

**QLDC Council
18 April 2019****Report for Agenda Item: 10****Department: Community Services****New reserve licence and Affected Person's Approval to Her Majesty the Queen on behalf of Mt Aspiring College****Purpose**

The purpose of this report is to consider approving a licence and Affected Person's Approval to Her Majesty the Queen on behalf of Mt Aspiring College on the old Wanaka Community Pool Site.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a new licence under section 54(1)(d) of the Reserves Act to Her Majesty the Queen, for Mt Aspiring College use the Wanaka Community Swimming Pool located in Plantation Road, Wanaka with legal description Lot 1 DP 22331, subject to the following conditions:

Commencement	1 April 2019
Term	3 years
Renewal	Two further terms of 3 years by agreement of both parties
Rent	Pursuant to Community Facility Funding Policy (\$1 per annum at commencement)
Reviews	At renewal
Permitted use	Educational purposes including "portacoms", for changing rooms and classrooms and parking.
Insurance	Lessee to insure any newly installed buildings to the site. Lessor to insure existing buildings owned by the Council. Lessee to hold Public Liability Insurance of at least \$2,000,000
OPEX	Lessee to pay rates (if applicable), utilities and maintenance

Safety/Suspension	Council to retain ability to suspend the licence for safety or other purposes
Termination	Council can give 1-year cancellation notice
Demolition	If requested by MOE, Council will consider and provide specific approval where approved. Any costs associated with demolition will be MOE's

3. **Approve** Affected Person's Consent for the resource consent application to facilitate placement of the buildings on the site.
4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to Her Majesty the Queen over the Wanaka Community Swimming Pool site located in Plantation Road, Wanaka with legal description Lot 1 DP 22331.
5. **Delegate** final licence terms and conditions and signing authority for the licence and the Affected Person's Approval to the General Manager Community Services.

Prepared by:



Daniel Cruickshank
Property Advisor

26/03/2019

Reviewed and Authorised by:



Thunes Cloete
General Manager, Community
Services

4/04/2019

Background

- 1 The Wanaka Community Swimming Pool (the pool) is no longer used by the public and is located on land classified as Recreation Reserve. The legal description is Lot 1 DP 22331.
- 2 Mount Aspiring College (the College) via the Ministry of Education (MOE) would like to use the pool land for relocatable buildings that will house changing rooms and classrooms while the main College area is being redeveloped. The legal entity is Her Majesty the Queen.
- 3 The College is located immediately adjacent to the pool.
- 4 A temporary licence has been granted to the School/ MOE pursuant to section 53 (1) (o) so that they can access the site immediately while the licence process is pending.

Comment

- 5 The pool building was deemed to be earthquake prone in 2014 and underwent an interim strengthening solution that year to increase the structure capacity of the building above 34% of the New Building Standard. This approval from Council's building department was given for a period of 36 months, expiring in late 2017. A further inspection was undertaken in mid-late 2017 by Holmes consulting and the result was that continuing operations could occur for a period of 2 or more years as per the strengthening design work.
- 6 The pool buildings are expected remain on site during the term of the licence but at this stage the College does not intend to use them.
- 7 MOE will be responsible for obtaining building and resource consent for the relocatable buildings, and for the ongoing compliance and maintenance. These will require Affected Person Approvals from Council as owner.
- 8 The site plan is included as attachment A and the photos of the relocatable buildings and change rooms is included as attachments B and C. Attachment D is the Assessment of Environmental Effects for the resource consent application which includes photos of the existing portacom classrooms at the school as an example of how the finished project will look.
- 9 An initial term of 3 years is proposed with two rights of renewal by agreement of both parties. It is recommended that Council retain a 1-year cancellation clause, in case the land is required for some other purpose during the term.
- 10 The process of granting a new licence is pursuant to section 54(1)(d) of the Reserves Act 1977, and that clause requires that the intention to grant a licence be publicly notified calling for submissions. The notice was published on the 29 November 2018 calling for submissions. No submissions were received.
- 11 The MOE have indicated that buildings currently on the site (including the main pool building) may need to be demolished in the future to accommodate temporary teaching and administration buildings. If this is requested, the Council will consider such request, but any associated demolition costs are intended to be paid for by the MOE.

Options

- 12 Option 1 Approve a licence to Her Majesty the Queen for the use of Mt Aspiring College subject to the terms detailed above, and the Affected Person's Consent for the buildings.

Advantages:

- 13 Enables the reserve land to be utilised for a number of activities associated with community education, whilst a long-term use is identified.
- 14 Will give the school a facility to use for classrooms and changing facilities while the school is being redeveloped.

15 Will reduce the property holding and maintenance costs for the Council.

Disadvantages:

16 The land will not be available during the licence term for other recreational purposes.

17 Option 2 Decline the licence and Affected Person's Consent request by the Ministry of Education.

Advantages:

18 The land will be available during the licence term for other recreational purposes.

Disadvantages:

19 Will not enable the reserve land to be utilised for a number of activities associated with community education, whilst a long-term use is identified.

20 Would not give the school a facility to use for classrooms and changing facilities while the school is being redeveloped.

21 Would not reduce the property holding and maintenance costs for the Council.

22 This report recommends **Option 1** for addressing the matter because it enables the College to use the pool site for classrooms and change facilities and negates the need for Council to maintain the property.

Significance and Engagement

23 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a recreation reserve but is not a Council strategic property.

Risk

24 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 Ineffective management of community assets within the QLDC Risk Register.

Financial Implications

25 The applicant will meet the cost of drafting the new licence. No other costs will be incurred.

Council Policies, Strategies and Bylaws

26 The following Council policies, strategies and bylaws were considered:

- Community Facility Funding Policy 2011
- Community Lease and Licence Terms Resolution of 2016

- 27 The recommended option is consistent with the principles set out in the named policy/policies.
- 28 This matter is not included in the 10-Year Plan/Annual Plan and has no impact on it.

Local Government Act 2002 Purpose Provisions

29 The recommended option:

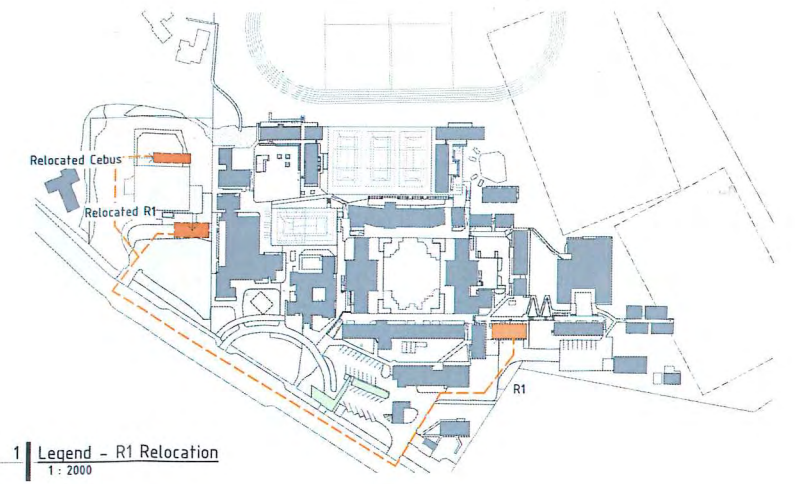
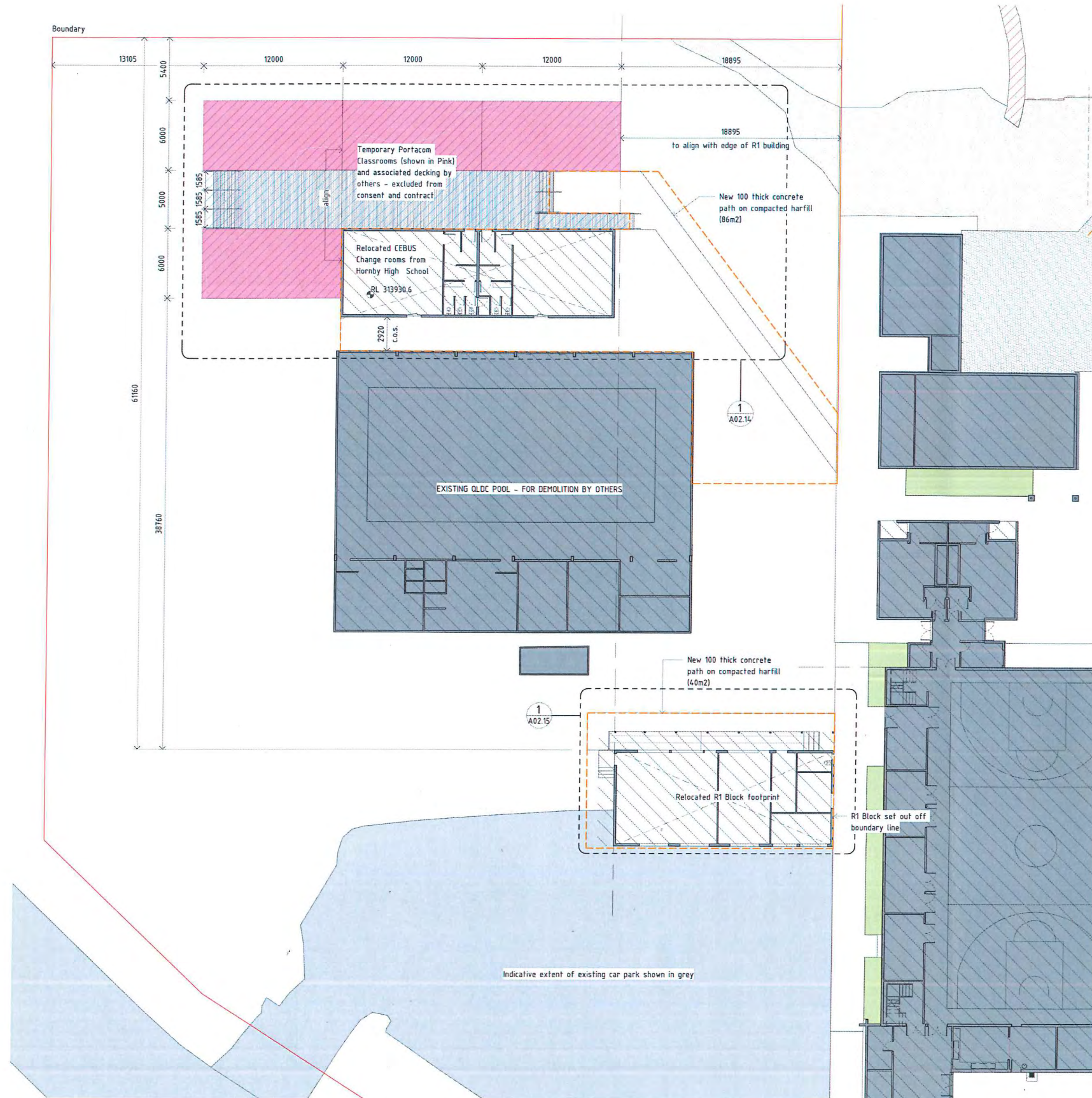
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling Aspiring College to utilise a building that would otherwise have no current use;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 30 The persons who are affected by or interested in this matter are predominantly the users of the reserve and the residents and ratepayers of the Queenstown Lakes District community.
- 31 The Council has provided a mechanism for community consultation through the public notification of the intention to grant a lease required by the Reserves Act 1977. The submission period has closed, and no submissions were received.

Attachments

- A Indicative MOE site use plan
- B Photographs of the classrooms to be relocated onto the site
- C Photographs of the change rooms to be relocated onto the site
- D Assessment of Environmental Effects



2 R1 Relocation Enabling Works
1:200

Relocation Notes:
Refer to Structural Engineer for foundations.
Allow to reinstaate all timber duct boards to premeifer and replace any broken during relocation.
Allow to undertake condition survey prior to removal and make good any damage caused as a result of relocation.

Consultants:

PROJECT MANAGER	TBC			
QUANTITY SURVEYOR	WT Partnership	03 365 7669	Chch 8140	www.wtpartnership.co.nz
STRUCTURAL ENGINEER	Batchelar McDougall Consulting	03 443 4531	Wanaka 9343	www.bmconsult.co.nz
SERVICES & FIRE ENGINEER	Beca	03 366 3521	Chch 8011	www.beca.co.nz
GEOTECHNICAL ENGINEER	Geosolve	03 443 2879	Wanaka 9305	www.geosolve.co.nz
LANDSCAPE ARCHITECT	Rough & Milne	03 366 3268	Chch 8140	www.roughandmilne.co.nz

- General Notes:**
- Contractor to verify all dimensions on site.
 - Use figured dimensions, do not scale.
 - Any discrepancies in dimensions/site conditions must be reported to the architect prior to work commencing.
 - Refer to the specification for full notes regarding materials, workmanship, installation.

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No.	Description
A	Issue for Tender

Date
12/09/2018

Key:

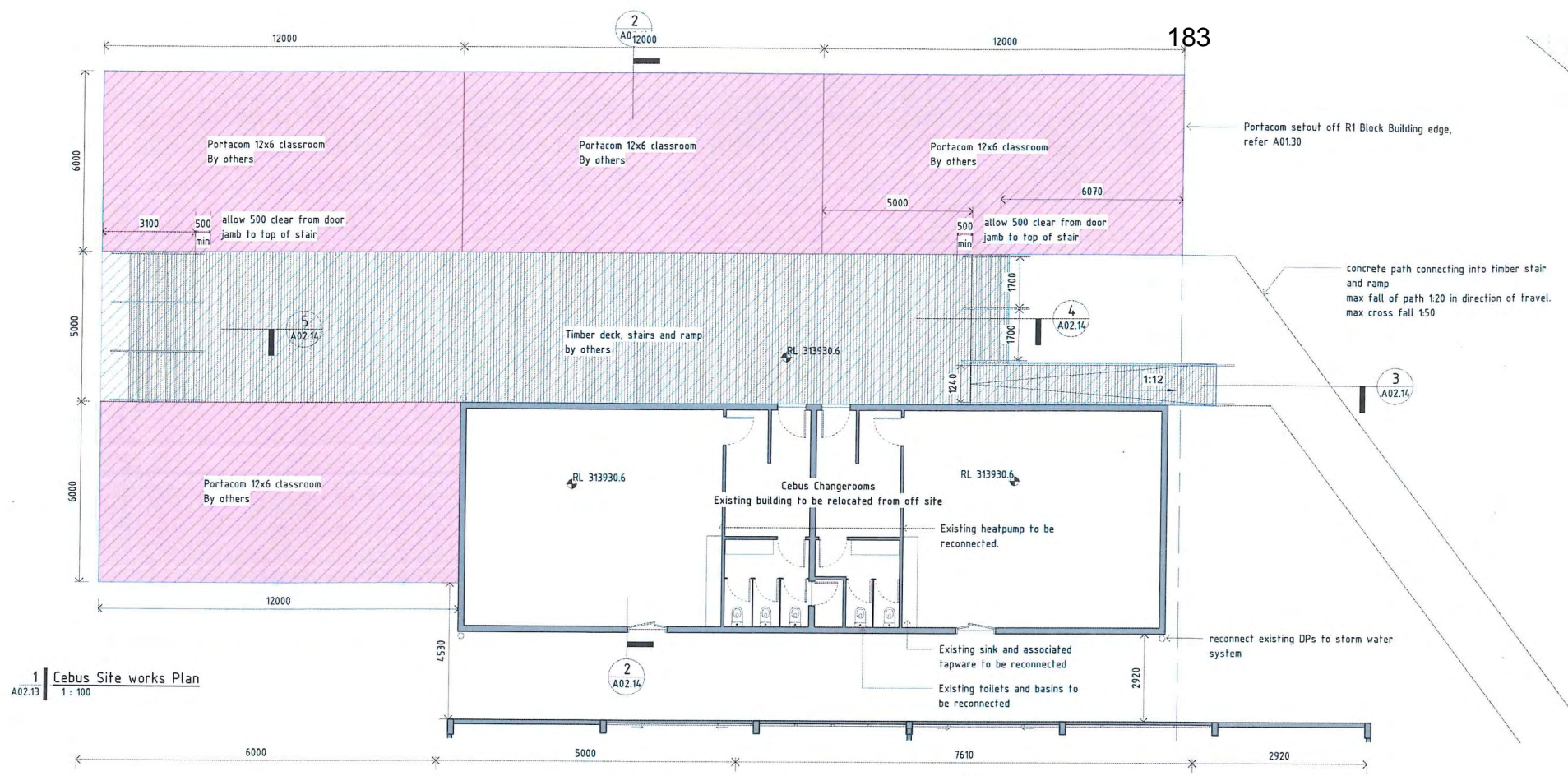
	Portacom Classrooms, by others
	Extent of work by others
	Future Portacom Classrooms, by others
	Existing building, no work required
	Extent of Works boundary
	Existing buildings to be relocated



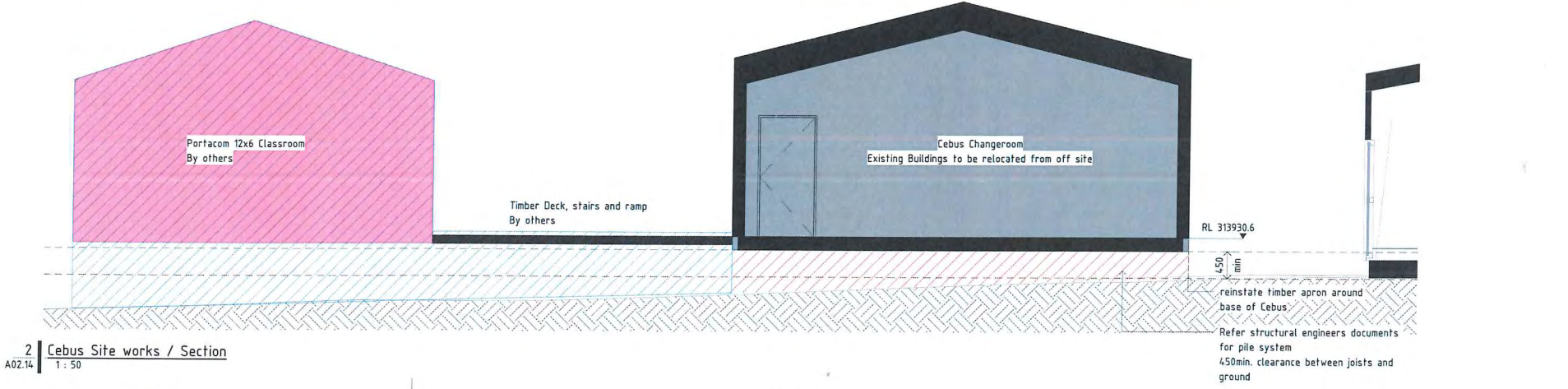
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Mount Aspiring College 17-09
Plantation Rd, Wanaka

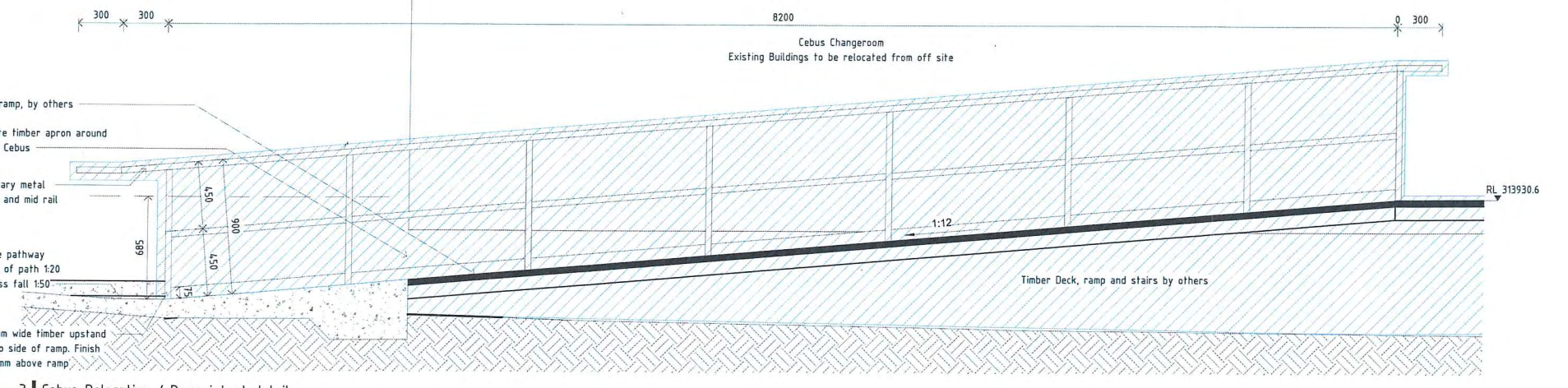
Cebus & R1 Relocated Siteworks Plan
As indicated @ A12 Scale @A3
A02.13-A



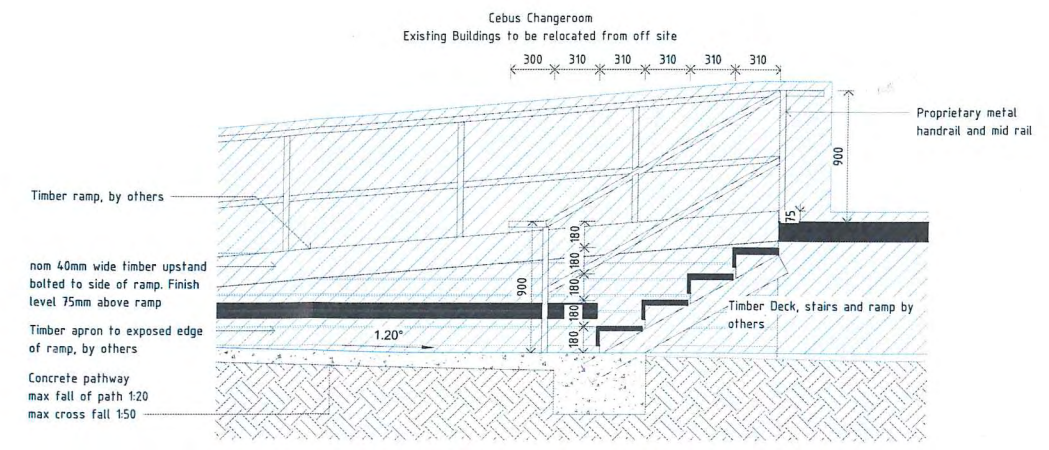
1 Cebus Site works Plan
A02.13 1:100



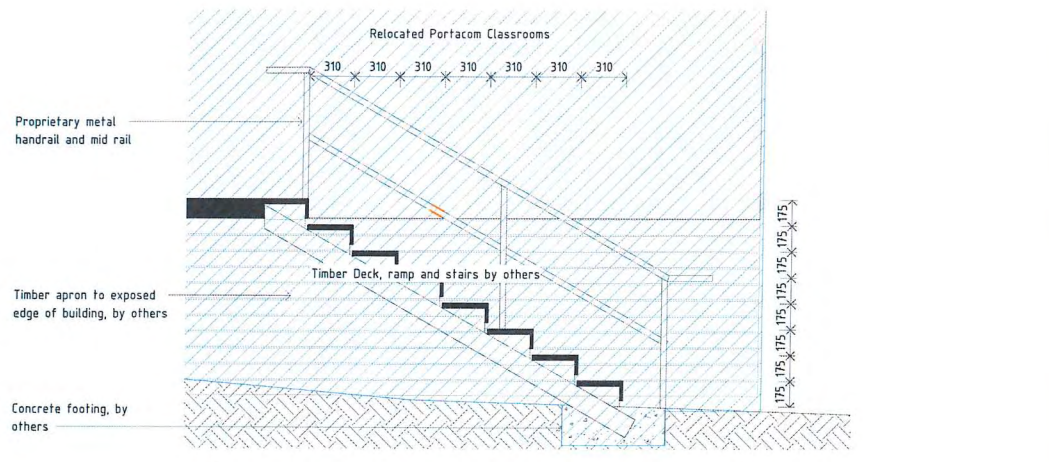
2 Cebus Site works / Section
A02.14 1:50



3 Cebus Relocation / Ramp intent detail
A02.14 1:20



4 Cebus Relocation / Stair intent detail
A02.14 1:25



5 Cebus Relocation / Stair 2 intent detail
A02.14 1:25

General Notes:

1. Contractor to verify all dimensions on site.
2. Use figured dimensions, do not scale.
3. Any discrepancies in dimensions/site conditions must be reported to the architect prior to work commencing.
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No.	Description	Date
A	Issue for Tender	12/09/2018

- Key:
- Portacom Classrooms, by others
 - Extent of work by others
 - Future Portacom Classrooms, by others
 - Existing building, no work required
 - Extent of Works boundary
 - Existing buildings to be relocated



Relocation Notes:
Refer to Structural Engineer for foundations. Allow to reinststate all timber duct boards to primer and replace any broken during relocation.
Allow to undertake condition survey prior to removal and make good any damage caused as a result of relocation.

Consultants:

Role	Name	Contact	Address	Website
PROJECT MANAGER	TBC	03 365 7669	Chch 8140	www.wfpartnership.co.nz
QUANTITY SURVEYOR	WT Partnership	03 443 4531	Wanaka 9343	www.bmconsult.co.nz
STRUCTURAL ENGINEER	Batchelar McDougall Consulting	03 366 3521	Chch 8011	www.beca.co.nz
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GEOTECHNICAL ENGINEER	Geosolve	03 366 3268	Chch 8140	www.roughandmline.co.nz
LANDSCAPE ARCHITECT	Rough & Milne			

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Mount Aspiring College 17-09
Plantation Rd, Wanaka

Cebus Relocated Plan
As indicated @ A12 Scale @A3



Elevation of R1 Block – to be western elevation



Elevation of R1 Block – to be southern elevation



Elevation of R1 Block – to be eastern elevation















RESOURCE CONSENT APPLICATION FOR RELOCATION OF CLASSROOM AND CHANGE ROOMS

Ministry of Education

121 Plantation Road, Wanaka

March 2019

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1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address:	121 Plantation Road, Wanaka
Applicants Name:	Ministry of Education
Address for Service	Ministry of Education C/- Southern Planning Group PO Box 1081 Queenstown amanda@southernplanning.co.nz Attention: Amanda Leith
Site Legal Description:	Lot 1 Deposited Plan 22331
Site Area:	6441m ²
Operative District Plan Zone:	Low Density Residential Zone Designation 93: Recreation reserve, community swimming pool
Proposed District Plan Zone (Stage 1):	Designation 93: Recreation reserve, community swimming pool
Proposed District Plan Zone (Stage 2):	Open Space: Active Sports and Recreation
Brief Description of Proposal:	Land use consent to relocate classroom and change room buildings to the site
Summary of Reasons for Consent:	Non-Complying Activity

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

List of Information Attached:

- | | |
|------------|--|
| Appendix A | Certificate of Title |
| Appendix B | Plans |
| Appendix C | Photos of existing R1 Block |
| Appendix D | Photos of existing change rooms building |



.....
Amanda Leith

1 March 2019

2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

The subject site is located at 121 Plantation Road, Wanaka.

The site is legally described as Lot 1 Deposited Plan 22331 held in Computer Freehold Register OT14B/354. The Certificate of Title is contained within **Appendix A**. The site has an area of 6441m². There are no consent notices or covenants registered on the Certificate of Title, however there is a note that the site is subject to the Reserves Act 1977.

The site is indicated in the aerial photograph below:



Figure 1: Aerial view of the subject site (121 Plantation Road) and Mt Aspiring College to the east

The site is owned by the Queenstown Lakes District Council (QLDC) and contains an indoor swimming pool that is no longer in use due to the new swimming pool in Three Parks having opened recently.

There is a large parking area located within the south-eastern portion of the site. The site gains vehicular access from Plantation Road midway along the road frontage.

Mature vegetation is located around the subject site including along the road boundary.

Mt Aspiring College is located to the east of the subject site. It is currently undergoing redevelopment to cater for an increased roll. These works have been consented via Outline Plan approvals RM181398 and RM190048.

To the north and west of the site is an established residential area characterised by single and two storey dwellings. To the south is a large recreation reserve.

3.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Consent is sought to relocate classrooms and change rooms to 121 Plantation Road, Wanaka for a temporary period.

Plans of the proposed layout and location of the buildings are provided in **Appendix B**. Photos of the existing R1 Block and change room buildings which are to be relocated to the site are provided in **Appendix C** and **D** respectively.

Four portacom classrooms are proposed to be located within the northern extent of the site and are to be connected by decking. Also connected to the decking is the change room building.

The portacom buildings are all 12m x 6m in size and three are to be connected together along the northern side, with the other portacom and the change rooms to be located on the southern side. The change rooms are approximately 23m in length and 8m in width.

The maximum height above ground level of the portacom and change room buildings is 4.5m.

The portacom buildings are to be of similar appearance and standard to those which have been installed within the eastern playing fields of the school grounds as shown in Figures 2 - 4 below.



Figure 2: Example of existing portacom classrooms



Figure 3: Example of existing portacom classrooms and decking



Figure 4: Example of existing portacom classrooms and decking

In the southern portion of the site, Block R1 is proposed to be relocated from Mt Aspiring College. This building is approximately 18m in length and 8m in width and is single storey. Photos of this building are provided in Figures 5 and 6 below.

This building is to be located up to the eastern boundary of the subject site, adjacent to the Mt Aspiring College indoor sports centre. A concrete path is to be installed along the northern side of the building to connect to the paving within the College site.

The location of all of the proposed buildings on the site is temporary and will be on the site for no longer than three years.

A condition of consent is volunteered to address any potential damage that may occur during the relocation of the buildings to the site. The proposed wording of this condition is as follows:

- X *Within two months of the date of this consent being granted, the following reinstatement works are to be completed:*
- *Painting of the buildings' exterior if damaged during relocation*
 - *Repair and upgrade of external cladding if damaged during relocation*
 - *Re-roofing of the existing roof if damaged during relocation.*
 - *Timber decking as shown on the approved plans to be constructed.*
 - *A timber apron is to be installed around the base of the change rooms building to conceal the foundations.*

The existing swimming pool and building are to remain in place. No alterations are proposed to these as part of this application.

4.0 DESCRIPTION OF PERMITTED ACTIVITIES

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

All buildings for non-residential activities located within the ODP Low Density Residential Zone require resource consent and therefore the permitted baseline is not considered relevant for the proposed activity.

With regard to the built form, the permitted baseline allows construction of residential units and flats as permitted activities subject to compliance with the following site and zone standards:

- A net site area of 450m² for each residential unit;
- 4.5m minimum setback from Plantation Road;
- One 4.5m setback and all other setbacks 2m from internal boundaries (with the exception of accessory buildings which can be located up to the site boundary where the total length of walls within the setback do not exceed 7.5m in length and there are no windows or openings along walls within 2m of the internal boundary);
- A continuous building length of no more than 16m unless breaks in the wall length or additional setbacks are applied;
- 40% maximum building coverage;
- 7m maximum building height for sloping sites;

If the existing swimming pool and building were to be removed from the site, compliance with the above standards could reasonably manifest itself in up to fourteen, two storey residential units being constructed on the site covering less than half of the site, located a minimum of 2m from the boundaries. This is not considered to be a fanciful development scenario given the land area and location of the site and therefore it is requested that the effects associated with the permitted baseline are taken into account.

5.0 STATUTORY CONSIDERATIONS

5.1 Queenstown Lakes Operative District Plan

The site is located within the Low Density Residential zone. The following resource consents are sought to authorise the proposed development:

- A **controlled activity** consent pursuant to 7.5.3.2(iii) for buildings for non-residential activities. Control is limited to the matters in Assessment Matter 7.7.2(iii).
- A **restricted discretionary** activity consent for a breach of site standard 7.5.6.2(i) as more than one full-time equivalent person will work on the site and more than 40m² of gross floor area will be used.
- A **restricted discretionary** activity consent for a breach of site standard 7.5.6.2(iii)(a) as it relates to internal setbacks where the proposed relocated R1 block is to be located up to the eastern boundary.
- A **non-complying** activity consent for a breach of zone standard 7.5.6.3(v)(a) and (b) as no person engaged in the activity will reside on the site and more than three time staff will be employed for the activities on the site.
- A **discretionary** activity consent under Rule 19.2.1.2 for the relocation of buildings on to the site. Council's discretion is limited to the external appearance of the building.

5.2 Proposed District Plan

Stage 1 of the Proposed District Plan (PDP) addressed the designation of the land. A decision has been notified in relation to this.

Stage 2 of the PDP included the zoning of the subject site as Open Space: Active Sports and Recreation. Decisions are yet to be released in relation to this zone and there are no rules of relevance with immediate legal effect.

5.3 NES Assessment

All applications for resource consent need to be determined if they apply under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).

A search of the QLDC and ORC records in relation to the subject site have not identified any HAIL activities being undertaken on the subject land. Therefore, consent is not required under the NES.

5.4 Overall Activity Status

Overall, the proposal is assessed as a **Non-Complying Activity**.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

6.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

6.2 An assessment of the actual or potential effect on the environment of the proposed activity.

Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(1)(a) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
- (b) any physical effect on the locality, including any landscape and visual effects:*
- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*

- (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

Effects of the activity

The proposed development represents a continuation of the non-residential use of the site. Until recently, the swimming pool on the site was open to the community and there were associated effects associated with this use being traffic movements and noise.

The proposed temporary location of the education buildings on the site represents an expansion of the Mt Aspiring College activities from the adjoining site to provide adequate teaching spaces whilst the upgrade works are occurring to the Mt Aspiring College facilities to cater for an increase in the roll. The buildings are to be removed from the site within three years.

The proposed buildings are to be occupied during school hours and for after school activities with the hours being 7am – 5pm Monday to Friday and therefore any noise associated with the activity will be limited to those hours and will predominantly be limited to short periods of time as pupils exit and enter the classrooms.

The proposed buildings are not anticipated to directly result in an increase in traffic generation within the surrounding area as the classrooms are to provide accommodation for pupils in place of existing school facilities which are being upgraded, replaced or extended. Car parking associated with Mt Aspiring College is to remain on the existing school site, however it is noted that overflow parking may utilise the existing parking area on the subject site. This area is located so it adjoins the Mt Aspiring College site rather than the existing residential properties to the northwest however.

No additional adverse effects on residential cohesion are anticipated given that the subject site has not previously been used for residential activities. Furthermore, location of schools within residential areas is considered to be a complementary activity which allows for ease of access.

Taking all of the above factors into account, it is considered that the proposed use of the site will result in adverse effects on residential amenity and cohesion which are less than minor.

Dominance effects

The proposed reduced setback of the R1 block from the eastern boundary will not be highly visible within the Plantation Road streetscape given the existing vegetation located between the building location and the street. Furthermore, it is considered that the location of the building will read as an extension to the school grounds and it will not be perceptible from outside the site that the building is located up to the boundary due to there being no boundary fencing or other demarcation. Consequently the effects in this regard are considered to be less than minor.

Building appearance

Views of the proposed buildings from Plantation Road will be limited as a result of the existing planting located on the subject site and well as that on the existing Mt Aspiring College land. Furthermore, the building to the rear of the site will also be partially obscured by the existing swimming pool building.

A condition of consent has been volunteered as detailed in Section 3.0 above, to address any damage that might occur to the buildings during relocation. This volunteered condition of consent will ensure that the appearance of the buildings reflect the standard of the buildings on the surrounding land and will not be unsightly.

Overall, the proposed buildings are to be in place for a temporary period of time only and due to their location being partially screened from Plantation Road and surrounding properties, the potential effects as a result of the buildings will be less than minor taking into account the volunteered condition of consent.

Conclusion

Overall any adverse effects on the environment will be less than minor.

6.3 If 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

N/A

6.4 I the activity includes the discharge of any contaminant, a description of:

1. **The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

N/A

6.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

No other mitigation measures are considered necessary in addition to those incorporated into this proposal.

6.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

Queenstown Lakes District Council

QLDC are the landowner of the subject site. Their affected party approval is being sought via APL Property Ltd. This approval will be forwarded to QLDC once it has been received.

Mt Aspiring College

The Ministry of Education is the applicant for this resource consent application and therefore consents to the proposed works being undertaken on the adjoining land. Consequently, effects upon the school can be disregarded.

131 Plantation Road

The land parcel for 131 Plantation Road surrounds the subject site to the north and west and contains a number of residential units. This land is owned by the Mt Aspiring College Foundation and is associated with the school.

Views of the proposed buildings from this property will be partially obscured by the existing vegetation located within the western and northern portions of the site (as can be seen in Figures 7 – 10 below). The proposed buildings are also of single storey height and will be in place for a temporary period. The volunteered condition of consent will ensure that the appearance of the building is compatible with the surroundings following relocation.



Figure 7: View of the western boundary of the subject site as viewed from inside the site



Figure 8: View of the western boundary of the subject site and sites beyond as viewed from inside the site



Figure 9: View of the western boundary of the subject site and sites beyond as viewed from inside the site



Figure 10: View of the northern corner of the subject site and land beyond as viewed from inside the site

The use of the buildings are limited to 7am – 5pm Monday to Friday and therefore there will be no disturbance during sensitive hours or days of the week. The on-site parking area is existing and the traffic generation is anticipated to be less than the previous use of the site as the community swimming pool.

The proposed activity will continue the non-residential use of the site and the buildings are to be in place for a temporary period only.

Overall, taking all of the above factors into account, the effects upon 131 Plantation Road are considered to be less than minor.

133 Plantation Road, 1 – 7 Totara Terrace

These properties have a view of the rear portion of the subject site, however this view is predominantly obscured by existing planting located on the subject site as can be seen in Figures 7 – 10 above.

The proposed buildings within the northern part of the site are to be located a minimum of 13.1m from the western boundary and 5.1m from the northern boundary and the buildings are single storey.

Consequently, taking this into account, the proposal is considered to result in effects which are less than minor upon these properties.

6.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

No monitoring is required other than standard conditions of consent.

6.8 If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

The proposed activity will have no effect on any customary rights.

7.0 SECTION 95 NOTIFICATION

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). In addition, Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. As outlined above the proposed activity is not likely to have adverse effects on the environment that are more than minor and no persons are considered adversely affected.

Additionally, the applicant has not requested public notification of the application (s95A(2)(b)), no rule or national environmental standard requires public notification of the application (s95A(2)(c)) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

8.0 SECTION 104 (1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

8.1 Operative District Plan

Relevant objectives and policies are contained within Section 7 – Residential Areas and Section 19 of the Queenstown Lakes Operative District Plan.

Section 7 – Residential Areas

Objectives 3 and 4 and their associated policies are of most relevance to the subject application.

Objective 3 seeks pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

The proposal is considered to achieve the above objective and align with policies 3.1, 3.5 – 3.8 which are of most relevance to the proposal. In particular, residential cohesion is addressed in Section 6.2 above and it is noted that the school is a fundamental part of the Wanaka community and is considered to aid to the sense of community and well being of people in the area.

The hours of use of the buildings will be limited to core school hours and therefore will not compromise the amenity values of the adjoining residential neighbours or affect the well being, cohesion and privacy. Noise emissions will be limited to these times and will generally be sporadic, being linked to when pupils are entering or exiting the classrooms.

The buildings are well setback from the adjoining residential properties and there is a balance of buildings and open space on the site to enable the retention of existing planting. This will ensure that there will not be any undue shading of the surrounding properties also.

Objective 4 seeks to ensure that non-residential activities meet community needs and do not undermine residential amenity. As detailed in Section 6.2 above, the proposed activity is not anticipated to result in effects upon residential amenity will are more than minor. The use of the temporary buildings will be an extension of the existing school activities and is not anticipated to result in any perceptible change.

Section 19 – Relocated Buildings, Temporary Buildings and Temporary Activities

The objective and policies in this chapter relate to minimising any adverse effects on the environment through controlling the external appearance, time limit, size and operation of activities.

As detailed in Section 3.0 above, the buildings are proposed to be in place for a maximum of three years. A condition of consent is also volunteered in relation to the appearance of the buildings to ensure any damage which occurs during relocation is rectified as soon as possible.

The size of the proposed buildings is considered to be consistent with the character of the adjoining school buildings as well as the existing swimming pool building on the site. The single storey height and setbacks proposed from the adjoining residential properties will ensure that potential amenity effects are minimised. The use of the buildings will be limited to school hours also which will further limit the potential disruption to residential amenity.

8.2 Proposed District Plan

Chapter 35 – Temporary Activities and Relocated Buildings

Chapter 35 was included in Stage 1 of the District Plan review. Decisions have been released on this chapter and appeals lodged.

Objective 35.2.6 and its associated policies are of relevance to the proposal. These are however under appeal and therefore limited weight should be applied at this time.

Notwithstanding, these provisions provide for relocated buildings where adverse effects associated with the relocation and reinstatement of buildings are managed to provide a quality external appearance and are compatible with the amenity of the surrounding area.

As noted above, the proposed buildings are to be placed on the site for a temporary period only and mature vegetation is located around the site which provides some screening of the site from Plantation Road and neighbouring sites. In addition, a condition of consent is volunteered to ensure that any damage to the buildings which occur as part of the relocation is remedied. Taking all of these matters into account, the proposal is not considered to be contrary to these provisions.

Chapter 38 – Open Space and Recreation

The land is proposed to be zoned Open Space: Active Sport and Recreation under Stage 2 of the District Plan review. Decisions are yet to be released in relation to Stage 2 and therefore the provisions have little weight at this time.

The general objectives and policies for the Open Space zone seek to provide for the open space and recreational needs of the District's residents and visitors and for recreation activities to be undertaken and facilities constructed in a way that maintains or enhances the values of open space areas.

The objective and policies for the Active Sport and Recreation zone are in relation to providing for active sport and recreation activities in appropriate locations while managing adverse effects on surrounding areas and communities.

In taking the objectives and policies of Chapter 38 into account, it is considered that the proposal does not really align with the provisions given that it is proposed to temporarily occupy the site for education buildings which is not for the purpose of sport and recreation or open space. Notwithstanding, the proposed occupation of the site is temporary only.

8.3 Conclusion

The proposal is not considered to be contrary to the ODP objectives and policies which are of relevance, however the proposal is not considered to align with the PDP objectives and policies contained within Chapter 38. Due to appeals that have been lodged against the Chapter 35 provisions and given that decisions have not yet been released in relation to Chapter 38, the majority of weight needs to be placed on the ODP provisions at this time.

9.0 SECTION 104D ASSESSMENT

As detailed in Section 6.2, the proposal is considered to result in potential adverse effects which are less than minor. Consequently, the proposal is considered to pass the first gateway test in Section 104D(1)(a) and can therefore be granted approval.

As detailed in Section 8.0 above, the proposal is considered to be consistent (and therefore not contrary) with the provisions in the ODP against which the majority of the weight should be applied.

10.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

11.0 CONCLUSION

Consent is sought to relocate classrooms and change rooms to 121 Plantation Road, Wanaka for a temporary period.

The activity is assessed as a non-complying activity.

The actual and potential effects on the environment have been outlined in Section 7 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. In addition no persons are considered to be adversely affected with the exception of QLDC the landowner of the site, from which affected party approval is being sought.

The proposed development is not considered to be contrary to the relevant objectives and policies of the ODP against which the majority of weighting should be applied over the PDP provisions. Furthermore, the proposal is considered to meet the purpose and principles of the Resource Management Act 1991.

Overall, and in accordance with the assessment contained in this report, it is requested that the proposed development is granted as proposed.