

**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**

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**MEMORANDUM OF COUNSEL FOR NGĀ RŪNANGA RESPONDING TO COURT'S  
DIRECTIONS DATED 20 MARCH 2019 ON SCOPE ISSUES REGARDING FISH &  
GAME EVIDENCE**

**20 MARCH 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). It responds to the directions of the Court dated 20 March 2019 inviting parties to comment on a memorandum for the Respondent dated 13 March 2019, which raises scope issues concerning the evidence for the Southland Fish and Game Council (**Fish & Game**).
2. Ngā Rūnanga does not agree with the position expressed by the Respondent in its memorandum. It considers that the evidence in question and the relief sought is within scope generally and is relevant to Topic A. It is likely to seek to be involved in support of Fish & Game in any process to address the question, should the Respondent continue to advance its position.
3. The issues are of concern to Ngā Rūnanga given that it is an appellant on Objective 6. Furthermore, the position and evidence for Ngā Rūnanga is that the proposed plan must give effect to the NPS for Freshwater Management and does not, and that there is no certainty as to the subsequent FMU processes nor as to how water quality will be maintained or enhanced, particularly in the absence of rules based on physiographics. It has also sought that the starting point for the maintenance and enhancement of water quality for the purposes of the proposed plan is 2010.
4. Those concerns and issues are relevant to the evidence of Fish & Game which the Respondent complains about.
5. Ngā Rūnanga foreshadows that it intends to seek waivers and lodge section 274 notices to join appeals on policies 45 and 47, so as to put its interests beyond any doubt.

**DATED** this 20<sup>th</sup> day of March 2019



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J G A Winchester  
Counsel for Ngā Rūnanga