

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-**

---

Under	the Resource Management Act 1991 ( <b>RMA</b> )
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	<b>Te Anau Developments Limited</b>
	Appellant
And	<b>Queenstown Lakes District Council</b>
	Respondent

---

**Notice of Appeal**

19 June 2018

---

**Appellant's solicitors:**

Maree Baker-Galloway | Rosie Hill  
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 | rosie.hill@al.nz

**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

- 1 Te Anau Developments Limited (**TDL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 TDL made a submission (#607) and further submission (#1342) on the PDP.
- 3 TDL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 TDL received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decision appealed relate to:
  - a) Planning Map 12a;
  - b) Chapter 12 Town Centre and Chapter 21 Rural (new water specific chapter);
  - c) Chapter 21 Rural;
  - d) Chapter 30 Energy and Utilities;
  - e) Chapter 36 Noise;
- 7 Reasons for appeal and relief sought.

### **Background**

- 8 Te Anau Developments Limited is a wholly owned subsidiary of Real Journeys Limited and is the land owner for Real Journeys at Walter Peak, Convelle Wharves and of other Real Journeys land holdings predominately in Te Anau.
- 9 A range of tourism activities are currently provided at Walter Peak. These include: High Country Farm Tours; Dining at the Colonel's Homestead Restaurant, which is located close to the steamships destination; Guided Cycling; Independent Cycling; Horse Trekking; and Scenic flights. Clients can stop off at Walter Peak for lunch during their scenic flight moreover Walter Peak offers an important wet day alternative destination for charter group fly Milford Sound cruise fly bookings mainly for the meetings, incentive and conferences market.
- 10 These activities generate employment for about 45 Real Journeys staff some of whom are accommodated on site; more people are also employed at Walter Peak

by the horse trek; and guided cycling operators. The tourism activities provided at the base of Walter Peak rely on the ability for passengers to be transported from Queenstown Bay (primarily via the “TSS Earnslaw”) and the ability to use, maintain and develop the buildings, structures, waste water treatment plant, flood protection works, energy generation and communication facilities, and spaces on the land owned or occupied by Te Anau Developments, including an existing airstrip.

### **Zoning sought**

- 11 TDL sought extensions to the existing Rural Visitor Zoning at Walter Peak, including confirmation of that zoning through Stage 1 of the PDP. TDL acknowledges that the Rural Visitor Zone is yet to be reviewed as part of stage 3 of the PDP, however as per the Hearing Panel's directions in respect of Stage 1 hearings, a submitter has the ability to seek any zoning / provisions applicable to their land which is notified as part of the Review through submissions. To this end, TDL acknowledges that there may be further amendments to the current Rural Visitor Zone provisions which will have an impact on the Site, TDL therefore seeks:
- (a) Any consequential, alternative or other amendments necessary to the Rural Visitor Zone prior to its review through Stage 3 of the PDP and which will better achieve the PDP scheme and purpose, and / or site specific issues; or
  - (b) That the Walter Peak Site as indicated in **Appendix A** be rezoned an interim zoning, which provides for a similar outcome to that achieved through a Rural Visitor Zone, for example one of the notified residential zones; or
  - (c) That the Council confirm it will re-notify the Site as part of any Stage 3 Rural Visitor Zone review, so as to enable TDL to pursue that relief through another stage.
- 12 TDL considers it is not reasonable to make landowners wait till a future stage of the PDP review in order to seek relief in respect of their land which is available for rezoning now. The delay of a review of the Rural Visitor Zones is also an inefficient and ad-hoc planning exercise.

### **Relief sought**

- 13 This Appeal by Te Anau Developments Ltd is focused on the Proposed District Plan provisions affecting the significant tourism activities provided at Walter Peak, including supporting infrastructure, and the ability to provide and access water transport activities between Beach Bay and Queenstown Bay. The specific proposed district plan provisions this submission relates to, and the decisions sought, are as set out in **Appendix A**.

### **Further and consequential relief**

14 TDL opposes any alternative provisions contrary to achieving the above outcomes and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and TDL's PDP submissions.

### **Attachments**

15 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 19<sup>th</sup> day of June 2018



---

Maree Baker-Galloway/Rosie Hill  
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 | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

### **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.