

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-26 to 50

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of appeals under clause
14 of Schedule 1 to the
Act relating to the
proposed Southland
Water and Land Plan

BETWEEN **WAIHOPAI RŪNAKA,
HOKONUI RŪNAKA,
TE RŪNANGA O
AWARUA, TE
RŪNANGA O ORAKA
APARIMA, and TE
RŪNANGA O NGĀI
TAHU (collectively
NGĀ RŪNANGA)**

**Appellants in ENV-
2018-CHC-47**

AND **SOUTHLAND
REGIONAL COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL FOR NGĀ RŪNANGA REGARDING TOPIC B CASE
MANAGEMENT**

13 OCTOBER 2021

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MAY IT PLEASE THE COURT

1. This memorandum of counsel is filed on behalf of Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively **Ngā Rūnanga**), in response to the directions set out in the minute of the Environment Court (4 October 2021).¹

Evidence timetable

2. Ngā Rūnanga are not proposing an alternative evidence exchange timetable.
3. However, Ngā Rūnanga does support the general reservations expressed by some of the other parties, to the effect that the timetable proposed by Environment Southland is likely to be ambitious. As such, it would be content with some amendments to the timetable, particularly those proposed on behalf of Forest & Bird and Fish & Game, but will abide the Court's decision on this matter.

Issues of fact and opinion

4. Ngā Rūnanga agrees with the issues of fact and opinion to be resolved and legal issues to be decided, as outlined in the memorandum of counsel for Environment Southland, dated 24 September 2021.

Number of witnesses to be called

5. Ngā Rūnanga will seek to rely on the evidence of Ailsa Cain (culture and policy) Dr Jane Kitson (environmental science/Mātauranga Māori) and Treena Davidson (planning), as required.

Availability

6. The witnesses are generally available between 22 November and 10 December 2021.
7. However, particularly in light of the timetable proposed by Environment Southland, Ngā Rūnanga wishes to indicate that preparations for the tītī season

1 At [15](c).

will commence in March 2022. As such, Ngā Rūnanga reserves its position on any timetabling matters that result in deadlines or court fixtures from March 2022 until May 2022.

Other matters – involvement

8. Ngā Rūnanga has outstanding interests spanning across multiple Topic B subtopics, as both an appellant and a section 274 party.
9. Although a final position on which issues it intends to pursue at hearing has not yet been reached, Ngā Rūnanga wishes to indicate:
 - (a) It has limited resources to expend on the Topic B hearings;
 - (b) It intends to be involved, to the extent its interests allow, in Topic B6 – Infrastructure; and
 - (c) It remains open to resolution any/all outstanding issues prior to hearing.
10. Finally, Mr Winchester intends to appear in person at the pre-hearing conference on 19 October 2021.

DATED this 13th day of October 2021



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