

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2018-CHC-109**

**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** Homestead Bay Trustees Limited

**Appellant**

**And** Queenstown Lakes District Council

**Respondent**

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**Notice of Persons Wish to be Party to Proceedings**

**Dated 10 July 2018**

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Richard Brabant  
Barrister  
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**To:** The Registrar  
Environment Court  
Christchurch

1. We, Joan Williams, Eleanor Brabant and Richard Brabant, 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-109 Homestead Bay Trustees Limited v Queenstown Lakes District Council.

**Nature of Interest in the Appeal**

2. Joan Williams made a submission, and Joan Williams and Richard Brabant made a further submission about the subject matter of the proceedings.
3. Collectively, we have an interest in the proceedings that is greater than the interest the general public have as we are co-owners of residential property at 25 Pendeen Crescent, 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 changes sought by the Notice of Appeal to the PDP Decisions version both in relation to provision for development and use within the Homestead Bay area of the Jack's Point zone and the adjoining land the subject of submissions by Jardine/ Remarkables Station and others, and the relief sought in that submitter's appeal ENV – 2018 –CHC –090.
  - b. The Relief sought in paragraph 23 of the Notice of Appeal.

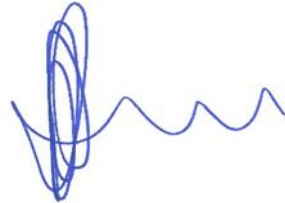
## Relief Sought

7. We oppose the relief sought because:
  - a. Recognition by the Hearing Panel that strategically in the future the Coneburn Valley is suitable for urbanisation and expansion of Queenstown long-term does not provide support for the requested re-zoning of the Land through this District Plan review. On the contrary, until urbanisation within the Valley within the PDP decisions version approved Urban Growth Boundary is complete or has been at least been zoned and is able to be developed for urban purposes, urbanisation of the Land the subject of this appeal beyond that permitted by the PDP Decisions version is premature.
  - b. The re-zoning request was properly rejected by the Hearing Panel and subsequently by the Council's adoption of the Panel's report on the basis of inadequate evidence addressing strategic, landscape, infrastructure, and other servicing issues, evidence that was necessary were the Urban Growth Boundary to be expanded and the Land the subject of this appeal to be rezoned or further development enabled.
  - c. The presence of the farm airstrip sitting between the existing residential development of Jack's Point and the Land the subject of the appeal, consented and utilised by a commercial skydiving operation, creates a fundamental impediment to the proposed residential development as presented to the Hearing Panel. The noise effects from the skydive aircraft operations already cause adverse noise effects in breach of the ODP and now the PDP Decisions version noise controls on the nearest residential dwellings within Jack's Point and would cause the same or worse adverse effects on the proposed residential development as presented before the Hearing Panel. The presence of this informal airport (as defined in the PDP) and its use for a commercial skydiving operation is incompatible with the proposed re-zoning sought by this appeal.

- d. The proposed solution to deal with noise effects from the commercial use of the airstrip as set out in paragraphs 19 and 20 of the Notice of appeal is flawed. The reference to NZS 6805:1992 is in error, in respect of the control of noise from the use of an airstrip (defined in the PDP as an informal airport) operating under an existing resource consent. Even were it appropriate to deal with the adverse effects of noise from the existing skydive operation in the manner proposed, (which it is not), it would be insufficient to amend the PDP to permit the proposed residential expansion where the adverse effects of aircraft noise from the skydive operation were addressed by a rule or rules that required mitigation of indoor amenity effects only.
- e. The requested rezoning is not required in order to meet identified housing supply needs for Queenstown, or to give effect to the NPS Urban Development Capacity provisions of the Act
- f. Re-zoning the Land in the manner requested in the Notice of appeal would be contrary to the purpose of the Act, provisions of Part 2, objectives and policies of the PDP Decisions version that are not the subject of this appeal (including objectives and policies of the Jack's Point zone) and would not give effect to the Otago Regional Policy Statement.
- g. Paragraph 2 of the Notice of appeal states that HBTL made a submission on the Plan Review, referring to a submission attached to the Notice of appeal as Appendix A. Appendix A contains a copy of submission number 715 which is a submission by Jardine Family Trust and Remarkables Station Ltd. This raises an issue of jurisdiction to bring the appeal.

8. We agree to participate in mediation or other alternative dispute resolution of the proceedings.

**Signature:** **Joan Williams, Eleanor Brabant and Richard Brabant** by their authorised agent:

A handwritten signature in blue ink, consisting of a series of loops and wavy lines, positioned above a horizontal line.

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**Richard Brabant**

**Date:** 10 July 2018

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