

BEFORE THE ENVIRONMENT COURT

ENV2018-CHC-

IN THE MATTER of the Resource Management
Act 1991 (“Act”)

AND

IN THE MATTER of an Appeal pursuant to
Clause 14(1) to Schedule 1 of
the Act

BETWEEN **ARNOLD ANDREW
MIDDLETON, ISABELLE
GLADYS MIDDLETON,
WEBB FARRY NOMINEES
LIMITED and STEWARD
LESLIE PARKER as trustees
of THE MIDDLETON
FAMILY TRUST**

Appellant

A N D **QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN UNDER CL14(1) SCHEDULE 1**

Dated this 19th day of June 2018

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

3rd Floor, 11-17 Church Street

Queenstown 9300

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Telephone: (03) 441 0125 Fax: (03) 442 8116

Solicitor Acting: J E Macdonald

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

[1] Name and address of Appellant:

Arnold Andrew Middleton, Isabelle Gladys Middleton, Webb Farry
Nominees Limited and Steward Leslie Parker as trustees of The
Middleton Family Trust (“Appellant”)
C/-Macalister Todd Phillips
Level 3, 11-17 Church Street
Queenstown 9300
Attn: Jayne Macdonald

[2] The Appellant appeals the decision (“Decision”) of the Queenstown
Lakes District Council (“Respondent”) on the Queenstown Lakes
Proposed District Plan (“Plan”).

[3] The Appellant made submissions on the Plan.

[4] The Appellant sought that its land, and certain adjacent land, as
described in its submission, be zoned a combination of Rural
Residential and Low Density Residential together with escarpment
and terrace edge areas to be protected from residential development.
The submission also made provision for a new road to link Tucker
Beach Road to Hansen Road, and ultimately to State Highway 6, via
the fourth leg of the Hawthorne Drive roundabout.

[5] The Appellant is not a trade competitor for the purposes of section
308D of the Resource Management Act 1991.

- [6] Notice of the Decision was received on 7 May 2018.
- [7] The Appellant appeals against the Decision in its entirety.
- [8] The reasons for the appeal are as follows:
- [a] The Respondent erred in its findings that the requested zoning would be contrary to the Strategic Directions provisions of the Plan;
 - [b] The notification of the Wakatipu Basin Variation and consequent splitting of the Appellant's submission into two parts has resulted in the Decision being made in isolation from and without the benefit of assessment of the site's development capacity as a whole, and outcomes in respect of all of the land the subject of the submission. In particular:
 - [i] roading and servicing efficiencies across the site as a whole;
 - [ii] the total extent of residential development sought across the site as a whole;
 - [c] The Council erred in its finding that Queenstown has sufficient land available for development for the present. Recent studies prepared for the Council¹ indicate that while overall there will be sufficient supply of dwellings, the number of residential units delivered to the market in the lower value bands (i.e. under \$600,000.00) will not meet predicted demand;

¹ Housing and Business Development Capacity Assessments, 2017.

- [d] The Decision failed to give sufficient weight to the positive effects of the relief sought, including connectivity and proximity to services, amenities, and existing residential areas, including the contribution of a large number of residential dwellings capable of contributing to the District's housing demands;
- [e] The Decision resulted in consideration of part only of the submission. Ahead of, and in isolation from hearings on the Wakatipu Basin variation, containing the balance of residential development capacity sought on the submitter's land, the Decision is premature. The Decision does not, and cannot (ahead of the Wakatipu Basin variation) provide an overall consideration and evaluation of the site's development potential across all relevant development parameters. The Decision is flawed in this regard.

[9] The Appellants seek the following relief from the Court:

The Decision be overturned and that the relief sought in the submissions be granted.

[10] Additional relief

In addition to the specific relief set out above, the Appellant seeks the following relief:

- [a] Such further or other relief as may be just or necessary to address matters raised in the submissions and this appeal; and

[b] Costs.



Arnold Andrew Middleton, Isabelle Gladys Middleton,
Webb Farry Nominees Limited and Steward Leslie Parker as
Appellant by their solicitor and duly authorised agent JAYNE ELIZABETH
MACDONALD

Date:

C/-Macalister Todd Phillips, Level 3, 11-17 Church Street, PO Box 653,
Queenstown 9348

Telephone: 03 441 0127

Fax/email: 03 442 8116 / jmacdonald@mactodd.co.nz

The following documents are attached to this notice:

- [a] A copy of the submissions with a copy of the submissions supported by the further submissions;
- [b] A copy of the relevant part of the Decision;
- [c] Any other documents necessary for an adequate understanding of the appeal;
- [d] A list of names and addresses of persons to be served with a copy of this notice.

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 or further submission on the matter of this appeal.

To become a party to the appeal, you must-

- [a] within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- [b] within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in 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 or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the Appellant's submission or the part of the Decision appealed. These documents may be obtained, on request, from the Appellant.

Advice

If you have any questions about this notice, contact the Environment Court at Christchurch.

Environment Court
Christchurch Registry
282 Durham Street
Central City