

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

ENV-2019-CHC-000034

I MUA I TE KOOTI TAIAO  
I ŌTAUTAHI ROHE

IN THE MATTER of the Resource Management Act 1991  
(the Act)

AND

IN THE MATTER of an appeal pursuant to Clause 14(1) of  
Schedule 1 of the Act in relation to the  
proposed Queenstown Lakes District Plan

BETWEEN Trustees of the Spruce Grove Trust  
Appellant

AND Queenstown Lakes District Council  
Respondent

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NOTICE OF WISH OF BILL BARNEY AND KATHLEEN BARNEY TO BE  
PARTY TO PROCEEDINGS PURSUANT TO SECTION 274 OF THE ACT

DATE: 4 JUNE 2019

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ATKINS | HOLM | MAJUREY

Vicki Morrison-Shaw  
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Shortland Street  
AUCKLAND 1140

**TO:** The Registrar  
Environment Court  
CHRISTCHURCH

1. Bill Barney and Kathleen Barney wish to be a party pursuant to s 274 of the Act to the following proceedings:

*Trustees of the Spruce Grove Trust v QLDC (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 (**the Land**).

#### **NATURE OF INTEREST**

2. Bill Barney and Kathleen Barney have an interest greater than the public generally because they are a registered proprietor and occupant of a residential property at 1 Malaghans Ridge, Millbrook Resort, one of a number of residential properties whose amenities will be directly affected by the relief sought in this appeal.
3. Bill Barney and Kathleen Barney are not an original submitter but would have been if the PDP or the Wakitipu Basin Variation had proposed that the appellant's land be re-zoned Millbrook Resort Zone (**MRZ**).
4. Bill Barney and Kathleen Barney are not trade competitors for the purposes of s 308C or s 308CA of the Act.

#### **EXTENT OF INTEREST**

5. Bill Barney and Kathleen Barney are interested in all of the proceedings.
6. Without derogating from the generality of the above, Bill Barney and Kathleen Barney are interested in the following particular issues:


- (a) The amenity impacts of the proposed expansion to the MRZ in the absence of development constraints integral to the objective and policies of the MRZ including:
- (i) The potential for the proposed extent and type of development, and ownership to undermine and detract from the amenity values of the MRZ including impacts on visual and open space amenity as experienced from both the resort facilities, dwellings, visitor accommodation and open space;
  - (ii) Potential impacts on visual and open space amenity as experienced from tracks, trails, internal roads and fairways within the resort and particularly those used by members of the Millbrook Country Club to access the resort facilities from dwellings on Malaghans Ridge;
  - (iii) The fundamental lack of integration between the intensive residential development sought by the appellant and the existing amenities and facilities provided by MRZ Structure Plan;
  - (iv) Potential diminution of the special qualities enabled and maintained by the MRZ and the non-statutory methods which control design, construction and behaviours on privately owned land within the MRZ;
  - (v) The proposed extent and type of development, and ownership would undermine and detract from the amenity values of the MRZ and the existing resort that zone supports;

- (vi) The Land is a small roche moutonee which is unsuitable and undesirable for resort development with little capacity for any resort activities other than Open Space;
  - (vii) Potential impacts on the level of service presently provided by the tracks, trails and internal roads within the resort;
  - (viii) 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 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 integrity of the primary decision of the QLDC to zone the Land WBRAZ.

#### **MEDIATION**

7. Bill Barney and Kathleen Barney agree to participate in mediation or other alternative dispute resolution.

**DATE:** 4 June 2019



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**Vicki Morrison-Shaw**

Legal Counsel for Bill Barney and  
Kathleen Barney

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