

**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

**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**

23 September 2016

 **Simpson Grierson**
Barristers & Solicitors

Simpson Grierson
J G A Winchester / S J Scott
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

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. It responds to the Panel's Minute 2 dated 25 July 2016, which sought clarification of the position of Ngā Rūnanga with regard to an application for protection of sensitive information pursuant to section 42(1)(a) of the Resource Management Act 1991 (**RMA**), which accompanied the evidence in chief for Ngā Rūnanga.
3. We apologise that we have not been able to respond to the Panel's Minute sooner, which has been the result of a number of factors, including the absence of Ngā Rūnanga's relevant witnesses overseas.
4. While a similar protection order has previously been made relating to this evidence by a differently constituted Canterbury Regional Council Hearings Panel, we are instructed that Ngā Rūnanga has considered the points made in the Panel's Minute and no longer wishes to present the evidence that would have been included in Appendices A – D of the evidence of David Higgins.
5. Accordingly, it will no longer be necessary for the application for protection of sensitive information under section 42 of the RMA to be pursued or determined.

DATED this 23rd day of September 2016



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