

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
 Schedule of the Act
BETWEEN LOCH LINNHE STATION
 (ENV-2018-CHC-68)
 Appellant
AND QUEENSTOWN LAKES DISTRICT
 COUNCIL
 Respondent

**MINUTE OF THE ENVIRONMENT COURT
(3 December 2019)**

Introduction

[1] This Minute addresses the application for waiver and s274 notice on behalf of Mr Scaife. In a previous Minute dated 21 November 2019 the following directions were issued:

- (a) the application for waiver in respect of the s274 notice for Marc Scaife joining ENV-2018-CHC-68 is adjourned pending:
 - (i) Marc Scaife filing a reply to the notice of opposition by **Tuesday 26 November 2019**;
 - (ii) the parties confirming by **Wednesday 27 November 2019** whether they wish to be heard on the opposed application or consent to the court considering the application on the papers.

[2] The registrar has now referred to me the reply from Mr Scaife. He explains that he is a property owner in close proximity to the appellant's property. As such, he says he has an interest greater than the general public and explains why he considers that to be the case. He maintains that it is unlikely that the granting of this application would result in more s274 requests coming through. He also explains that the delay in his filing the s274 notice was due to the complexity of the review and his lack of awareness of the appeal until recently.



[3] The parties have confirmed¹ they do not wish to be heard on the application and consent to the court dealing with the issue on the papers.

[4] I do not identify, at this time, any significant prejudice arising from any grant of waiver.

[5] While I agree with the appellant that Mr Scaife's interests appear to be very broad and wide-reaching, I consider I do not have enough information to make a determination at this stage. It may be that the parties can get a better understanding of their respective positions at mediation and see if an agreement can be reached before the court makes a decision either way.

Directions

[6] Accordingly, it is directed:

- (a) the application for waiver in respect of the s274 notice for Marc Scaife joining ENV-2018-CHC-68 is adjourned;
- (b) Mr Scaife is granted leave to attend the mediation;
- (c) the issue of Mr Scaife's standing under s274 will be revisited following mediation (it may be required that submissions or evidence will be required for the court to make a determination);
- (d) counsel for the appellant should file a reporting memorandum **within 5 working days** of the conclusion of mediation confirming whether (or not) it maintains its opposition.

[7] Leave is reserved for any party to apply for further (or other) directions.



J J M Hassan
Environment Judge

Issued: **03 DEC 2019**



¹ Email from Ms Macdonald dated 27 November 2019, email from Ms Baillie dated 22 November 2019, no response from any other party.