

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under clause 14(1) of the First Schedule of the Act
BETWEEN	BROOMFIELD AND WOODLOT PROPERTIES LIMITED
	(ENV-2019-CHC-32)
	Appellants
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

MINUTE OF THE ENVIRONMENT COURT
(27 November 2020)

Introduction

[1] The Registrar has referred to me the s 274 notice on behalf of the Paul and Anna Horrell, as trustees of the Peak View Trust ('the Trust'), accompanying application for waiver of time and supporting memorandum, all dated 12 November 2020.

[2] The Trust purchased 183D Tucker Beach Road ('the Site') from the appellant in July 2019 and is now aware of the Broomfield appeal, which has rezoning implications for the Site. The Trust's interest in the appeal relates to the re-zoning of land within the Tucker Beach Landscape Character Unit ('LCU 4') and the relief sought that the Wakatipu Basin Lifestyle Precinct ('WBLP') be extended to cover specific parts of LCU 4.¹

[3] The Broomfield appeal is on Stage 2 of the proposed district plan proceedings and the relevant appeal points are allocated to Topic 31 – Wakatipu Basin Rezoning's in which mediations are due to commence in December 2020.

¹ Memorandum of counsel for PVL in support dated 12 November 2020 at [3]-[5].



[4] Counsel for the Trust submits that it is "...a successor in part seeking to represent the content of the appeal which relates to the Site, and also has an interest in the proceedings that is greater than the interest that the general public has."²

[5] Counsel also submits that no party will be prejudiced if the waiver is granted because:³

- (a) The Trust's s 274 notice supports part of the Broomfield appeal and does not oppose the appeal;
- (b) most of the s 274 parties⁴ withdrew their re-zoning interest in the Broomfield appeal on 9 November 2020 so will not be prejudiced;
- (c) Caran Family Trust (the remaining s274 party) does not have an interest in the Broomfield appeal to the extent the appeal seeks to extend the WBLP in LCU 4;
- (d) the proceedings are still in their initial stages and the Trust can be available on the dates indicated for mediation (22 and 23 December 2020); and
- (e) the appellant and respondent have confirmed they do not oppose the grant of the waiver.

[6] I am satisfied that there is no undue prejudice on any party, especially as the appellant and respondent do not oppose the waiver and the remaining s 274 parties' interests do not extend to that of the Trust's. While the length of delay is more than a year, I am satisfied that the late joining of the Trust will not delay proceedings, given mediation is yet to take place on the relevant topic. The Trust is otherwise a partial successor in any event.

[7] Accordingly, under s 281(1)(a)(iia) the application for wavier is granted and the s 274 notice on behalf of Paul and Anna Horrell, as trustees of the Peak View Trust is accepted out of time.



J J M Hassan
Environment Judge

Issued: **27 NOV 2020**



² Memorandum of counsel for PVL in support dated 12 November 2020 at [6].

³ Memorandum of counsel for PVL in support dated 12 November 2020 at [7] and [8].

⁴ Being Crown Investment Trust, Felzar Properties Limited, Morven Ferry Limited, Strain, Antony, Sarah & Samuel, Wakatipu Equities Limited and Skipp Williamson.