

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2017-CHC-**

**IN THE MATTER** of the Resource Management  
Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of an Appeal under Clause  
14(1) of Schedule 1 of the  
RMA in relation to the  
proposed Queenstown Lakes  
District Plan

**BETWEEN** **PETER MANTHEY**

**Appellant**

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

**Respondent**

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**NOTICE OF APPEAL**  
**19 June 2018**

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**MACALISTER TODD PHILLIPS**  
Barristers, Solicitors, Notaries  
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To The Registrar  
Environment Court  
Christchurch

- 1 Peter Manthey (**Mr Manthey**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Mr Manthey made a submission (#75) on the PDP.
- 3 Mr Manthey is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Mr Manthey received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
  - (a) Planning Map 37 (Kelvin Peninsula)
- 7 Reasons for appeal

#### **Planning Map 37 – background to appeal**

- 8 Mr Manthey owns land located at 18 Vancouver Drive, Queenstown Hill. This land is adjacent to large parcels of undeveloped land owned by Queenstown Lakes District Council (Council) and legally described as SEC 2 SO 503041 held in CFR 725780, and Lot 1 DP 496901 held in CFR 732628. For the purposes of this Appeal, this Council owned land is referred to as the '**Commonage Land**'.
- 9 The Commonage Land is currently zoned High Density Residential – subzone C under the Operative District Plan (**ODP**), the zoning is proposed to be amended to Medium Density Residential Zoning (**MDR**) under the PDP. MDR Zoning under the PDP is essentially the equivalent of the operative HDR Subzone C. The MDR zoning is contained by the proposed urban growth boundary and Outstanding Natural Feature boundaries on Planning Map 37.
- 10 The Commonage Land is currently undeveloped forest land, which affords significant recreation and amenity values adjacent to existing developed suburbs of Queenstown Hill. This provides for existing walking tracks and access opportunities for residents and visitors within close proximity to the town centre and in an area which is highly visible, and sensitive to future development pressures.

- 11 Mr Manthey opposes the rezoning of this site as MDR under the PDP for the reasons set out generally in the attached original submission. Without derogating from the generality of that submission, it is further contended that:
- (a) The rezoning of the Site MDR and the roll-over of residential zoning generally in this area has not been adequately justified in terms of the requisite section 32 analysis;
  - (b) The Council's dwelling capacity modeling evidence presented in the course of Stage 1 of the PDP shows that there is more than sufficient feasible capacity for short, medium, and long term residential development in existing zoned land across the Queenstown Urban Environment. It follows that this zoning over the Commonage Land is not justified in terms of a 'need' to provide for further development capacity.
  - (c) The Commonage Land is highly visible and affords significant recreation and amenity values to nearby residents as well as other general visitors to the District. The rezoning of the Site in light of the potential loss of these values has not been adequately addressed in any section 32 analysis.
  - (d) Issues in respect of access to / from the site, increases in traffic generation, and impacts on infrastructure have not been adequately addressed in the rezoning decision.

### **Relief sought Planning Map 37**

- 12 For the reasons set out above, Mr Manthey seeks:
- (a) The Commonage Land be rezoned from MDR to Rural Zone, or open space / other reserve land zoning; or
  - (b) If the MDR zoning is confirmed over the Commonage Land, preserve a strip of land as identified in blue on **Appendix A** to be preserved as Rural Zoned land or open space / other reserve land zoning; or
  - (c) If the MDR zoning is confirmed over the Commonage Land, provide for a road connection with Windsor Place to lessen the traffic impact on Vancouver Drive during the construction and subdivision of the Commonage Land, and to provide for future connectivity to Windsor Place.

**Further and consequential relief sought**

13 Mr Manthey opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Mr Manthey's PDP submission.

**Attachments**

14 The following documents are **attached** to this notice:

**Appendix A** – alternative relief sought

**Appendix B** - A copy of the Appellants' submission;

**Appendix C** - A copy of the relevant parts of the decision; and

**Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 19<sup>th</sup> day of June 2018



Jayne Elizabeth Mactodd

Counsel for the Appellant

### **Address for service of the Appellants**

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### **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 a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

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

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).

#### **Advice**

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