

TO THE REGISTRAR
ENVIRONMENT COURT
CHRISTCHURCH

IN THE MATTER of the Resource Management Act 1991
(the "Act")

AND

IN THE MATTER of clause 14 Schedule 1 of the Act

AND

IN THE MATTER of a decision on Plan Change 50 to the
Queenstown Lakes District Council
District Plan

BETWEEN MAN STREET PROPERTIES
LIMITED

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

- 1) **MAN STREET PROPERTIES LIMITED** (the "appellant") appeals against a decision of the Queenstown Lakes District Council (the "Council") on Plan Change 50 (the "Plan Change") to the Queenstown Lakes District Council District Plan. The decision adopts a Report and Recommendation of the Hearing Commissioners (the "Commissioners") appointed by the Council to hear submissions and further submissions on the Plan Change.
- 2) The appellant made a submission on the Plan Change.
- 3) The appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
- 4) The appellant received notice of the decision on 6 July 2015.
- 5) The decision was made by the Council.

6) The decision that the appellant is appealing is:

That part of the recommendation set out at paragraph 7.26 of the Commissioners' Report and Recommendation which was adopted by the Council.

7) The reasons for the appeal are as follows:

- a) That the Council in adopting the Commissioners' Report and Recommendations erred in law.
- b) That the Commissioners' finding that the appellant's submission failed the 'Clearwater Tests' is wrong in law, as the submission did address the status quo brought about by the Plan Change and there was a direct connection between the submission and the Plan Change.
- c) That in terms of the Plan Change the "resource" that was being considered was the Queenstown Town Centre Zone within which the submitters' land is located, part of which is also affected by a sub-zone of that Zone
- d) That given the land notably on the upper side of Man Street was proposed to be rezoned as part of the Plan Change, there was no longer any need or justification for the Queenstown Town Centre Transition sub-zone (the "TCTSZ") to remain.
- e) That any consideration of any extension of the Queenstown Town Centre Zone should have considered options for the "extension" of the current zone boundaries, namely the removal of the TCTSZ.
- f) In the context of what was being considered in terms of the Plan Change, the Commissioners' were wrong to recommend a finding based in anyway on the supposition that:

"There is a risk that persons directly or potentially affected would be denied the opportunity to submit on the proposed changes".

The opportunity existed for persons that had an interest in what was being sought by the appellant in their submission to file further submissions.

- g) That given the above, the submission was 'on' the Plan Change and should have been accepted.
- h) Given the concluding comments in paragraph 7.26 of the Commissioners' Report and Recommendation in the alternative the Commissioners should have recommended or the Council should have determined that the Plan Change be refused so as to enable consideration of the deletion of the TCTSZ as part of the Review of the Council's District Plan which is due to be notified in August 2015.

8) The appellant seeks the following relief:

- a) That the appellant's submission be accepted as being on the Plan Change and the Queenstown Town Centre Transition sub-zone be deleted; or
- b) That the decision on the Plan Change to rezone any additional land Queenstown Town Centre Zone be reversed; or
- c) That the decision on the Plan Change be reversed so as to enable the merits of the rezoning of the land the subject of the Plan Change to be considered as part of the

forthcoming review of the Queenstown Lakes District Council Operative District Plan which is due to be notified in August 2015; and

d) An order for costs.

9) I attach the following documents to this notice:

- a) a copy of the appellant's submission and further submission;
- b) a copy of Plan Change 50 as notified comprising;
 - o the relevant s32 evaluation report,
 - o the proposed District Plan maps,
 - o the proposed District Plan provisions;
- c) a copy of the relevant decision;
- d) a list of names and addresses of persons to be served with a copy of this notice.



Graeme Morris Todd on behalf of the appellant

Date: 14th August 2015

Address for service of appellant:

At the offices of

GTODD LAW

3rd Floor, 36 Shotover Street

Queenstown 9300

Telephone: 03 441 2743

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Contact person: Graeme Morris Todd

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court. Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, 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).

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 a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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 and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.