

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of the first schedule to the Act

ON The Proposed Auckland Regional Plan – Air, Land and Water

MEMORANDUM OF COUNSEL FOR THE RESPONDENT

1. This memorandum addresses the Group Four (Air Quality) and Group Four A (Agrichemicals) appeals on the plan.
2. The appeals in these groups have been the subject of previous reports to the Court by the respondent in Memoranda of Counsel, most recently on 30 June 2009.
3. With regard to **Group Four (Air Quality)**, the position on the key outstanding issues are as follows:
 - (a) In respect of the topic of **Intensive Livestock Farming** and the appeals by the Poultry Industry Association of New Zealand Inc. The appellant has considered the results of the respondent's review of the intensive livestock farming and has indicated that it does not agree with some aspects of the resolution proposed by the respondent. A meeting was held with the appellant on 12 December 2008 which succeeded in narrowing the issues still outstanding. The respondent has suggested that, if the outstanding matters cannot be resolved, this appeal be set down for hearing and the appellant has advised that they are currently assessing whether to proceed to a hearing. The appellant has advised that they are carrying out their own research and will advise the Respondent when this is complete.

- (b) Two of the Poultry Industry Association of New Zealand Inc. appeal points have been resolved by consent order issued by the Court on 19 October 2009.
- (c) Appeals by Airways Corporation of New Zealand Ltd have been resolved and a consent order was issued by the Court on 19 October 2009.
- (d) In respect of the topics **Combustion, Waste Management, and Policy 4.4.5 and Rule 4.5.1**, the ARC is initiating discussions with the appellants with a view to agreement and resolution by consent order.

- 4. With regard to **Group Four A (Agrichemicals)**, all appeals have been resolved and a consent order was issued by the Court on 19 October 2009.
- 5. Appeal Summary Schedules showing the position on each point of appeal in Groups Four and Four A are attached to this memorandum.
- 6. The respondent accordingly suggests that, in respect of the remaining issues, the appeals remain on the Court's hold track for a further progress report on 26 February 2010.
- 7. A copy of this memorandum has been sent to each of the appellants and the parties with a section 274 interest to the Groups Four and Four A appeals.

Dated at Auckland this 30th day of October 2009.



Counsel for Respondent