

**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 ON BEHALF OF AURORA ENERGY
LIMITED, NETWORK WAITAKI LIMITED AND POWERNET LIMITED**

DATED 24 APRIL 2023



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MAY IT PLEASE THE HEARING PANEL:

1. This memorandum of counsel is lodged on behalf of on behalf of the three primary electricity distribution businesses (**EDBs**) that operate in Otago:
 - (a) Aurora Energy Limited (**Aurora Energy**).
 - (b) Network Waitaki Limited (**Network Waitaki**).
 - (c) PowerNet Limited (**PowerNet**).
2. The EDBs have presented their case before the hearing panel on all submission points at two appearances on 8 February and 14 March. Through the course of preparing for those appearances it became clear that the Environment Court would soon issue a decision on matters concerning the operation, maintenance and upgrading of Regional Significant Infrastructure (**RSI**) in the context of the Queenstown Lakes District Council Proposed District Plan (Stage 1) (**PDP**) review. Specifically, those provisions addressed how the PDP would provide a consenting pathway and appropriate effects management hierarchy for RSI to locate in sensitive environments such as Outstanding Natural Landscapes and Features, areas of historic heritage, amenity landscapes and Wāhi Tūpuna.
3. For that reason, Counsel signalled in its submissions dated 14 March 2023 (at [36]) that it would seek leave from the hearing panel to firstly:
 - (a) Provide a copy of that decision; and
 - (b) File supplementary submissions on the relevance of the Court's decision to the relief sought by the EDBs and the drafting of the EIT-INF and EIT-EN Chapters.
 - (c) For other interested parties (including ORC) to provide a response.
4. The Environment Court issued its decision on 20 April 2023 and is **enclosed**. This memorandum therefore seeks a timetable for

supplementary submissions as detailed above. The proposed timetable provides for all submissions and replies to be lodged by the conclusion of the hearing in the week 29 May as Counsel expects that any submissions will be brief and limited to the way in which the Court has framed the effects management hierarchy and the overlap with submissions on PORPS. It has been couched to enable Appellants and s 274 Parties who were directly involved in the RSI provisions on the PDP to lodge submissions first, then any interested party on PORPS, and for any response by ORC.

5. Counsel therefore seeks leave as follows:
 - (a) Any supplementary submissions from parties involved in the PDP RSI Decision be lodged by **Friday 5 May**;
 - (b) Any supplementary submissions by interested submitters on PORPS be lodged by **Friday 19 May**;
 - (c) Any response by ORC be lodged by **Friday 2 June**.

Dated 24 April 2023



Simon Peirce
Counsel for Aurora Energy, Network Waitaki and PowerNet