

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

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

ENV-2019-CHC-074

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under clause 14(1) of Schedule 1 of
the Resource Management Act 1991

BETWEEN **SLOPEHILL JOINT VENTURE**
Appellant

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
Respondent

JOINT MEMORANDUM OF COUNSEL

Dated 26 May 2021



Cooper Rapley Lawyers

227-231 Broadway Avenue
PO Box 1945
Palmerston North
DX PP80001



N Jessen / A J R Sinclair

06 353 5210

06 356 4345

njessen@crlaw.co.nz

To The Registrar
Environment Court
Christchurch

And to The Appellant

And to The Respondent

[1] This Memorandum is filed on behalf of the Trustees of the Graeme Todd Family Trust ("**the Trust**") and Wayne Lynch Limited ("**WLL**") (collectively, "**the Parties**").

[2] The Trust is currently a party to this appeal under s 274 of the Resource Management Act 1991 ("**the Act**") as a party that made a further submission on the Appellant's submission on the Respondent's proposed plan.

[3] The Appellant's appeal is premised on their ownership of land at Slopehill Road. The Trust's interest in these proceedings was derived from their ownership of land neighbouring the Appellant's land, being the property comprised in Record of Title OT17D/43, legally described as Lot 1 Deposited Plan 25659 ("**the Property**").

[4] Pursuant to an agreement dated 11 January 2021, the Trust has now transferred the title to the Property to WLL. **Attached** to this memorandum is a copy of the Record of Title showing WLL as the registered owner of the Property.

[5] As such, WLL is the successor in title to the Trust. The Parties therefore request, in accordance with s 273 of the Act, that the Graeme Todd Family Trust is removed from the list of parties, and is replaced by Wayne Lynch Limited.

Dated 26 May 2021



N Jessen
Counsel for Wayne Lynch Limited



G M Todd
Counsel for the Graeme Todd Family Trust

ATTACHMENT

RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD Search Copy




R.W. Muir
Registrar-General
of Land

Identifier OT17D/43
Land Registration District Otago
Date Issued 21 October 1996

Prior References
OT5A/257

Estate Fee Simple
Area 8000 square metres more or less
Legal Description Lot 1 Deposited Plan 25659
Registered Owners
Wayne Lynch Limited

Interests

801039.3 Transfer creating the following easements - 20.3.1992 at 9.09 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 1 Deposited Plan 22136 - CT OT14B/581	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 1 Deposited Plan 22117 - CT OT14A/42	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 1 Deposited Plan 22936 - CT OT15A/721	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 2 Deposited Plan 22936 - CT OT15A/722	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 2 Deposited Plan 23848 - CT OT16A/76	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 1 Deposited Plan 23848 and Lot 1 Deposited Plan 24890 - CT OT16D/714	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Lot 1 Deposited Plan 25162 - CT OT17A/1115	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Part Section 102 Block V Shotover Survey District - CT OT17A/1116	Local Government Act 1974 Section 309(1)(a)
Convey water	Lot 1 Deposited Plan 25659 - herein	A DP 22136	Part Section 67-70 and Part 82 Block V Shotover Survey District - CT OT17A/1117	Local Government Act 1974 Section 309(1)(a)

918378.2 Certificate pursuant to Section 321(3) (c) Local Government Act 1974 - 21.10.1996 at 9.13 am

918378.8 Easement Certificate specifying the following easements - 21.10.1996 at 9.13 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 3 Deposited Plan 25659 - CT OT17D/45	A DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Right of way	Lot 3 Deposited Plan 25659 - CT OT17D/45	B DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Take water	Lot 3 Deposited Plan 25659 - CT OT17D/45	G DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Store water	Lot 5 Deposited Plan 25659 - CT OT17D/47	H DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey electricity	Lot 5 Deposited Plan 25659 - CT OT17D/47	a-b DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey electricity	Lot 3 Deposited Plan 25659 - CT OT17D/45	b-c DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey telecommunications	Lot 5 Deposited Plan 25659 - CT OT17D/47	a-b DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey telecommunications	Lot 3 Deposited Plan 25659 - CT OT17D/45	b-c DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey water	Lot 3 Deposited Plan 25659 - CT OT17D/45	i-d DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Electricity	Lot 3 Deposited Plan 25659 - CT OT17D/45	i-d DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Telecommunications	Lot 3 Deposited Plan 25659 - CT OT17D/45	i-d DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey water	Lot 3 Deposited Plan 25659 - CT OT17D/45	j-e-f-g DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey electricity	Lot 3 Deposited Plan 25659 - CT OT17D/45	j-e-f-g DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey water	Lot 5 Deposited Plan 25659 - CT OT17D/47	g-h DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)
Convey electricity	Lot 5 Deposited Plan 25659 - CT OT17D/47	g-h DP 25659	Lot 1 Deposited Plan 25659 - herein	Resource Management Act 1991 Section 243 (a)

Land Covenant in Deed 934084.3 - 1.8.1997 at 11.00 am

Land Covenant in Transfer 935594.1 - 29.8.1997 at 9.01 am

949204.2 Transfer creating the following easements - 11.6.1998 at 9.05 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey electricity	Lot 3 Deposited Plan 25659 - CT OT17D/45	A DP 26572	Lot 1 Deposited Plan 25659 - herein	
Convey telecommunications	Lot 3 Deposited Plan 25659 - CT OT17D/45	A DP 26572	Lot 1 Deposited Plan 25659 - herein	
Convey electricity	Lot 3 Deposited Plan 25659 - CT OT17D/45	t-u-j-w-x DP 26572	Lot 1 Deposited Plan 25659 - herein	
Convey telecommunications	Lot 3 Deposited Plan 25659 - CT OT17D/45	t-u-j-w-x DP 26572	Lot 1 Deposited Plan 25659 - herein	
Convey electricity	Lot 3 Deposited Plan 25659 - CT OT17D/45	w-v DP 26572	Lot 1 Deposited Plan 25659 - herein	
Convey telecommunications	Lot 3 Deposited Plan 25659 - CT OT17D/45	w-v DP 26572	Lot 1 Deposited Plan 25659 - herein	
Convey water	Lot 3 Deposited Plan 25659 - CT OT17D/45	u-v DP 26572	Lot 1 Deposited Plan 25659 - herein	

949204.3 Easement Certificate specifying the following easements - 11.6.1998 at 9.05 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
------	-------------------	---------------	-------------------	-----------------------

Convey electricity Lot 5 Deposited Plan s-t DP 26572 Lot 1 Deposited Plan

25659 - CT OT17D/47

25659 - herein

Convey Lot 5 Deposited Plan s-t DP 26572 Lot 1 Deposited Plan
telecommunications 25659 - CT OT17D/47 25659 - herein

10654541.1 Surrender of the right to convey electricity over Lot 3 DP 303124 marked ai-aj on DP 303124 specified in Easement Certificate 918378.8 - 13.12.2016 at 2:46 pm

10654541.2 Surrender of the right to convey telecommunications over Lot 3 DP 303124 marked ai-aj on DP 303124 specified in Easement Certificate 918378.8 - 13.12.2016 at 2:46 pm

Appurtenant hereto is a right to convey telecommunications, computer media & electricity created by Easement Instrument 10654541.3 - 13.12.2016 at 2:46 pm

Appurtenant hereto is a right to convey telecommunications, computer media, electricity & water created by Easement Instrument 10654541.4 - 13.12.2016 at 2:46 pm

