

**In the Environment Court
at Christchurch**

In the Matter	of the Resource Management Act 1991 (Act)
And	
In the Matter	of an appeal under Clause 14(1), Schedule 1 of the Act
Between	JADE LAKE QUEENSTOWN LIMITED
	Appellant
And	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

**Notice of Appeal by **Jade Lake
Queenstown Limited** against the
Proposed Queenstown Lakes District
Plan - Stage 1**
Dated: 18 June 2018

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To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Jade Lake Queenstown Limited (**JLQL**) appeals against part of a decision of the Queenstown Lakes District Council (**Respondent**) on the Queenstown Lakes Proposed District Plan - Stage 1 (**Proposed Plan**).
2. JLQL is the successor to Hurtell Property Limited, Landeena Holdings Limited and Shellmint Proprietary Limited (**Hurtell & Others**) who made a submission on the Proposed Plan.
3. JLQL is not a trade competitor for the purposes of section 308D of the Act.
4. JLQL received notice of the Respondent's decision on 7 May 2018.
5. The decision was made by the Respondent by ratifying the recommendations of the Independent Hearings Panel (**Panel**).
6. The part of decision that JLQL is appealing is Report 17.03 Stream 13 Mapping of Fernhill (**Decision**) as it relates to the rezoning of 102-108 Wynyard Crescent, Fernhill (**Site**).

General reasons for the appeal

7. The general reasons for this appeal are that the Decision fails to appropriately provide for medium density residential development on the Site, including by and/or to the extent that the Decision:
 - (a) fails to promote sustainable management of resources and will not achieve the purpose of the Act;
 - (b) fails to achieve the functions of the Council under section 31 of integrated management of the effects of the use and development of land and physical resources; and
 - (c) fails to meet the requirements of section 32.

Particular reasons for the appeal

8. Without limiting the general reasons for the appeal given above the following are further and/or more particular reasons for the appeal.

9. JLQL sought in its submission that the Site be rezoned from Low Density Residential (**LDR**) to Medium Density Residential (**MDR**) or High Density Residential (**HDR**).
10. The Panel rejected the rezoning on the basis of the evidence presented by the Respondent's expert, Ms Devlin.
11. The Panel appears to have misinterpreted Ms Devlin's evidence. Ms Devlin initially recommended in her Section 42A Report dated 25 May 2017 that JLQL's submission be rejected. However, following hearing all the evidence Ms Devlin reconsidered her initial recommendation and in her Right of Reply dated 6 October 2017 made the following recommendation:

"Having reconsidered my initial recommendation, and taking into account Mr Glasner's evidence, I now consider that MDR would be suitable for this site. As such I recommend that the submission seeking MDR zoning over the site should be accepted."
12. The Panel incorrectly relied on Ms Devlin's Section 42A Report rather than her Right of Reply which updated her evidential position.
13. Accordingly, there is no evidence to support the Decision and the Respondent's evidence supports the Site being rezoned MDR.

Relief Sought

14. JLQL seeks the following relief:
 - (a) the Site be rezoned to MDR; and
 - (b) any other similar, consequential, or other relief as is necessary to address the issues raised in JLQL's appeal or otherwise raised in JLQL's submission.

Attachments

15. The following documents are **attached** to this notice:
 - (a) a copy of JLQL's (as successors) submission (**Annexure A**);
 - (b) a copy of the relevant part of the Decision (**Annexure B**);

- (c) a copy of Ms Devlin's Right of Reply dated 6 October 2017 (**Annexure C**); and
- (d) a list of names and addresses of persons to be served with a copy of this notice (**Annexure D**).

Dated this 18th day of June 2018



Joshua Leckie / Sophie Reese
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