

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2020-CHC-128

Under the Resource Management Act 1991

In the matter of A notice of motion under section 149T(2) to decide proposed
Plan Changes 1 and 8 to the Regional Plan: Water for Otago
and the Regional Plan: Waste for Otago

Memorandum on behalf of Dunedin City Council

30 April 2021

Submitter's solicitors:

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**anderson
lloyd.**

May it please the Court

Transfer of PC1

- 1 We refer to the Environment Court's Minute of 21 April 2021¹ (**the Minute**) where it says that given the discrete nature of the topics in PC1 (dust and landfills) the Court proposes to transfer PC1 to another Judge. Parties are to advise by 30 April 2021 if they have a different view.
- 2 The DCC submitted on both PC1 and PC8, including submissions which mirrored each other in relation to the proposed Smooth Hill landfill.
- 3 On PC1 the DCC submitted:
 - (a) The proposed Smooth Hill landfill be identified and provided for as Regionally Significant Infrastructure by inclusion of a new policy 7.4.12 in Regional Plan: Waste for Otago²;
- 4 On PC8 the DCC submitted:
 - (a) That the proposed Smooth Hill landfill be identified and provided for as Regionally Significant Infrastructure by inclusion of text in policy 10.4.2 of the Regional Plan: Water for Otago, or alternatively by inclusion of a new policy³ (**RSI submission on PC8**)
 - (b) No further submissions were received on this part of the DCC's submission. Otago Fish and Game Council and Central South Island Fish and Game Council (**Fish and Game**) filed a further submission in relation to policy 10.4.2(b), however its further submission seems to be in relation to earthworks.
- 5 The DCC is happy for PC1 to be transferred to another Judge, and respectfully requests that as part of this transfer, the DCC's RSI submission on PC8 is also be transferred across to be dealt with at the same time. The DCC considers because the RSI submission on PC8 raises the same issues as its submission on PC1, it would be more efficient for it to be dealt with alongside DCC's submission on PC1.

¹ At paragraph [2].

² Paragraph 29(b) of DCC submission on PC1 (submission reference no 19).

³ Paragraph 36 of DCC submission on PC8 (submission reference no 18).

- 6 The Minute records that Fish Game is also a party to PC1. Therefore it is submitted that if the RSI submission on PC8 is transferred across, and Fish and Game did indeed further submit on this point, then they will be present at any mediation and would not be prejudiced by the transfer.

DCC's submission on the use of dust suppressants

- 7 The DCC had submitted on the use of waste oil as a dust suppressant. The DCC no longer has any interest in the proposed changes to Chapter 6 of the Regional Plan: Waste for Otago and withdraws its submission on Chapter 6.

Dated this 30th day of April 2021



Michael Garbett/Philippa Walker