

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2022-CHC-32

IN THE MATTER of the Resource
Management Act 1991
(Act)

IN THE MATTER of an application for orders
under section 279(4) of the
Act, and in accordance with
rule 15.1 of the District
Court Rules 2014

BETWEEN **QUEENSTOWN LAKES
DISTRICT COUNCIL**

Applicant

AND **JOHN COSSENS**

Respondent

**LEGAL SUBMISSIONS ON BEHALF OF QUEENSTOWN LAKES DISTRICT
COUNCIL IN RESPECT OF STRIKE OUT APPLICATION**

22 July 2022

Queenstown Lakes District Council

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MAY IT PLEASE THE COURT:

INTRODUCTION

1. These legal submissions address the Queenstown Lakes District Council's (**Council**) application for orders under section 279(4) of the Resource Management Act 1991 (**Act**) to strike out the Application for Declarations filed by the respondent and dated 17 May 2022 (**Declarations**).
2. The Declarations centre on pre-notification consultation undertaken by Council ahead of a proposed variation to Council's District Plan (**Proposed Variation**).

BACKGROUND

3. The Proposed Variation follows the direction of the Court and arose from interim decisions in respect of the Rural Landscape Topic before the same Court which directed Council to use the Schedule 1 process under the Act to introduce schedules setting out landscape values for 29 priority area landscapes into its District Plan.¹
4. The parties set down a timeframe for doing so and went about drafting the strategic policies accordingly. It must be said that Mr Ferguson, on behalf of the parties now joined to this matter, was a key driver of the recommended policy strategy including, the stipulated timeframes for notification, during the Appeal hearings and was involved in the associated expert caucusing that resulted in Council's draft strategic policies.
5. That evidence was accepted by the Court and led to the Direction that Council prepare a variation to include the schedules and undertake the task (including notification) within the agreed timeframes: *See Interim Decision of the Environment Court Decision 2.2 at para [70]*.
6. At no time did the Court seek to direct what process the Council should use outside the Schedule 1 process. There was no meaningful discussion arising from the Interim Decision(s) about pre-notification consultation, or about what status consultation, if undertaken, should have. The Act clearly sets out the hierarchy for

