

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 **ANTONY STRAIN,
SARAH STRAIN &
SAMUEL STRAIN**

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:

Antony Strain, Sarah Strain & Samuel Strain
c/o Macalister Todd Phillips
Level 3, 11-17 Church Street
Queenstown 9300
Attn: Jayne Macdonald

2. Antony Strain, Sarah Strain & Samuel Strain (“Appellant”) appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on a variation to the Queenstown Lakes District Council Proposed District Plan – namely the introduction of chapter 24 and the Wakatipu Basin planning maps (“Proposed Plan”).
3. The Appellant is a person who made a submission on the Proposed Plan (#2255).¹ The Appellant’s own land located on Slopehill Road. By their Stage 1 submission, they sought that planning Maps 26 and 30 be amended to zone their land as Rural Lifestyle (Submission”). Stage 2, Wakatipu Basin as notified, removed the Rural Lifestyle Zone and replaced it with the Wakatipu Basin Rural Lifestyle Precinct.
4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

¹ The Applicant made submission (#231) to Stage 1 of the Proposed Plan, which was deferred to be considered as part of the Stage 2 hearings. The Stage 1 submission is recorded as being rejected (see Appendix 4 (recommendations on submissions and further submissions transferred from Stage 1 to Chapter 24).

5. Notice of the Decision was received on or about 21 March 2019.
6. The Appellant appeals against the Decision not to rezone its land Wakatipu Basin Rural Lifestyle Precinct (“WBLP”).

7. The reasons for the appeal are as follows:

- [a] The Appellant owns land legally described as Section 2 SO 90, Block V, Shotover Survey District. The land directly adjoins the existing Threepwood development, which was the subject of a comprehensive resource consent application, approving development at the density similar to that enabled by the WBLP.
- [b] The WBLP zoning of the land will legitimise the exiting rural lifestyle pattern in the area, enable further subdivision and a more efficient use of the land, ultimately increasing the supply of housing choices.
- [c] Zoning the land WBLP will be consistent with the Objective and Policy framework of the Strategic Chapters of the Proposed Plan and Chapter 24.

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

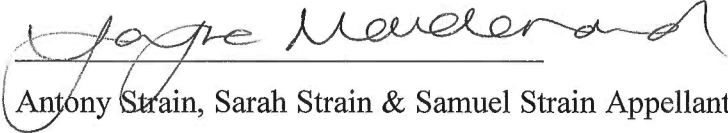
The Appellant’s land be zoned WBLP .

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.



Antony Strain, Sarah Strain & Samuel Strain Appellant by their 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. Mr M & Mrs J Henry
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Queenstown 9348
Vanessa.robbs@andersonlloyd.co.nz

3. Slopehill Joint Venture
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4. Kelvin Reid for the Ohapi Trust
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