

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

ENV-2019-WLG-000125

I MUA I TE KOOTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of an appeal under Clause 14(1) of the First Schedule of the Act in  
relation to the proposed Natural Resource Plan for the Greater  
Wellington Region.

BETWEEN **RANGITĀNE TŪ MAI RĀ TRUST AND RANGITĀNE O WAIRARAPA  
INCORPORATED SOCIETY**

*Appellants*

A N D **GREATER WELLINGTON REGIONAL COUNCIL**

*Respondent*

---

**MEMORANDUM OF COUNSEL  
REGARDING AN APPLICATION BY FIRST GAS LTD TO BECOME A SECTION 274 PARTY**

**Dated 21 January 2020**

---

---

Director  
**Aidan Warren**  
aidan.warren@mccawlewis.co.nz

Solicitor  
**Kuru Ketu**  
kuru.ketu@mccawlewis.co.nz

  
**McCaw Lewis**  
GOOD PEOPLE. GREAT LAWYERS.

LEVEL 6, 586 VICTORIA STREET, PO BOX 9348  
HAMILTON 3240, NEW ZEALAND  
DX GP 20020, PH 07 838 2079  
WWW.MCCAWLEWIS.CO.NZ

## **MAY IT PLEASE THE COURT**

1. This Memorandum of Counsel is filed on behalf of Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society (“**Rangitāne**”) in response to the Court’s Directions dated 20 December 2019, for all responses to the request by First Gas Limited (“FGL”) to be filed by Tuesday 21 January 2020. Accordingly, Counsel responds below.

### **Background**

2. On 12 November 2019, Counsel was contacted by counsel for FGL, who sought an indication as to whether there would be any issues if FGL sought to be an interested party out of time. At that time, Counsel requested a draft memorandum outlining the grounds on which FGL sought to be a section 274 party in order to assess the effect of FGL being added to the proceedings at this late stage.
3. A month later, on 19 December 2019, Counsel received the proposed section 274 party notice from FGL, which opposed much of the relief sought by Rangitāne.
4. Counsel for FGL filed the section 274 party notice later that same day with an accompanying waiver application.

### **Response**

5. Counsel submits that the request from FGL, if granted, is prejudicial to Rangitāne. Since the 9 October 2019 filing date for all section 274 party notices,<sup>1</sup> Rangitāne and other appellants/s274 parties have engaged and progressed through direct engagement discussions with the Wellington Regional Council in order to advance these proceedings.
6. Aside from the fact that the notice has been filed well out of time, Counsel submits that FGL’s request is not one that can easily be accommodated at this time in the proceedings, given FGL seek to oppose the Rangitāne appeal.

---

<sup>1</sup> Decision of the Environment Court dated 26 July 2019.

7. Counsel submits that the delay in raising this opposition will affect the process already underway amongst the parties and has the potential to adversely affect the direct engagement discussions that have occurred to date. This could add complexities in terms of issues to be addressed during the upcoming mediation process and delays to the timetabling currently in place.

**Conclusion**

8. For the reasons set out above, Rangitāne oppose the addition of FGL as a section 274 party in relation to its appeal, and requests that the Court decline the application sought.

Dated: 21 January 2020



---

**Aidan Warren/Kuru Ketu**  
Counsel for the Appellants