Lots 2-13, 19-23, 26-31, 33-42, 45-49, 51, 55-57, 70-81, 83-88, 91, 93-115, 117-129, 131-148, 150-154, 156-161, 163-166, 168, 176-181, 183-218, 220-227, 229-297, 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, 89, 116, 149, 155, 162, 167, 169, 170-175, 182, 219, 228, 298 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

- 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.
- 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 Qeurcus 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.
- 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.
- 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**

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.

- 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:
    - 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

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

- 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.

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File: RM090038 variation to RM080100 Valuation Number: 2905114798

12 March 2009

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

Attn: Daniel Curley

Dear Mr Curley

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

#### **RESOURCE MANAGEMENT ACT 1991**

## PENINSULA BAY JOINT VENTURE - RM090038

We refer to your application for a variation under section 127 of the Resource Management Act 1991 to vary Conditions 1 and 12 of resource consent RM080100 pertaining to Stages 2 – 6 of the Peninsula Bay subdivision. The variation seeks to amend the staging of this consent, resulting in variations to Conditions 1 and 12, relating to the approved plans and staging respectively.

The original RM080100 application was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 28 May 2008. This decision was considered under delegated authority pursuant to section 34 of the Resource Management Act 1991 on 11 March 2009, 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 903 Deposited Plan 412667 held in Certificate of Title 447125.

Conditions 1 and 12 of resource consent RM080100 state:

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 12 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:
  - (i) Stage 2: Lots 70 75, 121 128, 141 159, 193 201, 328 and 329 (44 residential lots) Lot 501 (communal facility) Lot 806 (to vest as road)

Lots 704 and 705 (to vest as local purpose reserve – access) Lot 722 (to vest as recreation reserve)

(ii) Stage 3: Lots 111, 120, 166 - 192, 202 - 206, 323 - 327, 330, 331, 336 and 337 (43 residential lots)

Lots 807 and 808 (to vest as road)

Lots 706 and 707 (to vest as local purpose reserve – access)

Lot 714 (to vest as local purpose reserve - drainage)

Lot 723 (to vest as recreation reserve)

Lot 812 (access lot)

(iii) Stage 4: Lots 83 - 89, 104 - 110, 112 - 119, 207 - 232, 263, 292, 332 - 334 and 338 (54 residential lots) Lot 809 (to vest as road) Lots 710 and 711 (to vest as local purpose reserve - access)

Lots 712 and 713 (to vest as local purpose reserve – drainage)

(iv) Stage 5: Lots 233 - 262, 285 - 291 and 311 - 318 (45 residential lots) Lot 810 (to vest as road) Lot 708 (to vest as local purpose reserve - access) Lot 724 (to vest as recreation reserve)

(v) Stage 6: Lots 264 – 284, 293 – 310, 335 and 339 (41 residential lots) Lot 811 (to vest as road) Lot 709 (to vest as local purpose reserve - access) Lot 725 (to vest as recreation reserve)

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

A discretionary activity resource consent pursuant to section 127(3)(a) of the Resource Management Act 1991, which deems any application to change or cancel consent conditions to be a discretionary activity.

In accordance with section 127 of the Resource Management Act 1991 the application was considered under sections 88 to 121 of the Act. On this basis the application was considered on a non-notified basis in terms of sections 93 & 94 of the Act because the adverse effect on the environment of the proposed variation was considered to be nil and no parties were considered to be adversely affected by the proposed change of Conditions 1 and 12.

#### Decision

That the application by Peninsula Bay Joint Venture to vary Conditions 1 and 12 of the resource consent RM080100 be granted pursuant to section 127 of the Resource Management Act 1991, such that:

Conditions 1 and 12 of resource consent RM080100 are amended to read as follows:

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd. Drawing No; W310105 dated March 2008 - all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments granted under resource consent RM090038 and plans (prepared by Paterson Pitts Partners Ltd, Drawings No: W2980, Rev. K, dated 22/10/2008 x 2 - stamped as "approved plans" dated 10 March 2009), with the exception of the amendments required by the following conditions of
- 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:

- Stage 2: Lots 70 75, 121 128, 141 159, 193 201, 328 and 329 (44 residential lots)
   Lot 501 (communal facility)
   Lot 806 (to vest as road)
   Lots 704 and 705 (to vest as local purpose reserve access)
   Lot 722 (to vest as recreation reserve)
- (ii) Stages 3a c (each sub stage shall be independent):
  3a Lots 187 192 & 206 (Lot 809 Road & Lot 707 Reserve)
  3b Lots 175 186, 331 & 337 (Lot 808 Road)
  3c Lots 166 174, 323 327, 330 & 336 (Lot 807 Road & Lot 706 Reserve)
- (iii) Stages 4a f (each sub stage shall be independent):
  4a Lots 83 87, 222 228 & 334 (Lots 810 812 Road, Lots 711 713 Reserve)
  4b Lots 207 218
  4c Lots 112 119, 219 221, & 333
  4d Lots 111, 120, 202 205
  4e Lots 229 232, 263 & 292
  4f Lots 88, 89, 104 110, 114 117, 332, & 338
- (iv) Stages 5a b (each sub stage shall be independent):
   5a Lots 233 239, 252 254, 257 262 (Lot 813 Road, Lot 700 Reserve)
   5b Lots 240 251, 255, 256, 285 291, 311 318 (Lot 814 Road)
- (v) Stages 6a b (each sub stage shall be independent):
   6a Lots 271 284, 302 310 (Lot 815 Road, Lot 709 Reserve)
   6b Lots 264 270, 293 301, 335 & 339 (Lot 816 Road)

#### Advice note

- (i) The Council may elect to exercise its functions and duties through the employment of independent consultants.
- (ii) All other conditions of RM080100 shall continue to apply.

#### Reasons for the Decision

## Site History

As described under resource consent RM080100:

## Outline Development 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.

Subsequently, a variation RM070884 to consent RM060929 was granted on 3 October 2007 to change the classification of land to vest in Council, and remove a public car park within the Open Space Zone. A variation RM080025 was granted on 12 February 2008 to vary conditions 2(a) and 4 of resource consent RM060929 and to vary conditions 1 and 2(g) of RM070884 relating to a change in the location of Local Purpose Reserve Accessways 706 and 710, and the reassignments of 9 allotments to be marked as subdividable lots.

Consent RM080440 was granted on 16 April 2008 to vary conditions 1, 2(a) and 4 of resource consent RM060929 to provide for the following changes (so that it is consistent with the subdivision plan submitted as part of the RM080100 application):

- Relocate a subdivisible 'dot' from Lots 154 to Lot 89
- Amend the lot area of Lots 88 and 89

Amend the access arrangements to Lots 170-174

#### Subdivision 5 4 1

A resource consent RM060959 was granted on 7 February 2007 to subdivide the southern third of the Peninsula Bay site to create 112 residential allotments. This application included a significant amount of earthworks in southern third of the site.

A variation RM070757 to the original subdivision consent RM060959 was granted on 2 October 2007 to: alter the staging of the subdivision, change the vesting of a portion of the Open Space Zone from Recreation Reserve to Local Purpose Reserve, and remove a public car parking area. As it stands, Stage 1 of the Peninsula Bay now comprises the following:

- a) Stage 1a Lots 1, 2, 13-18, 21-61, 131-140, 160-165, 319-322, Lot 801 (to be vested as Road), Lot 703 (to be vested as Local Purpose Reserve) & Lots 601-609 which are to be amalgamated to the adjacent land.
- b) Stage 1b Lots 62-69, Lot 721 (to be vested as Recreation Reserve) & Lot 802 (to be vested as Road).
- c) Stage 1c Lots 3-12, 19, 20, 76-82, 90-103, 129, 130, Lot 701-702 & 720 (to be vested as Local Purpose Reserve) & Lot 803 (to be vested as Road).

#### **Earthworks**

Land use consent RM061176 was granted on 21 February 2007 to undertake earthworks within the Low Density Residential zone area of Peninsula Bay comprising approximately: 282,000m<sup>3</sup> of earthworks volume, a topsoil volume of 57,000m<sup>3</sup>, a cut volume of 125,000m<sup>3</sup> and a fill volume of 100,000m<sup>3</sup>. The maximum cut depth is approximately six metres, and the maximum fill depth is approximately 5.5 metres. These earthworks were to be undertaken concurrently with the earthworks approved in association with subdivision consent RM060959 and were required to create final ground contours for future subdivision, including preliminary formation of new roads and the shaping of future allotments.

A variation RM070362 to resource consent RM061167 was granted on 8 May 2007 to vary Condition 1 and 16 in order to reduce the restriction on the area of earthworks able to be undertaken at one time.

A resource consent RM070796 was granted on 23 October 2007 for the retrospective undertaking of earthworks within a central portion of the Open Space Zone at Peninsula Bay. A total earthworks volume of 38730m<sup>3</sup> was undertaken over an approximate area of 3.5905 hectares.

A resource consent RM070693 was granted on 19 September 2007 to undertaken 230,000m<sup>3</sup> of earthworks at Peninsula Bay over an area of approximately 13.4 hectares. The earthworks were required to achieve the final ground contours, including preliminary formation of new roads, shaping for future allotments and creation of stormwater quality treatment ponds.

## Recreational Facility

An application for resource consent RM071124 to construct a communal swimming pool and gym facility on lot 501at Peninsula Bay was granted on 13 March 2008.

#### **Proposal**

Consent is sought to vary resource consent RM080100 pertaining to Stages 2-6 of the Peninsula Bay subdivision, being the creation of 250 allotments. The variation seeks to amend the staging of this consent.

A variation is sought to amend the staging of RM080100 as follows. The original staging granted under resource consent RM080100 is shown in italics first, with plain text following with the amendments sought.

Lots 70 – 75, 121 – 128, 141 – 159, 193 – 201, 328 and 329 (44 residential lots) Stage 2: Lot 501 (communal facility) Lot 806 (to vest as road) Lots 704 and 705 (to vest as local purpose reserve – access) Lot 722 (to vest as recreation reserve)

As approved under resource consent RM080100, no amendments sought.

Lots 111, 120, 166 - 192, 202 - 206, 323 - 327, 330, 331, 336 and 337 (43 residential Stage 3: Lots 807 and 808 (to vest as road) Lots 706 and 707 (to vest as local purpose reserve - access) Lot 714 (to vest as local purpose reserve - drainage) Lot 723 (to vest as recreation reserve) Lot 812 (access lot)

Variation sought to remove Lots 111, 120 and 202 - 205 (all residential lots) from stage 3 and create as part of stage 4. Overall, stage 3 will now involve the creation of 34 residential lots, and the following sub-stages are sought:

## Stage 3 sub-stages

Lots 187 - 192 & 206 (7 lots) Lots 175 – 186, 331 & 337 (14 lots) 3b Lots 166 - 174, 323 - 327, 330 & 336 (16 lots) Зс

Lots 83 - 89, 104 - 110, 112 - 119, 207 - 232, 263, 292, 332 - 334 and 338 (54 Stage 4: residential lots) Lot 809 (to vest as road) Lots 710 and 711 (to vest as local purpose reserve – access)

Lots 712 and 713 (to vest as local purpose reserve - drainage)

Variation sought to include Lots 111, 120 and 202 - 205 in stage 4, and the following sub-stages are sought:

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Stage 4 sub-stages
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Lots 83 - 87, 222 - 228 & 334 (13 lots) 4a Lots 207 - 218 (12 lots) 4b Lots 112 - 119, 219 - 221 & 333 (8 lots) 4c Lots 111, 120, 202 - 205 (6 lots) 4d 40 Lots 229 - 232, 263 & 292 (6 lots) Lots 88, 89, 104 - 110, 114 - 117, 332 & 338 (15 lots) 4f

Lots 233 – 262, 285 – 291 and 311 – 318 (45 residential lots) Stage 5: Lot 810 (to vest as road) Lot 708 (to vest as local purpose reserve - access) Lot 724 (to vest as recreation reserve)

The following sub-stages are now sought for stage 5:

#### Stage 5 sub-stages

Lots 233 - 239, 252 - 254, 257 - 262 (16 lots) 5а Lots 240 - 251, 255, 256, 285 - 291, 311 - 318 (29 lots) 5h

Lots 264 - 284, 293 - 310, 335 and 339 (41 residential lots) Stage 6: Lot 811 (to vest as road) Lot 709 (to vest as local purpose reserve – access)

Lot 725 (to vest as recreation reserve)

The following sub-stages are now sought for stage 6:

Stage 6 sub-stages

6a Lots 271 - 284, 302 - 310 (23 lots)

6b Lots 264 - 270, 293 - 301, 335 & 339 (18 lots)

The applicant has stated that the order of each 'sub-stage' has been chosen carefully so as to provide adequate roading and access to each lot that will be created as part of each stage. Each sub-stage shall be carried out independently.

The applicant has also stated that all roading in respect of sub-stages 4a – 4f will be created as part of sub-stage 4a. This will result in a number of road-locked land parcels being created (which will be future sub-stages). Rather than each of these parcels being individually titled as large residential lots, at the completion of each stage, the applicant proposes to amalgamate all parcels with the balance land of stages 5 and 6.

#### Site and Locality Description

As described under resource consent RM080100:

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.

#### The Application

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows:

The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).

The applicant seeks consent to vary Condition 1 and 12 of resource consent RM080100, which state:

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 12 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:
  - (i) Stage 2: Lots 70 75, 121 128, 141 159, 193 201, 328 and 329 (44 residential lots)
     Lot 501 (communal facility)
     Lot 806 (to vest as road)
     Lots 704 and 705 (to vest as local purpose reserve access)
     Lot 722 (to vest as recreation reserve)
  - (ii) Stage 3: Lots 111, 120, 166 192, 202 206, 323 327, 330, 331, 336 and 337 (43 residential lots)
     Lots 807 and 808 (to vest as road)
     Lots 706 and 707 (to vest as local purpose reserve access)
     Lot 714 (to vest as local purpose reserve drainage)
     Lot 723 (to vest as recreation reserve)
     Lot 812 (access lot)
  - (iii) Stage 4: Lots 83 89, 104 110, 112 119, 207 232, 263, 292, 332 334 and 338 (54 residential lots)
    Lot 809 (to vest as road)
    Lots 710 and 711 (to vest as local purpose reserve access)
    Lots 712 and 713 (to vest as local purpose reserve drainage)
  - (iv) Stage 5: Lots 233 262, 285 291 and 311 318 (45 residential lots) Lot 810 (to vest as road) Lot 708 (to vest as local purpose reserve – access) Lot 724 (to vest as recreation reserve)
  - (v) Stage 6: Lots 264 284, 293 310, 335 and 339 (41 residential lots)
     Lot 811 (to vest as road)
     Lot 709 (to vest as local purpose reserve access)
     Lot 725 (to vest as recreation reserve)

In particular, consent is sought to amend the staging of resource consent RM080100.

## Consideration of Effects

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows;

3) Sections 88 to 121 shall apply, with all the necessary modifications, as if-

- a) the application were an application for a resource consent for a discretionary activity; and
- b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and effects of the change or cancellation respectively.
- 4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who
  - a) made a submission on the original application; and
  - b) may be affected by the change or cancellation.

In this instance, the adverse affects in terms of the proposed amended staging are considered no more than those assessed under the original resource consent RM080100.

#### Effects on the Environment

#### People and Built Form

Consent is sought to vary resource consent RM080100 pertaining to a 5 stage subdivision of Peninsula Bay. The variation seeks to amend the staging of the subdivision, which will result in variations to Conditions 1 and 12 of resource consent RM080100.

Lakes Environmental's Engineer has reviewed the proposal and has advised that there are no engineering-related concerns arising out of the proposed variation.

Overall, it is not considered the proposed variation will result in adverse effects over and above those assessed under the original resource consent RM080100.

#### **Affected Parties**

Resource consent RM080100 was processed on a non-notified basis, with no persons considered to be adversely affected. Likewise, given the assessment outlined above, no parties are considered adversely affected by the proposed variation.

## Policies and Objectives

The variation as proposed has been considered in terms of the objectives and policies contained within Part 15 *Subdivision and Development* of the District Plan. It is considered that the proposed variation is not contrary to any provision and, therefore, it is not inappropriate to grant consent for the application as proposed.

## Conclusion

Having considered the relevant objectives and policies of the Partially Operative District Plan, and the relevant provisions of the Resource Management Act 1991, it has been found that the variation as sought will not result in any further adverse effects on the environment than those assessed under the original resource consent RM080100. Accordingly, it is deemed appropriate to amend Conditions 1 and 12 of resource consent RM080100 as follows (additions shown as <a href="underline">underline</a>, deletions shown as <a href="utility transformations-right: 2007/2016]</a>.

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments granted under resource consent RM090038 and plans (prepared by Paterson Pitts Partners Ltd, Drawings No: W2980, Rev. K, dated 22/10/2008 x 2 stamped as "approved plans" dated 10 March 2009), with the exception of the amendments required by the following conditions of consent.
- 12 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:

 Stage 2: Lots 70 – 75, 121 – 128, 141 – 159, 193 – 201, 328 and 329 (44 residential lots) Lot 501 (communal facility)
 Lot 806 (to vest as road)
 Lots 704 and 705 (to vest as local purpose reserve – access)
 Lot 722 (to vest as recreation reserve)

(ii)—Stage-3: Lots 111, 120, 166 — 192, 202 — 206, 323 — 327, 330, 331, 336 and 337-(43 residential lots)
Lots-807-and-808 (to vest as read)
Lots-706-and-707 (to vest as local purpose reserve — access)
Lot-714 (to vest as local purpose reserve — drainage)
Lot-723 (to vest as recreation reserve)
Lot-812 (access lot)

(ii) Stages 3a - c (each sub stage shall be independent):
3a - Lots 187 - 192 & 206 (Lot 809 - Road & Lot 707 - Reserve)
3b - Lots 175 - 186, 331 & 337 (Lot 808 - Road)
3c - Lots 166 - 174, 323 - 327, 330 & 336 (Lot 807 - Road & Lot 706 - Reserve)

(iii) Stage 4: Lots 83 89, 104 - 110, 112 119, 207 232, 263, 292, 332 - 334 and 338 (54-residential-lots)
Lot-809-(to-vest-as-road)
Lots 710 and 711 (to-vest as local purpose reserve—access)
Lots 712 and 713 (to-vest as local purpose reserve—drainage)

(iii) Stages 4a - f (each sub stage shall be independent):

4a - Lots 83 - 87, 222 - 228 & 334 (Lots 810 - 812 - Road, Lots 711 - 713 - Reserve)

4b - Lots 207 - 218

4c - Lots 112 - 119, 219 - 221, & 333

4d - Lots 111, 120, 202 - 205

4e - Lots 229 - 232, 263 & 292

4f - Lots 88, 89, 104 - 110, 114 - 117, 332, & 338

(iv)—Stage-5:—Lots 233—262, 285—291 and 311—318 (45-residential-lots)
Lot 810 (to vest-as-road)
Lot 708 (to vest as local-purpose reserve—access)
Lot 724 (to vest as recreation reserve)

(iv) Stages 5a – b (each sub stage shall be independent): 5a – Lots 233 – 239, 252 – 254, 257 – 262 (Lot 813 – Road, Lot 700 – Reserve) 5b – Lots 240 – 251, 255, 256, 285 – 291, 311 – 318 (Lot 814 – Road)

(v) Stage 6: Lots 264 — 284, 293 — 310, 335 and 339 (41 residential lots)
Lot 811 (to vest as read)
Lot 709 (to vest as local purpose reserve—access)
Lot 725 (to vest as recreation reserve)

(v) Stages 6a – b (each sub stage shall be independent): 6a – Lots 271 – 284, 302 – 310 (Lot 815 – Road, Lot 709 – Reserve) 6b – Lots 264 – 270, 293 – 301, 335 & 339 (Lot 816 – Road)

#### **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 may be required. If necessary, a 'Development Contribution Notice' which includes details of how the contributions were calculated will be forwarded to you shortly.

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 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.

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

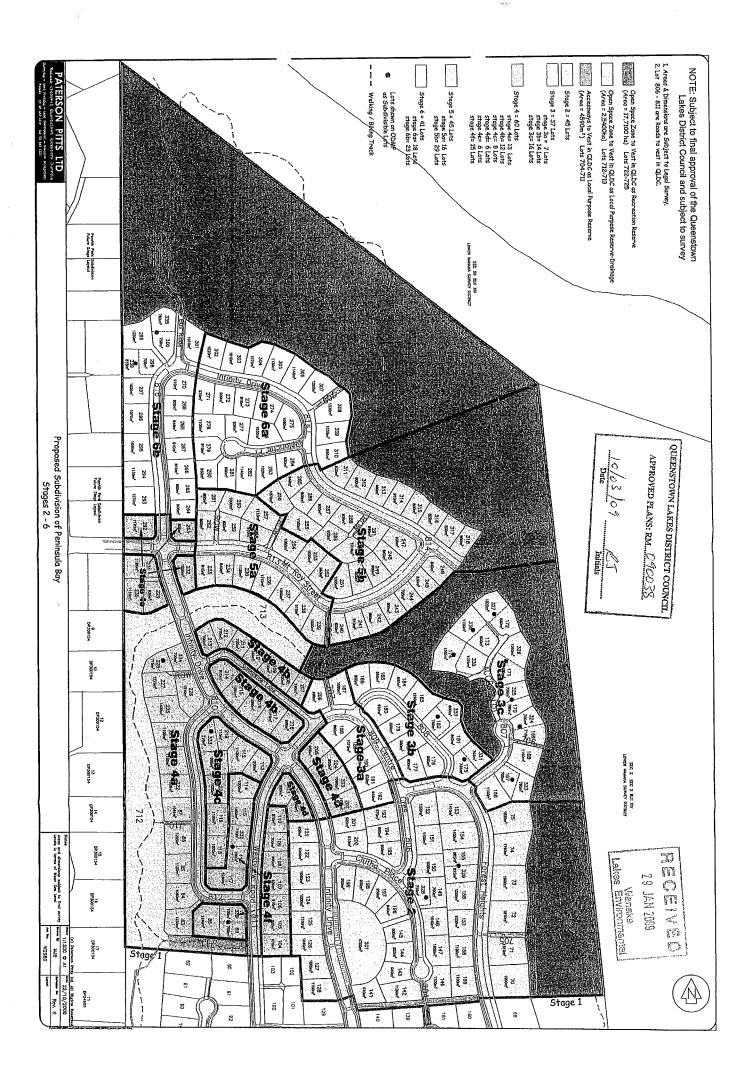
If you have any enquiries please contact Robyn Johnston on phone (03) 443 0409 or email <a href="mailto:robyn.johnston@lakesenv.co.nz">robyn.johnston@lakesenv.co.nz</a> .

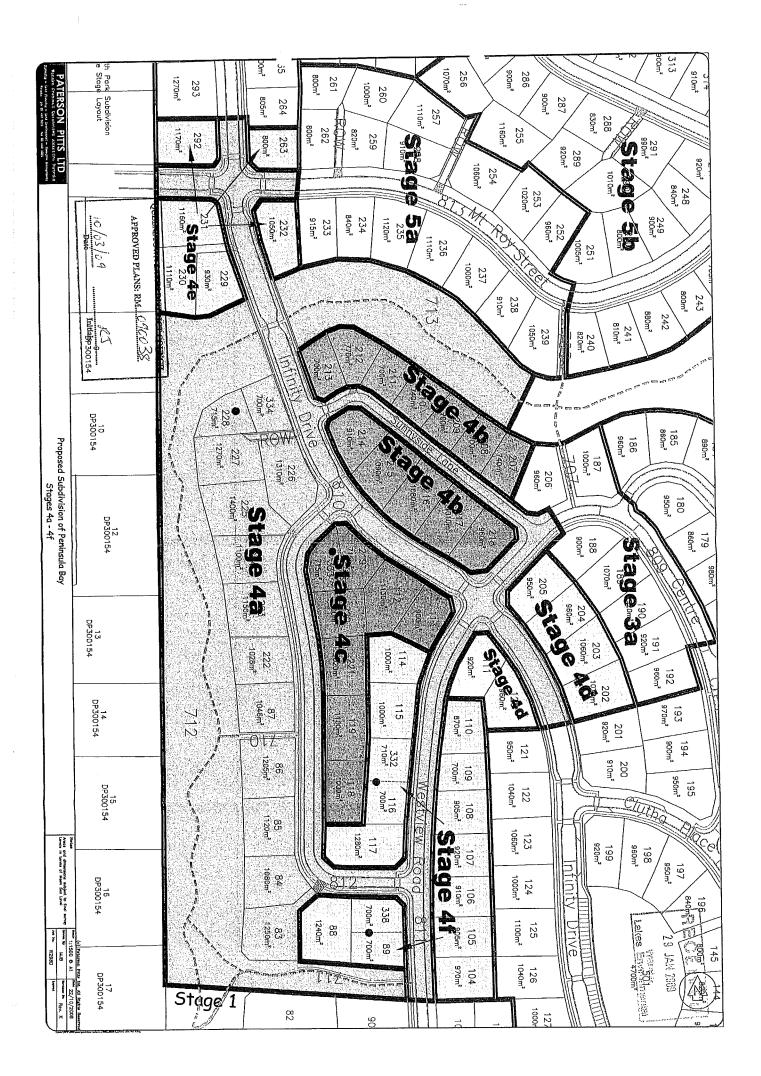
Prepared by LAKES ENVIRONMENTAL

Reviewed by LAKES ENVIRONMENTAL

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Robyn Johnston PLANNER Kirsty Huxford PLANNER







# DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL RESOURCE MANAGEMENT ACT 1991

Applicant:

Peninsula Bay Limited & Wanaka Bay Limited

RM reference:

RM090336

Location:

Peninsula Bay, Wanaka

Proposal:

Variation to resource consent RM080100 and subsequent variation RM090038 pertaining to Stages 2 – 6 of the Peninsula Bay subdivision. This variation seeks to amend the staging and amend discrepancies within the approved plans and Condition 12 of the above resource consents

**Type of Consent:** 

Variation to Subdivision

Legal Description:

Lot 903 Deposited Plan 412667 held in Certificate of Title

447125

Valuation Number:

2905114984

Zoning:

Low Density Residential and Open Space (Partially

Operative District Plan)

**Activity Status:** 

Discretionary

Notification:

Non-notified

Commissioner:

Commissioner Sinclair

Date:

19 June 2009

Decision:

**Granted with conditions** 

This is an application for resource consent under Section 88 of the Resource Management Act 1991 to vary resource consent RM080100 and subsequent variation RM090038 pertaining to Stages 2 – 6 of the Peninsula Bay subdivision. The variation seeks to amend the staging and amend discrepancies within the approved plans and Condition 12 of the above resource consents. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 18 June 2009. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

The original RM080100 application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 28 May 2008. This decision was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 18 June 2009, 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 903 Deposited Plan 412667 held in Certificate of Title 447125.

Conditions 1 and 12 of resource consent RM080100 and subsequent variation RM090038 state:

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments granted under resource consent RM090038 and plans (prepared by Paterson Pitts Partners Ltd, Drawings No: W2980, Rev. K, dated 22/10/2008 x 2 stamped as "approved plans" dated 10 March 2009), with the exception of the amendments required by the following conditions of consent.
- 12 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:
  - (i) Stage 2: Lots 70 75, 121 128, 141 159, 193 201, 328 and 329 (44 residential lots)
     Lot 501 (communal facility)
     Lot 806 (to vest as road)
     Lots 704 and 705 (to vest as local purpose reserve access)
     Lot 722 (to vest as recreation reserve)
  - (ii) Stages 3a c (each sub stage shall be independent):
     3a Lots 187 192 & 206 (Lot 809 Road & Lot 707 Reserve)
     3b Lots 175 186, 331 & 337 (Lot 808 Road)
     3c Lots 166 174, 323 327, 330 & 336 (Lot 807 Road & Lot 706 Reserve)
  - (iii) Stages 4a f (each sub stage shall be independent):
     4a Lots 83 87, 222 228 & 334 (Lots 810 812 Road, Lots 711 713 Reserve)
     4b Lots 207 218
     4c Lots 112 119, 219 221, & 333
     4d Lots 111, 120, 202 205
     4e Lots 229 232, 263 & 292
     4f Lots 88, 89, 104 110, 114 117, 332, & 338
  - (iv) Stages 5a b (each sub stage shall be independent):
     5a Lots 233 239, 252 254, 257 262 (Lot 813 Road, Lot 700 Reserve)
     5b Lots 240 251, 255, 256, 285 291, 311 318 (Lot 814 Road)
  - (v) Stages 6a b (each sub stage shall be independent):
     6a Lots 271 284, 302 310 (Lot 815 Road, Lot 709 Reserve)
     6b Lots 264 270, 293 301, 335 & 339 (Lot 816 Road)

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

 A discretionary activity resource consent pursuant to Section 127(3)(a) of the Resource Management Act 1991, which deems any application to change or cancel consent conditions to be a discretionary activity.

In accordance with Section 127 of the Resource Management Act 1991 the application was considered under Sections 88 to 121 of the Act. On this basis the application was considered on a non-notified basis in terms of Sections 93 & 94 of the Act because the adverse effect on the environment of the proposed variation was considered to be nil and no parties were considered to be adversely affected by the proposed change of Conditions 1 and 12.

#### Decision

...

That the application by Peninsula Bay Limited & Wanaka Bay Limited to vary Conditions 1 and 12 of resource consent RM080100 and subsequent variation RM090038 be granted pursuant to Section 127 of the Resource Management Act 1991, such that:

Conditions 1 and 12 of resource consent RM080100 and subsequent variation RM090038 are amended to read as follows:

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments granted under resource consent RM090038, and with the exception of the amendments granted under resource consent RM090336 and plans (titled "Proposed Subdivision of Peninsula Bay Stage 2 6" and "Proposed Subdivision of Peninsula Bay Stages 4a 4f", Job No. W2980, Rev. L, dated 28/05/2009 prepared by Paterson Pitts Partners Ltd stamped as "approved plans" dated 17 June 2009), with the exception of the amendments required by the following conditions of consent.
- 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. The stages may be progressed in any order, provided that stage 4a is completed prior to any other part of stages 4, 5 or 6, and provided that no stage (or sub-stage) is progressed until such time as legal access is formed to the boundary of that stage. This consent may be progressed in the following stages:
  - (ii) Stages 3a c (each sub stage shall be independent):

Stage 3a
Lots 187 – 192 & 206
Lot 809 (to vest as road)
Lot 707 (to vest as local purpose reserve – access)

Stage 3b Lots 175 – 186, 331 & 337 Lot 808 (to vest as Road)

Stage 3c
Lots 166 – 174, 323 – 327, 330 & 336
Lot 807 (to vest as road)
Lot 812 (access lot)
Lot 706 (to vest as local purpose reserve – access)
Lot 723 (to vest as recreational reserve)

(iii) Stages 4a - f (each sub stage shall be independent):

Stage 4a

Lots 83 – 87, 222 – 228 & 334 Lots 810 – 811 (to vest as road) Lots 710 & 711 (to vest as local purpose reserve – access) Lots 712 & 713 (to vest as local purpose reserve – drainage)

Stage 4b Lots 207 – 218

Stage 4c Lots 112, 113, 118, 119, 219 – 221, & 333

Stage 4d Lots 111, 120, 202 – 205

Stage 4e Lots 229 – 232, 263 & 292

Stage 4f Lots 88, 89, 104 – 110, 114 – 117, 332, & 338

In addition to the above sub-staging, sub-stages 4b to 4f may be further sub-staged as individual lots or groups of lots.

(iv) Stages 5a – b (each sub stage shall be independent):

Stage 5a
Lots 233 – 239, 252 – 254, 257 – 262
Lot 813 (to vest as road)
Lot 708 (to vest as local purpose reserve – access)

Stage 5b Lots 240 – 251, 255, 256, 285 – 291, 311 – 318 Lot 814 (to vest as road) Lot 724 (to vest as recreational reserve)

(v) Stages 6a - b (each sub stage shall be independent):

Stage 6a
Lots 271 – 284, 302 – 310
Lot 815 (to vest as road)
Lot 709 (to vest as local purpose reserve – access)

Stage 6b Lots 264 – 270, 293 – 301, 335 & 339 Lot 816 (to vest as road) Lot 725 (to vest as recreational reserve)

## Advice note

- (i) The Council may elect to exercise its functions and duties through the employment of independent consultants.
- (ii) All other conditions of RM080100 shall continue to apply.

## Reasons for the Decision

## Site History

As described under resource consent RM080100:

#### Outline Development 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.

Subsequently, a variation RM070884 to consent RM060929 was granted on 3 October 2007 to change the classification of land to vest in Council, and remove a public car park within the Open Space Zone. A variation RM080025 was granted on 12 February 2008 to vary conditions 2(a) and 4 of resource consent RM060929 and to vary Conditions 1 and 2(g) of RM070884 relating to a change in the location of Local Purpose Reserve Accessways 706 and 710, and the reassignments of 9 allotments to be marked as subdividable lots.

Consent RM080440 was granted on 16 April 2008 to vary Conditions 1, 2(a) and 4 of resource consent RM060929 to provide for the following changes (so that it is consistent with the subdivision plan submitted as part of the RM080100 application):

- · Relocate a subdivisible 'dot' from Lots 154 to Lot 89
- Amend the lot area of Lots 88 and 89
- · Amend the access arrangements to Lots 170-174

## **Subdivision**

A resource consent RM060959 was granted on 7 February 2007 to subdivide the southern third of the Peninsula Bay site to create 112 residential allotments. This application included a significant amount of earthworks in southern third of the site.

A variation RM070757 to the original subdivision consent RM060959 was granted on 2 October 2007 to: alter the staging of the subdivision, change the vesting of a portion of the Open Space Zone from Recreation Reserve to Local Purpose Reserve, and remove a public car parking area. As it stands, Stage 1 of the Peninsula Bay now comprises the following:

- a) Stage 1a Lots 1, 2, 13-18, 21-61, 131-140, 160-165, 319-322, Lot 801 (to be vested as Road), Lot 703 (to be vested as Local Purpose Reserve) & Lots 601-609 which are to be amalgamated to the adjacent land.
- b) Stage 1b Lots 62-69, Lot 721 (to be vested as Recreation Reserve) & Lot 802 (to be vested as Road).
- c) Stage 1c Lots 3-12, 19, 20, 76-82, 90-103, 129, 130, Lot 701-702 & 720 (to be vested as Local Purpose Reserve) & Lot 803 (to be vested as Road).

#### **Earthworks**

Land use consent RM061176 was granted on 21 February 2007 to undertake earthworks within the Low Density Residential zone area of Peninsula Bay comprising approximately: 282,000m³ of earthworks volume, a topsoil volume of 57,000m³, a cut volume of 125,000m³ and a fill volume of 100,000m³. The maximum cut depth is approximately six metres, and the maximum fill depth is approximately 5.5 metres. These earthworks were to be undertaken concurrently with the earthworks approved in association with subdivision consent RM060959 and were required to create final ground contours for future subdivision, including preliminary formation of new roads and the shaping of future allotments.

A variation RM070362 to resource consent RM061167 was granted on 8 May 2007 to vary Condition 1 and 16 in order to reduce the restriction on the area of earthworks able to be undertaken at one time.

A resource consent RM070796 was granted on 23 October 2007 for the retrospective undertaking of earthworks within a central portion of the Open Space Zone at Peninsula Bay, A

total earthworks volume of 38730m³ was undertaken over an approximate area of 3.5905 hectares.

A resource consent RM070693 was granted on 19 September 2007 to undertaken 230,000m<sup>3</sup> of earthworks at Peninsula Bay over an area of approximately 13.4 hectares. The earthworks were required to achieve the final ground contours, including preliminary formation of new roads, shaping for future allotments and creation of stormwater quality treatment ponds.

#### Recreational Facility

An application for resource consent RM071124 to construct a communal swimming pool and gym facility on lot 501at Peninsula Bay was granted on 13 March 2008.

Resource consent RM090038 was subsequently granted in March 2009 to amend the staging of resource consent RM080100. This is further detailed below.

#### Proposal

Consent is sought to vary resource consent RM080100 and subsequent variation RM090038 pertaining to Stages 2 – 6 of the Peninsula Bay subdivision, being the creation of 250 allotments. This variation seeks to further amend the staging of this consent, to remove a lot number incorrectly shown twice on the approved plans, being Lot 812, and to amend further discrepancies shown on the approved plans and within the staging condition, being Condition 12 of the above resource consents.

Amendments sought are as follows. The original staging granted under resource consent RM080100 and subsequent variation RM090038 is shown in italics first, with plain text following with the amendments sought.

```
Stage 2: Lots 70 – 75, 121 – 128, 141 – 159, 193 – 201, 328 and 329 (44 residential lots)
Lot 501 (communal facility)
Lot 806 (to vest as road)
Lots 704 and 705 (to vest as local purpose reserve – access)
Lot 722 (to vest as recreation reserve)
```

As approved under resource consent RM080100 and subsequent variation RM090038, no amendments sought.

```
Stages 3a – c (each sub stage shall be independent):
3a – Lots 187 – 192 & 206 (Lot 809 – Road & Lot 707 – Reserve)
3b – Lots 175 – 186, 331 & 337 (Lot 808 – Road)
3c – Lots 166 – 174, 323 – 327, 330 & 336 (Lot 807 – Road & Lot 706 – Reserve)
```

The applicant seeks to amend the wording of stages 3a - c to include the provisions for each lot identified and to include Lot 812 and 723 as follows:

Stages 3a - c (each sub stage shall be independent):

```
Stage 3a
Lots 187 – 192 & 206
Lot 809 (to vest as road)
Lot 707 (to vest as local purpose reserve – access)
Stage 3b
Lots 175 – 186, 331 & 337
Lot 808 (to vest as Road)
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Stage 3c Lots 166 – 174, 323 – 327, 330 & 336 Lot 807 (to vest as road) Lot 812 (access lot)

```
Lot 723 (to vest as recreational reserve)

Stages 4a – f (each sub stage shall be independent):
4a – Lots 83 – 87, 222 – 228 & 334 (Lots 810 – 812 – Road, Lots 711 – 713 – Reserve)
4b – Lots 207 – 218
4c – Lots 112 – 119, 219 – 221, & 333
4d – Lots 111, 120, 202 – 205
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4e - Lots 229 - 232, 263 & 292 4f - Lots 88, 89, 104 - 110, 114 - 117, 332, & 338

Lot 706 (to vest as local purpose reserve - access)

Variation sought to allow for sub stages 4b to 4f to be further sub staged on an individual basis or combination thereof provided stage 4a, which comprises all relevant roading and services for stage 4, is completed first. The applicant also seeks to amend the wording of stages 4a – f to include the provisions for each lot identified, to remove Lot 812 and include Lot 710, and to remove Lots 114 – 117 from stage 4c as follows:

Stages 4a - f (each sub stage shall be independent):

```
Stage 4a
Lots 83 – 87, 222 – 228 & 334
Lots 810 – 811 (to vest as road)
Lots 710 & 711 (to vest as local purpose reserve – access)
Lots 712 & 713 (to vest as local purpose reserve – drainage)
Stage 4b
Lots 207 – 218
Stage 4c
Lots 112, 113, 118, 119, 219 – 221, & 333
Stage 4d
Lots 111, 120, 202 – 205
Stage 4e
Lots 229 – 232, 263 & 292
Stage 4f
Lots 88, 89, 104 – 110, 114 – 117, 332, & 338
```

In addition to the above sub staging, consent is sought to allow for sub stages 4b to 4f to be further sub staged on an individual basis or combination thereof provided stage 4a is completed first.

```
Stages 5a – b (each sub stage shall be independent):
5a – Lots 233 – 239, 252 – 254, 257 – 262 (Lot 813 – Road, Lot 700 – Reserve)
5b – Lots 240 – 251, 255, 256, 285 – 291, 311 – 318 (Lot 814 – Road)
```

The applicant also seeks to amend the wording of stages 5a – b to include the provisions for each lot identified, to remove Lot 700 and replace with Lot 708, and to include Lot 724 as follows:

Stages 5a - b (each sub stage shall be independent):

```
Stage 5a

Lots 233 – 239, 252 – 254, 257 – 262

Lot 813 (to vest as road)

Lot 708 (to vest as local purpose reserve – access)

Stage 5b

Lots 240 – 251, 255, 256, 285 – 291, 311 – 318

Lot 814 (to vest as road)
```

Lot 724 (to vest as recreational reserve)

```
Stages 6a – b (each sub stage shall be independent):
6a – Lots 271 – 284, 302 – 310 (Lot 815 – Road, Lot 709 – Reserve)
6b – Lots 264 – 270, 293 – 301, 335 & 339 (Lot 816 – Road)
```

The applicant also seeks to amend the wording of stages 6a – b to include the provisions for each lot identified and to include Lot 725 as follows:

Stages 6a - b (each sub stage shall be independent):

Stage 6a
Lots 271 – 284, 302 – 310
Lot 815 (to vest as road)
Lot 709 (to vest as local purpose reserve – access)

Stage 6b Lots 264 – 270, 293 – 301, 335 & 339 Lot 816 (to vest as road) Lot 725 (to vest as recreational reserve)

#### Site and Locality Description

As described under resource consent RM080100:

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 moralnic 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.

#### The Application

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows:

The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).

The applicant seeks consent to vary Conditions 1 and 12 of resource consent RM080100 and subsequent variation RM090038, which state:

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments granted under resource consent RM090038 and plans (prepared by Paterson Pitts Partners Ltd, Drawings No: W2980, Rev. K, dated 22/10/2008 x 2 stamped as "approved plans" dated 10 March 2009), with the exception of the amendments required by the following conditions of consent.
- 12 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:
  - (i) Stage 2: Lots 70 75, 121 128, 141 159, 193 201, 328 and 329 (44 residential lots)
     Lot 501 (communal facility)
     Lot 806 (to vest as road)
     Lots 704 and 705 (to vest as local purpose reserve access)
     Lot 722 (to vest as recreation reserve)
  - (ii) Stages 3a c (each sub stage shall be independent):
    3a Lots 187 192 & 206 (Lot 809 Road & Lot 707 Reserve)
    3b Lots 175 186, 331 & 337 (Lot 808 Road)
    3c Lots 166 174, 323 327, 330 & 336 (Lot 807 Road & Lot 706 Reserve)
  - (iii) Stages 4a f (each sub stage shall be independent):
    4a Lots 83 87, 222 228 & 334 (Lots 810 812 Road, Lots 711 713 Reserve)
    4b Lots 207 218
    4c Lots 112 119, 219 221, & 333
    4d Lots 111, 120, 202 205
    4e Lots 229 232, 263 & 292
    4f Lots 88, 89, 104 110, 114 117, 332, & 338
  - (iv) Stages 5a b (each sub stage shall be independent): 5a – Lots 233 – 239, 252 – 254, 257 – 262 (Lot 813 – Road, Lot 700 – Reserve) 5b – Lots 240 – 251, 255, 256, 285 – 291, 311 – 318 (Lot 814 – Road)
  - (v) Stages 6a b (each sub stage shall be independent):
     6a Lots 271 284, 302 310 (Lot 815 Road, Lot 709 Reserve)
     6b Lots 264 270, 293 301, 335 & 339 (Lot 816 Road)

In particular, consent is sought to amend the staging of resource consent RM080100 and subsequent variation RM090336 and amend discrepancies within the above mentioned Condition 12 and the approved plans.

#### Consideration of Effects

Section 127 of the Resource Management Act 1991 provides for a resource consent to be varied as follows;

- 3) Sections 88 to 121 shall apply, with all the necessary modifications, as if
  - a) the application were an application for a resource consent for a discretionary activity; and
  - b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and effects of the change or cancellation respectively.
- 4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who
  - a) made a submission on the original application; and
  - b) may be affected by the change or cancellation.

In this instance, the adverse affects in terms of the proposed amended staging are considered no more than those assessed under the original resource consent RM080100.

#### Effects on the Environment

## People and Built Form

Consent is sought to vary resource consent RM080100 and subsequent variation RM090038 pertaining to a 5 stage subdivision of Peninsula Bay. The variation seeks to amend the staging of the subdivision, which will result in variations to Conditions 1 and 12 of resource consent RM080100. Amendments are also sought to correct discrepancies in the wording of Condition 12 and to amend the approved plan, which has previously been incorrect in terms of the lot numbers shown.

Lakes Environmental's Engineer has reviewed the proposal and has advised that there are no engineering related concerns arising out of the proposed variation, provided slight changes are made to the wording of the suggested staging conditions so that it is very clear to both the developer and Council as to how the stages may be progressed.

Overall, it is not considered the proposed variation will result in adverse effects over and above those assessed under the original resource consent RM080100 and subsequent variation RM090038.

## **Affected Parties**

Resource consent RM080100 and variation RM090038 were both processed on a non-notified basis, with no persons considered to be adversely affected. Likewise, given the assessment outlined above, no parties are considered adversely affected by the proposed variation.

## Policies and Objectives

As with resource consent RM080100, the variation as proposed has been considered in terms of the objectives and policies contained within Part 15 *Subdivision and Development* of the District Plan. It is considered that the proposed variation is not contrary to any provision and, therefore, it is not inappropriate to grant consent for the application as proposed.

#### Conclusion

Having considered the relevant objectives and policies of the Partially Operative District Plan, and the relevant provisions of the Resource Management Act 1991, it has been found that the variation as sought will not result in any further adverse effects on the environment than those assessed under the original resource consent RM080100 and subsequent variation M090038. Accordingly, it is deemed appropriate to amend Conditions 1 and 12 of resource consent RM080100 and subsequent variation RM090038 as follows (additions shown as <u>underline</u>, deletions shown as <u>strikethrough</u>):

- That the development be carried out in accordance with the plans (prepared by Paterson Pitts Partners Ltd, Drawing No: W310105 dated March 2008 all stamped as "approved plans" dated 26 May 2008) and the application as submitted, with the exception of the amendments granted under resource consent RM090038 and plans (prepared by Paterson Pitts Partners Ltd, Drawings No: W2980, Rev. K, dated 22/10/2008-x-2—stamped as "approved plans" dated 10 March 2009), and with the exception of the amendments granted under resource consent RM090336 and plans (titled "Proposed Subdivision of Peninsula Bay Stage 2 6" and "Proposed Subdivision of Peninsula Bay Stage 3 4f", Job No. W2980, Rev. L, dated 28/05/2009 prepared by Paterson Pitts Partners Ltd stamped as "approved plans" dated 17 June 2009), with the exception of the amendments required by the following conditions of consent.
- 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. The stages may be progressed in any order, provided that stage 4a is completed prior to any other part of stages 4, 5 or 6, and provided that no stage (or sub-stage) is progressed until such time as legal access is formed to the boundary of that stage. This consent may be progressed in the following stages:

```
(ii) Stages-3a — c (each sub-stage-shall-be-independent):
3a — Lots 187 — 192 & 206 (Let-809 — Road & Let 707 — Reserve)
3b — Lots 175 — 186, 331 & 337 (Let-808 — Road)
3c — Lots 166 — 174, 323 — 327, 330 & 336 (Let-807 — Road & Let 706 — Reserve)
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(ii) Stages 3a - c (each sub stage shall be independent):

```
Stage 3a
Lots 187 – 192 & 206
Lot 809 (to vest as road)
Lot 707 (to vest as local purpose reserve – access)
```

<u>Stage 3b</u> <u>Lots 175 – 186, 331 & 337</u> <u>Lot 808 (to vest as Road)</u>

Stage 3c
Lots 166 – 174, 323 – 327, 330 & 336
Lot 807 (to vest as road)
Lot 812 (access lot)

Lot 706 (to vest as local purpose reserve – access)

Lot 723 (to vest as recreational reserve)

```
(iii) Stages 4a - f (each sub stage shall be independent);
4a - Lots 83 - 87, 222 - 228 & 334 (Lots 810 - 812 - Road, Lots 711 - 713 - Roserve)
4b - Lots 207 - 218
4c - Lots 112 - 119, 210 - 221, & 333
4d - Lots 111, 120, 202 - 205
4e - Lots 229 - 232, 263 & 292
4f - Lots 88, 89, 104 - 110, 114 - 117, 332, & 338
```

(iii) Stages 4a - f (each sub stage shall be independent):

```
<u>Stage 4a</u>
<u>Lots 83 – 87, 222 – 228 & 334</u>
<u>Lots 810 – 811 (to vest as road)</u>
<u>Lots 710 & 711 (to vest as local purpose reserve – access)</u>
```

## Lots 712 & 713 (to vest as local purpose reserve – drainage)

Stage 4b

Lots 207 - 218

Stage 4c

Lots 112, 113, 118, 119, 219 - 221, & 333

Stage 4d

Lots 111, 120, 202 - 205

Stage 4e

Lots 229 - 232, 263 & 292

Lots 88, 89, 104 - 110, 114 - 117, 332, & 338

In addition to the above sub-staging, sub-stages 4b to 4f may be further sub-staged as individual lots or groups of lots.

(iv) Stages 5a b (each sub stage shall be independent):

5a Lots 233 239, 252 254, 257 262 (Lot 813 Road, Lot 700 Reserve) 5b Lots 240 251, 255, 256, 285 291, 311 318 (Lot 814 Road)

## (iv) Stages 5a - b (each sub stage shall be independent):

Stage 5a

Lots 233 – 239, 252 – 254, 257 – 262

Lot 813 (to vest as road)

Lot 708 (to vest as local purpose reserve - access)

Stage 5b

Lots 240 - 251, 255, 256, 285 - 291, 311 - 318

Lot 814 (to vest as road)

Lot 724 (to vest as recreational reserve)

## (v) Stages 6a b (each-sub-stage-shall be independent):

6a Lots 271 284, 302 310 (Lot 815 Road, Lot 709 Reserve) 6b Lots 264 270, 293 301, 335 & 339 (Lot 816 Road)

## (v) Stages 6a – b (each sub stage shall be independent):

Stage 6a

Lots 271 - 284, 302 - 310

Lot 815 (to vest as road)

Lot 709 (to vest as local purpose reserve - access)

Stage 6b

Lots 264 - 270, 293 - 301, 335 & 339

Lot 816 (to vest as road)

Lot 725 (to vest as recreational reserve)

## 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 may be required. If necessary, a 'Development Contribution Notice' which includes details of how the contributions were calculated will be forwarded to you shortly.

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 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.

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

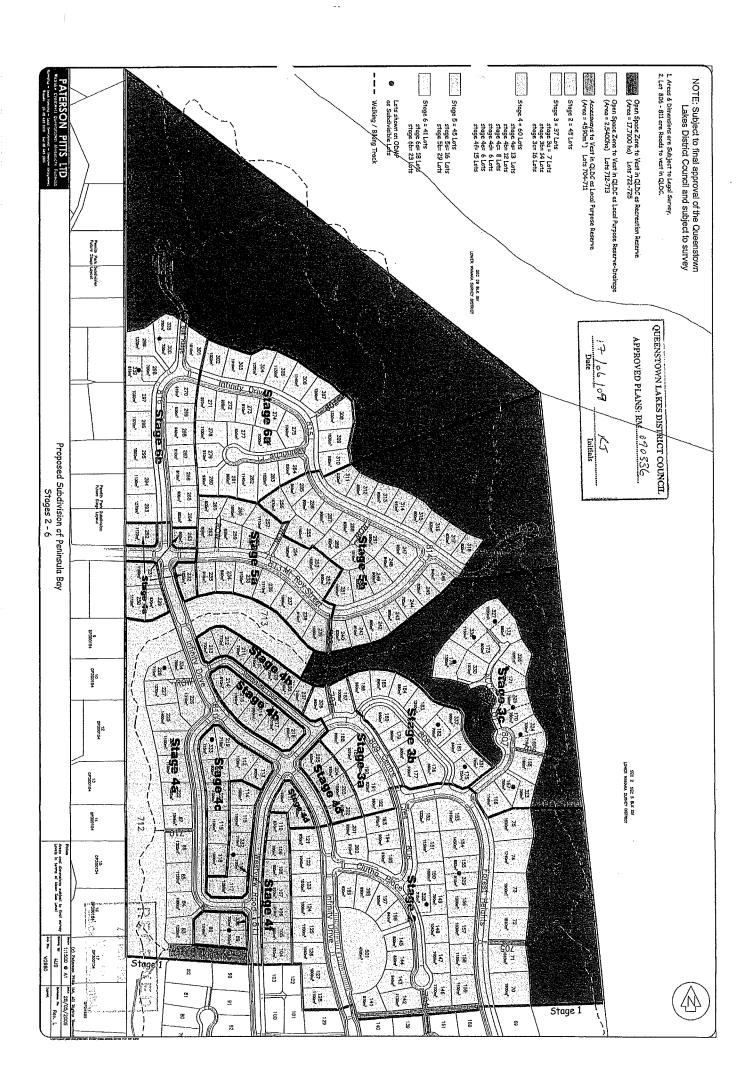
If you have any enquiries please contact Robyn Johnston on phone (03) 443 0409.

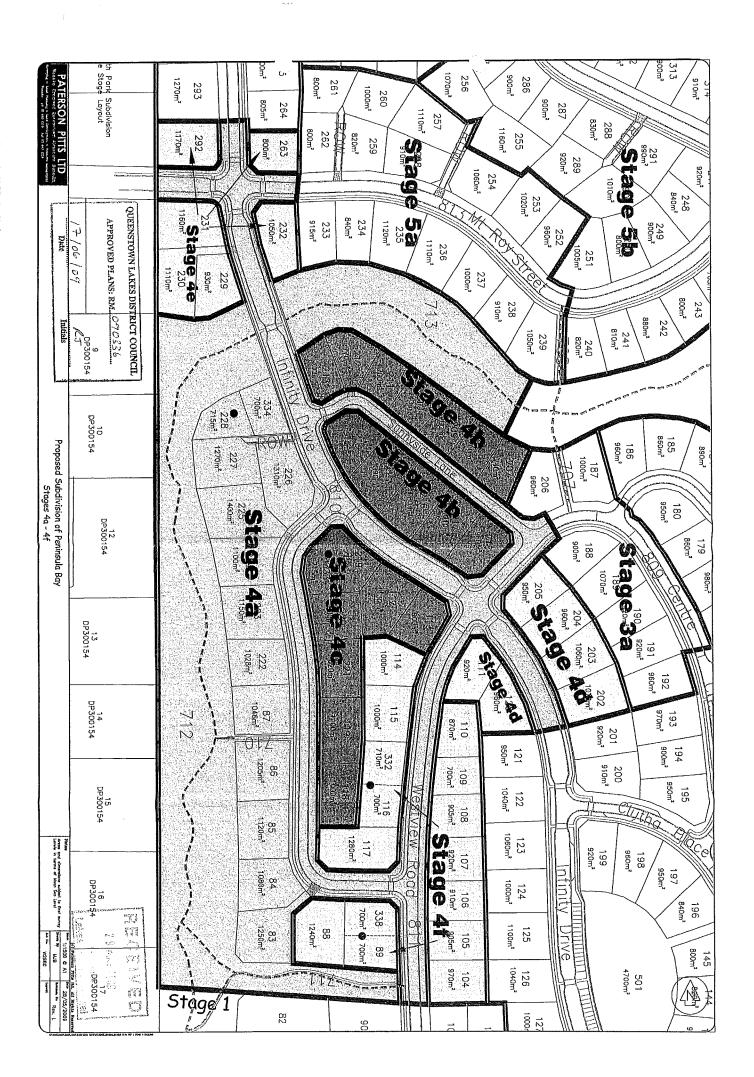
Prepared by LAKES ENVIRONMENTAL

Reviewed by LAKES ENVIRONMENTAL

Robyn Johnston **PLANNER** 

Christian Martin
PLANNING TEAM LEADER – WANAKA





## **CERTIFICATION REPORT**

## Peninsula Bay Stage 2 Fill Certification

## Background.

The Peninsula Bay subdivision, developed by Infinity Investments, lies to the east of Penrith Park Drive on an area of remnant terminal moraine.

Stage 2 of the proposed three stage development provides approximately 116 residential Lots, a small number of which are suitable for further subdivision.

Prior to development the area was grassed, with some small stands of kanuka trees.

Development of the site required significant earthworks to moderate the shape of the site, essentially involving cutting material from areas of high ground and using it to fill low areas, thus creating a more gently sloping site. This will allow better use of the land and more straight-forward construction of the infrastructure and buildings.

## Description of Work.

The development of Stage 2 involved the placing of approximately 105,000 m<sup>3</sup> of certified fill on roadways and residential sites.

In conjunction with the earthworks the writer has arranged supervision of the stripping of the areas to be filled, observation of the filling and the testing of the areas of fill requiring certification.

Preparation involved stripping topsoil, which was later spread on top of the completed residential site fills, and benching stripped fill areas where necessitated by sloping ground profiles.

#### Soils Testing.

Soils testing was carried out by Central Testing Services, an IANZ accredited laboratory. The work included reference testing of representative samples, including moisture contents, gradings and standard compactions, together with site testing of placed fills and associated moisture and grading checks. Results were constantly reviewed and where 'failures' were identified the sites were re-worked and then retested to ensure satisfactory results were achieved. Frequency of testing exceeded the recommended minimum frequency set out in NZS 4431:1989.

Site test positions were measured and recorded by the Contractor using GPS survey equipment and these are recorded on relevant as-built site plans.

## Site Fill Material.

The material used for the fill was borrowed from site and is glacially derived silty sand or sandy silt, with occasional fine gravels. Gradings varied slightly between

different borrow areas and in each case standard compaction test results from similarly graded soils were used to calculate relative compactions.

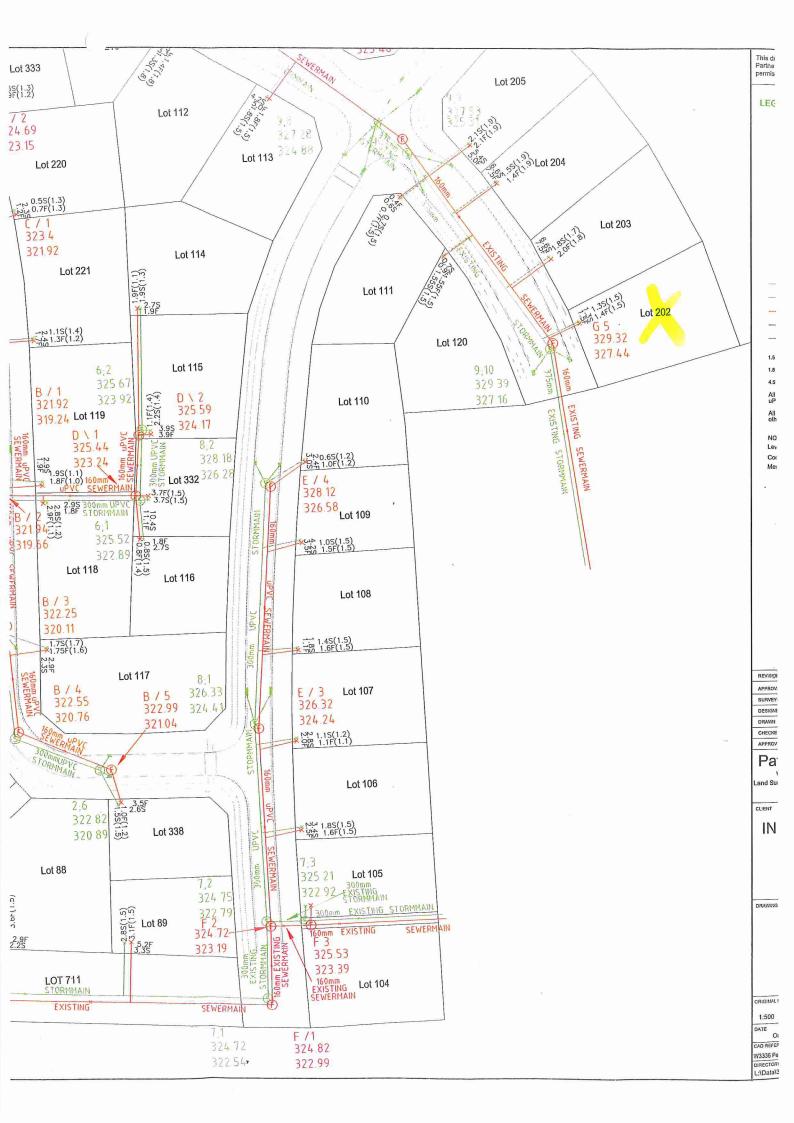
Generally the borrow material in its natural state was less dense than when compacted to the required density in the fill and this resulted in a shortfall of fill material in relation to the design volumes. A total solid, cut volume of 129,000m³ of borrow material was required to achieve the 105,000m³ of compacted fill. The additional fill material was sourced from borrow pits.

## Certification.

I confirm that the fill placed in this stage of the sub-division, as tested and reported by Central Testing Services, has been constructed in accordance with the requirements set out in NZS 4431;1989 "Code of Practice for Earthfill for Residential Development" and will provide a safe bearing capacity of at least 100 KPa.

Murray Petherick Civil Engineer

.28 November, 2007



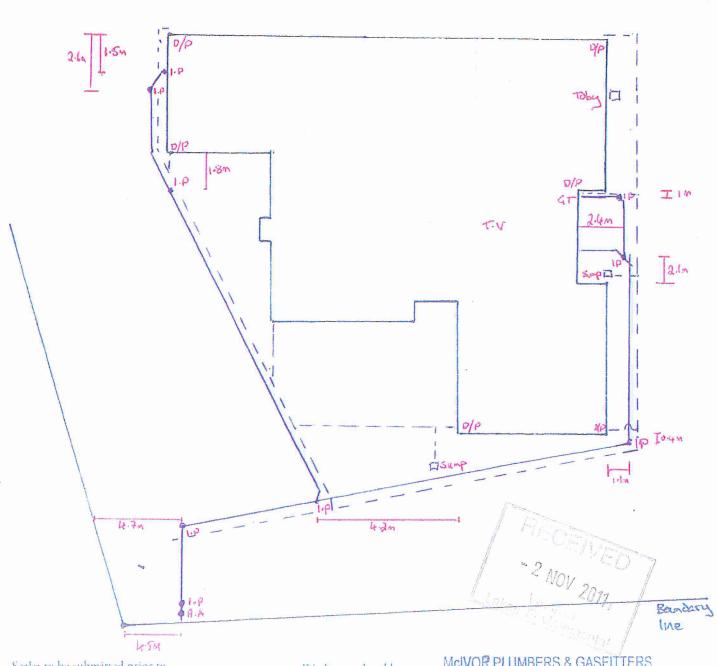




## ueenstown Lakes District Council Drainage Block Plan

Valuation Number	29051 002	05	BC Number	110392
Lot 202	DP	Owne		

Mike Greer Homes - infinity drive, Pen bay



Scale: to be submitted prior to, or at time of inspection.

Key AP - Access Points

RP - Rodding Points TV - Terminal Vent

IP - Inspection Points IC - Inspection Chamber YP - Junction Pipe

GT - Chilly Trap W.T. Water Toby FAI - Fresh Air Inlet

AC - Access Chamber

ORG - Over Flow Relief Gully

Work completed by:

Company/Business

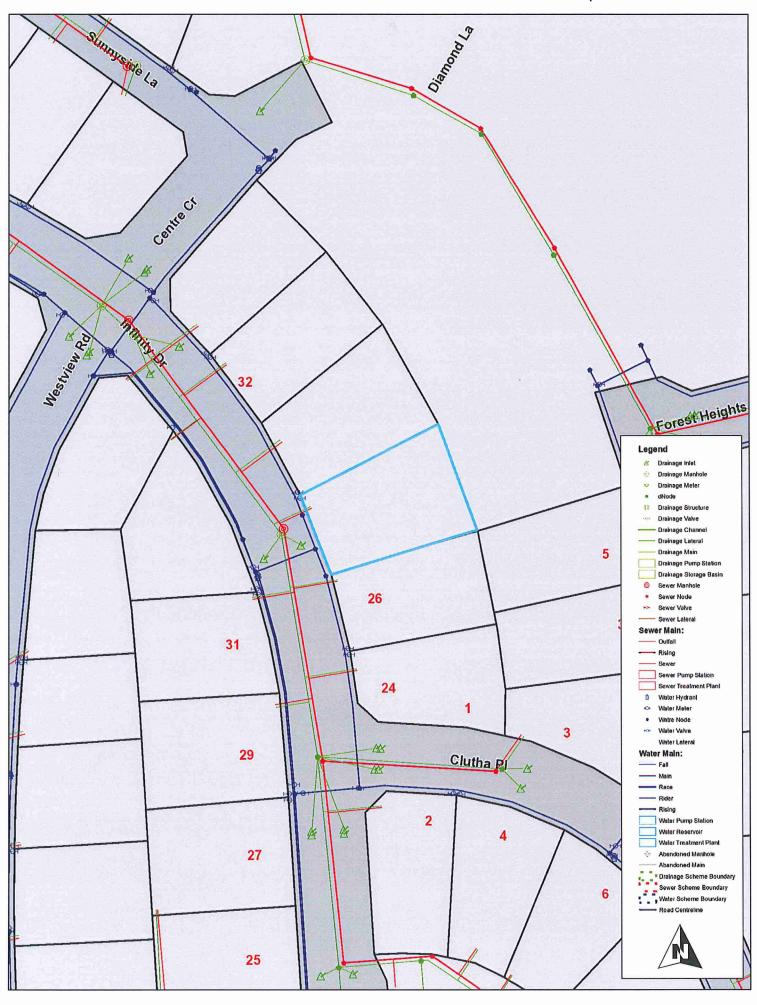
Telephone No.

Drainlayer Name

Rega No. Signature Dire Completed

McIVOR PLUMBERS & GASFITTERS WANAKA LTD. P.O. Box 170 WANAKA

## 2905115041 Lot 202 DP 442315 - Services 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.



Copies of these reports can be obtained by contacting services@qldc.govt.nz

Property: 2905115041 Lot 202 DP 442315, 28 Infinity Drive, Wanaka.

PAR_I D	732646 8	732646	732646 8	732646 8 732646
REP_LOC N	QLDC	T RI M	TRIM	QLDC
SRC		sndO	T&T	IGNS/Imte ch
COMMENTS		Liquefaction susceptibility maps used to update QLDC hazard register maps. Source data map scale 1:100,000 Supersedes liquefaction data from Opus (2002)	GIS data was used to update the hazard maps	
DATE	2002	March 2005	June 2011	1997
AUTHOR	QLDC	sndO	Tonkin & Taylor Ltd	"Rosen, M. R.; Reeves, R. R.; Stewart, M. K.; Taylor, C. B"
DETAIL		Hazards and associated risks arising from seismic events in the Region. Includes recorded earthquakes, liquefaction and settlemant hazards, mass movement hazards, ground shaking, faults, hazard maps etc	Collation of existing hazard data and fieldwork to provide hazard data accurate enough for use on a lot by lot basis	Covers groundwater and possible contamination
LOCATIO N		District	Wanaka	"Wanaka and Wakatipu Basins, Central Otago, NZ."
NAME	Wanaka 2020 - Final Report	Seismic Risk in the Otago Region (2005)	Wanaka Region GIS Hazard Map	Ground water quality of the Wanaka and Wakatipu basins.
ON	BP/017/002 -33	D42048	D43362	DP/011/004 -67
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TRIM_Ref	BP/017/002 -33	D42048	D43362	DP/011/004 -67

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East	Catchment	Stormwater	Manageme nt Plan	Wanaka Water	Supply - Strategic	Planning	Peninsula	Bay	Subdivision	Modelling Report	Wanaka	Water	Supply -	Hydraulic	Network Modelling of	the	Proposed	Beacon	Point System	Wanaka	Water	Supply -	Hydraulic	Network	Modelling -	System	Improveme nts 2020	Beacon	Point Water
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	Tonkin & Taylor Ltd	Royds Consulting Ltd	Kingston Morrison	Kingston Morrison
	This report describes the network analysis of the Wanaka water supply system. The results of the analysis of the network are reported for both the existing situation and the future development scenariao. Also includes prioritised programme of recommen	The aim of this study is to identify issues relevant to planning for the future management of the sewerage scheme.	"The objective of this review of the Wanaka sewerage system is to identify all the works required to enable the sewerage system to satisfactorily collect, transfer and treat the sewage flows expected for the next twenty years."	"This report is an updated version of the 1999 review, and
	Wanaka	Wanaka	Wanaka	Wanaka
Supply - Proposed Chlorination Plant - Report	Wanaka Water Supply Network Analysis Reticulation Report	Wanaka Sewerage Scheme Strategic planning review	Wanaka Sewerage Scheme Design Review	Wanaka Sewerage Scheme
	REP00/102	REP00/118	REP00/137	REP00/138
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includes updated per	capita loading	estimates,	augmentation	requirements and	updated capital costs. "	A design review of	Wanaka's water supply	system has been	undertaken for the	period from 1999 to	2019. The review has	focussed on the	capacity of key system	components to handle	an increasing water	supply demand	resulting from a growing   ry Watson	population.
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System	Review	2000												Wanaka	Water	Supply	Design	Review
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