

Environmental Consultants

PO Box 489, Dunedin 9054

New Zealand

Tel: +64 3 477 7884

Fax: +64 3 477 7691

By Email

5 November 2015

Queenstown Lakes District Council
C/- Vision Planning
PO Box 1985
QUEENSTOWN 9348

Our Ref: 9002

Attention: Vicki Jones

Dear Vicki

RE: PLAN CHANGE 51 - PENINSULA BAY NORTH – REQUEST FOR FURTHER INFORMATION

On behalf of Peninsula Bay Joint Venture, please find enclosed a response to your request for additional information, dated 27 October 2015. We address each matter in turn, applying the headings you have used.

PLANNING MATTERS

1. Map

Please find attached as **Annexure A**, the proposed planning map. A .dwg and a .pdf version of these files will be sent through to you separately via email.

2. Section 32 Evaluation – Objectives Assessment

With respect to the section 32 evaluation, you have requested a wider consideration of the proposal against all of the relevant objectives of the District Plan. Accordingly, please find attached as **Annexure B** an updated section 32 evaluation. It is our view that all relevant existing district plan objectives have now been assessed.

3. Section 32 Evaluation – Options Assessment

Your request also sought further detail regarding the options that were considered in terms of the geographic extent of the expanded zone. The final geographic extent of the proposed Low Density Residential Zoning is the result of an iterative process in which Infinity Investment Group (Infinity) identified the

Also in Auckland and Tauranga

Ground Floor, 25 Anzac Street, Takapuna

PO Box 33 1642, Takapuna

Auckland 0740, New Zealand

Tel: +64 9 486 5773

Fax: +64 9 486 6711

PO Box 4653, Mt Maunganui South

Mt Maunganui 3149

New Zealand

Tel +64 7 577 1261

overall objective for the Plan Change and then identified, with the assistance of the technical experts in surveying, engineering, ecology, planning and landscape architecture, the constraints of the site and how they could be overcome or managed.

A range of allotment layouts and densities, as well as building heights and locations were considered and modelled, with each iteration being considered by the technical experts to ensure the environmental effects were minimised as far as reasonably practicable. The proposed layout demonstrates the outcome of this process and represents a solution that was acceptable by all of the technical experts. In particular Ben Espie provided feedback on numerous draft layouts to guide the design to achieve an outcome that is acceptable from a visual, natural character and landscape perspective, taking into account the landscape status of each part of the site and potential visibility of future earthworks and buildings.

This matter is considered further in section 6 of the section 32 evaluation report.

4. Section 32 Evaluation – Other Planning Methods

With respect to alternative planning methods, you have also sought further detail regarding the other planning methods that were considered (and discarded) and the reasons why the proposed option is preferred.

Three reasonably practicable options for achieving the objectives are described in section 6 of the Plan Change application. These included amending the Open Space Zone Rules to provide for residential activity, maintain status quo, and rezoning part of the Open Space Zone to Low Density Residential. Of these options, the latter was considered the most appropriate for achieving the purpose of the Plan Change.

Rezoning the land at Peninsula Bay North to Low Density Residential Zone is the logical extension of the adjacent residential zoning. Where controls in addition to the existing Low Density Residential Zone provisions are required, land covenants have been proposed.

The inclusion of a structure plan or similar is already a requirement of residential activity within the Low Density Residential Zone at Peninsula Bay. Any subsequent residential development on the Plan Change site will therefore have to either amend the existing or provide a new Outline Development Plan to Council. It would therefore be inappropriate to require one at this time.

In response to your request however, an additional option that was considered (and discarded) early on in the process has now been included in the section 32 evaluation. Please refer to section 6 of the revised section 32 evaluation attached as **Annexure B**.

5. Consultation with Iwi

Please find attached as **Annexure C** a copy of the correspondence sent to Kāi Tahu ki Otago (KTKO)¹.

In response to the attached letter, KTKO advised via a telephone conversation on 11 September that Maori artefacts have historically been found to the west of the Plan Change area, near the lake's edge. Infinity therefore advised KTKO that they would seek to promote such a condition as part of any subsequent subdivision and/or earthworks on site should the Plan Change be accepted. A copy of the written correspondence received from KTKO is also attached as **Annexure C**. The section 32 evaluation has also been updated to reflect KTKO's correspondence.

Given the distance of the Plan Change site from the known archaeological site, coupled with Infinity's intention to promote an accidental discovery condition as part of any subsequent development on site, a Cultural Impact Assessment was not considered necessary for the site.

6. Certificate of Title

Please refer to **Annexure D** for a recent copy of the Certificate of Title.

7. Covenant Conditions

The request for further information suggests some modifications to the land covenant conditions to provide further certainty around the density of development on site.

In response to this suggestion, Infinity now promotes an additional condition to provide certainty that the Plan Change site will only accommodate 26 residential allotments, as shown in the Scheme Plan attached as Appendix A of the Plan Change application. It would be inappropriate to impose a condition at this stage of the proposal that prevents subdivision of the site more generally (beyond 26 allotments) as this may preclude the creation on additional allotments required for access and servicing purposes. It would be more appropriate to enforce such a condition at the time of future subdivision and development when the detailed servicing and access arrangements for the site are confirmed.

A complete set of revised covenant conditions is attached as **Annexure E**. These conditions replace those set out in Appendix G of the Plan Change application.

LANDSCAPE MATTERS

8. Visual effects of earthworks

Further information has been requested by the Council's consultant Landscape Architect, Ms Michelle Snodgrass with respect to the landscape and visual effects of the proposed earthworks on proposed Lots 4 to 6 and 20 to 22 and the roads

¹ This same letter was also sent to Te Ao Marama but no response was received.

that provide access to these allotments. Provision of cross sections through these lots to assess the effects of the cuts on natural landforms, particularly in relation to Lots 20 to 22 have been requested.

It has been determined that, for the purposes of the Plan Change, the visual effects arising as a result of earthworks have been internalised to the site. The consent authority will have another opportunity to consider the detailed earthworks design (and effects) at the time resource consent is sought for the future subdivision and development of the site. Detailed cross sections are therefore not considered necessary at this time.

Notwithstanding this, we have sought further comment from Ben Espie with respect to the landscape and visual effects of proposed earthworks. He comments as follows:

“The earthworks required have not yet been designed. However the zone has been configured such that earthworks will be able to be undertaken so as not to create adverse effects in and of themselves.

Apart from roads, all earthworks within the proposed new area of zoning will be within private lots. The earthworks will take the form of driveways and excavations relating to dwellings. The Plan Change stipulates maximum building heights and therefore it is expected that many of the dwellings will be excavated into the current landform to varying degrees. Importantly, the dwellings will (to a very large extent) “hide” the earthworks.

The earthworks will be designed at the same time as the dwellings which is far preferable to doing bulk excavations (ie creating a large excavated flat pad) at the time of subdivision.

From the Concept Scheme Plan, it is clear that the area of earthworks will be strongly restricted by the layout of the vegetation enhancement areas.

In terms of roading, the extension of Bull Ridge will be onto relatively flat land that is not visible from outside the site itself. Some cut will be required here but effects will be internal to the site. The new cul-de-sac that will be formed to the immediate south of Lots 21 and 22 ascends steep ground and will require significant cut. However, the area of this road and its associated cut is entirely surrounded by proposed residential lots. Again, effects will be internalised.

If the earthworks are done at the time of subdivision, they will be scrutinised by the QLDC as part of the subdivision consent application.

If the earthworks are done at the time of building a dwelling, they will be permitted if they are of a low volume or will require resource consent if they are over 100m³. Many (if not all) of the sites shown on the Concept Scheme Plan will require earthworks of over 100m³.

Therefore the effects of the earthworks can be fully assessed at a later stage.

9. Reflectivity and Colour Palettes

Ms Snodgrass has suggested a restricted colour palette of recessive colours would further aid in reducing visual effects from the lake of the Low Density Residential Zone extension.

For the purposes of the Plan Change, the control of external appearance (specifically colours) is intended to be managed by way of land covenant relating to reflectivity. Additional consideration of a colour palette would be best addressed when resource consent is sought for the future development and subdivision of the site.

The suggestion to include roofing as part of the reflectivity related land covenant has been noted and the condition amended accordingly. Please refer to **Annexure E**. These conditions replace those set out in Appendix G of the original Plan Change application.

10. Recommendations with respect to lighting

With respect to external lighting, Ms Snodgrass has suggested that the Plan Change be modified to include an additional condition that requires all external lighting to be no more than 3m in height and directed downwards. While we acknowledge this recommendation, we consider that it would be more appropriate to address this matters when resource consent is sought for the future development and subdivision of the site.

ECOLOGICAL MATTERS

11. Various Ecological Matters

In response to the request for further information, Dr Gary Bramley has amended his Ecological Report. Please find the revised report attached as **Annexure F**. This report should now supersede that attached as Appendix F to the original Plan Change application.

The Landscape Planting Plan included as Appendix E of the original Plan Change has been updated to reflect Dr Bramley's recommendations. Ben Espie has confirmed that these changes are appropriate and will continue to provide sufficient screening to the site.

The revised Landscape Concept Plan is attached at **Annexure G** of this letter and should now replace Appendix C of the original Plan Change.

Subsequent plan references contained in the land covenant conditions have been updated to reflect the revised plan revision number. Refer to **Annexure E**.

12. Exotic Species

In a separate email dated 28 October 2015 a further modification was recommended that sought to control (via an additional land covenant condition), the use of exotic planting and variegated species (excluding lawn within the curtilage areas and road reserve) in order to improve the ecological outcomes and reduce the chance of self-seeding exotics spreading, and to better integrate the Low Density Residential Zone into the broader landscape.

Infinity now promotes the following additional condition to improve the ecological outcomes for the site and reduce the change of self-seeding pest plant species establishing on site.

13. *All allotments shown on the Patterson Pitts Group, Concept Scheme Plan Peninsula Bay North End, Sheet 1, Rev J, 06.08.15, including any areas of road reserve, shall be kept free of Pinus, Pseudotsuga and Cytisus plant species.*

The aforementioned condition would also apply to any future roading on site, as Rule 7.5.3.3(iii) of the Low Density Residential Zone requires, as a restricted discretionary activity, an Outline Development Plan for development at Peninsula Bay. Relevant matters of discretion include (but are not limited to) roading patterns and the proposed landscaping within any road reserve.

For completeness, a complete set of revised covenant conditions is attached as **Annexure E**.

Building platforms and extensive areas of vegetation protection have been provided for in the Plan Change. Curtilage areas have not been identified. To further limit plantings across the balance of the lots would be unduly onerous and restrictive and is not required based on the landscape and ecological evidence.

ENGINEERING MATTERS

13. Density of Development

Confirmation of the total number of residential and/or visitor accommodation units enabled by the Plan Change has been sought by Council Engineer Lynette Overton. As discussed in relation to section 7 of this letter, the maximum density of development enabled by the Plan Change is intended to be one residential dwelling per allotment, equating to a total of 26 residential dwellings over the entire Plan Change site. **Annexure E** contains an additional condition to be included on the land covenant to secure this arrangement in perpetuity.

14. Water and Waste Water Modelling

The request for further information suggests that it may be necessary to amend the water and wastewater modelling to reflect the total maximum number of units enabled by the Plan Change.

Environmental Consultants

PO Box 489, Dunedin 9054

New Zealand

Tel: +64 3 477 7884

Fax: +64 3 477 7691

By Email

10 November 2015

Queenstown Lakes District Council
C/- Vision Planning
PO Box 1985
QUEENSTOWN 9348

Our Ref: 9002

Attention: Vicki Jones

Dear Vicki

RE: PLAN CHANGE 51 - PENINSULA BAY NORTH – REQUEST FOR FURTHER INFORMATION

On behalf of Peninsula Bay Joint Venture, please find enclosed further information requested via emails dated 6th and 9th November 2015.

PLANNING MATTERS

1. Section 32 Evaluation – Alternatives Assessment

You have asked that we document whether consideration was given to applying the controls that are proposed via land covenant as specific rules in the district plan. This would have amounted to a spot zone, with specific layout and controls set out as rules. Given the small extent of the plan change area, we did not consider this option to be viable or an efficient district plan method to achieve the plan change purpose. We are confident that the LDR zone, coupled with the proposed land covenant to be a secure, robust planning method to achieve the plan change purpose.

Please find attached as **Annexure A** to this letter an updated section 32 evaluation which has been amended to include this consideration.

2. Consultation with Neighbours

You requested we provide details of consultation material, including a copy of the letter and information pack that went to neighbours for their comment prior to lodgement, along with maps identifying the properties the information was sent to. You have also asked for a copy of the land covenant which applies to the Peninsula

Also in Auckland and Tauranga

Ground Floor, 25 Anzac Street, Takapuna

PO Box 33 1642, Takapuna

Auckland 0740, New Zealand

Tel: +64 9 486 5773

Fax: +64 9 486 6711

PO Box 4653, Mt Maunganui South

Mt Maunganui 3149

New Zealand

Tel +64 7 577 1261

Bay land. The standard sale and purchase agreement of properties within Peninsula Bay, includes the relevant land covenant (as referred to on page 13 of the s32 report).

Please find attached this information as **Annexure B** to this letter, and now forms Appendix GB to the section 32 report.

The outcome of that consultation and issues raised are set out in section 4.2 of the s32 report.

3. Cross Sections

You requested cross sections be prepared to show the extent of ground level change as a result of the proposed building platforms and roading when viewed from the Lake. Please find attached the cross sections taken over the front six lots down to the Lake as **Annexure C** to this letter [these now form part of Appendix I of the section 32 report, the Infrastructure Report]. Note that the earthworks shown will be the maximum extent as they assume the full building platform will be levelled, when in fact earthworks will be tailored to the design of the future dwellings. Given earthworks will exceed 100m³ on these front lots, resource consent will be required either as part of the subdivision and/or as a stand alone activity and these matters can be assessed at the time of consent.

Please do not hesitate to contact us if you have any queries. We trust that the above clarification, additional documents and amendments to section 32 evaluation is sufficient for notification of the plan change to proceed.

Yours sincerely,

MITCHELL PARTNERSHIPS LIMITED



LOUISE TAYLOR

Email: louise.taylor@mitchellpartnerships.co.nz

Enc

Cc	Iain Weir	Infinity Investment Group
	Monique Thomas	Greenwood Roche
	Matthew Paetz	Queenstown Lakes District Council
	Julia Chalmers	