

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

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

ENV-2019-WGN-000123

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 WATER LIMITED

Appellant

AND

**WELLINGTON REGIONAL
COUNCIL**

Respondent

MEMORANDUM OF COUNSEL

Dated: 11 October 2019

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
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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 Water Limited v Wellington Regional Council* (ENV-2019-WGN-000123) (*The Proceedings*).
- 2 The proceedings are an appeal by Wellington Water Limited (*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 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 11th day of October 2019



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

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