

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHCH-6

**I TE KOTI TAIAO O AOTEAROA
OTAUTAHU ROHE**

UNDER THE

Resource Management Act 1991 ("**Act**")

IN THE MATTER OF

An appeal under Schedule 1, Clause 14(1), of the Act in relation to the Central Otago District Council's decision on Private Plan Change 13

BETWEEN

RIVER TERRACE DEVELOPMENTS LTD

Appellant

AND

CENTRAL OTAGO DISTRICT COUNCIL

Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS:
RESIDENTS FOR RESPONSIBLE DEVELOPMENT CROMWELL**

2 MARCH 2020

Counsel instructed:

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TO: The Registrar
Environment Court
By email: Christine.McKee@justice.govt.nz

AND TO: The Appellant
By email: maree.bakergalloway@al.nz
By email: warwickgoldsmith@gmail.com

AND TO: The Respondent
By email: David.Campbell@codc.govt.nz

Wish to be party

1. Residents for Responsible Development Cromwell (“**R4RDC**”) wishes to be a party to the following appeal:

(a) *River Terrace Developments Limited v Central Otago District Council* ENV-2020-CHCH-6 (“**Appeal**”)

2. The appeal challenges the decision by Central Otago District Council (“**CODC**”), made through its independent commissioners, to decline the private plan request (“**PC13**”) made by River Terrace Developments Limited (“**Appellant**”).

3. PC13 sought to create a new “River Terrace Resource Area”, involving the rezoning of some 50 hectares of rural land off State Highway 6 in Cromwell for a new urban development, including 900 residential units.

Interest

4. R4RDC is the successor to,¹ and a representative body for,² a number of submitters on PC13. R4RDC has also co-ordinated with other submitters and their experts, who have a common interest.³ No issue was taken as to R4RDC’s standing in the course of the CODC hearing before independent commissioners.

5. R4RDC’s object, as a Society, is:

The responsible, sustainable quality growth and development of Cromwell and surrounding areas in consultation with the residents of these areas.

6. R4RDC is widely supported by, and representative of, the community. Accordingly, in addition to being a submitter (as successor), R4RDC also

¹ It was incorporated on 26 February 2019. The founding members are: (1) Mr Spencer; (2) Mr Duncan; (3) Ms Wilson; (4) Mr Iremonger; (5) Mr Giles; (6) Mr Faulkner; (7) Mr Tinworth; (8) Mr Lister; (9) Ms Dicey; (10) Mr Dicey; (11) Ms Wallace; (12) Mr Wallace; (13) Ms Katon; (14) Mr Katon; (15) Mr Katon; (16) Mr Murray. Four of these members do not appear to have filed a submission (Duncan, Faulkner, and the Katons). That does not prevent the Society succeeding the original group of founding members who were submitters – and who had a common purpose to oppose PC13 and worked in concert, including in the development of their submissions.

² The Society has a wide distribution list to submitters in opposition, many of whom have indicated support for the Society, including in providing assistance on the process.

³ Eg Mr James Dicey.

has an interest in the proceedings that is greater than the interest that the general public has.

No prohibited trade competition purposes

7. R4RDC is not a trade competitor for the purposes of Section 308D of the Act.

Extent of interest

8. R4RDC opposes PC13 in its entirety and is therefore interested in all aspects of the Appeal.

9. R4RDC opposes the Appeal in its entirety, for reasons including:

- (a) the reasons, grounds and / findings given or made by CODC in its decision (through its independent commissioners) for the decision to not accept PC13;
- (b) the reasons and / or grounds given by the submitters in opposition to PC13, including the submissions made by the persons who R4RDC is the successor of;
- (c) the reasons and / or grounds given in the legal submissions on behalf of R4RDC before the Commissioners, and the evidence given on behalf of and / or relied on by R4RDC before the independent commissioners; and
- (d) that PC13:
 - (i) will not promote the sustainable management of natural and physical resources, and is therefore inconsistent with Part 2, as well as other provisions of, the RMA;
 - (ii) will not meet the reasonably foreseeable needs of future generations;
 - (iii) will not enable the social, economic and cultural wellbeing of the people of Cromwell;
 - (iv) will not facilitate the efficient use and development of natural and physical resources, including the existing uses in the vicinity of the development site;
 - (v) will not avoid, remedy or mitigate actual or potential adverse effects on the environment; and
 - (vi) is of a nature and scale that:
 - (aa) will result in significant adverse effects, including reverse sensitivity effects on the existing uses in the vicinity of the development site;
 - (bb) is otherwise inappropriate for the locality; and

- (cc) is contrary to the objectives and policies of the relevant planning instruments.
- (vii) will create an adverse precedent and undermine the cohesiveness and strategic direction of the relevant planning instruments.

Relief sought

10. R4RDC:
- (a) opposes the relief sought in the Appeal; and
 - (b) seeks for CODC's decision (through its independent commissioners) to not accept PC13 to be upheld;
 - (c) seeks costs of and in respect of its participation in the proceedings.

Mediation

11. R4RDC agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 2 March 2020



J D K Gardner-Hopkins
Counsel for R4RDC

R4RDC's address for service is c/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington.

Documents for service on R4RDC should however be emailed to james@jghbarrister.com. Where formal service of any document is required, service should only be considered complete and/or effective when receipt of that email is acknowledged.