

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV

IN THE MATTER An appeal pursuant to clause 14 of
the first schedule to the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes District
Proposed District Plan

Between

MICHAEL BERESFORD

APPELLANT

**Queenstown Lakes District
Council**

Respondent

**AFFIDAVIT OF JOHANNES (JOHN) MAY IN SUPPORT OF SECTION 274
NOTICE BY KIRIMOKO NO 2 LIMITED PARTNERSHIP**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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I Johannes May, Company Director of 335 Buchanan Rise, Glendu Bay, Wanaka, make oath and say:

1. That I am a partner of Kirimoko No 2 Limited Partnership ("Kirimoko"). I am authorised by the Kirimoko to swear this affidavit on its behalf.
2. Kirimoko No 2 Limited Partnership is the registered proprietor of a 6.9 hectare block of land legally described as Lot 6 DP 300734 and having the CFR reference OT19B/84. I attach a true copy of that CFR for as exhibit JM1.
3. The appeal brought in this proceeding by Mr Beresford relates to his submission on the zoning of land immediately adjacent to, and to the north of Kirimoko's land, being a 50.67 hectare block having the CFR OT18C/473. That block of land is known locally within Wanaka as "Sticky Forest".
4. The submission lodged by Mr Beresford on the land known as Sticky Forest seeks for that land to be rezoned from rural to a form of residential zoning. During the course of the hearing of submissions Mr Beresford refined his proposal such that only a proportion of Sticky Forrest would be rezoned for residential purposes, if that submission were accepted. In the event, the Council refused to accept Mr Beresford's submission.
5. Kirimoko did not file a further submission opposing Mr Beresfords submission because it did not come to my attention that Mr Beresford's submission had been lodged. Nevertheless, I consider that Kirimoko is directly effected by any proposal to rezone Sticky Forest for residential purposes for the following reasons:
 - (a) The Council refused Mr Beresford's submission for various reasons, but prime amongst those was the fact that the property is currently land locked (meaning having no legal access). The land currently has a pine plantation on it. Because the land is land locked, how access arrangements (and the adverse effects of that) can be managed is uncertain and cannot be properly evaluated.

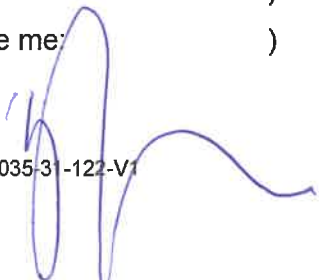


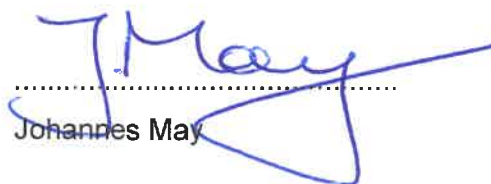
- (b) If residential zoning of Sticky Forest is granted then the question of access becomes a much more acute problem to resolve to enable the zoning to be given effect to. Pressure will be brought to bear on surrounding owners, including Kirimoko, to provide suitable vehicle access.
- (c) Much of the northern (uphill) portion of the Kirimoko land has been zoned rural by the Council on the assumption that the Sticky Forest contiguous land will also be zoned rural. I agree with that approach because it makes sense that contiguous land of similar character has consistent zoning. In the event that Mr Beresford's submission succeeds, then it completely undermines the integrity of the zoning of the Kirimoko land.
- (d) Any development of the Sticky Forest land, particularly its southern half, will be visible from Kirimoko and so will have potential adverse effects on the landscape and amenity values enjoyed from the Kirimoko land.
- (e) The Council has established a network of public access and reserves around Sticky Forest land, and in particular through the Kirimoko land including a public access easement which is the uphill limit of residential development. Residential development of Sticky Forest would be above the elevation of the easement. The amenities enjoyed by users of the public access through Kirimoko would be adversely effected by development of sticky forest, and the easement alignment through Kirimoko would be called into question.

6. For all of these reasons, Kirimoko wishes to be a party to Mr Beresford's appeal and to call evidence at any hearing.

SWORN at Wanaka)
 this 28 day of)
 June 2018)
 before me:)

PP-205035-31-122-V1




 Johannes May

**IAIN GRANT FYFE
 LAWYER
 WANAKA**

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A Solicitor/Deputy Registrar of the High Court of New Zealand

**IAIN GRANT FYFE
LAWYER
WANAKA**

