

BEFORE THE ENVIRONMENT COURT

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal 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 Groups 1 and 8 appeals on the plan.
2. These appeals have been the subject of previous reports to the Court by the respondent in memoranda of Counsel, most recently on 30 June 2009.
3. As previously recorded, the parties are agreed that the appeals in Group 1 (Whole Plan) should await the outcome of appeals on the other Groups. It is likely that most, if not all, issues in Group 1 will be resolved as a consequence of resolution of appeals in those other groups.
4. The respondent is currently drafting a position paper on Group 8 appeals (Financial Contributions). This paper will include the taking of financial contributions from Territorial Authorities with respect to damming that were not resolved in the consent order on Chapter 6 Water Allocation on damming dated 21 July 2009. 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.

5. Appeal Summary Schedules showing the status of each point of appeal in Groups 1 and 8 are attached to this memorandum.
6. The respondent accordingly proposes that it report to the Court by 26 February 2010 on progress with the appeals in Groups 1 and 8.
7. A copy of this memorandum has been sent to each of the appellants and to the parties with a section 274 interest to this group of appeals.

Dated at Auckland this 30th day of October 2009



Counsel for the Respondent