

Form 33
Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch

Friends of Lake Hayes Society Incorporated (the Society) wish to be a party to the following proceedings:

In the matter of an appeal on the Queenstown Lakes District Council Proposed District Plan (Stage 2) pursuant to clause 14 of the First Schedule of the Resource Management Act 1991
BETWEEN WATERFALL PARK DEVELOPMENTS LIMITED (Appellant) AND
QUEENSTOWN LAKES DISTRICT COUNCIL (Respondent)

ENV-2019-CHC-090

I am a person who made a submission about the subject matter of the proceedings.

I am not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.

I am directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I am interested in all the proceedings but with a particular interest in the water quality in Lake Hayes and its catchment.

Friends of Lake Hayes Society Inc is a community-based group and was formed in 2008. It represents over 120 members, mostly living in the Lake Hayes area. The Society is interested in all the proceedings but particularly the relief which enables an increased density of residential development at Ayrburn Farm than decided in the Council's Decision.

When Friends of Lake Hayes Society Inc. submitted to the QLDC District Plan Stage II in February 2018 it identified the following areas of concern and requested Council to:

1. Note the fragile state of water quality in Lake Hayes and the impacts that any reduction in this due to increased level of nutrient and sediment input would have on the values it provides as a tourism icon to the district as well as to all of the many and varied users of the lake.
2. Revisit Wakatipu Basin Land Use Planning Study, March 2017 and include impact on Lake Hayes water quality when considering zone boundaries. Include consideration of the important contribution of groundwater to the lake nitrogen budget.

3. Note that increased residential development allowed by proposed new zoning within the Lake Hayes catchment has the potential to greatly increase the level of nutrients and sediment into Lake Hayes if effective measures are not taken to prevent this.
4. That the new district plan restricts any further residential or commercial subdivision and building in the Lake Hayes catchment until a suitable reticulated sewerage infrastructure is installed to prevent increased inputs of nutrients and contaminants to the lake.
5. Consider implementing a higher threshold for permitted earth works in the Lake Hayes Catchment than that proposed for the rest of the district. This is to take account of the special risk to Lake Hayes water quality posed by increased nutrient and sediment inputs.
6. Actively promote the immediate implementation of water quality data collection for Mill Stream to measure the nutrient and sediment loadings especially in rainfall events. This is needed to provide a critical baseline from which to measure the effectiveness of the provisions of the District Plan to manage risk from earthworks and increased levels of residential development and associated activities over the long term.
7. Include regular water quality testing both below and above development site boundaries as part of Resource/Building Consent conditions.

At the District Plan Stage II hearings in July 2018 Dr Marc Schallenberg presented expert evidence in support of the Society's submission. Dr Schallenberg, from Otago University, is a highly experienced freshwater scientist specialising in limnology. He has researched water quality and related issues in Lake Hayes over the last 20 years.

The Society oppose the relief sought because—

There is a significant risk that the development of a large, high-density residential zone adjacent to Mill Creek, the main source of water into Lake Hayes less than one kilometre upstream from the lake, will have adverse effects. This would arise from the likelihood of sediment loss from the site during the construction period as well as the ongoing effects of stormwater discharge and urban pollution. Any increase the input of nutrients and contaminants, which are already at or in excess of water quality targets set by Central and Regional Government, will threaten the ecological integrity of the lake and the many social, cultural and economic values it provides to the local and wider community.

The Society does not believe that the current measures in the District Plan designed to prevent sediment and contaminant loss from large scale construction development sites and their application in practice are adequate. Any failure of these measures in the Lake Hayes catchment because of the fragile state of lake could have particularly severe consequences.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.



Richard Bowman

On behalf of Friends of Lake Hayes Society Inc.

20/6/19

Date

Address for service of person wishing to be a party:

Telephone: 021 784 975

Fax/email: bowmanz@actrix.co.nz

Contact person: Richard Bowman, Secretary, Friends of Lake Hayes Society Inc.

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

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.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, 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 Auckland, Wellington, or Christchurch.

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(3\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 33: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).