

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2018-CHCH-110**

**UNDER THE** Resource Management Act 1991 (“Act”)

**IN THE MATTER OF** An appeal under Schedule 1, Clause 14(1), of the Act

**BETWEEN** MARK RICHTER  
**Appellant**

**AND** QUEENSTOWN LAKES DISTRICT COUNCIL  
**Respondent**

**NOTICE OF FRANCESCA’S ITALIAN KITCHEN LTD WISH  
TO BE PARTY TO THE PROCEEDINGS**

**TO:** The Registrar  
Environment Court  
CHRISTCHURCH  
By email: [Christine.McKee@justice.govt.nz](mailto:Christine.McKee@justice.govt.nz)

**AND TO:** The Appellant  
By email: [derek.mclachlan@gallawaycookallan.co.nz](mailto:derek.mclachlan@gallawaycookallan.co.nz)

**AND TO:** The Respondent  
By email: [dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz)

1. **FRANCESCA’S ITALIAN KITCHEN LTD** wish to be a party to Mark Richter v Queenstown Lakes District Council ENV2018-CHCH-110 (“**Appeal**”).
2. **FRANCESCA’S ITALIAN KITCHEN LTD** did not make a submission about the subject matter of the proceedings, but owns and operates Francesca’s Italian

Kitchen and is directly affected by any changes to the Proposed Queenstown Lakes District Plan as requested by the Appellant, and therefore has an interest greater than the general public.

3. **Francesca's Italian Kitchen Ltd** is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. **Francesca's Italian Kitchen Ltd** is interested in all of the proceedings.
5. **Francesca's Italian Kitchen Ltd** opposes the relief sought by the Appellant.
  - a. The relief sought by the Appellant would detrimentally affect the prosperity and vibrancy of the Wanaka Town Centre by imposing unreasonable noise limits which would not support the purpose of the Lower Ardmere Entertainment Precinct, which is to provide for night time dining and socialising in an area appropriately removed from Residential Zones.
  - b. The relief sought to remove the acoustic insulation requirement for Critical Listening Environments would result in new sensitive activities being established in the Wanaka Town Centre that are not adequately insulated against the noise environment in which they seek to establish. The acoustic insulation requirements are an appropriate mechanism to manage reverse sensitivity effects on lawfully established businesses within the Wanaka Town Centre Zone and such requirements are commonplace in planning documents for Town Centres throughout New Zealand.
  - c. The relief sought reduces the effectiveness of the Proposed Queenstown Lakes District Plan, where it seeks to manage effects on neighbouring Residential Zones. The relief sought would result in the entire Wanaka Town Centre Zone being subject to the same noise limits, indicating that night time activities are no less appropriate on the outer edges of the Wanaka Town Centre Zone than they are in the heart of the zone and away from residential zones.

6. **FRANCESCA'S ITALIAN KITCHEN LTD** agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Kate McKenzie

Authorised to sign on behalf of Francesca's Italian Kitchen Ltd

Date: 10 July 2018

Address for service:

Francesca's Italian Kitchen Ltd  
C/- Town Planning Group  
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Queenstown

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