

**In the Environment Court
At Christchurch**

ENV-2019-CHC-051

Under the Resource Management Act 1991

In the matter of an appeal on the Queenstown Lakes
District Council Proposed District Plan
(Stage 2) pursuant to clause 14 of the First
Schedule of the Act

Between **X-Ray Trust Limited and Avenue Trust**

Appellant

And **Queenstown Lakes District Council**

Respondent

**Section 274 Notice by McGuinness Pa Ltd
joining X-Ray Trust Limited and Avenue Trust**

5 June 2019

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**To the Registrar
Environment Court
Christchurch**

1. McGuinness Pa Ltd (**MPL**) wishes to be a party to ENV-2019-CHC-051 being an appeal by X-Ray Trust Limited and Avenue Trust against decisions made by Queenstown Lakes District Council.
2. The appellant's relief seeks the valley floor adjacent to Speargrass Flat Road be rezoned Wakatipu Basin Lifestyle Precinct and subject to a structure plan (**Arrowburn Zone**).
3. MPL has an interest in these proceedings that is greater than the public generally as it is the owner of land located at 493 Speargrass Flat Road which is adjacent to the proposed Arrowburn Zone. The appellant's relief (if granted) would have a significant effect on MPL's rural/visual amenity.
4. MPL also made a further submission (FS2710) on Stage 2 of the Queenstown Lakes District Council Proposed District Plan (**PDP**), which sought to retain Wakatipu Basin Rural Amenity Zoning on land north of Speargrass Flat Road and Hogans Gully Road.
5. MPL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. MPL is interested in all of the proceedings, particularly the relief which seeks the Arrowburn Zone.
7. MPL opposes the relief sought because:
 - 7.1 The Arrowburn Zone will significantly weaken the edge of the Wakatipu Basin Lifestyle Precinct Zone so that its boundaries are indefensible. The Arrowburn Zone has no clear defendable boundaries and will be vulnerable to infill development. The Arrowburn Zone will encourage developmental creep further to the south and west over time.
 - 7.2 The Arrowburn Zone cannot be absorbed into the valley floor. The area of remaining pastoral land is not enough to balance the development areas.

- 7.3 The area proposed for Arrowburn Zone is contained within the Speargrass Flat Landscape Character Unit (**LCU**) identified by the Wakatipu Basin Planning Land Use Study (**WBLUS**). The WBLUS identified that the Speargrass Flat LCU serves an important function as a buffer to residential development at the Lake Hayes Rural Residential LCU. The appellant's relief (if granted) will undercut the function of the Speargrass Flat LCU and be contrary to the findings of the WBLUS.
- 7.4 The Commissioners were correct to find that openness on the northern side of Speargrass Flat Road is an important value to be considered. This quality makes Speargrass Flat LCU very sensitive to landscape change. Development at a greater density than Wakatipu Basin Rural Amenity Zone would significantly reduce openness and open character in this area.
- 7.5 The reduction in a buffer zone will erode the existing residents' sense of place, which is experienced through rural landscape character, views and the openness of the surrounding landscape. This is a central tenet of the Speargrass Flat LCU.
- 7.6 The relief will result in urban development set within a rural residential setting. This juxtaposition between densities of development would be highly visible from the parts of the adjacent trail which are public road. This high level of visibility would be inappropriate and contrary to WBLUS.
- 7.7 The relief is contrary to the Strategic Objectives and Policies for urban development, which focus on integration into existing urban areas.
- 7.8 Water quality at Lake Hayes is very poor and will be put at greater risk by increased development between the Millbrook Zone and the Lake Hayes Rural Residential LCU.
- 7.9 The proposed Arrowburn Zone is not serviced by a reticulated wastewater treatment scheme. Evidence presented at the hearings was not conclusive that residential development at an increased level would reduce nitrogen loss compared with rural land usage. Therefore, the Commissioners were

correct in finding that Wakatipu Basin Rural Amenity Zone is the most appropriate zoning.

7.10 The Arrowburn Zone will not give effect to the National Policy Statement of Freshwater Management 2014 or the Partially Operative Regional Policy Statement 2019.

8. MPL agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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5 June 2019

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