

**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 FILING OF
FURTHER EVIDENCE**

6 April 2020

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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**).
2. In the Record of Pre-Hearing Conference dated 10 February 2020, the Court directed that Southland Regional Council and Ngā Rūnanga were to file and serve evidence regarding the interpretation of plan provisions by Thursday 9 April 2020.¹
3. The Court's minute of 24 March 2020 adjourned the proceedings until August 2020 as a consequence of the Covid-19 restrictions, but confirmed the current timetable directions regarding further evidence. Leave was however reserved for any party to apply for further or other directions if necessary.
4. In accordance with the Court's reservation of leave and for the reasons set out below, Ngā Rūnanga respectfully seeks a direction from the Court that the current deadline for filing of its evidence (and that of the Southland Regional Council) be extended until **Friday 17 April 2020**. This would also have the consequence of requiring an extension of other dates for filing of evidence and reports by a week, and directions are sought to that effect.
5. For Ngā Rūnanga and its expert witnesses, the Covid-19 Level 4 restrictions have caused significant disruptions and changes to working environments, difficulties in communication, as well as re-prioritisation of work tasks.
6. The disruptions have meant that Ms Davidson and Ms Cain's ability to satisfactorily complete their statements in a manner that would assist the Court has been compromised. They have not been able to discuss and progress their statements to the extent anticipated, and unexpected new pressures as a consequence of re-prioritisation of Ngā Rūnanga workstreams have emerged.
7. Further, Ngā Rūnanga staff and kaumatua have predominantly been preoccupied with high-priority tasks resulting from Covid-19. The Te Rūnanga o Ngāi Tahu Emergency Operations Centre has been classified as an essential

¹ Record of Pre-Hearing Conference (10 February 2020) at [5].

service allowing Papatipu Rūnanga to deliver critical on-the-ground support in their rohe.

8. In order to ensure that Ngā Rūnanga have adequate time to have the statements reviewed by staff and kaumatua, and to ensure that the statements include a sufficient level of detail and analysis to assist the Court and other parties, it is respectfully submitted that an extension is necessary.
9. It is also submitted that, given that the Court has adjourned this matter until August 2020, the extension sought will not prejudice any party, nor cause significant disruption.

DATED this 6th day of April 2020



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