

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

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

ENV-2020-CHC-36

IN THE MATTER

of the Resource Management Act
1991 (*the Act*)

AND

IN THE MATTER

of an appeal pursuant to Schedule 1,
clause 14 of the Act in relation to
the Proposed Marlborough
Environment Plan

BETWEEN

**HERITAGE NEW ZEALAND
POUHERE TAONGA**

Appellant

AND

**MARLBOROUGH DISTRICT
COUNCIL**

Respondent

**NOTICE OF KĀINGA ORA–HOMES AND COMMUNITIES WISH TO
BE PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated: 8 June 2020

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
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To: The Registrar
Environment Court
Christchurch

- 1 Kāinga Ora–Homes and Communities (*Kāinga Ora*) gives notice under section 274 of the Act that it wishes to be a party to these proceedings, being *Heritage New Zealand Pouhere Taonga v Marlborough District Council* (ENV-2020-CHC-36) (*the Appeal*).
- 2 The Appeal is in respect of parts of a decision made by the Marlborough District Council, as delegated to the Independent Hearings Panel, related to provisions of the proposed Marlborough Environment Plan (*the Plan*) intended to protect historic and cultural heritage (*the Decision*).
- 3 Kāinga Ora has an interest in the proceedings that is greater than the interest of the general public. Kāinga Ora is a significant landowner within the Marlborough District and has responsibility for the provision and maintenance of a considerable portion of the District’s existing and future social housing infrastructure.
- 4 Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 5 Kāinga Ora is interested in the following parts of the proceedings:
 - (a) The addition of a new policy in Chapter 10 to provide for the protection of historic heritage not scheduled in Appendix 13 to the Plan.
 - (b) The inclusion of subdivision of sites containing a Heritage Resource identified in Appendix 13 as a discretionary activity in Rule 2.26.
- 6 In particular:
 - (a) Kāinga Ora recognises the importance of protecting historic heritage from inappropriate subdivision, use and development pursuant to section 6 of the Act. However, to ensure clarity and certainty in the application of the Plan, the lawful approach to providing for such matters is to identify those

places with the relevant attributes in the Plan and then apply a suitable policy framework for preservation or protection. This ensures that the standard for determining “inappropriateness” refers back to the attribute to be preserved or protected and can be interpreted against that backdrop. The new policy proposed by the Appellant does not meet this requirement.

- (b) It is appropriate that subdivision of sites containing a Heritage Resource identified in Appendix 13 is assessed under the Volume 2, Chapter 24 - Subdivision rules.
- 7 Kāinga Ora therefore opposes the relief sought by the Appellant because, if the relief sought is granted, and the Decision modified as sought, the Decision:
- (a) will be contrary to the sustainable management of natural and physical resources;
 - (b) will be inconsistent with the purpose and principles of the Act;
 - (c) will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
 - (d) will not provide for the efficient use and management of natural and physical resources.
- 8 Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 8th day of June 2020



L J Semple

Counsel for Kāinga Ora–Homes and Communities

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