

**IN THE ENVIRONMENT COURT  
OF NEW ZEALAND**

**Christchurch Registry**

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-201-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** **THE OTAGO FOUNDATION  
TRUST BOARD AND  
WAKATIPU COMMUNITY  
PRESBYTERIAN CHURCH**

**Appellant**

**A N D** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL  
19 June 2018**

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**MACALISTER TODD PHILLIPS**  
Barristers, Solicitors, Notaries  
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**To** The Registrar  
Environment Court  
Christchurch

[1] The Otago Foundation Trust Board and Wakatipu Community Presbyterian Church (**the Church**) appeal against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

[2] The Church made a submission (#408) on the PDP.

[3] The Church is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).

[4] The Church 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] Planning Maps 31 and 31a (Frankton North);

[b] The split zoning of the Church's Land as Business Mixed Use zone and Medium Density Residential and the location of the zone boundary;

[c] Policy 16.2.3.8 and 27.3.12.2 and Rules 16.5.11.1 and 27.7.9.1.

[7] **Reasons for appeal**

7.1 The Church has a sale and purchase agreement with the Hansen Family Partnership (**the Vendor**) to acquire the land shown as Lot 1 on Scheme Plan One, Stage I, SK01rev16 attached to this appeal (**appeal site**).

- 7.2 The appeal site has an area of approximately 2.827 ha and has frontage to State Highway 6 in a location known as “Frankton North”.
- 7.3 The Church has obtained a resource consent from the Respondent to subdivide the Vendor’s land into two allotments, and construct a church, indoor court, and two residential building platforms on the appeal site, together with associated earthworks, landscaping, access and parking (RM 170105). This consent is subject to an appeal by Alps Investment Limited, an adjoining landowner to the west.
- 7.4 Under the Operative District Plan, the appeal site has a Rural Zoning.
- 7.5 In its decision on submissions to the PDP, the Respondent has imposed a split zoning over the appeal site, with that part of the appeal site within 90m of State Highway 6 being zoned Business Mixed Use Zone (Chapter 16 – “BMUZ”), and the balance of the site being zoned Medium Density Residential Zone (Chapter 8 – “MDRZ”). The zone boundary passes through part of the proposed church building approved under RM 170105. The proposed zone boundary is shown as a ‘blue line’ on Lot 1 on Scheme Plan One, Stage I, SK01rev16 attached to this appeal. This significantly complicates the rules framework for the development of the Church’s site.
- 7.6 In addition, a large part of the appeal site adjacent to State Highway 6 is within the Queenstown Airport Outer Control Boundary, within which noise sensitive activities are prohibited. This has the effect of significantly constraining the space available to construct the church building or any associated residential development.
- 7.7 Under the Objectives and Policies for the BMUZ, Policy 16.2.3.8 states that:

*Ensure coordinated, efficient and well – design development by requiring, prior to or as part of subdivision and development, construction of the following to appropriate Council standards:*

- 8 a. *A fourth leg off the Hawthorne Drive/SH 6 roundabout*
- 9 b. *All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH 6 roundabout; and*
- c.....

7.8 An identical policy (8.2.8.8) is contained under the MDRZ. Under the rules for the BMUZ, Rule 16.5.11.1 states that:

*16.5.11 Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:*

*16.5.11.1 Transport, parking and access design that:*

*Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH 6 roundabout, and/or Ferry Hill Drive.*

*There is no new vehicular access to the State Highway Network.*

7.9 Any such access to other sites through that part of the appeal site within the BMUZ would make the proposed development of the church facilities on Lot 1 impractical if not impossible, as the BMUZ is only 90 m deep and already constrained by the Outer Control Boundary.

7.10 Under the Objectives and Policies in Chapter 27 for Subdivision (Frankton North), Policy 27.3.12.2 states:

*Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade”.*

7.11 Under the Rules for in Chapter 27 for Subdivision (Frankton North) Rule 27.7.9.1 states:

*“– all subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that complies with the following standards in addition to the requirements of Rule 27.5.7.*

*a. Access to the wider roading network shall only be via one or more of:*

*i. Hansen Road;*

*ii. Ferry Hill Drive; and/or*

*iii. Hawthorne Drive/State Highway 6 roundabout*

*b. No subdivision shall be designed so as to preclude an adjacent site complying with clause a.*

7.12 Again, any requirement that access to other sites be provided through that part of the appeal site within the BMUZ would make the proposed development of the church facilities on Lot 1 impractical if not impossible, as the BMUZ is only 90 m deep and already constrained by the Outer Control Boundary.

7.13 The Church does not oppose a suitable alignment for a road access through the Medium Density Residential Zone which can be achieved without adversely affecting the development of Lot 1 for church purposes, or alternatively through the BMUZ if this zone is extended to a much greater depth from the State Highway.

**[8] Relief Sought**

The Church seeks the following relief:

8.1 That the boundary between the BMUZ and the MDRZ be relocated to a point parallel to and at least 150 m north of State Highway 6; or in the alternative that the following provisions be deleted with respect to the BMUZ and that any access to adjoining properties be provided through the MDRZ:

- 8.2 That policy 16.2.3.8 b be deleted;
- 8.3 That rule 16.5.11.1 be deleted;
- 8.4 That policy 27.3.12.2 be deleted;
- 8.5 That rule 27.7.9.1 be deleted.

**[9] Further and consequential relief sought**

The Church 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.

**[10] Attachments**

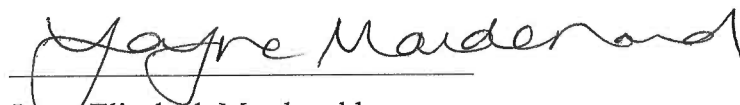
The following documents are **attached** to this notice:

**Appendix A** - A copy of the Appellants' submission;

**Appendix B** - A copy of the relevant parts of the decision; and

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

Dated this 19th day of June 2018



Jayne Elizabeth Macdonald

Counsel for the Appellant

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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.

LEGEND

	church	1265 sqm
	main building	752 sqm
	indoor court	
<b>total</b>	<b>total</b>	<b>2017 sqm</b>
	car park 1	39
	car park 2	48
	car park 3	43
<b>total</b>	<b>total</b>	<b>130</b>



**enviroARK Architects**  
027 255 0659 Queenstown NZ



New Church Development, Frankton  
Queenstown

prepared for  
Wakatipu Community Presbyterian Church

Scheme Plan One  
Stage 1

DATED PRINTED: 11 May 2018

SCALE:	1:1000 @ A3
DWG NUMBER:	SK01
CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE	rev 16