

**BEFORE THE HEARINGS PANEL  
FOR THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of Plan Change 5 to the  
Canterbury Land and Water  
Regional Plan

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**MEMORANDUM OF COUNSEL ON BEHALF OF NGĀ RŪNANGA (TE RŪNANGA O  
KAIKŌURA, TE NGĀI TŪĀHURIRI RŪNANGA, TE HAPŪ O NGĀTI WHEKE, TE RŪNANGA O  
KOUKOURĀRATA, ŌNUKU RŪNANGA, WAIREWA RŪNANGA, TE TAUMUTU RŪNANGA,  
TE RŪNANGA O AROWHENUA, TE RŪNANGA O WAIHAO AND TE RŪNANGA O  
MOERAKI), NGĀI TAHU FARMING LIMITED, AND TE RŪNANGA O NGĀI TAHU**

**5 October 2016**

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 **Simpson Grierson**  
Barristers & Solicitors

Simpson Grierson  
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## MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Ngā Rūnanga (Te Rūnanga o Kaikōura, Te Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga, Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki), Ngāi Tahu Farming Limited, and Te Rūnanga o Ngāi Tahu in relation to Plan Change 5 to the Canterbury Land and Water Regional Plan.
2. Further to our memorandum of 30 September 2016, we are advised that Ngā Rūnanga's proposed first witness, Tā Mark Solomon, has at short notice encountered some unforeseen family matters which will impact on his ability to attend the hearing at Waihao Marae.
3. The unavailability of Tā Mark to present his evidence is sincerely regretted, but is unavoidable in this instance. We therefore respectfully seek leave from the Hearings Panel for Tā Mark to be excused from attendance, and ask that his evidence be tabled and received by the Panel.
4. Given the nature of that evidence, we respectfully submit that this is unlikely to prejudice the ability of the Panel (or any other participant in the PC5 process), to understand the relief sought by Ngā Rūnanga and the evidential basis for that relief.
5. Should the Panel be minded to grant this request, we suggest that any question that the Panel might have been intending to ask Tā Mark could be conveyed to him, and answers provided in writing at relatively short notice (e.g. within 5 working days after the conclusion of the hearing at the Waihao Marae).

**DATED** this 5<sup>th</sup> day of October 2016



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J G A Winchester / S J Scott  
Counsel for Ngā Rūnanga (Te Rūnanga o Kaikōura,  
Te Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke,  
Te Rūnanga o Koukourārata, Ōnuku Rūnanga,  
Wairewa Rūnanga, Te Taumutu Rūnanga, Te  
Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te  
Rūnanga o Moeraki), Ngāi Tahu Farming Limited and  
Te Rūnanga o Ngāi Tahu