

**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 7 to the Regional Plan: Water for Otago (referred to the Environment Court by the Minister for the Environment under section 142(2)(b) of the Act)

BETWEEN OTAGO REGIONAL COUNCIL

(ENV-2020-CHC-127)

Applicant

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGE 7
ORC Evidence and Hearing Schedule
(16 March 2021)**

Introduction

[1] On Sunday 14 March 2021 the Otago Regional Council filed further evidence in relation to PC 7 from the following witnesses:

- (a) Tom de Pelsemaeker (supplementary evidence);
- (b) Simon Wilson (supplementary evidence);
- (c) Joanna Gilroy; and
- (d) Alexandra King.

[2] Having endeavoured to traverse all parties in short order about the same,



and being mindful of access to justice for all, the court has made the further directions.

Explanation

[3] All parties will be given further time overnight to respond to the Minute: ORC Evidence dated 16 March 2021 and indicate whether they wish to cross-examine any of the Regional Council's witnesses in relation to the further evidence.¹

[4] If any party wishes to cross-examine but is not available or ready by Thursday 18 March 2021, the party is to advise this and further directions will issue.²

[5] For those parties who are ready now, the court will hear the further evidence of ORC, and the cross examination in relation to the same, on Thursday 18 March 2021.

[6] Following the ORC evidence, at the request of Fish & Game and OWRUG, the court will hear from Dr Hayes. I note three hours cross examination is anticipated.

[7] There is insufficient time to also hear from the planning witnesses of the Director-General of Conservation, the Minister for the Environment and Ngā Rūnanga. These parties propose to file evidence on 17th and 18th March. It is possible that parties who did not previously wish to cross-examine the three planning witnesses' parties may now wish to do so. While the planning witnesses may narrow their differences in response to the ORC evidence, until their evidence is filed this cannot be known. I note from the hearing schedule, parties estimate

¹ Dated 14 and 15 March 2021.

² For example, the directions may include recalling the witnesses at a later date.

8.5 hours cross examination in total (without the court's questions).

[8] The better course is to therefore tentatively schedule the three planning witnesses for the week commencing Tuesday 23 March 2021, with OWRUG's case to follow or interspersed with the same. As previously indicated the court wishes to hear from Mr McIndoe prior to the expert conferencing.

Directions:

[9] I will extend the direction given at paragraph [9] in the earlier Minute dated 16 March 2021 to **9.00 am Wednesday 17 March 2021**. Any party wishing to cross examine in relation to the further evidence filed by ORC is to advise the court and indicate if they are not available to do so on Thursday of this week.

[10] As proposed, supplementary planning evidence is to be filed **3 pm** as follows:

- (a) Ngā Rūnanga – Wednesday 17 March 2021;
- (b) Minister for Environment & Director-General of Conservation – Thursday 18 March 2021;
- (c) OWRUG – Friday 19th March 2021;
- (d) Trustpower, Fish & Game and Landpro - Tuesday 23 March 2021;
- (e) All other supplementary evidence (including planning evidence) in response to ORC's further evidence by Friday 26 March 2021.

[11] Any party wishing to cross examine the planning witnesses for OWRUG, Director-General of Conservation, the Minister for the Environment and Ngā Rūnanga in relation to their amended planning evidence who has not given notice

earlier, is to do so by **Monday 22 March 2021** again indicating if they are not available next week. Further directions will follow.

Jane S.



J E Borthwick
Environment Judge

Issued: 16 March 2021