

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

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

**ENV-2020-CHC-31, 36, 39, 43,
46, 56, 57, 68**

IN THE MATTER

of the Resource Management Act
1991 (*the Act*)

AND

IN THE MATTER

of an appeal pursuant to Schedule 1,
clause 14 of the Act in relation to
the Proposed Marlborough
Environment Plan

BETWEEN

**KĀINGA ORA—HOMES AND
COMMUNITIES**

Section 274 party

AND

**MARLBOROUGH DISTRICT
COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL FOR KĀINGA ORA—HOMES AND
COMMUNITIES**

Dated: 14 August 2020

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
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May it please the Court:

- 1 The Court's minute of 16 June 2020 directed:
 - (a) the Marlborough District Council (*MDC*) to lodge and serve a case management memorandum by 31 July 2020; and
 - (b) all parties to respond to MDC's memorandum by 14 August 2020.

- 2 Kāinga Ora–Homes and Communities (*Kāinga Ora*) has reviewed the case management memorandum filed on behalf of MDC dated 31 July 2020 and the Table of Topics and Subtopics appended to that memorandum (*Table of Topics*).

- 3 Kāinga Ora has identified a number of topics and subtopics in the Table of Topics where it has been listed as a section 274 party where it is not in fact interested in the particular subtopic. These subtopics are:
 - (a) Topic 4: Landscape, subtopic 4.4: Management of adverse effects on ONFL and landscapes of high amenity value – Kāinga Ora is a section 274 party to the Transpower appeal but has no interest in this particular appeal point.
 - (b) Topic 8: Natural hazards, subtopic 8.3: Additional monitoring – Kāinga Ora is a section 274 party to the Te Ātiawa o Te Waka-a-Māui Trust appeal but has no interest in this particular appeal point.
 - (c) Topic 10: Coastal Environments, subtopic 10.3: Coastal Marine Zone – Beach nourishment – Kāinga Ora is a section 274 party to the Te Ātiawa o Te Waka-a-Māui Trust appeal but has no interest in this particular appeal point.
 - (d) Topic 11: Rural environment, subtopic 11.3: Reverse sensitivity – Kāinga Ora is a section 274 party to the KiwiRail Holdings Limited appeal and considers that this matter is more appropriately addressed in respect of all zones under the relevant appeal point in Topic 16: Transportation. Kāinga Ora

has no specific interest in the application of this appeal point to the rural environment.

- (e) Topic 15: Waste & Discharges to Land, subtopic 15.4: Other contaminants – Kāinga Ora is a section 274 party to the New Zealand Transport Agency appeal but has no interest in this particular appeal point.
 - (f) Topic 20: Zoning, subtopic 20.10: Zoning of designation K1 at Wharenui – Kāinga Ora is a section 274 party to the KiwiRail Holdings Limited appeal but has no interest in this particular appeal point.
- 4 Kāinga Ora requests that it be removed as a section 274 party from the above subtopics in the Table of Topics.
 - 5 Provided that the Table of Topics is amended as per the above, Kāinga Ora does not have any other concerns with MDC's proposed approach.
 - 6 Accordingly, Kāinga Ora respectfully requests leave not to attend the pre-hearing conference scheduled for Friday 28 August 2020.

DATED this 14th day of August 2020



L J Semple

Counsel for Kāinga Ora–Homes and Communities