

**BEFORE THE ENVIRONMENT COURT**

**ENV-2020-CHC-000042,  
64**

**AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO**

**IN THE MATTER**

of an appeal under clause 14  
of Schedule 1 of the Resource  
Management Act 1991

**BETWEEN**

**Minister of Conservation  
Royal Forest and Bird  
Protection Society of New  
Zealand Incorporated**

*Appellants*

**AND**

**Marlborough District  
Council**

*Respondent*

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**MEMORANDUM RESPONDING TO THE RESPONDENT'S CASE  
MANAGEMENT MEMORANDUM**

**Dated: 12 August 2020**

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Department of Conservation

Solicitor/Counsel acting: M Pemberton/D van Mierlo

Email: [mpemberton@doc.govt.nz](mailto:mpemberton@doc.govt.nz)/[dean@environmentalbarrister.co.nz](mailto:dean@environmentalbarrister.co.nz)

Telephone: 027 259 9183/03 7311070

**MAY IT PLEASE THE COURT:**

1. This memorandum is filed in response to the Council's case management memorandum of 31 July 2020 and in accordance with the Court's minute dated 16 June 2020.
2. The Council suggests that there may be merit in the Court placing the Indigenous Biodiversity topic (in so far as the national policy statement relates to the Council's Significant Natural Areas Programme and indigenous vegetation clearance rules) in a "temporary hiatus" until such time as the Council and parties have the opportunity to consider the content of the National Policy Statement for Indigenous Biodiversity (NPS-IB).
3. The following parties ("Parties") have an interest in the Indigenous Biodiversity topic by virtue of their appeals/section 274 notices:
  - 3.1. Minister of Conservation; and
  - 3.2. Royal Forest and Bird Protection Society of NZ Incorporated.
4. The Parties submit that the Court should not place any part of the Indigenous Biodiversity topic in a hiatus on the basis that the gazettal date of the NPS-IB is not known with any certainty (or guaranteed).



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Matt Pemberton/Dean van Mierlo  
Solicitor/Counsel for the Minister of Conservation

12 August 2020



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William Jennings

Counsel for Royal Forest And Bird Protection Society of New Zealand  
Incorporated

12 August 2020