

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-**

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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 **Streat Developments Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

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**Notice of Appeal**

19 June 2018

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**Appellant's solicitors:**  
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**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

- 1 Streat Developments Limited (**SDL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 SDL made a submission (#697) on the PDP.
- 3 SDL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 SDL 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 Zone;
  - (b) Chapter 27 Subdivision;
  - (c) Township Zone;
  - (d) Planning Map 17 (Hawea), including as it relates to Lot 1 DP304937, a 16.8-hectare property between Cemetery and Domain Roads, Lake Hawea.
- 7 Reasons for appeal

**Background and rezoning (Planning Map 17 Hawea)**

- 8 Streat Developments Limited (**SDL**) owns a 16.8-hectare property between Cemetery and Domain Roads, Lake Hawea. The site is legally described as Lot 1 DP304937, held in CFR 19606 (Site) outlined in orange in **Appendix B**. Under the operative and proposed Queenstown Lakes District Plans the site is zoned Rural Residential.
- 9 SDL is considering the feasibility of a number of residential development options ranging in density from Rural Residential subdivision, Township subdivision, or more intensive residential development to increase the supply of land and affordable housing. SDL has also sought more enabling visitor accommodation provisions through stage 2 of the DPR.

- 10 The rezoning of the Site from Rural Residential to Township Zoning (or similar), is a logical extension to the existing Hawea urban environment, including its current Township zoning.
- 11 The Site is on relatively flat, low lying land with very limited visibility. The increase in intensity of development from Rural Residential to Township Zone (or similar) will not have inappropriate adverse effects on amenity and landscape values of the area. The subject land is not visible at all from Lake Hawea lake surface or the Hawea River and the only visibility from public roads is from the roads directly adjacent being Domain Road and Cemetery Roads, that service consented subdivisions.
- 12 The Site can be adequately and efficiently serviced through upgrading the current Hawea water supply and existing sewerage scheme. As per the provisions of Chapter 27, such upgrades and servicing costs are borne by the developer at the stage of subdivision and development.
- 13 Road servicing to the Site is also adequate and no adverse impacts on traffic and the roading network will arise from this rezoning. Upgrades to major servicing roads are also occurring through recently consented developments.
- 14 Rezoning the Site as requested in this submission will provide for a more efficient and effective zoning regime for this land, which also contributes to current housing and affordability issues relevant to Hawea and the wider District.
- 15 SDL acknowledges that the Township Zone is yet to be reviewed as part of stage 3 of the PDP, however as per the Hearing Panel's directions in respect of Stage 1 hearings, a submitter has the ability to seek any zoning / provisions applicable to their land which is notified as part of the Review through submissions. To this end, SDL acknowledges that there may be further amendments to the current Township Zone provisions which will have an impact on the Site, SDL therefore seeks:
  - (a) Any consequential, alternative or other amendments necessary to the Township Zone prior to its review through Stage 3 of the PDP and which will better achieve the PDP scheme and purpose, and / or site specific issues; or
  - (b) That the Site be rezoned an interim zoning, which provides for a similar outcome to that achieved through a Township Zone, for example one of the notified residential zones; or
  - (c) That the Council confirm it will re-notify the Site as part of any Stage 3 Township Zone review, so as to enable SDL to pursue that relief through another stage.

- 16 SDL considers it is not reasonable to make landowners wait till a future stage of the PDP review in order to seek relief in respect of their land which is available for rezoning now. The delay of a review of the Township Zones is also an inefficient and ad-hoc planning exercise, which means the extent of the Hawea urban environment remains uncertain and does not provide for the growth projections of the town, or wider District.
- 17 SDL also seeks that the newly identified Urban Growth Boundary (**UGB**) adjacent to existing Hawea urbanised areas is amended to incorporate the Submitter's Site, and appropriate adjacent land as necessary to give effect to the PDP.

### **Chapter 22 Rural Residential / Lifestyle**

- 18 The Site is currently zoned Rural Residential under the PDP which provides for an anticipated density of 4000m<sup>2</sup>. This density on the Site does not achieve higher order and strategic sections of the PDP, or Part 2 of the Act, given it provides for a density which typically attracts a higher housing price which will exacerbate current affordability issues evident within Hawea and the wider District.
- 19 Should the Site not be rezoned from Rural Residential, SDL considers that Rural living zones should achieve their primary purpose of providing for rural living opportunities and the associated benefits of such development for social, cultural, and economic wellbeing. Such zones have been located in areas which are identified to have capacity to absorb the effects of additional development for rural living. It is therefore unnecessary and inefficient for these zones to repeat landscape preservation and amenity protections afforded in higher order chapters and the Rural Zone. Such provisions hinder development in areas where such development is anticipated to occur.
- 20 The specific provisions of Chapter 22 and the relief sought by SDL are set out in **Appendix A** to this Appeal.

### **Chapter 27 Subdivision and Development**

- 21 The notified provisions within Chapter 27 Subdivision and Development also provide a significant change in approach to the management of subdivision through the default status of subdivision as a restricted discretionary activity status in most zones. SDL seeks the removal of matters of discretion and related assessment matters and the reformulation of an expanded suite of objectives and policies to establish the framework formerly covered through the controlled activity regime under the Operative District Plan.

- 22 The fundamental change from a controlled activity regime to a restricted discretionary regime is inconsistent with the higher order chapters of the PDP and Part 2 of the Act.
- 23 The specific provisions of Chapter 27 and the relief sought by SDL are set out in **Appendix A** to this Appeal.

#### **Township Zones**

- 24 As discussed above, any consequential relief required to the Township Zone provisions to ensure this achieves the PDP objectives and framework, or otherwise provides for site-specific issues, is sought.
- 25 Given the nature of the staged review, and the uncertainty landowners are faced with as a consequence to their zoning approach under the PDP, SDL seeks that the Council confirm it will re-notify the Site as part of any Stage 3 Township Zone review, so as to enable SDL to pursue that relief through another stage, or otherwise place the rezoning of the Site on hold, ending the outcomes of Stage 3 (Townships) review to 'catch up' to Stage 1 appeals.

#### **Further and consequential relief sought**

- 26 SDL 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 SDL's PDP submissions.

## Attachments

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

- (a) **Appendix A** – relief sought
- (b) **Appendix B** – Site outline (Lot 1 DP 304937)
- (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 19<sup>th</sup> day of June 2018



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Maree Baker-Galloway/Rosie Hill  
Counsel 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.