

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 Craig and Jenny Laing, Bruce and Alison Hebbard, Ben Mitchell and Beverley James, Rod and Fay Brook, David and Clare Easton, Lorraine and Garth Anderson, Hunter and Barbara Tait (**Seven Albert Town Property Owners**)

Appellant

And **Queenstown Lakes District Council**

Respondent

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**Notice of Appeal**

19 June 2018

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**Appellant's solicitors:**

Maree Baker-Galloway | Rosie Hill  
Anderson Lloyd  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348  
DX Box ZP95010 Queenstown  
p + 64 3 450 0700 | f + 64 3 450 0799  
Maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

- 1 Craig and Jenny Laing, Bruce and Alison Hebbard, Ben Mitchell and Beverley James, Rod and Fay Brook, David and Clare Easton, Lorraine and Garth Anderson, Hunter and Barbara Tait (**Seven Albert Town Property Owners**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Seven Albert Town Property Owners made a Further Submission (#1038) on the PDP.
- 3 Seven Albert Town Property Owners is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Seven Albert Town Property Owners 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 7 Low Density Residential;
  - (b) Planning Map 24b Albert Town.
- 7 Reasons for appeal

### **Background**

- 8 Seven Albert Town Property Owners own land adjacent to Wicklow Terrace, Albert Town. The subject of this appeal is the identification of landscape classification lines over a portion of the Clutha River ONF at Albert Town, indicated on Map 24b, and situated directly in front of the Appellants' properties. This portion of the ONF in question is herein referred to as the "**Wicklow Tce ONF**".
- 9 The process of the evolution of the Wicklow Tce through the PDP can be summarised as follows:
  - (a) Planning Map 24b as notified in the PDP indicated the boundary of the Wicklow Tce ONF to align with the Clutha River and exclude the unformed legal road of Wicklow Terrace.

- (b) The boundary as notified roughly follows the landscape boundaries as indicated in Dr Read's landscape boundaries report dated 2014 and Ms Steven's peer review of that report.
  - (c) Mr Alan Cutler (submitter 110) requested that the Wicklow Tce ONF be amended so as to include the adjacent river bank as part of the 'outstanding natural river corridor'.
  - (d) The Appellants opposed submission 110, seeking reinstatement of the ONF boundary as notified in the PDP.
  - (e) The PDP Decision amends the Wicklow Tce ONF appears to take a hybrid approach between the notified version of the PDP and Mr Cutler's submission, such that the new ONF intersects the Wicklow Tce legal road boundary at various places.
- 10 The Appellants oppose this Decision as it does not reflect the modified nature of the site, and the potential need for further engineering and land stability works required due to ongoing land instability in this area.
- 11 The Decision does not apply a practical approach to the delineation of the ONF by taking into account the location of flood levels of the Clutha River, the cadastral boundaries of the legal road and its use, and the dangerous nature of the Site needing further remediation works.
- 12 This land cannot reasonably meet the section 6 test of being 'outstanding' or 'preeminent' within the District.
- 13 The PDP approach to the zoning of roads, the classification of landscapes over roads, and consequentially what provisions (objectives, policies, and rules) subsequently applies to roads in the District is unclear and requires further clarification.
- 14 For these reasons, the Appellants seek that the ONF boundary be reinstated as initially notified in the 2015 PDP. Alternative relief to that amendment may be accepted where this results in a pragmatic outcome for future necessary works to be carried out in the area.

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

- 15 Seven Albert Town Property Owners oppose any further provisions inconsistent with this appeal and seek 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 the Seven Albert Town Owners' PDP submission.

## Attachments

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

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellant's further submission;
- (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**

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

### **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.