

M A C T O D D

L A W Y E R S

31 March 2016

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QLDC
04 APR 2016
QUEENSTOWN

SCOPE RESOURCES LIMITED V QUEENSTOWN LAKES DISTRICT COUNCIL (Our Ref: 407777-11)

We act for Scope Resources Limited.

We enclose by way of service a copy of our client's Notice of Appeal lodged with the Environment Court to the Council's decision on Plan Change 44.

Yours faithfully

MACALISTER TODD PHILLIPS



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Partner

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encl.

BEFORE THE ENVIRONMENT COURT

ENV-2016-CHC-

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of an appeal under Clause
14(1) of Schedule 1 to the
Act

BETWEEN **SCOPE RESOURCES
LIMITED**

Appellant

AND **QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN CHANGE UNDER CLAUSE
14(1) SCHEDULE 1 BY SCOPE RESOURCES LIMITED**

Dated *31 March*

2016

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

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Solicitor Acting: J E Macdonald

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

1. Scope Resources Limited (“Scope”) appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Council”) on proposed Plan Change 44 (“PC44”).
2. Scope is a person who made a submission and a further submission on PC44.
3. The Decision was issued on 10 March 2016.
4. Scope appeals against the Decision in its entirety.
5. The grounds of appeal are as follows:
 - 5.1 The Decision does not accord with the relevant requirements of the Act and is contrary to Part 2 of the Act;
 - 5.2 In particular, but without derogating from the generality of the above, the Decision:
 - (i) Will not promote the sustainable management of natural and physical resources;
 - (ii) Is contrary to good resource management practice; and

(iii) Does not promote the efficient use and development of natural and physical resources; and

(iv) Is not better than the operative zoning.

5.3 The changes proposed to the Operative Plan by way of objectives, policies and rules of PC44 are not the most appropriate means of achieving the purpose and principles of the Act or achieving and advancing the provisions of the District Plan.

5.4 (a) Scope is a major adjoining landowner directly east of the PC44 area, comprising land described as Lots 1 – 4 DP 392270, having a combined area of 112 hectares. Multiple existing use rights and consented development applies to this landholding, as detailed in Scope's submission.

(b) Despite assurances to the contrary¹, and contrary to the requirements of the Act, the Decision fails to address in any substantive way (and consequently makes no findings) on Scope's submission concerning reverse sensitivity effects. This is an error of some substance and an issue of critical importance to Scope.

(c) The Decision fails to consider the actual and potential effects of PC44 and the intensified development enabled thereunder on Scope's land, and the potential for complaints relating to existing and consented activities by residents and/or business within the PC44 area.

¹ Decision, page 34, under the heading "Assessment"

- (d) The potential for reverse sensitivity effects, and resultant complaints poses a real threat to major business operations occurring on Scope's land which serves the majority of the construction and development industry in the Wakatipu Basin.

6. Scope is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

Relief Sought

7. Scope seeks relief that PC44 be rejected.

Additional Relief

8. In addition to the specific relief set out above, Scope seeks the following relief:

- (a) such further or other relief as may be just or necessary to address matters raised in Scope's submission, further submission and this appeal; and

- (b) Costs.



SCOPE RESOURCES LIMITED as Appellant by its solicitor and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 31 March day of 2016

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The following documents are attached to this notice:

- (a) a copy of Scope's submission and further submission;
- (b) a copy of the Decision;
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or further 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 or service requirements (see form 38).

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 or the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court at Christchurch.

Environment Court

Christchurch Registry

282 Durham Street

Central City

Christchurch

Postal address:

PO Box 2069

DX: WX11113

Christchurch

Telephone and fax numbers:

Telephone: (03) 365 0905

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