

**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-2019-CHC-009)  
  
                                      Applicant

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**MINUTE (21 March 2019)**

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**Introduction**

[1]        The Registrar has referred to me the notice of motion for the Queenstown Lakes District Council ('Council') dated 8 March 2019 seeking directions on potential appeals against the proposed Queenstown Lakes District Plan Stage 2 ('PDP'/'Stage 2').

[2]        The Council intends to publicity notify its decision on Stage 2 on or around 21 March 2019. Assuming notification on or around 21 March 2019 would mean the appeal period in relation to those decisions would close on or around 7 May 2019, with the s 274 period ending in early June 2019 (although it is for those seeking to appeal or join appeals to satisfy themselves on the relevant statutory time limits).

[3]        Any potential appellants and s 274 parties should note that the filing fee for lodging an appeal is \$511.11 and there is no filing fee for joining an appeal under s 274. The new filing fees on the website relate to proceedings that commenced with the Council post-September 2017.

[4]        The notice of motion explains its purpose is 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 2, and an update on Stage 3;



- (b) indicate the Council's preliminary thoughts on options for the case management of the Stage 2 appeals (including potential grouping of appeals on the PDP into topics, and other procedural matters); and
- (c) seek various waivers and directions that may assist to streamline the filing and service of any notices of appeal, s 274 notices, and any other court documentation relating to these appeals.<sup>1</sup>

[5] The Council essentially seeks to take a similar approach to case management of the Stage 2 appeals as it has taken to Stage 1, with some minor differences. There are six topics in Stage 2: Wakatipu Basin (Chapter 24), Earthworks (Chapter 25), Transport (Chapter 29), Signs (Chapter 31), Open Space and Recreation (Chapter 38), Visitor Accommodation Variation, and plan maps for land included in Stage 2.

[6] The Council has advised that, immediately following service on it of any notices of appeal are served, it will review them 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; and
- (d) whether there are any jurisdictional issues.

[7] The Council also advises that it will then confer with parties and file a reporting memorandum recommending an approach to the case management of Stage 2.

[8] The Council considers mediation would be beneficial and could commence in November and December 2019.

[9] With a view to helping clarify and simplify appeal and s 274 processes for those concerned, the Council intends to continue to update its webpage such that all notices of appeal and s 274 notices are uploaded as soon as possible. The Council submits that this will enable the court to waive the requirement that notices of appeal and s 274 notices be served on all submitters/parties. It seeks related directions.



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<sup>1</sup> Pursuant to section 281 of the Resource Management Act 1991 ('RMA').

[10] I 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. This process has been successfully used in Stage 1. Therefore, I make the directions as sought.

### Directions

[11] Accordingly, under s 281 of the RMA, I direct:

- (1) notices of appeal:
  - (a) notices of appeal (in relation to the Council's decisions on the provisions of Stage 2 of the PDP) must be:
    - (i) lodged with the Environment Court electronically by email to: [Christine.McKee@justice.govt.nz](mailto:Christine.McKee@justice.govt.nz) and by posting one hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch;
    - (ii) served on the Council electronically by email to: [dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz); and
    - (iii) served on the person who made the original submission which is the subject of the appeal, and every person who made a further submission on the same original submission;
  - (b) the requirement to serve a copy of a 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) notices of appeal must be in pdf format, with a title following the format NOTICE OF APPEAL BY [NAME OF APPELLANT]. Any appendices must be separate pdfs, with titles following the format APPENDIX [1] TO NOTICE OF APPEAL BY [NAME OF APPELLANT];
  - (d) service of the notice of appeal on every other person (not being an original or further submitter – all of whom are to be served in accordance with paragraph [11](1)(a) above) – who made a submission on a provision 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 within five working days after the appeal period closes.



- (2) section 274 notices:
- (a) s 274 notices must be:
    - (i) lodged with the court electronically by email to [Christine.McKee@justice.govt.nz](mailto:Christine.McKee@justice.govt.nz);
    - (ii) served on the Council at: [dpappeals@qldc.govt.nz](mailto: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 s 274 parties to serve their notice/form 33 on all other parties is waived;
  - (d) section 274 notices must be served within 20 working days after the period for lodging a notice of appeal ends. The requirement for s 274 parties to serve their notice within 15 working days after the period for lodging a notice of appeal ends is waived;
  - (e) section 274 notices must be in pdf format, with a title following the format SECTION 274 NOTICE BY [NAME OF PARTY] JOINING [NAME OF APPELLANT]. Any appendices must be separate pdfs, with titles following the format APPENDIX [1] TO SECTION 274 NOTICE BY [NAME OF PARTY] JOINING [NAME OF APPELLANT]. A separate s 274 notice must be filed in respect of each appeal being joined;
  - (f) service of s 274 notices on all other parties will be deemed to be effected by the Council uploading copies of s 274 notices onto its website within fifteen working days after the s 274 period closes.
- (3) the Council must:
- (a) **on the date the Council's decisions for Stage 2 are publicly notified:**
    - (i) give public notice of its decisions in the Wanaka Sun, Otago Daily Times, and Queenstown Mountain Scene newspapers (as required by clause 10(4)(b) of Schedule 1 of the RMA); and
    - (ii) send a letter to all submitters and further submitters on Stage 2 of the PDP containing the information required by clause 11(1) of Schedule 1 of the RMA.
  - (b) as soon as practicably thereafter:



- (i) make live a specific webpage on the Council's website, which will contain the Council's decisions and all notices of appeal and section 274 notices served on the Council;<sup>2</sup>
- (ii) upload to the webpage this Minute and provide a copy of it via email to all submitters and further submitters on Stage 2;
- (iii) upload to the webpage a copy of the court's waivers; and
- (iv) serve notice on all Stage 2 PDP submitters (in electronic form, unless no electronic address is available) that the waivers and directions have been made and that they can be found on the Council's website.

### **Other matters**

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

[13] 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.

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**J J M Hassan**  
**Environment Judge**



Issued: 21 March 2019

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<sup>2</sup> Although not part of these directions, it is noted that the notice of motion indicates that copies of all notices of appeal will be uploaded within five working days after the appeal period closes, and s 274 notices will be uploaded within 15 working days after the s 274 period closes, so that any submitters or other persons will be made aware of any appeal and have the opportunity to join any appeal by lodging a s 274 notice with the court.