**BEFORE THE ENVIRONMENT COURT**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**AT CHRISTCHURCH ENV-2018-CHC-26 to 50**

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

**AND** of appeals under clause 14 of the First Schedule of the Act

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

 **(ENV-2018-CHC-47)**

 Appellants

**AND SOUTHLAND REGIONAL COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL FOR DIRECTOR-GENERAL OF CONSERVATION**

 **SEEKING ENLARGED TIMETABLE DIRECTIONS**

Dated 7 May 2020

**Department of Conservation**

Planning, Permissions and Land

RMA Shared Services

Private Bag 4715

Christchurch 8140

Phone: 03 371 3700

Solicitor: Pene Williams

Counsel: D van Mierlo

**MAY IT PLEASE THE COURT**

1. This memorandum is filed on behalf of the Director-General of Conservation (Director-General) in respect of the Court proceedings relating to the proposed Southland Water and Land Plan (the plan).
2. By the Court’s directions as amended dated 6 April 2020, parties are to file any evidence in response to the evidence filed for Ngā Rūnanga and Southland Regional Council regarding the interpretation of plan provisions and implementation of Treaty of Waitangi principles in the plan by this Friday, 8 May 2020.
3. The Court’s directions of 6 April 2020 reserve leave for parties to seek amended (or other) directions.
4. The Director-General intends to file and serve evidence in response to that filed for Ngā Rūnanga and the Regional Council. That evidence will be provided by Ms Linda Kirk, who has provided earlier planning evidence in these proceedings.
5. The purpose of this memorandum is to respectfully request a short extension to the date for filing Ms Kirk’s evidence, for the reasons set out below.
6. As the Court may recall, Ms Kirk underwent surgery at the start of the year. Following her surgery, she was on leave expecting to return to work part-time from 24 March 2020.
7. At the time the country went into Covid-19 Alert level 4 lockdown (on 26 March), Ms Kirk was only just returning to part-time work. She had limited opportunity to obtain a computer and other equipment from the Department’s office to allow her to recommence work from home – noting the Department restricted office access to all staff from Monday 23 March.
8. Under Covid-19 Alert level 4 and level 3 restrictions, Ms Kirk is required to work from home. This has resulted in a number of delays. Initially, under level 4, Ms Kirk was unable to access relevant files and documents located in hardcopy at the Department’s offices. This difficulty has been resolved since moving to level 3 on 28 April 2020.
9. These issues are further compounded by the fact that Ms Kirk has been working limited hours to facilitate her recovery from surgery. It is only this week that she has increased to working six hours a day, previously she has been limited to up to four hours a day.
10. Ms Kirk had difficulties remotely accessing the Department’s computer network last week and into the start of this week. While this issue seems to have resolved itself for now, she is concerned it could arise again.
11. Lastly, Ms Kirk has two children and has childcare and schooling commitments to manage while working from home.
12. These difficulties have hampered Ms Kirk’s ability to progress her evidence to meet the Court’s timetable as directed.
13. In these circumstances, a short extension to **5.00pm Wednesday 13 May** is requested for the filing and service of Ms Kirk’s evidence. This extension may also be appropriate for other parties who wish to file and serve evidence in response to the evidence for Ngā Rūnanga and the Regional Council.
14. It is acknowledged that if granted this extension would have a flow on effect on the timetable for filing of any evidence in reply by the Regional Council, and Ngā Rūnanga, and in relation to the date for filing the Regional Council’s subsequent memorandum as to any case management directions. Accordingly, it is respectfully requested that this be accommodated by similar extensions of 3 working days to **Wednesday 27 May 2020** and **Thursday 4 June 2020** respectively.
15. Given the adjournment of this matter to August 2020, it is respectfully submitted that the short extensions requested by this memorandum will not prejudice any party.

**Dated** this 7th day of May 2020

P Williams / D van Mierlo

Counsel for the Director-General of Conservation