

**ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
ŌTAUTAHI**

**ENV-**

Under the

**RESOURCE MANAGEMENT ACT 1991**

In the matter of

the direct referral of applications for resource consents under sections 87D and 87G of the Act for the Shotover Wastewater Treatment Plant

By

**QUEENSTOWN LAKES DISTRICT COUNCIL**

Applicant

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**NOTICE OF MOTION FOR PROCEEDINGS UNDER SECTION 87D OF THE  
RESOURCE MANAGEMENT ACT 1991**

Dated: 18 December 2025

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**BUDDLE FINDLAY**

Barristers and Solicitors  
Wellington

Solicitor Acting: **David Allen | Matthew Dicken**

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**To** the Registrar

Environment Court

Christchurch

1. Queenstown Lakes District Council (**QLDC**) (the **Applicant**) applies under sections 87D and 87G of the Resource Management Act 1991 (**RMA**) for resource consent applications (the **Applications**) for the Shotover Wastewater Treatment Plant (**SWWTP**) to be determined by the Environment Court instead of by the Otago Regional Council (**ORC**).
2. The SWWTP project requires:
  - (a) an application for resource consent (RM25.206) by QLDC, dated 1 May 2025, to undertake the following activities:
    - (i) discharge treated effluent to the Shotover River;
    - (ii) construct rip-rap outfall structure in the bed of the Shotover River;
    - (iii) variation to the discharge to air consent RM13.215.01; and
  - (b) an application for resource consent (RM25.177) by QLDC, dated 10 April 2025, to undertake the following activities:
    - (i) divert and discharge of contaminants to the Shotover River for the purpose of creating a flowing braid.
3. The Applications relate to the discharge of treated effluent (wastewater) to the Kimi-ākau/Shotover River via an existing discharge channel and necessary mitigation works. Effluent is first treated via inlet screens and grit removal. Secondary treatment is undertaken by a Modified Ludzak-Ettinger (**MLE**) reactor and clarifier (which had been operating in parallel with oxidation ponds until November 2025), before the combined effluent passes through the UV channel for disinfection.
4. Since September 2025, an additional MLE reactor and clarifier has been brought into operation and is now treating wastewater. This means the remaining oxidation pond on site is no longer receiving wastewater flows, with all wastewater now treated through the more advanced MLE and clarifier treatment systems. These changes have brought about observed improvements in the quality of the treated wastewater.

5. Each consent is sought for a duration until 31 December 2030. Resource consent application RM25.177 relates to works in the riverbed to protect the channel outfall. ORC made the decision to process this consent application together with the RM25.206 application for consent(s).<sup>1</sup>
6. The discharge of treated effluent to the Shotover River via an existing discharge channel has commenced on 31 March 2025 through QLDCs use of emergency powers under section 330 of the Resource Management Act 1991 (**RMA**). The application for consents of which this request relate are sought pursuant to section 330A of the RMA which imposes an obligation to seek resource consent retrospectively for any activity with continuing adverse effects on the environment.
7. On 1 May 2025, QLDC requested that the RM25.206 application for consent(s) be publicly notified under section 95A of the RMA. On 19 May 2025, ORC confirmed the completeness of that application.
8. On 27 June 2025, QLDC sent a letter to ORC requesting that it allows the Applications to be determined by the Environment Court by way of direct referral. On 11 July 2025, QLDC received a letter from ORC confirming that the request for direct referral was granted.

## **Grounds**

9. The reasons for the request for direct referral are as follows:
  - (a) There is significant public interest in this matter given the consents being sought arise from activities associated with the use of emergency works which have been widely publicised in the media (including at a national level) and are subject to considerable regional and local political and community discussion.
  - (b) The Kimi-ākau/Shotover River is a significant natural resource with considerable cultural and community values in addition to its natural values.
  - (c) The discharge of treated wastewater direct to water raises potentially significant cultural issues to be appropriately managed.

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<sup>1</sup> See ORC *Notification Recommendation Report*, dated 18 September 2025, at page 3.

- (d) The discharge relates to the use of regionally significant infrastructure, and a lifeline utility, which enables the safe treatment and disposal of wastewater from a considerable part of the district's community.
- (e) There has already been a separate legal proceeding (for interim enforcement orders) in relation to the discharge by Aotearoa Water Action Incorporated.
- (f) While not related to the emergency works, ORC earlier this year commenced enforcement order proceedings against QLDC in relation to resource consent breaches at/from the SWWTP. Previously, abatement notices had also been issued.
- (g) QLDC very rarely uses the emergency work provisions and, while the use of the provisions is not relevant to this matter, the consents address and authorise the ongoing adverse effects of those works.
- (h) QLDC is presently progressing the development and consenting of the long-term sustainable option for the discharges from the SWWTP (from 31 December 2030). This is a significant and complex process which will involve consent applications to ORC in 2026 (by the end of May 2026). There is the potential for the processes to be conflated and there is considerable benefit to QLDC, ORC and the community in having timely clarity on the interim discharge position.
- (i) For the reasons above:
  - (i) The matter is very likely to be appealed irrespective of the outcome. Use of the direct referral process will save all parties involved considerable time and money. Therefore, direct referral enables a more efficient and effective determination of this matter, especially given the significant resources and issues in play.
  - (ii) The matter is highly contentious, with complex and significant issues in play, and emergency works provisions having been relied on, such that special circumstances clearly apply favouring the decisions on the consents for the ongoing adverse effects of the activities proceeding straight to the Environment Court.
  - (iii) The Environment Court is already aware of the context and background to the matter across various proceedings enabling

clarity (and clear separation) of the various legal and consenting processes in play and enabling efficient decision making.

- (iv) The direct referral process enables simple, clear and effective participation by submitters and no parties will be unduly prejudiced by the direct referral process.

#### **Additional documentation**

10. Accompanying or attached to this notice of motion are the following documents:

- (a) an affidavit by Simon ██████████ Mason dated 18 December 2025 in support of this notice of motion; and
- (b) a list of names and addresses of persons to be served with a copy of this notice of motion (**Appendix 1**).

**DATED** this 18<sup>th</sup> day of December 2025



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**David Allen / Matthew Dicken**  
Counsel for the Respondent

The applicant's address for service is at the offices of Buddle Findlay (attention: David Allen), Level 17, Aon Centre, 1 Willis Street, PO Box 2694, DX SP20201, phone 64 4 499 4242, facsimile 64 4 499 4141, Wellington. Service on the applicant can also be effected by email to [david.allen@buddlefindlay.com](mailto:david.allen@buddlefindlay.com) and [matthew.dicken@buddlefindaly.com](mailto:matthew.dicken@buddlefindaly.com).

## **Advice to recipients of copy of notice of motion**

### *How to become a party to proceedings*

1. You may be heard on this application if you come within sections 274(1), 87G(4) and 198E(4) of the Resource Management Act 1991. If you are a trade competitor of the applicants, your right to be heard may be limited.
2. You may be heard on the application as a party if,—
  - (a) within 15 working days after this notice of motion was lodged with the court, you lodge a notice in form 33 with the Environment Court and serve copies of your notice on the relevant local authority and the applicants; and
  - (b) within 20 working days after this notice of motion was lodged with the court, you serve copies of your notice on all other parties.

### *Advice*

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

## APPENDIX 1

### List of names and addresses of persons to be served

<b>Consent Authority</b>			
<b>Name</b>		<b>Email address for service</b>	
Otago Regional Council		hannah.goslin@orc.govt.nz mat.bell@orc.govt.nz kate.logan@rossdowling.co.nz	
<b>Submitters</b>			
<b>No</b>	<b>Name</b>	<b>Organisation</b>	<b>Address for service (email)</b>
1	Victoria McNiece	N/A	[REDACTED]
2	Graeme Lester	N/A	[REDACTED]
3	Jane Macleod	Department of Conservation	jmacleod@doc.govt.nz rma@doc.govt.nz
4	Dr Shayne Galloway	N/A	shayne@affordancemapping.nz
5	Whitewater New Zealand		president@whitewater.nz
6	Te Rūnanga o Ōtākou, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Hoekonui Rūnganga (Kāi Tahu ki Otago)		consents@aukaha.co.nz sandra@aukaha.co.nz pam@aukaha.co.nz
7	Lauren Rapley and Meg Anderson	Queenstown Airport Corporation Limited	lauren.rapley@russellmcveagh.com meg.anderson@russellmcveagh.com
8	Riria Hakiwai	Nga Papatipu Rūnaka ki Murihiku	office@tami.maori.nz riria@tami.maori.nz margaret.ferguson@tami.maori.nz
9	Nicolette (Nikki) Macfarlane	Queenstown Lakes Community Action	qtlcommunity@gmail.com
10	Kawarau Jet Services Ltd (trading as KJet)		brett.fitzgerald@kjet.co.nz