

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991  
AND of a notice of motion under section 149T(2) to  
decide proposed Plan Change 8: Water for  
Otago (referred to the Environment Court by  
the Minister for the Environment under section  
142(2)(b) of the Act)  
OTAGO REGIONAL COUNCIL  
(ENV-2020-CHC-128)  
Applicant

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**MEMORANDUM OF LANDPRO**

**PLAN CHANGE 8**

**(22 February 2021)**

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**May it please the court**

1. This memorandum is filed on behalf of Landpro Limited (Landpro) in response to the Minute of the Environment Court dated 15 February 2021.
2. Landpro is a submitter to Plan Change 8 and is not represented by legal counsel.

**Expert conferencing**

3. The court has proposed that expert conferencing should be limited to Schedule 18 and Schedule 19.
4. We respectfully suggest that there would be significant potential benefit in extending the expert conferencing to include Rule 14.7.1 and the relevant new and amended definitions.

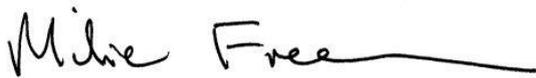
**Explanation**

5. There are important links between the rule conditions, the definitions and schedules. Landpro respectfully considers that there are some inappropriate and probably unanticipated consequences of the proposed wording.
6. Landpro considers that there would be benefits if professionals with planning and technical backgrounds jointly discuss how the proposed rule, schedules and definitions could be improved, for example, whether as the rule indicates, pond drop test requirements should only be applicable to “storage ponds” with no synthetic liners.
7. There are a number of significant similar provisions that link the definitions, schedules and rule 14.7.1. For example, because of the very broad definition of “animal waste” (“faeces or urine from any animal”) and “animal waste system”, all such storage systems are subject to Rule 14.7.1.1 (and schedules 18 and 19) but unless those storage systems are dairy effluent storage ponds (stock truck effluent storage tanks) they could never qualify as permitted activities. Similarly, neither the term “storage pond” nor “ancillary structures” are defined.
8. The “Suitably Qualified Person” is defined as a person that the Otago Regional Council approves as being appropriately qualified experienced and competent. Such persons can undertake pond drop tests referred to in Rule 14.7.1 and

Schedule 18 but it is not clear what qualifications, experience and/or competence are required to obtain approval.

9. We appreciate the need to have specific experts focus on matters that are within their area of expertise. However given the critical linkages between Rule 14.7.1, some definitions and schedules 18 and 19, we respectfully suggest that with these types of technical rules there would be significant potential benefit if the expert conferencing was broadened to include these wider matters and the experts broadened to include planners, engineers and scientists with particular expertise in these matters.
10. We note that the Otago Regional Council (“staff submission”) has submitted suggesting some changes to Rule 14.7.1 and related definitions<sup>1</sup>.

Dated this twenty second day of February 2021

A handwritten signature in black ink that reads "Mike Freeman". The signature is written in a cursive style with a long horizontal line extending to the right.

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Mike Freeman

For Landpro Limited

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<sup>1</sup> [https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000045/Submissions-and-or-comments-Submissions/Otago\\_Regional\\_Council\\_80042.pdf](https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000045/Submissions-and-or-comments-Submissions/Otago_Regional_Council_80042.pdf)