

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2019-CHCH-0000

UNDER THE

Resource Management Act 1991 ("**Act**")

IN THE MATTER OF

An appeal under Schedule 1, Clause 14(1), of the
Act

BETWEEN

WELL SMART INVESTMENTS GROUP

Appellant

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL BY WELL SMART INVESTMENTS GROUP
AGAINST DECISIONS ON STAGE 2 OF THE PDP**

7 MAY 2019

Counsel instructed:

JGH BARRISTER

J D K Gardner-Hopkins

Phone: 04 889 2776

james@jghbarrister.com

PO Box 25-160

WELLINGTON

TO: The Registrar
Environment Court
PO Box 2069
20 Lichfield Street
CHRISTCHURCH
(Christine.McKee@justice.govt.nz)

AND TO: The Respondent
(dpappeals@glde.govt.nz)

AND TO: The person who made the original submission which is the subject of the appeal (if not the appellant), and every person who made a further submission on the same original submission (by email).

AND TO: All others by way of the Respondent posting on its website.

Appeal

1. The Well Smart Investments Group (“**appellant**”) made a submission on Stage 2 of the Queenstown Lakes District Proposed District Plan (“**PDP**”) on or around 23 February 2018 (“**original submission**”, #2601).
2. The original submission sought:
 - (a) A suite of district plan provisions including new or stronger objectives and policies that recognise the benefits of commercial visitor accommodation activities and development, and provide for “visitor accommodation” in all zones, especially in the High Density, Medium Density, and Town Centre Zones.
 - (b) To enable visitor accommodation activities within the High Density Residential, Medium Density Residential, and Town Centre Zones as a controlled activity or a restricted discretionary activity if site and zone standards are breached. In the event that the High Density Residential Zoning differs from that which was notified through Planning Map 37, the submitter seeks to identify a visitor accommodation subzone over the area that was notified as High Density.
 - (c) To reject changes to the proposed earthworks chapter (retain the operative version) unless it is amended to remove any unnecessary resource consent requirements.
 - (d) Amendments to Chapter 29 – Transport, as identified in an Appendix to the original submission; and/or
 - (e) Such further, more refined, additional, other or alternative relief that might give effect to the original submission and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.
3. The appellant is not a trade competitor for the purposes of section 308D of the Act.

4. The appellant received notice of the Council's decision on Stage 2 of the PDP on 21 March 2019 ("**Decision**").
5. The Decision was made by the Council (adopting the recommendations of its Commissioners).
6. The appellant appeals all parts of the Decision relating to the original submission, to the extent that the Decision did not provide the relief sought or otherwise address the issues raised in the original submission.

Reasons for the appeal

7. The Decision, to the extent that it did not provide the relief sought or otherwise address the issues raised in the original submission:
 - (a) fails to promote sustainable management of resources, including the enabling of people and communities to provide for their social well-being, and so will not achieve the section 5 purpose of the Act;
 - (b) is contrary to or does not otherwise meet Part 2 and other provisions of the Act;
 - (c) is contrary to other relevant planning documents;
 - (d) fails to achieve the functions of the Council under section 31, including the integrated management of the effects of the use and development of land and physical resources; and
 - (e) fails to meet the requirements of section 32.

Relief sought

8. The appellant seeks all relief sought in the original submission, to the extent that the Decision did not provide relief sought or otherwise address the issues raised in the original submission. In particular, the appellant maintains the relief sought in its original submission (to the extent within scope of the Stage 2 submissions), as follows:
 - (a) A suite of district plan provisions including new or stronger objectives and policies that recognise the benefits of commercial visitor accommodation activities and development, and provide for "visitor accommodation" in all zones, especially in the High Density, Medium Density, and Town Centre Zones.
 - (b) To enable visitor accommodation activities within the High Density Residential, Medium Density Residential, and Town Centre Zones as a controlled activity or a restricted discretionary activity if site and zone standards are breached. In the event that the High Density Residential Zoning differs from that which was notified through Planning Map 37, the submitter seeks to identify a visitor accommodation subzone over the area that was notified as High Density.
 - (c) To reject changes to the proposed earthworks chapter (retain the operative version) unless it is amended to remove any unnecessary resource consent requirements.

- (d) Amendments to Chapter 29 – Transport, as identified in an Appendix to the original submission; and/or
- (e) Such further, more refined, additional, other or alternative relief that might give effect to the original submission and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.
- (f) Costs.

Alternative dispute resolution

9. The appellant agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Attachments

10. The following documents are attached to this notice:
- (a) a copy of the appellant's original submission.
 - (b) a copy of the relevant parts of the Decision.
 - (c) a list of names and addresses of persons to be served with a copy of this notice.

DATED 7 May 2019



J D K Gardner-Hopkins

Counsel for the appellant

The appellant's address for service is C/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington 6011.

Documents for service on the appellant may be sent to that address for service or may be emailed to james@jghbarrister.com. Service by email is preferred, with receipt confirmed by return email.

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 on the matter of this appeal.

To become a party to the appeal, you must,—

Meet the directions of the Court on 21 March 2019, and clarified on 2 May 2019, as follows:

section 274 notices must be lodged and served within 20 working days after the period for lodging a notice of appeal ends. The requirement for s 274 parties to lodge and serve their notice within 15 working days after the period for lodging a notice of appeal ends is waived.

For the avoidance of doubt, the period for filing s274 notices ends on **Wednesday 5 June 2019**.

If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (see [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 requirements (see [form 38](#)).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 - a copy of the appellant's submission

Schedule 2 - a copy of the relevant parts of the Decision

Schedule 3 - a list of names and addresses of persons to be served

Every person who made a further submission on the appellant's submission.

	Name	Email
1.	Willowridge Developments Limited	ben@toddandwalker.com
2.	Remarkables Park Limited	t.williams@remarkablespark.com
3.	Queenstown Park Limited	t.williams@remarkablespark.com