

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

ENV-

**I TE KŌTI TAIAO  
KI ŌTAUTAHI**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of an appeal under clause 14 of  
schedule 1 of the Act

**BETWEEN**

**TUSSOCK RISE LIMITED**

Appellant

**AND**

**QUEENSTOWN LAKES DISTRICT  
COUNCIL**

Respondent

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**NOTICE OF APPEAL**

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Dated: 18 May 2021

**TODD & WALKER** law  
LAWYERS | NOTARY PUBLIC

**Solicitor acting**  
G M Todd / B B Gresson  
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**To:** The Registrar  
Environment Court  
Christchurch

**This document notifies you that –**

- [1] Tussock Rise Limited (**Appellant**) appeals against a decision of the Queenstown Lakes District Council (**Council**) on its proposed District Plan (**Plan**).
- [2] The Appellant made a submission on the Plan.
- [3] The Appellant is not a trade competitor for the purpose of section 308 of the Resource Management Act 1991 (**Act**).
- [4] The Appellant received notice of the decision on 1 April 2021.
- [5] The decision the Appellant is appealing is:
  - (a) the rezoning of the Appellant's land at Connell Terrace, Wanaka, being Lot 2 DP 477622, together with adjoining land, as General Industrial and Services Zone (**GISZ**) and the rejection of the Appellant's submission seeking the rezoning of such land as Business Mixed Use Zone (**BMUZ**).
- [6] The reasons for the appeal are as follows:
  - (a) the decision was contrary to the expert planning, economic, traffic and acoustic evidence submitted in support of the submission.
  - (b) the Independent Hearings Panel appointed by the Council to hear the submission incorrectly favoured the evidence on behalf of the Council which recommended the land be zoned GISZ.
  - (c) the zoning of the land as GISZ is not in accordance with the existing and proposed demand for land uses on and in the vicinity of the land.
  - (d) the Panel incorrectly determined that to rezone the land as BMUZ would have an adverse effect on the supply of industrial zoned land in Wanaka. In doing so they:

- (i) conflated industrial zoned land with land available for industrial use; and
  - (ii) artificially confined their assessment of industrial land to Wanaka, instead of a wider area including Queenstown and Cromwell.
- (e) the Panel incorrectly found the GISZ would or could only provide for 'light' industrial activities.
  - (f) the Panel was incorrect to justify the retention of the site as GISZ on the basis adjoining land is already zoned BMUZ or Three Parks Business Zone.
  - (g) the zoning of the land as GISZ and the associated provisions of the zone, which make a number of activities prohibited, are overly interventionist and will lead to inefficient land use.
  - (h) the non-complying activity status for the natural expansion or relocation of existing lawfully established activities in the GISZ is not appropriate from an effects perspective and will lead to uncertainty, inefficiency and consenting costs for existing business seeking to expand or relocate such activities.
  - (i) the Panel incorrectly decided that the Appellant's land should be subject to Building Restriction Areas.
  - (j) the zoning of the land is not in accordance with the National Policy Statement on Urban Development 2020.
  - (k) the zoning of the land is not accordance with the higher order Objectives and Policies of the Plan.
  - (l) the zoning is not in accordance with Part 2 of the Act.

[7] The Appellant seeks the following:

- (a) the decision of the Council is overturned, and the Appellant's submission is accepted.

[8] The following documents are **attached** to this notice:

- (a) a copy of the Appellant's submission;
- (b) a copy of the Council's decision; and
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Dated: 18 May 2021



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Signed for Tussock Rise Limited  
by its solicitor and duly authorised agent  
Graeme Morris Todd / Benjamin Brett Gresson

**Address for Service of the Appellant:**

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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 Appellants; 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.