

**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	T MCQUILKIN AND A P MCQUILKIN FAMILY TRUST
	Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

NOTICE OF APPEAL

Dated: 6 May 2019

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitors:

G M Todd/B B Gresson
PO Box 124
Queenstown 9348
P 03 441 2743
F 03 441 2976
graeme@toddandwalker.com;
ben@toddandwalker.com

To: The Registrar
Environment Court
Christchurch

1. T McQuilkin and A P McQuilkin Family Trust (“**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 rejection of the Appellants’ submission seeking amendments to the boundary of the Rural Amenity Zone.
 - b. The rejection of the Appellants’ submission seeking the construction of buildings within approved/registered building platforms be a Controlled Activity.
6. The reasons for the appeal are as follows:
 - a. The finding of the Hearing Commissioners which formed the basis of their recommendation to Council which was adopted by the Council in its decision as to the boundary of the Rural Amenity Zone was contrary to the weight of evidence presented at the hearing of the submission.
 - b. Indeed, notwithstanding the Hearings Panel stating it agreed with the Appellants’ expert landscape architect the decision does not reflect that.
 - c. In terms of Council’s decision to require buildings within an approved building platform to obtain a Restricted Discretionary activity consent it is an inefficient use of resources and contrary to sound resource management planning principles.
 - d. The whole idea of approving building platforms at the stage of subdivision is to give landowners confidence that if they acquire a lot with an approved platform then there will be certainty when it comes time to build that if their dwelling is located within the platform then the application cannot be declined.
 - e. The decision of the Council is contrary to Part 2 of the Resource Management Act 1991.
7. The Appellants seek the following relief:
 - a. That the decision of the Council be overturned, and the Appellants’ appeal be accepted.
8. The following documents are attached to this notice:
 - a. A copy of the Appellants’ 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: 6 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:

Todd & Walker Law
PO Box 124
Queenstown 9348
Telephone: 03 441 2743
Facsimile: 03 441 2976
Email: graeme@toddandwalker.com; ben@toddandwalker.com

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.