

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
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 7 to the Regional Plan: 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

(ENV-20-CHC-127)

Applicant

**MINUTE OF THE ENVIRONMENT COURT
PROPOSED PLAN CHANGE 7
APPLICATION TO SUBSTITUTE WITNESS
(13 April 2021)**

[1] The court has received a memorandum of counsel dated 8 April 2021 on behalf of the territorial authorities seeking leave of the court to allow Ms Julie Muir to be called in place of Mr Greenwood who is scheduled to appear on Tuesday 13 April 2021.

[2] Mr Greenwood prepared and filed a brief of evidence dated 4 February 2021 on behalf of the Territorial Authorities. He was scheduled and available to be heard in the first three weeks of the hearing. The hearing schedule has since evolved and Mr Greenwood, having retired from the Central Otago District Council, is no longer available to appear before the court.

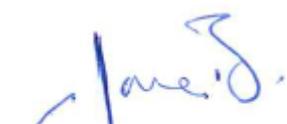


[3] Accompanying the memorandum of counsel was a brief of evidence of Ms Julie Muir. Ms Muir supervised Mr Greenwood in his role as acting Water Services Manager and has direct knowledge of the matters traversed in his evidence and matters pertaining to community water supplies within Central Otago. She is available to appear in court as scheduled and has reviewed and adopted as her own the brief of evidence prepared by Mr Greenwood.

[4] Responding to the court's direction of 9 April 2021 a further memorandum dated 12 April 2021 was filed providing the jurisdiction of the court to enable the requested substitution under ss 269 and 276 of the Resource Management Act 1991.

[5] As Ms Muir has adopted the brief of evidence as her own, I am satisfied there will be no prejudice to any other party by allowing this 'substitution' as it will not alter the nature of the evidence to be presented, only who is to present it.

[6] Under ss 269 and 276 of the Resource Management Act 1991 the application to substitute a witness is granted. Ms Muir is to adopt and present the evidence of Mr Greenwood.



J E Borthwick
Environment Judge



Issued: 13 April 2021