

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

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 G W Stalker Family Trust, Mark Tylden, Sam Strain, Bill and Jan Walker Family Trust (**Ladies Mile Consortium**)

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

19 June 2018

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

- 1 G W Stalker Family Trust, Mark Tylden, Sam Strain, Bill and Jan Walker Family Trust (**Ladies Mile Consortium**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Ladies Mile Consortium made submissions (#532), (#535), and further submissions (#1259), and (#1262) on the PDP.
- 3 Ladies Mile Consortium is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Ladies Mile Consortium 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 3 Strategic Direction;
 - (b) Chapter 6 Landscapes;
 - (c) Chapter 22 Rural Residential and Rural Lifestyle;
 - (d) Chapter 27 Subdivision;
- 7 Reasons for appeal

Background

- 8 The Ladies Mile Consortium are a group of landowners along the strip of State Highway 6 known as 'Ladies Mile'. The Ladies Mile Consortium presented submissions on Stage 1 of the PDP, seeking the rezoning of their land to Rural Lifestyle and that the Rural Lifestyle Zone establishes a framework for the efficient and effective use of the natural resources of the District by providing for a comprehensive set of objectives and provisions to enable rural living and subdivisions.
- 9 In the Submissions, specific provision were sought to be amended in Chapter 22 to provide for unique planning aspects of Ladies Mile, as well as general changes to the Chapter 22 objectives, policies, and rules, to enable a more efficient subdivision and development regime for rural living. Further changes were also sought in respect of higher order chapters 3, 6, and 27 to reflect the intent of this overall relief.

- 10 While the rezoning aspect of those submissions has been deferred to stage 2 hearings, given implications of the Wakatipu Basin Variation, decisions on the text of Stage 1 chapters have been confirmed and are now the subject of this appeal.
- 11 Through stage 2, the Ladies Mile Consortium continues to seek relief for a Rural Lifestyle Zone, with amended Ladies Mile specific provisions.

Chapter 3 Strategic Direction

- 12 Chapter 3 provides for the overarching strategic direction for resource management in the Queenstown Lakes District. The nature of Chapter 3 applying as higher order provisions to all other provisions of the PDP means that Ladies Mile Consortium interests are affected by Chapter 3.
- 13 Significant changes to content and structure of Chapter 3 have occurred between the notified PDP version and the decisions version. Ladies Mile Consortium therefore considers that its appeal on this chapter is significantly broad and not limited in scope to original policies and objectives listed.
- 14 Ladies Mile Consortium opposes those provisions of Chapter 3 which do not provide for appropriate diversification of land uses (particularly in the Rural Zones and in chapter 6 Landscapes which do not provide sufficiently for the social, economic, and cultural wellbeing of people and communities.
- 15 The specific provisions of Chapter 3 and the relief sought by Ladies Mile Consortium are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

- 16 Ladies Mile Consortium opposes those policies relating to the preference for farming as the means to protect landscape values as these are disproportionately weighted towards the protection of agriculture and fail to provide for those rural landscapes where pastoral farming does not occur such as in identified rural living zones. Farming is one method for using rural resources productively, but its long term sustainability is uncertain particularly in this district, and there are other uses of rural land that are compatible with the protection of landscape values.
- 17 Ladies Mile Consortium seeks in particular to clarify that provisions of Chapter 6 are not applicable to the Rural Lifestyle and Rural Residential Zones of Chapter 22.
- 18 Ladies Mile Consortium seek in particular to clarify that provisions of Chapter 6 are not applicable to the Rural Lifestyle and Rural Residential Zones of Chapter 22.
- 19 The specific provisions of Chapter 6 and the relief sought by Ladies Mile Consortium are set out in **Appendix A** to this Appeal.

Chapter 22 Rural Residential and Rural Lifestyle

- 20 Specific Amendments are sought to the Rural Residential and Rural Lifestyle Zone to ensure an efficient and effective rural living development regime, consistent with the purpose of the Zone.
- 21 The specific provisions of Chapter 22 and the relief sought by Ladies Mile Consortium are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision

- 22 Subdivision in the rural living zones has been amended through Stage 1 of the PDP to change from a controlled activity regime, to restricted discretionary. The Ladies Mile Consortium opposes this change as it fundamentally undermines the ability for the Zone to achieve its purpose of rural living development to approved density standards. There is no adequate justification in the decision from Council to remove the controlled activity status, and consequentially significantly reduce certainty and landowners rights. The Council can adequately address and control any adverse effects on infrastructure, landscape, amenity values, and other adverse effects through an effective controlled activity regime.
- 23 Rural living zones are sought to be included in the list of recognised non-notified subdivision activities in Chapter 27, given the strategic importance of rural living to the District.
- 24 The specific provisions of Chapter 27 and the relief sought by Ladies Mile Consortium are set out in **Appendix A** to this Appeal.

Attachments

25 The following documents are **attached** to this notice:

- (a) **Appendix A** – relief sought;
- (b) **Appendix B** - A copy of the Appellants' submissions 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



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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.