

**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
(11 August 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] The court previously issued a decision¹ relating to service of the application given the Nelson City Council could not easily identify all the boat users of Delaware Bay. Accordingly, in addition to serving the application on any interested person(s) the Council is aware of, it is also publicly notifying the application on its website and issuing a summary of the notice in one or more newspapers circulating in the area.

[3] Given the slightly more complex service issues, I consider the period for

¹ [2022] NZEnvC 108 dated 22 June 2022.



interested parties to join should be extended a week before a timetable for opposition and replies is put in place.

Directions

[4] Accordingly, I direct:

- (a) Nelson City Council is to serve a copy of this Minute on the potential interested parties it has already identified, and on its website. The Council must confirm to the court once full service has been completed;
- (b) under s281(1)(a)(ia) the period for joining the proceeding is extended. Any interested party has until **Friday 9 September 2022** to file a form 33/s274 notice with the court and the Council;
- (c) 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 23 September 2022;**
- (d) any affidavits in reply from the applicant shall be lodged and served by **Friday 7 October 2022;** and
- (e) the proceeding will then be set down for a Judicial Conference.

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



J J M Hassan
Environment Judge

Issued: 11 August 2022

