

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 Investments Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:
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**anderson
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To The Registrar
Environment Court
Christchurch

- 1 Lake Hayes Investments Limited (**LHIL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 LHIL made a submission (#2291) of the PDP.
- 3 LHIL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 LHIL 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 24 Wakatipu Basin Variation;
 - (b) Planning Maps 13d and 26.
- 7 The reasons for appeal and general relief sought are summarised out below. The specific provisions and relief sought by LHIL are detailed further in **Appendix A** to this Appeal.

Background

- 8 LHIL owns land located at 198 Arrowtown-Lake Hayes Road (**Land**).
- 9 Under the Operative District Plan (**ODP**) the Land was zoned part Rural Lifestyle Zone (**RLZ**) and part Rural Residential Zone (**RRZ**). This zoning was retained in the Stage 1 PDP planning maps.
- 10 The Land was included in the Stage 2 Wakatipu Basin Variation (**Variation**) and was notified as Wakatipu Basin Rural Amenity Zone (**WBRAZ**), identified in Schedule 24.8 as part of Landscape Character Unit (**LCU**) 13 "Lake Hayes Slopes. LHIL lodged a submission, seeking that the Land and the surrounding Land be rezoned to Wakatipu Basin Lifestyle Precinct (**WBLP**), or in the alternative, that the RRZ/RLZ zoning over the Land be retained.
- 11 In the Variation Decision the Land was zoned WBRAZ.

Relief sought

- 12 LHIL seeks that the rules and associated provisions of Chapter 24 be amended to provide for existing building rights established under the ODP for the RRZ and RLZ. In particular, LHIL seeks that any building construction or alteration that would have been a controlled activity under the ODP be retained as a controlled activity in Chapter 24 and applies to the construction and alteration of buildings in the WBRAZ and WBLP.

Reasons for relief sought

- 13 The provisions of Chapter 24, together with the subdivision regime for the Basin set out in Chapter 27, and the 'down-zoning' of land such as that within LCU 13, create an unnecessarily restrictive regime for development and land use that unreasonably impacts on landholders' established rights.
- 14 In particular, the rules regarding building rights are overly restrictive and undermine the existing rights established by the ODP for the RRZ and RLZ. LHIL consider that where the construction or alteration of a building was a controlled activity under the ODP it should remain a controlled activity under the PDP. This is particularly relevant for landowners who were within the RRZ or RLZ under the ODP and have now been down-zoned to WBRAZ. There is no sound landscaping or planning justification to depart from the ODP position, and to do so ignores the economic investment of landowners in the Wakatipu Basin and their reasonable reliance on the established regime.

Further and consequential relief sought

- 15 LHIL 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 submissions.

Attachments

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

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

Dated this 7th day of May 2019

Maree Baker-Galloway

Maree Baker-Galloway/Roisin Giles
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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.