

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2019-CHC

Under	the Resource Management Act 1991
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	United Estates Ranch Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:

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To: The Registrar
Environment Court
Christchurch

- 1 United Estates Ranch Limited (**UERL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 UERL made a submission (#2126) on Stage 2 of the Proposed District Plan (**PDP**).
- 3 UERL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 UERL received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 24 Wakatipu Basin;
 - (b) Chapter 27 Subdivision and Development.
- 7 The reasons for appeal and general relief sought are summarised out below. The specific provisions and relief sought by UERL are detailed further in **Appendix A** to this Appeal.

Reasons for appeal and relief sought:

Background

- 8 UERL has an interest in six sites within the PDP Wakatipu Basin Lifestyle Precinct to the north of Lake Hayes (identified within Landscape Character Unit 12 "Lake Hayes Rural Residential"). These sites are zoned Rural Residential at the North of Lake Hayes (**RR-NLH**) in the Operative District Plan (**ODP**), which is a subzone of the Rural Residential Zone. The location of these sites, along with the adjoining reserve land, is shown on the map in **Figure 1** below. It is noted that the site closest to the lake is Council reserve and zoned Open Space, and is only included as being of interest because it was included in the calculation of the average lot size for the subdivision of the adjacent lot, as specifically allowed for by the ODP rules.



Figure 1: A map showing the sites that UERL has a particular interest in (outlined in red and blue).

- 9 The larger 4 ha site shown in blue has recently been granted resource consent¹ to be subdivided into 5 residential lots (including one with the existing dwelling on it) and one esplanade reserve. Further to that, two dwellings have been granted resource consent² on land immediately west of Mill Creek and once the land is subdivided in accordance with the subdivision consent, these dwellings will be situated on Lot 4 of that subdivision, which is 1.01 ha in area. Neither the subdivision or landuse has yet been given effect to at the time of this appeal.
- 10 There are no residential building platforms identified on the lots that have been created within the area shown in red, and only one of the approved lots within the area shown in blue contains a residential building platform - noting that building platforms are not required or even generally anticipated by the ODP rules of the RR-NLH sub zone.

Relief sought

- 11 The relief sought is outlined in detail in **Appendix A**. In summary, UERL seeks that:
- (a) The land outlined in red in **Appendix B** be zoned a new 'Wakatipu Basin Lifestyle Precinct – Rural Residential' (**WBLP-RR**) subzone in the Proposed District Plan (**PDP**), or similar zoning as to give effect to the relief sought in **Appendix A**;

¹ RM170041/ ENV 2018-CHC-7

² RM181527

- (b) In the alternative, all of the land within the ODP RR-NLH subzone be rezoned to WBLP-RR;
- (c) within the WBLP- RR buildings are a controlled activity;
- (d) the rules regarding building size and coverage are amended to specifically exclude covered and elevated decks, pools, driveways and paved areas.
- (e) The rule regarding building coverage is amended to allow for 15% site coverage provided that any one building shall not exceed 500m², with the total building area controlled by the combined effect of the coverage and density rules;
- (f) within the WBLP-RR subzone, the maximum height of buildings shall be 8m and buildings exceeding that height will be non-complying;
- (g) man-made ponds that are built for the primary purpose of treating and disposing of stormwater shall be exempt from the 30 m building setback rule;
- (h) within the WBLP-RR subzone, the minimum lot size shall be 4,000m² and the minimum average lot size shall be 6,500m² (calculated in a specific manner where reserve lots are provided as part of the subdivision); and
- (i) amendments are made to the Assessment Matters and consequential amendments to the objectives, policies, and rules of Chapter 24 to give effect to the specific relief sought in Appendix A.

Reasons for the relief sought

- 12 The WBLP zoning and its associated objective, policies and rules do not sufficiently recognise and provide for areas of the WBLP with existing higher density residential character and a higher capacity to absorb additional development.
- 13 The land identified in Appendix B is one such area which has a higher capacity to absorb additional development than other areas zoned WBLP, and the amendments sought to the rules will enable the remaining undeveloped lots to be developed to a density consistent with the density that has been approved and largely developed throughout the ODP RR-NLH subzone;
- 14 The amendments sought to the rules will enable a modest amount of additional development to occur within the proposed WBLP-RR subzone in an efficient manner and make efficient use of land, reticulated services, roading, and trail networks, whilst maintaining the landscape character and rural residential amenity values of LCU 12.

- 15 The amendments sought to the rules will encourage the final components of the esplanade reserve along Mill Creek to be created, enabling a continuous reserve to be provided along the length of Mill Creek;
- 16 The amendments sought to the rules will better achieve the Strategic Direction objectives while continuing to give effect to the landscape objectives and policies of Chapter 24.

Further and consequential relief sought

- 17 UERL also 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, or such other changes that give effect to the outcomes sought in its original submission.

Attachments

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

- (a) **Appendix A** – Relief sought;
- (b) **Appendix B** – A plan showing the proposed WBLP-RR Subzone (primary relief);
- (c) **Appendix C** - A copy of the Appellant's submission;
- (d) **Appendix D** - A copy of the relevant parts of the decision; and
- (e) **Appendix E** - A list of names and addresses of persons to be served with this notice.

Dated this 7th day of May 2019



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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).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

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