

**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

GRAEME WILLS & TRISH BURDEN

Appellant

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 7 May 2019

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Graeme Wills and Trish Burden (“**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 Appellant’s submission seeking their property together with other land as identified in their submission be rezoned as Wakatipu Basin Lifestyle Precinct (“**WBLP**”).
 - b. The rejection of the Appellant’s submission seeking reduction in minimum lot size areas and greater flexibility and innovation in subdivision design.
6. The reasons for the appeal are as follows:
 - a. The recommendation of the Hearings Commissioners to reject the Appellants’ submission was contrary to the weight of evidence and detail contained within the submission that supported the rezoning of the Appellants’ and other land south of Millbrook, west of Arrowtown-Lake Hayes Road, west of the Waterfall Park Zone and north of Waterfall Park Road as WBLP.
 - b. The only reason given for rejecting the submission seeking the rezoning was that the land was within the Lake Hayes catchment and was not within a reticulated wastewater scheme. This finding ignores the fact that Council reticulated services are available to the boundary of the Appellants’ land.
 - c. The Hearings Panel could have recommended the rezoning subject to a Zone Standard or Assessment Matter that required development be connected to a reticulated wastewater scheme.
 - d. The WBLP is capable of absorbing greater density than what the decisions version of the WBLP provides for and this should be reflected in both Chapter 24 and Chapter 27.
 - e. The decision is contrary to Part 2 of the Resource Management Act 1991 and not in accordance with sound resource management planning principles.
 - f. The evidence before the Hearings Commissioners was that the land is suitable in landscape and planning terms to be rezoned WBLP.
 - g. The Hearings Commissioners erred in their findings and recommendations.
7. The Appellants seek the following relief:

- a. That the decision of the Council be overturned, and the Appellants' appeal be accepted.
 - b. Consequential amendments to the Zone Purpose, Objectives and Policies, Rules and Assessment Matters to the WBLP as set out in the Appellants' submission.
 - c. Consequential amendments to the Zone Purpose, Objectives and Policies, Rules and Assessment Matters to any other Chapter of the PDP, including Chapter 27 as set out in the Appellants' submission.
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.