

# Form 7

## Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

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**TO:** The Registrar  
Environment Court  
PO Box 2069  
20 Litchfield Street  
**CHRISTCHURCH**  
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**AND TO:** The Respondent  
[dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz)

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### Introduction:

1. TJ Investments PTE Limited ("**Appellant**") appeals parts of the decision of the Queenstown Lakes District Council ("**Council**") on Stage 2 of the Proposed Queenstown Lakes District Plan ("**Proposed Plan**"). The relevant decision was to adopt the recommendations of the Independent Hearings Panel to confirm amended provisions and associated planning maps, as contained in Reports 18.1 – Wakatipu Basin and related Reports.
2. The Appellant made a submission on the Proposed Plan.
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("**RMA**").
4. The Appellant received notice of the decision on 21 March 2019.

### Parts of the decision appealed:

5. The Appellant has an interest in Stage 2 of the Proposed Plan as a whole, including the following chapters:
  - i. Chapter 24 – Wakatipu Basin
  - ii. Chapter 25 – Earthworks;
  - iii. Chapter 29 – Transport;
  - iv. Chapter 31 – Signs
  - v. Chapter 38 – Open Space and Recreation;
  - vi. Variation – Visitor Accommodation;

vii. Stage 2 – Planning Maps.

6. The Appellant is appealing those parts of the decision that relate to landscape matters, built form, building platforms and general activities pertaining to the Wakatipu Basin Rural Amenity Zone in Chapter 24 of the Proposed Plan. This includes:

- Rule 24.4.6 – construction of buildings within a residential building platform
- Rule 24.4.7 – construction of buildings not provided for in Rules 24.4.5 or 24.4.6 and not contrary to Rule 24.4.8
- Rule 24.4.8 – construction of buildings outside of a residential building platform
- Standard 24.5.4 – building size must not exceed 500m<sup>2</sup>
- Standard 24.5.5 – Building coverage
- Standard 24.5.7.1 – height of buildings
- Standard 24.5.9 – Setback of 75m from the Queenstown Trail “as shown on the planning maps”
- Rule 27.6.1 relating to 80ha minimum lot size for the zone

7. The reasons for the appeal are as follows:

- a. The change in activity status from Controlled to Restricted Discretionary for buildings within existing/registered building platforms is unreasonable and a burden on those who hold valid resource consents for platforms but have not yet registered those platforms on the title of the allotments. The change in status allows the Council the ability to decline and/or publicly notify an application where the effects of the proposal have already largely assessed and creates a significant amount of uncertainty and a substantial cost burden for those having to reinvent the wheel by re-litigating the effects of previously authorised subdivision and development.
- b. The additional bulk and location standards proposed go over and above what is reasonable.
- c. Standard 24.5.9 relating to a setback from the Queenstown Trail “as shown on the planning maps” is unreasonable. The Queenstown Trail is not shown on the planning map for the Wakatipu Basin Rural Amenity Zone and therefore creates an unnecessary burden on landowners to consider a trail that may or may not be established. Additionally, this Standard impacts on existing consents that are not yet implemented.
- d. The decision fails to promote the sustainable management of natural and physical resources under section 5 of the RMA;

- e. The decision does not have particular regard to the efficient use and development of natural and physical resources (including in terms of section 7(b) of the RMA);
  - f. The decision is not consistent with Part 2 of the RMA;
  - g. The decision does not provide for the most appropriate provisions to apply in terms of section 32 of the RMA.
8. The following relief is sought:
- a. That the Wakatipu Basin Rural Amenity Zone is withdrawn from the Proposed Plan with the Rural Zone reinstated in its place.
  - b. If it is not withdrawn:
    - i. Buildings within residential building platforms authorised by resource consent be a permitted activity with the date referred to in Rule 24.4.6 removed;
    - ii. The Standards in the Proposed Plan are amended to address the abovementioned concerns;
    - iii. Included a rule that specifies that any standards contained in the Wakatipu Basin Amenity Zone only apply to new buildings and buildings within residential building platforms that do not already have resource consent;
    - iv. With regard to building standard 24.5.9 and the setback from the Queenstown Trail, this standard be deleted. Notwithstanding this, the trail should be appropriately marked in the planning maps if this rule is to be retained in any form (which may require renotification given that this is not shown on the current plan).
  - c. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.
  - d. Costs of and incidental to this appeal.
9. The Appellant agrees to attend mediation pursuant to section 268 of the RMA.
10. A copy of the submission is attached to this notice. Copies of the relevant decision may be obtained, on request, from the Appellant.





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Signed by or on behalf of the Appellant

Date: 7 May 2019

**Address for Appellant:**

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