

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991
AND of a notice of motion under section 149T(2)
to decide proposed Plan Change 8: Water
for Otago (referred to the Environment Court
by the Minister for the Environment under
section 142(2)(b) of the Act)
OTAGO REGIONAL COUNCIL
(ENV-2020-CHC-128)
Applicant

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGE 8
WILLOWRIDGE DEVELOPMENTS LIMITED – PARTY NOTICE**

(17 December 2020)

- [1] This minute is released for the purpose of case management.
- [2] While the Otago Regional Council gave its general view as to the application,¹ it did not respond as to the jurisdiction of the court when considering an application for waiver of the s 274 notice period by a non-submitter, Willowridge Developments Limited.
- [3] As I am not yet satisfied that the court has jurisdiction in relation to the application, I will direct Willowridge to clarify its standing.
- [4] First, Willowridge has not identified the sub-section under s 274 that it relies upon to say that it is a person with an interest that is greater than the interest that the general public has. It is to do so.

¹ Memorandum of counsel for ORC dated 16 December 2002 at [6].



[5] Related to the above, it was important that Willowridge and the Regional Council have considered the context of the proceedings, including the nature and scope of any decision to be made by the court. As the first instance decision-maker, the Environment Court is empowered to give a decision on the provisions and the matters raised in submissions (s 149U(6) and Schedule 1, cl 10(1)). The decision must include the reasons for accepting or rejecting the submissions (Schedule 1, cl 10(1)). Willowridge, however, is not a submitter. Does it not follow that there is no decision for the court to make?

[6] Finally, assuming that there is a relevant sub-section under which Willowridge can give notice, it will need to demonstrate that it has an interest in the proceedings that is greater than the interest that the general public has. Without deciding the matter, it will need to demonstrate that the fact that it is carrying on business as a land developer confers a greater interest than the landowning public in general, including other persons whose business it is to live and work the land e.g. farmers or agricultural contractors.

[7] I direct that Willowridge is to respond by **3 pm** on **23 December 2020** by:

- (a) identifying the sub-section under s 274 upon which it relies and addressing the matters in paragraph [5]; and
- (b) if it considers it can pursue the application under s 274, then responding to paragraph [6] above.

[8] Further directions will issue in the New Year. Unless withdrawn earlier, the application will be set down for a hearing.

Jane S



J E Borthwick
Environment Judge

Issued: 17 December 2020