

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2017-CHC-

Under	the Resource Management Act 1991 (RMA)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	M & C Burgess Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

19 June 2018

Contact details for the appellant:

Ben Farrell
C/- John Edmonds & Associates
Level 2, 36 Shotover Street, Queenstown 9300
PO Box 95, Queenstown 9348
p + 6421767622
ben@jea.co.nz

To The Registrar
Environment Court
Christchurch

- 1 **M & C Burgess** appeal against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 M & C Burgess made a submission (#66g) on the PDP.
- 3 M & C Burgess is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 M & C Burgess received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - a) Chapter 3 Strategic Direction;
 - b) Chapter 6 Landscapes;
 - c) Chapter 21 Rural;
 - d) Chapter 27 Subdivision;

Relief sought

- 7 M & C Burgess request that parts of the PDP be amended, as listed in **Appendix A**.
- 8 M & C Burgess opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and M & C Burgess PDP submissions.
- 9 M & C Burgess also reserves its right to seek costs in respect of the resolution of its appeal.

Background and reasons for the appeal

- 10 M & C Burgess own Lot 1 DP 425385, an 8 Ha block on the corner of Lower Shotover and Slopehill Roads. M & C [Mike and Cordelia] Burgess are local to Queenstown. They have recently constructed and now reside in a house on their property (which required numerous resource consent processes) with their three children. The site is zoned Rural General under the operative District Plan and was proposed to be rezoned Rural Lifestyle under the Proposed District Plan (Stage 1). The site has more recently proposed to be rezoned to 'Rural Amenity Zone' under the Wakatipu Basin Variation in Stage 2.

- 11 M & C Burgess made submissions on both Stage 1 and Stage 2 of the District Plan Review, and commissioned experts in support of the rezoning in Stage 1 and in opposition to the rezoning proposed in Stage 2.
- 12 M & C Burgess seek the relief set out in **Appendix A** because, among other things:
- (a) They support the provision of more rural living opportunities in the Wakatipu Basin. In particular their property (and the immediately surrounding area) is suitable for more rural living development. However, the strategic provisions do not adequately recognise and provide for the benefits of rural living opportunities and some of the strategic provisions frustrate the ability for the prescriptive district plan [zone] provisions to appropriately recognise and provide for the benefits of rural living opportunities in the Wakatipu Basin.
 - (b) It is not necessary or appropriate to “protect” the particular landscape values associated with landscapes which are not afforded “protection” under s.6 of the RMA. Rather, it is more appropriate for the district plan to seek to “maintain and enhance” the particular landscape and amenity values.
 - (c) They seek certainty in the district plan to protect the subdivision opportunities presented to them by QLDC when it proposed to rezone the land Rural Lifestyle in 2015. However, the shift from managing subdivisions from controlled activities to restricted discretionary will result in unnecessary uncertainty that in turn result in inefficient administration of the district plan and the RMA.
 - (d) It is appropriate that the district plan lends more weight to the benefits of rural living opportunities, particularly where investment from rural living enhances environmental quality or nature conservation values.

Attachments

The following documents are **attached** to this notice:

- a) **Appendix A** – Specific relief sought
- b) **Appendix B** - A copy of the Appellants' submission and further submissions;
- c) **Appendix C** - A copy of the relevant parts of the decision; and
- d) **Appendix D** - List of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Ben Farrell
Planning Consultant for the Appellant

Address for service of the Appellants

Ben Farrell
C/- John Edmonds and Associates
Level 2, 36 Shotover Street
PO Box 95
Queenstown 9300
Phone: 021 767622
Email: ben@jea.co.nz

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 made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.