

**In the Environment Court
At Christchurch**

ENV-2019-CHC-090

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 **Waterfall Park Developments Ltd**

Appellant

And **Queenstown Lakes District Council**

Respondent

**Section 274 Notice by McGuinness Pa Ltd
joining Waterfall Park Developments Ltd**

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-090, being an appeal by Waterfall Park Developments Limited against decisions made by Queenstown Lakes District Council.
2. The appellant's relief generally seeks an increased density of residential development at 343 Arrowtown-Lake Hayes Road, legally described as Pt Lot 3 DP 5737 and Lot 1 DP 18109 (**Ayrburn Farm**)
3. MPL made a further submission (FS2710) on Stage 2 of the Queenstown Lakes District Council Proposed District Plan (**PDP**) opposing increased density of residential development at Ayrburn Farm (and other sites).
4. MPL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. MPL is interested in all of the proceedings, and in particular the relief sought by the appellant to enable increased density of residential development at Ayrburn Farm than was decided by the Council.
6. MPL opposes the relief sought because:
 - 6.1 It will significantly weaken the edge of the Wakatipu Basin Lifestyle Precinct Zone so that its boundaries are indefensible. This will in turn encourage developmental creep over time.
 - 6.2 Ayrburn Farm is contained within the Speargrass Flat Landscape Character Unit (**LCU**) identified by the Wakatipu Basin Planning Land Use Study (**WBLUS**). The Speargrass Flat LCU serves an important function as a buffer to residential development at the Lake Hayes Rural Residential LCU.
 - 6.3 The Commissioners were correct to find that Ayrburn Farm in particular serves as an important 'breathing space' between rural residential development in North Lake Hayes and the development adjoining Millbrook and Arrowtown.

- 6.4 The Commissioners were correct to find that openness on the northern side of Speargrass Flat Road is an important value to be considered.
- 6.5 These qualities 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.
- 6.6 The reduction in a buffer zone between Arrowtown and the Lake Hayes Rural Residential LCU will erode the existing residents' sense of place, which is experienced through rural landscape character, views and the openness of the surrounding landscape. These landscape characteristics are critical to providing a sense of place in the Speargrass Flat LCU.
- 6.7 The appellant's relief would 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.
- 6.8 The relief is contrary to the Strategic Objectives and Policies for urban development, which focus on integration into existing urban areas.
- 6.9 Water quality at Lake Hayes is very poor and will be put at greater risk by increased development.
- 6.10 Ayrburn Farm 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.
- 6.11 The relief will not give effect to the National Policy Statement on Freshwater Management 2014 or the Partially Operative Regional Policy Statement 2019.

7. 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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