

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-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 **Barbara Kipke**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Appeal

19 June 2018

Appellant's solicitors:

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**anderson
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To The Registrar
Environment Court
Christchurch

- 1 Barbara Kipke appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Barbara Kipke made a submission (#431) on the PDP.
- 3 Barbara Kipke is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Barbara Kipke 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 22 Rural Residential and Rural Lifestyle;
 - (b) Chapter 27;
 - (c) Planning Map 13a – Wye Creek.
- 7 Reasons for appeal

Background

- 8 Barbara Kipke owns property located on Kingston Road, and legally described as Lot 1 DP 474749 (**Site**). The Site was zoned Rural Zone as notified in the PDP, and has been retained the same in the Council's Decision. Barbara Kipke sought to rezone the Site to Rural Lifestyle Zone to better reflect the nature of the site's ability to absorb further rural lifestyle subdivision and development.
- 9 The proposed Rural Lifestyle Zoning of the Site will enable low scale rural living development to occur on the Site at a similar density and form to that which exists in the Wye Creek settlement. Rural living development over the Site will have a no more than minor impact on the wider landscape through appropriate design measures which will be assessed at future subdivision under Chapters 22 and 27 of the PDP.

Chapter 22 Rural Residential and Rural Lifestyle

- 10 Specific Amendments are sought to the Rural Residential and Rural Lifestyle Zone to ensure an efficient and effective rural living development regime,

consistent with the purpose of the Zone. Amendments to Chapter 22 are also sought to amend the minimum density regime to 1.5ha for this Site.

- 11 The specific provisions of Chapter 22 and the relief sought by Barbara Kipke are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision

- 12 Subdivision in the rural living zones has been amended through Stage 1 of the PDP to change from a controlled activity regime, to restricted discretionary. Barbara Kipke opposes this change as it fundamentally undermines the ability for the Zone to achieve its purpose of rural living development to approved density standards. There is no adequate justification in the decision from Council to remove the controlled activity status, and consequentially significantly reduce certainty and landowners rights. The Council can adequately address and control any adverse effects on infrastructure, landscape, amenity values, and other adverse effects through an effective controlled activity regime.
- 13 Rural living zones are sought to be included in the list of recognised non-notified subdivision activities in Chapter 27, given the strategic importance of rural living to the District. Amendments to Chapter 27 are also sought to amend the minimum density regime to 1.5ha for this Site.
- 14 The specific provisions of Chapter 27 and the relief sought by Barbara Kipke are set out in **Appendix A** to this Appeal.

Further and consequential relief sought

- 15 Barbara Kipke opposes any further provisions inconsistent with this appeal 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 Barbara Kipke's PDP submission.

Attachments

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

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellants' submission
- (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



Vanessa Robb/Rosie Hill
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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.

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 22 Rural Residential and Rural Lifestyle		
<p>Rule 22.5.12 Residential Density: Rural Lifestyle Zone</p> <p>22.5.12.2 on sites less than 2ha there must be only one residential unit</p> <p>22.5.12.3 On sites equal to or greater than 2 hectares there must be no more than one residential unit per two hectares on average with a minimum of 1 residential unit per one hectare. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares</p>	<p>Amend Rule 22.5.12.2 and 22.5.12.3 to provide a 1.5ha density standard applicable to the Site</p>	<p>Amend Rule 22.5.12.2 and 22.5.12.3 to provide a 1.5ha density standard applicable to the Site</p>
Chapter 27 subdivision		
<p>Rule 27.5.8 All subdivision activities in the District's Rural Residential and Rural Lifestyle Zones</p>	<p>The default activity status for rural living subdivision is opposed on the basis there is no justification to remove the existing controlled activity regime. Matters of control should be reserved to those which are necessary to achieve the Chapter 22 overall purpose and objectives which are to enable rural living opportunities and maintain and enhance amenity landscape values</p>	<p>Amend Rule 27.5.8 to provide a default controlled activity status and refine the listed matters of control to just those necessary to achieve the Chapter 22 purpose and objectives.</p>