

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

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

ENV-2020-CHC-000049

UNDER	the Resource Management Act 1991
IN THE MATTER OF	an appeal under clause 14(1) of schedule 1 of the Act
BETWEEN	PORT MARLBOROUGH NEW ZEALAND LIMITED Appellant
AND	MARLBOROUGH DISTRICT COUNCIL Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS UNDER s 274 BY
TE ĀTIAWA O TE WAKA-A-MĀUI TRUST**

Dated: 5 June 2020

PITT & MOORE
SOLICITORS
NELSON

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To: The Registrar
Environment Court
Christchurch

1. Te Ātiawa o Te Waka-a-Māui Trust (**Te Ātiawa Trust**) wishes to be a party to the appeal proceedings ENV-2020-CHC-000049 (**Appeal**) between Port Marlborough New Zealand Limited (**Appellant**) and the Marlborough District Council (**Respondent**) in relation to the Respondent's decision on the Proposed Marlborough Environment Plan (**PMEP**).
2. Te Ātiawa Trust made submissions about the subject matter of the proceeding and has an interest in the proceedings greater than the general public as the governing body of Te Ātiawa o Te Waka-a-Māori iwi which holds mana whenua in Marlborough.
3. Te Ātiawa Trust is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (**the Act**)
4. Te Ātiawa Trust is interested in part of the proceedings, namely the amendments the Appellant seeks to Policy 8.3.4; Rule 13.4.2.3; and Rule 15.5.3.3 of the PMEP:
5. The Appellant seeks that:
 - (a) Policy 8.3.4 (Indigenous Biodiversity) – which details, in the context of Policy 8.3.1 and Policy 8.3.2, the adverse effects (including a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by Marlborough's tangata whenua iwi) to be avoided or otherwise remedied or mitigated – be deleted entirely;
 - (b) Rule 13.4.2.3 – which reserves as a matter of discretion for the Respondent when considering commercial activities not otherwise provided for in the Port Zone, the consideration of

effects on the cultural values of Marlborough's tangata whenua iwi – be deleted entirely;

- (c) Rule 15.5.3.3 – which provides that reclamation of the foreshore or seabed must not be located in that part of the Marina Zone in Waikawa Bay identified in Appendix 10 – be deleted;
6. Te Ātiawa Trust opposes the relief sought because the relief sought is inconsistent with Part 2 of the Act, in particular:
- (a) the requirement to recognise and provide for the relationship of Maori with their ancestral land and sites (s 6(e)) as a matter of national importance;
 - (b) the requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development (s 6(f)) as a matter of national importance;
 - (c) the requirement to have particular regard to Kaitiakitanga (s 7);
 - (d) the requirement to take into account the principles of the Treaty of Waitangi (s 8);
 - (e) does not implement MDC's functions under s31 of the Act;
and/or
 - (f) does not represent best resource management practice.

7. Te Ātiawa Trust agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 5th day of June 2020.



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A M Halloran
Counsel on behalf of Te Ātiawa o Te Waka-a-Māui Trust

TO: Environment Court
PO Box 2069
CHRISTCHURCH

Also by email to: Christine.McKee@justice.govt.nz

AND TO: Marlborough District Council
By email only: Kaye.McIlveney@marlborough.govt.nz

Address for service of person wishing to be a party

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Advice

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