

**BEFORE THE ENVIRONMENT COURT**

**ENV2018-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** **ORCHARD ROAD  
HOLDINGS LIMITED**

**Appellant**

**A N D** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST  
DECISION ON PROPOSED PLAN UNDER CL14(1) SCHEDULE 1**

Dated this *16* day of *June* 2018

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**MACALISTER TODD PHILLIPS**

Barristers, Solicitors, Notaries

3<sup>rd</sup> Floor, 11-17 Church Street

Queenstown 9300

P O Box 653, DX ZP95001, Queenstown 9348

Telephone: (03) 441 0125 Fax: (03) 442 8116

Solicitor Acting: J E Macdonald

**NOTICE OF APPEAL**

**To:** The Registrar  
Environment Court  
Christchurch

[1] Name and address of Appellant:

Orchard Road Holdings Limited (“Appellant”)  
C/-Macalister Todd Phillips  
Level 3, 11-17 Church Street  
Queenstown 9300  
Attn: Jayne Macdonald

[2] The Appellant appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on the Queenstown Lakes Proposed District Plan (“Plan”).

[3] The Appellant made submissions on the Plan.

[4] The Appellant sought that Lot 3 DP 374697, being part of the land contained and described in Computer Freehold Register 560995 (“the Land”) be included within the Wanaka Urban Growth Boundary and for the land to be zoned Low Density Residential.

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

[6] Notice of the Decision was received on 7 May 2018.

[7] The Appellant appeals against the Decision in its entirety.

- [8] The reasons for the appeal are as follows:
- [a] The Respondent erred in its findings to delay rezoning until the Respondent had undertaken further strategic planning, policy and infrastructure investigations. The appropriate time to have undertaken such work is as part of the Respondent's District Plan review;
  - [b] The Respondent found the Land very likely to be appropriate for urban development. Provision should therefore be made for such as part of the Respondent's District Plan, even if on a deferred basis, and in any event by extending the Urban Growth Boundary.
  - [c] The Respondent's Hearings Panel recommendations for preparation of a future "Strategic Structure Plan" provide no comfort or guarantee of such further work being undertaken by the Respondent in pursuance of the Land being rezoned;
  - [d] The Respondent's Decision records it supportive of a Structure Plan for development of the Land. The fact of further "detail and technical" analysis being required was insufficient reason to decline the relief sought, particularly when judged against the Respondent's primary finding that the land is suitable for urban development;
  - [e] The Decision not to extend the Urban Growth Boundary to include the submitter's land, despite its findings of the suitability of that land for urban development is flawed and does not give effect to Strategic Direction 3.2.2.1 and 3.3.13.

[9] The Appellants seek the following relief from the Court:

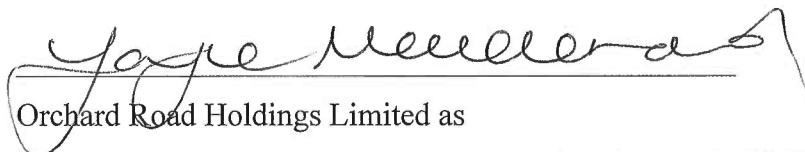
The Appellant seeks that the Decision be overturned and that the relief sought in the submissions be granted.

[10] 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 submissions and this appeal; and

[b] Costs.



Orchard Road Holdings Limited as

Appellant by its solicitor and duly authorised agent JAYNE ELIZABETH  
MACDONALD

Date:

C/-Macalister Todd Phillips, Level 3, 11-17 Church Street, PO Box 653,  
Queenstown 9348

Telephone: 03 441 0127

Fax/email: 03 442 8116 / jmacdonald@mactodd.co.nz

The following documents are attached to this notice:

[a] A copy of the submissions with a copy of the submissions supported by the further submissions;

- [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.

Environment Court  
Christchurch Registry  
282 Durham Street  
Central City  
Christchurch

Postal address:

PO Box 2069

DX: WX11113

Christchurch

Telephone and fax numbers:

Telephone: (03) 365 0905

Fax: (03) 365 1740

**Names and addresses of persons to be served with a copy of the Notice of Appeal**

[1] Queenstown Lakes District Council  
10 Gorge Road  
Queenstown  
E: dpappeals@qldc.govt.nz

[2] Denise and John Prince  
85 Orchard Road  
Wanaka  
E: denise.prince@yahoo.co.nz

[3] Jackie and Simon Redai  
281 Riverbank Road  
Wanaka  
E: jackie@aaa.net.nz

[4] Ian Perry  
246 Riverbank Road  
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