

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO  
KI TĀMAKI MAKĀURAU**

IN THE MATTER OF the Resource Management Act 1991 and  
in the matter of 23 appeals under clause  
14 of Schedule 1 to the Act in relation to  
Plan Change 1 to the Waikato Regional  
Plan

(ENV-2020-313-014)

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**MINUTE OF THE ENVIRONMENT COURT**

**(12 July 2021)**

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[1] The Court has the memorandum of counsel on behalf of the Waikato Regional Council dated 2 July 2021. This memorandum provides an updated report on progress on which the Council is making in discussions with the parties to these appeals. The Council wishes to continue with its direct discussions with appellants. It proposes that a pre-hearing conference be convened sometime in October 2021 at which proposals for court assisted mediation can be considered or timetabled towards the hearing of appeals (or issues arising from appeals) can be directed.

[2] Generally, at an early stage of plan appeals the Court is content to enable a planning authority to have direct discussions with appellants so that the issues raised in appeals can be marshalled to identify those which may be negotiated towards settlement, those which ought to be mediated with assistance from Environment Commissioners and those which require a hearing by the Court. The latitude to do this depends on the willingness of all parties to the appeals to participate. In the Court's experience, such willingness usually depends on all parties being given a reasonable opportunity to advance the matters which are of concern to them.

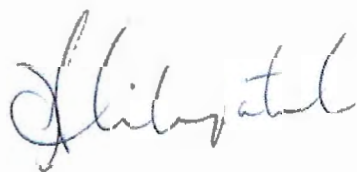


[3] Shortly after receiving the memorandum of counsel on behalf of the Regional Council, the Court also received a copy of an email from a s 274 party, Mr Graham Pinnell, to counsel for the Regional Council. Mr Pinnell expressed concern that the process being undertaken by the Regional Council is leaving s 274 parties “out in the cold” and that when they are finally brought into the proceedings, it would be difficult for there to be engagement among all parties. Mr Pinnell expressed the view that a procedurally unfair process is being used that is at odds with the intent of the Act.

[4] The Court must always seek to ensure that access to justice is available on reasonable and fair terms and that its processes support participation in accordance with the principles which underpin the Act. I accordingly direct the Waikato Regional Council to set out the framework within which it proposes to conduct its discussions and negotiations. The framework should expressly address the way in which it is dealing with s 274 parties as well as with appellants. This report is to be filed with the Court and copied to all parties by **23 July 2021**.

[5] I further direct the Waikato Regional Council to provide a report on the status of its discussions and negotiations as at **30 July 2021**.

[6] Once the framework and the report have been received, the Court will consider whether any further steps should be taken to document the process or whether it should intervene in the process.



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**D A Kirkpatrick**  
Chief Environment Judge

