

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of a decision by Queenstown Lakes  
District Council

**BETWEEN**

**HAWTHENDEN LIMITED**

**Appellant**

**AND**

**QUEENSTOWN LAKES DISTRICT  
COUNCIL**

**Respondent**

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**NOTICE OF APPEAL**

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Farry & Co  
Barristers and Solicitors  
Level 7, Forsyth Barr House  
The Octagon  
DUNEDIN 9058

Phone: (03) 477 8870  
Fax: (03) 474 0390

Solicitor: M G Nidd

**NOTICE OF APPEAL OF DECISION REGARDING THE  
QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED DISTRICT PLAN**

TO: The Registrar  
Environment Court  
Christchurch

**HAWTHENDEN LIMITED**, a duly incorporated company at Wanaka appeals a decision of the Queenstown Lakes District Council on the following matter:

The refusal by the Queenstown Lakes District Council to relocate the Outstanding Natural Landscape (“ONL”) boundary to coincide with part of the property boundary of the Appellant Company, pursuant to the plan submitted.

Notice of the decision was received on 7<sup>th</sup> May 2018.

The decision was made by Queenstown Lakes District Council pursuant to Section 73 of the Resource Management Act 1991.

The decision that is being appealed is the refusal to relocate the ONL boundary to coincide with the property boundary of the Appellant Company.

THE SUMMARY OF THE DECISION IS AS FOLLOWS:

To adopt the recommendation of the Independent Hearing Panel, as referred to in the Hearing Decisions of Stage 1 of the Proposed District Plan of the Queenstown Lakes District Council dated the 27<sup>th</sup> March 2018 to decline the Appellant’s submission to relocate the ONL boundary to coincide with the property boundary of the Appellant Company.

The land areas affected are legally described as the following:

- Part Section 10 Block III Lower Wanaka Survey District held on Computer Freehold Register OT16A/341;
- Lot 1 Deposited Plan 300235 and Lot 3 Deposited Plan 20199 held on Computer Freehold Register 1839;

- Section 27 Block III Lower Wanaka Survey District held on Computer Freehold Register OT9C/622; and
- Part Section 30 and Section 44 Block III Lower Wanaka Survey District held on Computer Freehold Register OT16A/342.

THE REASONS FOR THE APPEAL ARE AS FOLLOWS:

1. The Respondent did not give proper weight to the evidence provided by the Appellant in respect of the geological factors and evidence provided by the Appellant at the submission hearing.
2. The Respondent failed to appropriately consider the evidence of the Appellant with respect to the issue of the Alpha Fan meeting the test for being an ONL in its own right.
3. The Respondent failed to give appropriate consideration to identifying the ideal ONL boundaries which ought to follow clearly discernible lines in the landscape.
4. The Respondent failed to give appropriate consideration to the significant change in land form and change in gradient and land cover as well as the underlying geology in its decision to refuse to relocate the ONL Line.
5. The Respondent failed to appropriately consider the visual amenity landscape characteristics of the Appellant's land in its consideration.
6. The Respondent failed to take account of the longstanding pastoral use of the upper part of the Alpha Fan owned by the Appellant.
7. The Respondent gave excessive consideration to possible visual amenity values as distinct from land use activities of the Appellant's land.
8. The Respondent did not give due consideration to the evidence of the landscape and geological issues submitted and provided by the Appellant.

The Appellant seeks the following relief:

- The relocation of the ONL boundary to coincide with the property boundary of the Appellant
- An order for costs of and incidental to the Application.

The Appellant attaches the following documents to this notice:

1. a copy of the relevant decision;
2. a list of names and addresses of persons to be served with a copy of this notice;
3. any other documents necessary for an adequate understanding of the appeal.

  
\_\_\_\_\_  
Signature of Authorised  
Officer of Appellant

  
\_\_\_\_\_  
Date

Address for Service of Appellant: Farry & Co  
Barristers & Solicitors  
Level 7, Forsyth Barr House  
The Octagon  
DUNEDIN 9058

Phone: (03) 477 8870  
Fax: (03) 474 0390

Contact Person: M G Nidd

**PERSONS TO BE SERVED WITH A COPY OF THIS NOTICE**

Queenstown Lakes District Council

10 Gorge Road

Private Bag 50072

QUEENSTOWN 9348

Contact: | 03 441 0499