

Gordon Sproule

From: "DP Hearings" <DP.Hearings@qldc.govt.nz>
Date: Tuesday, February 16, 2016 9:52 AM
To: "Gordon Sproule" <sproule@xtra.co.nz>
Subject: RE: Proposed 10 Year Plan hearings submitter No ⁶⁴68 Panorama Trust supporting documents

Thank you for your email Gordon.

Your submission was in relation to Height within the High Density Residential Zone. The hearings for the residential chapters will not be taking place until approximately August at this stage and we have not fixed a date. As soon as this is locked in, we will send you a notice of hearing detailing how you can speak. The hearings starting on March 7 will be covering the following chapters:

- Introduction
- Tangata Whenua
- Strategic Direction
- Urban Development and
- Landscapes

And only those who submitted on these are eligible to speak at the first stream.

In regards to the additional documentation, as the submissions are closed and now being read by the commissioners, I would recommend you table this at the hearing and present for the commissioners at that stage

Regards

Julia

From: Gordon Sproule [mailto:sproule@xtra.co.nz]
Sent: Monday, 15 February 2016 5:01 PM
To: DP Hearings
Subject: Fw: Proposed 10 Year Plan hearings submitter No ⁶⁴68 Panorama Trust supporting documents

We are submitter number ⁶⁴68 on your schedule Panorama Trust

I attach the Environment Court final determination dated 15 April 2008. This is for the site at 94-130 Frankton Road in support of our submission. Can you please add it to the submission as a supporting document

I see that submission will start on 7 March. As I will need to fly to Queenstown to make my submission is it possible to get a set time to present my case?

If so who do I contact to make that time?

Regards

Gordon Sproule
 Trustee
 Panorama Trust

IN THE MATTER of the Resource Management Act 1991

AND

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

BETWEEN

POUNAMU HOTEL NOMINEES
LIMITED

(ENV-2007-CHC-191)

Appellant

AND

QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

Introduction

- [1] The Court has read and considered the appeal, the respondent's reply, and the memorandum of the parties received on 7 April 2008.



[2] The following persons have given notice of an intention to become parties under s274 and have signed the memorandum setting out the relief sought.

- The Sproule Family Trust;
- P Berton;
- C Gonzales and P Rinck;
- R W & M J Washbourn;
- C Gilmour;
- G Hughes;
- L & R Williams;
- C & S Broad;
- B & A Campbell;
- R Cranfield;
- L Harborow;
- The J A & G H Dowling Family Trust;
- E P Goulding; and
- W A Goulding.

[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

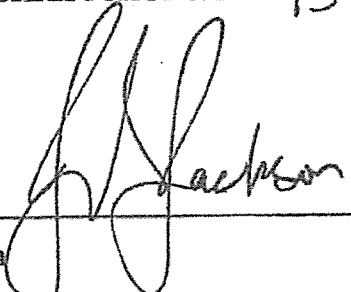
- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.



Order

- [4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that resource consent is granted to Pounamu Hotel Nominees Limited for the establishment and operation of a Hilton Hotel complex at 94-130 Frankton Road, Queenstown, *subject to* the conditions of consent set out in Appendix A attached to and forming part of this consent order
- [5] The appeal is otherwise dismissed.
- [6] There is no order for costs.

DATED at CHRISTCHURCH 15 April 2008.



J R Jackson
Environment Judge
Issued: 16 APR 2008



Appendix A - Conditions of Consent

General Conditions

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

Koia Architects – Pounamu Hotel Nominee Ltd, Reference: 02130/ H,
December 2007:

Roof Plan 0.08 Revision E
Elevations 0.11 and 0.12 Revision E
Section Plans 0.09 and 0.10 Revision E
Overall Site Plan 0.01 Revision F
Floor Plans 0.02-0.07 Revision E

Baxter Design Group – Pounamu Hotel – Landscape Master Plan, Reference:
5194, CP1.dwg, December 2007

...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 Lakes Environmental 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 Lakes Environmental an initial fee of \$240 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 Lakes Environmental to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.
6. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
7. The Consent Holder shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.



8. Prior to the commencement of any works on the land being developed the Consent Holder 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 (6), to detail the following engineering works required:

- a. The provision of a water supply to the development in terms of Council's standards and connection policy. This shall include an Acuflow GM900 as the toby valve. The costs of the connection shall be borne by the Consent Holder.
- b. The provision of a foul sewer connection to the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the Consent Holder.
- c. The provision of a connection from the development to the Council reticulated stormwater disposal system. The costs of the connection shall be borne by the Consent Holder.
- d. The provision of secondary flow path sizing and location to be supported by adequate analysis to show:
 - i. That it is of adequate capacity to cope with the design volumes;
 - ii. That it discharges to a location that does not detrimentally affect others and can safely dissipate via a controlled disposal system as the storm peak passes.
- e. The provision of fire hydrants with adequate pressure and flow to service the development with a Class W4 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.
- f. The provision of a sealed vehicle crossing that shall be constructed to the development to Council Standards, including compliance with Rule 14.2.4.2.
- g. The construction of all vehicle maneuvering and car parking areas to Council standards, with the exception of two coach parks which may be constructed to a maximum steepness of 1:15. All carparking stalls shall meet the required dimensions, as defined in A7-1 of the Plan, including increased stall widths of 300mm where the stall abuts obstructions such as columns or walls.
- h. Pedestrian access shall be provided from the existing footpath on SH6 to the main entrance of the hotel.

9. In order to ensure that the proposed building is located exactly as proposed in the application and complies with the maximum height control of the Queenstown Lakes Proposed District Plan and/or the degree of infringement applied for, the Consent Holder shall employ an appropriately qualified surveyor at his/her expense who shall ;

- a. Certify to Council in writing that the foundations have been set out in accordance with the approved consent in terms of levels and position; and



- b. Confirm to Council in writing upon completion of the building that it has been built in accordance with the approved plans and complies with the maximum height control/degree of infringement applied for.

Note: The Consent Holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

10. Hours of operation for construction activity associated with the proposed development shall be as follows:

Sunday & Public Holidays: No Activity

Saturday: 9am – 3pm

Monday to Friday (inclusive): 8.00am to 6.00pm, excepting the following:

- a. Construction company workers/subcontractors may arrive onsite from 7.30am, however all noise produced during this time shall be minimised (no loud noise or sleep disrupting activities), and no machinery shall be used or heavy vehicles enter or exit the site prior to 8.30am or after 5.00pm, so as to reduce potential noise upon noise sensitive users in the vicinity of the subject site. All activity on the site is to cease by 6.00pm.
11. Prior to the occupation of the development, the Consent Holder shall complete the following:
- a. The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision.
- b. The completion of all works detailed in condition (8) above.
- c. The Consent Holder shall provide a suitable and usable power supply and telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
- d. Any raised 'feature' areas proposed in the pick-up/drop-off accesses shall be constructed to ensure that emergency vehicles will be able to access and maneuver around the site without difficulty.
12. The Consent Holder shall ensure that all construction work carried out on site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits specified in the following table. With the exception of the noise levels for earthworks as contained in RM 041267-357, the noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction Noise.



| Time Period | Weekdays (dBA) | | Saturdays (dBA) | |
|-------------|----------------|------|-----------------|------|
| | Leq | Lmax | Leq | Lmax |
| 0730-1800 | 70 | 85 | 70 | 85 |

13. The Consent Holder shall appoint a site manager who will be responsible for liaison with local residents. The site manager shall ensure that at least four weeks prior to construction activities commencing on site that a letter is circulated to adjoining neighbouring residents with dwellings located within a 50m radius of the site advising of:
- The description of any disturbing activity that will occur on site.
 - The date and duration that the activities will occur.
 - The mitigation measures proposed to reduce the noise and/ or vibration effects on residents.
 - The name and 24 hour contact number of the site manager or person appointed who can be called to discuss any concerns regarding the operation/ management of the site.
 - A copy of this letter shall be forwarded to the Principal: Resource Management four weeks prior to construction activities commencing on site.
14. Prior to occupation of the development the Consent Holder is to supply to the Principal: Resource Management:
- A plan of all the in-house sound systems for the site, and
 - Evidence that 'all the in-house sound systems' (including the sound limiting device) have been appropriately calibrated, and
 - Certification that all identified acoustic mitigation measures are in place, and
 - Certification that the whole of the operation has been surveyed and audited.
 - Calibration and Certification is to demonstrate compliance with the noise rule specified in Condition 16 below is achieved and is to be carried out and certified by an experienced and qualified Acoustic Consultant.
15. Prior to occupation of the development the Consent Holder is to supply to the Principal: Resource Management evidence that all mechanical plants (including ventilation systems and refrigeration systems) have been designed, installed and operated to ensure compliance with the noise rules. Evidence is to be in the form of testing and certification by an experienced and qualified Acoustic Consultant and is to include a report from that Acoustic Consultant identifying the features integral to ensuring acoustical compliance of the plant.
16. Visitor accommodation activities shall be conducted so that the following noise limits are not exceeded at any point at or within the boundary of any other site within the High Density Residential Zone:

| | | |
|-------------|-------------------|----------------------------|
| Daytime: | 0800-2000 hours | 50 dBA L10 |
| Night-time: | 2000 – 0800 hours | 40 dBA L10 and 70 dBA Lmax |

Noise levels shall be measured and assessed in accordance with NZS 6801: 1991 and NZS 6802:1991



Any alterations to the sound system, components of the sound system, ventilation systems or building components that the Acoustic Assessment has included as integral to the sound insulation envelope are to be certified by an acoustical consultant. This is to be completed as soon as practically possible following any alterations. The certification is to be provided as evidence that the alterations do not

compromise the ability of the operation to comply with the noise rules. The certification may require amendments to the Noise Management Plan (and sound systems plan). Once approved this will then become the 'current approved Noise Management Plan' (and sound systems plan) for this premises.

18. There shall be no sound system speakers located outdoors including on any exterior balconies or terraces adjacent to and outside rooms, or attached to the exterior of the buildings on the premises. .
19. All windows and doors in the bar, restaurant and conference area which open to the exterior areas are to be closed by 22:00 hours each night and remain so (apart from normal timely entry and exiting from the building) until 07:00 hours the following morning.
20. The Consent Holder shall ensure that deliveries and removal of goods to and from the premises shall not occur between the hours of 22:00 – 07:00.
21. Rubbish and empty bottles and the like shall not be transferred to any exterior area of the premises between the hours of 22:00 – 07:00.
22. Within six months of the date of issue of this consent the Consent Holder shall forward for the approval of the Principal: Resource Management written confirmation from a suitably qualified Acoustic Consultant that the operation of the premises has been surveyed, audited, and is in compliance with the noise limits in condition 16. This may include a revised version of the 'Noise Management Plan' (and sound systems plan) which reflects how compliance is achieved. Once approved this will then become the 'current approved Noise Management Plan'.
23. Prior to occupation of the development the applicant shall submit to the Principal: Resource Management an on-site traffic management plan identifying the method of management of traffic flows and car/ coach parking at the hotel site. The plan shall be prepared by an appropriately qualified traffic engineer. Upon approval that plan shall be implemented.
24. Subject to condition 26, all external lighting is to be downward lighting, not exceeding 1.0m in height.
25. All tree species planted in accordance with the landscape plan are not to exceed 10m in height.
26. Signage shall be limited to 3 signs as per the elevation plans (each measuring 1.5m by 2.5m, 3.75m² in total). The signs shall be coloured Hilton Blue, consisting of the word Hilton and the Hilton corporate image, and shall be backlit.
27. There shall be no bar or restaurant on the top level of the building.
28. No coaches or buses shall enter, exit or have engines running on the premises between 22:00 and 07:00.

Hotel management shall ensure that appropriate signage and information is provided to guests to make them aware of neighbouring properties and to encourage them to respect the privacy and amenity of these neighbours.



30. The external colours and materials shall be:
- Moulded GRC panel – matt off-white/grey colour with reflectivity value of less than 35%.
 - Moulded pre-cast concrete panel to match the GRC.
 - Matt black zinc wall on northern elevation complying with Council reflectivity guidelines.
 - Tinted or low reflectivity balustrades.
 - Stained brown timber screens.
 - Roof of primary hotel building shall be a sedum or similar greenroof.
 - Roof over West Wing shall comprise a green/grey stone chip.
 - Tiled balcony areas of muted tones.
 - Primary building elevator over-run shall be GRC
 - West Wing elevator over-run shall be timber slats.
31. All telecommunication equipment shall be contained within the lift tower above the primary hotel building identified on the Plans.
32. All planted trees at the time of planting shall have a minimum height of 3 metres.
33. No buses or vehicles including heavy trucks and/or machinery may enter or exit the site from Panorama Terrace.
34. The Consent Holder shall obtain the necessary consent for earthworks before the implementation of this land use consent.
35. Within ten working days of each annual anniversary of the date of this 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 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.
36. As part of the review clause stated in Condition 35 of this consent, the Council may have the noise management plan audited at the applicant's expense.





THE SEAL OF THE COURT OF NEW ZEALAND

Project No. 1014

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 C.V.F.
 [Signature]
 [Signature]

KOIA
 APARTMENTS

1 HIGH RISING
 2 SHARPER RESIDENTIAL
 3 NEW FLOOR APARTMENT
 4 200

PROJECT NO. 1014

ARCHITECT: **POUNAMAU HOTEL**
 CLIENT: **POUNAMAU HOTEL**
 DESIGNER: **POUNAMAU HOTEL**
 CONSULTANT: **POUNAMAU HOTEL**

DATE: 10/10/10

DESIGNED BY: **CLARE RENTON NEWMAN**
 DRAWN BY: **CLARE RENTON NEWMAN**
 CHECKED BY: **CLARE RENTON NEWMAN**
 APPROVED BY: **CLARE RENTON NEWMAN**

SCALE: 1:100

PROJECT NO. 1014

LEVEL 2 FLOOR PLAN

100% COMPLETE

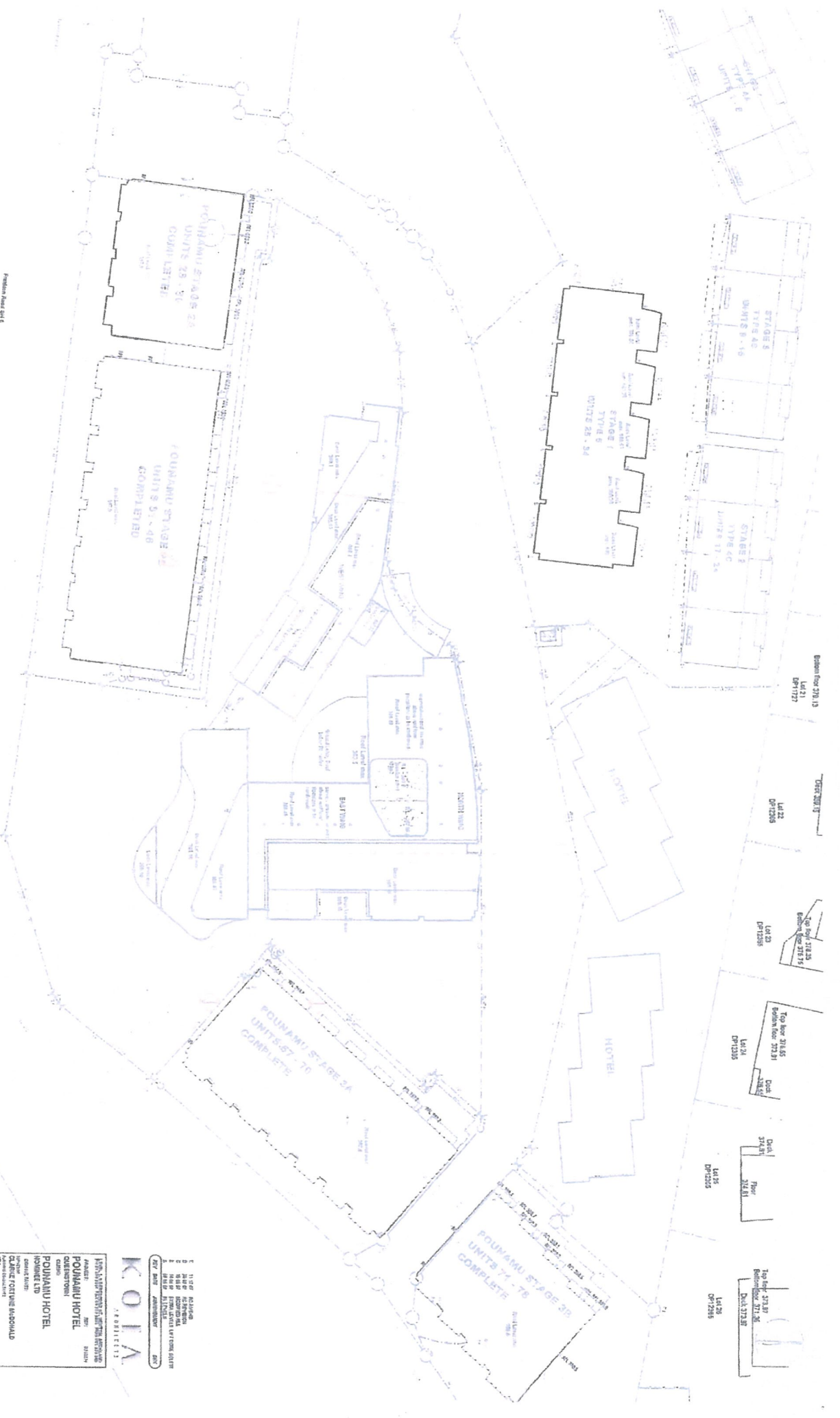
DATE: 10/10/10

PROJECT NO. 1014



THE HONOURABLE ASSOCIATE JUSTICE - CATHERINE GAULT

10/10/2018



This is a plan of a building and the information contained herein is for information only. It is not intended to be used as a legal document. The information contained herein is subject to change without notice. The information contained herein is not to be used for any other purpose.

Handwritten signatures and initials

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| ENGINEER: HONOURABLE JUSTICE CATHERINE GAULT ENGINEER NO.: ENGINEER DATE: ENGINEER VALUE: ENGINEER CLIENT: | | |

KOLA
ARCHITECTS

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