

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
I ŌTAUTAHI ROHE**

**IN THE MATTER** of the Resource Management Act  
1991 (**RMA**)

**AND**

**IN THE MATTER** of an appeal under clause 14(1) of  
the First Schedule to the RMA

**BETWEEN** **QUEENSTOWN PARK LIMITED  
AND REMARKABLES PARK  
LIMITED**

Appellants

**AND** **QUEENSTOWN LAKES DISTRICT  
COUNCIL**

Respondent

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**NOTICE OF APPEAL BY QUEENSTOWN PARK LIMITED AND  
REMARKABLES PARK LIMITED TO ENVIRONMENT COURT AGAINST  
DECISIONS ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

**18 May 2021**

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**BROOKFIELDS  
LAWYERS**

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**TO:** The Registrar  
Environment Court  
Christchurch

## **NOTICE OF APPEAL**

1. **Queenstown Park Limited** and **Remarkables Park Limited** (together the **Appellants**) appeal against part of the decisions of the Queenstown Lakes District Council (**Council**) in respect of Stage 3 of the Proposed Queenstown Lakes District Plan (**Proposed Plan**).
2. The Appellants made submissions and further submissions on the notified Proposed Plan.
3. The Appellants are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).
4. The Appellants received notice of the decision on 1 April 2021.
5. The decisions were made by Council.

## **PARTS OF THE DECISIONS THAT THE APPELLANTS ARE APPEALING**

6. The Appellants are appealing parts of the decisions on the Proposed Plan relating to the Chapter 39 Wāhi Tūpuna and the associated variations<sup>1</sup> (**Decisions**).

## **GROUNDINGS FOR APPEAL**

7. The Appellants' grounds for appeal are that the Decisions:
  - (a) are not the most appropriate means of achieving the relevant plan objectives, having regard to their efficiency and effectiveness, and taking into account benefits and costs;

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<sup>1</sup> Variations to the following Stage 1 and 2 chapters: Definitions (Chapter 2), Tangata Whenua (Chapter 5), Queenstown Town Centre (Chapter 12), Wānaka Town Centre (Chapter 13), Arrowtown Town Centre (Chapter 14), Local Shopping Centre (Chapter 15), Business Mixed Use (Chapter 16), Earthworks (Chapter 25), Historic Heritage (Chapter 26), Subdivision and Development (Chapter 27), Transport (Chapter 29), and Energy and Utilities (Chapter 30).

- (b) do not achieve the functions of Council under section 31 of the RMA in respect of the integrated management of the effects of the use, development and protection of land and natural and physical resources of the district;
  - (c) do not manage the use of resources in a way that enables the community to provide for their social, economic and cultural wellbeing; and
  - (d) are otherwise inconsistent with purpose and principles of the RMA.
8. In particular, and without limiting the generality of paragraph 7 above the Decisions:
- (a) lack of an adequate evidential or analytical basis for the proposed identified wāhi tūpuna, including as to their precise delineation;
  - (b) applied an incorrect evidential approach by in effect requiring opposing submitters to disprove the significance of identified wāhi tūpuna;
  - (c) applied an unduly broad categories of identified threats where the benefits of identifying broadly expressed threats have not been adequately analysed;
  - (d) are unreasonable in that they are excessive and oppressive as the provisions as a whole lack a sufficient evidential basis;
  - (e) do not adequately balance the practical effect of restrictions on landowners, including in relation to transaction costs; and
  - (f) are unnecessary to recognise and provide for the Council's compliance with its statutory obligations under the RMA, specifically section 6(e).

## RELIEF SOUGHT

9. The Appellants seek the following relief in the first instance:
- (a) Identified urban wāhi tūpuna and the following identified wāhi tūpuna, which affect the Appellants' landholdings, are deleted:
    - (i) 24 Kawarau River; and
    - (ii) 36 Kawarau (The Remarkables).
  - (b) Identified wāhi tūpuna which reflect the Appellants' landholdings are reduced in scope so as to reduce their impact on the use of that land, or adjoining land, including for resort zone purposes.
  - (c) The identified threats be removed, refined or narrowed.
  - (d) Amend the language in Chapter 39 to refer to "triggers" rather than "threats".
  - (e) Amend the objectives, policies and rules in Chapter 39 to refer to "identified wāhi tūpuna" rather than Wāhi Tūpuna generally.
  - (f) That:
    - i. Rule 25.5.7.3, Rule 25.5.7.4, and Rule 25.5.10A be deleted; or
    - ii. the maximum total volume threshold be increased with respect to Rule 25.5.7.3 and Rule 25.5.10A; and
    - iii. a greater number of activities relating to farming operations, roads, rural living, and resort development are exempt from the identified wāhi tūpuna earthworks rules.
    - iv. Rule 27.5.XX be deleted.
  - (g) That the wāhi tūpuna rules, including those in Chapters 25 and 27, be amended to promote, enable and provide for infrastructure development and resort development.

- (h) Any alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal and the Appellants' submission and further submission.

**ATTACHMENTS**

- 10. Copies of the following documents are attached to this notice:
  - (a) **Appendix 1** – A copy of the Appellants' submissions;
  - (b) **Appendix 2** – A copy of the Appellants' further submissions;
  - (c) **Appendix 3** – A copy of the relevant parts of the Decision; and
  - (d) **Appendix 4** – A list of names and addresses of persons to be served with this notice.

**DATED** the 18<sup>th</sup> day of May 2021



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**John Young / Rowan Ashton**  
Counsel for the Appellants

## Address for service

This **Notice of Appeal** is filed by **John Dylan Young**, solicitor for the Appellants. The address for service of the Appellants is at the offices of Brookfields Lawyers, Tower 1, 9th Floor, 205 Queen Street, Auckland.

Documents for service on the Appellants may be left at the address for service or may be:

1. Posted to the solicitors at PO Box 240, Auckland 1140.
2. Left for the solicitors at Document Exchange for direction to DX CP24134.
3. Transmitted to the solicitors by facsimile to 09 379 3224.
4. Emailed to the solicitors at [youngj@brookfields.co.nz](mailto:youngj@brookfields.co.nz) and [ashton@brookfields.co.nz](mailto:ashton@brookfields.co.nz).

## Service

A copy of this notice of appeal:

- has been lodged with the Environment Court electronically by email to: [Christine.McKee@justice.govt.nz](mailto:Christine.McKee@justice.govt.nz) and by posting a hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch;
- has been served on the Council electronically by email to [dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz); and
- will be served, within 5 working days after this notice has been lodged, on the person who made the original submission which is the subject of the appeal, and every person who made a further submission on the same original submission.