

IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

ENV-

I TE KŌTI TAIAO  
ŌTAUTAHI ROHE

BETWEEN

CASSIDY TRUST

**Appellant**

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

**Respondent**

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**APPENDIX 'C' TO NOTICE OF APPEAL BY CASSIDY TRUST**  
*Submissions by Cassidy Trust PDP/Stage 2 dated 18 February 2018*

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**Form 5 Submission on the Queenstown Lakes District Council Proposed Plan****To The Queenstown Lakes District Council**

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Queenstown 9348

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**Submission By : Cassidy Trust**

144 Lower Shotover Rd  
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Queenstown 9371

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1. This submission relates to the Queenstown Lakes District Councils proposed district plan.
2. The Cassidy Trust (Trust) does NOT gain an advantage in Trade Competition through this submission.
3. The submission of the Trust relates to :-
  - a) Chapter 6 Landscapes.
  - b) Chapter 22 Rural residential and Rural lifestyle.
  - c) Chapter 26 Historic Heritage.
  - d) Chapter 27 Subdivision and Development.
  - e) Chapter 24 Variation
4. The Trust's submission and reason for submission.

The Trustees own land at Lower Shotover Rd which is effected by the proposed district plan and more lately to a greater extent by the Chapter 24 variation.

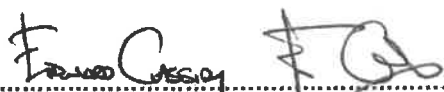
The Trust opposes the proposed variation on Chapter 24. The Trust consider it as flawed and that the Queenstown Lakes District Council has failed to consider the appointed expert planning consultants recommendations in the study.

The Trust believes the Queenstown Lakes District Council is acting beyond the scope of its expertise.

It is further submitted that the use of minimum lot sizes is inappropriate. Some lots visually discreet in nature and following natural sympathetic landforms may be more appropriately subdivided to a smaller lot size.

5. We do not agree that the blunt implementation of a feature such as Lower Shotover Rd be utilized to partition various zones within the Wakatipu Basin. Successful land use appropriately uses natural features, slopes, rivers, flatlands, mountains and terraces to determine an appropriate use of a landform and the successful integration of rural living.
6. The flat land to the East of Lower Shotover rd constitutes river terrace. We agree with Barry Kaye & Associates observations outlined in the "Planning Study Final Report" March 17 Page 22 Item7 Which are:-  
  
" Domain Rd river terrace" "Larger scale lots suggest the potential for subdivision" these lots are "Close proximity to Queenstown" they have a "developed context" with "easy topography"
7. We also agree with Barry Kaye and Assoc " The enclosed and screened nature of an area suggest the potential to integrate additional development with **minimal impact** on the wider basin landscape. The land the Trust holds meets this definition and in "6" above.
8. Barry Kaye & Assoc also state on Page 26 #11 "**Slopehill foothills large scale lots suggest the potential for subdivision**". The Queenstown Lakes District Council has failed to consider this in the proposed Chapter 24 revision.
9. The Trust also notes on page 36 5:48 of the March 17 study the planning experts state "**it is acknowledged that within area 11 "Slopehill foothills" there are a number of larger lots that include discreet areas likely to be suitable for additional development to identify specific locations is beyond the scope of this study.**" The Queenstown Lakes District Council has failed to consider the expert planners advice on this matter and seek to implement a zone which forbids further development. This decision is beyond their scope of expertise and is in opposition to the planners report.
10. The land held by the Trust is Visual Amenity Landscape (VAL) this was determined by Environment Court decision C216/2001 Stalker Family Trust V QLDC. The Environment Court determined the land below the water race be regarded as VAL. The Trust land is below the water race and we agree with this determination. The land is not directly visible from inside or outside the airport terminal and in particular not visible from State Highway 6 approaching the Shotover bridge from the West. When dealing with the land to the South this was a concern of the Environment Court. The land is also not directly visible from Domain road or any other arterial route to the West.

11. The land is part flat, visually discreet in nature. Planted in tall dense linear perimeter plantings. The Trust recognizes that this is an appropriate area for new rural lifestyle to occur. The Trust agrees with the previous planners report it identified the land as lifestyle and recommended rezoning in the PDP of Aug 15.
12. The Trust agrees with this further study of March 17 recognizing the Trusts land as "potential for further subdivision", Pg26 #11.
13. The Trust regards the proposed Chapter 24 variation by The Queenstown Lakes District Council as flawed. It is beyond their scope of expertise. The Queenstown Lakes District Council has failed to consider the planners recommendations on some areas. Specifically Area 11 Slopehill foothills.
14. The Trust submits that their land should be included as the proposed Rural Lifestyle Precinct.
15. The Trust wishes to be heard with regard to this matter.
16. The Trust would consider presenting a joint case with others presenting similar submissions.

  
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Signed on behalf of the Cassidy Trust

Dated..... 18<sup>th</sup> Feb 2018