BEFORE THE ENVIRONMENT COURT
IN CHRISTCHURCH

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an appeal pursuant to Clause 14 of Schedule 1 of the Act
BETWEEN	**WILLOWRIDGE DEVELOPMENTS LIMITED**
	Appellant
AND	**QUEENSTOWN LAKES DISTRICT COUNCIL**
	Respondent

NOTICE OF APPEAL

Dated: ~~19 June 2018~~ 9 April 2019

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitors:

G M Todd/B B Gresson
PO Box 124
Queenstown 9348
P 03 441 2743
F 03 441 2976
graeme@toddandwalker.com;
ben@toddandwalker.com

To: The Registrar
Environment Court
Christchurch

1. Willowridge Developments Limited ("**the Appellant**") appeals against a decision of the Queenstown Lakes District Council ("**Council**") on the Queenstown Lakes Proposed District Plan ("**Plan**").

2. The Appellant made a submission on the Plan.

3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

4. The Appellant received notice of the decision on 4 May 2018.

5. The decisions the Appellant is appealing are:

   a. The rejection of the Appellant's submission seeking a rezoning of its property at Ballantyne Road, Wanaka, legally described as Lot 3 Deposited Plan 17123.

   b. The rejection of the Appellant's submission seeking its property at Ballantyne Road be included within the Urban Growth Boundary for Wanaka.

   ~~c. The rejection of the Appellant's submission seeking a maximum building coverage in the Low Density Residential Zone of 50% for lots between 450m^2 and 700m^2.~~

   ~~d.~~c. The rejection of the Appellant's submission seeking subdivision in the residential zones be a controlled activity.

   ~~e. The rejection of the Appellant's submission seeking the minimum lot size for low density residential development be 700m^2.~~

   ~~f.~~d. The rejection of the Appellant's submission seeking its land to the east of Luggate Township be rezoned as Low Density Residential ~~and Rural Residential~~ as per Attachment 4 of the Appellant's submission.

   ~~g.~~e. The rejection of the Appellant's submission seeking the amendment of Policy 6.3.1.3.

   ~~h.~~f. The rejection of the Appellant's submission seeking the deletion of Assessment Matter 21.7.1.1.

6. The reasons for the appeal are as follows:

   a. The decisions are not in accordance with sound resource management principles.

b. The decisions are contrary to section 5 of the Resource Management Act 1991.

c. The decisions are not in accordance with the relevant Objectives and Policies of the Plan.

d. The decisions will result in inefficient use of land.

e. The decision referred to in 5(a) ignores the consents granted for the use of the land for industrial purposes.

    i. It was not open for the Council to reject the submission which led to the decision on 5(a) on the basis that industrial zoning was deferred to a later stage of the Plan. The Appellant was entitled to seek that zoning.

    ii. No resource management reason was given for rejecting the industrial zoning of the land.

f. No justifiable resource management reason has been given for the decision noted in 5(c).

    i. An increase in building coverage in the Low Density Residential Zone to 50% for lots between 450m^2 and 700m^2 would result in greater efficiency in terms of land use and would not be contrary to the relevant Objectives and Policies of the Plan.

    ii. Given the lot sizes that it is proposed the increased coverage would relate to, such would not lead to development with more urban characteristics than is intended to be managed by the Medium and High Density Residential Zones.

g. Given the consented land use and the surrounding zoning it is more appropriate that the Appellant's land on Ballantyne Road be included within the Urban Growth Boundary.

h. In regards to the decision noted in 5(d) there is no sound resource management reason for determining that once land is zoned for a particular purpose, subdivision for that purpose should be anything other than a controlled activity provided it complied with the specific site and zone standards.

    i. Requiring applications for subdivision as a discretionary activity results in additional costs which are unwarranted. Requiring such applications is inefficient and will result in uncertainty for landowners, and in many cases will result in the need to notify such applications.

i. In regards to the Council's decision to have a minimum lot size of 450m^2 in the Low Density Residential Zone, the Operative District Plan has a minimum lot size in the Low Density Residential Zone in Wanaka of 700m^2 which the Appellant supports.

i. The Appellant is of the view that if the minimum lot size is reduced to 450m^2 in Wanaka in the Low Density Residential Zone then this will have an adverse effect on the character of the Wanaka Township.

j. The decision of the Council refusing to rezone the Appellant's land noted in 5(f) is illogical and not in accordance with sound resource management planning principles given the land use consents held for such land, and the manner in which it has already been developed.

i. The decision of the Council will result in inefficient land use and additional costs incurred in having to seek consents for activities consistent with the land use but which would not be provided for if the zoning proposed was to remain.

ii. The evidence presented to Council did not support the decision to reject the rezoning.

k. The Council's decision is wrong in law to the extent in part it rejected the submission on the basis no "*expert evidence was presented to support the submission*". The Resource Management Act 1991 and its related processes are not and should not be the sole realm of "experts". The evidence put before the Council on behalf of the Appellant was put by persons highly experienced in resource management planning and developments in the Queenstown Lakes District.

l. The Policies and Assessment matters referred to in 5(g) and (h) create too strong a presumption against subdivision or development and would likely pre-emptively determine a refusal of applications for subdivision and development in Outstanding Natural Landscapes or Features.

m. The decisions are contrary to the Strategic Direction provisions in the Plan.

7. The Appellant seeks the following relief:

a. That the decisions of the Council be overturned, and the Appellant's submissions be accepted.

8. The following documents are attached to this notice:

a. A copy of the Appellant's submission;

b. A copy of the decision; and

c. A list of names and addresses to be served with a copy of this notice.

Dated this ~~19th~~ 9th day of ~~June~~ April 201~~8~~

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Signed for the Appellant
By its solicitor and duly authorised agent
Graeme Morris Todd/Benjamin Brett Gresson

Address for Service for the Appellant:

Todd and Walker Law
PO Box 124
Queenstown 9348
Phone: 03 441 2743
Facsimile 03 441 2976
Email: graeme@toddandwalker.com; ben@toddandwalker.com