

**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	BANCO TRUSTEES LIMITED, MCCULLOCH TRUSTEES 2004 LIMITED AND OTHERS
	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. Banco Trustees Limited, McCulloch Trustees 2004 and Others (“**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 7 March 2019.
5. The decision the Appellant is appealing is:
 - a. The rejection of the Appellant’s submission seeking a minimum lot size for subdivision in the Wakatipu Basin Lifestyle Precinct (“**WBLP**”) of 4000m².
 - b. The rejection of the Appellant’s submission seeking the construction of buildings in the WBLP within approved/registered building platforms be a Controlled Activity.
6. The reasons for the appeal are as follows:
 - a. The decision of the Council to impose a 6000m² minimum/1ha average lot size in the WBLP is contrary to the findings of the 2017 Wakatipu Basin Land Use Study.
 - b. The decision of the Council to require buildings within an approved building platform to require a resource consent as a restricted discretionary activity is an inefficient use of resources and contrary to sound resource management principles.
 - c. 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 or if they have them assessed as part of a subdivision, then there will be certainty when it comes time to build that if the dwelling is located within the platform then the application cannot be declined.
 - d. The decision of the Council is contrary to Part 2 of the Resource Management Act 1991.
7. The Appellant seeks the following relief:
 - a. That the decision of the Council be overturned, and the Appellant’s appeal be accepted.
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: 7 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.