

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) t Schedule 1 of
the Act

BETWEEN **P.R. QUEENSTOWN
LIMITED, NEKI PATEL,
HAMISH MUNRO AND
WESTWOOD GROUP
HOLDINGS LIMITED**

Appellants

A N D **QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN UNDER CL 14(1) SCHEDULE 1**

Dated this 19th day of June 2018

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

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Queenstown 9300

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Solicitor Acting: J E Macdonald

NOTICE OF APPEAL

TO: The Registrar
Environment Court
Christchurch

[1] Name and address of Appellant:

P.R. Queenstown Limited, Neki Patel, Hamish Munro and Westwood
Group Holdings Limited (“Appellants”)
C/-Macalister Todd Phillips
Level 3, 11-17 Church Street
Queenstown 9300

[2] The Appellants appeal the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) o the Queenstown Lakes Proposed District Plan (“Plan”).

[3] The Appellants are people who made submissions on the Plan.

[4] P.R. Queenstown Limited, Neki Patel and Hamish Munro sought the rezoning of land located at 30-46 Gorge Road, Queenstown from High Density Residential (“HDR”) to Business Mixed Use (“BMU”). Westwood Group Holdings Ltd sought that the block bounded by Robins Road, Boundary Street and Gorge Road be rezoned from HDR to BMU. The individual submissions of the Appellants are collectively referred to as “the Submissions.”

[5] The Appellants are not trade competitors 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 Appellants appeal 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 BMU zoning would be contrary to the strategic direction of the Plan. With respect to strategic policy 3.2.1.1.2, there was no evidence before the Respondent that the BMU zoning would “undermine” the role or function of the Queenstown Town Centre Zone.
 - [b] The concerns with respect to the BMU Zone competing with the Queenstown Town Centre Zone are unfounded and overstated and at best amount to trade competition effects, which are to be disregarded.
 - [c] The Decision fails to give due regard to the nature and extent of activities already established on the land the subject of the submissions when deciding the most appropriate zone for the land. In particular, the BMU Zone in this location serves its intended purpose – being to enable a transition from the Town Centre (which is focused on commercial services) to a mixture of commercial, residential and visitor accommodation activities. The mix of existing activities is entirely consistent with the purpose and intended function of the BMU Zone.
 - [d] The Decision fails to have due regard to the fact that the land the subject of the submission is adjacent to a heavily trafficked transport route and given the current mix of activities does not exhibit or possess high levels of residential character and amenity. These factors weigh in favour of the BMU Zone being more appropriate.
 - [e] The Respondent justifies its decision to decline the relief sought by reference to findings that there is no shortfall at land

for commercial or business activities that would justify a rezoning to BMU Zone. It is submitted that this rationale is flawed with respect to the submission sites and the nature of rezoning sought in that:

[a] The BMU Zone offers a greater opportunity to provide an increased intensity of residential development than the HDR Zone and is a more efficient use of the land resource in this location in close walking distance to the Town Centre;

[b] Business and commercial activities are already established within the submission land, thereby housing some of the existing demand for business and commercial activities. \

[f] The Respondent erred by not giving sufficient weight to the expert evidence of both planners that urban design effects from increased height and coverage would be appropriate given the location and topography of the land the subject of the submissions.

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

The Appellants seek that 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 Appellants seek the following relief:

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

[b] costs.

[11] Attachments

The following documents are **attached** to this notice:

Appendix A - A copy of the Appellants' submission and further submissions;

Appendix B - A copy of the relevant parts of the decision; and

Appendix C - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Jayne Elizabeth Macdonald

Counsel for the Appellant

Address for service of the Appellants

C/- Macalister Todd Phillips

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Queenstown 9300

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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 a further submission on the matter of this appeal.

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

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

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).

Advice

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