

**Before the Environment Court  
At Wellington  
I Mua I te Kōti Taiao  
Te Whanganui-a-Tara Rohe**

**ENV-2019-WLG-000106  
ENV-2019-WLG-000122  
ENV-2019-WLG-000125  
ENV-2019-WLG-000130**

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

**In the matter of** appeals on the Proposed Natural Resources Plan

**Between** **Minister of Conservation**  
**Appellant**

**And** **Wellington Fish and Game Council**  
**Appellant**

**And** **Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa**  
**Incorporated Society**  
**Appellant**

**And** **Royal Forest and Bird Protection Society**  
**Appellant**

**And** **Wellington Regional Council**  
**Respondent**

**And** **Various**  
**Section 274 parties**

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**Wellington Regional Council - reporting memorandum in response to  
Court's Minute of 28 July 2021**

**Date:** 9 August 2021

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## INTRODUCTION:

1 The purpose of this memorandum is to respond to the Court's Minute of 28 July 2021. In that Minute, the Court advised and requested the following:

[2] The Court can accommodate hearings on the above matters at any time during the weeks of 20, 27 September and 26 October 2021. There is presently a high degree of flexibility for hearing time in November and December; It may be appropriate to split hearing time into blocks to allow counsel, witnesses and the Court some breathing space and to pursue matters that may emerge during the hearing as resolvable by discussion.

[3] The Court requests counsel for the Regional Council to liaise with other counsel to ascertain what mutually agreeable dates might be agreed upon and also what expert conferencing ought be scheduled. Counsel is requested to file and serve a memorandum on those issues as soon as practicable.

2 Counsel has conferred with Counsel for the other parties and can advise as set out below.

3 In addition, the Council is seeking a minor extension to the timetabled date for reply evidence (from 16 August until 20 August), given conferencing has been scheduled for the day before it is due.

### Water quality appeals

4 In respect of the water quality appeals (being those appeals by the Minister of Conservation, Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society (**Rangitāne**), Wellington Fish and Game Council and the Royal Forest and Bird Protection Society (**Forest and Bird**)), the Council confirms the following:

4.1 Counsel has had confirmation from Wellington Water Limited, Rangitāne, Federated Farmers NZ, Horticulture NZ, the Minister of Conservation, Forest and Bird, and Beef + Lamb as to the matters in the Minute.

4.2 Several parties have existing hearing commitments on the week of 26 October.

- 4.3 Two parties (Federated Farmers NZ and Rangitāne) have advised that their preference is for the hearing to be after 26 October 2021, although have not advised of a conflict for the weeks of 20 and 27 September.
- 4.4 Parties are in general agreement that 2 weeks of hearing time is required (there are 24 expert witnesses, and 9 parties likely to present legal submissions).
- 4.5 There are two distinct issues within this hearing topic - diffuse discharges and water quality objectives (Te Mana o te Wai and Table 3.4). Parties are generally supportive of timetabling the hearing across those topics sequentially, as some parties are only interested in the diffuse discharge topic. However, the witnesses for several parties address both matters. Therefore, the Council considers that the hearing is not likely to be effectively split across those two topics and there is no clear appropriate point to split the hearing that can be pre-empted ahead of time. Some parties may seek to be excused from certain parts of the hearing as a result of their interests being confined to only one of the main issues.
- 4.6 Forest and Bird has advised that it considers that it would be helpful if the two hearing weeks were split with time in between as opposed to being consecutive, to enable witnesses to consider how matters have been progressing in the first week. Given the above in respect of overlap in witnesses the Council does not consider this to be practical. In addition, while parties have confirmed general availability through the weeks of 20 and 27 September, there are several pre-existing conflicts in the week of 26 October. Therefore, if the hearing was to be split having one week of hearing time in September but, not having a second week until early November, would not be effective in the Council's view.

4.7 No party has sought additional conferencing to that which has already occurred or is already scheduled (water quality/ecology, crop rotation and planning).

4.8 No party has sought that a judicial conference be set down.

5 The Council therefore respectively requests that a two-week hearing on the water quality topic be set down on the weeks of 20 September and 27 September 2021. The Council has one witness (Mr Parminter) who has an availability constraint on 23 and 24 September, and Forest and Bird has a witness unavailable on 20 September, however it is considered that this can be worked around through appropriate sequencing of witnesses.

6 A third week may be required in November or December, depending on the extent of cross examination and questioning from the Court, and it is requested that an additional hearing week be set, which can be vacated at the conclusion of the September hearing weeks if required. The parties have general availability during the weeks of 1, 15, 22 and 29 November.

### **Evidence exchange**

7 As the Court will be aware, conferencing of the planning witnesses is scheduled for Thursday 12 and Friday 13 August 2021. The date for evidence in reply from the Council and any section 274 party in opposition to the appeals is Monday 16 August 2021.

8 The Council respectfully requests a minor extension to this evidence exchange date for the Council and relevant section 274 parties to Friday 20 August 2021. That would enable the relevant witnesses time to address any matters arising out of joint witness conferencing. The minor extension is not considered to prejudice any party and the currently timetabled date for bundles to be filed, of 30 August 2021, will still be able to be complied with. Counsel understands that Beef + Lamb, Wellington Water Limited and Horticulture NZ support this extension.

**Pre-hearing conference**

9 While as set out above no party has sought a judicial conference, if one is required by the Court, or any party in response to this memorandum, the Council is able to attend on short notice.

**Date:** 9 August 2021



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K M Anderson / E L Manohar and K H  
Rogers  
Counsel for Wellington Regional Council