

**In the Environment Court  
At Wellington**

**I Te Kōti Taiao  
Te Whanganui-ā-Tara Rohe**

ENV-2019-WLG-106

**In the matter** of an appeal pursuant to Clause 14 of the First Schedule to the  
Resource Management Act 1991 (**RMA**)

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

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

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**Application for waiver of time period for filing  
s 274 notice**

**16 June 2020**

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**MEREDITH  
CONNELL**

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# Application for waiver of time period for filing s 274 notice

## May it please the Court:

- 1 Wellington City Council (**WCC**) applies under s 281 of the Resource Management Act 1991 (**RMA**) for a waiver of the time period for filing a notice under s 274 of the RMA.
- 2 The s 274 notice relates to an appeal by the Minister of Conservation against parts of the Respondent's decision on the Proposed Natural Resources Plan (**Proposed Plan**) (ENV-2019-WLG-106).
- 3 The grounds for the application for waiver are detailed in the supporting memorandum and are summarised as follows:
  - (a) The period for filing the s 274 notice ended on 9 October 2019. WCC's 274 notice is filed approximately 8 months out of time.
  - (b) WCC is interested in Topic 11 as it relates to Policy P132. WCC opposes the relief sought by the Appellant because the amendments sought will inappropriately restrict the future efficient management and development of structures/buildings and activities in the Lambton Harbour Area.
  - (c) WCC made a submission about the subject matter of this proceeding. WCC supports the decision of the Respondent in the decisions version of the Proposed Plan. The reason for the delay in filing the WCC's s 274 is that the Minister of Conservation's appeal in relation to this matter was overlooked.
  - (d) WCC became aware of the appeal after the Respondent was tasked, as an action point following formal mediation, with engaging with WCC in respect of issues relating to this appeal.
  - (e) WCC understands that the parties are hopeful that the appeal can be resolved without hearing time and no evidence exchange timetable is proposed at this stage. WCC is similarly hopeful that a negotiated or mediated settlement can be achieved.
  - (f) WCC representatives have been involved in informal discussions with the parties to this appeal. Representatives of WCC, including an expert planner, are available to attend mediation at short notice and therefore no undue delay should result from WCC joining the appeal.
  - (g) In addition, all parties are aware of WCC's position and accordingly the granting of the waiver will not result in any undue prejudice to any of the parties.

- 4 If any party opposes this application for waiver then WCC wishes to be heard on the application.



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Nick Whittington  
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Date: 16 June 2020

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