

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2019-CHC-051

IN THE MATTER

Of an appeal on the Queenstown
Lakes District Council Proposed
District Plan (Stage 2) pursuant to
clause 14 of the First Schedule of
the Resource Management Act
1991

BETWEEN

**XRAY TRUST LIMITED AND
AVENUE TRUST**

Appellant

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**SECTION 274 NOTICE ON BEHALF OF JAN ANDERSSON TO JOIN
APPEAL ON THE QUEENSTOWN LAKES DISTRICT COUNCIL
PROPOSED DISTRICT PLAN (STAGE 2)**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. I, Jan Andersson, wish to be a party to the following proceeding:
 - (a) XRAY TRUST LIMITED AND AVENUE TRUST v
QUEENSTOWN LAKES DISTRICT COUNCIL ENV-2019-CHC-051
2. The Appellants relief seeks the valley floor adjacent to Speargrass Flat Road be rezoned Wakatipu Basin Lifestyle Precinct and subject to a structure plan (**Arrowburn Zone**).
3. I made a further submission on the Queenstown Lakes District Council Proposed District Plan (Stage 2)(**PDP**) (FS2167). I am also a person who has an interest in the proceedings that is greater than the public generally as I own land which adjoins the corner of the Arrowburn Zone.
4. I consider that I have an interest in the proceedings greater than the public generally as I was a section 274 party to ENV-2010-CHC-272 (Ayrburn Farm Estate Limited v QLDC) which created lots 1-3 DP 475822 which will be subject to the proposed Arrowburn Zone. I withdrew my interest in the appeal on the basis that a Consent Notice¹ would be registered restricting further subdivision and development. The relief now seeks to undo the effect of the consent notice and my involvement in that appeal.
5. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. I am interested in all of the proceedings, particularly the relief which enables an increased density of residential development at Ayrburn Farm than decided in the Council's Decision.

¹ Instrument 9805352.2 dated 26 August 2014.

7. I oppose the relief sought because:
- (a) The Consent Notice was registered on Lots 1-3 DP 475822 to balance out the addition of three building platforms located on the upper ridge above the Arrowburn Zone. The relief would run contrary to the effect of the Consent Notice and the Commissioners Decision on that resource consent.²
 - (b) The Arrowburn Zone is located over an area identified by RM100375 and the Consent Notice as the "Meadow Area". The Meadow Area is a pastoral protection zone which is to be maintained by grazing or grass production for bailage, mowing or grazing. The Consent Notice restricts all buildings on Lot 3 DP 475822 and limits buildings on Lot 1-2 DP 475822 to farm buildings. The relief seeks to introduce residential dwellings to this area despite being prevented by the Consent Notice.
 - (c) The relief will undermine the effect of the Consent Notice which was registered to prevent the type of development anticipated by the Arrowburn Zone. If the relief is granted, the Appellants may seek to withdraw the Consent Notice on the basis that it was only necessary when the land was zoned Rural.
 - (d) The Arrowburn Zone will significantly weaken the edge of the Wakatipu Basin Lifestyle Precinct Zone so that its boundaries are indefensible. Furthermore, the Arrowburn Zone has no clear defensible boundaries and will be vulnerable to infill development. This will in turn encourage development creep further west and south over time.
 - (e) The Arrowburn Zone cannot be absorbed into the valley floor along Speargrass Flat Road. The area of remaining pastoral land is not enough to balance the development areas.
 - (f) The Arrowburn Zone is contained within the Speargrass Flat Landscape Character Unit (**LCU**) identified by the Wakatipu Basin Planning Land Use Study (**WBLUS**). The WBLUS identified that the Speargrass Flat LCU serves an important

² RM100375 dated 25 November 2010, re-issued 1 December 2010.

function as a buffer to residential development at the Lake Hayes Rural Residential LCU. The relief (if granted) will undercut the function of the Speargrass LCU and be contrary to the findings of the WBLUS.

- (g) The Commissioners were correct to find that openness on the northern side of Speargrass Flat Road is an important value to be considered. This quality makes Speargrass Flat LCU very sensitive to landscape change. Development at a greater density than Wakatipu Basin Rural Amenity Zone would significantly reduce openness and open character in this area.
- (h) The reduction of the buffer between Arrowtown and the Lake Hayes Rural Residential LCU will erode the existing residents “sense of place” which is experienced through the rural landscape character, views and openness of the surrounding landscape. This is a central tenet of the Speargrass Flat LCU.
- (i) Water quality at Lake Hayes is very poor and will be put at greater risk by increased development between the Millbrook Zone and the Lake Hayes Rural Residential LCU or diminish options for remediation.
- (j) The Arrowburn Zone is not serviced by a reticulated wastewater treatment scheme. Evidence presented at the hearings was not conclusive that residential development at an increased level would reduce nitrogen loss compared with rural land usage.
- (k) The Arrowburn Zone will not give effect to the National Policy Statement of Freshwater Management 2014 or the Partially Operative Regional Policy Statement 2019.

8. I agree to participate in mediation or other alternative dispute resolution of the proceedings.



Phil Page / Simon Peirce

Counsel for the Interested Party

DATED this 5th day of June 2019.

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