

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

I MUA I TE KŌTI TAI AO O AOTEAROA

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an appeal under Clause 14 of Schedule 1 of the Act
BETWEEN	HOGANS GULLY FARMING LIMITED Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

NOTICE OF APPEAL

Dated: 22 May 2019

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. Hogans Gully Farming Limited (“**Appellant**”) appeals against a decision of the Queenstown Lakes District Council (“**Council**”) on its Proposed District Plan (“**Plan**”).
2. The Appellant made a submission on the Plan.
3. The Appellant received notice of the decision on 21 March 2019.
4. The Appellant is not a trade competitor for the purpose of section 308D of the Resource Management Act 1991.
5. The decision the Appellant is appealing is:
 - a. The rejection of the Appellant’s submission seeking the rezoning of land between State Highway 6, McDonnell Road, Hogans Gully Road and the Bendemeer Special Zone to a bespoke Hogans Gully Resort Zone.
6. The reasons for the appeal are as follows:
 - a. The Hearings Panel in recommending the Appellant’s submission be declined gave insufficient consideration to the expert planning, landscape, ecological and other evidence on behalf of the Appellant which considered the zoning sought by the Appellant was appropriate. Namely the evidence found that any adverse effects of the zoning would be appropriately avoided, remedied or mitigated, and there would be significant positive effects of the zoning in terms of ecological restoration and benefits of golf tourism to the local and national economy.
 - b. The Panel erred in its adoption of the Council’s landscape evidence which suggested that the views of the development anticipated by the zoning from locations such as the Crown Range Road meant that the zoning was inappropriate. The Panel put an improper level of weight on the significance of such views in assessing the overall effects of the proposed zoning. Such are distant and elevated views seen in the context of the wider Wakatipu Basin. The decision ignored the fact that development would not be visible from the immediately surrounding roading network, and otherwise have limited visual effects, and then only to a few immediate neighbours.
 - c. The decision ignored the evidence that the zoning sought could be serviced by Council-owned reticulated services.
 - d. The Panel erred in its adoption of the opinion of the Council’s landscape expert who considered the development “would substantially alter the character of the visible landscape from the lookout and other elevated viewpoints”.

- e. The Panel erred in its interpretation of the definition of resort under the Plan and in its consequent finding that the development anticipated by the zoning sought by the Appellant would not constitute a resort. This led to an incorrect determination that the zoning would allow for urban development. The Appellant was not given an opportunity to make submissions on this finding.
 - f. The decision failed to appropriately consider the zoning would result in the most efficient use of the land and what alternative land uses might be possible.
 - g. The decision failed to give appropriate weight to the significant ecological and economic benefits that would result from the rezoning and the positive impact the same would have on the wider Wakatipu Basin and the local, regional and national economies.
 - h. The decision failed to consider and assess the alternative relief sought by the Appellant.
 - i. The decision is contrary to the higher order Objectives and Policies of the Plan.
 - j. The decision is contrary to Part 2 of the Resource Management Act 1991.
7. The Appellant seeks the following relief:
- a. That the decision of the Council is overturned, the Appellant's appeal accepted, and the land rezoned in accordance with the Appellant's original submission.
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: 22 May 2019



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

Address for service of the Appellant:

Todd & Walker Law
PO Box 124
Queenstown 9348
Telephone: 03 441 2743
Facsimile: 03 441 2976
Email: graeme@toddandwalker.com; ben@toddandwalker.com

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 lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends.

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 requirements (see form 38).

Advice

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