

**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 ATTENDANCE
OF MS DAVIDSON AT CONFERENCING**

23 NOVEMBER 2021

 **Simpson Grierson**
Barristers & Solicitors

Simpson Grierson
J G A Winchester
Telephone: +64-4-924 3503
Facsimile: +64-4-472 6986
Email: james.winchester@simpsongrierson.com
DX SX11174 PO Box 2402
SOLICITORS
WELLINGTON 6140

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**).
2. In the minute of the Environment Court (19 October 2021),¹ the Court directed that (our **emphasis**):

To assist with the preparation of the conference agendas, the planning witnesses will identify the issues on which they require technical advice to inform their opinion on the wording of the plan's provisions. **Secondly, the planners are to observe any technical conference relevant to the matters in relation to which they are giving evidence. They may observe via AVL or in person.**
3. Counsel understands that, following the planning experts raising an issue about attendance at other expert conferences as observers, the Commissioner confirmed the Court's direction.
4. On the basis of the Court's direction, Ms Davidson, planning witness for Ngā Rūnanga, is expected to attend the following conferences as an observer:
 - (a) Farm systems – Monday 22 November and Monday 6 December 2021;
 - (b) Science/water quality – Wednesday 24 November to Friday 26 November, and Friday 3 December 2021; and
 - (c) Ecology – Wednesday 1 December 2021.
5. Unfortunately, Ms Davidson is unavailable to observe the entirety of those conferences, due to pre-existing commitments. Leave is respectfully sought for Ms Davidson not to attend the following sessions:
 - (a) Science/water quality - Afternoon of Wednesday 24 November 2021 and the morning² of Friday 26 November; and

¹ At [10]

² Ms Davidson is expected to be able to join conferencing at around 11am.

(b) Farm systems - Monday 6 December 2021 for either part of, or the full day.

6. It is respectfully submitted that no party will be prejudiced by Ms Davidson's absences. In addition, counsel notes that Dr Kitson, witness for Ngā Rūnanga, will be participating in conferencing during the times Ms Davidson is absent.

DATED this 23rd of November 2021



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