

File ref: FTC000019

6 July 2021

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Tēnā koe

Request for information from Queenstown Lakes District Council in relation to Northbrook Wanaka Retirement Village under COVID-19 Recovery (Fast-track Consenting) Act 2020

The Northbrook Wanaka Retirement Village Expert Consenting Panel (the Panel) directed the Environmental Protection Authority (EPA) to request further information from Queenstown Lakes District Council (QLDC) under clause 25 of Schedule 6 of the COVID-19 Recovery Act 2020 (the Act), relating to the Northbrook Wanaka Retirement Village consent application.

Information Request

At the direction of the Panel, the EPA is seeking the following information:

Sticky Forest

1. QLDC's comments express a preference for an easement to address access to Sticky Forest. Please comment specifically on the easement condition wording proposed by Mr Bunker and Ms Rouse, which is based on an easement in gross in favour of the QLDC. Does the QLDC accept this approach and proposed condition?

The proposed wording by Mr Bunker and Ms Rouse can be found in their comments on the application here:

https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Northbrook-Wanaka/Comments-received/23Jun21_Theo_Bunker_and_Lorraine_Rouse_FTC19_Comments_Received.pdf

2. Advise what, if any, opportunities exist for providing future road access to the Sticky Forest site over QLDC reserve land to the west of Sticky Forest. If there are particular constraints to providing access over Council reserve to the west, explain what these are.
3. QLDC's comments on the Applicant's proposed plan change condition state:

Because the Council is currently undertaking a staged District Plan review, the Resource Management Act 1991 essentially requires Council to adopt any Private Plan Change as a Council Plan Change in order for it to progress – there is a risk that the Council does not adopt it.

Counsel for the applicant, Warwick Goldsmith, disagrees with this assessment and states:

QLDC provides no statutory authority for this statement. The statement is legally incorrect. The Northlake Special Zone is part of the Operative District Plan which has been operative for longer than two years. The current District Plan Review does not include the Northlake Special Zone. Part 2 Schedule 1 RMA applies. QLDC can accept a PPC Request (and in this case would have no valid statutory reason for refusing it). There is no legal obligation on QLDC to adopt the proposed PPC Request.

Confirm whether Mr Goldsmith's analysis on this point is accepted.

Status of Proposed Queenstown Lakes District Plan Rules

4. QLDC's comments do not address the status / applicability of district-wide objectives and policies (as opposed to rules) to the proposal. Please provide comment on this.
5. If possible, please provide a copy of the legal advice referred to in this part of your comments.
6. Confirm the citation for the Environment Court decision referred to. Is it *Darby Planning Ltd Partnership v QLDC* [2019] NZEnvC 133?

Northlake Special Zone Objectives and Policies

7. QLDC's comments state:

Policy 1.3 seeks to maintain residential lots sizes within AA-C2 that are consistent with larger lot residential. This application to develop a retirement village primarily within AA-C2 is therefore contrary to these policies and would result in higher density development in an area anticipated to have low density.

The Panel would be assisted by expanded comments from QLDC as to the policies (and any objectives) in the Northlake Special Zone which council considers to the proposal to be "contrary to".

8. QLDC's comments do not explicitly address Policy 1.7 which refers to *inter alia* the avoidance of retirement villages in Activity Area D1. Provide comment on how the proposal sits with this policy from QLDC's perspective.
9. Does QLDC see an effects under-pinning for the relevant objectives and policies and, if so, please explain.
10. Is the reference to "Policy 1.3" above intended to be a reference to Policy 1.5?

Timeframes

In accordance with clause 25 of Schedule 6 of the Act Queenstown Lakes District Council must:

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA by **13 July 2021**

Please note, the information will be provided to the panel, the application and every person who provided comments on the application/notice of requirement. The information will also be made available on the EPA website.

Cost Recovery

Please note that QLDC is entitled to set, and recover from the EPA, a reasonable charge for the supply of information requested by the EPA under clause 7(4) of Schedule 6 of the Fast-track Consenting Act.

If you have any questions or further queries please don't hesitate to contact Alex Erceg at northbrookwanakafasttrack@epa.govt.nz or 027 293 6728.

Nāku noā, na



Sandra Balcombe
Manager Land and Oceans Applications