

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2017-CHC-

Under	the Resource Management Act 1991 (RMA)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	Slopehill Properties Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

19 June 2018

Appellant's contact details:

Ben Farrell
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To The Registrar
Environment Court
Christchurch

- 1 **Slopehill Properties** appeal against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Slopehill Properties made a submission (#854) on the PDP.
- 3 Slopehill Properties is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Slopehill Properties received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - a) Chapter 3 Strategic Direction;
 - b) Chapter 6 Landscapes;
 - c) Chapter 21 Rural;
 - d) Chapter 27 Subdivision;

Relief sought

- 7 Slopehill Properties request that parts of the PDP be amended, as listed in **Appendix A**.

Further relief

- 8 Slopehill Properties opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Slopehill Properties PDP submissions.
- 9 Slopehill Properties also reserves its right to seek costs in respect of the resolution of its appeal.

Background and reasons for the appeal

- 10 Slopehill Properties owns Lots 2 & 3 DP 407786, consisting around 8 Ha on the northern side of Slopehill Road. The director of Slopehill Properties, Mr Philip Dunstan, has provided significant investment into the land over the past 20 years including construction of wetlands and substantial indigenous biodiversity restoration. The grounds are extremely well maintained and the site in general enhances rural qualities and amenity values of Slopehill Road.

- 11 Two building platforms are provided on the land, which Mr Dunstan has set aside for his children. In 2015 Mr Dunstan applied for resource consent to construct a small cottage (granny flat) on the property so that he could stay on the property and spend more time with his children (and grandchildren). Even though the proposal was supported by the two landscape experts involved in the resource consent application process QLDC refused the application because of adverse effects (“over-domestication”) on the existing rural character. This outcome, coupled with the costs associated with the resource consent process, is not appropriate for the Slopehill Road environs which has a strong rural living character and which can absorb more rural living development without creating inappropriate adverse effects on the environment.
- 12 Slopehill Properties made submissions on both Stage 1 and Stage 2 of the District Plan Review.
- 13 Slopehill Properties seek the relief set out in **Appendix A**, because:
 - (a) It supports the provision of more rural living opportunities in the Wakatipu Basin. In particular its property (and the immediately surrounding area) is suitable for more rural living development. However, the strategic provisions do not adequately recognise and provide for the benefits of rural living opportunities.
 - (b) It is not necessary or appropriate to “protect” the particular landscape values associated with landscapes which are not afforded “protection” under s.6 of the RMA. Rather, it is more appropriate for the district plan to seek to “maintain and enhance” the particular landscape and amenity values.
 - (c) There should be policy support in the district plan to enable carefully designed additional (ancillary) residential units to be constructed on a site in addition to primary dwellings, to encourage use by family members and to enable families to stay on the same site together.
 - (d) It is appropriate that the district plan lends more weight to the benefits of rural living opportunities, particularly where investment from rural living enhances environmental quality or nature conservation values.

Attachments

The following documents are **attached** to this notice:

- a) **Appendix A** – Specific relief sought
- b) **Appendix B** - A copy of the Appellants' submission and further submissions;
- c) **Appendix C** - A copy of the relevant parts of the decision; and
- d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Ben Farrell
Planning Consultant for the Appellant

Address for service of the Appellants

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.