

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of an appeal under clause 14 of the First Schedule of the Act

BETWEEN THE TRUSTEES OF THE BURGESS DUKE TRUST

(ENV-2019-CHC-36)

Appellant

AND QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

**MINUTE OF THE ENVIRONMENT COURT
(31 March 2021)**

Introduction

[1] The court has received a late s274 notice on behalf of Gibbston Microgreens and Maria Chocano ('GMG') which is supported by an application for waiver, memorandum of counsel and affidavit, all dated 23 March 2021. The relevant appeal is on Stage 2 of the Queenstown Lakes District Plan review proceedings and was allocated to Topic 31 – Wakatipu Basin Rezoning Appeals.

[2] GMG supports the relief sought by the appellant and confirms that the s274 notice is filed late due to the land only recently being acquired. Counsel submits that the waiver should be granted since mediation has not yet occurred (or position papers filed) and no party opposes the waiver sought.

BURGESS DUKE TRUST v QLDC – WAIVER 31 MARCH 2021



Directions

[3] I am satisfied that there is no undue prejudice on any party given there is no opposition, nor is there any delay caused by the application. Accordingly, under s281(1)(a)(iii) of the RMA, the application for waiver is granted and the s274 notice on behalf of Gibbston Microgreens and Maria Chocano is accepted out of time.

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



J J M Hassan
Environment Judge



Issued: 31 March 2021