

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-

IN THE MATTER of the Resource
Management Act 1991
("Act")

AND

IN THE MATTER of an appeal pursuant to
Clause 14(1) to Schedule 1
of the Act

BETWEEN **L M TOPP, C M
MCLINTOCK and
NEW ZEALAND
TRUSTEE SERVICES
LIMITED**

Appellant

AND

**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN UNDER CL 14(1) SCHEDULE**

1

Dated 7 May 2019

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

3rd Floor, 11-17 Church Street

Queenstown 9300

P O Box 653, DX ZP95001, Queenstown 9348

Telephone: (03) 441 0125 Fax: (03) 442 8116

Solicitor Acting: J E Macdonald

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

1. Name and address of appellant:

L M Topp, C M McLintock and New Zealand Trustee Services Limited
c/o Macalister Todd Phillips
Level 3, 11-17 Church Street
Queenstown 9300
Attn: Jayne Macdonald

2. L M Topp, C M McLintock and New Zealand Trustee Services Limited (“Appellant”) appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on a variation to the Queenstown Lakes District Council Proposed District Plan – namely the introduction of chapter 24 and the Wakatipu Basin planning maps, including the identification of Outstanding Natural Landscapes (“ONL’s”) on those maps (“Proposed Plan”).
3. The Appellant is a person who made a submission on the Proposed Plan (#2254).¹ The Appellant’s submission sought to amend the ONL Line in the vicinity of its property on Morven Hill.
4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

¹ The Applicant made submission (#121) to Stage 1 of the Proposed Plan challenging the ONL line, which was deferred to be considered as part of the Stage 2 hearings.

5. Notice of the Decision was received on or about 21 March 2019.
6. The Appellant appeals against the Decision regarding the location of the ONL Line
7. **The reasons for the appeal are as follows:**

- [a] The ONL Line in the Proposed Plan is different to that shown in the Operative District Plan (“ODP”). There is no justification offered for the change in location, and in particular why it has moved from the boundary determined by the Environment Court’s decision in C203/2004.
- [b] The Decision fails to consider the level of modification within the vicinity of the ONL line.
- [c] The Decision is inconsistent with the landscape assessment prepared by Dr Marion Read for RM120172 which states: “*I consider that the boundary should ascend the spur from Hayes Creek, loop to the south of the existing dwelling then following the shallow gully to the north east of the dwelling as it ascends to the terrace surface below.*”
- [d] The proposed ONL line creates inconsistencies by leaving an isolated area of domesticated land within the ONL.

8. The Appellant seeks the following relief from the Court:

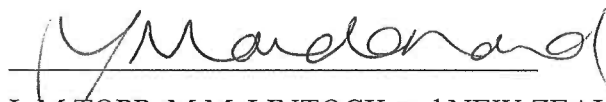
The Appellant seeks that the ONL Line be amended to exclude that area identified in Attachment C of the Submission.

9. Additional Relief

In addition to the specific relief set out above, the Appellant seeks the following relief:

- a. such further or other relief as may be just or necessary to address matters raised in the Submission and this appeal; and

- b. Costs.


L M TOPP, M McLINTOCK and NEW ZEALAND TRUSTEE SERVICES LIMITED as Appellant by its solicitor and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 7 May 2019

C/- Macalister Todd Phillips, Level 3, 11-17 Church Street, PO Box 653, Queenstown 9348

Telephone: 03 441 0127

Fax/email: 03 442 8116/jmacdonald@mactodd.co.nz

The following documents are attached to this notice:

- (a) a copy of the submission (with a copy of the submission opposed by the further submission);
- (b) a copy of the relevant part of the decision;
- (c) any other documents necessary for an adequate understanding of the appeal;
- (d) a list of names and addresses of persons to be served with a copy of this notice.

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 made a submission or further submission on the matter of this appeal.

To become a party to the appeal, you must –

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court at Christchurch.

Environment Court

Christchurch Registry

282 Durham Street

Central City

Christchurch

Postal address:

PO Box 2069

DX: WX11113

Christchurch

Telephone and fax numbers:

Telephone: (03) 365 0905

Fax: (03) 365 1740

Names and addresses of persons to be served with a copy of the Notice of Appeal

1. Queenstown Lakes District Council
10 Gorge Road
Queenstown
E: dpappeals@qldc.govt.nz