

12 October 2022

Sent via email to: [REDACTED]

Dear [REDACTED]

REQUEST FOR OFFICIAL INFORMATION – RELEASE OF INFORMATION

We refer to your official information request dated 9 September 2022. You requested the following information from the Queenstown Lakes District Council (QLDC):

- Please could you help me find the appropriate data/figures and comments regarding the costs of Environment Court appeals.
 1. Please could you provide an overall figure/total of E court costs for the 2021-22 year and this current year. Are we are tracking to a similar total this year? How much of the E Court costs last financial year and this year could the QLDC recover as a contribution from an (unsuccessful) appellant?
 2. Looking back 5 and 10 years, have the E court costs escalated or dropped and what might that be put down too? (Looking back ages ago, the QLDC was spending big amounts on appeals, for example the Matukituki Trust case in Wanaka was rather large (\$83,000 in 2010)
 3. I am also interested to know which single recent case had the highest E Court cost - possibly these cases would be the highly complex ones. (For example, the Bridesdale appeal against plan change cost the QLDC about \$64,000 of which QLDC recovered \$20,000 in an E Court order in March this year.)
 4. Does the QLDC have any other comments about the trends revealed by comparing these E Court cost over time

QLDC response

1. *Please could you provide an overall figure/total of E court costs for the 2021-22 year and this current year. Are we are tracking to a similar total this year? How much of the E Court costs last financial year and this year could the QLDC recover as a contribution from an (unsuccessful) appellant?*
 - Environment court costs
 - 2021-2022: approx. \$1.498 million costs
 - 2022-2023 ytd: approx. \$167k costs to the end of August
 - Environment court costs awarded to QLDC:
 - 2021-2022: \$165k (approx.)
 - 2022-2023 ytd: \$50k (approx.)

2. *Looking back 5 and 10 years, have the E court costs escalated or dropped and what might that be put down too? (Looking back ages ago, the QLDC was spending big amounts on appeals, for example the Matukituki Trust case in Wanaka was rather large (\$83,000 in 2010)*

Going back 5 years, here are the aggregate figures for Environment Court appeals (PDP and resource consent appeals):

- 2017-2018: \$1.259 million (approx.)
- 2018-2019: \$1.148 million (approx.)
- 2019-2020: \$1.146 million (approx.)
- 2020-2021: \$1.237 million (approx.)
- 2021-2022: \$1.498 million (approx.)
- 2022-2023 ytd end Aug: \$167k (approx.)

3. *I am also interested to know which single recent case had the highest E Court cost - possibly these cases would be the highly complex ones. (For example, the Bridesdale appeal against plan change cost the QLDC about \$64,000 of which QLDC recovered \$20,000 in an E Court order in March this year.)*

QLDC does not wish to comment on particular matters for the reason stated above. However, the following have generated the most costly volume of appeals:

Proposed District Plan (PDP) appeals are grouped into topics and some of these are numerous and costly in terms of legal fees.

PDP Topic 2 is the most expensive group of appeals. Topic 2 consists of multiple appeals allocated to the Court's "strategic group of appeals on how to regulate the district's rural landscapes (including outstanding natural landscapes and features and amenity landscapes). These figures are for legal costs for multiple years over which the PDP process has been running:

- PDP Topic 2 – Rural Landscape strategic appeals - \$590k
 - PDP Wakatipu Basin appeals on text (includes mediation and hearings) - \$314k
 - PDP Wakatipu Basin appeals seeking rezonings – together (and there are a significant number of appeals) these are sitting at over \$590k
 - PDP Jacks Point group of appeals - \$189k
 - PDP appeals on the Rural Zone framework - \$133k
 - PDP appeals on the regulatory approach to apply to Regionally Significant Infrastructure
4. *Does the QLDC have any other comments about the trends revealed by comparing these E Court cost over time?*

The PDP appeals consume a considerable portion of Council resources (including internal legal counsel, policy and planning staff, and expert witnesses) and expenditure.

PDP costs in 2021-2022 were higher than previous years as many of the more complex appeals reached the stage of the legal proceeding where considerable legal work was required in relation to hearings, mediations and evidence. This was to be expected.

Appeals against resource consent decisions are a feature of the workload of Council's planning staff, and these are growing incrementally (rather than exponentially).

In many cases landowners have concurrent appeals under both the PDP appeals process and under challenges to resource consent decisions. This adds to the resourcing and costs of Council.

It is necessary for Council to both defend the integrity and principles of the District Plan (Plan), and to ensure that where development is sought in accordance with the Plan, that it is consistent with the scale and principles envisaged by the Plan, and that the development can be serviced by Council's existing and planned infrastructure.

Right to review the above decision

Note that you have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please contact Naell.Crosby-Roe@qldc.govt.nz (Governance & Stakeholder Services Manager).

We trust this response satisfactorily answers your request.

Kind Regards,



Poonam Sethi

Governance and Official Information Advisor