

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2024] NZEnvC 147

IN THE MATTER

of the Resource Management Act 1991

AND

appeals under clause 14(1) of the First
Schedule of the Act

BETWEEN

**GLENPANEL LIMITED
PARTNERSHIP**

... continued in Appendix 1

(ENV-2024-CHC-31)

Appellant

AND

OTAGO REGIONAL COUNCIL

Respondent

Court: Environment Judge P A Steven

Hearing: On the papers

Last case event: 18 June 2024

Date of Decision: 26 June 2024

Date of Issue: 26 June 2024

DECISION OF THE ENVIRONMENT COURT

A: The application for waiver is granted.



WPD L WAIVER DECISION

REASONS

[1] Waterfall Park Developments Limited ('WPDL') has applied for a waiver of time for the filing of its s274 notices on the following appeals:

- (a) Glenpanel Limited Partnership;
- (b) Oceana Gold (New Zealand) Limited;
- (c) Real Group Limited; and
- (d) Queenstown Lakes District Council.

[2] The appeals are in relation to the non-freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021.

[3] The deadline for filing s274 notices vary for each of the appeals. WPDL filed notices for all four appeals on 7 June 2024. Depending on the appeal, the notices are out of time by 1-2 days.

[4] WPDL seeks a waiver on the following grounds:¹

In all of the appeals that WPDL has joined there are existing s274 party notices filed, therefore the addition of WPDL will not otherwise extend or add to complexity of proceedings.

Case management of appeals is not due to be progressed by the Respondent until 12th July, and therefore the filing of the WPDL notices will not delay matters.

WPDL has clear standing on the respective appeals to which it seeks joining as it was an original submitter on the substantive matters under appeal, as well as having established interests greater than that of the general public.

¹ WPDL memorandum 7 June 2024 at [5(a)-(c)].

Statutory Framework

[5] Section 281(1) RMA allows a person to apply to the court to:

- (a) waive a requirement of this Act or another Act or a regulation about—
 - ...
 - (ia) the time within which a person must give notice under section 274 that the person wishes to be a party to the proceedings; or
 - ...

[6] Section 281(3) requires the court to be satisfied that:

- (a) the appellant or applicant and the respondent consent to the waiver; or
- (b) any of those parties who have not so consented will not be unduly prejudiced.

[7] Section 281(2) states that the court shall not grant an application under s281 unless it is satisfied that there is no undue prejudice to any party to the proceeding.

Consideration

[8] The s274 notices have only been filed 1-2 days late. I agree with WPDL that the filing of the notices will not delay matters as the appeals will not be progressed until 12 July 2024.

[9] I am satisfied that there is no undue prejudice to any party to the proceedings in allowing the late filing of the notices.

Directions and waivers

[10] In accordance with s281(1)(a)(ia) the application for waiver is granted.

P A Steven
Environment Judge



Appendix 1

ENV-2024-CHC-29	Oceana Gold (New Zealand) Limited v Otago Regional Council
ENV-2024-CHC-23	Real Group Limited v Otago Regional Council
ENV-2024-CHC-37	Queenstown Lakes District Council v Otago Regional Council

