

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991
AND of a notice of motion under section 149T(2)
to decide proposed Plan Change 8: Water
for Otago (referred to the Environment Court
by the Minister for the Environment under
section 142(2)(b) of the Act)
OTAGO REGIONAL COUNCIL
(ENV-2020-CHC-128)
Applicant

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGE 8**

STANDING OF NON-SUBMITTERS

(11 December 2020)

- [1] Willowridge Developments Limited (Willowridge) has filed:
- (a) a notice that they wish to be party to the proceedings;
 - (b) an application under s 281 of the Act for waiver of time; and
 - (c) a memorandum of counsel.
- [2] The documents are attached to this Minute as **Annexures A, B and C**, respectively.
- [3] Willowridge did not make a submission on Plan Change 8 and instead relies on having an interest that is greater than the interest that the general public has, based on it:
- (a) being a land developer that undertakes residential development activities;
and



- (b) owning and developing land in the Otago region and being directly affected by Plan Change 8 – Part G (sediment from earthworks for residential development).¹

Directions

[4] The Regional Council is directed to file a memorandum by **2 pm on Wednesday 16 December 2020** setting out its position:

- (a) as to service (i.e. does any other party need to be served with this application?); and
- (b) its view on the application.

[5] Willowridge is also directed to respond on the same date, setting out its view on service.

 

J E Borthwick
Environment Judge

Issued: 11 December 2020

¹ Willowridge Development Limited's notice of a person's wish to be party to proceedings dated 7 December 2020 at [2].

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-128

**I TE KŌTI TAIAO
KI OTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of Otago Regional Council Proposed
Plan Change 8

NOTICE OF A PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Dated: 7 December 2020

To: The Registrar
Environment Court
Christchurch

[1] Willowridge Developments Limited (**Willowridge**) wishes to be a party to the following proceedings:

(a) ENV-2020-CHC-128 Otago Regional Council Proposed Plan Change 8.

[2] Willowridge is a person who has an interest in proceedings that is greater than the interest that the general public has:

(a) Willowridge is a land developer that undertakes residential development activities; and

(b) Willowridge owns and develops land in the Otago region and is directly affected by Plan Change 8 – Part G; sediment from earthworks for a residential development.

[3] Willowridge agrees to participate in mediation.

[4] Willowridge is not a trade competitor for the purpose of section 308 of the Resource Management Act 1991.

[5] Willowridge is interested in the following:

(a) Rule 14.5.1 (permitted earthworks activities); and

(b) Rule 14.5.2 (restricted discretionary earthworks activities).

[6] Willowridge supports the deletion of Rules 14.5.1 and 14.5.2 for the following reasons:

(a) the proposed rules are a duplication of rules in District Plans;

(b) the proposed rules will lead to unacceptable cost and delays for developers;

(c) the proposed rules would apply on a region-wide basis and are not directed at waterbodies specifically; and

- (d) the proposed rules relate to a land use matter (earthworks) that is properly addressed and managed through District Plans.

[7] Willowridge wishes to speak at the hearing.

Dated: 7 December 2020



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Signed for Willowridge Developments Limited
by its solicitor and duly authorised agent
Graeme Morris Todd / Benjamin Brett Gresson

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**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-128

**I TE KŌTI TAIAO
KI OTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of Otago Regional Council Proposed
Plan Change 8

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

Dated: 7 December 2020

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitor acting
G M Todd / B B Gresson
PO Box 124 Queenstown 9348
P: 03 441 2743
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ben@toddandwalker.com

MAY IT PLEASE THE COURT:

[1] Willowridge Developments Limited (**Willowridge**) has filed a notice under section 274 of the Resource Management Act 1991 (**Act**) to join as a party to the following proceedings:

(a) ENV-2020-CHC-128 Otago Regional Council Proposed Plan Change 8.

[2] The period for filing notices under section 274 of the Act ended on 16 November 2020.

[3] Accordingly, Willowridge hereby requests a waiver of time under section 281 of the Act for the filing of its section 274 notice. The waiver is sought on the basis that:

(a) the submitter has an interest in Plan Change 8 that is greater than the interest that the general public has. Willowridge will be directly affected by Plan Change 8 as it owns and is the developer of residential land affected by the provisions sought to be introduced through Plan Change 8;

(b) no person will be unduly prejudice by the granting of a waiver, and any prejudice to other persons of a waiver being granted will be outweighed by the prejudice to Willowridge in the event a waiver is not granted; and

(c) The granting of a waiver will not cause unreasonable delay as no steps have yet been taken in respect of hearings in relation to the proceedings.

Dated: 7 December 2020



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Signed for Willowridge Developments Limited
by its solicitor and duly authorised agent
Graeme Morris Todd / Benjamin Brett Gresson

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-128

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

Of Otago Regional Council Proposed
Plan Change 8

**MEMORANDUM OF COUNSEL ON BEHALF OF WILLOWRIDGE
DEVELOPMENTS LIMITED**

Dated: 9 December 2020

MAY IT PLEASE THE COURT:

- [1] This memorandum of counsel is in response to the direction from the Court to set out the reasons why Willowridge Developments Limited (**Willowridge**) has not complied with the requirements of s 274 of the Resource Management Act 1991 and filed its section 274 notice as directed.
- [2] The section 274 notice was not filed within time because Willowridge was not aware of the proceedings until after the period for filing ended on 16 November 2020.
- [3] Willowridge was not notified or became aware of Otago Regional Council Plan Change 8 until after the end of the period for filing submissions and further submissions ended, and it sought to file a late further submission on 19 November 2020. Willowridge then became aware that the proceedings were with the Environment Court and accordingly filed its section 274 notice and application for waiver on 7 December 2020.

Dated: 9 December 2020



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G M Todd / B B Gresson
Counsel for Willowridge Developments Limited