

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2021-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

CARDRONA CATTLE COMPANY LIMITED

Appellant

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL BY CARDRONA CATTLE COMPANY LIMITED:
INDUSTRIAL AND RELATED ZONING**

18 MAY 2021

Counsel instructed:

JGH BARRISTER

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WELLINGTON

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

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

(NOTE: Service on submitters and further submitters is waived pursuant to the Environment Court's directions of 1 April 2020]

Notice of appeal

1. Cardrona Cattle Company Limited ("**appellant**") appeals the following decision ("**decision**") made by the Queenstown Lakes District Council ("**QLDC**"):

Decisions on Chapter 18A General Industrial and Service Zone and Related Variations to Chapters 25, 27, 29 and 36 of Stage 3 of the Queenstown Lakes District Proposed District Plan ("**PDP**")

2. The appellant received notification of the Decision on 1 April 2021.
3. The appellant made a submission on the PDP on or around 18 November 2019, referenced as #3349. It also made a further submission on the submission of Public Health South (#3109) supporting changes to the provisions of the industrial zone to provide for residential activity.
4. The appellant is not a trade competitor for the purposes of Section 308D of the Act.

Decision / part of Decision appealed against

5. The Decision refused the request to rezone the appellant's site to industrial with site-specific objectives, policies, rules or other methods.
6. The appeal relates to all matters arising from the Decision.

Reasons for the appeal

Background

7. The appellant sought to rezone a site approximately 91.4 hectares in area, at Victoria Flats in Gibbston from Rural Zone and Gibbston Character Zone to an industrial zone. This area is reproduced in the plan below:



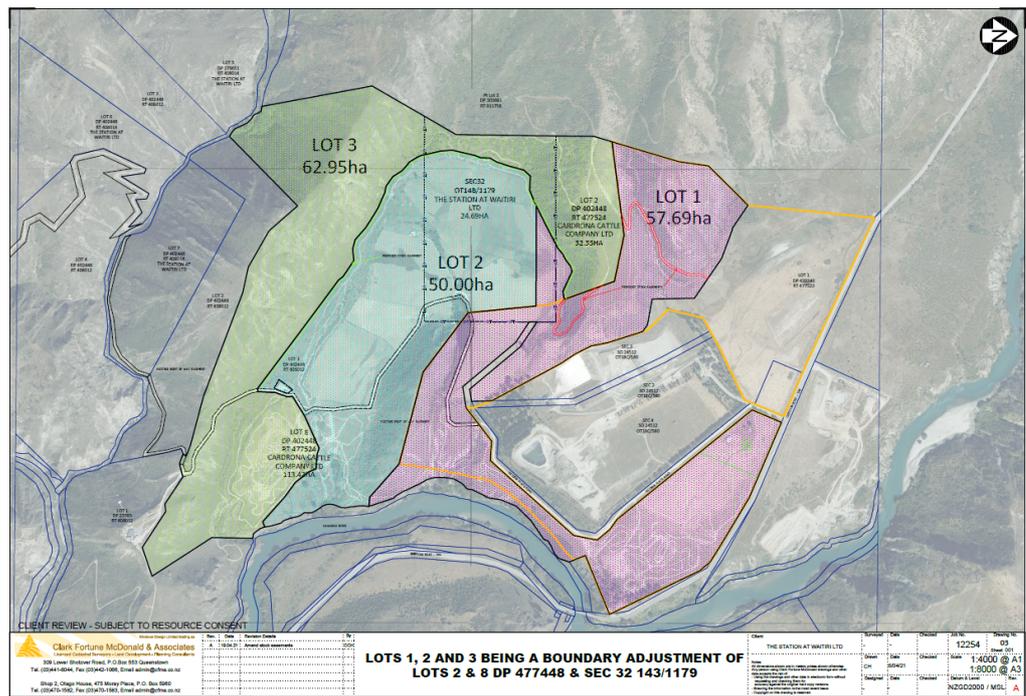
8. The site is located at Victoria Flats, in Gibbston, between Nevis Bluff and the Victoria Bridge, legally described as follows:
 - (a) Lot 2 DP 420346 and Lot 8 DP 402448 as held in CFR 477524;
 - (b) Section 32 Blk II Kawarau SD as held in CFR OT14B/1179; and
 - (c) Pt Lot 3 DP 303681 as held in CFR 410584.

9. The rezoning proposal was supported by expert planning, landscape, economic and traffic evidence. The rezoning request included several site-specific rules including:
 - (a) a structure plan and related objectives, policies and rules in Chapter 27 to provide for subdivision and industrial development in general accordance with a structure plan;
 - (b) the identification of various developable areas with building coverage and/or building height limitations;
 - (c) green corridors to provide for collective ecological, landscape and amenity enhancement;
 - (d) traffic management measures;
 - (e) measures to manage reverse sensitivity effects arising from the landfill;
 - (f) planted setback areas for landscape mitigation; and

- (g) rules managing residential buildings and residential activity, visitor accommodation, commercial recreation and community activities.
10. The appellant's submission also sought that:
- (a) Planning Map 13 be amended to reflect the properties being zoned industrial, with location specific and consequential changes to those provisions of the PDP to give effect to the issues raised in the submission; and
 - (b) any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in the submission, including any other appropriate zoning and provisions;
11. The Hearing Panel decision report on the appellants submission is at [270] to [370] of the decision.

Refinement of Appeal Site

12. The appellant advises that the site subject to this appeal is now reduced from that identified in the original submission to that area shown as 'Lot 2' in the image below:



13. This is a reduction of the area of the appeal site from approximately 91 hectares to 50 hectares.
14. This refinement also removes the majority of the land zoned Rural and within an Outstanding Natural Landscape. The image below shows 'Lot 2' in yellow with the area shaded red depicting the Gibbston Character Zone.

- (c) in respect of land that is anticipated by its zoning for use and development:
 - (i) fails to achieve or implement the relevant district-wide objectives and policies of the PDP that supported that zoning;
 - (ii) fails to achieve or implement the relevant objectives and policies of the zone in question; and/ or
 - (iii) otherwise to support and/or is otherwise inconsistent with achieving the land use outcomes anticipated by the relevant zoning;
 - (d) fails to achieve the functions of the Council under section 31 of integrated management of the effects of the use and development of land and physical resources;
 - (e) fails to meet the requirements of section 32;
 - (f) is procedurally unfair and inefficient.
18. In contrast, granting the appeal will generally, and particularly in in respect of the Site will achieve all of the matters/ outcomes or otherwise address the issues identified above in paragraph [17] immediately above.

Relief sought

19. The Appellant seeks the following relief:
- (a) rezoning of the site to an industrial zone, including amending the planning maps to identify an urban growth boundary around the site;
 - (b) providing site specific objectives, policies, rules and other methods to provide for the industrial zone to manage the effects of industrial, service and related commercial activities, including but not limited to, the following:
 - (i) Amendments to Chapter 2 Definitions;
 - (ii) Amendments to Chapter 4 Urban Development;
 - (iii) Amendments to Chapter 18A GISZ or, the introduction of a new chapter, either in Part 3 (Urban Environment) or Part 6 (Special Zones) of the PDP;
 - (iv) Amendments to Chapters 25 Earthworks, 27 Subdivision and Development, 29 Transport, 31 Signs and 36 Noise.
 - (c) inclusion of a structure plan and objectives, policies and rules to Chapter 27 Subdivision and Development to effectively manage any future subdivision;

- (d) any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, controls, discretions, assessment criteria and explanations to fully address the concerns raised by the appellant in its submissions and in this notice of appeal; and
- (e) costs.

Alternative dispute resolution

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

Attachments

- 21. The following documents are attached to this notice.
 - (a) a copy of the appellant's original submission;
 - (b) a copy of the appellant's further submission; and
 - (c) a copy of the Decision.

[The Environment Court has waived the requirement to serve submitters and further submitters, and so no list of submitters to be served is required to be filed with this notice. It has also waived the "advice to recipients" requirement, and so that advice is omitted from the notice to the appeal.]

DATED 18 May 2021



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.

Attachment 1 - the appellant's submission

Attachment 2 - the appellant's further submission

Attachment 3 - the Decision