

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

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

ENV-2020-CHC-128

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Omnibus Plan Change - Plan Change 8, 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

OTAGO REGIONAL COUNCIL

Applicant

**MEMORANDUM OF COUNSEL ON BEHALF OF THE OTAGO REGIONAL
COUNCIL
13 August 2021**

Judicial Officer: Judge Borthwick

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WYNNWILLIAMS

MAY IT PLEASE THE COURT

- 1 This Memorandum of Counsel is filed on behalf of the Otago Regional Council (**Council**) in response to the direction of the Environment Court dated 9 August 2021 directing the Council to file a list of witnesses the Council intends to call and the topics each witness is to address in relation to the primary sector provisions of Plan Change 8 (**PC8**).
- 2 In light of the set of provisions agreed at mediation, the Council has been working with parties who participated in mediation in relation to the technical evidence to be presented in support of the agreed provisions. The Council will call a number of witnesses to present technical evidence who were present at the mediation on the behalf of other parties. Where the witnesses were present at mediation on behalf of other parties the names of those parties is indicated in brackets as follows.
- 3 The witnesses the Council intends to call and the topics each witness will address are set out as follows:
 - (a) Plan architecture evidence (paragraph 6(a) of the Court's Minute dated 9 July 2021) will be provided by Felicity Boyd on behalf of the Council.
 - (b) Contextual evidence in relation to farm systems (paragraph 6(c) of the Minute dated 9 July 2021), including the intensive winter grazing provisions will be provided by Federated Farmers of New Zealand – Otago and North Otago Provinces witnesses, the particular witnesses are still in the process of being finalised.
 - (c) Some further contextual evidence may be provided from representatives of other farming sector groups, including the New Zealand Deer Farmers Association and New Zealand Pork Industry Board.
 - (d) Technical evidence in relation to the effluent management provisions (paragraph 6(b) of the Minute dated 9 July 2021) will be provided by:
 - (i) Keri Johnston (Lower Waitaki Irrigation Company);
 - (ii) Cain Duncan (Fonterra Co-operative Group Limited); and
 - (iii) Logan Bowler (Dairy NZ Limited).

- (e) Additional technical evidence in relation to why fish hatcheries are not managed under the effluent management provisions will be provided by Niall Watson (Otago Fish and Game Council and the Central South Island Fish and Game Council).
- (f) Technical evidence in relation to sediment traps (paragraph 6(b)(iii) of the Minute dated 9 July 2021) will be provided by Nicola McGrouther (New Zealand Deer Farmers Association and Beef + Lamb New Zealand).
- (g) Cultural evidence will also be provided in support of the provisions agreed at mediation by (to be provided on 17 September 2021 alongside the other technical evidence):
 - (i) Dean Whaanga (Ngāi Tahu Ki Murihiku); and
 - (ii) Edward Ellison (Kāi Tahu ki Otago).
- (h) Planning evidence in relation to the to the outcomes to be achieved under PC8, the proposed amendments and supporting reasons and s 32AA report (paragraph 6(e) of the Minute dated 9 July 2021) will be provided as follows:
 - (i) Felicity Boyd and Dolina Lee will provide policy planning evidence; and
 - (ii) Kerstin Strauss will provide evidence from the perspective of a Council consents planner in terms of the workability of the provisions.

Dated this 13th day of August 2021



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L F de Latour / M A Mehlhopt

Counsel for Otago Regional Council