

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2017-CHC-

IN THE MATTER OF

the Resource Management Act 1991
(the Act)

AND

IN THE MATTER OF

an appeal under Schedule 1 of the
Act against the decision of
Queenstown Lakes District Council in
respect of Plan Change 51 to the
Operative Queenstown Lakes District
Plan

BETWEEN

PENINSULA BAY JOINT VENTURE

Appellant

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL** of 10 Gorge Road,
Queenstown, a Territorial Authority
under Schedule 2 of the Local
Government Act 2002

Respondent

NOTICE OF APPEAL TO ENVIRONMENT COURT

Dated: 13 February 2017

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple/M A Thomas
(monique@greenwoodroche.com)

Level 5
83 Victoria Street
P O Box 139
Christchurch
Phone: 03 353 0574

TO The Registrar

Environment Court

Christchurch

- 1 Peninsula Bay Joint Venture (*PBJV*) appeals the decision of the Queenstown Lakes District Council (*Council*) to decline privately requested Plan Change 51 (*PC51*) to the operative Queenstown Lakes District Plan. *PC51* proposes the re-zoning of an area of land at Peninsula Bay, Wanaka, from Open Space to Low Density Residential.
- 2 *PBJV* is the requestor of *PC51* and received notice of the Council's decision on 21 December 2016.
- 3 *PBJV* is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*Act*).
- 4 The decision that *PBJV* is appealing is the decision of the Council to decline *PC51* in its entirety.
- 5 The reasons for the appeal are as follows:
 - (a) *PC51* will better achieve the purpose of the Act than the current zoning;
 - (b) The re-zoning will enable new residential dwellings to be built on land immediately adjoining a large area of existing Low Density Residential zoned land, while preserving and enhancing the ecological and recreational functioning of the Open Space zoned land;
 - (c) *PC51* will result in a range of positive effects including positive ecological effects, a more efficient use of land and existing infrastructure, the protection of the landscape values of the site, and an increase in the availability and diversity of both accommodation and recreational opportunities in the Wanaka area;
 - (d) The plan change will secure and enhance the longer term ecological and recreational values of the Open Space zoned land;

- (e) The actual and potential adverse effects on the environment of the development that will be enabled by the rezoning are capable of being adequately avoided, remedied or mitigated and are outweighed by the positive effects of the plan change;
- (f) PC51 accords with and assists the Council in carrying out its functions under s31 of the Act to manage the effects of the use, development and protection of natural and physical resources in an integrated way;
- (g) PC51 is consistent with Part II of the Act and with the objectives of the Otago Regional Policy Statement as well as the proposed Otago Regional Statement;
- (h) PC51 is not contrary to the Kai Tahu Ki Otago resource management plan or the Ngai Tahu Ki Murihiku Natural Resources and Environmental Iwi Management Plan;
- (i) The objective proposed by PC51 is the most appropriate way to achieve the purpose of the Act;
- (j) The policies and methods (including rules) proposed by PC51 are the most appropriate means of achieving the objective having regard to their efficiency and effectiveness and taking into account the relevant benefits and costs;
- (k) PC51 is the most appropriate way of achieving the Act's purpose.

6 PBJV seeks the following relief:

- (a) That PC51 (as amended at the close of the Council hearing, and with such other amendments the Court considers appropriate) be approved;
- (b) The costs of this appeal.

7 The following documents are attached to this notice:

- (a) A copy of PC51;
- (b) A copy of the relevant decision;
- (c) A list of names and addresses of persons to be served with a copy of this notice.

DATED this 13th day of February 2017

A handwritten signature in blue ink, appearing to read "M. Thomas".

L J Semple/M A Thomas

Counsel for Peninsula Bay Joint Venture

Address for Service of Appellant:

Appellant: Peninsula Bay Joint Venture

Address: c/- Greenwood Roche Lawyers

Level 5, 83 Victoria Street

P O Box 139

Christchurch

Phone: 03 353 0570

Email: monique@greenwoodroche.com

Contact person: Monique Thomas

Advice to recipients of copy of notice of appeal

How to become a 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.

To become a party to the appeal, you must:

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 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 relevant application or the relevant decision. 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.

Annexure A – Copy of Plan Change 51

Annexure B – Copy of the Council’s Decision on Plan Change 51

**Annexure C – Names and Addresses of Persons to be Served with a
Copy of Notice of Appeal**