

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	Halfway Bay Lands Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

19 June 2018

Contact details for the appellant:

Ben Farrell
C/- John Edmonds & Associates
Level 2, 36 Shotover Street, Queenstown 9300
PO Box 95, Queenstown 9348
p + 6421767622
ben@jea.co.nz

To The Registrar
Environment Court
Christchurch

- 1 Halfway Bay Lands Limited (**HBL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 HBL made a submission (#478) on the PDP.
- 3 HBL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 HBL received notice of the decision on 7 May 2018 (**Decision**).
- 5 The Decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the Decision appealed relate to Planning Map 13, specifically the decision not to rezone land within Halfway Bay Station Rural Visitor Zone and in particular the recommendations made at paragraphs 17(a) and (b) of the Decision.

Relief Sought

- 7 Amend the Proposed District Plan Map 13 to rezone the area of land identified in Figure 1 below (**Site**) from "Rural General" to "Rural Visitor".
- 8 Adopt the operative Rural Visitor Zone provisions for the land.
- 9 Amend the Strategic Direction objectives and policies in Chapters 3 and 6, if required, to facilitate the introduction of the operative Rural Visitor Zone (and operative provisions) into the structure of the Proposed District Plan.
- 10 Amend the Strategic Direction objectives and policies in Chapters 3 and 6 to recognise and provide for the significant benefits of tourism and associated industry in the Strategic Direction/higher order provisions.



Figure 1 Area of land (in red) sought to be rezoned from Rural General to Rural Visitor

Reasons

- 11 Rezoning the land to Rural Visitor is more appropriate than retaining the Rural General Zoning. The proposed Rural Zone provisions do not satisfactorily provide for the efficient or effective management of the subject land. Chapter 21, coupled with the higher order provisions in Chapters 3 and 6 contain various provisions which discourage and unreasonably restrict land use change. Without the rezoning or significant amendment to the provisions, the appellant faces considerable and unnecessary costs and risks associated with the resource consent process that will be required to facilitate more efficient land uses associated with the visitor industry.
- 12 The appellant has engaged a suite of independent experts to confirm the suitability of the land for diversification into visitor related activities including visitor accommodation. The rezoning will facilitate diversification of the land from agricultural to visitor/tourism related activities without creating significant adverse effects on the environment. Rezoning the land will incentivise innovative and appropriate tourism opportunities. In addition rezoning the land will allow more efficient and effective land use management, and will more appropriately support the sustainable management of the subject resources compared to retention of the Rural Zone.

Alternative Relief

- 13 HBL sought extensions to the existing Rural Visitor Zoning at Halfway Bay Station, including confirmation of that zoning through Stage 1 of the PDP. HBL 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, HBL acknowledges that there may be further amendments to the current Rural Visitor Zone provisions which will have an impact on the Site.

- 14 HBL 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 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 HBL to pursue that relief through another stage of the district plan review.
- 15 HBL considers it is not reasonable to make landowners wait until 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

- 16 HBL 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 HBL's PDP submissions.
- 17 HBL also reserves its right to seek costs in respect of the resolution of its appeal.

Attachments

- 18 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 Halfway Bay Lands Limited

Address for service of the Appellants

Ben Farrell

C/- John Edmonds and Associates

Level 2, 36 Shotover Street

PO Box 95

Queenstown 9300

Phone: 021 767622

Email: ben@jea.co.nz

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.