

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-

UNDER the Resource Management Act 1991
IN THE MATTER of a decision by Queenstown Lakes District Council
BETWEEN **ASPIRING LIFESTYLE RETIREMENT VILLAGE LIMITED**
Appellant
AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
Respondent

NOTICE OF APPEAL AGAINST DECISION ON THE PROPOSED DISTRICT PLAN

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Environment Court
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- 1 Aspiring Lifestyle Retirement Village Limited (ALRV) appeals against a decision of the Queenstown Lakes District Council (QLDC) on the following:
 - (a) Stage 1 Proposed QLDC District Plan.
- 2 ALRV made a submission on that plan change (Submission number 709).
- 3 ALRV received notice of the decision on 7 May 2018.
- 4 The decision was made by QLDC.
- 5 The decision that ALRV is appealing is:
 - (a) Part of Report 16.2 regarding Upper Clutha Planning Maps, Urban Wanaka and Lake Hawea.
 - (b) In particular, the rezoning of *part* of the Aspiring Lifestyle Retirement Village as Large Lot Residential A opposed to Lower Density Suburban Residential as recorded in the PDP Decisions Version Map 23 - Wanaka Rural (Map 23).
 - (c) That in the area designated Large Lot Residential A mainly comprising the properties situated at 21 and 23 Cardrona Valley Road on Map 23 a small triangle of land marked "A" and highlighted in green on the annexed Deposited Plan 492566 has been included in that area by mistake or error.
- 6 The reasons for the appeal are:
 - (a) In submission 709, the ALRV submitted that the proposed low density residential zoning of the Aspiring Lifestyle Retirement Village (part of Lot 1 DP 417191) was supported (Submission 1). This was in contrast to an additional submission to alter the proposed large lot residential zoning of the hospital site (also being part of lot 1 DP 417191) which was rejected (Submission 2).
 - (b) ALRV is seeking that the zoning as recorded in Map 23 is amended to be consistent with Submission 1.
 - (c) ALRV seeks on appeal for the area of land marked "A" and highlighted in green on the annexed Deposited Plan 492566 to not be included in the designation of Large Lot Residential A assigned to the hospital site and should instead be Lower Density Suburban Residential.
 - (d) For the avoidance of doubt, Lot 1 Deposited Plan 492566 is the area utilised by the Aspiring Lifestyle Retirement Village but a small triangle of land on the boundary with 21 Cardrona Valley Road (Lot 2 Deposited Plan 492566) and 23 Cardrona Valley Road (Lot 1 Deposited Plan 410739) (which can be seen on Map 23 too) is zoned the same as those two lots being Large Lot Residential A incorrectly.

- (e) In Report 16.2 and the associated Map 23 the large lot residential zoning is inconsistent with the legal boundaries and the varying uses of the land on the ground currently meaning the zoning is anomalous. The boundary of the Large Lot Residential A should be the hospital site and currently on Map 23 it is not.
- (f) It appears that the zoning of the Land as Large Lot Residential A may have evolved in drafts from the earlier Deposited Plan 417191 referred to in ALRV's submission 709. It may be this deposited plan was utilised to record the zoning in this particular area as the operative deposited plan at the time the submissions were made. In any event, it appears to be an inadvertent error that has led to a zoning anomaly that ALRV seeks to remedy.

7 ARLV seeks the following relief:

- (a) That the small triangle of land marked "A" and highlighted in green on the annexed Deposited Plan 492566 is not to be included in the designation of Large Lot Residential A assigned to the hospital site and should instead be Lower Density Suburban Residential as it forms part of the Aspiring Lifestyle Retirement Village operations.
- (b) **The above change would mean that the Lower Density Suburban Residential zoning covers the retirement village and the Large Lot Residential A zoning covers the hospital site.**

8 ARLV attaches the following documents to this Notice:

- (a) A copy of ALRV's original submission;
- (b) A copy of the Decision;
- (c) A copy of PDP Decisions Version Map 23-Wanaka Rural;
- (d) A copy of Deposited Plan 417191; and
- (e) Deposited Plan 492566 with the relevant land marked "A" and identified in green.

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Tony Jason Sycamore
Legal counsel for Aspiring Lifestyle Retirement Village Limited

Date: 19 June 2018

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