

BEFORE THE ENVIRONMENT COURT

ENV-2020-CHC-000074

AT CHRISTCHURCH

I MUA I TE KOOTI TAIAO

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

**Marine Farming
Association Incorporated
and Aquaculture New
Zealand**

Appellant

AND

**Marlborough District
Council**

Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
MINISTER OF CONSERVATION**

Dated: 8 June 2020

Department of Conservation

Solicitor/Counsel acting: M Pemberton/D van Mierlo

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Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
CHRISTCHURCH

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:
 - 1.1. Marine Farming Association Incorporated and Aquaculture New Zealand.
2. The Minister made submissions and appeared at the Council hearing on the proposed Marlborough Environment Plan (the Plan)
3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Minister also has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.
5. The Minister is interested in all of the proceedings, but has a particular interest in the parts of the appeal relating to:
 - 5.1. Use of Natural and Physical Resources;
 - 5.2. Landscape and Natural Character;
 - 5.3. Indigenous Biodiversity;
 - 5.4. Marine Mammals; and
 - 5.5. Coastal Occupancy Charging.
6. The Minister **opposes** the relief sought.

Relief opposed

7. The Minister opposes the relief sought in relation to Chapter 4 Use of Natural and Physical Resources on the basis that it is considered that the provisions of the chapter in the Plan provides for and recognises existing uses of natural and physical resources through the determination and identification of natural character in the Marlborough Sounds. Given this, the additional policy and objective sought are not considered to be necessary additions.
8. The Minister opposes the relief sought in relation to:
 - 8.1. the provisions of Chapters 6 and 7 in Volume 1;
 - 8.2. the mapping of the extent of landscapes and natural features, and natural character of the coastal environment and the methodology behind the mapping; and
 - 8.3. the related schedules in Appendix 1 and Appendix 2 in Volume 3.
9. The reasons for opposition are that the Minister supports the decisions version of the Plan in respect of the matters listed in paras 8.1 to 8.3. The Plan in respect of these matters was based on robust assessments using sound methodology and is consistent with the NZCPS.
10. The Minister opposes the appeal relating to Policy 8.1.1 as the relief sought is already provided for in the explanation to the policy and is therefore considered to be an unnecessary amendment.
11. The Minister opposes the appeals on the provisions relating to the identification and mapping of Ecologically Significant Marine Sites including the buffers around Category A and B sites. It is not considered appropriate for aquaculture activities to be exempted from the provisions that are designed to protect these identified sites, particularly Rules 16.6.6 and 16.7.7, and such an approach would not be consistent with NZCPS.
12. The Minister opposes the relief sought in relation to the mapping and reference in the Plan to the marine mammal distribution maps. There is a clear distinction in the Plan between the marine mammal maps and the

ESMS sites and the provisions that apply to each. Further clarification is not considered to be necessary.

13. The Minister does not support the removal of the Queen Charlotte Sound Hectors Dolphin Map, as sought but acknowledges that some amendment to that map is required as referred to in this appeal.
14. The Minister opposes the relief sought in relation to coastal occupancy charging on Policies 13.19.10 and 13.19.11 and Method 13.M.34. The Minister supports the implementation of occupancy charging through the annual plan process, specifically setting out the expected expenditure on sustainable management of the coastal marine area through that process. Fixing the occupancy charges through the policies of the Plan is not considered appropriate and the policies as decided are supported and consistent with the NZCPS.
15. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Matt Pemberton/Dean van Mierlo
Solicitor/Counsel for the Minister of Conservation

8 June 2020

Address for service of person wishing to be a party:

Minister of Conservation
Planning Shared Services
Department of Conservation
Private Bag 4715, Christchurch Mail Centre, Christchurch 8140

Contact persons
Geoff Deavoll, Team Lead RMA – Operations

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And

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Advice

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