

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

I MUA I TE KŌTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of Schedule 1 of
the Act

BETWEEN **HOGANS GULLY FARMING LIMITED**
Appellant

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
Respondent

APPLICATION FOR WAIVER OF TIME FOR FILING APPEAL

Dated: 22 May 2019

Solicitors:

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To: The Registrar
Environment Court
Christchurch

1. Hogans Gully Farming Limited ("**Appellant**") applies pursuant to section 281 of the Resource Management Act 1991 ("**Act**") for a waiver of time for filing an appeal under Clause 14 of Schedule 1 of the Act.
2. The appeal is in respect of a decision by the Queenstown Lakes District Council ("**Council**") on its Proposed District Plan ("**Plan**").
3. The application for waiver is made on the following grounds:
 - a. The reason for the delay is an oversight by the Appellant's counsel in not filing the appeal as instructed by the Appellant within the required timeframe. The oversight was due to the number of parties that counsel is representing on Stage 2 of the Plan and the work involved in advising them of the Council's decisions and taking instructions on appeals. It is respectfully submitted the Appellant should not be prejudiced as a result of an oversight by its counsel.
 - b. The appeal is filed 11 working days after the end of the appeal period. The Appellant respectfully considers this is not a significant delay and will not unduly prejudice any other party as the period for filing section 274 notices has not yet ended and no steps have been made in terms of confirming the allocation or timetabling of appeals.
 - c. The Appellant does not consider any further submitters to the Appellant's submission could reasonably claim to be unduly prejudiced by the delay in filing the appeal.
 - d. No party has entered into any commitment or incurred any costs on the basis that the Appellant has not made an appeal.
 - e. The effect on the Appellant of a waiver being declined would be significant and would outweigh the effect on any other party of a waiver being granted.
4. In the circumstances the Appellant respectfully considers a waiver of time for filing the appeal is appropriate.

Dated: 22 May 2019



Signed for the Appellant
by its solicitor and duly authorised agent
Graeme Morris Todd/Benjamin Brett Gresson