

**Before the Environment Court
At Wellington**

Under Section 281 of the Resource Management Act 1991

And

Under Clause 14, Schedule 1 of the Resource Management Act 1991

In the matter of an application for waivers and directions

And

In the matter of appeals on the Proposed Natural Resources Plan

Between **Wellington Regional Council**

Respondent

And **Various**

Appellants

Application for directions as service requirements for appeals

Date: 18 September 2019



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MAY IT PLEASE THE COURT

1 The Wellington Regional Council (**Council**) has previously made an application for waivers and directions as to filing and service of anticipated appeals on the Council's decision (**Decision**) on the Proposed Natural Resources Plan for the Wellington Region (**PNRP**).

2 Following that application, the Court issued Directions on 26 July 2019.¹

3 Subsequently, the issue of email service on submitters was raised by potential appellants. The relevant directions of the Court in relation to service are:

1.2. Direct that the Council ... provide a full list of submitters and addresses for service

7. Direct that service on any submitter who made a submission on the provision or matter to which the appeal relates is deemed to be completed on service of the notice of appeal at the address for service.

[our emphasis]

4 Following these Directions, the Council has reviewed the submissions and further submissions, and identified the nominated 'address for service' in each. The address for service listed in submissions was primarily postal addresses rather than email addresses.

5 Each submitter and their nominated address for service was listed and provided at <http://pnrp.gw.govt.nz/>.

6 Subsequently, the issue of serving notices of appeal in hard copy rather than via email has been raised with the Council.

7 While some submissions may provide contact email addresses for submitters, they are not specifically referenced as an 'address for service'. Given this, the addresses listed on the website did not include any address not identified as an address for service.

¹ *Re Wellington Regional Council* [2019] NZEvC 126

- 8 As at 4:50pm on 18 September, there have been 19 appeals received by Council. As 435 submissions, and 96 further submissions were lodged on the PNRP, depending on the scope of the appeal, each appellant may need to serve over 500 submitters in hard copy. This does present a potential logistical and cost challenge to an appellant, particularly if their appeal is wide in scope.
- 9 Accordingly, Council applies for an order under section 279(1)(d) of the Resource Management Act 1991 (**RMA**), which allows the Court to make an order giving directions as to the service. Section 281(1)(b) of the RMA also allows the Environment Court to give a direction regarding service.
- 10 The order sought is:
- 10.1 Where a submitter has provided a contact email address on their submission form, or at a later date to the Council, the Council is to provide that email address to all appellants via listing these on its website <http://pnrp.gw.govt.nz/>.
- 10.2 Where an email address is available for a submitter, service of the appeal (as required under clause 14(5) of the RMA, and Regulation 8 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 can be completed on that submitter via that email address.

Law on waivers

- 11 Under section 281 of the RMA a person may apply to the Environment Court to waive a requirement of the RMA or a Regulation about the time and method of lodgement and service of an appeal and section 274 notices.²

² Section 281(1), RMA.

12 Under section 281(2) and (3) the Environment Court shall not grant such an application unless it is satisfied that none of the parties to the proceedings will be unduly prejudiced.

13 It is submitted that if the waivers sought below are granted, no party to the proceedings will be unduly prejudiced because email is clearly identified in the RMA as a valid method for service. Email has also been used as a mechanism to communicate with submitters previously by the Council. Accordingly, through the use of email (where available) it is likely all relevant submitters will be able to be served with any relevant appeals. In addition, all appeals will be uploaded to <http://pnrp.gw.govt.nz/>, which submitters have been advised of through the circulation of the previous directions of the Environment Court.

14 Accordingly, directions as to service of appeals via email is sought on the basis set out above.

Date: 18 September 2019



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Counsel for Wellington Regional
Council