

**BEFORE INDEPENDENT HEARING COMMISSIONERS
AT DUNEDIN**

**MAI I KĀ KAIKŌMIHANA MOTUHAKE
KI ŌTEPOTI**

UNDER

the Resource Management Act
1991 (“**RMA**”)

AND

IN THE MATTER OF

the Proposed Otago Regional
Policy Statement 2021 (freshwater
parts) (“**PORPS**”)

**MEMORANDUM OF COUNSEL ON BEHALF OF KĀI TAHU IN RESPONSE
TO MINUTE #4 (STREAMLINING FPI EVIDENCE)**

Dated 28 June 2023

Solicitor instructing:
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Te Rūnanga o **NGĀI TAHU**

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MEMORANDUM OF COUNSEL ON BEHALF OF KĀI TAHU IN RESPONSE TO MINUTE #4 (STREAMLINING FPI EVIDENCE)

May it please the Commissioners | Ki kā Kaikōmihana

Introduction

1. This memorandum responds to the Freshwater Hearing Panel's directions in Minute 4 to streamline and thereby avoid repetition in the preparation and review of evidence on the Freshwater Planning Instrument (FPI) parts of the PORPS, where the same evidence has previously been pre-circulated through the non-FPI hearings.

Approach taken by Kāi Tahu to the streamlining of its evidence

2. The Panel proposed two options to avoid the unnecessary repetition of evidence in paragraphs 8(i) and (iii) of Minute 4. The Kāi Tahu parties have used a combination of both approaches depending on the briefs of evidence:

Cultural evidence of Messrs Edward Ellison, Brendan Flack and Justin Tipa

- (a) In accordance with paragraph 8(iii) of Minute 4, the witnesses have reordered and made additions to their previous evidence on the non-freshwater parts of the PORPS. The additions are highlighted by light blue shading so the Panel is reading the additions in context with surrounding evidence.
- (b) Some aspects of the witnesses' previous evidence have, however, not been repeated (or have been superseded by new text). Ms McIntyre relies on the following statements made by Messrs Ellison and Tipa in their original non-FPI evidence-in-chief, in accordance with paragraph 8(i) of Minute 4:
 - (i) Edward Ellison, paragraphs [35] – [37]; and
 - (ii) Justin Tipa, paragraphs [22] - [25].

Planning evidence of Ms Sandra McIntyre

- (c) This brief largely contains new evidence but includes cross references to earlier evidence on non-freshwater parts of the PORPS. In accordance with paragraph 8(i) of Minute 4, we request that the following paragraphs of Ms McIntyre's evidence-in-chief dated 23 November 2022 are taken into account as part of the freshwater process (these cross references are also included in the body of Ms McIntyre's FPI evidence):

- (i) Paragraphs [16] to [18] relating to obligations under sections 6(e), 7(a) and 8 of the Resource Management Act 1991.
- (ii) Paragraphs [37] and [38] relating to use of te reo Māori terms and traditional place names.
- (iii) Paragraphs [44] to [46] relating to the role of the PORPS in achieving integrated management of the natural and physical resources of the region.
- (iv) Paragraph [96] setting out key aspects of Te Mana o te Wai;
- (v) Paragraph [97] describing how the mana whenua expression of Te Mana o te Wai was incorporated into the LF-WAI provisions.

We also request that the following paragraphs of Ms McIntyre's rebuttal evidence dated 14 December 2022 are taken into account:

- (vi) Paragraph [23] responding to an alleged conflict between the health and wellbeing of water and the needs of infrastructure to support housing.
- (vii) Paragraph [26] responding to evidence on policy direction to facilitate transition to a Te Mana o te Wai approach.
- (viii) Paragraphs [36] – [37] responding to evidence on the significance of renewable energy generation and implications for treatment of its environmental effects.

Evidence of Ms Evelyn Cook and Ms Maria Bartlett

- (d) These briefs are new evidence but rely and build on the cultural evidence of Ms Cook on the non-freshwater parts of the PORPS. We therefore request, in accordance with paragraph 8(i) of Minute 4, that Ms Cook's evidence-in-chief dated 23 November 2022 is taken into account in its entirety.

Dated 28 June 2023



Aidan Cameron | Jessica Riddell
Counsel for Kāi Tahu