

**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 s142(2)(b) of the Act)

BETWEEN OTAGO REGIONAL COUNCIL

(ENV-2020-CHC-128)

Applicant

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**MINUTE OF THE ENVIRONMENT COURT  
PLAN CHANGE 1 & PLAN CHANGE 8  
(14 December 2021)**

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**Introduction**

[1] On 8 December 2021 a telephone conference was convened to discuss PC1 Chapter 7 (Landfills) and PC8 Parts A, G and H. A one-week hearing was confirmed for Monday 21 March 2022 and evidence exchange directions were issued.

[2] Due to the significant amount of detail discussed at the conference, I granted parties leave to contact the court regarding the dates in my directions, should they dispute the Record of Telephone Conference.



**Issue with hearing date**

[3] Since the telephone conference it has been brought to my attention that Monday 21 March 2022 is Otago Anniversary Day, which is a public holiday.

[4] I can confirm that similar to other government departments, Otago Anniversary Day will actually be observed on the Tuesday following Easter and the Dunedin District Court, which is the hearing venue, will be open for business on Monday 21 March 2022.

[5] Subsequently, the hearing will proceed as planned on **Monday 21 March 2022**.

**Applicant memorandum**

[6] I have also been referred the memorandum of counsel for the applicant dated 13 December 2021, requesting amendments to the evidence exchange timetable.

[7] Counsel requests that the directions at paragraph [16](c), (d) and (e) of the Record of Telephone Conference issued 10 December 2021 be amended to allow for a period of two weeks between the applicant's technical evidence being filed and those parties opposing the provisions agreed at mediation being required to file evidence.

[8] In light of the proposed amendments, counsel submits that it would be appropriate for those s274 parties opposing the mediated agreement to be able to consider the applicant's policy planning evidence, including the s32AA report and table of officer recommendations, prior to filing their evidence. Counsel subsequently proposes that the direction at paragraph [16](d)(ii) requiring the applicant to lodge and serve its s32AA report, planning and regulatory evidence and table of officer recommendations by Friday 25 February 2022 be amended to Friday 18 February 2022. This would provide:

- (a) a two-week period for the s274 parties to consider the applicant's technical, compliance and consenting evidence; and
- (b) a one-week period for the s274 parties to consider the applicant's planning evidence.

[9] Counsel also notes that the current timetable provides the applicant and s274 parties in support of the mediated agreement two different filing dates for evidence in reply<sup>1</sup> and proposes Friday 11 March 2022 as the filing date.

[10] I consider the proposed amendments appropriate and can see no undue prejudice to any party. I grant the amendments accordingly.

[11] For the sake of transparency, I have confirmed the original directions below as well as the amended directions.

### **Directions**

[12] Subsequently, I direct:

- (a) by **Friday 17 December 2021**:
  - (i) any party who did not attend mediation and who does not accept the set of amended provisions filed, is to advise the court and confirm if they wish to speak to their submission or call evidence (and if so, who they intend to call);
  - (ii) the parties that attended mediation are to file a memorandum outlining the witnesses that they intend to call; and
  - (iii) the applicant is to lodge and serve its evidence relating to the plan architecture.
- (b) the applicant is to lodge and serve any technical, compliance and/or consent evidence in support of the agreed PC8 provisions (including any issues remaining unresolved) by **Friday 11 February 2022** (this

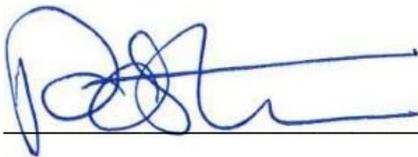
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<sup>1</sup> This was an administrative error on the court's part.

evidence may be called jointly with other parties in support of the mediated agreement);

- (c) the applicant is to lodge and serve its 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**;
- (d) any s274 party in support of the mediated agreement, or opposed to it, is to lodge and serve any evidence by **Friday 25 February 2022**;
- (e) the applicant and any s274 party in support of the mediated agreement is to lodge and serve any evidence in reply, including any updated recommendations by the policy planner, by **Friday 11 March 2022**;
- (f) the applicant is to lodge four (4) copies of the compiled evidence with the Registrar by **Monday 14 March 2022** (to enable this, parties are to provide the applicant with four (4) hard copies of their evidence at the time of service); and
- (g) the hearing will commence as planned on **Monday 21 March 2022** at the Dunedin District Court.

[13] Leave is reserved for any party to apply for further (or other) directions.



**P A Steven**  
**Environment Judge**



Issued: 14 December 2021