

BEFORE THE ENVIRONMENT COURT

ENV-2011-CHC-

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an Application under section 292
of the Act

**QUEENSTOWN-LAKES
DISTRICT COUNCIL**

Applicant

APPLICATION FOR ORDER UNDER SECTION 292 OF THE ACT

DATED *14 January* 2011

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

80 Ardmore Street, Wanaka 9305

P O Box 392, DX ZP96501, Wanaka 9343

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Solicitor Acting: Michael Anthony Ray

To The Registrar
 Environment Court
 Christchurch

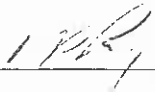
The Queenstown-Lakes District Council ("the Council"), applies under Section 292 of the Resource Management Act 1991 for an order directing the Council to correct a mistake in the Queenstown-Lakes District Plan by reinstating assessment matters relating to the Low Density Residential Zone and the Residential Arrowtown Historic Management Zone incorrectly removed when Plan Change 10 was made operative in March 2010.

The grounds for the application are:

- [1] Plan Change 10 was intended to make changes to the District Plan relating to the provision of the High Density Residential Zone only.
- [2] Because of a drafting error Plan Change 10 inadvertently replaced assessment matters for the Low Density Residential Zone and the Residential Arrowtown Historic Management Zone which were operative with assessment matters intended for the High Density Residential Zone when those latter assessment matters should have merely been added to the existing provisions.
- [3] To correct the error the relevant provisions relating to Low Density Residential Zone and the Residential Arrowtown Historic Management Zone should be reinstated. Details of the corrections required are shown on the appendix to this Notice of Motion.

Attached are the following documents:

- (a) Affidavit of Scott Figenshow; and
- (b) An application for waiver or directions as to service.



M A Ray

Counsel for the Applicant

Date: 24 January 2011

THIS DOCUMENT is filed by Michael Anthony Ray Solicitor for the Applicant whose address for service is at the offices of Macalister Todd Phillips, 80 Ardmore Street, Wanaka 9305.

Documents for service on the Applicant may be left at the address for service or may be:

- (a) Posted to the Solicitor at P O Box 392, Wanaka 9343;
- (b) Left for the Solicitor at a Document Exchange for direction to DX ZP96501;
- (c) Transmitted to the Solicitor by facsimile to (03) 443 0030.
- (d) Transmitted to the solicitor by email to tray@mactodd.co.nz.

Advice to recipients of copy of notice of motion

How to become party to the proceedings

If you wish to be heard on this application, you must lodge a notice in form 37 with the Environment Court within 15 working days after you were served with this notice.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.