

**BEFORE THE ENVIRONMENT COURT
I TE KOTI TAIAO O AOTEAROA**

ENV-2018-CHC-

IN THE MATTER of the Resource
Management Act 1991
("Act")

AND

IN THE MATTER of an appeal pursuant to
Clause 14(1) to Schedule 1 of
the Act

BETWEEN **LOCH LINNHE STATION**
Appellant

AND **QUEENSTOWN LAKES**
DISTRICT COUNCIL
Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON
PROPOSED PLAN UNDER CL 14(1) SCHEDULE 1**

Dated 19 June 2018

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

1. Name and address of appellant:

Loch Linnhe Station (*“Appellant”*)
c/o Vivian Espie Limited
P O Box 2514
Wakatipu
Queenstown 9349
Attn: Carey Vivian

2. Loch Linnhe Station (*“Appellant”*) appeals the decision (*“Decision”*) of the Queenstown Lakes District Council (*“Respondent”*) on the Queenstown-Lakes Proposed District Plan (*“Plan”*).

3. The Appellant is a person who made a submission on the Plan. The Appellant’s submission sought:

- (a) the concept of a Farm Base Area (FBA) be included in the PDP; and
- (b) that FBAs be identified on large rural property in excess of 1000 hectares in area; and
- (c) that within FBAs, homesteads, staff accommodation and farm buildings be a permitted or controlled activity; and
- (d) that two FBA's be identified on the subject land; and
- (e) if (a) to (d) above were not accepted, then the submitter sought Rural Visitor zoning over the two areas identified by it as being suitable FBAs consistent with other stations in the district; and
- (f) any other consequential amendments required to give effect to this submission.

4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

5. Notice of the decision was received on 7 May 2018.

6. The Appellant appeals against the Decision in its entirety.

7. The reasons for the appeal are as follows:

- (a) The Respondent failed to consider the substance of the submission, instead adopting the Hearings Panel recommendation as follows:
 - (i) That the Council consider the introduction of a variation to a form of zoning that would enable an appropriate level of development at the submission sites when it reviews the Rural Visitor Zone (Stage 3 of the Review); and
 - (ii) That the FBA concept in the Mackenzie District Plan be evaluated for possible use in the PDP as part of the process of reviewing the ODP Rural Visitor Zone.
- (b) As a consequence of the above, the Respondent erred in its determination that the Submission be rejected and the existing Rural zoning be retained. Deferment of the substance of the submission to a future variation when the respondent considers Rural Visitor Zoning (Stage 3 of the Review) is contrary to natural justice.
- (c) The Respondent erred by not adopting a consistent approach to the zoning of some other high-country stations in the District which include small areas of alternative zoning such as Rural Visitor (Stage 3 of the Review), Rural Lifestyle or Rural Residential (Stage 1 of the Review) to enable some farm development and diversification.

8. The Appellant seeks the following relief from the Court:

The Appellant seeks:

- (a) That:
 - (i) the concept of FBA's be included in the PDP (for rural properties in excess of 1000 hectares in area); and
 - (ii) that within FBAs, homesteads, staff accommodation and farm buildings be a permitted or controlled activity; and
 - (iii) two FBA's be identified at Loch Linnhe Station.

- (b) In the alternative, the submitter seeks Rural Visitor or Rural Residential zoning over the two areas identified requested as being FBA's (in (a) above) consistent with other stations in the district.

9. Additional Relief

In addition to the specific relief set out above, the Appellant seeks the following relief:

- a. such further or other relief as may be just or necessary to address matters raised in the Submission and this appeal; and
- b. Costs.



LOCH LINNHE STATION as Appellant by its duly authorised agent CAREY VIVIAN

Date: 19 June 20018

C/- Vivian Espie Limited, P O Box 2514, Wakatipu, Queenstown

Telephone: 03 441 4189

Email: carey@vivianespie.co.nz

The following documents are attached to this notice:

- (a) a copy of the submission (with a copy of the submission opposed by the further submission);
- (b) a copy of the relevant part of the decision;
- (c) any other documents necessary for an adequate understanding of the appeal;
- (d) a list of names and addresses of persons to be served with a copy of this notice.

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 further submission on the matter of this appeal.

To become a party to the appeal, you must –

- (a) 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
- (b) 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 or the 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 at Christchurch.

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Christchurch Registry
282 Durham Street
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Christchurch

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