

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

UNDER The Resource Management Act
1991 (**Act** or **RMA**)

IN THE MATTER of an original submission on the
Proposed Regional Policy
Statement for Otago 2021
(**PORPS**)

BETWEEN **AURORA ENERGY LIMITED**
Submitter 0315
NETWORK WAITAKI LIMITED
Submitter 0320
POWERNET LIMITED
Submitter 0511

AND **OTAGO REGIONAL COUNCIL**
Local Authority

**MEMORANDUM OF COUNSEL REGARDING SCHEDULED OF HEARING
SUBMISSIONS OF AURORA ENERGY LIMITED, NETWORK WAITAKI
LIMITED AND POWERNET LIMITED**



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**MEMORANDUM OF COUNSEL REGARDING SCHEDULED OF HEARING
SUBMISSIONS OF AURORA ENERGY LIMITED, NETWORK WAITAKI
LIMITED AND POWERNET LIMITED**

1. Introduction

- 1.1 This memorandum of counsel is filed on behalf of the following submitters on the PORPS who represent all Electricity Distribution Businesses who operate in Otago (**EDBs**):
- (a) Aurora Energy Limited (Original Submission 0315)
 - (b) Network Waitaki Limited (Original Submission 0320)
 - (c) PowerNet Limited (Original Submission 0511)
- 1.2 In Minute 1, the Hearing Panel directed that each submitter would have a default hearing time allocation based on representation by Counsel and the number of expert witnesses. Leave was reserved for any party to request longer periods of time allocation with succinct grounds set out in an application.
- 1.3 A notice of hearing has issued and provides for the hearing of submissions generally in order of topics over 10 weeks commencing 23 January and ending on 29 May. The hearing will no doubt be extensive and so the request by the hearing panel that submissions be addressed topic by topic is reasonable.
- 1.4 This memorandum is filed on behalf of the EDBs to request a comprehensive time allocation to address the relevant submissions, expert evidence and legal submissions.

2. Grounds for Application

2.1 The EDBs lodged five briefs of expert evidence and Counsel will present legal submissions in support of the EDBs submissions. The submissions traverse 8 out of 10 hearing weeks and so there is an immediate risk of inefficiency and it is inevitable that common themes will be raised across each attendance. Those themes can be condensed into the following:

(a) The recognition of Significant Electricity Distribution Infrastructure (**SEDI**) as Regionally Significant Infrastructure (**RSI**).

(b) A desire for adverse effects of and on electricity distribution network activities to be addressed by a comprehensive electricity/energy chapter in the PORPS, with carve outs across various chapters directing readers to particular effect management policies.

(c) Policy recognition for the functional needs and operational needs of electricity distribution network activities.

2.2 The EDBs wish to advance a case management approach that appropriately reflects the above themes which is aimed to ensure that like issues are addressed together. Counsel proposes addressing the EDBs submission in two tranches, recorded at **Appendix 1**.

3. Tranche 1 – Introduction, Part 1 and Part 2

3.1 Tranche 1 has been designed to address introductory material and can be accommodated early on in the hearing and ideally during the week of 7 February to accommodate availability constraints and to allow an opportunity for other submissions on Part 1 and Part 2 to be heard.

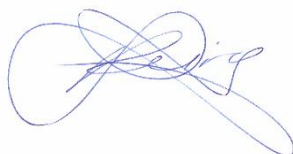
4. Tranche 2 – Primary Relief Sought

4.1 Tranche 2 contains the EDBs primary relief (noted at 2.1(b)-2.1(c)). It seeks to address a number of chapters in one tranche on the basis that

most of those chapters address the crux of the EDB submission which is containing a single policy in the PORPS addressing the management of effects of EDBs.

- 4.2 Although the submission points noted at 2.1(c) could theoretically be split into a separate tranche, the relief sought in that respect is reasonably narrow and logically follows a discussion on the former matters.
- 4.3 Counsel has perused the evidence lodged on behalf of the Renewable Electricity Generators (Manawa Energy, Contact Energy and Meridian Energy) (**REGs**) and had been in discussion with those parties prior to evidence being lodged to advance an Energy Sector Chapter.
- 4.4 Rebuttal evidence will be lodged on behalf of the EDBs which responds to that evidence and sets out how the relief set out in the evidence of Ms Justice would complement that of the REGs. The cases between the REGs and EDBs are therefore complimentary and considered to be well-suited to being heard together. Counsel therefore seeks that the EDBs Tranche 2 appearance follow the REGs so that the case for an Energy Chapter can be appropriately advanced.
- 4.5 With the primary relief sought in Tranche 2 stemming from the EIT Chapter it is considered that this part of the submission is best addressed on or around the week of 13 March. Counsel notes that it has an existing Environment Court fixture (together with Oceana Gold) from 15-17 March and request that relief be addressed on either 13-14 March.

Dated 9 December 2022



S R Peirce

Counsel for Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited

Appendix 1

Tranche 1	
Chapter	Definitions / Interpretation SRMR – Significant Resource Management Issues for the Region IM – Integrated Management
Attendees	Mr Simon Peirce (Counsel) Ms Megan Justice (Planner) Ms Joanne Dowd (Aurora) Mr David Paterson (Aurora, Engineering)
Time required	1 hour, 30 minutes.
Availability	The EDBs are agreeable to any date in the week of 7 February. Ms Justice is not available on: <ol style="list-style-type: none"> 1. Friday 27 January 2023 2. Monday 30 January 2023

Tranche 2	
Chapter	EIT – Energy Infrastructure and Transport UFD - Urban form and development HCV - Historic and Cultural Values CE – Coastal Environment ECO – Ecosystems and indigenous biodiversity HAZ – Natural Hazards LF – Land and Freshwater NFL – Natural Features and Landscapes
Attendees	Mr Simon Peirce (Counsel) Ms Megan Justice (Planner) Ms Joanne Dowd (Aurora) Mr David Paterson (Aurora, Engineering) Mr Shane Watson (Network Waitaki) Mr Mark Zwies (PowerNet)
Time required	4 hours.
Availability	The EDBs preference is that this tranche be addressed in the week of 13 March and ideally following the submissions of the Renewable Energy Generators (Meridian, Contact Energy, Manawa). Counsel and Aurora’s representatives are not available on 15 to 17 March due to an existing Environment Court fixture.