

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-115**

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Under the Resource Management Act 1991

In the matter of an appeal under Clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

Between **Willowridge Developments Limited**  
(ENV-2018-CHC-115)  
Appellant

And **Clark Fortune McDonald & Associates**  
(ENV-2018-CHC-065)  
Appellant

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**Memorandum of Counsel in support of application for waiver for filing section 274 notice by FII Holdings Limited**

26 June 2019

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**Section 274 party's solicitors:**

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**anderson  
lloyd.**

And

**Fred van Brandenburg**

(ENV-2018-CHC-071)

Appellant

And

**Queenstown Lakes District Council**

Respondent

## **May it please the Court**

- 1 This Memorandum of Counsel is filed on behalf of FII Holdings Limited in support of the application for waiver for filing a section 274 notice in respect of the following proceedings:

*Willowridge Developments Limited v Queenstown Lakes District Council (ENV-2018-CHC-115)*; and

*Clark Fortune McDonald & Associates v Queenstown Lakes District Council (ENV-2018-CHC-065)*; and

*Fred van Brandenburg v Queenstown Lakes District Council (ENV-2018-CHC-071)*.

**('The Appeals')**

- 2 This Memorandum is filed concurrently with the application for waiver and the section 274 notice, both dated 26 June 2019.

## **Interest in The Appeals and Reasons for the Waiver**

- 3 FII Holdings Limited's interest in The Appeals arises from the appeal points listed in The Appeals regarding the default activity status of subdivision activity in residential zones under Chapter 27 of the Queenstown Lakes District Proposed District Plan ('**PDP**').
- 4 The parties to The Appeals sought that the default activity status for subdivision in urban areas under Rule 27.5.7 be amended from a restricted discretionary activity to a controlled activity.
- 5 FII Holdings has also appealed 27.5.7 and is seeking the same outcome being that the default activity status for subdivision in urban areas is amended to a controlled activity rather than a restricted discretionary activity.
- 6 This matter was discussed at the Topic 7 Subdivision Mediation held on 27-28 February 2019 and recorded as part of the Mediation Agreement on this Topic.
- 7 As part of the mediation agreement, FII Holdings agreed to seek leave from the Court to join The Appeals as a s274 party and if leave is granted, FII Holdings agreed in principle to refine its relief on the activity status of subdivision in urban areas to the land described in Appendix A and Appendix B of their notice of appeal.

- 8 The Memorandum of Parties in Support of Consent Order and Draft Consent Order was filed yesterday, 25 June 2019 by Counsel for Queenstown Lakes District Council.
- 9 FII Holdings has an interest in the proceedings that is greater than the interest that the general public has as they seek the same relief as the parties to The Appeals.
- 10 There will be no prejudice to other parties arising from the grant of the waiver because:
  - (a) The relief sought in The Appeals is the same as the relief sought by FII Holdings; and
  - (b) A hearing has not been set down on the default activity status for subdivision; and
  - (c) All of the parties to The Appeals were present at the Topic 7 Mediation held on 27-28 February 2019.

Dated this 26<sup>th</sup> day of June 2019



Maree Baker-Galloway  
Counsel for the Section 274 party