

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991
AND an application under s311 of the Act
BETWEEN NELSON CITY COUNCIL
(ENV-2022-CHC-027)
Applicant

**MINUTE OF THE ENVIRONMENT COURT
(8 September 2022)**

Introduction

[1] This proceeding concerns an application for declaration relating to the use of the beach area below mean high water springs at Delaware Bay in Nelson for driving vehicles across to launch and retrieve recreational boats/fishing vessels at the water's edge.

[2] By memorandum of counsel filed 31 August 2022, Delaware Bay Group ('DBG') sought a direction from the court that Nelson City Council ('NCC') provide copies of:

- (a) Planning Map 32 as notified;
- (b) the submission or submissions seeking the insertion of the launching ramp symbols to the Plan;
- (c) any further submission or submissions in relation to the submission or submissions;
- (d) the summary of submissions; and



- (e) the decision on the relevant submission or submissions and further submissions.

[3] DBG also sought a direction for further information (in relation to an amendment made to the Plan) to correct an error.

[4] Directions were made by email for a response from NCC. By memorandum of counsel dated 7 September 2022, NCC gave notice that it opposes the application in part. It does not oppose the direction sought to provide the information requested in [2](a)-(d) above. It opposes the directions sought for NCC to "...provide a detailed timeline, documentation to support the process and what notification was given for the "amendment" by deletion". These directions are opposed on the grounds that there are no existing documents in NCC's possession that meet these requirements, responding would mean NCC would incur an unjustified time and resourcing burden and the request is a misuse of the declaration proceeding.

[5] I agree that DBG's application strays beyond the proper ambit of NCC's declaration application. If DBG seeks to test such matters, it is responsible for initiating its own appropriate application to those ends insofar as the RMA allows. My directions allow for the time that NCC may need to respond on the matters.

Directions

[6] Therefore, it is directed that by **Thursday 22 September 2022**, NCC either provides to DBG the documents requested at [10] of DBG's memorandum or report to the court with the date by which it can and will do so.

[7] I will also extend the timetable for opposition and replies by one week so DBG can consider the documents requested:

- (a) any party who wish(es) to oppose the application must lodge and serve:

- (i) a notice of opposition specifying grounds; and
- (ii) any affidavits stating the evidence relied on in support of (a) by
Friday 30 September 2022;
- (b) any affidavits in reply from the applicant shall be lodged and served by **Friday 14 October 2022;** and
- (c) the proceeding will then be set down for a Judicial Conference.

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



J J M Hassan
Environment Judge

Issued: 8 September 2022

