

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

ENV-2018-CHC-

I MUA I TE KOOTI TAIAO  
I TE WHANGANUI-Ā-TARA ROHE

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

**AND**

**IN THE MATTER** of an appeal under clause 14 of Schedule  
1 of the Act

**BETWEEN** **Ngai Tahu Property Limited & Ngai Tahu  
Justice Holdings Limited**

**Appellants**

**AND** **Queenstown Lakes District Council**

**Respondent**

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**NOTICE OF APPEAL**

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**ATKINS | HOLM | MAJUREY**

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**TO:** The Registrar  
Environment Court  
**CHRISTCHURCH**

1. Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited (together "**Ngai Tahu**") appeal a decision of the Queenstown Lakes District Council ("**QLDC**") on stage 1 of the Proposed Queenstown Lakes District Plan ("**Proposed Plan**").
2. Ngai Tahu made a submission on the Proposed Plan (#596).
3. Ngai Tahu made a further submission on the Proposed Plan (#1226). This further submission opposed (*inter alia*) the submission of NZIA Southern and Architecture + Women Southern which sought amongst other things to extend pedestrian links in the Queenstown town centre and require such links to be open to the sky.
4. Ngai Tahu is not a trade competitor for the purposes of section 308D of the Act.
5. Ngai Tahu received notice of the decision on 7 May 2018.
6. The decision was made by the QLDC.
7. The parts of the decision that Ngai Tahu is appealing relate to the provision of pedestrian linkages in the Queenstown Town Centre, in particular (without limitation);
  - (a) The decision to impose to a pedestrian link over the property at 13 Camp St (Lot1 DP416867) and 41-43 Ballarat St (Lot2 DP416867);
  - (b) The decision to introduce new rule 12.5.7.3; and
  - (c) The decision to introduce new policy 12.2.4.2(e).

**REASONS FOR APPEAL**

8. The reasons for this appeal are that the parts of the decision appealed:
  - (a) Do not promote the purpose of the Act being the sustainable management of resources (section 5);
  - (b) Are contrary to Part 2 and other provisions of the Act;
  - (c) Are contrary to other relevant planning documents;
  - (d) Will not meet the reasonable foreseeable needs of future generations;
  - (e) Do not meet the requirements of s 32 of the Act.
  
9. In particular, and without limiting the generality of paragraph 8 above:
  - (a) Formalising a pedestrian link over the property at 13 Camp St (Lot1 DP416867) and 41-43 Ballarat St (Lot2 DP416867) is not necessary or appropriate to encourage walking and improve the quality of pedestrian experience;
  - (b) New rule 12.5.7.3 unduly effects the development potential of sites that are subject to pedestrian linkage by requiring such linkages to remain uncovered and be a minimum of 4 metres wide. This is not an efficient use of scarce town centre land resource and is not justified on amenity or walkability grounds;
  - (c) No adequate compensation is provided to account for the de facto taking of private land to provide public pedestrian linkages.

**RELIEF SOUGHT**

10. The Appellant seeks the following relief:
- (a) Delete the identified pedestrian link over the property at 13 Camp St (Lot1 DP416867) and 41-43 Ballarat St (Lot2 DP416867) as shown on Annexure D;
  - (b) In the event that pedestrian linkages are imposed over the property at 13 Camp St (Lot1 DP416867) and 41-43 Ballarat St (Lot2 DP416867);
    - (i) Delete rule 12.5.7.3;
    - (ii) Reduce the width of pedestrian linkage required;
    - (iii) Provide for outdoor dining structures and fixtures within the linkage;
    - (iv) Provide compensation for the provision of pedestrian linkages via methods such as transferable bonus height;
  - (c) Such further orders, relief, consequential amendments or other amendments (including to objectives, policies, definitions and other methods) as are considered appropriate and necessary to address the concerns set out above; and
  - (d) Costs of and incidental to this appeal.

**ATTACHMENTS**

11. The following documents are attached to this notice:
- (a) A copy of Ngai Tahu's submission and further submission with a copy of the submission opposed by Ngai Tahu's further submission (Annexure A);
  - (b) A copy of the relevant decision (Annexure B);

- (c) A list of relevant names and addresses of persons to be served with a copy of this notice (Annexure C);
- (d) A map showing the linkages to be deleted (Annexure D)



**DATE:** 19 June 2018

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**Mike Holm / Rowan Ashton**

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**ADVICE TO RECIPIENTS OF COPY OF NOTICE***How to become party to proceedings*

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you 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
- (b) within 20 working days after the period for lodging a notice of appeal ends, you 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 requirements (see form 38).

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.