

Form 38  
Application for waiver or directions

*Section 281, Resource Management Act 1991*

**To** the Registrar  
Environment Court  
Auckland, Wellington, and Christchurch

I, Robert Arthur Phelong, apply for a waiver in the following proceedings:

An appeal against the decision of the Queenstown Lakes District Council on the Urban Intensification Variation to the Queenstown Lakes Proposed District Plan, specifically in relation to provisions within the Medium Density Residential Zone (MDRZ), including Rule 8.5.1 – Building Height.

I am the following party to these proceedings:  
Appellant.

I seek the following waiver:

A waiver of the requirement under clause 14(1) of Schedule 1 of the Resource Management Act 1991 to serve a copy of the notice of appeal on every person who made a submission on the Urban Intensification Variation.

Grounds for the waiver:

1. Number of submitters. The Urban Intensification Variation attracted a very large number of submitters (in excess of 1,200), resulting in a substantial number of parties who would otherwise require service of the notice of appeal.
2. Disproportionate burden. Requiring service on all submitters would impose an unreasonable and disproportionate administrative and financial burden on the Appellant, particularly given the limited scope of the appeal.
3. Narrow Scope of Appeal. The appeal relates only to a discrete planning provision, being the increase in maximum building height within the Medium Density Residential Zone from 7 metres to 8 metres. The appeal does not seek broad relief across the Variation and is unlikely to be of direct relevance to all submitters.

4. Limited effect on parties. The subject matter of the appeal primarily affects landowners within the Medium Density Residential Zone in Wanaka and does not have district-wide implications.
  
5. Alternative Service Methods. The Appellant is willing to:
  - serve notice on the Queenstown Lakes District Council; and
  - comply with any direction from the Court regarding alternative or limited service (including service on directly affected or relevant submitters, or public notice if required).
  
6. No Prejudice. Any potential prejudice to other parties is limited, as submitters retain the ability to join the proceedings under section 274 of the Resource Management Act 1991 once the appeal is notified.



..... Nicole Malpass, Planning Consultant, IP Solutions Ltd

Signature of applicant

(or person authorised to sign  
on behalf of applicant)

Date 19 March 2026

Address for service of applicant: IP Solutions Ltd, 5 Chalmers Street, Wanaka, 9305

Telephone: 02108060084

Fax/email: nicole@ipsolutions.nz

Contact person: Nicole Malpass, Planning Consultant

## **Note to applicant**

You must lodge the original and 1 copy of this application with the Environment Court. The application must be signed by you or on your behalf.

You must serve a copy of this application on all other parties to the proceedings within 3 working days after lodging this application with the Environment Court.

Within 10 working days after lodging this application, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this application.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements in this form.

## *Advice*

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

Schedule 1 form 38: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 38: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).