

**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**

**B GIDDENS TRUST**

**Appellant**

**AND**

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL BY B GIDDENS TRUST  
AGAINST DECISIONS ON STAGE 2 OF THE PDP**

**7 MAY 2019**

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Counsel instructed:

**JGH** BARRISTER

J D K Gardner-Hopkins

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[james@jghbarrister.com](mailto: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](mailto:Christine.McKee@justice.govt.nz))

**AND TO:** The Respondent  
 ([dpappeals@glde.govt.nz](mailto: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 B Giddens Trust ("**appellant**") made a submission on Stage 2 of the Queenstown Lakes District Proposed District Plan ("**PDP**") on or around 22 February 2018 ("**original submission**", #2585).
2. The original submission sought, among other things to:
  - (a) To apply parking standards to alternate zonings (eg the Local Shopping Centre Zone, High, Medium Density and/or Business Mixed Use zonings) consistent with that applying to the town centre zones in the district. This included removal of the car parking requirements in Table 1, for such zones.
  - (b) Add a new "parking reduction adjustment factor" provisions to the Transport chapter for all zones that enable a percentage reduction in the car parking requirements for activities which are located:
    - (i) 200m from a public transport route (25% reduction);
    - (ii) 50m from a public parking facility (15% reduction);
    - (iii) 100m from Town Centre or Local Shopping Centre zone (15%reduction);
    - (iv) 50m from a major cycle trail (10% reduction).
  - (c) any other additional or consequential relief to fully give effect to the matters raised.
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 parking standards / removal of car parking requirements, the "parking reduction adjustment factor", including any additional or consequential relief to fully give effect to the matters raised in respect of those matters.

### **Reasons for the appeal**

7. The Decision, to the extent that it failed to address the matters 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:
- (a) To apply parking standards to alternate zonings (eg the Local Shopping Centre Zone, High, Medium Density and/or Business Mixed Use zonings) consistent with that applying to the town centre zones in the district. This includes removal of the car parking requirements in Table 1, for such zones.
  - (b) Add a new "parking reduction adjustment factor" provisions to the Transport chapter for all zones that enable a percentage reduction in the car parking requirements for activities which are located:
    - (i) 200m from a public transport route (25% reduction);
    - (ii) 50m from a public parking facility (15% reduction);
    - (iii) 100m from Town Centre or Local Shopping Centre zone (15%reduction);
    - (iv) 50m from a major cycle trail (10% reduction).
  - (c) Any other additional or consequential relief to fully give effect to the matters raised.
  - (d) 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



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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](mailto: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 original submission.

	<b>Name</b>	<b>Email</b>
1.	Patterson Boys Trust	amanda@southernplanning.co.nz