

In the Environment Court of New Zealand  
Christchurch Registry

# I Te Koti Taiao o Aotearoa Ōtautahi Rohe

ENV-2019-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 **Glendhu Bay Trustees Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

## **Notice of Appeal**

7 May 2019

#### **Appellant's solicitors:**

Maree Baker-Galloway  
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](mailto:maree.baker-galloway@al.nz)

**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

## **Introduction**

- 1 Glendhu Bay Trustees (**GBT**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 GBT made a submission (#2382) on the PDP.
- 3 GBT is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 GBT received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
  - (a) Chapter 6 Landscapes (Stage 2 Variation); and
  - (b) Variation to Visitor Accommodation.
- 7 The reasons for appeal and general relief sought are summarised below. The specific provisions and the relief sought by GBT are set out in **Appendix A** to this Appeal.

## **Chapter 6 Landscapes**

- 8 GBT supports in principle the Stage 2 Variation to the provisions of Chapter 6, insofar as they clarify and confirm the relationship between the Outstanding Natural Feature, Outstanding Natural Landscape, and Rural Character Landscape categories (**Landscape Categories**), the Strategic Direction Chapter (Chapter 3) and the lower order chapters of the PDP.
- 9 However, GBT considers there is merit in retaining in some form the deleted provisions of Chapter 6 which expanded on this relationship. GBT therefore supports either the reinstatement of the deleted provisions or the inclusion of a new 'Interpretation' section, similar to that inserted into Chapter 3 via the planning experts' Joint Witness Statement as part of Stage 1 of the PDP. Such a section is supported to provide greater certainty for plan users.
- 10 As part of Stage 1 of the PDP, Chapters 3 and 6 are currently before the Court and have been subject to significant re-write through mediation and expert conferencing. GBT considers that following decisions from the Court on Topics 1 and 2 of Stage 1 of the PDP, and as the relationship between the Landscape

Categories, Chapter 3 and the lower order chapters is further clarified, additional and consequential amendments may be required.

- 11 The specific provisions of Chapter 6 and the relief sought by GBT are set out in **Appendix A** to this Appeal.

#### **Visitor Accommodation Variation**

- 12 The variation to the definition of visitor accommodation (which now excludes residential visitor accommodation (**RVA**) and homestays) has created an anomaly whereby within some zones the new rules relating to RVAs and homestays are not supported by a framework of related objectives and policies. This undermines the effectiveness of the regime. The relief sought by GBT is to amend the definition of Visitor Accommodation to exclude RVA and Homestays only where such activities comply with the standards within the relevant zones applying to those activities. The effect of this change is to ensure that any RVA or Homestay activity that fails to comply within the new standards can be supported by the existing framework of objectives and policies relating to Visitor Accommodation.
- 13 GBT opposes the standards for RVA and homestays within the Rural Zone (Chapter 21), and seeks that RVA and homestays be permitted in the Rural Zone without restriction.
- 14 The specific provisions of the Visitor Accommodation Variation and the relief sought by GBT are set out in **Appendix A** to this Appeal.

#### **Further and consequential relief sought**

- 15 GBT opposes any further provisions and 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 GBT submission.

#### **Attachments**

- 16 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 7<sup>th</sup> day of May 2019

*Maree Baker-Galloway*

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Maree Baker-Galloway  
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](mailto:maree.baker-galloway@al.nz) | [roisin.giles@al.nz](mailto:roisin.giles@al.nz)

Contact persons: Maree Baker-Galloway | Roisin Giles

**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).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Advice*

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