

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV: 2020-CHC-128

In the Matter

the Resource Management
Act 1991

And

of a notice of motion under
section 149T(2) to decide
proposed Plan Change 1 to
the Regional Plan: Waste
for Otago and 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)

Between

**OTAGO REGIONAL
COUNCIL**

Applicant

**MEMORANDUM OF COUNSEL
DATED 1 MARCH 2021**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor on record: Bridget Irving
Solicitor to contact: Derek McLachlan
PO Box 143, Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564
Email: bridget.irving@gallawaycookallan.co.nz
Email: derek.mclachlan@gallawaycookallan.co.nz

MEMORANDUM OF COUNSEL

May it please the Court:

1. In the Courts minute dated 15 February 2021 the Court has asked parties to advise the Court in writing, stating reasons, if they have a different view on the matters to be referred to mediation / expert conferencing.
2. Lower Waitaki Irrigation Company ('**LWIC**') has had the benefit of discussing upcoming mediation on PC8 with various other parties at an informal meeting on 25 February 2021, as well reviewing the Memoranda of Federated Farmers dated 25 February 2021. Following these conversations, LWIC takes confidence that there is motivation among the parties to mediate additional provisions of PC8.
3. LWIC has filed a submission that seeks consistency with the National Environment Standard for Freshwater 2020 ('**NES**') and the section 360 Regulations for Stock Exclusion ('**Regulations**'). We understand that the Regional Council is to file a memorandum by 1 March 2021 outlining their position on whether any amendments are required in relation to PC8 in response to these instruments. We anticipate the Regional Council's Memorandum will provide clarification on how we are to manage this dynamic. If the Regional Council pursue an amendment/withdrawal of PC8, then a significant amount of LWIC's submission may be able to be resolved without hearing time.
4. Therefore, while LWIC generally supports mediation on all the provisions they have submitted on within PC8, there remains some uncertainty on what form PC8 will take. On this basis we request an opportunity to review the Regional Council's Memoranda to be filed today (1 March 2021) and provide a further Memorandum within 2 working days of receipt. This is to ensure that we fully understand the process being proposed by the Regional Council, and the extent of any amendment to PC8.

Date: 1 March 2021

A handwritten signature in blue ink, appearing to read 'D A McLachlan', with a small flourish at the end.

D A McLachlan

Counsel for Lower Waitaki Irrigation Company