

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

ENV-2019-CHC-

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 under Clause 14 of
Schedule 1 of the Act in relation to
Chapter 29, Stage 2 of the proposed
Queenstown Lakes District Plan

BETWEEN

RCL Queenstown Pty Ltd
RCL Henley Downs Ltd
RCL Jacks Point Ltd

Appellant

AND

Queenstown Lakes District Council

Respondent

NOTICE OF APPEAL BY RCL QUEENSTOWN PTY LTD, RCL HENLEY
DOWNS LTD, RCL JACKS POINT LTD
(CHAPTER 29 TRANSPORT)

ATKINS | HOLM | MAJUREY

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NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON PROPOSED PLAN

TO: The Registrar
Environment Court
CHRISTCHURCH

1. RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, and RCL Jacks Point Ltd (together, **RCL**) appeals a decision of the Queenstown Lakes District Council (**QLDC**) on Stage 2 of the proposed Queenstown Lakes District Plan (**Proposed Plan**).
2. RCL made a submission on Stage 2 of the Proposed Plan.¹
3. RCL is not a trade competitor for the purposes of section 308D of the Act.
4. RCL received notice of the QLDC decision on Chapter 29 on 21 March 2019 (**Decision**).
5. The Decision was made by QLDC.
6. The parts of the Decision that RCL is appealing relate to High Traffic Generating Activities and include:
 - (a) Policy 29.2.4.4;
 - (b) Rule 29.4.11;² and
 - (c) Rule 29.9 and Table 29.5 – Thresholds for new high traffic generating activities.³

¹ RCL Submission 23 February 2018, Submission # 2465.

² This was Rule 29.4.10 in the notified version of the Proposed Plan and referenced as such in the RCL Submission.

³ This was Table 29.6 in the notified version of the Proposed Plan.

REASONS FOR APPEAL

7. The reasons for this appeal are that these parts of the decision appealed:
 - (a) does not promote the purpose of the Act being the sustainable management of resources (section 5);
 - (b) is contrary to Part 2 and other provisions of the Act;
 - (c) is contrary to other relevant planning documents;
 - (d) does not meet the requirements of s.32 of the Act.

8. In particular, and without limiting the generality of paragraph 7 above:
 - (a) the High Traffic Generating Activity provisions are not necessary as the transport effects of new subdivisions and land uses are addressed elsewhere (such as Chapter 27 and specific locality chapters like Chapter 41 – Jacks Point);
 - (b) the Rule requires developers to go through a further consent procedure when traffic impacts have already been considered at the time of zoning/structure planning the land and/or at the time subdivision/land use consent(s) are issued;
 - (c) the need for transport infrastructure upgrades as a result of the development is addressed through development contributions and/or development agreements under the Local Government Act 2002;
 - (d) the threshold (in Table 29.5) applying to residential units (50) is too low and there is no sound reason to differentiate from visitor accommodation levels (100 units);

- (e) the Rule applies to any “new” land use activity and it is unclear what constitutes a new activity. In particular, would residential activity which is in accordance with an applicable structure plan (such as the Jacks Point Structure Plan), but which requires land use consent, be regarded as a new activity? RCL considers “new” land use should only refer to those which have not been anticipated for the land by its zone and/or structure plan.

RELIEF SOUGHT

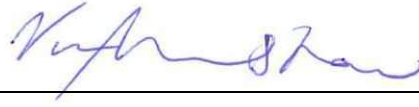
- 9. RCL seeks the following relief:
 - (a) the deletion of policy 29.2.4.4, rule 29.4.11 and rule 29.9/Table 29.5 of the Proposed Plan;
 - (b) such further orders, relief, consequential amendments or other amendments (including to objectives, policies, rules, other methods, definitions, and other provisions) as are considered appropriate and necessary to address the concerns set out above; and
 - (c) costs of and incidental to this appeal.

ATTACHMENTS

- 10. The following documents are attached to this notice:
 - (a) A copy of RCL's submission (**Appendix 1**);
 - (b) A copy of the relevant decision (**Appendix 2**);
 - (c) A list of relevant names and addresses of persons to be served with a copy of this notice (**Appendix 3**).⁴

⁴ Note all service is via the Council website as RCL did not make a further submission and there are no further submitters on the RCL submission.

DATE: 6 May 2019



Mike Holm / Vicki Morrison-Shaw

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Henley Downs Ltd, and RCL Jacks Point Ltd

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ADVICE TO RECIPIENTS OF COPY OF NOTICE

How to become party to proceedings

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you 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
- (b) within 20 working days after the period for lodging a notice of appeal ends, you 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 requirements (see form 38).

Advice

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