

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-**

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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 **Andrew Fairfax and Ian and Philippa Macauley**  
Appellant

And **Queenstown Lakes District Council**  
Respondent

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**Notice of Appeal**

19 June 2018

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**Appellant's solicitors:**

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**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

- 1 Andrew Fairfax and Ian and Philippa Macauley appeal against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Fairfax and Macauley made submissions (#660) and (#662) on the PDP.
- 3 Fairfax and Macauley is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Fairfax and Macauley 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 21 Rural Zone;
  - (b) Chapter 36 Noise;
  - (c) Consequential relief Definition Chapter 2 / (Wakatipu Basin Chapter 24).
- 7 Reasons for appeal

### **Background**

- 8 Fairfax and Macauley own land in the Wakatipu Basin and regularly fly helicopters and fixed wing aircraft. The Appellants have a particular interest in the rules relating to the informal airports, and amendments to those provisions so as to enable the protection of existing established airports and the establishment of new airports, subject to appropriate amenity controls.
- 9 Alternative and consequential relief is sought in this Appeal with respect to the Wakatipu Basin Variation (Chapter 24, Stage 2). The Appellant acknowledges that Stage 2 decisions are yet to be completed, however given the timing of the Council's staged review, the outcomes of the Rural Zone rules applicable in respect of the Basin (and the Appellants' land) are at present uncertain, and therefore being appealed. Should a stage 2 zoning be confirmed over the Appellants' land, similar relief to that set out in this Appeal is sought to be applicable to that Stage 2 Zoning.
- 10 The Appellants also consider that it may be prudent for all appeals on these provisions relevant to informal airports in rural zones to be put on hold, pending the outcome of Stage 2 Wakatipu Basin to 'catch up' through the Court process

to these appeals. The reason being, that there is no justification for a separate rule regime applicable to Rural Zone informal airports as compared to the Wakatipu Basin Zone, particularly given in some instances the Basin Zone and Rural Zone abut each other. Hearing the appeals in a combined fashion will ensure a consistent PDP outcome, as well as ensuring the requirements of section 18A are met, to:

#### **18A Procedural Principles**

Every person exercising powers and performing functions under this Act must take all practicable steps to—

(a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised; and

(b) ensure that policy statements and plans—

(i) include only those matters relevant to the purpose of this Act; and

(ii) are worded in a way that is clear and concise; and

...

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

11 Fairfax and Macauley oppose any further provisions inconsistent with this appeal 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 Andrew Fairfax's and I and P Macauley's PDP submissions.

## Attachments

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

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellant's 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 19<sup>th</sup> day of June 2018



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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.