

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV -

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of an appeal under clause 14 of
schedule 1 of the Act

BETWEEN

**QUARTZ COMMERCIAL GROUP
LIMITED**

Appellant

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 18 May 2021

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitor acting
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To: The Registrar
Environment Court
Christchurch

This document notifies you that –

- [1] Quartz Commercial Group Limited (**Appellant**) appeals against a decision of the Queenstown Lakes District Council (**Council**) on its Proposed District Plan (**Plan**).
- [2] The Appellant made a submission on the Plan.
- [3] The Appellant is not a trade competitor for the purpose of section 308D of the Resource Management Act 1991 (**Act**).
- [4] The Appellant received notice of the decision on 1 April 2021.
- [5] The decision the Appellant is appealing is:
 - (a) the provisions of the Low Density Suburban Residential Zone (**LDSRZ**) as they apply to the Appellant's land at Cappell Avenue, Lake Hawea, being Lot 1 DP 300387 and Lot 1 DP 27336, and the rejection of the Appellant's submission seeking amendments to such provisions.
- [6] The reasons for the appeal are as follows:
 - (a) the decision of the Council to reject the submission was contrary to the expert planning evidence submitted in support of the Appellant's submission.
 - (b) the Independent Hearings Panel appointed by the Council to hear the submission incorrectly found that the provisions as sought by the Appellant would enable development that would not be in accordance with the character of the Lake Hawea urban environment.
 - (c) the Panel incorrectly found that land zoned LDSRZ within a Visitor Accommodation sub-zone should be subject to the same restrictions as other LDSRZ land.

- (d) the prohibited activity status of informal airports within a Visitor Accommodation sub-zone is unjustified and such activities should be able to be applied for subject to an assessment of their effects, and if consent is granted, with conditions that avoid or mitigate any adverse effects.
- (e) the provisions are not in accordance with the higher order Objectives and Policies of the Plan.
- (f) the provisions are not in accordance with Part 2 of the Act.

[7] The Appellant seeks the following:

- (a) the Council's decision is overturned, and the Appellant's submission is accepted.

[8] The following documents are **attached** to this notice:

- (a) a copy of the Appellant's submission;
- (b) a copy of the Council's decision; and
- (c) a list of names and addresses of persons to be served a copy of this notice.

Dated: 18 May 2021



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Signed for Quartz Commercial Group Limited
by its solicitor and duly authorised agent
Graeme Morris Todd / Benjamin Brett Gresson

Address for Service of the Appellant:

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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 Appellants; 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.