

**BEFORE THE ENVIRONMENT COURT
IN CHRISTCHURCH**

ENV-2018-CHC-121

ENV-2021-CHC-059

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of appeals pursuant to
Clause 14 of the First
Schedule to the Act

BETWEEN **TUSSOCK RISE
LIMITED**

Appellant

AND **QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Respondent

**APPLICATION FOR WAIVER UNDER SECTION 281 OF THE
RESOURCE MANAGEMENT ACT 1991**

DATED: 9 SEPTEMBER 2021

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MAY IT PLEASE THE COURT

Background

- [1] **UCT Limited (“UCT”), HWR Property Limited (“HWR”) and Allied Concrete Limited (“ACL”)** (“the Parties”) have filed a notice under s274 of the Act to join as a party the appeals by Tussock Rise Limited (“Appellant”) against decisions of the Respondent on Stages 1 and 3 of its proposed District Plan (“Plan”).
- [2] The Parties s274 notice in respect of both the Stage 1 and 3 appeals is filed out of time,¹ and a waiver is now sought under s281 of the Act for the late filing of the notice in respect of both the Stage 1 and 3 appeals.
- [3] As noted in the s274 notice, both UCT and HWR were identified as owning land with an industrial zoning near the appellant’s site, and whom the Court directed be served² with notice of the existence of the Stage 1 appeal and provided an opportunity to file and serve a s274 notice, with waiver to be granted.
- [4] ACL is not a landowner, but occupies the land owned by HWR, and operates a concrete batching plant and associated activities from the site.

Application for Waiver

- [5] The waiver is sought on the following grounds:
- (a) The Parties have only just become aware of the Stage 1 appeal, and with it, the nature of the combined relief sought across both appeals.
 - (b) While UCT and HWR were served with notice of the Stage 1 appeal in accordance with the Courts directions of 9 June 2021, due to an administrative oversight (the notice was received by the accounts department and did not get passed onto the property team), the opportunity to join the appeal within the timeframes specified by the Court was overlooked.
 - (c) UCT and HWR were identified as potentially affected by the Stage 1 appeal. For the reasons set out in the s274 notice, UCT, HWR and ACL all qualify as persons with an interest in the Stage 1 and 3 appeals greater than the public in general.

¹ The s274 period for the Stage 3 appeal closed on 16 June 2021, and the extended time-frame to file notices on the Stage 1 appeal closed on 4 August 2021.

² Minute dated 9 June 2021 at [12][b]

(d) There will be no prejudice if the waiver is granted. The appeals have not yet been set down for mediation by the Court and are not to be mediated as part of the Stage 3 appeals according to the Respondent's Case Management Memorandum for Stage 3 appeals.

[6] The Parties respectfully ask that the Court grant the waiver sought.



Jayne Macdonald Counsel for UCT Limited,
HWR Properties Limited and Allied Concrete Limited

9 September 2021