

**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  
  
                                 DUNEDIN CITY COUNCIL  
  
                                 (ENV-2018-CHC-206)  
  
                                 Applicant

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**MINUTE (19 October 2018)**

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**Introduction**

[1]      The Registrar has referred to me the application for waiver and directions on behalf of the Dunedin City Council ("the Council") dated 18 October 2018 seeking directions on potential appeals on the proposed Second Generation Dunedin City District Plan ("2GP").

[2]      The Council has advised that decisions on 2GP are expected to be issued on 7 November 2018. A number of appeals are expected to be filed and would likely be due by 19 December 2018. Due to the Christmas/New Year break the period for filing section 274 notices will not end until 31 January 2019 at the earliest.

[3]      The Council has advised that it intends to make all information and documents relating to appeals easily accessible on its website (including uploading appeal notices to as soon as possible).

[4]      This application for waiver and directions has been filed to:

- (a)    provide information to the court on the 2GP decisions, topics and likely notification/filing dates;
- (b)    seek, pursuant to section 281 of the RMA, a waiver that may assist to streamline the filing and service of any section 274 notices relating to these (potential) appeals.



[5] The waiver and directions seem appropriate as expediting the proceedings while minimising paper, but not at the expense of fairness.

### Directions

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

- (a) the Council should advise parties of the application for waiver and this subsequent Minute on the 2GP website;
- (b) when issuing its decisions on 2GP the Council must include its email address in its advice as to appeal rights so that the next directions can be complied with by appellants and section 274 parties;
- (c) any notice of appeal 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 to an address set out on the website; and
  - (iii) served on every person who made a submission (this may be completed by email if the submitter has provided an email address).
- (d) 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 to an address set out on the website; and
  - (iii) served on the appellant on any email address provided in the notice of appeal;
  - (iv) the requirement to lodge a signed original and one hard copy of any section 274 notice with the court is waived;
  - (v) the requirement for section 274 parties to serve their notice/form 33 on all other parties is waived;
  - (vi) 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 (within two working days) after the section 274 notice is received.



**Other matters**

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

[8] The court envisages further directions being issued relating to preliminary matters, allocation of appeals to topics, further particulars, mediation, expert conferencing and general case management and looks forward to receiving an initial reporting memorandum from the Council as to those matters within approximately one month (or less) of the closing date for appeals.



**J R Jackson**  
**Environment Judge**

Issued: 19 October 2018

