

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-78

**I MUA I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

UNDER

**the Resource Management
Act 1991**

IN THE MATTER OF

**An appeal under Clause 14
of the 1st Schedule**

BETWEEN

**East Bay Conservation
Society Incorporated**

Appellant

AND

**Marlborough District
Council**

Respondent

**MEMORANDUM OF COUNSEL RESPONDING TO
THE CASE MANAGEMENT MEMORANDUM**

Dated 14 August 2020

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May it please the Court

1. The Court's Minute of 16 June 2020 directed the Marlborough District Council ('the Council') to lodge and serve a case management memorandum, and directed parties to file responses to that case management memorandum by Friday 14 August 2020.
2. The East Bay Conservation Society ("EBCS") appeal concerns Outstanding Natural Feature / Landscape ("ONFL") matters, and the Natural Character description and overlay as it relates to Arapaoa Island and East Bay. In that respect it seeks to keep the existing ONFL, and extend it to the outer part of Arapaoa Island and the seascape of East Bay, including the existing marine farms
3. The appellant has considered the case management memorandum filed for the Council on 31 July 2020 and considers that the table of topics and subtopics produced by the Council to guide mediations omits the appellant's interest in several topics. The tentative list of these topics is:
 - 3.1. Topic 3 Natural Character in its entirety;
 - 3.2. Subtopics 4.1, 4.2, 4.4, and 4.5 Landscape;
 - 3.3. Subtopic 10.5 Coastal structures; and
 - 3.4. Subtopic 10.7 Aquaculture.
4. The appellant intends to discuss these matters with the Council.
5. We also seeking to understand how the recently gazetted Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 which take effect from 1 December 2020 will affect the discussion.
6. Once topics are refined, and key issues identified, EBCS is open to mediation.
7. We note the Council's statement at paragraph 73 of its memorandum, which seeks more time to reflect on how to progress the appeals on natural character, landscape and ecologically significant marine sites. EBCS supports position of the Environmental Defence Society at

paragraph 6 of their memorandum dated 13 August 2020, which seeks to clarify that PMEP objectives, policies and overlays apply to marine farming. EBCS likewise submits that this aspect of its appeal can be progressed.



Tom Bennion / Lisa Black

Counsel for the Appellant