

Canterbury Regional Council (Environment Canterbury)

**Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan and Proposed
Plan Change 2 to the Waimakariri River Regional Plan**

**MINUTE AND DIRECTIONS OF THE HEARING COMMISSIONERS
on late despatch of submission**

[Minute 13]

- [1] On 2 December 2020, Waimakariri Irrigation Limited (WIL) lodged a memorandum on a question that had arisen about application of the NPSFM-20.
- [2] Supposing that certain submitters might wish to consider responding, as a point of courtesy the hearing commissioners had the hearing manager draw their attention to it. Nga Runanga were among them.
- [3] On 21 December 2020, Nga Runanga's lawyers Simpson Grierson politely enquired for a final date for the hearings panel to receive a memorandum in response.
- [4] Out of courtesy the commissioners set a limit that gave as much time as possible, bearing in mind the programme established for preparation of the Reply Report. So at the commissioners' request, the hearings manager responded with similar politeness that because of the committed schedule for preparation of the Reply Report, leave to lodge a reply was conditional on being received by ECan Plan Hearings by no later than 4:00pm on 15 January, time being critical.
- [5] On 15 January 2021 Simpson Grierson sent an email to the Plan Hearings manager attaching a memorandum in response and saying they were doing so "In accordance with the Panel's directions ..."
- [6] That email was sent at 4:14 pm on that day. So although the email starts "In accordance with the Panel's directions ...", it was not in accordance with the directions: it was sent after the time limit had passed, and could not reach the addressee by the critical time limit.
- [7] Nga Runanga and/or Simpson Grierson chose not to lodge the memorandum in time. They did not give any explanation for doing that. They did not acknowledge their non-conformity with the time limit, nor did they ask for it to be waived.
- [8] Absent any explanation, it is not clear to the hearing commissioners what they are intended to take from the way in which Nga Runanga and/or Simpson Grierson managed the sending of their memorandum.

[9] As Mr Winchester was the lead counsel for Nga Runanga at our hearing, the commissioners courteously allow him the opportunity as counsel, to clarify if he wishes to do so.

For the hearing commissioners:

A handwritten signature in black ink, appearing to read 'D Sheppard', written in a cursive style.

David F Sheppard

Chair

18 January 2021