

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 Cellar Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

**To** The Registrar

---

**Notice of Appeal**

7 May 2019

---

**Appellant's solicitors:**

Maree Baker-Galloway  
Anderson Lloyd  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348  
DX Box ZP95010 Queenstown  
p + 64 3 450 0700 | f + 64 3 450 0799  
maree.baker-galloway@al.nz

**anderson  
lloyd.**

Environment Court  
Christchurch

### **Introduction**

- 1 Lake Hayes Cellar Limited (**LHC**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 LHC made a submission (#2378) and further submission (#2783) on the PDP.
- 3 LHC is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 LHC 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 6 Landscapes (Stage 2 Variation);
  - (b) Chapter 24 Wakatipu Basin;
  - (c) Chapter 27 Subdivision;
  - (d) Chapter 36 Noise; and
  - (e) Planning Maps 13d and 30.
- 7 The reasons for appeal and general relief sought are summarised below. The specific provisions and the relief sought by LHC are set out in **Appendix A** to this Appeal.

### **Chapter 6 Landscapes**

- 8 LHC supports in principle the Stage 2 Variation to the provisions of Chapter 6, in so far as they clarify and confirm that the Outstanding Natural Feature, Outstanding Natural Landscape, and Rural Character Landscape categories (Landscape Categories) and associated policies of Chapter 6 do not apply to the Rural Zones, Wakatipu Basin Rural Amenity Zone (WBRAZ) and the Wakatipu Basin Lifestyle Precinct (WBLP).
- 9 However, LHC considers there is merit in retaining in some form the deleted provisions of Chapter 6 which expanded on the relationship between the Landscape Categories, the Strategic Directions Chapter (Chapter 3), and the various rural zones and non-rural zones in the lower order chapters.

- 10 As part of Stage 1 of the PDP, Chapters 3 and 6 are currently before the Court and have been subject to significant re-write through mediation and expert conferencing. DPL considers that following decisions from the Court on Topics 1 and 2 of Stage 1 of the PDP, and as the relationship between the Landscape Categories and the WBRAZ, WBLP and Rural Zones is further clarified, additional amendments to Chapter 6 may be required in respect of the policies that apply to these zones and subzones.
- 11 The specific provisions of Chapter 6 and the relief sought by LHC are set out in Appendix A to this Appeal.

#### **Chapter 24 Wakatipu Basin**

- 12 LHC's site is located on the north-eastern side of the intersection of State Highway 6 and Arrowtown Lake Hayes Road. The address of the land owned by LHC is 10 Arrowtown Lake Hayes Road. The sites contain the established Amisfield Bistro and Cellar Door as well as an area of vineyards to the north. Vehicle access to the site is from established vehicle crossings onto the Arrowtown Lake Hayes Road.
- 13 The LHC land to which the submission relates is legally described as Part Lot 1 DP 326378, being 1.6863 hectares in area and contained within Computer Freehold Register 107260.
- 14 LHC generally opposes the Wakatipu Basin Rural Amenity Zone (**the Zone**). The basis for this variation was a minute from the Chair of the Hearings Panel, issued at the completion of the hearings on the rural zone, observing that further development in the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity value which attracts residents and other activities to the areas and additionally, that the rural character and amenity values of the Wakatipu Basin do not derive predominantly from farming and agricultural practices.
- 15 The Zone seeks to reframe the management of subdivision, use and development within the rural landscape classification based on an analysis of landscape values through the mapping of and associated descriptions of landscape character units. Taking into account the nature of existing development, including development of Special Housing Areas, the Precinct has been identified over areas having greater potential to accommodate change.
- 16 Unfortunately, the provisions for the Zone extinguish development rights created through the provisions of the operative District Plan by failing to recognise and provide for residential building platforms within the Zone rules.

- 17 The provisions of Chapter 24, together with the subdivision regime for the Basin set out in Chapter 27, create an unnecessarily restrictive regime for development and land use that unreasonably limits landholders' rights. The provisions of Chapter 24 should be amended to better recognise landholders' existing rights, to provide for appropriate future development, and to better enable rural living opportunities.
- 18 Through this appeal LHC seeks to identify the LHC land within a new Lakes Hayes Cellar Precinct as detailed in **Appendix A** attached to this appeal.

#### **Further and consequential relief sought**

- 19 LHC 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 LHC submissions.

#### **Attachments**

- 20 The following documents are **attached** to this notice:
- (a) **Appendix A** – Relief sought;
  - (b) **Appendix B** – A copy of the Appellant's submission and further submissions;
  - (c) **Appendix C** - A copy of the relevant parts of the decision; and
  - (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 7<sup>th</sup> day of May 2019



---

Maree Baker-Galloway  
Counsel for the Appellant

### **Address for service of the Appellants**

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | roisin.giles@al.nz

Contact persons: Maree Baker-Galloway | Roisin Giles

### **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.