

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**

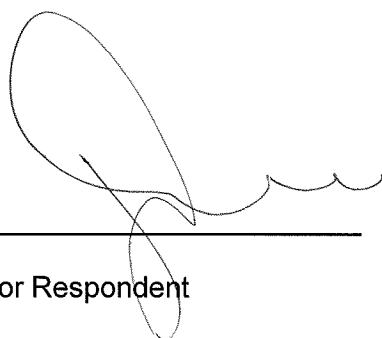
MEMORANDUM OF COUNSEL FOR THE RESPONDENT

1. This memorandum addresses the Group Seven (Beds of Lakes and Rivers & Diversion of Surface Water) 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.
3. On the 11 July 2008 the Court issued a consent order for Chapter 7. This consent order settled all appeals to this chapter, except for two appeal points from Auckland City Council and Metrowater Ltd. These outstanding appeal points relate to the reference to the 100 year ARI flood event in certain conditions in the permitted structures rule 7.5.5.1. This exclusion is noted in the 11 July 2008 consent order.
4. There is a related appeal (Auckland City Council and Others (ENV-2007-AKL-000288)) to the use of the 100 year ARI flood level and the associated habitable floor levels for buildings in Proposed Change 10 to the Auckland Regional Policy Statement. The Court has directed this appeal be dealt with

together with that one. An evidence exchange timetable has been set in preparation for hearing this issue without prejudice discussions are continuing on the ARPS appeal which also involve resolution of the appellants' appeal to the ALW Plan permitted activity rule. If these are successful the parties will advise the Court of the outcome of their discussions on ARPS Change 10 and the ALW Plan 100 year ARI flood level standard by separate correspondence otherwise the matter will proceed to a hearing.

5. The Group 7 Appeal Summary schedule attached to this memorandum now only lists the outstanding appeal points relating to the use of the 100 year ARI flood level
6. A copy of this memorandum has been sent to only those appellants and the parties with a section 274 interest involved in the 100 year ARI flood level issue.

Dated at Auckland this 30th day of October 2009



Counsel for Respondent