

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER 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 Five (Discharges to Land and Water and Land Management) appeals on the plan.
2. The appeals in this group have been the subject of previous reports to the Court by the respondent in memoranda of counsel, most recently on 30 June 2009.

Group A: Whole Chapter 5, Group B: Variations to Chapter 5 ALWP and
Group C: General Objectives and Policies

3. The respondent agrees with the appellants that these matters be put on hold until the balance of Chapter 5 matters are resolved, as negotiations on Group A, B and C appeals may be affected by the outcome of other parts of Chapter 5.

Group D: Networks and Non-network Rules (Stormwater and Wastewater Discharges)

4. The ARC is currently drafting an updated position paper on all stormwater and wastewater network discharge provisions including appeal points dealing with best practicable option and total suspended solids. The paper will also address the non-network (or private) rules. The respondent will circulate the position paper to parties and will meet with parties individually and jointly where appropriate to discuss any outstanding matters. Once this round of meetings has concluded it may be appropriate for mediation on this topic to commence. If mediation is not required, the respondent will prepare consent documentation for circulation to parties for signature.

Network Rules - Wastewater Discharges in all areas

5. The respondent has circulated a position paper on Discharges from Individual wastewater pumping stations and has received comments from Auckland City Council and Metrowater Ltd. The respondent will respond to the concerns raised and if necessary will meet with Auckland City Council and Metrowater Ltd to discuss any outstanding matters.

Coastal Plan Variation – Chapters 10 and Chapter 20 Amendments

6. All parties except for New Zealand Transport Agency agree in principle to the recommended changes to the Chapter 10 of the Coastal Plan. If the outstanding issues can be resolved the respondent will prepare consent documentation for circulation to parties for signature.
7. The respondent is considering comments received on Chapter 20 of the Coastal Plan and will circulate a revised text to parties and will meet with parties individually and jointly where appropriate to discuss any outstanding matters. Once this round of meetings has concluded it may be appropriate for mediation on this topic to commence. If mediation is not required, the respondent will prepare consent documentation for circulation to parties for signature.

Group E: Industrial Sites and Other DischargesIndustrial or Trade Processes and Schedule 3 – Industrial or Trade Processes

8. A draft memorandum has been circulated to all parties. All parties agree in principle with the draft memorandum. However the respondent agrees with all parties that these matters be put on hold until the stormwater and wastewater discharge rules are resolved.

Other Discharges of Contaminants

9. The respondent is considering comments received and will circulate a revised text to the parties, and will then meet with parties to discuss any outstanding matters.

Group F: Onsite Wastewater and Sewage SolidsOnsite Wastewater

10. The respondent is currently reviewing the provisions which will be circulated to parties and will meet with parties individually and jointly where appropriate to discuss any outstanding matters.

Sewage Solids

11. The respondent has recommenced negotiations with all parties for this matter and a revised version of the Sewage Solids provisions will be prepared and circulated to all parties for their comments.

Group I: Quality Aquifer Management Areas and Map Series 1

12. The respondent has had several meetings with a number of appellants, and has yet to meet with a number of other parties. Once this round of meetings has concluded it may be appropriate for mediation on this topic to commence. If mediation is not required, the respondent will prepare consent documentation for circulation to parties for signature. The respondent will apply to the Court if mediation is required.

General

13. The respondent accordingly requests that in respect of the remaining issues, the appeals remain on the Court's holding track for a further progress report on 26 February 2010.

An Appeal Summary schedule showing the position of each point of appeal in Group Five is attached to this Memorandum.

14. A copy of this memorandum has been sent to each of the appellants and the parties with a section 274 interest to the Group Five appeals.

Dated at Auckland this

30th day of October 2009.

A handwritten signature in blue ink, appearing to read "S. J. Cooper". The signature is written in a cursive style with a large initial "S".

Counsel for Respondent