

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2020-CHC-127

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Water Permits Plan Change - Plan Change 7, being part of a proposal of national significance directed by the Minister for the Environment to be referred to the Environment Court under section 142(2)(b) of the RMA

AND

IN THE MATTER of an application under section 149T of the RMA

BETWEEN **OTAGO REGIONAL COUNCIL**

Applicant

**MEMORANDUM OF COUNSEL ON BEHALF OF OTAGO REGIONAL
COUNCIL REGARDING WITNESS AVAILABILITY FOR CONFERENCING ON
PRIORITIES
28 April 2021**

Judicial Officer: Judge Borthwick

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MAY IT PLEASE THE COURT:

- 1 The purpose of this Memorandum is to respond to the Court's directions in its Minute dated 23 April that parties are to confirm witness availability for expert conferencing on priorities on 3 May and 10 – 12 May 2021.¹
- 2 The table below sets out the expert witnesses to attend conferencing on priorities and the dates they are available for conferencing.

Party	Expert	Available dates	Reason for unavailability
Otago Regional Council	Tom De Pelsemaeker	3, 10 – 12 May	
Otago Water Resource Users Group	Sally Dicey	3 May	Annual Leave – Paparoa Track
Director-General of Conservation	Murray Brass	3, 10 May	Marlborough Environment Plan Environment Court mediation 11-12 May.
Fish and Game	Ben Farrell	Unavailable	Cultural harvest Tītī until 16 May.
Minister for the Environment	Tim Ensor	3 May	Hearing in Golden Bay 10-11 May. Marlborough Environment Plan Environment Court mediation 12-13 May.

- 3 It appears that 3 May is the most suitable day for expert conferencing on priorities.
- 4 Given the lack of witness availability for the 10 – 12 May, counsel has conferred with the parties regarding witness availability between 18 – 20

¹ Minute of Environment Court dated 23 April 2021 at [13](b).

May, in the event that reserve days for priorities conferencing are required. In relation to these later dates:

- (a) Mr De Pelsemaeker and Ms Dicey are available to attend conferencing on 18 – 20 May.
 - (b) Mr Ensor and Mr Brass are both unavailable on 18 – 20 May due to Environment Court mediation for the Marlborough Environment Plan.
 - (c) Mr Farrell is likely to be available 19 – 20 May after his return (he is now out of range).
- 5 Counsel understands that Ms Perkins, representative of Landpro Ltd, will be seeking leave of the Court to be excused from expert conferencing on priorities.

Dated this 28th day of April 2021



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P A C Maw / M A Mehlhopt

Counsel for Otago Regional Council