

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 (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	Real Journeys Limited (trading as Canyon Food and Brew Company Limited)
	Appellant
And	Queenstown Lakes District Council
	Respondent

Notice of Appeal

19 June 2018

Appellant's solicitors:

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**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

- 1 Real Journeys (trading as Canyon Food and Brew Company Limited) (**Canyon Food and Brew**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Real Journeys made a submission (#621) and further submission (#1341) on the PDP.
- 3 Canyon Food and Brew is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Canyon Food and Brew 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 decisions appealed relate to:
 - (a) Chapter 3 Strategic Direction;
 - (b) Chapter 6 Landscapes;
 - (c) Chapter 21 Rural;
- 7 Reasons for appeal and relief sought.

Background

- 8 Canyon Food and Brew is a wholly owned subsidiary of Real Journeys Limited. It has particular interests in established commercial land tourism operations based at the area of land known as Morning Star Beach Reserve, adjacent to Arthurs Point, Queenstown.
- 9 The Morning Star Beach Reserve hosts a variety of established recreation and commercial activities, such as sky diving, DOC visitor offices, rafting, and food and brewery facilities. These services contribute to and enhance the important tourism offerings of the District, and diversify the economic use of the land (currently zoned Rural General) beyond what it could otherwise be used as. The Morning Start Beach Reserve does not have high conservation values and is significantly modified.
- 10 Canyon Food and Brew has the following particular interests in respect of the PDP:

- (a) To ensure the PDP appropriately recognises and provides for the significant benefits which tourism and associated industry provide for the region at the strategic level and higher order chapters;
 - (b) To ensure the protection of existing commercial activity and recreational activities established from adverse impacts of newly established activities;
 - (c) To provide for appropriate enhancement and expansion of commercial recreation opportunities and diversification of rural land use;
 - (d) Facilitate coordinated and appropriate development of activities in reserve areas, marginal strips, and conservation land;
 - (e) Encourage the establishments of new and innovative commercial and tourism opportunities in rural land, and land which otherwise would derive an economic return.
- 11 Pursuant to the above interests, Canyon Food and Brew sets out its opposition to the PDP decision, the associated relief sought, and any reasons for appeals in **Appendix A**. Canyon Food and Brew reserves its position in respect of expanding on the reasons for relief sought in the course of appeal proceedings.

Further and consequential relief sought

- 12 Canyon Food and Brew 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 Canyon Food and Brew's PDP submissions.

Attachments

13 The following documents are **attached** to this notice:

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellants' 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 19th day of June 2018



Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

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.