

**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 section 120 of the Act
BETWEEN	JAMES CANNING MUSPRATT
	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. James Canning Muspratt (“**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 in part of land identified in the Appellant’s submission as Wakatipu Basin Rural Amenity Zone (“**WBRAZ**”).
 - b. The requirement for dwellings in the Wakatipu Basin Lifestyle Precinct constructed within a registered or approved building platform to obtain consent as a Restricted Discretionary activity.
6. The reasons for the appeal are as follows:
 - a. The Hearings Panel in recommending the zoning of the land identified in the Appellant’s submission remain as notified gave undue weight to the landscape evidence on behalf of the Council in respect of the location of the WBRAZ boundary.
 - b. Such evidence differed from that on behalf of the Council as part of Stage 1 of the Plan which correctly identified that more of the land is suitable for Rural Lifestyle zoning and that the boundary between the Rural Zone and Rural Lifestyle Zone should be further to the east.
 - c. The Panel appeared to acknowledge the location of the WBRAZ boundary as recommended by the Council’s landscape evidence in Stage 2 was arbitrary.
 - d. The decision to require the construction of dwellings within an approved or registered building platform to obtain consent as a Restricted Discretionary Activity is contrary to sound planning principles and is an inefficient use of resources. The point of identifying a building platform as part of a subdivision of a property is to allow the Council to assess the effects of the future anticipated building and give landowners certainty that, if such platform is approved, the application to construct the building cannot be declined.
 - e. To allow consent for buildings within building platforms to be declined there will be little value in identifying building platforms as part of a development.
 - f. The decision is contrary to Part 2 of the Resource Management Act 1991.
7. The Appellant seeks the following relief:
 - a. That the decisions of the Council be overturned, and the Appellant’s appeal accepted.

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 James Canning Muspratt
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.