

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-103

Under	the Resource Management Act 1991 (RMA)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	Mt Christina Limited
	Appellant
And	Queenstown Lakes District Council
	Respondent

AMENDED Notice of Appeal (2)

2 November 2018

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

- 1 Mt Christina Limited (**MCL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 MCL made a submission (#764) and further submission (#1325) on the PDP.
- 3 MCL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 MCL received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 22 Rural Residential / Lifestyle;
 - (b) Chapter 27 Subdivision
- 7 Reasons for appeal

Background

- 8 Mount Christina Ltd owns land alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township. Its land has been identified within the Rural Residential and Rural General Zone under the PDP. It has the same zoning under the operative District Plan.
- 9 The MCL submission sought to amend extend the notified Rural Lifestyle zoning over the boundary of the MCL site and provide for site specific provisions within that site recognising the development potential in that area. The submission was successful in seeking a revised rezoning over the Site, however further amendments are required to the PDP provisions to ensure that rural lifestyle development can occur on this site as an efficient and effective use of resources.

Chapter 22 Rural Lifestyle and Rural Residential

- 10 Amendments to visitor accommodation are sought so as to provide for this as a restricted discretionary rather than discretionary activity.
- 11 The specific provisions of Chapter 22 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision and Development

- 12 Subdivision is sought to be a controlled activity and processed non-notified in rural living zones. These zones are specifically recognised for the ability to provide for further rural living and development and therefore a controlled and non-notified activity status is most appropriate to achieve this purpose.
- 13 The specific provisions of Chapter 27 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Further and consequential relief sought

- 14 MCL opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and MCL's PDP submissions.

Attachments

- 15 The following documents are **attached** to this notice:
- (a) **Appendix A** – relief sought
 - (b) **Appendix B** - A copy of the Appellants' submission and further submissions;
 - (c) **Appendix C** - A copy of the relevant parts of the decision; and
 - (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

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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).

Advice

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

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 22 Rural Residential and Rural Lifestyle		
Policy 22.2.1.4	This policy is an unnecessary repetition of provisions included in Chapter 6 and is uncertain in its application as to what development constitutes being 'near' ONL / ONFs. The policy should be limited to adverse effects on views to ONLs / ONFs if it is to be retained.	Delete policy 22.2.1.4 or otherwise amend to clarify what is near an ONL / ONF
Rule 22.4.11 Visitor Accommodation	<p>The Councils decision is to make visitor accommodation a discretionary activity and has not accepted the submissions seeking this to be a RD Activity.</p> <p>Note that stage 2 visitor accommodation only deals with short term stays through the new definitions and rules relating to residential visitor accommodation and homestays. The decisions on Chapter 22 remain relevant for visitor accommodation generally i.e. for stays beyond 90 days.</p>	<p>Amend Rule 22.4.11 to provide for visitor accommodation as a restricted discretionary activity, where Councils discretion is restricted to:</p> <ul style="list-style-type: none"> – <u>Impacts on the amenity values of neighbouring properties</u> – <u>Traffic generation, access and parking</u> – <u>Noise</u> – <u>Signs and lighting</u> <p><u>The external appearance, bulk and scale of building</u></p>
Chapter 27 Subdivision and Development		
Rule 27.5.8 all subdivision within the RR and RL zones – as a restricted discretionary activity	Wide discretion created within the RL zone relating to the location and size of building platforms, in respect to visibility, landscape and amenity effects. The scope of this discretion is considered to undermine the realisation of yield under the min and average lot	Amend Rule 27.5.8 to provide for a controlled activity status in rural living zones

Provision (PDP decision version)	Reason for appeal	Relief sought
	sizes, which may not be attainable under this discretion.	
Provision 27.10 – Non-Notification	Subdivision within rural living zones should be non-notified on the basis that those areas are identified as capable of absorbing effects of further rural living subdivision and development	Include rural living zones in 27.10 non-notification of subdivision

Appendix B - A copy of the Appellants' submission and further submissions

Appendix C - A copy of the relevant parts of the decision

Appendix D - A list of names and addresses of persons to be served with this notice.