

**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	ROGER LINDSAY DONALDSON Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

NOTICE OF APPEAL

Dated: 6 May 2019

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Roger Lindsay Donaldson ("**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 as Wakatipu Basin Rural Amenity Zoning ("**WBRAZ**").
 - b. The minimum lot size provisions within the Wakatipu Basin Lifestyle Precinct ("**WBLP**").
 - c. The rejection of the Appellant's submission seeking the construction of buildings in the WBLP within approved/registered building platforms be a Controlled Activity.
 - d. The rejection of the Appellant's submission seeking amendments to the provisions of the WBLP Zone.
6. The reasons for the appeal are as follows:
 - a. The Council adopted in full the recommended decisions made by the Hearings Panel who heard submissions to the Plan.
 - b. The decision of Council has resulted in a significant "down zoning" from what was originally notified.
 - c. The decision is contrary to the weight of evidence that was before the Hearings Panel who heard submissions on Stage 2 of the Plan.
 - d. The Hearings Panel took into account incorrect evidence in reaching its recommendation.
 - e. The recommendation is based on incorrect factual findings and an incorrect assessment of the landscape of which the Appellant's site forms part.
 - f. In reaching its recommendation the Hearings Panel relied on evidence from a witness for the Council who gave such evidence in her reply evidence in respect to a question put by the Hearings Panel when the Panel did not put the same question to the Appellant's counsel or expert witnesses nor provide the Appellant the opportunity to comment on such evidence.
 - g. The Hearings Panel in reaching its recommendation did not accept the evidence before it that reticulated services were available to service development of the Appellant's land and such development would therefore

not result in any adverse effects on Lake Hayes or its catchment. The Appellant was never asked whether Council had any issue with such development being connected to such services.

- h. The Hearings Panel recommendation ignores the fact that the Appellant's land is surrounded by existing urban development within a resort zone or by rural residential development. This places restrictions on what the land can be used for in terms of permitted rural activities. Its recommendation results in an "island" of rural land surrounded by incompatible uses.
 - i. The Hearings Panel was incorrect in its interpretation and acceptance of photographic evidence taken from elevated positions within the Wakatipu Basin that sought to demonstrate that the Appellant's land provided relief to the development within the adjoining Millbrook Resort Zone.
 - j. The Hearings Panel was wrong in its finding that:
 - i. Development of the Appellant's land would "...push development over the brow (away from the Millbrook Resort), resulting in new development extending into other visual catchments".
 - ii. The Appellant's land is "relatively visually prominent" (noting the recommendation does not state from which roads and parts of the Trails system the land is visually prominent).
 - iii. "the plateau including the ... Donaldson block has significant and important landscape characteristics that need to be safeguarded".
 - iv. All of the Appellant's land was included in an area adjoining Millbrook which had a low capacity to absorb development.
 - k. The Hearings Panel failed to identify that certain parts of the Appellant's site can absorb development and also failed to identify the effect that the development in the Millbrook Zone has in raising such land's ability to absorb development.
 - l. The Hearings Panel should have cautioned itself against relying on the evidence of Mr Blakely given its bias and inconsistencies.
 - m. There is no justification given for the finding and recommendation that future development in approved residential building platforms should be "downgraded" from a Controlled Activity status to Restricted Discretionary. The purpose of identification of a residential building platform at the time of an application for subdivision or the identification of a platform is to identify sites where development is generally appropriate, subject always to the controls that were retained in the terms of the Controlled Activity status to build within such approved platform.
 - n. That given the purpose of the WBRAZ the imposition of standards requiring minimum and average lot sizes as determined will result in an inefficient use of such land.
 - o. The decision is contrary to the purpose and principles in 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 submissions;
 - b. A copy of the decision; and
 - c. A list of names and addresses to be served with a copy of this notice.

Dated: 6 May 2019



Signed for the Appellant
by their solicitor and duly authorised agent
Graeme Morris Todd/Benjamin Brett Gresson

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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.