

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

ENV-2021-CHC-

**IN THE MATTER**

of an appeal under the Resource Management Act (1991) to the Environment Court against decisions on the proposed Queenstown Lakes District Council District Plan (Stage 3)

**BETWEEN**

**BALLANTYNE PROPERTIES  
LIMITED**

**Appellant**

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL BY BALLANTYNE PROPERTIES LIMITED**

*Under clause 14(1) of the Resource Management Act 1991*

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**NOTICE OF APPEAL BY BALLANTYNE PROPERTIES LIMITED**

*Under clause 14(1) of the Resource Management Act 1991*

To: The Registrar  
Environment Court  
Christchurch

1. Ballantyne Properties Limited (“Appellant”) appeals certain decisions of the Queenstown Lakes District Council (“Council”) on the Queenstown Lakes Proposed District Plan (PDP) (Stage 3).
2. The Appellant made a submission (#3056) on the PDP Stage 3.
3. The Appellant is not a trade competitor for the purpose of section 308D of the Resource Management Act 1991 (RMA)
4. The Appellant received notice of the decision on 1 April 2021.
5. The decision was made by the Council.
6. The decisions appealed relate to:
  - (a) Those contained in the Report 20.4 of the QLDC Independent Commissioners relating to Chapter 19A - Three Parks and Related Variations to Chapters 9, 16, 25, 27 and 30.
  - (b) The parts of that decision that the Appellant is appealing are found at 3.8 (Paragraphs 62 to 65) being a discrete decision not to apply the Three Parks Business or the Business Mixed Use Zones to the entirety of the submission site but rather to apply the Three Parks Business Zone to approximately 5,300m<sup>2</sup> of the submission site while applying the Lower Density Suburban Residential Zone to the remaining 1.48 hectares of the site.

**Background**

7. The Appellant owns 2.0 hectares of land (Lot 1 Deposited Plan 510626 held on Record of Title 783035)(the “Site”) on Ballantyne Road, Wanaka. The land is situated on the north eastern side of Ballantyne Road,

between an electricity substation at the north western end of the site and a fuel stop and industrial building at the south eastern end of the site.

8. The site's Ballantyne Road frontage is approximately 280m in length and the site is approximately 70m in width.
9. Ballantyne Road is classified as a collector road in the PDP and serves the existing industrial activities located along Ballantyne Road, Gordon Road, Frederick Street and Enterprise Drive and provides access to the south western end of Three Parks via Sir Tim Wallis Drive.
10. The land on the south western side of Ballantyne Road (directly opposite the site) is partially zoned General Industrial and partially zoned Large Lot Residential A under the Proposed District Plan.
11. The submission of the Appellant sought the application of the Business Mixed Use Zone to the entirety of the submission site. The decision of Council however found that the Business Mixed Use Zone was inappropriate and instead applied the Three Parks Business Zone to the south eastern end of the site and zoned the remainder of the site as Lower Density Suburban Residential.
12. The decision also imposed a 10m wide building restriction area around the electricity substation.

The reasons for this appeal are:

13. The decision fails to give sufficient weight or consideration to the existing amenity of the site and its suitability or desirability for residential development. The amenity and development potential of the site (for residential purposes) is compromised by the following:
  - the presence of the electricity substation;
  - the existing overhead power lines that cross the site;
  - the building restriction area that has been applied around the substation; and
  - the site's location adjoining a busy collector road that largely services industrial and commercial activities.

- 14. Based on the overall zoning pattern in the wider area the Three Parks Business Zone is a more appropriate and logical zone for the site than the Lower Density Suburban Residential Zone that has been applied to the majority of the site.
- 15. The Three Parks Business Zone would provide for the use and development of the parts of the site covered by the building restriction area that has been applied around the electricity substation.
- 16. The application of the Three Parks Business Zone to the entire site would better give effect to the National Policy Statement on Urban Development 2020 and in particular Objectives 1 and 3 and Policies 1 (b) and (d) and Policy 2. Those provisions seek to ensure that well-functioning urban environments are achieved and that, as a minimum, sufficient capacity for business land is provided and competitive land and development markets are supported.

The Appellant seeks the following relief:

- 17. That the appeal is allowed.
- 18. That the District Plan Maps are amended such that the entirety of the Applicant's property (Lot 1 DP 510626) is zoned Three Parks Business Zone.
- 19. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this appeal.
- 20. The Appellant agrees to participate in mediation or alternative dispute resolution.

DATED this 18<sup>th</sup> day of May 2021



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**Scott Edgar (on behalf of Ballantyne Properties Limited)**  
Planner

**Address for service**

Telephone: 021 048 1313  
Email: [scott@edgarplanning.co.nz](mailto:scott@edgarplanning.co.nz)  
Address 1 Kamahi Street, Wanaka  
Contact Person: Scott Edgar

Cc: Queenstown Lakes District Council  
[dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz)

**Attached** to this Notice of Appeal are the following documents:

- (a) A copy of Ballantyne Properties Limited's original submission (**Appendix 1**);
- (b) A copy of the Decision (**Appendix 2**).

**Advice to Recipients of Copy of Notice of Appeal**

1. How to become party to proceedings:

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

2. How to obtain copies of documents relating to appeal:

The copy of this notice served on you does not attach a copy of the Appellant's submission and/or the decision appealed. These documents may be obtained, on request, from the Appellant.

3. Advice:

If you have any questions about this notice, contact the Environment Court unit of the Department for courts in Christchurch.

**Contact Details of Environment Court for Lodging Documents**

Documents may be lodged with the Environment Court by lodging them with the Registrar:

The Christchurch address of the Environment Court is:

282 Durham Street  
Christchurch 8013

Its Postal address is:

P O Box 2069  
Christchurch 8140

And its telephone and fax numbers are:

Telephone: (03) 962 4170  
Fax: (03) 962 4171