

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

IN THE MATTER of the Resource Management Act 1991
AND of submissions for a proposed water
 conservation order under section 209 of the
 Act
BETWEEN NGĀTI TAMA KI TE WAIPOUNAMU
 TRUST AND ANDREW YUILL
 Applicants
AND TASMAN DISTRICT COUNCIL
 Territorial Authority

**MINUTE OF THE ENVIRONMENT COURT
(24 April 2020)**

Introduction

[1] The period for lodging s209 submissions to the Environment Court on the Water Conservation Order (in relation to the Te Waikoropupū Springs and associated water bodies) ends next week on 1 May 2020.

[2] The court has received a memorandum of counsel for the applicants seeking directions in respect of the lodgement and service requirements. The applicants have sought directions for the purposes of assisting fairness and efficiency, particularly bearing in mind the large number of potential s209 submitters (some 2003 submissions having been made to the Special Tribunal), the likelihood a number of these would not be legally represented, and the capacity for some formalities to be waived in the circumstances. The applicants explain that they have consulted with submitters to the Special Tribunal and the Environmental Protection Authority ('EPA') and that the EPA has confirmed it can fulfil the role envisaged in the directions sought.



[3] On the basis of counsel's submissions in the memorandum of counsel,¹ I am satisfied that it accords with s281(2) and (3) and is fair and efficient to make the directions sought.

Directions

[4] Under s281 RMA I direct:

- (a) the requirement to serve s209 submissions to the Environment Court on every person who made a submission on the Water Conservation Order application may be completed on the s209 submitter's behalf by the Environmental Protection Authority;
- (b) any accompanying affidavit to a s209 submission to the Environment Court in respect of this matter may be lodged in final electronic version, but unexecuted, with execution and filing of a hard copy to be completed as soon as practicable after lodgement of the submission;
- (c) by **5.00 pm Friday 1 May 2020**, any s209 submitter must electronically serve a copy of its s209 submission, notice of motion, and accompanying affidavit on the Environmental Protection Authority at waikoropupu@epa.govt.nz;
- (d) the Environmental Protection Authority must upload all s209 submissions received to its website;
- (e) the Environmental Protection Authority must email submitters to the WCO application by **5.00 pm Friday 8 May 2020** (at the email address provided as an address for service) with a link to the s209 submissions and stating that the s209 submissions are being provided on behalf of s209 submitters, and that any correspondence in respect of the same is to be directed to the Environment Court and the s209 submitters at their address for service;
- (f) the Environmental Protection Authority must serve any submitters that have not provided an email address for service with the s209 submission by post to that address for service as soon as practicable (given the current uncertainties regarding postage under COVID-19);



¹ Paragraphs 11-19 of the memorandum of counsel dated 23 April 2020.

- (g) the Environmental Protection Authority must make this Minute (and the memorandum it responds to) publicly available on the Environmental Protection Authority website and notice of such directions be emailed to Water Conservation Order submitters via email, by the Environmental Protection Authority.

[5] Leave is reserved for any party to apply for further (or other) directions.



J J M Hassan
Environment Judge

Issued: 24 April 2020

