

09 FEB 2012



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Land Information Memorandum - Standard

Application

Patrick Waser	No.	L120067
Infinity Investment Group	Application date	27/01/12
P O Box 390	Issue date	08/02/12
WANAKA 9343	Phone	03 443 0087
	Mobile	027 442 2756

Property

Valuation No.	2905115041
Location	28 INFINITY DRIVE, WANAKA
Legal Description	LOT 202 DP 442315
Owner	PENINSULA VILLAGE LTD : WANAKA BAY LTD
Area (hectares)	0.1074

Rates

Government Valuation	
Land	\$ 310,000
Capital Value	\$ 710,000
Improvements	\$ 400,000
Current Rates Year 2011 to 2012	
Annual Rates	\$ 0.00
Current Installment	\$ 0.00
Current Year - Outstanding Rates	\$ 0.00
Arrears for Previous Years	\$ 0.00
Next Installment Due	20/04/12
Note: Rates are charged in four equal installments for the period commencing 1 July and ending 30 June each year.	
Note: Further information regarding rating details may be obtained from Queenstown Lakes District Council Rates Department phone (03) 441 0499.	

Warrant of Fitness

The Council has no record of features/systems requiring a Compliance Schedule and annual Building Warrant of Fitness.

Outstanding Requisitions

No outstanding requisitions located.

Planning/Resource Management

Zone: Low Density Residential

Full details of the zone requirements are found in the Queenstown Lakes District Council District Plan, which should be read together with any relevant plan changes. See attached map for the zone.

The property is subject to the terms and conditions of the following resource consents:

19/06/09	RESOURCE CONSENT 090336: Variation to staging and plans on consent RM080100, copy of decision attached.
12/03/09	RESOURCE CONSENT 090038: Variation to conditions 1 and 12 of RM080100 regarding staging, copy of decision attached.
30/05/08	RESOURCE CONSENT 080100: Undertake stages 2-6 of Peninsula Bay Subdivision, copy of decision attached.
17/04/08	RESOURCE CONSENT 080440: Variation to conditions of consents RM 070884 and RM080025, copy of decision attached.
13/02/08	RESOURCE CONSENT 080025: Variation to conditions of consents RM060929 and RM070884, copy of decision attached.
19/10/07	RESOURCE CONSENT 070796: Earthworks consent, copy of decision attached.
03/10/07	RESOURCE CONSENT 070884: Variation to conditions of consent RM060959, copy of decision attached.
02/10/07	RESOURCE CONSENT 070757: Variation to conditions of consent RM060959, copy of decision attached.
07/05/07	RESOURCE CONSENT 070362: Variation to conditions 1 and 6 of consent RM061176, copy of decision attached.
21/02/07	RESOURCE CONSENT 061176: Earthworks consent, copy of decision attached.
07/02/07	RESOURCE CONSENT 060959: Stages 1-3 of Peninsula Bay Subdivision, copy of decision attached.
02/02/07	RESOURCE CONSENT 060929: Outline development master plan for Peninsula Bay residential development, copy of decision attached.

Copy(s) of two Consent Notices pursuant to Section 221 of the Resource Management Act 1991 are attached.

Designations: 339 – Local Purpose (Access) Reserve

Please note that building consents are separate from resource consents. If a Code Compliance Certificate has been issued for a building consent, this does not mean that compliance with any resource consent has been met. Should you require additional information on resource consents, please contact the Monitoring Section of Lakes Environmental.

Building

30/05/11	BUILDING CONSENT 110392: Erect a new dwelling and garage. Code Compliance Certificate issued 4 November 2011, copy attached.
----------	--

Sewer and Water

Water	Connected to the public reticulated water supply. Wanaka water supply from Lake Wanaka contains algae during the warm season. Although the water quality does comply with New Zealand Drinking Water Standards a set of privately owned and maintained water filters will be required if sensitive fixtures are installed to this property. As built services plans attached.
Sewer	Connected to the public reticulated sewage scheme. Drainage plan attached.
Stormwater	Connected to the public reticulated stormwater drainage scheme, plan attached,.
Access	Infinity Drive.

Wind, Earthquake & Snow Regions NZS 3604:2011**New Zealand Standard Timber Framed Buildings.**

Wind Zone	Region A
Earthquake	3
Snowloading Region N5	1 kPa 0m - 200m 1.5 kPa 200m - 300m 2 kPa 300m - 400m Above 400m Specific Engineering Design
Exposure	Zone B

Land and Building Classifications

No information located.

No building notes or land classifications known to the Council by other statutory organizations.

Refer to copy of map from District Plan for other classifications in the immediate vicinity.

Fencing of Swimming Pools Act

No pool registered to this property.

Land Transport Requirements

No information located.

Special Land Features

LAND STABILITY	A copy of Petherick Consulting's Fill Certification Engineering report for the Peninsula Bay Development stage 2, dated 28 November 2007, is attached for your information.
----------------	---

SEISMIC	Identified on the Council's hazard register map as low or possible susceptibility to liquefaction. The information indicates there may be a potential for liquefaction hazards depending on the intensity of ground shaking. This would need to be considered by specific investigations. Council data has been based on a 2005 report by Opus Consulting on the seismic risk in the Otago region. Data was developed for use and mapping at the Regional and Territorial Authority scale. For further information on this matter a copy of this report can be obtained by contacting QLDC Services.
FLOOD HAZARD	The Council has no record of the site flooding.
CONTAMINATED SITE	The Council has no record to suggest this site has been occupied by land use activities associated with hazardous substances.

Licences/Environmental Health

No information located.

Council Hazard Register

A copy of the current Hazard Register Map is enclosed for your reference.

The Council's Hazard Register is limited to the location of the hazard and should not be interpreted as a risk to life and property. Usage Categories have been developed which relate only to the accuracy with which the hazard has been geographically located.

REGISTER DATA USAGE CATEGORIES

Usage Category	Definition
1	Information obtained from detailed maps or survey data for which ground checking has been undertaken, or information that allows accurate definition of location or boundaries from mapped features. It is considered that this information can be used with a high level of confidence but should be independently checked on an individual site basis and that the user should carry out an independent risk assessment.
2	Interpreted data, for which there has been little or no field checking – e.g, boundaries taken from air photo interpretation, digitised from small-scale maps, or inferred from contour plans. This information can be used with a reasonable level of confidence but should be verified on an individual site basis and the user should carry out an independent risk assessment.
3	Unchecked data, including anecdotal information, inferences and speculation. This information should be used with considerable caution and the user should carry out an independent risk assessment.

NOTE: Many areas within the District have not been investigated with respect to many of the natural hazards. Lack of data is not to be interpreted as an absence of a hazard.

Network Utility Operators

Information related to the location and availability of supply authorisations etc can be obtained from the relevant Network Utility Operator in first instance contact the following:-

Power – Delta, Gas – Rockgas, Communications - Telecom

Other Information

No title search has been done on this property.

It should be noted that Council holds a number of investigative and engineering reports which have been compiled for general Council purposes and are either in relation to particular areas of Councils control and interest and or in respect of various areas, or parts of the Queenstown-Lakes District Council area.

A list of the hazard reports contained in the database is attached. The reports can be viewed, read and examined at the Council Offices, at the Civic Centre, Gorge Road Queenstown.

The applicant is advised that the Otago Regional Council may have other information in relation to this property including, but not limited to:

- a) Discharge consents
- b) Well permits
- c) Consents to take water
- d) The existence of contaminants and/or hazardous sites
- e) Flooding

Notes

1. Final inspections on buildings were not mandatory prior to 1 January 1993. Should an evaluation of the building be required an independent qualified person should be consulted.
2. Every care has been taken to ensure that the information supplied by the Council on this form is accurate. Lakes Environmental relies on information available to it, and will not be held responsible for incomplete or inaccurate information provided, or for any errors or omissions made in good faith.
3. In preparing this information, no inspections of the property have been undertaken. The Council records may not show illegal or unauthorised building or works on the property.
4. It is in your interests to locate the boundary pegs by discovery or redefinition before purchasing the property.
5. Where the information indicates the existence of some requisition or Council interest in the land, it is the responsibility of the person seeking the information to follow up.
6. Additional plans and specifications (more detail) are available to be viewed on the property file at Lakes Environmental.
7. Any enquiry not accompanied by a fee will be invoiced separately. (All prices are GST inclusive.)
8. The information supplied on this Land Memorandum is sourced information that the Council has available to it from its existing records. The information is supplied, pursuant to Section 44A of the Local Government Official Information and Meetings Act 1987 from such records and relates to particular matters affecting the land, the subject of the application. It should be noted that Council's records may not be complete and that no inspection of the property has been undertaken by the Council or its contractors prior to completing this Memorandum.

Name: 

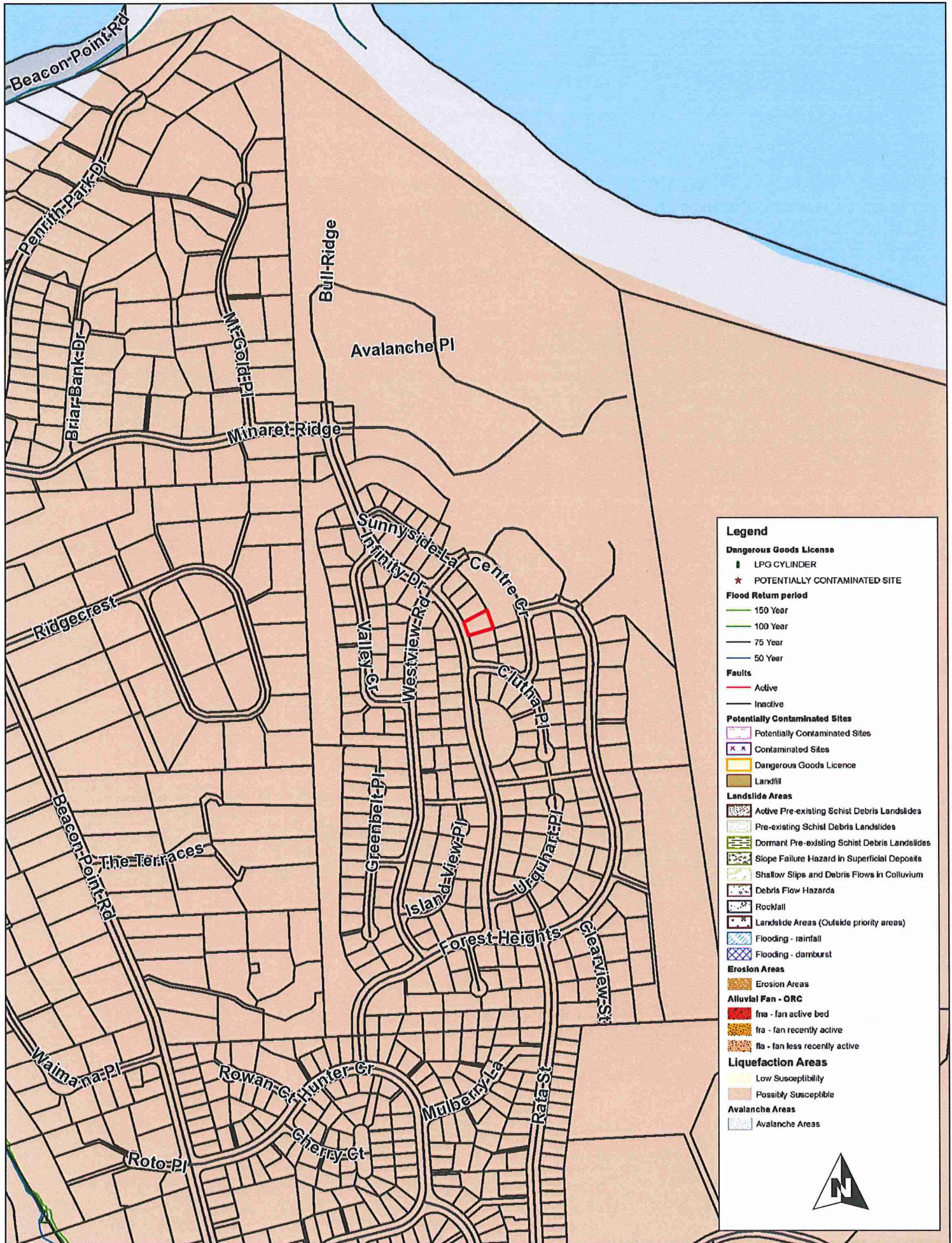
Date: 08/02/12

2905115041 Lot 202 DP 442315 - District Plan Map



The information provided on Dekho is intended to be general information only. While considerable effort has been made to ensure that the information provided on this site is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this site and data held within.

2905115041 Lot 202 DP 442315 - Hazard Map







The information provided on Dekho is intended to be general information only. While considerable effort has been made to ensure that the information provided on this site is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this site and data held within.







Hazard Register Legend

Queenstown Lakes District Council's (QLDC) hazard information has been collected from all known and available sources. Where a site indicates a hazard, further information may be available in the form of reports and printed maps. Contact QLDC records department for copies of additional information.














Potentially Contaminated Sites

-  Potentially Contaminated Sites
-  Contaminated Sites
-  Dangerous Goods Licence
-  Landfill

Flood Return Period

-  150 Year
-  100 Year
-  75 Year
-  50 Year
-  Flooding - rainfall
-  Flooding - damburst

Landslide Areas

-  Active Pre-existing Schist Debris Landslides
-  Pre-existing Schist Debris Landslides (Activity Unknown)
-  Dormant Pre-existing Schist Debris Landslides
-  Shallow Slips and Debris Flows in Colluvium
-  Debris Flow Hazards
-  Slope Failure Hazard in Superficial Deposits
-  Rockfall
-  Pre-existing or Potential Failure in Lake Sediments or Tertiary Sediments
-  Piping potential in the Artesian Zone of the Wanaka Aquifer
-  Potential Hazard - Debris Flood/Debris Flow
-  Landslide Areas - non verified
-  Erosion Areas
-  Avalanche Areas



Dangerous Goods License

-  LPG Cylinder
-  Potentially Contaminated Site




Seismic Hazards - Faults

-  Active
-  Inactive

Liquefaction Areas

-  Low Susceptibility
-  Possibly Susceptible

Alluvial Fan - ORC

-  fna - fan active bed
-  fra - fan recently active
-  fla - fan less recently active

Scaled Maps

Many published and unpublished maps have been used in compiling the Hazard Register, and it is important that users appreciate the distinction between map accuracy and the actual field position of hazard features.

On a map scale of 1:50,000, a line width may be equivalent to 20m on the ground. At scales of 1:250,000 or more this equivalent line width is 70m or more. Some hazard information therefore has limited accuracy and accordingly is shown on small scale maps to reflect the scale of the source data.

Contaminated Site information has been sourced from the ORC Database. Dangerous Goods Licences have been sourced from the QLDC Database. Landfill Data has been sourced from both the ORC and from QLDC.

Faults Note:

These fault rupture hazards have been updated using the most up to date information on the locations of the faults within the district obtained from the Institute of Geological and Nuclear Sciences.

Flood Return Period Data has been prepared by URS in April 2003, using the Pearsons III Distribution model.

Flood Note:

Flood from Rainfall Hazard Zones are indicative of land which is likely to be affected by flooding. They are NOT the flood zone for 100 year floods, nor for a specific flood event such as November 1999. Dam Break Floods have a much lower likelihood of occurrence, as these flood events will occur only in the event of a dam break. The likelihood of a flood due to dam burst is less than 1 in 10,000 years.

Avalanche Areas Note:

The NZ Mountain Safety Council indicated a subjectively assessed hazard of mod high of the Remarkables, Treble Cone and Routeburn Track areas, and low for Coronet Peak and Cardrona

Liquefaction Areas Note:

This information indicates there may be a potential for Liquefaction Hazards and this would need to be considered by specific investigations.

Code Compliance Certificate 110392

Section 95, Building Act 2004



Mailing Address

PENINSULA VILLAGE LTD & WANAKA BAY LTD
C/- MR J HOGG
PO BOX 390
WANAKA 9343

The Building

Street address of building: INFINITY DRIVE, WANAKA
Legal description of land where building is located: LOT 202 DP 442315
Valuation number: 2905115018
Description of work: ERECT NEW DWELLING WITH ATTACHED GARAGE
Building name:

The Owner

Name of owner: PENINSULA VILLAGE LTD & WANAKA BAY LTD
Contact person: JAMES CREWS
Mailing address: C/- MR J HOGG, PO BOX 390, WANAKA 9343
First point of contact for communications with the council/building consent authority:
Full Name: MIKE GREER HOMES
Mailing Address: PO BOX 688, WANAKA 9343
Phones: 021 860 774: 03 443 2065
Fax: 03 443 2067
Email: ttawera@mikegreerhomes.co.nz

Building Work

Building consent number: 110392

Issued by: Lakes Environmental Limited

Code Compliance

The building consent authority named below is satisfied, on reasonable grounds, that —

- (a) the building work complies with the building consent

Signature

Position

On behalf of: Lakes Environmental Limited

Date: 4/11/11

Limitations of this Code Compliance Certificate

- This Code Compliance Certificate has been issued because the Queenstown Lakes District Council was satisfied, on reasonable grounds, that at the date of its issue, the building work was completed in accordance with the Building Code in force at the date of issuing the Building Consent, (and where applicable, any previously approved waiver or modification of the Building Code contained in the building consent for the work).
- Since the date the Building Consent was granted, the Building Code may have been amended. This certificate is not a representation that the building work meets the requirements of any amendments to the Building Code made since the Building Consent was issued.
- This Code Compliance Certificate is not a guarantee that the whole of the work has been completed in accordance with the Building Code or Building Consent, but that the Council was reasonably satisfied.
- The Code Compliance Certificate relates only to the state of the building work at the date of issue, and is not a statement that the building will remain sound throughout its life.
- Various types of building methods and materials do have specific requirements for ongoing inspection, cleaning & maintenance. The owner needs to be familiar with these standard practices, manufacturers instructions, and warranty conditions which must be complied with in order to maintain the integrity of the building work. All materials and components will deteriorate over time.
- Regular inspection and maintenance by the building owner is particularly important in the harsh environment and climate experienced in the Queenstown Lakes District. In some cases — complete replacement of building components will be a requirement where they have deteriorated, or have passed their manufacturers warranty period — for example — sealants, waterproofing membranes, paint coatings.
- No representation is made as to the compliance of all items of building work on the specific site to which this Code Compliance Certificate pertains. This certificate relates solely to the building work specifically described in it. It does not relate to any other work. The Queenstown Lakes District Council cannot be held responsible for any other subsequent, or preceding building work, including maintenance, which has been done other than in accordance with an approved building consent.
- Nobody should rely solely upon this Code Compliance Certificate as representing that the building work is weathertight or otherwise sound, fit for its purpose and of acceptable quality. It is a snapshot only, which assesses the Building's compliance with the Building Consent, and Building Code on the date of issue. The soundness of the building will depend, among other things on its subsequent use and the ongoing maintenance performed.

IN THE MATTER of Lots 83-87, 222-
228, 334, 710-713, 810 & 811, 904 - 909
being a subdivision of 903 DP 412667

AND

IN THE MATTER of Resource
Consent RM 080100 & Variations
RM090038 & RM090336 Queenstown
Lakes District Council

CONSENT NOTICE PURSUANT TO
SECTION 221 OF THE RESOURCE
MANAGEMENT ACT 1991

BERRY & CO
SOLICITORS
QUEENSTOWN

IN THE MATTER of Lots 83-87, 222-
228, 334, 710-713, 810 & 811, 904 - 909
being a subdivision of 903 DP 412667

AND

IN THE MATTER of Resource
Consent RM 080100 & Variations RM
090038 & RM090336 Queenstown
Lakes District Council

Operative Part

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments: -

- a) Lots 83-87 DP 420307
- b) Lots 222 – 228 DP 420307
- c) Lot 334 DP 420307
- d) Lots 904-909 DP 420307

Condition

- a) At the time a dwelling is erected on any residential lot, the owner for the time being shall construct a vehicle crossing to that lot in accordance with the relevant Council standards applicable at that time, if one was not provided at the time of subdivision.
- b) No more than 340 lots shall be connected to the water and wastewater within the Peninsula Bay zone until further modeling has been carried out which proves the Council systems have adequate capacity to cater for additional lots.
- c) On the lots identified below only one residential unit shall be constructed and there shall be no further subdivision to create any additional allotment:

Lots 83-87, 222-228 and 334 inclusive

Note: A residential unit is defined in the Partially Operative District Plan as a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where

more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

Dated this 11 day of September 2009


.....
Authorised Officer

IN THE MATTER of Lots 104 to 109,
117 to 119, 202 to 205, 207 to 221, 229
to 232, 263, 292, 333 and 915 being a
subdivision of Lot 912 DP 434868, Lots
904, 905 & 909 DP 420307 & Lot 914
DP 441249

AND

IN THE MATTER of Resource
Consent RM 080100 & Variations
RM090038 & RM090336 Queenstown
Lakes District Council

**CONSENT NOTICE PURSUANT TO
SECTION 221 OF THE RESOURCE
MANAGEMENT ACT 1991**

**BERRY & CO
SOLICITORS
QUEENSTOWN**

IN THE MATTER of Lots 104 to 109,
117 to 119, 202 to 205, 207 to 221, 229
to 232, 263, 292, 333 and 915 being a
subdivision of Lot 912 DP 434868, Lots
904, 905 & 909 DP 420307 & Lot 914
DP 441249.

AND

IN THE MATTER of Resource
Consent RM 080100 & Variations RM
090038 & RM090336 Queenstown
Lakes District Council

Operative Part

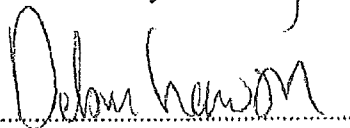
The following condition pertaining to this Consent Notice is to be registered against the certificates of title of Lots 104 to 109, 117 to 119, 202 to 205, 207 to 221, 229 to 232, 263, 292 and 333 DP 442315.

Condition

On Lots 104 to 109, 117 to 119, 202 to 205, 207 to 221, 229 to 232, 263, 292, 333 DP 442315 only one residential unit shall be constructed and there shall be no further subdivision to create any additional allotment.

Note: A residential unit is defined in the Operative District Plan as a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

Dated this 6th day of May 2011


.....
Authorised Officer

File: RM060929
Valuation: 2905100201

2 February 2007

Peninsula Bay Joint Venture
C/- Mitchell Partnerships
PO Box 489
DUNEDIN 9054

Attention: Joanne Dowd

Dear Madam

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

PENINSULA BAY JOINT VENTURE – RM060929

We refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to establish an Outline Development Master Plan for future residential development within Peninsula Bay. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 2 February 2007. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is located at Peninsula Bay, Wanaka and is legally described as Lot 1 Deposited Plan 302196 held in Certificate of Title 8603.

The site is zoned Low Density Residential and Open Space (Landscape Protection) in the Partially Operative District Plan and the proposal requires resource consent for the following reasons:

- A **controlled** activity pursuant to Rule 20.2.2.2(ii) relating to the formation of cycling and walking trails and associated earthworks in respect of all of the following:
 - Location of trails and viewing platforms;
 - Size of viewing platforms and boardwalks;
 - Earthworks;
 - Cumulative effect of the number of other trails within the Zone.
- A **restricted discretionary** activity pursuant to Rule 20.2.2.3(ii) relating to the construction of car parking facilities up to 200m² in respect of all of the following:
 - Location of facility and access;
 - Number, design and layout of car parks and associated manoeuvring areas;

- Surface treatment of parking facility and access;
 - Landscaping;
 - Cumulative effect of the number of car parking facilities within the Zone.
- A **restricted discretionary** activity pursuant to Rule 20.2.2.3(v) relating to the provision of one vehicle access road through the Central Melt Channel connecting the two areas of Low Density Residential Zone within the Peninsula Bay land, where this road has been identified as necessary through the Outline Development Master Plan approved pursuant to Rule 7.5.3.3(vi) in respect of the following:
 - Form and location;
 - Effects on landscape and visual amenity;
 - Extent and management of earthworks;
 - Extent of vegetation removal.
 - A **restricted discretionary** activity pursuant to Rule 7.5.3.3(iii) which states that within the Low Density Residential Zone at Peninsula Bay, the Outline Development Plan of the Low Density Residential Zone and the adjacent open space zone lodged with the Council pursuant to Rule 7.5.5.2(xiv) is a restricted discretionary activity in respect of:
 - Roading pattern, including access to the car parking for the use of the adjacent open space zone;
 - Indicative subdivision design and configuration, including allotment size;
 - Proposed landscaping within any road reserve;
 - Pedestrian linkages through the subdivision, and their relationship to the adjacent Open Space Zone, the margin of Lake Wanaka and adjacent residential land;
 - Location of easements for public access purposes throughout the Open Space Zone, and their relationship to the pedestrian linkages and roading access within the Low Density Residential Zone;
 - The location, height and visibility of future dwellings when viewed from the lake to the north of the site, particularly within the north-western corner of the zone.

Overall, the application is considered to be a **restricted discretionary** activity.

The application was considered on a non-notified basis in terms of Section 93(1)(b) whereby the consent authority were satisfied that the adverse effects of the activity on the environment will be minor and in terms of Section 94(2) whereby no persons were, in the opinion of the consent authority considered to be adversely affected by the activity.

Decision

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

General Conditions

- 1 That future development within Peninsula Bay be carried out in accordance with the application and outline development master plan as submitted (**stamped as "Approved Plans" on 1 February 2007**), and, in particular, in accordance with the following Appendices of the application, with the exception of the amendments required by the following conditions of consent.
 - a) Appendix D – Outline Development Master Plan

Note: The Outline Development Master Plan is essentially a living document. Any amendments or additions to the above appendix will require a further assessment in accordance with the provisions of the Plan. Accordingly, any such amendments or additions will require an application for a variation to the conditions of this consent to be made, pursuant to section 127 of the Act.

- 2 That future development within Peninsula Bay be carried out in accordance with the application as submitted (**stamped as "Approved Plans" on 1 February 2007**) and in 'general' accordance with the following Appendices of the application, with the exception of the amendments required by the following conditions of consent.

- a) Appendix E – Indicative Subdivision Plan
- b) Appendix G – Typical Streetscape Drawings
- c) Appendix H – Landscaping of Road Reserves
- d) Appendix I – Landscaping of Car Parking Areas
- e) Appendix K – Landscape Treatment of Lower Reserve Walkway
- f) Appendix L – Landscape Treatment of Walkway Reserve

Note: The Outline Development Master Plan is essentially a living document. Any amendments or additions to the above appendices will require approval from the Council. Where a significant deviation is made from what has been approved as part of this decision, a variation to the conditions of this consent may be required.

- 3 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.

Density of Development

- 4 At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder will offer a consent notice to be registered on each resulting Certificate of Title in accordance with section 221 of the Act. The consent notice shall be imposed to achieve the following outcomes:

- a) On the lots identified below only one residential unit shall be constructed and there shall be no further subdivision:

Lots 2-13, 19-23, 26-31, 33-42, 45-49, 51, 55-57, 70-81, 83-85, 87-88, 91, 93-111, 113-115, 118-129, 131-148, 150, 152-154, 156-161, 163-173, 176-182, 184-218, 220-225, 227, 229-253, 255-290, 292-299, 301-318 inclusive.

- b) Lots identified on the Outline Development Master Plan as being capable of further subdivision (indicated by a blue dot) can be further subdivided into a maximum of two lots, with each resultant lot restricted to a maximum density of one residential unit. This provision relates to the following lots:

Lots 17, 52, 58, 86, 89, 112, 116, 117, 149, 151, 155, 162, 174, 175, 183, 219, 226, 228, 254, 291 and 300.

Note: A residential unit is defined in the Partially Operative District Plan (2007) as a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

Landscaping

- 5 At the time a subdivision application is lodged to undertake any subdivision north of the Central Melt Channel as indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder shall provide a plan of the pedestrian and cycling trails located in the Open Space Zone adjacent to the northern boundary of the site. The plan shall include the following features:
 - a) Show connectivity between trails;
 - b) Show location of trails within vegetated areas; and
 - c) Show location of any existing trails to be upgraded.
- 6 At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder shall submit a revised street landscaping plan. In this instance the revised street landscaping plan shall include the following amendments:
 - a) Replace *Betula utilis* 'Jackmontii' and *Fraxinus americana* with *Styracifua worpleston* 'Liquid Amber' on the side roads and cul-de-sacs; and
 - b) Plant *Qeucus palustris* 'Pin Oaks' on the main roads, at a minimum spacing distance of one metre from any footpath or kerb. Any variation to this minimum spacing distance shall be approved by the Parks Manager at the Council.
- 7 At the time a subdivision application is lodged to undertake subdivision north of the Central Melt Channel as indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder shall submit to the Council for approval a final earthworks plan for development. The final earthworks plans shall include site sections to illustrate that any earthworks associated with subdivision of this area do not provide for an increase in visibility of future development from Lake Wanaka when viewed from the north.
- 8 The final design of the bunding of car park 3 and batter slopes surrounding car parks 1-4 shall be approved by the Council at the conclusion of earthworks to form the car parking areas. Bunding and batter slopes shall be formed to fit with the undulating topography of the adjacent landform.

Engineering Conditions

- 9 At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, all engineering aspects shall be designed in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
- 10 At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the roading network for the subdivision shall be designed in accordance with the Peninsula Bay Road Hierarchy plan (Boffa Miskell Limited, Revision B, dated 22 December 2006) and the Traffic Design Group report (dated October 2006) except where amended by the following conditions:
 - a) The roading network shall be designed in accordance with the Boffa Miskell Limited, Peninsula Bay Road Hierarchy plan, Revision B, dated 22 December 2006 and the Traffic Design Group report dated October 2006 except where amended by the following conditions:

- i) Service lanes providing access to Lots 175, 176, 178-187 and 206-218 shall be created as public road to be vested in Council. The road shall have a legal road reserve width of 12m and a formed carriageway of 5m. Road marking shall be applied to restrict on-street parking.
- ii) All through roads shall have traffic calming measures in line with the measures proposed on the Main Road, ie kerb extensions "giving the impression of confinement thus slowing traffic and reducing the crossing length for pedestrians".
- b) Provision for all road marking, signage and road naming signs to be installed and complete prior to section 224(c) of the Act.
- c) All road lighting shall be in accordance with Council's road lighting policies and standards. Any road lighting installed on private roads/rights of way/ access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council lighting network circuits.
- d) The construction of the Open Space Zone Carparks shall be designed in accordance with Table 1 Appendix 7 of the Partially Operative District Plan. The formed carriageway width of the loop road in Carparks 3 & 4 shall be a minimum of 3.5m and have a minimum radius of 9.0m.
- e) Clear signage shall be installed to indicate the one-way layout of Carparks 3 & 4.
- f) All car parks shall be sealed and permanently marked out.
- g) Landscaping along the access point to Carpark 1 shall be low level only in order to maintain full visibility for users of the car parks.
- h) All tracks within the development shall be design to cater for both bicycle and pedestrian users.

Reserves

- 11 At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder shall make provision for the Open Space Zone within Peninsula Bay to be vested in Council as public reserve. This vesting shall occur prior to certification of the subdivision in accordance with section 224(c) of the Resource Management Act 1991. This vesting may occur progressively in stages that match the staging of the subdivision.

Review

- 12 Within ten working days of each anniversary of the date of this decision the Council may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for an 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 or mitigate any adverse effects on the environment which may arise from the exercise of this 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.

Advice Note

- (i) The Council may elect to exercise its functions and duties through the employment of independent consultants.
- (ii) A community facility on Lot 501 has not been assessed as part of this proposal and additional resource consents may be required for a community facility and/or commercial activity on this lot.
- (iii) The consent holder is advised that all lots earmarked for further subdivision (shown as a blue dot on the Outline Development Master Plan) that are less than 1400m² in size will need to comply with Rule 15.2.6.3(i)(a) of the Partially Operative District Plan. Of particular note is the minimum allotment size of 700m² unless each allotment to be created, and the original allotment, all contain at least one residential unit.

Reasons for the Decision

Planning History

The rezoning of Peninsula Bay from Rural General to Residential was first considered in 2001 when Variation 15 to the Proposed District Plan was notified for submission. Variation 15 proposed to create a special zone over Peninsula Bay with core areas of the site rezoned for Low Density Residential purposes and fringe locations designated for rural residential living.

The Environment Court rejected Variation 15 in its entirety, based on the following key issues:

- Adverse effects on landscape and visual amenity values, particularly at the northern and eastern fringes;
- The lack of demonstrated need for residential sections that Variation 15 would have enabled;
- Adverse effects on the natural character of Lake Wanaka and its margins; and
- Inconsistency with policies calling for compact urban form and urban consolidation.

Variation 25 was subsequently developed, proposing a change in zoning from Rural General to Low Density Residential and Open Space zoning. The boundaries were amended to remove sensitive areas from residential zoning and an Outline Development Master Plan approval process was included in the Partially Operative District Plan.

Variation 25 became fully operative in November 2006.

The Outline Development Master Plan

The purpose of the Outline Development Master Plan is to show that Peninsula Bay is being developed comprehensively and cohesively - including aspects such as roading, subdivision layout, pedestrian links and public access, location and visibility of future dwellings.

The Outline Development Master Plan (ODMP) forms an integral part of future planning within Peninsula Bay. The Partially Operative District Plan requires the Outline Development Master Plan be submitted and approved by Council prior to any subdivision and/or development occurring within the Zone. Only then may subdivision and development occur as of right (albeit as a controlled activity) if it remains in accordance with the approved ODMP.

Proposal

Consent is sought for approval of an Outline Development Master Plan for Peninsula Bay. The Outline Development Master Plan (ODMP) includes the following features:

Indicative Subdivision Design

The ODMP provides for the creation of 318 allotments, varying in size from 705m² to 2460m².

The subdivision design includes two residential areas separated by a "Central Melt Channel" which forms part of the Open Space Zone. The Open Space Zone borders the residential area on the eastern, northern and western boundaries.

Twenty one lots have been identified as being capable of future subdivision. The applicant has offered a condition of consent that prevents the construction of more than one residential unit or subdivision of any lot located in Stage 2 onwards, with the exception of those lots specifically identified for further subdivision.

A 4700m² lot has also been set aside for some form of community facility, such as a swimming pool. This facility is not included in the application and will require an additional resource consent.

Roading Layout

The ODMP includes a roading layout which links Peninsula Bay to adjacent residential areas via Rata Street, Hunter Crescent and Minaret Ridge.

The majority of proposed lots have street frontage. A number of lots are proposed to be accessed via "neighbourhood streets" being service lanes typically serving 12-13 lots.

Landscaping in the Road Reserve

Indicative landscaping designs have been submitted for landscaping in the road reserve areas.

Pedestrian and Cycle Linkages

A number pedestrian and cycle linkages have been proposed within the site linking residential areas to the Open Space Zone.

Car parking for the Open Space Zone

The ODMP includes provision of four car parking areas to access the Open Space Zone. These car parks are located in the following locations:

- The north west corner;
- At the north-eastern margin within the Central Melt Channel;
- On the southern boundary of the site adjacent to Hunter Crescent;
- In the south-east corner adjacent to Lots 65 and 66.

Indicative planting plans have been submitted showing proposed planting in the car park areas.

Location of easements for public access

After Variation 25 became fully operative, consultation between the applicant and the Council resulted in a resolution that the Open Space Zone in Peninsula Bay would be vested in Council as public reserve. For this reason no easements for public access have been proposed as part of the application.

Location, Height and Visibility of future dwellings when viewed from Lake Wanaka

The application includes site profiles showing the extent of visibility of future dwellings located in the north west corner of the site.

Urban Design Panel and Public Consultation

The application also includes a report from the Wanaka Urban Design Panel and a report from a public consultation event held on 12 September 2006.

Site and Locality

The following site description is taken from Environment Court decision C010/2005:

"The site is roughly rectangular in shape, and has an area of 75.484 hectares. It is located on the Beacon Point Peninsula, immediately north of a residential area served by Rata Street and Hunter Crescent; and east of another residential area known as Penrith Park. To the north, the site abuts a recreation reserve, which in turn abuts Lake Wanaka. The adjoining land to the east is exotic forest, and to the south-east, pasture.

The southern boundary of the site is about 2.3 kilometres from the Wanaka Town Centre. The western boundary of the site is about 700 to 800 metres from Lake Wanaka, and northern boundary is about 120 metres from the lake edge.

The site is generally rolling, with shallow gullies, rounded ridges and a predominantly westerly aspect. The northern boundary is near the top of a steep scarp which drops to the lake. The eastern boundary is about 130 to 300 metres from a ridge.

The average level of the lake is about 279 metres above sea level. The highest point on the site is about 360 metres above sea level, and the lowest point about 305 metres above sea level.

Most of the site has a slope pattern that ranges from 1 in 7 to flatter than 1 in 20, but there are areas near the eastern boundary, the south-western end and north-eastern end that slope between 1 in 7 to 1 in 3. The escarpment down to the lake beyond the northern end of the site is generally steeper than 1 in 3.

In prehistoric times the site was overrun by glacial advances which left morainic deposits, more recently about 23,000 (fn2 The Mt Iron Advance) and 18,000 (fn3 The Hawea Advance) years ago. The younger (Hawea) moraine generally lies between the 300- and 360- metre contour lines on the site.

The vegetation of the site is mainly exotic pasture grasses, and there are scattered stands kanuka and matagouri mainly at the northern end of the site and along parts of the eastern boundary. There are also pockets of kanuka in gullies and patches elsewhere on the site.

The site is visible to varying degrees from parts of Lake Wanaka, and from parts of West Wanaka, including the Millenium Walkway along the western shore, and residential areas to the west and south of the site. More particularly, the northern part of the site is visible from the lake, and the elevated slopes near the eastern boundary are visible from the west and south, as well as from parts of the lake.

Some people cross the south-eastern corner of the site to gain access to walking and cycle tracks in the adjacent plantation, and others use cycles on tracks through the kanuka at the northern end. The owner has acquiesced in that, but the site is private property and there is no public right of access over it. There is a popular walking path through the lakeside reserve to the north of the site."

Effects on the Environment

Indicative Subdivision Design and Layout

Variation 25 provides for the extension of Wanaka's residential area further east along Beacon Point Peninsula. The application includes an indicative subdivision layout, involving 318 allotments, of which 21 have been identified as being capable of future subdivision.

Proposed lots sizes vary from approximately 705m² to 2460m² in area, with the exception of the proposed community facility which measures 4700m². The majority of lots are capable of more than one residential unit under the density provisions in the Partially Operative District Plan which provide for a minimum density of one residential unit per 450m². The applicant has proposed a consent notice to read as follows:

At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder will offer a consent notice to be registered on each resulting Certificate of Title in accordance with section 221 of the Act. The consent notice shall be imposed to achieve the following outcomes:

- a) *On the lots identified below only one residential unit shall be constructed and there shall be no further subdivision:*

Lots 2-13, 19-23, 26-31, 33-42, 45-49, 51, 55-57, 70-81, 83-85, 87-89, 91, 93-111, 113-115, 118-128, 131-148, 150, 152-154, 156-161, 163-173, 176-182, 184-218, 220-225, 227, 229-253, 255-290, 292-299, 301-318 inclusive.

Lots excluded from the restrictions above include the 21 lots identified on the ODMP as being subdivisible, and all lots in Stage 1a and 1b that exceed 1400m² in size. It is noted that any proposed subdivision of a lot exceeding 1400m² in Stage 1a or 1b but not identified on the ODMP as being subdivisible will be a non-complying activity in accordance with Rule 7.5.5.2(xiv).

The applicant has also offered a consent notice relating to density of development on all lots identified on the ODMP as being capable of future subdivision. The proposed consent notice reads:

- 4 *At the time a subdivision application is lodged to undertake the subdivision indicated on the Peninsula Bay Outline Development Master Plan and approved by resource consent RM060929, the consent holder will offer a consent notice to be registered on each resulting Certificate of Title in accordance with section 221 of the Act. The consent notice shall be imposed to achieve the following outcomes:*

- b) *Lots identified on the Outline Development Master Plan as being capable of further subdivision (indicated by a blue dot) can be further subdivided into a maximum of two lots, with each resultant lot restricted to a maximum density of one residential unit. This provision relates to the following lots:*

Lots 17, 52, 58, 86, 89, 112, 116, 117, 149, 151, 155, 162, 174, 175, 183, 219, 226, 228, 254, 291 and 300.

The density restrictions offered by the applicant will result in a subdivision that provides for a positive balance of building activity and open space within the residential area. With most lots being capable of only one residential unit, outdoor living space and capacity for landscaping on each lot will be maximised, thus enhancing amenity values of the overall site.

With regard to layout, due to the site's elevated location and westerly aspect all sites have excellent opportunity for solar gain. The proposed earthworks associated with the formation of the subdivision include levelling of a number of small gullies running through the site which although detracting from the existing character of the site will create lots that do not require significant further earthworks to establish building platforms.

In general the indicative subdivision layout includes a variety of lot sizes, good connectivity in terms of pedestrian, cycle and roading networks, designation of a community space for a future community facility, and provision of suitably landscaped car parks to provide access to the Open Space Zone.

Subject to conditions of consent relating to minor amendments to the roading network and road reserve landscaping (discussed further below) the proposed subdivision layout is considered to be satisfactory and no adverse effects are anticipated.

Landscaping in Road Reserve

Typical streetscape plans have been provided for primary and neighbourhood streets. Proposed landscaping includes areas of grass, street trees and footpaths along one or both sides of the street.

The Council's Parks Manager has advised that *Betula* species should be avoided due to the potential to stimulate allergies, and has recommended that this be replaced with *Quercus Palustris*. Adequate spacings between this species and any adjacent footpath will be required.

The Parks Manager has also recommended that a hardier species than *Fraxinus* be chosen, given the exposed nature of the Peninsula Bay site. An amended streetscape plan showing these amendments can be ensured through a condition of consent. The remainder of the proposed plantings are considered acceptable for use.

Location, Height and Visibility of Future Dwellings

The application includes site profiles from the north-western corner of the site, which indicate that views of development from the lake to the north of the site will be minimal at most. There is some concern however that earthworks associated with subdivision at this northernmost part of the site may raise ground levels and thus increase visibility of development from Lake Wanaka.

The proposed residential lots north of the central melt channel are likely to be the final stage of the subdivision, and therefore it is considered onerous and impractical to require final earthworks plans for this area at this stage. It is therefore considered appropriate to impose a condition of consent requiring final earthworks plans be submitted to the Council for approval at the time a subdivision application for this area is lodged. The final appearance of any earthworks will be required to prove that visibility of residential development from Lake Wanaka remains minimal.

Cycling and Walking Trails

The applicant has proposed a number of trails throughout the Open Space Zone for recreational use by walkers and cyclists. The trails have generally been located such that existing indigenous vegetation will not be required, and earthworks are expected to be limited to the scraping of topsoil to provide for the placement of the compacted gravel chip path. No boardwalks or viewing platforms are proposed.

In the northern portion of the Open Space Zone (adjacent to the northern boundary of the site) the location of the proposed trails becomes unclear when they enter areas of existing vegetation and connectivity between trails cannot be assessed. There are a number of suitable options for pedestrian/cyclist trails throughout this northern area and with this in mind it is considered appropriate to require the submission of a more detailed trails map in the northern part of the Open Space Zone, to ensure connectivity between trails is achieved.

The applicant has employed Te Ngahere to compile a management plan for the Open Space Zone within Peninsula Bay, with a particular focus on recreational use, track design and maintenance, maintenance of grassed areas and pest control. Implementation of this management plan will ensure existing indigenous vegetation is protected appropriate management and the Open Space Zone is enhanced through additional planting.

In summary, it is considered that the proposed cycling and walking trails have been carefully located so as to blend in with the existing topography and vegetation, whilst providing excellent recreational opportunities for Peninsula Bay residents and the wider Wanaka community.

Road Across Central Melt Channel

The ODMF includes the provision of one vehicle access road across the Central Melt Channel, near the western boundary of the site. This road is a through road and is necessary to connect the two areas zoned for residential activity. The proposed access across the Central Melt Channel is located in a relatively flat area and therefore the volume of earthworks required is expected to be low. There

is no significant vegetation in this area and thus the location is considered to be suitable. Site management will be required through future subdivision consents to minimise runoff in this area.

Roading Pattern

A number of traffic studies have been undertaken throughout the plan change process and preparation of this resource consent application.

The impacts of additional traffic generated by the creation of the Peninsula Bay residential area on the wider roading network are beyond the scope of this assessment and are considered to have been addressed through Variation 25.

The subdivision application RM060959 (currently being processed by CivicCorp) includes a traffic assessment by Traffic Design Group, which was peer reviewed by Urbis Traffic Planning and Design Limited at the request of CivicCorp. The proposed roading network contained in the ODMP includes a hierarchy of roads linking the development to three existing road connections, being Rata Street, Hunter Crescent and Minaret Ridge. The roading network includes the following layout:

- A primary collector road through the site that connects Rata Crescent with Minaret Ridge to provide both an internal distribution and property access function;
- Smaller through-roads feeding onto the collector road and providing an alternative through route to other parts of the subdivision;
- Various cul-de-sacs that provide for property access to groups of 10-13 allotments, and also provide access to selected public parking areas located alongside the open space zone.
- Two service lanes that provide for property access to and around eleven allotments off each lane.

In general, the proposed roading pattern is satisfactorily and provides logical connections and networks both within Peninsula Bay, and with surrounding residential areas. Specific areas of concern raised throughout assessment of this resource consent application are discussed in detail below:

Connectivity Between Cul-de-sacs

The Wanaka Urban Design Panel requested that further consideration be given to connecting the proposed cul-de-sacs adjacent to Lots 139, 142, 146 and 161 to create a through road. The ODMP provides for the cul-de-sacs to be connected with pedestrian linkages. The application states:

"It is considered that an additional through road in this vicinity would compromise the safe pedestrian crossings proposed in this area which currently allows pedestrian flow which is uninterrupted by traffic."

The traffic peer review by Urbis TDP Limited concludes that creating a through road would have a negligible effect on motorist connectivity and agrees that pedestrian/cycle flows would be severed. It is therefore accepted that the proposed cul-de-sac layout is adequate.

Rata Street

It is accepted that any upgrade required to Rata Street as a result of the proposed development is outside the scope of this resource consent. Concern was raised however, that if Rata Street required an upgrade, then the extension of Rata Street proposed as one of the main entrances to Peninsula Bay would also require widening.

Both Traffic Design Group and Urbis consider that an upgrade of Rata Street is not required, subject to additional signage and road markings. The extension to Rata Street complies with Council's standards is therefore considered to be of a suitable design.

Service Lanes

The roading network provides for a number of allotments to be serviced by private access lanes, with a carriageway width of 4.5 metres and a six metre road reserve. The applicant has stated that these narrow access widths form part of "New Urbanist" design principles, however the access lanes do not comply with Council's amendments to New Zealand Standard 4404:2004, which requires any road serving more than four lots to be a legal road with a 12 metre legal width and six metre formed width.

It is considered that a lesser formed road width of 5 metres would be acceptable if the legal width was established to the required 12 metres, and vested in Council. The Council then has the opportunity to widen the road if deemed necessary in the future, and the increased formed width also allows for public services such as post and rubbish collection to access these lots.

The applicant has proposed that consent notices be imposed on those lots with frontage to a service lane, to restrict on-street parking and garage setbacks. It is not appropriate to impose parking restrictions on an access that will become a Council asset. Garage setbacks are not considered necessary given that the legal width required by the Partially Operative District Plan will be maintained.

In summary, no adverse effects are considered to occur from the proposed services lanes, subject to the conditions of consent discussed above.

Traffic Slowing Measures

There was some concern that the proposed through roads would encourage speeding, and the applicant was asked to provide measures of slowing traffic. The traffic peer review by Urbis TDP Limited states:

"The speed of traffic will be indirectly controlled by the proposed carriageway widths and the meandering nature of the roads.

It is also noted that the primary north-south route (green) through the site has a number of narrowed sections. These are provided outside the east-west pedestrian links, outside the community facility and at the central melt area. It is envisaged that the 3.5 metre traffic lanes will be maintained and that the street parking be replaced by a kerb extension and thus giving the impression of confinement and thus slowing traffic and reducing the crossing length for pedestrians."

CivicCorp's Engineer considers that the method for reducing traffic speeds as described by Urbis TDP Limited above should be applied to all through roads, and should consent be granted this can be imposed as a condition of consent.

Pedestrian Linkages

Pedestrian and cycle linkages are provided throughout the open space zone and within residential areas. It is assumed that the off road networks will be designed to cater for both pedestrians and cyclists, and to avoid uncertainty this should be a condition of consent.

Car parks

The ODMP includes the provision of four car parks to provide access to the open space zone. It is unclear whether these car parks comply with the dimensions required by the Partially Operative District Plan, however this can be ensured through a condition of consent. In general the car parks have been placed in discrete areas where existing and proposed vegetation will minimise the extent of their dominance within the Open Space Zone. There is some concern that landscaping around Car Park 1 has the potential to obscure the vision of drivers accessing the car park. It is considered that a condition of consent requiring this planting to be at a low level will mitigate any potential adverse effect on driver safety. Similarly, concerns relating to the one-way layout of Car Parks 3 and 4 can be mitigated by requiring clear signage to be installed to indicate the car park layout.

Location of Easements for Public Access

After Variation 25 became fully operative, consultation between the applicant and the Council resulted in a resolution that the Open Space Zone in Peninsula Bay would be vested in Council as public reserve. For this reason no easements for public access have been proposed as part of the application. Vesting of the open space zone in Council can be ensured through a condition of consent, and it is considered that staged vesting is acceptable as this may allow the applicant to temporarily restrict access to some areas of the Open Space Zone when construction of the subdivision poses safety risks to the public.

Objectives and Policies

Part 7 Residential Areas

The relevant objectives and policies for Residential Areas are discussed below:

Section 7.1.3 District Wide Residential Objectives and Policies

Objective 3 – Residential Amenity

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.

Policies

- 3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*
- 3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*
- 3.5 To ensure a balance between building activity and open space no sites to provide for outdoor living and planting.*
- 3.8 To encourage on-site parking in association with development in residential areas to ensure the amenity of neighbours and functioning of streets is maintained.*
- 3.9 To provide for and encourage new and imaginative residential development forms within major new residential areas.*
- 3.11 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*

Section 7.3.3 Wanaka Residential Areas

Objectives:

- 1 Residential development which retains the current level of low density activity and is sympathetic to the surrounding visual amenities of the rural areas and lakeshores.*
- 2 Low density rural living development in identified locations in close proximity to Wanaka.*
- 3 Retention of the general character of residential environments in terms of density, building height, access to sunlight, privacy and views.*

Policies:

- 5 Avoid the planting and locating of inappropriate tree species so as to reduce the impact of excessive shading and loss of vistas.*

As stated in the application, the ODMP has been designed to allow for a diverse range of residential opportunities within Peninsula Bay while having regard to the protection and enhancement of the surrounding landuse. In particular, restrictions on the density of development will preserve a low density character and accompanying amenity values. The indicative subdivision layout provides for excellent linkages to the open space zone to promote recreational use of the peripheral areas which will be vested in Council as reserve to provide for public access in perpetuity. In general the proposed ODMP is considered to be consistent with the objectives and policies for residential development both district wide and specifically for the Wanaka region.

Part 15 Subdivision, Development and Financial Contributions

Objective 6

To ensure effective public access is provided through the Peninsula Bay land.

Policies:

- 6.1 *To ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.*
- 6.2 *Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.*
- 6.3 *To ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.*

As stated, following the inclusion of Variation 25 into the Partially Operative District Plan an agreement between the applicant and the Council provided for the open space zone to be vested in Council as public reserve. A condition of consent has been imposed requiring the vesting of this land to occur at the time a subdivision application is lodged with Council to ensure public access to the open space zone is retained in perpetuity.

Part 20 Open Space Zone

Objective 1

To protect and maintain natural ecological values and the open space appearance of the Open Space Zone.

Policies:

- 1.1 *By restricting the development of buildings and structures and ensuring that those that are built do not detract from the open space character of the zone.*
- 1.2 *By protecting, and where appropriate enhancing, ecological values and indigenous vegetation.*
- 1.3 *By protecting the open space appearance of the zone.*
- 1.4 *By limiting the types of activities that can take place within the Open Space Zone.*

Objective 2

To enable public use of the Open Space Zone for passive or informal recreational activities.

Policies:

- 2.1 *By ensuring public access is available to land within the zone.*
- 2.2 *By providing for the creation of a limited number of passive recreation facilities eg walking and cycling trails, picnic and barbeque areas.*
- 2.3 *By limiting recreation activities to informal or passive type activities.*

The ODMP includes the provision of four car parking areas within the Open Space Zone to provide access for and encourage passive recreational activities. A number of walking and cycling trails are proposed throughout the Open Space Zone. Planting of indigenous species is proposed around the car parks which will enhance the ecological values of the site. The ODMP is considered to be wholly aligned with the objectives and policies for the Open Space Zone and will have a number of positive benefits for recreational users.

Assessment Matters

Part 20 Open Space Zone

20.2.3(iv) Car Parking Facilities and Associated Access

- a) Whether alternative car parking is available in close proximity to the proposed car park site.*
- b) Whether the parking will be primarily for the recreational users of the Open Space Zone.*
- c) Whether the car parking and manoeuvring areas complies with the standards set out in Chapter 14 – Transport.*
- d) The extent to which the car parking facility and access impose on the open space character of the Open Space Zone.*
- e) The extent of which the car parking facility and access affect natural conservation values or ecological values within the Zone.*
- f) Whether suitable screening will be provided to prevent vehicle lights shining directly onto adjacent properties.*
- g) Whether any proposed landscaping is in keeping with the scale and character of the site.*

As discussed, it is considered that the four car parking area located within the Open Space Zone have been located within areas of lowered topography to reduce their visibility and maintain the open space character of the zone. Proposed planting around the car parks will enhance natural conservation values by increasing the level of indigenous vegetation on the site, whilst providing screening of parked vehicles. Overall, it is considered that the proposed car parks will provide suitable access to the Open Space Zone for recreational users without detracting from the special character of the zone. A condition of consent has been imposed to ensure the parks comply with Council standards in relation to car park dimensions and manoeuvring.

Conditions

Conditions have been imposed to ensure that:

- Future earthworks in the northern-most residential area do not increase the visibility of future dwellings when viewed from Lake Wanaka to the north;
- The density of development is restricted to maintain a low density residential character (as offered by the applicant);
- Street planting is suitable for the exposed nature of the site;
- Mounding around car parking areas has a naturalistic appearance that blends with the surrounding topography; and
- The Open Space Zone is vested in Council as a public reserve.

Other Matters

Local Government Act 2002: Development Contributions

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities. The Outline Development Master Plan will not in itself result in any physical development of the subject site and will therefore not generate any demands on Council's infrastructure. Accordingly, no development contribution is required. The consent holder is advised that development contributions may be payable at the time subdivision consent is issued.

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

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

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

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

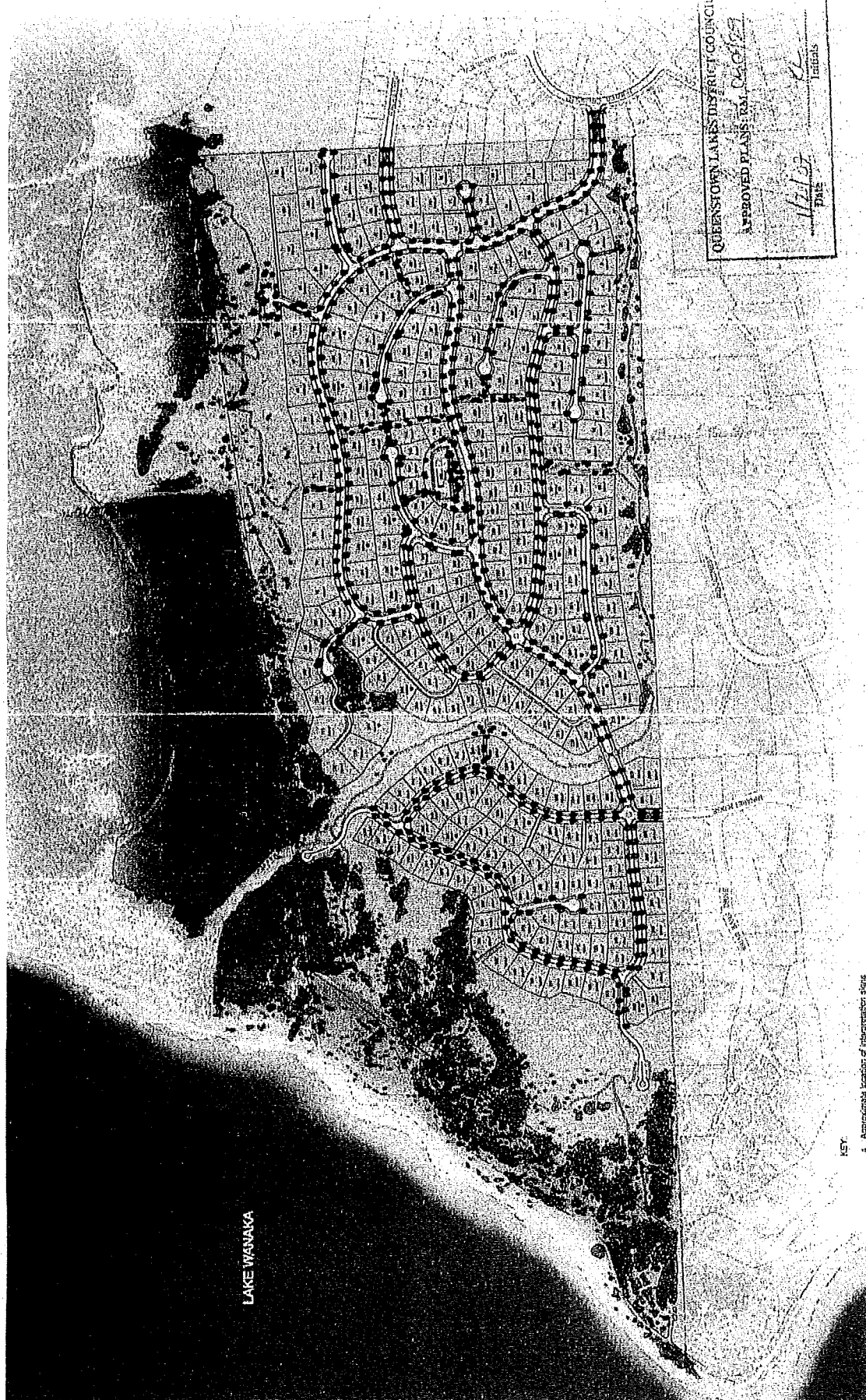
If you have any enquiries please contact Kirsty Lake on phone (03) 443 0125.

Prepared by
CIVICCORP

Reviewed by
CIVICCORP

Kirsty Lake
PLANNER

Stewart Fletcher
PRINCIPAL: RESOURCE CONSENTS (WANAKA)



QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: RSL 06/01/27
 DATE: 11/1/02
 INITIALS: [Signature]

Subject to final approval of the Queenstown
 Lakes District Council and subject to survey.
 Revision N1 - Scale 1:2500 (A1) / 1:5000 (A3) Date: 18 October 2006
 Contact: mark.bradfield@infiniti.co.nz c Burt Marshall Limited 2006

Peninsula Bay Masterplan



File: RM060959
Valuation Number: 2905100201

7 February 2007

Peninsula Bay Joint Venture
C/- Paterson Pitts Partners (Wanaka) Limited
PO Box 283
WANAKA 9343

Attention: Mike Botting/Robin Patterson

Dear Sirs

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

PENINSULA BAY JOINT VENTURE – RM060959

We refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to undertake stages 1-3 of the Peninsula Bay subdivision. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 7 February 2007. This decision was made and its issue authorised by David Clarke, Independent Commissioner, as delegate for the Council.

The subject site is located at Peninsula Bay, Wanaka and is legally described as Lot 1 Deposited Plan 302196 held in Certificate of Title 8603.

The site is zoned Low Density Residential and Open Space Zone in the Partially Operative District Plan and the proposal requires resource consent for the following reasons:

- A **controlled** activity pursuant to Rule 15.2.3.2 relating to subdivision activities.
- A **non-complying** activity pursuant to Rule 15.2.3.4(v) relating to subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of public access easements throughout the Open Space Zone.

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

The application was considered on a non-notified basis in terms of Section 93(1)(b) whereby the consent authority were satisfied that the adverse effects of the activity on the environment will be minor and in terms of Section 94(2) whereby no persons were, in the opinion of the consent authority considered to be adversely affected by the activity.

Decision

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 220 of the Act:

General Conditions

- 1 That the development be carried out in accordance with the plans (Paterson Pitts Ltd "Proposed Subdivision Peninsula Bay Stages 1-3" Rev B dated 25/10/2006 stamped as **"Approved Plans" on 7 February 2007**) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.

Engineering Conditions

- 3 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
- 4 The subdividing owner of the land shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
- 5 Prior to the commencement of any works on the land being subdivided and prior to the Council signing the Title Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall provide to the Queenstown Lakes District Council for review, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:

- a) The installation of a fully reticulated water network which is sized to service the potential of the full Peninsula Bay zone. The design shall include provision of an individual water supply to all residential Lots in terms of Council's standards and connection policy. This shall include an Acuflo GM900 as the toby valve. The costs of the connections shall be borne by the consent holder.

Further modelling is required as part of the design process which confirms that residual pressures and Class W3/4 fire flows can be achieved throughout the staging process. The design is also required to show how dead end and therefore potential poor water quality/pressure between stages is to be avoided.

- b) The installation of a fully reticulated sewer network which is sized to service the potential of the full Peninsula Bay zone. The design shall include provision of an individual connection to all residential Lots in accordance with Council's standards and connection policy. The costs of the connections shall be borne by the consent holder.
- c) The installation of a fully reticulated stormwater network which is sized to service the potential of the full Peninsula Bay zone. The design shall include provision of an individual connection to all residential Lots in accordance with Council's standards and connections policy. The cost of connections shall be borne by the consent holder.
- d) The consent holder shall obtain any necessary resource consents from the Otago Regional Council for the discharge of stormwater (if required) and shall forward a copy to the Council.

- e) The provision of fire hydrants with adequate pressure and flow to service the development with a Class W3/W4 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Any lesser risk must be approved in writing by Fire Service NZ, Dunedin Office.
- f) A report shall be submitted which addresses the recommendation 5d of the Royden Thompson Geological Assessment dated July 2003.
- g) All roading shall be designed in accordance with any recommendations given in the report submitted for conditions 5f above, the Boffa Miskell Limited, Peninsula Bay Road Hierarchy plan, Revision B, dated 22 December 2006 and the Traffic Design Group report dated October 2006 except where amended by the following conditions:
 - i) All through roads shall have traffic calming measures in line with the measures proposed on the Main Road ie kerb extensions "giving the impression of confinement thus slowing traffic and reducing the crossing length for pedestrians," or other measures approved by the Council.
 - h) All road lighting shall be in accordance with Council's road lighting policies and standards. Any road lighting installed on private roads/rights of way/ access lots shall be privately maintained and all operating costs be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council lighting network circuits.
 - i) The construction of the Open Space Zone Carparks 1 and 2 shall be designed in accordance with Table 1 Appendix 7 of the Partially Operative District Plan.
 - j) All car parks shall be sealed and permanently marked out.
 - k) Landscaping around the entrance to Carpark 1 shall be designed to ensure full visibility for vehicles accessing or egressing car parks.
 - l) All tracks within the development shall be designed to cater for both bicycle and pedestrian users.
 - m) The provision of sealed vehicle crossings that shall be constructed to Lots 3,15,33,52,62,81,82,101,102 & 139 to Council Standards, including compliance with Rule 14.2.4.2 of the Partially Operative District Plan.
- 6 Prior to the certification pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision.
 - b) The completion of all works detailed in condition (5) above.
 - c) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
 - d) Where this development involves the vesting of assets in the Council, the consent holder shall submit to Council a copy of the Practical Completion Certificate, including the date it was issued and when it lapses. This information will be used to ensure the Council's Engineering consultants are aware of the date where the asset is no longer to be maintained by the consent holder and to assist in budgeting for the Annual Plan.
 - e) All signage, including road names, shall be installed and necessary road markings completed on all Public or Private Roads (if any), created by this subdivision.

- f) The planting of street trees in accordance with the plan "Peninsula Bay Streetscape" by Boffa Miskell dated 18 January 2007.
- 7 Prior to certification pursuant to section 224 of the Act and in accordance with section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificate of Title for the performance of the following conditions on a continuing basis:
- a) At the time a dwelling is erected on any residential Lot, the owner for the time being shall construct a vehicle crossing in accordance with the relevant Council standards applicable at the time if one was not constructed at time of subdivision. Any Lot situated on a corner shall ensure that the placing of any vehicle crossing either complies fully with relevant Council standards, or it shall be sited in the most complying position possible.
- The following consent notice shall apply to the balance lot 901:*
- b) No more than 340 lots shall be connected to the water and wastewater within the Peninsula Bay zone until further modelling has been carried out which proves the Council systems have adequate capacity to cater for additional lots.
- 8 All easements shall be granted or reserved.
- 9 This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:
- a) Stage 1 – Lots 1, 2, 12-17, 21-25, 28-36, 39-47, 319, Lot 801 (to be vested as Road) & Lots 601-609 which are to be amalgamated to the adjacent land.
 - b) Stage 2 - Lots 3-11, 18-20, 26, 27, 37, 76-82, 90-103, 129-133, 136, 137, 140, Lots 702 and 720 (to be vested as Reserve) & Lots 802 & 803 (to be vested as Road)
 - c) Stage 3 - Lots 38, 48-69, 134, 135, 138, 139, 160-165, 320-322, Lot 703 & 721 (to be vested as Reserve) & Lot 804 & 805 (to be vested as Road)

Amalgamation Conditions

- 10 That Lot 601 hereon be transferred to the owners of Lot 1 Deposited Plan 18568 (CR OT9C/127) and that one computer register be issued to include both parcels (CSN Request 628862).
- 11 That Lot 602 hereon be transferred to the owners of Lot 12 Deposited Plan 18568 (CR OT9C/138) and that one computer register be issued to include both parcels (CSN Request 628862).
- 12 That Lot 603 hereon be transferred to the owners of Lot 1 Deposited Plan 26453 (CR 44837) and that one computer register be issued to include both parcels (CSN Request 628862).
- 13 That Lot 604 hereon be transferred to the owners of Lot 27 Deposited Plan 18868 (CR OT10B/236) and that one computer register be issued to include both parcels (CSN Request 628862).
- 14 That Lot 605 hereon be transferred to the owners of Lot 28 Deposited Plan 18868 (CR OT10B/307) and that one computer register be issued to include both parcels (CSN Request 628862).
- 15 That Lot 606 hereon be transferred to the owners of Lot 34 Deposited Plan 20556 (CR OT12A/1080) and that one computer register be issued to include both parcels (CSN Request 628862).

- 16 That Lot 607 hereon be transferred to the owners of Lot 35 Deposited Plan 20556 (CR OT12A/1081) and that one computer register be issued to include both parcels (CSN Request 628862).
- 17 That Lot 608 hereon be transferred to the owners of Lot 38 Deposited Plan 20556 (CR OT12A/1084) and that one computer register be issued to include both parcels (CSN Request 628862).
- 18 That Lot 609 hereon be transferred to the owners of Lot 39 Deposited Plan 20556 (CR OT12A/1085) and that one computer register be issued to include both parcels (CSN Request 628862).

Earthworks Conditions

- 19 Prior to commencing any work on the site the consent holder shall install a vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal. This crossing shall be upgraded in accordance with Council's standards, or removed, at the time dwellings are constructed on the site.
- 20 Prior to commencing works, the consent holder shall install all site management measures as described in the application.
- 21 The consent holder shall install measures to control and or mitigate any dust, silt run-off and sedimentation as described in the application. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project.
- 22 The consent holder shall provide Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 who is to supervise the excavation procedure. This engineer shall continually assess the condition of the excavation and implement any design changes / additions if and when necessary.
- 23 Any temporary retention systems shall be installed immediately following excavation to avoid any possible erosion or instability.
- 24 The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 25 Prior to construction of any buildings on the site a Chartered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431 for all areas of fill within the site on which buildings are to be founded.
- 26 Within four weeks of completing the earthworks the consent holder shall submit to Council as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".
- 27 At the completion of the earthworks, all earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 6 weeks.
- 28 No earthworks, temporary or permanent, are to breach the boundaries of the site.
- 29 Upon completion of the earthworks, the consent holder shall complete the following:

- a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
- b) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining walls on site (if any).

Density

30 Prior to certification pursuant to section 224 of the Act and in accordance with section 221 of the Resource Management Act 1991, a consent notice shall be registered on the pertinent Certificates of Title for the performance of the following conditions on a continuing basis:

- a) On the lots identified below only one residential unit shall be constructed and there shall be no further subdivision to create any additional allotment:

Lots 2-13, 17, 19-23, 26-31, 33-42, 45-49, 51, 52, 55-58, 76-81, 91, 93-103, 129, 131-140, 160-165, 319-322 inclusive.

Note: A residential unit is defined in the Partially Operative District Plan (2007) as a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

Reserves

31 The vesting of Lots 702 and 703 as local purpose (access) reserves and Lots 720 and 721 as recreation reserves shall be undertaken in accordance with the conditions of the resolutions of Council adopted on 24 November 2006.

Car parks

32 The final design of the batter slopes surrounding car parks 1 and 2 shall be approved by the Council at the conclusion of earthworks to form the car parking areas. Batter slopes shall be formed to fit with the undulating topography of the adjacent landform.

Advice Note

The Council may elect to exercise its functions and duties through the employment of independent consultants.

Reasons for the Decision

Planning History

The rezoning of Peninsula Bay from Rural General to Residential was first considered in 2001 when Variation 15 to the Proposed District Plan was notified for submission. Variation 15 proposed to create a special zone over Peninsula Bay with core areas of the site rezoned for Low Density Residential purposes and fringe locations designated for rural residential living.

The Environment Court rejected Variation 15 in its entirety, based on the following key issues:

- Adverse effects on landscape and visual amenity values, particularly at the northern and eastern fringes;
- The lack of demonstrated need for residential sections that Variation 15 would have enabled;
- Adverse effects on the natural character of Lake Wanaka and its margins; and
- Inconsistency with policies calling for compact urban form and urban consolidation.

Variation 25 was subsequently developed, proposing a change in zoning from Rural General to Low Density Residential and Open Space zoning. The boundaries were amended to remove sensitive

areas from residential zoning and an Outline Development Master Plan approval process was included in the Partially Operative District Plan.

Variation 25 became fully operative in November 2006.

Outline Development Master Plan

Resource consent RM060929 was granted on 2 February 2007 for an Outline Development Master Plan. The purpose of the Outline Development Master Plan is to ensure that Peninsula Bay is developed comprehensively and cohesively - including aspects such as roading, subdivision layout, pedestrian links and public access, location and visibility of future dwellings.

The Outline Development Master Plan (ODMP) forms an integral part of future planning within Peninsula Bay. The Partially Operative District Plan requires the Outline Development Master Plan be approved by Council prior to any subdivision and/or development occurring within the Zone. Only then may subdivision and development occur as of right (albeit as a controlled activity) if it remains in accordance with the approved ODMP.

Proposal

Subdivision consent is sought to undertake a three-stage subdivision to create 112 residential allotments.

The proposed stages are as follows:

- Stage 1: Lots 1, 2, 12-17, 21-25, 28-26, 29-47, 319 (32 lots)
Lot 801 to be vested as road in QLDC
Lots 601-609 are to be amalgamated with existing lots outside of the subject site.
- Stage 2: Lots 3-11, 18-20, 26, 27, 37, 76-82, 90-103, 129-133, 136, 137, 140 (44 lots)
Lots 702 and 720 to be vested as reserve in QLDC
Lots 802 and 803 to be vested as road in QLDC
- Stage 3: Lots 38, 48-69, 134, 135, 138, 139, 160-165, 320-322 (36 lots)
Lots 703 and 721 to be vested as reserve in QLDC
Lots 804 and 805 to be vested as road in QLDC

The remainder of the site is to be held in balance lot 901.

This proposal represents the first three stages of the Peninsula Bay development. Land use consent for the approval of an Outline Development Master Plan was recently granted by the Council, for an overall subdivision design containing 339 residential lots.

Building platforms have been identified on Lots 1, 15, 24, 32, 43 and 44 and are proposed to be subject to restrictive land covenants to be imposed by the applicant.

Four lots identified on the ODMP as subdivisible have been further subdivided as part of this application.

Access to all lots contained in Stages 1-3 is from the roading network contained in the ODMP, which includes access from Hunter Crescent and Rata Street. All roads are proposed to be vested in the Council.

Detailed reports are included in the application relating to the provision of reticulated water, stormwater and wastewater systems.

Documentation has also been submitted confirming that electricity and telecommunication supplies are available to service the proposed subdivision.

Earthworks to construct the subdivision are proposed to be in the order of 360,000m³, consisting of 160,000m³ of cut and 140,000m³ of fill, with an additional 60,000m³ of topsoil. The proposed earthworks are estimated to incorporate approximately 22 hectares of land. The maximum cut height is five metres, and the maximum fill depth is six metres. All fill is proposed to be certified.

The Open Space Zone located within the Peninsula Bay site is proposed to be vested in Council as public reserve, as are the pedestrian accessways within the subdivision. The Council has accepted the vesting of this land, subject to a maintenance agreement with the applicant.

Site and Locality

The location of proposed subdivision stages 1-3 is located at the southern end of the Peninsula Bay site.

The following site description is taken from Environment Court decision C010/2005 and relates to the entire Peninsula Bay site:

"The site is roughly rectangular in shape, and has an area of 75.484 hectares. It is located on the Beacon Point Peninsula, immediately north of a residential area served by Rata Street and Hunter Crescent; and east of another residential area known as Penrith Park. To the north, the site abuts a recreation reserve, which in turn abuts Lake Wanaka. The adjoining land to the east is exotic forest, and to the south-east, pasture.

The southern boundary of the site is about 2.3 kilometres from the Wanaka Town Centre. The western boundary of the site is about 700 to 800 metres from Lake Wanaka, and northern boundary is about 120 metres from the lake edge.

The site is generally rolling, with shallow gullies, rounded ridges and a predominantly westerly aspect. The northern boundary is near the top of a steep scarp which drops to the lake. The eastern boundary is about 130 to 300 metres from a ridge.

The average level of the lake is about 279 metres above sea level. The highest point on the site is about 360 metres above sea level, and the lowest point about 305 metres above sea level.

Most of the site has a slope pattern that ranges from 1 in 7 to flatter than 1 in 20, but there are areas near the eastern boundary, the south-western end and north-eastern end that slope between 1 in 7 to 1 in 3. The escarpment down to the lake beyond the northern end of the site is generally steeper than 1 in 3.

In prehistoric times the site was overrun by glacial advances which left morainic deposits, more recently about 23,000 (fn2 The Mt Iron Advance) and 18,000 (fn3 The Hawea Advance) years ago. The younger (Hawea) moraine generally lies between the 300- and 360- metre contour lines on the site.

The vegetation of the site is mainly exotic pasture grasses, and there are scattered stands kanuka and matagouri mainly at the northern end of the site and along parts of the eastern boundary. There are also pockets of kanuka in gullies and patches elsewhere on the site.

The site is visible to varying degrees from parts of Lake Wanaka, and from parts of West Wanaka, including the Millenium Walkway along the western shore, and residential areas to the west and south of the site. More particularly, the northern part of the site is visible from the lake, and the elevated slopes near the eastern boundary are visible from the west and south, as well as from parts of the lake.

Some people cross the south-eastern corner of the site to gain access to walking and cycle tracks in the adjacent plantation, and others use cycles on tracks through the kanuka at the northern end. The owner has acquiesced in that, but the site is private property and there is no public right of access over it. There is a popular walking path through the lakeside reserve to the north of the site."

Effects on the Environment

Trees

Construction of the proposed subdivision will require the removal of some indigenous vegetation located within small gullies on the site. It is considered that the adoption of Variation 25 indicates that the conversion of the site into built form is acceptable. The vesting of the Open Space Zone in Council includes significant areas of indigenous vegetation which will be retained and enhanced, and therefore effects on indigenous vegetation across the site are considered to be minor.

Hazards

A geological report by Roydon Thomson dated July 2003 states:

"There are two closed depressions that are likely to have some bedded infill of uncertain grading. However, the current layout plan shows the depression to the north as a recreational reserve while that to the south is to be a swimming and sporting complex site and a reserve in part.

While the former depression is essentially issue free, the latter may (potentially) generate foundation problems of a minor nature and must be prone to wetting during major storms."

The more southern depression refers to the Central Melt Channel and the applicant has advised that this is where the swimming and sporting complex was originally proposed to be located.

The Central Melt Channel forms part of the Open Space Zone, where all structures and buildings require resource consent. The only structure proposed within this area is an arterial road, however this does not form part of this subdivision application. At the time this road is proposed to be formed it is considered that appropriate design by suitably qualified professionals will ensure that this road can withstand high rainfall events. In addition, further consideration of potential flooding will be required at the time consent is sought for any structure or building in the Central Melt Channel (if any).

In summary, no adverse effects in terms of flooding are considered to arise.

Earthworks

The proposed subdivision includes approximately 360,000m³ of earthworks over an area of approximately 22 hectares to form new roads, right of ways and to re-contour parts of the site.

Earthworks design and construction controls have been prepared by Paterson Pitts Partners (Wanaka) Limited, including site management procedures. The proposed dust suppression system proposes to utilise water from the Council's reticulated network, a variation from Council policy that has been specifically approved by the Council's Water Utilities Manager to allow this. Adequate dust suppression measures are particularly important given the exposed nature of the site to the prevailing wind.

The proposed earthworks will significantly alter the landform of Peninsula Bay, which currently exhibits a number of small gullies and undulations. Given the Low Density Residential zoning of the subject site, earthworks associated with subdivision are considered to be anticipated and it is preferable that these occur to create level building sites at the subdivision stage rather than through numerous land use consents in the future. Whilst the site may lose some of the natural undulations the general slope of the site down towards the west will be maintained, allowing the Open Space Zone along the higher eastern boundary of the site to remain visually prominent.

In summary, subject to strict enforcement of site management conditions, the adverse effects of the proposed earthworks are considered to be minor.

Geotechnical

It is noted that a geological report by Roydon Thompson (dated July 2003) assesses the suitability of the site for the construction of roading and installation of services. The report recommends that the

southern-most arterial road up an incised gully is reviewed from a flooding perspective. The applicant has verbally confirmed that this recommendation has been incorporated into the stormwater and earthworks designs to fully cater for all potential overland flows. CivicCorp's Engineer has recommended a condition of consent requiring that the final road designs incorporate the recommendations of the geological report, to ensure geological concerns are fully mitigated.

Water Supply

Tonkin and Taylor has undertaken hydraulic modelling of the Wanaka water supply and the peak demand that will occur when Peninsula Bay is fully developed in accordance with the ODMP. The report concludes that the existing network has the capacity to absorb the proposed development with satisfactory residual pressure and Class W3/W4 fire flow.

Rationale, the Council's infrastructure consultants, has reviewed the Tonkin and Taylor report and concur with the conclusions there-in. Rationale has however questioned how staged reticulation will be able to provide satisfactory residual pressures and Class W3/W4 fire flow. Rationale has also questioned how poor water quality created by dead ends between stages will be avoided. CivicCorp's Engineer has recommended a condition of consent that requires Rationale's concerns be addressed during the final design stage, prior to certification of the subdivision in accordance with section 223 of the Resource Management Act. Subject to these concerns being addressed, no adverse effects in terms of water supply are anticipated.

In addition, development contribution fees can be levied to mitigate the increased demand on Council's reticulated system.

Effluent Disposal

Wastewater is proposed to be reticulated via a new gravity line that will connect to the existing Council reticulation in Hunter Crescent. All new lines are proposed to be vested in Council. Wastewater modelling has been undertaken by Rationale for the entire Peninsula Bay subdivision (339 lots). The Rationale report concludes that no upgrades are required in order to undertake the proposed Stages 1-3, however some upgrades may be required in the vicinity of Beacon Point Road and Aubrey Road when subsequent subdivision stages are applied for. Development contributions fees are applicable to mitigate the increased demand on the Council's reticulated wastewater system.

Stormwater Control

Stormwater is proposed to be disposed of via gravity feed to the south-western corner of the site, and on to Hunter Crescent. Works outside of the site by the applicant to construct a new stormwater pipeline from Peninsula Bay to Lake Wanaka have been addressed separately by the Council, and are outside the scope of this resource consent. CivicCorp's Engineer is satisfied with the proposed stormwater disposal methods and has recommended standard conditions of consent relating to internal reticulation. The proposed stormwater disposal methods are not considered to give rise to adverse effects.

Energy Supply and Telecommunications

Documentation has been provided as evidence that the proposed subdivision can be supplied with power and telecommunications.

Density of Development

The applicant has offered to impose a consent notice on all lots under 1400m² that are not identified on the ODMP as being subdivisible, to prevent further subdivision and restrict development on each lot to one residential unit. It is noted that any proposed subdivision of a lot exceeding 1400m² but not identified on the ODMP as being subdivisible will be a non-complying activity in accordance with Rule 7.5.5.2(xiv) of the Partially Operative District Plan. The applicant has also proposed a consent notice restricting those lots earmarked for future subdivision to a maximum subdivision of two lots, and a maximum density of one residential unit on each resulting lot. The density restrictions offered by the applicant will result in a subdivision that provides for a positive balance of building activity and open

space within the residential area. With most lots being capable of only one residential unit, outdoor living space and capacity for landscaping on each lot will be maximised, thus enhancing amenity values of the overall site.

Character and Amenity

The proposed development will significantly change the open pastoral character of Peninsula Bay. These effects were assessed through the plan change process, with the public having a number of opportunities to comment. The rezoning of the site as Low Density Residential essentially provides for a complete change in character of the site, with the adverse visual effects partially offset by the creation of the Open Space Zone to be vested in the Council as a recreation reserve.

The proposed subdivision is fully in compliance with the provisions of the Low Density Residential Zone and ODMP approved by Council, and therefore no adverse effects in terms of character and amenity are considered to arise.

Public Access

Rule 15.2.3.4(v) states that subdivision within Peninsula Bay prior to the creation of public access easements through the Open Space Zone shall be a non complying activity.

After Variation 25 became fully operative, consultation between the applicant and the Council resulted in a resolution that the Open Space Zone in Peninsula Bay would be vested in Council as public reserve, being the preferred alternative to public access easements. For this reason no easements for public access were required through the ODMP process or proposed as part of this subdivision application.

The Council has resolved to accept the vesting of the Peninsula Bay Open Space Zone as recreation reserve, subject to a number of conditions relating to maintenance, reserve contributions and design of trails throughout the Open Space Zone.

The vesting of the Open Space Zone is proposed to be undertaken in stages, to allow the applicant to temporarily restrict public access to some areas of the Open Space Zone when construction of the subdivision poses safety risks to the public.

In addition, the Council has resolved to accept the vesting of 11 local purpose (access) reserves comprising 6,185m² in area, subject to several conditions relating to maintenance and reserve contributions.

Roading Network

Access through the proposed subdivision is by way of a new roading network which has been assessed through the ODMP resource consent RM060929. Relevant conditions from that resource consent RM060929 have been carried through to this consent.

Vehicle Crossings

CivicCorp's Engineer has recommended that a condition of consent be imposed that requires the applicant to construct vehicle crossings for all rear lots, and those lots with frontages of less than 20 metres at the time of subdivision. A consent notice is also considered appropriate for all remaining lots, advising future owners that a vehicle crossing in accordance with Council standards is required to be constructed at the time a dwelling is proposed.

Traffic Generation

Traffic generation as a result of the proposed activity was assessed through Variation 25 and through the ODMP resource consent. Due to the consent notices proposed by the applicant restricting the density of development on the majority of lots, the traffic generation that will result from the proposed subdivision is considered to be less than could be expected from the Low Density Residential zoning of the site.

A roading contribution is payable for the increase demand on the Council's roading network beyond the Peninsula Bay site.

Parking

The proposed subdivision includes the creation of Car Parks 1 and 2 within the Open Space Zone. It is considered appropriate to carry over the relevant conditions of consent contained within the ODMP decision to this application. These conditions relate to the forming and sealing of the car parks, and the maintenance of landscaping surrounding the car parks to ensure adequate sight lines are maintained. No adverse effects are anticipated as a result of the proposed car parks.

Nuisance

Construction of the proposed subdivision will potentially result in a number of nuisance effects such as dust, sediment runoff and noise. It is considered that construction related noise is anticipated by the zoning of the site, and subject to conditions of consent relating to site management procedures and hours of operation, the adverse effects will be no more than minor.

Objectives and Policies

The relevant objectives and policies are contained within Part 15 (Subdivision, Development and Financial Contributions) of the Partially Operative District Plan and are discussed below:

Objective 1 - Servicing

The provision of necessary services to the subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.

Policies:

- 1.1 To integrate subdivision roading with the existing road network in an efficient manner, which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.*
- 1.2 To ensure safe and efficient vehicular access is provided to all lots created by subdivision and to all developments.*
- 1.3 To achieve provision of pedestrian, cycle and amenity linkages, where useful linkages can be developed.*
- 1.4 To avoid or mitigate any adverse visual and physical effects of subdivision and development roading on the environment.*
- 1.5 To ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.*
- 1.6 To ensure the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken by or paid for by subdividers or developers, in recognition of the scale and nature of the anticipated land uses.*
- 1.7 To ensure the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.*
- 1.8 To encourage the retention of natural open lakes and rivers for stormwater disposal, where safe and practical, and to ensure disposal of stormwater in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.*

- 1.10 *To ensure, upon subdivision or development, that all new lots or buildings are provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available.*
- 1.11 *To ensure adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity values of the area.*
- 1.12 *To ensure the requirements of other relevant agencies are fully integrated into the subdivision/development process.*

As discussed in the assessment of environmental effects, it is considered that adequate provision has been made for the supply of water, electricity and telecommunications, and the disposal of wastewater and stormwater. Pedestrian and cycling linkages have been provided throughout the Open Space Zone to be vested in Council as recreation reserve, and within the subdivision via linkages to be vested in Council as local purpose (access) reserves.

The proposal is considered to be consistent with the above objective and policies.

Objective 2 – Costs of Services to be Met by Subdividers

The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to be met by subdividers.

Policies

- 2.1 *To require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works) whether provided before or after the subdivision and/or development, and which are attributable to the effects of the subdivision or development, including where applicable:*
 - *Roading and access;*
 - *Water supply;*
 - *Sewage collection, treatment and disposal;*
 - *Stormwater collection, treatment and disposal;*
 - *Trade waste disposal;*
 - *Provision of energy;*
 - *Provision of telecommunications.*

- 2.2 *Contributions to be in accordance with the method of determination specified in the Rules and be fair and reasonable.*

A development contribution will be levied by the Council to mitigate the increased demand on the Council's reticulated water and wastewater systems. A roading contribution is also payable to offset the increased demand on the Council's roading network.

Objective 3 – Reserve Contributions and Esplanade Reserves

This Objective refers to Part 4.4 (Open Space and Recreation).

The objectives and policies contained within Part 4.4 are not fully operative and relate to the preservation of public open spaces and recreational areas from inappropriate subdivision and development, and the effective use and functioning of open space and recreational areas.

The provision of open space and recreational areas is discussed further below under Objective 6.

Objective 5 – Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 *To ensure lot sizes and dimensions provided for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.*

The design of the proposed subdivision has been approved through resource consent RM060929 which approved the ODMP that the proposed subdivision is in accordance with.

Objective 6

To ensure effective public access is provided throughout the Peninsula Bay land.

Policies:

- 6.1 *To ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.*
- 6.2 *Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and the establishment of easements prior to any further subdivision.*
- 6.3 *To ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.*

As stated above, at the conclusion of the plan change process it was agreed that the Open Space Zone within the Peninsula Bay site would be vested in Council as recreation reserve. This was considered preferable to the creation of public access easements. Technically, the proposed subdivision is a non complying activity as the public access easements required by the Partially Operative District Plan have not been created. However the proposed vesting of the Open Space Zone as recreation reserve is considered to be in accordance with the intent of Variation 25 and the above objective and policies.

In addition, the objectives and policies contained in Part 20 (Open Space Zone – Landscape Protection) are relevant to the proposed subdivision, and are discussed below:

Objective 2

To enable public use of the Open Space Zone for passive or informal recreational activities.

Policies:

- 2.1 *By ensuring public access is available to land within the zone.*
- 2.2 *By providing for the creation of a limited number of passive recreation facilities eg walking and cycling trails, picnic and barbeque areas.*
- 2.3 *By limiting recreation activities to informal or passive type activities.*

This objective and related policies was considered during assessment of the ODMP proposal, which provides for the entire Open Space Zone to be vested in the Council as recreation reserve, and for the creation of trails for use by walkers and cyclists. The proposed subdivision is consistent with the ODMP and is therefore consistent with the above objective and policies.

Assessment Matters

The relevant assessment matters are contained within Part 15 (Subdivision, Development and Financial Contributions) of the Partially Operative District Plan, and are discussed below:

15.2.6.4(i) Lot Size and Dimensions

Lot size and dimensions were approved through the ODMP consent RM060929. The proposed subdivision is fully in accordance with the ODMP and is also considered to be consistent with the assessment matters relating to lot sizes and dimensions.

15.2.7.3 Subdivision Design

As stated above, the subdivision design was approved through the ODMP consent RM060929 and further assessment of the subdivision design is not necessary.

15.2.8.3 Property Access

The safety and efficiency of the roading network and provision of pedestrian and cycle access was assessed through the ODMP application and considered to be acceptable. A roading contribution is payable to offset the increased demand on the Council's wider roading network. Additional conditions of consent have been imposed relating to the construction of vehicle crossings. Streetscape plans approved through the ODMP include street planting to enhance the character and amenity of the subdivision.

15.2.11.4 Water Supply

Adequate potable water is available to service the proposed subdivision, and development contributions will be levied to offset the increased demand on Council's infrastructure.

15.2.12.1 Stormwater Disposal

The proposed stormwater design is considered acceptable and is consistent with the relevant assessment matters.

15.2.13.2 Sewage Treatment and Disposal

The applicant has demonstrated that the existing Council reticulated sewage system can cater for the proposed subdivision. An upgrade is likely to be required at the time further development within Peninsula Bay is sought, however this will be assessed at the time a subdivision consent for Stages 4 onwards is lodged.

15.2.15.1 Energy Supply and Telecommunications

Delta and Telecom have confirmed that energy supply and telecommunications can be made available to the subdivision.

15.2.16.1 Open Space and Recreation

The provisions for Open Space and Recreation have been addressed through Variation 25 and the ODMP. An agreement has been reached between the applicant and the Council regarding the vesting of the Open Space Zone in lieu of a reserve land contribution.

15.2.18.2 Easements

As discussed throughout this decision, provision for public access throughout the Open Space Zone within Peninsula Bay will occur through the vesting of the Open Space Zone in the Council as a recreation reserve. This will ensure public access is retained in perpetuity. In addition, a number of pedestrian linkages within the Low Density Residential Zone of Peninsula Bay are also to be vested in Council as local purpose (access) reserves to enhance pedestrian linkages and public access.

Conditions

Conditions have been imposed to ensure that:

- The potential nuisance effects of earthworks during the construction phase are avoided or mitigated;
- All necessary infrastructure can be provided to the proposed lots in accordance with Council's standards;

- The density of development is restricted by way of consent notice on the majority of lots as offered by the applicant;
- The car park located within the Open Space zone is formed in accordance with Council's standards;
- All roads and reserves are vested in Council; and
- The subdivision is developed in three stages, as requested by the applicant.

Other Matters

Local Government Act 2002: Development Contributions

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

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

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to application under the Resource Management Act for certification pursuant to section 224(c). Pursuant to Section 208 of the Local Government Act 2002 the Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development Contribution has not been paid.

Administrative Matters

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

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

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

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

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

If you have any enquiries please contact Kirsty Lake on phone (03) 443 0125.

Prepared by
CIVICCORP

Reviewed by
CIVICCORP

Kirsty Lake
PLANNER

Stewart Fletcher
PRINCIPAL: RESOURCE CONSENTS (WANAKA)

QUEENSTOWN LAKES DISTRICT COUNCIL

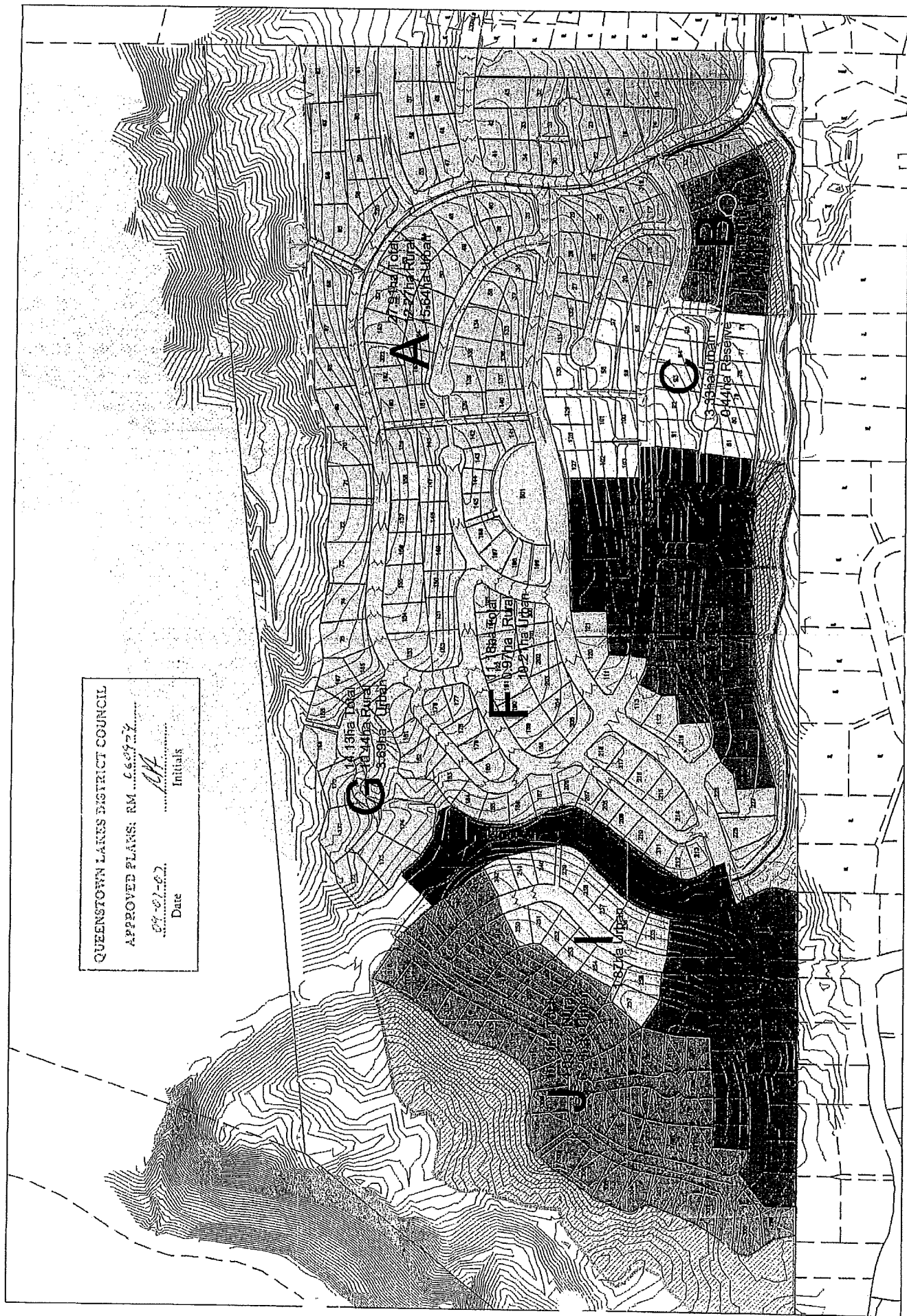
APPROVED PLANS: RM 66972

09-07-02

Date

Initials

RM



File: RM061176
Valuation Number: 2905100201

21 February 2007

Peninsula Bay Joint Venture
C/- Paterson Pitts Partners (Wanaka) Limited
PO Box 283
WANAKA 9343

Attention: Daniel Curley/Mike Botting

Dear Sirs

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

PENINSULA BAY JOINT VENTURE – RM061176

We refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to undertake 282,000m³ of earthworks. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 21 February 2007. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The subject site is located at Peninsula Bay, Wanaka and is legally described as Lot 1 Deposited Plan 302196 held in Certificate of Title 8603.

The site is zoned Low Density Residential and Open Space in the Partially Operative District Plan and the proposal requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal does not comply with Site Standard 7.5.5.1(xvi)(1)(a) which states that the total volume of earthworks does not exceed 100m³ per site within a 12 month period.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal does not comply with Site Standard 7.5.5.1(xvi)(1)(b) which states that the maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m² in area within that site within a 12 month period.
- A **restricted discretionary** activity pursuant to Rule 7.5.3.4(vi) as the proposal does not comply with Site Standard 7.5.5.1(xvi)(2)(b) which states the maximum height of any cut shall not exceed 2.4 metres.