



Form 6

Further Submission on a Plan Change to the Operative Queenstown Lakes District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Robert Daultrey and Leonora Fonaton Hastings, Mark and Kirsty Taylor, Janet Anderson, Brett Whelan, Penelope Field, Barry and Patricia Andrews, Andrew Gawith and Penny Deans and Rob and Alice Dupont (the Peak View Ridge Lot Owners)

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1.0 Further Submission

- 1.1 Robert Daultrey and Leonora Fonaton Hastings, Mark and Kirsty Taylor, Janet Anderson, Brett Whelan, Penelope Field, Barry and Patricia Andrews, Andrew Gawith and Penny Deans and Rob and Alice Dupont (the "Peak View Ridge Lot Owners" or "PVRLO") (the Submitters) oppose the submission of WFH Properties Limited (Submission 21) on Plan Change 54 (PC54) to the Operative Queenstown Lakes District Plan.
- 1.2 The Submitters have an interest in the proposal that is greater than the interest of the general public as they own property and reside on Peak View Ridge and will be directly and adversely affected by the relief sought in the WFH Properties Limited submission.

2.0 Reasons for Further Submission

2.1 The Submitters comprise a group of land owners and residents of Peak View Ridge. The Submitters own and occupy the following properties:

Submitter	Property Address	Legal Description
Mark and Kirsty Taylor	1 Peak View Ridge	Lot 1 DP 301211
Janet Anderson	9 Peak View Ridge	Lot 2 DP 301211
Brett Whelan	11 Peak View Ridge	Lot 1 DP 300408
Penelope Field	15 Peak View Ridge	Lot 2 DP 300408
Robert Daultrey and Leonora Fonaton Hastings	21 Peak View Ridge	Lot 2 DP 300072
Barry and Patricia Andrews	41 Peak View Ridge	Lot 1 DP 27611
Andrew Gawith and Penny Deans	43 and 45 Peak View Ridge	Lots 1 and 2 DP 579994
Rob and Alice Dupont	49 Peak View Ridge	Lot 1 DP 478525

2.2 The Submitters have previously made submissions on Plan Change 45 opposing the use of Peak View Ridge to provide vehicle access to the Northlake Special Zone (NSZ).

2.3 The Submitters also collectively opposed RM171015, being an application by Allenby Farms Limited to subdivide land, construct a road and undertake associated earthworks and retaining on Peak View Ridge. While consent was granted for RM171015, that consent provided for the subdivision and the construction of the road only. The use of the road and its connection to the NSZ were not approved (as that did not form part of the application) and it was acknowledged by Allenby Farms Limited and the commissioner that the future use of the road and its suitability and appropriateness to connect through to the NSZ would be the subject of a future resource consent application.

2.4 The Submitters appealed the decision on RM171015 and a settlement was reached at mediation whereby the subdivision component of the proposal was approved by Consent Order while the land use component to construct the road, earthworks and associated retaining was surrendered. As part of the mediated outcome Condition 3 of the Consent Order states as follows:

3. *Lot 1 is intended for the purpose of access. This condition shall be recorded in a Consent Notice which shall be registered against the title for Lot 1.*

2.5 It is understood that the consent notice condition was included in order to make it clear that Lot 1 had

not been created for residential purposes and that it was kept intentionally broad (i.e. it does not state that Lot 1 is to be used solely to access the properties on the west side of Peak View Ridge nor does it state that Lot 1 is to be used to access the NSZ) so as not to predetermine the outcome of any future resource consent application to provide access to the NSZ via Lot 1.

- 2.6 The Submitters oppose the provision of access to the NSZ along Peak View Ridge and consequently oppose the relief sought by WFH Properties Limited as it would enable the provision of access along or in the vicinity of Peak View Ridge by identifying an 'Indicative Required Road Link' and an 'Indicative Primary Entry' on the NSZ Structure Plan.
- 2.7 The submission of WFH Properties Limited states that "the issue of a roading connection via Peak View Ridge to connect the Northlake Special Zone to Aubrey Road has been considered at length, with the same considered to be a reasonable, logical and appropriate outcome."¹
- 2.8 The contention by WFH Properties Limited that the use of Peak View Ridge as a road connection to the Northlake Special Zone was considered reasonable, logical and appropriate is incorrect. As recorded in the Commissioner's decision on RM171015² the NSZ was not advanced on the basis of, and did not rely upon vehicular access being provided along Peak View Ridge. Peak View Ridge was instead identified for pedestrian and cyclist access.
- 2.9 The appropriateness of vehicle access to the NSZ along Peak View Ridge was not considered in detail as part of RM171015 as no such access was sought as part of that consent. Further, the Commissioner's decision states as follows (following on from Paragraphs 71 and 72 as quoted in WFH Properties Ltd's submission):
- 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).³*
- 2.10 Further, the approval of the Outline Development Plan for the WFH Properties Ltd land under RM180502 did not rely on access along Peak View Ridge and while the decision on RM180502 expresses some support for a road connection in the vicinity of Peak View Ridge its appropriateness has not been

¹ Submission 21, Paragraph 20

² RM171015, Paragraph 32

³ RM171015, Paragraph 73

assessed in detail given the absence of any resource consent application to provide such a roading connection.

- 2.11 The potential adverse effects on the Submitters resulting from the construction of a roading connection to the NSZ along Peak View Ridge is acknowledged in the NSZ provisions which specifically make reference to “the owners of land that gain access off Peak View Ridge”⁴ as being potentially adversely affected by any proposal to use Peak View Ridge for vehicle access.
- 2.12 The relief sought will undermine the position that the Submitters are potentially adversely affected in this regard and would result in any Outline Development Plan that does not include a roading connection along Peak View Ridge or in its vicinity triggering a non-complying activity resource consent under Rule 12.34.2.5 xi due to non-compliance with Zone Standard 12.34.4.2 ii (a).
- 2.13 Further, the adverse effects of any future roading connection along Peak View Ridge are likely to be exacerbated by the additional residential development that Plan Change 54 (as notified) would enable, being an additional 60 to 65 residential lots on top of the estimated 410 residential lots that a future roading connection along Peak View Ridge would serve⁵. In addition it is noted that Plan Change 54 is being progressed in order to enable road access to Sticky Forest and therefore the number of residential lots that a roading connection along Peak View Ridge might ultimately serve could potentially increase significantly.
- 2.14 While the Submitters have not submitted in opposition to Plan Change 54 as notified the relief sought in the submission of WFH Properties Ltd significantly alters the potential outcome of the Plan Change. Adding a primary road link and entry point to an existing Structure Plan is therefore a significant amendment. It is the view of the Submitters that any parties directly affected by such an amendment should be notified (rather than being expected to review submissions) and they are disappointed that neither WFH Properties Limited as requestor of the amendment, nor QLDC as reviewer of the submissions has engaged with or notified the affected parties (i.e. the PVRLO and the owner(s) of the lot immediately to the east of Peak View Ridge (Lot 1 DP 469578), upon whose land the ‘Required Road Link’ has been identified in the relief sought).
- 2.15 Had Plan Change 54 been notified with the ‘Indicative Required Road Link’ and ‘Indicative Primary Entry’ included in the vicinity of Peak View Ridge it is likely that the Submitters would have submitted in opposition to the plan change as a whole.
- 2.16 The Submitters therefore believe that there may be scope/jurisdictional issues with the relief sought by WFH Properties Ltd in that it significantly increases the scope of the plan change and its associated

⁴ Operative District Plan – Northlake Special Zone – Page 12-366, Rule 12.34.3 i (second bullet point)

⁵ RM171015, Paragraph 36

effects. In addition the relief sought affects land that is outside of the NSZ and no longer forms part of the Operative District Plan.

3.0 Relief Sought

- 3.1 On this basis the Submitters seek that the submission of WFH Properties Limited is disallowed.
- 3.2 Alternatively the Submitters seek that Plan Change 54 is re-notified to include the 'Indicative Required Road Link' and 'Indicative Primary Entry' sought by WFH Properties Limited and to enable affected parties to make submission on the plan change as a whole should they so wish.
- 3.3 The Submitters do wish to be heard in support of their further submission.
- 3.4 The Submitters will consider presenting a joint case with others presenting similar submissions.



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Scott Edgar

(on behalf of Robert Daultrey and Leonora Fonaton Hastings, Mark and Kirsty Taylor, Janet Anderson, Brett Whelan, Penelope Field, Barry and Patricia Andrews, Andrew Gawith and Penny Deans and Rob and Alice Dupont (the Peak View Ridge Lot Owners))

23 February 2023