

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER	of the Resource Management Act 1991
AND	of appeals under cl 14 of the First Schedule to the Act
BETWEEN	VARIOUS Appellants
AND	WELLINGTON REGIONAL COUNCIL Respondent

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**MINUTE OF THE ENVIRONMENT COURT  
(7 SEPTEMBER 2020)**

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[1] On 10 August 2020 the Wellington Regional Council sent a revised schedule for the ongoing mediation process for the Proposed Natural Resources Plan in response to the Court's procedural decision of 22 June 2020. The Court has been undertaking mediation in line with the revised schedule and monitoring its implementation but has not provided a formal response.

[2] Development of and consultation on the revised calendar which would see all topics mediated before the end of 2020 (as requested by the Court) was undertaken prior to imposition of the country's current Covid-19 status.

[3] The revised calendar was based around two days of face-to-face mediation and one day of AVL mediation as the norm, with the possibility of changes to that at the discretion of the managing Commissioner. The calendar contained only a few break weeks, with one week in mid-August, the next not until the second week of the school holidays 5-9 October and a final break week 9-13 November.

[4] Many of the topics now being mediated involve large numbers of parties and it has not been feasible to find venues where appropriate social distancing can occur. That has resulted in the conducting of large and complex mediations on AVL when face-to-face

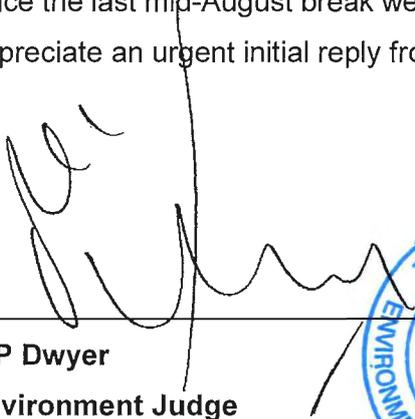


mediation would have been preferable. This sometimes creates a situation of considerable intensity and pressure on participants.

[5] Commissioner Edmonds advises that all parties (including the Council) appear to be finding it difficult to comply with the Court's directions on pre-circulating proposals for concepts or new drafting in adequate time for everyone to properly consider what is proposed. The Court is aware that there is follow-up action on outstanding matters that is also required of parties that adds to the workload of all participants. There has also been some resumed mediation held outside the standard three days, making it a long week for some participants.

[6] In addition there is expert conferencing to be added into the calendar which should be timed so the inputs to and outputs from that process inform those participating in mediation. That means it is less effective and efficient to hold mediation and expert conferencing related to specific issues at the same time.

[7] Commissioner Edmonds and Judge Dwyer have been in active discussion on the above issues and are concerned about the pressure which their combined effects is placing on all mediation participants. We have decided to request that the Council re-visits the mediation schedule on the basis that it runs into early 2021 as the Council originally proposed. One immediate suggestion is that there be an additional break week of 14-18 September before beginning Topic 30 given there will have been 4 weeks of mediation since the last mid-August break week. In light of the forgoing suggestion, the Court would appreciate an urgent initial reply from the Council.

  
B P Dwyer  
Environment Judge

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