

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY
I MUA I TE KŌTI TAIAO 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	LESLIE AND JUDITH NELSON Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

NOTICE OF APPEAL

Dated: 3 May 2019

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Leslie and Judith Nelson ("**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 308D of the Resource Management Act 1991.
4. The Appellants received notice of the decision on 21 March 2019.
5. The decision the Appellants are appealing is:
 - a. The rezoning of the land referred to in the Appellants' submissions as Wakatipu Basin Rural Amenity Zone ("**WBRAZ**").
6. The reasons for the appeal are as follows:
 - a. The decision to rezone the Appellants' land and other land on Mooney Road as WBRAZ is not justified on the basis of the expert evidence heard by the Hearings Commissioners who recommended such rezoning to the Council and is contrary to the weight of expert evidence which did not support such rezoning.
 - b. The decision is not in accordance with sound resource management planning principles.
 - c. Inadequate reasons were given in the Hearings Commissioners recommendations to rezone the Appellants' land.
 - d. The decision to rezone the land was influenced by non-expert witnesses as to landscape, the current state of the Hunter and Mooneys Road intersection and the current legal width of Mooneys Road when such could easily be upgraded, and further legal width obtained to cater for additional traffic arising from development contemplated by the proposed zoning.
 - e. The Appellants' land is not wider than the catchment on Lake Hayes nor does it have ecological values. If the Hearings Commissioners were justified in recommending the rezoning based on concerns that some of the land proposed to be rezoned might be within the Lake Hayes catchment or have ecological value which meant it was unjustifiable for such zoning, then it was open to them to rezone only such land leaving the balance of the proposed zoning as part of the Mooney Road catchment rezoned as originally notified.
7. The Appellants seeks the following relief:
 - a. That the decision of the Council be overturned, and the Appellants appeal be accepted allowing for the Appellant's land to remain zoned Lifestyle Precinct.
8. The following documents are attached to this notice:
 - a. A copy of the Appellant's submission;

- b. A copy of the decision; and
- c. A list of names and addresses to be served with a copy of this notice.

Dated this 3rd day of May 2019



Signed for the Appellant
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.