

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa Ōtautahi Rohe

ENV-2019-CHC-

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

Between **Glencoe Station Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:

Maree Baker-Galloway
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz

**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

Introduction

- 1 Glencoe Station Limited (**GSL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 GSL made a submission (#2379) and further submission (#2782) on the PDP.
- 3 GSL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 GSL received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Visitor Accommodation Variation.
- 7 The reasons for appeal and general relief sought are summarised below. The specific provisions and the relief sought by GSL are set out in **Appendix A** to this appeal.

Visitor Accommodation Variation

- 8 Glencoe Station opposes the addition of any further rules within the Rural Zone having the effect of regulating the effects of short term stays for paying visitors and guests.
- 9 Glencoe Station submits that the effects of short term stays within the Rural Zone do not justify the proposed restrictions for the following reasons:
 - (a) These zones contribute comparatively little to the housing stock across the District and enabling this form of accommodation has much less impact on the availability houses to provide for residential accommodation;
 - (b) Housing within rural area is less affordable than housing within the urban areas and any reduction to residential capacity within these areas through short term accommodation would have little impact on the affordability of housing within the District;

- (c) Based on the analysis provided in support of the changes to the PDP by Infometrics¹, the majority of short term accommodation is occurring within urban areas of the District²;
 - (d) The addition of the rules over short term guest accommodation within residential units or residential flats is not effects based; and
 - (e) Short visitor stays within residential units and residential flats provides for the economic wellbeing of people and communities without adversely affecting the environmental qualities of the rural residential or rural living environment;
- 10 GSL submits that if there are any wider effects of short term visitor stays (beyond the availability of houses for residential activity), the rural zone has capacity to absorb and avoid such adverse effects due to the generous nature of open space, distances between neighbours and the ability to provide for car parking and services.
- 11 GSL also contends that the variation to the definition of visitor accommodation (which now excludes residential visitor accommodation (**RVA**) and homestays) has created an anomaly whereby within some zones the new rules relating to RVA and homestays are not supported by a framework of related objectives and policies. This undermines the effectiveness of the regime. The relief sought by GSL is to amend the definition of Visitor Accommodation to exclude RVA and Homestays only where such activities comply with the standards within the relevant zones applying to those activities. The effect of this change is to ensure that any RVA or Homestay activity that fails to comply with the new standards can be supported by the existing framework of objectives and policies relating to Visitor Accommodation.
- 12 The relief sought in the submission by GSL is to delete the changes to Chapter 21 Rural Zone introduced by the Council in the decisions version.

Further and consequential relief sought

- 13 GSL opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal, or such other changes that give effect to the outcomes sought in the GSL submissions.

¹ Infometrics, "Measuring the scale and scope of Airbnb in Queenstown-Lakes District" (November 2017)

² Section 6, *ibid*

Attachments

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

- (a) **Appendix A** – Relief sought;
- (b) **Appendix B** – A copy of the Appellant's submission and further submissions;
- (c) **Appendix C** - A copy of the relevant parts of the decision; and
- (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 7th day of May 2019



Maree Baker-Galloway
Counsel for the Appellant

Address for service of the Appellants

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | roisin.giles@al.nz

Contact persons: Maree Baker-Galloway | Roisin Giles

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).

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 and (or) the decision (or 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 in Christchurch.