

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-071

Under	the Resource Management Act 1991 (RMA)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	Fred Van Brandenburg Appellant
And	Queenstown Lakes District Council Respondent

Amended Notice of Appeal

15 February 2019

Appellant's solicitors:

Vanessa Robb | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
Vanessa.robbs@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

- 1 Fred Van Brandenburg appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Fred Van Brandenburg made a submission (#520) on the PDP.
- 3 Fred Van Brandenburg is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Fred Van Brandenburg received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 27 Subdivision.
- 7 Reasons for appeal

Background

- 8 Fred Van Brandenburg has an interest in land located at 595 Frankton Road, Queenstown, legally described as Lot 1 DP 12665 held in CFR OT15C/1071 (**Site**). The Site is zoned High Density Residential – Subzone A in the Operative Plan, and High Density Residential under the PDP.
- 9 Fred Van Brandenburg sought in his submission to the PDP, amendments to objectives and policies of the HDR Zone to enable a more efficient and effective planning regime for HDR proposals. Specific provisions were sought in respect of the Site which were contained in the ODP and which reflect the nature of consented development existing for the Site.
- 10 This relief has not been included in the PDP Decision and is appealed for the reasons set out in **Appendix A** below.

Further and consequential relief sought

11 Fred Van Brandenburg opposes any further provisions inconsistent with this appeal and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Fred Van Brandenburg's PDP submission.

Attachments

12 The following documents are **attached** to this notice:

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellants' submission;
- (c) **Appendix C** - A copy of the relevant parts of the decision; and
- (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 15th day of February 2019



Vanessa Robb/Rosie Hill
Counsel for the Appellant

Address for service of the Appellants

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: Vanessa.rob@al.nz | rosie.hill@al.nz

Contact persons: Vanessa Robb | Rosie Hill

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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

Advice

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

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 27 subdivision		
<p>Rule 27.5.7 all subdivision defaults to RDA activity status</p>	<p>Subdivision within urban zones is anticipated and should be enabled through chapter 27, subject to appropriate matters of reserved control. Requiring RDA subdivision rather than controlled will result in a disconnect between the rules applicable to the Zone and the purpose of the Zone.</p>	<p>Amend Rule 27.5.7 to a default controlled activity status for all zones unless otherwise specified.</p> <p>Zones to be included in a controlled activity status include;</p> <ol style="list-style-type: none"> 1. Lower Density Suburban Residential Zone; 2. Medium Density Residential Zone; 3. High Density Residential Zone; 4. Town Centre Zones; 5. Arrowtown Residential Historic Management Zone; 6. Large Lot Residential Zone; 7. Local Shopping Centre; 8. Business Mixed Use Zone; 9. Airport Zone – Queenstown. <p><u>10. Township Zones;</u></p> <p><u>11. Rural Residential;</u></p> <p><u>12. Rural Lifestyle.</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Rule 27.10</p> <p>Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:</p> <p>a. where the site adjoins or has access onto a State Highway;</p>	<p>The protection of the State Highway is adequately achieved through separate policies which assure its efficient and safe functioning. The application of this policy could be broader for notification than just to NZTA.</p>	<p>Amend Rule 27.10 as follows:</p> <p>Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:</p> <p>a. where the site adjoins or has access onto a State Highway;</p>

Appendix B - A copy of the Appellant's submission;

Appendix C - A copy of the relevant parts of the decision; and

Appendix D - A list of names and addresses of persons to be served with this notice.