

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of an appeal under clause 14 of
schedule 1 of the Act

BETWEEN

**GLEN DENE LIMITED, GLENE DENE
HOLDINGS LIMITED, RICHARD
BURDON AND SARAH BURDON**

Appellants

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 18 May 2021

To: The Registrar
Environment Court
Christchurch

This document notifies you that –

- [1] Glen Dene Limited, Glen Dene Holdings Limited, Richard Burdon and Sarah Burdon (**Appellants**) appeal against a decision of the Queenstown Lakes District Council (**Council**) on its Proposed District Plan (**Plan**).
- [2] The Appellants made a submission on the Plan.
- [3] The Appellants are not trade competitors for the purpose of section 308 of the Resource Management Act 1991 (**Act**).
- [4] The Appellants received notice of the decision on 1 April 2021.
- [5] The decisions the Appellants are appealing are:
- (a) the refusal by the Council to rezone land at Makarora-Lake Hawea Road, being Lot 1 DP 418972 and Lot 2 DP 418972, as Rural Visitor Zone (**RVZ**); and
 - (b) the rejection of the Appellants' submission seeking deletion of Chapter 39 – Wahi Tupuna.
- [6] The reasons for the appeal are as follows:
- Rural Visitor Zone*
- (a) the decision of the Council not to rezone the land as RVZ was contrary to the expert landscape evidence which found landscape and visual amenity values would be protected were the land to be rezoned, including values associated with the Lake Hawea Outstanding Natural Landscape (**ONL**).
 - (b) the Independent Hearings Panel appointed by the Council to hear the submission was correct in its finding that the land was capable of absorbing visitor-related development.

- (c) notwithstanding this, the Panel incorrectly determined that the controls proposed by the Appellant in terms of development location, scale and density were not sufficient to ensure landscape values would be protected.
- (d) the Panel incorrectly determined that the development enabled by the RVZ would not achieve the Objectives and Policies of the Zone, or the higher order Objectives and Policies of the Plan in relation to ONLs.
- (e) the Panel incorrectly determined that effects of development enabled by the zoning on visual amenity values from Lake Hawea and State Highway 6 were not sufficiently assessed.
- (f) in assessing the effects of development enabled by the zoning on visual amenity values from Lake Hawea and Stage Highway 6 the Panel ignored or failed to take adequate consideration of development already in the environment either in the form of permanent buildings or vehicles and tents associated with the Lake Hawea Campground.
- (g) the zoning as determined by the Council is not in accordance with Part 2 of the Act.

Chapter 39 – Wahi Tupuna

- (h) the provisions of Chapter 39 will place undue restrictions on land use and will create potential delays, uncertainties and costs for landowners.
- (i) the Panel had an insufficient evidential basis for the identification of land as Wahi Tupuna areas.
- (j) the Panel ignored the evidence on behalf of the Appellant which demonstrated that the Appellants' and other land had been through the Tenure Review process whereby iwi had the opportunity to identify whether such land had cultural values, and no such values were identified.

- (k) The provisions of chapter 39 and the mapping of Wahi Tupuna areas are not in accordance with Part 2 of the Act.

[7] The Appellants seek the following:

- (a) the decision of the Council is overturned, and the Appellants' submission accepted.

[8] The following documents are **attached** to this notice:

- (a) a copy of the Appellants' submission;
- (b) a copy of the Council's decision; and
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Dated: 18 May 2021



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Signed for Glen Dene Limited, Glen Dene Holdings Limited, and Richard and Sarah Burdon
by their solicitor and duly authorised agent
Graeme Morris Todd / Benjamin Brett Gresson

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 Appellants; 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.