

**In the Environment Court
at Christchurch**

ENV-2020-CHC-056

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

**NEW ZEALAND TRANSPORT
AGENCY**

Appellant

And

**MARLBOROUGH DISTRICT
COUNCIL**

Respondent

**Notice of wish to be party to proceedings
by Te Rūnanga o Kaikōura and
Te Rūnanga o Ngāi Tahu**

Dated: 8 June 2020

Lane Neave
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lane neave.

To: The Registrar
Environment Court
Christchurch

1. Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**) wish to be party to the following appeal against parts of the decisions of the Respondent (**Decisions**) on the Proposed Marlborough Environment Plan (**Proposed Plan**):
 - (a) *New Zealand Transport Agency v Marlborough District Council* (ENV-2020-CHC-056) (**Appeal**).
2. Ngāi Tahu made a submission about the subject matter of the Appeal.
3. Ngāi Tahu is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**Act**).
4. Ngāi Tahu is interested in the part of the Appeal relating to stormwater and damming.
5. In particular, Ngāi Tahu is interested in the following particular issues:
 - (a) the addition of a new rule permitted activity rule in Chapter 2 to allow the discharge of stormwater to land;
 - (b) the proposed amendment to the explanation of Policy 5.2.3 to include an exemption from the prohibition of taking, damming or diversion of water for maintenance or upgrade works associated with regionally significant infrastructure; and
 - (c) the proposed amendment of Rule 2.11.1 to include an exemption for a temporary coffer dam or the proposed alternative amendment of the definition of “dam” in Chapter 25.
6. Ngāi Tahu **opposes** the relief sought because it has the potential to:
 - (a) undermine the recognition and provision for the ancestral relationship of Ngāi Tahu and their culture and traditions with their ancestral lands and water sites;
 - (b) compromise Te Mana o te Wai and the mauri of the waterbody and its ability to provide for te hauora o te tangata, te hauora o te taiao,

and te hauora o te wai, to the forefront of freshwater management;
and

(c) allow the potential enabling of temporary dams over extended periods of time.

7. Ngāi Tahu agrees to participate in mediation or other alternative dispute resolution of the Appeal.

Dated this 8th day



Joshua Leckie

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

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