

**Before the Environment Court
At Wellington**

ENV-2019-346-82

Under Clause 14, Schedule 1 of the Resource Management Act
1991

In the matter of appeals on the Proposed Natural Resources Plan

Between **Various**

Appellants

ENV-2019-000103, 105-133

And **Wellington Regional Council**

Respondent

**Memorandum of counsel on behalf of Wellington Regional Council
following pre-hearing conference**

Date: 4 December 2019



50-64 Customhouse Quay, Wellington 6011
PO Box 2791, Wellington 6140
DX SP20002, Wellington
Tel +64 4 472 6289
Fax +64 4 472 7429

Solicitor on the record
Contact solicitor

Kerry Anderson
Emma Manohar

kerry.anderson@dlapiper.com
emma.manohar@dlapiper.com

Tel +64 4 474 3255
Tel +64 4 918 3016

MAY IT PLEASE THE COURT:

- 1 On 20 November 2019 the Court held a pre-hearing conference (**PHC**) on this matter.
- 2 Prior to the PHC, the Council filed a table, setting out the appeal topics, parties to those topics and a proposed mediation schedule (**Proposed Schedule**).
- 3 At that PHC, the Court directed that the Council file an updated Proposed Schedule to address any amendments arising as a result of the PHC and requests by the parties.

Appeals topics and parties

- 4 Following the PHC, amendments have been made to the Proposed Schedule due to:
 - 4.1 Requests by parties for minor amendments to the Table, to better reflect their notices of appeal and section 274 notices, and to assist with appropriate grouping of provisions.
 - 4.2 Changes required due to parties lodging section 274 notices out of time. At this stage, the Council has assumed that waivers will be granted, and have updated the Table to include those parties in the appropriate topics and subtopics.
 - 4.3 Providing each sub-topic with a numerical identifier, on the left-hand column. This is to assist with cross referencing with the mediation calendar.
 - 4.4 Updating the mediation dates proposed (discussed in more detail below).
- 5 Beef & Lamb has indicated that it will lodge amended section 274 notices shortly, so that it can be added as a party to the 'Natural form and function - natural character and processes' and 'Wetlands and

biodiversity - mitigation hierarchy' subtopics. At this stage the updated Proposed Schedule reflects its anticipated amended section 274 notices.

- 6 The Council has updated the Proposed Schedule, and this is attached as **Appendix 1**. To assist, the Council has included a clean version and a version with tracked changes (so it is easy to see what has been changed from the previous version).

Mediation calendar

- 7 The Court directed that the Council is to file and serve on all parties an updated mediation programme. That programme should:

7.1 Schedule mediations Tuesdays to Fridays,

7.2 Allocate break weeks, and

7.3 Avoid the week 14-17 April 2020.

- 8 The Council has prepared a mediation calendar to reflect the above requirements. The calendar is attached as **Appendix 2** (and those dates are also included in the Proposed Schedule in the second column).

Comment on the Table and mediation calendar

- 9 The Council suggests that if any party has concerns with the above, including the amended Proposed Schedule or mediation calendar, those concerns could be initially raised with the Council, to see if amendments can be made by agreement.

Date: 4 December 2019



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Kerry M Anderson/ Emma L
Manohar/ Kate H Rogers
Counsel for Wellington Regional
Council