

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2019-WLG-000125

I MUA I TE KOOTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of an appeal under Clause 14(1) of the First Schedule of the Act in
relation to the proposed Natural Resource Plan for the Greater
Wellington Region.

BETWEEN **RANGITĀNE TŪ MAI RĀ TRUST AND RANGITĀNE O WAIRARAPA
INCORPORATED SOCIETY**

Appellants

A N D **GREATER WELLINGTON REGIONAL COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL
CLARIFYING APPEAL CONCERNS FROM WELLINGTON REGIONAL COUNCIL
Dated 15 November 2019**

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MAY IT PLEASE THE COURT

1. This Memorandum of Counsel is filed on behalf of Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society ("**Rangitāne**") in response to the Memorandum of Counsel filed for the Wellington Regional Council dated 8 November 2019 ("**the Memorandum**") which raised the following issues with the Rangitāne Notice of Appeal:
 - (a) Appeal point 1 and 30 require clarification as to the related objective and policies that require timeframes, as set out in Appendix A to the Notice of Appeal;
 - (b) Appeal points 27 -29 require clarification as to the related provision they apply to;
 - (c) Whether Rangitāne, as a consequence of appeal points 27-29, seek that the Natural Resource Plan be withdrawn as a whole; and
 - (d) Whether appeal points 27-29 are being withdrawn.
2. Counsel addresses these matters below.

Appeal Points 1 and 30

3. At paragraph 31 of the Memorandum, counsel for Wellington Regional Council sought clarification that the changes sought under appeal points 1 and 30 had been correctly identified.
4. Counsel confirms that the scope of appeal points 1 and 30 relate to the objectives and policies identified at paragraph 21.2 of the Memorandum. We request that reference to 'Entire Plan' at appeal points 1 and 30 be withdrawn and replaced with the following objectives and policies.
 - (a) Objective O24;
 - (b) Objective O25;
 - (c) Objective O31;

- (d) Objective O35;
 - (e) Objective O52A;
 - (f) Policy P31; and
 - (g) Policy P63.
5. Inclusion of timeframes in these objectives and Policies will ultimately address the concerns raised by Rangitāne. Therefore, Rangitāne support the proposal for direct engagement with Wellington Regional Council as set out in the Memorandum.

Appeal Points 27 – 29

6. Counsel understands that appeal points 27-29 refer to the “Entire Plan”. Originally the inclusion of appeal points 27-29 related to various other appeal points (outlined in Appendix A to the Rangitāne Notice of Appeal) that required amendment to be consistent with S5(2)(c), 6(e) of the Resource Management Act 1991 and the relevant objectives and policies in the Regional Policy Statement.
7. After discussions with our clients, counsel confirms that appeal points 27-29 are to be withdrawn from the Rangitāne Notice of Appeal.
8. We have also discussed this with counsel for the Wellington Regional Council who advise that the above changes/explanations address their clients concerns.

Conclusion

9. As set out at paragraphs 7-11 of the Memorandum, counsel for the Wellington Regional Council have indicated that direct engagement is proposed to take place, with some specific matters being referred directly to mediation. Rangitāne fully support the opportunity to directly engage with the Wellington Regional Council and/or mediate the matters raised in the Rangitāne Notice of Appeal.
10. As set out at paragraph 12 of the Memorandum, no appeals are sought to go directly to hearing, and a mediation timeframe and schedule of matters to be

addressed is proposed for filing on 21 February 2020 following direct engagement and confirmation of availability from the Court.

11. Given the proposal for direct engagement and Court facilitated mediation, the matters for discussion on 20 November 2019, as identified in the Notice of Pre-Hearing dated 29 October 2019, seem to relate to substantive hearing matters. Given our clients support for the approach as suggested by the Wellington Regional Council and the fact that we have resolved outstanding issues relating to the Rangitāne appeal as it currently reads, we seek leave not to attend the pre-hearing conference, subject of course to matters raised by other parties to these appeals.

Dated: 15 November 2019



Aidan Warren/Kuru Ketu
Counsel for the Appellants