



**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Peninsula Village Limited and Wanaka Bay Limited
<b>RM reference:</b>	RM150661
<b>Application:</b>	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for a subdivision consent for a 32 Lot subdivision within the balance lot of Peninsula Bay as an alternative to the 23 lot stage 6a and three (3) remaining lots under stage 6b as approved under RM080100, with associated earthworks, and:</p> <p>Application under Section 127 of the RMA to change Conditions 1, 2 and 4 of resource consent RM060929 (as varied through RM070884, RM080025, RM080440, RM110793, RM120264, 130862 and RM150269) to make changes to the Outline Development Master Plan for the Peninsula Bay subdivision to ensure this is consistent with the proposed subdivision consent.</p> <p>Consent is sought for Earthworks associated with a subdivision as per the earthwork plans submitted with the application and seeks to reset the ground levels used for the determination of the maximum allowable building heights to the ground levels.</p>
<b>Location:</b>	Infinity Drive, Wanaka
<b>Legal Description:</b>	Lot 920 LT 486039 being a subdivision in process of Lot 919 DP 479637 (CFR 685724)
<b>Zoning:</b>	Low Density Residential
<b>Activity Status:</b>	Discretionary
<b>Decision Date</b>	30 October 2015

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Hanna Afifi, Senior Planner, on 29 October 2015 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 220 of the RMA (subdivision consent) and subject to the change to Conditions 1,2 and 4 of RM060929 (as varied through RM070884, RM080025, RM080440, RM110793, RM120264, 130862 and RM150269) as outlined in Section 8.4 of this decision. An updated set of conditions of RM060929 is provided in Appendix 2 of this decision. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Hanna Afifi, Senior Planner, as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

Subdivision Consent is sought for a 32 Lot subdivision within the balance lot of Peninsula Bay as an alternative to the 23 lot Stage 6a and three (3) remaining lots under Stage 6b as approved under resource consent RM 080100. The 29 residential lots have been designed and located to be traditional large residential lots, ranging in size from 700m<sup>2</sup> to 1,330m<sup>2</sup>. Lot 815 is a road that is proposed to be vested to Council under Stage 6a. Lot 725 is proposed to be vested to Council as Recreation Reserve and Lot 709 is proposed to vest to Council as Local Purpose Reserve under stage 6c.

Consent is sought for Earthworks associated with a subdivision as per the earthworks plans contained in Appendix C to the AEE submitted with the Application. The earthworks consent seeks to reset the ground levels used for the determination of the maximum allowable building heights to the ground levels shown in Appendix C. Earthworks on proposed Lots 299 – 310, 335 & 341-342 and within the road corridor of Infinity Drive have already been completed under RM080100. Additional Earthworks on lots 271-284 and 340 are proposed as part of this subdivision. The total volume of earthworks will be made up of 2300m<sup>3</sup> of topsoil stripped and stockpiled on site, 2450m<sup>3</sup> of cut to 1,820m<sup>3</sup> fill on site and 2300m<sup>3</sup> of topsoil re-spread. The maximum height of cut will be 1.5m and the maximum depth of fill will be 1.0m. The maximum grade of any cut or fill batter will be 1 vertical to 2 horizontal with non-structural rock walls on the Infinity Drive road frontage of Lots 275 and 284.

Consent is also sought to change Conditions 1, 2 and 4 of resource consent RM060929 (as varied through RM070884, RM080025, RM080440, RM110793, RM120264, 130862 and RM150269) to enable changes to the Outline Development Master Plan for the Peninsula Bay subdivision RM080100 to ensure this is consistent with the proposed subdivision consent.

The Applicant has provided a detailed description of the proposal (at section 2.2), the site and locality (at section 2.1) in the report entitled, "Resource Consent Application for Subdivision Consent And a Variation to RM060929", and prepared by Paterson Pitts Group and dated 6<sup>th</sup> August 2015 and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 3). This description is considered accurate and is adopted for the purpose of this report.

### *Relevant Site History*

The area being subdivided has already had subdivision Consent granted under RM 080100.

The Peninsula Bay subdivision is being developed under the Outline Development Master Plan RM060929 (as varied through RM070884, RM080025, RM080440, RM110793 and RM120264). The ODMP approved 318 residential lots, open space areas to vest in Council as reserve.

Stages 2 - 6 of the Peninsula Bay subdivision were approved under RM080100 (as varied through RM090038, RM090336, RM110765, RM120264 and RM130862). These approvals authorised 227 residential lots in 5 stages, roads and reserves for access, drainage recreation and a jointly owned access lot. A time extension to RM080100 was approved on 6 June 2012 with the expiry date of RM080100 now 30 May 2018. The subdivision is now well underway with Stages 1, 2, 3, 4 and 5 completed, only Stages 6a and 6b are left to complete. The applicant has confirmed that it is not intended to surrender the remaining stages of RM080100 as part of this application.

Under RM090336 the Applicant sought a variation to RM080100 and a subsequent variation consent RM0900038. Under RM090336 the Applicant sought a variation to Stages 2 to 6. Under RM090336 the staging condition 12 was varied and staging of vesting of reserve lots (Lots 725 and 709) was amended. Lot 709 was required to be vested in Council as part of Stage 6(a), whereas Lot 725 was to be vested in Council as part of Stage 6b.

RM110765 sought to vary RM080100 and removed the requirement tying particular lots together in stages and allowed for individual stages as the consent holder wish to advance. Condition 12 was amended so that it read as follows:

*“12. This subdivision may be staged. A stage may include an individual stage or combination of lots provided each lot has legal and physical access and services in accordance with Council’s standards. 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 Applicant has sought that this condition be carried through into this subdivision application.

## 2. ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Low Density Residential and the proposed activity requires resource consent for the following reasons:

- A **controlled** activity resource consent pursuant to Rule 15.2.3.2 for any subdivision which complies with all site and zone standards, Rule 15.2.6.1 (lot sizes, averages and dimensions); Rule 15.2.7.1 (subdivision design), Rule 15.2.8.1 (property access), Rule 15.2.10.1 (natural and other hazards), Rule 15.2.11.1 (water supply), Rule 15.2.12.1 (storm water disposal), Rule 15.2.13.1 (sewerage treatment and disposal), Rule 15.2.14.1 (trade waste disposal), Rule 15.2.15.1 (energy supply and telecommunications), Rule 15.2.16.1 (open space and recreation), Rule 15.2.17.1 (vegetation and landscaping) and Rule 15.2.18.1 (easements).
- A **restricted discretionary** activity resource consent pursuant to Rule 7.5.3.4 (vi) as the proposal breaches Site Standard Rule 7.5.5.2(xvi)(a) both in terms of volume exceeding 100m<sup>3</sup>, and maximum area of exposed soil exceeding 200m<sup>2</sup> in area. Council’s discretion is restricted to this matter.

Plan Change 49

- A **controlled** activity resource consent for earthworks associated with any subdivision of land in any zone (except for any of the Special Zones that are listed in Section 12 of the District Plan other than the Rural Visitor Zone and any of the Ski Area Sub-Zones) are a Controlled Activity with the Council reserving control in respect to the matters listed in Rule 22.3.2.2(a)(i)-(ix) in Section 22.

### 2.2 RESOURCE MANAGEMENT ACT

- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA, which deems any application to change or cancel consent conditions to be a discretionary activity. It is proposed to change Conditions 1 and 2 of resource consent RM060929 to vary specific changes to the Outline Development Master Plan for the Peninsula Bay subdivision (as varied through RM070884, RM080025, RM080440, RM110793, RM120264, 130862 and RM150269) to refer to a new version of the ODMP plan.

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

## 2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

### 3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

### 4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

#### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*

B: *Trade competition and the effects of trade competition (s95D(d)).*

#### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case all subdivision activity is a controlled activity where it complies with Site and Zone Standards under the District Plan. As a consequence, the application of the permitted baseline is of limited relevance.

#### 4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Rule 15.2.7.1 specifies the following matters over which Council can exercise their discretion to:

- "The location of pedestrian access; -
- The location of building platforms;
- - the provision and/or use of open stormwater channels and wetland areas;
- - Orientation of lots to optimise solar gain for buildings and developments;
- - The effect of potential development within the subdivision on views from surrounding properties
- - The scale and nature of earthworks and the disposal of excess material"

The Council also has control over the matters specified in Section 2.1 above.

The Assessment of Effects provided at section 6.0 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report.

**Land, Flora and Fauna:**

<b><i>Adverse Effects to Consider</i></b>	<b><i>Effects on the Environment</i></b>
Ecological / Vegetation & Fauna	Nil
Landform	Less than Minor
Waterbodies & Groundwater	Less than Minor

All areas of significant vegetation and areas of ecological value are located within the area of the Peninsula Bay subdivision identified as Open Space Zone. These areas will not be affected by the proposed subdivision.

There will be some landform modification in order for the construction of the roading, servicing and to create building sites to enable the development of the site in accordance with the site's Low Density Residential zoning. All proposed earthworks have been designed to create flatter lots to provide more suitable building areas for future owners thereby avoiding the need for additional earthwork consents and are limited to Lots 271-284 and 340 as part of this subdivision.

The proposed earthworks are not considered to affect sightlines to local natural landforms and are located within areas of the site that have already been approved for subdivision (and associated earthworks) and as prescribed within the AEE, the maximum height of fill will be 1.0 metre which will not significantly change the ground level for future dwellings. As a consequence, it is not envisaged that any increase in elevation, created by fill on site will result in a loss of views and outlooks on any public places, or properties beyond adjacent sites.

Overall, any adverse effects associated with the proposal on land, flora and fauna are considered to be less than minor in extent.

**People and Built Form:**

<b><i>Adverse Effects to consider</i></b>	<b><i>Effects on the Environment</i></b>
Character and Amenity	Less than Minor
Density	Less than Minor
Views and Outlook	Less than Minor
Cumulative	Less than Minor

The site is zoned and has approved resource consent to implement an earlier subdivision over the subject site. The Proposal seeks to amend the location of the boundaries and add three additional lots. It is considered that any adverse effects on the character and amenity of this area are considered to be less than minor in extent.

The Proposal will have a less than minor effect on density over the site and is consistent with the underlying Low Density Residential Zone.

The Scheme Plan identifies Lots 709 and 725 to be vested in Council as local purpose and recreational reserve areas. These were confirmed to be vested as part of the earlier subdivision consent RM080100 or will be vested as part of the respective stages governed by this consent. The staging of these reserve lots is consistent with RM110765 which varied RM080100 and removed the requirement tying particular lots together in stages and alternatively allowed for individual stages to be advanced as the consent holder wishes to advance them. Importantly, should the consent holder seek to vest under this consent, Lots 709 and 725 are to be vested before the issuing of titles to Stage 6c and this recommended as a condition of consent. Stephen Quin, Council's Parks and Reserves Planning Manager, has confirmed this as acceptable.

The reconfiguration of the subdivision layout to provide for three additional lots will have a less than minor effect on views and outlooks for existing property owners within the Peninsula Bay subdivision. The creation of three additional lots will place additional demand on Council infrastructure and roading, however any cumulative effects linked with the same will be negligible on the receiving environment.

**Infrastructure:**

<b><i>Adverse Effects to consider</i></b>	<b><i>Effects on the Environment</i></b>
Water Supply	Less than Minor
Effluent Disposal	Less than Minor
Stormwater Provisions	Less than Minor
Energy Supply & Telecommunications	Less than Minor

Each of the proposed three newly created lots will have individual connections to the public water, sewer, and stormwater networks and the Applicant has confirmed via supporting technical reports that existing infrastructure has sufficient capacity to accommodate the additional lots proposed under this subdivision.

Each lot will be provided with a connection to the reticulated power and telecommunication networks.

Council's Resource Management Engineer, Ms Lyn Overton is satisfied that the proposed subdivision can be adequately serviced, subject to recommended conditions of consent.

The Proposal will have less than minor effects on Council service infrastructure and services required as part of this subdivision.

**Traffic Generation and Vehicle Movements:**

<b><i>Adverse Effects to consider</i></b>	<b><i>Effects on the Environment</i></b>
On-site / On street parking	Nil
Driver & Pedestrian Safety	Less than Minor
Traffic Generation / Rooding Capacity	Less than Minor

Ms Overton has confirmed that the proposed roading will follow that previously approved pursuant to the underlying Outline Development Plan (ODP) RM060929 and the roading for this subdivision was previously assessed as a requirement of the underlying subdivision RM080100.

The Scheme Plan identifies Lot 815 to be vested in Council and was confirmed to be vested as part of the earlier subdivision consent RM080100. It will now be vested as stage 6a under this consent approval.

The proposed road will involve extending Infinity Drive to connect the section previously constructed during stages 5b and 6b. A small cul-de-sac (Avalanche Place) will also be constructed to serve nine (9) lots. The cul-de-sac is in a similar location to that previously approved. A new right of way is to be formed to service lots 278 and 279. Ms Overton recommends a condition to ensure that all roading is formed in accordance with the standards previously imposed under this consent.

The applicants are proposing to construct vehicle crossings to Lots.

Overall, the subdivision proposed will generate effects that are less than minor in extent on Council's existing and proposed roading infrastructure.

**Nuisance:**

<b><i>Adverse Effects to consider</i></b>	<b><i>Effects on the Environment</i></b>
Noise	Less than Minor
Hours of Operation	Less than Minor
Dust	Less than Minor
Vibration	Less than Minor

Earthworks are proposed to create a level construction area within each lot and as a consequence there will be some construction nuisance effects during the construction period. Approximately 4,750m<sup>3</sup> cut and 4,120m<sup>3</sup> of fill will be undertaken within a balanced cut to fill operation.

Ms Overton considers that all earthworks activities can be mitigated by appropriate conditions of consent, consistent with conditions imposed on the earlier subdivision approvals for this part of the subject site.

Overall, it is considered that any earthworks activities will generate effects that are less than minor in extent, when implemented in accordance with the Site Management Plan submitted as part of the Application and conditions of consent.

**Culture:**

<b>Adverse Effects to consider</b>	<b>Effects on the Environment</b>
Heritage / Heritage Precincts	Nil
Archaeology	Nil
Takata Whenua	Nil

The subdivision is not considered to generate any adverse effects on heritage, areas of archaeological importance or matters of importance to tangata whenua. This area has already been the subject of extensive construction activities relating to earlier subdivision approvals (and associated earthworks). All earthworks activities will be undertaken to ensure that sediment is not released into waterways and as a consequence will seek to ensure that water quality is maintained for wider receiving environments that are of importance to tangata whenua. A condition of consent is recommended to ensure that standard accidental discovery protocol is adhered to should any unknown items of archaeological significance be uncovered.

The Proposal is therefore considered to generate less than minor effects on cultural values.

**Natural Hazards:**

<b>Adverse Effects to consider</b>	<b>Effects on the Environment</b>
Land Stability / Liquefaction	Nil
Rock Fall	Nil
Flooding	Nil

The QLDC Hazard Register Maps show the falls within the LIC1 liquefaction hazard category, with an assessed liquefaction risk being "Nil to Low". Based on this hazard category and lack of any obvious site factors which suggest otherwise, Ms Overton is satisfied that the proposed buildings are unlikely to be at risk of liquefaction in a seismic event and that standard foundations as required under NZS 3604:2011 for timber framed buildings are sufficient. Foundation requirements for the buildings will be addressed under the related building consent and no conditions are necessary. No other hazards are identified for the site.

Overall, the subdivision will not be subject to any identified natural hazards that will impact upon the integrity of future residential lots.

**4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))**

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

**5.0 EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

**5.1 PERMITTED BASELINE (s95E(2)(a))**

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case no party is deemed affected by either the subdivision or the variation and the application of the permitted baseline is of little relevance to this application given that all subdivision activity is a controlled activity.

**5.3 ASSESSMENT: EFFECTS ON PERSONS**

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

In relation to the variation to the ODP for Peninsula Bay, section 127 (Change or cancellation of consent condition on application by consent holder):

- (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 determining affected parties, case law highlights that it is important to note that it is the effects of the change (not the activity itself), which are relevant. The appropriate comparison is between any adverse effects, which there may have been from the activity in its original form, and any adverse effects, which would arise from the proposal in its varied form.

Resource consent RM80100 that approved subdivision consent for the site and the Peninsula Bay ODP approved under RM060929 (and subsequent variations) have all been processed on a non-notified basis and no written approvals were required.

<b>Adverse Effects:</b>	<b>Effects on Persons</b>
Traffic Generation	Less than Minor
Amenity / Density	Less than Minor
Views and Outlook	Less than Minor
Land Stability	Less than Minor
Noise	Less than Minor

The subdivision is located between two existing stages of the Peninsula Bay development and borders the Open Space Zone boundary to the north, and the areas within which the proposed lots are to be located are sited clear of existing lots occupied by dwellings.

With respect to the variation sought to ODP RM060929, no adverse effects are expected to be felt by those parties with an interest in land in the wider Peninsula Bay subdivision given that the proposed variation relates to the creation of three additional lots within one of the last remaining stages of this development area, and these lots are in accordance with that anticipated for the Low Density Residential zone.

In relation to the proposed subdivision and associated earthworks activities, it has been concluded that any adverse effects associated with this Proposal will be less than minor in extent and as a consequence no person is deemed affected by this application. This area of the Peninsula Bay site is separated from adjoining occupied lots and all construction activities relating to the earthworks activities proposed can be appropriately avoided, remedied or mitigated to an acceptable level such that no person is deemed affected by these activities.

The proposed earthworks are not considered to affect sightlines to local natural landforms and are located within areas of the site that have already been approved for subdivision (and associated earthworks) and as prescribed within the AEE. The maximum height of fill will be 1.0 metre which will not significantly change the ground level for future dwellings, or impede views of adjoining properties that are located outside of Stage 6a area. As a consequence, it is considered that any increase in elevation, created by fill on site, will generate less than minor effects on views and outlook of adjoining sites outside of Stage 6a land (which is under the ownership of the applicant).

#### **5.4 DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

### **6.0 SPECIAL CIRCUMSTANCES – 95A(4)**

No special circumstances exist that would warrant public notification of the proposal in terms of section 95A(4) of the RMA.



## **7.0 OVERALL NOTIFICATION DETERMINATION**

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

## **8.0 S104 ASSESSMENT**

### **8.1 EFFECTS (s104(1)(a))**

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under section 108 and section 220 of the RMA as required to avoid, remedy or mitigate adverse effects.

### **8.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))**

#### Operative District Plan

The relevant objectives and policies are contained within Part 4 (District Wide Issues), Part 7 (Residential Areas) and Part 15 (Subdivision, Development and Financial Contributions) of the Operative District Plan and have been addressed in detail within section 4.0 of the applicant's AEE submitted with the Application. This assessment is both comprehensive and accurately assesses all relevant Objectives and policies relevant to the consideration of these Proposals. As a consequence it is adopted for the purpose of this report.

As with the original subdivision approval RM080100 and ODP RM060929, the proposed subdivision, variation to the Peninsula Bay ODP and associated earthworks are considered to accord with the central policy outcomes guiding subdivision and earthworks activities under the District Plan.

The applicant's AEE at section 4.0 sets out that the subdivision has been designed to provide an attractive residential low density living environment with a high level of internal amenity in accordance with the density anticipated in the Low Density Residential zone and that the proposed variation seeks minor changes to the internal boundary layout of lots within the subdivision and result in the creation of three additional lots.

I concur with the Applicant's assessment that the proposed layout is in keeping with the surrounding development already undertaken to date and that the reconfiguration will result in a more consistent lot size and density consistent with the intent of the Low Density Residential Zone.

Ms Overton's assessment confirms that the subdivision can be adequately serviced with Council infrastructure and there are no impediments to establishing residential lots in this part of the site.

Overall, and as has been concluded with earlier approvals for subdivision consents approved on this site and the earlier Peninsula Bay ODP approval for the site, the subdivision and varied Peninsula Bay ODP is considered to achieve and be consistent with the relevant objectives and policies of the District Plan.

#### Plan Change 49 - Earthworks

Plan Change 49 – Earthworks introduced specific objectives and policies to govern earthworks activities. Of particular relevance to this proposal is Objective 1 and supporting policies that address earthworks and environmental effects. As discussed in section 5.3, the earthworks proposed with this subdivision seek to create flatter buildable areas for Lots 271-284 and 340 and will result in a maximum depth of fill of 1.0 metre. As with other earthworks undertaken with earlier stages, all construction activities will be carefully managed to avoid adverse effects associated with all earthworks activities. The maximum height of fill will be 1.0 metre which will not significantly change the ground level for future dwellings, or impede views of adjoining properties that are located outside of Stage 6a area. Overall, this aspect of the proposal is consistent with the policy outcomes of the relevant objectives and policies advanced under Plan Change 49 and introduced into Part 22 – Earthworks section of the District Plan.

### 8.3 PART 2 OF THE RMA

The proposed variation to the Peninsula Bay ODP will not materially change the layout of the original ODP approved across the site, other than providing for three additional lots and enabling the more efficient use of this scarce land resource. The revised lot configuration is consistent with the direction of this zone and will introduce greater efficiencies in terms of providing for three additional lots for residential purposes. Overall, the variation to this existing Peninsula Bay ODP will promote the sustainable management of natural and physical resources involved, and therefore achieves the purpose of the RMA.

The subdivision will provide for a reconfigured lot layout that will enable the creation of three additional lots from those larger lots approved under the previous subdivision approval, while maintaining suitable lot size which is consistent with the Low Density Residential Zone. The overall subdivision will maintain and enhance the qualities of this environment through proposed street planting.

The subdivision consent and associated earthworks consent are both considered to be consistent with the purpose and principles set out under Part 2 of the RMA.

### 8.4 DECISION A - ON VARIATION PURSUANT TO SECTION 127 OF THE RMA

Consent is **granted** for the application by Peninsula Village Limited and Wanaka Bay Limited to change Conditions 1, 2 and 4 of resource consent RM060929 (as varied through RM070884, RM080025, RM080440, RM110793, RM120264, 130862 and RM150269), such that:

#### 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 ~~15 June 2015 under RM150269~~ 29 October 2015 under RM150661), and, in particular, in accordance with the following Appendices of the application, with the exception of resource consents RM070884, RM080025, RM080440, RM110793, RM120264, RM130862, and RM150269 and RM150661, and the plans (stamped as "Approved Plans" on 14 April 2008) and with the exception of the amendments required by the following conditions of consent.

- a) Outline Development Master Plan, Revision ~~1u, dated 15 December 2013~~ X, dated 4 August 2015.

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 ~~3 February 2014 under RM150269~~ 29 October 2015 under RM150661), and in 'general' accordance with the following Appendices of the application, with the exception of resource consents RM070884, RM080025, RM080440, RM110763, RM120264, RM130862, RM150269 and RM150661, and with the exception of the amendments required by the following conditions of consent.

- a) Indicative Subdivision Plan – Concept ~~1u, dated 15 December 2013~~ Revision X, dated 4 August 2015 and stamped as "Approved Plans" on 29 October 2015.
- b) Appendix E – Indicative Subdivision Plan – Concept 1s, dated 1 April 2008 and stamped as "Approved Plans" on 14 April 2008.
- c) Appendix G – Typical Streetscape Drawings
- d) Appendix H – Landscaping of Road Reserves

- e) Appendix I – Landscaping of Car Parking Areas, Revision B, dated as received on 20 September 2007.
- f) Appendix K – Landscape Treatment of Lower Reserve Walkway
- g) Appendix L – Landscape Treatment of Walkway Reserve
- h) Paterson Pitts Partners “Peninsula Bay Proposed Recreational and Local Purpose Reserves to Vest in QLDC” Revision F, dated 13/10/06.

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.

#### 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, 83-88, 91, 93-115, 117-129, 131-148, 150-154, 156-161, 163-166, 176-181, 182, 183-218, 220-227, 229-297, 298 301-318, Lot 340, 341 and 342 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, 168, 169, 170-175, 219, 228, 299 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.

#### **8.5 DECISION B - ON SUBDIVISION RESOURCE CONSENT PURSUANT TO SECTION 220 OF THE RMA**

Consent is **granted** to the subdivision consent subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the RMA.

### **9.0 OTHER MATTERS**

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

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to application under the RMA for certification pursuant to section 224(c).

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

*Administrative Matters*

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

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

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

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

If you have any enquiries please contact Hanna Afifi on phone (03) 441 0499 or email [hanna.afifi@qldc.govt.nz](mailto:hanna.afifi@qldc.govt.nz).

Report prepared by



Nigel Bryce

**CONSULTANT PLANNER**

Decision made by



Hanna Afifi

**SENIOR PLANNER**

**APPENDIX 1 - Subdivision Consent Conditions**

**APPENDIX 2 – Updated conditions of resource consent RM060929**

**APPENDIX 3 – Applicant's AEE**

## **APPENDIX 1 – CONSENT CONDITIONS**

**Note:** Condition 3 of RM150661 only applies to the balance Lot of Stage 6b and Stage 6a in regards to staging as approved by RM080100, variation RM090336, and subsequent variation RM150269.

### **DECISION B - SUBDIVISION**

#### **GENERAL CONDITIONS**

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Peninsula Bay Indicative Subdivision Plan, revision X, dated 04/08/2015'
  - 'Peninsula Bay Subdivision Scheme Plan of Lot 920 LT 486039, revision X, dated 04/08/2015'
  - 'Infinity Investments Peninsula Bay Stage 6a, Engineering Drawings Earthworks Plan Design Contours, Sheet 201, Rev A, 18/6/2015'
  - 'Infinity Investments Peninsula Bay Stage 6a, Engineering Drawings Earthworks Cut to Fill Plan, Sheet 202, Rev A, 18/6/2015'

**stamped as approved on 29 October 2015**

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

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

#### **Staging**

3. This subdivision may be staged. A stage may include an individual stage or combination of lots provided each lot has legal and physical access and services in accordance with Council's standards. 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.

#### ***General***

4. All engineering works, including the construction of retaining walls, 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.

#### ***To be completed prior to the commencement of any works on-site***

5. 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.
6. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the site management plan submitted with the consent application by Paterson Pitts group Ltd dated 6 August 2015. 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, until all exposed areas of earth are permanently stabilised.

7. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.7.2 of QLDC's Land Development and Subdivision Code of Practice and who shall supervise the fill procedure and ensure compliance with NZS 4431:1989. This engineer shall continually assess the condition of the fill procedure.

***To be monitored throughout earthworks***

8. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):2(H).
9. 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 his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
10. No earthworks, temporary or permanent, are to breach the boundaries of the site.

Hours of Operation – Earthworks

11. Hours of operation for earthworks, shall be:
  - Monday to Saturday (inclusive): 8.00am to 6.00pm.
  - Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 8.00am. All activity on the site is to cease by 6.00pm.

Accidental Discovery Protocol

12. If the consent holder:
  - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
    - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
    - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;

- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

13. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of Schedule 1A of NZS 4404:2004, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (4), to detail the following engineering works required:
  - a. The provision of a water supply to Lots 271 to 284, 299, 301 to 310, 335 and 340 to 342 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.
  - b. The provision of a foul sewer connection from Lots 271 to 284, 299, 301 to 310, 335 and 340 to 342 to Council's reticulated sewerage system in accordance with Council's standards and connection policy, which shall be able to drain the buildable area within each lot. The costs of the connections shall be borne by the consent holder.
  - c. The provision of a connection from all potential impervious areas within Lots 271 to 284, 299, 301 to 310, 335 and 340 to 342 to the Council reticulated stormwater disposal system. The individual lateral connections shall be designed to provide gravity drainage for the entire area within each lot.
  - d. The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - e. The provision of a sealed vehicle crossing that shall be constructed to Lots 274, 281 and the right of way entrance to Lots 278 and 279 to Council's standards.
  - f. The provision of road lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. 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's lighting network circuits.
  - g. The provision of a roading network to provide access to each residential lot and Lot 501, in accordance with the Peninsula Bay Road Hierarchy Plan, Revision B, dated 22 December 2006, the Peninsula Bay Outline Development Master Plan conditions of consent, and the Traffic Design Group report dated October 2006. In addition, the roading design shall incorporate the following:
    - 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 Council.
    - ii) The right of way accessing Lots 278 and 279 shall each be formed with a minimum 3.5m carriageway within a minimum 4.0m easement width.
  - h. The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.

***To be completed before Council approval of the Survey Plan***

14. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:

- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
- b) Lots 709 and 725 shall be vested to Council as reserve before titles are issued to those lots identified as forming part of Stage 6c.
- c) Lot 815 shall be vested to Council as road as part of Stage 6a.

*Advice note: Condition 14 shall not preclude the vesting of Lots 709 and 725 as reserve should this be advanced as part of the earlier approved scheme plan under RM080100.*

***To be completed before issue of the s224(c) certificate***

15. Prior to 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/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Condition (13) above.
- c) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- d) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- e) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (3) for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- f) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- g) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
- a) On completion of earthworks a suitably qualified engineer experienced in soils investigations shall ensure that certification is provided to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the site on which buildings are to be founded. Note this will require supervision of the fill compaction by a chartered professional engineer.
- h) Any earthworks required for the provision of access and services associated with this subdivision shall be carried out in accordance with the conditions of the Land Use Consent: Earthworks, as outlined above.
- i) On completion of the earthworks, the consent holder shall complete the following:



- a) All earthworked/exposed areas shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
- b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

### ***Ongoing Conditions/Consent Notices***

16. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to section 221 of the Act.

- a) At the time a dwelling is constructed the owner for the time being shall construct a sealed vehicle crossing to the site to Council's standards. The design of the vehicle crossing shall be subject to approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and construction of the crossing approved by a Council Inspector prior to occupation of the dwelling.
- b) The ground contours to be used for the determination of maximum building height shall be the contours on the plan approved under RM080100 title Stage 2-6, Overall earthworks, Final Contours Job No: W3101, Revision A, dated 5 May 2008, with the exception of Lots 271 to 284 and Lot 340 which shall be in accordance with 'Infinity Investments Peninsula Bay Stage 6a, Engineering Drawings Earthworks Plan Design Contours, Sheet 201, Rev A, 18/6/2015' and 'Infinity Investments Peninsula Bay Stage 6a, Engineering Drawings Earthworks Cut to Fill Plan, Sheet 202, Rev A, 18/6/2015' stamped as approved 29 October 2015 under Condition 1 above.
- c) 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, 83-88, 91, 93-115, 117-129, 131-148, 150-154, 156-161, 163-166, 176-181, 182, 183-218, 220-227, 229-297, 299 301-318, Lot 340, 341 and 342 inclusive.
- d) 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, 168, 169, 170-175, 219, 228, 299 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.

### **Advice Notes**

1. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.

## APPENDIX 2 – UPDATED CONDITIONS OF RM060929

### 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 29 October 2015 under RM150661), and, in particular, in accordance with the following Appendices of the application, with the exception of resource consents RM070884, RM080025, RM080440, RM110793, RM120264, RM130862, and RM150269 and RM150661, and the plans (stamped as “Approved Plans” on 14 April 2008) and with the exception of the amendments required by the following conditions of consent.

a) Outline Development Master Plan, Revision X, dated 4 August 2015.

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” 29 October 2015 under RM150661, and in ‘general’ accordance with the following Appendices of the application, with the exception of resource consents RM070884, RM080025, RM080440, RM110763, RM120264, RM130862, RM150269 and RM150661, and with the exception of the amendments required by the following conditions of consent.

a) Indicative Subdivision Plan – Concept Revision X, dated 4 August 2015 and stamped as “Approved Plans” on 29 October 2015.

b) Appendix E – Indicative Subdivision Plan – Concept 1s, dated 1 April 2008 and stamped as “Approved Plans” on 14 April 2008.

c) Appendix G – Typical Streetscape Drawings

d) Appendix H – Landscaping of Road Reserves

e) Appendix I – Landscaping of Car Parking Areas, Revision B, dated as received on 20 September 2007.

f) Appendix K – Landscape Treatment of Lower Reserve Walkway

g) Appendix L – Landscape Treatment of Walkway Reserve

h) Paterson Pitts Partners “Peninsula Bay Proposed Recreational and Local Purpose Reserves to Vest in QLDC” Revision F, dated 13/10/06.

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, 83-88, 91, 93-115, 117-129, 131-148, 150-154, 156-161, 163-166, 176-181, 182, 183-218, 220-227, 229-297, 299, 301-318, Lot 340, 341 and 342 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, 168, 169, 170-175, 219, 228, 299 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 any of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
  - (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
  - (c) To avoid remedy 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 1400m<sup>2</sup> 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 700m<sup>2</sup> unless each allotment to be created, and the original allotment, all contain at least one residential unit.

**APPENDIX 3 – APPLICANT’S AEE**