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By Email

4 April 2016

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Our Ref: 9002

Attention: Policy Team, Plan Change 51

Dear Sir/Madam

**RE: PENINSULA BAY JOINT VENTURE – FURTHER SUBMISSION ON
PROPOSED PLAN CHANGE 51**

On behalf of Peninsula Bay Joint Venture, please find enclosed a Further Submission on Proposed Plan Change 51. Please do not hesitate to contact us if you have any queries.

We look forward to being kept informed of the process.

Yours sincerely,

MITCHELL PARTNERSHIPS LIMITED



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FORM 6

**FURTHER SUBMISSION IN SUPPORT OF OR IN OPPOSITION TO SUBMISSIONS ON
PUBLICLY NOTIFIED PROPOSED PRIVATE PLAN CHANGE 51**

Clause 8 of Schedule 1, Resource Management Act 1991

To: Planning Department
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Further submission on: Plan Change 51 - Queenstown Lakes District Plan

Name of Further Submitter: Peninsula Bay Joint Venture ("PBJV")

Address: Peninsula Bay Joint Venture
Infinity Building
78 Ardmore Street
Wanaka 9343
(Note address for service below)

- 1. This further submission is in support of, or in opposition to, submissions on proposed Plan Change 51 to the Queenstown Lakes District Plan ("PC51").**
- 2. PBJV has an interest in PC51 that is greater than the interest the general public has, because PBJV is the proponent of PC51.**
- 3. Background to PBJV's further submission**
 - 3.1. PC51 is sought by PBJV under section 73(2) of the Resource Management Act 1991 ("RMA")
 - 3.2. The purpose of PC51 is to enable the development of part of the land currently zoned Open Space Zone at Peninsula Bay north for specified low density residential development, whilst providing for ecological gains and improved

passive recreation on the balance of the land to be retained in the Open Space Zone.

- 3.3. Specifically, PC51 proposes to remove the Open Space Zone from approximately 6 hectares of land and apply the LDR Zone to the area. No changes to any other provisions of the District Plan are proposed and approximately 19 hectares of land will remain as Open Space Zone.
- 3.4. The existing Low Density Residential (“LDR”) Zone area at Peninsula Bay is reaching capacity. The proposed PC51 site is located directly adjacent to the existing LDR zone and is within the Inner Growth Boundary specified by the Wanaka Structure Plan 2007 (“**Inner Growth Boundary**”). The proposal is therefore consistent with the Queenstown Lakes District Growth Management Strategy (2007), which encourages the efficient development of land within the Inner Growth Boundary.
- 3.5. The creation of additional LDR Zone land will increase the diversity of residential options within the Peninsula Bay development. It is considered to represent a logical extension of the existing LDR Zone in this area of Wanaka. Existing infrastructure networks have adequate capacity to service development subsequent to PC51. PC51 will therefore maximise the efficiency of investments in existing infrastructure.

4. Submissions on the notified PC51

- 4.1. One submitter in support of the proposal identified a range of positive outcomes and benefits from PC51. PBJV supports that submission.
- 4.2. 200 submissions lodged in opposition to PC51 raised various issues. Common themes included in opposing submissions were:
 - Potential adverse landscape and visual amenity effects.
 - Potential adverse ecological effects.
 - Potential adverse effects on recreational amenity.
 - Concerns that PC51 seeks an outcome that is inconsistent with original resource consent decisions for Peninsula Bay.

A number of submissions raised all of these matters to differing degrees.

5. PBJV considers that the relief sought via this further submission will ensure that:

- a) PC51 is consistent with, and will achieve the purpose and principles of, the RMA (and higher order documents) in terms of promoting the sustainable management of natural and physical resources;
- b) It will assist the people and communities of Wanaka and the wider Queenstown Lakes Region to provide for their social and economic wellbeing;
- c) It will provide for the avoidance, remediation or mitigation of adverse effects on the environment;

- d) It will promote the efficient use and development of natural and physical resources;
- e) It will assist the Council to carry out its functions under the RMA of achieving the integrated management of the effects of the use, development or protection of land and associated natural and physical resources;
- f) It will meet the requirements of Section 32 of the RMA; and
- g) It represents good resource management practice.

6. PBJV's further submission is attached as Attachment A.

7. PBJV does wish to be heard in relation to this further submission.

8. If others make a similar submission PBJV will consider presenting a joint case with them at any hearing.

9. PBJV seeks the following decision from the Queenstown Lakes District Council:

9.1. That the plan change be approved; and,

9.2. Such further, alternative, consequential or other relief as is appropriate or desirable in order to take account of the matters expressed in this submission.

Signature:



By its authorised agent Louise Taylor, on behalf of
Peninsula Bay Joint Venture

Date: 4 April 2016

Address for service: Peninsula Bay Joint Venture
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Contact Details:

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ATTACHMENT A

SUBMITTER	SUB. ID.	RELIEF SOUGHT	PBJV's POSITION ON THE SUBMISSION AND THE RELIEF SOUGHT BY PBJV	PBJV REASONS
Tom Dupont	51/137	Support the subdivision of the land as proposed.	Support this submission. Approve the plan change.	PBJV supports this submission. The submission acknowledges the economic, ecological and recreational benefits associated with PC51. The submission also recognises that potential adverse visual and landscape effects will be appropriately managed through a range of design requirements promoting sensitive future development of the site, to be secured by a registered covenant.
Richard & Katherine Geeves	51/01	<p>Oppose PC51.</p> <p>Avoid residential encroachment into existing Open Space Zone areas to maintain the existing recreational values and landscape setting of the site.</p> <p>Direct new residential development to rural locations on the outskirts of Wanaka.</p>	Oppose this submission. Approve the plan change.	<p>The PC51 site ("site") is well located in terms of connectivity to existing infrastructure networks with ample spare capacity¹. The site is contiguous with, and forms a logical extension to, an existing residential area. Importantly, the site is within the Inner Growth Boundary.</p> <p>PC51 will provide additional residential development opportunities within the existing urban area of Wanaka. It thereby contributes to reduced demand for urban expansion into rural area and associated potential adverse effects². Furthermore, PC51 is anticipated to provide positive economic benefits to the community³.</p> <p>In addition, PC51 will provide substantial ecological and amenity improvements to the area of land proposed to be retained in the Open Space Zone, including indigenous revegetation and the installation of recreational infrastructure. PC51 will therefore support positive environmental and community outcomes, derived from the enhancement of ecological⁴ and recreational⁵ values.</p> <p>While the existing infrastructure network has capacity to accommodate an additional 31 lots at the site⁶, to ensure PC51 appropriately responds to the landscape and visual values of the site and surroundings, a yield of 26 lots is sought. PC51 therefore will improve the efficiency of infrastructure use without overloading the network while maintaining a site-responsive approach.</p> <p>PC51 will introduce change to the site, associated with the transition of the site from a relatively natural character to a residential character. The anticipated adverse effects on landscape character are classified as moderate (in the non-ONL area of the site) and moderate to substantial (in the ONL area of the site). No significant adverse effects on landscape character are anticipated. Adverse effects on views and visual amenity will be negligible to slight, notwithstanding the particularly localised effects of the plan change⁷.</p>

¹ As detailed at Section 6.1.3, Table 2 and the Infrastructure Design Report at Appendix I of the Private Plan Change Application.

² For example, potential adverse effects such as reverse sensitivity effects on existing rural land uses, effects on rural landscape and ecological resources and opportunity costs/inefficiencies associated with the extension of urban infrastructure services to rural areas in lieu of utilising capacity available in existing networks to service additional development within the existing urban area.

³ As detailed at Section 6.1.1 and Table 2 of the Private Plan Change Application.

⁴ As detailed at Sections 6.1.6, Table 2, the Terrestrial Ecology Assessment at Appendix F and the Draft Land Covenant at Appendix G of the Private Plan Change Application.

⁵ As detailed at Section 3.1, Section 6 (Option 3), Section 6.1.3, Table 2 and the Landscape Plan at Appendix C of the Private Plan Change Application.

⁶ As detailed in the Infrastructure Design Report at Appendix I of the Private Plan Change Application.

⁷ As detailed at Section 6.1.7 and the Visual Effects Assessment Report at Appendix E of the Private Plan Change Application.

				<p>The adverse effects of the proposal on the landscape and visual values of the site will be well mitigated by the registration of a restrictive covenant to the titles created. The covenant will secure enhanced ecological outcomes and will mitigate adverse landscape effects through the required site revegetation⁸. It will also specify design parameters to ensure that future development of the site for residential purposes will be appropriate to the surrounding landscape context.</p>
Raewyn Calhaem	51/02	<p>Oppose PC51.</p> <p>Conditions of original consents should not be able to be removed at a later date. The ability to do so makes a mockery of the consent process and allows developers to effectively circumvent adhering to the conditions.</p>	<p>Oppose this submission. Approve the plan change.</p>	<p>Please refer to the reasons provided in response to Submission no. 51/01 above.</p> <p>In addition, PBJV notes that Section 2.1 of the Private Plan Change Application details the consenting history of the site, referring specifically to Variations 15 and 25, and briefly to PC40.</p> <p>The findings of the Environment Court in its decision to reject Variation 15 formed the basis for PBJV's careful consideration and preparation of PC51.</p> <p>The environmental context of the site has changed significantly since Variations 15 and 25⁹. Those Plan Changes were proposed in 2004 and 2005 respectively.</p> <p>The RMA framework provides for the independent, merits-based consideration of proposals. It provides an opportunity to consider the merits of proposed Plan Change in terms of the existing environment and the current planning controls. In PBJV's view, PC51 therefore does not circumvent or undermine previous decisions and does not set a precedent for any future application.</p> <p>The balance between adverse and positive effects associated with PC51 has been assessed. PBJV considers that, subject to the mitigation measures outlined in the Private Plan Change Application, PC51 represents an appropriate response to the site and is highly consistent with the applicable planning framework¹⁰.</p>
Oliver William Young	51/11	<p>Oppose PC51.</p> <p>PC40 Objective 4.1.4(i) relates to nature conservation values and seeks to protect and enhance indigenous ecosystems.</p> <p>Policy 8 to PC40 relates to the avoidance of cumulative degradation.</p>	<p>Oppose this submission. Approve the plan change.</p>	<p>Refer to the reasons provided in response to Submissions 51/01 and 51/02 above.</p> <p>PBJV notes the comments in this submission regarding Plan Change 40("PC40"). PBJV considers that PC51 is a separate private plan change application that does not undermine the integrity of PC40. PC40 simply resolved a mapping error whereby a number of private lots were subject to dual zoning (LDR Zone and the Open Space Zone) on the District Plan maps. PC40 resolved this mapping error and enabled subdivision to proceed in accordance</p>

⁸ As detailed in the Landscape Plan at Appendix C, the Landscape and Visual Effects Assessment Report at Appendix E and the Draft Land Covenant at Appendix G of the Private Plan Change Application.

⁹ As detailed in Sections 2.1 and 2.2 of the Private Plan Change Application.

¹⁰ PC51 is assessed against the planning framework at Section 7 of the Private Plan Change Application.

		<p>PC25 and PC40 resulted in the northern area of the site being classified as an ONL.</p> <p>PC51 undermines the intent of the previous plan changes. The environmental and aesthetic amenity of the area has decreased since the establishment of development. The future development envisaged by PC51 would result in further adverse landscape effects and therefore should be rejected.</p>		<p>with the approved Outline Development Master Plan and associated subdivision approval.</p>
Julian Hayworth on behalf of Upper Clutha Environmental Society (Inc)	51/12	Oppose PC51.	Oppose this submission.	Refer to the reasons provided in response to Submissions 51/01 and 51/02 above.
Bridget Irving - Gallaway Cook Allan on behalf of LAC Property Trustees	51/147	Oppose PC51.	<p>Oppose this submission.</p> <p>Approve the plan change.</p>	<p>PBJV notes the following matters regarding the reasons given for LAC Property Trustees opposition to PC51:</p> <ul style="list-style-type: none"> • PBJV considers the reduction in the extent of the Open Space Zone to be acceptable given the policy context set by the District Plan in support of urban consolidation, in combination with the measures proposed by PC51 to enhance the ecological and amenity values of land to be retained as Open Space Zone. In this regard, PBJV disagrees that PC51 is inconsistent with Residential Policies 1.5 and 2.1. On considering these provisions in the context of their parent Objectives and associated policies, PBJV considers that PC51 is consistent with the intent of the District Plan. • The Landscape Assessment that accompanies PC51 provides a detailed assessment of effects from Paragraph 65 onwards. No significant adverse effects on landscape character are anticipated. Measures are proposed to avoid, remedy or mitigate anticipated adverse effects and these measures are envisaged to be adequate to ensure consistency with the District Plan. • The subdivision, use and development of land in the Districts ONLs is “discouraged” by Policy 4.2.5(6)(b) but is not precluded. Subsequent Policy 4.2.5(6)(c) clearly envisages that there may be circumstances where the subdivision, use and development of land in an ONL may be acceptable. PBJV considers that PC51 responds positively to these policy settings, for the reasons set out in detail in the Private Plan Change Application.

				<ul style="list-style-type: none"> The Private Plan Change Application clearly identifies how the re-zoning (and subsequent subdivision and development) can be undertaken and managed so as to remain within acceptable limits of change and avoid, remedy or mitigate adverse effects on the areas of the site within and outside of the ONL. <p>In summary, PBJCV considers that PC51 appropriately balances the policy context which seeks to provide adequate development for residential purposes within the urban areas of the District while appropriately managing the effects of such development on ecological, landscape and amenity values.</p>
Bridget Irving - Gallaway Cook Allan on behalf of Nick Brasington	51/149	Oppose PC51.	Oppose this submission.	As the reasons given in this submission for the submitter's opposition to PC51 are identical to those given in submission 51/147, please refer to PBJV's further submission on 51/147 above.
Dr Ella Lawton on behalf of Aspiring Tracks Network	51/152	Amend PC51 to incorporate a range of changes relating to the layout and design of recreational infrastructure (specifically, toilet facilities, walking paths and cycling trails) to be provided within the portion of the land retained in the Open Space Zone.	Support in part / oppose in part. Approve the plan change.	<p>The submission of Aspiring Track Network ("ATN") highlights the use of the Open Space Zone portion of the site by the public for walking and cycling. This land is in private ownership. Public access and recreational used has been premised on a desire by PBJV to contribute to community amenity, rather than any regulatory obligation.</p> <p>PBJV has had discussions with ATN and is agreeable in principle to the proposals raised in items 1-5 (p2) of the submission, item 6 (p3), items 7, 9 and 10 (p3). These proposals are being investigated further by PBJV and will be discussed with ATN prior to the hearing. Discussions with the Council and third party landowners may also be required, particularly with regards to cost-sharing.</p>
Craig Barr on behalf of Queenstown Lakes District Council	51/155	<p>That PC51 be rejected if the Hearings Panel is not satisfied that the application resolves matters relating to:</p> <ul style="list-style-type: none"> The effects of reducing the extent of the Open Space Zone The appropriateness of extending the LDR Zone in combination with a covenant imposing development controls on land owners. The appropriateness of the proposed lot configuration, particularly whether the interface between the proposed northernmost lots and the Open Space Zone constrain viable 	Support in part / oppose in part. Approve the plan change.	<p>PBJV considers that the reduced extent of the Open Space Zone will still be ample to provide for the community's recreational needs, particularly when improvements to this area are undertaken.</p> <p>It is noted that PC51 proposes rezoning of six hectares of land. However 19 hectares will remain as Open Space Zone and will be provided to the community by PBJV.</p> <p>PBJV considers that the proposed alignment of the Open Space Zone near the proposed more northerly allotments will retain adequate space for future potential public space. It is noted that the Council's submission identifies methods that the Panel could utilise to ensure this, should the Panel have concerns about the matter.</p> <p>Having regard to the comments regarding the removal of indigenous vegetation and subsequent ecological restoration program, PBJV is of the view that the Plan Change Application establishes a sound rationale for this aspect of the proposal.</p>

		<p>future public access through the Open Space Zone.</p> <ul style="list-style-type: none"> • Adequate compensation or offset for the loss of indigenous biodiversity and the overall viability of proposed ecological restoration measures. • The acceptability of earthworks associated with subdivision, building platforms and future development in terms of effects on the ONL and the earthworks provisions of the District Plan. <p>That notwithstanding Council comments made in relation to the potential administrative burden associated with the monitoring and enforcement of the conditions of the proposed covenant, Council prefers the use of covenanted performance standards to the amendment of the LDR Zone provisions of the District Plan.</p>		<p>PBJV considers that the effects of earthworks associated with the proposal can be adequately managed. Appendix E to the Plan Change Application confirms that the site has the capacity to absorb the proposed change and the development pattern emerging as a result of PC51 will generally be well absorbed into existing landscape patterns.</p> <p>PBJV concurs with Council's reasons (at point 3 of Council's submission) regarding a preference for a covenanted approach to development performance standards for the proposed lots, noting the greater administrative efficiencies to be gained by this approach compared with amendment of the District Plan LRD Zone provisions.</p> <p>PBJV does not consider it inappropriate to combine a LDR Zoning with a covenant that applies performance standards to subsequent residential development. This approach reduces complexity while enabling efficient development of the site. PBJV does not consider that the proposed covenant will result in an unreasonable administrative burden on public resources.</p>
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