

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14(1) of the First Schedule
of the Act in relation to the Marlborough
Environment Plan

BETWEEN **NELSON-MARLBOROUGH FISH AND GAME COUNCIL**
Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**
Respondent

**MEMORANDUM ON BEHALF OF NELSON-MARLBOROUGH
FISH AND GAME COUNCIL IN RESPONSE TO RESPONDENT'S
MEMORANDUM OF 31 JULY 2020.**

Dated 14 August 2020

Solicitor; R Bodle
Counsel; D van Mierlo, Barrister
Ph 03 7311 070
PO Box 45 Punakaiki, RD1 Runanga
West Coast 7873
Email dean@environmentalbarrister.co.nz

MAY IT PLEASE THE COURT

1. This memorandum is filed on behalf of the Nelson-Marlborough Fish and Game Council (**Fish and Game**) in response to the Respondent's Case Management Memorandum No 1 of 31 July 2020 (**the Respondent's memorandum**), and in accordance with the Court's directions dated 16 June 2020.
2. The Respondent's memorandum states that there may be merit in placing the Water Allocation and Use, and Water Quality topics in a "temporary hiatus" while the National Policy Statement for Freshwater Management 2020, (and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 are considered by Council and parties.¹
3. Fish and Game's appeal directly relates to these two topics.
4. Fish and Game is not opposed to the Respondent and other parties having time to consider the recently gazetted freshwater policy and regulatory reforms, and the implications of these for relevant MEP appeals. However, Fish and Game submits that if the Water Allocation and Use, and Water Quality topics are to be placed in a 'temporary hiatus' this should;
 - a. be for a limited, and clearly defined period, and
 - b. not preclude direct meetings and discussion between appellants and the Respondent to resolve or narrow matters in dispute (including as to the implications of the recent freshwater policy and regulatory reforms on MEP appeals) as foreshadowed in paragraph 50 of the Respondent's memorandum, and
 - c. provide for the Water Allocation and Use, and Water Quality topics to be ready to proceed to mediation as soon as reasonably practicable (while acknowledging that these topics are not included in Council's priorities for 2020²), and
 - d. provide for parties to request that the topics come out of any 'temporary hiatus' once the implications of the freshwater reforms have been assessed, or if any

¹ Respondent's memorandum, para 76.

² Respondent's memorandum, at Appendix 2, pg 39.

undue delay arises while those implications are being assessed.

Dated this 14th day of August 2020

A handwritten signature in blue ink, appearing to read 'D van Mierlo', written in a cursive style.

D van Mierlo

Counsel for Nelson-Marlborough Fish and Game Council