

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal under Clause 14(1) of the First Schedule of the Act

**BETWEEN** TUMUAKI FOR WAITAHA TAI WHENUA O WAITAKI TRUST BOARD

Appellant

**AND** OTAGO REGIONAL COUNCIL

Respondent

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**CONSENT MEMORANDUM**

Dated 13. 4. 2017

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ROSS DOWLING MARQUET GRIFFIN  
SOLICITORS  
DUNEDIN

Telephone: (03) 477 8046  
Facsimile: (03) 477 6998  
PO Box 1144, DX YP80015

Solicitor: A J Logan

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## CONSENT MEMORANDUM

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### May it Please the Court:

- 1 Anne Te Maiharoa Dodds, Tumuaki for Waitaha Tai Whenua O Waitaki Trust Board, made a submission on the proposed Regional Policy Statement for Otago (PORPS).
- 2 On 9 December 2016 an appeal was lodged on the decisions version of the PORPS.
- 3 Notices were given under Section 274 of the Act by Central South Island Fish & Game Council, Otago Fish & Game Council, Queenstown Park Limited, Remarkables Park Limited, Hokonui Runanga, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Moeraki, Te Runanga o Otakou and Te Runanga o Ngai Tahu.
- 4 In the appeal the appellant requested that the PORPS be amended to provide the respondent "will consult with Waitaha Iwi whose primary ancestor Rakaihautu as well as Ngai Tahu etc."
- 5 It has been agreed to amend PORPS to give effect in part to the relief sought by the appellant.
- 6 The decisions version of the PORPS contains the following paragraph:

*"Kāi Tahu are takata whenua of the Otago region. Waitaha were the first people of Te Waipounamu, the South Island, followed by Kāti Māmoe and Kāi Tahu. Through warfare, intermarriage and political alliances a common allegiance to Kāi Tahu was forged. Kāi Tahu means the 'people of Tahu', linking them by name to their common ancestor Tahu Pōtiki."*

- 7 As amended this paragraph will read:

*"Kāi Tahu are takata whenua of the Otago region. Waitaha were the first people of Te Waipounamu, the South Island. Led by Rākaihautū, they explored and settled Te Waipounamu, and their exploits are reflected in enduring place names and histories across the motu. Waitaha were followed by the arrival of Kāti Māmoe and finally Kāi Tahu. Through warfare, intermarriage and political alliances a common allegiance to Kāi*

*Tahu was forged. Kāi Tahu means the 'people of Tahu', linking them by name to their common ancestor Tahu Pōtiki."*

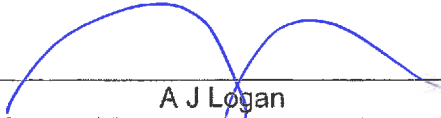
- 8 The parties are satisfied that the amendment proposed for the Courts endorsement is within the Court's jurisdiction and conforms to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.
- 9 There are no issues as to costs.
- 10 A draft order is attached.

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Anne Te Maiharoa Dodds  
Tumuaki for Waitaha Tai Whenua O Waitaki Trust  
Board

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Date



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A J Logan  
Counsel for Otago Regional Council

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18. 4. 2017

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Date

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Andrew Beatson  
Counsel for Te Runanga o Ngai Tahu

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Date



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Phillip Pannett  
For Hokonui Runanga, Kati Huirapa Runaka ki  
Puketeraki, Te Runanga o Moeraki, Te Runanga  
o Otakou

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18. 4. 2017

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Date

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John Young  
Counsel for Queenstown Park Limited and  
Remarkables Park Limited

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Date

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Niall Watson  
For Central South Island Fish & Game Council  
and Otago Fish & Game Council

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Date

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Anne Te Mairaroa Dodds  
Tumuaki for Waitaha Tai Whenua O Waitaki Trust  
Board

\_\_\_\_\_  
Date

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A J Logan  
Counsel for Otago Regional Council

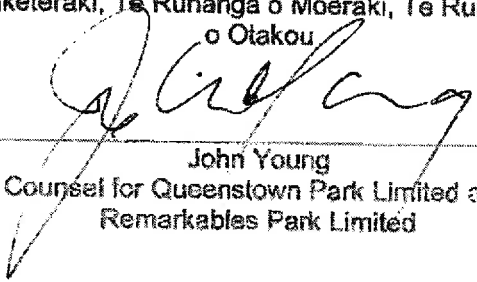
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Date

  
\_\_\_\_\_  
Andrew Beatson  
Counsel for Te Runanga o Ngai Tahu

\_\_\_\_\_  
10 April 2017  
Date

\_\_\_\_\_  
Phillip Pannett  
For Hokonui Runanga, Kati Huirapa Runaka ki  
Puketeraki, Te Runanga o Moeraki, Te Runanga  
o Otakou

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John Young  
Counsel for Queenstown Park Limited and  
Remarkables Park Limited

\_\_\_\_\_  
10 April 2017  
Date

\_\_\_\_\_  
Neil Watson  
For Central South Island Fish & Game Council  
and Otago Fish & Game Council

\_\_\_\_\_  
Date

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*A Dadds*  
Anne Te Maharoa Dadds  
Tumuaki for Waitaha Tai Whenua O Waitaki Trust  
Board

Date

*13/04/2017*

A J Logan  
Counsel for Otago Regional Council

Date

  
Andrew Beatson  
Counsel for Te Runanga o Ngai Tahu

Date

*10 April 2017*

Phillip Pannett  
For Hokonui Runanga, Kati Huirapa Runaka ki  
Puketaraki, Te Runanga o Moeraki, Te Runanga  
o Otakou

Date

John Young

Date

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Anne Te Maiharoa Dodds  
Tumuaki for Waitaha Tai Whenua O Waitaki Trust  
Board

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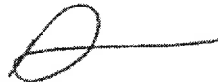
Date

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A J Logan  
Counsel for Otago Regional Council

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Date



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Andrew Beatson  
Counsel for Te Runanga o Ngai Tahu

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10 April 2017  
Date

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Phillip Pannett  
For Hokonui Runanga, Kati Huirapa Runaka ki  
Puketeraki, Te Runanga o Moeraki, Te Runanga  
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Date

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John Young  
Counsel for Queenstown Park Limited and  
Remarkables Park Limited

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Date



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Niall Watson  
For Central South Island Fish & Game Council  
and Otago Fish & Game Council

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10 April 2017  
Date

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

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**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal under Clause 14(1) of the  
First Schedule of the Act

**BETWEEN** **TUMUAKI FOR WAITAHA TAI  
WHENUA O WAITAKI TRUST BOARD**  
(ENV-2016-CHC-125)  
Appellant

**AND** **OTAGO REGIONAL COUNCIL**  
Respondent

**BEFORE THE ENVIRONMENT COURT**

**Environment Judge J R Jackson sitting alone under Section 279 of the Act**

**IN CHAMBERS at CHRISTCHURCH**

**CONSENT ORDER**

**Introduction**

- [1] The Court has read and considered the appeal dated 8 December 2016 and the memorandum of the parties dated 18 April 2017.
- [2] Central South Island Fish and Game Council, Otago Fish and Game Council, Queenstown Park Limited, Remarkables Park Limited, Hokonui Runanga Kati Huirapa Runaka ki Puketeraki, Te Runanga o Moeraki, Te Runanga o Otakou and Te Runanga o Ngai Tahu have given notice of intention to become parties under Section 274 and have signed the memorandum setting out the relief sought.
- [3] No other person has given notice of intention to become a party under Section 274.
- [4] The Court is making this order under Section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to Section 297. The Court understands for present purposes that:
1. All parties to the proceedings have executed the memorandum requesting this order;
  2. All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

**Order**

[5] Therefore the Court orders, by consent, that:

1. The Otago Regional Council is directed to amend the proposed Otago Regional Policy Statement by making the changes set out in Appendix 1 to this order.
2. There is no order for costs.

**DATED** at Christchurch this                      day of                      2017

\_\_\_\_\_  
**Environment Judge**



## APPENDIX 1

### KĀI TAHU

Kāi Tahu are takata whenua of the Otago region. Waitaha were the first people of Te Waipounamu, the South Island, ~~–~~. Led by Rākaihautū, they explored and settled Te Waipounamu, and their exploits are reflected in enduring place names and histories across the motu. Waitaha were followed by the arrival of Kāti Māmoe and finally Kāi Tahu. Through warfare, intermarriage and political alliances a common allegiance to Kāi Tahu was forged. Kāi Tahu means the ‘people of Tahu’, linking them by name to their common ancestor Tahu Pōtiki.