

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHC-137

**I MUA I TE KOOTI TAIAO
I OTAUTAHU ROHE**

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of an appeal under clause 14(1), First Schedule of the Act

Between Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Ltd, Jacks Point Land Ltd, Jacks Point Land No.2 Ltd, Jacks Point Management Ltd, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Ltd and Willow Pond Farm Limited

Appellant

And Queenstown Lakes District Council

Respondent

Notice of Persons Wish to be Party to Proceedings

Dated 10 July 2018

Richard Brabant
Barrister
PO Box 1502, Shortland St
Auckland
Mob: 021 975 548
Email: richard@brabant.co.nz

To: The Registrar
Environment Court
Christchurch

1. We, Joanna Taverner and Simon Taverner, wish to be a party to the following appeal against decisions of the Queenstown-Lakes District Council (the **Council**) on submissions to the District Plan Review:

ENV-2018-CHC-137 Jacks Point Residential No.2 Ltd v Queenstown Lakes District Council (**Jack's Point**).

Nature of Interest in the Appeal

2. We made a submission about the subject matter of the proceedings.
3. We have an interest in the proceedings that is greater than the interest the general public have as we are owners of residential property at 79 Jacks Point Rise, Jacks Point, Queenstown.
4. We are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Extent of Interest

5. We are interested in all of the proceedings.
6. We are interested in the following particular issues:
 - a. All of the changes sought as set out in the Notice of Appeal including Appendix A and Appendix B to the PDP Decisions version of the Jack's Point Zone, and other identified provisions of the PDP.
 - b. Requested changes to the provisions of Chapter 3, Chapter 4, Chapter 6 and Chapter 27 to the extent that they would affect any of the provisions in the PDP Decisions version of the Jack's Point Zone or otherwise provisions in the PDP decisions version that would apply to subdivision and development in the Jack's Point Zone.

Relief Sought

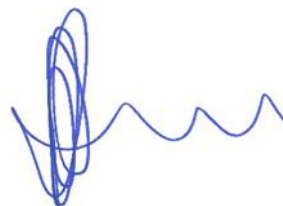
7. We oppose the relief sought because:
 - a. We support in its entirety the PDP Decisions version of the Jack's Point Zone and provisions in Chapters 3, 4 and 6 that underpin the objectives and policies of the Jack's Point Zone (and which give effect to and are consistent with those provisions) including the Structure Plan (apart from correcting grammatical or drafting errors) and the identified Activity Areas (apart from correcting grammatical or drafting errors).
 - b. For clarity, all of the grounds of appeal and reasons for appealing are opposed. All of the relief sought as set out in Appendix A and Appendix B is opposed.
 - c. The first sentence in paragraph 7 of the Notice of Appeal is incorrect. Jack's Point are not "the owners developers and proponents of the master planned community in the area known as the Jack's Point Resort Zones under the operative District Plan". Jack's Point interests now own only a part of the land within the zone, principally that yet to be developed as the Jack's Point Village. More importantly, the requested changes to the PDP decisions version of the Jack's Point zone described in the Notice of appeal and Appendices are in conflict with the essential elements of the masterplanned community as originally approved through Plan Change 16 to the ODP, and with the obligations of Jack's Point Interests as signatories to the Stakeholders Deed referred to in the report on Chapter 41 by the Hearing Panel.
 - d. Key features and values referred to in the last sentence of paragraph 8 of the Notice of Appeal would be significantly adversely affected by the changes sought by Jack's Point.
 - e. By reference to paragraph 9 of the Notice of Appeal, Jack's Point interests requested that the notified PDP include as the proposed

Jack's Point Zone provisions which had been promoted by Jack's Point Interests and other commercial interests by way of Plan Change 44. The Council acceded to that proposal in the absence of any consultation with other property owners and in particular residents within the zone. What engagement Jack's Point interests may have had in the development of the PDP provisions has no bearing on determination of the appeal.

- f. The request for changes to the PDP decisions version as set out in the Notice of Appeal and in the Appendices are in conflict with the purpose of the Act, the provisions of Part 2, and would not give effect to the Otago Regional Policy Statement.
 - g. A number of the grounds of appeal and requested relief sought are outside the scope of submissions made by Jack's Point interests to the PDP. In particular, the submission in Appendix D states (paragraph 7) it does not seek to address any of the higher order provisions of the PDP or any of the District wide chapters.
8. We agree to participate in mediation or other alternative dispute resolution of the proceedings.

Signature:

Joanna Taverner and Simon Taverner by their authorised agent:



Richard Brabant

Date:

10 July 2018

Address for service: Richard Brabant
PO Box 1502, Shortland St
Auckland

Mobile: 021 975 548

Email: richard@brabant.co.nz