

**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 (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

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGE 1
(24 March 2022)**

Introduction

[1] This Minute is issued for the purpose of dealing with the PC1 Chapter 7 (Landfills) scope issue raised by Mr Cocks.

[2] On 24 February 2022 I convened a Judicial telephone conference to discuss the way forward in light of Mr Cocks resiling from the mediated agreement of PC1 Chapter 7 (Landfills).

[3] The following directions were issued:

(a) Mr Cocks is to lodge and serve any memoranda in response to the

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applicant's memorandum¹ dated 11 February 2022 by **Thursday 3 March 2022;**

- (b) any s274 party who wishes to be heard on the scope issue is to lodge and serve their memoranda by **Friday 11 March 2022;** and
- (c) the applicant is to lodge and serve any memoranda in reply by **Friday 18 March 2022.**

[4] I advised that once the directions had been complied with, I would issue a Minute proposing how to deal with the issues and whether they can be dealt with on the papers.

Mr Cocks' memorandum

[5] On 3 March 2022 the court received Mr Cocks' memorandum, which set out:

- (a) his understanding of the purpose and scope of PC1;
- (b) his outline of industry standards;
- (c) his comments on the RPW and PC1, and reasons why he considers PC1 will be impracticable;
- (d) his comments on the s32 report and reasons why he thinks the purpose of PC 1 will not be achieved; and
- (e) his comments on the applicant's memorandum of 11 February 2022.

[6] While I acknowledge and appreciate the detail of Mr Cocks' memorandum, it contains mostly merit arguments for the changes he seeks, rather than addressing the scope issue.

s274 parties' response

[7] I can confirm the court did not receive any memoranda from any s274

¹ See 'Memorandum of counsel on behalf of the Otago Regional Council in relation to scope for the relief sought by John Cocks' dated 11 February 2022.

party.

Applicant's memorandum in reply

[8] On 18 March 2022 the applicant filed a memorandum of counsel advising that the applicant maintains that the relief sought by Mr Cocks is outside the scope of the plan change, and notes that Mr Cocks has not specifically responded to the applicant's memorandum in relation to the matter of scope.

[9] Subsequently, counsel requests that the issue of scope for the relief sought by Mr Cocks is determined by the court on the papers.

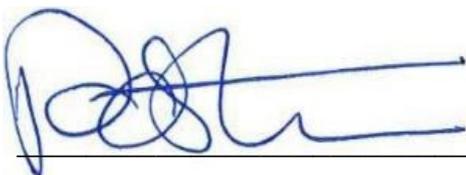
Determination

[10] After considering both the memoranda of Mr Cocks and the applicant, I determine that the scope issue can be dealt with on the papers, meaning that there is no need for a formal hearing on the issue.

[11] However, for the sake of completeness, I will issue directions that any party that opposes the scope issue being dealt with on the papers is to advise the court by **Monday 28 March 2022**.

Directions

[12] Accordingly, I direct that any party who opposes the scope issue being dealt with on the papers is to notify the court, outlining their justification, by **Monday 28 March 2022**.



P A Steven
Environment Judge

Issued: 24 March 2022

