

**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 s 142(2)(b) of the RMA

AND

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

BETWEEN **OTAGO REGIONAL COUNCIL**
Applicant

**MEMORANDUM OF COUNSEL ON BEHALF OF THE OTAGO REGIONAL
COUNCIL IN RELATION THE EVIDENCE EXCHANGE TIMETABLE**

PC8 URBAN PROVISIONS

13 December 2021

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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 10 December 2021 in relation to the evidence exchange timetable regarding the PC8 Urban provisions.
- 2 The Council respectfully requests amendments to evidence timetable directions set out in paragraph 16(c), (d) and (e) of the Court's Record of Telephone Conference dated 10 December 2021 for the reasons explained as follows:
 - (a) It was agreed at the teleconference that it would be appropriate to provide a period of two weeks between the Council's technical evidence being filed, and those parties opposing the provisions agreed at mediation being required to file evidence. Accordingly, the direction at paragraph 16(c) should refer to 25 February 2022.
 - (b) In light of this change, and on reflection, the Council considers it would be appropriate for those s274 parties opposing the mediated agreement to be able to consider the Council's policy planning evidence, including the s32AA report and table of officer recommendations, prior to filing their evidence. Accordingly, the Council respectfully proposes that the direction at paragraph 16(d)(ii) requiring the Council to lodge and serve its s32AA report, planning and regulatory evidence and table of officer recommendations by 25 February 2022 be amended to 18 February 2022. This timetable would provide:
 - (i) A two week period for the s274 parties to consider the Council's technical, compliance and consenting evidence, which the Council understands would accommodate Counsel for Remarkables Park Limited's request at the teleconference.
 - (ii) A one week period for the s274 parties to consider the Council's planning evidence.
 - (c) The current timetable provides for the Council and s274 parties in support of the mediated agreement two different dates for filing evidence in reply. It is suggested that this should be provided for only on the later of the two dates, being 11 March 2022. This

would enable the Council and any s274 party in support of the mediation agreement to file any evidence in reply, including any updated recommendations from the Council's policy planner.

- 3 In light of the above, the Council respectfully seeks the following directions replace the part of the evidence exchange timetable directions at paragraph 16(c), (d) and (e) set out in the Court's Record of Telephone Conference:
- (a) The Council is to lodge and serve their s32AA report (as it relates to the Part A and H provisions agreed at mediation and any changes to the Part G provisions it is supporting), planning and regulatory evidence and the table of officer recommendations by **Friday 18 February 2022**;
 - (b) Any s274 party in support of the mediated agreement, or opposed to it, is to lodge and serve evidence by **25 February 2022**;
 - (c) The Council and any s274 party in support of the mediated agreement are to lodge and serve any evidence in reply, including any updated recommendations by the policy planner, by **Friday 11 March 2022**.

Dated this 13th day of December 2021



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L F de Latour / M A Mehlhopt

Counsel for Otago Regional Council