

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-148

Under the Resource Management Act 1991

In the matter of an appeal under Clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed District Plan

Between **Allenby Farms Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Memorandum of counsel to amend appeal points

30 November 2018

Appellant's solicitors:

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May it please the Court

- 1 This Memorandum of Counsel is filed on behalf of Allenby Farms Limited (**Allenby**) in respect of its appeal on Stage 1 of the Queenstown Lakes Proposed District Plan (ENV-2018-CHC-148).
- 2 Allenby now amends its notice of appeal to amend appeal points 29 (b) and (c) to refine and narrow its requested relief in respect of the location of the Urban Growth Boundary and Outstanding Natural Feature boundary to the west of Mt Iron on planning Maps 18 and 21.
- 3 These amendments to the Allenby Notice of Appeal seek to realign the Urban Growth Boundary in one area and the Outstanding Natural Feature boundary in three areas. The requested amendments are set out in the attached Amended Notice of Appeal.
- 4 The north-western toe of Mt Iron is more appropriately included within the UGB and excluded from the ONF because its landscape characteristics differ from those of the Mt Iron ONF and it is visually separated from the rest of the Mt Iron landform. Mr Paddy Baxter has provided evidence on this basis.
- 5 The ONF boundary should be realigned to match the eastern boundary of the Low Density Residential Zone and the UGB because the LDRZ is beyond challenge. Once developed, these areas will no longer be 'natural' and therefore should not be considered to be a part of the ONF. Mr Paddy Baxter has provided evidence of this basis.
- 6 An amended Notice of Appeal is lodged with this Memorandum, showing a track change version as "Appendix A" and a clean version as "Appendix B".

Dated this 30th day of November 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

Appendix A – Track change version of Amended Notice of Appeal

Appendix B – Clean version of Amended Notice of Appeal