

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

[ENV-2018-CHC-105]

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

DAVID PETER HAWKEN

Appellant

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

SECTION 274 NOTICE – DAVID PETER HAWKEN

To: The Registrar
Environment Court
Christchurch

1. I, David Peter Hawken, wish to be a party to the following proceedings:
 - (a) *Wright v Queenstown Lakes District Council* [ENV-2018-CHC-105]
2. I am a person who has an interest in the proceedings that is greater than the interest that the general public has, as I reside at 8b Dungarvon Street, Wanaka, which is adjacent to Wanaka on Water (Body Corporate 363238) and the proposed new entertainment precinct.
3. I am not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. I am interested in all of the proceedings relating to:
 - (a) Chapter 13 Wanaka Town Centre Zone:
 - (b) Chapter 36 Noise.
5. I support the relief sought because—
 - (a) I have already experienced from my residence excessive noise levels under the current rules generated by restaurants and bars along the Wanaka waterfront.
 - (b) If the new noise levels are adopted, the interference with my peaceful enjoyment of my residence will only increase.
 - (c) The Wanaka town centre is a mixture of residences and commercial activities, which is different than the Queenstown town centre. The Wanaka town centre character and the enjoyment of the residential occupiers should be preserved.
 - (d) Most of the objectives and policies of the proposed new rules for the Wanaka Town Centre are focussed on creating an entertainment precinct and do not take sufficient account of the existing residences located in the area. The proposed noise limits are very permissive and are not consistent with residential amenity.

- (e) There has been no assessment of the impact of the increased noise limits at night in Wanaka, or any requirement for mitigation by owners. Any new rules should require owners of bars and restaurants and other facilities likely to exceed this noise limit to take measures to mitigate generation of noise from those premises.
- (f) The proposed rules encourage drinking in outside areas along the Ardmore Street road reserve. It will not be possible to mitigate noise levels emanating from these outside areas or to police the noise rules.
- (g) The proposed Wanaka Town Centre rules do not achieve the purposes of the Resource Management Act as they do not:
 - i. provide for the social wellbeing of the residences in the town centre;
 - ii. maintain enhanced amenity values;
 - iii. maintain or enhance the quality of the environment.

6. I therefore wish that the whole of the lower Ardmore entertainment precinct be deleted from the proposed district plan and associated maps, together with all policies relating to the lower Ardmore entertainment precinct.

7. I also wish that the noise rules applying to the Wanaka Town Centre be amended as follows;

- (a) Retain the existing noise rules stated in the current operative district plan;
- (b) Require appropriate noise mitigation to be carried out by the producers of noise in the area;
- (c) Make appropriate changes to the proposed district plan to prevent any bar or restaurant activities occurring on the road reserve or outside areas.

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



Signature of person wishing to be a party (or person authorised to sign on behalf of person wishing to be a party)

5 July 2018

Date

Address for service of person wishing to be a party: 8B Dungarvon Street, Wanaka 9305

Telephone: 0274 715351

Fax/email: snowdrifta@gmail.com

Contact person: David Hawken

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—

- i. the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- ii. the decision to hold an inquiry, if the proceedings are an inquiry; or
- iii. 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.