

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

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 District Plan – Stage 1

Between **JFA & SJ Redai, AB & PA Gillespie and J Boyd, JM Hall, DJ & JM Prince, DB & ML Telfer and Polson Higgs Nominees Limited, LJ & S Martin, SA Jackson & LB Gillespie**

Appellants

And **Queenstown Lakes District Council**

Respondent

Notice of appeal

~~6 July~~ 31 October 2018

Appellants' solicitors:

Michael Garbett | Rachel Brooking
Anderson Lloyd
Level 10, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973 | f + 64 3 477 3184
michael.garbett@al.nz | rachel.brooking@al.nz

**anderson
lloyd.**

To: The Registrar
Environment Court
Christchurch

- 1 Jackie and Simon Redai, Alastair and Philippa Gillespie, Jackie Boyd, Juliet Hall, Denise and John Prince, Dean and Michelle Telfer, Polson Higgs Nominees Limited, Lee and Sandy Martin, Simon Jackson and Lorna Gillespie (**Appellants**) appeal part of the decision of Queenstown Lakes District Council (**QLDC**) on the Proposed District Plan – Stage 1 (**PDP**).
- 2 The Appellants made a submission (#152) and further submissions (#1131) on the PDP.
- 3 The Appellants are not trade competitors for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).
- 4 The Appellants received notice of the decision on 7 May 2018.
- 5 The decision was made by QLDC.
- 6 The part of the decision appealed relates to the decision to reject submissions #152 and #242 at 10.1 of Report 16.2 Urban Wanaka and Lake Hawea. The Appellants sought that Lots 1 to 9 DP 300773 (**the Land**) be changed from Rural General Zone to Rural Residential or, as detailed in further submission #1131, that the Land is incorporated within an amended Urban Growth Boundary for Wanaka and zoned Low Density Residential.

Reasons for appeal

- 7 The Respondent found that the Land is of high strategic importance and is very likely to be suitable for urban development, describing the Land as "*plainly the most important 'next' growth area for Wanaka.*"¹ However, the decision rejected the submission to rezone the Land from Rural General. This is despite the higher order and strategic objectives and policies of the PDP supporting the rezoning of the Land.
- 8 The Respondent's decision to reject the submissions fails to take advantage of the opportunity presented by the District Plan Review to ensure that the future development of the land is appropriately planned and managed and consequently there is a risk that the individual properties which make up the land to which this appeal relates will be further developed on an ad hoc basis and the potential of the land to help meet the future urban growth requirements of Wanaka may not be fully realised.

¹ Report 16.2, para 210

- 9 This District Plan Review is the appropriate tool to identify the land as appropriate for residential development. Requiring a separate process entirely outside of the Plan Review is inefficient. Provision, even if deferred, should be made in this Plan Review for development of the land, given the anticipated lifetime of the PDP once determined, and the requirements of the District to provide for long term feasible development capacity in accordance with the National Policy Statement Urban Development Capacity .

Relief sought

- 10 The Appellants seek the following relief from the Court:
- (a) That the land is rezoned from Rural General to a zone that enables more residential development, including potential development in accordance with a structure plan approach; and

~~(b) That the land is included within the Wanaka Urban Growth Boundary.~~

- 11 In addition to the above, the following relief is also sought:
- (a) Any additional or alternative relief that achieves the same or similar outcome; and
- (b) Consequential or ancillary changes to the provisions of the chapters as a consequence of the rezoning of the Land to enable further residential development.

Attachments

- 12 The following documents are **attached** to this notice:
- (a) A copy of the Appellants' submission and further submissions;
- (b) A copy of the relevant part of the decision; and
- (c) A list of names and addresses of persons to be served with this notice.

Dated this ~~6th-31st~~ day of ~~July-October~~ 2018



Michael Garbett/Rachel Brooking
Counsel for the Appellants

Address for service of person wishing to be a party

Anderson Lloyd

Level 10, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX YX10107, Dunedin

p + 64 3 467 7173 | f + 64 3 477 3184

michael.garbett@al.nz | rachel.brooking@al.nz

Contact persons: Michael Garbett | Rachel Brooking

Advice

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