

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of a proposed plan change
under Schedule 1 to the
Resource Management Act
1991

AND

IN THE MATTER of submissions by **TE
NGĀI TŪĀHURIRI
RŪNANGA** and **TE
RŪNANGA O
AROWHENUA AND TE
RŪNANGA O NGĀI TAHU**
and **TE RŪNANGA O
NGĀI TAHU, TE
RŪNANGA O KAIKŌURA,
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 (collectively
NGĀ RŪNANGA) on
**PROPOSED PLAN
CHANGE 7 ON THE
CANTERBURY LAND
AND WATER REGIONAL
PLAN****

**MEMORANDUM OF COUNSEL FOR TE NGĀI TŪĀHURIRI RŪNANGA, TE RŪNANGA O
AROWHENUA AND TE RŪNANGA O NGĀI TAHU AND NGĀ RŪNANGA SEEKING
EXTENSION FOR FILING STATEMENTS OF EVIDENCE**

16 JULY 2020

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MAY IT PLEASE THE HEARINGS PANEL

1. This memorandum is filed on behalf of Te Ngāi Tūāhuriri Rūnanga; Te Rūnanga O Arowhenua and Te Rūnanga O Ngāi Tahu; and Te Rūnanga O Ngāi Tahu, Te Rūnanga O Kaikōura, 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 (collectively referred to as **Ngā Rūnanga**).
2. As per the Minute and Directions of the Hearing Commissioners on preparation for hearing of submissions (dated 8 June 2020) (**Minute 6**), submitter's statements of evidence-in-chief are to be lodged on Friday 17 July 2020.
3. For the reasons set out below, Ngā Rūnanga respectfully seeks a direction from the Hearings Panel that the current deadline for lodging its evidence be extended until Wednesday 22 July 2020 for all but one of the statements on behalf of Ngā Rūnanga, being that of Mr Mark Gyopari.
4. Ngā Rūnanga also respectfully seeks a direction from the Hearings Panel that the deadline in respect of Mr Mark Gyopari's statement be extended to Wednesday 29 July 2020. This would have the consequence of requiring an eight-day extension to the deadline for lodging statements of rebuttal evidence, and directions to that effect.

Providing supplementary evidence

5. It is usual that submitters respond to matters and evidence discussed in the Section 42A Report. However, the authors of the Section 42A Report indicated that Nga Rūnanga should provide evidence on the matter of Te Mana o Te Wai, which was otherwise the Council's obligation to provide. No substantive evidence on this matter was provided in the section 42A report and the Council effectively sought to delegate this obligation to a submitter.
6. For example, the Section 42A Report states:

2.9 We are hopeful that Ngā Rūnanga will take the opportunity to expand on what Te Mana o te Wai means for tangata whenua. To provide some context, we have considered the relevant iwi management plans, as well as some recent evidence given in the Environment Court by Ngāi Tahu.

[...]

2.17 As stated earlier, we would very much appreciate further clarification of what Te Mana o te Wai means to Ngā Rūnanga and how it should be considered and recognised in the decision-making process.

7. It is submitted that the responsibility to explain and clarify Te Mana o Te Wai, the matter of national significance in the National Policy Statement for Freshwater Management (**NPSFM**), was the responsibility of the Section 42A authors. This evidentiary burden was an additional responsibility placed on Ngā Rūnanga that no other submitters should have been required to address.
8. In light of the fact that the application and meaning of Te Mana o Te Wai is specific to each Rūnanga, their history and their values, providing the analysis and details that are required has been a very significant exercise for Ngā Rūnanga witnesses.
9. The additional responsibility regarding Te Mana o Te Wai was compounded with the fact that Ngā Rūnanga staff and kaumatua, for a significant time, were preoccupied with high-priority tasks resulting from Covid-19. During Alert Levels 4 and 3 in particular, kaumatua were significantly diverted to ensure there was on-the-ground support in their rohe.¹ For Ngā Rūnanga and its expert witnesses, there have been continued disruptions and changes to working environments, difficulties in communication, as well as a re-prioritisation of work tasks.
10. Together, these factors have meant that the witnesses' abilities to satisfactorily complete their statements in a manner that would assist the Panel has been compromised. At this stage, the witnesses have not been able to discuss and progress their statements to the extent anticipated.
11. In order to ensure that Ngā Rūnanga has adequate time to address the identified issues to adequately respond to the requests of the Section 42A Report authors, and to ensure that the statements include a sufficient level of detail and analysis to assist the Panel and other parties, it is respectfully submitted that an extension for

1 The Te Rūnanga O Ngāi Tahu Emergency Operations Centre was classified an essential service allowing Papatipu Runanga to deliver critical support.

filing of evidence is appropriate. The specific directions Ngā Rūnanga are seeking from the Panel are as follows:

- (a) The statement of evidence of Mr Mark Gyopari on behalf of Ngā Rūnanga is to be filed by Wednesday 29 July 2020; and
- (b) The remainder of statements of evidence on behalf of Ngā Rūnanga are to be filed by Wednesday 22 July 2020.

12. It is also submitted that, given that hearing dates have not yet been confirmed for this matter, the extension sought will not prejudice any party, not cause significant disruption.

DATED at Wellington this 16th day of July 2020



J G A Winchester / S K Lennon
Counsel for Ngā Rūnanga