

Before the Independent Hearing Panel
Appointed by the Central Otago District Council

Under the Resource Management Act 1991

In the matter of Private Plan Change 14 to the Central Otago District Plan

Memorandum of Counsel on behalf of NZ Cherry Corp

29 May 2020

Applicant's solicitors:

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**anderson
lloyd.**

May it please the Commissioners:

- 1 This memorandum is filed on behalf of NZ Cherry Corp (Leyser) LP Ltd (the **Proponent**) following adjournment of the hearing, and relates to outstanding matters which it suggests be addressed prior to close of the hearing.
- 2 Having engaged with various parties regarding timeframes and availability of participants involved in the various work streams, some extension to the timeframes originally proposed is set out below.

Expert conferencing – traffic

- 3 It is proposed that experts engaged by the Proponent (Mr Carr), Council (Mr Facey) and NZTA (Mr Gattenby) be directed to undertake expert conferencing and prepare a joint witness statement to address the following matters:
 - (a) A Safe Systems Assessment of the following:
 - (i) Intersection of State Highway 6 and Ripponvale Road (east);
 - (ii) Intersection of State Highway 6 and Ripponvale Road (west);
 - (iii) Pedestrian and cycle movements over the State Highway to access Ripponvale Road (east);
 - (b) As a result of the Safe Systems Assessments, identification of mitigations that could be applied, and the actual mitigation recommended (if any); and
 - (c) Recommendations for the timing of the mitigation, and the content of any rules to be included in the District Plan to secure the mitigation.
- 4 Mr Carr and Mr Gattenby are available to undertake the conferencing on Tuesday 2 June, commencing at 10am, subject to confirmation of Mr Facey's availability. It is proposed that the conferencing occur via Zoom, and suggested that no facilitator is required.
- 5 The Proponent suggests that the traffic witnesses be directed to file a joint witness statement by **Friday 5 June**.

Questions regarding availability of water

- 6 The supplementary evidence of Mr James Dicey, dated 28 May 2020 raises a number of issues on which he considers further information is required.

- 7 The proponent intends to provide information to address the majority of matters raised in paragraphs 1.5 and 1.6 of the supplementary evidence. The Proponent is a shareholder of Ripponvale Irrigation Company Limited, has knowledge of the matters raised in paragraph 1.7, and will also address these in the response. The Proponent does not consider it appropriate to introduce evidence from other consent holders in the area as to whether they might transfer water that is already allocated to them to the PC14 land, and accordingly does not consider that the additional evidence suggested at paragraph 1.8 should be sought.
- 8 It is proposed that the Proponent's response be provided to Council by **Friday 5 June**, for circulation to submitters.

Submitter responses on revised provisions

- 9 Residents for Responsible Development Cromwell (**R4RDC**) sought that a short period of time be set aside for the Proponent to engage with R4RDC in respect of a revised version of PC14 that might address R4RDC's concerns.
- 10 Following discussion with counsel for R4RDC it is proposed that:
- (a) The revised set of provisions provided at the hearing be circulated to submitters with a summary of key changes (currently being prepared) on **Tuesday 3 June**.
 - (b) Any submitter that wishes to provide comment on the provisions should direct those comments to the Proponent by **Tuesday 9 June**.
 - (c) It is understood that R4RDC would like to meet with the Proponent to discuss changes they seek, which could occur within the same period.
- 11 Following that process, the Proponent will make any further changes to the provisions sought and provide a final version with its written reply.

Resumed hearing

- 12 I understand that the Commissioners have questions of Mr Gibson when he becomes available. I suggest that it would be efficient to schedule a resumed hearing to enable presentation of Mr Gibson's evidence, and to address any questions arising in relation to the traffic joint witness statement or further information regarding availability of water.

- 13 In light of the timeframes proposed above, it is now suggested that the hearing could resume in the **week of 8 June 2020**, subject to the availability of the Commissioners and witnesses.

Dated this 29th day of May 2020

A handwritten signature in black ink, appearing to read 'SEveleigh', with a stylized flourish at the end.

Sarah Eveleigh
Counsel for NZ Cherry Corp (Leyser) LP Ltd