

## Wakatipu Equities Limited Submitter #2479 – Legal Submissions summary – 26 July 2018

- 1 The specific areas sought for rezoning have been refined, based on Mr Skelton's detailed site specific assessment and familiarity with the Wakatipu Basin.
- 2 Council's section 32 assessment in respect of the Variation is deficient in that it has not taken into account the costs and loss of opportunity for landowners in the Basin, removing existing development rights and changing the zoning to WBRAZ would significantly undermine existing investment and cause considerable uncertainty for landowners such as WEL. On the contrary, in my submission the benefits of rural living and development should be specifically recognised and provided from as there is no economic or effects base case to the contrary.
- 3 For the WEL in particular, in terms of effects, WBRAZ cannot be justified on the evidence in my submission.
- 4 When one considers the particular amenity values of this site in particular, it is noteworthy that according to our records there is no submitter opposing the rezoning sought. Furthermore, when you look at most of the other submitters in the areas of LCUs 11, 9 and 18 in particular, most submitters and people who live there are in support of rezoning to the Precinct, indicated that that nature and scale of rural living amenity values is what the people want and appreciate.
- 5 It is appropriate and lawful in my submission to disregard effects from the Queenstown Trail where it is excluded by way of the plan definition from "public place". Pursuant to section 7, one must only have "particular regard" to "the maintenance and enhancement of amenity values", and where a council has determined that the extent from where those amenity values are assessed is to be restricted for an alternative positive resource management regime (to enable creation of trails), then the regard that is to be had to those specific amenity values can be excluded. Similarly, if for example an affected party has provided their APA, those effects are legitimately excluded from an assessment under section 104 for a consent, regardless of what the plan or Part II of the Act states.
- 6 In respect of your decision making, and how you could have particular regard to how the maintenance and enhancement of the amenity values in the Wakatipu Basin generally, and this site specifically, should be covered off, my legal submissions set out some additional case law of assistance. It illustrates that amenity values are not necessarily absolute values, and may change. If adverse effects on an attribute that is specifically relevant to the amenity values is minor, then the amenity value is still maintained. And change *per se*, does not mean there is necessarily a corresponding adverse effect.
- 7 Wakatipu Equities seek the ability to enhance the rural living amenity values of their site. On the advice of Mr Skelton this can be done in a way that is contained, and that fits in with the surrounding rural living patterns.

## 258 Speargrass Flat Road

- Comprises of 7 lots
- Total land area 129.3992ha
  
- Lot 1 DP 301330 – CT5795 – 20.4973ha
  - Building platform
  - Existing farm building in another location on lot
  
- Lot 2 DP 301330 – CT5796 – 20.2346ha
  - Building platform
  
- Lot 3 DP 301330 – CT5797 – 20.1175ha
  - Building platform
  
- Lot 4 DP 301330 – CT5798 – 20.7983ha
  - Building platform
  - Existing building within BP
  
- Lot 5 DP 301330 – CT5799 – 20.0362ha
  - Building platform
  
- Lot 6 DP 301330 – CT5800 – 20.1166ha
  - Building platform
  
- Lot 7 DP 301330 – CT5801 – 7.5987ha
  - No building platform indicated on plans
  - Two existing buildings – one farming building or similar, one residential dwelling.