

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 **MARTIN
MACDONALD &
SONYA ANDERSON**

Appellant

AND

**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Respondent

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

Dated 7 May 2019

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

3rd Floor, 11-17 Church Street

Queenstown 9300

P O Box 653, DX ZP95001, Queenstown 9348

Telephone: (03) 441 0125 Fax: (03) 442 8116

Solicitor Acting: J E Macdonald

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

1. Name and address of appellant:

Martin Macdonald & Sonya Anderson
c/o Macalister Todd Phillips
Level 3, 11-17 Church Street
Queenstown 9300
Attn: Jayne Macdonald

2. Martin Macdonald and Sonya Anderson (“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 supported the proposed Rural Lifestyle Zoning on the appellants land legally described as Lot 2 DP 457573 and generally to the east of the urban growth boundary on planning map 30 subject to the imposition of a building restriction area being placed on the steep faces of Hayes Creek (“Submission”). The submission related to Stage 1 of the Plan, but was deferred for consideration as part of Stage 2 – Wakatipu Basin Variation.
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 or about 15 February 2019.

6. The Appellant appeals against the Decision in its entirety.

7. The reasons for the appeal are as follows:

[a] The Respondent erred in preferring the planning evidence of the Respondent over that of the Appellant.

[b] The Respondent erred in approving the deletion of the Landscape Feature line on the basis that Hayes Creek and the escarpment is not of any significance as a feature.

[c] The Respondent erred in concluding that Hayes Creek was not an area of “high landscape sensitivity”.

[d] The decision does not recognise and provide for those matters in Section 6(a) of the RMA.

[e] The Respondent erred in concluding that rules in the Rural Lifestyle requiring a 20m setback from waterbodies (Rule 22.5.6) would ensure that development is set back from Hayes Creek.

[f] As a consequence of the errors above, the Respondent erred in its determination that the Submission be rejected resulting the deletion of the Landscape Feature line and rejection of building restriction area.

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

The Appellant seeks that the Landscape Feature line be reinstated and the Rural Lifestyle Zoning be implemented with the Building Restriction Area in accordance with the Submission.

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.

MARTIN MACDONALD and SONYA ANDERSON as Appellant by its solicitor and duly authorised agent JAYNE ELIZABETH MACDONALD

Date: 7 May 2019

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 (with a copy of the submission opposed by the further 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

2. Bridesdale Farm Developments Limited
C/- Warwick Goldsmith
PO Box 201
Queenstown, 9348
E: warwick.goldsmith@andersonlloyd.co.nz