

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-

**IN THE MATTER** of an appeal under clause 14,  
Schedule 1 of the Resource  
Management Act 1991

**BETWEEN** **VARINA PTY LIMITED**

**Appellant**

**AND** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL UNDER CLAUSE 14 SCHEDULE 1 OF THE  
RESOURCE MANAGEMENT ACT**

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**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

Solicitor on record: Phil Page  
Solicitor to contact: Phil Page  
P O Box 143, Dunedin 9054  
Ph: (03) 477 7312  
Fax: (03) 477 5564  
Email: phil.page@gallowaycookallan.co.nz

TO: The Registrar  
Environment Court  
PO Box 2069  
Christchurch

Email: [Christine.mckee@justice.govt.nz](mailto:Christine.mckee@justice.govt.nz)

1. Varina Pty Limited (“Varina”) appeals against a decision of the Queenstown Lakes District Council (“QLDC”) on the following:
  - (a) Stage 1 Proposed QLDC District Plan.
2. Varina made a submission on that plan change (Submission number OS 591).
3. Varina received notice of the decision on 7 May 2018.
4. The decision was made by QLDC.
5. The decisions that Varina is appealing are:
  - (a) Part of Report 16.3, regarding Upper Clutha Planning Maps- Urban Wanaka. In particular, the Council’s decision to decline to accept Varina’s submission to rezone land currently zoned Medium Density Residential Zone: Town Centre Transition Overlay (“MDR:TCTO”) to Wanaka Town Centre Zone.
  - (b) Part of Report 16.3, being a discrete decision not to apply visitor accommodation subzone overlay to approximately 6000 square metres of Medium Density Residential zoned land between McDougall Street, Brownston Street, Upton Street. For the avoidance of doubt, the Council’s decision to rezone that land from low density residential to Medium Density Residential zone is not challenged in this appeal.
6. The reasons for the appeal are:
  - (a) In relation to the MDR:TCTO decision:

- (i) The council failed to give sufficient weight to the fact that the dominant land use in the overlay area is already commercial activities.
- (ii) The Council's decision gives too much weight to potential adverse effects on transport safety and efficiency of Brownston Street. The relief sought by the submitter will not adversely affect the function of that street.
- (iii) Consistent with Wanaka Town Centre zoning, there should be no requirement for on site car parking within the MDR:TCTO for commercial activities. That would eliminate the need for multiple vehicle crossings.
- (iv) The residential built form contemplated by MDR:TCTO zoning is not appropriate for commercial activities nor does it deliver the optimum urban design outcome for the south-eastern side of Brownston Street.
- (v) Too much weight was given to the current "gap tooth" built form of Brownston Street. Plan provisions can never ensure that development capacity is fully utilised, or utilised in any particular sequence.
- (vi) The Council's decision was inappropriately concerned with rationing access to town centre zone land to meet identified shortfalls in supply, rather than focussing on the most appropriate use of the land resource.
- (vii) The Council was right to hold that the appellant's proposal would result in a superior urban form over time, as well as a more efficient use of the land and higher pedestrian amenity, but gave inadequate weight to that finding in making its decision.
- (viii) The Council gave too much weight to the lack of a legal mechanism being offered to create a rear-boundary service lane when the problem sought to be

overcome by such a solution (multiple entrances off Brownston Street) was already an inherent feature of the notified provisions of the Proposed Plan.

- (b) The visitor accommodation overlay decision:
  - (i) The substantial portion of the land between McDougall, Brownston, and Upton Streets is already either subject to a visitor accommodation overlay or is used for that purpose.
  - (ii) Visitor accommodation is the established and most efficient use of the land and the district plan provisions ought to reflect that.
  - (iii) There is no reason, or evidence, to suggest that a visitor accommodation overlay of the land does not achieve the objectives and policies of the Plan or purpose of the Act when that is the established use of the land.

7. Varina seeks the following relief:

- (a) That the MDR:TCTO shown as “Town Centre Transition Overlay” on the decisions version of map 21 be rezoned Wanaka Town Centre.
- (b) That if MDR:TCTO zoning is retained, then within that overlay zone commercial activities shall be exempt from the requirement to provide on site car parking on the same basis as commercial activities in the Wanaka Town Centre.
- (c) That all that block of Medium Density Residential zoned land between McDougall, Upton, and Brownston Streets be subject to Visitor Accommodation Overlay.

8. Varina attaches the following documents to this notice:

- (a) A copy of Varina’s original submission;
- (b) A copy of the Decision;

- (c) A list of names and addresses of persons to be served with a copy of this notice.



**P J Page**

Counsel for Varina Pty Limited

**DATED** this 15th day of June 2018.

Address for service

of Appellant: C/- Gallaway Cook Allan  
123 Vogel Street  
P O Box 143  
Dunedin 9054  
Telephone: (03) 477 7312  
Fax: (03) 477 5564  
Contact person: Phil Page

**Advice to Recipients of Copy of Notice of Appeal**

1. How to become party to proceedings:

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court

within 15 working days after the period for lodging a notice of appeal ends.

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).

2. 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 appealed. These documents may be obtained, on request, from the Appellant.

3. Advice:

If you have any questions about this notice, contact the Environment Court unit of the Department for courts in Christchurch.

**Contact Details of Environment Court for Lodging Documents**

Documents may be lodged with the Environment Court by lodging them with the Registrar:

The Christchurch address of the Environment Court is:

282 Durham Street  
Christchurch 8013

Its Postal address is:

P O Box 2069  
Christchurch 8140

And its telephone and fax numbers are:

Telephone: (03) 962 4170  
Fax: (03) 962 4171