

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**

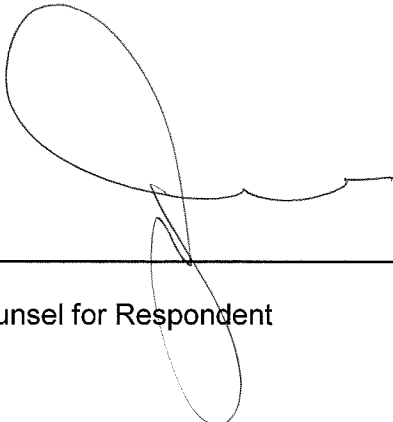
MEMORANDUM OF COUNSEL FOR THE RESPONDENT

1. This memorandum addresses the Group Six (Water Allocation) appeals on this 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.
3. A consent order on appeals by Watercare Services Ltd relating to High Use Stream and High Use Aquifer Management Areas, and policies on municipal water supply has been issued by the Court.
4. A consent order on appeals by Auckland City Council/Metrowater Ltd, Carter Holt Harvey, Federated Farmers, Horticulture New Zealand, North Shore City Council, Transit New Zealand (now New Zealand Transport Agency), and Watercare Services relating to damming of water has been issued by the Court.
5. Appeals relating to the consideration of taking of financial contributions from Territorial Authorities with respect to damming, that were not resolved in the consent order on damming referred to in paragraph 5

above, are being addressed with the appeals on Chapter 8 Financial Contributions.

6. A consent order on appeals by Contact Energy and Watercare Services relating to definitions of terms appearing in Chapter 6 has been issued by the Court.
7. Appeals by Watercare Services Ltd on damming for bulk water supply are being addressed in the draft consent order relating to appeals on Chapter 3 (Management Areas) seeking the establishment of Water Supply Management Areas which is referred to in the report to the Court on the Group 3 appeals. A Joint Memorandum of Counsel was lodged with the Court on 5 October 2009 requesting a further reporting date of 5 November 2009.
8. The respondent accordingly proposes that these appeals (other than the Watercare appeal referred to above) remain on the Court's hold track for a further progress report by the respondent on 26 February 2010.
9. An Appeal Summary schedule showing the status of each point of appeal in this group is attached to this memorandum.
10. A copy of this memorandum has been sent to each of the appellants and the parties with a section 274 interest to the Group Six appeals.

Dated at Auckland this 30th day of October 2009



Counsel for Respondent