

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2020-CHC-127

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of a notice of motion
under section 149T(2) to
decide proposed Plan
Change 7 to the Regional
Plan: Water for Otago
(referred to the
Environment Court by the
Minister for the
Environment under
section 142(2)(b) of the
Act)

**OTAGO REGIONAL
COUNCIL**

Applicant

AND

**TE RŪNANGA O
MOERAKI, KĀTI
HUIRAPA RŪNAKA KI
PUKETERAKI, TE
RŪNANGA O ŌTĀKOU
AND HOKONUI
RŪNANGA (collectively
Kāi Tahu ki Otago)**

[Continued over]

**MEMORANDUM OF COUNSEL ON BEHALF OF KĀI TAHU KI OTAGO, NGĀI TAHU
KI MURIHIKU AND TE RŪNANGA O NGĀI TAHU**

5 February 2021

 **Simpson Grierson**
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AND

**WAIHŌPAI RŪNAKA, TE
RŪNANGA ŌRAKA
APARIMA AND TE
RŪNANGA O AWARUA
(collectively Ngāi Tahu ki
Murihiku)**

AND

**TE RŪNANGA O NGĀI
TAHU**

Submitters

MAY IT PLEASE THE COURT

1. This memorandum is filed on behalf of Kāi Tahu ki Otago, Kāi Tahu ki Murihiku and Te Rūnanga o Ngāi Tahu (**Ngā Rūnanga**).
2. In summary, this memorandum:
 - (a) Responds to the timetabling directions set out in Attachment B to the Court's minute of 27 November 2020; and
 - (b) Respectfully seeks that the Court provides lay witnesses the opportunity to present evidence on behalf of Ngā Rūnanga at the hearing, as part of the Ngā Rūnanga case.

Proposed changes to Plan Change 7

3. The Court's minute of 27 November 2020 requests that parties file a memorandum listing proposed changes to Plan Change 7.
4. Rather than duplicating the material before the Court, counsel respectfully requests that the Court refer to the proposed changes to Plan Change 7, listed and appended as Appendix 4 to the statement of evidence of Ms Sandra McIntyre.

Presentation of evidence

5. Ngā Rūnanga respectfully request that the Court afford them some procedural flexibility for the presentation of its evidence at the hearing.
6. More specifically, counsel are aware that there may be lay witnesses who wish to speak in support of expert cultural witnesses on behalf of Ngā Rūnanga. In that respect, Mr Whaanga's evidence notes that it was prepared with the support of senior rūnanga representatives and incorporates their korero.
7. Essentially, it is anticipated that this would involve brief additional, supporting presentations, which would be consistent with and in support of the written evidence filed. It is proposed that these presentations would follow the evidence and questioning of Ngā Rūnanga's expert cultural witnesses. Cross-examination of any

supporting presenters would not be anticipated but the Court could of course, grant leave to other parties if it considered it appropriate, and could itself ask questions.

8. Counsel respectfully seeks the Court's leave for some fluidity in this process.
9. It is also respectfully submitted that:
 - (a) This would be appropriate to recognise the various parties who are participating in this important phase of the process.
 - (b) Accommodating this request will not cause any significant delay nor prejudice other parties.

DATED at Wellington this 5th day of February 2021



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