

**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

TROJAN HOLDINGS LIMITED

Appellant

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: ~~19 June 2018~~ October 2019

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

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To: The Registrar
Environment Court
Christchurch

1. Trojan Holdings 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.
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 parts of the decision the Appellant is appealing are:

Height Precincts

- a. The identification of the Appellant’s property at 24 Beach Street, Queenstown, legally described as Lot 1 Deposited Plan 25042 (“**the property**”), as being within Height Precinct 5 (Figure 2 in the Queenstown Town Centre chapter), and the rejection of the Appellant’s submission seeking the property remain in Height Precinct 4.

Site Coverage for Comprehensive Developments

- b. The requirement for “comprehensive developments”, being buildings on a site or across a number of sites with a total land area greater than 1400m², to have a maximum site coverage of 75% (Rule 12.5.1.1).

Pedestrian Links

- c. The identification of a Pedestrian Link on the propertys (Figure 1 in the Queenstown Town Centre chapter), and the requirement for all new buildings and building redevelopments located on ~~sites which are identified for pedestrian links in Figure 1~~the property to provide for a ground level pedestrian link or lane in the general location shown (Rule 12.5.7).

6. The reasons for the appeal are as follows:

Height Precincts

- a. The Council erred in determining that to include the Appellant’s property in Height Precinct 4 would be likely to have adverse effects on visual dominance, character or sunlight access and would be detrimental to the streetscape.

Site Coverage for Comprehensive Developments

- b. The Council failed to have sufficient regard to the economic loss that will result in requiring developments larger than 1400m² to have a maximum 75% site coverage.
- c. The Council erred in determining it had scope to introduce a provision requiring developments of 1400m² to have a maximum 75% site coverage when such a provision was not in the Plan as notified and no submissions sought it be introduced.

Pedestrian Links

- d. The Council failed to have sufficient regard to the economic loss, loss of future design flexibility, and reduction in development rights that would be borne as a result of the requirement to provide for pedestrian links.
- e. The Council failed to recognise that the requirement to provide for pedestrian links would amount to a de facto designation, and one where the financial responsibility would be borne by the developer and not the Council.
- f. The Council further failed to give due regard to the fact that those properties where pedestrian links were identified had voluntarily provided such links for many years, and were now being penalised for doing so by the formalisation of the links.
- g. The Council failed to recognise the existence of other existing linkages in immediate proximity to the Appellant's land in the form of Cow Lane.

General

- h. The decisions are not in accordance with sound resource management planning.
 - i. The decisions are not supported by the weight of evidence heard by the Council prior to determining the matters.
7. The Appellant seeks the following relief:
- a. That the decisions of the Council be overturned, and the Appellant's submissions 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 ~~19th~~-3rd day of ~~June~~-October 2019~~8~~



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

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