

09 DEC 2016

CRUICKSHANK PRYDE
Barristers and Solicitors

9 December 2016

The Registrar
Environment Court
Level 1
District Court Building
282 Durham Street
CHRISTCHURCH 8013

By Courier

INVERCARGILL
42 Don Street
P.O. Box 857
Invercargill 9840
New Zealand
DX YA90002
Phone 03 214 4069
Fax 03 214 4760
Email office@cplaw.co.nz

QUEENSTOWN
Unit 23
Gorge Road Retail Centre
159 Gorge Road
Queenstown
New Zealand
Phone 03 441 2424
Fax 03 441 2426
Email adminqt@cplaw.co.nz

Trust Account
ASB 123195 0000222 00

**Simmons v Invercargill City Council – Appeal against a Decision on Proposed
Invercargill City Council District Plan**

On behalf of the Appellant, we enclose:

1. Notice of Appeal (in duplicate)
2. A cheque in the sum of \$511.11 in payment of the filing fee

SCANNED

12 DEC 2016

Yours faithfully
CRUICKSHANK PRYDE



Rex Chapman
Partner

Email : rex.chapman@cplaw.co.nz

Copy to:
Gregory Simmons
By email



*The Partners and Staff wish everyone a very Merry Christmas
and a Happy New Year.
We close at 1.00pm on 23 December 2016 and re-open 8.30am
on 9 January 2017.*

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH REGISTRY**

ENV – 2016

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal under Clause 14(1),
First Schedule of the Act in relation to
the Proposed Invercargill City Council
District Plan – Variation 8

BETWEEN **GREGORY SIMMONS**

Appellant

AND **INVERCARGILL CITY COUNCIL**

Respondent

**Notice of Appeal against a decision on Variation to the Proposed
Invercargill City District Plan 2013 – Variation 8**

Dated 6 December 2016

Presented for filing by:
Cruickshank Pryde
P O Box 857
Invercargill
Ph (03) 214 4069
Fax (03) 214 4760
Solicitor Acting
R T Chapman

To: The Registrar
Environment Court
Christchurch

1. I Gregory Simmons appeal against part of the decision of Invercargill City Council on the Proposed Invercargill City Council District Plan – Variation 8.
2. I made a submission on the Variation.
3. I am not trade competitor for the purposes of Section 308 B of the Resource Management Act 1991.
4. I received notice of the decision on 31 October 2016.
5. The decision was made by Invercargill City Council.
6. The part of the decision that I am appealing is the decision to reject in part my submission in relation to the reduction of the Proposed Residential 3 Zone in the Proposed Invercargill City Council District Plan.

Reasons

7. The reasons for the appeal are as follows:
 - 7.1 Variation 8 reduced the extent of the Residential 3 Zone and replaced it with a Rural 2 Zoning.
 - 7.2 The decision on Variation 8 will not provide for urban growth and development as required in Proposed Regional Policy Statement and does not promote the sustainable management of the land affected..
 - 7.3 The Respondent's decision was based primarily on the cost of services and the implications of those costs to the

Council and ratepayers without consideration of alternative means of funding services.

- 7.4 The Respondent has not pointed to any evidence to substantiate the claim that the proposed extent of Residential 3 Zone will in fact increase the costs to the ratepayer when all relevant factors are considered.

Relief Sought

8. I seek the following relief:

8.1 The Residential 3 Zoning proposed under the Proposed Invercargill City District Plan 2013 be retained.

8.2 The Objectives, Policies and Rules of the Residential 3 Zone as set out in the Proposed Invercargill City District Plan 2013 are retained.

9. I attach the following documents to this notice:

(a) A copy of my submission

(b) A list of names and addresses of persons to be served with a copy of the notice

(c) A copy of the decision on the Proposed Invercargill City District Plan – Decision 34 – Residential Zones.



.....
R T Chapman

Solicitor on behalf of the Appellant

Dated: 9 December 2016

Address for service of appellant: Cruickshank Pryde
Solicitors
PO Box 857
INVERCARGILL

Telephone: 03 2144069

Fax: 03 2144760

Email: rex.chapman@cplaw.co.nz

Contact Person: R T Chapman

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 and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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 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
in Christchurch.

I seek the following decision from the Invercargill City Council (*Please use as many additional pages as you require to adequately outline the matters you wish to raise*):

The residential 3 zone is increased rather than reduced

I ~~(do)~~ (do not) wish to be heard in support of my submission. (*Please delete the statement in brackets which you do not want*)

If others make a similar submission I (would) ~~(would not)~~ be prepared to consider presenting a joint case with them at any hearing. (*Please delete the statement in brackets which you do not want*)

I ~~(could)~~ (could not) gain an advantage in trade competition through this submission (*Please delete the statement in brackets which you do not want*)

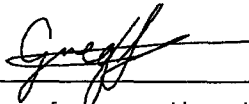
If you could gain an advantage in trade competition through this submission please complete the following:

I (am) (am not) directly affected by an effect of the subject matter of this submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effects of trade competition

(*Please delete the statement in brackets which you do not want*)

Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of part 1 of the Resource Management Act 1991.



(Signature of person making submission
or person authorised to sign on behalf of
person making submission)

7/12/2015

(Date)

(A signature is not required if you make your submission by electronic means)

Address for service of person making submission:

80 Terrace St, Invercargill

Telephone No: 021 242 2393 _____

Email Address: greg@insolnz.co.nz _____

Fax No: _____

Contact person: (name and designation, if applicable) _____

Note: Your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as to the Council.

1. Trevor Cornes
PO Box 144
INVERCARGILL 9840

Mr Cornes
Email: Trevor@dynonz.co.nz

2. Robin Guster McNeill and Susan Elizabeth McNeill
85 Sunrise Drive
Seaward Bush
INVERCARGILL 9812

Robin and Susan McNeill
Email: r.mcneill@ieee.org

3. Ascot Projects Ltd
PO Box 1221
INVERCARGILL 9840

Murray
Email: halstead@xtra.co.nz

4. April Dawn Muijs
9 Cameron Road
RD 11
INVERCARGILL 9877

April
Email: muijs@velocitynet.co.nz

5. Environment Southland
Private Bag 90116
INVERCARGILL 9840

Attention: Gavin Gilder or Sonya Nicol
Gavin or Sonya
Email: service@es.govt.nz

6. W and J Devine
Retreat Road
RD 2
INVERCARGILL 9872

Mr and Mrs Devine
Email: wdevine@outlook.com

7. Ascot Projects Ltd
C/- William J Watt Consulting Ltd

PO Box 6203
INVERCARGILL 9841

Bill
Email: williamwatt@outlook.co.nz

8. Mr P Heenan
319 Bainfield Road
RD 2
INVERCARGILL 9872

Mr Heenan
Email: peter.heenan@hwr.co.nz

9. Mr Tom Dixon
180 McIvor Road
RD 2
INVERCARGILL 9872

Mr Dixon
Email: noxid@xtra.co.nz

10. Mr J Scott
188 Moana Street
INVERCARGILL 9810

Mr Scott
Email: jscott@powerfarming.co.nz

11. Mr D and Mrs R Munro
117 Retreat Road
RD 2
INVERCARGILL 9872

Mr and Mrs Munro

12. Oakland Family Trust
166 McIvor Road
RD 2
INVERCARGILL 9872

Sir/Madam

13. Peter Donald Carnie
51 Retreat Road
RD 2
INVERCARGILL 9872

Mr Carnie

Email: elaine.peter79@gmail.com

14. P A and J M Murray House Trust
PO Box 619
INVERCARGILL 9840

Attention: Anthony Murray
Mr Murray
Email: Anthony@farmchief.co.nz

15. Bonisch Consultants Ltd
PO Box 1262
INVERCARGILL 9840

Attention: Christine McMillan
Christine
Email: Christine@bonischconsultants.co.nz

16. Greg Simmons
80 Terrace Street
INVERCARGILL 9810

Mr Simmons
Email: greg@insolnz.co.nz

17. Ascot Projects Ltd
C/- William J Consulting Ltd
PO Box 6203
INVERCARGILL NORTH 9814

Bill
Email: williamwatt@outlook.co.nz