

FORM 33
Notice of Person's Wish to be Party to Proceedings
Section 274, Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch

I, Denis Shaun Moloney, wish to be party to the following proceeding: ENV-2019-CHC-019

I am a person who made a submission about the subject matter of the proceeding.

I am not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

I am interested in all of the proceeding.

I am interested in the following particular issue:

Decision by the Queenstown Lake District Council to rezone the land on Mooney Road as Wakatipu Basin Rural Amenity Zone (WBRAZ)

I oppose the relief sought by the Appellants for the following reasons:

The land in Mooney Road is unsuitable for zoning as Lifestyle Precinct due to infrastructure constraints including roading, water, and sewerage.

Ms Gilbert, in her review of my submission, stated that "reasoning would appear to focus on water quality, traffic, reverse sensitivity, and wastewater issues, which are beyond the scope of this evidence." Further with regard to the Wakatipu Basin Land Use Planning Study, the Final Report stated "the council's brief (dated September 2016) requires the study ... c. to identify, at a high level, any other important planning opportunities and constraints including but not limited to transportation, walking and cycle trails, water, waste water and stormwater management, and any environmental constraints such as natural hazards which should be taken into account when considering the future capacity of the Wakatipu Basin to absorb further development." In Appendix H Landscape Character Unit Worksheets, for LCU6, Wharehuanui Hills, Infrastructure features were "No reticulated sewer, water or stormwater." The study did not seem identify the lack of reticulated sewer, water and stormwater as a potential significant constraint of the capacity to absorb further development. It could also be argued that the study was remiss in not identifying the narrow width of Mooney Road as an infrastructure feature acting as a constraint to the future capacity to absorb further development.

Taking roading first, the Independent Commissioners requested and received the relevant information regarding the current legal width of Mooney Road, which varies between 11.2m and 11.9m. The required width under the Council's Land Development and Subdivision Code of Practice would be 15m for a road serving between 1 to 200 dwellings and 20m for a road serving more than 200 dwellings, the latter of which the Commissioners thought it would be safe to conclude could be the potential number of dwellings served by Mooney Road. Given this, an additional 8.1m to 8.8m of land would have to be acquired to meet the Council's Code of Practice. The Appellants stated in their appeal that "the current legal width of Mooney Road ... could be easily upgraded and further legal width obtained to cater for additional traffic arising from development contemplated by the proposed zoning." I am not a roading engineer but I wish to offer the following observations which I believe would dispute the "easily" upgradeable contention for Mooney Road. Power poles run the length of the northern side of Mooney Road. From just before 17 Mooney Road to 73 Mooney Road, the distance between the current road edge and the power poles varies between 1m and 1.5m. Assuming that the acquisition of additional land to upgrade Mooney Road would be divided equally on both sides of the road, the 4.4m addition on the northern side of the road would require that the power poles be moved some distance or that the power be moved underground. Further the Arrow Irrigation Company race runs somewhat close to the southern side of Mooney Road between Rapid 16 and Rapid 50 and would more than likely require realignment to accommodate Mooney Road widening. Both the relocation of power poles and the realignment of the race to accommodate the widening of Mooney Road would require significant effort and expense. In addition, on the southern side of Mooney Road, there are historic Hawthorne hedges and other vegetative plantings which contribute to the rural character of Mooney Road. Again, assuming equal division of land acquisition, these hedges and other vegetative plantings would need to be removed, thus exposing the valley floors and removing "the relatively discreet nature of the majority of the unit" as expressed by Ms Gilbert in her evidence. Finally, I believe not all Mooney Road landowners would be amenable to ceding road frontage, potentially requiring compulsory acquisition under the Public Works Act 1981.

As to water and sewerage, Ms Gilbert stated that these issues were beyond the scope of her evidence. Other than noting the lack of reticulated services, the Wakatipu Basin Land Use Planning Study seemed to not address these issues or even investigate the status of water availability, water quality and sewerage among current landowners. As a Mooney Road landowner for over 28 years and a Mooney Road full-time resident for the past 24 years, I can unequivocally state that maintenance of water availability and quality is a major concern for myself and many of my neighbours. It is unsettling that landscape seemed to be the primary and it could be said sole criteria is assessing whether Mooney Road could absorb additional development with no weight given to whether the land itself could accommodate further residential development, especially to the intensity of that proposed in the Lifestyle Precinct. It seems to be the consensus that the resource consent process would address these issues. However the land on Mooney Road has multiple owners and there is no guarantee that each resource consent will be judged by its effect of the whole of the Mooney Road rather than just immediate neighbours. It is a very real possibility that granting of successive individual resource consents for subdivision may at some point reach critical mass when the Council deems that Mooney Road cannot no longer absorb any further subdivision. At that point the owners who had not applied for subdivision will be in the untenable position of having the zoning of Lifestyle Precinct without the ability to utilise its provisions. For all

of these reasons, I believe that Mooney Road requires the protection of the Wakatipu Basin Rural Amenity Zone in the Operational District Plan and the Council's decision should stand.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person authorised to sign on behalf of
Person wishing to be a party

17 May 2019

Date