

**Before the Environment Court
At Wellington**

ENV-2019-346-82

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

In the matter of appeals on the Proposed Natural Resources Plan

Between **Various**

Appellants

ENV-2019-000103, 105-133

And **Wellington Regional Council**

Respondent

**Memorandum of counsel on behalf of Wellington Regional Council in
response to memorandums filed**

Date: 19 November 2019



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MAY IT PLEASE THE COURT:

1 On 8 November 2019 the Council filed a memorandum in response to the Court's Minute of 26 September 2019.

2 Since then, a variety of memorandums have been filed by parties. This memorandum addresses the issues raised by those parties.

General approach to direct discussions and mediation

3 The parties who have provided memorandums have generally supported the proposed approach by the Council in terms of direct discussions and mediation and the general approach to timing set out in Appendix A to the 8 November memorandum filed by the Council.

4 However, there have been some specific issue raised as follows.

Specific issues raised

5 *Regional Public Health* - this party has requested it is added to the section 274 party list associated with the Discharges to land - balance of discharges to land topic (see page 12 of Appendix A to the 8 November memorandum filed by the Council).

5.1 The Council has no issue with this addition and will ensure that this party is included in that subtopic if the Court is agreeable.

6 *Masterton, Carterton and South Wairarapa District Councils* - these parties have requested that no mediation is scheduled for the week of 14-17 April 2020 due to Easter and school holidays.

6.1 The Council has no issue with this approach, but considers that is a matter for the Court to determine in terms of how it wishes to schedule mediations.

7 *Beef and Lamb New Zealand* - this party has sought that on the basis of its section 274 notices on the Forest and Bird and Fish and Game appeals that it is added into two sub-topics, which currently it is not included in. Those are Natural form and function - natural character and processes (at page 3 Appendix A to the 8 November memorandum filed by the Council) and Wetlands and biodiversity - mitigation hierarchy (at page 15 of Appendix A to the 8 November memorandum filed by the Council).

7.1 The Council does not consider that it is clear from the section 274 notices that these topics are included. However, the Council does not oppose any application by this party for leave to file amended section 274 notices, as long as those notices are clear what provisions it wishes to challenge.

8 *Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Soc* - these parties have responded to the request for further particulars in the 8 November memorandum filed by the Council.

8.1 It is now clear that the 'entire plan' appeal points are withdrawn by these parties (and in relation to two of them, replaced with a specific list of provisions under appeal instead). This is very helpful clarification. The Council is seeking no further directions.

9 *Transpower* - this party has requested that the definition of 'operational requirement' is moved from Coastal management - coastal structures (on page 4 of Appendix A to the 8 November memorandum filed by the Council) to Beneficial use and development - RSI definitions (page 2 of Appendix A to the 8 November memorandum filed by the Council).

9.1 This definition is one that is relevant to both RSI and coastal management. However, if the 'operational requirement' definition is moved to the RSI definitions subtopic, then the parties attending both mediations are the same and therefore, there seems little prejudice to any party in making that change. Accordingly, it is suggested that the definition of

'operational requirement' is moved to RSI definitions (page 2 of Appendix A to the 8 November memorandum filed by the Council) if the Court is agreeable.

9.2 This would mean that the appellants list for this subtopic on page 2 of Appendix A to the 8 November memorandum filed by the Council would remain the same (as Wellington Water Limited and Transpower are the only appellants on this definition) and no additional section 274 parties are added either. No parties are removed from the Coastal management - coastal structures (on page 4 of Appendix A to the 8 November memorandum filed by the Council).

Clause 16 updated version of the Proposed Plan

10 As noted in the 8 November memorandum filed by the Council a variety of minor amendments to the Proposed Plan have been identified and an updated version of the Proposed Plan reflecting these will be provided to the Court and put on the Council website this week. The clause 16 amendments will be clearly identified on that version of the Proposed Plan.

11 In addition, now that the 'entire plan' appeal issue is resolved, the Council will host a 'live' version of the Proposed Plan on its website, reflecting which provisions are under appeal and update this as each appeal is resolved. It intends to have that on its website in the next 2 weeks.

Date: 19 November 2019



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Council