

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV:2020-CHC-127

In the Matter

of the Resource
Management Act 1991

And

a notice of motion under
section 149T(2) to decide
proposed Plan Change 7 to
the Regional Plan: Water
for Otago.

Between

**OTAGO REGIONAL
COUNCIL**

Applicant

And

**Clutha District Council,
Waitaki District Council,
Queenstown Lakes
District Council, Dunedin
City Council, and Central
Otago District Council**

Section 274 Parties

**MEMORANDUM OF COUNSEL SEEKING LEAVE TO SUBSTITUTE A
WITNESS**

**GALLAWAY COOK ALLAN
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MEMORANDUM OF COUNSEL

1. Counsel respectfully seeks leave to substitute a witness on behalf of the territorial authorities.

BACKGROUND

2. Mr Greenwood prepared and filed a brief of evidence dated 4 February 2021 on behalf of the Territorial Authorities. He has now retired from the CODC and is not available to appear before the Court. At the time his evidence was prepared and filed the territorial authority case was to be heard in the first 3 weeks of the hearing. If that had occurred Mr Greenwood would have been available. Obviously, the hearing schedule has evolved and as such Mr Greenwood is no longer available.
3. Filed with this memorandum is a Brief of Evidence of Julie Muir. As set out in that evidence Ms Muir supervised Mr Greenwood in his role as Acting Water Services Manager and has direct knowledge of the matters traversed in his evidence and matters pertaining to community water supplies within Central Otago.
4. Ms Muir has reviewed the brief prepared by Mr Greenwood and adopts it as her own. She is available to appear in Court.
5. Counsel considers that no other party would be prejudiced by this 'substitution' as it does not alter the nature of the evidence being presented. It is submitted that the Territorial Authorities could be prejudiced if leave is not granted as it could necessitate the withdrawal of Mr Greenwood's evidence.
6. On that basis it is requested that leave be granted for Ms Muir to be called in the place of Mr Greenwood.

Date: 8 April 2021



B Irving

Counsel for the Territorial Authorities