

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-67

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 **Environmental Defence Society**

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) Environmental Defence Society v Marlborough District Council (**ENV-2020-CHC-67**) 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.

J Landers

Jordyn Landers
Environmental Policy Advisor
Horticulture New Zealand

8 June 2020

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Provision or decision appealed by Appellant	Support / Oppose	Reason
Introduction and 5.M.1 Policies 5.2.1, 5.2.2, 5.2.3	Support in part	HortNZ support clarification on the relationship between Appendix 6 (FMUs) and Appendix 5 (Water Resource Units and their values), and the values yet to be identified.
Policy 5.2.4	Oppose in part	HortNZ support clarification on relationship between this policy and FMU value and limit-setting. However additional clarity should be provided with regard to the proposed inclusions of 'and maintain' to sub-clauses (c),(e) and (g) as on plain reading the requirement to both maintain and enhance is not clear.
Policy 5.2.8 (now 5.2.7) and 5.M.2	Oppose	An applicant should be enabled 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 5.3.4	Support	The policy should refer only to water for drinking and sanitation purposes, not municipal supplies generally.
Policy 5.4.5	Oppose	HortNZ seeks to retain the transfer polices as in the decision version of the Plan.
Policy 5.8.1	Oppose	The explanation is contrary to the policy (of encouraging) and adds further detail which sits outside the policy.
Policy 7.2.5	Oppose	HortNZ are concerned about the requirement for blanket avoidance of adverse effects on outstanding natural features and landscapes and the extension of the policy beyond the coastal environment, particularly in relation to the new rules proposed by the appellant which would apply to horticultural activities, including cultivation.
Policy 15.1.3	Oppose	The interim limits for N and P are not clear in the appeal.
Policy 15.1.29	Oppose	Strict 'avoidance' is not necessarily practicable in all situations.
New/amended vegetation clearance rules	Oppose	HortNZ seek that there is appropriate provision for horticultural activities.
New/amended diffuse discharge rules	Oppose	The content of new rules sought for diffuse discharges from primary production activities to implement water quality objectives and policies is not clear.