

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of 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 NGĀ RŪNANGA REGARDING MEMORANDUM
FILED ON 15 JANUARY 2020**

19 JANUARY 2021



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MAY IT PLEASE THE HEARINGS PANEL

1. This memorandum responds to the 13th Minute of the Panel (**minute**) dated 18 January 2021, which relates to the late filing of a memorandum on behalf of Ngā Rūnanga.
2. At the outset, counsel acknowledge and accept the process and timeline described in the Panel's minute. In particular, it is entirely accepted that the Panel generously set the deadline for filing of a memorandum on behalf of Ngā Rūnanga by 4pm on 15 January 2021, and that the memorandum was filed both out of time and without leave having been sought by counsel.
3. Counsel apologises for both the late filing and the oversight of not seeking leave and/or explaining why the filing of the memorandum was delayed. We are grateful for the Panel providing an opportunity, as outlined at [9] of the minute, for counsel to clarify the position.
4. Out of courtesy to the Panel, we now explain the reasons for the late filing. A draft of the memorandum had been sent to our client contacts for review and final instructions on the morning of 15 January 2021. Regrettably, and unknown to counsel, the relevant officer at Te Rūnanga o Ngāi Tahu was out of the office on annual leave and therefore unavailable. As we were concerned not to file a memorandum on an issue of considerable importance to Ngā Rūnanga without final instructions, we were required to urgently identify other officers who were authorised to give instructions before filing the memorandum.
5. We ultimately received instructions on the cusp of 4pm on 15 January 2021 and, anxious to put the memorandum before the Panel and avoid additional delay, omitted to concurrently explain or seek leave for the late filing.
6. That is regrettable and should not have happened. We accept that the Panel's directions were clear as to the deadline and that time was of the essence for the filing of any memorandum on behalf of Ngā Rūnanga. We accept that the Panel's ability to deliberate and prepare its report may have been prejudiced as a consequence. We respectfully submit, however, that no other party would have been prejudiced by the late filing although accept that it is important for the integrity of the process that all participants abide by the procedure set by the Panel and are not seen to receive indulgences or be granted exceptions without appropriate justification.

7. In light of the circumstances set out above, we respectfully seek a waiver of the Panel's previous direction, to allow for both late filing and the Panel's consideration of the memorandum on behalf of Ngā Rūnanga as part of its deliberations.
8. Counsel would be available for a telephone or video conference with the Panel if that is considered helpful or necessary.

DATED at Wellington this 19th day of January 2021



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