

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2019-CHC-

Under the Resource Management Act 1991 (**RMA**)

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 **Lake Hayes Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

Introduction

- 1 Lake Hayes Limited (**LHL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 LHL made a submission (#2377) and further submission (#2784) on the PDP.
- 3 LHL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 LHL received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 6 Landscapes (Stage 2 Variation);
 - (b) Chapter 24 Wakatipu Basin;
 - (c) Chapter 25 Earthworks (including amendments to Chapter 2 Definitions);
 - (d) Chapter 27 Subdivision; and
 - (e) Planning Maps 13d and 26.
- 7 The reasons for appeal and general relief sought are summarised below. The specific provisions and the relief sought by LHL are detailed further in **Appendix A** to this Appeal.

Chapter 6 Landscapes

- 8 LHL supports in principle the Stage 2 Variation to the provisions of Chapter 6, in so far as they clarify and confirm that the Outstanding Natural Feature, Outstanding Natural Landscape, and Rural Character Landscape categories (Landscape Categories) and associated policies of Chapter 6 do not apply to the Rural Zones, Wakatipu Basin Rural Amenity Zone (WBRAZ) and the Wakatipu Basin Lifestyle Precinct (WBLP).
- 9 However, LHL considers there is merit in retaining in some form the deleted provisions of Chapter 6 which expanded on the relationship between the Landscape Categories, the Strategic Directions Chapter (Chapter 3), and the various rural zones and non-rural zones in the lower order chapters.

- 10 As part of Stage 1 of the PDP, Chapters 3 and 6 are currently before the Court and have been subject to significant re-write through mediation and expert conferencing. DPL considers that following decisions from the Court on Topics 1 and 2 of Stage 1 of the PDP, and as the relationship between the Landscape Categories and the WBRAZ, WBLP and rural zones is further clarified, additional amendments to Chapter 6 may be required in respect of the policies that apply to these zones and subzones.
- 11 The specific provisions of Chapter 6 and the relief sought by LHL are set out in **Appendix A** to this Appeal.

Chapter 24 Wakatipu Basin

- 12 LHL is generally opposed to the Variation in its entirety, and seeks in the first instance that the Variation be withdrawn.
- 13 The Variation does not reflect the historical and existing development of the Wakatipu Basin. It provides for an arbitrary subdivision and development regime that is not compatible with the established character and land uses in the Basin, and does not sufficiently provide for or enable the social, economic and cultural benefits of rural living development.
- 14 The provisions of Chapter 24, together with the subdivision regime for the Basin set out in Chapter 27, create an unnecessarily restrictive regime for development and land use that unreasonably limits landholders' rights. The provisions of Chapter 24 should be amended to better recognise landholders' existing rights, to provide for appropriate future development, and to better enable rural living opportunities.
- 15 The specific provisions of Chapter 24 and the relief sought by LHL are set out in **Appendix A** to this Appeal.

Chapter 25 Earthworks

- 16 LHL seeks a number of changes to the Earthworks Chapter including:
 - (a) A range of minor edits to Rules to improve administration and clarity of language;
 - (b) The removal of "cleanfill" from the Earthworks definition; and
 - (c) Amendments to the setback controls for earthworks from the bed of any waterbody.
- 17 The specific provisions of Chapter 25 and the relief sought by LHL are set out in **Appendix A** to this Appeal.

Further and consequential relief sought

18 LHL opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal, or such other changes that give effect to the outcomes sought in the LHL submissions.

Attachments

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

- (a) **Appendix A** – Relief sought;
- (b) **Appendix B** – A copy of the Appellant's submission and further submissions;
- (c) **Appendix C** - A copy of the relevant parts of the decision; and
- (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 7th day of May 2019



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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).

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 and (or) the decision (or part of 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 in Christchurch.