

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

I MUA I TE KŌTI TAI AO 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	HENRY VAN ASCH AND ANN VAN ASCH
	Appellants
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

NOTICE OF APPEAL

Dated: 3 May 2019

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Henry Van Asch and Ann Van Asch ("**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 Wakatipu Basin Rural Amenity Zoning for the Appellant's property at 119 Fitzpatrick Road, Queenstown, and those properties to the north and west of such property.
 - b. The provisions of the Subdivision Chapter in regard to Wakatipu Basin Lifestyle Precinct ("**WBLP**").
6. The reasons for the appeal are as follows:
 - a. The Council in notifying these properties under Stage 1 of the Plan correctly determined that Rural was the appropriate zoning for the land.
 - b. The Council in notifying and determining the zoning of these properties under Stage 2 as WBLP was wrong to determine that such properties were capable of absorbing additional residential development.
 - c. The Hearings Panel partly accepted the Appellant's submission in rezoning the property at 119 Fitzpatrick Road as Rural Amenity but failed to recommend extending such rezoning to the land to the immediate west and north of 119 Fitzpatrick Road.
 - d. The failure to rezone these properties and the potential the zoning as WBLP gives for development means the amenity the Appellants enjoy will be significantly detrimentally affected.
 - e. The decision to rezone those properties Wakatipu Basin Lifestyle Precinct was contrary to Part 2 of the Resource Management Act 1991.
7. The Appellants seek the following relief:
 - a. That the decision of the Council be overturned, and the Appellants' appeal be accepted requiring the rezoning of land to the north and west of the Appellants property at 119 Fitzpatrick Road, Queenstown as Rural Amenity Zone rather than WBLP.
 - b. That the provisions of the Subdivision Chapter are amended so that the size of a site for the purpose of a subdivision should be based on the net area, of the site, being the part of the site not affected by the Landscape setback requirement,

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 this 3rd day of 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.