

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHC-102

**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 RCL Queenstown Pty Ltd, RCL Henley Downs Ltd and RCL Jacks Point Ltd

Appellant

And Queenstown Lakes District Council

Respondent

Notice of Persons Wish to be Party to Proceedings

Dated 10 July 2018

Richard Brabant
Barrister
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Auckland
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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-102 RCL Queenstown Pty Ltd 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 part of the proceedings.
6. The part of the proceedings we are interested in is:
 - a. The request to create an Activity referred to as “Open Space Community and Recreation Activity Area” on Lot 12 DP 364700 with associated controls (refer paragraph 8 (h) of the Notice of Appeal)
7. We are interested in the following particular issues:
 - a. The contention of error in declining the request for a change of activity provision affecting Lot 12 DP 364700 as set out in paragraph 10(g) of the Notice of Appeal.

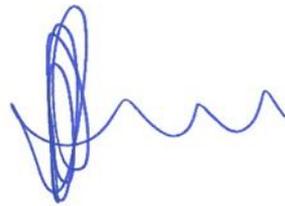
Relief Sought

8. We oppose the relief sought because:
 - a. We support the reasoning of the Hearing Panel in rejecting the request for changes to the plan provisions to enable a different use and development of the land in question, that reasoning underpinning the Council decision which adopted the recommendation in its entirety.
 - b. The proposed change in activity provision the subject of this appeal as described in evidence before the Hearing Panel on behalf of RCL included changes to the activity provisions which would enable development of a school on part of the land holding. The PDP Decisions version of the Jack's Point Zone has included (in response to submissions by Jack's Point commercial interests) provision for educational facilities on land adjoining that the subject of this appeal, an additional reason for declining the appeal.
 - c. The master-planning of the Jack's Point residential development has created what the Hearing Panel described as "pods" of residential development (neighbourhoods) surrounded by open space land, the use of which is limited by the ODP and now the PDP Decisions version of the Jack's Point zone to passive or active recreational uses, and the proposed change in Activity status the subject of the appeal is in conflict with that fundamental design element.
 - d. The proposed change in Activity status as sought by the appeal would give rise to significant adverse effects on amenity values for adjoining residential properties.
 - e. The requested change to Activity status the subject of the appeal would result in a fundamental conflict with a critical infrastructure use of part of the land namely treated effluent disposal from the residential neighbourhoods. This long-standing use is protected by covenants in favour of the JPROA, and we and other residential

property owners at Jack's Point are dependent upon this infrastructure.

9. 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 a wavy line.

Richard Brabant

Date: 10 July 2018

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