

**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

MICHAEL PAUL HENRY

Appellant

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 7 May 2019

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Michael Paul Henry (“**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 rezoning of part of the Appellant’s property at Lower Shotover Road, Queenstown, legally described as Lot 2 DP 458502, Lots 3-4 DP 438514, Lot 21 DP 391412, and Section 107 Block III Shotover SD, as Rural Zone, Rural Lifestyle Zone, and Wakatipu Basin Rural Amenity Zone (“**WBRAZ**”).
 - b. The rejection of the Appellant’s submission seeking the construction of buildings within an approved Residential Building Platform (“**RBP**”) be a Controlled Activity.
6. The reasons for the appeal are as follows:
 - a. The Council erred in considering that the parts of the Appellant’s property located south of the Outstanding Natural Feature (“**ONF**”) line and east of Springbank Road were not capable of absorbing additional residential development.
 - b. The decision does not reflect the evidence that was provided to the Hearings Panel.
 - c. The decision ignores the findings of the Wakatipu Basin Landscape Study which identified the Appellant’s land as being within an area with a capability to absorb additional development.
 - d. The balance of the Appellant’s lands south of the ONF line and east of Springbank Road is suitable for zoning as Wakatipu Basin Lifestyle Precinct (“**WBLP**”).
 - e. To not rezone such land would result in an inefficient use of the land.
 - f. The Council erred in determining that the construction of buildings within an approved RBP should require consent as a Restricted Discretionary Activity.
 - g. The whole idea with identifying RBP’s either as part of an application for land use consent or subdivision is to provide the land owner with certainty that when an application for consent is made it cannot be declined.
 - h. To enable an application for a dwelling with an approved RBP to be declined would result in inefficiencies in the planning process to the extent there is little point in providing for a process of identifying RBPs.

- i. The decisions are contrary to Part 2 of the Resource Management Act.
7. The Appellant seeks the following relief:
- a. That the decision of the Council be overturned, and the Appellant's appeal accepted.
 - b. That the balance of the Appellant's lands south of the ONF line and east of Springbank Road be rezoned WBLP.
 - c. That an application for approval of buildings within an approved RBP be a Controlled Activity with controls as per those provided in the Operative District Plan.
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: 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.