

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL -
AT QUEENSTOWN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Private Plan Change 51 to the
Queenstown Lakes District Plan

**SUPPLEMENTARY EVIDENCE OF Dr Marion Read
DATED 9TH AUGUST 2016**

1.0 Introduction

- 1.1 My name is Marion Read. I reside at Woodside near Outram.
- 1.2 I hold the qualifications of Doctor of Philosophy in Landscape Architecture from Lincoln University, Bachelor of Landscape Architecture with Honours also from Lincoln University; Masters of Resource and Environmental Planning with Honours from Massey University; and a Bachelor of Arts from Otago University. In addition I have a Certificate of Proficiency in Landscape Revegetation from Massey University. I am a graduate member of the New Zealand Institute of Landscape Architects (NZILA) and of the New Zealand Planning Institute.
- 1.3 I completed my undergraduate studies in Landscape Architecture in 1998. From then until 2005 I was employed part time by Lincoln University in various capacities including teaching within the landscape architecture, and related programs, during which time I completed my PhD. From December 2005 until July 2013 I was employed by Lakes Environmental Limited (initially by its predecessor Civic Corporation Limited) and I was Principal Landscape Architect there from 2007 until I left in July 2013. During this period I completed my Masters degree in planning, and the CoP in Revegetation.
- 1.4 During my tenure at Civic Corporation and Lakes Environmental I undertook numerous landscape and visual assessments of resource consent applications within the District, in addition to supervising other landscape architects doing similar work. I also reported on or provided evidence in the Environment Court in relation to a number of proposed plan changes, specifically: PC 19, Frankton Flats B; PC 28, Trails; PC 36, Wanaka Industrial Zoning Extension; PC 39, Arrowtown South; PC 41, Shotover Country; PC 44, Hanley Downs; and PC 45, Northlake. PC 39, PC 41, PC 44 and PC 45 all entailed the rezoning of land for residential development and in all cases but PC 44 the land subject to rezoning was zoned Rural General. PC 41, PC 44 and PC 45 all concerned land adjacent to Outstanding Natural Landscapes or Features.
- 1.5 In July 2013 I established my consultancy, Read Landscapes, of which I am the principal, working from my home. As such I am a member of the Queenstown Lakes District Council panel of consultant landscape architects. I frequently provide landscape and visual assessment reports on resource consent applications on behalf of QLDC and I have undertaken similar work for Southland District Council and Dunedin City Council. I also undertake the preparation of landscape and visual assessment reports relating to resource consent applications for private clients. An increasing focus over the past two years has been in providing policy advice regarding the management of landscapes for both Queenstown Lakes District Council and the Dunedin City Council, particularly pertaining to their District Plan reviews.

- 1.6 My evidence has been prepared in compliance with the Code of Conduct for Expert Witnesses **included in the Environment Court's Consolidated Practice Note of 2014.**
- 1.7 I confirm that the evidence I shall present is within the area of my expertise and that I have not omitted to consider any material facts known to me which might alter or detract from the opinions which I express in this evidence.
- 1.8 This evidence addresses the amendments to the proposed plan change as detailed in the Requestor's evidence of August 1st, and issues raised in the evidence of Mr Ben Espie and Ms Louise Taylor.

2.0 Landscape classification

- 2.1 Mr Espie, and indeed the proposal as a whole, places great weight on the determination of the Environment Court in its C010/2005 decision on the location of the boundary of the Outstanding Natural Landscape (ONL), which all parties agree exists in the vicinity of the proposed plan change area.
- 2.2 In a separate project in which I determined the boundaries of all the ONLs and ONFs of the District, I identified a different location for the boundary of the ONL on the Peninsula Bay site. This location was peer reviewed by Ms Anne Steven, a Wanaka based landscape architect, who agreed with me. As a consequence of this, the boundary as I have identified it has been notified as a part of the current Proposed District Plan. I understand that the hearings panel charged with the PDP hearings have determined that submissions on these boundaries will be considered together some time next year. While I understand that the PDP itself has no, or very little relevance, to these proceedings, this assessment, while remaining untested, is based on a broad scale evaluation and is relevant.
- 2.3 The conflict between my location of the landscape boundary and that relied upon by the Requestor raises a raft of issues which it appears necessary to traverse in some detail. Some of these relate specifically to earlier considerations of the zoning of the Peninsula Bay property. Some of these are more general and relate to process.
- 2.4 Variations 15 and 25
- 2.4.1 Mr Espie has the advantage of having been involved in both the assessment of these variations and in the hearings which lead, in the first instance to the cancellation of Variation 15 by the Environment Court and, in the second, the modifications to and subsequent adoption of Variation 25. Planning cannot be based on the memory of participants, however. It must be based on publically accessible documentation. To this end I have read and considered both the C010/2005 decision on Variation 15 and the decision of the Commission

which heard and made the decision on Variation 25. In addition to this I have read the primary evidence presented by Ms Di Lucas to the Environment Court in the Variation 15 hearing.

- 2.4.2 The proposed Structure Plan for Variation 15, as I am best able to interpret it, proposed development in a number of patches along the northern portion of the Peninsula Bay property identified collectively as Activity Area 5a. All of these sites were arrayed along the northern side of the hummocky moraine ridge which encloses the subdivision to the south. The southern flanks of these slopes were proposed to be the location of Activity Area 1 which I understand to have been intended to provide for some sort of low density residential development.
- 2.4.3 The Court heard from three landscape witnesses with regard to the landscape classification of the land subject to Variation 15. Mr Miskell opined that the entire site was part of the Wanaka urban landscape. This was discounted by the Court. Mr Espie opined that the site was, in the main, Visual Amenity Landscape and that there was an Outstanding Natural Landscape to the north but he declined to identify a boundary location stating to do so would be arbitrary. Ms Lucas proposed a boundary running along the ridgeline identifying the north eastern slopes of the hummocky ridge as being ONL. This approximately coincides with the northern boundary of Activity Area 1. The Court adopted this boundary position.
- 2.4.4 It is important to note that the Environment Court is a Court of first record, the main job of which is to determine the facts of a case and make decisions based upon them according to the law. While the Court can ask at any time for further evidence, it is limited to making its decision on the facts it has to hand. Ms Lucas was the only witness willing to identify a boundary of the ONL. Thus if the Court considered it to be necessary to determine a boundary, hers was it. Further, the Court heard evidence only pertaining to the proposed variation on the Peninsula Bay land. Consequently it did not consider where the appropriate boundary of this ONL might be located on adjacent land. Contrary to what is stated on the Appendix 8 Maps¹, the boundaries determined by the Court may be revisited and cannot be **considered to be 'set in stone'.** I have attached legal opinion to this effect provided to QLDC as Appendix 1. It is also to be noted that the C010/2005 boundary is not included on these maps as the land ceased to be zoned Rural General at the adoption of Variation 25.
- 2.4.5 Variation 15 was cancelled by the Environment Court, in part because of the adverse effects of the development proposed for AA5a and AA2. Mr Espie discusses Variation 25 as proposed. I have read the decision of the Commission on Variation 25 which adopted the plan change and I attach this decision to this evidence as Appendix 2.

¹ Strictly speaking, as these maps have not been notified they are not a part of the District Plan.

- 2.4.6 What is striking about the Variation 25 decision, from a landscape perspective, is the lack of mention of the ONL which has become so important in this current plan change proposal. **A search of the decision finds that the word 'outstanding' occurs only three times in the entire document and 'ONL' five times. In part this is clearly because of the inclusion of the proposed Open Space Zone (OSZ) which incorporated the northern ridge and eastern and western margins of the site and which included stronger controls than an ONL classification would provide. Most of the references to ONL's in the decision refer to submitters desires to see the northern OSZ vested as a reserve.**
- 2.4.7 The Upper Clutha Environmental Society (UCESI) proposed a more southern boundary to the northern portion of the OSZ which was appended to the **Commission's** decision as its Appendix 2. This boundary **is described on the plan as 'UCES ONL Reserve Line'.** The decision does not include any plans indicating the location of the boundary of the OSZ **originally proposed as part of this variation. It appears, from Paragraph 7 of Mr Espie's** evidence, that it was in the vicinity of the boundary of Activity Area 1 in the original proposal, that is, close to or on the summit of the ridgeline. The more southern boundary was adopted by the Commission **reasoning that 'The amendments to the zone boundaries ensure that potential adverse effects on landscape and ecological values are avoided'**². This boundary is located at the southern foot of the hummocky northern ridge and incorporates the melt water channel as it breaches the ridgeline in the north east corner of the site. Variation 25 was **approved and the new Open Space Zone created with the purpose of protecting 'landscape values, natural character and informal open space of the area'.**³
- 2.5 The landscape boundaries project
- 2.5.1 In 2011 I was commissioned by QLDC to undertake a survey of the District to determine the locations of appropriate boundaries between the various landscape classifications which can be made in terms of the ODP. In 2014 I was asked to expand upon and update this report, **largely in response to the Government's then stated intention to require Council's to identify** their ONLs and ONFs in their District Plans. While this amendment to the RMA has not progressed the boundaries as I have drawn them have been notified as a part of the Proposed District Plan.
- 2.5.2 As I have noted repeatedly, the landscape boundaries project was not district wide landscape assessment. In fact the processes of landscape assessment and the establishment of landscape boundaries are quite different.
- i. Landscape assessment to determine Section 6b or 7c status is a relatively broad brush process which follows a reasonably standardised procedure. A series of aspects of

² Peninsula Bay Decision – Re-notified Version. Para 5.2.4, P 20

³ ODP 20.1.1, P 20-1

landscape, known in this country as the 'Pigeon Bay Factors' are considered. There are no specific criteria, but it is generally accepted that to qualify as a Section 6b landscape (an outstanding natural landscape or feature) the landscape must exhibit high value in at least some of these aspects and high value overall on balance. While to be classified as an ONL or ONF **they must all exhibit a high degree of 'naturalness' what this actually** means in practice varies widely depending on the context.

- ii. Determining landscape boundaries, as Mr Espie opined in the original Peninsula Bay case, is an arbitrary process. Most if not all landscape architects will tell you that landscape is continuous and that variations in character and quality generally occur over transitional areas. Landscape boundaries are a planning convention intended to ensure that different rules can be cleanly applied to different areas of land. Establishing boundaries therefore, is usually a matter of deciding where the qualities of one area and the qualities of the adjacent area are in balance.

2.5.3 The landscape boundaries project was thus based upon mapping the areas of the District generally considered to be ONL or ONF as a result of previous assessments and determining where their boundaries should be located, and how these areas should be connected. Often boundaries occur at transition points between gently and steeply sloping areas. In some instances this is directly because of the significance of the landform identified. The Roche Moutonnée of the district are examples of this. In other instances, steeper slopes have higher natural character as grazing pressure is lesser and indigenous vegetation may regenerate more readily. More gently sloping or flat lands tend to be grazed harder, and may be cultivated more readily. The boundary between two such areas would likely be located at the at the transition point between such areas.

2.5.4 Zone boundaries have some relevance in regard to the location of landscape boundaries. This is because the development anticipated by a zone may extinguish the qualities which make a landscape outstanding. For example, all the elevated lands around Queenstown are generally considered to be ONL and the boundary of this landscape to coincide with the residential zone boundaries. Most pertinent to this proposal is the adjacent Penrith Park zone which occupies the same land forms as the subject site. While requiring the protection of areas of kanuka, this zone anticipates the development of urban sized lots for residential use.

2.5.5 Zone boundaries are also relevant to the location of landscape boundaries within the QLDC as in the terms of the ODP landscape classifications are most relevant only within the Rural General zone. That is, it is a requirement that all land within that zone be attributed a landscape classification in order to facilitate the appropriate assessment of development proposals. It is my understanding, however, that S6b and S7c of the RMA91 effectively trumps this and that, consequently, the objectives and policies of Chapter 4 of the ODP apply

in all zones where development may affect landscape quality. Generally speaking this would exclude extant urban zones but not the other primarily rural zones. This is because the development anticipated in the urban zones would extinguish the levels of natural character and of high landscape amenity necessary to require attention under the Act, whereas the rural focused zones (such as Jacks Point, for example) benefit from maintaining high landscape quality. Consequently the landscape classification boundaries as notified follow zone boundaries in some locations, and cross land which is not zoned Rural General in others.

2.5.6 There are instances where landscape boundaries may coincide with property boundaries. This occurs where the qualities of the landscape within the property are different to those of the adjacent properties but of similar character and quality to those of an adjacent ONL. Examples of this are where a reserve exists with the specific aim of protecting the natural character of the area, or private land is covenanted for a similar objective.

2.5.7 As noted, in the main the location of the boundaries which have been notified in the PDP was made on the basis of past landscape assessments and current consensus amongst landscape experts, not necessarily regarding the location of boundaries but of the existence of ONLs or ONFs. Landscapes were matched on a like-with-like basis and landscape boundaries determined on the bases discussed above. I attach Map 18 of the Proposed District Plan on which this boundary is drawn as a dotted brown line as Appendix 3. I wish to make the following points in regard to this boundary along the Clutha margin from Albert Town to Beacon Point.

- i. Starting at the eastern end to the north of Albert Town, the boundary follows close to the bank of the River. This is because the margin of the river in this vicinity is highly modified and has low natural character.
- ii. The area adjacent to Albert Town, which penetrates to the south and is edged by Gunn Road is a reserve managed by the Department of Conservation, an example of where landscape and property boundaries coincide. It is an area of kanuka forest arrayed over a number of unmodified river terraces descending to the river in the north.
- iii. To the west of the reserve the line passes through the PC45 land (North Lake). To the east of outlet road this boundary has been located at the top of a hummocky ridgeline (similar in origins to that on the Peninsula Bay site). This location of this line was determined during the Plan Change 45 process. This hummocky ridge contains several small dwellings and is clad with exotic vegetation including pines and other exotic amenity trees. It is as a consequence of this diminished natural character that the entire ridgeline was not considered to be ONL. It was, however, almost entirely incorporated into a Building Restriction Area intended to ensure the development within the zone does not have adverse effects on the ONL to the north.

- iv. To the west of Outlet Road, but still within the Northlake Special Zone, the ONL boundary follows the northern ridgeline as it climbs the older terminal moraine known as **the 'Sticky Forest' ridge. This boundary was determined in the assessment of the PC45** plan change also.
- v. As a part of the landscape boundaries project, it became necessary to consider where the boundary of the ONL went once it left the PC45 land. While the quality of the Sticky Forest land is compromised by the presence of the Douglas fir forest which covers most of the property, it is nonetheless a very significant landform in the Wanaka landscape. As it drops towards the lake to the north, its natural character increases, with kanuka forest along its lower, steeper face. This area of the ridgeline was incorporated into the ONL because of its contribution to the ONL of the Lake, and for consistency (following the ridgeline to its western conclusion). The location of this boundary was peer reviewed by Ms Anne Steven, an experienced Wanaka based Landscape Architect who principally agreed with my position but recommended it be moved slightly. I accepted her modification.
- vi. The boundary of the ONL as drawn across the Sticky Forest block meets the Peninsula Bay land approximately 570m south of the north eastern corner of that land.
- vii. Once the boundary of the Peninsula Bay land was reached three options presented themselves.
 - a. As the Peninsula Bay land was not Rural General zoned land it could be argued that the ONL line should follow the boundary of the zone until the Rural General land of the Lake Margin was reached, at which point it would follow the northern boundary of the site. This would not fulfil the requirements of S6b and S7c of the Act, however. As the Open Space Zone which edges the site has, as its **purpose, '... to protect landscape values, natural character and informal open space of the area', and its policies, objectives and rules clearly are designed to** protect the qualities and character of the zone from development the exclusion of this land from consideration simply on the basis of its zoning would not be appropriate.
 - b. The ONL boundary could follow the boundary of the site, on the basis that the zoning is not Rural General, as in a. above, and then follow the ONL line as it was decided in the C010/2005 case. This is effectively the position taken by Mr Espie. My observations of the site, however, suggested that this would amount to a cobbling together of disparate assessments and that further analysis was necessary to provide a coherent boundary.
 - c. The ONL boundary could be identified according to the landscape quality and continue across the site in this location. This is the option which I considered to be the most appropriate. I determined that the boundary crossed the OSZ along

the eastern margin of the subject site and then followed the zone boundary, recalling that this had been so located so as to avoid adverse effects of the Peninsula Bay subdivision on the landscape of the vicinity, to the vicinity of Bull Ridge in the north western part of the site. This boundary not only coincides with the zone boundary but coincides with the change in slope, and, over most of its length, the high natural character of the elevated land to its north. In the vicinity of Bull Ridge the ONL boundary loops away from the zone boundary and crosses open, fairly level ground until the boundary of the Penrith Park special zone is reached. Here it follows the Penrith Park zone boundary to the north until it meets the Rural General zoned lake margin, then it follows that zone boundary to the west. I have attached my original map to this evidence as Appendix 4.

- 2.5.8 It is the case, as can be seen from the above discussion, that the location of the line was made without a full assessment being made of the landscape quality in the terms of the Pigeon Bay factors. **For the Commission's benefit**, however, I will provide such an analysis. The Low Density Residential zone within the Peninsula Bay site and the Penrith Park special zone lands are excluded from consideration because the zoning anticipates the extinguishment, or at best significant diminishment, of any remaining natural character or open space value of these areas. **Thus the area under consideration comprises the 'Sticky Forest' ridge and the northern lakeside ridge.**

Natural Science Factors

- i. **The geology of the vicinity is that of two glacial moraine formations. The high 'Sticky Forest' ridgeline is the older moraine, the lower shelf on which the Peninsula Bay and Penrith Park zones are located is the more recent moraine.** Both have been cut by the lake outlet to the north. Both of these ridges are substantially unmodified and as such are geomorphological remnants of the larger Wanaka moraine system on the southern side of the Clutha which, in my opinion, gives them high value. This value will be greater now than at the time of the Variation 15 hearing as more of the moraine has been modified by development in the interim.
- ii. **Topographically, the 'Sticky Forest' ridge is a high, steeply sided ridgeline.** The complexities of the topography are evident within the forest, but tend to be obscured from outside of the site by the forest. Its lowest western slopes intersect with the newer moraine approximately in the vicinity of the boundary of the Low Density Residential zone. To the north the ridgeline descends steeply to the lake and also to the west to the melt water channel which cuts through the moraine material to the north east. To the west of the melt water channel the hummocky lakeside moraine ridge extends to the summit of Beacon Point, but separated from that summit by a second meltwater channel to the east of the Peninsula Bay western boundary. This hummocky moraine ridge rises

steeply from the south and then descends more gently towards the north before dropping, precipitously in places, to the lake. Its topography is complex, entailing steeply sided gullies and broader semi level areas. The boundary of the Low Density Residential zone has been located at the southern foot of the ridgeline. The landforms have been affected by excavations to construct the end of Infinity Drive, at the north eastern end of the hummocky ridge, and Bull Rise at the north western. In addition I now understand that an area of cut has been undertaken on the southern side of the ridgeline to the north of the LDR zone and east of Bull Rise. I include this plan as Appendix 5. According to the landscape assessment included in the documentation for this consent, the earthworks were, in part undertaken to lower the ground level over Lots 269 to 302 so as to ensure that they would not be visible from the lake. Planting of kanuka was required on the ridgeline to further ensure no dwellings would be visible in this location but this does not appear to have been completed. Further, piles of fill have been placed within the OSZ in this general vicinity. These earthworks diminish the naturalness of the topography of the landforms to a degree. The piles of fill have temporary effects only. The excavation of the western ridgeline has a permanent effect but it is my opinion that, overall, the naturalness of the topography of the ridgeline remains moderately high.

- iii. The ecology of most of the older moraine ridge is significantly modified by the Douglas fir forest which has been planted on it. The more northern end of it retains areas of kanuka where it has been too steep to easily plant conifers, and the lower, western, edges of the moraine, within the Peninsula Bay site, are clad with a mix of grasses, in the more southern reaches, and kanuka in the more northern. The lakeside ridge is largely clad with regenerating kanuka forest with areas of exotic grasses and low tussock grass lands. I understand from Ms Palmer that parts of this area have ecological significance.
- iv. Consequently, I consider that the eastern and northern parts of the Peninsula Bay site, the lower slopes of the high moraine ridge and the hummocky northern moraine ridge have high importance in terms of their remnant significance, their topographical integrity, although not complete, and their ecological value.

Aesthetic Factors

- v. **Both moraine landforms are highly memorable. The entire 'Sticky Forest' ridgeline forms** a visual backdrop to the Wanaka township in views from the north and west. The lakeside ridge is also highly memorable forming a highly natural backdrop to the Peninsula Bay subdivision and a part of the highly memorable outlet landscape to the north. Both contribute significantly to the local sense of place.
- vi. **While the naturalness of the 'Sticky Forest' ridge is compromised to a degree by the** conifer plantation, its lower western margins and northern slopes are more natural in

character, particularly where kanuka occurs. (The presence of exotic vegetation does not in and of itself necessarily diminish natural character, as the extensive areas of exotic grassland present within many accepted ONLs shows. It is more the linear nature of the forestry planting and the loss of a clear relationship between the underlying topography and hydrology and the vegetation which diminishes naturalness. The kanuka, in contrast, occurs in patterns which reflect the underlying landform and past land use). The lakeside ridge has a high level of naturalness. The degree to which its landforms have been modified appears restricted to the piles of fill to the west which are very obvious. The vegetation cover enhances its apparent naturalness and overall the northern ridge has high natural character.

- vii. While the naturalness of the higher moraine ridge is compromised to a degree, its lower slopes and the northern ridgeline have high natural character and high memorability. The latter, in particular, has high aesthetic value.

Expressiveness and Legibility

- viii. Both moraine ridges are highly expressive of their underlying formative processes. It takes little imagination to visualise a massive sheet of ice forcing the land in front of it **into the 'Sticky Forest' ridgeline. Neither is it difficult to picture the** smaller and more delicate later glacier dropping piles of gravel and blocks of ice as it retreated. I consider **the formative process of these landforms to be highly legible. The 'Sticky Forest' ridge is** the last part of the old moraine, on the southern side of the Clutha, which remains unmodified. The northern ridgeline, while similar in origin to the hummocky ridge in the Northlake zone, retains much higher natural character than that area. As a consequence the value of these areas to the landscape of the Wanaka township is increased as more development occurs, and not diminished.

Transient Value

- ix. The moraine ridges do not have significant transient values.

Value to Tangata Whenua, and Historical Associations

- x. Any importance to Tangata Whenua is unknown, as is any historical significance to Europeans.

Shared and Recognised Value⁴

- xi. **The future of the 'Sticky Forest' property is undetermined at this time. It is noted,** however, that it is a very popular recreational area and the hope that it would one day become public open space has been expressed many times over many years (in Ms Lucas's original Variation 15 evidence, for example). **The importance of the natural** features within and around the Peninsula Bay LDR zone was considered sufficient in consideration of Variation 25 that the most restrictive zoning of the District was

⁴ For some reason this factor has been omitted from the paraphrasing of the factors located at S5.4.2.1 of the ODP. It is, however, normally included and forms a test, effectively, to ensure that the ONL is considered to be important by the community and not just the assessing landscape architect.

developed and imposed in order to manage these areas and features for landscape protection and public recreation. In my opinion that in itself shows the extremely high shared and recognised value of these areas.

In conclusion, I consider that an assessment of the Peninsula Bay site based on the Pigeon Bay factors clearly confirms that the northern ridgeline and northern part of the eastern OSZ are appropriately assessed as Outstanding Natural Landscape in the terms of S6b of the RMA91.

- 2.6 As a consequence of this analysis I confirm my opinion that the boundary of the ONL is appropriately located as shown on the PDP Map 18 appended to this evidence. I do note that this means that proposed Lot 1 and possibly a part of proposed Lot 2 is outside of this area.

3.0 Modifications to the proposal

- 3.1 The following modifications have been made to the proposal.

- i. Proposed Lots 5 and 6 have been eliminated. Proposed Lots 20 to 24 have been reduced in area and the buildable area of Lot 21 reduced in size. Proposed Lots 7 to 12 have also been reduced in area, but the buildable area on each remains as before.
- ii. The external finishes of all buildings are to be restricted to hues with a light reflectivity value of 36% or less.
- iii. Buildings on proposed Lots 4 and 20 to 26 are also to be coloured in the natural range of browns, greens or greys.
- iv. No exotic species of mature height of greater than 2m are to be planted on Lot 4 or Lots 20 to 26.
- v. The majority of vegetation enhancement / mitigation planting is now to be outside of the private lots. In addition it is significantly increased in area (11,503m² to 24,795m²), and the more northern portion of it has been redesigned so as to not to follow lot boundaries.
- vi. Fencing between the Open Space Zone and the private lots is to be post and wire, and in the main located within the proposed planting.

- 3.2 Effects on landscape character

- 3.2.1 The proposed plan change would still allow for the undertaking of earthworks and the construction of twenty four dwellings within the lakeside ridge area. The removal of Lots 5 and 6 from the proposal reduces the effect on this highly natural moraine remnant but the natural character and legibility of the landscape overall would still be diminished significantly. The extent of this effect reduces from adverse and very significant to adverse and significant.

- 3.2.2 The sense of place experienced within Peninsula Bay would be altered and its quality diminished by allowing residential development to climb up and over the containing landforms to the north. This effect would be unchanged by the alterations to the proposed lots and would remain adverse and of a moderate extent.
- 3.2.3 The extent of the adverse effects of the proposal on the character of the Lake Wanaka outlet, which I have defined in Appendix 6 attached to this evidence, would be diminished by the removal of Lots 5 and 6. The prohibition on larger exotic planting on Lots 4 and 20 to 26 would also diminish the potential adverse effects of the proposed development on the character of the landscape. I consider that these adverse effects would remain moderate in extent.
- 3.2.4 The mix of vegetation proposed to be used remains the same as in the notified consent save the inclusion of *Pimelea sericea* 'Villosa'. This is a low lying cushion plant which, while possibly contributing to biodiversity, is unlikely to have any landscape scale effect. The distribution of planting has been changed, particularly in the more northern part of the site. Here the new distribution of planting reflects the topography of the site rather than lot boundaries as previously. It still does not follow the likely natural distribution of regenerating vegetation which would be expected to become more diversified first in areas where the ground is damp and there are roosts for birds, that is, in the gullies which descend to the lake and to the existing LDR zone.
- 3.3 Visual effects
- 3.3.1 The visual effects of the proposed development on the existing Peninsula Bay subdivision would remain unchanged and this would remain adverse and variable in extent from small to very significant. Similarly, the altered proposal would make no difference to the visual amenity of neighbours in Mount Gold Place which would be adequately mitigated by the proposed planting. Mr Espie opines that the adverse visual effects on persons within Peninsula Bay are localised and therefore not of great significance. I agree that the effects are relatively localised, and that in principle this means that they are lesser than if, say the effects extended over the larger Wanaka area, for example. This does not mean that they are insignificant, however, as it is the alteration in visual amenity from that currently anticipated to that now proposed which should be considered.
- 3.3.2 The removal of Lots 5 and 6 from the proposal would have a positive effect on the visual effects from the Deans Bank track. I consider that their removal would decrease the cumulative adverse effect of the proposal from this location from significant in extent to moderate. The prohibition on exotic planting on the more northerly and elevated lots, combined with the protection and enhancement of the vegetation along the eastern boundaries of Lots 23 and 24 could also reduce the likely visual effects, as would the

imposition of colour and reflectivity controls. Being able to see any residential development from this location would significantly detract from the naturalness of the landscape and I consider that overall this would mean that the modified proposal would have adverse visual effect on the visual amenity of users of the track of a moderate extent.

3.3.3 The removal of Lots 5 and 6 from the proposal would have a positive effect on the visual effects on **users of the Lakes surface. The applicant's visual simulations would still suggest** that Lots 3, 4, 7, 11, 12 and 21 could be visible from various locations on the lake. The imposition of colour and reflectivity controls would ensure the prominence of any visible building was limited, however. The proposed planting in the area where Lots 5 and 6 were proposed is more naturalistic in its form and would not appear quite so contrived. These alterations combine to reduce the cumulative adverse effect on the visual amenity of lake users to moderately small.

3.3.4 The removal of Lots 5 and 6, plus the removal of the post and rail fence combined with the redesign of the more northern planting and the new location of the post and wire fence within it would all diminish the adverse visual effects on the users of the OSZ. The main trail would now pass through the more northern revegetation area which would alter the experience of that part of the site, but this would be neither positive nor negative in effect. The protection of the vegetation along the eastern boundaries of Lots 23 and 24 would reduce the degree that buildings on these lots could impact the adjacent space. I consider the adverse effects of the modified proposal on the visual amenity of users of the OSZ would now be moderately insignificant.

3.4 Alterations to the methods of vegetation management

3.4.1 The Requestor has removed the use of a covenant to control the proposed vegetation management and incorporated the controls as rules to be included in the Plan within the Subdivision Rules. The replacement of a covenant with Plan is positive, in my view. Problems remain, however.

3.4.2 All planting within the OSZ must occur before 224C certification shall be issued for any lots. This is positive. That planting must occur within lots prior to 224C certification is also positive, although it suggests that staging could still result in planting occurring in a piecemeal fashion.

3.4.3 Clause xi (iv) c) requires that the consent holder, by whom I assume is meant the developer as the holder of the subdivision consents, is to maintain the planting in the OSZ for five years. This is positive.

3.4.4 Proposed clause xi (v) reads:

Should any plants within the vegetation protection or revegetation areas shown on the Peninsula Bay North Structure Plan die, become diseased or fail to thrive they shall be replaced by species listed on the Peninsular (sic) Bay North Structure Plan during the next planting season. The landowner shall maintain requiring (sic) planting in perpetuity. No short tussock grassland shall be removed on any Lot outside the approved building platform.

The first part of this rule is similar to common landscape conditions. It is not appropriate in relation to a revegetation project which is usually designed to imitate natural succession and anticipate the deaths of a proportion of the vegetation planted and I addressed this in my original report. While the addition of the last sentence shows a positive intent to protect the short tussock grasslands, **it should probably read, 'No short tussock grassland species shall be removed...'**. Further, I doubt the removal of these species is the only way to destroy them, mowing being an obvious one, but also the planting of inappropriate species amongst them, cultivation or simply human traffic. An alternative would be to forbid the modification of the ground cover outside of the building platform by any means including mowing.

3.4.5 I note that the alterations to the vegetation management regime have not addressed the most significant problem which is that while the mix of species to be planted in each area is specified the proportions each species are not. The species range significantly in size and habit and consequently the visual effects anticipated may not be realised. Further, the rules require the replacement of species which die (problems with that rule aside) with plants from the list, rather than ones with equivalent habit and effect. Consequently, trees might die and be replaced with grasses and conform with the rules as proposed.

3.5 In conclusion, while I consider that all of the modifications to the proposal are positive and diminish the adverse effects of the proposed plan change on the landscape of the vicinity, I remain of the opinion that they are, on balance adverse and of a moderate extent.

4.0 Conclusion

4.1 The ONL boundary established in the C010/2005 decision on Variation 15 was fit for purpose and appears to have contributed to the decision by the Court to cancel that Variation. When the whole of the southern side of the Clutha River is considered rather than just the property in question, however, it is incoherent. The inclusion of all of the northern lakeside ridgeline within the ONL is based on a thorough analysis. The boundary of that area follows the LDR zone boundary across to the vicinity of Bull Ridge where it veers to the north west to follow the boundary of the Penrith Park zone. This means that proposed Lot 1 and part of proposed Lot 2 are outside of the ONL.

4.2 I consider that the existing zoning of the site most appropriately protects the high landscape and visual amenity value of the northern part of the Peninsula Bay land. The proposed plan changes would degrade and diminish that value to a significant degree.

- 4.3 The modifications which have been made to the proposal since notification are, in the main positive, and overall reduce the adverse effects which the proposed plan change would have on landscape and visual amenity values. The extent of these adverse effects, overall, remains significant, however.

Appendix 1

22 June 2009

Partner Ref: J E Macdonald

Lakes Environmental Limited
Private Bag 50077
QUEENSTOWN 9348

Legal Advice

Attention: Marion Read

E-Mail: marion.read@lakesenv.co.nz

Dear Madam

LEGAL ADVICE - LANDSCAPE BOUNDARIES (Our Ref: 365690-11)

We refer to your request for an opinion regarding the status of the solid landscape lines on the Plan's Appendix 8A maps. The issue is whether these lines define the landscape boundary in a definitive way or are able to be questioned in the context of individual resource consent applications.

As you are aware the landscape category is determined pursuant to Rule 5.4.2.1. The categorisation requires an analysis of the site and surrounding landscape and then by taking into account the broad descriptions of the landscape categories in Part 4.2.4 of the Plan the appropriate category is selected.

The question you ask is at what point, if ever, does the chosen landscape category become fixed and subsequently binding on those required to make subsequent assessments. Appendix 8 (paragraph 2) and the notation on the plans (Appendix 8B) imply that the areas bounded by the solid black lines are determined and/or fixed and not subject to change. On the face of it this is a clear indication that the boundaries are not open to re-litigation subsequently. Is this the correct position? We do not think so, for the following reasons.

The lines delineating the landscape areas are not zone boundaries. They are, as the Environment Court observed in Wakatipu Environmental Society v Queenstown-Lakes District Council (Decision re: Glendhu Bay to Hillend) C73/2002 "findings of fact and opinion of the kind required by section 6(b) and section 7 of the Act." As findings of fact they are open to question in subsequent proceedings. There would be nothing to prevent the Court reaching a different conclusion on the facts in later proceedings. Furthermore because physical and other characteristics are subject to change by human intervention it is possible for the "value" of the landscape to change and that may need to be taken into consideration.

However that said, a good deal of reliance can be placed on previous decisions particularly those of the Court, as indications of the landscape category given that in those individual cases careful and detailed assessments will have been made.

As the writer understands it, even in those areas delineated by the black line there are sections that have not been the subject of detailed scrutiny and in addition difficulties with the scale of maps means that variations to the lines may be appropriate from time to time. Equally, there are likely to be other areas where there can simply be no argument about the landscape category.

From a practical point of view the lines, in particular the solid lines, represent a "presumed category" and that presumption will be more difficult to overcome if it has been the subject of scrutiny by the Court. However it is not to be taken as "set in stone" for the reasons outlined above.

Yours faithfully

MACALISTER TODD PHILLIPS

Tony Ray

Associate

E-Mail: tray@mactodd.co.nz

Mobile: 027 315 6428

Direct Dial: 03 443 0035

Appendix 2



QUEENSTOWN LAKES DISTRICT COUNCIL

PENINSULA BAY DECISION

RE NOTIFIED VERSION- TO INCLUDE AMENDED ZONE
PLAN

21 JUNE 2006-

QUEENSTOWN LAKES DISTRICT COUNCIL

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

DECISIONS FOR: Variation 25

ISSUE: Peninsula Bay

DATED: 6 JUNE 2006

CONTENTS

1.0	Introduction	3
2.0	Background	3
3.0	List of Submitters	4
4.0	The Hearing	8
5.0	Decisions	11
5.1	Question of whether the variation should proceed	11
5.2	Amendments to boundaries of the Zone	18
5.3	Effects on Penrith Park and the western buffer	20
5.4	Rural Residential Zoning	23
5.5	Specific Rules (subdivision, building coverage etc)	25
5.6	Outline Development Plan	28
5.7	Roading and access	31
5.8	Open Space Zone should be reserve	33
5.9	The entire Peninsula Bay site should be vested as reserve	38
5.10	Provide for a commercial area within Peninsula Bay	39
5.11	Resource study for wider area	40
5.12	High class soils	41
5.13	Infrastructure and geological assessment	42
5.14	Location of Peninsula Bay above aquifer and associated concerns	43
5.15	Wanaka Structure Plan	44
5.16	Errors within the Variation as notified	45
5.17	Minor amendments to Variation documents	47

Appendices

Appendix 1	Amendments to plan provisions including revised Zone boundaries
Appendix 2	Zone boundaries as requested in the submission of Upper Clutha Environmental Society
Appendix 3(a)	Zone boundaries as requested in the original submission of Mr Dennis Thorn
Appendix 3(b)	Zone boundaries as tabled at the hearing by Mr Dennis Thorn.

1.0 INTRODUCTION

This report sets out the considerations and decisions of the Variations Hearings Panel on submissions lodged to Variation 25 Peninsula Bay to the Partially Operative District Plan.

The relevant provisions in the Queenstown Lakes District Council's Partially Operative District Plan (also referred to as the Plan) affected by the Variation and decisions are:

Plan Section	Provision
7.5.3.3	Insertion of an additional rule providing for an outline development plan for the Peninsula Bay area
7.5.4	Non-notification of applications
15	Amendments to subdivision provisions for the Open Space Zone
New Section 20	Insertion of a new Open Space Zone
Maps	Amend maps 18 and 19 of the District Plan by changing the zoning of the Peninsula Bay land from Rural General to Low Density Residential and Open Space.

Submissions are assessed either individually or grouped where the content of submissions is the same or similar.

In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within a square bracket. In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with their further submission number shown in *italics* within a square bracket.

In making decisions, the Hearings Panel has:

- (i) been assisted by a report prepared by its planning staff. This report was circulated to those submitters seeking to be heard at the hearing, prior to the hearing taking place; and
- (ii) had regard to matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing; and
- (iii) undertaken site visits and inspected the area from various locations on the lake; and
- (iv) had regard to the provisions of Section 32 of the Resource Management Act 1991.

Attached as Appendix 1 and 2 are the revised versions of the relevant provisions of Parts 7, 15 and 20 of the Plan, updated to have regard to the matters contained in this report. Where there is any inconsistency between the provisions contained in Appendix 1 and 2 and the text contained in the body of the report, then the provisions in Appendix 1 and 2 shall take precedence.

All decisions on submissions are included under the heading 'Decision'. Where specific additional text is to be included in the Plan, it is underlined. Text that is shown as struck out (i.e. ~~with a line through it~~) indicates where text is to be removed from the Plan.

2.0 BACKGROUND

The Peninsula Bay land comprises 75.484 hectares of land, the majority of which is currently rolling pastureland, gently rising up from the Rural Residential properties above Beacon Point Road, towards the forestry block that forms a tree-covered skyline to the north-east. The area extends in a rectangular shape from Hunter Crescent and Rata Street through to the bluffs overlooking Lake Wanaka.

The land is currently zoned Rural 2 (under the Transitional Plan) and prior to the notification of this Variation was zoned Rural General (under the Partially Operative District Plan). Both of these zonings primarily encourage the retention of land for farming purposes and for landscape amenity and protection.

The purpose of the Variation is to provide for some of the future residential growth of Wanaka by changing the zoning of the land known as Peninsula Bay to enable residential development, while:

- Protecting the important landscape and ecological values of the site;
- Retaining the amenity values of both the site and the surrounding landscape;
- Enhancing public access through the site to the Lake.

During the preparation of the Variation a detailed analysis of alternative options, including costs and benefits of each, was undertaken in accordance with Section 32 of the Resource Management Act 1991 (RMA). The outcome of the Section 32 analysis led the Council to conclude that the most appropriate way of achieving the purpose of the Resource Management Act was to rezone a significant part of the Peninsula Bay site as Low Density Residential. Those areas within the site that have been identified as sensitive in landscape terms have been rezoned Open Space. This new zone provides strict rules ensuring that the landscape and ecological values will be protected into the future.

162 original submissions and 8 further submissions were received to Variation 25. All of the submitters are listed in the following section of this report.

3.0 LIST OF SUBMITTERS

Original Submitters	Submission #
Stephen Abell	1/1
Kevin Alderson	2/1
Sharon Alderson	3/1
Mathew Andrews	4/1
Tony Arnerich	5/1
Jeremy Bell	6/1
Murray and Robin Bennet	7/1
Big River	8/1
Black Bag Ltd	9/1
R O Boyd	10/1, 10/2, 10/3, 10/4
Harry Briggs	11/1
Jo Briggs	12/1
Howard Brown	13/1
Jeanette Brown	14/1
N Brown	15/1, 15/2
Tony Brown	16/1
Peter Bullen	17/1

Blair Burridge	18/1
Rosie Burridge	19/1
Stew Burt	20/1
K R Chandler	21/1
Alan Collie	22/1
Stephen Collie	23/1
Barbara Collie	24/1
Colquin Holdings Limited	25/1
Paula Costello	26/1, 26/2, 26/3, 26/4, 26/5
Dwayne Crombie	27/1
Gary and Heather Crombie	28/1, 28/2
Adrian John Cross	29/1
Jonathon Roland Dale	30/1
Lisa Davis	31/1
Harry Dickey	32/1
Sharon Donnelly	33/1
P L Duff	34/1
Ralph Fegan	35/1
LE and JM Ferguson	36/1
Graeme Findlay/Kate O'Brien	37/1
Deane Flint	38/1
Howard Fraser	39/1
Murray Frost	40/1
Neville Frost	41/1
Barry Gard	42/1
Rachel Gard	43/1
Peter Gilbert	44/1
Phil Gilchrist	45/1
Theresa Goodwin	46/1
Wayne Graham	47/1
Ali Grant	48/1
Juliet Hall	49/1
John Hallum	50/1
Karen Hallum	51/1
Ron Hallby	52/1
John Hane	53/1
Joss Harris	54/1
Jill Herbert	55/1
Louise Heslin	56/1
Bruce Hewitt	57/1
Kerry Higgins	58/1
Kevin and Erin Higgins	59/1
Higgins Earthmoving	60/1
Peter Francis Higgins	61/1
PR Higgins	62/1
Highland Capital Partners	63/1, 63/2, 63/3, 63/4

David Hoogouw	64/1
Leah Hopkinson	65/1
J and N Huddleston	66/1, 66/2, 66/3, 66/4
Janice Hughes and Clayton Hope	67/1
Michael Hughes	68/1
Steve Humpherson	69/1, 69/2
Infinity Investments Limited	70/1
Jan Johnson	71/1
Wayne Johnson	72/1
Helen Johnston	73/1
T and J Johnston	74/1
M W Johnston	75/1
Carrick Lawrence Jones	76/1
Kirsten Jones	77/1
Ryan Jones	78/1
Kati Huirapa Runaka ki Puketeraki	79/1, 79/2
Trevor David Kennedy	80/1
M C Kelly	81/1
Rod Key	82/1
Kevin King	83/1
Paul Knowles	84/1
Lake Wanaka Cycling Inc	85/1, 85/2
Christine Langford	86/1
Mark Langford	87/1
Joy Leslie	88/1
Ross Liddell	89/1
Gill Lucas	90/1
Craig Lyon	91/1
Heather MacDonald	92/1
Katy Macpherson	93/1
Peter Macpherson	94/1
Janet Malloch	95/1
Lyn Marshall	96/1
Peter Marshall	97/1
John May	98/1
Keith McArley	99/1
Yeverly McCarthy	100/1
Sylvienne McClelland	101/1
Thomas McClelland	102/1
Karina McConnell	103/1
Duncan McFarlane	104/1
Russell and Pamela McGeorge	105/1
Stu and Jan McIvor	106/1
J McRae	107/1
Nancy Minty	108/1
Colin Moorfoot	109/1

Ray Mulqueen	110/1
Victoria Murray-Orr	111/1
Chris Norman	112/1, 112/2
Gregory Noye	113/1
J Oakden	114/1
Bob Oldham	115/1
Otago Regional Council	116/1, 116/2, 116/3, 116/4, 116/5
Boyd Ottrey	117/1
Alexis Park	118/1
Mac Passmore	119/1
Julie Perry	120/1, 120/2, 120/3, 120/4
Dan Pinckney	121/1
Travis Purnell	122/1
Kerry Quin	123/1
Ross Rainsford	124/1
David Recordon	125/1
Peter Rhodes	126/1
R M Robertson	127/1
Pete Roberts	128/1
Sue Robins	129/1
Steve Schikker	130/1
CD Scurr	131/1, 131/2
EV Scurr	132/1, 132/2
Mike Scurr	133/1
Richard Sheldon	134/1
Darren Simmonds	135/1
David Smallbone	136/1
Robert Smith	137/1
Vicki Spearing	138/1
R K Steel	139/1
Kurt Taylor	140/1
Melonie Telk	141/1
Phillip Templeton	142/1
Chris Thompson	143/1
Dennis Thorn	144/1, 144/2, 144/3, 144/4, 144/5, 144/6, 144/7, 144/8
Fergus Turnbull	145/1
Jack Turnbull	146/1
Upper Clutha Environmental Society	147/1, 147/2, 147/3, 147/4, 147/5
Michaela Utesena	148/1
Hetty Van Hale	149/1
David Varmey	150/1
Derrick and Myra Wales	151/1
Tim Wallis	152/1
Toby Wallis	153/1
Iain Weir	154/1

Martyn West	155/1
Norman West	156/1
Robin and Alison Whitting	157/1
Ben Wilson	158/1
Glenys Wilson	159/1
Jayne Wilson	160/1
Matthew Wilson	161/1
Robert and Prue Wilson	162/1
Lynette Winsloe	163/1
Further submissions	
RO Boyd	300/28/1; 300/74/1; 300/79/2; 300/98/1; 300/120/1, 2, 3, 4; 300/144/1, 2, 3, 4, 5, 6, 7, 8; 300/147/1, 2, 3; 300/148/1; 300/70/1
Infinity Investments Limited	301/116/1; 301/116/4; 301/69/2; 301/66/1, 2, 3, 4; 301/15/1; 301/15/2; 301/147/1, 2, 3; 301/147/4; 301/112/2; 301/79/1, 2; 301/74/1; 301/63/1, 2, 3, 4; 301/10/1; 301/10/2; 301/10/3; 301/10/4; 301/148/1; 301/144/1; 301/144/2; 301/144/3; 301/144/4; 301/144/6; 301/144/7; 301/120/1; 301/120/2; 301/120/3; 301/120/4; 301/98/1a; 301/98/1b; 301/28/1; 301/28/2;
Otago Regional Council	302/26/1
Geoff Perry	303/85/2
Julie Perry	304/10/1, 2, 3, 4; 304/28/1, 2; 304/74/1; 304/98/1; 304/144/1, 2, 3, 4, 5, 6, 7, 8; 304/147/1, 2, 3, 4, 5; 304/148/1; 305/70/1; 305/79/2
Dennis Thorn	305/147/2, 3; 305/10/1; 305/74/1; 305/120/3; 305/148/1;
Upper Clutha Environmental Society	306/70/1
Michaela Utesena	307/148/1

4.0 THE HEARING

The Hearing to consider submissions to Variation 25 - Peninsula Bay commenced at 9am on 10 April 2006 at the Edgewater Resort, Wanaka. The Hearings Panel consisted of Mr David Collins (chairperson, hearings commissioner), Councillor Lou Alfeld, and Mr Lyl Cocks (Wanaka Community Board member). In attendance at the hearing were Ms Jenny Parker (Policy Planner), Mr Ben Espie (Landscape Architect) and Ms Cathy Walker (Secretary).

The Panel held a 'call over' on the Monday morning, providing submitters who wished to be heard the opportunity to supply any written submissions, and to identify how long they anticipated they would need for their oral submissions. The hearings process was explained, and a speaking order established. Because of the unavailability of some witnesses for Infinity Investments Limited on the Tuesday, it was decided that the hearing would be adjourned until Wednesday morning, commencing at 9am. This would enable the Panel to read through the submissions lodged by Infinity, and conduct site visits.

The following provides a summary of the verbal and written evidence presented to the Panel on Wednesday 12 April:

4.1 Infinity Investments Limited (original submission [70/1] and further submissions 301/116/1; 301/116/4; 301/69/2; 301/66/1, 2, 3, 4; 301/15/1; 301/15/2; 301/147/1, 2, 3; 301/147/4; 301/112/2; 301/79/1, 2; 301/74/1; 301/63/1, 2, 3, 4; 301/10/1; 301/10/2; 301/10/3; 301/10/4; 301/148/1; 301/144/1; 301/144/2; 301/144/3; 301/144/4; 301/144/6; 301/144/7; 301/120/1; 301/120/2; 301/120/3; 301/120/4; 301/98/1a; 301/98/1b; 301/28/1; 301/28/2)

Dr Royden Somerville, QC, provided opening submissions for Infinity Investments Limited. He identified that Infinity Investment Group supports Variation 25, and identified that statements of evidence were provided by Donald Miskell (Landscape Architect), Clinton Bird (Urban Design), John Kyle (Resource Management Planner), Michael Copeland (Economist), Donald McKenzie (Traffic Engineer), Mike Botting (Surveyor), Kenneth Gousmett (Infrastructure Engineer), Robert Greenaway (Leisure and Open Space Planner).

Dr Somerville identified that Infinity also supported the recommendations of the planner's report except for two matters, being the non-notification provisions for the Outline Development Plan and the additional requirement for subdivision consent to create access easements in the Open Space Zone.

Dr Somerville then discussed the relevance of Variation 15 and identified the key differences between Variations 15 and 25. He identified that there were two principal reasons for the Court to cancel Variation 15. The first reason related to landscape, ecology and amenity values of the northern and eastern edges of the site. Dr Somerville submitted that protection of these areas within the site through the implementation of the Open Space Zone resolved this first reason. Dr Somerville then identified the second principal reason as urbanisation, consolidation and urban form. He then identified that this reason has been addressed through:

- further information
- the presentation of expert evidence (including economic and urban design matters)
- the integration of the residential component of site development with the protection of the northern and eastern edges of the site from any development
- the further consultation
- the statutory changes concerning Section 32.

Dr Somerville then identified the key components of Section 32 of the Resource Management Act, and their implications for the consideration of Peninsula Bay.

Dr Somerville also identified an error in the Zone map as notified with the Variation, in that the open space zone cuts in just above the proposed access from Hunter Road. This is an error, and if retained, would result in the requirement for a non-complying activity consent for this small piece of road. He requested that the Panel resolve to amend the Zone Plan, and that such an amendment is vires because it is required to correct a minor error.

The evidence presented for Infinity supported the findings of the Section 32, and aided the Panel in their consideration of the Variation. The evidence supported most of the recommendations made in the planner's report, in particular, the recommendations to amend the zone boundaries to the north of the site. However, Mr John Kyle (Resource management) opposed the changes recommended with respect to non-notification and establishing public access easements. He suggested that instead of amending the notification provisions, that a public open day should be held that enables the community of Wanaka to have input into the Outline Development Plan.

4.2 Julian Haworth, representing the Upper Clutha Environmental Society (Original submissions [147/1, 147/2, 147/3, 147/4, 147/5] and further submission 306/70/1) presented oral submissions. The Society is supportive of the recommendations made in the planners report, and believes that the benefits to the community of the significant areas of open space (being 35% of the site) outweigh any potential costs associated with the change in zoning. Mr Haworth raised concerns regarding the use of a QEII covenant, and identified that the Society would prefer to see the Open Space vested as reserve with the Council. He identified that he supported the concept of using the Urban Design Panel, and providing for public involvement in the Outline Development Master Plan process (ODP). He suggested that if public involvement was assured, formal notification provisions were not needed.

4.3 Dennis Thorn (original submissions [144/1, 144/2, 144/3, 144/4, 144/5, 144/6, 144/7, 144/8] and further submissions 305/147/2, 3; 305/10/1; 305/74/1; 305/120/3; 305/148/1) presented submissions opposing the Variation, consistent with his original and further submissions to the Variation. He submitted that the Council has misinterpreted the decision of the Environment Court on Variation 15, and that no strategic planning study has been undertaken in order to identify whether there are other sites which could be developed first. Mr Thorn also presented 'alternative submissions', and an alternative 'Plan C', which was submitted as evidence on the first day of the hearing. While Mr Thorn agrees with the amendments proposed in the planners report, he believes that these changes have not gone anywhere near to achieving the purpose of the Variation. Instead, he believes that the Variation errs on the side of the developer.

Mr Thorn submitted that following the previous Activity Area 2 line to demarcate the boundary of the Low Density Residential Zone on the eastern edge of the site does not make sense, and proposes that the appropriate line is the 340m contour. In terms of the open space zone, Mr Thorn supports vesting as reserve, and supports the proposal by Infinity that it could be subject to a QEII covenant. Mr Thorn then discussed access or buffer strips, identifying that the western buffer should extend along the entire southern boundary.

Mr Thorn emphasised his support for Rural Residential Zoning. He submitted that Rural Residential Zoning is a feature of the Beacon Point Housing precinct; obviously to accommodate the influence of the lake and landscape qualities of the area. Finally, Mr Thorn questions the need to amend the planners recommendations as they relate to specific rules, as had been suggested by Mr Kyle for Infinity.

4.4 Rick Boyd on behalf of Julie Perry (original submissions [120/1, 120/2, 120/3, 120/4] and further submissions 304/10/1, 2, 3, 4; 304/28/1, 2; 304/74/1; 304/98/1; 304/144/1, 2, 3, 4, 5, 6, 7, 8; 304/147/1, 2, 3, 4, 5; 304/148/1; 305/70/1; 305/79/2) submitted in opposition to the Variation, consistent with her original submissions. Ms Perry opposes the proposal to use the ODP process through a non-notified process. She believes that the western buffer needs to be extended, and submitted that Peninsula Bay is a sensitive area, and would better suit Rural Residential Zoning.

4.5 Rick Boyd (original submissions [10/1, 10/2, 10/3, 10/4] and further submissions 300/28/1; 300/74/1; 300/79/2; 300/98/1; 300/120/1, 2, 3, 4; 300/144/1, 2, 3, 4, 5, 6, 7, 8; 300/147/1, 2, 3; 300/148/1; 300/70/1) presented submissions that identified key issues arising from the planner's report and the evidence of some of the witnesses of Infinity Investments Limited. He supports the recommended amendments to the zone boundary to better protect landscape values. At the hearing, Mr Boyd submitted that the planner's report did not address the potential effects of subdivision of Peninsula Bay on Penrith Park, and that there are a number of tools that could be used to minimise these impacts, including the use of an open space buffer, or a lower density development. Mr Boyd also made submissions with respect to the Western Buffer, submitting that it should be

extended by around 70 metres so that it could give direct access to the Central Melt Channel from Penrith Park.

Mr Boyd believes that the western buffer should extend to at least Minaret Ridge in order to provide access to the Central Melt Channel from Penrith Park. He believes that the planners report fails to address effective public access into the Central Melt Channel. Mr Boyd submitted that the arguments against Rural Residential Zoning promoted in the planners report and evidence for Infinity are not convincing. He believes that there is a need to soften the impact of residential development, and that this can be achieved through the larger lot sizes of Rural Residential zoning.

Mr Boyd recognised that in his original submissions he identified the possible need for a road through the Central Melt Channel. He clarified that he supported only a single road, and that any services to the northern residential area should be placed beneath the carriageway to minimise any effects of development on the Central Melt Channel.

With respect to the ODP, Mr Boyd was still concerned about the lack of opportunities for public input. He identified that it is often the details of a subdivision that are of most importance to the adjacent community. Mr Boyd submitted that there should be a right of public access over all of the Open Space Zone, and re-emphasised the need to vest the open space as reserve. He then identified key management issues that need to be addressed for the open space zone.

Mr Boyd submitted that there is a need to soften the impact of residential development on the environmental attributes of adjacent areas, and zoning the area north of the central melt channel Rural Residential would be unlikely to contribute measurably to urban sprawl.

- 4.6 John May** (original submission [98/1] presented oral submissions. Mr May pointed out the discrepancy in the Plan provisions that would enable a potential 900 lots, instead of the 400 assumed throughout the Section 32 analyses. Mr May emphasised the importance of enabling public input into the ODP process. He was comfortable with a process requiring a public open day, rather than the formal notification provisions of the RMA. However, he identified that there needed to be assurance that a robust process was in place. He commented that while he thought the ODP process is innovative, he could not see why these issues could not be dealt with through the Variation process.

Mr May identified that there is likely to be a walkway linkage provided through the Kirimoko Block to the eastern open space zone within Peninsula Bay. He questioned the process of including Peninsula Bay as a stage 1 plan change within the Structure Plan. He queried the use of the word 'review' by the Urban Design Panel, and questioned whether it is strong enough.

5.0 DECISIONS

5.1 QUESTION OF WHETHER THE VARIATION SHOULD PROCEED

The following submitters support the Variation, and request that the Variation be accepted in its entirety:

Stephen Abell [1/1], Kevin Alderson [2/1], Sharon Alderson [3/1], Mathew Andrews [4/1], Tony Arnerich [5/1], Jeremy Bell [6/1], Murray and Robin Bennet [7/1], Big River [8/1], Black Bag Ltd [9/1], Harry Briggs [11/1], Jo Briggs [12/1], Howard Brown [13/1], Jeanette Brown [14/1], Tony Brown [16/1], Peter Bullen [17/1], Blair Burrridge [18/1], Rosie Burrridge [19/1], Stew Burt [20/1], K R Chandler [21/1], Alan Collie [22/1], Stephen Collie [23/1], Barbara Collie [24/1], Colquin Holdings Limited [25/1], Dwayne Crombie [27/1], Adrian John Cross

[29/1], **Jonathon Roland Dale** [30/1], **Lisa Davis** [31/1], **Harry Dickey** [32/1], **Sharon Donnelly** [33/1], **P L Duff** [34/1], **Ralph Fegan** [35/1], **LE and JM Ferguson** [36/1], **Graeme Findlay/Kate O'Brien** [37/1], **Deane Flint** [38/1], **Howard Fraser** [39/1], **Murray Frost** [40/1], **Neville Frost** [41/1], **Barry Gard** [42/1], **Rachel Gard** [43/1], **Peter Gilbert** [44/1], **Phil Gilchrist** [45/1], **Theresa Goodwin** [46/1], **Wayne Graham** [47/1], **Ali Grant** [48/1], **Juliet Hall** [49/1], **John Hallum** [50/1], **Karen Hallum** [51/1], **Ron Hallby** [52/1], **John Hane** [53/1], **Joss Harris** [54/1], **Jill Herbert** [55/1], **Louise Heslin** [56/1], **Bruce Hewitt** [57/1], **Kerry Higgins** [58/1], **Kevin and Erin Higgins** [59/1], **Higgins Earthmoving** [60/1], **Peter Francis Higgins** [61/1], **PR Higgins** [62/1], **David Hoogouw** [64/1], **Leah Hopkinson** [65/1], **Janice Hughes and Clayton Hope** [67/1], **Michael Hughes** [68/1], **Steve Humpherson** [69/1], **Infinity Investments Limited** [70/1], **Jan Johnson** [71/1], **Wayne Johnson** [72/1], **Helen Johnston** [73/1], **M W Johnston** [75/1], **Carrick Lawrence Jones** [76/1], **Kirsten Jones** [77/1], **Ryan Jones** [78/1], **Trevor David Kennedy** [80/1], **M C Kelly** [81/1], **Rod Key** [82/1], **Kevin King** [83/1], **Paul Knowles** [84/1], **Lake Wanaka Cycling Inc** [85/1], **Christine Langford** [86/1], **Mark Langford** [87/1], **Joy Leslie** [88/1], **Ross Liddell** [89/1], **Gill Lucas** [90/1], **Craig Lyon** [91/1], **Heather MacDonald** [92/1], **Katy Macpherson** [93/1], **Peter Macpherson** [94/1], **Janet Malloch** [95/1], **Lyn Marshall** [96/1], **Peter Marshall** [97/1], **Keith McArley** [99/1], **Yeverly McCarthy** [100/1], **Sylvienne McClelland** [101/1], **Thomas McClelland** [102/1], **Karina McConnell** [103/1], **Duncan McFarlane** [104/1], **Stu and Jan McIvor** [106/1], **J McRae** [107/1], **Nancy Minty** [108/1], **Colin Moorfoot** [109/1], **Ray Mulqueen** [110/1], **Victoria Murray-Orr** [111/1], **Chris Norman** [112/1], **Gregory Noye** [113/1], **J Oakden** [114/1], **Bob Oldham** [115/1], **Boyd Ottrey** [117/1], **Alexis Park** [118/1], **Mac Passmore** [119/1], **Dan Pinckney** [121/1], **Travis Purnell** [122/1], **Kerry Quin** [123/1], **Ross Rainsford** [124/1], **David Recordon** [125/1], **Peter Rhodes** [126/1], **R M Robertson** [127/1], **Pete Roberts** [128/1], **Sue Robins** [129/1], **Steve Schikker** [130/1], **CD Scurr** [131/1], **EV Scurr** [132/1], **Mike Scurr** [133/1], **Richard Sheldon** [134/1], **Darren Simmonds** [135/1], **David Smallbone** [136/1], **Robert Smith** [137/1], **Vicki Spearing** [138/1], **R K Steel** [139/1], **Kurt Taylor** [140/1], **Melonie Telk** [141/1], **Phillip Templeton** [142/1], **Chris Thompson** [143/1], **Fergus Turnbull** [145/1], **Jack Turnbull** [146/1], **Hetty Van Hale** [149/1], **David Varmey** [150/1], **Derrick and Myra Wales** [151/1], **Tim Wallis** [152/1], **Toby Wallis** [153/1], **Iain Weir** [154/1], **Martyn West** [155/1], **Norman West** [156/1], **Robin and Alison Whitting** [157/1], **Ben Wilson** [158/1], **Glenys Wilson** [159/1], **Jayne Wilson** [160/1], **Matthew Wilson** [161/1], **Robert and Prue Wilson** [162/1], **Lynette Winsloe** [163/1]

RO Boyd [300/70/1], **Dennis Thorn** [305/70/1] and **Upper Clutha Environmental Society** [306/70/1] oppose the submission of **Infinity Investments Limited**.

The following submitters oppose the Variation:

RO Boyd [10/4], **Gary and Heather Crombie** [28/1] submit that the Peninsula Bay land should remain Rural General. **John May** [98/1] submits that the Variation should either be altered significantly to consider his concerns raised, or declined. **Dennis Thorn** [144/1] and [144/7] opposes the Variation and submits that it should be abandoned, and that consequential to deleting the Variation the proposed amendments to Section 7 should be deleted. **Michaela Utesena** [148/1] submits that the Variation should be cancelled, unless it can be proven it is needed. She requests that clarification is provided as to why the land needs to be rezoned, and why Peninsula Bay is the highest priority. **Upper Clutha Environmental Society** [147/5] supports the Variation if the changes are made as requested in their submission, but queries whether it is needed at this time.

RO Boyd supports the submissions of **Gary and Heather Crombie** [300/28/1], **Dennis Thorn** [300/144/1] and **Michaela Utesena** [300/148/1].

Infinity Investments Limited opposes the submissions of **RO Boyd** [301/10/4], **Michaela Utesena** [301/148/1], **John May** [301/98/1], **Gary and Heather Crombie** [301/28/1] and **Dennis Thorn** [301/144/1] and [301/144/7]

Julie Perry supports the submissions of RO Boyd [304/10/4], Gary and Heather Crombie [304/28/1], John May [304/98/1], Dennis Thorn [304/144/1] and [304/144/7], Upper Clutha Environmental Society [304/147/5] and Michaela Utesena [304/147/1]

Dennis Thorn supports the submission of Michaela Utesena [305/148/1].

Michaela Utesena supports the submission of Michaela Utesena [307/148/1].

5.1.1 Explanation of Submissions

The reasons for support can be summarised as follows:

Wanaka 2020/Wanaka Structure Plan- The Variation is a positive initiative towards addressing the growth issues in a controlled manner. It is a positive step forward in implementing the community driven Wanaka Structure Plan and contributing towards the Wanaka 2020 vision. The Variation is in line with the objectives of the Wanaka Structure Plan and provides for the future growth of the town in a sustainable fashion.

Open Space and Landscape Preservation- The Variation integrates and provides for residential opportunities whilst preserving the overall characteristics and amenity of the area. The open space zones will provide Council with a mechanism for retaining open space values where land is deemed to be worthy of protection for landscape, natural character or recreational reasons. The open space areas will allow the public access to the lake and will provide for passive recreational opportunities such as walking and cycling.

Low Density Residential- The low density residential parts of the Peninsula Bay site are an appropriate means of achieving growth, whilst also enabling a high level of amenity. Amenity will be preserved by the presence of larger lot sizes, fewer dwellings and areas of open space. The proposed low density and open space rules are supported, as they ensure buildings and landscaping are integrated with, and complementary to, the surrounding landscape setting.

Infinity Investments Limited submit that the Variation is consistent with the growth management goals set out within Wanaka 2020 and Wanaka Structure Plan. The Structure Plan was identified as the first stage in the zoning process, and identified an inner and outer growth boundary. Peninsula Bay is within the inner growth boundary, and is consistent with the objectives of the structure plan. The Structure Plan discusses the need to stage development, and identifies that Peninsula Bay should be part of the first stage. The need for Peninsula Bay has been thoroughly assessed. The Section 32 is robust in its analysis of issues and alternatives, and the assessment of alternatives provides justification for the Variation. It is clear from the Section 32 that the do nothing option would contribute little to the community and would ignore existing development pressures on the town. The Variation is consistent with existing objectives and policies of the Partially Operative District Plan. It ensures that Low Density Residential Zoning will be restricted to those areas of the site where it can be absorbed. Those areas of sensitivity will be protected through open space zoning. The consultation undertaken is commendable. The objectives of the open space zone are effective in terms of achieving preservation of open space and landscape values. The design controls initiated by the requirement to prepare an outline development master plan will ensure adverse effects can be avoided, remedied or mitigated. The Variation is necessary to achieve the purpose of the Act. If Council fails to integrate new areas into the township in a planned and comprehensive way there could be continuing pressure to develop land within the Rural General Zone on an ad hoc basis via resource consents. This would go against the purpose and principles of the RMA.

The reasons for opposition can be summarised as:

RO Boyd submits that the Section 32 analysis that Infinity Investments Limited relies on is not robust and fails to address whether or not the Variation is necessary, and fails to effectively integrate the proposed zone with adjacent land use. He agrees that a significant portion of Peninsula Bay may be suitable for residential development, provided that the environmental values of adjacent land are protected.

Dennis Thorn submits that the Variation is not necessary. Residential development on Peninsula Bay was presented to Wanaka 2020 as a done deal; this followed through to the structure plan. The need for Peninsula Bay has not been thoroughly assessed in the Section 32. There is no assessment of alternatives in the Section 32. The Variation ignores objectives 4.2.5.1 and policy 4.2.5(6)(b) of the District Plan. Adequate consultation in terms of the Open Space Zone has not been undertaken; the open space zone has never been put to the public either through Wanaka 2020, Wanaka Structure plan or consultation for Variation 25. The Section 32 report fails to look at the effects of the new zone district wide with a mass of open space under the control of developers. The public have been misled by the public notice.

The Upper Clutha Environmental Society disagrees that by creating the open space zone landscape values will be preserved and protected and also questions whether the Variation is needed at this time.

Gary and Heather Crombie believe that Rural General Zoning across Peninsula Bay would ensure that any development is absorbed into the landscape, they identify that visual amenity landscape requires greater protection than what can be afforded by Low Density Residential Zoning. They believe that the development within The Terraces and Lakeridge offers a transition between Low Density Residential Areas and the Rural Zone of Peninsula Bay.

John May is concerned that the Variation does not provide enough detail of how cross boundary issues will be managed.

Michaela Utesena submits that the Variation is not necessary. In her further submission, she calculates that based on the findings of the dwelling capacity report, there is capacity within Wanaka for 26 years, and questions the need to rezone Peninsula Bay, particularly when there are other areas closer to Wanaka that would better absorb the development.

Infinity Investments Limited opposes those submissions that request the abandonment of the Variation. They submit that this is inconsistent with the purpose and principles of the RMA. The need for a Variation has thoroughly been assessed and an objective rationale supporting the Variation has been obtained by the section 32 analysis and the Wanaka 2020 and Wanaka Structure Plan. They identify that the Wanaka region is under considerable growth pressure and it is important that there is adequate land zoned for residential use. Peninsula Bay is located within the inner growth boundary of Wanaka, identifying it as one of the first areas to be considered for residential zoning.

5.1.2 Consideration

The evidence provided to the Hearings Panel shows that other than Kirimoko, there are no other greenfields areas that can be readily serviced in terms of infrastructure. Through the course of the hearing, it was identified that there is no need to delay this Variation; it respects the landscape values of the site, provides significant open space for the Wanaka Community, and is consistent with the Wanaka Structure Plan. The economic evidence presented at the hearing showed that this rezoning is necessary. Detailed evidence was given about the capacity of the existing zoning (about 2,850 dwellings), the rate of new dwelling construction (about 200 per year), and the need to ensure an adequate forward supply of zoned land if demand is to be met. The panel has considered whether there is any reason to restrict the supply of zoned land in Wanaka. The enabling purpose of the Act set out in section 5 suggests that the District Plan should enable this demand to be met unless there are environmental reasons not to. The evidence showed that use of the Peninsula Bay land as proposed does raise important environmental concerns, but the panel is satisfied that these can be adequately addressed.

It has been found that cancelling this Variation would result in ad hoc development scattered around Wanaka, instead of a comprehensive development linked to the existing residential zones.

The Urban Design evidence provided for Infinity Investments by Professor Clinton Bird identified alternative growth options for Wanaka. These were

- (a) growth through subdivision and infilling of existing residential lots;
- (b) growth on vacant land within the inner and outer growth boundaries;
- (c) growth on vacant land beyond the outer growth boundaries

Following an analysis of the costs and benefits of each of these options, Professor Bird found that of the three options, a combination of (a) 'infill' and (b) 'managed growth on vacant land' would be preferable for the immediate and foreseeable future.

The Section 32 analysis identifies that Variation 25 is the most appropriate option for the Peninsula Bay land. It is agreed that this Variation is consistent with Wanaka 2020 and the Wanaka Structure Plan.

It is noted however that following consideration of other submissions that raise concerns regarding the boundaries of the new low density residential zone, some amendments to the zone boundaries are recommended. These ensure further that the Variation is the most appropriate means of achieving Part II of the RMA. They result in the land area of the Open Space Zone being 35% of the Peninsula Bay site, creating a significant benefit to the Wanaka community.

In terms of the concerns raised by further submitters with respect to the Open Space Zone, the public notice that was published notifying the Peninsula Bay Variation was not in error, because the Open Space Zone only applies to the Peninsula Bay land. If in the future it is applied to other land, this would be achieved through a plan change process, and as a result, it would be subject to a separate section 32 analysis, and separate public notification.

Variation 25 respects Environment Court decision C010/2005, and excludes all of that land identified by the Court as sensitive from the proposed Low Density Residential Zone. Instead, it rezones those more sensitive areas Open Space Zone, which provides far greater protection than Rural General Zoning.

Part 12.1 of the Section 32 report finds that retaining Rural General Zoning is not the most appropriate option.

When considering the issue of need, it is important to have regard to the findings of the Environment Court on Variation 15 (decision C010/2005). In paragraph 166 of that decision the Court finds that the Variation has to be desirable or expedient for achieving the purpose of the Act, being the sustainable management of the natural and physical resources concerned. Then, in paragraph 170, it finds:

The Council's wishes to consolidate residential growth at Wanaka so as to avoid sprawl, and to provide a variety of densities, could be achieved without providing for the site to be zoned as proposed. If those wishes were achieved without the proposed rezoning of the site, the significant native vegetation on the site would not be placed at risk, nor would the landscape and visual amenity values, to which the northern and eastern edges of the site could continue to contribute if undeveloped. [emphasis added]

This finding was based on Variation 15; i.e. a proposal that incorporated the development of areas found as sensitive in both landscape and ecological terms.

By ensuring the protection of both sensitive landscape areas and areas of ecological value, Variation 25 meets the criteria as established by the Court; it is desirable and expedient for achieving the two main elements of the purpose of the Act, being:

- *enabling people and communities to provide for their social, economic and cultural wellbeing, health and safety; while*

- *safeguarding the capacity of ecosystems, and avoiding, remedying and mitigating adverse environmental effects.*

The issue of the need for the rezoning is discussed on pages 27-29 of the Section 32 analysis, and was supported by the evidence provided by Mr Copeland. This identifies that there is a need to provide at least an additional 100 dwellings per year. It also discusses the issue of whether the Council should become involved in regulating supply, and if in fact it can given the resource consent and private plan change processes.

Given the above discussion, it is considered appropriate that the Peninsula Bay site is used to accommodate future growth for the following reasons:

- The Environment Court found that development of those areas outside of the original activity areas 2 and 5 would not have significant landscape and visual amenity effects¹;
- The use of the site for residential purposes is supported by Wanaka 2020 and the Wanaka Structure Plan;
- It is important to zone land before it is needed, to ensure that the land identified by the community, and able to be supplied effectively and efficiently by infrastructure, is used before land less suitable is developed;
- By removing those more sensitive areas of the site and providing greater protection, it is believed that the Variation is expedient, and is necessary in order to achieve the purpose of the Act.

Dennis Thorn submits that alternative sites should have been considered. In paragraph 187 of decision C010/2005, the Environment Court found that determining whether the Variation is the most appropriate means of exercising Councils functions under the Act does not require consideration of whether the Variation is the most appropriate in comparison with development of other sites.

In paragraph 198 of the decision, the Court considered whether the objectives and policies of Part 4 of the Plan, specifically, Policy 4.2.5.1, direct the Council to identify parts of the District with greater potential to absorb change.

It found that instead of considering other sites, the appropriate question is whether the development that the Variation would authorise:

- *would avoid, remedy or mitigate adverse effects on landscape and visual amenity values;*
- *would do so in an area where they are vulnerable to degradation, rather than having potential to absorb change without detracting from those values; and*
- *would harmonise with local topography and ecological systems and other nature conservation values as far as possible.*

The Court found that the development authorised by Variation 15 would not, in respect of the northern and eastern edges, achieve the above criteria (derived from policy 4.2.5.1(a)(b) and(c)).

In comparison, Variation 25 protects the northern and eastern edges of the site and therefore achieves Policy 4.2.5.1 by meeting the above criteria. The ability of the Variation to achieve all relevant objectives and policies of Part 4 of the Plan is contained within parts 11 and 12 of the Section 32 analysis.

It is believed that through the preparation of Variation 25 the concerns of the Environment Court have been addressed, including whether the variation is necessary, and achieves the purpose of the Act.

The issues of consolidation were considered through the Urban Design Report commissioned as part of the Section 32 analysis, the Section 32 analysis itself, and in the evidence presented by

¹ Environment Court decision C010/2005, paragraph 148

Professor Bird. Peninsula Bay adjoins residential development on two sides, and when viewed from the lake or from Waterfall Creek, is viewed in the context of that development.

The concerns raised by John May are discussed further in Section 5.7 of this report, as they relate to cross boundary issues with Kirimoko, and the use of the Outline Development Plan.

5.1.3 Decision

That the following submissions are accepted in part; that part accepted is the approval of the Variation, that part not accepted is that it is recommended that some amendments are made to the Variation as notified in response to concerns raised in other submissions, and therefore the Variation is not accepted in its entirety.

Stephen Abell [1/1], Kevin Alderson [2/1], Sharon Alderson [3/1], Mathew Andrews [4/1], Tony Arnerich [5/1], Jeremy Bell [6/1], Murray and Robin Bennet [7/1], Big River [8/1], Black Bag Ltd [9/1], Harry Briggs [11/1], Jo Briggs [12/1], Howard Brown [13/1], Jeanette Brown [14/1], Tony Brown [16/1], Peter Bullen [17/1], Blair Burridge [18/1], Rosie Burridge [19/1], Stew Burt [20/1], K R Chandler [21/1], Alan Collie [22/1], Stephen Collie [23/1], Barbara Collie [24/1], Colquin Holdings Limited [25/1], Dwayne Crombie [27/1], Adrian John Cross [29/1], Jonathon Roland Dale [30/1], Lisa Davis [31/1], Harry Dickey [32/1], Sharon Donnelly [33/1], P L Duff [34/1], Ralph Fegan [35/1], LE and JM Ferguson [36/1], Graeme Findlay/Kate O'Brien [37/1], Deane Flint [38/1], Howard Fraser [39/1], Murray Frost [40/1], Neville Frost [41/1], Barry Gard [42/1], Rachel Gard [43/1], Peter Gilbert [44/1], Phil Gilchrist [45/1], Theresa Goodwin [46/1], Wayne Graham [47/1], Ali Grant [48/1], Juliet Hall [49/1], John Hallum [50/1], Karen Hallum [51/1], Ron Hallby [52/1], John Hane [53/1], Joss Harris [54/1], Jill Herbert [55/1], Louise Heslin [56/1], Bruce Hewitt [57/1], Kerry Higgins [58/1], Kevin and Erin Higgins [59/1], Higgins Earthmoving [60/1], Peter Francis Higgins [61/1], PR Higgins [62/1], David Hoogouw [64/1], Leah Hopkinson [65/1], Janice Hughes and Clayton Hope [67/1], Michael Hughes [68/1], Steve Humpherson [69/1], Infinity Investments Limited [70/1], Jan Johnson [71/1], Wayne Johnson [72/1], Helen Johnston [73/1], M W Johnston [75/1], Carrick Lawrence Jones [76/1], Kirsten Jones [77/1], Ryan Jones [78/1], Trevor David Kennedy [80/1], M C Kelly [81/1], Rod Key [82/1], Kevin King [83/1], Paul Knowles [84/1], Lake Wanaka Cycling Inc [85/1], Christine Langford [86/1], Mark Langford [87/1], Joy Leslie [88/1], Ross Liddell [89/1], Gill Lucas [90/1], Craig Lyon [91/1], Heather MacDonald [92/1], Katy Macpherson [93/1], Peter Macpherson [94/1], Janet Malloch [95/1], Lyn Marshall [96/1], Peter Marshall [97/1], Keith McArley [99/1], Yeverly McCarthy [100/1], Sylvienne McClelland [101/1], Thomas McClelland [102/1], Karina McConnell [103/1], Duncan McFarlane [104/1], Stu and Jan McIvor [106/1], J McRae [107/1], Nancy Minty [108/1], Colin Moorfoot [109/1], Ray Mulqueen [110/1], Victoria Murray-Orr [111/1], Chris Norman [112/1], Gregory Noye [113/1], J Oakden [114/1], Bob Oldham [115/1], Boyd Ottrey [117/1], Alexis Park [118/1], Mac Passmore [119/1], Dan Pinckney [121/1], Travis Purnell [122/1], Kerry Quin [123/1], Ross Rainsford [124/1], David Recordon [125/1], Peter Rhodes [126/1], R M Robertson [127/1], Pete Roberts [128/1], Sue Robins [129/1], Steve Schikker [130/1], CD Scurr [131/1], EV Scurr [132/1], Mike Scurr [133/1], Richard Sheldon [134/1], Darren Simmonds [135/1], David Smallbone [136/1], Robert Smith [137/1], Vicki Spearing [138/1], R K Steel [139/1], Kurt Taylor [140/1], Melonie Telk [141/1], Phillip Templeton [142/1], Chris Thompson [143/1], Fergus Turnbull [145/1], Jack Turnbull [146/1], Hetty Van Hale [149/1], David Varmey [150/1], Derrick and Myra Wales [151/1], Tim Wallis [152/1], Toby Wallis [153/1], Iain Weir [154/1], Martyn West [155/1], Norman West [156/1], Robin and Alison Whitting [157/1], Ben Wilson [158/1], Glenys Wilson [159/1], Jayne Wilson [160/1], Matthew Wilson [161/1], Robert and Prue Wilson [162/1], Lynette Winsloe [163/1]

That the further submissions of **RO Boyd [300/70/1], Dennis Thorn [305/70/1] and Upper Clutha Environmental Society [306/70/1]** are rejected.

That the submissions of **RO Boyd** [10/4], **Gary and Heather Crombie** [28/1] **Dennis Thorn** [144/1] [144/7] and **Michaela Utesena** [148/1] are rejected, the further submissions of Infinity Investments Limited [301/10/4, [301/148/1], [301/98/1], [301/28/1], [301/144/1] and [301/144/7] are accepted, and the further submissions of RO Boyd [300/28/1],[300/144/1], [300/148/1], Julie Perry [304/10/4], [304/28/1], [304/98/1], [304/144/1], [304/144/7], [304/147/5], [304/147/1] Dennis Thorn [305/148/1] and Michaela Utesena [307/148/1] are rejected.

That the submission of **Upper Clutha Environmental Society** [147/5] and **John May** [98/1] are accepted in part. That part accepted is the adoption of suggested amendments (discussed in other sections of this report), that part not accepted is the request that the Variation is abandoned.

5.1.4 Reasons

As identified in the Section 32 analysis, the zone amendments promoted by Variation 25 are considered the most appropriate in achieving the purpose of the Act, and the settled objectives and policies of Part 4 of the District Plan. Variation 25 is consistent with the findings of both Wanaka 2020 and the Wanaka Structure Plan. Through changing the boundaries of the proposed residential zoning and ensuring protection of the more sensitive areas within the site, the concerns raised by the Environment Court in its decision on Variation 15 have been resolved.

It is noted that the further submitters raised issues that are dealt with separately within the decision.

5.2 AMENDMENTS TO BOUNDARIES OF THE ZONE

Upper Clutha Environmental Society (UCESI) [147/1] and [147/3] submits that the boundary of Open Space Zones should be changed to reflect the Map attached to their submission, and that the Open Space Zone should be vested as reserve, with an underlying zone of Rural General.

RO Boyd [300/147/1], [300/147/3] and **Julie Perry** [304/147/1], [304/147/3] support the submission of UCESI.

Dennis Thorn [305/147/3] supports the submission of UCESI.

Infinity Investments Limited [301/147/1], [301/147/3] opposes in part the submission of UCESI.

Dennis Thorn [144/2], [144/3] and [144/4] submits that the zoning plan should be replaced with Map B attached to his submission.

RO Boyd [300/144/2], [300/144/3], [300/144/4] and **Julie Perry** [304/144/2], [304/144/3], [304/144/4] support the submission of Dennis Thorn.

Infinity Investments Limited [301/144/2], [301/144/3], [301/144/4] opposes the submissions of Dennis Thorn.

5.2.1 Explanation of Submissions

UCESI submit that their request in submission [147/2] would protect the visual amenity of this area, protect areas of kanuka and allow some expansion of kanuka into the gaps, and create a more usefully shaped and sized reserve area for the public.

In submission [147/3] they request that the eastern boundary between Low Density Residential Zone and Open Space Zone follows the line as suggested in the Lucas evidence to the Environment Court- as shown on attached Map A as 'UCES VAL reserve line' (Attached as

Appendix 2 to the Landscape Report). They also identify that for consistency, this reserve boundary should be continued south into the Kirimoko Block.

Infinity submit that the Council's analysis of areas requiring protection is robust. However, they accept that some refinement of these boundaries with community input may be justified.

Dennis Thorn submits that:

- (a) The error in delineating AA5 (of Variation 15) should be corrected, the hatched area be fully protected, and the Western buffer open space should extend up the southern boundary, to tie in access from Rata Street. [147/2]
- (b) A no build zone should be imposed below the eastern open space to approximately the 330m contour line. This would protect the highly visible slopes leading up to the protected area. It was promoted by the Environment Court in the preferred landscape evidence at the hearing for Variation 15. This could be implemented either by extending the open space or imposing a building line restriction. The Open Space Zone could apply to the no build areas. [147/3]
- (c) There should be a mix of Low Density Residential and Rural Residential zoning (with a 5 metre height restriction); the Rural Residential zoning to be in a buffer swath between the Eastern Open Space and the Low Density Residential [147/4].

The Zone boundaries requested by the submitters are included as Appendices 2 and 3(a) and 3(b).

5.2.2 Consideration

In response to the concerns raised by UCESI and Dennis Thorn, an additional landscape report was commissioned from Mr Ben Espie (Vivian and Espie Limited). This was attached as Appendix 2 to the planner's report, and provided a valuable analysis of the submissions as they relate to landscape issues. The following provides a summary of the findings of that analysis:

- Northern boundary

The boundary proposed by UCESI is simpler and more robust, and avoids potential effects of dwellings within the red hatched area. It also supports Dennis Thorn's request that the delineation of Activity Area 5 should be corrected.

- Eastern boundary

The proposed amendment to the eastern boundary is of little consequence, but to adopt the suggestion of UCESI would err on the side of caution, and is therefore supported.

In response to Dennis Thorn's submission that the eastern boundary should be amended significantly, the landscape report finds that Mr Thorn's suggestion would not significantly change the landscape effects of the proposed Variation. It is noted that this is consistent with the finding of the Environment Court² that development outside of Activity Areas 2 and 5 would not create significant adverse effects on the landscape. The panel considers that the environmental benefits of requiring even more open space in this area are insufficient to justify preventing it from being developed to meet the needs of the potential future residents who could occupy it.

At the hearing, all submitters were supportive of the new boundaries to the Zone at the northern end, agreeing that the new boundary better protected the landscape and ecological values. Mr Thorn disagreed with the changes to the eastern boundary, submitting that instead of following the previous boundaries of Variation 15, they should follow the 340 metre contour line. The Panel conducted site visits in order to view the site from the lake and surrounding residential areas. Following these visits and the consideration of all the evidence and submissions, the Panel concurred with the findings of Mr Espie.

² Environment Court decision C010/2005, paragraph 148

It is noted that the issues of the extension of the western buffer and rural residential zoning are considered in sections 5.3 and 5.4 of this report, and the issues relating to vesting of Open Space Zone as reserve is dealt with in section 5.8 of this report.

5.2.3 Decision

That the submission of **UCESI** [147/1] and [147/3] and further submissions of Infinity Investments Limited [301/147/1], [301/147/3], RO Boyd [300/147/1], [300/147/3], Julie Perry [304/147/1], [304/147/3] and Dennis Thorn [305/147/3] are accepted in part. Those parts accepted are the amendments to the zone plan; those parts not accepted are the requests that the Open Space Zone is vested as reserve.

That the submission of **Dennis Thorn** [144/2] and the further submissions of RO Boyd [300/144/2] and Julie Perry [304/144/2] are accepted in part, and the further submission of Infinity Investments [301/144/2] is rejected. That part of the submission accepted is the amendment to the northern boundary of the Zone, that part not accepted is the recommendation that the western buffer is not extended.

That the submissions of **Dennis Thorn** [144/3] and [144/4] and the further submissions of RO Boyd, [300/144/3], [300/144/4] and Julie Perry [304/144/3], [304/144/4] are rejected, and the further submission of Infinity Investments Limited [301/144/3], [301/144/4] are accepted, and that the zone plan is amended as shown in Appendix 1(a).

Consequential to the amendment to the northern zone boundary to remove the potentially sensitive area, that the following amendment is made to Rule 7.5.3.3 Outline Development Master Plan:

- The location, height and visibility of future dwellings when viewed from the lake to the north of the site, particularly within the north-western corner of the zone ~~(the area shaded xx on planning map yy)~~.

5.2.4 Reasons

The amendments to the zone boundaries ensure that potential adverse effects on landscape and ecological values are avoided. The additional changes suggested by Mr Thorn are not considered necessary, and the zoning as proposed in the revised zone plan (attached to this decision) is considered the most appropriate in achieving the purpose of the Act.

5.3 EFFECTS ON PENRITH PARK, AND THE WESTERN BUFFER

RO Boyd [10/1] submits that Variation 25 should be amended in order to protect the environmental values and amenity of Penrith Park Zone, suggesting that the area of Peninsula Bay that lies adjacent to Penrith Park could be subject to the following types of controls:

- (1) Applying the same controls on external appearance, bulk and location of buildings in this more sensitive area of Peninsula Bay as are applied to Penrith Park (possibly by extending the Penrith Park Zone to incorporate the elevated land along the western boundary of Peninsula Bay).
- (2) Creating a rural residential zone in the northern part of Peninsula Bay where it adjoins Penrith Park;
- (3) Extending the western buffer open space along the full western boundary of Peninsula Bay (with provisions for roads to cross where necessary).

Julie Perry [120/1] and [120/2] submits that Peninsula Bay should be subject to a special zone; and that the western buffer should extend along the entire western boundary.

RO Boyd [300/120/1, 300/120/2] supports the submissions of Julie Perry.

Julie Perry [304/10/1] supports the submission of RO Boyd.

Infinity Investments Limited [301/10/1], [301/120/1] and [301/120/2] opposes the submission of RO Boyd and the submissions of Julie Perry.

Dennis Thorn [305/10/1] supports the submission of RO Boyd.

5.3.1 Explanation of Submissions

RO Boyd believes the Variation does not adequately protect the northern part of the zone, or protect the amenity, character and environment of the Penrith Park Zone. He submits that the values of Penrith Park are the same as Peninsula Bay and these values within Penrith Park resulted in an Environment Court decision that determined these values should be protected.

RO Boyd believes that parts of the Peninsula Bay site on its western boundary adjacent to the Penrith Park Zone are visible from the Wanaka Basin and from Lake Wanaka and have the same environmental issues as Penrith Park Zone. The Variation does not contain provisions that will adequately protect these parts of Peninsula Bay from inappropriate development.

RO Boyd submits that the Section 32 fails to:

- (1) Consider effects of residential development on the Penrith Park Zone
- (2) Address how Peninsula Bay will ensure that the special environmental values of Penrith Park are not adversely affected.
- (3) Address the conflict between the Penrith Park Zone and the much lesser controls that would exist on identical land within Peninsula Bay.
- (4) Consider existing public use of Peninsula Bay from Penrith Park into the central melt channel through to the Lake.
- (5) Address why the proposed western buffer open space should stop half way along the western boundary, or why it should stop at all.

Dennis Thorn supports the extension of the western open space buffer, and identifies that because of agreements reached between the landowner and the Hunter Crescent residents there is no need to include a buffer along the southern boundary as suggested in his original submission.

At the hearing, both Mr Boyd and Mr Thorn voiced their concerns that the western buffer strip has been used to placate adjoining landowners. Mr Thorn agrees with Mr Boyd that the western buffer should extend through to the lakeside reserve.

Ms Perry believes that the physical characteristics of much of the Peninsula Bay site will be impaired by future residential development, and for this reason development can not be adequately provided for by applying existing zonings within the Plan. Uncontrolled Low Density Residential Zoning would impinge upon the areas of significant landscape and visual amenity values. Specific policies and controls on location, height, and appearance of dwellings are necessary to provide certainty that the development will not adversely affect landscape values. The objectives for the Penrith Park Zone are appropriate for Peninsula Bay. She believes that adopting Penrith Park zoning would provide for public access and a buffer between the Penrith Park Special Zone and Peninsula Bay.

5.3.2 Consideration

The planner's report provided detail of the background to the Penrith Park Zone and provided a comparison of the different provisions of the Low Density Residential, Rural Residential and Penrith Park Zone provisions. This comparison showed that the provisions for Penrith Park are more restrictive than those for the Low Density Residential Zone. The question is then, from a

landscape perspective, is it necessary that this area of Peninsula Bay is subject to the same provisions as the Penrith Park Zone.

The landscape analysis attached to the planner's report as Appendix 2 discusses the landscape characteristics of Penrith Park and Peninsula Bay. In paragraph 42, Mr Espie identifies that:

"I agree that this elevated strip of the Penrith Park Zone generally shares the same landscape character as the Peninsula Bay site; however, most of the Penrith Park Zone is significantly more prominent in views from the lake surface"

The report finds that the boundary of the Low Density Residential Zone within Peninsula Bay should be moved slightly the south to follow the 330m contour line. This ensures that only those areas that can absorb development will be zoned Low Density Residential. Other than this suggested amendment, the landscape report identifies that Low Density Residential Zone is appropriate for this area of the site, and finds that from a landscape perspective, there is no need to adopt the Penrith Park zoning on the northern area of Peninsula Bay. While the larger lot sizes and setbacks of the Penrith Park Zone would create a 'greener' development, because this area of Peninsula Bay can absorb development, it is believed that for the purposes of urban consolidation and providing for growth, consistent with the Wanaka Structure Plan and Wanaka 2020, those areas in Peninsula Bay that can absorb development should be zoned Low Density Residential.

The rules applying to the Penrith Park Zone were set for what was then an extension of residential zoning into an otherwise rural context. Penrith Park is now part of the existing (and committed) environment that makes up the setting of the Peninsula Bay site. The appropriate density and form of development at Peninsula Bay might be different if the Penrith Park land was still farmland.

As discussed in the landscape report, there will be effects on the amenity values of the landowners within the elevated strip on Penrith Park. Currently, their properties adjoin an open paddock; Variation 25 proposes that this will change to residential housing. However, the benefits of providing for Wanaka's growth in an area that can absorb residential development outweigh the costs to the neighbouring properties. It is noted that the properties within Penrith Park will likely face towards the Lake, away from the Peninsula Bay land. Because of its topography, only a small area of the Penrith Park Zone will be adversely affected by the rezoning of Peninsula Bay.

The Panel conducted a visit to the northern area of the site and following this, and the consideration of views from the Lake, agreed with the findings of Mr Espie. Following consideration of the evidence and submissions presented at the hearing with respect to access through the northern area of the Low Density Residential Zone, the Panel is comfortable that access will be achieved through the ODP resource consent process. Additionally, this process provides sufficient certainty that appropriate treatment of the western boundary will be achieved.

It is noted that while the Panel acknowledged that the existing western buffer may have resulted from a need to placate neighbouring landowners, and does not make sense from an urban design perspective, there is no jurisdiction from the submissions to enable a change to its boundaries or configuration.

5.3.2 Decision

That the submissions of **Julie Perry** [120/1] and [120/2], and **RO Boyd** [10/1] and the further submissions of RO Boyd [300/120/1, 300/120/2], Julie Perry [304/10/1] and Dennis Thorn [305/10/1] are accepted in part. That part accepted is the amendment of the zone boundary at the northern end of the Peninsula Bay site. That part rejected is a change from Low Density

Residential Zone to Penrith Park Special Zone, and the extension of the western buffer along the entire western boundary.

That the further submissions of Infinity Investments Limited [301/10/1], [301/120/1] and [301/120/2] are accepted.

5.3.4 Reasons

Subject to an amendment to the zone boundary (discussed in Section 5.2 above), the northern area within the Peninsula Bay site adjacent to the Penrith Park Zone can absorb development. Following an analysis of the costs and benefits of different zoning provisions, it is considered that Low Density Residential Zoning is the most appropriate in achieving Part II of the RMA, and the settled objectives and policies of Part 4 of the District Plan. The ODP process is considered the most appropriate in achieving effective pedestrian and vehicle access routes, and ensuring high amenity values are achieved.

5.4 RURAL RESIDENTIAL ZONING

Without prejudice to his first submission, **Dennis Thorn** [144/4] submits that the zoning within Peninsula Bay should be amended as shown on the map attached to his submission. This is attached as Appendix 3(a) to this report. This map suggests that a significant area of the site is zoned Rural Residential, with a height limit of 5 metres.

RO Boyd [10/1] submits that the northern end of Peninsula Bay opposite Penrith Park should be zoned Rural Residential Zone.

N Brown [15/1] submits that Peninsula Bay should be zoned with a combination of Low Density Residential (across the majority of the site) and Rural Residential (across a small area at the sensitive margins to the Low Density Residential zoning).

T and J Johnston [74/1] submit that the more sensitive areas of the site should be zoned Rural Residential.

***RO Boyd** supports the submission of T and J Johnston [300/74/1]*

***Infinity Investments Limited** opposes the submissions of RO Boyd [301/10/1], N Brown [301/15/1], T and J Johnston [301/74/1] and Dennis Thorn [301/144/4].*

***Julie Perry** supports the submissions of RO Boyd [304/10/1], T and J Johnston [304/74/1], and Dennis Thorn [304/144/4].*

***Dennis Thorn** supports the submissions of RO Boyd [305/10/1] and T and J Johnston [305/74/1]*

5.4.1 Explanation of submissions

Dennis Thorn submits that the Section 32 report is incorrect in stating that LDR would reflect the character of the adjoining area. He believes that the predominant surrounding area is open space and rural and lake front outstanding natural landscape with the longest boundary being Rural Residential.

RO Boyd submits that the proposed provisions do not adequately protect the values associated with Peninsula Bay.

N Brown believes that a combination of Low Density and Rural Residential zoning is more efficient, effective and appropriate. While Rural Residential zoning may not be efficient in achieving urban consolidation, this is only one of the considerations. Any costs of rezoning a

small area Rural Residential to act as a buffer would be outweighed by positive impacts on landscape and visual amenity values. T and J Johnston believe that Low Density Residential with Rural Residential at the more sensitive outer margins is the most effective means of protecting the landscape, ecological values, retaining the amenity values of the site and surrounds, and enhancing public access through to the Lake.

Infinity Investments Limited believe that Rural Residential zoning is an inefficient use of land, and is inconsistent with the objectives of the Wanaka Structure Plan which seek to prevent urban sprawl.

5.4.2 Consideration

The option of zoning some of the land Rural Residential is discussed on pages 66-68 of the Section 32 analysis. This identifies that the benefits of a mix of Low Density and Rural Residential zoning relate to reduced effects on the landscape, the provision of a variety of section sizes, consistency with neighbouring zoning on Penrith Park, and reduction of potential effects on roading. The costs relate to reduced density, and therefore the potential for increased pressure for development elsewhere, and the likelihood of sections being less affordable. The report also identifies that Rural Residential zoning would be less effective in achieving Policies 4.2.5(7) Urban Edges and 4.9.3 Urban Consolidation.

As a result of the concerns raised in submissions, the further landscape report commissioned by Mr Ben Espie addressed this issue; in paragraph 56, Mr Espie finds that:

A number of submitters suggest that Low Density Residential Zoning provides for a pattern of development that will be inappropriately dense. Reducing the density (such as by using Rural Residential zoning) will produce a softer appearance when the site is viewed from the west and south-west. I do not believe that this will fundamentally change the way that observers perceive the site or the way that they appreciate the landscape, when we compare the proposed variation to the suggestions of these submitters. In both scenarios the residential part of Wanaka town will extend north and east to occupy an area of current open space.

Given the findings of the landscape report, the need to enable efficient land use, and achieve the objectives of the Wanaka Structure Plan and Wanaka 2020, the most appropriate zoning of the areas of the site that can absorb development is Low Density Residential. It is noted that through the Outline Development Master Plan the Council has control over lot configuration and allotment size, and therefore has the ability to ensure high amenity values are achieved.

As part of the Section 32 analysis, an intervisibility³ study was undertaken, assessing potential effects of development on views, particularly from the north of the site. This found that a small area of the site (hatched red in Map A as notified) had the potential to be visible from the lake. The Panel accept the recommendation in the planner's report that this area becomes part of the Open Space Zone, thus removing any concerns relating to visibility from the Lake, and the need to control location of building platforms and height. It is not considered necessary to restrict height through any other areas of the site. However, at the hearing, Mr Miskell for Infinity Investments identified that there is the potential for visibility from the North, even with the amendment to the Zone boundary. As a result, the Panel determined that the Council's discretion over the potential visibility from the Lake when assessing the ODP should be retained in the Rules.

The Panel viewed the site from the Lake, the surrounding residential development (particularly from Kings Drive and Plantation Road), and from the opposite side of the Lake (Edgewater Resort and Waterfall Creek). It was clear from these site visits that the most important views are those from the Lake. It was agreed that a change in zoning from Low Density Residential to Rural

³ Intervisibility means assessing the visibility between given points

Residential would not significantly change the effects on amenity values; given that from these view points the site is viewed in the context of the existing development in the foreground, and is truncated, so that it would appear as a thin horizontal band.

5.4.3 Decision

That the submissions of **Dennis Thorn** [144/4], **RO Boyd** [10/1], **N Brown** [15/1] and **T and J Johnston** [74/1], and the further submissions of RO Boyd [300/74/1], Julie Perry [304/10/1], [304/74/1], [304/144/4] and Dennis Thorn [305/10/1],[305/74/1] are rejected, and the further submissions of Infinity Investments Limited [301/10/1], [301/15/1], [301/74/1] [301/144/4] are accepted.

5.4.4 Reasons

Zoning those areas of Peninsula Bay that can absorb residential development Low Density Residential is the most appropriate option in terms of achieving the purpose of the RMA, the settled objectives and policies of the District Plan, and the objectives of the Wanaka Structure Plan and Wanaka 2020. The view from the Lake and its western edge is considered the most important in terms of effects; as identified in the landscape report, the benefits of changing from Low Density Residential to Rural Residential would be less than the costs imposed in terms of inefficiency, expense, and reduced capacity.

5.5 SPECIFIC RULES (SUBDIVISION LOT SIZE, BUILDING COVERAGE ETC)

J and N Huddleston [66/1], [66/2], [66/3] and [66/4] submit that the rezoning is supported, but that additional controls should be inserted.

Steve Humpherson [69/2] submits that covenants should be implemented on the northern area separated by the green belt, and larger lot sizes should be imposed of around 2000m².

RO Boyd [10/2] submits that Variation 25 should be amended by providing specific policies and controls in the District Plan or covenants on the land to control the location, height, and appearance of buildings in the north-western corner (rather than relying on Council to exercise discretion)

Julie Perry [120/3] submits that lot sizes bordering the reserves should be a minimum of 4000m² as required in the bordering Penrith Park and Lakeridge subdivisions.

Infinity Investments Limited opposes in part the submissions of J and N Huddleston [301/66/1], [301/66/2], [301/66/3] and [301/66/4], and opposes the submissions of Steve Humpherson [301/69/2], RO Boyd [301/10/2] and Julie Perry [301/120/3]

Julie Perry [304/10/2] supports the submission of RO Boyd.

RO Boyd [300/120/3] and Dennis Thorn [305/120/3] support the submission of Julie Perry.

5.5.1 Explanation of Submissions

J and N Huddleston submit that Peninsula Bay should be rezoned Low Density, subject to the following:

- (a) strict controls on section sizes
- (b) requiring that there is only one building allowed per section with maximum ground coverage
- (c) requiring larger section sizes at the outskirts of the development

(d) ensuring that sections can not be re-subdivided

They believe that measures must be taken to ensure the site does not get over developed. Strict controls on section sizes and building coverage need to be implemented to ensure the site does not become a mass of roof tops. Requiring larger lot sizes at the edges of the development will enable the site to blend in with the landscape at its boundaries.

RO Boyd submits that Council discretion on location, height, and visibility of dwellings as proposed for the northwestern corner provides insufficient certainty that environmental values will be protected.

Julie Perry submits that increased lot sizes would provide an effective buffer to neighbouring zones. Infinity believe that increasing lot sizes is inconsistent with the Wanaka Structure Plan, particularly the objective of avoiding urban sprawl.

Infinity Investments Limited identify that the Variation includes a mechanism for ensuring an appropriate mix of densities by requiring the submission of a master plan before any development on the site proceeds.

5.5.2 Consideration

Infinity Investments Limited are correct in identifying that the Variation includes a rule requiring that prior to any development occurring on site, an Outline Development Master Plan (ODP) is approved by the Council. This enables the Council to consider, as a restricted discretionary activity, matters including the layout and size of allotments. It is believed that the concerns of the submitters can be resolved through this consent process.

In response to the submissions of UCESI and Dennis Thorn, Section 5.2 of this decision finds that the northern boundary of the Low Density Residential Zone should be shifted south, so that the area that could potentially be seen from the Lake and all of the areas of Kanuka are incorporated within the Open Space Zone. It is noted that through the hearing it was identified that there was potential for a small area of development to be visible from the north of the Lake; as a result, the Panel identified this potential effect could be resolved through retaining control over visibility in the ODP process (as discussed in Section 5.4 above). In addition, in response to other submissions, an additional method will be included in the Plan that identifies that the Master Plan will be reviewed by the Council's Urban Design Panel.

The concerns raised by Julie Perry with respect to providing a buffer between Peninsula Bay and Penrith Park are dealt with in section 5.3 of this report.

Through the hearing, it was identified that the Plan currently enables the re-subdivision of lots if they are greater than 900m² and contain two dwellings. This is enabled through the following provisions:

Rule 7.5.5.2 Zone Standards- Residential Activities and Visitor Accommodation in the High Density Residential Zone

(iii) Site Density

In the Low Density Residential Zone, the minimum net area on any site shall be 450m² for each residential unit contained within the site, except where:

- (a) (i) a site is shown as being located in the Medium Density Residential Sub-Zone; and*
- (ii) the site was contained in a separate certificate as at 10 October 1995; and*
- (iii) no residential unit has been built on the site; and*
- (iv) the site has an area between 650m² and 900m²*

then two residential units may be erected on the site.

Rule 15.2.6.3 Zone Subdivision Standards- Lot sizes and dimensions

(i) Lot sizes

(....)

No minimum allotment size shall apply in the Low and High Density Residential Zones where each allotment to be created, and the original allotment, all contain at least one residential unit.

These provisions mean that the density within Peninsula Bay could be double that which has been assessed in terms of effects on roading and services. This could occur through the first subdivision creating lots of 900m² or more in size. The purchasers of those lots could then build two dwellings (given that Rule 7.5.5.2(iii) requires that the minimum net area for each residential unit must be 450m²), and then subdivide; thus doubling the density.

Because the effects of the Variation have been assessed based on a potential of around 400 residential units, a potential increase of that amount is not appropriate; traffic and servicing assessments would have to be recalculated based on the true potential density. Consequently, the ability to increase density and subdivide provided by Parts 7 and 15 of the Plan should not apply to the Peninsula Bay Low Density Residential Zone.

Because the analysis of the effects of the Variation have been based on the potential number of dwellings using a minimum lot size of 700m², this should be reflected in the Plan, so that the minimum net area for each dwelling is 700m², rather than 450m², as is provided by Rule 7.5.5.2.

Amending the subdivision rule is not considered appropriate, given that it is the effect of two dwellings, not the effect of the subdivision that increases density. For example, if two dwellings are erected on a 900m² lot and are not subdivided, the effects on the servicing and roading because of this increased density occurs aside from the fact that they have not been subdivided.

5.5.3 Decision

That the submissions of **J and N Huddleston** [66/1], [66/2], [66/3] and [66/4] are accepted in part. That part accepted is the exclusion of the Peninsula Bay Low Density Residential Zone from the provisions to re-subdivide. Those parts not accepted are the requests for other additional restrictions on development.

That the submissions of **Steve Humpherson** [69/2] and **Julie Perry** [120/3] and the further submissions of RO Boyd [300/120/3] and Dennis Thorn [305/120/3] are rejected, and the further submissions of Infinity Investments Limited [301/66/1], [301/66/2], [301/66/3], [301/66/4], [301/69/2] and [301/120/3] are accepted.

That the submission of **RO Boyd** [10/2] and the further submissions of Julie Perry [304/10/2] and Infinity Investments Limited [301/10/2] are accepted in part. That part accepted is the recommendation to move the zone boundary south. That part not accepted is to retain the provisions for the Outline Development Master Plan, and rely on this process to ensure that adverse effects are avoided, remedied or mitigated.

And that the following amendments are made to the Plan:

Rule 7.5.5.2 Zone Standards- Residential Activities and Visitor Accommodation in the High Density Residential Zone

(iv) Site Density

In the Low Density Residential Zone, the minimum net area on any site shall be 450m² for each residential unit contained within the site, except where:

- (a) (i) a site is shown as being located in the Medium Density Residential Sub-Zone; and*
- (ii) the site was contained in a separate certificate as at 10 October 1995; and*
- (iii) no residential unit has been built on the site; and*
- (iv) the site has an area between 650m² and 900m²*

then two residential units may be erected on the site.

(c) In the Peninsula Bay Low Density Residential Zone, the minimum net area on any site shall be 700m² for each residential unit contained within the site.

5.5.4 Reasons

The majority of the concerns raised by the submitters can be addressed through the requirement for consent for an ODP. It is recommended in Section 5.2 of this report that the northern boundary of the Low Density Residential Zone is shifted to the south; it is anticipated that this will resolve some of the submitter's concerns.

The Section 32 analysis of the costs and benefits of the Variation has been based on an assumption that the minimum lot size is 700m², and that there will be no re-subdivision, or increase in density beyond approximately 400 residential units. The current provisions enable a doubling of that density, which is considered inappropriate. Therefore, a new provision will be inserted ensuring that the minimum net area for each dwelling is 700m².

5.6 OUTLINE DEVELOPMENT PLAN

N Brown [15/2] submits that the process for the Outline Development Plan (ODP) should incorporate the opportunity for public comment and submissions. **Kati Huirapa Runaka ki Puketeraki** [79/1] submits that the provisions for the ODP should be amended so that discretion is reserved over matters of concern to Kai Tahu. **John May** [98/1] questions the concept of the ODP. **Dennis Thorn** [144/6] submits that the application for the ODP should be publicly notified. **Paula Costello** [26/1] submits that the non-notification provisions for the ODP should be amended as they are currently incorrect by listing the ODP as a site standard.

RO Boyd [300/144/6] supports the submission of **Dennis Thorn**.

Infinity Investments Limited [301/79/1] supports in part the submission of **Kati Huirapa Runaka ki Puketeraki**.

Infinity Investments Limited opposes the submissions of **Dennis Thorn** [301/144/6], **N Brown** [301/15/2] and **John May** [301/98/1a]

Julie Perry supports the submissions of **John May** [304/98/1] and **Dennis Thorn** [304/144/6].

5.6.1 Explanation of Submissions

N Brown submits that while the methodology for the proposed ODP is argued in the section 32, it is not evaluated in comparison with an option that provides for public consultation and feedback.

The additional cost of public input would be outweighed by the benefits from public feedback and consultation, increasing effectiveness and appropriateness of this method.

Kati Huirapa Runaka ki Puketeraki (KHRKP) support the ODP. However, Kai Tahu identified a number of concerns in comments to the discussion document. While KHRKP may be consulted with respect to subdivision consents, it is important to ensure that they are also consulted with respect to consents for the ODP.

John May is concerned that because of the approach taken with the ODP, the future use and development of the land is not known. Infinity believe that the cross boundary issues with Kirimoko are sufficiently addressed in the Wanaka Structure Plan, and that the master plan (Outline Development Plan) process will ensure that roading layout and walkway linkages will be addressed.

Dennis Thorn believes that the concept of a non-notified consent process for the ODP is repugnant to public participation, and is a blatant attempt to exclude public from subdivision proposals. He believes that Council's activities should be transparent, and that notification is a robust, open process.

In response to the submissions of N Brown and Dennis Thorn, Infinity believe that the Council is competent to ensure that ultimate development is planned in an efficient and logical manner, without the need for additional public input.

5.6.2 Consideration

The planner's report provided a detailed analysis of the costs and benefits of publicly notifying the ODP. Following this analysis, it recommended that notification should be required unless the application for the ODP provided details of consultation with affected parties. In addition, it recommended that the ODP is reviewed by the Urban Design Panel.

At the hearing, such an approach was opposed by Infinity Investments. John Kyle, presenting resource management evidence for Infinity, suggested that instead of using the notification process, a public open day or workshop could be held. This would ensure that the public and affected landowners could have input into the process, but avoided the potential for litigation. The other submitters at the hearing agreed with this suggestion; rather than requesting the formal notification process, the submitters wished to ensure an open and public process.

Following further consideration of the submissions and statements made at the hearing, the Panel has identified that the key issue is to ensure there will be public involvement in the ODP process, so that interested people can have their say, rather than ensuring there is the ability to appeal the consent application.

The importance of ensuring that a review will be undertaken by the Urban Design Panel was also agreed. The Panel identified an issue with the current wording of Rule 7.5.3.3 (vi) in that it appears to apply only to the Low Density Residential zoned land. This needs to be corrected so that it is clear that the ODP process applies to both the Low Density Residential and the Open Space Zones within Peninsula Bay. This ensures that through the ODP process, people are not restricted to commenting on only that land that is zoned Low Density Residential.

5.6.3 Decision

That the submissions of **N Brown** [15/2], **Kati Huirapa Runaka ki Puketeraki** [79/1], **John May** [98/1] and **Dennis Thorn** [144/6] and the further submissions of RO Boyd [300/144/6], Infinity

Investments Limited [301/79/1] [301/144/6] [301/15/2] and [301/98/1] and Julie Perry [304/144/6] [304/98/1] are accepted in part. That part accepted is the recommended amendment to the rules to ensure that a public open day is held prior to lodging the resource consent for the ODP. That part rejected is the retention of the non-notification provision.

That the submission of **Paula Costello** [26/1] is accepted.

And that the following amendments are made to Section 7.

Insert the following method under 7.3.3 Implementation Methods

(ii) Other methods

(a) Review of the Outline Development Plan for Peninsula Bay by the Urban Design Panel

(b) A public open day to review the Outline Development Plan for Peninsula Bay

7.5.4 Non-notification of applications

(ii) All applications for the exercise of the Council's discretion in respect of the following Restricted Discretionary Activities:

(a) Outline Development Master Plan for Peninsula Bay

Amend Rule 7.5.3.3 (vi) as follows:

vi Outline development Master Plan- Peninsula Bay

Within the Low Density Residential Zone at Peninsula Bay, the Outline Development Plan of the Low Density Residential Zone and the adjacent open space zone lodged with the Council pursuant to Rule 7.5.5.2(xiii), in respect of:

- Rooding pattern, including access to and car parking for the use of the adjacent open space zone;
- Indicative subdivision design and configuration, including allotment size;
- Proposed landscaping within any road reserve;
- Pedestrian linkages through the subdivision, and their relationship to the adjacent open space zone, the margin of Lake Wanaka and adjacent residential land;
- Location of easements for public access purposes throughout the Open Space Zone, and their relationship to the pedestrian linkages and roading access within the Low Density Residential Zone.
- The location, height and visibility of future dwellings when viewed from the lake to the north of the site, particularly within the north-western corner of the zone ~~-(the area shaded xx on planning map yy)-~~.

An application for a resource consent for the Outline Development Plan must be accompanied by:

- A statement from the Wanaka Urban Design Panel evaluating the application;
- A statement recording the outcomes of a public open day, including notification, attendance, comments made and ways in which these have been incorporated into the Outline Development Master Plan.

5.6.4 Reasons:

While the Peninsula Bay Variation has been through an extensive public consultation process, it is recognised that the public should have the opportunity to have input into the Outline Development Master Plan process, which will provide a much greater level of detail. This includes the identification of pedestrian and roading linkages through both the Open Space and Low Density Residential Zones. Ensuring that a public open day will occur, in addition to the review by the Urban Design Panel, will enable people to provide input into key issues, which could not be submitted on through the Variation process.

5.7 ROADING AND ACCESS

RO Boyd [10/3] submits that the Variation should be amended by ensuring there are at least two road access routes into the separate areas of residential development. **John May** [98/1] submits that the roading layout is unknown, and suggests that the roading layout and walking linkages are included within the Variation provisions. **Julie Perry** [120/4] submits that the roads within Penrith Park should not be extended to provide for the additional traffic demands of Peninsula Bay. **Dennis Thorn** [144/8] submits that roads should be a prohibited activity through the Open Space Zone. **CD Scurr** [131/2] and **EV Scurr** [132/2] submit that an additional rule should be inserted allowing for access linkage to Hunter Crescent and between the two low density residential zones.

***RO Boyd** supports the submissions of Julie Perry [300/120/4], John May [300/98/1] and Dennis Thorn [300/144/8].*

***Infinity Investments Limited** opposes the submissions of RO Boyd [301/10/3] and Julie Perry [301/120/4].*

***Julie Perry** supports the submissions of John May [304/98/1], RO Boyd [304/10/3] and Dennis Thorn [304/144/8].*

5.7.1 Explanation of Submissions

RO Boyd believes that the most feasible option is to provide road access from both Rata Street and Hunter Crescent, and to the northern part of the site through the Central Melt Channel and Minaret Ridge.

John May submits that the cross boundary issues with the Kirimoko Block have not been addressed through the Variation.

Julie Perry believes that the roads within Penrith Park have been designed only to support the existing subdivision, and therefore should not be used to accommodate the increased traffic from Peninsula Bay.

Dennis Thorn believes that there is no point having an open space zone that a developer can turn into roading.

Infinity Investments Limited submit that it may be appropriate to link Peninsula Bay with roads within adjacent residential developments, including Penrith Park, for traffic management and efficiency reasons. The requirement for a master plan will ensure that the most appropriate road layout linkages are addressed.

5.7.2 Consideration

As identified in the planner's report, the exact roading layout will be determined through the ODP process. Prior to the notification of the Variation, traffic assessments were undertaken to identify key linkages and roading layouts. These found that for traffic safety and management, it is necessary to have road linkages through the surrounding residential areas into Peninsula Bay, including the linkage through Penrith Park. The traffic assessments have also determined that for efficiency and effectiveness, a road linkage should be provided through the Central Melt Channel.

Page 9 of the landscape report addresses the issue of roading within the Open Space Zone, and identifies that any roading within the northern end of the Open Space Zone would be inappropriate, but that a road through the Central Melt Channel would be acceptable. However, it is identified that the amenity of this part of the open space would be lost if a road were to follow its length in an east to west direction.

As identified in the landscape report, roading within the Open Space Zone is a non-complying activity. This makes no differentiation between the possibility of roading through the Central Melt Channel to connect the two areas of Low Density Residential development, and roading within the more visually and ecologically sensitive areas at the northern end of the site. Given the importance of ensuring there is effective traffic linkage between the residential areas, and the importance of protecting the landscape and ecological values, the Panel believes that these provisions should be amended.

The planner's report recommended that the rules be amended so that one road access between the Low Density Residential Zones would be a discretionary activity, instead of non-complying. The Panel agrees with this approach, however, because of the nature of such an application, decided that it would be appropriate as a restricted discretionary activity. In his written submissions at the hearing, John Kyle recommended that the matters over which discretion should be reserved should include:

- Effects on landscape and visual amenity
- Extent and handling of earthworks
- Extent of vegetation removal

5.7.3 Decision

That the submission of **John May** [98/1] and the further submissions of RO Boyd [300/98/1] is accepted in part. That part accepted is the decision in Section 4.7.3 that inserts a new provision for a public open day prior to lodging resource consent. That part not accepted is the inclusion of the detailed information on road accesses, pedestrian linkages and subdivision layout in the Variation.

That the submissions of **CD Scurr** [131/2], **EV Scurr** [132/2] and **RO Boyd** [10/3] and the further submission of Julie Perry [304/10/3] are accepted, and the further submission of Infinity Investments Limited [301/10/3] is rejected.

That the submission of **Dennis Thorn** [144/8] and the further submission of RO Boyd [300/144/8] are accepted in part. That part accepted is the addition of a prohibited activity rule for roading within the northern open space; that part not accepted is the inclusion of a restricted discretionary activity rule for roading within the Central Melt Channel.

That the submission of **Julie Perry** [120/4] and the further submission of RO Boyd [300/120/4] is rejected, and the further submission of Infinity Investments Limited [301/120/4] is accepted.

That the following amendments are made:

7.5.4 Non-notification of applications

(ii) All applications for the exercise of the Council's discretion in respect of the following Restricted Discretionary Activities:

(a) Outline Development Master Plan for Peninsula Bay

And the following amendments made to the provisions for the Open Space Zone.

Insert the following additional restricted discretionary activity:

v Vehicle Access

The provision of one vehicle access road through the Central Melt Channel connecting the two areas of Low Density Residential Zone within the Peninsula Bay land, where this road has been identified as necessary through the Outline Development Master Plan approved pursuant to Rule 7.5.3.3(vi) in respect of the following:

- Form and location
- Effects on landscape and visual amenity
- Extent and management of earthworks
- Extent of vegetation removal

Delete non-complying activity rule 4.6 (ii) that read:

~~Vehicle access not associated with car parking facilities as provided for under Rule 4.4(ii)~~

Insert the following prohibited activity.

Any vehicle access except:

- (a) one road through the Central Melt Channel approved pursuant to Rule 20.2.2.3(v), and
- (b) vehicle access associated with car parking facilities as provided for under rule 20.2.2.3(ii).

5.7.4 Reasons

The traffic analysis has shown that there is a need to provide for one road access through the Central Melt Channel linking the two areas of residential land. The landscape report has identified that such a road, if located correctly, will not cause significant adverse effects on landscape values. Because of the requirements for an ODP, and the nature of this activity, it is appropriate that the Council's discretion is limited to the matters listed.

5.8 OPEN SPACE ZONE SHOULD BE RESERVE

Big River [8/1] Black Bag Limited [9/1], Stephen Collie [23/1], Colquin Holdings Limited [23/1] and LE and JM Ferguson [36/1], Neville Frost [41/1] Steve Humpherson [69/1], Stu and Jan McIvor [106/1], Colin Moorfoot [109/1], CD Scurr [131/1], EV Scurr [132/1], Darren Simmonds [135/1], David Smallbone [136/1], Melonie Telk [141/1], Jayne Wilson [160/1], Matthew Wilson [161/1], and Ray Mulqueen [110/1] submit in support of the Variation, one of the reasons being that it will allow retain, and possibly improve public access, including existing walking and cycling tracks through to the Lake.

Lake Wanaka Cycling [85/1, 85/2] submit in support of the development of public access through tracks and trails, public ownership of recreation land, and submit that open space and recreation areas be gifted to Wanaka Trails Trust, and the existing mountain bike trail on the northern boundary be upgraded at the developers cost, but designed by Lake Wanaka cycling for the exclusive use of mountain bikers, all other tracks and trails to be for multi user groups.

Chris Norman [112/1] submits in support of the Variation; stating that support is based on several assumptions, including: (1) that the proposed eastern open space will become an asset for the wider community; (2) all of the open space will be of similar quality offered in October 2003.

Kati Huirapa Runaka ki Puketeraki (KHRKP) [79/2] request that the Outstanding Natural Landscape be rezoned as reserve, and that KHRKP be involved in a kaitiaki role in its future administration.

Dennis Thorn [144/5] submits that the Outstanding Natural Landscape on the northern side must be taken as Council gazetted reserve.

Upper Clutha Environmental Society (UCESI) [147/2] and [147/3] submits that all the land to the north of the UCES ONL line and land to the east of the UCESI reserve line (as illustrated in attachment to submission) should become reserve, with an underlying Rural General Zoning.

***RO Boyd** supports the submission of Kati Huirapa Runaka ki Puketeraki (KHRKP) [300/79/2], Dennis Thorn [300/144/5], Upper Clutha Environmental Society [300/147/2] and [300/147/3].*

***Infinity Investments Limited** opposes in part the submission of Upper Clutha Environmental Society [301/147/2] and [301/147/3] and support in part the submission of Kati Huirapa Runaka ki Puketeraki (KHRKP) [301/79/2]*

***Geoff Perry** supports the submission of the Wanaka Cycling Club [303/85/2].*

***Julie Perry** supports the submissions of Upper Clutha Environmental Society [304/147/2], [304/147/3] and Dennis Thorn [304/144/5]*

***Dennis Thorn** opposes in part the submission of Kati Huirapa Runaka ki Puketeraki (KHRKP) [305/79/2], and supports the submission of Upper Clutha Environmental Society [305/147/2], [305/147/3].*

5.8.1 Explanation of Submissions

KHRKP believe that rezoning the ONL open space does not afford it the long term protection required for such land. KHRKP question the landowners' long term commitment to protecting the land in perpetuity. Dennis Thorn submits that apart from a Memorandum of Encumbrance and Easement in Gross registered against the title, a QLDC gazetted reserve is the best way of protecting this area. A private plan change could be used to change the Open Space Zone, therefore questioning its ability to provide protection in perpetuity. UCESI submit that vesting the northern land as reserve would protect its visual amenity, protect areas of kanuka and allow some expansion of kanuka into the gaps, and create a more usefully shaped and sized reserve area for the public.

RO Boyd submits that further consideration should be given to the desirability of zoning the open spaces and ONL as public reserve to ensure long term protection. Julie Perry submits that reserve areas should be extended to be more usefully shaped and ownership structured so that public access is provided in perpetuity.

Infinity submit that the Council will have to decide whether it acquires the areas subject to Open Space Zone as reserve. Infinity suggests that if it does, it would be appropriate to involve KHRKP in a kaitiaki role.

5.8.2 Consideration

Throughout the hearing it was clear that all submitters agree that the Open Space Zone should be vested as reserve. The Panel strongly agrees that this should occur. However, determining whether the sensitive land within Peninsula Bay is vested as reserve is subject to a process outside the Variation. Consequently, while these submissions are acknowledged and supported in that such a management regime would be the most effective in achieving the purpose of the Act, vesting of land can not be achieved through the Variation process. This decision therefore focuses on the amendments that can be made to the Variation provisions in order to ensure the outcomes sought by the submitters can as far as possible be achieved through the Variation.

In terms of ensuring that open space and natural character is maintained, the provisions for the Open Space Zone have enough strength. For instance, activities such as residential units and commercial buildings are a prohibited activity. However, it is believed that improvements can be made for ensuring public access, and managing potential roading.

A significant amount of support for the Variation is predicated on the assumption that it will ensure public access through the site is maintained and improved. While this is currently assumed within the Variation documents, the rules do not ensure that public access will result from the zone change.

Currently, the Plan provisions require that before any subdivision or development occurs, a resource consent is approved for an Outline Development Plan (ODP). When assessing the ODP, discretion is reserved over pedestrian access to the Open Space Zone, however, no consideration is given to public access within it. Therefore, the Panel finds that Rule 7.5.3.3(vi) Outline Development Plan should be amended to enable consideration of public access throughout the Open Space Zone.

The Panel agree with the recommendations in the planner's report that an additional non-complying rule should be inserted requiring that prior to any subdivision or development within the Low Density Zone on the Peninsula Bay land, a subdivision consent is lodged and approved that establishes public access easements and the Open Space Zone (as a separate lot). This prior consent would be a controlled subdivision activity establishing both the Open Space Zone and the easements. At the hearing, Mr Kyle suggested that this approach is unnecessary, and results in the developer having to apply for two subdivision consents. While this is acknowledged, it is believed that the developer could apply for the first subdivision consent at the same time as the ODP. Then, once these two consents have been approved, a second subdivision consent would be lodged for the subdivision of the Low Density Residential Zone. This approach is beneficial if the land is to be vested as reserve; given that the boundaries of the Open Space Zone would be fixed prior to any other subdivision or development occurring. It also means that it is less likely for individual lots to extend into the Open Space Zone, which creates problems in terms of future management.

The planner's report provided detail of the amendments required to the Plan; and these are accepted.

The submissions of the Wanaka cycling club and Kati Huirapa Runaka ki Puketeraki relate to the future management of the reserve/Open Space Zone. Following the decision made in Section 5.6 of this report, a requirement that a public open day will be held to ensure that people can have their say in terms of location and management of access has been inserted. These submitters will have the opportunity to be a part of that process. However, the issues of whether the Zone will be vested as reserve and its future management are outside the scope of this Variation. As discussed above, the Panel agrees that the Council should accept the land as reserve.

Infinity Investments Ltd's representatives at the hearing indicated that the Company intends to offer all the Open Space Zone to the Council as reserve, without an expectation that this would create reserve contribution credits. However Infinity's position is that it opposes a rule that would require an easement in gross over the land in the event of it remaining in private ownership. The

panel accepts it would be unreasonable to effectively take these substantial areas for the public while leaving the burden of maintenance entirely with the future residents of Peninsula Bay. Some compromise may be appropriate given that the future residents of properties overlooking the Open Space Zone stand to gain more from this open space than the general public. It is anticipated that there will be some negotiation over which areas will be accepted by the Council as reserve prior to the Outline Development Plan being presented.

Mr Thorn suggests that the Open Space Zone could be changed through the private plan change process in the future. It is recognised that zoning provides less guarantee than vesting as reserve. However, given the strong policy provisions of Part 4 of the Plan relating to ONL, and the objectives and policies of the Open Space Zone a successful plan change to enable development is considered highly unlikely. It is anticipated that once the Open Space zoning has been confirmed and subdivision consents lodged, the vesting of the land as reserve will be addressed by the Council.

In response to the Upper Clutha Environmental Society's request that the underlying zone should be Rural General, it is believed that the Open Space Zone provisions as notified provide far more protection for the landscape and ecological values of the site. Importantly, the District Wide provisions within Part 4 of the Plan still apply, therefore providing recognition and provision for the landscape values of the more sensitive areas within the Open Space Zone.

5.8.3 Decision

That the submissions of **Big River** [8/1], **Black Bag Limited** [9/1], **Stephen Collie** [23/1], **Colquh Holdings Limited** [23/1], **LE and JM Ferguson** [36/1], **Neville Frost** [41/1], **Steve Humpherson** [69/1], **Stu and Jan McIvor** [106/1], **Colin Moorfoot** [109/1], **Ray Mulqueen** [110/1], **Chris Norman** [112/1], **CD Scurr** [131/1], **EV Scurr** [132/1], **Darren Simmonds** [135/1], **David Smallbone** [136/1], **Melonie Telk** [141/1], **Jayne Wilson** [160/1] and **Matthew Wilson** [161/1] are accepted, and amendments made to the Plan provisions to ensure that public access is established through the Open Space Zone.

That the submission of **Lake Wanaka Cycling** [85/1, 85/2] and the further submission of Geoff Perry [303/85/2] is accepted in part. That part accepted relates to the provision of public access. That part rejected relates to ownership and management of the trails and tracks.

That the submission of **Kati Huirapa Runaka ki Puketeraki (KHRKP)** [79/2] and the further submissions of Dennis Thorn [305/79/2], RO Boyd [300/79/2] and Infinity Investments Limited [301/79/2] are accepted in part. The part accepted is that at least some of the land zoned Open Space is likely to be vested as reserve through the subdivision consent process. That part rejected is the request that all of the Open Space Zone is vested as reserve, and consequentially that KHRKP is involved in a kaitiaki role.

That the submission of **Dennis Thorn** [144/5] and the further submissions of RO Boyd [300/144/5] and Julie Perry [304/144/5] are accepted in part. That part accepted is the amendments to ensure that prior to any development occurring public access easements are established. That part rejected is the request that the northern end of the site that has been identified as ONL is vested as reserve.

That the submissions of the **Upper Clutha Environmental Society** [147/2] and [147/3] and the further submissions of Dennis Thorn [305/147/2], [305/147/3], RO Boyd [300/147/2], [300/147/3] and Julie Perry [300/147/2], [304/147/3], are rejected, and the further submissions of Infinity Investments Limited [301/147/2] and [301/147/3] are accepted in part.

Accordingly, that the following amendments are made to the Variation as notified.

Part 7:

Amend new rule 7.5.3.3(vi) Outline Development Plan as follows:

vi Outline development Master Plan- Peninsula Bay

Within the Low Density Residential Zone at Peninsula Bay, the Outline Development Plan of the Low Density Residential Zone and the adjacent Open Space Zone lodged with the Council pursuant to Rule 7.5.5.2(xiii), in respect of:

- Roading pattern, including access to and car parking for the use of the adjacent Open Space Zone;
- Indicative subdivision design and configuration, including allotment size;
- Proposed landscaping within any road reserve;
- Pedestrian linkages through the subdivision, and their relationship to the adjacent open space zone, the margin of Lake Wanaka and adjacent residential land;
- Location of easements for public access purposes throughout the Open Space Zone, and their relationship to the pedestrian linkages and roading access within the Low Density Residential Zone.
- The location, height and visibility of future dwellings when viewed from the lake to the north of the site, particularly within the north-western corner of the zone ~~(the area shaded xx on planning map yy).~~

An application for a resource consent for the Outline Development Plan must be accompanied by:

- A statement from the Wanaka Urban Design Panel evaluating the application;
- A statement recording the outcomes of a public open day, including notification, attendance, comments made and ways in which these have been incorporated into the Outline Development Master Plan.

Part 15

Insert new Issue statement:

15.1.2 (vii) Public access – Peninsula Bay Wanaka

There is a clear community desire to establish and maintain public access throughout the Open Space Zone within Peninsula Bay, providing linkages throughout the site, and connections to the Lake. Where land is not vested in the Council as a reserve, public access needs to be established through the creation of easements at the time of subdivision. To ensure that the community's desires are met, it is important that the public access easements are established prior to any other development occurring within the site.

15.1.3 Objective 6

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

Policies

- 6.1 To ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access throughout the Open Space Zone.

- 6.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.
- 6.3 To ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.

In addition to the above, refer: Open Space Zone Objective 2, Part 20.

Explanation and principal reasons for adoption

It is important that amenity values are maintained, or where possible, enhanced, through the provision of public access. The use of easements for the purposes of ensuring public access enables the bulk of the land to remain in private ownership, with the cost associated with maintenance of that land borne by the landowner/s.

The policies establish that the public access easements must be created prior to any other subdivision or development within the Peninsula Bay Low Density Residential Zone.

Amend new rule 15.2.3.2(ii) (inserted as a result of Variation 25) to read:

(ii) the subdivision of land for the purposes of creating an Open Space Zone and public access easements throughout that zone.

Insert new rule 15.2.3.4 (v) Non Complying Activities:

Peninsula Bay -

Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2(ii).

15.2.18 Easements

15.2.18.2 Assessment Matters for Resource Consents

Add the following additional assessment matters:

The need for easements:

(i) For the provision of public access throughout the Open Space Zone within Peninsula Bay.

5.8.4 Reasons

While the Panel believes that the land should be vested as reserve, this can not be achieved through the Variation process. Therefore, the above amendments ensure the provision of public access, and public involvement through strengthening the Plan provisions.

5.9 THE ENTIRE PENINSULA BAY SITE SHOULD BE VESTED AS RESERVE

Gary and Heather Crombie [28/2] submit that the entire Peninsula Bay site should be vested as reserve.

Infinity Investments Limited oppose the submission of Gary and Heather Crombie [301/28/2].

Julie Perry supports the submission of Gary and Heather Crombie [304/28/2]

5.9.1 Explanation of Submissions

Gary and Heather Crombie submit that the area is of great visual amenity for the town of Wanaka, and has potential for development as open space/gardens. They believe that public gardens coupled with bike tracks and space for future recreational facilities would be an asset that could be developed over time for our future generations. They submit that funds otherwise spent in promoting a plan change and upgrading of roads and other services would be better directed towards the cost of purchasing the land.

5.9.2 Consideration

While this is a Council Variation, the costs associated with its preparation are met by the landowners. This recognises that while there is a community benefit, there is also a private benefit to the landowner. The costs associated with roading and other services that are required to enable the development of such a site are met through development contributions. These are calculated at the time of subdivision, and ensure that the costs of the development are met by the landowner, instead of imposing costs on the ratepayers.

The costs of purchase and maintenance of such land as a reserve would have to be met by ratepayers. Therefore, vesting the whole site as reserve is not economically viable for the community. The Council's Long Term Council Community Plan identifies that the Council owns and maintains 230 hectares of designated reserve areas throughout the District. Adding 75 hectares to that portfolio would increase the costs significantly, and is not considered feasible.

5.9.3 Decision

That the submission of **Gary and Heather Crombie** [28/2] and the further submission of Julie Perry [304/28/2] are rejected, and the further submission of Infinity Investments Limited [301/28/2] is accepted.

5.9.4 Reasons

The Panel supports the vesting of the Open Space Zone as reserve. However, purchasing the whole site as reserve is not economically feasible for the community. It has been identified that there is a need to rezone additional land for residential purposes, and given that this land can be serviced, and can absorb residential development, it is considered necessary to undertake the rezoning in order to achieve the settled objectives and policies of the District Plan, and the purpose of the RMA.

5.10 PROVIDE FOR A COMMERCIAL AREA WITHIN PENINSULA BAY

Chris Norman [112/2] submits that the Variation should contain provision for a commercial supply services, such as a corner dairy.

***Infinity Investment Limited** oppose the submission of Chris Norman [301/112/2].*

5.10.1 Explanation of Submissions

Chris Norman submits that commercial activities would benefit the local area, and alleviate increased traffic numbers to Wanaka Township. Infinity Investments believe that the area is not large enough to support a viable commercial site and host such activities as a dairy. They submit that sufficient and accessible commercial supply services are provided outside the Peninsula Bay zone.

5.10.2 Discussion

In the preparation of this Variation, the Council commissioned a report to provide urban design advice. This responded to the question of whether a local commercial area within the site is appropriate, and if so, its possible location, size and function. This report is attached as Appendix 10 to the Section 32 analysis. It identifies that the Wanaka Structure Plan identified the possibility of a small convenience commercial area serving the northern residential areas of Wanaka, suggesting that this should be located on Anderson Road so as to intercept traffic between Albert Town and Wanaka Town Centre. Locating a commercial area within Peninsula Bay would be inconsistent with the findings of the Wanaka Structure Plan, and would not serve the objectives of such an area; i.e to intercept traffic. The report also finds that the scale of development within Peninsula Bay would be insufficient to support a commercial centre.

It is noted that within Section 7 of the Plan, commercial activities are a discretionary activity. Therefore, if the establishment of a commercial area is seen as viable and beneficial, a resource consent application could be lodged. This would be considered on its merits.

5.10.3 Decision

That the submission of **Chris Norman** [112/2] is rejected and the further submission of Infinity Investments Limited [301/28/2] is accepted, and that no changes be made to the Variation as notified.

5.10.4 Reasons

A commercial centre within Peninsula Bay would not be viable, given the size and location of the development. The Wanaka Structure Plan determined that an appropriate location for a commercial centre to intercept traffic between Albert Town and Wanaka Town is along Anderson Road.

5.11 RESOURCE STUDY FOR WIDER AREA

Highland Capital Partners Limited [63/1, 63/2, 63/3 and 63/4] requests that the Council undertake an area wide resource study to provide resource information for the area, a review of existing and potential land uses, an analysis of current planning policies, and guidelines for the ongoing management and development of the area towards Beacon Point and the outlet, with particular regard to landscape and ecological values, public access and recreation and services and infrastructure.

Infinity Investments Limited opposes the submissions of Highland Capital Partners [301/63/1], [301/63/2], [301/63/3], [301/63/4].

5.11.1 Explanation of Submissions

While Highland Capital Partners supports the Variation, it believes that further consideration of the proposal's compatibility with surrounding existing and future land uses in terms of amenity, transport linkages, recreational opportunities and open space should occur. The submitter believes that the Coneburn Area Resource Study undertaken for Jacks Point should be used as a precedent for thorough integrated resource management planning in the District, and is necessary to fulfil the obligations of Part 5 and Section 32 of the Act. The District has a limited supply of land suitable for urban growth, increasing pressure on that limited resource will result in increased land prices. The submitter seeks to provide a more efficient use of a limited resource.

Infinity Investments Limited submit that Wanaka 2020 and the Wanaka Structure Plan documents provide sufficient strategic direction for Wanaka and provide clear determination of the servicing and infrastructural needs for future urban land. The Section 32 analysis is robust in its treatment

of the relevant issues and alternatives, and justifiably concludes that the zoning that would be brought about by confirmation of the Variation is the most appropriate for the site.

5.11.2 Consideration

A significant amount of work has been undertaken by the Council through Wanaka 2020 and the Wanaka Structure Plan processes. The Structure Plan in particular considers the Wanaka area as a whole, identifying potential recreational linkages and green spaces, in addition to potential development areas, servicing issues, and a staging approach to development. While it is acknowledged that this was undertaken on a much broader scale than the Coneburn Study, it is envisaged through the Structure Plan that those detailed analyses will be undertaken at the plan change stage, concentrating on the subject site, but also considering its relationship to other neighbouring sites, and the overall objectives of the Wanaka Structure Plan. This level of analysis has occurred for Peninsula Bay; in particular, recreational and transport linkages through the Peninsula Bay site have been identified through consideration of the future development and linkages through the Kirimoko block, and the urban design report commissioned identifies Peninsula Bay's role from an urban design perspective. Additionally, the sensitive areas of the site have been considered in the context of their surrounds. For example, development has been set back considerably from the eastern boundary in order to respect the Beacon Point Ridge.

In summary, the Section 32 analysis focuses on the site itself, but in light of the surrounding landscape and land uses, and its relationship to the Wanaka town. It is believed that the analysis undertaken is robust and that further studies are not necessary for the purposes of completing this Variation.

5.11.3 Decision

That the submissions of Highland Capital Partners [63/1, 63/2, 63/3 and 63/4] are rejected, and the further submissions of Infinity Investments Limited [301/63/1], [301/63/2], [301/63/3], [301/63/4] are accepted.

5.11.4 Reasons

Given the analyses undertaken through the Wanaka Structure Plan process and the Section 32 report, and the assessment of the site and its context, the resource study as requested by the submitter is not considered necessary.

5.12 HIGH CLASS SOILS

The **Otago Regional Council** (ORC) [116/1] submits that recognition should be made that the subject site contains high class soils as identified by the ORC, and that alternative locations should be considered.

Infinity Investments Limited [301/116/1] opposes the submission of the ORC.

5.12.1 Explanation of the Submission

The ORC submit that the land subject to rezoning contains high class soils. These cover the majority of the subject site, and are a finite resource that requires careful management. This is reflected in the Otago Regional Policy Statement, particularly Policy 5.5.2. Infinity Investments Limited submit that the section 32 analysis concluded that the site did not contain high class soils, and the productive capacity of the site for agricultural or pastoral use is confirmed as being of little value.

5.12.2 Consideration

In the preparation of the Variation, a property report was commissioned from Moore and Percy Limited (see Appendix 12, Section 32 report).

When considering land use capability, the report finds that the property had been found to be very difficult to farm due to the proximity to residential development, light droughty soil types, lack of a reticulated stock water system and the very low carrying capacity due to the runout condition of pastures and native grazing available.

The report finds that the soil type is Class IV, land suitable for extensive grazing, and the cost of improving the site to increase capacity is such that it would be uneconomic. It is noted that at the hearing additional information from Moore and Percy was provided to the Panel by Infinity Investments. These confirmed the findings of the original report by Moore and Percy, providing more specific detail of the soil types.

5.12.3 Decision

That the submission of **ORC** [116/1] is rejected, and the further submission of Infinity Investments Limited [301/116/1] is accepted.

5.12.4 Reasons

The location, soil type, climatic conditions and size of the site mean that improving the site for horticultural or pastoral uses is not economic.

5.13 INFRASTRUCTURE AND GEOLOGICAL ASSESSMENT

The **Otago Regional Council** (ORC) [116/4] submits that the inconsistency between the infrastructure report and the geological assessment in terms of extent of groundwater should be clarified.

Infinity Investments Limited [301/116/4] supports the submission of the ORC.

5.13.1 Explanation of the Submission

The ORC identify an inconsistency between the reports included in Appendix 11 of the Section 32 analysis. Infinity Investments Limited submit that this inconsistency has been resolved through the provision of a further report by Patterson Pitts Partners.

5.13.2 Consideration

Appendix 11 of the Section 32 report contains an infrastructure report provided by Patterson Pitts. Appendix E to that report is a Geotechnical report provided by Mr R Thompson. The ORC requests clarification over the extent of groundwater as identified within the Infrastructure report and the geological assessment.

As a result of the ORC's concerns, further clarification has been provided by Patterson Pitts Limited. This identifies that the reference to 'the reserve land' in the first Patterson Pitts report applies to land outside the site that has been identified as the potential location of the stormwater ponds. The land referred to in Mr Thompson's report is within the Peninsula Bay site. Therefore, the statements are not contradictory, as they refer to different land.

Issues relating to the location of the stormwater ponds will be resolved through the subdivision consent process.

5.13.3 Decision

That the submission of the **Otago Regional Council** [116/4] and the further submission of Infinity Investments Limited [301/116/4] are accepted.

5.13.4 Reasons

The 'inconsistency' has been clarified through obtaining further information from Patterson Pitts. This explains that the reserve land referred to as being subject to seepage is not in fact on the Peninsula Bay site.

5.14 LOCATION OF PENINSULA BAY ABOVE AQUIFER AND ASSOCIATED CONCERNS

The **Otago Regional Council** (ORC) [116/2], [116/3] and [116/5] submits regarding earthworks and their potential effect on groundwater, and the need to comply with provisions of the Regional Plan: Water (RPW) for Otago.

Infinity Investments Limited [301/116/2] opposes the submission of the ORC.

5.14.1 Explanation of the Submission

Submission [116/2] requests that there is assurance that conditions of permitted activity Rule 12.4.1.1 of the Regional Plan; Water will be met. This may require installation of treatment systems. If assurance can not be given that the permitted activity rule will be met, then any consent required from ORC shall be applied for simultaneously to Variation 25, including maintenance and management details.

Submission [116/3] requests that recognition is given that the site is located above the Wanaka Basin Cardrona Gravel Aquifer.

Submission [116/5] requests that development on site in relation to earthworks and groundwater must not be inconsistent with the provisions of the Regional Plan: Water (RPW); and that this may require obtaining consents from ORC.

Infinity Investments identify that Patterson Pitts Partners have confirmed that the appropriate stormwater treatment effluent system will be installed at the time of subdivision, and this will ensure compliance with the Regional Plan: Water.

5.14.2 Consideration

The ORC has raised concerns regarding future earthworks and their potential effect on groundwater. While these concerns are important, they can not be resolved through the Variation itself. Instead, they will be resolved through the resource consent process, which will occur at a more detailed level once the Variation has established the planning framework for the site.

It is recognised that the site is located above the Wanaka Basin Cardrona Gravel Aquifer, as shown on Map C1 of the RPW maps. The following policy of the RPW is of particular relevance:

9.4.19 To identify land which protects underlying aquifers from leachate contamination and to manage excavation, with respect to this land, so that any protective soil mantle or impervious stratum is retained or replaced, or alternative groundwater protection is provided.

The RPW contains specific rules on the amount of groundwater that can be extracted as a permitted activity within those protection areas.

The Partially Operative District Plan gives effect to the provisions of the RPW through its provisions for earthworks. Part 4.10 of the District Plan contains relevant objectives and policies. The following issue, objective and policy are of particular relevance:

4.10.2 Issue: ***Earthworks have the potential to affect groundwater.***

Objective:

***To avoid, remedy or mitigate the adverse effects from earthworks on:
(...)
(f) the water quality of aquifers***

Policy: ***12. To avoid contaminating the water aquifers of the Queenstown Lakes District.***

These provisions apply to any earthworks undertaken within the site. It is noted that although Part 7 of the District Plan contains rules for earthworks, these rules do not apply to earthworks associated with a subdivision. Instead, earthworks are managed through the subdivision consent process.

The provisions of the District Plan ensure that the concerns of the ORC are resolved through the subdivision consent process. The District Council recognises that subdivision consents may also trigger consent requirements from the ORC and in its information to applicants recommends that in these cases, the consent from ORC should be obtained first.

The Water Plan contains provisions identifying that the discharge of reticulated stormwater is a permitted activity, provided that a set of conditions are met, as listed in Rule 12.4.1.1. Appendix 11 to the Section 32 analysis includes recommendations for the management of stormwater. At this stage they can only be recommendations, given that the layout and design of the development is not yet known. Part 15 of the Partially Operative District Plan contains requirements for stormwater reticulation; it is believed that no further amendments to the District Plan are necessary in order to meet the submitter's concerns.

Given the existing provisions within the District Plan, and the provision for these issues through the resource consent process, no amendments to the Variation provisions are required.

5.14.3 Decision

That submissions of the **Otago Regional Council** [116/2], [116/3] and [116/5] and the further submission of Infinity Investments Limited [301/116/2] are accepted in part, and no changes are made to the Variation as notified. That part accepted is an acknowledgement of the ORC's concerns, that part not accepted is that no amendments to the Plan provisions are recommended.

5.14.4 Reasons

The concerns raised by the ORC are acknowledged. Given the provisions already contained within the District Plan controlling earthworks and subdivision, further amendments to the Variation provisions are not necessary.

5.15 WANAKA STRUCTURE PLAN

Upper Clutha Environmental Society (UCESI) [147/4] submits that the Wanaka Structure Plan phasing diagram should be changed to reflect Map B of their submission, so that phase 4 to the right of Mount Aspiring Road is deleted, and phase 4 to the left of the Clutha River is replaced with 'possible future urban development'.

Infinity Investments Limited [301/147/4] opposes the submission of UCESI.

Julie Perry [304/147/4] supports the submission of UCESI.

5.15.1 Explanation of Submission

The Structure Plan identifies an area of the lakeside north of Edgewater Resort and the Sunshine Bay subdivision as Phase 4 for future urban development. UCESI believes there is no support (through Wanaka 2020) for development down the Lake. The phasing map zones other vast areas for future urban development where development could take place with minimal effect. The deletion of these two areas will not limit the capacity of Wanaka to cater for residential growth for well over 20 years.

Infinity Investments submit that UCESI's submission is not relevant to the Variation.

5.15.2 Consideration

The concerns raised by UCESI relate to the Structure Plan for Wanaka. While the provisions of the Structure Plan are relevant to this Variation, any changes to that Plan are outside the scope of this Variation process. Currently, the Structure Plan is a non-statutory document. If any further changes to the District Plan are promoted in accordance with the Structure Plan, or it is incorporated into the LTCCP, there will be an opportunity for public submission through the statutory process.

5.15.3 Decision

That the submission of the **Upper Clutha Environmental Society** [116/4] and the further submission of Julie Perry [304/147/4] are rejected, and the further submission of Infinity Investments Limited [301/116/4] is accepted.

5.15.4 Reasons

Amending the Wanaka Structure Plan is outside the scope of this Variation process.

5.16 ERRORS WITHIN VARIATION PROVISIONS AS NOTIFIED

Paula Costello [26/1], [26/2], [26/3], [26/4] and [26/5] lodged a submission requesting the amendment of a number of small errors/inconsistencies within the Variation provisions as notified.

Submission [26/1] requests the amendment of the non-notification provisions by correctly identifying the Outline Development Plan as a restricted discretionary activity. A decision with respect to this submission has been made in section 4.7 of this report.

Submission [26/2] requests the amendment of the Open Space Zone provisions to clarify that any controlled activity within the zone is not subject to the non-complying rules.

Submission [26/3] requests that the Open Space Zone is numbered so that it is consistent with the layout and numbering of other sections within the Plan.

Submission [26/4] requests the amendment of Rule 20.4.2.2 of the Open Space Zone in order to ensure that the provisions are consistent with other sections of the Plan.

Submission [26/5] requests the amendment of the Open Space Zone to ensure consistency with other sections of the Plan.

Otago Regional Council opposes submission [302/26/1]

5.16.1 Explanation of Submissions

The changes requested ensure that the Variation provisions are consistent with those provisions already in the Plan, and are legally robust. The ORC submit that applications relating to flood risk should not be subject to the non-notification rule.

5.16.2 Consideration

The submissions aim to improve the Plan provisions and ensure that the changes are consistent with the other provisions of the District Plan. The changes requested are therefore supported.

The ORC requests the removal of a provision that was not inserted as part of this Variation. Therefore, such a request is ultra vires.

As discussed in Part 4.1 of this report, at the hearing the Panel was alerted to an error on the Zone Boundaries Map. This relates to the configuration of the Open Space Zone at the southern boundary of the Site. The map as notified with the Variation shows the Open Space Zone cutting in just above the proposed access from Hunter Road. It was agreed at the Hearing this is an error, and if retained, would result in the requirement for a non-complying activity consent for a small piece of road connecting the Low Density Residential zone within Peninsula Bay to Hunter Crescent. Amending the map to correct this minor error is therefore necessary and appropriate.

5.16.3 Decision

That the submission of Paula Costello [26/1] is accepted, and the further submission of ORC [302/26/1] is rejected, and the following amendment made:

7.5.4 Non-notification of applications is amended to read:

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

(i) All applications for Controlled Activities.

(ii) All applications for the exercise of the Council's discretion in respect of the following Restricted Discretionary Activity:

(a) Outline Development Master Plan for Peninsula Bay

(iii) Applications for the exercise of the Council's discretion in respect of the following Site Standards:

- Access;
- Outdoor Living Space;
- Flood Risk.
- ~~Outline development master plan – Peninsula Bay.~~

That the submission of Paula Costello [26/2] is accepted, and the final two paragraphs of 4.6 Non Complying Activities is amended to read:

Any other activities not listed as Permitted, Controlled, Restricted Discretionary, Discretionary or prohibited.

That the submission of Paula Costello [26/3] is accepted, and the Open Space Zone provisions are renumbered as attached in Appendix 1.

That the submission of Paula Costello [26/4] is accepted, and paragraph 1 of Rule 20.4.3 is amended to read:

The following shall be Controlled Activities provided that they are not listed as a prohibited, non-complying or discretionary activity. The matters in respect of which the Council has reserved control are listed with each controlled activity ~~are no controlled activities in the open space zone.~~

That the submission of Paula Costello [26/5] is accepted, and Paragraph 4.1 of the Open Space Zone is amended to read:

4.1 Cross Referencing

Attention is drawn to the following District Wide Rules that may apply in addition to any relevant Open Space Zone Rules. If the District Wide Rules are not met, then resource consent will be required in respect of that matter:

(i) Heritage Protection - Refer Part 13

(ii) Transport - Refer Part 14

(iii) Subdivision, Development

and Financial Contributions - Refer Part 15

(iv) Hazardous Substances - Refer Part 16

(v) Utilities - Refer Part 17

(vi) Signs - Refer Part 18

(vii) Relocated Buildings and

(viii) Temporary Activities - Refer Part 19

Amend the zoning map as attached to this Variation by correcting the minor error at the southern boundary.

5.16.4 Reasons

The amendments requested correct minor errors and ensure consistency in terms of layout and cross referencing with other parts of the Plan.

5.17 MINOR AMENDMENTS TO VARIATION DOCUMENTS

Russel and Pamela McGeorge [105/1] submit that the Variation should be changed to include 'low density' in front of the word 'residential'.

5.17.1 Explanation of Submission

The submitters believe that the Variation wording states a change from Rural General to Residential, whereas the proposal is to change to Low Density Residential. They believe that the phrase 'central melt channel open space' is meaningless; and the open space areas on the eastern and western boundaries have reduced significantly from the areas shown in the July 2005 discussion document.

5.17.2 Consideration

It is unclear as to where in the Variation document the submitter is referring. On page 75 of the Section 32 analysis, the amendments to the planning maps are identified. This shows that significant areas within the Peninsula Bay site will be rezoned Low Density Residential. It is also noted that through the Section 32 analysis, various options are assessed for the rezoning of the

site, these include a special zone, low density residential, a combination of low density and rural residential, and low density and high density residential.

The submitter also comments that the phrase 'central melt channel' is meaningless. The term has been used as a means of describing the different areas within the Open Space Zone.

The submitter also comments that the open space on the eastern and western boundaries have reduced significantly from that shown in the Discussion Document. While this is acknowledged, it is important to recognise that as a result of decisions on other submissions, the overall area of the open space zone has increased significantly.

5.17.3 Decision

That the submission of Russel and Pamela McGeorge [105/1] is rejected.

5.17.4 Reasons

Map A of the Section 32 analysis already refers to 'Low Density Residential Zone'. It is agreed that in the planning maps within the District Plan, Open Space Zone should not include any reference to 'Central Melt Channel'. Through decisions on other submissions, the Open Space Zone will be enlarged in order to ensure protection of landscape and ecological values.

APPENDIX 1- AMENDMENTS TO PLAN PROVISIONS

The following amendments shall be made to the Partially Operative District Plan, and the planning maps will be amended as illustrated on the zone plan included with these amendments.

SECTION 7

The amendments to Section 7 are as follows (additions as a result of this decision are underlined, and deletions struck through)

1. Insert the following method under 7.3.3 Implementation Methods:

(ii) Other methods

- (a) Review of the Outline Development Plan for Peninsula Bay by the Urban Design Panel.
- (b) A public open day to review the Outline Development Plan for Peninsula Bay

2. Insert the following new restricted discretionary activity Rule:

7.5.3.3

vi Outline development Master Plan- Peninsula Bay

Within the Low Density Residential Zone at Peninsula Bay, the Outline Development Plan of the Low Density Residential Zone and the adjacent open space zone lodged with the Council pursuant to Rule 7.5.5.2(xiii), in respect of:

- Roading pattern, including access to and car parking for the use of the adjacent open space zone;
- Indicative subdivision design and configuration, including allotment size;
- Proposed landscaping within any road reserve;
- Pedestrian linkages through the subdivision, and their relationship to the adjacent open space zone, the margin of Lake Wanaka and adjacent residential land;
- Location of easements for public access purposes throughout the Open Space Zone, and their relationship to the pedestrian linkages and roading access within the Low Density Residential Zone.
- The location, height and visibility of future dwellings when viewed from the lake to the north of the site, particularly within the north-western corner of the zone ~~-(the area shaded xx on planning map yy)-~~

An application for a resource consent for the Outline Development Plan must be accompanied by:

- A statement from the Wanaka Urban Design Panel evaluating the application;
- A statement recording the outcomes of a public open day, including notification, attendance, comments made and ways in which these have been incorporated into the Outline Development Master Plan.

Amend Section 7.5.4 Non-notification of applications as follows:

7.5.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled** Activities.
- (ii) All applications for the exercise of the Council's discretion in respect of the following Restricted Discretionary Activities:
 - (a) Outline Development Master Plan for Peninsula Bay
- (iii) Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:
 - Access;
 - Outdoor Living Space;
 - Flood Risk;
 - ~~Outline development master plan- Peninsula Bay.~~

Insert the following Zone Standard

7.5.5.2

xiii Outline Development Master Plan- Peninsula Bay

No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council pursuant to Rule 7.5.3.3(vi)

PART 15

Insert new Issue statement:

15.1.2 (vii) Public access – Peninsula Bay Wanaka

There is a clear community desire to establish and maintain public access throughout the open space zone within Peninsula Bay, providing linkages throughout the site, and connections to the Lake. Where land is not vested in the Council as a reserve, public access needs to be established through the creation of easements at the time of subdivision. To ensure that the community's desires are met, it is important that the public access easements are established prior to any other development occurring within the site.

15.1.3 Objective 6

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

Policies

4.13 To ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.

4.14 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.

4.15 To ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.

In addition to the above, refer: Open Space Zone Objective 2, Part 20.

Explanation and principle reasons for adoption

It is important that amenity values are maintained, or where possible, enhanced, through the provision of public access. The use of easements for the purposes of ensuring public access enables the bulk of the land to remain in private ownership, with the cost associated with maintenance of that land borne by the landowner/s.

The policies establish that the public access easements must be created prior to any other subdivision or development within the Peninsula Bay Low Density Residential Zone.

Amend new rule 15.2.3.2(ii) (inserted as a result of Variation 25) to read:

(ii) the subdivision of land for the purposes of creating an open space zone *and* public access easements throughout that zone.

Insert the following additional rules within 15.2.3.4 (v) Non Complying Activities:

(iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2(ii).

(v) Peninsula Bay -

Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2(ii).

15.2.18 Easements

15.2.18.2 Assessment Matters for Resource Consents

Add the following additional assessment matters:

The need for easements:

(i) For the provision of public access throughout the Open Space Zone within Peninsula Bay.

Insert the following new zone within the District Plan.

20. OPEN SPACE ZONE - LANDSCAPE PROTECTION

20.1 Issues, Objectives and Policies

20.1.1 Purpose of Zone

The purpose of the Open Space Zone is to protect landscape values, natural character and informal open space of the area. It is intended to keep such areas in a natural state and free of buildings or structures. Such areas may however, be utilised for types of passive recreation that do not require intrusive buildings or structures, such as walking, running and biking.

20.1.2 Objectives and Policies

Objective 1-

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

Policies:

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

Objective 2-

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

Policies:

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

Implementation Methods

(i) District Plan

- (a) Rules

(ii) Other methods

- (a) Public access easements
- (b) Covenants

(c) Deeds of agreement

20.2 Rules

20.2.1 Cross Referencing

Attention is drawn to the following District Wide Rules that may apply in addition to any relevant Open Space Zone Rules. If the District wide Rules are not met, then resource consent will be required in respect of that matter.

(i) Heritage Protection - Refer Part 13

(ii) Transport - Refer Part 14

(iii) Subdivision, Development

and Financial Contributions - Refer Part 15

(iv) Hazardous Substances - Refer Part 16

(v) Utilities - Refer Part 17

(vi) Signs - Refer Part 18

(vii) Relocated Buildings and

(viii) Temporary Activities - Refer Part 19

20.2.2 Activities

20.2.2.1 Permitted Activities

The following activities are permitted activities in the Open Space Zone.

- i Passive or informal recreation (e.g. walking, running, biking, picnics).
- ii Maintenance activities associated with permitted activities, or those activities that have a resource consent.
- iii Removal/control of weeds and wilding trees.
- iv Fencing of ecologically valued areas.
- v Fencing on the boundary of the Zone where it bounds privately owned land.

20.2.2.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying** or **Discretionary Activity**. The matters in respect of which the Council has reserved control are listed with each Controlled Activity ~~are no controlled activities within the Open Space Zone.~~

i Light Stock Grazing

The grazing of light stock (e.g. Sheep) in respect of all of the following:

- Location of grazing areas
- Type of stock to be grazed
- Intensity and duration of grazing activity

ii Cycling and Walking Trails

The formation of cycling and walking trails (including boardwalks and viewing platforms) and associated earthworks in respect of all of the following:

- Location of trails and viewing platforms
- Size of viewing platforms and boardwalks
- Earthworks
- Cumulative effect of the number of other trails within the Zone

20.2.2.3 Restricted Discretionary Activities

The following shall be **Restricted Discretionary Activities**. The matters in respect of which Council has reserved discretion are listed with each Restricted Discretionary Activity.

i Picnic and Barbeque Areas

The forming or construction of any picnic or barbeque areas in respect of all of the following:

- Size and location of picnic or barbeque area
- Scale and siting of structures and seating
- Cumulative effect of the number of picnic or barbeque areas within the Zone

ii Car Parking Facilities and Associated Vehicle Access

The construction of car parking facilities up to 200m² in respect of all of the following:

- Location of facility and access
- Number, design and layout of car parks and associated manoeuvring areas
- Surface treatment of parking facility and access
- Landscaping
- Cumulative effect of the number of car parking facilities within the Zone

iii Fencing

Any fencing that is not listed as permitted activities in respect of all of the following:

- Location
- Type or form
- Permanency or temporary nature of the fencing
- Cumulative effect of the amount of fencing within the Zone

iv Stock Yards

The construction and use of any stock yards associated with Light Stock Grazing in respect of all of the following:

- Location
- Type or form
- Permanency or temporary nature of the yards
- Cumulative effect of the number of sets of yards within the Zone

v Vehicle Access

The provision of one vehicle access road through the Central Melt Channel connecting the two areas of Low Density Residential Zone within the Peninsula Bay land, where this road

has been identified as necessary through the Outline Development Master Plan approved pursuant to Rule 7.5.3.3(vi) in respect of the following:

- Form and location
- Effects on landscape and visual amenity
- Extent and management of earthworks
- Extent of vegetation removal

20.2.2.4 Discretionary Activities

There are no Discretionary Activities within the Open Space Zone

20.2.2.5 Non-complying Activities

i Earthworks

Earthworks not associated with the creation of cycling or walking trails as provided for in Rule 4.4(vi)-20.2.2.2(ii)

~~Vehicle access not associated with Car Parking Facilities as provided for under Rule 4.4(ii).~~

ii Heavy stock grazing (e.g. cattle, deer).

iii Forestry activities (except for the removal of wilding tree species).

iv Buildings and structures that are not listed as Permitted, Restricted Discretionary, Discretionary or Prohibited Activities.

Any other activities not listed as Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activities.

20.2.2.6 Prohibited Activities

i Residential Units, Residential Flats and Accessory Buildings

ii Airports

iii Visitor Accommodation

iv Commercial Buildings

v Telecommunication Facilities

vi Farm Buildings

vii Planting of any wilding tree species

viii Vehicle Access

Any vehicle access except:

- (a) one road through the Central Melt Channel approved pursuant to Rule 20.2.2.3(v), and
- (b) vehicle access associated with car parking facilities as provided for under rule 20.2.2.3(ii).

20.2.3 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

i Controlled Activity - Light Stock Grazing

- (a) Whether the grazing will have an adverse effect on the natural conservation values or ecological values within the Zone.
- (b) Whether the grazing is required as a maintenance measure to reduce weeds and overgrowth.
- (c) Whether the grazing is near water bodies and the extent to which this may contribute to bank erosion and sedimentation of the water body.
- (d) Whether the grazing is to occur on a permanent or continuous basis and the extent to which this may cause adverse effects on adjacent water bodies and ecological values of the Zone.
- (e) Whether the type of stock to be grazed can be contained within low fences and cause low effect on the environment.

ii Restricted Discretionary Activity - Cycling and Walking Trails

- (a) Whether trails, boardwalks and viewing platforms are located so that they do not detract from the open space appearance of the Zone.
- (b) Whether trails, boardwalks and viewing platforms are located so that they do not adversely affect nature conservation values or ecological values within the Zone.
- (c) Whether the trails provide for safe and convenient access for users, including connections to the existing roading network and car parking facilities.
- (d) The extent to which the size of any viewing platform or boardwalk adversely affects the open space character of the Zone.
- (e) The extent to which the volume of earthworks, exposed area, height of any excavations or fill adversely affects nature conservation or ecological values or open appearance of the Zone.
- (f) Whether the earthworks are in close proximity to water bodies and the extent to which this may contribute sedimentation of the water body.
- (g) Whether alternative picnic or barbeque areas are available in close proximity to the proposed site

iii Restricted Discretionary Activity - Picnic and Barbeque Areas

- (a) The extent to which picnic and barbeque areas adversely affect the open character of the Open Space Zone.
- (b) The extent to which picnic and barbeque areas affect natural conservation values or ecological values within the Zone.

- (c) Whether alternative picnic or barbeque areas are available in close proximity to the proposed site.

iv Restricted Discretionary Activity - Car Parking Facilities and Associated Access

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

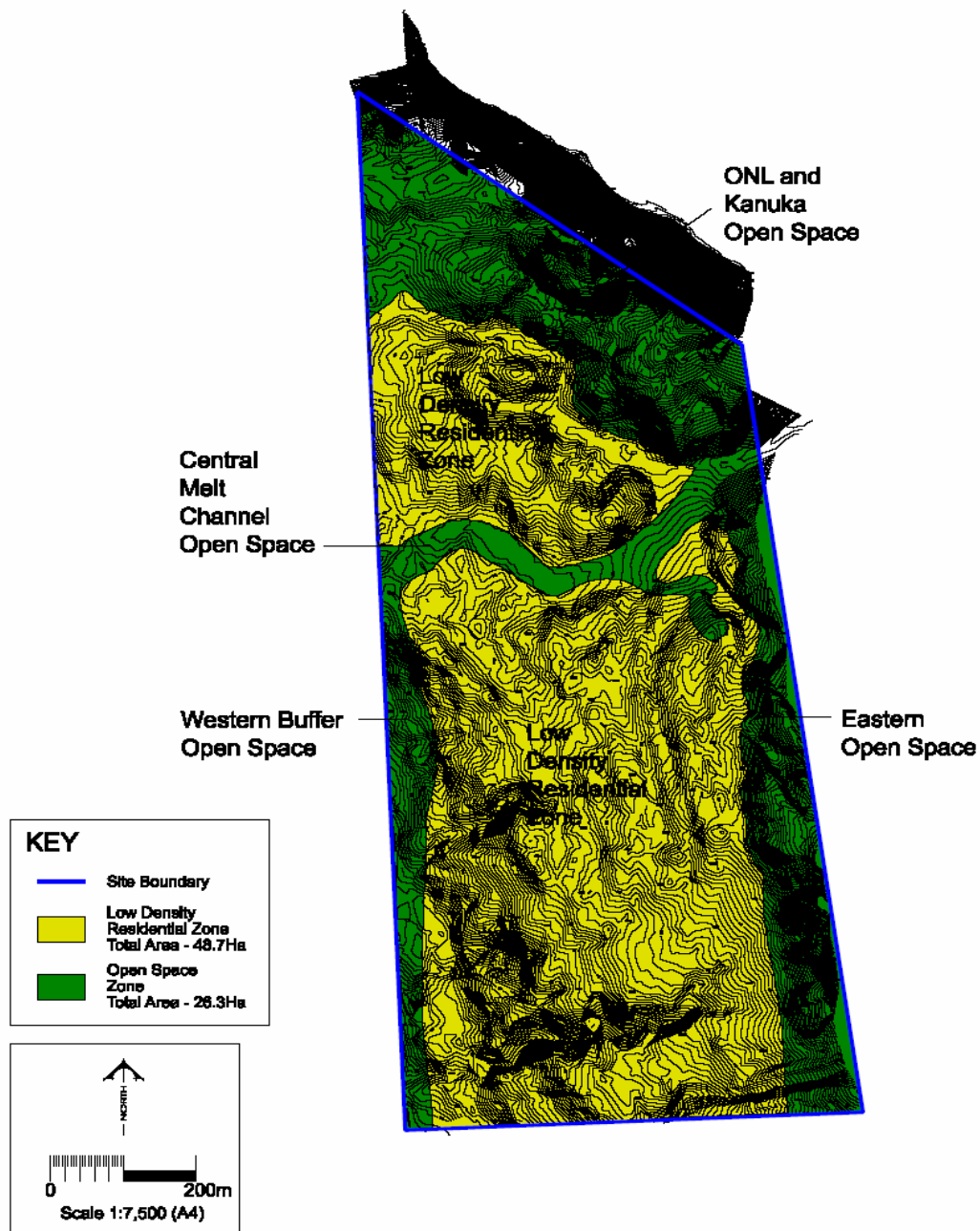
v Restricted Discretionary Activity - Fencing

- (a) The extent to which the proposed fencing imposes on the open character of the Open Space Zone.
- (b) The extent to which the proposed fencing adversely affects natural conservation values or ecological values within the Zone.
- (c) Whether the fencing is of post and wire form or other similar type that has little effect on the open space character of the Zone.
- (d) Whether the fencing will be of a temporary nature.
- (e) Whether the fencing is necessary for the control of stock.
- (f) Whether the cumulative effect of fencing in the vicinity of the proposed fence detracts from the open space character of the Zone.

vi Restricted Discretionary Activity - Stock Yards

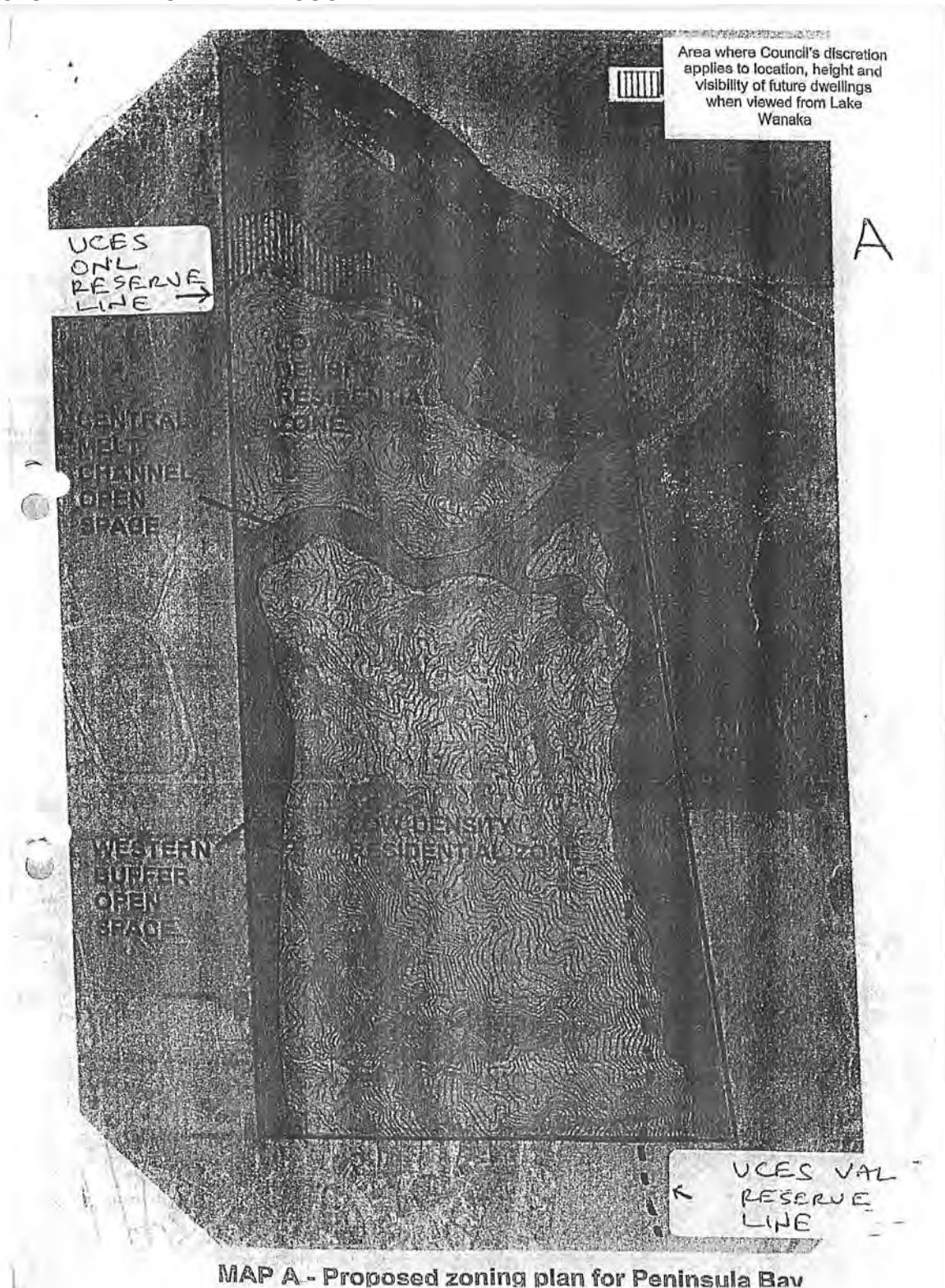
- (a) The extent to which the proposed stock yards impose on the open character of the Open Space Zone.
- (b) The extent to which the proposed stock yards adversely affect natural conservation values or ecological values within the Zone.
- (c) Whether the stock yards are of a low form that has little effect on the open space character of the Zone.
- (d) Whether the stock yards will be of a temporary nature.

- (e) Whether the cumulative effect of the stock yards in the vicinity of the proposed fence detracts from the open space character of the zone.



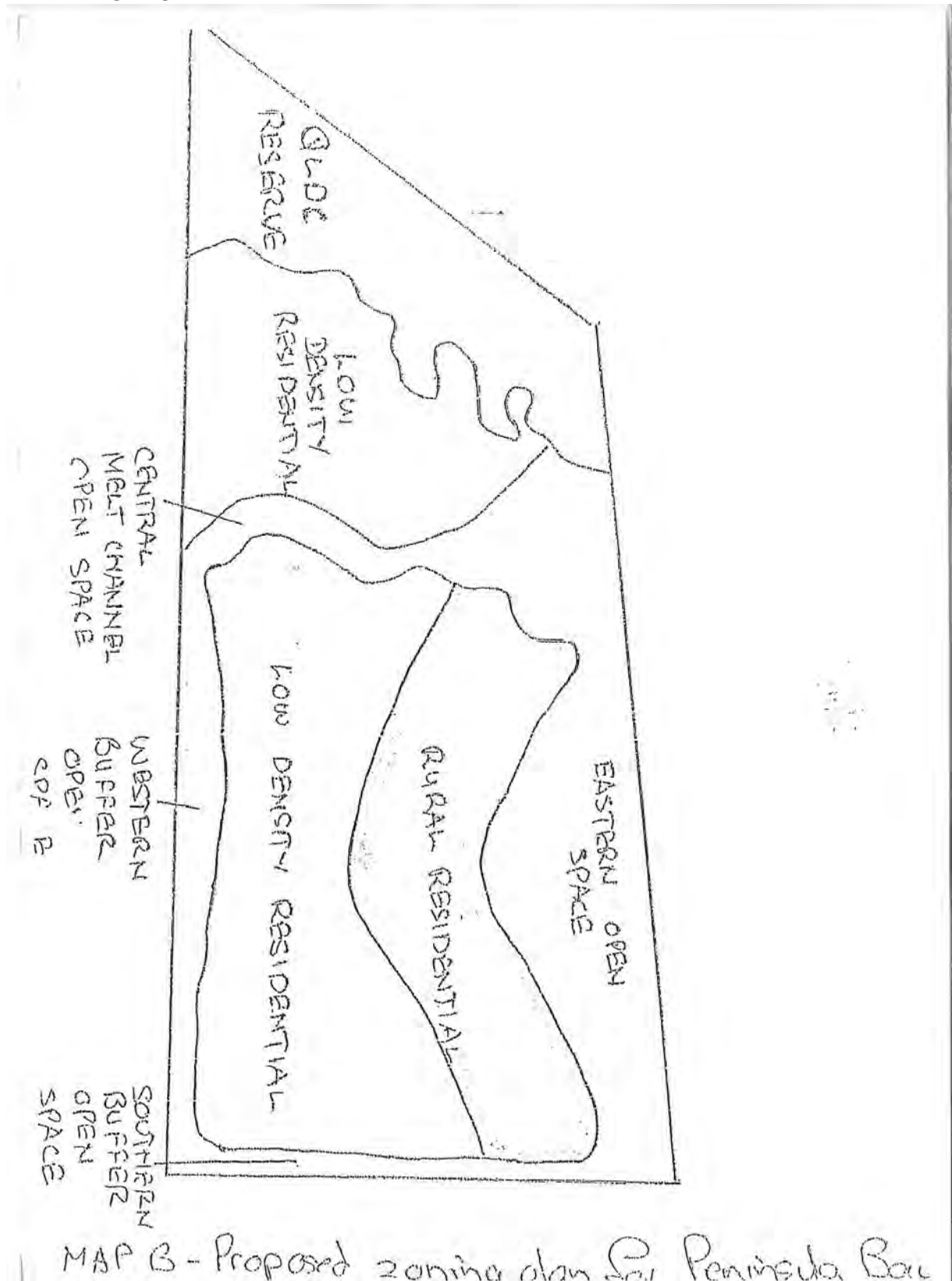
**Zone Plan for Peninsula Bay
Following Decisions on Submissions**

APPENDIX 2- ZONE BOUNDARIES AS REQUESTED IN THE SUBMISSION OF UPPER CLUTHA ENVIRONMENTAL SOCIETY



MAP A- Proposed zoning plan for Peninsula Bay

APPENDIX 3(a)- ZONE BOUNDARIES AS REQUESTED IN THE ORIGINAL SUBMISSION OF MR DENNIS THORN



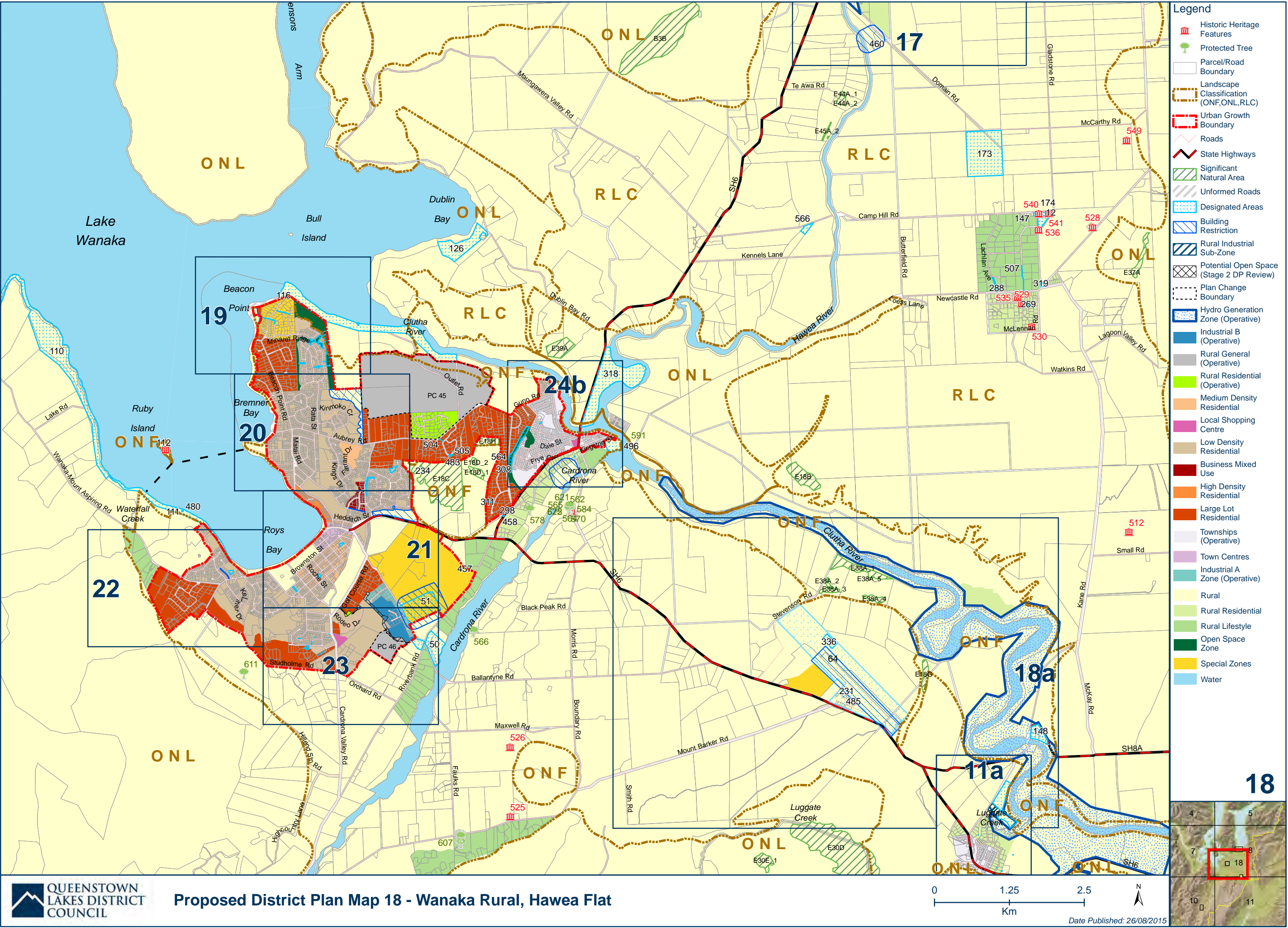
APPENDIX 3(b)- ZONE BOUNDARIES AS TABLED AT THE HEARING BY MR DENNIS THORN



Map C Proposed zoning plan for Peninsula Bay

Scale 1:7500

Appendix 3



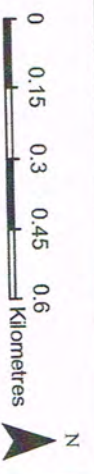
Appendix 4



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED

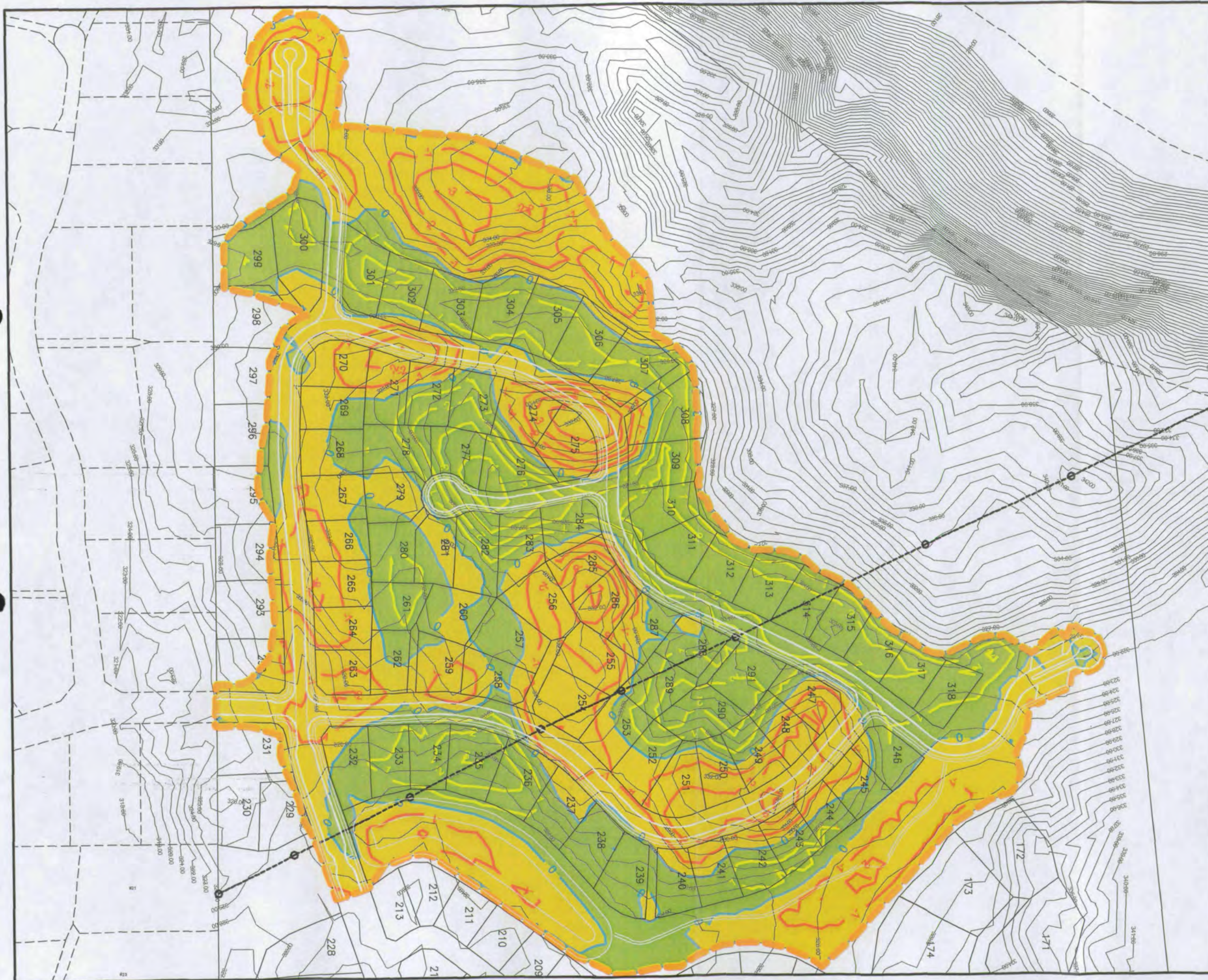
☒ Queenstown Lakes District Council

Webmaps your view of your information



31 March 2014






Appendix 5



This drawing and design remains the property of Paterson Pitts Partners Ltd and may not be reproduced without the written permission of Paterson Pitts Partners Ltd.

- NOTES
- GENERAL
1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall make good at their own expense any damage to existing services
 2. Levels are in terms of
 3. Contours at 1.0m interval
 4. All works are to be installed as per NZS 4404:2004 and GLDC amendments to those standards. Standard drawings are available from the Engineer

EARTHWORKS KEY

-  Cut Area
-  Fill Area
-  Final Contour
-  Extent of Earthworks
-  Existing Contour

RECEIVED
12 SEP 2007,
Lakes Environmental

REVISION (DESCRIPTIONS)		
APPROVALS	NAME	DATE
SURVEYED		
DESIGNED	JHP	1 AUG 07
DRAWN		
CHECKED		
APPROVED		

Paterson Pitts Partners Ltd
Wanaka Cromwell Queenstown Alexandra Dunedin
Land Surveying, Development & Resource Management Consultants
19 Hecce Crescent, PO Box 283, Wanaka
Phone: (03) 443 0110 Fax: (03) 443 1339

CLIENT

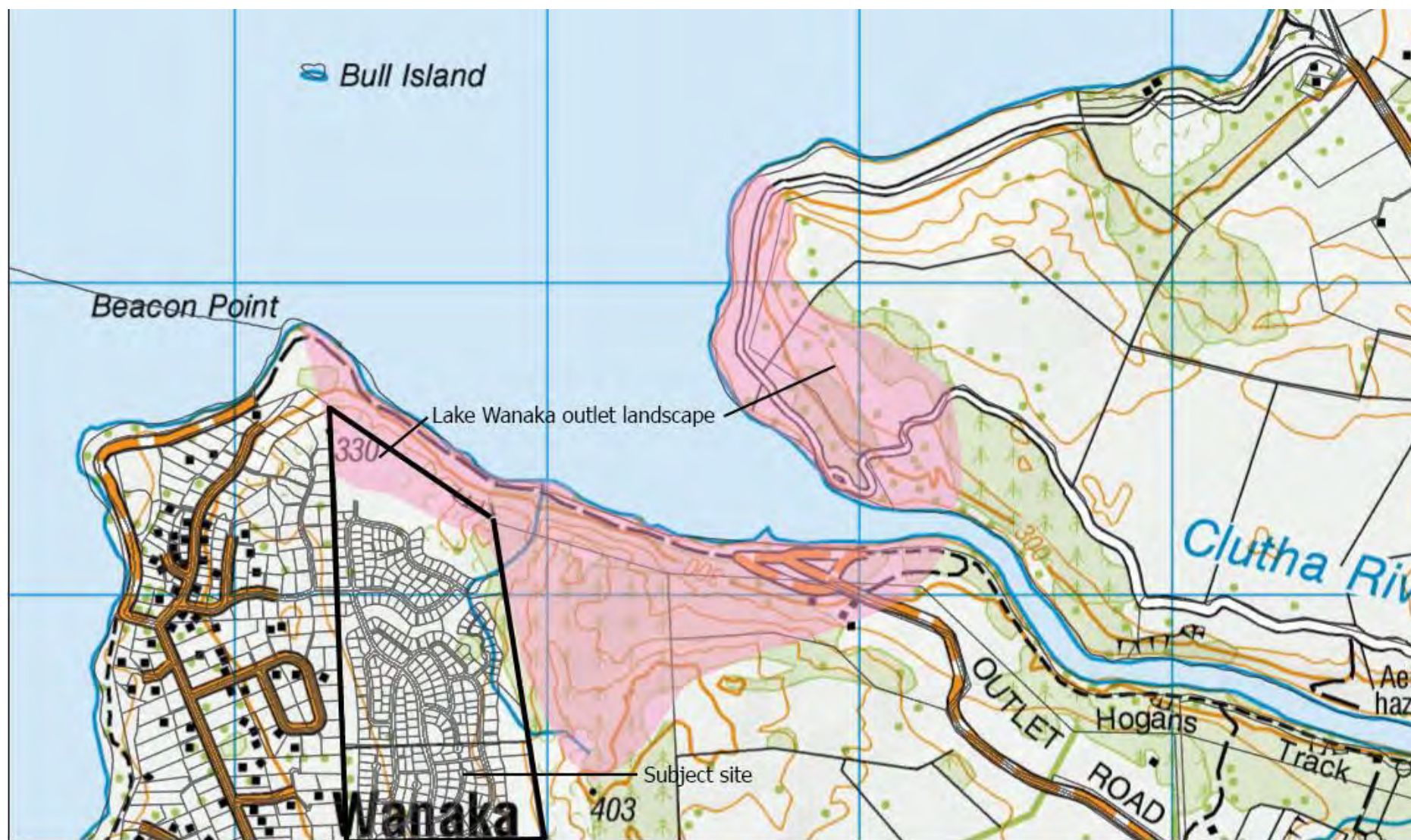
PENINSULA BAY
STAGE 3

DRAWING TITLE

EARTHWORKS
CUT FILL AREAS

ORIGINAL SCALE	ORIGINAL SIZE	REVISION NO
1:1000	A1	G
DATE	5/09/2007	SHEETNO
CAG REFERENCE	W2920 Earthworks Rev G	202
DIRECTORY	L:\Data\2920\120\Projects\Engineering	JOBNO
		W2920

Appendix 6



Appendix 6: Map showing delineation of the Lake Wanaka outlet landscape.