

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2024-CHC-064

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER OF

an appeal under clause 14(1) of Schedule
1 of the Act

BETWEEN

**CATHERINE WAN YUNG PHOON and
CHRISTOPHER MICHAEL PHOON**

Appellants

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF A PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Dated: 26 August 2024

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitor acting
R E M Hill / B A G Russell
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To: The Registrar of the Environment Court at Christchurch

And to: The Appellants

And to: The Respondent

And to: The section 274 parties

[1] Kiwi Vineyard Holdings Limited (**KVHL**) wishes to be a party to the following proceedings:

(a) ENV-2024-CHC-064, an appeal by Catherine Wan Yung Phoon and Christopher Michael Phoon (**Appellants**) against a decision of the Queenstown Lakes District Council (**Council**), in relation to the variation to introduce Landscape Schedules 21.22 and 21.23 into Chapter 21 (Rural Zone) of the Queenstown Lakes District Proposed District Plan (**variation**).

[2] KVHL has an interest in the proceedings that is greater than the interest that the general public has, in that KVHL owns land to the west of Arthurs Point in Queenstown, and north of the Appellants' land, legally described as:

(a) Section 51 Block XIX Shotover SD;

(b) Part Section 66 Block XIX Shotover SD; and

(c) Section 78 Block XIX Shotover SD.

(KVHL properties)

[3] A map of the KVHL properties is attached to this notice as **Appendix 1**.

[4] This land is within the Whakatipu Basin PA Schedule of Landscape Values 21.22.12 (**Schedule**), which is the subject of the Appellant's appeal.

[5] KVHL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

[6] KVHL is interested in all of the proceedings.

- [7] KVHL supports in part the relief sought by the Appellants, to the extent that relief is better aligned with the strategic provisions of the Proposed District Plan, and because:
- (a) KVHL opposes the variation in its current form;
 - (b) the Appellants' appeal relates to the Schedule, which directly affects the KVHL properties; and
 - (c) KVHL broadly supports the relief sought in the appeal.
- [8] KVHL opposes the relief sought by the Appellants only to the extent that it relates to the delineation of 'more natural slopes' and 'less natural slopes' being above and below 650 masl respectively (as set out in the Appellant's appeal at [12(b)]) and 700 masl respectively (as set out in the Appellant's appeal at [12(e)]). KVHL considers that this boundary is not supported by expert evidence and the boundary between more and less natural slopes in the Schedule should instead be at 840 masl or otherwise:
- (a) removed from the Schedules; or
 - (b) removed in relation to the KVHL land.
- [9] That more natural slopes begin above 840 masl is supported by the location of an old boundary fence on or near Part Section 66 Block XIX Shotover SD, which identifies the historical separation between the grazed slopes below, and the more natural slopes above. A picture of this fence and a map showing the approximate location the picture was taken (including contour lines) is attached as **Appendix 2**.
- [10] KVHL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 26 August 2024

A handwritten signature in black ink, appearing to be 'R E M Hill' or similar, written in a cursive style.

.....
Signed for Kiwi Vineyard Holdings Limited
by its solicitor and duly authorised agent
R E M Hill / B A G Russell

Address for Service:

C/- Todd & Walker Law

PO Box 124, Queenstown 9348

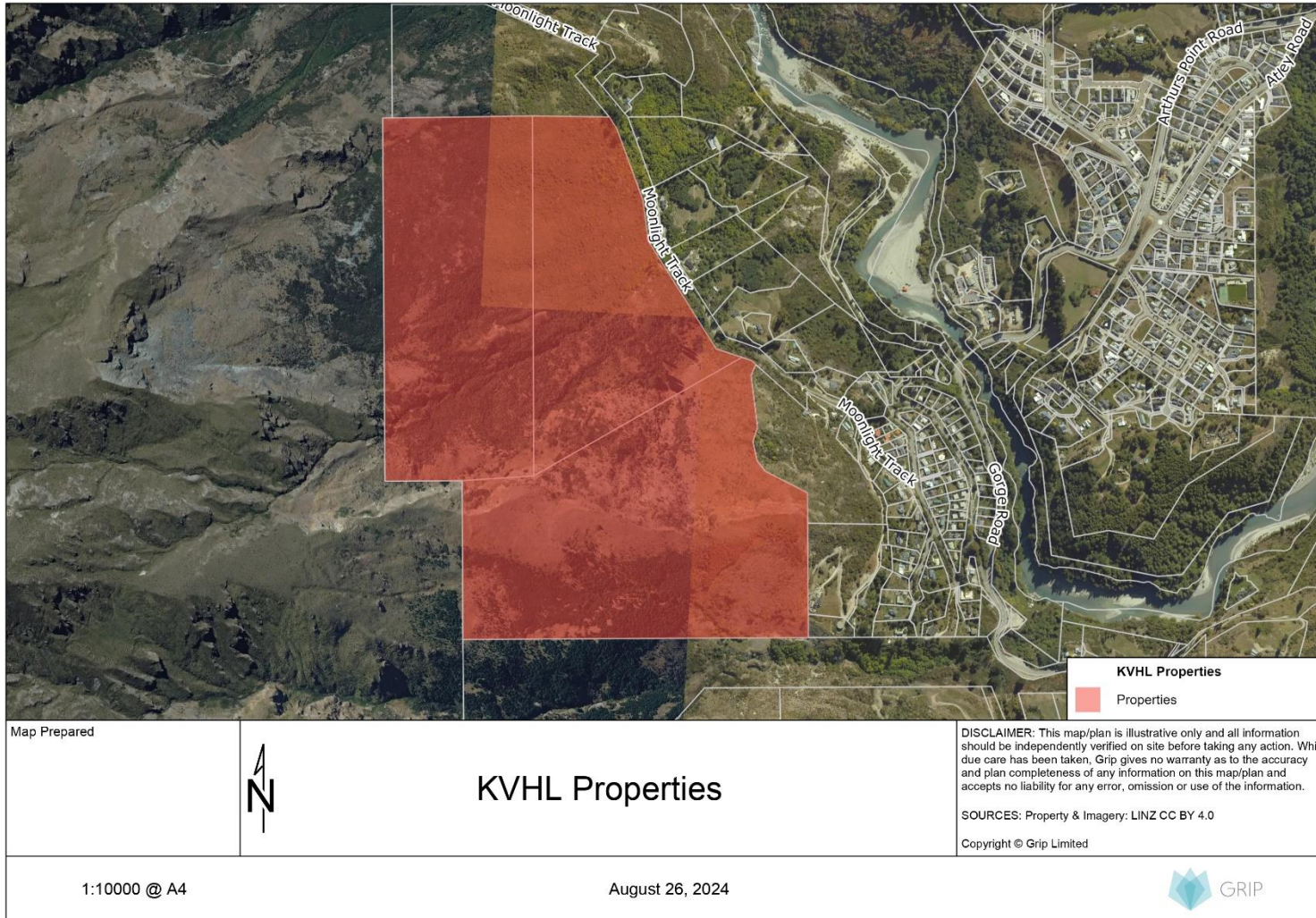
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Appendix 1 – Map of KVHL properties



Appendix 2 – Boundary fence picture and map

