

IN THE MATTER OF the Proposed East Coast Beach
Vehicle Bylaw

**MEMORANDUM OF TE RŪNANGA A RANGITĀNE O WAIRAU IN
RESPONSE TO PROCEDURAL MINUTE 8
(TE RŪNANGA O NGĀI TAHU & TE RŪNANGA O KAIKOURA RESPONSE
DATED 2 MAY 2022 AND NGĀTI WHĀTUA ŌRĀKEI TRUST
v ATTORNEY GENERAL [2022] NZHC 843 DECISION)**

Dated this 16th day of May 2022

May it please the Commissioners:

1. Rangitāne o Wairau wishes to rely on its previous submissions in this process that:
 - (a) It has not been properly consulted because of Council's mistaken view of the nature of its interests in the subject area.
 - (b) The identification of Ngāi Tahu as having primary status in the subject area is wrong and this wrongly held view has resulted in Rangitāne o Wairau being treated differently by Council than Ngāi Tahu.
 - (c) The Bylaw, as proposed, would unlawfully restrict Rangitāne o Wairau's access to its customary fisheries and other sites of significance. For this reason, Rangitāne o Wairau seeks amendments to the bylaw so that tangata whenua, including Rangitāne o Wairau, may continue to utilise vehicles in the subject area for purposes of exercising customary rights and accessing sites of significance.
2. Rangitāne o Wairau is aware of the decision of Justice Palmer in *Ngāti Whātua Ōrākei Trust v Attorney-General* [2022] NZHC 843, 28 April 2022. In Rangitāne o Wairau's view, the case has little relevance to the issues in relation to the Bylaw other than to emphasise that Council ought not to have made determinations that Ngāi Tahu had mana whenua and mana moana status (to the exclusion of Rangitāne o Wairau) at earlier stages of the process.
3. Rangitāne o Wairau is not seeking for any such decisions to be made in the substantive decision making process. It is simply seeking to be able to preserve its ability to access its customary fisheries and its sites of significance (in common with and not to the exclusion of other iwi).

Dated this 16th day of May 2022



**M J Radich for
Te Rūnanga a Rangitāne o Wairau**