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**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KOTIMATUA O AOTEAROA  
ŌTAUTAHI ROHE**

**ENV-2020-CHC-64**

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**IN THE MATTER OF**                      **the Resource Management Act 1991 (RMA)**

**AND IN THE MATTER OF**            **an appeal pursuant to Clause 14, Schedule 1  
of the RMA in relation to a decision on the  
Proposed Marlborough Environment Plan**

**BETWEEN**                                **THE ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED**

**Appellant**

**AND**                                         **MARLBOROUGH DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF INTENTION BY THE MINISTER OF FISHERIES TO BE A  
PARTY TO THE PROCEEDINGS**

**8 June 2020**

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**CROWN LAW**  
**TE TARI TURE O TE KARAUNA**  
PO Box 2858  
WELLINGTON 6140  
Tel: 04 494 5562

Contact Person:  
Rosemary Dixon / Natalie Julian  
[rosemary.dixon@crownlaw.govt.nz](mailto:rosemary.dixon@crownlaw.govt.nz) / [natalie.julian@crownlaw.govt.nz](mailto:natalie.julian@crownlaw.govt.nz)

**To** The Registrar  
Environment Court  
Christchurch

1. **THE MINISTER OF FISHERIES** (the **Minister**) gives notice under section 274 of the RMA that he wishes to be a party to these proceedings, being *The Royal Forest and Bird Protection Society of New Zealand Incorporated v Marlborough District Council* (the **appeal**).
2. The appeal is in respect of decisions of Marlborough District Council (the **Council**) on its proposed Marlborough Environment Plan (**MEP**).
3. The Minister, through the Ministry for Primary Industries, made a submission on the MEP about the subject matter of the proceedings.
4. The Minister has an interest in the proceedings that is greater than the interest of the general public. The Minister is responsible for administering the Fisheries Act 1996 whose purpose includes the utilisation of fisheries resources while also “avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment”.<sup>1</sup> Fishers, fishing and fisheries resources are affected by the relief sought in this appeal.
5. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
6. The Minister has an in interest in parts of the proceedings relating to indigenous biodiversity:
  - 6.1 Volume 1, Chapter 8, Indigenous Biodiversity, Policy 8.3.5;
  - 6.2 Volume 1, Chapter 8, Indigenous Biodiversity, Policy 8.3.8 (formerly Policy 8.3.7);
  - 6.3 Volume 3, Appendix 27, Ecologically Significant Marine Sites.

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<sup>1</sup> Section 8(2)(b)

7. The Minister **supports** the appellant's general intent to protect indigenous biodiversity and king shag habitat in the coastal environment.
8. The Minister **opposes** the specific relief sought. The Minister considers that the Council's decisions on this policy framework achieve the purpose of the Act and the framework is appropriate on the evidence, but accepts in principle that some further consideration and refinement is possible.
9. The proposed inclusion of "all other Important Bird Areas" in Appendix 27 is vague and its effect uncertain.
10. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.

08 June 2020



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Rosemary Dixon  
Counsel for the Minister of Fisheries

The address for service of the Minister is Crown Law, Level 3, Justice Centre, 19 Aitken Street, Wellington 6011. Documents for service on the Minister may be left at this address for service or may be:

- (a) posted to the solicitor at PO Box 2858, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to DX SP20208, Wellington Central; or
- (d) emailed to the solicitor at [rosemary.dixon@crownlaw.govt.nz](mailto:rosemary.dixon@crownlaw.govt.nz) or [natalie.julian@crownlaw.govt.nz](mailto:natalie.julian@crownlaw.govt.nz).