

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 **Glendhu Bay Trustees Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

19 June 2018

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 Glendhu Bay Trustees Limited (**GBT**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 GBT made a submission (#583) on the PDP.
- 3 GBT is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 GBT 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 27 Subdivision;
 - (b) Special Zones;
 - (c) Map 7 West Wanaka, Lake Wanaka, Upper Shotover.
- 7 Reasons for appeal and relief sought.

Background

- 8 GBT owns land known as Glendhu Station near Wanaka. Its land has been identified within the Rural Zone under the PDP. It has the same zoning under the operative District Plan.
- 9 The site is located at 1215 Wanaka – Mount Aspiring Road, Wanaka and comprises the land more generally known as Glendhu Station. The site extends around the western shores of Lake Wanaka from Glendhu Bay, south along either side of Motatapu Road to the Motatapu River, following its eastern bank to the confluence with the Matukituki River.
- 10 The land to which the submission relates is contained within four certificates of title, legally described as:
 - (a) Lot 2, 9-11 Deposited Plan 457489, being 187.6434 ha in area and contained within Computer Freehold Register identifier 602575, and owned by Glendhu Station Preserve Ltd;

- (b) Lot 1, 3 Deposited Plan 457489, being 15.5715 ha in area and contained within Computer Freehold Register identifier 602576, and owned by Glendhu Holdings Ltd
 - (c) Lot 4-5 Deposited Plan 457489, being 44.2105ha in area and contained within Computer Freehold Register identifier 602577, and owned by Glendhu Holdings Ltd
 - (d) Lot 6-8 Deposited Plan 457489 and Section 1-2, 19, 18, 22-23 SO Plan 347712, being 2588.5685 ha in area and contained within Computer Freehold Register identifier 602578, and owned by Glendhu Holdings Ltd
- 11 The combined area of the land subject to this submission is approximately 2834 hectares.
- 12 The purpose of the GBT submission to the PDP is to rezone the land as a new Glendhu Station Zone, to better reflect the nature of approved development, the character of the area and to provide for the sustainable management of the land resource.
- 13 The decision of Council declined to grant the relief sought by GBT and proposed the land be continued to be zoned Rural.

Corridor Resource Study

- 14 Following tenure review, Glendhu Station and the neighbouring Cattle Flat Station, in conjunction with Darby Partners, completed a resource study of an area of approximately 5,000ha called the Glendhu / Cattle Flat Corridor. The purpose of this study was to comprehensively evaluate the landscape, ecological values and geographical constraints and opportunities within a corridor of land running across both Stations. This comprehensive overview aimed to provide an informed platform for consideration of future land use opportunities and to avoid piecemeal and uncoordinated planning decisions.
- 15 The study is primarily landscape based. It identifies 9 different landscape units or components within the Corridor and assesses their ability to absorb change. In addition the study considered geology, hydrology, ecology, planning and traffic elements.
- 16 In respect of Parkins Bay, the Corridor Study identified that the foreshore of Parkins Bay had varied potential to absorb change with variable mitigation potential. The Glendhu Station flats similarly had varied potential to absorb change with high mitigation potential in specific locations. This reflects the variable topography and relief in the landscape and the potential this offers to establish an activity in a location where effects on public views can be avoided or

mitigated. Further site survey and analysis of an area of approximately 180ha of the Glendhu Station flats was undertaken to better understand the opportunities and constraints inherent in the land. Visibility mapping of the topography was utilised to identify sites capable of absorbing change and these formed the basis for the resulting design.

The Parkins Bay Preserve

- 17 Following the outcomes of initial tenure review and then the Corridor Resource Study, the Parkins Bay Preserve emerged as a development proposal for 180 ha of the Glendhu Station land and promoting development of a golf course and club house and visitor accommodation and residences. Resource consent was lodged for the Parkins Bay development in November 2006.

- 18 After an initial Council and then Environment Court hearing, in May 2012 the Environment Court confirmed the grant of an application for resource consent to Parkins Bay Preserve Limited for the construction, provision and use of:
 - (a) An 18 hole championship golf course located either side of the Mt Aspiring Road;
 - (b) A series of lakeside buildings, including:
 - (i) a club house with restaurant and cafe;
 - (ii) a jetty to facilitate public access to the building from the water;
 - (iii) twelve visitor accommodation units, spread over three buildings;
 - (c) 42 residences/visitor accommodation units, to be located on the rolling terrace to the south of the golf course, each set on an area of land between 3,525 m² and 8,719 m² ;
 - (d) Ecological enhancement of approximately 65 hectares in accordance with a revegetation strategy including planting of locally appropriate native plants in the golf course and around the proposed houses;
 - (e) Covenanted areas from which stock are precluded to allow natural revegetation to occur;
 - (f) Enhanced public access to the site including provision of formed access from the Mt Aspiring Road to the Parkins Bay foreshore, formed access from Glendhu Bay to Parkins Bay and further along Parkins Bay, northwest of the Clubhouse to form a link to the second underpass under Mt Aspiring Road; and

- (g) Further public access in the form of a track along the Fern Burn to the existing Motatapu Track, provision for mountain bike access to the Motatapu Track, a track to the high point on Glendhu hill, and a track from Rocky Mountain to the existing Matukituki River track, upon a set of terms and conditions set out in the decision and in accordance with the plans and maps attached to that decision
- 19 This landowner has proceeded to progress with the initial subdivision of Glendhu Station into the main development titles necessary to facilitate the approved land use consent. This resource consent has also resulted in the creation of the open space covenants and the creation of each of the public access easements, as required through the environment court's decision on the land use consent (RM120558).The current title structure outlined in the description of the site (above) reflects the framework of titles created from this resource consent.
- 20 Further preliminary consents have been also sought to amend conditions to adjust aspects of the staging of the land use consent (RM140959) and also the layout of the golf course (RM150567).

Structure Plan

- 21 A structure plan is proposed to establish the spatial layout of development within the proposed Glendhu Station Zone and this provides for the identification of the following activity areas:
- (a) The Golf Activity Area (G), designed to incorporate the golf course, maintenance and operational facilities and underpass.
 - (b) The Lakeside Activity Area (LS), designed to accommodate a series of buildings, including 12 visitor accommodation units, functions and events, a jetty to facilitate public access to the activity area from Lake Wanaka, the golf course club house with restaurant and café and associated vehicle access and parking.
 - (c) The Residences Activity Area (R) provides for 50 residences and/or visitor accommodation units and areas of native revegetation.
 - (d) The Lodge Activity Area (L) provides for a visitor and residential accommodation activities, comprising a lodge and a small number of detached accommodation villas.
 - (e) The Campground Activity Area (C) provides for the expansion of the Glendhu Bay campground across the Mount Aspiring Road, together with provision for a new road access alignment, and providing for visitor accommodation activities.

- (f) The Farm Homestead Activity Area (FH) provides for a mixture of small scale commercial activities that are designed to complement and support the campground, visitor accommodation, including farm stays, conferences, events and functions (e.g. weddings), farm tours, staff accommodation, and a small scale abattoir, butcher, packing shed and tannery.
- (g) The Open Space Farm Preserve Activity Area (OS/F) provides for farming activities, recreation activities, including public access trails, areas of ecological enhancement, small scale eco-themed visitor accommodation, an airstrip and some limited provision for residential accommodation.

Relief sought:

22 GBT opposes that decision and seeks that the following relief: Either:

- (a) The changes sought to chapter 27 Subdivision and Map 7 West Wanaka and the insertion of the new Special "Glendhu Station Zone" as sought in the original submission dated 23 October 2015 attached as **Appendix A**;

or in the alternative

- (b) The changes sought to chapter 27 Subdivision and Map 7 West Wanaka as sought in the original submission dated 23 October 2015 and included in Appendix A, and the insertion of the alternative version of new Special "Glendhu Station Zone" as set out in the evidence of the submitter at the hearing in June 2017, set out in **Appendix B**.

Or in the alternative:

- (c) A Special Zone reduced in scale from the above focused more explicitly on the version of the Structure Plan identified in **Appendix C**, with a Special Zone provisions having the same effect as above.

Further and consequential relief sought

23 GBT opposes any provisions contrary to the above 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 GBT's PDP submissions.

Attachments

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

- (a) **Appendix A** – 1st alternative relief sought (being the Appellants primary submission)

- (b) **Appendix B** – 2nd alternative relief sought
- (c) **Appendix C** – 3rd alternative relief sought
- (d) **Appendix D** - A copy of the relevant parts of the decisions; and
- (e) **Appendix E** - A list of names and addresses of persons to be served with this notice

Dated this 19th day of June 2018

A handwritten signature in blue ink that reads "Maree Baker-Galloway". The signature is written in a cursive style with a long, sweeping tail on the "y".

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