

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2020-CHC-128

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Omnibus Plan Change - Plan Change 8 and Plan Change 1, being part of a proposal of national significance directed by the Minister for the Environment to be referred to the Environment Court under section 142(2)(b) of the RMA

AND

IN THE MATTER of an application under section 149T of the RMA

OTAGO REGIONAL COUNCIL

Applicant

**MEMORANDUM OF COUNSEL ON BEHALF OF THE OTAGO REGIONAL
COUNCIL
16 December 2020**

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MAY IT PLEASE THE COURT

- 1 This Memorandum of Counsel is filed on behalf of the Otago Regional Council (**Council**) in respect of proposed Plan Change 8 to the Otago Regional Plan: Water (**PC8**).
- 2 This Memorandum responds to the directions at [4] of the Minute of the Environment Court dated 11 December 2020 in relation to Willowridge Developments Limited's (**Willowridge**) notice that they wish to be party to the proceedings and application under s 281 of the RMA for a waiver of time (**Application**). The Court directed that the Council file a memorandum setting out its position:
 - (a) as to service (i.e. does any other party need to be served with this Application?); and
 - (b) its view on the Application.

Service

- 3 The Council considers that it would be appropriate for all parties to PC8 to be served with the Application.
- 4 Willowridge supports the removal of rules 14.5.1 (permitted earthworks activities) and Rule 14.5.2 (restricted discretionary earthworks activities). Other submitters have sought the removal of these rules and this was set out as a decision requested in the summary of submissions publicly notified by the Environmental Protection Authority (**EPA**). Anyone with an interest in these rules was therefore on notice of submitters seeking the removal of these rules and had an opportunity to lodge a further submission. On that basis, it is not considered necessary for any persons other than parties to PC8 to be served with the Application.
- 5 Counsel for Willowridge has advised that when filing the Application with the Court using the orc@justice.govt.nz email address together with emailing a copy of the application to those parties who have requested to be served by email, it had assumed that it was effecting service on all parties to PC8.

View on Application

- 6 Given the early stages of the PC8 process and that the matters of interest to Willowridge are already the subject of submissions, the

Council does not consider that it would be prejudiced by Willowridge joining the proceedings and therefore does not oppose the Application.

DATED this 16th day of December 2020



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P A C Maw / M A Mehlhopt

Counsel for Otago Regional Council