

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2019-CHC-

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

Between **Mt Christina Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

Introduction

- 1 Mt Christina Limited (**Mt Christina**) appeals against part of the decision of Queenstown Lakes District Council on Stage 2 of the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Mt Christina made a submission (#2383) on the PDP.
- 3 Mt Christina is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Mt Christina received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 6 Landscapes (Stage 2 Variation);
 - (b) Visitor Accommodation Variation.
- 7 The reasons for appeal and general relief sought are summarised below. The specific provisions and the relief sought by Mt Christina are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

- 8 Mt Christina supports in principle the Stage 2 Variation to the provisions of Chapter 6, insofar as they clarify and confirm the relationship between the Outstanding Natural Feature, Outstanding Natural Landscape, and Rural Character Landscape categories (**Landscape Categories**), the Strategic Direction Chapter (Chapter 3) and the lower order chapters of the PDP.
- 9 However, Mt Christina considers there is merit in retaining in some form the deleted provisions of Chapter 6 which expanded on this relationship. Mt Christina therefore supports either the reinstatement of the deleted provisions or the inclusion of a new 'Interpretation' section, similar to that inserted into Chapter 3 via the planning experts' Joint Witness Statement as part of Stage 1 of the PDP. Such a section is supported to provide greater certainty for plan users.
- 10 As part of Stage 1 of the PDP, Chapters 3 and 6 are currently before the Court and have been subject to significant re-write through mediation and expert conferencing. Mt Christina considers that following decisions from the Court on

Topics 1 and 2 of Stage 1 of the PDP, and as the relationship between the Landscape Categories, Chapter 3 and the lower order chapters is further clarified, additional and consequential amendments may be required.

- 11 The specific provisions of Chapter 6 and the relief sought by Mt Christina are set out in **Appendix A** to this Appeal.

Visitor Accommodation Variation

- 12 The variation to the definition of visitor accommodation (which now excludes residential visitor accommodation (**RVA**) and homestays) has created an anomaly whereby within some zones the new rules relating to RVAs and homestays are not supported by a framework of related objectives and policies. This undermines the effectiveness of the regime. The relief sought by Mt Christina is to amend the definition of Visitor Accommodation to exclude RVA and Homestays only where such activities comply with the standards within the relevant zones applying to those activities. The effect of this change is to ensure that any RVA or Homestay activity that fails to comply within the new standards can be supported by the existing framework of objectives and policies relating to Visitor Accommodation.
- 13 Mt Christina opposes the activity status for RVA and homestays within the Rural Residential and Rural Lifestyle Zones (Chapter 22). The Visitor Accommodation Variation provides less certainty through the imposition of new standards requiring discretionary activity resource consent to exceed. Mt Christina seeks that a breach of standards in the Rural Lifestyle and Rural Residential also be controlled activities, in line with the rules for RVA and homestays within the Rural Zone and WBRAZ (excluding the WBLP).
- 14 The specific provisions of the Visitor Accommodation Variation and the relief sought by Mt Christina are set out in Appendix A to this Appeal.

Further and consequential relief sought

- 15 Mt Christina opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal, or such other changes that give effect to the outcomes sought in the Mt Christina submissions.

Attachments

- 16 The following documents are **attached** to this notice:
 - (a) **Appendix A** – Relief sought;

- (b) **Appendix B** – A copy of the Appellant's submission and further submissions;
- (c) **Appendix C** - A copy of the relevant parts of the decision; and
- (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 7th day of May 2019



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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 a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- 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
- 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 and (or) the decision (or 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 in Christchurch.