

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 *Friends of Nelson Haven and Tasman Bay Inc 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”.¹ 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 all of the proceedings but particularly the parts relating to indigenous biodiversity addressed in the appeal and specifically in the appellant’s Appendix 2, in particular Appeal points 3 and 4:
 - 6.1 Volume 3, New Ecologically Significant Marine Sites planning map – Appendix 3 (Appeal point 3);
 - 6.2 Volume 1, Chapter 8, Indigenous Biodiversity, Policy 8.3.5 (Appeal point 4);

¹ Section 8(2)(b)

- 6.3 Volume 3, Appendix 3 Ecological Significance Criteria (Appeal point 4);
 - 6.4 Volume 3, Appendix 27 Inclusion of king shag breeding and roosting sites (Appeal point 4);
 - 6.5 Amendments to rules 16.6.6 and 16.7.6 (Appeal point 4).
- 7. The Minister **supports** the appellant's general intent to protect indigenous biodiversity in the coastal environment and the habitat of the king shag but **opposes** the specific relief sought.
 - 8. The Minister considers that the Council's decisions on the 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 Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.

08 June 2020



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 or natalie.julian@crownlaw.govt.nz.