

**BEFORE THE ENVIRONMENT COURT**

**ENV-2015-CHC-000**    

**IN THE MATTER**

of the Resource Management Act  
1991

**AND**

**IN THE MATTER**

of an appeal under clause 14 of  
Schedule 1 of that Act

**BETWEEN**

**Remarkables Jet Limited**

Appellant

**AND**

**Queenstown-Lakes      District  
Council**

Respondent

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**NOTICE OF APPEAL BY REMARKABLES JET LIMITED AGAINST  
DECISIONS ON PROPOSED PLAN CHANGE 50 TO THE QUEENSTOWN  
LAKES DISTRICT PLAN**

Dated: 19 August 2015

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**BROOKFIELDS  
LAWYERS**

J D Young/R A Davidson  
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Fax No. 09 379 3224  
P O Box 240  
DX CP24134  
**AUCKLAND**

**To**        The Registrar  
             Environment Court  
             Christchurch

1. Remarkables Jet Limited (**RJL**) appeals the decision (**Decision**) of the Queenstown-Lakes District Council (**Council**) on Proposed Plan Change 50 (**PC50**).
2. RJL made a submission (number 50/49) and further submissions on PC50.
3. The Decision on the PC50 was issued on 8 July 2015.
4. RJL appeals against the Decision in its entirety.
5. The grounds of appeal are as follows:
  - (a) The Decision does not accord with the relevant requirements of the Resource Management Act 1991 (**RMA**) and is contrary to Part 2 of the RMA;
  - (b) 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.
  - (c) The specific grounds detailed below.
6. RJL is not a trade competitor for the purposes of section 308D of the RMA.

## **Transportation and Parking**

### *Reasons for Appeal*

7. PC50 proposes a significant expansion of the Queenstown Town Centre (QTC). Many of the activities that are enabled will be significant traffic generators.
8. It is well known that traffic and transportation are significant resource management issues for urban Queenstown. Council documents predict further deteriorating traffic conditions in the QTC that is largely linked to the growing traffic demands occasioned by the proposed expansion of the QTC. This is an issue that requires a carefully considered and integrated response.
9. Similar issues arise in respect of car parking where additional demand will be generated for an existing car parking resource that is already under pressure.
10. It was established in evidence that PC50 would generate significantly greater traffic than the operative zoning (the High Density Residential Zone) by approximately 1000 movements at peak times.
11. During the hearing of submissions, the Council proffered proposed amendments to PC50 to require an Integrated Traffic Assessment for larger scale development envisaged under PC50. This change was a clear acknowledgement that traffic and transport effects had not been properly assessed and the only solution the Council could offer was to require that those effects be considered at a later date.
12. Further, requiring an Integrated Traffic Assessment will most likely remove any public participation in the assessment of traffic impacts because there is a presumption against notification of restricted discretionary activities (which includes the proposed convention centre, visitor accommodation, and commercial activities). It also precludes an integrated approach to traffic and transport planning,

and encourages ad hoc and disconnected responses to the significant traffic and transport issues confronting Queenstown.

13. The modelling undertaken by the Council is based on numerous vulnerable assumptions regarding potential development scenarios and did not properly acknowledge the wide range of activities enabled by PC50.
14. The Council relied almost exclusively on a draft transport strategy to address the adverse effects of PC50. At the time PC50 was promulgated and heard, the draft transport strategy was being developed and was not publicly available. The Commissioners acknowledged that it would have been desirable to have a transport strategy agreed prior to the assessment of PC50.
15. The solution to the adverse traffic and transport effects contained Transport Strategy is a 20% reduction in the use of private vehicles. There is very little detail on how this might be achieved. In fact, the Council's approach suggests that it considers that no solution is required.
16. RJL considers that the HDRZ is better than PC50 in terms of addressing transportation and traffic effects, achieving the objectives of the Operative Queenstown-Lakes District Plan, and implementing the relevant transport strategies (including the Wakatipu Transportation Strategy)

### **High Density Residential Zone**

#### *Reasons for Appeal*

17. Housing is a critical issue for the Queenstown-Lakes District. Rental accommodation close to the QTC (and elsewhere), particularly for the itinerant population is in very short supply. Affordable Housing is an identified and widely accepted issue. Any increase in supply of housing enhances affordability. Conversely, any decrease in supply of housing exacerbates affordability issues.

18. The land that is the subject of PC50 is zoned High Density Residential Zone (**HDRZ**). The HDRZ enables affordable housing.
19. PC50 will displace existing residential use and will remove affordable houses in the form of cabins and cribs that are currently rented.
20. A District Wide objective in the Operative Queenstown-Lakes District Plan requires that residential activity contribute to housing affordability in the District. PC50 is the antithesis of this objective. It reduces the extent of residentially zoned land and reduces the prospect of residential development by encouraging high value tourist and other uses (such as commercial uses).
21. RJL considers that the HDRZ is better than PC50 in terms of delivery affordable housing and achieving the objectives of the Operative Queenstown-Lakes District Plan.

### **Impacts on the QTC**

#### *Reasons for Appeal*

22. The existing QTC is compact and walkable, and occupies a highly desirable and charming location on the shores of Lake Wakatipu. It is picturesque and memorable.
23. The Council claimed a demonstrable and pressing need for the expansion of the QTC, yet there is no evidential support for that statement. The Council also claimed that the expansion would provide for non QTC development, which conflicts with the assertion that there was a demonstrable and pressing need for the expansion of the QTC.
24. The proposed expansion of the QTC is significant. It approximately doubles the extent of the Town Centre Zone. Parts of it are considerably separated from the existing QTC by distance, elevation

and street layouts. These factors have implications for traffic and parking, as well as urban form.

25. RJL considers that PC50 will undermine the existing compact and vibrant qualities of the QTC, and will evolve as a disconnected commercial precinct that has no synergistic relationship with the existing QTC.

**Relief sought**

26. RJL seeks the following relief:

(a) That PC50 be rejected.

**Additional relief**

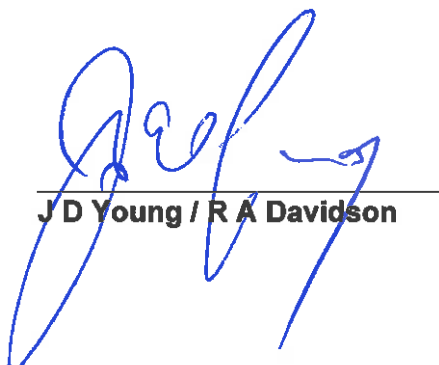
27. In addition to the specific relief set out above, RJL seeks the following relief:

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

(b) Costs.

**DATED** the 19<sup>th</sup> day of August 2015

**REMARKABLES JET LIMITED** as  
appellant by its lawyers and duly  
authorised agents **BROOKFIELDS**  
per:



J D Young / R A Davidson

**THIS NOTICE OF APPEAL** is filed by **JOHN DYLAN YOUNG**, solicitor for the appellant. The address for service of the appellant is at the offices of Brookfields Lawyers, Level 9, Tower One, 205 Queen Street, Auckland.

Documents for service on the appellant may be left at the address for service or may be:

1. Posted to the solicitor at P O Box 240, Auckland;
2. Left for the solicitor at Document Exchange for direction to DX CP24134; or
3. Transmitted to the solicitor by facsimile to 09 379 3224.

**Annexures:**

- (a) A copy of the Decision (**Attachment A**); and
- (b) A list of names and addresses of persons to be served with a copy of this notice (**Attachment B**).

**How to Become a 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 and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. 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 requirements (see form 38)

**Advice**

If you have any questions about this appeal, contact the Environment Court at:

Environment Court  
Christchurch Registry  
282 Durham Street  
Central City  
Christchurch

**Postal Address**

P O Box 2069  
DX:WX11113  
Christchurch

**Telephone and Fax Numbers**

Telephone: (03) 365 0905  
Fax: (03) 365 1740

**Attachment A – Queenstown Lakes District Council Decision on PC50**



### Attachment B – Parties to be served

Submitter	Address
Michael David Legge	48 Judge & Jury Drive Lake Hayes Estate Queenstown 9204
Phebe Darkin	PO Box 1895 Queenstown 9100  phebedarkin@hotmail.com
Reid Investment Trust	C/- Planning Focus PO Box 911361 Auckland 1142
David J Odell	2742 Alpenglow Road Stevensville MT 59870 USA  anglersafloat@wildblue.net
Daniela Bagozzi	PO Box 32134 Christchurch  d.bagozzi@ext.canterbury.ac.nz
David William Stringer	PO Box 748 Queenstown 9348  david@stringerarchitects.co.nz
Tai Ward-Holmes	PO Box 1346 Queenstown 9348  taiwardholmes@gmail.com
Robins Road Limited	C/- R Lucas PO Box 1356 Queenstown 9348  Rebecca@landla.co.nz
DJ & EJ Cassells	5 Brisbane Street Queenstown 9300  joy.cassells@gmail.com
Brecon Street Partnership Limited	PO Box 4338 Auckland 1140  Bartlett@shortlandchambers.co.nz
Queenstown Chamber of Commerce	Level 2 The Forge 20 Athol Street Queenstown  Attn: Ann Lockhart & Charlie Phillips

Alan Bunting	PO Box 528 Queenstown 9300  alan.bunting@xtra.co.nz
Louise J H Wright	PO Box 192 Arrowtown 9351  louise@assembly.co.nz
Alan & Marie Brown	ambqueenstown@xtra.co.nz
NZ Institute of Architects Southern Branch	C/- McAuliffe Stevens Registered Architects PO Box 461 Queenstown 9348
Maximum Mojo Holdings	PO Box 1081 Queenstown 9300  scott@southernplanning.co.nz
Christopher Mace and Queenstown Trust	C/- Atkins Holm Majurey PO Box 1585 Shortland Street Auckland 1140  Attn: Mike Holm  Mike.holm@ahjmlaw.com
MJ Pack & J Allen	C/- Boffa Miskell PO Box 110 Christchurch 8140  Claire.kelly@boffamiskell.co.nz
Margaret Walker	36 Man Street Queenstown 9300  Peg.walker@xtra.co.nz
Heritage NZ	PO Box 5467 Dunedin 9058 Attn: Jane O'Dea  jodea@heritage.org.nz
Craig Stobo	77 Shelly Beach Road St Marys Bay Auckland 1011  stobo@xtra.co.nz
Skyline Enterprises Limited	PO Box 17 Queenstown 9348  Jeff.Staniland@skyline.co.nz
Nigel Brown	PO Box 622 Queenstown  Nigel.Brown@sothebysrealty.com

John Thompson	C/- Anderson Lloyd PO Box 201 Queenstown 9348  Attn: Maree Baker-Galloway / Warwick Goldsmith  Maree.baker-galloway@andersonlloyd.co.nz
Tim McGeorge	PO Box 678 Queenstown  mcgeorge@xtra.co.nz
The Dairy Guesthouse 2003 Limited	C/- GTODD LAW PO Box 124 Queenstown 9300  Graeme@gtoddlaw.com
Man Street Properties	
Any Old Fish Holdings Limited	
D & B Brown	62 Ballarat Street Queenstown 9300  bettybrown@xtra.co.nz
A Huntington	126 Slopehill Road RD 1 Queenstown  architec@queenstown.co.nz
Browns Boutique Hotel	C/- Gillian & Donald McDonald PO Box 1848 Queenstown 9300  stay@brownshotel.co.nz
IHG Queenstown Ltd & Carter Queenstown Ltd	C/- John Edmonds & Associates Ltd PO Box 95 Queenstown  john@jea.co.nz
Watertight Investments Ltd	
Ngai Tahu Tourism Ltd	
Kelso Investments Ltd and Chengs Capital Investments Ltd	
C Hockey	
HW Holdings Limited	
Queenstown Gold Ltd	
Memorial Property Limited	
Justin Wright	No details provided on submission form
Mark & Anne McKenzie and the McKenzie McCabe Family Trust)	164 Clifton Tce Clifton Christchurch 8081  mrm@timbers.co.nz
Queenstown Lakes Community Housing Trust	PO Box 1748 Queenstown 9348  Julie@qlcht.org.nz
Joy Maree Veint	70 Hunter Road RD 1

	Queenstown 9321  joyveint@gmail.com
<b>Douglas Veint</b>	70 Hunter Road RD 1 Queenstown 9321  dougveint@gmail.com
Janet Sarginson	30 Gorge Road Queenstown 9300
Otago Regional Council	Private Bay 1954 Dunedin Attn: Warren Hanley
<b>James Ian Penwell</b>	6B Cresta Lane Frankton Queenstown 9300  jamespenwell@xtra.co.nz
Cath Gilmour	19 Willow Place Queenstown
WN & PJ Labes	33 Newport Street Dunedin  bill@unitedscaffolding.co.nz
<b>Val Hamlin</b>	28 Yarrow Street Richmond Invercargill 9810  valnstuelf@yahoo.co.nz
Bev Dawson	lesbev.dawson@xtra.co.nz
Carl Loman / Loman Family Trust	Kaylene Hall 23a Hay Street Queenstown
Rebecca Richwhite	1/15 Brunswick Street Queenstown 9300  Rebecca@rebeccarichwhite.com
Basil Walker	39 Man Street Queenstown 9300
Adam & Kirsten Zaki	No details provided on QLDC website
Carl & Lorraine Holt	No details provided on QLDC website
Lucy Bell	No details provided on QLDC website