

**BEFORE THE ENVIRONMENT COURT**

**ENV2018-CHC-097-002**

**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** **MOUNT CRYSTAL  
LIMITED**

**Appellant**

**A N D** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**AMENDED NOTICE OF APPEAL TO ENVIRONMENT COURT  
AGAINST DECISION ON PROPOSED PLAN UNDER CL14(1)  
SCHEDULE 1**

**Dated this 23<sup>rd</sup> day of October 2018**

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**MACALISTER TODD PHILLIPS**

Barristers, Solicitors, Notaries

3<sup>rd</sup> Floor, 11-17 Church Street

Queenstown 9300

P O Box 653, DX ZP95001, Queenstown 9348

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

Solicitor Acting: J E Macdonald

**NOTICE OF APPEAL**

**To:** The Registrar  
Environment Court  
Christchurch

[1] Name and address of Appellant:

Mount Crystal Limited (“Appellant”)  
C/-Macalister Todd Phillips  
Level 3, 11-17 Church Street  
Queenstown 9300  
Attn: Jayne Macdonald

[2] The Appellant appeals part of the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on the Queenstown Lakes Proposed District Plan (“Plan”).

[3] The Appellant made a submission on the Plan.

[4] The Appellant sought that its land located at Frankton Road Queenstown (and legally described as Lot 1 Deposited Plan 9121 and contained within Computer Freehold Register OT400/173) as described in its submission, be zoned a combination of Medium Density Residential and High Density Residential together with a 12m building height limit for the Medium Density Residential Zone.

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

[6] Notice of the Decision was received on 7 May 2018.

- [7] The Appellant appeals that part of the Decision which did not allow a High Density Residential Zoning over that part of the site sought, and the application of a 12m building height limit across the upper part of the site.
- [8] The reasons for the appeal are as follows:
- [a] The Respondent erred in its findings that a High Density Residential zoning would undermine the Queenstown town centre as an economic, civic and cultural hub for the Wakatipu area.
  - [b] The rezoning of the land is a logical and appropriate extension of the High Density Residential Zone. For example, the land is opposite land zoned High Density Residential and there are numerous High Density Residential sites located farther away from the town centre.
  - [c] Rezoning the land and providing a 12m building height limit across the upper part of the site will be generally consistent with, and is not contrary to, the relevant Plan objectives.
  - [d] The Respondent erred in its findings that a 12m building height limit for the upper part of the site was not the most appropriate building height limit for the land. The application of the building height limits contained in the Medium Density Residential Zone will not result in sustainable management of natural and physical resources. In particular, it will not result in efficient or effective planning in terms of sections 5 and 7(f) of the Act. Conversely, the 12m building height limit is more appropriate for the upper part of the site.

[e] The Decision failed to give sufficient weight to the positive effects of the increased building density, bulk and height, including the contribution of a larger number of more affordable residential dwellings capable of contributing to the District's housing demands.

[f] When determining the most appropriate zoning for the land, the Decision failed to evaluate (in respect of s.32AA) the additional and unnecessary costs associated with the resource consent process that will be required for buildings that breach the 8m height limit in the Medium Density Residential Zone.

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

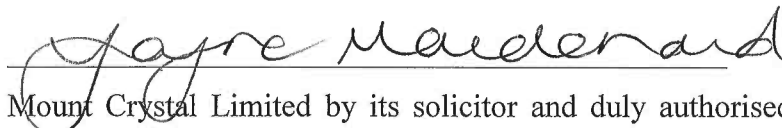
Zoning the lower part of the site to High Density Residential (as sought in the Appellant's submission) together with the application of a 12m building height limit across the upper part of the site.

[10] 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 submissions and this appeal; and

[b] Costs.



Mount Crystal Limited by its solicitor and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 19 June 2018

C/-Macalister Todd Phillips, Level 3, 11-17 Church Street, PO Box 653, Queenstown 9348

Telephone: 03 441 0127

Fax/email: 03 442 8116 / jmacdonald@mactodd.co.nz

The following documents are attached to this notice:

- [a] A copy of the submissions with a copy of the submissions supported by the further submissions;
- [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 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 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

Fax: (03) 365 1740

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

- [1] Queenstown Lakes District Council  
10 Gorge Road  
Queenstown  
E: [dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz) and [Katharine.hockly@qldc.govt.nz](mailto:Katharine.hockly@qldc.govt.nz)
- [2] Queenstown Airport Corporation Limited  
C/-PO Box 489  
Dunedin  
E: [Kirsty.osullivan@mitchellpartnerships.co.nz](mailto:Kirsty.osullivan@mitchellpartnerships.co.nz)
- [3] Pounamu Body Corporate Committee  
C/- Lane Neave  
PO Box 701  
Queenstown 9384  
E [Rebecca.wolt@laneneave.co.nz](mailto:Rebecca.wolt@laneneave.co.nz)