

BEFORE THE ENVIRONMENT COURT

ENV2018-CHC-

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

AND

IN THE MATTER of an Appeal pursuant to
Clause 14(1) to Schedule 1 of
the Act

BETWEEN **SAFARI GROUP OF
COMPANIES LIMITED**

Appellant

A N D **QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN UNDER CL 14(1) SCHEDULE 1**

Dated this 7th day of May 2019

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

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Telephone: (03) 441 0125 Fax: (03) 442 8116

Solicitor Acting: Jayne Macdonald

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

[1] Name and address of Appellant¹

Safari Group of Companies Limited
C/-Mactodd Solicitors
Level 3, 11-17 Church Street
Queenstown
Attention: Jayne Macdonald

[2] The Appellant appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) made with respect to Chapter 29 (Transport), being part of Stage 2 of the Queenstown Lakes Proposed District Plan (“PDP”).

[3] The Appellant is a person who made a submission on Stage 2 of the PDP. The Appellant’s submission #2339 sought inter alia that the requirements for coach and carparks be relaxed, that objectives and policies be amended to provide clearer guidance for assessing resource consent applications, and that the standards in Table 29.3¹, “standards for activities outside roads” be amended so they do not impose restrictive standards.

(“Submission”).

[4] The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

[5] Notice of the decision was received on or about 21 March 2019.

¹ Renumbered 29.4 in the Decision
JEM-420928-11-15-V1:JEM

[6] The Appellant appeals against the Decision rejecting its Submission.

[7] **The reasons for the appeal are as follows:**

7.1 The Decision accepts that part of the Submission seeking that Chapter 29 be amended by including objectives and policies that provide guidance for assessing resource consent applications, stating:

“With respect to guidance for assessing resource consent application, we consider that the objectives, policies and assessment matters provide sufficient information for an applicant to compile an adequate application.....”²

7.2 The Decision records variously³ that breaches of car parking standards (for example minimum number), can be argued as a restricted discretionary activity, and a requirement to seek a restricted discretionary consent in such cases is not a unduly onerous regulatory burden, particularly for visitor accommodation developments.

7.3 The Appellant’s experience as a developer of visitor accommodation is that the consenting requirements for breaches of minimum parking spaces and/or and size and layout of such spaces is presently onerous, and overly restrictive.

7.4 The objectives, policies, and in particular assessment matters do not provide clear or specific guidance for assessing resource consent application. For example, assessment matter 29.7.4.1⁴ states:

“29.7.4.1 Whether, in relation to parking spaces within buildings that do not comply with the required stall width or aisle width, the design is in accordance with the

² [At 74]

³ For example at [380].

⁴ Restricted Discretionary Activity – size of parking spaces and layout.

Australian/New Zealand Off-Street Parking, Part 1: Car Parking Facilities, AS/NZS 2890:1:2004.”

- 7.5 This assessment matter does not go far enough in providing guidance for carpark design that does not comply with the PDP standard yet does comply with the AS/NZS standard. This lack of guidance provides a level of uncertainty and frustration for applicants enduring the consenting process.
- 7.6 The Decision accepts in part the submission seeking a reduction in car and coach parking numbers for visitor accommodation activities. While this is supported, it does not go far enough. For example, while coach parking can “overlay” car parking, there remains a requirement to account for both in the design and layout of parking.
- 7.7 The minimum standards fail to adequately recognise and provide for those visitor accommodation developments that are located on public transport routes and that are in close proximity to town/service centres or mixed use zones.
- 7.7 Compliance with the minimum standards will impose an additional requirement for car parking for other activities (e.g. retail or a café) that locate within visitor accommodation developments. By comparison, in the operative district plan (“ODP”), if other activities occupy less than 10% of the floor area within the visitor accommodation development, no additional carparks are required on the assumption those activities, at that scale, do not generate any additional demand for parking (“the 10% Rule”).
- 7.8 Many of the provisions and standards from the ODP have been carried over into Chapter 29, however there appears to have been no analysis around the decision not to carry over the 10% Rule.

[8] The Appellant seeks the following relief from the Court:

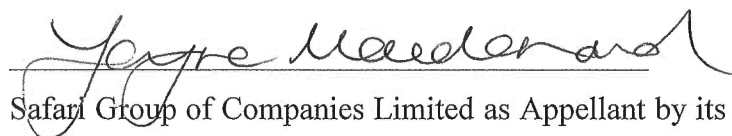
- 8.1 The objectives, policies and assessment matters are amended to provide clearer guidance for assessing resource consent applications.
- 8.2 Car parking and coach parking numbers are amended so that hotel developments that are appropriately located are not required to provide a specific number of onsite car or coach parks.
- 8.3 Reintroduce the 10% Rule.

[9] Additional relief

In addition to the specific relief set out above, the Appellant seeks the following relief:

[a] such further or other relief as may be just or necessary to address matters raised in the Submission and this appeal; and

[b] Costs.



Safari Group of Companies Limited as Appellant by its solicitor and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 7 May 2019

C/-Macalister Todd Phillips, Level 3, 11-17 Church Street, PO Box 653,
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The following documents are attached to this notice:

- (a) a copy of the submission (with a copy of the submission opposed by the further submission);
- (b) a copy of the relevant part of the decision;
- (c) any other documents necessary for an adequate understanding of the appeal;
- (d) a list of names and addresses of persons to be served with a copy of this notice.

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 further submission on the matter of this appeal.

To become a party to the appeal, you must –

- (a) 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
- (b) 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 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

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

Environment Court

Christchurch Registry

282 Durham Street

Central City

Christchurch

Postal address:

PO Box 2069

DX: WX11113

Christchurch

Telephone and fax numbers:

Telephone: (03) 365 0905

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Names and addresses of persons to be served with a copy of the Notice of Appeal

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