

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (as at 03 March 2015)

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar

Environment Court

Auckland, Wellington, and Christchurch

CSF Trustees Ltd appeals against a part of a decision of the Queenstown Lakes District Council ("QLDC") on Stage 1 of the QLDC Proposed District Plan ("PDP"). The relevant part of the decision that my appeal relates to is the decision to change the notified zoning at 1, 3, 9A-D and 11 York Street from High Density Residential ("HDR") to Low Density Residential ("LDR").

I did not make a submission to the PDP because I purchased the land at 1 and 3 York Street after the submission period had closed. As an owner of land directly affected by the rezoning decision I am a person who is affected by the decision and to an extent greater than any other member of the public in general.

I am a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

I received notice of the decision on 7 May 2018.

The decision was made by Queenstown Lakes District Council.

The decision (*or* part of the decision) that I am appealing is that part of the decision rezoning 1 and 3 York Street from HDR (as per the notified PDP) to LDR.

The reasons for the appeal are as follows:

1. QLDC erred in not giving sufficient weight to the expert evidence before it – namely that of its planner and transport expert – in particular that downzoning of the land to LDRZ could result in inefficient use of urban land close to the town centre, the walkability of the site from the town centre and its overall appropriateness and character of the site to be zoned HDR;
2. There was no expert evidence before QLDC concerning access and use of the right of way and no consideration of possible alternative means of accessing future residential development other than via the right of way. In this regard, it is relevant that development at 1 York Street is able to be accessed via York Street, and not via the right of way;
3. The fact that 1 York Street can be accessed directly from York Street means the extent of traffic on the right of way was overstated by the neighbouring property owners, and QLDC's Decision flawed in its consideration of the rezoning request;
4. At the heart of the Decision is the capacity of the right of way to handle additional and more intensive development. There was no evidence before QLDC for it to come to the conclusion that it was unlikely more intense development would occur. To the contrary, consent is being sought for 25 residential units on 1 York Street, and I have entered into an unconditional agreement to purchase 3 York Street;
5. The Decision records that “theoretically” the HDR zoning is more appropriate because this land is close to the town centre and public transport, but then “gave in” to what it considered more practical constraints. As stated above, those “constraints” were either incorrect, or overstated and QLDC's decision is flawed in this regard;
6. Despite the Decision recording that LDR zoning be applied to 1, 3, 9 and 11 York Street, Planning Map #35 records 1 York Street as HDR Zone.

Relief sought Planning Map 35 and High Density Residential Zone

For the reasons set out above, I seek that 1 and 3 York Street be zoned High Density Residential.

I attach the following documents to this notice:

- a copy of the relevant decision (*or* part of the decision):
- a list of names and addresses of persons to be served with a copy of this notice.



.....
Signature of appellant
(*or* person authorised to sign
on behalf of appellant)

19 June 2018

Date

Address for service of appellant:

CSF Trustees Ltd, PO Box 2042, Wakatipu, Queenstown 9349

Telephone: 021 2341911

Fax/email: lach@thefreshwater.co.nz

Contact person: Lachlan Francis

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).

**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 and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

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

Schedule 1 form 7 heading: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).