

BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

I TE KOTI O AOTEAROA
OTAUTAHI ROHE

ENV-2021-CHC-

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an appeal under clause 14(1) of Schedule 1 of the RMA in relation to Stage 3
of the Queenstown Lakes District Proposed District Plan

BETWEEN **Aurora Energy Limited (ENV-2021-CHC-026)**

Appellants

AND **Queenstown Lakes District Council**

Respondent

**SECTION 274 NOTICE BY DYNAMIC GUEST HOUSE LIMITED AND NICOLA J VRYENHOEK AND
MARK R VRYENHOEK JOINING APPELLANTS**

Counsel | Nicola J Vryenhoek, Barrister

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TO: The Registrar
Environment Court
Christchurch
(Christine.McKee@justice.govt.nz)

AND TO: The Respondent
(dpappeals@qldc.govt.nz)

AND TO: The Appellants
Aurora Energy Limited
briget.irving@gallowaycookallen.co.nz and simon.peirce@gallowaycookallen.co.nz

(NOTE) Service on submitters and further submitters is waived pursuant to the Environment Court's directions of 1 April 2020)

SECTION 274 NOTICE

1. Dynamic Guest House Limited (formerly known as Dynamic Living Limited), Nicola J Vryenhoek and Mark R Vryenhoek ("parties") wish to join as a party under section 274 of the Resource Management Act 1991 ("RMA") to the following proceedings:
 - a. An appeal by Aurora Energy Limited against a decision of the Queenstown Lakes District Council ("Council") on Stage 3 of its Proposed District Plan ("PDP") (ENV-2021-CHC-026);
 - b. An appeal by Ken Muir against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-027);
 - c. An appeal by Kingston Lifestyle Properties Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-028);
 - d. An appeal by Gibbston Valley Station Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-029);
 - e. An appeal by Cardrona Village Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-032);
 - f. An appeal by Queenstown Park Limited and Remarkables Park Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-052);
 - g. An appeal by Wayfare Group Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-053);
 - h. An appeal by Minaret Station Limited and West Wanaka Station and Aspiring Helicopters Limited and Cattle Flat Station Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-054);
 - i. An appeal by Kā Rūnaka against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-055);
 - j. An appeal by Glen Dene Limited & Others against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-057); and
 - k. An appeal by Beech Cottage Trustees Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-058); and
 - l. An appeal by Chard Farm Limited against a decision of the Council on Stage 3 of its PDP (ENV-2021-CHC-062).

Submission and further submission

2. The parties are persons who made a submission on the PDP on or around 18 November 2019, referenced as #3394.
3. The parties made further written submissions about the subject matter of the proceedings on or around 6 July 2020 filed online as evidence (referenced #S3394).

Interest greater than general public

4. The parties are persons who have an interest in the proceedings that are greater than the interest that the general public has because the parties have landholdings that may be directly affected by aspects of the appeals on provisions relating to the Council's decision on Chapter 39 of the PDP, including the mapping overlay any further provisions relevant to the wāhi tūpuna topic.

No prohibited trade competition

5. The parties are not trade competitors for the purpose of section 308C or 308CA of the RMA.

Notice of decision

6. The parties received notice of the decision made by the Council on 1 April 2021.

The parties interest

7. The parties are interested in all of the proceedings.
8. Without derogating from the generality of the above, the parties are interested in the following particular issues:
 - (i) The carving out of rules to apply to a discrete site, locality or place identified and verified within a "site";
 - (ii) The appropriateness of wide and undefined areas of "wāhi tūpuna" that include broad everyday activities of passage and food gathering;
 - (iii) The impact of the wāhi tūpuna overlay on any specific site and any adjoining site, and/or any discrete site, locality or place within a site;
 - (iv) The need for probative evidence to be provided by iwi (Kā Rūnaka) before any wāhi tūpuna be included in the QLDC PDP should the Environment Court consider that ad hoc extensive protection of broad general areas of wāhi tūpuna under the RMA appropriate; and
 - (v) The overlap between wāhi tūpuna and the underlying ownership of land generally - both public and private - given the legal, cultural and environmental protections already afforded by statute and common law, for example constructive trusts established by Reserves Act land including esplanade reserves with a broad class of beneficiaries.

9. The Parties support the relief sought, insofar as it is consistent with the relief sought in the Parties submissions.

Alternative dispute resolution

10. The Parties agree to participate in mediation or other alternative dispute resolution of the proceedings.

Attachments

11. The following documents are attached to this notice.

Appendix 1 – a copy of the parties submission #3394

Appendix 2 – a copy of parties further written submission

Dated this 14th day of June 2021



Nicola J Vryenhoek
Counsel for the section 274 parties

Address for service to Counsel:

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Appendix 1 – Parties Submission #3394

Appendix 2 – Parties Further Written Submission #S3394