

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

**Decision No. [2019] NZEnvC 126**

IN THE MATTER of the Resource Management Act 1991  
AND of an application under s 281 of the Act  
BETWEEN WELLINGTON REGIONAL COUNCIL  
Applicant

Court: Environment Judge B P Dwyer sitting alone under s 279 of the Act

Date of Decision: 26 July 2019

Date of Issue: 26 July 2019

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**DECISION OF THE ENVIRONMENT COURT**

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A: The application for directions and waivers is granted.



RE WELLINGTON REGIONAL COUNCIL

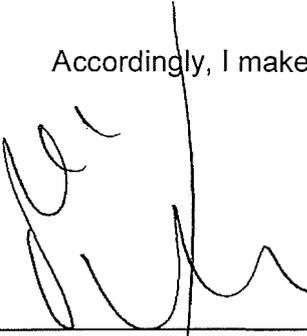
**REASONS**

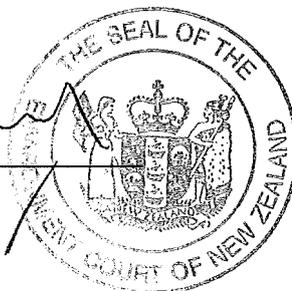
[1] The Wellington Regional Council ("Council") has made an application for waivers and directions as to filing and service of anticipated appeals on the Council's decision ("Decision") on the Proposed Natural Resources Plan for the Wellington Region ("PNRP"). The Council seeks waivers and directions in order to assist with the management of filing and service of appeals on the Decision, and s 274 parties joining any appeals. Council anticipates that the Decision will be released and publicly notified on Wednesday 31 July. As 435 submissions, and 96 further submissions were lodged on the PNRP, Council anticipates that there could be a number of appeals on the Decision.

[2] Under s 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 s 274 notices. Under s 281(2) and (3) RMA, 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.

[3] I have considered the application and accept the Council's submissions that no potential party to proceedings will be unduly prejudiced. I accept that, because the number of appeals and s 274 notices may be large, the waivers and directions sought will ensure efficient management of filing and service of appeals and s 274 notices concerning the PRNP.

[4] Accordingly, I make the directions and grant the waivers set out in Appendix A.

  
B P Dwyer  
Environment Judge



## Appendix A

### *Administrative*

- 1 Direct that the Council:
  - 1.1 advise parties of this application for waivers and directions and the Court's response by displaying it on its website, and
  - 1.2 include reference to the below waivers and directions in the public notice of the Decision and direct notice to the submitters, and provide a full list of submitters and addresses for service at the same time it provides direct notice of the Decision to submitters.

### *Appeal*

- 2 Direct that any notice of an appeal is to be lodged with the Environment Court by 5pm 18 September 2019. The notice of appeal may be filed via email to [environment.court@justice.govt.nz](mailto:environment.court@justice.govt.nz), with a hard copy to follow, or be filed in hard copy to PO Box 5027, Wellington 6145.
- 3 Confirm that the required filing fee for a notice of appeal in this matter is \$511.11 to be paid at the time of lodgement.
- 4 Waive the requirement to include a copy of the relevant decision with the notice of appeal and direct that the Council provide two hardcopies and an electronic copy of the Decision to the Court by 18 September 2019. Note that appellants must still attach copies of their submissions/further submissions.
- 5 Direct that service of a notice of appeal to be completed on the Council by 5pm 18 September 2019 either via email to [RegionalPlanAppeals@gw.govt.nz](mailto:RegionalPlanAppeals@gw.govt.nz) or via hard copy to PO Box 11646, Manners Street, Wellington 6142.



- 6 Direct that service of a notice of appeal (where a Regional Coastal Plan provision or matter is appealed) to be completed on the Minister of Conservation by 5pm 18 September 2019 either via email to [kanton@doc.govt.nz](mailto:kanton@doc.govt.nz) or via hard copy to PO Box 10420, Wellington 6143.
- 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. This must be done within 5 working days of lodgement of the notice of appeal.
- 8 Direct that the Council upload copies of all notices of appeal it receives to its website by Friday 20 September 2019.
- 9 Direct the appellant to confirm to the Court how and when the Council and the Minister of Conservation (where a Regional Coastal Plan provision or matter is appealed) were served with the notice of appeal and confirm to the Court the other persons served with the appeal and how and when that service occurred.

*Joining an Appeal*

- 10 Direct that any section 274 notice is to be lodged with the Environment Court by 5pm Wednesday 9 October 2019. The section 274 notice may be filed via email to [environment.court@justice.govt.nz](mailto:environment.court@justice.govt.nz), with a hard copy to follow, or can be via hard copy provided to PO Box 5027, Wellington 6145.
- 11 Confirm that there is no required filing fee for section 274 notice in this matter.
- 12 Direct that service of a section 274 notice is to be completed on the Council and the Minister of Conservation (where a Regional Coastal Plan provision or matter is appealed) by 5pm Wednesday 9 October 2019 via email to [RegionalPlanAppeals@gw.govt.nz](mailto:RegionalPlanAppeals@gw.govt.nz) or hard copy to PO Box 11646, Manners Street, Wellington 6142 and for the Minister, via



email to [kanton@doc.govt.nz](mailto:kanton@doc.govt.nz), or hard copy to PO Box 10420, Wellington 6143.

- 13 Direct that service of a section 274 notice to be completed on the appellant via email by 5pm Wednesday 9 October 2019, provided an email address has been provided in the notice of appeal. If not, hard copy service will be required.
- 14 Waive the requirement for any section 274 interested party to individually serve their section 274 notice on any other party to the proceeding.
- 15 Direct that service of a section 274 notice on all other parties to the proceeding be deemed to be completed via upload to the Council website by Friday 11 October 2019.
- 16 Direct the section 274 party to confirm to the Court how and when the Council, the Minister of Conservation (where a Regional Coastal Plan provision or matter is appealed) and the appellant were served with the section 274 notice and waive the requirement to confirm to the Court the other persons served with the notice.

#### **Pre-hearing conference**

- 17 Direct that a pre-hearing conference on the matter is anticipated in the week commencing 18 November 2019 with an agenda to be set prior to that date.

