

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

**ENV-2018-CHC-000037
ENV-2018-CHC-000050**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of appeals pursuant clause
14 of Schedule 1 to the Act
in relation to the Decision
on the Proposed Southland
Water and Land Plan

BETWEEN **SOUTHLAND FISH AND
GAME COUNCIL**

Appellant

**ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF NEW
ZEALAND
INCORPORATED**

Appellant

AND **SOUTHLAND REGIONAL
COUNCIL**

Respondent

**APPLICATION FOR DIRECTIONS OR WAIVER PURSUANT TO SECTION 281 OF THE
RESOURCE MANAGEMENT ACT 1991**

3 APRIL 2019



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APPLICATION FOR WAIVER OR DIRECTIONS

Section 281, Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch

1. Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima (collectively Ngā Rūnanga), and Te Rūnanga o Ngāi Tahu (collectively Ngāi Tahu) (collectively, **Ngā Rūnanga**), apply for a waiver of time limits in the above proceedings.
2. Ngā Rūnanga are an interested party in both proceedings pursuant to section 274 of the Resource Management Act 1991. Ngā Rūnanga lodged respective section 274 notices with the Court on 2 July 2017. However, Ngā Rūnanga seek to be party to further aspects of the above appeals, namely:
 - (a) Policies 45 and 47 (ENV-2018-CHC-000050); and
 - (b) Policy 46 (ENV-2018-CHC-000037).
3. Ngā Rūnanga seek a waiver under the provisions of section 281(a)(iia) of the Resource Management Act 1991 of the requirement under section 274 to give notice of their wish to become a party to the appeals within 15 working days after the period for lodging a notice of appeal ends. The period for lodging appeals on the Proposed Plan ended on 17 May 2018. Following the Court granting an extension to the period for lodging 274 notices, that period ended on 22 June 2018.
4. The reason why a waiver is sought is that it has not become fully apparent until the filing and exchange of expert evidence for the Topic A hearings of these appeals of the implications of the relief sought on these appeal points. It is now clear to Ngā Rūnanga that these appeal points raise issues which are inter-related with and closely aligned to issues raised by Ngā Rūnanga in its appeal and Topic A evidence.
5. Ngā Rūnanga respectfully submits that there would be no prejudice to any other party if the waiver of time sought was to be granted. In particular, it is accepted by Ngā Rūnanga that becoming a party at this late stage would not enable it to file its own evidence on these points and it does not seek to do so. It is however considered important that Ngā Rūnanga has status that enables it to address issues

in its legal submissions and ask questions of relevant witnesses, without there being debate about scope and standing which may simply disrupt and delay the orderly hearing of the Topic A appeals.

6. Accordingly, it is submitted that while the delay is lengthy, it is in the interests of justice for it to be granted in these specific circumstances. Ngā Rūnanga respectfully asks that the Court grant the waiver.

DATED at Wellington this 3rd day of April 2019



J G A Winchester
Counsel for Ngā Rūnanga

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