale of the proposed retail operation the parking demand and access arrangements are will not result in adverse effects that are more than minor on the surrounding area.

#### *Nuisance*

In terms of retail sales for farm and garden produce, reared or produced on-site and handicrafts produced onsite the District Plan reserves no control over the hours of operation. The applicant advises that all items will be produced on the site by family members.

There may be effects associated with increased traffic creating dust along Hansen Road, although such effects are not determined to be significant

Adverse effects on the environment in terms of nuisance are likely to be less than minor.

#### *Effects on Persons*

Given the location of the barn near the northwest boundary of the site, the only persons potentially affected would be City Impact Church located on Part Section 120 Block I Shotover SD located on the opposite side of the road to the application site. Given the location of the barn and proposed Hansen Road sign, these elements would be screened from view from the City Impact buildings by the applicants existing farm buildings. Onsite retail activities and vehicle parking would not be apparent to City Impact Church Incorporated, and would not result in any adverse effects on persons.

The activity will generate increased traffic along Hansen Road. Given the moderate scale of the applicant's activity, it is determined that traffic generation effects will not be significant and there will be no consequent effects on City Impact Church.

The New Zealand Transport Agency has provided their written approval, and effects upon them are therefore disregarded.

#### Objectives and Policies

The relevant objectives and policies of the District Plan are found in Part 5 (Rural Areas) and Part 18 (Signs).

With regard to Rural Areas, the relevant objective and policy refers to the protection of the character and landscape value of the rural areas by the control of adverse effects caused by inappropriate activities. It is determined that the manufacture of handicrafts onsite by family members, and their retail to the public from an existing building will be of a nature and scale that will not significantly affect the rural amenities and character of the area. The proposal is not contrary to the outcomes anticipated by the District Plan provisions.

Relevant objectives and policies relating to signs are as follows:

*Objective 1 – Outdoor Signs – Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.*

*Policies:*

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

Signage will be easily read, appropriately located, and not detrimental to surrounding character. Signs will not be illuminated.

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

The signs will not create a hazard for road users.

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

The signs directly relate to the retail use of the building.

Overall, the application is not contrary to the relevant objectives and policies of the District Plan and therefore consent is able to be granted under s104D of the Act.

Part 2 of the Resource Management Act 1991

Given the above, the purpose of the Resource Management Act 1991 of sustainable development will be met by granting consent to this application.

**Other Matters**

*Local Government Act 2002: Development Contributions*

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

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required.

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

**Administrative Matters**

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

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

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

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

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

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

If you have any enquiries please contact Aaron Burt on phone (03) 450 0322 or email [aaron.burt@lakesenv.co.nz](mailto:aaron.burt@lakesenv.co.nz)

Prepared by  
**LAKES ENVIRONMENTAL LTD**



Aaron Burt  
**PLANNER**

Reviewed by  
**LAKES ENVIRONMENTAL LTD**



Hanna Afifi  
**PLANNING TEAM LEADER**

**APPENDIX A: Application for Resource Consent prepared by Charlene Kowalski of Vivian + Espie Limited**

16 April 2013

Lakes Environmental Limited  
74 Shotover Street  
Private Bag 50077  
**QUEENSTOWN 9348**

Dear Sir / Madam

**RESOURCE CONSENT APPLICATION ON BEHALF OF W. AND M. GRANT**

Please find enclosed an application by W. And M. Grant for a resource consent to undertake retail sales associated with the production of handicrafts on the site, and for signage relating to this activity. The application site is located at 14 Hansen Road, Frankton.

An application fee of \$ 820.00 is being paid electronically. It would be appreciated if a receipt for the payment of the application fee could be issued.

If you have any questions in relation to the above please do not hesitate to contact the writer.

Yours faithfully



Charlene Kowalski  
Senior Resource Management Planner  
**Vivian + Espie Ltd**

## APPLICATION FOR RESOURCE CONSENT

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### Section 88 of the Resource Management Act 1991

**W. and M. Grant apply for the following:**

Consent to undertake retail sales including handicrafts produced on the site, and for signage associated with the activity.

**The names and addresses of the owner and occupier (other than the applicant) of the land to which the application relates are as follows:**

**W. and M. Grant** are the registered owners of the land.

**The location of the proposed activity is as follows:**

The application site is located at 14 Hansen Road, Frankton, Queenstown. The legal description for the site is Section 125, Block I, Shotover Survey District; held in Computer Freehold Register OT/227983.

**No additional resource consents are needed for the proposed activity (or: The following additional resource consents are needed for the proposed activity and have (or have not) been applied for:**

No additional resource consents are needed.

**I have attached, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.**

Refer to Attachment [A].

**I have attached any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:**

List of attachments:

- [A] ASSESSMENT OF EFFECTS ON THE ENVIRONMENT
- [B] COPY OF CERTIFICATES OF TITLE, CONSENT NOTICES, COVENANTS AND ENCUMBRANCES
- [C] PROPOSED SIGNAGE
- [D] CONTAMINATED SITE AND NATURAL HAZARDS INFORMATION



Signed by Charlene Kowalski on behalf of:

**W. and M. Grant**



Date:

Address for service:

**W. and M. Grant**

C/- Vivian & Espie Limited

Resource Management and Landscape Planning

P O Box 2514

Wakatipu

**Queenstown 9349**

Telephone:

(03) 441 4189

Email:

[charlene@vivianespie.co.nz](mailto:charlene@vivianespie.co.nz)

[carey@vivianespie.co.nz](mailto:carey@vivianespie.co.nz)

[A] ASSESSMENT OF EFFECTS  
W. AND M. GRANT

This Assessment of Effects on the Environment accompanies an application for resource consent under Section 88 of the Resource Management Act 1991 to undertake retail sales associated with the production of handicrafts on the site, and for signage relating to this activity. This assessment has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

(a) A detailed description of the proposal

(i) Site and Locality Description

The application site is located at 14 Hansen Road, Frankton. The site is triangular in shape and is situated at the apex of Frankton – Ladies Mile Highway (State Highway 6) and Hansen Road. The site is approximately 2.2460 hectares in size and has relatively flat topography. A residential farm house is situated close to the apex of the two roads, with a barn and other farm buildings situated close to the north-east site boundary. The City Impact Church is located on the opposite side of Hansen Road from the site, whilst the Queenstown Events Centre is located on the opposite side of the State Highway. The immediately adjoining site to the east is occupied by the Frankton Electricity Sub-Station and is designated for this purpose via Designation Ref No: 338 in the District Plan. The application site is zoned Rural General, and apart from the activities outlined above, the land in the locality is generally occupied by rural land uses.



Aerial photo of application site (Source: QLDC Website)

The barn building which will be used for the retail activity can be accessed via gravel farm tracks across the site from both Hansen Road and Frankton-Ladies Mile Highway.

(ii) *Resource Consent History*

A large macrocarpa tree which is identified in the *Inventory of Protected Features* in Appendix 3 of the District Plan, Ref No: 206, was situated at a midway point on the site adjoining the State Highway. Recently this tree fell over during a storm event and an application has been lodged for its removal. The resource consent number allocated to the application is RM130072.

A copy of the Computer Freehold Register applicable to the site is contained in Attachment [B].

(iii) *The Current Proposal*

*Retail Sales Activity*

The proposal is to undertake retail sales from the existing barn building on the site. The barn building is set back at least 30 metres from Hansen Road. The retail sales activity is limited to the handicrafts that are produced by the applicant's daughter from the site. Other members of the immediate family may from time to time also produce items for sale from the building. These consist of sewn items, such as cushions, soft toys, clothes and some furniture items. All of these handicrafts are produced by members of the family.

The applicant works in the barn building at the site producing sewn items, usually for three days each week. These being Monday, Thursday and most Fridays. The hours of work are flexible but usually between the hours of 8.30am to 2.30pm. The items for sale are advertised on a website and the intention is to also undertake retail sales from the site during the times that the applicant is at work within the barn building.

The barn building will be accessed from Hansen Road, with the gate providing access from the State Highway shut to prevent access from the State Highway. The proposed signage, as detailed below, will direct the public to use the Hansen Road access for traffic safety reasons. There is an unsealed driveway from Hansen Road to the barn building and ample parking and manoeuvring space for at least nine vehicles on grass berms either side of the gravelled drive that provides access to the farm buildings. It is not anticipated that more than one or two vehicles will be visiting the site for retail sales at any one time.



*Entry to the site from Hansen Road. The barn building is on the left. The grass berms within the site where vehicles can park is shown. There is also room to park directly outside the barn building.*

### Proposed Signage

The intention is to place a sign measuring less than 2 square metres mid-way along the site facing Frankton - Ladies Mile Highway. This sign will be located approximately 1 metre behind the existing fence line. The intention is for this sign to advise the public of the activity and to direct traffic to the Hansen Road site entrance. The sign will be made from rough hewn wood which is similar to that on the exterior of the barn building. The proposed wording and colours for the sign are detailed in Attachment [C]. This sign will measure 1.150 metres x 1.600 metres in size and have a depth of 100mm. The sign is a total of 1.84 m<sup>2</sup>.



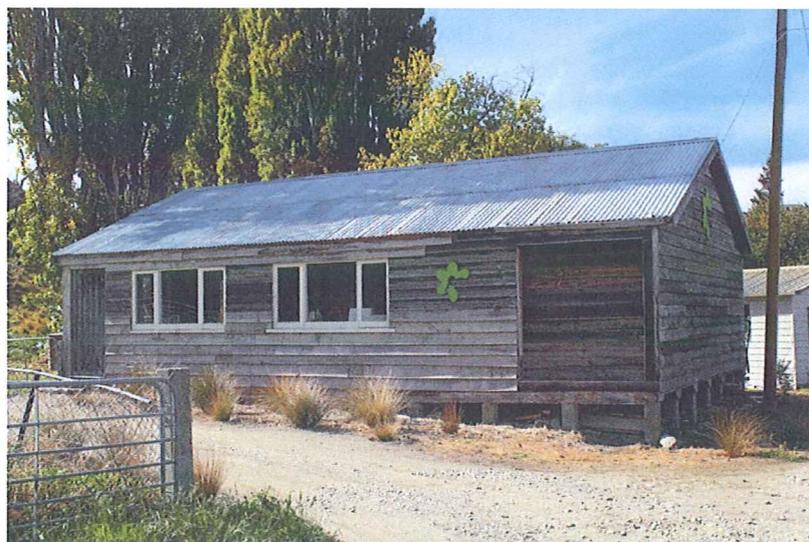
*The site viewed from State Highway 6 – the sign location is mid-way along this boundary, one metre behind the fence.*

To ensure that the public find the site, the intention is to also have a sign at the gate into the site from Hansen Road. This sign will be removable. The sign is located at the top of a 'cube' shape, made from the same rough hewn timber as the exterior of the barn building. The cube itself will measure 1.2 metres length x 900 metres width; and will have a depth of 150mm. The sign on the top half of the cube will measure 650mm x 450mm. The image and location for this sign is also included in Attachment [C].

Two small logos associated with the business are situated on the walls of the barn building. These are required so that the public know to visit the barn building, rather than go to the other farm buildings on the site. One logo is located on the southern most side of the barn building, as shown below. This logo is 900mm in size.



The second logo is on the west side of the building when viewed from just inside the gate on Hansen Road. This logo is 600mm in size.



All together the total signage proposed for the site is 3.63m<sup>2</sup>.

*(iv) Contaminated site issues*

All applications for resource consents are required to be considered under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health. Under these regulations, land is considered to be actually or potentially contaminated if an activity or industry on the Hazardous Activities or Industries List (HAIL) has been, or is more likely than not to have been undertaken on that land. The land use history is the trigger in determining whether land requires further assessment under the NES. With regard to the application site, the Otago Regional Council Environmental Data Officer advised via email on 5 April 2013, included in Attachment [D], that an investigation of their records indicates that there are no contaminated sites located on, or in, the vicinity of the site. A review of all the QLDC consents registered against the site does not identify any hazardous activities or buildings which may have contained such activities. There is no evidence to suggest that the land subject to this application included a use on the HAIL list. It is therefore highly unlikely that there would be a risk to human health resultant from the proposed change in use of the site.

*(v) Natural hazards issues*

Council's hazards information has confirmed that the application site is within Liquefaction Investigation Category LIC1, which indicates that there is a nil to low risk of liquefaction on the subject site. This information is also included in Attachment [D].

**(c) An assessment of the actual or potential effect on the environment of the proposed activity.**

*(i) Statutory Consideration*

Section 88A of the Resource Management Act 1991 (herein referred to as 'the Act') requires an application received to be processed and completed as an application for the type of activity specified in the plan or proposed plan existing at the time the application was made.

*(ii) Relevant District Plan Provisions*

The subject site is situated within the Rural General zone under the Operative District Plan. The objectives for the Rural General Zone are described in Part 5 of the District Plan as follows:

- “1. To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.
2. Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.
3. Avoiding, remedying or mitigating adverse effects of activities on rural amenity.
4. To safeguard the life supporting capacity of water through the integrated management of the effects of activities.”

For this application, resource consent is required for the following:

*For retail sales associated with handicrafts:*

- A **controlled** activity resource consent pursuant to Rule 5.3.3.2(ii)(b) for retail sales including handicrafts produced on the site. Council's discretion is in respect of:
  - (a) the layout of the site and location of buildings,
  - (b) vehicle access, and
  - (c) car parking.
  
- A **restricted discretionary** activity consent pursuant to Site Standard 5.3.5.1(iv) which requires that where retail sales are undertaken in buildings, using over 25m<sup>2</sup> in gross floor area, that they are required to be setback from road boundaries by a minimum distance of 30 metres. In this case, the building is an existing one that is being used for the activity, and it is located at 31.9 metres from Hansen Road, but is approximately 18 metres from the site boundary, as detailed below.



*For signage associated with the activity:*

- A **non-complying** resource consent pursuant to Rule 18.2.3(ii) which specifies that in rural areas any site signage shall have a maximum area of 2 square metres. This application proposes a total amount of signage of 3.63m<sup>2</sup>.

*(iii) The Resource Management Act 1991 (the Act)*

This application must be considered in terms of Section 104 of the Act. Section 104 *Consideration of Activities* is subject to Part II of the Act (purpose and principles) and also list of other considerations the consent authority shall have regard to. Considerations of relevance to this application are:

- "(a) Any actual and potential effects on the environment of allowing the activity, including the discretion to disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect;*
- (b) ..Any relevant provisions of a plan or proposed plan;*
- (c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application."*

Part II includes the purpose and principles of the Act. The purpose and principles are discussed in greater detail later in this assessment. Following assessment under Section 104, the application must be considered under Section 104B which states:

- "After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*
- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108."*

## **(b) Assessment of Effects**

*(i) Effects Permitted by the District Plan*

Section 104(2) of the Act states that when forming an opinion for the purposes of section 104(1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the District Plan permits an activity with that effect. Generally speaking, the District Plan only permits agricultural and horticultural uses within the Rural General zone. All other land uses require a resource consent.

Under the QLDC Signs Bylaw, each site in the Rural General zone is permitted to have one sign measuring 2 square metres in area. This in effect, forms the permitted baseline for the signage on the site.

*(ii) Effects of the Retail Trade Business*

The retail business will take place from an existing building on the site, in which the applicant currently works producing sewn items. No alterations to the building are required. It is anticipated that the amount of activity generated by the addition of the retail sales activity will be minimal in scale, particularly as it will be limited to the times that the applicant is at work in the building.

The access into the site is already formed and is covered in gravel. There is sufficient room within the site to adequately park at least nine cars on the grass berms either side of the access way. This amount of parking is considered to be sufficient for the business. Hansen Road is identified as a local road in Appendix 6: *Road Hierarchy* of the District Plan. The road that does not generate very much traffic use, with the exception of traffic associated with the City Impact Church, which does not extend as far as the application site. The additional traffic on Hansen Road created by the addition of the retail activity will be low in scale and it is considered that it will not have any adverse effects on traffic movements in the area. The Transport rules of the District Plan require one car park for commercial activities, per 25m<sup>2</sup> of gross floor area. The barn building is approximately 77m<sup>2</sup>, and as at least nine vehicles can comfortably park in the area surrounding the barn, this District Plan requirement can be complied with.

In conclusion, the retail activity as proposed is small in scale and as such, is not anticipated to cause adverse environmental effects.

*(iii) Effects of the proposed signage*

The proposed sign facing the State Highway complies with the requirements of the QLDC Signs Bylaw, as it is less than 2 square metres in size. A resource consent is required for the additional signage, this being the two logo signs on the exterior walls of the barn, and the sign at the gate on Hansen Road.

The additional signage at the gate is required to direct the public to the correct address. Without this additional sign, it is likely the public would not know where the activity was, or could try to enter the site from the State Highway. The additional signage is to prevent the public experiencing difficulty in finding the site and ensure that the activity does not cause traffic problems, which could be created by people searching for the site.

Some signage is required on the barn building to distinguish it from the other farm buildings on the site, so that the public know which building to enter to visit the retail activity. The logo signs on the building are small in scale and due to the distance of the barn building from the State Highway, are not distracting for traffic using the State Highway.

All of the proposed signs are small in scale and contain appropriate fonts, images and colours that are compatible with the rural backdrop. The signage has been especially designed to direct the public to the site in a safe manner, so as to avoid any traffic related issues from arising.

For these reasons, it is considered that the additional signage, above what is permitted by the Signs Bylaw is warranted.

*(iv) Conclusion*

Overall it is concluded that the adverse effects of the retail activity and associated signage on the environment will be minor.

**(c) Relevant District Plan Objectives and Policies**

The relevant objectives and policies of the Operative District Plan include:

- Part 5: Rural General
- Part 18: Signs

Each of these is discussed below:

*(i) Rural General Objectives and Policies*

Part 5.2 of the District Plan lists the objectives and policies for the Rural General zone. Objective 3 relates to Rural Amenity. This policy states:

“Avoiding, remedying or mitigating adverse effects of activities on rural amenity.” (Page 5-4, District Plan).

This objective is to be achieved by six policies, of which the following three are of relevance to this application:

“3.1 Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.

3.2 Ensure a wide range of rural land uses and land management practices can be undertaken in rural areas without increased potential for the loss of rural amenity values.

3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.” (Page 5-5, District Plan).

Rural amenity is defined in the District Plan as including privacy, rural outlook, and spaciousness, ease of access, clean air and quietness (Refer *Explanation and Principal Reasons for Adoption* Page 5-4). No alterations are required to the buildings on the site and car parking associated with the activity can be located adjacent to the farm buildings, some distance from the adjoining roads. The rural character of the site is therefore not affected by this application. As such, the proposed retail activity is considered to be consistent with this objective and associated policies.

Part 18 of the District Plan contains the objectives, policies and rules relating to signage. Objective 1 states:

“Objective 1 – Outdoor Signs

Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.” (Page 18-2, District Plan)

The relevant policies are as follows:

“1 To ensure the number, size, location and nature of outdoor signs in different areas are in accordance with the character and amenity of those areas and the community's desire to maintain and/or enhance the environment, appearance or visual amenity through attention to:

- lettering design
- site specific locations
- relationship to background surroundings
- the number, area and height of signs
- ensuring signs are designed in sympathy with local amenity, visual and heritage values
- the effect of illumination on adjoining properties and public places.” (Page 18-2, District Plan)

The signage has been designed to be low in scale and compatible with the rural backdrop, in terms of the design, shape and colours used on the signage. None of the signage will be illuminated. The proposed signage is considered to be consistent with Policy 1.

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

4 To ensure all signs are constructed and placed in a manner which does not pose a danger to property or people.

7 To ensure outdoor signs are limited to those relating to a particular activity, the use of land or buildings, and located on the site of that activity, land or building." (Page 18-2, District Plan)

The location and size of the proposed signage was chosen after careful consideration of the potential effects of the signs on the public using the State Highway and adjoining local roads. A main purpose of the signage is to ensure adverse effects to traffic safety are avoided by using a local road for access, rather than the State Highway, and by ensuring that the signage provides clear instructions on how to access the site. The signage therefore complies with Policies 3 and 4. The signs are limited to providing information about the retail activity on the subject site, and as such, are also consistent with Policy 7. Overall, the proposed signage is considered to be consistent with the District Plan objective and associated policies relating to outdoor signage.

## **Conclusion**

In conclusion, it is considered that the proposed activity is consistent with the applicable objectives and policies of the Operative District Plan.

**(d) Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use.**

Not applicable.

**(e) A description of the mitigation measures (safety and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Not applicable.

**(f) An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.**

The NZ Transport Agency was consulted during the preparation of this application, with regard to the location and design of the proposed sign facing the State Highway.

- (g) **Where the scale of significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.**

The only monitoring that will be required is with respect to consent conditions.

- (h) **Evidence to show whether it is more likely than not that the site is, or has previously been, used for an activity that may potentially contaminate the soil.**

As noted under heading (a)(iv) above, there is no evidence to indicate that the site is, or has previously been, used for an activity that may potentially contaminate the soil.

Assessment prepared by Charlene Kowalski

Reviewed by Carey Vivian

**Vivian+Espie Ltd**

**APPROVED PLAN:  
RM130236**

**Wednesday, 19 June 2013**



Sign facing State Highway will be single sided, facing towards the east. The sign will measure 1.15 metres x 1.6 metres, excluding the hanging sign underneath stating whether the business is open or closed. The hanging sign will be 200mm x 750mm.



**QUEENSTOWN-LAKES DISTRICT COUNCIL**

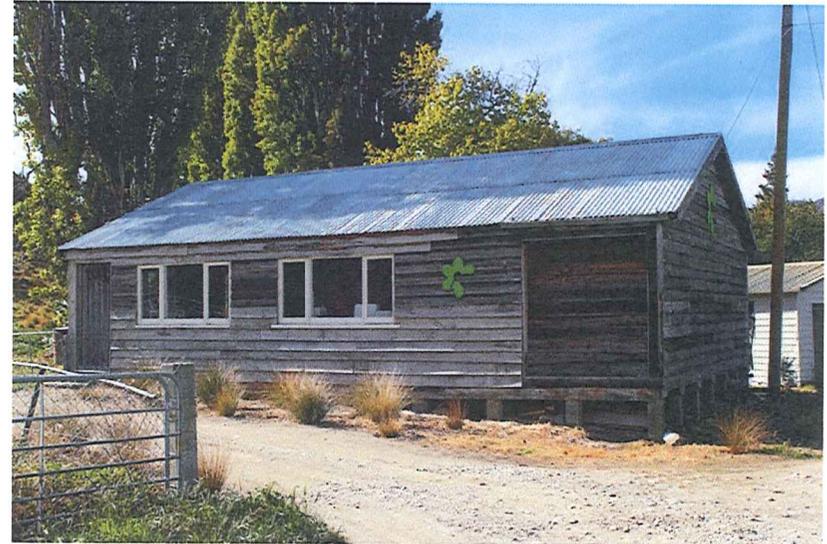
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**Wednesday, 19 June 2013**

LOGO SIGNS ON BARN BUILDING



Sign is 900mm in size



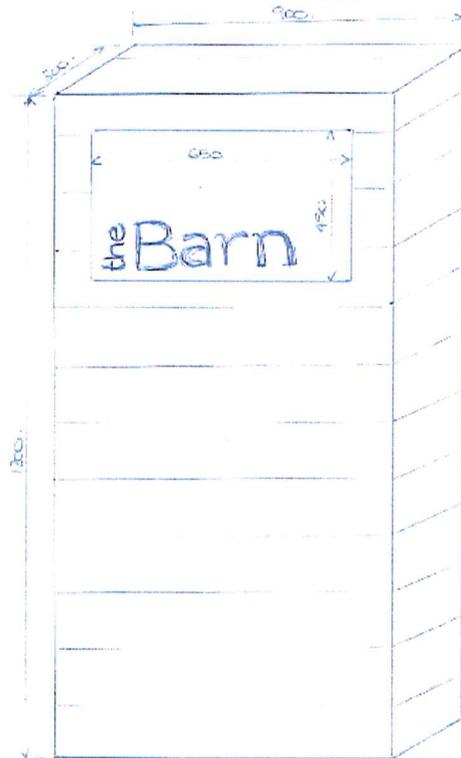
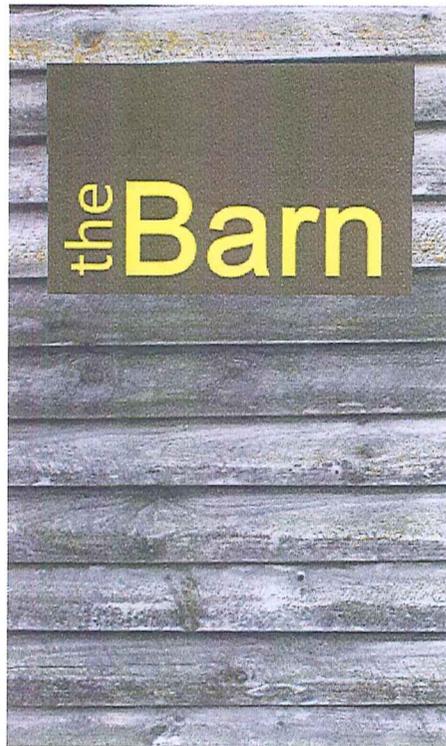
Sign is 600mm in size.

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SIGN TO FACE HANSEN ROAD



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