

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2020-CHC-128

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Omnibus Plan Change - Plan Change 8 and Plan Change 1, being part of a proposal of national significance directed by the Minister for the Environment to be referred to the Environment Court under section 142(2)(b) of the RMA

AND

IN THE MATTER of an application under section 149T of the RMA

OTAGO REGIONAL COUNCIL

Applicant

**MEMORANDUM OF COUNSEL ON BEHALF OF THE OTAGO REGIONAL
COUNCIL
19 May 2021**

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MAY IT PLEASE THE COURT

- 1 The purpose of this Memorandum is to respond to the direction at paragraph [8(a)] of the Minute of the Environment Court dated 12 May 2021¹ that the Otago Regional Council (**Council**) is to advise on whether there is any overlap between PC8 Policy 10.4.2 and other PC8 provisions and, in particular those for the primary sector.

Overlap of PC8 provisions

- 2 The Council has considered whether the following provisions of PC8 including amended Policy 10.4.2, as listed in the Court's Minute at paragraph [3], would overlap with the balance of the provisions contained in PC8:
- (a) amended Policy 7.C.5 (Part A);
 - (b) amended Policy 7.C.6 (Part A);
 - (c) new Policy 7.C.12 (Part A);
 - (d) new Policy 7.D.10 (Part G);
 - (e) new Rule 14.5.1 (Part G);
 - (f) new Rule 14.5.2 (Part G);
 - (g) new definition "earthworks" (Part G); and
 - (h) amended Policy 10.4.2 (Part H).
- 3 The Council does not consider that there is any other overlap between the provisions listed in paragraph [2] above and the balance of the provisions of Plan Change 8 that relate to the primary sector, including all of the provisions contained within Part B (Animal waste storage and discharge), Part C (Good farming practices), Part D (Intensive grazing), Part E (Stock access to water) and Part F (Sediment traps) and the balance of provisions in Part A (Discharge Policies) being:

¹ Minute of the Environment Court, Plan Changes 1 & Plan Change 8, General Case Management dated 12 May 2021.

- (a) amended Policy 7.D.5; and
- (b) new Policy 7.D.6.

Dated this 19th day of May 2021



P A C Maw / M A Mehlhopt

Counsel for Otago Regional Council