

**In the Environment Court  
at Christchurch**

**ENV-2020-CHCH-046**

**In the Matter**

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

**And**

**In the Matter**

of an appeal under Clause 14(1),  
Schedule 1 of the Act

**Between**

**TE RŪNANGA O KAIKŌURA** and  
**TE RŪNANGA O NGĀI TAHU**

Appellant

**And**

**MARLBOROUGH**      **DISTRICT**  
**COUNCIL**

Respondent

**Memorandum of Counsel on  
behalf of Te Rūnanga o Kaikōura  
and Te Rūnanga o Ngāi Tahu**

Dated: 14 August 2020

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**lane neave.**

**May it Please the Court**

1. This memorandum is filed on behalf of Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**) in accordance with the Case Management Minute dated 16 June 2020 and in response to the Respondent's Case Management Memorandum dated 31 July 2020.
2. Counsel for Ngāi Tahu will appear at the pre-hearing conference scheduled for 28 August 2020 and intends to address the following issues:
  - (a) the Respondent's proposed 'temporary hiatus'<sup>1</sup> of the Water Allocation and Use and Water Quality topics; and
  - (b) integration of the relief allocated to the Heritage topic and the relief sought by Ngāi Tahu in relation to the Heritage Chapter<sup>2</sup> of the Marlborough Proposed Environment Plan (**MPEP**), which has been allocated to the Cultural topic.
3. In particular, Ngāi Tahu supports a temporary hiatus to ensure that the National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater 2020 can be incorporated into the MPEP.
4. Ngāi Tahu also supports the allocation its relief relating to the Heritage Chapter to the Cultural topic, but seeks to ensure that that relief is appropriately integrated with any outcomes from the Heritage topic (which the Respondent is proposing to mediate as a priority this year<sup>3</sup>).

Dated this 14<sup>th</sup> day of August 2020



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Joshua Leckie

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

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<sup>1</sup> For Marlborough District Council: MEP-Appeals Case Management Memorandum No. 1 dated 31 July 2020 (**Council Memorandum**), at [76] – [77].

<sup>2</sup> MPEP Volume 1, Chapter 10 Heritage Resources and Notable Trees.

<sup>3</sup> Council Memorandum, Appendix 2.