

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2024-CHC-

IN THE MATTER

of an appeal under the Resource Management Act (1991) to the Environment Court against decisions on the proposed Priority Area Landscape Schedules Variation to the Queenstown Lakes District Council Proposed District Plan

BETWEEN

**UCT PROPERTIES LIMITED and
ALPINE DEER HOLDINGS LP**

Appellants

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL BY UCT PROPERTIES LIMITED AND ALPINE DEER
HOLDINGS LP**

Under clause 14(1) of Schedule 1, Resource Management Act 1991

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To: The Registrar
Environment Court
Christchurch

1. UCT Properties Limited and Alpine Deer Holdings LP (“Appellants”) appeal the decision of the Queenstown Lakes District Council (“Council”) on the proposed Priority Area Landscape Schedules Variation to the Queenstown Lakes District Council Proposed District Plan.
2. The Appellants made submissions (#146 and #149) on the Priority Area Landscape Schedules Variation.
3. The Appellants are not trade competitors for the purpose of section 308D of the Resource Management Act 1991 (RMA)
4. The Appellants received notice of the decision on 21 June 2024.
5. The decision was made by the Council.
6. The decisions appealed relate to:
 - (a) The decision to adopt the recommendations of the Independent Hearings Panel set out in the Report and Recommendations of Hearing Commissioners dated 9th May 2024
 - (b) The part of that decision that the Appellants are specifically appealing is the decision on 21.23.4 Church Road – Shortcut Road PA : Schedule of Landscape Values.

Background

7. The Appellants own land within the Church Road – Shortcut Road Priority Area.

8. UCT Properties Limited owns Lot 1 DP 300025 and Lot 1 DP 475297 on Record of Title 654501, a 13.9ha property at 86 Church Road, Luggate. Approximately 7ha of the UCT site is located within the Rural Industrial Sub-Zone.
9. The Rural Industrial Sub-Zoning was achieved through submissions on Stage 3 of the Queenstown Lakes District Proposed District Plan. Since the application of the Rural Industrial Sub-Zone to the UCT site UCT Properties Limited have developed the land to accommodate their long established transport and agricultural contracting business with buildings being consented under resource consents RM210465, RM211096, RM220673 and RM230076.
10. At the time of submitting on the landscape schedule variation Alpine Deer Holdings LP owned the venison and deer velvet processing facility at 50 Church Road (Lot 1 DP 18599 on Record of Title OT10A/222) and the Luggate Sawmill site at 60 Church Road (Lot 1 DP 20587 on Record of Title OT12A/505 and Lot 2 DP 20587 on Record of Title OT12A/506).
11. The land owned by Alpine Deer Holdings LP at the time of submission is also zoned Rural Industrial Sub-Zone, the Rural Industrial Sub-Zone having been established through Stage 1 of the Queenstown Lakes District Proposed District Plan.
12. Alpine Deer Holdings LP have since sold Lot 2 DP 20587 but retains Lot 1 DP 18599 and Lot 1 DP 20587.
13. The Appellants' submissions opposed the notified version of 21.23.4 Church Road – Shortcut Road PA : Schedule of Landscape Values including:
 - the description of important land use patterns and features; and
 - the description of important shared and recognised attributes and values; and
 - the description of particularly important views to and from the area; and
 - the description of naturalness attributes and values; and

- the description of remoteness/wilderness attributes and values; and
 - the description of aesthetic qualities and values; and
 - the summary of landscape values; and
 - the schedule of landscape capacity.
14. In summary the Appellants sought that the presence of the Rural Industrial Sub-Zone and existing and anticipated development within it was better reflected in the landscape schedule.

Reasons for the Appeal

The reasons for this appeal are:

15. The Appellants made submissions on the notified variation and participated in expert conferencing and attended the hearing. The Appellants were generally in agreement with Council's planning and landscape experts with regard to the amended wording of the landscape schedule set out in Council's rebuttal evidence. This agreement was conveyed to the hearing panel at the hearing.
16. Despite this agreement between Council's and the Appellants' experts the hearing panel questioned what had been consented and built on the UCT Properties Limited site and whether it was within the scope of what the Stage 3 hearing panel envisaged when they recommended that the site was rezoned Rural Industrial Sub-Zone through Stage 3 of the Proposed District Plan.
17. This is addressed at 190(c) of the recommendation report which states:
190. *In addition, for specific schedules, we suggest the following recommended changes:*
- (a) ...
 - (b) ...
 - (c) *Amendments to the descriptions (paragraphs 11, 31, 33, 34 and 44) and capacity rating for rural industrial activity*

(from very limited to extremely limited) for the Church Road – Shortcut Road PA (21.23.4), alongside the addition of the words “...and includes appropriately scaled buildings” to the landscape capacity description for rural industrial activity. We have recommended these changes as a result of our review of the resource consent decisions for the existing building development on the eastern side of Church Road, which appear not to have addressed landscape values to the degree or with a level of rigor that might be expected in a RCL.

18. The Appellants consider this approach, which bases the landscape capacity rating for rural industrial activities within the Church Road – Shortcut Road Priority Area on previous consent processes, is inappropriate and fails to acknowledge the extent of built development that is anticipated and provided for within the Rural Industrial Sub-Zone.

Relief sought

The Appellants seek the following relief:

19. That the appeal is allowed.
20. That 21.23.4 Church Road – Shortcut Road PA : Schedule of Landscape Values is amended to reflect the agreed wording set out in Council's Reply Version (attached as Appendix 4).
21. Any other additional or consequential amendments to the 21.23 Schedule of Landscape Values : Upper Clutha Rural Character Landscape Priority Areas Preamble and 21.23.4 Church Road – Shortcut Road PA : Schedule of Landscape Values that will fully give effect to the matters raised in this appeal.
22. The Appellants agree to participate in mediation or alternative dispute resolution.

DATED this 5th day of August 2024



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Scott Edgar (on behalf of UCT Properties Limited and Alpine Deer Holdings LP)

Planner

Address for service

Telephone: 021 048 1313
Email: scott@edgarplanning.co.nz
Address PO Box 716, Wānaka
Contact Person: Scott Edgar

Cc: Queenstown Lakes District Council
dpappeals@qldc.govt.nz

Attached to this Notice of Appeal are the following documents:

- (a) A copy of UCT Properties Limited's original submission (Appendix 1);
- (b) A copy of Alpine Deer Holdings LP's original submission (Appendix 2);
- (c) A copy of the Decision (Appendix 3);
- (d) A copy of the Council's Reply Version of 21.23.4 Church Road – Shortcut Road PA : Schedule of Landscape Values (Appendix 4).

Advice to Recipients of Copy of Notice of Appeal

1. How to become party to proceedings:

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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

2. 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 the decision appealed. These documents may be obtained, on request, from the Appellant.

3. Advice:

If you have any questions about this notice, contact the Environment Court unit of the Department for courts in Christchurch.

Contact Details of Environment Court for Lodging Documents

Documents may be lodged with the Environment Court by lodging them with the Registrar:

The Christchurch address of the Environment Court is:

282 Durham Street
Christchurch 8013

Its Postal address is:

P O Box 2069
Christchurch 8140

And its telephone and fax numbers are:

Telephone: (03) 962 4170

Fax: (03) 962 4171