

**BEFORE THE ENVIRONMENT COURT**

**ENV-2020-CHC-000033**

**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**

**Friends of Nelson Haven  
and Tasman Bay Inc**

*Appellant*

**AND**

**Marlborough District  
Council**

*Respondent*

---

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE  
MINISTER OF CONSERVATION**

**Dated: 8 June 2020**

---

---

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

## **Notice of person's wish to be a party to proceedings**

### **Section 274 Resource Management Act 1991**

To: The Registrar  
Environment Court  
CHRISTCHURCH

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:
  - 1.1. Friends of Nelson Haven and Tasman Bay Inc v Marlborough District Council.
2. The Minister made submissions and appeared at the Council hearing on the proposed Marlborough Environment Plan (the Plan).
3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Minister has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.
5. The Minister is interested in all of the proceedings, but has a particular interest in parts of the appeal relating to:
  - 5.1. Process and outcomes for the identification and mapping of natural character and landscape in the coastal environment;
  - 5.2. Process of identifying and mapping Ecologically Significant Marine Sites (ESMS); and
  - 5.3. Policy 8.3.5, Appendix 3 criteria, Addition of sites in Appendix 27, amendments to Rules 16.6.6 and 16.6.7.
6. The Minister **opposes or supports** the relief sought.

***Relief supported***

7. The Minister supports the proposed reference to NZCPS Objective 1 and Policies 11, 13 and 14 of the NZCPS to the introduction of Chapter 8 (Indigenous Biodiversity) which will form a link between this Chapter and Chapter 6 (Natural Character).
8. The Minister supports amendments to the ESMS maps where required to better identify habitats of King Shag and amendments to the policy framework (specifically Policy 8.3.5) that will provide better protection for this species and their habitats as required by Objective 1 and Policy 11 of the NZCPS. The actual wording of amendments to the policies may require some further consideration and refinement, however.

***Relief opposed***

9. The Minister opposes the appeal and relief sought in relation to:
  - 9.1. the provisions of Chapters 6 and 7 in Volume 1;
  - 9.2. the mapping of the extent of landscapes and natural features, and natural character of the coastal environment and the methodology behind the mapping; and
  - 9.3. the related schedules in Appendix 1 and Appendix 2 in Volume 3
10. The reasons for opposition are that the Minister supports the Plan as decided by the Council in respect of the matters listed in paras 9.1 to 9.3. The Plan in respect of these matters is based on robust assessments using sound methodology and is consistent with the NZCPS.
11. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.

A handwritten signature in black ink, appearing to read 'J. A. R.', with a horizontal line extending to the right.

---

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

8 June 2020

Address for service of person wishing to be a party:

**Minister of Conservation**

Planning Shared Services

Department of Conservation

Private Bag 4715, Christchurch Mail Centre, Christchurch 8140

*Contact persons*

Geoff Deavoll, Team Lead RMA – Operations

Telephone: 027 536 7020

Email: [gdeavoll@doc.govt.nz](mailto:gdeavoll@doc.govt.nz)

And

Matt Pemberton, Senior Solicitor – Legal Services

Telephone: 027 359 9183

Email: [mpemberton@doc.govt.nz](mailto:mpemberton@doc.govt.nz)

**Advice**

If you have any questions about this notice, please contact the Environment Court in Auckland, Wellington, or Christchurch.