

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

IN THE MATTER of the Resource Management Act 1991
AND of appeals under cl 14 of the First Schedule to
 the Act
BETWEEN VARIOUS
 Appellants
AND WELLINGTON REGIONAL COUNCIL
 Respondent

**MINUTE OF THE ENVIRONMENT COURT
(2 JULY 2020)**

[1] I refer to the email of 22 June 2020 from Mr D Riddiford and the email of 26 June 2020 from Ms L Jeffries on behalf of Federated Farmers about the further mediations of these appeals.

[2] The Court's general expectation now that we have returned to Alert Level 1 (as stated in the Court's Level 1 Protocol) is that mediations will take place face to face but with some electronic activity. AVL type attendance might be appropriate for good reason. Discretion in that regard lies with the presiding Commissioner, however Commissioner Edmonds has referred the correspondence to me in this instance and I make this direction accordingly.

[3] The Protocol contemplates that electronic participation might be appropriate "where travel arrangements are problematic (particularly where witnesses are based overseas) or where people suffer potential medical vulnerability". I do not consider the fact that attendance at mediation requires a party to travel, of itself, makes travel problematic.

[4] I understand that the topic for mediation on 31 July is "difficult" and involves a number of parties. Under those circumstances it is clearly preferable for all parties to participate on a face to face basis. My direction is that Federated Farmers is to participate in person along with all other parties.



[5] Insofar as the proposed October mediations are concerned, the Regional Council has been directed to file a memorandum proposing a future programme for mediation beyond the end of July 2020 by the Court minute of 22 June 2020. The Council has until 6 July to respond and other parties then have five working days to comment on the Council proposals.

[5] I have been advised that the Council is aware of various requests by appellants and s274 parties and is looking carefully at whether and how such requests, particularly in relation to primary appeal points, may be able to be accommodated within the overall approach to scheduling of mediation. That approach has the aim of (as far as practicable) completing mediation, identifying and either resolving issues or referring matters to the Court for hearing by the end of 2020. This is not an easy task given the large number of appeal points and parties and involves a complex, interlinked series of mediations. It may not be feasible or efficient to meet the preferences of all parties despite the best endeavours of the Court to do so.

[6] The Court will consider the Council's proposals together with any responses and advise the future schedule for mediation as soon as practicable. Where it is not possible to meet the scheduling preferences of any individual, the Court suggests that an option is to brief someone else to participate in the mediation.




B P Dwyer
Environment Judge

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