

**BEFORE THE WAIKATO REGIONAL
COUNCIL HEARING COMMISSIONERS**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Plan Change 1 to the Waikato Regional Plan and
Variation 1 to that Proposed Plan Change: Waikato and Waipā
River Catchments

**Memorandum seeking leave to file further evidence
in response to s 42A lead author erratum.**

Dated: 19 July 2019

Block 3 Hearings

Submission Number: 71759

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MAY IT PLEASE THE COUNCIL HEARING COMMISSIONERS:

Introduction

1. I am assisting Ms Tumai in relation to this matter. Ms Tumai is currently out of Hamilton, attending a tangi.

Erratum

2. On 17 July, Mr McCallum-Clark filed an erratum, correcting his answer to Question 14 of the minute of the Hearings Panel dated 20 May 2019.
3. The purpose of the erratum, is in part, so that submitters preparing a response are aware of the correct position.¹
4. Mr McCallum-Clark notes that Ms McArthur, one of the Department of Conservation's witnesses, was telephoned and advised ahead of time of the memo being prepared.
5. While it is correct that Ms McArthur was telephoned and advised that a memo was being prepared², the memo itself and its contents was only received by Ms McArthur, and the Department's wider team, after 8pm on 17 July.
6. Mr McCallum-Clark's memo discusses mapping of īnanga spawning sites held by Waikato Regional Council, and also Mr McCallum-Clark's opinion regarding planning and scope issues associated with the Director-General of Conservation's submission on this point.

Further evidence intended to be filed.

¹ Memo, McCallum-Clark, 17 July 2019, at para 3.

² On the afternoon of 16th July.

7. The Director-General of Conservation wishes to file further evidence in response to the contents of Mr McCallum-Clark's erratum memo, however, has been prejudiced in doing so by the late filing of that memo.
8. Further evidence in response to Mr McCallum-Clark's erratum memo is intended to be filed from Ms McArthur, and in relation to planning matters, from Ms Kissick.
9. However, it is not been possible for the Director General to complete and file that evidence by the due date for rebuttal evidence for Block 3 (being today 19 July) because;
 - a. Mr McCallum-Clark's erratum memorandum was only received by the Department after 8pm on 17 July.
 - b. Prior to its receipt, the Department and its witnesses had no clarity as to the exact contents of that memo.
 - c. As the Hearings Panel will be aware, Ms McArthur has been engaged in attending, travelling to and from, and preparing for the hearing regarding the Joint Witness Statement held on 18 July.
 - d. Ms Kissick's planning evidence is evaluative, and can not be completed until Ms McArthur's evidence is finalised.
 - e. In all the circumstances, the amount of time available to the Department's witnesses to respond to this important issue raised in Mr McCallum-Clark's erratum memorandum is unfairly and unreasonably limited.

Leave sought

10. For the reasons set out in this memorandum, leave is respectfully sought to enable the filing of evidence from Ms McArthur and Ms Kissick in response to matters arising from Mr McCallum-Clark's 17 July erratum memorandum, with that evidence to be filed no later than Wednesday 24 July 2019.

11. It is submitted that the circumstances of the late filing of Mr McCallum-Clark's erratum memorandum, and the severely limited time available for the Department's witnesses to consider and respond to that memo, render the short extension requested 'necessary', in terms of paragraph 60 of the panel's Hearing Procedures and Directions, which states that *'late or supplementary evidence will only be accepted at a hearing session where the circumstances make it necessary for such evidence to be provided'*.



D van Mierlo
Counsel for the Director-General of Conservation
19 July 2019