

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 or the RMA in
relation to Stage 3 of the Queenstown Lakes Proposed District
Plan

Between **Universal Developments Hawea Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

18 May 2021

Applicant's solicitors:

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To: The Registrar
Environment Court
Christchurch

- 1 Universal Developments Hawea Limited (**Appellant**) appeals against part of the decision of Queenstown Lakes District Council (**QLDC**) on Stage 3 of the Queenstown Lakes Proposed District Plan (**PDP**).
- 2 The Appellant made submission #3248 on Stage 3 of the PDP.
- 3 The Appellant is not a trade competitor for the purpose of section 308D of the RMA.
- 4 The Appellant received notice of the decision on 1 April 2021.
- 5 The decision was made by QLDC.
- 6 The parts of the decision appealed relate to:
 - (a) The Hāwea Urban Growth Boundary (**UGB**);
 - (b) The General Industrial Zone (**GIZ**);
 - (c) The Local Shopping Centre Zone (**LSCZ**);
 - (d) The Medium Density Residential Zone (**MDRZ**);
 - (e) The Lower Density Suburban Residential Zone (**LDSRZ**); and
 - (f) The PDP Planning Map.
- 7 The reasons for appeal and general relief sought by the Appellant are summarised below.

Background

- 8 This appeal relates to land south of the Hāwea Urban Growth Boundary (**UGB**) described in **Appendix A (Land)**. The Land is located immediately south of Cemetery Road and is bounded by Domain Road to the South-west and the Lake Hāwea Dam Burst Flood Hazard Area to the East. It incorporates and expands on the consented 36 lot Street Development (**Street Development**) and the consented 480 lot Special Housing Area (**SHA**).
- 9 The Land was proposed to be zoned a combination of Rural Zone (**RZ**) and Rural Residential Zone (**RRZ**) under stages 1 and 2 of the PDP as notified.

- 10 The submission sought that the Land be rezoned to allow for urban development through any one, or a combination of, the following zones: Settlement Zone, LDSRZ, MDRZ, High Density Residential Zone, LSCZ, Business Mixed Use Zone, GIZ and / or any other development zone within the PDP which is considered to be appropriate for the Land. It also sought that the Land be included within the Hāwea UGB and that the provisions of the PDP be amended to provide for site-specific requirements of the rezoning of the Land, including the requirement for any minimum development capacity of the Land.
- 11 The QLDC decision declined the relief sought – it did not extend the Hāwea UGB over the Land and retained the RZ and RRZ zoning.
- 12 The Appellant seeks the same relief to the similar effect as sought in its submission.

Reasons for appeal

Hāwea Urban Growth Boundary

- 13 The Hāwea UGB Landscape Report, prepared for QLDC by Bridget Gilbert, (**Report**) describes the southern edge of the UGB as "relatively weak".¹ It refers to the Street Development and the risk that this will be seen to extend the Hāwea settlement.² The Report also refers to the SHA and states that this will "further weaken the southern UGB and increase the potential for new urban development to be successfully absorbed on the south side of Cemetery Road".³
- 14 Extending the UGB further south to include the Land will create defensible and legible urban edges and avoid the inefficient development creep anticipated by Ms Gilbert under the current UGB.

Rezoning

- 15 The Land should be rezoned to a combination of GIZ, LSCZ, MDRZ and LDSRZ, or other zoning to similar effect, to ensure development is able to be efficiently advanced and effects and provision of infrastructure managed appropriately. This will ensure quality urban design and amenity outcomes for the Land and the wider Hāwea Township and promote affordable

¹ Bridget Gilbert *Hāwea Urban Growth Boundary Landscape Report* (Queenstown Lakes District Council, 19113, August 2019) at [2.2].

² At [2.2].

³ At [2.7]

housing in accordance with Objective 2 of the National Policy Statement on Urban Development 2020 (**NPSUD**). The proposed industrial zoning is consistent with the provisions of the NPSUD as it provides sufficient development capacity for industrial growth in Hāwea specifically, and for the Upper Clutha more generally.

Traffic and Rooding

- 16 One of the Panel's primary reasons for declining the relief sought was due to concerns regarding required roading infrastructure upgrades. The Appellant considers the Independent Hearings Panel (**Panel**) was incorrect to find that the necessary upgrades to the Domain Road/Cemetery Road intersection could not be accommodated. The Appellant relies on expert evidence that the necessary upgrades to both intersections as required to support the additional development can be achieved.

Wastewater Infrastructure

- 17 The Panel's second primary reason for declining relief was the concern there would not be sufficient wastewater capacity to service the development, and that the required upgrades were not funded. The Appellant relies on expert evidence that the development can be serviced. Further, funding for the wastewater infrastructure upgrades has now been allocated in the Long Term Plan. The upgrades should be undertaken regardless of the proposed development as they are necessary to service the existing and consented growth in Hāwea.

Landscape

- 18 The Panel determined the proposed development was generally appropriate from a landscape perspective. The Appellant agrees and considers the proposed development will create a truly defensible edge to urban development in Hāwea, relying on proposed landscape buffers, major roading and the Gladston Gap hazard to create defensible boundaries.

Existing environment

- 19 The consented Streat Development and SHA are part of the receiving environment and should be taken into consideration when assessing the appropriateness of the proposed development.

Amendments sought to the provisions of the PDP

- 20 The provisions of the PDP should be amended as set out in **Appendix C**, or as otherwise appropriate, to provide for the site-specific requirements of

the rezoning, including the requirement for any minimum development capacity of the Land.

Relief Sought

21 The Appellant seeks the following relief:

- (a) That the Hāwea UGB be extended to include the Land;
- (b) That the Land be rezoned as illustrated on the Structure Plan attached as **Appendix B**, and as follows, and/or any other combination of these zonings or alternative zonings to enable urban development of the Land :
 - (i) 9.2ha of GIZ – yielding a potential of 72 (1000m²) sections;
 - (ii) 3.5ha of LSCZ – yielding a potential of 16,800m² gross floor area;
 - (iii) 3.5ha of land which is an obvious site for a future school;
 - (iv) 5.2ha of MDRZ – yielding a potential of 145 sections;
 - (v) 110.3ha of LDRZ - (including 29.1ha consented in April 2020 under the Housing Accords and Special Housing Areas Act (**HASHAA**)) – yielding a potential of between 881 & 1137 sections plus the 465 sections approved by the consent under HASHAA; and
- (c) The amendments sought to the provisions of the PDP set out at **Appendix C**, and / or any other amendments to the provisions of the PDP to give effect to the relief sought in the original submission.

Further and consequential relief sought

22 The Appellant seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal or such other changes that give effect to the outcomes sought in the Appellant's submission.

Attachments

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

- (a) **Appendix A** – A list of the Land subject to this appeal;

- (b) **Appendix B** – The proposed Structure Plan illustrating the zonings sought;
- (c) **Appendix C** – Amendments sought to the provisions of the PDP;
- (d) **Appendix D** – A copy of the Appellant's Stage 3 submission #3248;
- (e) **Appendix E** – A copy of the decision appealed; and
- (f) **Appendix F** – A list of names and addresses of persons to be served with this notice.

Dated this 18th day of May 2021



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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