

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2019-

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

A N D

IN THE MATTER of an appeal pursuant to clause 14 of
the First Schedule to the Act

BETWEEN **Queenstown Country Club Limited &
Queenstown Commercial Limited**
Appellants

A N D **Queenstown Lakes District Council**
Respondent

NOTICE OF APPEAL

QUEENSTOWN LAKES PROPOSED DISTRICT PLAN – STAGE 2


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TO: The Registrar
Environment Court
CHRISTCHURCH

1. Queenstown Country Club Limited and Queenstown Commercial Limited (the **Appellants**) appeal against a decision of Queenstown Lakes District Council (the **Respondent**) on the following plan:
 - (a) Queenstown Lakes Proposed District Plan – Stage 2 (the **PDP**).
2. Queenstown Commercial Limited is the owner of Lot 403 DP379403, and the successor to the submission lodged by Scott Crawford. This submission was lodged in Stage 1 of the PDP review but was heard as part of the Stage 2 review of Wakatipu Basin Land-use.
3. Queenstown Country Club Limited is the owner of Lot 2 DP 20797, Lot 3 DP 464454, Sections 66, 109- 110¹ and Section 129 Blk III Shotover SD, and the successor to the submission lodged by R & R Jones that was also lodged in Stage 1 but heard as part of the Stage 2 review of Wakatipu Basin Land-use.
4. The above land purchased by the Appellants constitutes the “Southern Site”.
5. The Appellants are not trade competitors for the purposes of section 308D of the Act.
6. The Appellants received notice of the decision on 21 March 2019.
7. The decision was made by the Respondent.
8. The parts of the decision that the Appellants are appealing are:

¹ Lot 2 DP 20797, Lot 3 DP 464454 and Sections 66, 109-110 are now held under CT 807815-807817.

- (a) The decision not to include the Southern Site within the Urban Growth Boundary (**UGB**);
- (b) The decision not to remove the Outstanding Natural Landscape (**ONL**) from the Southern Site; and
- (c) The decision to zone the Southern Site as Rural on Planning Maps 30 and 30a.

9. The reasons for the appeal are as follows:

UGB

- (a) The Respondent determined to include Lot 500 DP 470412 (the “Northern Site”) within the UGB, but did not address the request made by R & R Jones for the UGB to be applied to the boundary of the land highlighted in Attachment A of that submission.
- (b) The submission by Scott Crawford also sought that if the UGB was not removed, it be repositioned to include all of the submitter’s land.
- (c) The Southern Site should be included within the UGB for the following reasons:
 - (i) It is artificial to omit the Southern Site from the UGB, particularly given that the UGB includes the surrounding residential developments and the Northern Site;
 - (ii) The attributes of the Southern Site make it well suited to being within the UGB including particularly natural topographical features, and infrastructure serviceability;

- (iii) Future development can be located within the Southern Site without detracting from the landscape and visual amenity of the wider Wakatipu Basin.

ONL

- (d) The Scott Crawford submission requested that the ONL be relocated along the true left bank of the Kawarau River. This was partly accepted with the Respondent shifting the ONL boundary to the crest of the bund on Lot 403 DP 379403.
- (e) The ONL is inappropriately located. It does not follow a natural contour or demarcation for an ONL, and includes land which does not possess outstanding natural landscape characteristics or contribute to the values of the ONL.
- (f) The ONL line is also inconsistent in its application. Adjacent to Shotover Country, the ONL boundary is along the edge of the main stem of the Shotover River, a substantial distance from the elevated river terraces. At Lake Hayes, the ONL boundary is inappropriately located along the elevated river terrace.
- (g) The ONL should be rationalised and shifted outside the boundary of the Southern Site.

Zoning

- (h) In relation to the Southern Site, the R & R Jones and Scott Crawford submissions requested Low and Medium Density Residential zoning respectively.

- (i) The Respondent has zoned the Southern Site as Rural. This fails to take into account the changing nature of residential activities in Lake Hayes Estate and Shotover Country, adjoining the Southern Site, and that the Southern Site has been domesticated by the adjoining residential zones.
- (j) The Rural zone is not suitable for the Southern Site, which is appropriate for residential development for the reasons set out at paragraph 9(c) above.
- (k) If necessary and/or appropriate, urban rezoning of the site could include site specific development controls.

Further reasons for appeal

- (l) The PDP does not accord with, or assist the territorial authority to carry out its functions to achieve the purpose of the Act in that:
 - (i) It does not promote the sustainable management of resources;
 - (ii) It does not meet section 32 of the Act;
 - (iii) It is not consistent with Part 2 of the Act;
 - (iv) It does not represent integrated management or sound resource management practice;
 - (v) It does not meet the reasonably foreseeable needs of future generations;
 - (vi) It does not implement the most appropriate standards, rules or methods for achieving the objectives set out in the PDP.

10. The Appellants seek the following relief:
- (a) Amend the planning maps to delete the UGB, or amend the UGB so that it includes the Southern Site;
 - (b) Amend the planning maps so that the ONL is located to the south of the Southern Site along the true left bank of the Kawarau River;
 - (c) That the Southern Site be zoned urban (e.g. Lower Density Suburban Residential, Medium Density Residential or a bespoke urban zoning) instead of Rural. In doing so:
 - (i) Amend the planning maps to rezone the Southern Site to enable residential activity; and
 - (ii) Amend the objectives, policies and rules applying to the Southern Site as required, to make subdivision, use and development associated with residential activity or a retirement village a permitted or controlled activity;
 - (d) Such other relief as the Court considers appropriate having regard to the Appellants' submission and the reasons for this appeal;
 - (e) Any consequential amendments to the PDP which arise from the submissions, reasons for the appeal or the relief sought; and
 - (f) Costs.
11. The Appellants attach the following documents to this notice:
- (a) A copy of the R & R Jones and Scott Crawford submissions ("**Appendix [1]**");

- (b) A copy of Report 18.11 Chapter 24 Wakatipu Basin Area I Ladies Mile (“**Appendix [2]**”)
- (c) A copy of PDP Decisions Version Maps 30 and 30a (“**Appendix [3]**”);
- (d) A list of names and addresses of persons to be served with a copy of this notice (“**Appendix [4]**”).

Signature:



Vanessa Hamm
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Date: 7 May 2019

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