

**BEFORE THE ENVIRONMENT COURT
IN CHRISTCHURCH**

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of an appeal pursuant to Clause
14 of Schedule 1 of the Act

BETWEEN

TUSSOCK RISE LIMITED

Appellant

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 19 June 2018

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

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To: The Registrar
Environment Court
Christchurch

1. Tussock Rise Limited ("**the Appellant**") appeals against a decision of the Queenstown Lakes District Council ("**Council**") on the Queenstown Lakes Proposed District Plan ("**Plan**").
2. The Appellant made a submission on the Plan¹.
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. The Appellant received notice of the decision on 4 May 2018.
5. The decision the Appellant is appealing is:
 - a. The zoning of the Appellant's land at Connell Terrace, Wanaka, legally described as Lot 2 Deposited Plan 477622 ("**the land**").
 - b. The determination of the Council that the Appellant's submission seeking a rezoning of the land from Industrial B Zone to Low Density Residential Zone was not part of Stage 1 of the Plan and subsequently no decision was made on the submission.
6. The reasons for the appeal are as follows:
 - a. The land was included in the notified Maps for Stage 1 of the Plan and was noted as being zoned "Industrial B (Operative)".
 - b. The residential zone provisions were also notified in Stage 1 of the Plan. For submitters seeking residential zones for their properties they would have to submit as part of Stage 1, being the same time the provisions of the residential zones were notified.
 - c. If they did not submit at that time this would create a vacuum whereby they potentially could not seek a residential zoning for that land at subsequent stages of the Plan, given the provisions and zoning for residential land had already been decided as part of Stage 1.
 - d. Given (a)-(c) above it was not an option for the Council to come to the conclusion that the submission was not on Stage 1 of the Plan and to that end the decision was unlawful.

¹ The submission was originally made by Trustees of the Gordon Family Trust. The Appellant purchased the land subject to the submission in 2017 and has the right to pursue the submission as a successor, in accordance with s 2A(1) of the Act.

- e. The rezoning is in accordance with sound resource management planning principles.
 - f. The rezoning of the land to residential is logical given surrounding land use and constraints on development of the land for industrial purposes.
 - g. The rezoning of the land to residential is the most efficient use of the land.
7. The Appellant seeks the following relief:
- a. That the decision of the Council be overturned, and the Appellant's submission be accepted.
8. The following documents are attached to this notice:
- a. A copy of the Appellant's submission; and
 - b. A list of names and addresses to be served with a copy of this notice.

Dated this 19th day of June 2018



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

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