

**In the Environment Court
at Christchurch**

In the Matter

of the Resource Management Act
1991 (**Act**)

And

In the Matter

of an appeal under Clause 14(1),
First Schedule of the Act

Between

**WILD GRASS PARTNERSHIP,
WILD GRASS INVESTMENTS NO
1. LIMITED & NICHOLAS
INDEPENDENT TRUSTEE CO
LIMITED as trustee of the
HORIZONS INVESTMENT TRUST**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal by **Wild Grass
Partnership, Wild Grass Investments
No 1. Limited & Nicholas Independent
Trustee Co Limited as Trustee of the
Horizons Investment Trust** against the
Proposed Queenstown Lakes District
Plan - Stage 1**

Dated: 18 June 2018

To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Wild Grass Partnership, Wild Grass Investments No 1. Limited & Nicholas Independent Trustee Co Limited as trustee of the Horizons Investment Trust (**Wild Grass**) appeal against the decision of the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan - Stage 1 (**Proposed Plan**).
2. Wild Grass received notice of the Respondent's decision on 7 May 2018 (**Decision**).
3. The Decision was made by the Respondent through ratification of the Independent Hearing Panel's recommendations.
4. Wild Grass are not trade competitors for the purposes of section 308D of the Act.
5. The part of the Decision Wild Grass appeals is contained within Report 12, Report and Recommendations of Independent Commissioners Regarding Chapter 41 – Jacks Point and Decisions Version Map 41; as it relates to the land located in the Proposed Jacks Point Resort Zone, legally described as Lot 2 DP 447241 and Lot 3 DP 447241 (**the Site**).

General Reasons for the Appeal

6. Wild Grass is supportive of the parts of the Decision that adds an additional Lodge Activity Area (**LLA**) pod to the Site for the purpose of car parking and the new Policy 41.2.1.30 that acknowledges the provision of lodge activities to the Jacks Point Zone.
7. The general reasons for Wild Grass's appeal on the remaining part of the Decision is that it fails to appropriately provide for those lodge activities, including by and/or to the extent that the Decision:
 - (a) fails to promote sustainable management of resources and will not achieve the purpose of the Act;

- (b) fails to achieve the functions of the Council under section 31 of integrated management of the effects of the use and development of land and physical resources; and
- (c) fails to meet the requirements of section 32.

Particular Reasons for the Appeal

8. Without limiting the general reasons for the appeal given above, the following are particular reasons for the appeal. Wild Grass specifically seeks:
- (a) Amendments to policy 41.2.1.30 to ensure anticipated lodge activities are appropriately enabled by the policy.
 - (b) Building height clarity;
 - (c) Visitor Accommodation in LAA's to be permitted activity; and
 - (d) Resource consent applications for controlled and restricted discretionary activities in the LAA to be non-notified.

Policy 41.2.1.30

9. The use of the words “protecting the character and amenity of the surrounding Open Space Golf (**OSG**) Activity Area” will constrain the ability for anticipated travellers accommodation and ancillary activities to gain consent in the LAA's. The matters of control in the relevant rules will appropriately control effects on surrounding landscapes and this isn't appropriate at a policy level.

Building Height

10. In the notified version of the purposed plan, building height limits within the LAA were up to 5 metres for permitted activities, between 5 to 7.5 metres for restricted discretionary activities and buildings over 7.5 metres were non-complying activities.
11. However, the Decision provides that a building exceeding the height of 7.5 metres will require a restricted discretionary resource consent.
12. Wild Grass believe that the building height requirement for the LAA of 7.5 metres contained under Rule 41.5.3.2 is an error, especially as the matters of

discretion under Rule 41.5.3.2 refer to the scale and extent of the portions that exceed 5 metres.

Visitor Accommodation Activity Status

13. Visitor accommodation which includes meeting facilities are an anticipated activity within the LAA. The rules in the Jacks Point Zone need to give effect to that.
14. There is no basis for the effect of visitor accommodation itself to be controlled through the resource consenting process. These activities should therefore be permitted within the LAA's not discretionary.
15. This amendment will better give effect to enabling travellers' accommodation that is provided for in the relevant policy.
16. The notified version of the Proposed Plan did not include a rule relating to visitor accommodation in the LAA so it is not clear where the Respondent obtained scope to include it in the Decision.

Notification

17. Given the precise and considered delineation of the LAA's, there is no effect based justification for limited notifying resource consents for restricted discretionary activities within these areas.
18. The rule framework within the Decision (as amended by this notice of appeal) gives Council the appropriate ability to assess and manage effects.

Relief Sought

19. Amendment to policy 41.2.1.30 to delete reference to protecting the amenity and character of the surrounding open space areas.
20. Clarity regarding the activity status triggered by building heights in the LAAs;
21. An amendment to 41.4.3.1 to make Visitor Accommodation a permitted activity;
22. An amendment to 41.6.2 to enable resource consents within the LAA to be non-notified; and

23. Any other similar, consequential, or other relief as is necessary to address the issues raised in Wild Grass's appeal or otherwise raised in Wild Grass's submission.

Attached Documents

24. Wild Grass attaches the following documents to this appeal:
- (a) Wild Grass's submission (**Annexure A**);
 - (b) The relevant parts of the Respondent's decisions (**Annexure B**); and
 - (c) A list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Annexure C**).

Dated this 18th day of June 2018



Joshua Leckie

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