

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHCH-00052

UNDER THE

Resource Management Act 1991 ("**Act**")

IN THE MATTER OF

an appeal pursuant to Clause 14(1) to Schedule 1
of the Act

BETWEEN

WAKATIPU INVESTMENTS LIMITED

Appellant

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

**NOTICE OF WISH BY THE BRETT GIDDENS TRUST TO BE PARTY
TO THE PROCEEDINGS PURSUANT TO SECTION 274**

24 JUNE 2019

Counsel instructed:

JGH BARRISTER

J D K Gardner-Hopkins

Phone: 04 889 2776

james@jghbarrister.com

PO Box 25-160

WELLINGTON

TO: The Registrar
 Environment Court
 PO Box 2069
 20 Lichfield Street
CHRISTCHURCH
 (Christine.McKee@justice.govt.nz)

AND TO: The Appellant
 (jmacdonald@mactodd.co.nz)

AND TO: The Respondent
 (dpappeals@qldc.govt.nz)

AND TO: Other listed section 274 parties
 (maree.baker-galloway@al.nz; vanessa.robb@al.nz;
roisin.giles@al.nz)

Notice of appeal

1. Brett Giddens and Berry & Co Trustees as trustees of the Brett Giddens Trust ("**Giddens Trust**") wish to be a party pursuant to section 274 of the Act to the following proceeding:

Wakatipu Investments Limited v Queenstown Lakes District Council
 (ENV-2019-CHC-052) ("**Appeal**") being an appeal against decisions of Queenstown Lakes District Council on Stage 2 of the Queenstown Lakes Proposed District Plan ("**PDP**").
2. The Giddens Trust is a person who has an interest in the proceeding that is greater than the interest that the general public has, including for the following reasons:
 - (a) The Giddens Trust has an interest in land in the Wakatipu Basin and in particular the land at 507 Malaghans Road, Speargrass Flat, Queenstown ("**Property**"). The Property's legal description is: Lot 4 Deposited Plan 12952 as held in Computer Freehold Register OT5B/1372.
 - (b) The Giddens Trust has a Residential Building Platform ("**RBP**") consented in respect of the Property, but that RBP has not yet been "created" through registration on the Property's title of record.
 - (c) Under the decisions version of the PDP, the construction of a building for residential activity on a RBP that has been "created" through registration on the Property's title of record is a controlled activity.
 - (d) However, the construction of a building for residential activity on a RBP that has been consented, but not "created" does not take the benefit of this rule under the decisions version of the PDP.

- (e) That puts the Giddens Trust at a disadvantage in respect of the RBP that it has obtained consent for on its Property, compared to the notified version of the PDP.
 - (f) The Appeal addresses the RBP framework adopted in the decisions version of the plan, including the issue identified above.
 - (g) The resolution of the Appeal therefore has the potential to affect the Giddens Trust and the use of the Property and benefit of the RBP that the Giddens Trust has obtained consent for on its Property.
3. The Giddens Trust did not make a submission about the subject matter of the proceedings which relate to the Residential Building Platform (“**RBP**”) framework, as, at the time, it had not obtained consent for a RBP on its Property at the time. Nor was the regime adopted in the decisions version of the PDP notified in a form with the impacts that it currently has.
 4. The Giddens Trust is interested in the issues raised in the Appeal relating to the RBP framework identified in the decisions version of the plan, and the implications for the use of the Property and benefit of the RBP that the Giddens Trust has obtained consent for on its Property.
 5. The Giddens Trust broadly supports the relief sought, and any other related or consequential relief to the extent necessary to achieve sustainable management and the efficient use of resources, including where a RBP has been consented in respect of a property.
 6. The Giddens Trust agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 24 June 2019



J D K Gardner-Hopkins
Counsel for the Giddens Trust

The Applicant's address for service is C/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington 6011.

Documents for service on the Applicant may be sent to that address for service or may be emailed to james@jghbarrister.com. Service by email is preferred, with receipt confirmed by return email.