

Before the Freshwater Hearings Panel convened by the Chief Freshwater Commissioner

In the matter of                    the Proposed Otago Regional Policy Statement 2021

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**Memorandum of Counsel on behalf of Maryhill Limited (#0118), Mt Cardrona Station Village Limited (#0114), Universal Developments Hawea Limited (#0209), LAC Properties Trustees Limited (#0211), Lane, Hocking (#0210) and Darby Asset Management LP and others (#FS00607)**

13 July 2022

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## May it please the Panel

- 1 This memorandum of counsel is filed on behalf of Maryhill Limited (#0118), Mt Cardrona Station Village Limited (#0114), Universal Developments Hawea Limited (#0209), LAC Properties Trustees Limited (#0211), Lane, Hocking (#0210) and Darby Asset Management LP and others (#FS00607) (**Submitters**) in response to Otago Regional Council's (**Respondent**) memorandum of counsel dated 8 July 2022 (**Memorandum**).
- 2 The Submitters strongly support the Respondent's request to amend the hearings timetable as set out at para [6] of the Memorandum and wish to add the following observations:
  - (a) The existing timetable was set in response to the Panel's consideration of various memoranda and, in particular, a memorandum for the Respondent attaching a Minute of Justice Nation stating that the High Court's decision on the status of the proposed Otago Regional Policy Statement (**pORPS**) was unlikely to be available before the end of June 2022.
  - (b) The end of June date has now passed and the parties are no closer to knowing the outcome of the High Court proceedings, or even an approximate timeframe of the same.
  - (c) If the parties proceed with preparing evidence in accordance with the current timetable, and the High Court subsequently determines the pORPS is not a freshwater instrument, the parties will have incurred considerable and unnecessary costs in preparing for the hearing.
  - (d) The Parties have been engaging in meaningful negotiations to try and narrow the matters in dispute and reduce potential hearing time in accordance with para [15] of the third minute of the Panel dated 14 April 2022. An extension would be useful to finalise these matters and realise the full benefit of engaging in that process before evidence is exchanged.

## Directions sought

- 3 The Submitters respectfully request that the hearings timetable be amended in accordance with the directions sought at para [6] of the Memorandum.

Dated this 13<sup>th</sup> day of July 2022



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Maree Baker-Galloway/Rosie Hill  
Counsel for the Submitters