

**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
(22 JUNE 2020)**

Background

[1] The Proposed Natural Resources Plan for the Wellington Region (the proposed Plan) was publicly notified in July 2015. The Wellington Regional Council gave notice on 31 July 2019 of its decisions on the provisions and matters raised in submissions on the proposed Plan.

[2] There are 30 appeals raising multiple points in relation to specific and consequential provisions of the Decisions Version. In addition, there are many s 274 parties interested in particular appeal points.

[3] On 20 November 2019 the Court held a pre-hearing conference (PHC) on this matter. 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). At that PHC the Court directed that the Council file and serve on parties an updated Proposed Schedule to address any amendments arising as a result of the PHC and requests by the parties. That Proposed Schedule was filed with the Court on 4 December 2019.



[4] A notice of mediation with an attached schedule of mediation times, dates and venue broadly in line with the Proposed Schedule was then issued to all parties on 27 January 2020 by the Court after conferring with the Council. That schedule contained mediations listed for 42 days between Tuesday 3 March and Thursday 25 June 2020. The schedule was followed for the first eight days and suspended at the end of that period as a result of the COVID-19 situation.

[5] Revised schedules for mediation topics and sub-topics allowed AVL mediation sessions (involving people joining by video or phone link) to be held 29 times (half or full day) between 6 April and 12 June 2020. As AVL mediation sessions progressed there tended to be more appellants, s 274 parties and participants and numerous complex issues.

[6] The Court is aware there has been ongoing disruption in terms of the original schedule for mediation. The Court also understands that parties now wish to do their forward planning for mediation and seek a settled programme for that mediation under Covid-19 Alert Level 1. The Court too must plan for ongoing mediation and hearings of unresolved appeal points.

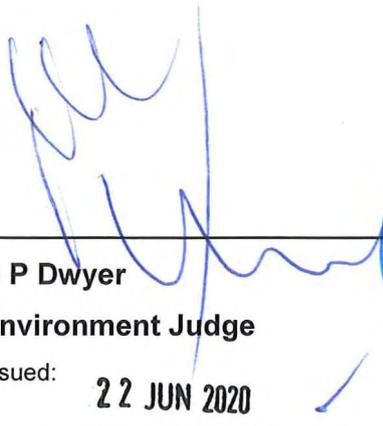
Programming of Mediation beyond the end of July 2020

[7] In order for the Court to address a future programme for mediation beyond the end of July 2020 the Regional Council is to file a memorandum including:

- General summary of position with appeal points in terms of mediation, resolution and those that require hearing time.
- Case management requirements for appeal points that require hearing time.
- Priorities for and approach to future mediation. This should include possible approaches to achieving a focus on identifying the issues that parties still wish to pursue through mediation and if not resolved to require hearing time.
- Proposed efficient timetable for mediation of outstanding appeal points for consideration by the Environment Court with the aim of as far as practicable by the end of 2020 completing mediation identifying and either resolving issues or referring matters to the Court for hearing.

[8] The Regional Council is to file that memorandum within 10 working days. Other parties then have five working days in which to respond.





B P Dwyer
Environment Judge

Issued: **22 JUN 2020**

