

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-

IN THE MATTER of the Resource
Management Act 1991
("Act")

AND

IN THE MATTER of an appeal pursuant to
Clause 14(1) to Schedule
1 of the Act

BETWEEN **MICHAEL EVAN
HANSEN**

Appellant

AND

**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN UNDER CL 14(1) SCHEDULE**

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Dated 1 October 2018

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

3rd Floor, 11-17 Church Street

Queenstown 9300

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Solicitor Acting: J E Macdonald

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

1. Name and address of appellant:

Michael Evan Hansen
c/o Macalister Todd Phillips
Level 3, 11-17 Church Street
Queenstown 9300
Attn: Jayne Macdonald

2. Michael Evan Hansen (“Appellant”) appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on the Queenstown Lakes Proposed District Plan (“Plan”).
3. The Appellant is a person who made a submission on the Plan. The Appellant’s submission sought to maintain the existing rules contained in the Operative District Plan regarding (a) setbacks; (b) recession planes for the Low Density Residential Zone (and “Old Frankton” in particular); and (c) height controls for the Low Density Residential Zone (and “Old Frankton” in particular) (“Submission”).
4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. Notice of the Decision was received on 7 May 2018.
6. The Appellant appeals against that part of the Decision concerning Rule 7.5.2 of the PDP.
7. **The reasons for the appeal are as follows:**

[a] The Respondent failed to adequately consider the impact of future development on 4-14 Lake Avenue, Frankton, pursuant to the provisions of the PDP, on adjoining landowners. The Respondent’s rejection of the bespoke

height limits sought by the Appellant in the Submission creates the potential for the development of 4-14 Lake Avenue to preclude all outlook from the 13 residential properties numbered 13-33 (odd numbers only) Stewart Street. The consequential loss of residential amenity is contrary to both the objectives and policies of the Respondent's own PDP (notably Objectives 3.2.6, 4.2.2B and 7.2.1, and Policies 7.2.1.2 and 7.2.1.3), and to the Part 2 matters contained at sections 5(2)(c) and 7(c) of the Act.

[b] As a consequence of the errors above, the Respondent erred in its determination that the Submission be rejected.

8. The Appellant seeks the following relief from the Court:

The Appellant seeks that Rule 7.5.2 of the PDP be amended by inserting the wording of either Option A or Option B listed below (inserted words underlined):

Option A:

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.2	<p>Building Height (for sloping sites)</p> <p>7.5.2.1 Arrowtown: Maximum of 6 metres.</p> <p><u>7.5.2.2 The maximum height for buildings located on Lot 2 DP 18123 shall be 7 metres and in addition no building or part of any building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum).</u></p> <p>7.5.2.3 In all other locations: Maximum of 7 metres</p>	NC

Option B:

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.2	<p>Building Height (for sloping sites)</p> <p>7.5.2.1 Arrowtown: Maximum of 6 metres.</p> <p>7.5.2.2 In all other locations: Maximum of 7 metres, <u>with the exception of Lot 2 DP 18123 where no building or part of any building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum).</u></p>	NC

9. Additional Relief

In addition to the specific relief set out above, the Appellant seeks the following relief:

- a. such further or other relief as may be just or necessary to address matters raised in the Submission and this appeal; and
- b. Costs.

PP: 

MICHAEL EVAN HANSEN as Appellant by his solicitor and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 1 October 2018

C/- Macalister Todd Phillips, Level 3, 11-17 Church Street, PO Box 653,
Queenstown 9348

Telephone: 03 441 0127

Fax/email: 03 442 8116/jmacdonald@mactodd.co.nz

The following documents are attached to this notice:

- (a) a copy of the submission;
- (b) a copy of the relevant part of the decision;
- (c) any other documents necessary for an adequate understanding of the appeal;
- (d) a list of names and addresses of persons to be served with a copy of this notice.

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 further submission on the matter of this appeal.

To become a party to the appeal, you must –

- (a) 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
- (b) 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).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

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

Environment Court

Christchurch Registry

282 Durham Street

Central City

Christchurch

Postal address:

PO Box 2069

DX: WX11113

Christchurch

Telephone and fax numbers:

Telephone: (03) 365 0905

Fax: (03) 365 1740

**Names and addresses of persons to be served with a copy of the
Notice of Appeal**

1. Queenstown Lakes District Council
10 Gorge Road
Queenstown
E: dpappeals@qldc.govt.nz