

Before the Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Proposed Marlborough Environment Plan

And

In the Matter of Hearing Block 2 (Topic 6 – Indigenous Biodiversity)

Memorandum of Counsel for Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu regarding agreed amendments

Dated: 7 March 2018

May it please the Panel:

1. We act for Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**) in relation to their submission on the proposed Marlborough Environmental Plan.
2. At the hearing on indigenous biodiversity on 12 February 2018 Ngāi Tahu presented submissions and evidence relating to customary harvest.
3. Following the hearing Ngāi Tahu has spoken to the Council (Pere Hawes) and agreed to the following relief (tracked changes to the s42A report writer's version):

Policy 8.X.X: Enable customary harvesting in accordance with tikanga

Customary harvesting is essential in enabling Marlborough's tangata whenua iwi to exercise kaitiakitanga and to provide for their relationship with their culture, lands, water and other taonga. Cultural harvest may be for different reasons, including but not limited to, medicinal uses, ceremonial uses, weaving or for consumption. It is important that taonga and other species can be accessed by iwi throughout the District, including from sites and areas that retain significant indigenous biodiversity value. As described here, customary harvest is unlikely to involve indigenous vegetation clearance and the rules identified in Method 8.M.2 would not apply. Where particular resources are available on private land, access agreements or case by case permissions from the landowner are essential before entry onto the property is allowed.

4. Counsel considers for the reasons set out in paragraphs [20]-[28] of our legal submissions on Topic 6 this relief appropriately addresses the submission points of Ngāi Tahu in relation to customary harvest.

Dated: 7 March 2018



Joshua Leckie

Counsel for Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu