

**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

**ENV-2019-WGN-000122**

**IN THE MATTER OF**

the Resource Management Act 1991  
(*the Act*)

**AND**

**IN THE MATTER OF**

an appeal under clause 14 of  
schedule 1 to the Act in relation to  
the Proposed Natural Resources Plan  
for the Wellington region

**BETWEEN**

**WELLINGTON FISH AND GAME  
COUNCIL**

Appellant

**AND**

**WELLINGTON REGIONAL  
COUNCIL**

Respondent

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**MEMORANDUM OF COUNSEL**

Dated: 11 October 2019

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**GREENWOOD ROCHE**  
LAWYERS  
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## **May it please the Court**

### **Introduction**

- 1 This memorandum of Counsel is filed in support of an application for waiver by Fire and Emergency New Zealand (*Fire and Emergency*) in respect of *Wellington Fish and Game Council v Wellington Regional Council* (ENV-2019-WGN-000122) (*The Proceedings*).
- 2 The proceedings are an appeal by Wellington Fish and Game Council (*The Appellant*) against parts of the decision made by Hearing Commissioners on behalf of Greater Wellington Regional Council on the Greater Wellington Proposed Natural Resources Plan (*The Plan*).
- 3 Fire and Emergency is interested in all of the proceedings but in particular the appeal points in relation to Policy P111 – Water takes at minimum flows and water levels and Rule R42: Minor Discharges - permitted activity.
- 4 Fire and Emergency wishes to join as a party to the proceedings under section 274 of the Resource Management Act 1991 (*the Act*) and seeks a waiver of the time period for filing a section 274 notice pursuant to the Court's directions in the decision dated 26 July 2019.

### **Reasons for Filing**

- 5 Parties were directed to file section 274 notices in respect of appeals relating to the Plan by 5pm on 9 October 2019 in a decision of the Court dated 26 July 2019.
- 6 Fire and Emergency filed a section 274 notice at 5.05pm on 9 October 2019.
- 7 Fire and Emergency is in the middle of a significant industrial consultation exercise. That exercise is placing significant and unusual demands on the time of organisational leaders, including those with the delegated authority to join Fire and Emergency to Environment Court proceedings.

- 8 Fire and Emergency's section 274 notices were prepared within time, but could not be filed until they had been approved by someone with the requisite delegated authority.
- 9 Approval to file the section 274 notice was given at 5.04pm when the relevant decision-maker became available. Fire and Emergency's section 274 notice was then filed promptly at 5.05pm. All relevant parties were served with the section 274 notice contemporaneously.
- 10 Counsel submits that there will be no undue prejudice caused by Fire and Emergency joining this appeal.
- 11 Counsel respectfully requests that a waiver be granted in accordance with section 281 of the Act.

**DATED** this 11<sup>th</sup> day of October 2019



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**M A Thomas / H G Marks**  
**Counsel for Fire and Emergency**

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