

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-35

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
Proposed Marlborough Environment Plan

BETWEEN **Nelson Marlborough Fish and Game**

Appellant

AND **Marlborough District Council**

Respondent

**NOTICE OF WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

To: The Registrar

Environment Court

Christchurch

1. Horticulture New Zealand ("**HortNZ**") wishes to be a party pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") to the following proceedings:
 - (a) Nelson Marlborough Fish and Game v Marlborough District Council (ENV-2020-CHC-35) being an appeal against decisions of the Marlborough District Council on the Proposed Marlborough Environment Plan.
2. HortNZ made submissions and further submissions on the Proposed Marlborough Environment Plan (submitter number 769).
3. HortNZ also has an interest in these proceedings that is greater than the general public as it represents interest groups in the community that are likely to be affected by the proposed relief sought by the Respondent.
4. HortNZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. HortNZ is interested in part of the proceedings.
6. The parts of the proceedings HortNZ is interested in, including the particular issues and whether HortNZ supports, opposes or conditionally opposes the relief sought are set out in the attached table.
7. HortNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

JLanders

Jordyn Landers
Environmental Policy Advisor
Horticulture New Zealand

8 June 2020 (Amended to correct numbering/dates – 9 June)

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Provision or decision appealed by Appellant	Support / Oppose	Reason
Policy 5.2.4	Support in part	HortNZ supports amendments to the policy which provide clarification as to how the values in the NPSFM are included and the status of the environmental flows in the PMEP in relation to the NPSFM.
Policy 5.2.7	Oppose	HortNZ oppose the deletion of Policy 5.2.7 (which enables, for default minimum flows, an alternative minimum flow through a resource consent process taking into account Policies 5.2.1 and 5.2.4). An applicant should be able to seek consent, if they can demonstrate that at a different minimum flow, the flow regime outcome (which meets the values in the referenced policies) is maintained.
Policy 5.2.13	Oppose	HortNZ are concerned that a review date of 2020 <u>2022</u> for existing consents undermines investment certainty.
Policy 5.2.17	Oppose	HortNZ are concerned that a review date of 2020 <u>2022</u> for existing consents undermines investment certainty. It is unclear what is intended by a rationing scheme on new consents.
Policy 5.2.24 <u>25</u>	Oppose	HortNZ are concerned that a review date of 2020 <u>2022</u> for existing consents undermined investment certainty and does not enable enough time.
Policy 5.2.26	Oppose in part	HortNZ seeks fair and clear expectations for existing consent holders.
Policy 5.3.9	Oppose	Adding monthly and annual limits to expression of allocation of water for irrigation purposes from surface water would likely result in additional constraints; the environmental benefit of this is unclear.
Policy 5.4.4	Oppose	HortNZ seeks to retain the transfer policies as per the decision version.
Policy 5.4.5	Oppose	HortNZ seeks to retain the transfer policies as per the decision version.
All policies that refer to allocation or over-allocation	Support in part	HortNZ agree that clarification is needed in regard to allocation limits in the plan, as to whether these are allocation limits for the purposes of the NPSFM.
Objectives 15.1(c) – 15.1(e)	Support in part	HortNZ supports acknowledgement within the water quality objectives that they are interim.
Additional Policy, Water quality degradation due to intensive agriculture	Oppose	The definition of 'intensive agriculture' and the controls sought are unclear.
Appendix 5 Schedule 1 and 2	Support in part	HortNZ support clarification of the status of the values in Appendix 5 and inclusion of NPSFM values
Appendix 6 Schedule 1 and 3	Oppose	HortNZ presented evidence at the hearing in support of the proposed minimum flow limits.

