

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2021-CHC-049

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14(1) of the First Schedule of the Resource Management Act 1991 in relation to the Proposed Queenstown Lakes District Plan

BETWEEN **KINGSTON LIFESTYLE PROPERTIES LIMITED**

Appellant

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**

Respondent

**NOTICE OF KINGSTON VILLAGE LIMITED WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

16 June 2021

To: The Registrar
Environment Court
Christchurch

1 Kingston Village Limited ("**KVL**") wishes to be a party to the following proceedings:

- (a) The appeal by Kingston Lifestyle Properties Limited (**'the Appellant'**) to the Environment Court against the decisions of the Queenstown Lakes District Council (**'the Respondent'**) on the Proposed Queenstown Lakes District Plan (**'the Proposed Plan'**) Stage 3 decisions on Chapter 20 – Settlement Zone, and the related variations to Chapters 7, 25, 27, 29, 31 and 36 of the Proposed Plan.
- (b) The relief sought by the Appellant in its appeal includes:
 - (i) Extending the Settlement Zone over the entire extent of the Kingston Flyer land, and Crown land identified as Lot 4 DP 318631;
 - (ii) Including the Kingston Flyer land identified as Section 1 SO 10898 (northern half), Lot 4 DP 318631 and Section 2 SO 10898 in the Commercial Precinct (Overlay) at Kingston;
 - (iii) Insert a new "purpose" statement in Chapter 20 of the Proposed Plan that provides for the Kingston Flyer train activity and the comprehensive development of the Commercial Precinct at Kingston;
 - (iv) Insert new objectives and associated policies into Chapter 20 of the Proposed Plan, and amend current objectives and policies in Chapter 20 of the Proposed Plan to provide for the Kingston Flyer train activity and the development of the Commercial Precinct at Kingston;
 - (v) Insert a new rule in Chapter 20 of the Proposed Plan to provide for the Kingston Flyer train activity as a permitted activity, and to exempt this activity from complying with

all other Settlement Zone standards or District Wide rules and standards;

- (vi) Make amendments to Standard 20.5.1 and Standard 20.5.7 to exempt activities within the Commercial Precinct at Kingston from the minimum density requirements and the road boundary setbacks (respectively);
- (vii) Make amendments to Standard 20.5.8 to exempt buildings within the Commercial Precinct at Kingston from complying with the continuous building length requirements that apply in the Settlement Zone;
- (viii) Make amendments to Standard 20.5.10 to enable the overnight storage of the train;
- (ix) Include new standards for maximum building height for buildings in the Commercial Precinct at Kingston;
- (x) Include a new standard to manage the types of activity that are permitted in the Commercial Precinct at Kingston;
- (xi) Amend Rule 20.6.1(b) to exempt the development of residential units within the Commercial Precinct at Kingston from obtaining written approvals from affected parties;
- (xii) Insert new rule in Chapter 27 - Subdivision and Development to provide for the comprehensive development of the Commercial Precinct at Kingston.

2 This notice is made upon the following grounds:

- (a) KVL has an interest in these proceedings that is greater than the public generally. KVL owns land that is located immediately adjacent to the land affected by the appeal filed by the Appellant, so is directly affected by the appeal. More particularly, the Appellant's relief seeks to rezone land immediately adjacent to land owned by KVL and introduce new provisions to enable the operation of a train without restriction on this land. Relevant rules within the Proposed Plan, post the issuance of the Council

decisions do not currently permit the operation of a train and KVL is satisfied with that situation. KVL is concerned about the Appellant's appeal which, if successful, would result in adverse environmental effects on its land.

- 3 KVL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**the Act**" or "**the RMA**").
- 4 KVL has an interest in all the proceedings.
- 5 Without limiting the above, KVL is interested in the following particular issues:
 - (a) The requested extensions of the Settlement Zone over the Appellant's land;
 - (b) The inclusion of land in the Commercial Precinct;
 - (c) The inclusion of other statements, objectives and policies in Chapter 20 – Settlement Zone that provide for the operation of the Kingston Flyer train as a permitted activity;
 - (d) Changes and additions to rules and standards of the Settlement Zone; and
 - (e) Changes to Chapter 27 – Subdivision to provide for subdivision around existing buildings and development.
- 6 KVL **opposes** the relief sought for the following reasons:
 - (a) KVL holds concerns about the adverse environmental effects that could be generated by the rezoning of the Appellant's land to Settlement Zone, and, in some places imposing the Commercial Overlay over the Settlement Zone. These effects have not been identified or quantified by the Appellant. KVL does not consider that an adequate assessment of the effects that could result from the rezoning, and the provisions sought to enable the comprehensive development of the Commercial Precinct at Kingston, has been undertaken.

- (b) KVL is concerned about the actual and potential effects of the activities enabled by the relief sought on its property at Kingston, as well as the actual and potential effects on the residents of Kingston. In particular, KVL is concerned that the relief sought provides for the operation of a train through the township as a permitted activity. The train has not operated here as a commercial activity since 2013. The commercial operation of the train through the Kingston township is not part of the receiving environment and any proposal to introduce this new activity should be carefully considered via the resource consent process. The Appellant has a current resource consent application lodged with the Queenstown Lakes District Council for the operation of the Kingston Flyer train as a commercial recreational activity.
- (c) KVL is concerned about the nature and scale of the adverse environmental effects that would be generated by the operation of the train on the immediately adjacent properties and does not consider that these effects have been fully assessed.
- (d) The Appellant has not demonstrated that the relief sought is the most appropriate way to achieve the objectives of the Proposed Plan, and in turn, the purpose of the Act.

8 KVL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 16th day of June 2021



Megan Justice
(on behalf of Kingston Village Limited)

Address for service of Person wishing to be a party:

Kingston Village Limited

c/- Mitchell Daysh Ltd

PO Box 489

DUNEDIN

Attention: Megan Justice

Email: megan.justice@mitchelldaysh.co.nz

Phone: (03) 477 7884

A copy of this notice has been served on the following parties:

Kingston Lifestyle Properties Limited

c/- James Gardiner-Hopkins, Barrister,

PO Box 25-160, Wellington 6011

james@jgbarrister.com

Queenstown Lakes District Council (dpappeals@qldc.govt.nz)

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.