



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicants:	Allenby Farms Limited
RM reference:	RM171015
Location:	Peak View Ridge, Wanaka
Proposal:	To subdivide Lot 2 DP 469578 and Lot 3 DP 300408 and construct a road, with associated earthworks and retaining structures.
Type of Consent:	Subdivision
Legal Description:	Lot 2 Deposited Plan 469588 and Lot 3 Deposited Plan 300408 held on Computer Freehold Register 632425
Zoning:	Rural Residential and Northlake Special Zone (Operative District Plan) Large Lot Residential A and Northlake Special Zone (Proposed District Plan)
Activity Status:	Restricted Discretionary
Limited Notification:	13 December 2017
Commissioners:	Commissioners Dr Lee Beattie and David Mead
Date:	7 August 2018
Decision:	CONSENT IS GRANTED, SUBJECT TO CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Allenby Farms to subdivide Lot 2 DP 469578 and Lot 3 DP 300408 and construct a road, with associated earthworks and retaining structures at Peak View Road, Wanaka.

Council File: RM171015

The Hearing and Appearances

Hearing Date:

Tuesday 19 June 2018 in Wanaka

Appearances for the Applicant:

Mr Warwick Goldsmith: Barrister, Legal Counsel

Mr Andy Carr: Traffic Engineer, Director of Carriageway Consulting Limited

Mr Peter Joyce: Surveyor, Paterson Pitts Limited Partnership

Mr Duncan White: Planner, Paterson Pitts Limited Partnership

Appearances for the Queenstown Lakes District Council

Ms Wendy Baker, Senior Consultant Planner to the Council

Ms Lyn Overton, Senior Land Development Engineer

Mr Chris Morahan, Transportation Engineer, Opus Consultants Limited

Appearances for Submitters:

Mr Phil Page: Partner Gallaway Cook Allen, Legal Counsel

Mr Scott Edgar: Planner, Southern Land Limited

Ms Nicole Meldrum of Lot 1 DP 301211
Peak View Road on behalf of herself
and the other submitters in Peak View
Ridge

Abbreviations

The following abbreviations are used in this decision:

Allenby Farms	‘the Applicants’
Queenstown Lakes District Council	‘the Council’
The Operative Queenstown Lakes District Plan	‘the ODP’
The Proposed Queenstown Lakes District Plan	‘the PDP’
Northlake Special Zone	‘NSZ’
Peak View Ridge	‘PVR’
Assessment of Environmental Effects	‘AEE’
Resource Management Act 1991	‘RMA’
Hectare	‘Ha’

The land subject to this application is referred to as ‘the site’.

The hearing was closed on 9 July 2018, following receipt of further information from the applicant and Council Officers.

**DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING
COMMISSIONERS DR LEE BEATTIE AND DAVID MEAD, APPOINTED PURSUANT TO SECTION
34A OF THE RMA**

INTRODUCTION, BACKGROUND AND PROPOSAL

1. We have been given delegated authority by the Queenstown Lakes District Council ('the Council') under section 34A of the Resource Management Act 1991 ('the RMA') to hear and determine the application by Allenby Farms Limited ('the Applicants') and, if granted, to impose conditions of consent.
2. The application site is located at Peak View Ridge, Wanaka. It has a legal description as Lot 2 DP 469578 and Lot 3 DP 300408. Lot 3 is a large lot, the majority of which lies in the Northlake Special Zone (NSZ). Currently, a narrow 'dog leg' shaped portion of Lot 3 DP 300408 provides access from Aubrey Road to the applicant's land in the NSZ as well as ten smaller sites (located in the Residential A zone) via a private formed and sealed road 'Peak View Ridge' (PVR).
3. Lot 2 DP 469578 is a smaller lot running in parallel to the 'dog leg' portion of Lot 3 DP 300408 and is currently vacant of buildings or structures. It is our understanding that this lot (Lot 2 DP 469578) was created in the past to enable the current application to proceed.¹ Both Lot 2 and the dog leg portion of Lot 3 are zoned Residential A.
4. Access to the ten Residential A lots takes the form of an easement over the dog leg part of Lot 3 DP 300408.
5. Four of the ten sites using PVR are currently vacant with the rest either containing residential homes or a hotel (Tin Tub Luxury Lodge). The remainder of the area is in grass with a few small trees present. The land undulates between Aubrey Road and the boundary of the NSZ.
6. The NSZ provides for the urban subdivision and development of a large area of land. Development of the eastern end of the NSZ has commenced, and at some point road access to Lot 3 DP 300408 will be provided from within the NSZ, as subdivision heads westwards.
7. In essence, the applicant seeks resource (subdivision) consent to undertake a subdivision and boundary adjustment of Lot 2 DP 469578 and Lot 3 DP 300408 to create a new Lot 1, being approximately 1.0Ha in size and new Lot 2 of approximately 37.31Ha. The new Lot 2 would represent the remaining balance of the original Lot 3 and be solely within the NSZ.
8. The new Lot 1 would be able to accommodate a new, wider road. The applicant seeks consent for the road within the new Lot 1 to be built to the edge of, but not into, the new Lot 2 (being the land in the NSZ). The new road over Lot 1 would be designed to a standard to accommodate vehicle, cycling and walking demands from up to potentially 410 residential lots², this being the likely demand should the road extend in the future into the yet to be subdivided area of the NSZ. Whether we should take into account that the road will connect or not in the future is a matter we return to later on in this decision.
9. The new road will require earthworks, retaining structures and landscaping. These details have been set out in the applicant's Assessment of Environmental Effects. We were advised by Ms

¹ As advised by Mr Goldsmith during the hearing.

² Mr Carr's evidence presented at the hearing, paragraph 4.10

Baker (Consultant Planner to the Council) and Mr White (the applicant's planner) that these works could be undertaken as part of the subdivision consent and did not require separate land use consent. This point was not challenged by any of the parties, including Mr Edgar (the submitter's planner) and it is therefore accepted that both the ODP and PDP enable this approach to be taken as part of the subdivision process.

10. A detailed description of the proposed is set out within Ms Wendy Baker's s.42A report. There was no disagreement between the parties at the hearing as to general contents of this description, and this description is adopted for this decision, subject to one matter. There appears to be an issue as to where the new proposed road would actually end.
11. The application is somewhat unique in that it is to enable the construction of a new public road that may, or may not, connect into the NSZ in the future. We were advised by Mr Goldsmith (Legal Counsel for the applicant) that this application was the "*first step in a four step*" process, with the final step being a separate resource consent application to connect the new PVR to Northlake³ (a process that will be described in more detail within our consideration of his legal submission in the summary of the evidence heard for this application). At this point it is appropriate to acknowledge that the application, should it be approved, would enable vehicle access to the edge of the applicant's land within the NSZ but not into it. Moreover, we were advised, and it was acknowledged by all the parties, that the applicant had applied for an Outline Development Plan to enable residential development to occur on the NSZ land. Noting that the Step 4 application (or a variation of it) that would determine whether the new PVR road would connect into the NSZ.
12. The question that this four step process poses for us is whether we should assess the application and its associated effects on the basis of a road that would serve ten properties and not be connected to NSZ, or whether we should take into account a possible connection in the future, and with it the associated traffic flows. The applicant's position appeared to be that whether the road would connect, and associated effects, would be determined by a later application. The road was designed with this outcome in mind, but granting consent would not pre-determine this outcome. The submitter's view was that granting consent to the subdivision and road would mean that the road would be connected in the future.
13. The NSZ has been subject to a detailed planning process (Plan Change 45 to the ODP and an appeal to the Environment Court) leading to the adoption of the NSZ, providing for the further urbanisation of this part of the Wanaka township. As part of the plan change process a Northlake Structure Plan (the Structure Plan) was created setting out a range of subzones, local centre and access points. The Structure Plan that is incorporated into the ODP shows PVR as a walking and cycling route. It also shows PVR as a 'secondary' (indicative) entry point. The structure plan does not describe the terms 'indicative' or 'secondary'. Furthermore, the indicative, secondary access point is shown on land that is outside the Northlake Structure Plan area. As we will consider throughout this decision, the 'indicative' nature of the connection is a matter of contention between the parties and whether the PVR should be used for vehicle access to residential development proposed in the NSZ.
14. Finally, we would like to note at the beginning of our decision that Mr Phil Page, Legal Counsel for the submitters raised the issue of whether or not s.91 of the RMA should have been used to 'link' this application together with the applicant's current ODP application for the NSZ. He did not formally request this from us as he rightly acknowledged that this decision would need to have been made before the hearing. However, we were advised by Ms Baker that the Council

³ Mr Goldsmith's legal submissions, paragraph 16

officers had considered this option and decided against this approach. She did not provide a rationale for this decision, nor did we ‘push the point’ with her. Whether or not we believe this approach was appropriate is somewhat academic. As a result, we were left with the application, as proposed and we have considered it on that basis.

15. In reaching this decision we have considered:

- (i) The application, its AEE and all its supporting document and plans;
- (ii) The Council officer’s s.42A report, with supporting reports attached to her s.42A report;
- (iii) The pre-circulated evidence from the applicant;
- (iv) The written submissions from the submitters to the application;
- (v) The submissions (both from the applicant’s and submitters’ Legal Counsel) and evidence provided at the hearing;
- (vi) The responses to our questions during the hearing process;
- (vii) The Applicant’s right of reply;
- (viii) Comments from the applicant’s Legal Counsel and Council Officer’s to our Minute dated 20 June 2018;
- (ix) The site visit;
- (x) The Environment Court’s decision for Plan Change 45 (NSZ); and
- (xi) The relevant provisions of both the Proposed and Operative Queenstown Lakes District Plans, including the provisions relating to the Northlake Special Zone.

NOTIFICATION AND SUBMISSIONS

16. The application was limited notified on 13 December 2017 with submissions closing on 1 February 2018. A summary of submissions is set out in Ms Baker’s s.42A report, noting that submissions in opposition were received from H and M Meldrum and the Peak View Ridge Lot Owners Association.⁴ In summary, the following issues were raised in these submissions:

- Traffic effects from the new road;
- The impact of providing access via the new road to residential development in the Northlake Special Zone;
- What a ‘secondary access’ meant in terms of the Northlake Special Zone Structure Plan;
- Topography of the land does not lend itself to a road accommodating high vehicle movements
- The proposal was contrary to the District Plan’s policy outcomes for the rural zone

17. No written approvals or submission in support were received.

STATUTORY MATTERS

18. The site is zoned Rural Residential and NSZ under the Operative District Plan (‘ODP’) and Large

⁴ Their membership is set in paragraph of 7.2 of Mr Edgar’s pre-circulated evidence

Lot Residential and NSZ under the Proposed District Plan ('PDP'). We were advised by Ms Baker that the NSZ did not form part of the PDP given its up-to-date nature. There was no disagreement over this point, save for Mr Edgar's view on the application's activity status, an issue considered below.

19. The reasons for consent were specified in detail within part 5.1 of Ms Wendy Baker's s.42A report, including the assessment matters contained under both District Plans. There was initially disagreement between Mr White and Ms Baker over activity status, but this was resolved before the hearing and they are now in agreement that the proposal is a Restricted Discretionary Activity. While the new lot is within the Rural Residential zone, the subdivision affects land in the NSZ. As a result, consent is triggered under the NSZ provisions which in turn requires consideration of the extent to which the subdivision is consistent with the NSZ structure plan.
20. Mr Edgar was of the view that the proposal was a full Discretionary Activity. While he agreed with Ms Baker and Mr White over its status under the ODP, it was his view that the proposed was a Discretionary Activity under the PDP. His rationale for this approach was twofold, firstly as the NSZ did not form part of the PDP the land was 'un-zoned' and required consent as a Discretionary Activity. Secondly, as the proposal was contrary to NSZ structure plan, in terms of access, the proposal was a Discretionary Activity.⁵
21. In this matter, we favour the evidence of Ms Baker and Mr White and are of the view that the proposal is a Restricted Discretionary Activity.
22. As such the application is subject to s.104 and s.104C, with s. 104C limiting our consideration to the relevant matters of discretion reserved in the ODP and PDP. We also note that our ability to impose conditions, should we be of a view to grant consent, are also limited to those areas which the council has reserved its discretion to.

LEGAL SUBMISSIONS AND EVIDENCE

23. Expert evidence from the applicant and submitters was pre circulated and read before the hearing. We note that the following is a summary of the key issues raised and must be read in conjunction with the actual legal submissions, pre-circulated evidence and evidence presented at the hearing. To reduce repetition, we concentrate on matters relating to the areas of contention between the parties.

For the Applicant

24. **Mr Warwick Goldsmith**, Barrister, stressed that this was a straightforward and relatively limited application with a threefold purpose:⁶
 - a) To obtain subdivision consent for the new lot between Aubrey Road and his client's property located in the NSZ, over part of the land commonly referred to as PVR;
 - b) To give the PVR residents and landowners an opportunity to comment on the new road design; and
 - c) To finalise the design of the new road to a point where the Council could accept the road

⁵ Paragraphs of 9.2 to 9.5 of Mr Edgar's pre-circulated evidence

⁶ Mr Goldsmith legal submissions; Paragraph 1

for vesting or dedication as a legal road.⁷

25. On the last purpose, it appears that the Council has an approach to possible new assets delivered through the subdivision process that requires the applicant to gain resource consent for the assets before determining whether the asset (in this case roading and landscaping) is acceptable for vesting. As we pointed out in our Minute dated 20 June 2018, it appears that the Council's roading and parks departments had not given their 'approval in principle' to the proposed new road. As we understand it, if the applicant receives resource consent they would go through a separate process with the Council to consider the design of the road and suitability for vesting in the Council. That process may, or may not, amend the design of the road and associated landscaping. If changes to the design were material, there is the possibility that the resource consent may need to be varied or a new consent sought. Mr Goldsmith said that the applicant was looking for some level of surety through the consent process that the road could be vested, although he acknowledged that the Commissioners did not have the delegated authority to make a decision on vesting.
26. Mr Goldsmith stressed that this application did not seek to provide for vehicle access along the new proposed road into his client's land within the NZS as this application was the first in a four staged or step process, with those stages or steps being;
- (i) Step 1: The current application;
 - (ii) Step 2: Obtaining agreement from the Council's roading and parks departments for the actual design of the new road;
 - (iii) Step 3: Apply for the approval of the ODP in the NZS without access via PVR; and
 - (iv) Step 4: Apply for resource consent linking the approved ODP to the application, enabling vehicle access via the new road between Aubrey and the NSZ.⁸
27. As we understand it, Step 3 is currently underway. We also understand that the Council has not made any decisions on that application, including notification.
28. To this effect Mr Goldsmith offered, should we be of a view to grant consent, an Augier Condition highlighting the need for Step 4 to be completed before this road could be used for vehicle access to and from the NSZ:⁹
- This consent shall not be implemented unless and until the consent holder obtains a separate consent which enables a road connection from the northern end of the proposed Peak View Ridge into the Northlake Special Zone and which has been limited notified to landowners adjoining Peak View Ridge (or with existing vehicle access off Peak View Ridge) to enable those landowners to be involved in that consent process.*
29. During the hearing Mr Goldsmith sought to expand this to include:
- When application for that separate consent is considered, this consent shall not be deemed to be part of the receiving environment or part of the permitted baseline, for the purpose of s.102(2). This condition is volunteered by the applicant as an Augier condition.*
30. On this last particular point, while we accept that an applicant can offer an Augier condition

⁷ Mr Goldsmith legal submissions; Paragraph 2

⁸ Mr Goldsmith legal submissions; Paragraph 16

⁹ Mr Goldsmith legal submissions; Paragraph 9

beyond what can be imposed by the Council under s.108 and s.108A of the RMA and this then forms part of the scope of their application under s.88 of the RMA, we do not consider that an applicant can offer an Augier condition which removes the Council's underlying discretion to apply (or not) the permitted baseline as part of their s.95 and/or s.104 considerations. A point stressed to us by Mr Page for the Submitters. As we understand this, this discretion lies solely with the Council.

31. The remaining parts of Mr Goldsmith submissions covered:
- His client's motivation for this application;
 - The details of the application, including the proposed design and landscaping for the new road;
 - What consents are required and why it was his submission that we should favour Mr White's and Ms Baker's planning evidence over Mr Edgar's evidence;
 - Ms Baker's.42 report;
 - Proposed conditions of consent; and
 - The evidence he proposed calling.
32. We asked Mr Goldsmith, as we were advised that he was involved in the NSZ Plan Change process (PC 45) for Allenby Farms Limited, as to his understanding of what was intended by the 'indicative, secondary' entries identified on the Northlake Structure Plan and if vehicle access was intended to be provided via PVR to the NSZ. He advised that it was always intended that the main vehicle access would be via Outlet Road (shown as a primary entry on the Structure Plan) and was not via PVR. It was his understanding that the Structure Plan sought pedestrian and cycling access for PVR linking these into the wider cycling and walking networks. The potential for a road connection along PVR was signalled by the Structure Plan. However the structure plan did not require this road to be built. The Northlake area (including the land owned by the applicant) could be served by the main entry point to Outlet Road, if need be. Nevertheless, there would be benefits from the PVR road being connected.
33. **Mr Peter Joyce**, a surveyor from Paterson Pitts Limited Partnership, spoke to his evidence in chief (which was taken as read) and he produced a limited piece of supplementary evidence. In this supplementary evidence he addressed, and provided us with copies of, amended plans of the proposed intersection with Aubrey Road.
34. Mr Joyce answered our questions about the level of earthworks and retaining proposed and the overall design of the road. This included, given the proposed road may not meet the Council's Subdivision Code of Practice over the location of the proposed cycle way, whether in his view the design was appropriate for the level of potential traffic it could take if access, via a future application to NSZ, was granted at a future date. He confirmed that in his view it would be. He also confirmed the heights and location of the proposed retaining structures. He advised that all retaining structures will be located on the eastern side of the road and not on the submitters' side, where the road edges would be battered to achieve the appropriate road gradients. He advised that these retaining structures range in height up to 1.5 metres.
35. At this stage Mr Goldsmith advised us that as part of the agreement to purchase the land which is now Lot 2 DP 469578 from the owner of the land abutting to the east (Lot 1 DP469578) there

was a 'no complaints' cause built into this agreement.¹⁰ Hence, this is potentially the reason why we did not receive any submission from this land owner.

36. **Mr Andy Carr's** (traffic engineer) evidence in chief was taken as read and he produced a limited piece of supplementary evidence. This supplementary evidence addressed the traffic safety issues associated with the Aubrey Road/new PVR road intersection and the need for the final design to be approved by the Council as the Road Controlling Authority. In his view the proposed roading design could accommodate the level of traffic proposed should access be granted to NSZ and that the Aubrey Road intersection could be designed to provide safe and efficient access to and from Aubrey Road. He spent some time explaining the likely vehicle usage of the new road from NSZ, should this be granted in the future and agreed this could be up to 410 dwellings, or 3,200 vehicle movements per day.¹¹
37. He addressed the submitters and Mr Edgar's suggestions as to the need to introduce traffic calming measures and potential speed reductions on the proposed new road. He outlined that in his view these were not required. However, he acknowledged that these measures, such as a 40Km/h posted speed limit, could be imposed either as part of this resource consent, part of subsequent consents that link the road to NSZ or by the Council as the Road Controlling Authority. He did acknowledge that the new road should include a number of parking bays to provide on-street parking for visitors to the sites along PVR. To this effect, Mr White produced a complete new set of drawings for the road showing the location of these parking bays.
38. Finally it was his view that the proposed roading design, while not in accordance with Council's Subdivision Code of Practice, was appropriate. Through our questions he acknowledged that the final design would be subject to a safety audit, which may result in changes to the final roading layout. We asked Mr Carr the same questions we asked Mr Goldsmith, as, again, it was our understanding that he was involved with PC45. He advised us that he was involved and that his traffic assessment at that time was also based on vehicle access using Outlet Road and had not assumed that PVR was constructed.
39. **Mr White**, a planner from Paterson Pitts Partnership Limited, spoke to his evidence in chief (which was taken as read) and he produced a limited piece of supplementary evidence. In his main evidence, Mr White said that the application should be considered on the basis of the physical capacity of the new lot to accommodate a road, such as road layout, traffic safety, landscaping and vehicle access to existing Peak View Ridge properties. As the road would not be connected, there was no need or basis to consider the amenity effects of the road. That is, as there would be no additional traffic on the new road, there were no amenity effects. Amenity effects would be considered in any subsequent application to connect the road.
40. In his supplementary evidence he addressed the application's activity status and while not agreeing with Mr Edgar, undertook an assessment of the proposal against section 27.5.7 of the PDP. He confirmed his view that the roading design was appropriate for the level of vehicle, cycling and pedestrian traffic proposed should access be provided to the NSZ and that consent could be granted subject to the appropriate set of conditions.
41. Finally he provided us with a complete set of amended plans showing the amended roading design.
42. In response to questions, he clarified that under the PDP, the existing Peak View Ridge

¹⁰ Response to our questions

¹¹ Response to our questions

properties were to be zoned Large Lot Residential, rather than Rural Residential. This rezoning was a signal that as Wanaka developed, the environment of the area would change, and it was not appropriate to judge the effects of the new road on the current rural residential environment enjoyed by the submitters.

For the Submitters

43. **Mr Phil Page**, Partner at Gallaway Cook Allan, provided detailed legal submissions on behalf of the submitters. He was highly critical of the applicant's process to 'subdivide' the application into multiple consents and of the Council's decision not to use s.91 of the RMA linking these applications together. However, while we understand Mr Page's concerns, as we have considered above, this was beyond our ability to entertain and we have considered the application as it stands. Notwithstanding this, he submitted that the applicant's current approach impacted on the submitter's ability to actively engage in understanding the effects of future traffic volumes which would adversely affect their properties. As such, section 104 (6) relating to insufficient information to understand effects was relevant to our considerations.
44. He covered the grounds for consent and was critical of Ms Baker's assessment, which failed, in his submission, to consider all the relevant assessment criteria for this application, including section 15.2.8.3 of the ODP. In his submissions, these provisions reinforced the need for the Council to consider the amenity values of the proposed new road and whether it would enhance the character and amenity values of the neighbourhood.
45. He encouraged us to adopt Mr Edgar's approach towards the application, which as a Discretionary Activity would enable us to move beyond the listed areas of discretion and consider a wider policy approach as expressed in the ODP and PDP. He also raised a number of urban design matters relating to the New Zealand Urban Design Protocol and suggested that we should take a wider view of the application through this lens, especially as the Council was a signatory to that document.
46. He highlighted that the issues surrounding potential vehicle access through PVR were not adequately addressed through the PC 45 process establishing the NSZ and that his client's did not have a proper opportunity to address these issues through that process. Finally he submitted that we should decline the application.
47. **Ms Nicole Meldrum**, of 1 Peak View Ridge provided us with submissions on her behalf (and husband) and those of the Peak View Ridge Lot Association. She highlighted why she and her husband brought their property in Peak View Ridge, the neighbourly feel of the place and the sense of community she shared with her fellow PVR residents. She also described how the owners of Tin Tub Luxury Lodge now marketed themselves as a 'luxury getaway'.¹²
48. She outlined how the whole fabric of their environment would change if the proposed new road was used to link Aubrey Road with the NSZ. She was also highly critical of the applicant's approach to break their application into parts to avoid addressing the impact of the use of the new road upon them, their properties and way of life. She wanted the applicant to consider the whole picture and stressed that in her view the NSZ Structure Plan did not provide for vehicle access in this form through PVR.
49. Finally she outlined her concerns about the shared pedestrian and cycle way and whether this was appropriate given the topography and how the proposed roading design would require the removal of a number of trees for the Aubrey/new road intersection. This would impact on her

¹² Ms Meldrum submission, Paragraph 12

privacy. She, like the PVR Association, sought for the application to be declined.

50. **Mr Scott Edgar**, planner from Southern Land Limited, spoke to his evidence in chief (taken as read) and he produced a limited piece of supplementary evidence. It was his view that the application was a Discretionary Activity. He identified a number of 'secondary access points' to new subdivisions throughout the district highlighting that the proposed PVR design was not comparable with these existing secondary access points and therefore was contrary to the intent of the NSZ Structure Plan. Moreover, he was of the view that there was insufficient detail for us to consider the full extent of impacts of the new road on the residents currently using PVR.¹³
51. As a result, he was of the view that the effects were more than minor and it was contrary to the objectives and policies of the ODP and PDP. When asked by us if 'minor' was the test for Restricted Discretionary Activity under s.104 and s.104C of the RMA, he advised us that it wasn't, but it was a consideration of the actual and potential effects of the proposal.

The Council

52. **Ms Wendy Baker**, Planning Consultant for the Council had concluded in her s.42A report that the proposed subdivision, associated roading design, earthworks, retaining structures and landscaping was appropriate in planning terms and was not contrary to the objectives and policies of both the ODP and PDP. She placed some importance on the NSZ structure plan and its indication that a connection would be likely. After listening to the applicant's case and the submissions, she was asked by the Commissioners if she maintained the same opinion expressed in her s.42A report. She reaffirmed this view and recommended, subject to the appropriate conditions of consent, that the application should be granted consent.
53. Her conclusions were informed by her own professional judgement, responses to our questions, and the Council experts and/or external consultant's views.
54. **Mr Chris Morahan's**, Transportation Engineer for Opus Consultants Limited, traffic report was attached to, and informed Ms Baker's s.42A report. This was taken as read. In essence, it was his view that the proposed roading design, subject to the appropriate conditions of consent dealing with the detailed design issues was acceptable in traffic engineering terms.
55. We asked him about the amended roading design, including the amended layout of the Aubrey/PVR road intersection and the inclusion of the new parking bays. He was of the view that these were acceptable, and that their detailed design could be addressed through the safety audit and road vesting process. This would include ensuring that the sightlines at the Aubrey Road intersection would meet the AustRoad standards, which may require the removal of some road side trees adjacent to the new intersection. Finally, he acknowledged that he could support some form of traffic calming measures and 40Km/h operating speed, but again this would be addressed in the safety audit and road vesting process.
56. **Ms Lyn Overton's**, Senior Development Engineer, report was attached to, and informed Ms Bakers s.42A report. This was taken as read. In essence, it was her view that the proposed roading design, earthworks and retaining structures, subject to the appropriate conditions of consent dealing with the detailed design issues, were acceptable in engineering terms. An amended landscaping plan may be required however, if a safety audit identified issues. She then covered some amendments to the proposed conditions of consent.

¹³ Mr Edgar supplementary evidence, Paragraph 10

Right of Reply

57. **Mr Goldsmith** provided us with an oral reply after the comments and questions from the Council officers. In doing so, he reinforced to us that the applicant was not seeking consent to enable vehicle movements between Aubrey Road via the PVR to the NSZ. This would come later on in the application for Step 4 and the applicant solely sought consent for a subdivision and for the design of a new road, with all the associated work required to give effect to a new road on the new Lot 1 proposed. To this end, he advised us that if we were of the view that the proposed roading design was inappropriate his client would like to withdraw that aspect from their application and ask us to just consider the subdivision without any proposed roading design.
58. In his submission we had sufficient details to make a decision and that in his view the application was a Restricted Discretion Activity. He advised that, as per his Augier condition the applicant would not give effect to this consent, should it be granted, until the application set out in Step 4 was decided. This included the vesting or not of the new road.
59. He sought leave to submit an amended landscaping plan covering the issues raised during the hearing. Finally he advised that his client was amenable to a condition of consent ensuring access to all the submitters' properties was maintained during the construction process. However, as Mr Page advised this would be required as a matter to be considered under his client's easement arrangements and we did not need to address these property law issues.

Minute of 20 June 2018

60. We issued a Minute on 20 June 2018 following the hearing enabling the submission of an amended landscaping plan and for the applicant and the Council officers to develop a set of agreed conditions of consent. If there was disagreement, a rationale for the disagreement was to be provided. A limited number of points remain in disagreement.
61. We also sought to gauge the degree of support in principle from the Council Roding and Parks Departments towards the amended road design and proposed landscaping. In our view this was appropriate in terms of integrated resource management required by the RMA, as there seems little point in granting consent to a proposed public road which will 'stumble at the next hurdle', to coin a phrase. In other words, the applicant should have some degree of certainty of their ability to give effect to any resource consent we may grant.
62. The correspondence from the Council was equivocal as to whether the proposed roading design and landscaping were acceptable in principle to these Departments. While on the surface this leaves us potentially in a difficult position, as we will discuss below, having reviewed the information and comments supplied, we do not consider the areas of concern to the Council were of such significance to render the proposed road as never likely to be vested.

SECTION 104 ASSESSMENT

63. This is a Restricted Discretionary Activity. As such the application is subject to s.104 and s.104C, limiting our consideration to the relevant matters set out in the ODP and PDP. We also note that our ability to impose conditions, should we be of a view to grant consent, is also limited to those areas which the council has reserved its discretion to. However, for completeness, had we found that the application was a Discretionary Activity, for the reasons set out below this would not have altered the outcome of our decision.

64. As set out in the section 42A report, the matters for discretion in the ODP and PDP are wide ranging. Matters include the extent to which the subdivision is consistent with the Northlake Structure Plan. Other matters include subdivision design, vegetation and landscape. These are wide ranging terms and in our view, allow us to take into account potential future effects of a connected road on the environment of the Peak View ridge properties.

PRINCIPAL AREAS IN CONTENTION

65. Having read and heard the evidence and submissions presented, we find that the following are matters in contention between the parties:
- The use of the proposed new road for vehicle access between Aubrey Road and the NSZ;
 - The design and layout of the new road;
 - The use of a shared cycle and pedestrian way; and
 - Whether the proposal is contrary to the objectives and policies of either the ODP or PDP.
66. In reaching this finding, we note that none of the parties submitting against the proposal actually challenged the subdivision itself, with the principal issue being the ‘use’ of the proposed new Lot 1 for future roading access to and from Aubrey Road to the NSZ. As we have identified above, no party challenged the ability to consider a new road and the associated works, including landscaping, through the subdivision application process. As a result, based on the evidence provided we will consider the application in that vein.

The use of the new road

67. The use of the road is at the heart of the submitters concerns. In essence, the submitters are of the view that the NSZ’s Structure Plan does not provide for the level of vehicle access proposed by the application, through the PVR area to the NSZ. In their view this was to be a secondary access point, predominantly providing cycle and pedestrian access to the NSZ, and that the use of the road as proposed would have a significant impact on their amenity. By granting consent to the road, the subsequent connection into the Northlake area becomes a fait accompli.
68. This leaves us in a difficult position as the applicant has make it clear that they are not seeking vehicle access from Aubrey Road, via PVR to the NSZ, as part of this application, although they were clear that this is their ultimate intention. The connection, as we have outlined, would come as part of another application; Step 4 as Mr Goldsmith has explained. This leaves us with an application for a subdivision seeking consent to create a new Lot 1 which would contain a new road to the boundary of NSZ, but not providing access to the NSZ.
69. We do note for completeness that the proposed roading and landscaping plans are unclear where the new road would actually end in terms of the new lot boundaries. The plans indicate that the new road could be formed within the new Lot 2; that is, land within the NSZ. In this regard we take from the applicant’s legal submissions and evidence that this is not to be the case and that the new road will be solely within the new proposed Lot 1, the boundary of which aligns with the NSZ zone boundary. In our view, to ensure this is the case, new plans would need to be supplied confirming and showing where the road ends in relation to the new lot boundaries. That is, solely within proposed new Lot 1.

70. As discussed above, the option to use s.91 of the RMA was not available to us; that is linking this application to the applicant's current ODP application for their residential development in the NSZ. Whether we think this was appropriate is academic and we are left with the application as it stands. While we accept that the condition proposed by the applicant means that the actual use of the road and the associated impacts of using this road in this way on the residents will be considered in a future application (Mr Goldsmith's Step 4), we are not convinced that we can so easily 'pass-on' consideration of all effects to subsequent consent processes.
71. In our view, given the structure plan and its indicative roading notation, it is reasonable and appropriate for us to take into account the future use of the road as a connected road. That is, a new road which could service up to or over 410 dwellings. This, in our view would be a logical connection from the Aubrey Road (and the Wanaka Town centre) to the NSZ.
72. We accept the point made by the section 42A report that the 'indicative secondary' access notation of the Northlake Structure Plan is a reasonable signal that some form of connection is likely, and that given development in the area, a vehicle connection is a reasonable and logical proposition as well as walking and cycling connectivity. Wanaka is a rapidly urbanising settlement, and it is important that urban connectivity is provided for the long term. As discussed below, provisions in the ODP support the need to take a long term view.
73. However that does not mean that a connected road is a foregone conclusion, nor does it presume a particular function for the new road. We accept that details as to the layout of roading in the Northlakes area, the density of development and the resulting number and propensity of traffic to access the wider Wanaka area by different routes will be determined through the Outline Plan process. It is possible that through that process, a connection to the new PVR road is not appropriate or that specific design measures are needed at the connection point to address traffic issues (such as speeds and volumes).
74. While we accept that addressing the application in this manner moves some of the effects of the use of the new road on the submitters to the next application, we are of the view, that given the way the applicant has structured their applications, this is the approach we must take. Having said that, we are not in a position where we do not understand those effects.
75. In our view, the effects of a connected road are not of a scale or significance that they will be unable to be mitigated. The future application will consider in detail if it is appropriate to use the proposed new road to provide vehicle access from Aubrey Road via PVR to the NSZ. We do note that Rule 12.34.3 of the NSZ appears (as the wording seems unclear to us) to require the notification (limited) to the submitters of future vehicle access from the NSZ via PVR to Aubrey Road. While it's not for us to pre-determine any future decision of the Council, we would encourage this approach to be taken.
76. In short we have considered the effects of the new road on the basis that there is a reasonable likelihood that a road connection will be created at some point in the future. However, this will be addressed in detailed within the application required by Mr Goldsmith's Step 4.

The design and layout of the new road

77. As discussed above, we were initially concerned over whether the proposed roading design (including its intersection design with Aubrey Road) and associated siteworks, retaining structures and landscaping were acceptable 'in principle' to the Council's Roding and Parks Departments. In light of the responses we have received we have considered the application as it stands. The applicant acknowledges the design could change through any formal vesting or

other form of adopting process with the Council, and if that process triggers the need for an amended design, then any consenting issues will need to be addressed at that time. This is a risk the applicant is willing to take. We consider this is the appropriate course of action, as the responses from the Council did not, in our view, raise fundamental opposition to the road design. We note for completeness that the Council as the Road Controlling Authority could amend the roading layout at any time, once the road was vested, at its own discretion.

78. Turning to the effects of the road on the receiving environment, the traffic engineering evidence we received from both the applicant's traffic engineer (Mr Carr) and the Council's traffic engineer (Mr Morahan) confirmed that the amended design submitted at the hearing was, subject to the appropriate conditions of consent, acceptable in traffic engineering terms. This included its departure from the Council's code of subdivision practice. We are guided by their evidence and find that the proposed roading design is acceptable in traffic engineering terms subject to the detailed assessment required by the conditions of consent.
79. In terms of the potential effects that could arise from the site works and retaining structures the engineering evidence we received from Mr Joyce for the applicant and Ms Overton for the Council confirmed that, subject to conditions of consent, these effects were acceptable. Again, we are guided by their evidence and find that the proposed roading design is acceptable in civil engineering terms taking into account the conditions of consent. We note that we did not receive any submissions from the abutting landowner to the east on the impact of the proposed retaining structure adjacent to their common boundary. Whether this was a result of the no complaints clause Mr Goldsmith advised us of or not, we find that these structures are appropriate and are required to give effect to the proposed new road.
80. As for the visual and amenity impacts of the road, the evidence was less clear cut. The applicant's view was that the topography of the road, its design and landscaping would create a safe road. There was 'room' for changes to the design, should that be considered necessary in any later consent, to better mitigate adverse amenity effects. Council comments expressed concern over some aspects of the landscaping. The submitters were very concerned that the road would significantly detract from the amenity that they enjoy, no matter what the design. Mr Edgar's view was that we had insufficient information on, and assessment of, the amenity effects of the road. In his view, effects were likely to be more than minor.
81. On this issue, we find that amenity and landscape effects from the road will be present, taking into account the likelihood of a future connection. However those effects are not likely to be of a scale or significance that would indicate consent should be refused. The road will change the rural residential character of the PVR area, but that environment will change in any case as NSZ develops and the zoning of the area as Large Lot residential takes hold. Our observation is that the proposed road design and traffic volumes is not dissimilar to other suburban residential roads.
82. We have given some thought to whether we should take up Mr Goldsmith's suggestion that we grant consent to the subdivision, but not the road. On the surface this is an attractive proposition, allowing for the effects of the road to be considered as part of the ODP consent. However, as we have found that the effects of a connected road are not likely to be significant, we see no justification to adopt this approach.
83. Having made this finding, we wish to stress that we do not see the road design as being 'set in concrete'. As proposed by the applicant, a condition of this consent states that the consent cannot be implemented until the ODP consent for a link has been obtained. We agree with that approach and note that the ODP consent should have, and does have, sufficient discretion to

address the specific design of the link, including traffic speeds and volumes.

The use of a shared cycle and pedestrian way

84. The road design involves a shared cycleway / footpath on one side, rather than a cycleway in both traffic lanes. This layout departs from Council's guidelines. While we acknowledge Ms Meldrum's concerns in this regard, we are guided by the traffic engineering evidence we received from both the applicant's traffic engineer (Mr Carr) and the Council's traffic engineer (Mr Morahan) confirming that the proposed cycle way and pedestrian access (footpaths etc.) is acceptable in traffic engineering terms.

Summary

85. In summary, we find that the adverse effects of the activity on the environment will be acceptable subject to the imposition and implementation of appropriate conditions.

The objectives and policies of the ODP and PDP

86. As we have considered above both Ms Baker for the Council and Mr White for the applicant are of the view that the proposal is consistent with the relevant objectives and policies of both the ODP and PDP. The rationale for their approach is set out in their evidence/s.42a report. Mr Edgar for the submitters was of a different view, for the reasons he sets out in his evidence.
87. Having considered their evidence in detail we favour the evidence of Ms Baker and Mr White and find that the application as it is framed now will be consistent with the relevant objectives and policies of either the ODP or the PDP. In particular we note objectives and policies that favour connectivity, quality design, neighbourhood charter and the protection of amenity values.
88. In reaching this view we have considered the actual and potential amenity and character impacts a new road could create which is linked to residential development in NSZ. While we accept there could be potential adverse construction impacts, we are of the view that these impacts can be adequately addressed through the appropriate use of conditions of consent. The potential permanent amenity effects of the road do not appear to be of such significance to render the new road inappropriate, given the context of the changing wider environment.

The Operative and Proposed Otago Regional Policy Statement (RPS)

89. The RPS was not considered in detail by any of the planning witnesses. We do not consider that the proposal raises issues of regional significance which would warrant consideration under the RPS.

SECTION 104 & 104C DETERMINATION

90. Based on our assessment above, we have concluded that the proposed activity as currently framed is appropriate in terms of its actual and potential effects on the environment (that are within the relevant areas of discretion set out in the Plan) and that the proposal is consistent with the relevant objectives and policies of the Operative District Plan and the Proposed District Plan, subject to the imposition and implementation of appropriate conditions under s.108 of the RMA.

DECISION

91. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104C and 108 of the RMA, we determine that resource consent is granted to subdivide Lot 2 DP 469578 and Lot 3 DP 300408 and construct a road, with associated earthworks and retaining structures, subject to the conditions set out below.
92. The reasons for our decision have been set out in the sections above.

A handwritten signature in purple ink, appearing to be 'L. Beattie', is written over a faint, circular official stamp.

Commissioner (Chair): Dr Lee Beattie

Date: 7 August 2018

CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
Allenby Farms Ltd Wanaka, drawn by Paterson Pitts Group, Job no: W4843
 - Scheme Plan, Sheet 1, revision 1, date 01/08/2017
 - Indicative Road Formation, Sheets 1 - 5, revision 3, date 17/06/2018
 - Design Longsection, Sheet 6, revision 3, date 17/06/2018
 - Design Longsection, Sheet 7, revision 3, date 17/06/2018
 - Typical Section, Sheet 8, revision 2, date 14/08/2017

Stamped as approved on 07 August 2018

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

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. This consent shall not be implemented unless and until the consent holder obtains a separate consent which enables a road connection from the northern end of the proposed Peak View Ridge into the Northlake Special Zone and which has been limited notified to landowners adjoining Peak View Ridge (or with existing vehicle access off Peak View Ridge) to enable those landowners to be involved in that consent process.
4. The consent holder shall provide amended plans, as part of condition 1 showing that the proposal roading layout does not enter the land currently zoned NSZ.

General Conditions

5. All engineering works, including the construction of retaining walls, shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

Note: The current standards are available on Council's website via the following link:

<http://www.qldc.govt.nz>

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

6. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and

execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.

7. At least 5 working days prior to commencing work on site the consent holder shall advise the Manager of Resource Management Engineering at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions (8-13) below shall be demonstrated.
8. A minimum of 2 working days prior to commencing work on site the consent holder shall arrange an onsite meeting with a Resource Management Engineer at Council and the contractors responsible for the works to ensure that all parties involved are aware of what is required of them during the construction process. All prior to commencement of works conditions detailed in Conditions (9-13) below shall be demonstrated to be met.
9. Prior to commencing works on site, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
10. Prior to commencing any work on the site the consent holder shall submit a detailed 'Site Management Plan', detailing dust and sediment controls, including a construction methodology to the Manager of Resource Management Engineering at Council for acceptance prior to works commencing. The construction methodology component of this document shall include all stages of excavation, construction, stormwater control measures, and retention measures to ensure adequate support is provided to the excavation, such that no adverse effects are caused to surrounding land, structures, roads, underground services and waterways. The consent holder shall maintain access to the existing lots to the west during construction.
11. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the site management plan submitted under condition (10) above to ensure that neighbouring sites remain unaffected from earthworks.
12. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
13. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who shall supervise the excavation procedure and retaining wall construction and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.

14. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (5), to detail the following requirements:
- a) The provision of a water supply within Peak View Ridge in terms of Council's standards and connection policy. This shall include:
 - i) The provision of a water connection to each of the nine lots on the western side of Peak View Ridge.
 - ii) This shall include an Acuflo GM900 to each of the above lots as the toby valve and an approved water meter as detailed in QLDC Water Meter Policy (Appendix A), dated August 2015.
 - iii) The costs of the connections shall be borne by the consent holder.
 - b) The provision of a pressure foul sewer main within Peak View Ridge and a connection to within 1 metre of the boundary of each of the nine lots on the western side of Peak View Ridge to Council's reticulated sewerage system in accordance with Council's standards and connection policy. The costs of the connections shall be borne by the consent holder and the connections shall be in a position that can be extended to service buildings within each of these lots.
 - c) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW2 firefighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
 - d) The provision of a sealed vehicle crossing to replace the existing vehicle crossing to lots on the western side of Peak View Ridge that have existing vehicle crossings. These vehicle crossings shall be constructed to Council's standards. The seal shall extend to the lot boundary of each lot from the widened road movement lane and shall be in the same location as the current vehicle crossing.
 - e) The provision of road lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
 - f) The sealed formation of Road 1, in accordance with Figure E13 of the Land Development and Subdivision Code of Practice except where noted otherwise below or otherwise agreed to by Council. This shall include:

- i) The road shall be formed in general accordance with the Paterson Pitts Group Plans submitted with the application (as amended) including such amendments at the Engineering Review and Acceptance stage as agreed to by Council including a 1.5m wide footpath along one road side and 2.5m wide shared cycle and pedestrian path along the other side.
- ii) Surfacing shall provide traction in icy conditions, especially on the steeper 12.5% section.
- iii) Provision shall be made for stormwater disposal in accordance with the Paterson Pitts Stormwater Report submitted with the application.
- g) The formation of the intersection of Peak View Ridge with Aubrey Road, in accordance with the latest Austroads intersection design guides. This shall include meeting the safe intersection stopping distances specified in Austroads Part 4a on all approaches. These designs shall be subject to review and acceptance by Council with any associated costs met by the consent holder.
- h) The provision of a PS1 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
- i) The provision of Design Certificates for all engineering works associated with this subdivision submitted by a suitably qualified design professional (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
- j) The provision of a landscaping plan detailing proposed planting and any hard landscape within the roading corridor

To be monitored throughout earthworks

- 15. No permanent batter slope within the site shall be formed at a gradient that exceeds 1(V):4(H), except for the areas identified on the earthworks plans.
- 16. The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by Riley Consultants (dated 23 December 2016 Ref: 160240-) and the Paterson Pitts Group plans submitted with the application.
- 17. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.

To be completed before Council approval of the Survey Plan

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

- i) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved. This shall include any Easements in Gross as required by Council for infrastructure to vest. Requirements for vested infrastructure and Easements in Gross shall be agreed with Council prior to Engineering Acceptance.

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

19. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:

- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
- b) The completion and implementation of all works detailed in Condition (12) above.

Any wired telecommunications or electrical connections shall be underground from existing reticulation and in accordance with any requirements and standards of the Network provider.

- c) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (5) for all engineering works completed in relation to or in association with this subdivision (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of a Producer Statement, or the QLDC's Land Development and Subdivision Code of Practice Schedule 1B and 1C Certificate.
- d) All newly constructed foul sewer and stormwater mains shall be subject to a closed circuit television (CCTV) inspection carried out in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main. The CCTV shall be completed and reviewed by Council before any surface sealing.
- e) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.

- f) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
 - g) Earthworks and tree trimming or removal shall be undertaken within the Council road reserve to ensure sight distances to the west are unimpeded.
 - h) An engineer's PS4 Producer Statement shall be submitted for any permanent retaining walls within the lot which exceed 1.5m in height or are subject to additional surcharge loads.
 - i) All earthworked/exposed areas created as a requirement of this subdivision shall be top-soiled and grassed/revegetated or otherwise permanently stabilised.
20. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Advice Note:

- 1. Condition 2 has been offered by the applicant on an Augier basis. Any consent that provides for the new road to link to the NSZ area may alter the design of the road.
- 2. The consent holder is advised that any retaining walls, including stacked stone and gabion walls, proposed in this development which exceeds 1.5m in height or walls of any height bearing additional surcharge loads will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
- 3. Prior approval via a Connection to Council Services for a Temporary Water Take is required if Council's water supply is to be utilised for dust suppression during earthworks. This shall include the use of a backflow prevention device to prevent contamination of Council's potable water supply.
- 4. Lot 2 is a balance allotment intended for further development and has not been serviced in accordance with Council's standards and no development contributions have been paid. At the time of any future development of Lot 2, all necessary services shall be provided to the lot (and any additional lots) in accordance with Council's standards and connection policy as they apply at the time of the future development. For the purposes of this condition the term "necessary services" includes wastewater disposal, water supply, stormwater disposal, telecommunications and electricity supply. The costs of providing services and making any connections shall be borne by the owner of the lot for the time being and they shall also pay to the Queenstown Lakes District Council any applicable development contributions at that time.
- 5. This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or

has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).

5. The subject site is identified on the Council's interim hazard register as being within an area that has been notated as being subject to inundation, flooding, instability and slippage. It is recommended that the consent holder consult an appropriately qualified engineer to confirm whether such a potential threat actually exists in relation to the proposed activity.
6. Vesting or dedicating of the road in Council is contingent upon either for
 - A) Vesting – all instruments being removed from the Computer Freehold Register of proposed Lot 1; or Dedication – the removal of instrument 9820024.4 from the Computer Freehold Register of proposed Lot 1.
7. Whilst every effort has been made to ensure that the proposed road to vest (or dedicate) as consented will meet with Council approval at the time of vesting (or dedication), the resource consent does not constitute agreement in that regard.

QUEENSTOWN LAKES DISTRICT COUNCIL



APPROVED PLAN:
RM171015

Tuesday, 7 August 2018

Lot 6
DP300734

808.4

LOT 2
37.31 Ha

Lot 65
DP371470

341.4

100.1

Lot 1
DP 478525

Lot 2
DP 478525

Lot 2
DP 336712

Lot 1
DP27611

Lot 2
DP300072

Lot 2
DP300408

Lot 1
DP300408

Lot 2
DP301211

Lot 1
DP301211

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9.4

10.0

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110.3

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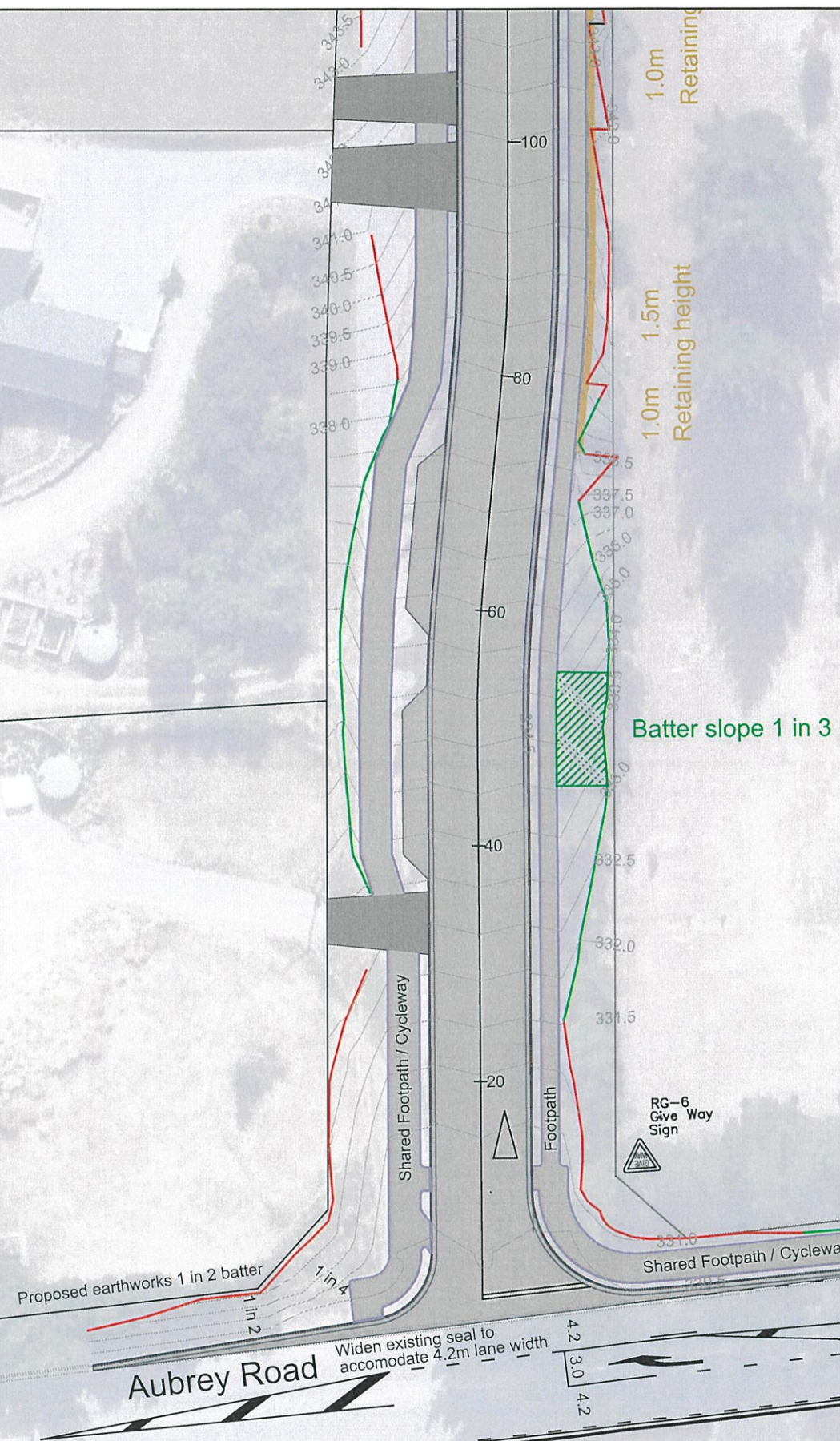


APPROVED PLAN:
RM171015

Tuesday, 7 August 2018

Lot 2
DP 301211
Crawford and Janet Anderson

Lot 1
DP 301211
Hugh and Nicole Meldrum



NOTES

All batter slopes 1 in 4 unless otherwise shown



Cut Batter



Fill Batter



Retaining Max 1.5m

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WANAKA BRANCH
19 Reece Crescent
or P.O. Box 263
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

Client & Location:

Allenby Farms
Peak View Ridge
Wanaka

Purpose & Drawing Title:

Indicative Road Formation,
Peak View Ridge

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Designed by:	PHJ	A3	1:500 @ A3
Drawn by:	PHJ		
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Approved by:	MJB		
Job No:	W4843	Sheet No:	1
		Revision No:	3
		Date Created:	17/06/2018

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APPROVED PLAN:
RM171015

Tuesday, 7 August 2018

NOTES

All batter slopes 1 in 4 unless otherwise shown



Cut Batter



Fill Batter



Retaining Max 1.5m

Lot 2
DP 300409
John and Penelope Field

Batter slope 1 in 3

Lot 1
DP 300409
Brett Whelan

1.0m
1.5m
1.0m
0.5m
Retaining height



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19 Reece Crescent
or P.O. Box 283
Wanaka 9343
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Client & Location:

Allenby Farms
Peak View Ridge
Wanaka

Purpose & Drawing Title:

Road Formation, Peak View Ridge

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Job No:	W4843	Sheet No:	2
		Revision No:	3
		Date Created:	17/06/2018

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APPROVED PLAN:
RM171015

Tuesday, 7 August 2018

NOTES

All batter slopes 1 in 4 unless otherwise shown



Cut Batter
Fill Batter
Retaining Max 1.5m

Batter slope 1 in 3

Lot 2
DP 300372
Robert Daultrey and
Leonora Fonaton

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or P.O. Box 283
Wanaka 9343
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Client & Location:

Allenby Farms
Peak View Ridge
Wanaka

Purpose & Drawing Title:

Road Formation, Peak View Ridge

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Drawn by: PHJ
Checked by: DLW
Approved by: MJB
Job No: W4843

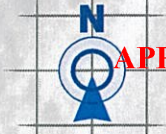
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DO NOT SCALE

Sheet No: 3
Revision No: 3
Date Created: 17/06/2018

QUEENSTOWN LAKES DISTRICT COUNCIL



APPROVED PLAN:
RM171015

Tuesday, 7 August 2018

NOTES

All batter slopes 1 in 4 unless otherwise shown



Cut Batter



Fill Batter



Retaining Max 1.5m

Lot 1
DP 27611
Barry and Patricia Andrews

Batter slope 1 in 3

Batter slope 1 in 3

1.0m
retaining height

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Client & Location:

Allenby Farms
Peak View Ridge
Wanaka

Purpose & Drawing Title:

Road Formation, Peak View Ridge

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Approved by:	MJB		
Job No:	W4843	Sheet No:	4
		Revision No:	3
		Date Created:	17/06/2018

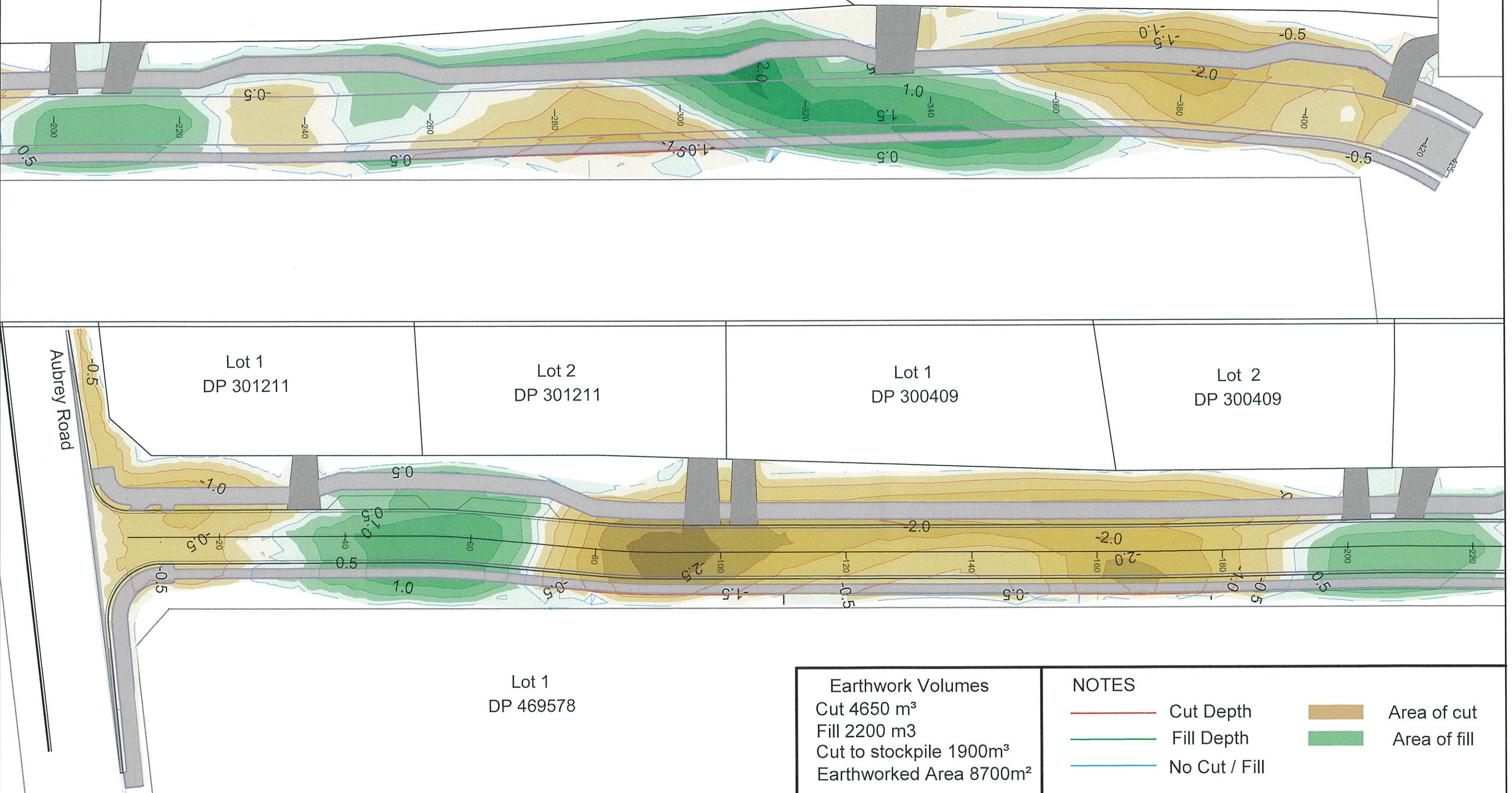
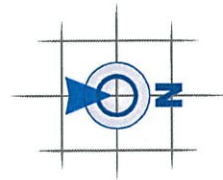
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APPROVED PLAN:
RM171015

Tuesday, 7 August 2018

Lot 2
DP 300372

Lot 1
DP 27611



Earthwork Volumes
Cut 4650 m³
Fill 2200 m³
Cut to stockpile 1900m³
Earthworked Area 8700m²

NOTES

- Cut Depth
- Fill Depth
- No Cut / Fill
- Area of cut
- Area of fill

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19 Reece Crescent
or P.O. Box 283
Wanaka 9343
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Client & Location:
**Allenby Farms
Peak View Ridge
Wanaka**

Purpose & Drawing Title:
Road Formation, Peak View Ridge

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Drawn by:	PHJ		
Checked by:	DLW		
Approved by:	MJB		
Job No:	W4843	Sheet No:	5
		Revision No:	3
		Date Created:	17/06/2018



Horiz Curve Data

Vertical Geometry Grade (%)

Vertical Geometry Grade (1 in)

Vertical Grade Length

Vertical Curve Length

Vertical Curve Radius

DATUM R.L.304.00

EXISTING GROUND LEVEL AT CENTRELINE	330.17	331.02	331.37	331.57	331.61	331.78	332.09	332.82	333.35	333.39	333.53	334.63	334.87	337.07	340.35	340.49	342.37	342.45	343.40	343.93	343.97	344.76	345.24	345.75	346.28	346.50	347.79	347.93	347.65	347.46	347.27	346.23	346.16	345.91	345.78	344.77	344.69	344.35	344.20	344.85	344.82	344.55	344.11	343.91
+ FILL DEPTH - CUT DEPTH	-0.19	-0.55	-0.62	-0.56	-0.53	-0.37	0.20	0.71	1.37	1.39	1.46	1.40	1.36	0.21	-1.82	-1.89	-2.59	-2.60	-2.37	-1.87	-1.70	-1.37	-0.91	-0.67	-0.72	-0.85	-1.77	-1.71	-1.41	-1.23	-1.05	-0.14	-0.08	0.13	0.23	1.02	1.08	1.20	1.11	0.22	0.18	0.28	0.56	0.67
FINISHED LEVEL AT CENTRELINE	329.98	330.48	330.75	331.01	331.08	331.40	332.28	333.53	334.72	334.78	334.99	336.03	336.24	337.28	338.53	338.60	339.78	339.85	341.03	342.05	342.28	343.40	344.33	345.08	345.56	345.65	346.02	346.21	346.24	346.23	346.22	346.09	346.08	346.04	346.01	345.79	345.77	345.55	345.31	345.06	345.01	344.82	344.67	344.58
CHAINAGE	0.00	10.00	15.46	19.21	20.00	22.96	30.00	40.00	49.50	50.00	51.64	60.00	61.64	70.00	80.00	80.59	90.00	90.59	100.00	108.21	110.00	120.00	130.00	140.00	148.21	150.00	160.00	170.00	175.18	177.65	180.00	187.65	188.21	190.00	190.95	200.00	200.95	210.00	220.00	230.00	232.40	240.00	246.20	250.00

W4843 Allenby Farms Ltd : Peak View Ridge Longsection

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Client & Location:

Allenby Farms Ltd
Peak View Ridge

Purpose & Drawing Title:

Peakview Ridge
Design Longsection

Surveyed by:	DA	Original Size: A3	Scale: 1:1000 @ A3	
Designed by:	DA			
Drawn by:	DA			
Checked by:	DLW		DO NOT SCALE	
Approved by:	PHJ			
Job No:	W4843	Sheet No: 6	Revision No: 3	Date Created: 17/06/2018



Horiz Curve Data

Vertical Geometry Grade (%)

Vertical Geometry Grade (1 in)

Vertical Grade Length

Vertical Curve Length

Vertical Curve Radius

DATUM R.L.315.00

EXISTING GROUND LEVEL AT CENTRELINE	344.85	344.82	344.55	344.11	343.91	343.83	344.08	344.25	344.21	344.20	343.73	343.44	342.48	342.38	342.76	343.05	343.43	343.86	345.07	346.62	348.36	348.63	350.00	351.67	352.07	352.36	352.36	352.58	352.82	352.85	353.49	353.61	353.70	353.94
+ FILL DEPTH - CUT DEPTH	0.22	0.18	0.28	0.56	0.67	0.51	0.02	-0.40	-0.59	-0.59	-0.21	0.10	1.26	1.43	1.65	1.54	1.61	1.47	1.27	0.72	-0.01	-0.13	-0.65	-1.32	-1.36	-1.01	-0.73	-0.31	-0.29	-0.12	-0.61	-0.20	-0.22	-0.25
FINISHED LEVEL AT CENTRELINE	345.06	345.01	344.82	344.67	344.58	344.34	344.09	343.85	343.62	343.61	343.53	343.54	343.74	343.81	344.41	344.59	345.04	345.33	346.34	347.34	348.34	348.50	349.35	350.35	350.71	351.35	351.63	352.27	352.53	352.73	352.88	353.40	353.48	353.69
CHAINAGE	230.00	232.40	240.00	246.20	250.00	260.00	270.00	280.00	289.67	290.00	296.96	300.00	308.38	310.00	320.00	322.26	327.08	330.00	340.00	350.00	360.00	361.57	370.00	380.00	383.58	390.00	392.74	399.95	403.64	407.17	410.00	420.00	421.52	425.49

W4843 Allenby Farms Ltd : Peak View Ridge Longsection

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or P.O. Box 283
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Client & Location:

Allenby Farms Ltd
Peak View Ridge

Purpose & Drawing Title:

Peakview Ridge
Design Longsection

Surveyed by:	DA	Original Size: A3	Scale: 1:1000 @ A3
Designed by:	DLA		
Drawn by:	DLA		
Checked by:	DLW		
Approved by:	PHJ		
Job No: W4843		DO NOT SCALE	
		Sheet No: 7	Revision No: 3
			Date Created: 17/06/2018

