

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

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14(1) of the First
 Schedule of the Act of the Act
BETWEEN Transpower New Zealand Limited
 (ENV-2018-CHC-114)
 Appellant
AND Queenstown Lakes District Council
 Respondent

**MINUTE OF THE ENVIRONMENT COURT
(4 July 2018)**

Introduction

[1] This Minute concerns Transpower New Zealand's appeal against the decisions of the Queenstown Lakes District Council (the 'Respondent') on the Queenstown Lakes District Council Proposed District Plan (the 'Proposed Plan'). The appeal is in relation to decisions on noted provisions in Chapters 2, 3, 4, 6, 7, 8, 9, 21, 23, 27, 30 and 33. Its related reasons assert that "in the absence of the relief sought" the respondent's decisions are deficient in several respects. Those including:

- (a) being contrary to Part 2 of the Resource Management Act 1991 ('RMA'),
- (b) failing to give effect to the National Policy Statement on Electricity Transmission ('NSPET') and the Otago Regional Policy Statement;
- (c) conflicting with or duplicating the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ('NESETA'); and
- (d) not being appropriate in terms of s32 RMA.

[2] The notice of appeal goes on to list specific concerns about various objectives, policies and rules of the relevant chapters of the Proposed Plan.



[3] However, the requested relief in the appeal is as follows:

- a Amendments to the specified and any related provisions in order to address the general reasons for the appeal and the reasons for appeal of particular provisions as set out above;
- b Any additional or alternative relief that gives effect to the NPSET;
- c Consequential or ancillary changes to the above.

[4] CI 14(4) Sch 1 RMA requires that an appeal be in the prescribed form. Form 7 of the Resource Management (Forms, Fees and Procedure) Regulations 2003 includes the following specification:

I seek the following relief

[give precise details].

[5] CI 2.1 of the Environment Court of New Zealand Practice Note 2014 states:

2.1 Notices of Appeal and Applications to contain particulars

A Notice of Appeal, or a Notice of Application must give full and clear particulars of the grounds of appeal, or the application, and clearly state the relief that is being sought.

[6] The relief as presently expressed in the Transpower appeal falls short of those requirements and directions. That is particularly in the fact that it does not sufficiently disclose what is sought, by way of change, to the substance of the various Proposed Plan provisions the subject of the appeal. As such, it does not sufficiently disclose what the respondent and other relevant parties are entitled to know concerning Transpower's interests in the proceedings. In that respect, the appeal stands apart from others filed on the Stage 1 provisions of the proposed plan. Good practice is typically to include a schedule of tracked changes to provisions and/or sufficient narrative for each provision to properly inform of the substance of the change or addition sought.

[7] This needs to be rectified at this early stage in that it also affects fair and efficient case management of the appeals. An impending matter there is that the period for filing s274 notices will shortly close.



Directions

[8] Therefore, it is directed that:

- (a) Transpower must serve on the respondent and file further particulars of its appeal, sufficient to fairly inform the court and parties of the substance of what is sought by way of changes to the provisions of the Proposed Plan (whether as tracked changes or narrative descriptions in respect of relief for particular provisions), by **Friday 27 July 2018**;
- (b) Leave is reserved to the respondent and other parties to seek related directions, including in regard to s274 RMA, by memorandum to be served on Transpower and filed by **Friday 3 August 2018**.



J J M Hassan
Environment Judge

