

under: the Resource Management Act 1991 (**RMA**)

in the matter of: an appeal under clause 14(1) of Schedule 1 of the RMA
in relation to the proposed Queenstown Lakes District
Plan

between: **Streat Developments Limited**
Appellant

and: **Queenstown Lakes District Council**
Respondent

Application for waiver

Dated: 13 March 2019

Form 38

APPLICATION FOR WAIVER

Section 281, Resource Management Act 1991

- To** The Registrar
Environment Court
Christchurch
- 1 Hawea Community Association Incorporated applies for a waiver in the following proceedings: ENV-2018-CHC-00086 Streat Developments Limited v Queenstown Lakes District Council.
 - 2 HCA gave notice of its intention to become a party to the appeal on 5 March 2019.
 - 3 HCA seeks a waiver of the requirement in section 274 of the RMA to give notice of its intention to become a party to the proceedings.
 - 4 The application for waiver is required because:
 - 4.1 The Appeal records that Streat Developments Limited received notice of Queenstown Lakes District Council's decision on 7 May 2018.
 - 4.2 Accordingly, the period for lodging the Appeal ended on 19 June 2018 and the period for lodging the notice ended on 10 July 2018.
 - 4.3 The notice was filed on 5 March 2019, approximately 8 months after the period for joining the appeal ended.
 - 5 The application for waiver is made of the following grounds:
 - 5.1 HCA lodged a submission on the proposed Queenstown Lakes District Plan addressing matters relevant to the appeal;
 - 5.2 HCA represents the residents and ratepayers of Hawea, including Lake Hawea, who are affected by the matters raised by the appeal;
 - 5.3 HCA is a community organisation that is run by volunteers. It has limited resources and experience in dealing with RMA processes;
 - 5.4 HCA was not served with a copy of the appeal. HCA became aware of the appeal around August 2018, however it was not aware the appeal challenged the urban growth boundary for Lake Hawea. HCA became aware of the full scope of the appeal in mid-February 2019. It then took steps to prepare and lodge the notice as quickly as possible;
 - 5.5 HCA understands the appeal has been set down for a mediation to be held on 20 March 2019. Accordingly, no material steps appear to have yet been taken towards the resolution of the appeal;

- 5.6 Queenstown Lakes District Council confirmed by email on 11 March 2019 that it will not oppose this application for waiver; and
- 5.7 It is respectfully submitted that none of the other parties to the appeal will be unduly prejudiced if HCA's application for waiver is granted.
- 6 An affidavit provided by April Mackenzie, the Chairperson of HCA, further outlines the reasons for the delay in lodging the notice.
- 7 It is noted that the notice incorrectly referred to appeal number 65, rather than 86. This was an error.

Dated: 13 March 2019.

April Mackenzie
Chairperson
Hawea Community Association Incorporated

Address for service of applicant:

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Advice

If you have any questions about this application, contact the Environment Court in Auckland, Wellington, or Christchurch