

**BEFORE THE ENVIRONMENT COURT  
IN CHRISTCHURCH**

**IN THE MATTER**

of the Resource Management  
Act 1991

**AND**

**IN THE MATTER**

of an appeal pursuant to Clause  
14 of Schedule 1 of the Act

**BETWEEN**

**ALPS INVESTMENT LIMITED**

Appellant

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**

Respondent

---

**NOTICE OF APPEAL**

---

**Dated: 19 June 2018**

**TODD & WALKER law**  
LAWYERS | NOTARY PUBLIC

Solicitors:

G M Todd/B B Gresson  
PO Box 124  
Queenstown 9348  
P 03 441 2743  
F 03 441 2976  
graeme@toddandwalker.com;  
ben@toddandwalker.com

**To:** The Registrar  
Environment Court  
Christchurch

1. Alps Investment Limited ("**the Appellant**") appeals against a decision of the Queenstown Lakes District Council ("**Council**") on the Queenstown Lakes Proposed District Plan ("**Plan**").
2. The Appellant made a submission on the Plan.<sup>1</sup>
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. The Appellant received notice of the decision on 4 May 2018.
5. The decision the Appellant is appealing is:
  - a. The zoning of part of the Appellant's land at Frankton-Ladies Mile Highway, Queenstown, being Lot 1 Deposited Plan 512581 ("**land**").
  - b. The rules associated with such zoning relating to access.
  - c. The rejection in part of the submission of Jandel Trust and further submission of the Appellant in support seeking a rezoning of the land as Business Mixed Use Zone ("**BMUZ**").
6. The reasons for the appeal are as follows:
  - a. The Council erred in its zoning of the land, namely in their assessment of the appropriate location for the boundary between the BMUZ and the Medium Density Residential Zone.
  - b. The decision will not result in the most efficient use of the land.
  - c. The existence of the transmission lines that dissect the Appellant's land makes the same more suitable for more BMUZ than residential.
  - d. The decision is not in accordance with sound resource management planning principles.
  - e. The siting of the land on the Frankton Flats makes it more suitable for more of it to be zoned BMUZ.

---

<sup>1</sup> The original submission was made by Peter and Margaret Arnott. The Appellant purchased the land subject to the submission in 2017 and has the right to pursue the submission as a successor in accordance with s 2A(1) of the Act.

- f. BMUZ is more appropriate in achieving the range of Objectives dealing with Frankton, the Urban Growth Boundary protecting the airport, and the landscape values.
  - g. There was no evidence placed before the Council which would support the decision reached as to the boundaries of the BMUZ.
  - h. The Council relied on irrelevant comparisons to the depth of the Gorge Road zone in fixing the boundaries of the BMUZ. Such ignored the topographical constraints which exist in Gorge Road.
  - i. The requirements for the site to be serviced by access to a 4<sup>th</sup> leg of the State Highway/Eastern Access Road roundabout ignores the fact that access will need to be renegotiated via adjoining lots which may not be possible.
7. The Appellant seeks the following relief:
- a. That the decisions of the Council be overturned, and the Appellant's submission be accepted.
8. The following documents are attached to this notice:
- a. A copy of the Appellant's submission;
  - b. A copy of the decision; and
  - c. A list of names and addresses to be served with a copy of this notice.

Dated this 19<sup>th</sup> day of June 2018



---

Signed for the Appellant  
By its solicitor and duly authorised agent  
Graeme Morris Todd/Benjamin Brett Gresson

**Address for Service for the Appellant:**

Todd and Walker Law

PO Box 124

Queenstown 9348

Phone: 03 441 2743

Facsimile 03 441 2976

Email: [graeme@toddandwalker.com](mailto:graeme@toddandwalker.com); [ben@toddandwalker.com](mailto:ben@toddandwalker.com)