

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

IN THE MATTER of the Resource Management Act 1991

AND of an application under s 281 of the Act

BETWEEN WELLINGTON REGIONAL COUNCIL

 Applicant

**MINUTE OF THE ENVIRONMENT COURT
(23 JULY 2019)**

[1] I have considered the Council's application for directions and waivers as to the filing and service requirements for appeals likely to be filed between 1 August and 11 September 2019 on its Proposed Natural Resources Plan.

[2] The general scheme of the directions sought is to require lodgement by electronic means and to substitute publication on a website for service of various documents. Whilst I am prepared to make directions allowing potential appellants and s 274 parties to use electronic means to lodge and serve documents, I am not prepared to make it a requirement. It is reasonably possible that there are people who would not or could not comply with these requirements and who might decide not to lodge an appeal or s 274 notice as a result. Having regard to s 281 I am not satisfied that there would be no undue prejudice to any potential party in granting this waiver/ direction. The directions requested should be amended to also allow hard copies to be lodged and served (or requested by parties).

[3] At paragraph 12.6 of its application, the Council seeks a direction to the effect that:

Each notice of appeal specifically states which objective(s), policy(s), rule(s) and/or methods that are being appealed and which Decision Report is relevant to those provisions. This requires express statement of each provision (for example, this appeal relates to objectives O36 and O47, Policy P23 and Rule R107).

Form 7 of Schedule 1 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 requires appellants to state "the specific provision or matter that the decision includes in, or excludes from, the policy statement or plan or change or variation (or that the decision proposes to include or exclude)". The Council's

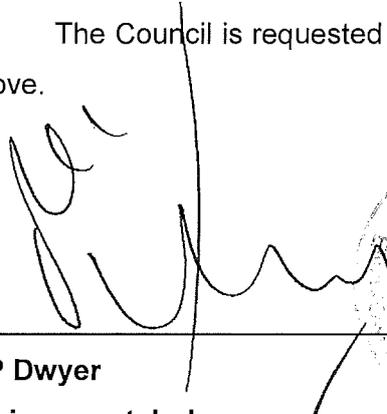
WELLINGTON REGIONAL COUNCIL

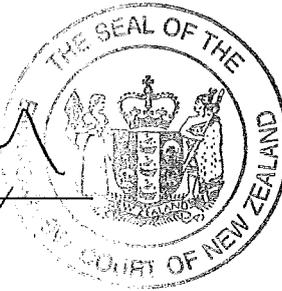


requested direction potentially asks for more than Form 7 requires or requires it to be provided in a manner not directed by the Form. I am not prepared to make this direction. Potential appellants should be allowed to determine themselves in which way they meet the Form's requirements for specificity. If any issue subsequently arises, the Court can deal with that in the usual manner.

[4] I also note that the deadline proposed for lodgement of appeals gives a bare 30 working days in which to lodge appeals following notification of decisions. Appellants must lodge appeals within 30 working days of "service of the notice of decision". The Council should amend this timeframe (and the s 274 timeframe) by 5 working days to allow for postage.

[5] The Council is requested to submit new draft directions/ waivers in light of the above.


B P Dwyer
Environment Judge



Issued: **24 JUL 2019**