



**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHANGE OF CONDITIONS – SECTION 127**

**NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104**

**OF THE RESOURCE MANAGEMENT ACT 1991**

|                           |  |
|---------------------------|--|
| <b>Applicant:</b>         | Kiwi Birdlife Park Limited and LUMA Enchanted Limited  |
| <b>RM reference:</b>      | RM250198   |
| <b>Application:</b>       | <p>Application under Section 88 of the Resource Management Act 1991 (RMA) for consent to establish signage and illumination in relation to an existing commercial activity and breach noise standards.</p> <p>Application under Section 127 of the Resource Management Act 1991 to change conditions 1, 6 and 7 of RM020457 and change conditions 1 and 6 of RM980512 to provide for the proposal.</p> |
| <b>Location:</b>          | 51 Brecon Street, Queenstown   |
| <b>Legal Description:</b> | Lot 1 Deposited Plan 345184 and Section 1 Survey Office Plan 24407 and Part Section 131 Block XX Shotover Survey District and Part Section 131 Block XX Shotover Survey District held in Record of Title 795902  |
| <b>Zoning:</b>            | <p><b>ODP:</b> High Density Residential (Sub-Zone A and Brecon Street Commercial Precinct)</p> <p><b>PDP:</b> Queenstown Town Centre, Informal Recreation (Ben Lomond Sub-Zone)</p>  |
| <b>Designations:</b>      | <p>214 – Recreation Reserve</p> <p>373 – Forestry Operations</p>   |
| <b>Activity Status:</b>   | <b>Non-Complying</b>   |
| <b>Decision Date</b>      | <b>16 May 2025</b>   |

### **SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Sarah Gathercole, Senior Planner, on 16 May 2025 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder.
3. Pursuant to Section 104 of the RMA, consent is **GRANTED** subject to the change to conditions outlined in Section 7.2 of this decision. An updated set of conditions of RM980512 and RM020457 is provided in Appendix 2 and 3, respectively, of this decision.
4. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Sarah Gathercole, Senior Planner, under delegated authority pursuant to Section 34A of the RMA.

## 1.0 SUMMARY OF PROPOSAL AND SITE DESCRIPTION

The application proposes a new temporary night walk light show through the nature park, that will operate during the winter months.

Land use consent is sought to establish signage and illumination related to an existing commercial activity and breach noise standards at the Kiwi Birdlife Park, 51 Brecon Street, Queenstown.

Consent is also sought under Section 127 to change conditions 1, 6 and 7 of RM020457 and conditions 1 and 6 of RM980512 to provide for the proposed signage, enable additional guests, the use of sound system speakers associated with a night-time commercial activity and a change to noise limits.

The applicant has provided a description of the proposal, the site and locality and the relevant site history in Sections 3.0 – 4.0 of the report entitled “*Assessment of Environmental Effects*”, prepared by Roz Devlin of Vivian Espie Limited, and submitted as part of the application (hereon referred to as the applicant’s AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report with the following additions:

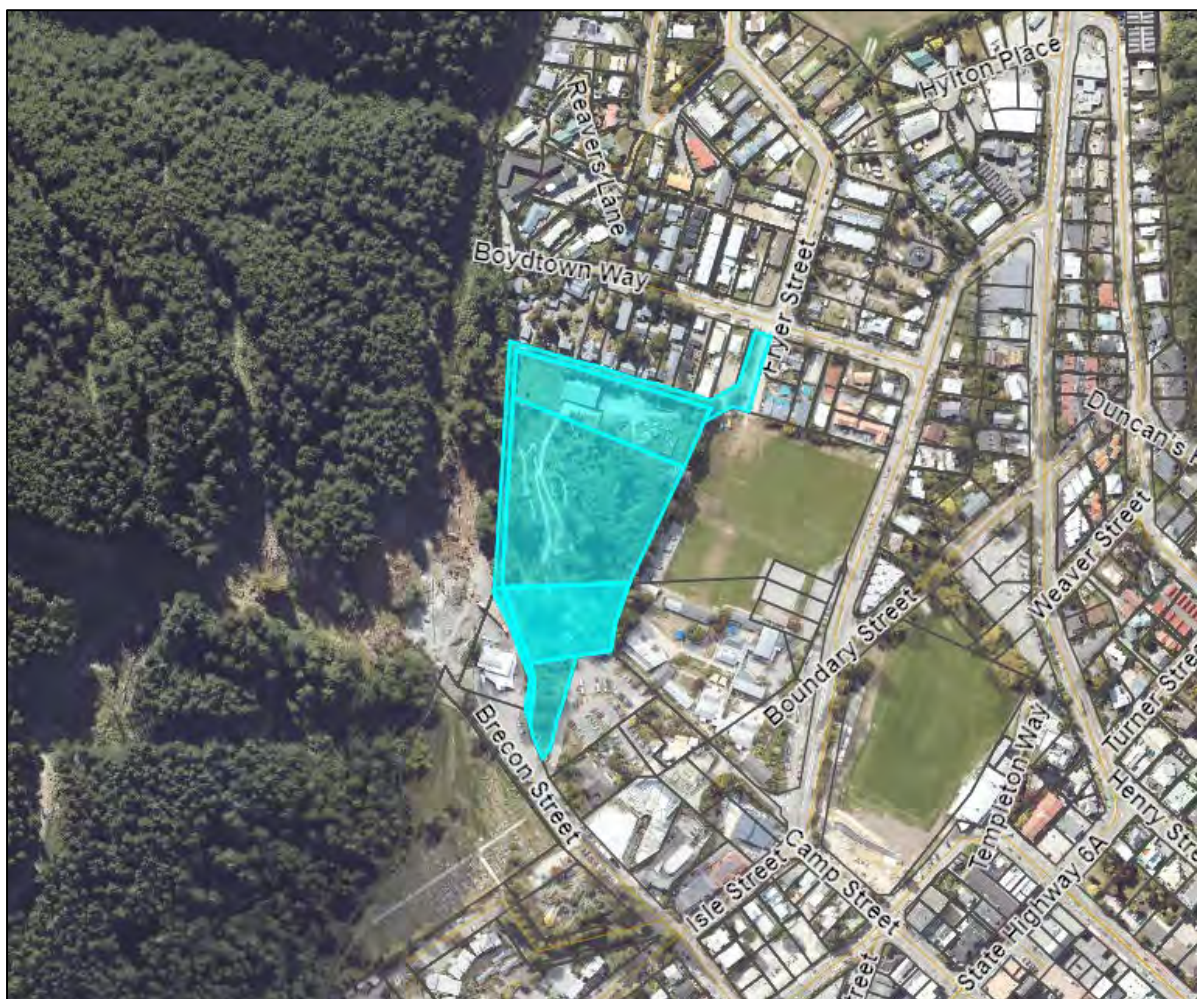


Figure 1: Aerial photo of subject site highlighted blue and surrounds. (Source: QLDC GIS Property Map)

Consideration of a change to the conditions of the original resource consents RM980512 and RM020457 are appropriate as the nature of the changes do not fundamentally change the effects to those assessed and considered under the original consents.

It is noted that the proposal is not considered to fall under the PDP definition of a temporary activity as the proposal is to take place at an existing commercial activity for a period of May to November each year.

## Post Lodgement

Following a request for further information, the applicant provided an Acoustic Assessment by Acoustic Engineering Services (dated 5 May 2025), an updated sound map including the recommendations from the Acoustic Assessment, and a location map which confirms the location of the heart signage within the subject site. The applicant confirmed consent is sought for the proposed breach to noise standards and to change condition 6 of RM020457 in regard to noise limits. The updated AEE provided reflects these changes.

## **2.0 ACTIVITY STATUS**

QLDC currently has an Operative District Plan (ODP) and a Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the PDP on 7 May 2018, notified its decisions on Stage 2 of the PDP on 21 March 2019 and notified its decisions on Stages 3 and 3B of the PDP on 1 April 2021. There are a number of appeals on these decisions.

Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

### **2.1 OPERATIVE DISTRICT PLAN**

There are no relevant rules under the ODP as the relevant rules of Section 7 (Residential Areas) are treated as inoperative, given the relevant rules under the PDP are treated as operative pursuant to section 86F.

### **2.2 PROPOSED DISTRICT PLAN**

The subject site is zoned Queenstown Town Centre and Informal Recreation (Chapters 12 and 38 respectively) by the PDP and the proposed activity requires resource consent under the PDP for the following reasons:

#### Signs

- A **controlled** activity resource consent pursuant to Rule 31.6.4 for all signs located within the ground floor façade of a building. It is proposed to establish an illuminated wall sign within the ground floor façade of the building. Council's control is with respect to the following:
  - a. colour and materials;
  - b. design and content;
  - c. location;
  - d. access and safety; and
  - e. compliance with any relevant Council design guideline, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wānaka Town Centre Character Guideline 2011, or the Arrowtown Design Guidelines 2016.
- A **discretionary** activity resource consent pursuant to Rule 31.5.7.4 for the proposed free standing sign which has a maximum area of larger than 2m<sup>2</sup>. It is proposed to establish an illuminated, free standing sign with an area of approximately 5.28m<sup>2</sup>.

#### Noise

- A **non-complying** activity resource consent pursuant to Rule 36.5.2 for noise limits within the High Density Residential Zone and Open Space and Recreation Zones. Noise limits shall not exceed 50 dB LAeq(15min) between the hours of 0800 – 2000 and 40 dB LAeq(15min) between the hours of 2000 – 0800. The proposed activity may exceed the night-time noise limit by up to 24 dB in the adjoining site of Queenstown Primary School (20 Robins Road), which is zoned as High Density Residential. The proposed activity may exceed the night-time noise limit by up to 15 dB in the adjoining site,

Skyline Gondola (53 Brecon Street), and 5 dB at the Lake Esplanade Recreation Reserve (130 Lake Esplanade), which are zoned as Informal Recreation.

- A **non-complying** activity resource consent pursuant to Rule 12.5.10.1 for noise limits within the Queenstown Town Centre Zone. Noise limits shall not exceed 60 dB LAeq(15min) between the hours of 0800 – 2000 and 50 dB LAeq(15min) and a maximum of 75 dB LAFmax between the hours of 2000 – 0800. The proposed activity may exceed the night-time noise limit by up to 5 dB in the adjoining site (51 Brecon Street), which is zoned as Queenstown Town Centre.

## 2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (“NES”)

The site is a verified Hazardous Activities and Industries List (HAIL) site (HAIL.01616.01) as a former landfill. The applicant has confirmed the proposal does not include any activities under the NES that would require resource consent. This is accepted and it is considered that the NES does not apply.

## 2.4 RESOURCE MANAGEMENT ACT 1991

The proposed activity requires resource consent for the following reasons:

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Conditions 1 and 6 of resource consent RM980512 and change Conditions 1 and 7 of resource consent RM020457.

It is proposed to change Conditions 1 and 6 of RM980512 as follows (added text in **bold underline** and deleted text ~~struck through~~):

1. That the activity be undertaken in accordance with the plans and specifications submitted with the application ‘Stamped as Approved Plans 11 November 1998’, with the exception of the amendments required by the following conditions of consent, **with the exception of the Enchanted Forest signs approved by RM250198.**
6. Signage shall not exceed the appropriate provisions of the Proposed District Plan with regard to signs in the Town Centre Zone, **with the exception of the Enchanted Forest signs approved by RM250198.**

It is proposed to change Conditions 1, 6 and 7 of resource consent RM020457 as follows (added text in **bold underline** and deleted text ~~struck through~~):

1. That the development be carried out in accordance with the plans (Design Edge: New Ground Floor Plan and New South and East Elevations (May '02) stamped as approved on 25 July 2002) and the application as submitted, with the exception of the amendments required by the following conditions of consent, **and with the exception of the Enchanted Forest approved by RM250198.**

### Specific Conditions

6. The Consent Holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of this site within the High Density Residential Zone, **with the exception of the Enchanted Forest approved by RM250198:**

Daytime (0800 – 2000 hrs) 50 dBA L10  
 Night-time (2000 – 0800 hrs) 40 dBA L10  
 70 dBA L max

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

7. The consent holder shall ensure that:
- (a) There is only up to a maximum of 80 guests on the premises at one time between the hours of 5:00pm and 9am daily, **with the exception of the Enchanted Forest approved by RM250198 which may have up to 300 guests at any one time between the hours of 5pm and 11pm between 30 May – 16 November.**
  - (b) Patrons do not have access or use of the outdoor areas (balconies) of the premises between 8pm each night until at least 8am the following day.
  - (c) All opening windows and doors are closed by 8pm each night and remain so (apart from normal timely entry and exiting from the building) until at least 8am the following day.
  - (d) Whenever the public entry/exit door is required to be kept closed it is to be assisted by the installation and use of a self-closing door mechanism.
  - (e) There shall be no live amplified music (bands, DJ's etc) or live entertainment provided on this premises at any time.
  - (f) There shall be no sound system speakers located outside the premises, in the foyer area, or attached to the exterior of the building, **with the exception of the Enchanted Forest approved by RM250198 that will utilise 8 x 4 inch, 17 x 6 inch, 2 x 10 inch speakers within a 150m x 30m area within the site.**
  - (g) The provision of amplified music is at a background level within the building. For the purposes of the consent 'Background level' is quantified as allowing normal conversation, without needing to raise voices to be clearly heard, at one metre from any speaker.
  - (h) Deliveries and removal of goods to and from the premises is to occur between the hours of 08:00 hours and 20:00 hours each day only.
  - (i) Rubbish is not to be disposed of outside the building during night-time hours (being 8pm until 8am)

## 2.5 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- a **non-complying** activity under the PDP; and
- a **discretionary** activity under the RMA.

Overall, the application is being considered and processed as a **non-complying** activity.



# NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

## **3.0 SECTION 95A – PUBLIC NOTIFICATION**

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

### **3.1 Step 1 – Mandatory public notification**

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

### **3.2 Step 2 – Public notification precluded**

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded (s95A(5)(b)).

### **3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances**

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

#### **3.3.1 Effects that must be disregarded (s95D(a)-(e))**

*Effects that must be disregarded:*

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- *Trade competition and the effects of trade competition (s95D(d)).*
- *Any effects on a person who has provided their **written approval**. In this case, Landowner approval has been granted by Council's Acting Parks and Open Spaces Planning Manager, Ms Christine Skipworth, as such adverse effects on this person have been disregarded (s95D(e)).*

Effects that may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)). The relevance of this to this application is provided in section 3.3.2 below.

### 3.3.2 Permitted Effects (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case, with respect to signage, temporary event signs, free standing signs and sandwich or flat board signs are permitted where the standards within Table 31.5 are complied with. Namely, free standing signs shall have a maximum area of 2m<sup>2</sup>. Within the Informal Recreation Zone, signs for the purposes of park information and park way-finding, as well as signs directly associated with a temporary event occurring on the same site, are also permitted.

Within the Queenstown Town Centre Zone, where the activity complies with all standards, commercial activities are permitted.

The permitted effects are considered relevant and have been considered within the assessment below.

### 3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The Assessment of Effects provided at section 7.0 of the applicant's AEE is considered accurate. It is therefore adopted for the purposes of this report, with a summary and additional assessment as follows.

## **Land Use**

### **Signage**

The proposed signage includes a wall sign to be attached to the entrance tunnel, approximately 2m wide by 0.5m high, 1m<sup>2</sup> in area, and a free standing heart shaped sign positioned near the entrance, approximately 2.2m wide by 2.4m high, 5.28m<sup>2</sup>. Both signs utilise the branding of 'Luma Enchanted' and the proposed illumination will not exceed the District Plan standard (250 candelas per square metre of illumination). The freestanding sign will be located on the subject site adjacent to the pedestrian footpath, due to the location to the side of the footpath it is not anticipated to be a hazard to pedestrians, and will assist in wayfinding.

The signage contains content relevant to the surrounds, and is not proposed to contain flashing, moving, nor animated elements which could create an optical illusion. It is not considered inappropriate or to contain offensive content. In addition to this, the signage is proposed in relation to an existing commercial tenancy, in an area where signage is not considered out of place and will blend well with the existing development on the subject site.

Such that, adverse effects on the wider environment in regard to signage design and content are considered no more than minor.

### **Noise**

The activity will utilise small speakers to play amplified sounds and music for the duration of the activity each evening. The music will be primarily focused on forest sounds to complement the natural environment, such as waterfalls and birdsong. The applicant has provided an Acoustic Assessment by Mr Robin Chen of Acoustic Engineering Services (dated 5 May 2025), the assessment is accepted for the purposes of this report.

The report concludes that a slight exceedance of the RM020457 noise limits (3 dB) as well as technical exceedances of PDP night-time noise limits are expected on some adjacent properties (further discussed at section 4.3.2 below), including the carpark located to the south of the subject site which is noted not to be a noise sensitive site. The activity is expected to result in minimal noise effects on all public locations.



### **Changes to Conditions of RM020457 and RM980512**

Therefore, adverse effects on the wider environment in regard to noise are considered no more than minor.

### **Transport**

While no parking is proposed on the subject site, there are a number of public car parks as well as public transport options in proximity to the subject site. The site is accessed from a public pedestrian route through the Queenstown Town Centre. It is not anticipated that the increase in guest numbers will cause adverse effects on the transport network.

As such, adverse effects regarding transport on the wider environment are considered no more than minor.

### **Guest Numbers**

It is proposed to have a maximum of 300 guests at any one time associated with the 'Luma Enchanted' activity, where the previous resource consent (RM020457) allowed up to 80 guests per night. As the activity will be ticketed and include time slots, it is not anticipated that the increase to persons will lead to overcrowding within the site. Further to this, the proposal is to take place during the winter months (30 May to 16 November) and will not be a year-round activity.

The location of the subject site within the Queenstown Town Centre Zone, and the proximity of the site to adjacent commercial activities, means that the increased intensity of the existing activity is not anticipated to appear out of place within the wider environment. In addition, the proposal is taking place within the existing commercial activity on the subject, operating during the established hours of operation.

Therefore, it is considered that the adverse effects of an increase to guest numbers on the wider environment will be no more than minor.

### **Recreation Reserves**

A number of reserves managed by Council are located adjacent to the subject site. A Local Purpose Reserve known as Queenstown Cemetery is located to the southwest of the site, another Local Purpose Reserve (Education Purposes) utilised as a public car park is located to the east of the site, and the Lake Esplanade Recreation Reserve, known as the Ben Lomond Reserve, is located to the west of the site.

The proposal may be discernible from the adjacent reserves due to the use of lights within the subject site, however the vegetation on the subject site and the lights not directly facing the reserves will ensure that the effects are minimised. The proposal will not affect access to the reserves.

As such, adverse effects of the proposal on the recreation reserves within the wider environment will be no more than minor.

### **3.3.4 Decision: Effects On The Environment (s95A(8))**

On the basis of the above assessment, it is assessed that the proposed activity will not or is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

### **3.4 Step 4 – Public Notification in Special Circumstances**

There are no special circumstances in relation to this application.

## **4.0 LIMITED NOTIFICATION (s95B)**

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited

notification of an application for a resource consent, if the application is not publicly notified under section 95A.

#### **4.1 Step 1: certain affected groups and affected persons must be notified**

##### *Determination under s95B(2)*

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

##### *Determination under s95B(3)*

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

#### **4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances**

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

#### **4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified**

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

##### *Boundary activity*

The proposal is not a boundary activity where the owner of an infringed boundary has provided their approval.

##### *Any other activity*

The proposal is not a boundary activity and therefore the proposed activity falls into the 'any other activity' category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

##### **4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))**

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. Section 3.3.2 above sets out the relevance of this to the application.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

##### **4.3.1 [ii] Persons who have provided written approval (s95E(3))**

The persons identified in Section 3.3.1 above have provided their **written approval** and as such adverse effects on these parties are disregarded for the purpose of s95E(3).

#### 4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Adjacent properties which have been included within this assessment are indicated in **Figure 2** below, and are as follows:

- 20 Robins Road (Part Section 91 Block XX Shotover SD and Part Section 73 Block XX Shotover SD)
- 45 Brecon Street (Section 1 SO 24368 and Section 2 SO 21533)
- 53 Brecon Street (Section 1 SO 22971)
- 46-48 Hamilton Road
- 26-42 Hamilton Road



Figure 2: Aerial photo of subject site (highlighted blue) and adjacent sites (yellow star) considered in the assessment below. (Source: QLDC GIS Property Map)

#### 20 Robins Road

20 Robins Road is located to the east of the subject site and is known as Queenstown Primary School.

While the proposal may be discernible from this address, the lights will not be directed outside of the subject site. As discussed within the noise assessment provided by Mr Robin Chen of Acoustic Engineering Services (dated 5 May 2025), exceedances of night-time noise limits (24 dB under the PDP night-time noise limits and 27 dB under the conditions of RM020457) is expected at the boundary of this address, however the site is not expected to be noise sensitive during the proposed operating hours (1700 – 2300). As set out in the acoustic assessment, the proposal is considered to result in minimal adverse noise effects on this property.

The increase of guest numbers is not anticipated to be discernible from this address as the dense vegetation within the site provides limited views into the subject site, and the subject site is accessed from a public footpath from Brecon Street, situated away from the entrance to this address on Robins Road.

It is accepted that this property is unlikely to be occupied or noise sensitive during the proposed operating hours given its use as a primary school. As such, adverse effects resulting from the proposed land use and changes to conditions of [RM020457](#) and [RM980512](#) on the owners and occupiers of 20 Robins Road in regard to amenity and noise are anticipated to be less than minor.

#### 45 Brecon Street (Section 1 SO 24368 and Section 2 SO 21533)

45 Brecon Street is located to the southeast of the subject site and is separated by a Council owned car park.

While the proposal may be discernible from this address due to the use of lights and sound, the lights will not be directed outside of the subject site and no noticeable noise effects are expected at this address due to the separation between the two sites.

The increase of guest numbers is not anticipated to be discernible from this address as the dense vegetation within the site provides limited views into the subject site, and the subject site is accessed from a public footpath from Brecon Street which is separated from this address.

Therefore, adverse effects on the owners and occupiers of 45 Brecon Street in regard to amenity and noise are anticipated to be less than minor.

#### 53 Brecon Street

53 Brecon Street is located to the southwest of the subject site and the bulk of the subject site is located at a lower topography than this address.

While the proposal may be discernible from this address due to the use of lights and sound, the lights will not be directed outside of the subject site. A technical exceedance of night-time noise limits is expected at the boundary of this address; however, the site is not used for residential purposes and is not considered to be a noise-sensitive site given its commercial use for Queenstown Skyline and expected operation during daytime hours. As set out in the acoustic assessment, the proposal is considered to result in minimal adverse noise effects on this property. The increase of guest numbers is not anticipated to be particularly discernible from this address as the dense vegetation within the site provides limited views into the subject site, and the subject site is accessed from a public footpath on Brecon Street which is already used as a main pedestrian thoroughfare.

As such, adverse effects resulting from the proposed land use and changes to conditions of [RM020457](#) and [RM980512](#) on the owners and occupiers of 53 Brecon Street in regard to amenity and noise are anticipated to be less than minor.

#### 46-48 Hamilton Road

46 to 48 Hamilton Road is located to the north of the subject site and is separated by a 5m accessway.

While the proposal may be discernible from this address due to the use of lights and sound, the lights will not be directed outside of the subject site and as noted within the noise assessment provided by the applicant, compliance with the PDP noise limits are expected. A slight exceedance of the [RM020457](#) noise limit is anticipated (up to 3 dB), however adverse noise effects are anticipated to be minimal. The increase of guest numbers is not anticipated to be discernible from this address as the dense vegetation within the site provides limited views into the subject site, and the subject site is accessed from a public footpath on Brecon Street, situated away from the entrance of this address on Hamilton Road.

Therefore, adverse effects on the owners and occupiers of 46-48 Hamilton Road in regard to amenity and noise are anticipated to be less than minor.

## 26-42 Hamilton Road

26 to 42 Hamilton Road are located to the north of the subject site and are separated by a 5m accessway.

While the proposal may be discernible from these addresses due to the use of lights and sound, the lights will not be directed outside of the subject site and as noted within the noise assessment provided by the applicant, compliance with the PDP noise limits are expected. A slight exceedance of the RM020457 noise limit is anticipated (up to 3 dB), however adverse noise effects are anticipated to be minimal. The increase of guest numbers is not anticipated to be discernible from this address as the dense vegetation within the site provides limited views into the subject site, and the subject site is accessed from a public footpath on Brecon Street, situated away from the entrance of these addresses on Hamilton Road.

As such, adverse effects resulting from the proposed land use and changes to conditions of RM020457 and RM980512 on the owners and occupiers of 36 to 42 Hamilton Road in regard to amenity and noise are anticipated to be less than minor.

### Other persons

No other persons are considered to be adversely affected by the proposal given their location and distance from the subject site.

### 4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

### 4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

## **5.0 NOTIFICATION DETERMINATION**

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by



Joanna Purvis  
**PLANNER**

Decision made by



Sarah Gathercole  
**SENIOR PLANNER**

# DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

## 6.0 S104 ASSESSMENT

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
  - (i) *A national environmental standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

### 6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

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

#### Operative District Plan

The relevant operative objectives and policies are contained within Parts 7 (Residential Areas) and 18 (Signs) of the ODP.

Objective 7.1.2.3 seeks for pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs. Policy 3.8 seeks to ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values. There is expected to be breaches to the night-time noise standards of adjacent sites, however the sites are not utilised for residential activity, as such they are not considered to be noise-sensitive sites, and the amenity values of the receiving environment will be maintained.

Objective 18.1.2.1 and related policies seek for signs which convey necessary information and assist in creating a sustainable and vibrant community, while avoiding or mitigating any adverse effects on public safety, convenience and access and on the District's important landscape, streetscape, cultural heritage and water are visual amenity values. The proposed signs are considered to maintain the character and amenity values anticipated for the site, assist users in wayfinding and are not anticipated to cause effects in regard to public safety, as the sign is located adjacent to the public footpath within the subject site.

Overall, it is considered that the proposal is consistent with, and therefore not contrary to the relevant objectives and policies of the ODP.

### Proposed District Plan

The relevant operative objectives and policies are contained within Chapters 12 (Queenstown Town Centre), 31 (Signs), 36 (Noise) and 38 (Open Space and Recreation Zone) of the PDP. An assessment of the relevant objectives and policies are included at section 8.5 of the applicant's AEE. This assessment is considered adequate and adopted for the purposes of this report.

Overall, it is considered that the proposal is consistent with and therefore not contrary to the relevant objectives and policies of the PDP.

### Weighting between Operative District Plan and Proposed District Plan

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

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

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been/has not been met in that the application will not have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

## **6.4 PART 2 OF THE RMA**

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The proposed activity will result in sustainable management of natural and physical resources, whilst not affecting the life supporting capacity of air, water, soil and ecosystems. It is considered that the proposal avoids any potential adverse effects on the environment.

No matters of Section 6 are considered relevant to this proposal.

The proposal is not considered to be contrary to the matters of Section 7, in regard to the maintenance and enhancement of amenity values and maintenance and enhancement of the quality of the environment.

Lastly, the proposal is consistent with the principles of Te Tiriti o Waitangi and therefore accords with Section 8.

Overall, the proposal is considered to not meet the purpose and principles of the RMA.

## **7.1 DECISION 1 ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** to establish signage and illumination in relation to an existing commercial activity and breach noise standards, subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## **7.2 DECISION 2 ON RESOURCE CONSENT PURSUANT TO SECTION 127 OF THE RMA**

Consent is **granted** for the application by Kiwi Birdlife Park Limited to change Conditions 1 and 6 of RM980512 and change Conditions 1 and 7 of resource consent RM020457, such that:

Conditions 1 and 6 of RM980512 are changed to read as follows (added text in **bold underline** and deleted text ~~struck through~~):



1. That the activity be undertaken in accordance with the plans and specifications submitted with the application 'Stamped as Approved Plans 11 November 1998', with the exception of the amendments required by the following conditions of consent, **with the exception of the Enchanted Forest signs approved by RM250198.**
6. Signage shall not exceed the appropriate provisions of the Proposed District Plan with regard to signs in the Town Centre Zone, **with the exception of the Enchanted Forest signs approved by RM250198.**

Conditions 1 and 7 of RM020457 are changed to read as follows (added text in **bold underline** and deleted text ~~struck through~~):

1. That the development be carried out in accordance with the plans (Design Edge: New Ground Floor Plan and New South and East Elevations (May '02) stamped as approved on 25 July 2002) and the application as submitted, with the exception of the amendments required by the following conditions of consent, **and with the exception of the Enchanted Forest approved by RM250198.**

#### Specific Conditions

6. The Consent Holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of this site within the High Density Residential Zone, **with the exception of the Enchanted Forest approved by RM250198:**

Daytime (0800 – 2000 hrs) 50 dBA L10  
 Night-time (2000 – 0800 hrs) 40 dBA L10  
 70 dBA L max

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

7. The consent holder shall ensure that:
  - (a) There is only up to a maximum of 80 guests on the premises at one time between the hours of 5:00pm and 9am daily, **with the exception of the Enchanted Forest approved by RM250198 which may have up to 300 guests at any one time between the hours of 5pm and 11pm between 30 May – 16 November.**
  - (b) Patrons do not have access or use of the outdoor areas (balconies) of the premises between 8pm each night until at least 8am the following day.
  - (c) All opening windows and doors are closed by 8pm each night and remain so (apart from normal timely entry and exiting from the building) until at least 8am the following day.
  - (d) Whenever the public entry/exit door is required to be kept closed it is to be assisted by the installation and use of a self-closing door mechanism.
  - (e) There shall be no live amplified music (bands, DJ's etc) or live entertainment provided on this premises at any time.
  - (f) There shall be no sound system speakers located outside the premises, in the foyer area, or attached to the exterior of the building, **with the exception of the Enchanted Forest approved by RM250198 that will utilise 8 x 4 inch, 17 x 6 inch, 2 x 10 inch speakers within a 150m x 30m area within the site.**
  - (g) The provision of amplified music is at a background level within the building. For the purposes of the consent 'Background level' is quantified as allowing normal conversation, without needing to raise voices to be clearly heard, at one metre from any speaker.
  - (h) Deliveries and removal of goods to and from the premises is to occur between the hours of 08:00 hours and 20:00 hours each day only.
  - (i) Rubbish is not to be disposed of outside the building during night-time hours (being 8pm until 8am)
- All other conditions of RM980512 and RM020457 shall continue to apply.

- The updated resource consent conditions for RM980512 and RM020457 are in **Appendix 2** and **Appendix 3** of this decision, respectively.

Prepared by



Joanna Purvis  
**PLANNER**

Decision made by



Sarah Gathercole  
**SENIOR PLANNER**

## **8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS**

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

This proposal may require a development contribution under the Local Government Act 2002 in line with QLDC's Development Contribution Policy. Where a development contribution is determined as required, payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

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

### *Administrative Matters*

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

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

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

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries, please contact us at [resourceconsent@qldc.govt.nz](mailto:resourceconsent@qldc.govt.nz).

## **9.0 APPENDICES LIST**

- APPENDIX 1** – Land Use Consent Conditions
- APPENDIX 2** – Updated Conditions of RM980512
- APPENDIX 3** – Updated Conditions of RM020457
- APPENDIX 4** – Applicant's AEE

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

### **General Conditions**

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

- Audio LUMA Enchanted Locations V2.0 – 2/5/205
- Sign 1
- Sign 2

**stamped as approved on 16 May 2025**

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

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

### **Operational**

4. The activity shall only operate between 5pm to 11pm each night between 30 May – 16 November each year and shall accommodate up to 300 guests at any one time.
5. Noise levels of individual speakers will be calibrated and orientated as shown in figure 3.1 of 'Assessment of Environmental Noise Effects' report prepared by Acoustic Engineering Services, dated 5 May 2025, prior to the event. Calibration will be done with a continuous pink noise spectrum, with the microphone directly in front of the speaker at the distance shown in figure 3.1 of 'Assessment of Environmental Noise Effects' report prepared by Acoustic Engineering Services, dated 5 May 2025. Each speaker will be calibrated individually and in the absence of other intrusive ambient noise sources to ensure accurate calibration. Where applicable the narrower dispersion pattern in the horizontal plane will be used for the speakers.

### **Signs**

6. Either two (2) free standing signs may be established, or one free standing sign and one sign attached to the entrance tunnel building. Prior to the signs being established, the consent holder shall submit plans and specifications of the signs to the Monitoring Planner at the Council for certification.
7. The consent holder shall ensure that all signs are removed within 48 hours of the cessation of the activity each year.

### **Review**

8. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.

- b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
  - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
9. As part of the review clause stated in condition 9 of this consent, the Council may have the acoustic assessment audited at the consent holder's expense.

#### Advice Notes

- a) No further signs, such as window signs or sandwich boards, are permitted by this resource consent.

#### **For Your Information**

##### **Monitoring**

*The conditions in your decision will advise if monitoring is required. To assist with compliance of your resource consent, and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and submit it to the Monitoring Planners by email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) or via upload to the Community Portal using this [link](#).*

##### **Environmental Management Plan**

*Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We've provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.*

##### **Engineering Acceptance**

*You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the Engineering Acceptance Application Form through the Community Portal, using this [link](#). Information to help you upload your forms and documents can be found [here](#). Further information regarding Engineering Acceptance can be found [here](#).*

##### **Development Contribution**

*If this decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#). If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).*

**APPENDIX 2 – UPDATED CONDITIONS OF RM980512 AS CHANGED BY RM250198**

- 1 That the activity be undertaken in accordance with the plans and specifications submitted with the application 'Stamped as Approved Plans 11 November 1998', with the exception of the amendments required by the following conditions of consent, with the exception of the Enchanted Forest signs approved by RM250198.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- 3 That the consent holder shall pay to Civic Corporation Limited all required administrative charges fixed by the Council pursuant to Section 36 of the Act in relation to:
  - i) the administration, monitoring and supervision of this consent; and
  - ii) charges authorised by regulations.
- 4 That the consent holder shall pay for Civic Corporation Limited an initial fee of \$75.00 for the costs associated with monitoring this resource consent in accordance with Section 35 of the Act.
- 5 Planting shall be carried out to screen the base of the building consistent with existing species. Additional to this screening, native tree species shall be planted or replanted on the eastern side of the proposed building as to reduce the perceived bulk of the building. It is envisaged that planting removed as part of construction will be used to achieve this. The desired effect is not to screen the building but rather reduce the perceived bulk of the building by planting as required to achieve this effect.
- 6 Signage shall not exceed the appropriate provisions of the Proposed District Plan with regard to signs in the Town Centre Zone, with the exception of the Enchanted Forest signs approved by RM250198.

### **APPENDIX 3 – UPDATED CONDITIONS OF RM020457 AS CHANGED BY RM250198**

#### **General Conditions**

1. That the development be carried out in accordance with the plans (Design Edge: New Ground Floor Plan and New South and East Elevations (May '02) stamped as approved on 25 July 2002) and the application as submitted, with the exception of the amendments required by the following conditions of consent, and with the exception of the Enchanted Forest approved by RM250198.
2. That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement is imposed by this consent shall be at the consent holder's own expense.
3. That the consent holder shall pay to Civic Corporation Limited all required administration charges fixed by the Council pursuant to Section 360 of the Act in relation to:
  - i. the administration, monitoring and supervision of this consent; and
  - ii. charges authorised by regulations.
4. The consent holder shall pay to Civic Corporation Limited an initial fee of \$80 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
5. That upon completion of the proposed activity, the consent holder shall contact the Compliance Section at Civic Corporation Limited to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.

#### **Specific Conditions**

6. The Consent Holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of this site within the High Density Residential Zone, and with the exception of the Enchanted Forest approved by RM250198:

|                              |              |
|------------------------------|--------------|
| Daytime (0800 - 2000 hrs)    | 50 dBA L10   |
| Night-time (2000 - 0800 hrs) | 40 dBA L10,  |
|                              | 70 dBA L max |

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

7. The consent holder shall ensure that:
  - (a) There is only up to a maximum of 80 guests on the premises at one time between the hours of 5:00pm and 9am daily, with the exception of the Enchanted Forest approved by RM250198 which may have up to 300 guests at any one time between the hours of 5pm and 11pm between 30 May - 16 November.
  - (b) Patrons do not have access or use of the outdoor areas (balconies) of the premises between 8pm each night until at least 8am the following day.
  - (c) All opening windows and doors are closed by 8pm each night and remain so (apart from normal timely entry and exiting from the building) until at least 8am the following day.
  - (d) Whenever the public entry/exit door is required to be kept closed it is to be assisted by the installation and use of a self-closing door mechanism.
  - (e) There shall be no live amplified music (bands, DJ's etc) or live entertainment provided on this premises at any time.
  - (f) There shall be no sound system speakers located outside the premises, in the foyer area, or attached to the exterior of the building, with the exception of the Enchanted Forest approved by RM250198 that will utilise 8 x 4 inch, 17 x 6 inch, 2 x 10 inch speakers within a 150m x 30m area within the site.
  - (g) The provision of amplified music is at a background level within the building. For the purposes of the consent 'Background level' is quantified as allowing normal conversation, without needing to raise voices to be clearly heard, at one metre from any speaker.

- (h) Deliveries and removal of goods to and from the premises is to occur between the hours of 08:00 hours and 20:00 hours each day only.
  - (i) Rubbish is not to be disposed of outside the building during night-time hours (being 8pm until 8am)
- 8 Within 10 working days of each anniversary of the date of this consent 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:
  - 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.
  - Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment.
  - 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.



**APPENDIX 4 – APPLICANT’S AEE**

PREPARED FOR  
KIWI BIRDLIFE PARK LIMITED & LUMA  
ENCHANTED LIMITED  
27 MARCH 2025 – UPDATED 6 MAY 2025  
J2413

# ASSESSMENT OF ENVIRONMENTAL EFFECTS

TO CHANGE CONDITIONS 1, 6 AND 7  
OF RM020457 TO ENABLE ADDITIONAL  
GUESTS AND USE OF SPEAKERS  
ASSOCIATED WITH A COMMERCIAL  
ACTIVITY, AND TO CHANGE  
CONDITIONS 1 AND 6 OF RM980512 TO  
INSTALL SIGNAGE, AT KIWI PARK, 51  
BRECON STREET, QUEENSTOWN

# Contents

|       |   |    |
|-------|---|----|
| 1.    | Key Information .....                                   | 3  |
| 2.    | Introduction .....                                      | 4  |
| 3.    | Existing Environment .....                              | 4  |
| 3.1   | Subject site and surrounding environment.....           | 4  |
| 3.2   | Site history .....                                      | 5  |
| 4.    | The Proposal.....                                       | 5  |
| 4.1   | Enchanted Forest.....                                   | 5  |
| 4.2   | Change to Conditions of RM020457 .....                  | 6  |
| 4.3   | Signs .....   | 8  |
| 4.4   | Change to Conditions of RM980512 .....                  | 10 |
| 5.    | Matters Requiring Consent .....                         | 10 |
| 5.1   | National Environmental Standards.....                   | 10 |
| 5.2   | Operative District Plan .....                           | 11 |
| 5.3   | Proposed District Plan.....                             | 11 |
| 5.4   | Resource Management Act 1991.....                       | 11 |
| 5.5   | Overall activity status .....                           | 12 |
| 5.6   | Scope of Application .....                              | 12 |
| 6.    | Statutory Considerations.....                           | 12 |
| 6.1   | Resource Management Act – Part 2 .....                  | 12 |
| 6.2   | Section 104 – Matters for Assessment .....              | 13 |
| 6.3   | Section 104B – Discretionary Activities.....            | 13 |
| 7.    | Assessment of Environmental Effects.....                | 13 |
| 7.1   | Permitted Baseline/Receiving Environment .....          | 13 |
| 7.2   | Guest Numbers .....                                     | 13 |
| 7.3   | Sound System Speakers.....                              | 14 |
| 7.3   | Signs .....   | 15 |
| 7.4   | Other matters .....                                     | 15 |
| 8.    | Policy Framework.....                                   | 16 |
| 8.1   | Operative Regional Policy Statement (1998) .....        | 16 |
| 8.2   | Operative Regional Policy Statement (2019) – ORPS.....  | 16 |
| 8.3   | Proposed Regional Policy Statement (2021) – PORPS ..... | 16 |
| 8.4   | Operative District Plan .....                           | 17 |
| 8.5   | Proposed District Plan.....                             | 17 |
| 8.5.1 | Queenstown Town Centre .....                            | 17 |
| 8.5.2 | Signs.....  | 17 |
| 8.5.3 | Noise .....   | 17 |
| 8.5.4 | Open Space and Recreation Zones .....                   | 18 |
| 9.    | Other Matters .....                                     | 18 |
| 9.1   | Kiwi Park Lease .....                                   | 18 |
| 9.2   | Designation 214 .....                                   | 18 |
| 10.   | Consultation .....                                      | 19 |
| 11.   | Conclusion .....  | 19 |

## Quality assurance

|                    |  |                |                           |                                     |
|--------------------|--|----------------|---------------------------|-------------------------------------|
| <b>Prepared by</b> |  | Roz Devlin     | Senior Planner            | 20 March 2025<br>Updated 6 May 2025 |
| <b>Reviewed by</b> |  | Carey Vivan    | Senior Planner / Director | 20 March 2025                       |
| <b>Reviewed by</b> |  | Anderson Lloyd |                           | 21 March 2025                       |



# 1. Key Information

|  |   |
|--|---|
| <b>Address</b>                               | 51 Brecon Street, Queenstown  |
| <b>Legal Description</b>                     | Lot 1 Deposited Plan 345184 and Section 1 Survey Office Plan 24407 and Part Section 131 Block XX Shotover Survey District and Part Section 131 Block XX Shotover Survey District held in Record of Title 795902   |
| <b>Site Area</b>                             | 2.6341 ha   |
| <b>Owners</b>                                | Queenstown Lakes District Council (Recreation Reserve)  |
| <b>Occupiers</b>                             | Kiwi Birdlife Park Limited (Leaseholder)  |
| <b>Applicant</b>                             | Kiwi Birdlife Park Limited & LUMA Enchanted Limited   |
| <b>Operative District Plan Zoning</b>        | High Density Residential Zone – Sub-Zone A  |
| <b>Designations &amp; Special Provisions</b> | Commercial Precinct<br>Designation 214 – Recreation Reserve<br>Kiwi Park, Cemetery Road Sec 1 SO 24407 & Pt Sec 129 & Pt Sec 131 BLK XX, Shotover SD. For conditions refer to B below.  |
| <b>Proposed District Plan Zoning</b>         | Open Space – Informal Recreation – Ben Lomond Sub-Zone<br>Queenstown Town Centre  |
| <b>Designations &amp; Special Provisions</b> | Urban Growth Boundary<br>Aurora Distribution Lines<br>Designation 214 – Recreation Reserve: Kiwi Park, Cemetery Road Sec 1 SO 24407 & Pt Sec 131 BLK XX, Shotover SD and Lot 1 DP 345184, Lot 2 DP 345184 and Lot 3 DP 245184. For conditions refer to B below.   |
| <b>Proposed Activity</b>                     | To change Conditions 1 and 7 (a) and (f) of resource consent RM020457 to enable additional guests and the use of sound system speakers associated with a night-time commercial activity, and to change conditions 1 and 6 of RM980512 to install signage at the entrance to the Kiwi Park on Brecon Street, Queenstown.   |
| <b>Consents Required</b>                     | <p><b><u>Proposed District Plan</u></b></p> <p><b><u>Queenstown Town Centre</u></b></p> <ul style="list-style-type: none"> <li>• A <b>controlled</b> activity pursuant to Rule 31.6.4 for an illuminated wall sign attached to the ground floor façade of a building.</li> <li>• A <b>discretionary</b> activity pursuant to Rule 31.5.7 for an illuminated free standing sign with an area of approximately 5.28m<sup>2</sup>.</li> <li>• A <b>non-complying</b> activity pursuant to Rule 36.5.2 where sound received in the adjoining High Density Zoned site at 20 Robins Road (Queenstown Primary School) may exceed the night-time noise limit of 40 dB LAeq(15 min) by up to 24 dB.</li> </ul> <p><b><u>Resource Management Act 1991</u></b></p> <ul style="list-style-type: none"> <li>• A <b>discretionary</b> activity pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Conditions 1, 6 and 7 of resource consent RM020457 to enable additional guests and the use of sound system speakers associated with a proposed night-time commercial activity, and to change Conditions 1 and 6 of RM980512 to enable additional signage.</li> </ul> |

|   |  |
|---|--|
|   | Overall, the application is a <b>discretionary</b> activity.   |
| <b>Written Approvals and Consultation</b> | The applicants have been in consultation with Council's Parks Planning and Events teams. Approval from the Council as landowner is appended as Attachment <b>[H]</b> . |
| <b>Other consents/permits</b>             | Approval is required to undertake the activity under the Kiwi Park Lease, this is appended as Attachment <b>[H]</b> .  |

## 2. Introduction

This report is submitted as part of the application by Kiwi Birdlife Park Limited & LUMA Enchanted Limited ("the Applicants") for resource consent from Queenstown Lakes District Council (QLDC or "Council") to change Conditions 1 and 7 of resource consent RM020457 to enable additional guests and use of sound system speakers for a short-term night-time commercial activity, and to change Conditions 1 and 6 of resource consent RM890512 to install short-term signage at the entrance to the Kiwi Park at 51 Brecon Street, Queenstown. The completed Form 9 is appended as Attachment **[A]** and the Record of Title is appended as Attachment **[B]**. A location map is appended as Attachment **[C]**. A copy of RM020457 is appended as Attachment **[D]** and a copy of RM890512 is appended as Attachment **[E]**. Proposed signage images are appended as Attachment **[F]**. An Acoustic Assessment is appended as Attachment **[G]**. Written approval from the Council as Landowner and administrator of the recreation reserve is appended as Attachment **[H]**. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

## 3. Existing Environment

### 3.1 Subject site and surrounding environment

The subject site is occupied by the Kiwi Park nature park, which includes planted native vegetation, exotic conifers, ponds, walkways, bird enclosures, a café and gift shop, amphitheatre with seating for conservation shows, and entrance tunnel. The site is located at the base of Ben Lomond near the Skyline Gondola terminal building, and has undulating topography. The Kiwi Park entrance is on Brecon Street. The site backs onto the Queenstown Primary School, and Pinewood Lodge and other properties along Hamilton Road, with a pedestrian walkway around the northern and western boundaries including a connection to Hamilton Road near the Best Start Early Childhood Centre. The area immediately south is utilised for public car parking, leased parking, and access to the site. Refer to Figure 1 below and Attachment **[C]** for a location map.



**Figure 1: location map**

## 3.2 Site history

The Kiwi Park was established in 1984. Kiwi Birdlife Park Limited has a Lease under the Reserves Act 1977 to operate the nature park with associated commercial activities. The following site history is available on eDocs:

RM950019 - Kiwi & Birdlife Park Subdivision By Way Of A Long Term Lease.

RM980512 - Queenstown Nature Park Ltd Erect New Entrance In The Style Of A Tunnel For Nature Park.

RM000344 - Kiwi & Birdlife Park Establish Cafeteria. This consent approved the café with a floor area of 65m<sup>2</sup> and hours of operation 9am to 5pm in line with the park.

RM020457 - Extend the hours of operation of a commercial activity and to undertake alterations to a building used for non-residential purposes. The hours of operation were extended to 7:00am to 11:00pm daily along with the extension of the café kitchen area. The extended hours were sought mainly to allow night-time dining coach tours through the venue.

RM171459 - Kiwi Birdlife Park Limited Construct A Kiwi Enclosure.

# 4. The Proposal

## 4.1 Enchanted Forest

Kiwi Birdlife Park Limited are the Leaseholder and operator of Kiwi Park, a family-owned and operated nature park and wildlife sanctuary that is home to over 20 native species that are managed in partnership with the Department of Conservation.

LUMA Enchanted Limited's parent company, Screentime New Zealand Limited is known locally for a Remarkable Place to Die (filmed in Queenstown), adventure reality series, The Summit (filmed in Wānaka and Glenorchy), Masterchef, and other productions.

The applicants are proposing an exciting venture at the Kiwi Park to create a new temporary night walk light show through the nature park, that will operate during the winter months.

The activity will be operated by the team behind A Remarkable Place to Die and LUMA Southern Lights Project under LUMA Enchanted Limited, whose sole shareholder is Screentime New Zealand Limited, and in conjunction with Kiwi Birdlife Park Limited.

The proposed activity is a family-friendly Enchanted Forest night walk. The Enchanted Forest will tell a story of New Zealand's native and introduced animals in an abstract, surreal and fun, whimsical 'enchanted' way. The activity will enhance the public experience of the nature park at night time.

Temporary artistic structures and light and soundscapes will be built offsite and transported to the site for the duration of the event and then packed down and taken away. The night walk will play with the subtleties of light, and darkness, silence, rustles and sensory surprises that will not be able to be seen or heard from the road or nearby buildings. The activity will be designed not to disturb the Kiwi Park wildlife and ecology. The activity will be ticketed with limits on guest numbers at any one time during the evening. The art installations will not be large enough to require Building Consent.

Consent is sought for a change to conditions 1 and 7 (a) and (f) of RM020457 to allow additional guest numbers and use of sound system speakers at the Kiwi Park for the Enchanted Forest, and to install signage at the entrance to the Kiwi Park.

## 4.2 Change to Conditions of RM020457

As noted above, resource consent RM020457 and earlier approvals have established commercial activities on the site; the nature park, café and gift shop, and night-time dining coach tours. It is considered that a resource consent for a commercial activity is not required, as the proposal is connected with the established commercial activity on the site.

The consenting history has also established hours of operation at the park of 7:00am to 11:00pm, although the night-time dining coach tours are allowed to have 80 guests at one time between 5pm and 9am.

The proposed Enchanted Forest will operate during the consented hours of operation, and proposes additional guest numbers and the use of sound speakers, as follows.

### **Guest Numbers**

The night-time dining coach tours have a limit of 80 guests.

It is proposed to have a maximum of 300 guests at any one time for the Enchanted Forest activity. That would allow for peak numbers during the most popular times and allow for people in different time slots entering and leaving the site at the same time. It is considered unlikely that 300 guests would be onsite at each ticketed time as there may be quieter times or days of the week.

### **Hours of Operation**



As noted above, the activity will occur during 5pm to 11pm each night, in accordance with existing consents.

### **Duration**

The activity will operate from during the winter months (30 May – 16 November) each year, in accordance with existing consents.

### **Noise**

The activity will have a sound system with amplified sound and music, which will be designed alongside lighting to establish the Enchanted Forest walk. The sound systems will be very localised to avoid overly disturbing the birdlife in the park. The sound system will use small speakers delivering ambient soundtrack to add atmosphere.

The speakers will be 8 x 4 inch, 17 x 6 inch, 2 x 10 inch, and scattered over a 150m x 30m area. The soundscape will be very focused on each installation. The nature of the sound will be ambient, primarily based around forest sounds – birdsong, waterfalls etc. Any music will complement the natural world, driven by melody over beat. Where light installations are close to the boundary of the park, the speakers will face into the park and sound shields will be used if required.

An Acoustic Assessment containing more details of the sound system and associated noise effects is appended as Attachment [G].

### **Light**

The activity will have multiple light sources of different colours and design throughout the site. The lighting will not include strobes or high powered lights beaming into the sky.

### **Wording Sought**

To enable the proposed Enchanted Forest activity at the Kiwi Park, changes to Conditions 1, 6 and 7 (a) and (f) of resource consent RM020457 are sought (deletions in ~~strike through~~ and additions in **bold underline**):

- 1 That the development be carried out in accordance with the plans (Design Edge: New Ground Floor Plan and New South and East Elevations (May '02) stamped as approved on 25 July 2002) and the application as submitted, with the exception of the amendments required by the following conditions of consent, **and with the exception of the Enchanted Forest approved by RM25XXXX.**
- 6 The Consent Holder shall ensure that activities conducted on the premises shall not exceed the following noise limits (adjusted for special audible characteristics in accordance with NZS 6802:1991) when measured at any point beyond the boundaries of this site within the High Density Residential Zone, **with the exception of the Enchanted Forest approved by RM25XXXX:**

Daytime (0800 - 2000 hrs) 50 dBA L10

Night-time (2000 - 0800 hrs) 40 dBA L10, 70 dBA L max

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

7 The consent holder shall ensure that:

- (a) There is only up to a maximum of 80 guests on the premises at one time between the hours of 5:00pm and 9am daily, **with the exception of the Enchanted Forest approved by RM25XXXX, which may have up to 300 guests at any one time between the hours of 5pm and 11pm between 30 May – 16 November.**
- (f) There shall be no sound system speakers located outside the premises, in the foyer area, or attached to the exterior of the building, **with the exception of the Enchanted Forest approved by RM25XXXX that will utilise 8 x 4 inch, 17 x 6 inch, 2 x 10 inch speakers within a 150m x 30m area within the site.**

For ease of administration and to reflect the joint venture, it is requested that the variation to RM020457 is issued in the names of Kiwi Birdlife Park Limited & LUMA Enchanted Limited.

### 4.3 Signs

Two signs are proposed to be installed at the entrance to the Kiwi Park on Brecon Street, on the land zoned Queenstown Town Centre. Signage images are included below and appended as Attachment [F].

**Sign 1** will be an illuminated ground floor wall sign positioned on the Kiwi Park entrance tunnel (refer Figure 2 below). The sign measures approximately 2m wide by 0.5m high.



**Figure 2: Sign 1 indicative image**

**Sign 2** is a free standing heart shape and will be positioned near the entrance to the Kiwi Park (not on the footpath or road reserve). The sign measures 2.2m wide by 2.4m high, with an area of approximately 5.28m<sup>2</sup> (refer Figure 3 below).



**Figure 3: Sign 2 indicative image**

For ease of administration and if considered appropriate, it is requested that the resource consent for signs is issued in the name of LUMA Enchanted Limited only. The following conditions are volunteered for RM25XXXX:

#### General Conditions

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

- 'Signage Images'

**stamped as approved on XX 2025**

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

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

#### Operational

4. The activity shall operate between 5pm to 11pm each night between 30 May – 16 November each year.
5. Noise levels of individual speakers will be calibrated to be no higher than the values shown in figure 3.1 prior to the event. Calibration will be done with a continuous pink noise spectrum, with the microphone directly in front of the metre at the distance shown in figure 3.1. Each speaker will be calibrated individually and in the absence of other intrusive ambient noise sources to ensure accurate calibration. Where applicable the narrower dispersion pattern in the horizontal plane will be used for the speakers.

### Signage

6. Either two (2) free standing signs may be established, or one free standing sign and one sign attached to the entrance tunnel building. Prior to the signs being established, the consent holder shall submit plans and specifications of the signs to the Monitoring Planner at the Council.
7. The consent holder shall ensure that all signs are removed within 48 hours of the cessation of the activity each year.

## 4.4 Change to Conditions of RM980512

### Wording Sought

To enable the additional signage to be located on the entrance tunnel and as a free standing sign or sign(s), changes to Conditions 1 and 6 of resource consent RM980512 are sought (deletions in ~~strike through~~ and additions in **bold underline**):

- 1 That the activity be undertaken in accordance with the plans and specifications submitted with the application 'Stamped as Approved Plans 11 November 1998', with the exception of the amendments required by the following conditions of consent, **with the exception of the Enchanted Forest signs approved by RM25XXXX.**
- 6 Signage shall not exceed the appropriate provisions of the Proposed District Plan with regard to signs in the Town Centre Zone, **with the exception of the Enchanted Forest signs approved by RM25XXX.**

For ease of administration and to reflect the joint venture, it is requested that the variation to RM980512 is issued in the names of Kiwi Birdlife Park Limited & LUMA Enchanted Limited.

## 5. Matters Requiring Consent

### 5.1 National Environmental Standards

The Resource Management (National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES") came into effect from 1 January 2012 and applies to all subdivision or other activity that will change the use of the land. The site is a verified HAIL site – Bird Park Tip HAIL.01616.01 (former landfill). The proposal does not include any activities under the NES that would require resource consent: fuel storage, soil sampling or disturbance, subdivision, change of land use; therefore, it is considered that the NES does not apply.

## 5.2 Operative District Plan

The subject site is zoned High Density Residential Zone – Sub-Zone A under the Operative District Plan (ODP). As there are no appeals to the equivalent rules in the PDP, the relevant ODP rules must be treated as inoperative pursuant to section 86F(1)(a) of the RMA.

## 5.3 Proposed District Plan

The subject site is zoned Open Space – Informal Recreation and Queenstown Town Centre under Proposed District Plan (PDP). The proposal requires consent under the PDP for the following matters:

### Chapter 23 – Queenstown Town Centre

- A **controlled** activity pursuant to Rule 31.6.4 for an illuminated wall sign within the ground floor façade of a building. Council's control is reserved to:
  - a. colour and materials;
  - b. design and content;
  - c. location;
  - d. access and safety; and
  - e. compliance with any relevant Council design guideline, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wānaka Town Centre Character Guideline 2011, or the Arrowtown Design Guidelines 2016.
- A **discretionary** activity pursuant to Rule 31.5.7 for an illuminated free standing sign with an area of approximately 5.28m<sup>2</sup>.
- A **non-complying** activity pursuant to Rule 36.5.2 where sound received in the adjoining High Density Zoned site at 20 Robins Road (Queenstown Primary School) may exceed the night-time noise limit of 40 dB LAeq(15 min) by up to 24 dB.

## 5.4 Resource Management Act 1991

- A **discretionary** pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Conditions 1, 6 and 7 (a) and (f) of resource consent RM020457 to enable additional guests and the use of 8 sound system speakers associated with a short term commercial activity, and to change Conditions 1 and 6 of RM980512 to enable additional signage at the entrance to the site.

## 5.5 Overall activity status

The proposal can be assessed as a **non-complying** activity under the Proposed District Plan and the RMA.

## 5.6 Scope of Application

This application is for all matters requiring resource consent rather than for the specific list of consent matters / non-compliances identified by the author. If the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE. If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the Resource Management Act 1991 ("Act") to process the application regardless of the type of activity that the application was expressed to be for.

# 6. Statutory Considerations

Council's decision on the proposal must give effect to the purpose and principles of the Act, as set out in Part 2 of the Act, and have regard to the relevant matters in sections 104 to 108 of the Act.

## 6.1 Resource Management Act – Part 2

The purpose of the Act, set out in Section 5, is to promote the sustainable management of natural and physical resources. The broader principles of the Act are set out in sections 6 to 8 of the Act.

Section 6 identifies a number of matters of national importance, none of which are relevant to the site or proposal.

Section 7 sets out a number of "other matters" to which the Council is required to have regard to. These matters include (relevantly):

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*

The proposal will enable the social and economic wellbeing of the applicants, whilst managing the use and development of natural and physical resources. Amenity values associated with the Open Space – Informal Recreation zoned site will be maintained.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. The proposal is not considered to offend against any principles.

Overall, the proposed development is considered to be consistent with the purpose and principles of the Resource Management Act 1991.

## 6.2 Section 104 – Matters for Assessment

Of relevance to this application, Section 104(1) of the Act requires the Council to have regard to the following matters, subject to Part 2 of the Act:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*
  - (i) *a national environmental standard;*
  - (ii) *a national policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(2) of the Act states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

## 6.3 Section 104B – Discretionary Activities

Under Section 104B of the Act, a consent authority may grant or refuse the application; and if it grants the application, may impose conditions under section 108.

# 7. Assessment of Environmental Effects

## 7.1 Permitted Baseline/Receiving Environment

Section 104(2) of the Act states that, in considering the effects of allowing an activity, a consent authority may disregard an adverse effect if the plan permits an activity with that effect. In this case, it is permitted to undertake a temporary event within the Open Space Informal Recreation zoned part of the site, and it is permitted to undertake a commercial activity within the Queenstown Town Centre zoned part of the site. This forms a permitted baseline that may be considered of relevance to this assessment.

The site has a consented baseline receiving environment of RM020457 with up to 80 guests per night, and signage on the entrance tunnel approved by RM980512. This forms a consented baseline that is considered of relevance to this assessment.

## 7.2 Guest Numbers

The proposed Enchanted Forest activity is associated with the established commercial activity on the site and will operate during established hours of operation. The proposal has been designed to be compatible with the existing environment, wildlife, and surrounding neighbourhood.



The Enchanted Forest would not take place at the same time as any night-time dining coach tour, so guest numbers would not be accumulative.

The Kiwi Park site is large at 2.6341 ha and can accommodate 300 guests without overcrowding, and it is considered unlikely that the maximum guest numbers would be reached during every time slot or evening.

The Enchanted Forest will be ticketed, which will ensure that the guest numbers at night-time will be well managed, and the proposed limit is not exceeded. The nature of the activity and staff management will ensure that guests are quiet to avoid disturbing birdlife within the park. The intensity and scale of the proposed activity has been carefully designed to minimise adverse effects on recreation use and amenity values, including effects on other occupiers or users of the site or adjoining sites.

As the Enchanted Forest activity is a short term activity during winter months, and does not require any permanent structures or buildings, it will maintain the values associated with the underlying Open Space – Informal Recreation and Queenstown Town Centre zones.

Overall, adverse effects arising from the additional guests sought for the Enchanted Forest are considered to be less than minor.

### 7.3 Sound System Speakers

The Enchanted Forest Walk is a light and sound show, which will utilise small speakers to play amplified sounds and music at ambient levels.

As described above, the soundscape will be very focused on each installation. The nature of the sound will be ambient, primarily based around forest sounds – birdsong, waterfalls etc. Any music will complement the natural world. Where light installations are close to the boundary of the park, the speakers will face into the park and sound shields will be used if required. The foliage of the forest will also be used to help reduce noise pollution.

In regard to the residential properties located to the north of the site, these are separated by a 5m accessway and existing vegetation, which will reduce any adverse noise effects on the owners and occupiers of the sites to the north.

The Acoustic Assessment appended as Attachment [G] found that the activity will comply with RM020457 and PDP Residential day-time and night-time noise limits at the boundaries with sites along Robins Road.

There would be technical exceedances of the RM020547 night-time noise limits at the boundaries of Hamilton Road properties, due to the differences in how noise is measured in the ODP and PDP. The report concludes that this would be expected to result in minimal adverse noise effects, as it is a technical breach only.

There would also be a technical noise exceedance RM020547 and PDP night-time noise exceedance at the boundary with 20 Robins Road (Queenstown Primary School). This site is not expected to be noise-sensitive at night-time, and as such adverse noise effects are expected to be minimal.

The activity would exceed the PDP Town Centre night-time noise limit in the public carpark to the south of the site. This site is also not expected to be noise sensitive, and as such adverse noise effects are expected to be minimal.

The Acoustic Assessment concluded that overall adverse noise effects associated with the proposed activity are expected to be minimal.

Overall, based on the assessment above, adverse effects with regard to noise and disturbance associated with use of sound system speakers for the Enchanted Forest are considered to be less than minor.

### 7.3 Signs

The two proposed signs are appropriately designed and illuminated to provide wayfinding for guests at the entrance to the Kiwi Park. The illumination will not exceed 250 candelas per square metre (cd/m<sup>2</sup>) of illumination.

The lighting and locations of the signs will not adversely affect pedestrian or vehicle safety along Brecon Street. In conjunction with existing signage in the vicinity, the proposed signs will be complementary to the design of the Kiwi Park entrance tunnel. The signs will be located on the site of the related activity, and will not result in cumulative adverse visual effects, including visual clutter. The signs will be compatible with the character of surrounding development in the Queenstown Town Centre zone and adjoining Open Space – Informal Recreation zone. It is considered that the proposed signs will not create adverse effects on the quality of a streetscape or a public place, including creating visual dominance. The signs will be removed when the activity is finished for the year.

Overall, it is considered that adverse effects arising from the proposed signs will be less than minor.

### 7.4 Other matters

#### Lighting

The Enchanted Forest Walk will utilise many light sources, and will ensure that the illumination from each will not exceed 250 candelas per square metre (cd/m<sup>2</sup>) of illumination. As noted above, the lighting will not include strobes or high powered lights beaming into the sky.

The site is screened from view by established landscaping, including mature trees, ensuring that light sources will not be readily visible from outside the Kiwi Park.

Overall, any adverse effects relating to lighting and glare considered to be less than minor.

#### Transport

No changes to existing pedestrian access to the site are proposed. Brecon Street has a wide footpath in front of the site that can accommodate guest numbers. Guests may arrive by foot or vehicle, with public car parking available in the general area. Additional traffic generation and pedestrian activity is compatible with the character of the area. Overall, any adverse effects relating to transport considered to be less than minor.

### Health & Safety

The site includes existing toilets and waste facilities. Additional waste facilities may be provided if required. There are public toilets within walking distance of the site. Staff will manage any other health and safety matters, such as First Aid. Overall, any adverse effects relating to health and safety considered to be less than minor.

### Servicing

The site is serviced with connections to water, wastewater, stormwater, power and telecommunications. A fire hydrant is located near the entrance on Brecon Street. No upgrades to any services are proposed. The proposed activity can be accommodated by existing services. Overall, any adverse effects relating to health and safety considered to be less than minor.

## 8. Policy Framework

### 8.1 Operative Regional Policy Statement (1998)

The Operative Regional Policy Statement 1998 (ORPS) was revoked on 15 March 2021.

### 8.2 Operative Regional Policy Statement (2019) – ORPS

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024. As the scale of this application is relatively small, the ORPS does not provide direct guidance to these types of applications. The following objective is of relevance:

|  |  |
|--|--|
| <b>Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities</b> | The proposed activity provides for the social and cultural wellbeing and health and safety of Otago's people and communities by establishing a family-friendly night-time activity during winter at an appropriate site. |
|--|--|

Overall, the proposal is consistent with the higher level objectives and policies of the ORPS.

### 8.3 Proposed Regional Policy Statement (2021) – PORPS

The PORPS was separated into two parts: a freshwater and a non-freshwater planning instrument, following a determination by the High Court in 2021. The Otago Regional Council notified its decisions on submissions on the Proposed Otago Regional Policy Statement (2021) PORPS on 30 March 2024. As the scale of this application is relatively small, the PORPS does not provide direct guidance to these types of applications. The following objective is of relevance:

|  |   |
|--|---|
| <b>UFD-01 – Development of urban areas</b> | The proposed activity is located in an urban area and will contribute to a wide variety and scale of commercial activities, social, recreational and cultural activities, and is highly accessible by public transport or active transport. |
|--|---|

Overall, the proposal is consistent with the higher level objectives and policies of the PORPS.

## 8.4 Operative District Plan

The objectives and policies of the ODP are no longer considered relevant as there are no rules triggered by which to implement the objectives and policies.

## 8.5 Proposed District Plan

### 8.5.1 Queenstown Town Centre

|   |   |
|---|---|
| <b>12.2.1 Objective - A Town Centre that remains relevant to residents and visitors alike and continues to be the District's principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.</b> | The proposed activity recognises the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre, and will be of an appropriate scale and intensity for the site and neighbourhood.                          |
| <b>12.2.3 Objective – An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.</b>   | The activity will have an appropriate level of illumination that will not cause significant glare to other properties, roads, and public places. The Enchanted Forest Walk will promote lighting design that mitigates adverse effects on views of the night sky. |

Overall, the proposal is consistent with the objectives and policies within Chapter 12.

### 8.5.2 Signs

|   |  |
|---|--|
| <b>31.2.1 Objective - Signage which is of a scale and extent that maintains the character and amenity values of the District and enhances access.</b>   | The number, size, location, design and appearance of the proposed signs will maintain the character and amenity values anticipated for the site, street scene and surrounding environment, including the Open Space – Informal Recreation zone. The signs will be located on the site of the related activity, and will not result in cumulative adverse visual effects, including visual clutter. |
| <b>31.2.3 Objective - Signs are complementary to, or do not detract from, the design values of the building they are attached to and are sympathetic to the design values of nearby developments and public places.</b> | The design and display of the proposed signs is complementary to the overall design of the Kiwi Park tunnel building through attention to the size, height and elevation, lettering design, colours and materials, and the location of the wall sign on the building. The illumination of the signs will not adversely affect the host site, adjoining sites and public places (including roads).  |

Overall, the proposal is consistent with the objectives and policies within Chapter 31.

### 8.5.3 Noise

|   |  |
|---|--|
| <b>36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from</b> | The proposed Enchanted Forest Walk will result in a breach of night-time noise at the boundary with 20 Robins Road (zoned High Density Residential); however, as that site is occupied by the Queenstown Primary School it is not expected to be sensitive to noise at night-time, and the noise is not considered unreasonable. |
|---|--|

|  |  |
|--|--|
| adverse noise effects between land use activities. |  |
|--|--|

Overall, the proposal is consistent with the objectives and policies within Chapter 36.

#### 8.5.4 Open Space and Recreation Zones

|  |   |
|--|---|
| <b>38.2.3 Objective – Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and maintain open space and recreation values.</b>  | The proposed Enchanted Forest Walk commercial activity has a genuine link with the open space and recreation resource, specifically with the Kiwi Park nature park. The activity has been designed to maintain the quality, amenity values and landscape values of open spaces.                           |
| <b>38.4.2 Objective – Use and development of the Ben Lomond Sub-Zone provides a high-quality destination for residents, and domestic and international tourists, while maintaining the landscape values and amenity values of the surrounding Outstanding Natural Landscape.</b> | The proposed activity will not result in any adverse effects on established activities and developments within the sub-zone, and is located outside the ONL. The proposal will provide a high-quality night-time activity during winter, whilst maintaining the surrounding landscape and amenity values. |

Overall, the proposal is consistent with the objectives and policies within Chapter 38.

## 9. Other Matters

Section 104(1)(c) of the Act permits Council to have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application”.

### 9.1 Kiwi Park Lease

Written approval is provided by the Council as Lessor (Attachment [H]).

### 9.2 Designation 214

A Requiring Authority approval is not required, as the activity would not prevent or hinder the work to which the Designation 214 relates, in accordance with s176(b) of the RMA. Designation 214 does not include any site-specific conditions. The activity complies with Conditions B – Recreation Reserves as follows:

1. Setback from road – complies (no structures or buildings are proposed).
2. Separation from neighbours – complies (no structures or buildings are proposed).
3. Height – complies (no structures or buildings are proposed).
4. Recession Lines – complies (no structures or buildings are proposed).
5. Site Coverage – complies (no structures or buildings are proposed).
6. Access and Parking – complies (none provided).
7. Surfacing – complies (no structures or buildings are proposed).

8. Glare – all lighting will comply as assessed above.
9. Noise – all noise and sound will largely comply as assessed above.
10. Hours of operation – complies (the activity will not operate between midnight and 7am).

## 10. Consultation

Written approval is provided by the Council as Landowner and administrator of the recreation reserve (Attachment [H]).

## 11. Conclusion

In considering whether to approve the application, the Council is required to have regard to any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans, “subject to Part 2”. The Council is also required to have regard to the effects of the proposal on the environment. The proposed development will achieve the purpose of sustainable management under s 5 of the Act, including by reference to the other principles in Part 2 of the Act by enabling the Applicants and community to provide for their economic and social well-being through the establishment of a short term commercial activity, while at the same time avoiding any adverse environmental effects.

## Attachments

- Attachment [A]:** Form 9
- Attachment [B]:** Record of Title
- Attachment [C]:** Location Map
- Attachment [D]:** Copy of RM020457
- Attachment [E]:** Copy of RM890512
- Attachment [F]:** Signage Images
- Attachment [G]:** Acoustic Assessment
- Attachment [H]:** Council Approval



**Sign 1**

Wall sign attached to entrance tunnel. Approx. 2m wide by 0.5m high, area approx. 1m<sup>2</sup>



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM250198**

**16 May 2025**

**Sign 2**

Free standing heart shape positioned near the entrance to the Kiwi Park.

2.2m wide by 2.4m high, approximately 5.28m<sup>2</sup>

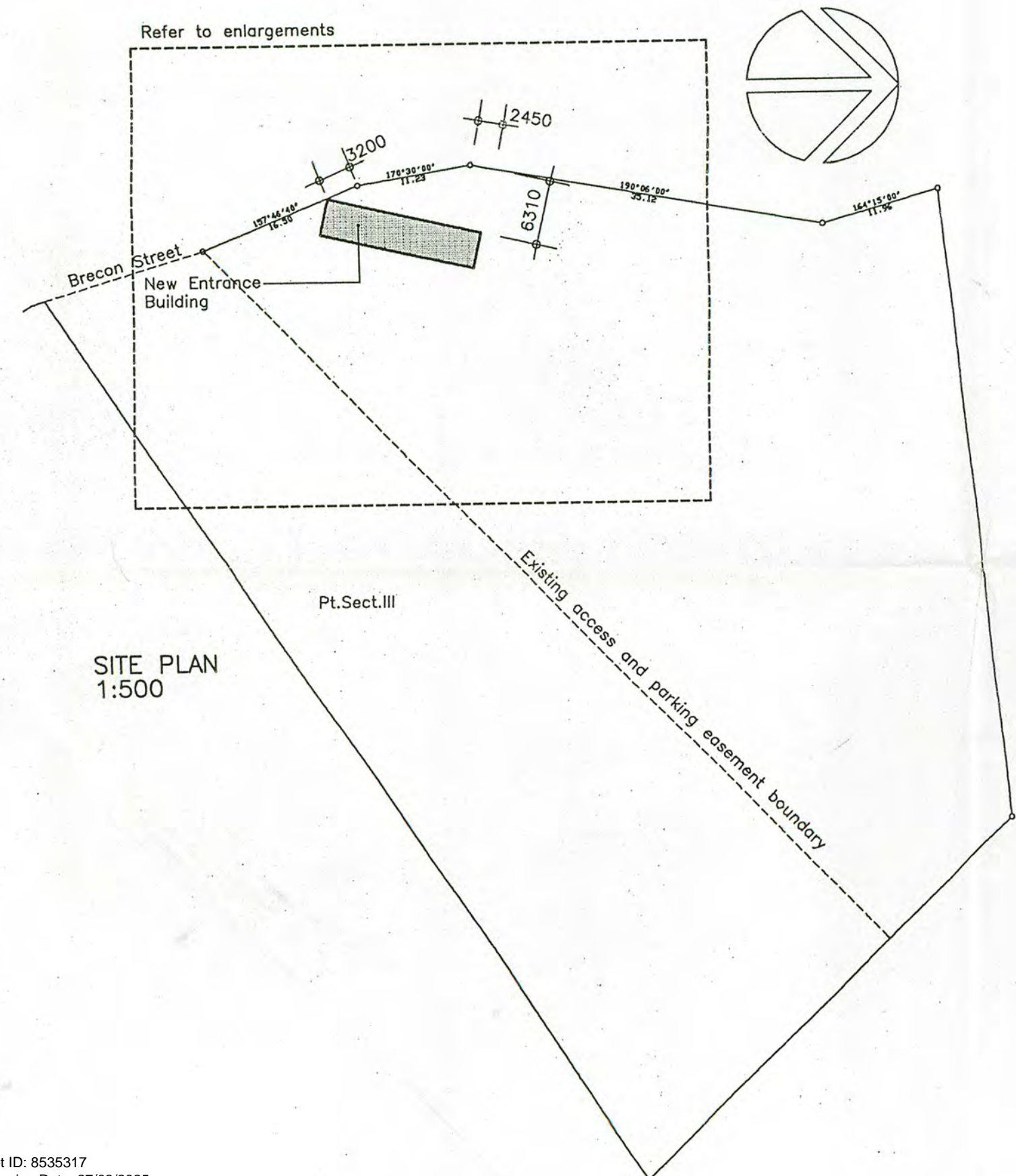
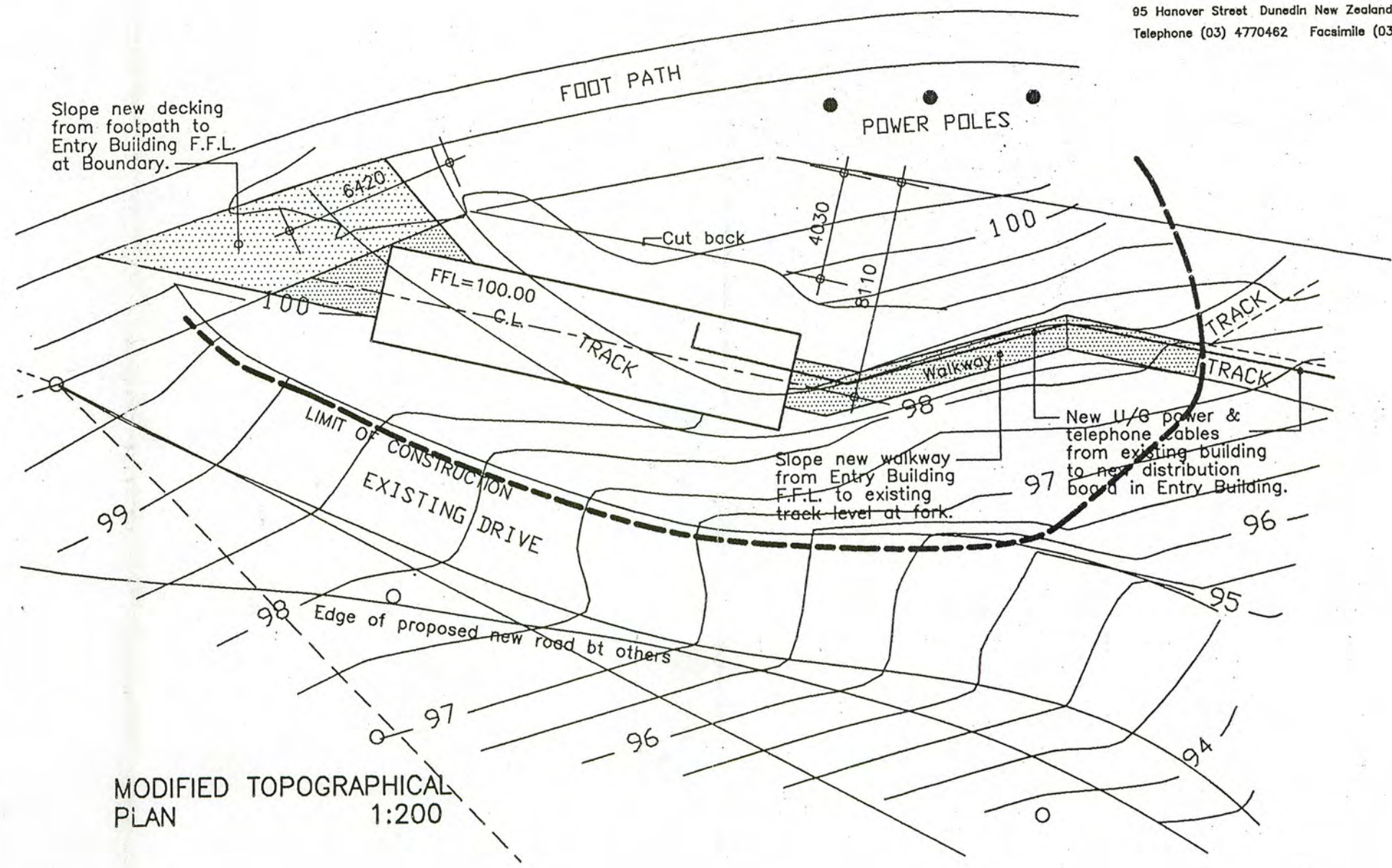
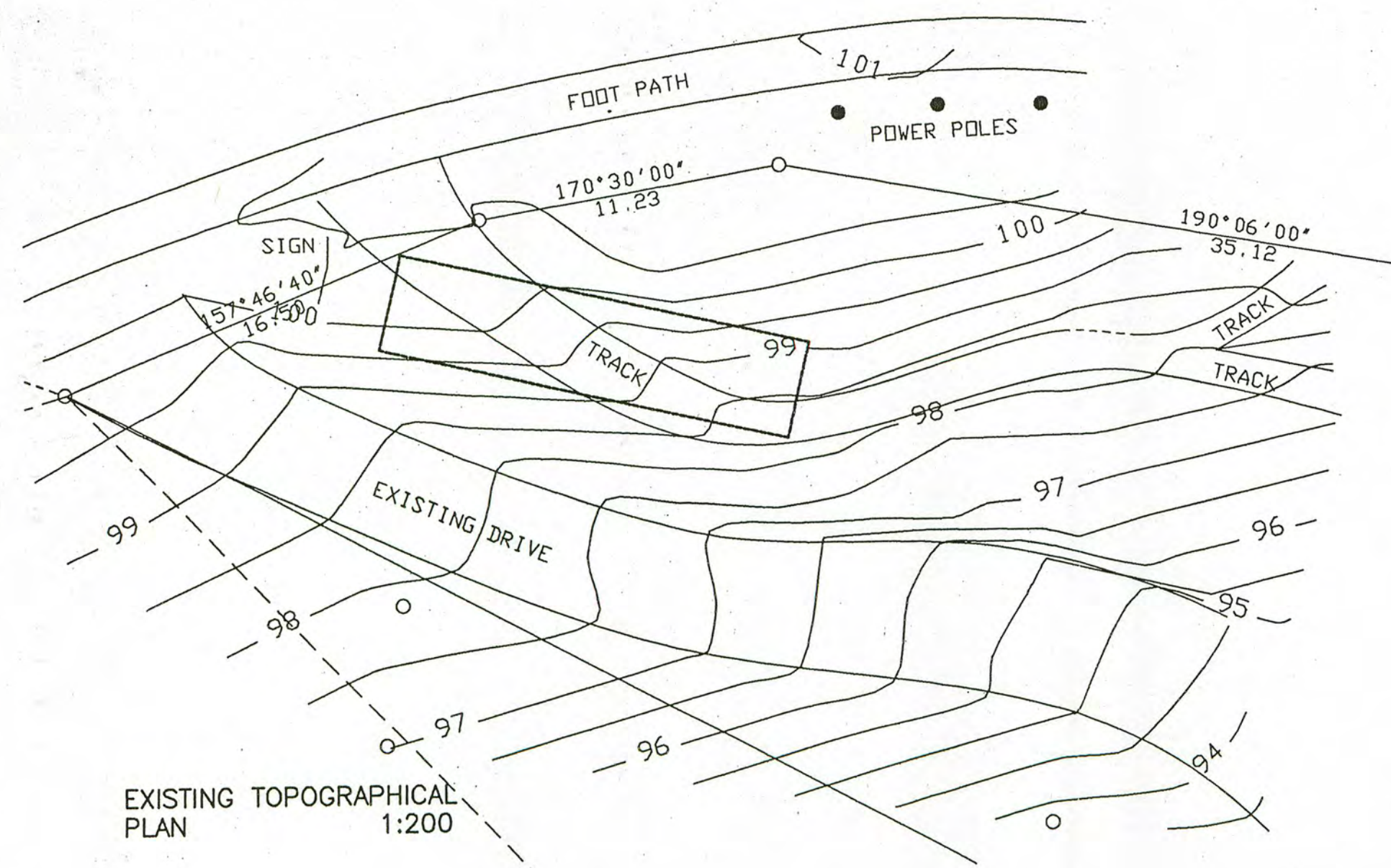


**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM250198**

**16 May 2025**



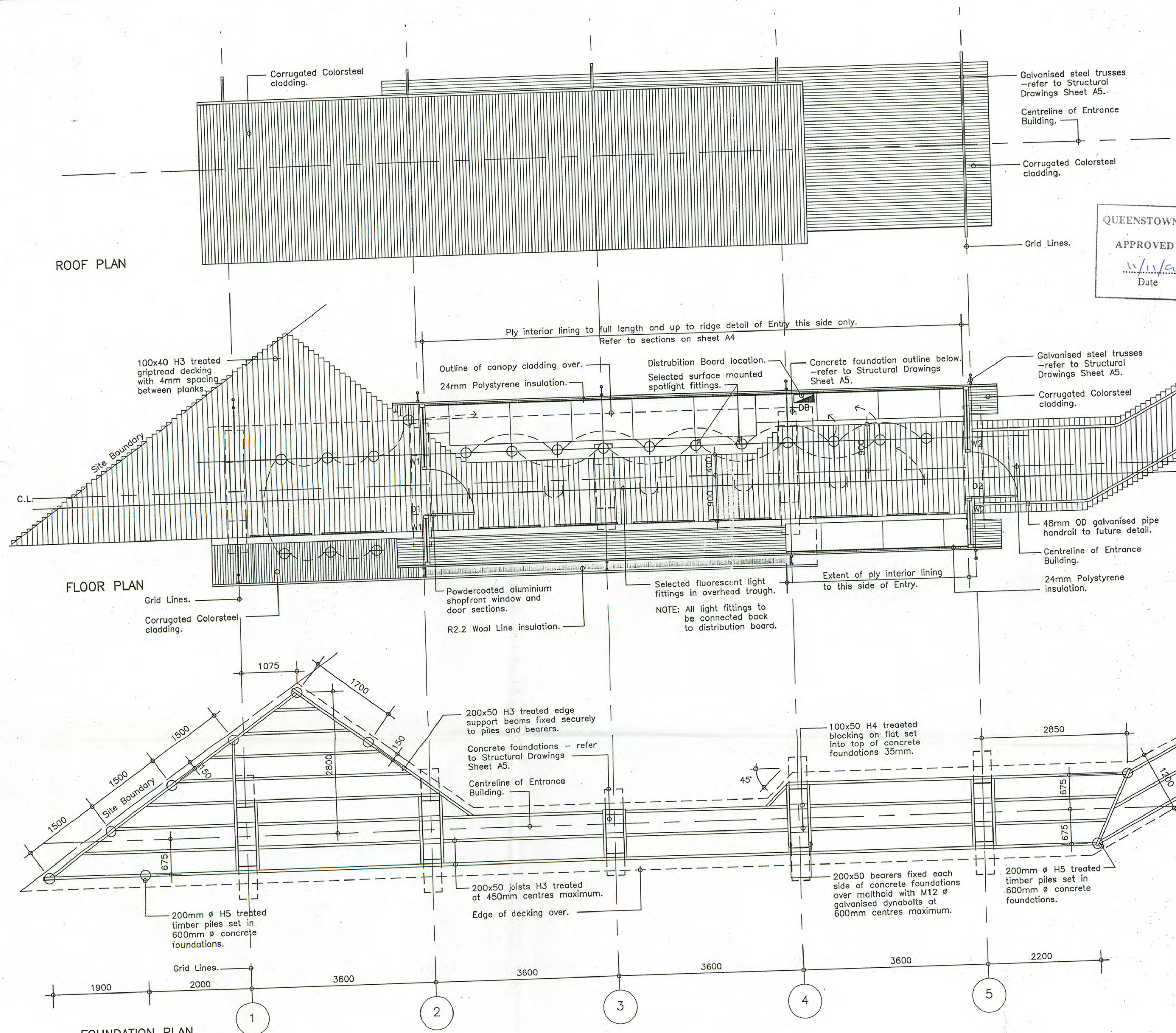


QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLANS: RM 980512  
11/10/98  
Date Initials

DESIGN GROUP  
CONSORTIUM LTD

|  |              |
|--|--------------|
| Kiwi and Birdlife Park<br>Entrance Building<br>Brecon Street, Queenstown |              |
| SITE DEVELOPMENT   |              |
| revision   | date         |
|  |              |
|  |              |
|  |              |
| project No. 3388   | sheet No.    |
| cad file. 3388PLAN   | A1           |
| scale 1:500, 1:200   | of 05 sheets |
| drawn j.b., s.b.   |              |
| date 22 February 1996  |              |
| printed  |              |
| Contractor: Verify all dimensions on site before construction            |              |



DESIGN GROUP  
CONSULTING LTD

Kiwi and Birdlife Park  
Entrance Building  
Brecon Street, Queenstown

## PLANS

|   |  |              |
|---|--|--------------|
| revision  |  | date         |
|   |  |              |
|   |  |              |
|   |  |              |
| project No. 3388  |  | sheet No.    |
| cad file. 3388PLAN  |  | A2           |
| scale 1:50  |  |              |
| drawn j.b., s.b.  |  |              |
| date 22 February 1996   |  |              |
| printed   |  | of 05 sheets |
| Contractor: Verify all dimensions on site before construction |  |              |



