

**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 RESUMED
TRANCHE 1 HEARING ON 29 MAY 2023**

25 May 2023

Solicitor acting

 **Simpson Grierson**
Barristers & Solicitors

Simpson Grierson
R Mortiaux
Telephone: +64-4-499 4599
Email: rachael.mortiaux@simpsongrierson.com
DX SX11174 PO Box 2402
SOLICITORS
WELLINGTON 6140

Counsel acting

James Winchester
Telephone: 06 883 0080

E-mail: jw@jameswinchester.co.nz
The Office
Level 1, 15 Joll Road
PO Box 8161
Havelock North

MAY IT PLEASE THE COURT

1. This memorandum responds to the Court's directions regarding various matters to be considered at the resumed hearing on 29 May 2023 regarding policy 30, rule 78 and Appendix N of the proposed Southland Land and Water Regional Plan (pSWLP).

Questions for Ms McArthur

2. Counsel advises that there are no questions for Ms McArthur on behalf of Ngā Rūnanga.

Policy 30

3. Ngā Rūnanga advises that it supports the Court's wording of Policy 30 set out in the 6th Interim Decision, including the Court's suggested changes to the heading of the policy to refer to watercourses rather than drains.

Rule 78

4. With respect to Rule 78, Ngā Rūnanga support the Rule set out in Appendix 2 of the Joint Witness Statement - Planning dated 23 May 2023. This version of the rule addresses the substance of the relief sought by Ngā Rūnanga in its appeal.
5. Ngā Rūnanga support the strengthening of Rule 78 through the inclusion of additional clauses, as set out at paragraph [255] of the Court's Sixth Interim Decision.
6. If the Court considers there is scope to further strengthen Rule 78, Ngā Rūnanga would support the requirement to implement best-practice requirements through Farm Environmental Management Plans or a management plan approach for watercourses managed by a public entity, as set out in Joint Witness Statement - Planning dated 23 May 2023, at paragraph [5].

7. For completeness, Ngā Rūnanga does not support the permitted activity rule advanced on behalf of Federated Farmers at Appendix 1 of the Joint Witness Statement - Planning dated 23 May 2023.

DATED this 25th day of May 2023



Counsel for Ngā Rūnanga