

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV -

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of an appeal under clause 14 of schedule
1 of the Act

BETWEEN

**BEECH COTTAGE TRUSTEES
LIMITED**

Appellant

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 18 May 2021

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitor acting
G M Todd / B B Gresson
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To: The Registrar
Environment Court
Christchurch

This document notifies you that –

- [1] Beech Cottage Trustees Limited (**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 308 of the Resource Management Act 1991 (**Act**).
- [4] The Appellant received notice of the decision on 1 April 2021.
- [5] The decision the Appellant is appealing is:
 - (a) the rejection of the Appellant’s submission seeking deletion of Chapter 39 – Wahi Tupuna, or in the alternative the removal of the identification of the Appellant’s property at Wanaka – Mt Aspiring Road, being Sec 1 and 2 SO 24934, as a Wahi Tupuna area.
- [6] The reasons for the appeal are as follows:
 - (a) the provisions of Chapter 39 place unjustified restrictions on land use and will potentially create undue delays, uncertainty and cost to landowners.
 - (b) the identification of the Appellant’s property as a Wahi Tupuna area was not supported by evidence, particularly given the property was the only lot in the location identified as a Wahi Tupuna area.
 - (c) the Independent Hearings Panel who heard and determined the Appellant’s submission gave undue weight to the evidence of Ka Runaka in respect of the identification of land as Wahi Tupuna areas.
 - (d) the evidence of Ka Runaka provided no basis for the identification of the Appellant’s property as a Wahi Tupuna area.

- (e) the Panel ignored the submissions presented on behalf of the Appellant which referred to the lack of justification for the identification of the Appellant's property as a Wahi Tupuna area.
- (f) The decision is contrary to the Objectives and Policies of the Plan.
- (g) The decision is contrary to Part 2 of the Act.

[7] The following documents are **attached** to this notice:

- (a) a copy of the Appellant's submission;
- (b) a copy of the Council's decision; and
- (c) a list of names and addresses of persons to be served with a copy of the notice.

Dated: 18 May 2021



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Signed for Willowridge Developments Limited
by its 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 made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must:

- 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 Appellants; and
- 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).

Advice

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