

**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 for waivers and directions
 under section 281 of the Act by

QUEENSTOWN LAKES DISTRICT
COUNCIL

(ENV-2018-CHC-24)

Applicant

MINUTE (26 April 2018)

Introduction

[1] The Registrar has referred to me the notice of motion for the Queenstown Lakes District Council (“the Council”) dated 23 April 2018 seeking directions on potential appeals on the proposed Queenstown Lakes District Plan.

[2] The Council has advised that decisions on Stage 1 of its Proposed District Plan (“PDP”) are likely to be issued on 3 May 2018. A number of appeals are expected to be filed towards the end of June, making the section 274 period ending in late July 2018.

[3] This notice of motion has been filed to:

- (a) provide information to the court on the PDP process so far, including an outline of the content of, and Council hearings for, Stage 1, and a progress report for Stage 2;
- (b) indicate the Council’s preliminary thoughts on options for the case management of the Stage 1 appeals (including potential grouping of appeals on the PDP into topics, and other procedural matters); and
- (c) seek, pursuant to section 281 of the RMA, various waivers and directions that may assist to streamline the filing and service of any notices of appeal and section 274 notices relating to these appeals.



Counsel have usefully attached (to their supporting memorandum) the decision of the Environment Court *re Auckland Council* [2016] NZEnvC 153 which gave similar directions (as sought) on appeals about the proposed Auckland Unitary Plan.

[4] The Council has advised that immediately after any appeals are served, counsel will review all the notices of appeal and identify:

- (a) the relevant topics;
- (b) whether further particulars are required;
- (c) whether certain parts of the PDP are subject to appeal or are beyond challenge;
- (d) whether there are any jurisdictional issues.

[5] To enable the appeal, section 274 period and management process to be as clear and simple as possible and to reduce the burden on all parties involved, the Council proposes to make a live webpage in which all filing will be uploaded as soon as possible. Counsel submit this will enable the court to waive the requirement for appeal and section 274 notices to be served on all submitters/parties. Parties will only be required to lodge their section 274 notice with the Environment Court and serve it electronically on the Council. Directions are also sought to in respect of the service obligations of appellants.

[6] I respectfully agree that the general procedure set out in *re Auckland Council* [2016] NZEnvC 153 can be usefully followed in respect of service requirements and the maintenance of a specific website by the Council. We assume that the Council will ensure that the website is maintained in a fair and balanced way.

Directions

[7] Accordingly, under section 281 of the RMA, I direct:

- (1) notice of Council's decisions:
 - (a) the notice of the Council's decisions shall include the notice attached to this Minute marked "A".



(2) notices of appeal:

- (a) any notice of appeal (in relation to the Council's decisions on the provisions of Stage 1 of the PDP and on the requirements of the Council) must be:
 - (i) lodged with the Environment Court electronically by email to: Christine.McKee@justice.govt.nz and by posting a hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch;
 - (ii) served on the Council electronically by email to: dpappeals@qldc.govt.nz; and
 - (iii) served on every person who made a further submission on the original submission which is the subject of the appeal.
- (b) the requirement to serve a copy of any notice of appeal and attachments on every person who made a submission on the provision or matter to which the appeal relates is waived. The related written notice requirement ("Advice to recipients") is also waived.
- (c) service of the notice of appeal on every other person (not being a further submitter that is served in accordance with paragraph (2)(a)(iii) above) who made a submission on a provision, requirement or matter to which the appeal relates will be deemed to be effected by the Council uploading copies of all notices of appeal onto its website as soon as possible after the appeal is received by the Council.

(3) section 274 notices:

- (a) any section 274 notice must be:
 - (i) lodged with the court electronically by email to Christine.McKee@justice.govt.nz;
 - (ii) served on the Council at: dpappeals@qldc.govt.nz; and
 - (iii) served on the appellant on any email address provided in the notice of appeal;
- (b) the requirement to lodge a signed original and one hard copy of any section 274 notice with the court is waived;
- (c) the requirement for section 274 parties to serve their notice/form 33 on all other parties is waived;
- (d) service of section 274 notices on all other parties will be deemed to be effected by the Council uploading copies of section 274 notices



onto its website as soon as possible after the section 274 notice is received.

- (4) case management:
- (a) the Council must update its website preferably daily, but otherwise within three working days of any notice of appeal, section 274 notice, or other document being served on it;
 - (b) the Council is to lodge and serve a case management memorandum within 15 working days of the section 274 period ending which must (at least):
 - (i) identify the appeals by topic;
 - (ii) advise whether in the Council's opinion it is appropriate to hear certain appeals separately or group appeals together by topics for mediations and/or hearings;
 - (iii) report on the information loaded onto the Council's website;
 - (iv) advise whether any particular sequencing of appeals (or groups of appeals) is considered appropriate; and
 - (v) advise whether mediation could usefully be addressed by topics and if so, propose some potential dates for mediation (enabling time for the council to prepare its position papers and the court to consider any preliminary issues) on each topic.

Notices of Requirement

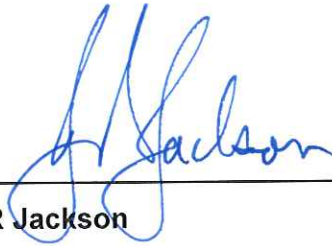
[8] The Council also records that its own notices of requirement ("NOR") and its recommendations on other requiring authorities' NORs are also expected on 3 May 2018. Counsel request that any appeals on designations should be managed separately from PDP appeals. I consider this approach reasonable at first sight and record that (other than the service requirement at [7](2) which does apply) the directions in this Minute do not relate to any appeals on designations.

Other matters

[9] Leave is reserved for any party, appellant or section 274 party to apply for further (or other) directions.



[10] The court envisages further directions as to argument on preliminary points of law, mediation, expert conferencing and general case management being issued in due course either on application or of the court's own motion.



J R Jackson

Environment Judge

Issued: **26 APR 2018**



**Notice of Queenstown Lakes District Council
Special procedural arrangements in relation to service of appeals
and section 274 notices on Stage 1 of the PDP**

[1] The Queenstown Lakes District Council (Council's decisions) on Stage 1 of its Proposed District Plan (PDP) were publicly notified on 4 May 2018. The Council's public notice of its decisions can be viewed on the Council's website here:

<https://www.qldc.govt.nz/planning/district-plan/proposed-district-plan-stage-1/decisions-stage-1/>

[2] The Environment Court has by Minute dated 26 April 2018 in *re Queenstown Lakes District Council* [ENV-2018-CHC-24] put in place special procedural arrangements for dealing with service of any appeals lodged on the Council's decisions on the Stage 1 provisions and the Council's designations (note that the special arrangements do not apply for appeals on any notices of requirement of any other requiring authorities).

[3] The special procedural arrangements are set out in the following paragraphs.

Notices of appeal:

1. Notices of appeal must be lodged with the Environment Court both:
 - (a) electronically by email to: Christine.McKee@justice.govt.nz; and
 - (b) by posting a hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

2. The requirements relating to the service of notices of appeal have been altered under section 281 of the RMA with the effect that:



- (a) notices of appeal must be served on:
- (i) the Council at its dedicated email address: dpappeals@qldc.govt.nz; and
 - (ii) where your appeal is based on an original submission that you made, on every person that made a further submission on the relevant original submission point;
- (b) service on every other person who made a submission on a provision requirement or matter to which your appeal relates will be deemed to be effected by the Council uploading copies of all notices of appeal onto its website.

Section 274 notices:

3. Section 274 notices must be lodged with the court electronically by email to Christine.McKee@justice.govt.nz in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
4. The requirements relating to the service of section 274 notices have been altered to the effect that:
- (a) section 274 notices must be served on the Council electronically by email to: dpappeals@qldc.govt.nz and on the appellant; and
 - (b) service of section 274 notices on “all other parties” will be deemed to be effected by the Council uploading copies of section 274 notices received onto its website.

Other waivers and directions

The full set of waivers and directions granted by the Environment Court in its Minute can be viewed on the Council’s website here:

<https://www.qldc.govt.nz/planning/district-plan/proposed-district-plan-stage-1/xxxxxx>



What does this mean for you? In summary two things:

- (1) in order to determine whether you are affected by someone else's appeal or section 274 notice you must review the notices of appeal and section 274 notices on the Council's website;
- (2) the lodging and service of documents should be as stated in [3] above; and
- (3) an email will be sent to all submitters who provided an email address when a new notice of appeal or section 274 notice is uploaded onto the Council's website.

[4] If you have any queries about the process to be followed please contact the Environment Court's Hearing Manager Ms Christine McKee at:

- telephone: (03) 365 0905; or
- email: Christine.McKee@justice.govt.nz.

