

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-

IN THE MATTER	of an appeal under clause 14, Schedule 1 of the Resource Management Act 1991
BETWEEN	JEREMY BELL INVESTMENTS LIMITED
	Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

**NOTICE OF APPEAL UNDER CLAUSE 14 SCHEDULE 1 OF THE
RESOURCE MANAGEMENT ACT**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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TO: The Registrar
Environment Court
PO Box 2069
Christchurch

Email: Christine.mckee@justice.govt.nz

1. Jeremy Bell Investments Limited (“JBIL”) appeals against a decision of the Queenstown Lakes District Council (“QLDC”) on the following:
 - (a) Stage 1 Proposed QLDC District Plan.
2. JBIL made a submission on that plan change (Submission number OS 782).
3. JBIL received notice of the decision on 7 May 2018.
4. The decision was made by QLDC.
5. The decisions that JBIL are appealing are:
 - (a) The entirety of Report 16.11 to decline rezoning of a site at the junction of Wanaka Luggate Highway (SH6) and Mt Barker Road from a Rural Zone to a Wanaka Airport Mixed Use Zone. (“the Decision”); and
6. The reasons for the appeal are:
 - (a) QLDC were wrong in:
 - (i) Finding that there is low demand for airport related activities in regards to the Wanaka Airport.
 - (ii) That the proposed rezoning would undermine the role of the Wanaka and Three Parks Centre.
 - (iii) Finding that the range of activities and the proposed scale of the activities would have adverse effects.
 - (iv) The decision does not take into account the expected growth of the Wanaka Airport and fails to recognise the importance of airport related activities to adequately serve airport users.
 - (v) Finding that the bespoke controls on traffic movements would not be appropriate. The decision wrongly limits airport activities to the Wanaka Airport side of SH6.
 - (vi) Adopting the evidence of Ms Mellsop that the potential height of 12m buildings would detract from the natural and pastoral character of available views of the landscape, beyond what the landscape has the capacity to absorb.


- (vii) QLDC was wrong to find that the buildings would be inappropriate from a landscape character and visual amenity perspective.
- (viii) Applying *Staufenberg*¹, which is a resource consent appeal, to a plan submission and finding that the proposal did not pass the high hurdle that commercial activity must overcome.
- (ix) Overlooking that the site is already used for commercial activities and for support of Wanaka Airport, and that it has negligible productive value for Criffel Station.

7. JBIL seeks the following relief:

- (a) That JBIL's submission be accepted.

8. JBIL attaches the following documents to this notice:

- (a) A copy of JBIL's original submission;
- (b) A copy of the Decision;
- (c) A list of names and addresses of persons to be served with a copy of this notice.



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P J Page

Counsel for Jeremy Bell Investments Limited

DATED this 15 day of June 2018

Address for service

of Appellant: C/- Gallaway Cook Allan
123 Vogel Street
P O Box 143

¹ *Staufenberg Family Trust No 2 v Queenstown Lakes District Council* [2013] NZEnvC 100.

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Advice to Recipients of Copy of Notice of Appeal

1. How to become party to proceedings:

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

2. 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 appealed. These documents may be obtained, on request, from the Appellant.

3. Advice:

If you have any questions about this notice, contact the Environment Court unit of the Department for courts in Christchurch.

Contact Details of Environment Court for Lodging Documents

Documents may be lodged with the Environment Court by lodging them with the Registrar:

The Christchurch address of the Environment Court is:

282 Durham Street
Christchurch 8013

Its Postal address is:

P O Box 2069

Christchurch 8140

And its telephone and fax numbers are:

Telephone: (03) 962 4170

Fax: (03) 962 4171