

**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 8: Water for Otago (referred to
the Environment Court by the Minister
for the Environment under s 142(2)(b)
of the Act)
BETWEEN OTAGO REGIONAL COUNCIL
(ENV-2020-CHC-128)
Applicant

**MINUTE OF THE ENVIRONMENT COURT
PRE-HEARING CONFERENCE
(9 July 2021)**

[1] This matter has been set down for a pre-hearing conference on Wednesday 14 July 2021 at 10.00 am.

[2] I am pleased to learn that the parties had settled their differences in relation to the plan change (PC8). The conference will therefore concern how the parties may assist the court in the presentation of the agreed amendments to the plan change.

[3] As it is more efficient for the court to hear in person from parties supporting the plan change, the pre-hearing conference is confirmed.

[4] Subject to what the parties may say, I suggest witnesses may be nominated to support the collective view of parties that PC8 be approved with the



amendments proposed.

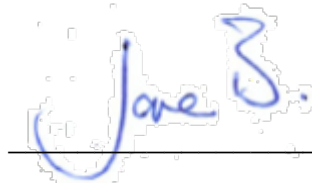
[5] Unlike the court, the parties have had the benefit of participating in extensive mediation. Therefore, limiting evidence to that of ORC's policy planners will not suffice.

[6] The court needs to be brought up to speed with the contextual setting of this plan change and proposes the following hearing structure:

- (a) planning evidence walking the court through PC8's architecture including:
 - (i) PC8's relationship with other planning instruments including (where relevant) –
 - (1) National Environmental Standards for Freshwater (Freshwater NES);
 - (2) Resource Management (Stock Exclusion) Regulations;
 - (3) National Policy Statement for Freshwater 2020; and
 - (4) operative RPS and proposed ORPS.
 – identifying the regulatory 'gaps' PC8 is addressing;
 - (ii) within each of PC8's parts, linkages between individual policies and methods (including with the land use and discharge rules and Schedules 18 and 19); and
 - (iii) the linkages between PC8's different parts and with RWP.
- (b) technical evidence addressing the range of animal wastes to be treated and the infrastructure/processes that are fundamental to an informed understanding of PC8's provisions and how those provisions are intended to be implemented. For example, from the First Joint Witness Statement –
 - (i) the difference between effluent and solid waste and why this is important;
 - (ii) the difference between storage and conveyancing systems;
 - (iii) the shared understanding of sediment traps;

- (iv) the requirements of the different primary sector groups from this plan change (i.e. pork, diary, deer etc).
- (c) farmer expertise on farm settings and systems;
- (d) court site visit (to support informed understanding of farm settings and systems); and
- (e) planning evidence by ORC policy planner and ORC consents and regulatory planner as to outcomes to be achieved under PC8, the proposed amendments and supporting reasons and s 32AA report. This does not preclude primary industry nominated planner(s) and witnesses from other parties giving evidence in support of the agreed settlement.

[7] To be clear, the plan change is to be supported by witnesses in addition to ORC's policy planner. As the court cannot nominate witnesses to address the court the pre-hearing conference is required. Further, some parties may wish to address the court even though an agreement on the matters in dispute has been reached.



J E Borthwick
Environment Judge

Issued: 9 July 2021

