

**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 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

(ENV-2020-CHC-128)

Applicant

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGES 1 & PLAN CHANGE 8
General Case Management
(12 May 2021)**

Introduction

[1] This Minute is released for the purpose of case management.

Transfer of PC1 and part of PC8

[2] While no party opposes the transfer of PC1 to another judge, Dunedin City Council requests policy 10.4.2 of PC8 be decided by the same judge. Policy 10.4.2 concerns Regionally Significant Infrastructure. Evidently, the City Council made a submission seeking inclusion of a new policy in PC1 also making provision for Regionally Significant Infrastructure.

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[3] I am not inclined to deal with discrete provisions in the manner suggested by the City Council.¹ I would, however, consider transferring to the other judge the provisions in PC8 that do not pertain to the primary sector. Those provisions are listed at paragraph [3] of the Minute ‘Mediation and Expert Conferencing’ (15 February 2021) and are:

- (a) amended Policy 7.C.5;
- (b) amended Policy 7.C.6;
- (c) new Policy 7.C.12;
- (d) new Policy 7.D.10;
- (e) new Rule 14.5.1;
- (f) new Rule 14.5.2;
- (g) new definition “earthworks”; and
- (h) amended Policy 10.4.2.

[4] I will direct the Regional Council to advise whether there is any overlap between the provisions listed above and the balance of PC8 provisions (being those that appear to particularly concern the primary sector).

[5] Finally, I am mindful that there are a large number of applications for replacement permits filed with the Regional Council, to which the provisions may apply. Given that, I have asked Commissioner Dunlop to prioritise mediation of those provisions of particular interest to the primary sector.

Mediation

[6] A gentle reminder, the court has referred PC1 and PC8 to mediation. Having done so, every party is to participate, unless leave is granted by the court not to do so.²

¹ DCC memorandum dated 30 April 2021.

² RMA ss 268 & 268A.



[7] Jane Whyte, the court appointed Friend of Submitters, will shortly be available in the Region to explain the court mediation process, how to prepare for mediation and to answer submitters' related questions. A subsequent Minute will issue advising parties of the locations, dates and times when Ms Whyte will be available.

Directions

[8] I make the following directions:

- (a) the Regional Council is to file and serve by **Wednesday 19 May 2021** advice on whether there is any overlap between PC8 Policy 10.4.2 and other PC8 provisions and, in particular, those for the primary sector; and
- (b) any party opposing the transfer of the provisions listed is to advise the court by **Friday 21 May 2021**, giving reasons

Jane S.



J E Borthwick
Environment Judge

Issued: 12 May 2021