

27 June 2025

To

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And

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From

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By Email

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Dear Matt and Alexa

Form 7A - Section 87D Resource Management Act 1991 - Request for Queenstown Lakes District Council resource consent applications to be determined by the Environment Court

1. Queenstown Lakes District Council (**QLDC**) (the **Applicant**) requests that you allow the following applications for resource consent to be determined by the Environment Court instead of by you:¹
 - (a) An application for resource consent (RM25.206) by QLDC, dated 1 May 2025, to undertake the following activities:
 - (i) Discharge treated effluent to the Shotover River; and
 - (ii) Construct rip-rap outfall structure in the bed of the Shotover River.
 - (iii) Variation to the discharge to air consent RM13.215.01.
 - (b) An application for resource consent (RM25.177) by QLDC, dated 10 April 2025, to undertake the following activities:
 - (i) divert and discharge contaminants to the Shotover River for the purpose of creating a flowing braid.
2. The applications relate to the discharge of treated effluent to the Kimi-ākau/Shotover River via an existing discharge channel and necessary mitigation works. Effluent will be treated via inlet screens and grit removal, secondary treatment with a Modified Ludzak Ettinger (**MLE**)/secondary clarifier operating until December 2025 in parallel with the oxidation ponds, before the combined effluent passes through the UV channel for disinfection. After 31 December 2025 the wastewater will be fully treated via the MLE plants and the oxidation ponds will be decommissioned. Each consent is sought for a duration until 31 December 2030. Resource consent application RM25.177 relates to works in the riverbed to protect the channel outfall. ORC made the decision to process this consent application together with the RM25.206 application for consent(s).

¹ Form 7A Request for application relating to resource consent to be determined by Environment Court

3. The discharge of treated effluent to the Shotover River via an existing discharge channel has commenced on 31 March 2025 through QLDCs use of emergency powers under section 330 of the Resource Management Act 1991 (**RMA**). The application for consents of which this request relate are sought pursuant to section 330A of the RMA which imposes an obligation to seek resource consent retrospectively for any activity with continuing adverse effects on the environment.
4. On 1 May 2025, QLDC requested that the RM25.206 application for consent(s) be publicly notified under section 95A of the RMA.
5. The reasons for the request for direct referral are as follows:
 - (a) There is significant public interest in this matter given the consents being sought arise from activities associated with the use of emergency works, have been widely publicised in the media (including at a national level) and are subject to considerable regional and local political and community discussion.
 - (b) The Kimi-ākau/Shotover River is a significant natural resource with considerable cultural and community values in addition to its natural values.
 - (c) The discharge of treated wastewater direct to water raises potentially significant cultural issues to be appropriately managed.
 - (d) The discharge relates to the use of regionally significant infrastructure, and a lifeline utility, which enables the safe treatment and disposal of wastewater from a considerable part of the district's community.
 - (e) There has already been a separate legal proceeding (for interim enforcement orders) in relation to the discharge by Aotearoa Water Action Incorporated.
 - (f) While not related to the emergency works, ORC earlier this year commenced enforcement order proceedings against QLDC in relation to resource consent breaches at/from the Shotover Wastewater Treatment Plant (**SWWTP**). Previously, abatement notices had also been issued.
 - (g) QLDC very rarely uses the emergency work provisions and, while the use of the provisions is not relevant to this matter, the consents address and authorise the ongoing adverse effects of those works.
 - (h) QLDC is presently progressing the development and consenting of the long-term sustainable option for the discharges from the SWWTP (from 31 December 2030). This is a significant and complex process which will involve consent applications to ORC in 2026 (by the end of May 2026). There is the potential for the processes to be conflated and there is considerable benefit to QLDC, ORC and the community in having timely clarity on the interim discharge position.
 - (i) For the reasons above:
 - (i) The matter is very likely to be appealed irrespective of the outcome. Use of the direct referral process will save all parties involved considerable time and money. Therefore,

direct referral enables a more efficient and effective determination of this matter, especially given the significant resources and issues in play.

- (ii) The matter is highly contentious, with complex and significant issues in play, and emergency works provisions having been relied on, such that special circumstances clearly apply favouring the decisions on the consents for the ongoing adverse effects of the activities proceeding straight to the Environment Court.
- (iii) The Environment Court is already aware of the context and background to the matter across various proceedings enabling clarity (and clear separation) of the various legal and consenting processes in play and enabling efficient decision making.
- (iv) The direct referral process enables simple, clear and effective participation by submitters and no parties will be unduly prejudiced by the direct referral process.

Date: 27 June 2025



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