

**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	JOHN MCCRAE MARTIN Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

NOTICE OF APPEAL

Dated: 7 May 2019

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. John McCrae Martin (“**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 decision the Appellant is appealing is:
 - a. The zoning of the Appellant’s property at Arrowtown-Lake Hayes Road, legally described as Lot 1 DP 320468, as Wakatipu Basin Rural Amenity Zone.
6. The reasons for the appeal are as follows:
 - a. The recommendation of the Hearings Commissioners appears to fail to consider the Appellant’s submission. Footnote 19 on page 8 of Report 18.6 Area 1) Lake Hayes refers to evidence on behalf of the Appellant’s submission by Messrs Brown and Espie seeking land be rezoned Wakatipu Basin Lifestyle Precinct (“**WBLP**”). Messrs Brown and Espie did not appear for the Appellant and the Appellant sought his land be zoned Low Density Residential and not WBLP. Further, the Appellant’s land is not within the area the subject of Mr Espie’s evidence noted at page 10 of the report.
 - b. The Council failed to consider that the part of the Appellant’s property sought to be rezoned Low Density Residential Zone had a residential character akin to the land on the opposite side of Arrowtown-Lake Hayes Road zoned Low Density Residential, as opposed to a rural character.
 - c. The Appellant’s land is able to be serviced by reticulated wastewater services.
 - d. The decision of the Council is contrary to the Objectives and Policies of the Plan as to allow for low density residential development in the location sought by the Appellant would not adversely affect landscape or rural amenity values.
 - e. The decision 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:

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.