

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	Mt Christina Limited
	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 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 3 Strategic Direction;
 - (b) Chapter 6 Landscapes;
 - (c) Chapter 22 Rural Residential / Lifestyle;
 - (d) 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 3 Strategic Direction

- 10 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 MCL interests are affected by Chapter 3.

- 11 Significant changes to content and structure of Chapter 3 have occurred between the notified PDP version and the decisions version. MCL therefore considers that its appeal on this chapter is significantly broad and not limited in scope to original policies and objectives listed.
- 12 Amendments to chapter 3 provisions are sought so as to ensure that appropriate rural living and development can be undertaken in accordance with the underlying provisions applicable to a particular zone. New policies are also sought to recognise the benefits rural living and development. Post *EDS v King Salmon*, there is a risk of incompleteness to a planning instrument where matters are not sufficiently covered and which are otherwise provided for in the Act. The benefits of rural living and associated economic wellbeing, amenity, employment and enjoyment of landscapes are not otherwise provided for within the Strategic Direction Chapter.
- 13 The specific provisions of Chapter 3 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

- 14 MCL opposes those provisions which provide a presumption that further subdivision and development in the ONL will be generally inappropriate. This is inconsistent with the effects based approach envisaged under the RMA, and with the identification of rural living zones which are within the ONL (such as Mt Christina), the purpose of which is to provide for rural living subdivision.
- 15 Clarification is sought to the application of the ONL category to rural living zones. LHL opposes the inclusion of those zones into the ONL category as this does not provide for the recognition of the importance and benefits of rural living to be carried out in those areas identified as having capacity to absorb such development.
- 16 The specific provisions of Chapter 6 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Chapter 22 Rural Lifestyle and Rural Residential

- 17 Amendments to visitor accommodation are sought so as to provide for this as a restricted discretionary rather than discretionary activity.
- 18 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

- 19 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.
- 20 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

- 21 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

- 22 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



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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