

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2019-CHC-085**

**IN THE MATTER**

Of an appeal on the Queenstown  
Lakes District Council Proposed  
District Plan (Stage 2) pursuant to  
clause 14 of the First Schedule of  
the Resource Management Act  
1991

**BETWEEN**

**DARBY PLANNING LIMITED  
PARTNERSHIP**

**Appellant**

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**SECTION 274 NOTICE ON BEHALF OF JOHN JOHANNES MAY TO JOIN  
APPEAL ON THE QUEENSTOWN LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN (STAGE 2)**

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**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. John Johannes May (the **Mr May**) wishes to be a party to the following proceeding:

(a) DARBY PLANNING LIMITED PARTNERSHIP v  
QUEENSTOWN LAKES DISTRICT COUNCIL ENV-2019-CHC-  
085

2. Mr May made a submission on the Queenstown Lakes District Council Proposed District Plan (**PDP**)(Stage 2)(FS 2771) on the subject matter of these proceedings. FS2771 was filed in opposition to the submission filed by Glendhu Bay Trustees Limited, who has subsequently appealed against the PDP. The relief sought in these proceedings in relation to Chapter 6 and the definition of Visitor Accommodation is the same as that appeal. Therefore, Mr May considers he has filed a submission on the subject matter of these proceedings.

3. Mr May also has an interest in the proceedings that is greater than the public generally being a founding trustee of Longview Environmental Trust, a trust set up to facilitate native revegetation and restoration with a particular interest in the retention and protection of the District's distinctive landscape values.

4. Mr May is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

5. Mr May is interested in all of the proceedings.

6. Mr May is interested in the following particular issues:

(a) Policy 6.3.3A;

(b) Policy 6.3.3B;

(c) Deleted Part 6.2 Values;

- (d) Deleted Part 6.4 Rules, being rules 6.4.1.2; 6.4.1.3.a-e; and
- (e) Definition of Visitor Accommodation.

7. Mr May opposes the relief sought because:

- (a) Mr May (by way of his involvement in Longview Environmental Trust) has had significant involvement with the provisions of Chapters 3 and 6 subject to Stage 1 of the PDP. The purpose of Mr May's involvement in Stage 1 was to ensure that the provisions of Chapters 3 and 6 remain robust and give effect to section 6(b) of the Act.
- (b) The relief seeks consequential amendments to Stage 1 of the PDP. The Environment Court's decisions on Stage 1 Topic 1 and 2 of the PDP are expected to be released after July 2019. The relief does not make it clear whether it anticipates undoing the Environment Court's decision through the Stage 2 PDP process and what grounds it has to do so.
- (c) Chapters 3 and 6 apply to the entire District. Exceptions may arise to Chapters 3 and 6 only where land is located outside of ONL/ONF lines. Otherwise the PDP fails to give effect to section 6(b) of the Act.
- (d) Policies 6.3.3A and 6.3.3B do not exclude the applicability of Chapters 3 and 6. Rather, they recognise that the Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and its subzone Wakatipu Basin Lifestyle Precinct are located outside of ONL/ONF lines and are appropriate for a separate regulatory regime. This is not a carve-out of all provisions in Chapters 3 and 6.
- (e) The relief creates an opportunity for argument that areas outside the WBRAZ may be appropriate for a separate regulatory regime, such as Parkins Bay.
- (f) Amending the definition of Visitor Accommodation as sought will undermine the regime provided for Residential Visitor accommodation and Homestays.

- (g) Including Residential Visitor Accommodation and Homestays within the definition of Visitor Accommodation will encourage visitor accommodation activities outside of Visitor Accommodation Sub-Zones. This would undermine the purpose of this zoning and encourage the spread of Visitor Accommodation that is not attached to a residential unit.
8. Mr May agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Phil Page / Simon Peirce

Counsel for the Interested Party

**DATED** this 5<sup>th</sup> day of June 2019.

Address for service

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