

**BEFORE THE HEARINGS PANEL
APPOINTED BY THE OTAGO REGIONAL COUNCIL**

UNDER THE	Resource Management Act 1991 (the Act)
IN THE MATTER	the Proposed Otago Regional Policy Statement 2021 (Freshwater parts)

**MEMORANDUM OF COUNSEL ON BEHALF OF MANAWA ENERGY
REGARDING INTENT TO RELY ON NON-FRESHWATER PARTS EVIDENCE**

28 JUNE 2023

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MAY IT PLEASE THE PANEL**Introduction**

1. On 22 June 2023, the Panel issued a minute addressing the hearing timetable and other evidential issues. The later matter was recorded as follows:

The Panel has reflected on how efficiency and cost effectiveness for all involved, ORC and submitters and the Hearings Panel, can best be achieved in a situation where the same Panel has already read the same evidence which a submitter may wish to advance in whole or in part. There are obvious savings to be made in time, effort and cost if repetition is kept to a minimum.

2. This was followed by a direction *aimed at achieving an effective, non-repetitive physical re-filing process* that:

(i) It must be for submitters to identify evidence of which witnesses they are relying on in the freshwater hearing process, and in particular which parts or paragraphs of that witness' evidence they wish to have taken into account in the freshwater process. That can be done by Memorandum by 28 June, 2023. That Memorandum will act as the formal re-filing advice and will be uploaded on the ORC website.

...

(iii) If a witness just wishes to add some relevant freshwater parts to their evidence, it should be lodged in a complete amended form, with additions highlighted by shading so that the Panel is reading the additions in context with surrounding evidence.

Intent to rely on non-freshwater evidence

3. In accordance with the Panel's directions, Manawa Energy Limited seeks to rely on the following parts or paragraphs of the evidence of:

(a) Dr Vaughan Keesing (ecology) dated 23 November 2022:

- (i) All of section 8 (paragraphs 8.1- 8.6) regarding managing effects of new development (Policy ECO-P4);
- (ii) All of section 9 (paragraphs 9.1 – 9.43) regarding the effects management hierarchy; and
- (iii) All of section 10 (paragraphs 10.1-10.17) regarding managing the effects of climate change.

- (b) Ms Stephanie Styles (planning) dated 23 November 2023:
 - (i) Paragraphs 6.2-6.9 regarding the interrelationships between chapters; and
 - (ii) Paragraphs 10.1 – 10.8 regarding ecosystems and indigenous biodiversity; and
 - (iii) Paragraphs 10.9 – 10.24 regarding energy, infrastructure and transport.

- 4. Ms Nicola Foran's (company) evidence dated 23 November 2023 has been lodged in a complete unamended form.

- 5. The majority of the expert evidence sought to be relied on relates to the recommendation that LF-FW-P9 be amended so that clause 3.22 of the NPSFM applies, other than when managing the adverse effects of an activity on indigenous biodiversity, when the effects management hierarchy (in relation to indigenous biodiversity) applies instead.

DATED 28 JUNE 2023



Lara Burkhardt
Counsel for Manawa Energy Limited