

BEFORE THE HEARINGS PANEL

IN THE MATTER

of the Proposed Otago Regional Policy Statement 2021

MEMORANDUM ON BEHALF OF KĀI TAHU
8 December 2022

Solicitor acting:

Jessica Riddell
Te Rūnanga o Ngāi Tahu
Telephone: 021 226 9328
Email: Jessica.Riddell@ngaitahu.iwi.nz
15 Show Place
PO Box 13 046
Christchurch 8042

Counsel acting:

Aidan Cameron
Bankside Chambers
Telephone: 09 307 9955
Email: aidan@bankside.co.nz
Level 22, 88 Shortland Street,
Auckland 1010

Introduction

1. This memorandum is on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga (**Kāi Tahu ki Otago**),¹ Waihōpai Rūnaka, Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua (**Ngāi Tahu ki Murihiku**),² and Te Rūnanga o Ngāi Tahu³ (collectively the three submitters are referred to as **Kāi Tahu**).
2. This memorandum addresses matters raised in the Hearings Panel's Notice of Hearing, dated 30 November 2022, regarding hearing time and translation services.

Hearing Time

3. Kāi Tahu have given careful thought about how best to effectively and efficiently present to the Hearings Panel as a group of three submitters. Pursuant to para [20] of the Notice of Hearing, Kai Tahu seek the following additional hearing time for the reasons stated:
 - (a) **Mana Whenua / Resource Management Issues of Importance to the Iwi Authority – 4-5 hours:** As sought in our memorandum dated 28 November 2022 and approved by the Hearing Panel in its correspondence 30 November, the Kāi Tahu parties intend to present a joint case with a korowai (cloak) of cultural evidence at the MW / RMIA hearing. This will address the overarching issues comprehensively, which can then be referred back to at later hearings so that future attendances are as efficient as possible. The 4-5 hours is likely to be necessary to present legal submissions, a summary of the five written cultural briefs of evidence, additional cultural evidence provided orally only, a summary of the three relevant planning briefs of evidence, and any questions from the Panel.
 - (b) **Coastal Environment – 3 hours:** As set out in its submissions and evidence, Kāi Tahu consider the input into the development of the CE chapter fell short of the requirement in New Zealand Coastal Policy Statement Policy 2 for early, meaningful and effective consultation. As a result, Kāi Tahu have significant concerns with the CE chapter and wish to have enough time to speak to these issues. It is likely that a number of the cultural experts will present at this hearing, alongside planning experts and legal submissions.
 - (c) **Energy, Infrastructure and Transport – 1.5 hours:** This topic generated much discussion at the prehearing meetings, particularly in relation to legal issues and the

¹ Submitter 00226.

² Submitter 00223.

³ Submitter 00234.

application of higher order planning documents. In anticipation of those issues being debated again, Kāi Tahu request enough time for those matters to be comprehensively addressed.

- (d) **Land and Freshwater – 2 hours:** This chapter is particularly important to Kāi Tahu given their relationships with the wai and the whenua. The PORPS has been intentionally drafted to have a close link between the MW and LF chapters. It is critical that the LF chapter appropriately provides for the relationship of mana whenua to te taiao (natural environment) and how the principles of Te Mana o te Wai in the National Policy Statement for Freshwater Management should be interpreted and embedded in management of issues relating to freshwater. Kāi Tahu need sufficient time to articulate these issues.
- (e) **Historical and Cultural Values – 30 minutes:** In case Kāi Tahu decide not to present legal submissions, 30 minutes is sought to cover the planning and cultural matters, rather than 15 minutes for one witness. Given the mana whenua cultural values are those of Kāi Tahu, it is appropriate for Kāi Tahu to have sufficient time to speak to such matters and answer any questions the Panel may have.

Translation Services

- 4. In our memorandum dated 28 November, we indicated Kāi Tahu cultural witnesses may present their evidence orally in te reo Māori. In speaking with these experts, they have all confirmed they are comfortable to translate for themselves when any reo Māori is spoken as part of their presentation. Should the panel be amenable to this approach, separate translation services will not be necessary for the Kāi Tahu parties.

Directions / Leave Sought

- 5. Kāi Tahu respectfully seek:
 - (a) Additional time for Kāi Tahu to present at the MW / RMIA, CE, EIT, LF and HCV hearings as set out in paragraph 3; and
 - (b) That Kāi Tahu cultural experts translate themselves when any reo Māori is spoken as part of their presentation.



Aidan Cameron / Jessica Riddell
Counsel for Kāi Tahu