

**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

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGE 8
WILLOWRIDGE DEVELOPMENTS LIMITED – PARTY NOTICE**

(26 January 2021)

[1] This minute is released in response to the application by Willowridge Developments Limited to join the Plan Change 8 (PC8) proceedings.

Background

[2] Willowridge is not a submitter on PC8 but wishes to join the proceedings. Relying on s 274(1)(d) of the Resource Management Act 1991, Willowridge seeks to join on the basis that it has an interest in the proceedings that is greater than the interest of the general public.

[3] However, as the date for giving notice has now passed, Willowridge has also applied for a waiver of time by which notice must be given under s 274.



Hearing

[4] While the Otago Regional Council does not oppose the application, I am not yet satisfied that Willowridge has made out the grounds for an application under s 281 or that it can join the proceedings relying on s 274(1)(d). Given this, the application will be set down for a hearing in Dunedin on **Friday 26 February 2021**.

[5] Short notice is necessary in order for a decision to be released prior to the commencement of the Plan Change 7 hearing.

Service of documents

[6] I will direct Willowridge to serve a copy of its application and other relevant listed documents on parties to PC8 who have given an alternative address for service (i.e not the court website) and to confirm service has been completed. The alternative addresses for service are attached and labelled "A".

[7] Any party opposing the s 281 application or opposing Willowridge's standing to join the proceeding under s 247(1)(d) will be directed to file a memorandum with the court.

[8] Directions will also be made providing an opportunity to file affidavit evidence in support (or opposition).

Counsel to assist the court

[9] It is likely that the court will appoint a Barrister as Special Advisor to the court. If it does, directions will be made that he/she files submissions in advance of the hearing addressing the interpretation of s 274(1)(d) and its application to:

- (a) a plan change called-in by the Minister of the Environment and referred to the Environment Court for decision; and
- (b) a person who is not a submitter on the plan change.

Directions

[10] I direct:

- (a) Willowridge to serve the following documents on the parties requesting alternative service by **Friday 29 January 2020**:



- (i) Willowridge application for waiver under s 281 of the Act dated 7 December 2020;
 - (ii) Willowridge s 274 notice dated 7 December 2020;
 - (iii) Willowridge memorandum dated 9 December 2020;
 - (iv) Minute of the Environment Court – Standing of Non-Submitters dated 11 December 2020;
 - (v) Otago Regional Council’s memorandum dated 16 December 2020;
 - (vi) Willowridge memorandum dated 16 December 2020;
 - (vii) Minute of the Environment Court – Willowridge Developments Limited – Party Notice dated 17 December 2020;
 - (viii) Willowridge memorandum dated 23 December 2020; and
 - (ix) this Minute.
- (b) By **Friday 5 February 2021**, any party opposing the s 281 application or opposing Willowridge’s standing to join the proceeding under s 247(1)(d) is to do so by filing a memorandum with the court.
- (c) By **Friday 12 February 2021**, Willowridge and any party to PC8 may file affidavit evidence in support or opposition.
- (d) If appointed, by **Wednesday 24 February 2021**, Special Counsel will file legal submissions.

[11] Leave is reserved to apply for further directions.

Jane 3



J E Borthwick
Environment Judge

Issued: 26 January 2021

A: Alternative addresses for service

Beef & Lamb New Zealand Limited – lauren.phillips@beeflambnz.com

Clarkson, Elizabeth – lesliedowns@xtra.co.nz

Groundwater, Alistair and Barbara - groundwater@farmside.co.nz

New Zealand Deer Farmers Association – Otago Branch - Lindsay.Fung@deernz.org

Sole, Matthew - solem@xtra.co.nz

Te Rūnanga o Ngāi Tahu - aaron.leith@ngaitahu.iwi.nz

WAI Wanaka – Upper Clutha Lakes Trust - donandgaye@xtra.co.nz

Wallace, Logan - loganwallace@windowslive.com

Waterfall Parks Development Limited - warwickgoldsmith@gmail.com;
morgan@brownandcompany.co.nz