

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2020-CHC-33

IN THE MATTER of an appeal pursuant to 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 WAKATŪ INCORPORATION SEEKING TO BECOME PARTY TO
THE APPEAL UNDER S 274 OF THE ACT**

Dated 8 June 2020

Wakatū Incorporation
P O Box 440
Nelson
Contact person: Riki Kotua, Legal Counsel
Email: Riki.Kotua@wakatu.org

NOTICE OF WAKATŪ INCORPORATION'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

TO: The Registrar
Environment Court
Christchurch

Name of Person who wishes to be Party

- 1 Wakatū Incorporation (Wakatū) wishes to be a party to the following proceedings: *Friends of Nelson Haven and Tasman Bay Inc v Marlborough District Council* ENV-220-CHC-33, which is an appeal against parts of the Marlborough District Council's decision on the proposed Marlborough Environment Plan.
- 2 Wakatū is a Māori incorporation pursuant to Te Ture Whenua Māori Act 1993. With businesses based in Nelson and Marlborough, Wakatū has approximately 4,000 shareholders who are those families who descend from the customary Māori land owners of the northern south island – Te Tau Ihu.
- 3 Wakatū has an interest in the proceedings that is greater than the interest that the general public has. In particular:
 - (a) Wakatū Incorporation is the third largest owner of marine farms in the Marlborough Sounds.
 - (b) Wakatū Incorporation also leases or manages a significant number of other marine farms in the Marlborough Sounds, including farms owned by Te Rūnanga o Ngāi Tahu.
 - (c) The appeal grounds are broadly framed and relate to matters concerning the coastal environment of the Marlborough Sounds, including assessments of natural character, landscape and ecological areas, and mapping of the same. All of these provisions will potentially impact upon existing marine farms in the Marlborough Sounds owned or operated by Wakatū, particularly when new consents are required for those farms.

- (d) The aquaculture chapter of the Plan has not yet been notified. However, if the relief sought is granted, the appeal has the potential to directly impact upon the provisions of the aquaculture chapter (in terms of zonings and rules), and also upon the future operation and consenting of marine farms owned, managed or leased by Wakatū in the Marlborough Sounds.

Trade competition

- 4 Wakatū is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (the Act).

The Proceedings

- 5 Wakatū is interested in all of the proceedings.

Particular Issues

- 6 Wakatū Incorporation is interested in the following particular issues:
 - (a) Any part of the appeal which relates to the assessment of natural character in the context of the coastal environment, including but not limited to appeal grounds in relation to chapter 6, Appendices 2 and 4 and overlays in the planning maps;
 - (b) Any part of the appeal which relates to the assessment of landscapes in the context of the coastal environment, including but not limited to appeal grounds in relation to chapter 7, Appendix 1 and overlays in the planning maps;
 - (c) Any part of the appeal which relates to alleged conflicts in the Plan between the development of the aquaculture chapter and protection of natural features and landscapes and natural character in the coastal environment;
 - (d) Any part of the appeal which relates to or seeks to challenge or amend provisions in the Plan concerning Indigenous Biodiversity including the policy framework, mapping and rules for protection of significant habitats of indigenous fauna.
 - (e) Any part of the appeal which relates to or seeks to challenge provisions in the Plan concerning ESMS in the context of the Marlborough Sounds, and in particular amendments sought to policy 8.3.5, ESMS planning

maps and criteria in Appendix 3, inclusion of king shag breeding and roosting sites in Appendix 27, and amendments sought to rules 16.6.6 and 16.6.7;

- (f) Any part of the appeal which relates to Important Bird Areas.

Relief sought

- 7 Wakatū Incorporation opposes the relief sought because it is inconsistent with the Act and the New Zealand Coastal Policy Statement 2010 (NZCPS). It does not promote the sustainable management of the coastal marine area of the Marlborough Sounds, nor does it promote the efficient use and development of natural and physical resources. Further, the relief sought is inconsistent with the requirement to plan strategically in NZCPS policy 7, and with the requirement to provide for aquaculture in appropriate places in terms of NZCPS policies 6 and 8. It does not promote the most appropriate plan provisions in terms of section 32 of the Act.

Dispute resolution

- 8 Wakatū Incorporation agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Other Section 274 Party Notices

- 9 Wakatū Incorporation has also lodged section 274 party notices seeking to join the appeals brought by the Environmental Defence Society Incorporated ENV-2020-CHC-67 and Royal Forest and Bird Protection Society ENV-2020-CHC-64 on similar issues.



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Riki Kotua

Wakatū Incorporation

Date: 8th June 2020

Address for service of Person wishing to be a Party

Wakatū Incorporation
P O Box 440
Nelson
Contact details: Riki Kotua
Email: Riki.Kotua@wakatu.org

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

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