

**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 18 MARCH 2021**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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MEMORANDUM OF COUNSEL

May it please the Court:

1. The Otago Regional has now provided the parties with an amended set of provisions in response to the NES-F and Stock Exclusion Regulations.¹ Lower Waitaki Irrigation Company ('LWIC') has now reviewed those provisions. LWIC filed a Memoranda with the Court² identifying their position that they generally supported mediation on PC8, however sought an opportunity to review the proposed amendments. Having reviewed the amendments, we can confirm:
 - (a) LWIC can confirm that they support the Regional Council's position³ on the recommended provisions to be set down for mediation. The provisions identified for mediation by ORC and Federated Farmers⁴ cover all of provisions submitted on by LWIC.
 - (b) LWIC support the proposed sequencing of expert conferencing to be followed mediation upon the release of the joint witness statement from the expert conferencing (for matters within on animal waste storage and application (Part B) and sediment traps (Part F)).
 - (c) LWIC also agree that expert conferencing on Schedule 18 and Schedule 19 can be expanded to include Rule 14.7 and the relevant new and amended conditions.⁵

Date: 18 March 2021



D A McLachlan

Counsel for Lower Waitaki Irrigation Company

¹ Memorandum of Regional Council dated 5 March 2021 at [14]

² Memorandum of LWIC dated 1 March 2021

³ Memorandum of Regional Council dated 1 March 2021 at [14]

⁴ Memorandum of Federated Farmers dated 25 February 2021

⁵ Memorandum of Regional Council dated 1 March 2021 at [19]