

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement
or plan or change or variation

[Clause 14\(1\)](#) of Schedule 1, Resource Management Act 1991

To The Registrar
Environment Court
Christchurch

Gibbston Valley Station Limited (“GVS”), appeals against parts of a decision of Queenstown-Lakes District Council (“QLDC”) on Stage 1 of the Queenstown-Lakes District Plan Proposed District Plan (“the Proposed District Plan”), specifically contained in the Report and Recommendations of the QLDC Independent Commissioners Regarding Mapping Gibbston Valley 17-12 dated 4 April 2018 and notified to GVS on 4 May 2018 (“the decision”).

GVS made a submission dated 23 October 2015 on the Proposed District Plan.

GVS is not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.

GVS received notice of the decision on 4 May 2018.

The decision was made by Queenstown-Lakes District Council.

By way of background, GVS made a submission on the PDP that opposed the retention of the Gibbston Character and Rural General Zones on its land and sought an alternative zone “that provides for a range of uses, including viticulture, residential, commercial, commercial recreation and visitor accommodation”. Expert evidence was provided on behalf of GVS at a hearing before independent commissioner’s of the QLDC covering planning, landscape, infrastructure, geotechnical, hazards, ecology and heritage.

The part of the decision that GVS is appealing is:

- Contained in the Report and Recommendations of the QLDC Independent Commissioners Regarding Mapping Gibbston Valley Report 17-12, sections 5 to 8;
- The provisions of that decision that GVS are appealing are found in section 5 at sub-paragraphs 27, 28, 29, 30, 31 therein, and section 7 at sub-paragraphs 40, 41-58 therein, and in particular the recommendation of rejection of GVS’s submission at section 8, sub-paragraph 60.

The reasons for the appeal are as follows:

- (a) QLDC by its Commissioners (QLDC) erred in ignoring the primary submission of GVS that the land located in Annexure "A" to its submission dated 23 October 2015 sought an alternative zone, and which submission comprised the scope for its decision, and wrongly concluded that the decision only permitted consideration and approval or rejection of a sub-zone within the Gibbston Character Zone.
- (b) QLDC, by virtue of the matters referred to above, was entitled to approve or reject an alternative zone, not comprising a sub-zone of the Gibbston Character Zone, but failed to do so, even though in substance its decision indicated approval of the GVS submission and proposal.
- (c) QLDC wrongfully characterised the advice from three of its advisors (landscape, traffic and ecology) as being opposed to the submission by GVS, when in fact the contrary was true.
- (d) By failing to adhere to the scope of GVS's primary submission, QLDC erred in giving undue and inappropriate weight to the provisions of the Gibbston Character Zone when assessing GVS's submission and proposal.
- (e) QLDC erred in finding that the submission and proposal of GVS was not congruent with the objectives and policies of Chapters 3, 4 and 23 of the Proposed District Plan, and wrongly found that there were aspects of the submission and proposal of GVS that amounted to urban development, or urban development that was contrary to the objectives and policies of the aforementioned Chapters of the proposed District Plan, and further wrongly concluded that parts of the submission and proposal of GVS were "*at least inconsistent with or contrary to Objective 3.2.2, and Policies 3.3.24 and 4.2.1.3 of the proposed District Plan*".
- (f) QLDC erred in its finding that the submission and proposal of GVS was contrary to or inimical to the structural integrity of the proposed District Plan.
- (g) QLDC was wrong to conclude that the submission and proposal of GVS was flawed, and furthermore misled itself that the scope of the decision available to it was confined to consideration of a sub-zone of the Gibbston Character Zone.

Notwithstanding the abovementioned flaws, GVS is generally in agreement with the QLDC, by reference to the decision paragraphs, that:

- (i) The proposal of GVS would bring considerable economic and social benefit to the district through the promotion of tourism, recreation and economic production (paragraph 38).
- (ii) Environment values such as landscape, ecology, and water quality can be managed, and that traffic and access issues have been well thought out and resolved, in the proposal; and that the proposal is excellent in concept (paragraph 38).

- (iii) Landscape, ecology, traffic and servicing effects have been satisfactorily mitigated in the proposal (paragraph 39).
- (iv) The proposal would achieve the overriding strategic objectives and policies in Chapters 3 and 4, and in particular in relation to economic prosperity, in the Proposed District Plan (paragraph 41).
- (v) Parts of the subject site not needed or incapable of production of grapes can be more appropriately utilised for other activities without compromising the productive viticultural output of the Gibbston valley (paragraphs 52 and 54 (in part)).
- (vi) The “*excellent proposal*” can be rezoned from rural and Gibbston Character Zone to an alternative zone (paragraphs 56 to 58).
- (vii) GVS supports the establishment of a new resort zone.

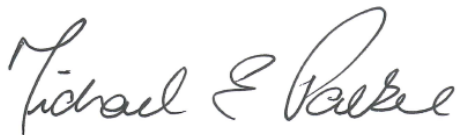
GVS seek the following relief:

- (a) That the land is afforded an alternative zone that allows for a range of uses, including residential, viticultural, commercial, visitor accommodation and commercial recreation;
- (b) Any other additional or consequential relief to the Proposed Plan, 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 this submission.
- (c) In light of the significant congruence between the views of QLDC on the submission and proposal by GVS, GVS seeks mediation pursuant to section 268 of the Resource Management Act 1991 as a matter of priority in order to resolve this appeal, given that underlying agreement between GVS and QLDC, and the absence of any submitters to the proposal when heard by QLDC.

GVS attach the following documents* to this notice:

- (a) a copy of the GVS submission, which comprised Submission 827.2;
- (b) a copy of the decision referred to above against which this appeal is brought;
- (c) any other documents necessary for an adequate understanding of the appeal; and
- (d) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.



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Signature of **Michael E Parker**
on behalf of appellant, **Gibbston Valley Station Limited**

Date: 5 June 2018

Address for service of appellant: C/- Parker Cowan, Level 3, 26 Hawthorne Drive,
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Contact person: Michael Parker

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under [section 55\(2B\)](#), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by [regulation 35](#) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision. You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, 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](#)).8