

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

ENV-2019-CHC-000034

I MUA I TE KOOTI TAIAO
I ŌTAUTAHI ROHE

IN THE MATTER of the Resource Management Act 1991
(**the Act**)

AND

IN THE MATTER of an appeal pursuant to Clause 14(1) of
Schedule 1 of the Act in relation to the
proposed Queenstown Lakes District Plan

BETWEEN **The Spruce Grove Trust**
Appellant

AND **Queenstown Lakes District Council**
Respondent

NOTICE OF WISH OF GARY NOEL MAHAN AND SALLY ANNE MAHAN
TO BE PARTY TO PROCEEDINGS PURSUANT TO SECTION 274 OF THE
ACT

DATE: 23 MAY 2019



ATKINS | HOLM | MAJUREY

Vicki Morrison-Shaw
PO Box 1585
Shortland Street
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TO: The Registrar
Environment Court
CHRISTCHURCH

1. Gary Mahan and Sally Mahan wish to be a party pursuant to s 274 of the Act to the following proceedings:

Trustees of the Spruce Grove Trust v QLDC (**ENV-2019-CHC-000034**) being an appeal against a decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**) in respect of its land at 1124 Malaghans Road (**the Land**).

NATURE OF INTEREST

2. Gary Mahan and Sally Mahan have an interest greater than the public generally because they are a registered proprietor and occupant of a residential property at 18 Malaghans Ridge, Millbrook Resort, one of a number of residential properties whose amenities will be directly affected by the relief sought in this appeal.
3. Gary Mahan and Sally Mahan are not an original submitter but would have been if the PDP or the Wakitipu Basin Variation had proposed that the appellant's land be re-zoned MRZ.
4. Gary Mahan and Sally Mahan are not trade competitors for the purposes of s 308C or s 308CA of the Act.

EXTENT OF INTEREST

5. Gary Mahan and Sally Mahan are interested in all of the proceedings.
6. Without derogating from the generality of the above, Gary Mahan and Sally Mahan are interested in the following particular issues:

- (a) The amenity impacts of the proposed expansion to the Millbrook Resort Zone (MRZ) in the absence of development constraints integral to the objective and policies of the MRZ including:
- (i) Potential impacts on visual and open space amenity as experienced from both from private dwellings and resort facilities;
 - (ii) Potential impacts on visual and open space amenity as experienced from tracks, trails, internal roads and fairways within the resort and particularly those used by members of the Millbrook Country Club to access the resort facilities from dwellings on Malaghans Ridge;
 - (iii) The fundamental lack of integration between the intensive residential development sought by the appellant and the existing amenities and facilities provided by MRZ Structure Plan;
 - (iv) Potential diminution of the special qualities enabled and maintained by the MRZ and the non-statutory methods which control design, construction and behaviours on privately owned land within the MRZ;
 - (v) The proposed extent and type of development, and ownership would undermine and detract from the amenity values of the MRZ and the existing resort that zone supports;
 - (vi) The Land is a small roche moutonee which is unsuitable and undesirable for resort

development with little capacity for any resort activities other than Open Space;

- (vii) Potential impacts on the level of service presently provided by the tracks, trails and internal roads within the resort;
 - (viii) The necessary development constraints recognised by the Environment Court decision in Spruce Grove Trust v QLDC ENV-2009-CHC-55 which correctly concluded that the capacity of the Land for residential development was limited to four residential allotments across the lower slopes of its southern face only, with the balance to be held as open space.
- (b) The integrity of the primary decision of the QLDC to zone the Land WBRAZ.

MEDIATION

7. Gary Mahan and Sally Mahan agree to participate in mediation or other alternative dispute resolution.

DATE: 23 May 2019



Vicki Morrison-Shaw

Legal Counsel for Gary Mahan and Sally Mahan

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