

**In the Environment Court
at Christchurch**

ENV-2019-CHC-

Under Resource Management Act 1991
(Act)

And

In the Matter of an appeal pursuant to Clause 14(1),
Schedule 1 of the Act

Between

TROJAN HELMET LIMITED

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal by Trojan Helmet
Limited against a decision on the
Proposed Queenstown Lakes District
Plan - Stage 2**

Dated: 7 May 2019

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To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Trojan Helmet Limited (**THL**) appeals against parts of the decisions by the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan - Stage 2 (**Proposed Plan**).
2. THL made submissions on the Proposed Plan (Stage 1 submission no. 437 and further submission no. 1157 and Stage 2 submission no. 2387 and further submission no. 2796 (together the **Submissions**)).
3. THL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. THL received notice of the Respondent's decisions on 21 March 2019.
5. The decisions were made by the Respondent. The Respondent ratified the recommendations of the Independent Hearings Panel (**Panel**).
6. The parts of the decisions that THL is appealing are the decisions to reject THL's Submissions seeking a bespoke resort zoning of the land generally shown in the plan **attached as Appendix A** (the Hills Resort Zone), and to reject its alternative relief for a different zoning of like effect or a Wakatipu Basin Lifestyle Precinct (**WBLP**) zoning for parts of the land, and to instead zone the land Wakatipu Basin Rural Amenity Zone (**WBRAZ**).
7. The specific parts of the decisions that THL is appealing are contained in the following chapters and reports (together the **Decisions**):
 - (a) Chapter 24 Wakatipu Basin (Panel Recommendation Reports 18.1, 18.2 and 18.7);
 - (b) Chapter 25 Earthworks (Panel Recommendation Report 19.3);
 - (c) Chapter 27 Subdivision (Stage 2 Chapter 24 Wakatipu Basin Pt 2 Variations);
 - (d) Chapter 6 Landscapes (Stage 2 Chapter 24 Wakatipu Basin Pt 2 Variations); and

- (e) Maps 13d, 26 and 27.

Reasons for the Appeal

8. THL and related entities own approximately 162ha of land located between Hogans Gully, Arrow Lake-Hayes and McDonnell Roads, legally described as Lot 2 DP 501981 (RT 755878), Lot 1 DP 392663 (RT 371431) and Lot 7 DP 392663 (RT 413072) and generally shown in **Appendix A**. The land is commonly known as “The Hills” golf course.
9. THL made Submissions on Stages 1 and 2 of the Proposed Plan seeking that the land be zoned “The Hills Resort Zone” (**HRZ**) which is a bespoke zone that would provide for the ongoing operation and maintenance of the golf courses and related ancillary activities, and provide for residential and visitor accommodation activities in identified areas for up to a maximum of 150 units. The HRZ would retain a predominance of open space and development would be subservient to and maintain the quality and general character of the landscape.
10. The decision to reject the HRZ and THL’s alternative relief, as stated in the Submissions, and to retain the Stage 2 notified WBRAZ is flawed for reasons including it:
 - (a) fails to appropriately or adequately recognise and provide for existing future development of the land;
 - (b) fails to adequately consider the existing and receiving environment, including the existing modified nature of the land which comprises golf courses, a club house and residential dwellings, amongst other activities;
 - (c) fails to properly recognise and assess the landscape’s ability to absorb change and development;
 - (d) fails to give due weight to THL’s evidence;
 - (e) wrongly interprets and applies the Stage 1 definition of “Resort”;
 - (f) wrongly finds that the HRZ is not a resort and is therefore “Urban Development”;

- (g) fails to provide THL with an opportunity to make submissions or give evidence on (e) and (f) above;
 - (h) places undue weight on the Stage 1 strategic provisions of the Proposed Plan, which at the time of the decision was unsettled;
 - (i) fails to properly assess and take account of the economic contribution and benefits of the HRZ or any similar or alternative zoning;
 - (j) fails to assess and take account of the costs of the WBRAZ;
 - (k) has insufficient regard to the enabling nature of zoning as a method, and instead infers that zoning may be used to compel development to occur; and
 - (l) fails to consider and assess THL's alternative relief.
11. In addition, the decision fails to meet the requirements and purpose of the Act in that it:
- (a) fails to achieve integrated management of the effects of the use and development of land and associated natural and physical resources as required by section 31 of the Act;
 - (b) fails to properly examine and evaluate all of the evidence to determine the most appropriate way of achieving the purpose of the Act as required by section 32 of the Act;
 - (c) does not meet the requirements of section 72 – 76 of the Act;
 - (d) does not represent an efficient use of land under section 7(a) of the Act; and
 - (e) fails to promote the Act's sustainable management purpose.

Relief Sought

12. THL seeks the following relief:
- (a) allow THL's Submissions and rezone the land generally shown in **Appendix A** to HRZ so as to enable all the activities addressed by THL's Submissions and evidence, including:

- (i) the ongoing operation and development of golf courses, including all associated and ancillary activities;
 - (ii) farming activities;
 - (iii) sculpture activities;
 - (iv) residential and visitor accommodation activities;
 - (v) staff accommodation;
 - (vi) commercial activities;
 - (vii) commercial recreation activities;
 - (viii) temporary events, including golf tournaments;
 - (ix) helicopter activities;
 - (x) landscaping;
 - (xi) earthworks; or
- (b) apply the WBLP zone to the areas of the land shown in **Appendix A** that have a greater ability to absorb development (generally identified on the Structure Plan **attached as Appendix B**) and modify the WBLP, Chapter 6 and 27 as detailed in Section 5 and 7 of THL's submission dated 23 February 2018 (**attached as Appendix C**); or
- (c) modify the WBRAZ so as to apply a discretionary activity regime within the zone with no minimum lot size for subdivision and make the further modifications detailed in Sections 6 and 7 of THL's submission dated 23 February 2018; and
- (d) amend Chapter 25 Earthworks so that:
- (i) within the WBRAZ and WBLP the permitted activity total maximum volume of earthworks is 1000m³; and
 - (ii) there is no maximum volume for earthworks on the land shown in **Appendix A** for the purpose of golf course construction and maintenance; or

- (e) amend the Proposed Plan in a similar or such other way including any such other combination of provisions, zoning, rules and standards so as to address the matters raised in and achieve the intent of THL's appeal, Submissions and evidence; and
- (f) any similar, alternative, consequential and/or other relief as may be necessary to address the issues raised in this appeal or otherwise raised in THL's Submissions and evidence.

Attached Documents

13. The following documents are **attached** to this notice:

- (a) a plan generally showing the land addressed by this appeal (**Appendix A**);
- (b) a copy of the Structure Plan for the land (**Appendix B**);
- (c) a copy of THL's Submissions (**Appendix C**), namely:
 - (i) submission 437 dated 23 October 2015;
 - (ii) further submission 1157 dated 18 December 2015;
 - (iii) submission 2387 dated 23 February 2018; and
 - (iv) further submission 2796 dated 27 April 2018;
- (d) the relevant parts of the Respondent's Decisions (**Appendix D**), namely:
 - (i) Report 18.1 Chapter 24 Wakatipu Basin;
 - (ii) Report 18.2 Chapter 24 Wakatipu Basin Mapping Intro;
 - (iii) Report 18.7 Chapter 24 Wakatipu Basin Area E Eastern Basin;
 - (iv) Report 19.3 Chapter 25 Earthworks
 - (v) Stage 2 Chapter 24 Wakatipu Basin;
 - (vi) Stage 2 Chapter 24 Wakatipu Basin Pt 2 Variations;

- (vii) PDP Decisions Version Map 13d Wakatipu Basin Rural Amenity Zone;
 - (viii) PDP Decisions Version Map 26 Speargrass Flat Millbrook; and
 - (ix) PDP Decisions Version Map 27 Arrowtown; and
- (e) a list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Appendix E**).

Dated this 7th day of May 2019



Rebecca Wolt / Kelsey Barry
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Advice to Recipients of Copy of Notice of Appeal

A copy of the documents referred to in paragraph 13 of this notice may be obtained, on request, from THL.

How to become a 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 lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, in accordance with the amended filing and service requirements set out below.

Your right to be a party to the proceedings in the Environment Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Service requirements in accordance with ENV-2019-CHC-009

The requirements relating to filing and service of section 274 notices have been amended so that section 274 notices must be, within 20 working days after the period for lodging a notice of appeal ends:

- lodged with the Environment Court electronically by email to christine.mckee@justive.govt.nz;
- served on the Council at dpappeals@qldc.govt.nz; and
- served on THL at rebecca.wolt@laneneave.co.nz / kelsey.barry@laneneave.co.nz

Service of section 274 notices on all other parties will be deemed to be effected by the Council uploading copies of the section 274 notices onto its website within 15 working days after the section 274 period closes.