

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

I Te Koti Taiao o Aotearoa

Ōtautahi Rohe

ENV-2018-

IN THE MATTER

of an appeal under Clause 14(1) of the First Schedule to
the Resource Management Act 1991

BETWEEN

QUEENSTOWN VIEWS LIMITED

Appellant

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL BY QUEENSTOWN VIEW LIMITED AGAINST DECISION ON
DISTRICT PLAN REVIEW HEARING STREAM 8**

19 JUNE 2018

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TO: The Registrar
Environment Court
Christchurch

Introduction

1. Queenstown Views Limited ("**QVL**") appeals against the decision made by Hearing Commissioners on behalf of Queenstown Lakes District Council ("**the Council**") on District Plan Review Hearing Stream 8 of the Queenstown Lakes District Plan ("**Plan Review**" and "**District Plan**").
2. QVL did not make a submission on the Plan Review or appear at any relevant hearing however, it has subsequently become the owner of the property located at 19 Man Street, Queenstown previously owned by Maximum Mojo Holdings Limited – submitter #548.
3. QVL also owns the property at 17 Man Street.
4. QVL is not a trade competitor for the purposes of s 308D of the Resource Management Act 1991 ("**RMA**").
5. QVL obtained notice of the Council's decision on the hearing Stream 8 of the Plan Review on or about 7 May 2018 and has identified issues in relation to the maximum building height including dimensions of a Viewshaft (Viewshaft C) on Height Precinct Map (Figure 2 – Chapter 12) Queenstown Centre Zone ("**Figure 2**") which this appeal relates to.

Council's decision

6. The particular parts of the Council's decision that QVL is appealing are:
 - (a) Chapter 12 Queenstown Town Centre Zone
 - (b) Figure 2 and its related rules:
 - Rule 12.5.9.1, and
 - Rule 12.5.9.4.
 - the height limit for the property located at 10 Man Street (Section 6, Block B IX Town of Queenstown, Identifier OT379/226), shown in the decision's version Figure 2 and Rule 12.5.9.1 as up to 14 metres;
 - (c) Rule 12.5.9.1 which provides a maximum absolute height limit of 14 metres for Height Precinct 1 (including for the property at 10 Man Street);

- (d) Rule 12.5.9.4 which provides maximum building heights for Height Precinct 7 (Man Street) including maximum heights for Viewshaft C.

Grounds for appeal

- 7. The reasons for the appeal in respect of Figure 2 and its related rules are that the Council's decision:
 - (a) fails to promote the sustainable management purpose of the RMA, particularly by managing the use, development, and protection of natural and physical resources in a way which enables people and communities of Queenstown and the wider region to provide for their social, economic, and cultural well-being and for their health and safety while avoiding, remedying, or mitigating any adverse effects of activities on the environment;
 - (b) fails to ensure the efficient use and development of natural and physical resources;
 - (c) fails to change the District Plan in accordance with the matters set out in section 74 and 75 of the RMA;
 - (d) fails properly to evaluate the changes advanced by submitters to the provisions of the Plan Change as notified; and
 - (e) fails to properly provide for view amenities for properties on the north side of Man Street including QVL's properties at 19 Man Street.
- 8. QVL does not accept that Council had general jurisdiction to increase height limits in reliance on Submission #20 (Cowie) which purports to generally support increased height limits across the Town Centre including on 10 Man Street and Brecon Street sites that might impact on 17 & 19 Man Street by enabling building development above the height of 10 Man Street.

Relief sought

- 9. QVL seeks the following relief (or mapping and wording to like effect and any consequential changes that may arise):
 - (a) Amendments to Figure 2 to denote an absolute maximum building height for 10 Man Street of no greater than 11metres or less, if the view amenities of 10 Man Street (to the south) are able to maintained with less developable height;

- (b) Amendments to Figure 2 to denote movement of Viewshaft C in a westerly direction so that it's full width is located west of 10 Man Street beyond the boundary between 10 and 12 Man Street;
10. Consequential amendments to Rules 12.5.9.1 and 12.5.9.4
 11. QVL opposes any further provisions and seeks such further, other, amended, alternative or consequential relief as is necessary or appropriate to give effect to this appeal.

Attachments

12. The following documents are **attached** to this notice:
 - (a) **Appendix A** - A copy of the Appellants' submission;
 - (b) **Appendix B** - A copy of the relevant parts of the decision; and
 - (c) **Appendix C** - A list of names and addresses of persons to be served with this notice.

Dated the 19th day of June 2018



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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 Auckland, Wellington or Christchurch.