

**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** **JANE BAMFORD AND  
RICHARD BAMFORD**

**Appellant**

**AND**

**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**

**Respondent**

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

**Dated 7 May 2019**

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**MACALISTER TODD PHILLIPS**

Barristers, Solicitors, Notaries

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Queenstown 9300

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Solicitor Acting: J E Macdonald

## NOTICE OF APPEAL

**To:** The Registrar  
Environment Court  
Christchurch

**1. Name and address of appellant:**

Jane & Richard Bamford  
c/o Macalister Todd Phillips  
Level 3, 11-17 Church Street  
Queenstown 9300  
Attn: Jayne Macdonald

2. Richard and Jane Bamford (“Appellant”) appeal the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on the Queenstown Lakes Proposed District Plan (“Plan”).
3. The Appellant is a person who made a submission on the Plan. The Appellant’s submission sought to have the property legally described as Lot 17 DP 445230 (“Property”) zoned Low Density Residential (“LDRZ”) and the Urban Growth Boundary (“UGB”) amended to follow the Outstanding Natural Landscape (“ONL”) boundary (“Submission”).
4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. Notice of the decision was received on or about 27 March 2019.
6. The Appellant appeals against the Decision in part.

**7. The reasons for the appeal are as follows:**

- [a] The Respondent erred by not adopting a consistent approach to the rezoning of land in the vicinity of the Property. A rural zoning does not reflect the level of built development in the surrounding vicinity, nor the capacity of the Property to absorb Low Density Residential Development.
- [b] The retention of the rural zoning within the UGB is inefficient and is an anomaly in this location given the extent of existing and proposed medium density development.
- [c] As a consequence of the errors above, the Respondent erred in its determination that the Submission be rejected and the existing rural zoning be retained over the lower terrace of the Property.

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

The Appellant seeks that the balance of the Property within the UGB, be zoned Low Density Residential.

**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.



RICHARD BAMFORD and JANE BAMFORD as Appellant by its solicitor  
and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 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](mailto:dpappeals@qldc.govt.nz)

Bridesdale Farm Developments Limited  
C/- Warwick Goldsmith  
PO Box 201  
Queenstown, 9348  
E: [warwick.goldsmith@andersonlloyd.co.nz](mailto:warwick.goldsmith@andersonlloyd.co.nz)