

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2021-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	Streat Developments Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

17 May 2021

Streat Developments Limited
c/- Chris Streat
89 Arthurs Point Road
RD 1, Queenstown 9371

To The Registrar
Environment Court
Christchurch

Via email: Christine.McKee@justice.govt.nz

- 1 Streat Developments Limited ('**SDL**') appeals against part of the decision of Queenstown Lakes District Council ('**QLDC**') on the proposed Queenstown Lakes District Plan ('**PDP**').
- 2 SDL made a submission (QLDC ref: #3221¹) on stage 3 of 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 QLDC decisions on stage 3 submissions on 1 April 2021.
- 5 The parts of the QLDC decisions appealed relate to:
 - (a) Lake Hāwea settlement Urban Growth Boundary.
 - (b) Planning Map 17: Lake Hāwea - zoning of Domain Acres (16.8-hectares) south of Cemetery Road, Lake Hāwea,
 - (c) Chapter 20 – Settlement Zone provisions and variations to stage 1 and 2 Chapters, as they relate to Lake Hāwea settlement.
 - (d) Chapter 27 – Subdivision and Development provisions as they relate to Lake Hāwea settlement.

Reasons for appeal

- 6 Domain Acres is located between Cemetery and Domain Roads, Lake Hāwea as identified on the map contained in **Appendix B**. Domain Acres is zoned Rural Residential in the operative District Plan ('ODP') and under stage 1 of the PDP. The Rural Residential zone provides for subdivision with a minimum lot size of 4000m².
- 7 SDL submission on stage 3 of the PDP sought rezoning of the land from Rural Residential to Settlement Zone or similar ("**up-zoning**").

¹ Also referenced by QLDC as submission #3222 (duplicate).

- 8 At the time of lodging submissions on stages 1, 2 and 3 of the PDP, SDL owned all 16.8-hectares of the site, formerly legally described as Lot 1 DP304937. Part of the site has subsequently been subdivided and developed.
- 9 SDL have resource consent approval to subdivide Lot 1 DP304937 into 36 rural residential lots (4000m²) in four Stages – QLDC ref: RM060010, ET060010 and varied by RM181236 and RM191330. A copy of the Rural Residential 36 lot plan of subdivision showing Stages 1 to 4 is attached as **Appendix B**.
- 10 Stage 1 has been completed with 8 lots issued new Record of Titles in 2020. RMA s223 approval has been obtained on 30 April 2020 for Stages 2 to 4. Stage 2 is under construction with new Record of Titles anticipated to be issued late 2021.
- 11 SDL have designed subdivision Stages 1 and 2 to enable owners, should they wish, to further subdivide the 4000m² lots into four 800m² lots.
- 12 With respect subdivision Stages 3 and 4 (18 lots), Settlement zone with a minimum lot size of 800m² would enable approximately 72 lots to be developed.
- 13 Rezoning of the land is a logical extension to the existing Hāwea urban environment. SDC consider up-zoning will provide for more efficient and effective use of the land. Provision of land supply is a critical part of addressing current housing and affordability issues in Hāwea and the wider District.
- 14 As set out in SDL stage 1 appeal, Domain Acres is on relatively flat, low lying land with very limited visibility. The increase in density of development from Rural Residential to Settlement 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 Hāwea lake surface or the Hāwea River and the only visibility from public roads is from the roads directly adjacent being Domain Road and Cemetery Roads, that service consented subdivisions.
- 15 Domain Acres can be adequately and efficiently serviced through upgrading the current Hāwea 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.
- 16 Road servicing is adequate and no adverse impacts on traffic and the roading network will arise from up-zoning. Upgrades to major servicing roads are occurring through recently consented developments.
- 17 QLDC have erred in declining to rezone of Domain Acres based on infrastructure capacity issues. SDC consider the scale of the up-zoning is not such that it should *“only proceed when it can do so in a manner that is*

integrated with infrastructure capacity, and so that it forms part of a larger strategic plan regarding the development of Hāwea.² “

18 Relief sought by SDL is set out in **Appendix A** to this appeal. In summary:

- The Urban Growth Boundary adjacent to existing Hāwea urban area is extended to include Domain Acres.
- Domain Acres is rezoned Settlement (or similar).
- The specific provisions of Chapter 20 – Settlement and Chapter 27 – Subdivision are amended to include reference to Lake Hāwea – Domain Acres and a specify an 800m² minimum lot area.

19 SDL seeks any consequential amendments to give effect to the matters raised.

Attachments

The following documents are attached to this notice:

- (a) **Appendix A** – Relief sought.
- (b) **Appendix B** – Map showing location of Domain Acres, Lake Hāwea.
- (c) **Appendix C** - A copy of the Appellant's submission.
- (d) **Appendix D** - A copy of the relevant parts of the Council decision.
- (e) **Appendix E** - A list of names and addresses of persons to be served with this notice.

Dated this 17th day of May 2021



for the Appellant, Streat Developments Limited.

² QLDC Decision Report 20.8, Chapter 20 Settlement Zone, paragraph 579,

Address for service of the Appellant

Streat Developments Limited

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RD 1

Queenstown 9371

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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.

Appendix A: Table of Relied Sough

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 4 Urban Development		
Refer SDL stage 1 PDP appeal – ENV-2018-CHC-086-003.	Refer SDL stage 1 PDP appeal – ENV-2018-CHC-086-003.	Refer SDL stage 1 PDP appeal – ENV-2018-CHC-086-003.
Planning Map 17 - Hāwea		
Planning Map 17 - Hāwea	Domain Acres is a logical urban extension of Lake Hāwea settlement and should be included within the Urban Growth Boundary.	Amend planning map 17 by moving the Urban Growth Boundary south of Cemetery Road to include Domain Acres (16.4 hectares), as shown on the map in Attachment 3 of SDL submission.
Planning Map 17 - Hāwea	Rezone Domain Acres on Planning Map 17 from Rural Residential Zone to Settlement Zone, or a similar residential / urban zone. Up-zoning will enable more efficient and effective use of the land to meet demand for housing and address affordability issues relevant to Hāwea and the wider District.	Amend planning map 17 to rezone Domain Acres from Rural Residential to Settlement or similar residential / urban zone.
Chapter 20 - Settlement Zone		
20.1 Purpose		Add reference to <u>Lake Hāwea – Domain Acres</u> and add cross-

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>“The Settlement Zone applies to the settlements of Glenorchy, Kinloch, Kingston, Luggate and Makarora. The Zone provides for spatially well-defined areas of low-intensity residential living...”</p>		<p>reference to structure plan in Chapter 27.</p>
<p>20.2.2.7</p>	<p>Each settlement within the District has unique characteristics and environmental outcomes sought that are appropriately addressed in Chapter 20 policies.</p>	<p>Add a new policy for <u>Lake Hāwea – Domain Acres</u> to support the environmental outcomes sought.</p>
<p>20.5 Rules – Standards 20.5.1</p>		<p>Amend locational specific rules to refer to <u>Lake Hāwea – Domain Acres, including:</u></p> <p><u>Rule 20.5.7.1b At Lake Hāwea – Domain Acres, where the minimum building setback shall be 5m from Domain Road.</u></p> <p><u>Rule 20.5.12.5 Lake Hāwea – Domain Acres: 7m.</u></p>
<p>Chapter 27 Subdivision and Development</p>		
<p>27.3 - Location specific objectives and policies.</p>	<p>Each settlement within the District has unique characteristics and environmental outcomes sought that are appropriately addressed in Chapter 27 objectives and policies.</p>	<p>Add a new objective 27.3.13 and policy 27.3.23.1 for Lake Hāwea – Domain Acres to support the plan environmental outcomes sought.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
27.6.1 - Settlement – Luggate, Glenorchy, Kinloch, Kingston – Minimum Lot Area - 800m ² .	A 800m ² minimum lot size will enable more efficient use of the land.	Add <u>Lake Hāwea – Domain Acres</u> to list of settlements with a <u>800m² Minimum Lot Area</u> .
27.13.7 – Structure plans	A structure plan is a tool that could be used to assist in defining of the southern edge of the Hāwea Urban Growth Boundary.	Include a Structure Plan for Lake Hāwea - Domain Acres in Chapter 27 – Subdivision and Development. Note: the structure plan submitted with the SDL stage 2 PDP submission is no longer feasible due to subdivision Stage 1 & 2 having been constructed.

Appendix B – Map showing location of Domain Acres, Lake Hāwea (formerly Lot 1 DP 304937)

Appendix C - A copy of the Appellant's submission

Appendix D - A copy of the relevant parts of the Council decisions

Appendix E - A list of names and addresses of persons to be served with this notice.

Refer Minute of the Environment Court (1 April 2021) ENV-2021-CHC-14:

“lodged with the Environment Court electronically by email to: Christine.McKee@justice.govt.nz and by posting a hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch;

served on the Council electronically by email to dpappeals@qldc.govt.nz: and

served on the person who made the original submission which is the subject of the appeal, and every person who made a further submission on the same original submission;”

QLDC Ref #	Submission	Submitter Name	Address for Service
3261		Sally and Aaron Ford	aaronfordbuilder@yahoo.co.nz
3287		Hāwea Community Association Inc	hcachairperson@gmail.com
3296		Marovid Trust	rob.whities.inbox@gmail.com
3248		Universal Developments Hāwea Limited	Maree.baker-galloway@al.nz