

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I MUA I TE KOOTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**ENV-2020-CHC-**

**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** **MINISTER OF CONSERVATION**  
**Appellant**

**AND** **THE APPELLANTS LISTED IN PARAGRAPH 1**  
**Appellant**

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

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**SECTION 274 NOTICE BY THE ROYAL FOREST AND BIRD PROTECTION SOCIETY**

**OF NEW ZEALAND INCORPORATED**

8 June 2020

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Royal Forest and Bird Protection Society of New Zealand Inc.  
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Solicitor acting: William Jennings

## SECTION 274 NOTICE

TO: The Registrar  
Environment Court  
CHRISTCHURCH

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) wishes to be a party to the following appeals in respect of the Marlborough District Council's ("MDC") decision on the proposed Marlborough Environment Plan:

- a. Minister of Conservation v MDC (ENV-2020-CHC-42);
- b. Aroma v MDC (ENV-2020-CHC-45);
- c. Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu v MDC (ENV-2020-CHC-46);
- d. Federated Farmers of NZ Inc. v MDC (ENV-2020-CHC-58);
- e. Nelson-Marlborough Fish and Game Council v MDC (ENV-2020-CHC-35);
- f. McGuinness Institute v MDC (ENV-2020-CHC-48);
- g. Port Marlborough New Zealand Ltd v MDC (ENV-2020-CHC-49);
- h. Trustpower Ltd v MDC (ENV-2020-CHC-50);
- i. The New Zealand King Salmon Co. Ltd. v MDC (ENV-2020-CHC-51);
- j. One Forty One (previously knowns as Nelson Forests Ltd) v MDC (ENV-2020-CHC-54);
- k. New Zealand Transport Agency v MDC (ENV-2020-CHC-56);
- l. Transpower v MDC (ENV-2020-CHC-68);
- m. Horticulture New Zealand v MDC (ENV-2020-CHC-72);
- n. Minister of Defence v MDC (ENV-2020-CHC-76);
- o. Environmental Defence Society Inc. v MDC (ENV-2020-CHC-67);
- p. Friends of Nelson Haven and Tasman Bay Inc (ENV-2020-CHC-33); and
- q. Marine Farming Association Inc. v MDC (ENV-2020-CHC-74).

2. Forest and Bird:
  - a. made a submission and further submissions on the proposed Marlborough Environment Plan; or
  - b. has an interest greater than the public generally as an incorporated society with a well known role in the protection of indigenous biodiversity (see *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31]); or
  - c. Both.
3. Forest and Bird is not a trade competitor for the purposes of section 308C or 308D of the Resource Management Act 1991.
4. Forest and Bird's interest, position and reasons are set out in Table 1 below.
5. Forest and Bird agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 8 June 2020



William Jennings  
Counsel for Royal Forest and Bird Protection Society of New Zealand Inc.

**Address for service of person wishing to be a party:**

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**Advice**

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

**Table 1 – Details of section 274 party interest**

<b>Appellant</b>	<b>Provision</b>	<b>Oppose/ Support<sup>1</sup></b>	<b>reasons</b>
Minister of Conservation	All parts of the appeal except Appendix 2 and rule 2.9.1	Support	The amendments sought provide for protection and maintenance of indigenous biodiversity, align with provisions of the plan (including as sought by Forest & Bird’s appeal) NZCPS
Aroma	Appendix 27	Neutral	Maintain a watching brief because there is the potential relief sought may not give effect to the NZCPS or Part 2
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu	-Chapter 5, Vol 1 -Rules 2.6.5 & 2.11.1	Generally support ch 5 relief, oppose rule relief	Ch 5 relief provides consistency with the NPSFM and RMA and gives effect to them and goes some way to protecting and maintaining indigenous biodiversity.  The relief sought in the rules contravenes Part 2
Federated Farmers of NZ Inc.	-All parts of the appeal except: definitions of computer register, minor upgrading, worker accommodation; Rules 2.3.16, 2.9.5, 3.2.1.3, 3.2.1.7, 3.3.52.2, 3.3.52.3, 3.7.13, 4.2.1.6, 4.3.49.2 -3 ; policies 4.1.2, 14.4.2 – 14.4.7, 15.11 – 16.1.1	Oppose	Does not promote the purpose of the RMA
Nelson-Marlborough Fish and Game Council	-Terms – “natural and human use values” and “life supporting capacity, ecosystem processes and indigenous species of freshwater resources” and	Support	The amendments sought provide for protection and maintenance of indigenous biodiversity, align with provisions of the plan (including as sought by Forest & Bird’s appeal) NZCPS

<sup>1</sup> Opposition or support is qualified by Forest & Bird’s appeal and where there is an inconsistency between the Forest & Bird appeal and the opposition or support in the s 274 notices, the appeal prevails.

	<p>“management flow” -Chapter 5, Vol 1</p>		
McGuinness Institute	All parts of the appeal	Support	Goes some way towards protecting and maintaining indigenous biodiversity
Port Marlborough New Zealand Ltd	<ul style="list-style-type: none"> <li>-Chapter 8 Vol 1</li> <li>-Chapter 13 Vol 1, except 13.11.2; 13.18.4; 13.8.5; 13.8.6</li> <li>-New Rule 15.1.38 and 15.3.25 et seq.</li> <li>-Zone Map 138 – W991</li> <li>-Threatened Environment Overlay</li> <li>-W991 – Shakespeare Bay</li> <li>-ESMS 4.10</li> </ul>	Oppose	The relief sought runs counter to Part 2 and the NZCPS
Trustpower Ltd	<ul style="list-style-type: none"> <li>-Chapter 5 Vol 1</li> <li>-Chapter 8 Vol 1</li> <li>-New Rule Chapter 2 vegetation clearance</li> <li>-New controlled activity rule Chapter 2</li> <li>-Standards 3.3.12.2 &amp; 19.3.3.2</li> </ul>	oppose	The relief sought runs counter to Part 2 and the NZCPS
The New Zealand King Salmon Co. Ltd.	<ul style="list-style-type: none"> <li>-Chapter 6 Vol 1</li> <li>-Chapter 7 Vol 1</li> <li>-Rule 16.6.6 &amp; 16.7.7</li> <li>-Chapter 8 Vol 1</li> <li>-Appendix 3</li> <li>-Appendix 27</li> <li>-Policy 13.10.3</li> <li>-Policy 7.2.7</li> <li>-Policy 13.2.3</li> </ul>	Oppose	Is not consistent with the requirements of the NZCPS and Part 2 of the RMA and s 30
One Forty One (previously known as Nelson Forests Ltd)	<ul style="list-style-type: none"> <li>-Rules 3.4 and 3.5 weeded or tracked machinery for harvesting within 8 m of significant wetland discretionary activity</li> <li>-Rules 4.3.13.13 and</li> </ul>	Oppose but support the relief for mapping of significant indigenous	Is not consistent with Part 2 of the RMA

	4.3.15.12 - Forestry excavation, filling, in coastal environment zone -New permitted rule for harvesting existing forestry in Coastal Environment Zone -Significant indigenous biodiversity provisions	biodiversity	
New Zealand Transport Agency	-Policy 5.2.3 -Policy 8.3.8 -Rule 2.7 -Rule 16.1.26 -Definition of damming	Neutral	Some of the relief sought may not give effect to the NPS FM and may run counter to the requirements of Part 2
Transpower	-Policy 4.2.3 -Policy 6.2.1, 6.2.2 & 6.2.3 -New National Grid policy -Policies 7.2.5 & 7.2.6 -Policy 8.3.8 -Policy 13.1.1	Oppose	Is inconsistent with Part 2 of the RMA
Horticulture New Zealand	-Policy 5.2.4 -Policy 5.2.11 -Policy 5.2.13 -Policy 5.3.1 Definition of farming -Objective 15.1a -Rule 3.3.24.4; 3.3.25.2 (?3.3.26.2 new); 3.3.27.7 Rules 3.3.14	Oppose	Does not give effect to NPSFM and Part 2 of the RMA
Minister of Defence	-New Rule 2.7 and standard 2.9 Temporary dams	Oppose	Does not give effect to NPSFM and Part 2, requires further standards
Environmental Defence Society Inc.	-All parts of the appeal	Support	Is consistent with Part 2 of the RMA, the NZCPS, the NPS FM and provides for ss30 and 31 of the RMA. Additionally the amendments sought provide for protection and

			maintenance of indigenous biodiversity, align with provisions of the plan (including as sought by Forest & Bird's appeal) NZCPS
Friends of Nelson Haven and Tasman Bay Inc	-All parts of the appeal except Appendices 1, 2	Support	Is consistent with Part 2 of the RMA, the NZCPS, and provides for ss30 and 31 of the RMA
Marine Farming Association Inc.	-Chapter 6 & 7 Volume 1 provisions -Chapter 8 Vol 1 provisions -Rules in Chapter 16 Vol 2 -Policy 13.2.1 -Policy 13.2.3, 13.10.3 -Marine Mammal distribution map -Appendix 27 -ESMS maps	Oppose in general but partially support 13.2.1	Is inconsistent with Part 2 of the RMA and the NZCPS