

**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 WILL-SAY  
STATEMENTS FOR TOPIC B AND SEEKING LEAVE FOR DELAYED FILING**

**29 OCTOBER 2021**

**JUDICIAL OFFICER: JUDGE BORTHWICK**

---



Simpson Grierson  
J G A Winchester  
Telephone: +64-4-924 3503  
Facsimile: +64-4-472 6986  
Email: james.winchester@simpsongrierson.com  
DX SX11174 PO Box 2402  
SOLICITORS  
WELLINGTON 6140

## 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. The Court, in a Minute dated 29 October 2021 (**Minute**) has resolved a discrepancy in its Record of Pre-Hearing Conference for Topic B of these appeals (**Record**), issued on 22 October 2021, by issuing a confirmed and slightly revised timetable in its Minute. The discrepancy related to statement in the Record of when will-say statements were to be filed and exchanged, and a different timetable for the will-say statements set out in Appendix A to that Record. Counsel identified this issue and sought clarification on 26 October 2021.
3. A track-changed version of relief sought by Ngā Rūnanga is being filed and served today, which accords with the Court's directions. Due to the uncertainty about the timetable for will-say statements, which was not clarified until receipt of the Court's minute this afternoon, there is insufficient time for adequate will-say statements for Ngā Rūnanga to be filed and served.
4. Ngā Rūnanga intends to file will-say statements on Topic B from Treena Davidson (planning), Ailsa Cain (cultural matters), and Dr Jane Kitson (Mātauranga Māori/environmental science).
5. Those will-say statements will be entirely consistent with the detailed expert evidence previously given by those witnesses for Topic A of these appeals. It is understood that there are no other cultural experts giving evidence for Topic B, and only a handful of relevant experts will be giving evidence within the field of expertise of Dr Kitson.
6. Therefore, leave is respectfully sought for Ngā Rūnanga to file its will-say statements by 5pm on 5 November 2021. It is respectfully submitted that the only party that could be prejudiced by this delay is the Respondent. Any prejudice would however be minimal as the Respondent will have had time to consider the tracked-change relief sought by Ngā Rūnanga, and will also have a week to consider the will-say statements.

7. In any event, the amended timetable issued by the Court in its Minute has granted an additional day to the Respondent to file its own will-say statements and track-changed relief.
  
8. In all of the circumstances, it is submitted that the application for leave and revised timetable sought for the will-say statements for Ngā Rūnanga is reasonable and appropriate.

**DATED** this 29<sup>th</sup> day of October 2021



---

J G A Winchester  
Counsel for Ngā Rūnanga