

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2019-CHC-

IN THE MATTER OF

an appeal under clause 14(1) of the First
Schedule to the Resource Management Act
1991

BETWEEN

DAVID BOYD

Appellant

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL BY DAVID BOYD AGAINST DECISION ON THE
PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

7th May 2019

BUDDLEFINDLAY
Barristers and Solicitors
Christchurch

Solicitors Acting: **Alanya Limmer / Cedric Carranceja**
Email: alanya.limmer@buddlefindlay.com / cedric.carranceja@buddlefindlay.com
Tel 64 3 03 379 1747 Fax 64 3 379 5659 PO Box 322 DX WX11135 Christchurch 8140

To The Registrar
Environment Court
Christchurch

Introduction

1. Mr David Boyd ("**Mr Boyd**") appeals against part of a decision made by Queenstown Lakes District Council on the Proposed Queenstown Lakes District Plan ("**Proposed Plan**"). The relevant decision was to adopt the recommendations of the Independent Hearings Panel to confirm amended provisions and associated planning maps, as contained in Report 18.11 – Area I Ladies Mile (attached as **Appendix B**).
2. Mr Boyd made a submission on the Proposed Plan (attached as **Appendix A**).
3. Mr Boyd is not a trade competitor for the purposes of 308D of the Resource Management Act 1991.
4. Mr Boyd received notice of the decision on 21 March 2019.
5. The decision was made by Queenstown Lakes District Council ("**Council**").

Parts of the decision appealed

6. Mr Boyd supports those parts of the decision that:
 - (a) rezone land on the southern side of Frankton-Ladies Mile Highway (State Highway 6) north of Shotover Country between Old School and Stalker Roads as identified in Figures 9, 10 and Map I5 of the Council's decision (attached as **Appendix B**) ("**Boyd Land**") from Rural to Large Lot Residential A; and
 - (b) include the Boyd Land within the urban growth boundary.
7. Mr Boyd is appealing those parts of the decision that impose a 75 metre Building Restriction Area on the Boyd Land from the boundary with the Frankton-Ladies Mile Highway (State Highway 6).

Reasons for the appeal

8. The reasons for the appeal are that the decision to impose a 75 metre Building Restriction Area on the Boyd Land from the boundary with the Frankton-Ladies Mile Highway (State Highway 6):

- (a) is unwarranted and unnecessary for landscape or visual amenity grounds;
- (b) fails to take into account the topography of the Boyd Land, particularly the terracing of the land, and the limited visibility from the Frankton-Ladies Mile Highway (State Highway 6);
- (c) fails to promote the sustainable management of natural and physical resources under section 5 of the Resource Management Act 1991 ("**RMA**");
- (d) does not have particular regard to the efficient use and development of natural and physical resources (including in terms of section 7(b) of the RMA);
- (e) is not consistent with Part 2 of the RMA;
- (f) adds an additional and unnecessary layer of regulatory control to residential development;
- (g) does not provide for the most appropriate provisions to apply in terms of section 32 of the RMA.

Relief sought

9. Mr Boyd seeks the following relief:
- (a) deletion of the 75 metre Building Restriction Area on the Boyd Land from the boundary with the Frankton-Ladies Mile Highway (State Highway 6);
 - (b) alternatively, deletion of the 75 metre Building Restriction Area on the lower terraces of the Boyd Land from the boundary with the Frankton-Ladies Mile Highway (State Highway 6);
 - (c) such further, consequential or alternative changes to the provisions of the Proposed Plan to address the reasons for this appeal and give effect to the relief sought; and
 - (d) costs of and incidental to this appeal.

Appendices to this Notice of Appeal

10. The following documents are attached to this notice:
- (a) **Appendix A:** A copy of Mr Boyd's submission;
 - (b) **Appendix B:** A copy of the relevant parts of the decision, as contained in Report 18.11 – Area I Ladies Mile;
 - (c) **Appendix C:** A list of names and addresses of the persons to be served with a copy of this notice.



A Limmer / C Carranceja
Counsel for David Boyd

Dated: 7th May 2019

Address for service of Appellant:

David Boyd
c/- Alanya Limmer / Cedric Carranceja
Buddle Findlay
PO Box 322w
Christchurch 8140

Phone (03) 379 1747
alanya.limmer@buddlefindlay.com / cedric.carranceja@buddlefindlay.com