

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to Clause 14 of
the First Schedule of the Resource
Management Act 1991

BETWEEN **QUEENSTOWN GATEWAY LIMITED**

Appellant

AND **QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE TO ENVIRONMENT COURT OF AN APPEAL ON A DECISION ON PLAN CHANGE 19

To: The Registrar
Environment Court
Christchurch

1. Queenstown Gateway Limited ("Appellant") appeals the following matter:
 - a. The decision on Plan Change 19: Frankton Flats ("Decision") to the Queenstown Lakes District Council Partially Operative District Plan ("District Plan").
2. The Appellant is the unconditional purchaser (from Five Mile Holdings Limited (in Receivership) as vendor) of part of the land subject to the Decision. Five Mile Holdings Limited (in Receivership) made a submission on the Plan Change ("PC19"). As successor to Five Mile Holdings Limited (in Receivership) the Appellant is entitled to lodge this appeal in respect of the land it has contracted to purchase.
3. The Decision was made by Commissioners JG Matthews, AR Watson and IL Munroe, acting as independent Commissioners appointed by the Queenstown Lakes District Council ("Respondent").
4. The specific parts of the Decision that the Appellant is appealing are:
 - a. The Decision is in respect of the proposed re-zoning of an area of the Frankton Flats, Queenstown, located between State Highway 6 and the Queenstown Airport, from Rural General to a proposed new mixed use urban zone.
 - b. Attached marked "A" is a copy of the PC19 Planning Map annexed to the Decision. The land being purchased by the Appellant is shown hatched on Attachment A. It is situated west of and adjoining Grant Road and is legally described as
 - i. Lot 1 DP 38058 (CT 340806)
 - ii. Lot 3 DP 38058 (CT 340808)
 - iii. Lot 3 DP 374540 and Lot 2 DP 385058 (CT 461289)
 - c. The Appellant is appealing the Decision to the extent that the Decision affects the land described in subparagraph (b) above.
5. Specific Points of Appeal – Issues and Relief Requested
 - a. This issue only affects the land described in paragraph 4 above, being the land hatched on Attachment A.
 - b. PC19, both as notified and as decided, contains a mapping inconsistency relating to a potential overlap of the PC19 Frankton Flats Special Zone (B) on top of part of the existing Frankton Flats Special Zone west of Grant Road. Referring to Attachments B1-B4:

- i. B1 – District Plan Map as notified – Frankton Flats Special Zone (B) adjoins but does not overlap the Frankton Flats Special Zone west of Grant Road.
 - ii. B2 – PC19 Structure Plan as notified – Frankton Flats Special Zone B overlaps a portion of the Frankton Flats Special Zone west of Grant Road.
 - iii. B3 - District Plan Map as decided – Frankton Flats Special Zone (B) adjoins but does not overlap the Frankton Flats Special Zone west of Grant Road.
 - iv. B4 - PC19 Structure Plan as decided – Frankton Flats Special Zone (B) overlaps a portion of the Frankton Flats Special Zone west of Grant Road.
- c. This issue appears to have arisen due to a suggestion that Grant Road might be realigned. If Grant Road were to be re-aligned, it appears to have been intended that the re-aligned Grant Road would remain the boundary between the 2 zones. The Appellant has no intention of seeking or pursuing the re-alignment of Grant Road. The Appellant understands that the Respondent has no intention of seeking or pursuing the re-alignment of Grant Road. It appears to have been intended that Grant Road would be the boundary between the 2 zones. As Grant Road will remain in its present location, the correct boundary between the 2 zones should be as shown on Attachments B1 and B3 and not as shown on Attachments B2 and B4.
- d. The inconsistency needs to be addressed, because if Grant Road stays in its present location, and the 2 zones overlap as shown on Attachments B2 and B4, that will create inconsistencies and practical difficulties in implementing the provisions of both zones.
- e. The Appellant considers that the Notification and Decision District Plan Maps should take precedence over the Notification and Decision Structure Plans, and that the mapping inconsistency should be resolved by confirming the zone boundary as shown on Attachments B1 and B3 and amending the PC19 Structure Plan accordingly.

6. Relief Requested:

That the mapping inconsistency referred to above be resolved by confirming the zone boundary as shown in Attachments B1 and B3 and amending the PC19 Structure Plan accordingly.

7. Alternative Relief

The Appellant in the alternative requests such other additional, amended, consequential and/or alternative changes to the PC19 provisions as are considered necessary or appropriate to address the issues and concerns raised in this appeal.

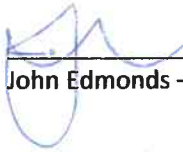
8. Attachments:

The following documents are attached to this Notice:

- a. Plan A, being a copy of the PC19 Planning Map with the land being purchased by the Appellant's shown hatched.
- b. Plans B1 – B4, being:
 - i. B1 – Notified version District Plan Map;
 - ii. B2 – Notified version Structure Plan;
 - iii. B3 – Decision version District Plan Map;
 - iv. B4 – Decision version Structure Plan.
- c. A list of all names and addresses of persons to be served with a copy of this Notice.
- d. A copy of the submission and further submission by Five Mile Holdings Limited (in receivership)

Note:

A Waiver has been requested from the requirement to serve on the other parties a copy of the Decision, due to its length and due to the fact that all parties would have received it already.



John Edmonds – Agent for the Appellant

18/11/09

Date

Address for Service:
Level 2,
36 Shotover Street
Queenstown
PO Box 95
Queenstown
Attn: John Edmonds
Tel: 03 450 2242
Email: john@jea.co.nz

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 on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing 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 Decision (and associated documents attached to the Decision) appealed. These documents may be obtained, on request, from the appellant.

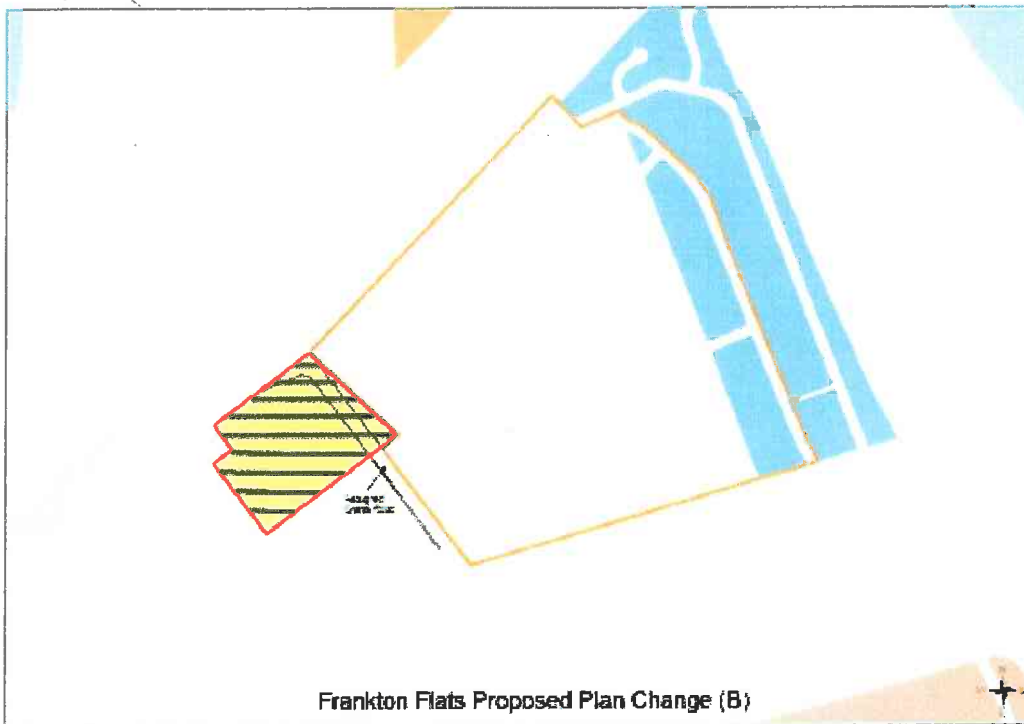
Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

PLAN CHANGE 19 – FRANKTON FLATS (B)

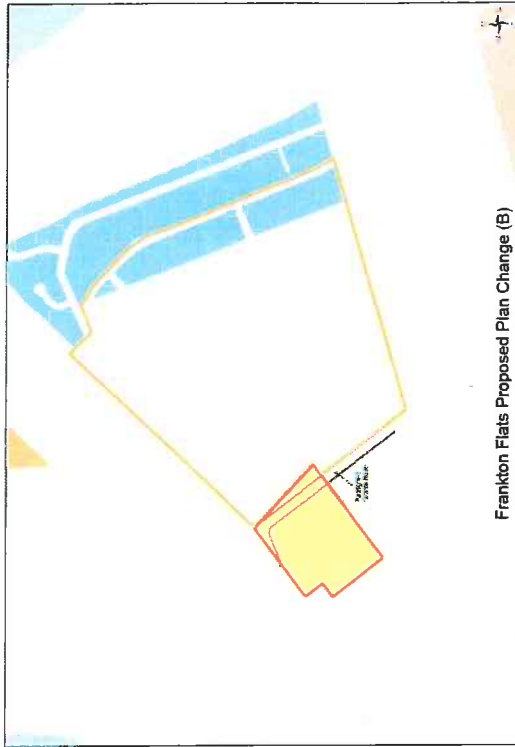
J

8. Amend the District Plan Maps to show the extent of the Frankton Flats (B) zone (outlined in yellow)



FRANKTON FLATS (B) – PROPOSED PLAN CHANGE

12



Frankton Flats Proposed Plan Change (B)

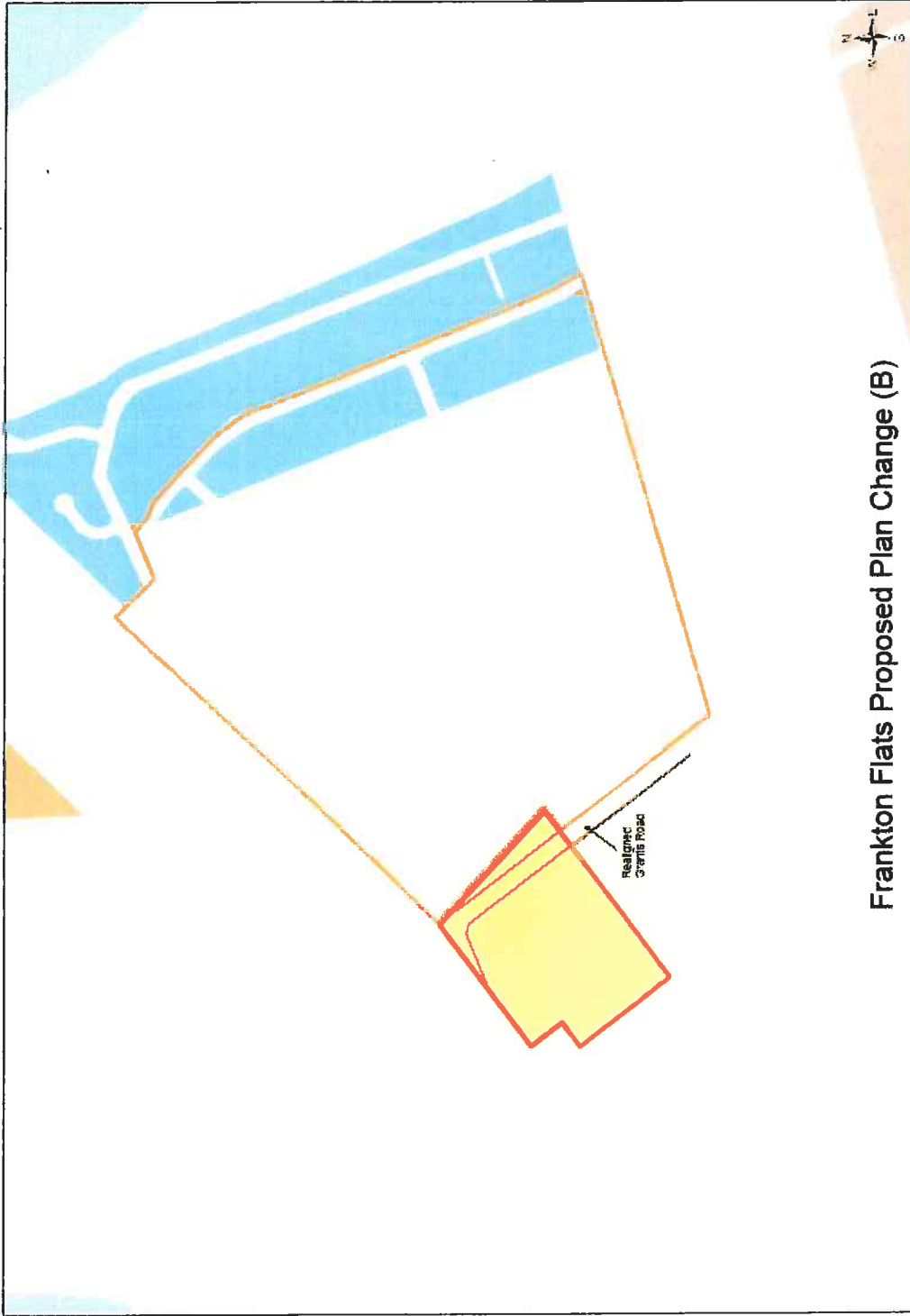
ATTACHMENT B1
Queenstown Gateway Ltd
PC19 Appeal

FRANKTON FLATS (B) – PROPOSED PLAN CHANGE

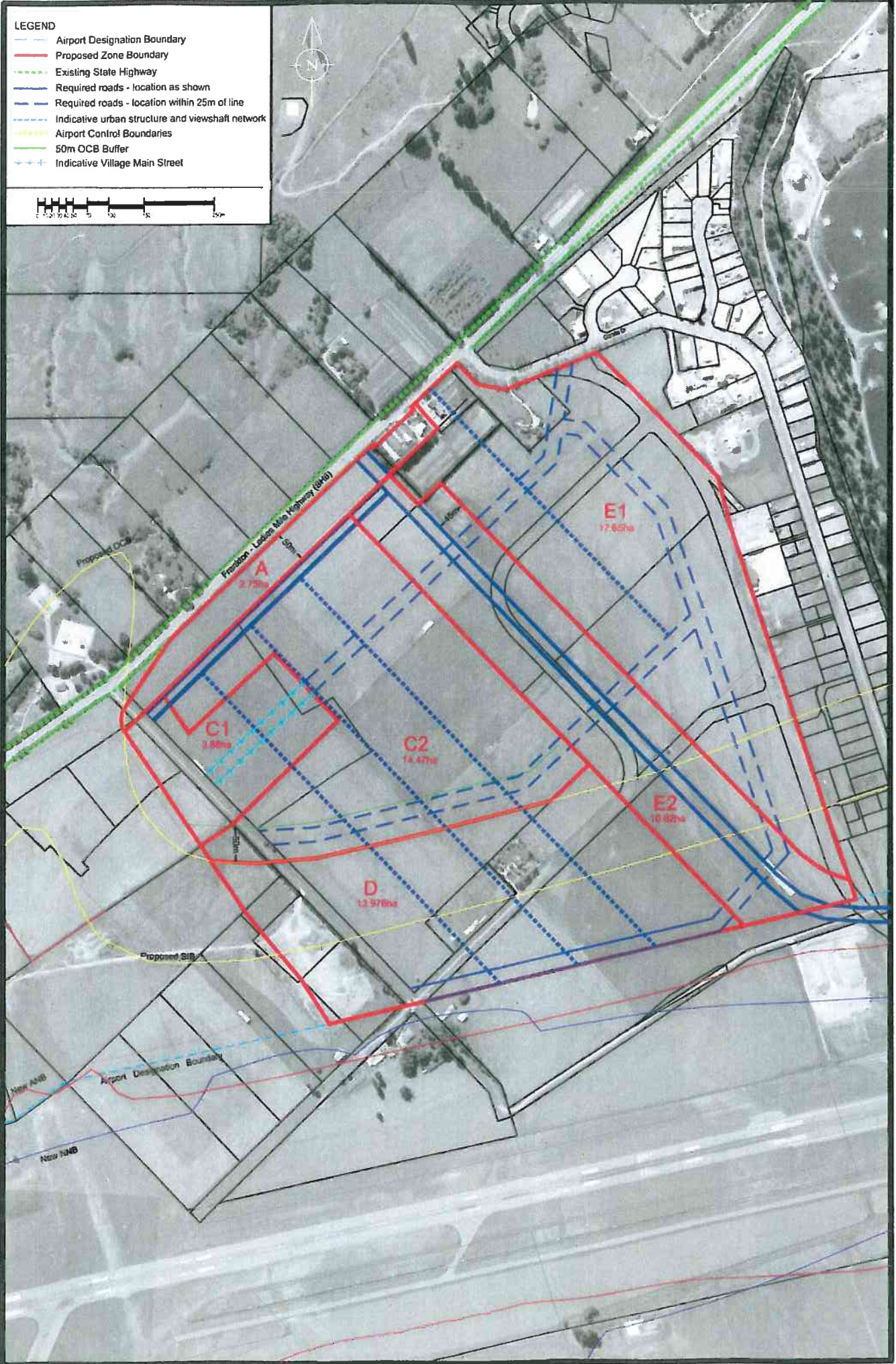
ATTACHMENT B2
Queenstown Gateway Ltd
PC19 Appeal.



8. Amend the District Plan Maps to show the extent of the Frankton Flats (B) zone (outlined in yellow)



Frankton Flats Proposed Plan Change (B)



LEGEND

- Airport Designation Boundary
- Proposed Zone Boundary
- Existing State Highway
- Required roads - location as shown
- Required roads - location within 25m of line
- Indicative urban structure and viewshaft network
- Airport Control Boundaries
- 50m OCB Buffer
- Indicative Village Main Street

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