

In the Environment Court
At Christchurch

ENV-2026-CHC-

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991 (**RMA**)

In the matter of the Urban Intensification Variation (**Variation**) to the
Queenstown Lakes District Proposed District Plan

And

In the matter of an application for waivers and directions under section 281 of
the RMA

By **QUEENSTOWN LAKES DISTRICT COUNCIL**

Applicant

**NOTICE OF MOTION FOR QUEENSTOWN LAKES DISTRICT COUNCIL REGARDING
APPEALS AGAINST DECISIONS ON URBAN INTENSIFICATION VARIATION**

2 April 2026



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**To: The Registrar
Environment Court
Christchurch**

INTRODUCTION

- 1.** The decision by Queenstown Lakes District Council (**QLDC or Council**) on the Urban Intensification Variation (**Variation**) to its Proposed District Plan were notified on 20 February 2026. Simpson Grierson has been instructed on the Appeals.
- 2.** Appeals are due by **Tuesday, 7 April 2026**.
- 3.** One appeal has been filed to date, and it is expected that a number more will be made against the decision.
- 4.** QLDC has filed this notice of motion to seek, pursuant to section 281 of the RMA, waivers and directions that will assist to streamline the filing and service of any notices of appeal and section 274 notices relating to the appeals on the Variation.
- 5.** For completeness, the one appeal already lodged, by Robert Phelong,¹ has suggested that directions of the nature now sought, would assist. Two counsel for parties that intend to lodge an appeal have also contacted QLDC, asking if directions relating to service will be sought by QLDC.

OUTLINE OF THE VARIATION

- 6.** The Variation was notified on 23 August 2023. 1,274 submissions were lodged on the Variation, amounting to over 7,000 individual submission points. 108 further submissions were received.
- 7.** The hearing was held over three weeks across 28 July to 27 August 2025.

¹ Dated 19 March 2026.

8. The Council adopted the Independent Panel’s recommendations on submissions on the Variation under clause 10 of Schedule 1 of the RMA and public notice of the decision was given 20 February 2026.
9. The appeal period closes on 7 April 2026.

APPLICATION FOR WAIVER AND DIRECTIONS UNDER SECTION 281 OF THE RMA

10. The Council as Respondent seeks the following waivers and directions pursuant to section 281 of the RMA in respect of the service of all appeals on its decision on the Variation:

Notices of appeal:

- (a) a direction that all notices of appeal must be:
 - (i) lodged with the Environment Court electronically by File and Pay and in hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch;
 - (ii) served on the Council electronically by email to: dpappeals@qldc.govt.nz;
 - (iii) where the appeal is based on an original submission that the appellant made, on every person that made a further submission on the relevant original submission point; and where the appeal is based on a further submission that the appellant made, on the person who made the related original submission;
- (b) a waiver in favour of appellants of the usual requirement in clause 14(5) of Schedule 1 to the RMA, and in regulation 7, and Form 7 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 to serve a copy of Form 7 (the Appeal) on every person (not being an original or further submitter that is served in accordance with paragraph (a)(iii) above) who made a submission on the provision or matter to which the appeal relates; and
- (c) a direction that service of all notices of appeal (as waived in paragraph (b) above) will be deemed to be effected by the Council uploading copies of

all notices of appeal onto the Council website as soon as possible after the appeal is received by the Council.

Section 274 notices

- (d) a direction that any section 274 notice must be:
 - (i) lodged with the Environment Court electronically by File and Pay;
 - (ii) served on the Council electronically by email to: dpappeals@qldc.govt.nz; and
 - (iii) served on the appellant on any email address provided in the notice of appeal;
- (e) a waiver of the requirement to lodge a signed original and one hard copy of any section 274 notice with the Environment Court;
- (f) a waiver of the requirement for section 274 parties to serve their notice/form 33 on all other parties;
- (g) a direction that service of section 274 notices on all other parties (as waived in paragraph (f) above) will be deemed to be effected by the Council uploading copies of section 274 notices onto its website as soon as possible after the section 274 notice is received; and

Generally

- (h) a direction that QLDC upload to its website a copy of this Notice of Motion and the Court's Decision in response.

REASONS

- 11.** Given the significant number of submitters and further submitters, the waivers and directions will:
 - (a) clarify the requirement for service of documents set out in section 352 of the RMA and reduce the burden on the Council in receiving hard copies of appeal documents;

- (b) reduce the burden on appellants and section 274 parties, who may be otherwise obliged to identify other parties who have submitted on a certain provision and serve notice on a significant number of parties; and
- (c) address the significant logistical issues for the parties that would otherwise arise, particularly around filing and service of hard copies of documents.

12. The Environment Court has granted waivers to a similar effect in relation to appeals against the Council’s decisions on each of Stage 1, Stage 2, and Stage 3 of the Queenstown Lakes Proposed District Plan.

Just treatment of parties

13. Section 291 of the RMA requires that originating applications to the Environment Court must be made by notice of motion. The notice of motion must specify the persons upon whom the notice is to be served. A copy of this notice will be sent to all submitters on the Variation. Section 291 of the RMA provides that that an application shall not be granted unless it is satisfied that none of the parties will be unduly prejudiced.

14. The Council has created a specific webpage on the Council’s website <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/appeals/urban-intensification-variation-appeals-2026/> which will contain all notices of appeal and section 274 notices served on the Council.

15. The Council acknowledges that the *ex parte* nature of this application is a relevant matter for the Court’s consideration. The Council is mindful that it is an objective of the Court’s case management set out in paragraph 5.1(e) of the Environment Court Practice Note 2023 to “ensure the fair treatment of all parties.”

16. With this factor in mind, the Council respectfully submits that other parties and potential parties to the Variation appeals would not be prejudiced by the Court

granting the waivers and directions sought. Council anticipates that granting the waivers, and directions sought, will assist the parties.

17. Counsel is also willing to assist the Court by providing any further information that the Court considers would be of assistance, at short notice, given appeals are due on 7 April 2026.

DATED this 2nd day of April 2026



Sarah Scott / Shanae Richardson
Counsel for Queenstown Lakes District Council

Address for service of Applicant:

This notice of motion is filed by SARAH JANE SCOTT solicitor for the Applicant of the firm of Simpson Grierson.

The address for service of the Applicant is at the offices of Simpson Grierson, Level 1, 151 Cambridge Terrace, Christchurch. 8013,

Documents for service on the Applicant may be left at that address for service or may be -

- (a) posted to the solicitor at PO Box 874, Christchurch 8140; or
- (b) emailed to the solicitor at sarah.scott@simpsongrierson.com and shanae.richardson@simpsongrierson.com.