

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

ENV-2016-CHC-

<b>IN THE MATTER</b>	of an appeal under Section 120 Resource Management Act 1991
<b>BETWEEN</b>	<b>BLUESKIN ENERGY LIMITED</b>  <b>Appellant</b>
<b>AND</b>	<b>DUNEDIN CITY COUNCIL</b>  <b>Respondent</b>

---

**NOTICE OF APPEAL TO ENVIRONMENT COURT  
ON A RESOURCE CONSENT**

---

---

**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

Solicitor on record: B Irving  
Solicitor to contact: B Irving/C F Hodgson  
P O Box 143, Dunedin 9054  
Ph: (03) 477 7312  
Fax: (03) 477 5564  
Email: [bridget.irving@gallawaycookallan.co.nz](mailto:bridget.irving@gallawaycookallan.co.nz)  
Email: [campbell.hodgson@gallawaycookallan.co.nz](mailto:campbell.hodgson@gallawaycookallan.co.nz)

TO: The Registrar  
Environment Court  
Christchurch

1. Blueskin Energy Limited appeals the decision of the Dunedin City Council ("DCC" or "the Council") in relation to the following:
  - (a) Decision to decline consent for the establishment and operation of three wind turbines and associated earthworks LUC-2015-469 ("the Consent").
2. Blueskin Energy Limited is the applicant.
3. Blueskin Energy Limited received notice of the decision on 12 July 2016.
4. The decision was made by the DCC.
5. Blueskin Energy Limited is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. Blueskin Energy Limited is appealing the whole decision of the DCC to decline the Consent.
7. The land affected is legally described as Lots 1 and 2 Deposited Plan 473199 held in CFR 646829.
8. The reasons for the appeal are as follows:
  - (a) The decision concluded:
    - (i) Effects on the wider landscape would be no more than minor;
    - (ii) The effects of earthworks would be no more than minor;
    - (iii) Noise effects could be adequately controlled by conditions;
    - (iv) Ecological effects would be no more than minor;
    - (v) Geotechnical effects would be no more than minor;

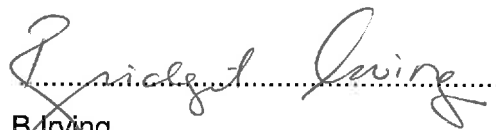
- (vi) Shadow flicker and blade glint effects would be no more than minor;
- (vii) Lighting effects would be no more than minor;
- (viii) The impacts on farming activities would be no more than minor;
- (ix) The application was not contrary to the objectives and policies of the relevant plans;
- (x) The proposal would have positive effects.

The Council erred in declining consent in the face of these conclusions.

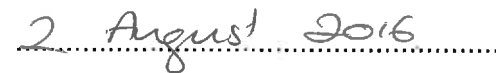
- (b) The Council erred in determining that the turbines were intrusive and visually dominant over the properties at 22, 90 and 130 Pryde Road. In light of this finding the Council erred in finding that these effects were such that consent should be declined.
- (c) Council erred in concluding that the audibility of the turbines would reinforce their visual dominance.
- (d) The Council erred in concluding that the positive effects of the application did not outweigh the negative effects on amenity for properties at 22, 90 and 130 Pryde Road. In particular:
  - (i) The Council gave inadequate weight to the National Policy Statement on Renewable Energy Generation ("NPSREG");
  - (ii) The Council gave too much weight to the amenity affects for the nearest neighbours
  - (iii) The Council gave inadequate weight to the interests of the wider community and the positive effects of the proposal;
- (e) The Council's errors with respect to adverse amenity effect have rise to consequential errors in the assessment under Part 2 of the

Act and ultimately the conclusion that the application was inconsistent with the purpose of the Act.

- (f) The Council erred in not granting consent for the 2 turbines it considered acceptable.
9. Blueskin Energy Limited seeks the following relief:
- (a) That the resource consent is granted in its entirety subject to conditions.
  - (b) Costs of and incidental to this appeal.
10. Blueskin Energy Limited attaches the following documents to this notice:
- (a) a copy of the application;
  - (b) a copy of the decision;
  - (c) a copy of the conditions proposed by the Applicant at the end of the hearing;
  - (d) list of names and addresses of persons to be served with a copy of this notice.



B Irving  
Counsel for the Appellant



Date

Address for service

of Appellant: C/- Gallaway Cook Allan  
Cnr Princes and High Streets  
P O Box 143

Dunedin 9054

Telephone: (03) 477 7312

Fax: (03) 477 5564

Contact person: B Irving/ CF Hodgson

### **Advice to Recipients of Copy of Notice of Appeal**

1. How to become party to proceedings:

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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).

2. How to obtain copies of documents relating to appeal:

The copy of this notice served on you does not attach a copy of the Appellant's submission and/or the decision appealed. These documents may be obtained, on request, from the Appellant.

3. Advice:

If you have any questions about this notice, contact the Environment Court unit of the Department for courts in Christchurch.

### **Contact Details of Environment Court for Lodging Documents**

Documents may be lodged with the Environment Court by lodging them with the Registrar:

The Christchurch address of the Environment Court is:

282 Durham Street

Christchurch 8013

Its Postal address is:

P O Box 2069

Christchurch 8140

And its telephone and fax numbers are:

Telephone: (03) 962 4170

Fax: (03) 962 4171