

**In the Environment Court of New Zealand
Christchurch Registry**

**I Mua I Te Kooti Taiao
I Ōtautahi Rohe**

ENV-2021-CHC 037

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under Clause 14(1) of the First Schedule of the Act

Between **Universal Developments Hawea Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

**NOTICE OF INTENTION OF HĀWEA COMMUNITY ASSOCIATION
INCORPORATED (TOPICS 35 & 37)**

Dated this 15th day of June 2021

Filed by
Hāwea Community Association Inc.
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To: The Registrar
Environment Court
Christchurch

- 1 Hāwea Community Association Incorporated (**HCA**) wish to be a party to the following proceedings concerning the Proposed Queenstown Lakes District Plan – Stage 3 (**Proposed Plan**):

Universal Developments Hāwea Ltd v Queenstown Lakes District Council

ENV-2021-CHC 037 (the Appeal)

- 2 HCA made a submission and further submission about the subject matter of the proceedings. HCA is a community based incorporated society, established in 1989 to promote the interests, needs and wellbeing of Hāwea community and the surrounding environment. HCA membership is made up of residents and ratepayers living within the Central Otago townships of Lake Hāwea, Hāwea Flat and John Creek, as well as the farming areas of Hāwea Flat, Maungawera Valley and surrounding high country stations. HCA therefore also has an interest in the proceedings that is greater than the general public.
- 3 HCA is not a trade competitor for the purposes of s308C RMA.
- 4 HCA is interested in all aspects of the Appeal.
- 5 HCA opposes the relief sought by the Appellant on the grounds that:
 - 5.1 as a preliminary legal issue, relief sought by the Appellant (particularly, but not limited to, moving the Urban Growth Boundary (**UGB**) south of Cemetery Road, and the comprehensive rezoning of the Appellant's land, by way of Structure Plan process), is outside the scope of the Proposed Plan review, for reasons identified in the Commissioner decision at [513]-[521]. Scope is an issue of jurisdiction; accordingly the Commissioner decision to consider the merits of relief sought by the Appellant does not confer scope;
 - 5.2 if there is scope, then the relief sought:

- (a) does not promote sustainable management, and is inconsistent with Part 2 RMA;
- (b) does not meet the relevant statutory considerations in section 32 and 32A RMA, Schedule 1 and part 5 RMA;
- (c) does not give effect to, or address, the relevant planning instruments including the NPSUD, RPS and relevant provisions in the operative and proposed district plan;
- (d) results in significant actual and potential effects on the character, amenity and quality of environment of Hāwea township, and adjacent areas of outstanding and high natural and landscape values;
- (e) HCA conditionally supported increased capacity at Hāwea Township to Lower Density Suburban Residential Zone. This was on the basis that this provided substantial capacity for long term growth, while protecting the unique character of Hāwea, avoiding, remedying and mitigating relevant adverse effects, addressing infrastructure and capacity issues, and enabling a defensible UGB along Cemetery Road, and for other reasons identified in HCA's submission and further submission;
- (f) HCA generally supports the decision by the Respondent to decline relief sought by the Appellant, and to refuse to extend the UGB (and associated Structure Plan / rezoning sought by the Appellant).
- (g) The HCA, and members of the Hāwea community, were locked out of input into the SHA obtained by the Appellant, and oppose reliance on the SHA as planning justification for wider expansion of Hāwea beyond the notified UGB.

6 HCA opposes the relief sought in the Appeal.

7 HCA agrees to participate in mediation or other alternative dispute resolution of the proceedings.

8 A copy of this Notice is being served on the Respondent and Appellant.

Dated this 15th day of June 2021

Shwhite
(Robert White
HCA Vice chair)

Authorised signatory for Hāwea Community Association Incorporated

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