

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-

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 Stage 3B of the Queenstown Lakes Proposed
District Plan

Between **Barnhill Corporate Trustee Limited and DE, ME Bunn and
LA Green**

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

23 April 2021

Appellant's solicitors:

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To: The Registrar
Environment Court
Christchurch

- 1 Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green (**Barnhill**) appeals against part of the decision of Queenstown Lakes District Council on Stage 3B of the Queenstown Lakes Proposed District Plan (**PDP**).
- 2 Barnhill made Submission #31035 on Stage 3B the PDP.
- 3 Barnhill is not a trade competitor for the purpose of section 308D of the RMA.
- 4 Barnhill received notice of the decision on 1 April 2021.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decision appealed relates to:
 - (a) Chapter 46: Rural Visitor Zone of the PDP;
 - (b) Chapter 25: Earthworks of the PDP; and
 - (c) The PDP Planning Map.
- 7 The reasons for appeal and general relief sought by Barnhill are summarised below.

Background

- 8 This appeal relates to land located on Morven Ferry Road owned by Barnhill Corporate Trustee Limited (legally described as Lot 3 DP 397602 (the **Site**)).
- 9 The Site was zoned Rural General in the Operative District Plan (**ODP**) and notified Rural Zone in Stage 1 of the PDP. Barnhill submitted on Stage 1 seeking that the Site (and surrounding land) be re-zoned to Morven Ferry Rural Visitor Zone A and Morven Ferry Rural Visitor Zone B. No decision was made on Barnhill's Stage 1 submission because the Site (and surrounding land) was removed from Stage 1 and re-zoned Wakatipu Basin Rural Amenity Zone (**WBRAZ**) under the notified version of Stage 2 of the PDP. Barnhill submitted on Stage 2 seeking that the Site (and surrounding land) be re-zoned to 'Morven Ferry Road Visitor Precinct A' and 'Morven Ferry Road Visitor Precinct B'. That relief was not granted by the Independent Hearing Panel and is now subject to appeal before the Environment Court.

- 10 The Site was not included in the Rural Visitor Zone (**RVZ**) in the notified version of Stage 3B of the PDP. Barnhill sought that the Site (and surrounding land) be zoned RVZ with sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B' in its Stage 3B submission. At the Council hearing Barnhill put forward a refined proposal seeking a smaller 2.8 hectares of RVZ, 0.7ha of which was identified as having high landscape sensitivity and the remainder as having low landscape sensitivity. Neither the submission relief nor the refined relief was recommended by the Independent Hearing Panel and included in the Council's decision.
- 11 The Bunn family have farmed the Site since the 1950s. Their vision for the Site is to create a hub of rural visitor activity at the intersection of the Arrow River, Gibbston Wine and Twin Rivers Trails, to service locals and tourists. Their plan for the Site includes options for a cellar door, retail/gift shop, gallery, café, rural style visitor accommodation such as cottages, glamping, camping and manager's accommodation, and bike hire.

Reasons for appeal

- 12 Barnhill generally supports the provisions of Chapter 46 and associated variations to related provisions in other chapters of the PDP.
- 13 The Independent Hearing Panel acknowledged that the Site has some key RVZ characteristics. It agreed with Ms Mellsop, landscape expert for the Council, that there may be potential for RVZ to be absorbed into the landscape of the Site and surrounds but recommended Barnhill's submission be rejected on the basis that the landscape assessment by Mr Espie, Barnhill's landscape expert, was not sufficiently detailed to instil confidence that the fundamental landscape policy requirements for the RVZ would be achieved.
- 14 Barnhill considers that it is possible to accommodate a RVZ on the Site and opposes the Independent Hearing Panel's recommendations, on the basis that the landscape assessment provided by Mr Espie in relation to Barnhill's submission on Stage 2 of the PDP was sufficiently detailed and provided a sufficient evidential basis to support a rezoning of the Site to RVZ.

Relief sought

- 15 Barnhill seeks the following relief:
 - (a) That the WBRAZ zoning over the Site is deleted and that the Site is re-zoned to Rural Visitor Zone, as outlined in blue on the map at **Appendix A**; and

- (b) Amendments to the provisions of Chapter 46 and Chapter 25 of the PDP, specific to the Morven Ferry Rural Visitor Zone, as set out in **Appendix B**.

Further and consequential relief sought

16 Barnhill 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 Barnhill submission.

Attachments

- 17 The following documents are **attached** to this notice:
- (a) **Appendix A** – A copy of the Morven Ferry RVZ Proposed Zone Plan;
 - (b) **Appendix B** – Amendments sought to the provisions of Chapters 46 and 25 of the PDP;
 - (c) **Appendix C** – A copy of Barnhill's Stage 3B submission #31035;
 - (d) **Appendix D** – A copy of the decision appealed; and
 - (e) **Appendix E** – A list of names and addresses of persons to be served with this notice.

Dated this 23rd day of April 2021



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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).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.