

**BEFORE THE ENVIRONMENT COURT**

**ENV-2018-CHC-24**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of potential appeals under  
clause 14 of Schedule 1 of  
the Act against decisions  
of the Queenstown Lakes  
District Council on Stage 1  
of the Proposed  
Queenstown Lakes  
District Plan

**AND**

**IN THE MATTER** of an application for  
waivers and directions  
under section 281 of the  
Act

**BY** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**

Applicant

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**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT COUNCIL**

**27 APRIL 2018**

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**Queenstown Lakes District Council**  
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## MAY IT PLEASE THE COURT

1. On 23 April 2018 the Queenstown Lakes District Council (**Council**) filed a notice of motion with this Court requesting certain waivers and directions in respect of potential appeals against the Council's Stage 1 decisions on the proposed Queenstown Lakes District Plan.
2. On 26 April 2018 the Court issued a Minute granting the waivers and directions requested by the Council (**Minute**).
3. Counsel is grateful to the Court for the prompt manner in which it addressed the Council's notice of motion.
4. After reviewing the directions and waivers set out in the Minute, counsel has identified a minor oversight with one of the directions sought by the Council. Specifically, at paragraph 4.1(a)(i) of its notice of motion the Council requested the following direction (emphasis ours):

*(a) Notices of appeal:*

*(i) a direction that all notices of appeal (in relation to the Council's decisions on the provisions of Stage 1 of the PDP and the requirements of the Council) must be served on:*

• ...

- ***where the appeal relates to an original submission made by the appellant, on every person that made a further submission on the relevant original submission point;***

5. The Court granted the direction sought by the Council, with some minor refinements to the wording used. The final direction, at paragraph [7](2)(a)(iii) of the Minute, is as follows (emphasis added):

*(2) notices of appeal:*

*(a) any notice of appeal (in relation to the Council's decisions on the provisions of Stage 1 of the PDP and on the requirements of the Council) must be:*

...

- (iii) served on every person who made a further submission on the original submission which is the subject of the appeal.***

6. The Council's oversight was that the direction does not provide for service on an original submitter, if it is a further submitter that lodges an appeal with the Court. The direction only provides for service on further submitters in contemplation of appeals being filed by original submitters.

7. Counsel respectfully requests that this oversight be rectified by amending the direction at paragraph [7](2)(a)(iii) of the Minute as follows (underlining showing additions and ~~strikeout~~ showing deletions):

*(iii) served on the person who made the original submission which is the subject of the appeal, and every person who made a further submission on ~~the~~ that same original submission ~~which is the subject of the appeal.~~*

8. If the Court agrees with the above proposed amendment, counsel respectfully requests that the following consequential changes also be made to the directions (underlining showing additions and ~~strikeout~~ showing deletions):

8.1 amendment to paragraph [7](2)(c) of the Minute:

*“service of the notice of appeal on every other person (not being an original or further submitter that is served in accordance with paragraph (2)(a)(iii) above) who made a submission on a provision, requirement or matter to which the appeal relates will be deemed to be effected by the Council uploading copies of all notices of appeal onto its website as soon as possible after the appeal is received by the Council.*


8.2 inclusion of an additional paragraph 3(2)(a)(iii) in the notice attached as Appendix A to the Minute:

*(iii) where your appeal is based on a further submission that you made, on the person who made the related original submission and every other person who made a further submission on that same original submission.*

9. Counsel respectfully considers that the above proposed amendments will sufficiently capture service of notices of appeal on both original and further submitters, with all other persons deemed served by the Council satisfying the requirements of the direction at [7](2)(c).

10. Counsel apologises for any inconvenience caused by its oversight and respectfully requests that, if the Court is inclined to make the above amendments to its Minute, the Court issue either an addendum or a full amended set of waivers and directions to ensure that there is no confusion caused to potential appellants and / or section 274 parties.

**Dated** this 27<sup>th</sup> day of April 2018



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K L Hockly  
Counsel for Queenstown Lakes  
District Council