

**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 DIRECTIONS FOR FILING
SUPPLEMENTARY EVIDENCE**

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MEMORANDUM OF COUNSEL

May it please the Court:

1. Counsel refer to the direction dated 16 April 2021, requiring Counsel to propose a timetable for direction for the filing of supplementary evidence from the territorial authorities, providing the Regional Council with an opportunity to file evidence in reply.
2. This memorandum is filed on behalf of the TAs to indicate the purpose and scope of supplementary evidence to be filed and seek timetable directions regarding the date by which such evidence is to be filed.

PURPOSE AND SCOPE

3. The TAs wish to call supplementary evidence regarding the following matters:
 - (a) Details regarding the community water supply schemes that will be affected by Plan Change 7 including both expiring permits and new permits to accommodate growth. This will include information regarding the nature of the activities that are served by those supplies and projected growth requirements of them. This evidence will be produced by Mrs McGirr, Mrs Muir and possibly Mr Essenburg on behalf of the territorial authorities that have consents that will require replacement or new consents to be to be applied for within the life of PC7; and
 - (b) Identification of urban environments relevant to the above.
 - (c) The TA's are also considering whether further supplementary evidence from Mr Twose would be useful to set out an alternative pathway for community water supplies within Plan Change 7.
4. The purpose of this evidence is to:
 - (a) Clearly identify the nature of the schemes affected by Plan Change 7 and how water provided by them is used.
 - (b) Set out the anticipated impacts on the specific schemes that will be affected by the plan change; and

- (c) If evidence from Mr Twose is provided its purpose is to set out an alternative option for the Court to consider to address the issues identified in the TA's submissions. However, this may not be of assistance to the Court if it is intended that further expert planning conferencing is anticipated for Community Water Supplies and Hydro-electricity generation¹.

TIMETABLE

5. The TAs seek the following directions from the Court:
- (a) TAs to file Supplementary Evidence by 12 May 2021.
 - (b) Otago Regional Council to file Evidence in Reply if any, by 19 May 2021.
6. In proposing this timetable Counsel has discussed the likely dates for the balance of the TA case to be heard with Mr Cooper. At the current time this is tentatively scheduled for 21 May 2021 and/or 25 May 2021. Counsel understands this is subject to change, although would not be earlier than 21 May 2021 as Counsel is participating in another hearing out of Dunedin on 17-19 May 2021.
7. Finally, Counsel sought input regarding the proposed timetable from Counsel for the ORC. They indicated that it is unlikely further supplementary evidence from the ORC will be required, but if it were the proposed timetable was acceptable. In proposing 19 May 2021 for any reply from ORC Counsel has endeavoured to provide a reasonable period to respond, noting that the ORC's witnesses are currently scheduled to reappear in the week beginning 25 May 2021.

Date: 23 April 2021

¹ Counsel notes that in the Minute 21 April 2021 the Court did not seek to have the planners conference on bespoke provisions for CWS and Hydroelectricity, although it is not apparent whether this because it is not to occur at all, or would be likely to occur later between a narrower group of interested parties.

A handwritten signature in blue ink that reads "Bridget Irving". The signature is written in a cursive style with a large, looping initial 'B'.

B Irving

Counsel for the Territorial Authorities