

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2017-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	Ngai Tahu Tourism Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

19 June 2018

Contact details for the appellant:

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To The Registrar
Environment Court
Christchurch

- 1 Ngai Tahu Tourism Limited (**NTT**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 NTT made a submission (#716) on the PDP.
- 3 NTT is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 NTT 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 Chapters 3 and 4, and Planning Map 39A, specifically the decision not to rezone the land identified in Figure 1 below Rural Visitor Zone or remove the ONL status.

Relief Sought

- 7 Amend the Proposed District Plan Maps (39A), insofar as it relates to the land identified in Figure 1 below, to:
 - (a) Remove the Outstanding Natural Landscape classification
 - (b) Rezone land legally described as SEC 1 SO 23662 SEC 4 SO 23901, PT SEC 3 SO 23901 BLK XIX SHOTOVER SD - MORNING STAR BEACH RECREATION RESERVE, SEC 133 BLK XIX SHOTOVER SD, LOTS 1-2 DP 25724, and the adjoining road reserve/marginal strip from "Rural General" to "Rural Visitor" The location of this land is illustrated in Figure 1 below (more or less).
- 8 Adopt the operative Rural Visitor Zone provisions for the land, except change the activity status of residential activities and development from permitted to discretionary.
- 9 Amend the Strategic Direction objectives and policies in Chapters 3 and 4, if required, to facilitate the introduction of the operative Rural Visitor Zone (and operative provisions) into the structure of the Proposed District Plan.



Figure 1 Area Sought to be rezoned rural visitor and ONL status removed

Reasons

- 10 The Morning Star Beach Recreation Reserve is managed by the Department of Conservation ('DOC') on behalf of the Crown. The land was formalised as a Recreation Reserve in 1991, as Gazette Notice 1991, P.2665. Land adjoining the Morning Star Beach Reserve has been included in this appeal to ensure an integrated approach to land use management and ensure the PDP applies the most appropriate provisions to all the subject land.
- 11 Land within the Morning Star Beach Recreation Reserve is significantly modified. The reserve does not have high conservation values. When viewed from Arthurs Point Road the site and surrounds appear as a cluster of development and contain very little signs of naturalness.
- 12 There are three existing commercial companies that currently operate within the subject reserve, Shotover Jet Ltd (Shotover Jet), Queenstown Rafting Ltd (QT Rafting) and Rapids Cafe. These companies either have a lease agreement or a Concession with the Department to occupy or operate from this reserve. Initially, Shotover Jet Ltd began operations in 1970, on a 0.49 hectare area of land, within the Morning Star Beach Reserve. There is also an existing vehicle access traversing the site providing access to a commercial art gallery.

- 13 There are five buildings within the reserve used for commercial purposes (Shotover Jet base building, Shotover Jet boat store, Shotover Jet maintenance, Cavells¹, DOC workshop and storage). These are identified in Figure 2 below.



Figure 2 Activities undertaken at Morning Star Beach Reserve

- 14 The request to rezone the Morning Star Beach Reserve is considered more appropriate than the proposed zoning given the existing Tourism activities in this area and the potential for appropriate expansion in the future. In addition, the landscape values are not considered to be of Outstanding Natural Value, as identified in the evidence of Dr Marion Read on behalf of QLDC.

Alternative Relief

- 15 NTT sought extensions to the existing Rural Visitor Zoning at the Morning Star Beach Reserve, including confirmation of that zoning through Stage 1 of the PDP. NTT 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, NTT acknowledges that there may be further amendments to the current Rural Visitor Zone provisions which will have an impact on the Site, NTT therefore seeks:

¹ Now Canyon Food and Brew

- (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 area of land as indicated in Figure 1 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 NTT to pursue that relief through another stage.
- 16 NTT 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.

Further and consequential relief

- 17 NTT opposes any further provisions 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 NTTs PDP submissions.
- 18 NTT also reserves its right to seek costs in respect of the resolution of its appeal.

Attachments

- 19 The following documents are **attached** to this notice:
- a) **Appendix A** - A copy of the Appellants' submission;
 - b) **Appendix B** - A copy of the relevant parts of the decision; and
 - c) **Appendix C** - A list of names and addresses of persons to be served with this notice.



Dated this 19th day of June 2018

Ben Farrell
Planning consultant for Ngai Tahu Tourism Limited

Address for service of the Appellants

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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.