

**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

**JOINT MEMORANDUM OF COUNSEL REGARDING THE COURT'S AMENDED
NOTICE OF EXPERT WITNESS CONFERENCE DATED 18 APRIL 2019**

29 APRIL 2019

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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**) and the Southland Regional Council (the **Council**). It responds to directions in the Amended Notice of Expert Witness Conference dated 18 April 2019 (**Notice**), particularly those regarding the preparation and filing of an agenda for the Lake Water Quality and Ecology conference.
2. In paragraph 3 of the Directions in the Notice, the Court directed that:
 - (a) Counsel are to liaise with conferencing experts to prepare draft conference agendas addressing key issues identified and pre-circulate them 5 days prior to the River Water Quality and Ecology conference; and
 - (b) Final agendas are to be filed 3 days before the River Water Quality and Ecology conference date.
3. The River Water Quality and Ecology conference has been set down for Tuesday 7 May 2019 – Wednesday 8 May 2019 (and will continue until completed). The Lake Water Quality and Ecology conference will commence as soon as possible after the completion of the River Water Quality and Ecology conference (and is currently anticipated to commence on Thursday 9 May 2019).
4. As set out in Ngā Rūnanga's memorandum dated 10 April 2019, Dr Kitson is in the Tītī islands exercising her customary rights from 18 April 2019 until the week of 6 May 2019. In recognition of the importance of both Dr Kitson's customary rights and her participation in conferencing, in its Minute of 15 April 2019, the Court directed that conferencing take place after Dr Kitson's return.
5. Dr Kitson was able to offer her comments on the draft agenda for the River Water Quality and Ecology conference before she departed. However, she did not have the opportunity to comment on the Lake Water Quality and Ecology conference agenda because it had not yet been circulated.

6. Counsel understand that the two experts involved in the Lake Water Quality and Ecology conference, Dr Kitson and Mr Ward, had spoken prior to the Court's conferencing directions and that their differences of opinion are relatively confined.
7. In light of the above, Counsel respectfully request that the Court extends the filing date for the Lake Water Quality and Ecology conference agenda to Tuesday 7 May 2019. It is considered that this would be unlikely to impact materially on the effective and efficient conduct of conferencing on this topic.
8. Counsel would be prepared to participate in a judicial telephone conference regarding this matter if that was considered useful.

DATED this 29th day of April 2019



J G A Winchester
Counsel for Ngā Rūnanga



P A C Maw / K J Wyss
Counsel for Southland Regional Council