

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

I MUA I TE KŌTI TAI AO O AOTEAROA

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an appeal under Clause 14 of Schedule 1 of the Act
BETWEEN	SKYLINE ENTERPRISES LIMITED
	Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

NOTICE OF APPEAL

Dated: 7 May 2019

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Skyline Enterprises Limited (“**Appellant**”) appeals against a decision of the Queenstown Lakes District Council (“**Council**”) on its Proposed District Plan (“**Plan**”).
2. The Appellant made a submission on the Plan.
3. The Appellant is not a trade competitor for the purpose of section 308D of the Resource Management Act 1991.
4. The Appellant received notice of the decision on 21 March 2019.
5. The part of the decision the Appellant is appealing is:
 - a. The rejection of the Appellant’s submission seeking the extension of the Bob’s Peak Area of the Ben Lomond Sub-Zone to the west.
 - b. Rule 38.11.6 prohibiting the construction of any building other than retaining walls (but including by implication any structure associated with a helipad that may be deemed to be a building under the Plan) within the Building Restriction Area.
6. The reasons for the appeal are as follows:
 - a. The Hearings Panel erred in its determination that the Appellant provided an insufficient evidential basis for the extension of the Bob’s Peak Area. The Panel did not give due consideration to the evidence of the Appellant which showed that such extension was appropriate and necessary to allow for future buildings and commercial activities in this area given the extent of existing and proposed buildings and activities already occurring within the Bob’s Peak Area.
 - b. The Panel further did not have due regard to the landscape evidence for the Appellant which considered the proposed extension of the Bob’s Peak Area to be appropriate. This evidence was supported by the landscape evidence for the Council in hearings on Stage 1 of the Plan. No landscape evidence was called by the Council on Stage 2.
 - c. The rejection of the extension of the Bob’s Peak Area is contrary to the purpose of the Ben Lomond Sub-Zone which is to allow for recreation activities and provide for associated infrastructure while protecting, maintaining and enhancing landscape values, nature conservation values, ecosystem services and amenity.
 - d. The rejection of the extension of the Bob’s Peak Area is contrary to Part 2 of the Resource Management Act 1991.
 - e. Rule 38.11.8 provides that an informal airport within the Future Helipad Area within the Ben Lomond Sub-Zone is a restricted discretionary activity. This area is also a Building Restriction Area. Under Rule 38.11.6 the construction of any building within this area is a prohibited activity.

- f. Whilst retaining walls are excluded from Rule 38.11.6, the construction of other structures associated with helipad activities anticipated in this area, such as the helipad and any safety mesh structures, are potentially a prohibited activity under this Rule as they may constitute a building under the Plan.
7. The Appellant seeks the following relief:
 - a. The Appellant's submission seeking an extension to the Bob's Peak Area be accepted;
 - b. Rule 38.11.6 be amended so as to exclude any structures associated with helipad activities; and
 - c. That the Future Helipad Area be annotated on the Planning Maps.
 8. The following documents are attached to this notice:
 - a. A copy of the Appellant's submission(s);
 - b. A copy of the decision; and
 - c. A list of names and addresses of those served with a copy of this notice.

Dated: 7 May 2019



Signed for Skyline Enterprises Limited
by their solicitor and duly authorised agent
Graeme Morris Todd/Benjamin Brett Gresson

Address for service of the Appellant:

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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 lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends.

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 requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.