

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

**ENV-2019-346-103**

**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**

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**Memorandum of counsel on behalf of Wellington Regional Council:  
Mediation scheduling - response to Minute of 7 September**

**Date:** 8 September 2020

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**MAY IT PLEASE THE COURT:**

1           The purpose of this memorandum of counsel is to respond to the Court's Minute of 7 September 2020.

2           In that Minute, the Court acknowledged the impact that COVID-19 alert level changes have had on the logistical arrangements for mediation and the necessity of shifting larger mediation sessions from in person to AVL sessions. The Minute acknowledges the pressure that has been placed on the Council, appellants and section 274 parties in preparing for mediation sessions to date and in having mediation completed before the end of 2020.

3           The Court has directed that the Council revisit the mediation schedule on the basis that it runs into early 2021 as had originally been proposed by the Council. The Court has suggested the inclusion of a further break week next week as a first step.

**Deferral of next week's mediation**

4           The Council has considered the Court's Minute, and with respect, significant effort has been put by the Council and other parties into preparing for this mediation, including the scheduling of expert witnesses for Court facilitated conferencing. Deferring at this late stage may not be as straightforward as delaying the commencement for a week. The Council has not yet confirmed with the Court facilitator or its experts as to availability for the following week, however, the Council agrees to the addition of a break week next week, and the consequential deferral of all mediation by one week. The Council continues to consider that expert conferencing and mediation on this topic can occur concurrently.

**Remainder of timetable**

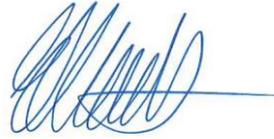
5           As to the balance of the timetable, the Council had initially proposed a timetable until early 2021. It was condensed with mediation days

reduced and reorganised to comply with the Court's earlier directions. Resourcing arrangements and commitments have been made in reliance on the current proposed schedule. The Council understands that the parties have placed similar reliance on the current proposed timetable, at least out until 16 October (being the timetable confirmed to date by the Court).

- 6 The Council acknowledges that additional pressure is being put on the Council and parties where further mediation days are scheduled above those already provided for. A more focused approach to mediation by all parties may remove the need for additional days.
- 7 Before amending the timetable further in light of the Court's request, the Council's preference is to understand from other parties whether expanding the mediation period is prejudicial or supported.
- 8 It is, however, at this time the Council's preference that the timetable remain as submitted on 10 August 2020, with the exception of the additional break week referred to above and resulting consequential amendments. This results in Christmas continuing to effectively bookend the mediation process and providing a clean break before any potential hearings occur.
- 9 Completion of mediation by Christmas is a significant milestone being worked towards by the Council. Extending the mediation process into 2021 would remove this clearly defined end date which may also adversely impact on wellbeing (as mediation would hang over the Christmas break) and delay Council work programmes that follow mediation in the schedule.
- 10 The Council is working on an updated schedule to reflect the inclusion of the additional break week and deferral of all other sessions by one week. This may result in some topics being deferred by two weeks given the intention to retain the existing break weeks of 5 to 9 October and 9 to 13 November. It will also likely involve minor adjustments to the order of topics. The Council has not yet completed this task given

the above, but if requested by the Court, can provide this to the Court and parties this week.

**Date:** 8 September 2020

A handwritten signature in blue ink, appearing to be 'K M Anderson', with a horizontal line extending to the right.

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