

Before the RPS Hearing Panel

In the matter of            Submissions on the Proposed Otago Regional Policy  
Statement 2021 (excluding parts determined to be a freshwater  
planning instrument)

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**Memorandum of Counsel on behalf of Wayfare Group Ltd (#0411), Trojan  
Holdings Limited (#0206) and Otago Fish and Game Council (#0321)**

9 December 2022

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**Solicitors:**

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**anderson  
lloyd.**

## May it please the Panel

- 1 This Memorandum of Counsel is filed on behalf of Wayfare Group Ltd (**Wayfare**) (#0411), Trojan Holdings Limited (**Trojan**) (#0206) and Otago Fish and Game Council (**Otago Fish and Game**) (#0321) (collectively, the **Submitters**) in response to Minute 1 of the Hearing Commissioners dated 3 October 2022 (**Minute**) and the Notice of Hearing dated 30 November 2022 (**Notice**).
- 2 In accordance with the Notice, the hearing is potentially scheduled to be heard as follows:
  - (a) 23 January to 26 January 2023 - Preliminary Matters; Council Opening; Kai Tahu opening, Part 2 (RMIA & MW;) Part 1, Part 2 (SRMR)
  - (b) 7 February to 10 February 2023 - Part 2 (SRMR); Integrated Management; Part 4; Air
  - (c) 13 February to 17 February 2023 - Urban Form & Development; Historical & Cultural Values
  - (d) 27 February to 3 March 2023 - Coastal Environment
  - (e) 13 March to 17 March 2023 - Energy, Infrastructure & Transport
  - (f) 3 April to 5 April 2023 - Ecosystems & Indigenous biodiversity
  - (g) 17 April to 21 April 2023 - Hazards & Risks; Ecosystems & Indigenous biodiversity ctd
  - (h) 26 April to 28 April - Land & Freshwater
  - (i) 1 May to 5 May 2023 - Natural Features & Landscapes; Land & Freshwater
  - (j) 8 May to 9 May 2023 - Land & freshwater
  - (k) 29 May 2023 - Council Closing & Hearing adjourned
- 3 Of the above, the Submitters have an interest in, and wish to be heard in relation to, the following topics:
  - (a) Integrated Management;
  - (b) Urban Form and Development;
  - (c) Energy, Infrastructure & Transport;

- (d) Ecosystems and Indigenous Biodiversity;
  - (e) Land & Freshwater;
  - (f) Natural Features and Landscapes; and
  - (g) Appendices 1, 6 and 9.
- 4 The Submitters' planning expert, Mr Ben Farrell, is unavailable between 26 April to 9 May 2023 as he and his whanau are undertaking cultural harvesting of tītī on the Titi Islands during this period.
- 5 Counsel for the Submitters also have an Environment Court fixture in the week of 7 February so are unable to attend then.
- 6 Further, the Submitters do not consider it is sustainable or efficient to travel to and from Dunedin on multiple dates to be heard in respect of different submission points allocated to different topics, when their evidence addresses these topics on a wholistic and integrated basis.
- 7 Considering the topics set down for the remaining dates the Submitters respectfully seek that they be allowed to be heard in one sitting in respect of all of their submission points as follows:
- (a) Wayfare and Trojan seek to be heard in the week of 13 February to 17 February 2023 - Urban Form & Development; Historical & Cultural Values or the week of 13 March to 17 March 2023 - Energy, Infrastructure & Transport; and
  - (b) Otago Fish and Game seek to be heard in either the week of 3 April to 5 April 2023 or 17 April to 21 April 2023 - Ecosystems & Indigenous biodiversity.
- 8 In addition to Mr Farrell, the Submitters will be calling the following experts:
- (a) Jayde Couper – Otago Fish and Game;
  - (b) Nigel Paragreen – Otago Fish and Game;
  - (c) Paul Anderson – Wayfare and Trojan; and
  - (d) Paul Norris – Wayfare.
- 9 The Submitters respectfully seek each of their experts, with the exception of Paul Anderson, be allocated 30 minutes (rather than the standard 15 minutes) to present their evidence on the following grounds:

- (a) The Submitters' witnesses will be addressing submission points from multiple topics; and
- (b) The witnesses' evidence is comprehensive.

**Directions sought**

10 The Submitters respectfully seek the following directions:

- (a) The Submitters are to appear in support of all of their submission points on one date as sought above; and
- (b) The Submitters will be allocated an additional 15 minutes per witness to present their submissions (with the exception of Paul Anderson).

Dated this 9<sup>th</sup> day of December 2022

*Maree Baker-Galloway*

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Maree Baker-Galloway/Rosie Hill  
Counsel for Wayfare Group Ltd (#0411), Trojan Holdings Limited (#0206) and  
Otago Fish and Game Council (#0321)