

**In the Environment Court  
I Mua I Te Kōti Taiao  
Christchurch Registry  
Ōtautahi Rohe**

**ENV-2019-CHC-000034**

Under the Resource Management Act 1991  
And in the matter of an application under Section 274 of the Act

Between

**Trustees of the Spruce Grove Trust**

Appellant

and

**Queenstown Lakes District Council**

Respondent

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**Notice of Walrus Jack Trustee Limited's wish to be party to  
proceedings**

**11 June 2019**

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**BELL GULLY**

BARRISTERS AND SOLICITORS

AJL BEATSON / LM LINCOLN

COUNSEL FOR THE SECTION 274 PARTY

WELLINGTON LEVEL 21, 171 FEATHERSTON STREET

PO BOX 1291, WELLINGTON 6140, DX SX11164, NEW ZEALAND

TEL 64 4 915 6800 FAX 64 4 915 6810 EMAIL LAURA.LINCOLN@BELLGULLY.COM

**To:** The Registrar  
Environment Court  
Christchurch

1. Walrus Jack Trustee Limited (**Walrus Jack**) wishes to be a party to the following proceedings:
  - (a) *Trustees of the Spruce Grove Trust v Queenstown Lakes District Council (ENV-2019-CHC-000034)* being an appeal against a decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**) in respect of its land at 1124 Malaghans Road and a group of unrelated sites at Butel Road (being 459 and 461 Arrowtown-Lake Hayes Road, 9 Orchard Hill, 29 Butel Road and 9 Butel Road) (the **Land**).
2. Walrus Jack has an interest in the proceedings that is greater than the interest that the general public has as the owner of the land at 9 Butel Road.
3. Walrus Jack is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.
4. Walrus Jack is interested in all of the proceedings. It was a submitter (#2480) on Chapter 24 in Stage 2 of the PDP. It was a further submitter (#1304) on submissions made by the Spruce Grove Trust (#559) on Chapter 21 in Stage 1 of the PDP.
5. Without derogating from the generality of the above, Walrus Jack is interested in the following particular issues:
  - (a) The amenity impacts of the proposed expansion to the Millbrook Resort Zone (**MRZ**) at these locations in the absence of development constraints integral to the objective and policies of the MRZ including:
    - (i) Potential impacts on visual and open space amenity as experienced from Walrus Jack's property at 9 Butel Road;

- (ii) The fundamental lack of integration between the intensive residential development sought by the Appellant and the existing amenities and facilities provided by the MRZ Structure Plan;
  - (iii) The necessary development constraints recognised by the Environment Court decision in *Spruce Grove Trust v QLDC* ENV-2009-CHC-55 which correctly concluded that the capacity of the Appellant's Malaghans Road land for residential development was limited to four residential allotments across the lower slopes of its southern face only, with the balance to be held as open space.
- (b) The potential impact of intensive development on land adjoining Walrus Jack's land (noting that Walrus Jack has no intention of further developing the land at 9 Butel Road).
  - (c) Any further, more refined, consequential, additional, other or alternative relief that might be deemed to give effect to this appeal and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991 (the **RMA**).

6. Walrus Jack strongly opposes the relief sought because:

- (a) The Land is unsuitable and undesirable for resort, residential or other intensive development sought by the Appellant;
- (b) It considers that the amenity enjoyed on its land could be seriously compromised if the relief sought is granted;
- (c) The Appeal represents a lack of understanding of the interface between Walrus Jack's land and the existing MRZ, particularly the suitability of the land at Butel Road, Arrowtown-Lake Hayes Road and Orchard Hill for resort development because of their separation from existing resort facilities and their inability to be integrated into other resort facilities while providing the level of residential density intended by the Appellant;

- (a) The reasoning of the primary decision of the QLDC to zone the Land Wakatipu Basin Rural Amenity Zone; and
- (d) The relief sought would enable development of a nature, scale and density that would be inconsistent with the objectives of the PDP and the purpose of the RMA.

7. Walrus Jack agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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AJL Beatson / LM Lincoln  
Counsel for Walrus Jack Trustee Limited

Dated 11 June 2019

**Address for service:**

Walrus Jack Trustee Limited  
C/- Bell Gully  
171 Featherston Street  
PO Box 1291  
Wellington 6140  
Attention: Laura Lincoln

Telephone: (04) 915 6800  
Facsimile: (04) 915 6810  
Email: [laura.lincoln@bellgully.com](mailto:laura.lincoln@bellgully.com)

***Advice***

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