

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA 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 8: Water  
for Otago (referred to the Environment Court  
by the Minister for the Environment under  
section 142(2)(b) of the Act)

OTAGO REGIONAL COUNCIL  
(ENV-2020-CHC-128)  
Applicant

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**MEMORANDUM OF DAIRYNZ LIMITED**

**PLAN CHANGE 8**

**(9 JULY 2021)**

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**May it please the court:**

1. This memorandum is filed on behalf of DairyNZ Limited (DairyNZ) in response to the Notice of pre-hearing conference issued by the Environment Court on 28 June.
2. DairyNZ is a party to Otago plan change 8 and the primary sector provisions listed in the attached schedule to the Notice of pre-hearing conference, dated 2021-06-28.
3. DairyNZ is not represented by legal counsel at this point.
4. The court has proposed a pre-hearing conference to be held in Dunedin on Wednesday 14 July 2021 with the purpose to ensure that proper preparations are made for the hearing of the proceedings at a later time.
5. DairyNZ has participated in the expert conference which dealt with rule 14.7.1 and schedule 18 and 19, and in the following mediation for the primary sector topics.
6. The parties have come to an agreement for all the primary sector provisions in mediation.
7. Parties have spent a substantial amount of resources for preparation and participation in both expert conference and mediation to ensure this positive outcome.
8. For the hearing to go ahead as previously directed by the court, would in our mind, add unnecessary costs for all parties for preparing expert evidence and participate in the hearing and would not provide any more value to the outcome already agreed in mediation.
9. On that basis, DairyNZ supports the direction sought in memorandum of counsel filed on behalf of Otago Regional Council (dated 9 July 2021) and respectfully seeks the following:
  - a) that the need to have the pre-hearing conference be reconsidered; and
  - b) that new direction is issued from the court for a hearing, taking into consideration the outcome of the mediation.
10. DairyNZ also asks the court to kindly note that we will attend the pre-hearing conference on 14 July if it were to still go ahead as previously directed by the court.

Dated this 9th day of July 2021

*Carina Ross*

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Carina Ross

For DairyNZ Limited