

Before the Queenstown Lakes District
Council

In the matter of the Resource Management Act 1991

And

In the matter of the Queenstown Lakes District Proposed District Plan – Hearing
Stream 6 - Chapter 8, Medium Density Residential

And

In the matter of Scurr Heights Medium Density Residential Zone in Wanaka

**S0177 – Universal Developments- T06 – Goldsmith W - Supplementary Legal
Submissions**

Dated 27 October 2016

Universal Developments Limited (# 177)

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**anderson
lloyd.**

1. **Introduction**

1.1 These supplementary legal submissions are presented on behalf of Universal Developments Limited (**Universal**) in respect of the Medium Density Residential (**MDR**) zone of the Queenstown Lakes Proposed District Plan (**PDP**) located in Wanaka, adjoining Aubrey Road, known as Scurr Heights (**Scurr Heights**).

1.2 These supplementary legal submissions are lodged as a consequence of withdrawal of a submission to the PDP. That withdrawal has implications in relation to jurisdiction in respect of a matter addressed in the primary legal submissions dated 11 October 2016 lodged on behalf of Universal and presented at the PDP hearing in Wanaka on 12 October 2016.

2. **400m² Maximum Net Site Area/Minimum Site Density**

2.1 The s42A Hearing Report dated 14 September 2016 prepared in respect of PDP Chapter 8 – Medium Density Residential contains two paragraphs 9.53 and 9.54 on page 28 under the heading "*Maximum Net Site Area/Minimum Site Density*". Paragraph 9.53 refers to Submission 620 lodged by Ballantyne Investments Limited (**Ballantyne Submission**). In reliance on the jurisdiction conferred by the Ballantyne Submission, the s42A Report (in paragraphs 9.5.3 and 9.5.4) recommends amendments to notified Rules 8.5.5 and 27.6.1 to specify a minimum site density of 400m² net site area per residential unit, and a maximum net site area of 400m² per lot, applicable to the two greenfield MDR zones in Scurr Heights (Wanaka) and Frankton (Queenstown).

2.2 Universal challenged those two recommendations through original legal submissions dated 11 October 2016, and related evidence of Tim Williams, presented at the PDP hearing in Wanaka on 12 October 2016.

2.3 Ballantyne Investments Limited has now withdrawn Submission 620 – refer **attached** copy Submission Withdrawal marked "**A**". Counsel for Universal has been unable to find any other submission lodged to the PDP which would provide jurisdiction for the two recommended rule amendments referred to above.

2.4 Accordingly it is submitted for Universal that the Hearings Panel now does not have jurisdiction to amend either or both Rules 8.5.5 and 27.6.1 to apply a minimum site density of 400m² net site area per residential unit and/or a maximum net site area of 400m² per lot in any MDR zone.



W P Goldsmith

Counsel for Universal Developments Limited

A

20/10/2016

Via Email

julia.chalmers@qldc.govt.nz

CC Amanda.Leith@qldc.govt.nz

SUBMISSION WITHDRAWAL – NO 620 BALLANTYNE INVESTMENTS LTD

Dear Julia,

I would like to request my submission Ballantyne Investment Ltd (no 620) be withdrawn. A copy of the submission is attached.

If you could please email me back confirming this submission has been withdrawn and also pass this onto the relevant Council officers dealing with the Medium Density Residential Chapter that would be appreciated.

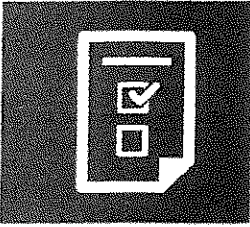
If you have any question please feel free to call.

0274 326 352

Regards

Neil. MATCHETT

NR Matchett




FORM 5: SUBMISSION

DISTRICT PLAN REVIEW



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

 **TO** // Queenstown Lakes District Council

 **YOUR DETAILS** // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Ballantyne Investments Ltd

Phone Numbers: Work:

Home:

Mobile: 027 443 1039

Email Address: c/- robin.patterson@ppgroup.co.nz

Postal Address: c/- Paterson Pitts, PO Box 283, Wanaka

Post code:

 **PLAN CHANGE** // To which this submission relates to:

District Plan Review

I COULD NOT gain an advantage in trade competition through this submission.

I AM** *** directly affected by an effect of the subject matter of the submission:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.

 **SPECIFIC PROVISIONS** // Of the proposal that my submission relates to are:

Complete District Plan Review

NRU -



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views.

Ballantyne Investments Ltd own Lot 2 DP 304423 which is adjacent to the new QLDC Three Parks Sports Facility and the Golf Course.

Ballantyne Investments land is not part of the District Plan Review but they oppose Rule 8.8.5 in the Medium Density Zone which doesn't include a minimum density. This rule sets only a minimum lot size not a maximum which could lead to urban sprawl and wastage of land

Ballantyne Investments supports policy 34.2.1.1 which seeks to avoid the further spread of identified wilding tree species by prohibiting the planting of identified species. Especially the species identified in Table 1 Rule 34.4.1 Pines and Douglas Fir.

Ballantyne Investments generally support the approach of the review which is to become more enabling to development in the area



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY //

Give precise details:

Change to Proposed Rule 8.8.5 Requiring land zoned Medium Density to be developed to a density of 25 to the hectare

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date

** If this form is being completed on-line you may not be able, or required, to sign this form.

NRU



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