

**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 after 16 October 2020**

**Date:** 10 August 2020

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## MAY IT PLEASE THE COURT

### Background and purpose

- 1 On 22 June 2020, the Court issued directions regarding the ongoing mediation process for the Proposed Natural Resources Plan (**Proposed Plan**).
- 2 On 3 July 2020, the Greater Wellington Regional Council (**Council**) filed a memorandum in response to the directions. On 10 July 2020, a number of other parties involved in the appeals also filed memoranda in response. A further response was filed on 13 July 2020. On 16 July 2020, the Council provided a brief memorandum to the Court on the memoranda.
- 3 On 23 July 2020 the Court released its procedural decision as to future mediations. It set down mediation as per the mediation calendar filed on 3 July 2020 by the Council up to 16 October 2020.
- 4 It identified scheduling issues after that date and asked the Council to make amendments to the calendar to allow for:
  - 4.1 A break week from 9 to 13 November 2020, and
  - 4.2 Mediations between 26 October to 27 November to contain discrete matters, and to be scheduled from Monday to Wednesday. This is to accommodate an alternate Commissioner.
- 5 The Council has prepared an amended calendar to take into account the above, which is attached as Appendix 1. Some movement of topics, and some limited reduction in mediation days was required. These changes are, however, minor and are therefore not set out in detail.

6 The calendar also records two days for reconvened mediation - Topic 17 on 24 August, and Topic 45 on 3 September. These dates have been agreed between the parties and set by the Court after the 3 July 2020 version of this calendar was filed.

7 The Council requests that the Court set down the remainder of topics for mediation as per the amended calendar.

### **Email traffic**

8 A concern raised by the parties and commented on by the Court in its procedural directions was the large volume of emails being sent in respect of this matter. A balance between procedural fairness and a pragmatic reduction is required but difficult. The Court directed the Council to consider the matter further.

9 The Council considers that the need to circulate summary statements and outcome statements to *all parties* remains. However, one potential saving is in respect of mediation confirmation forms.

10 Currently parties attending mediation file a confirmation of mediation attendance form with the Court and serve on *all parties*. These are often inaccurate and do not represent the full picture. In addition, some parties file but do not serve their confirmation forms. Therefore, any party trying to collate the responses to understand ahead of time who is attending any given mediation is unlikely to be successful.

11 In that light, the Council suggests that the Court waive the requirement to serve confirmation of mediation attendances on any party other than the Council. This would result in a significant reduction in email traffic for appellants and section 274 parties.

12 In addition, the Council intends to file one document confirming its mediation attendees for the remainder of the calendar. This will again, reduce email traffic on this matter as the Council would otherwise need

to respond separately to the remaining 25 or so mediation topics once formal notice is received from the Court.

**Date:** 10 August 2020

A handwritten signature in blue ink, consisting of a large, stylized initial 'R' followed by several horizontal strokes.

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