

**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 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**

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**MEMORANDUM OF COUNSEL ON BEHALF OF OTAGO REGIONAL  
COUNCIL IN RELATION TO SCHEDULE 10A.4 SENSITIVITY TESTING  
21 May 2021**

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Judicial Officer: Judge Borthwick

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Applicant's Solicitor  
PO Box 4341 CHRISTCHURCH 8140  
DX WX11179  
Tel +64 3 379 7622  
Fax +64 379 2467

**WYNNWILLIAMS**

Solicitor: P A C Maw / M A Mehlhopt  
(philip.maw@wynnwilliams.co.nz /  
michelle.mehlhopt@wynnwilliams.co.nz)

**MAY IT PLEASE THE COURT:**

- 1 The purpose of this Memorandum is to respond to the directions at paragraphs [6] to [8] of the Minute dated 19 May 2021<sup>1</sup> in relation to sensitivity testing of Step 4 in Schedule 10A.4.

**Further testing of Step 4 in Schedule 10A.4**

- 2 Following the expert conferencing on 4 to 6 May the primary sector experts have conducted further testing of Step 4 in Schedule 10A.4, using sensitivity analysis to determine an appropriate formula for calculating N. This work has resulted in an amended Step 4 which has been included in the track change version of the plan change attached to the 4 to 6 May Joint Witness Statement (**JWS**). The reasons for making the changes to Step 4 have been set out in a separate document to be attached to the 4 to 6 May JWS as Appendix 10.
- 3 The following documents are provided with this Memorandum of Counsel:
- (a) A track change version of the 4 to 6 May expert conferencing JWS incorporating:
    - (i) Amendments to Paragraphs [67] and [68] noting the further testing of Step 4 in Schedule 10A.4 that has been undertaken and the resulting amendments;
    - (ii) Amendments to paragraphs [89] to [90] incorporating comments from Mr MacTavish; and
    - (iii) A signature page for the track change version of the 4 to 6 May expert conferencing JWS;
  - (b) A track change version of the plan change attached to the 4 to 6 May JWS incorporating amendments to Methodology 10A.4.1 and 10A.4.2; and
  - (c) A new Appendix 10 to the 4 to 6 May JWS which addresses the testing undertaken and the reasons for making amendments to Step 4.

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<sup>1</sup> Minute of the Environment Court, Plan Change 7 – Recall of witnesses and updated timetable dated 19 May 2021.

- 4 Counsel notes that the primary sector technical experts that took part in discussions on Appendix 10 have each signed the new Appendix 10.
- 5 All technical and planning experts that participated in the 4 to 6 May expert conferencing have signed the track change version of the 4 to 6 May JWS and version of the plan change incorporating amendments to Step 4.
- 6 It is noted that Mr MacTavish has signed the amended JWS but not new Appendix 10.

Dated this 21<sup>st</sup> day of May 2021



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**P A C Maw / M A Mehlhopt**

Counsel for Otago Regional Council