

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
Schedule to the Act
BETWEEN VARIOUS
Appellants
AND WELLINGTON REGIONAL COUNCIL
Respondent

**MINUTE OF THE ENVIRONMENT COURT
(19 SEPTEMBER 2019)**

[1] I have considered the Council's application for directions as to service requirements for appeals in these proceedings.

[2] Following the Court's directions on 26 July 2019¹ the Council reviewed the submissions and further submissions it had received and identified the nominated 'address for service' in each. The addresses for service listed in submissions were primarily postal addresses rather than email addresses. I understand from the Council application that some submissions have provided email addresses which are not specifically referenced as an 'address for service' as required by s 352(1)(a) which, on its face, requires that electronic addresses be "specified" as addresses for service. The submitters' addresses the Council listed on its website did not include any address not specified as an address for service.

[3] The Council advises that as at 4:50pm on 18 September 2019 it had received 19 appeals. It also notes that as there were 435 submissions and 96 further submissions, depending on the scope of the appeal, each Appellant may need to serve over 500 submitters in hard copy. I agree that this presents a logistical and cost challenge to an Appellant which should be avoided if reasonably practicable.



Re Wellington Regional Council [2019] NZEnvC 126

WELLINGTON REGIONAL COUNCIL

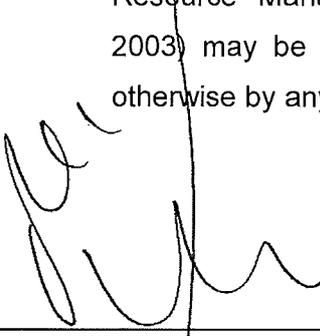
[4] The Council therefore seeks directions which allow Appellants to serve their appeals on submitters by using an email address (if a submitter has provided one) even if that email address is not specified as an address for service.

[5] Sections 279(1)(d) and s 281(1)(b) allow the Court to give directions regarding service. I accept that service by way of post on all submitters would be onerous in the circumstances set out above. I am prepared to issue a direction that Appellants may serve submitters using an email address provided by those submitters on their submission form (or subsequently), even if that email address has not been specifically referenced as the address for service of the submitters. Obviously the obligation to serve submitters who have not provided an electronic address by one of the methods identified in s 352(1)(b) remains.

[6] The Council has also requested a direction that it provides the list of submitters' email addresses only on its website. I will also make provision for Appellants to request the Council to provide the list of submitters' email addresses by other methods.

[7] I make the following directions:

- Where submitters have provided a contact email address on their submission forms (or at a later date) to the Council, the Council is to provide those email addresses to all Appellants by listing those on its website <http://pnrp.gw.govt.nz/> or (at the request of an Appellant) the list of submitters' email addresses is to be provided by the Council to any Appellant by any method of service provided for in s 352 RMA;
- Where an email address for a submitter is available (whether or not specified as an address for service), service of the appeal (as required under cl 14(5) of Schedule 1 to the RMA, and Regulation 8 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) may be completed on that submitter at that email address or otherwise by any method of service provided for in s 352 RMA.


B P Dwyer
Environment Judge



Issued: 19 SEP 2019