

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-00054

**I TE KŌTI O AOTEAROA
ŌTAUTAHI ROHE**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14(1) of the First Schedule
of the Act in relation to the Proposed Marlborough
Environment Plan

BETWEEN **ONE FORTY ONE**

Appellant

AND

MARLBOROUGH DISTRICT COUNCIL

Respondent

**NOTICE OF ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED'S WISH TO BECOME A PARTY TO
PROCEEDINGS PURSUANT TO SECTION 274 RESOURCE
MANAGEMENT ACT 1991**

Environmental Defence Society Inc
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Solicitor acting: Cordelia Woodhouse
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Counsel: S Gepp

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TO: The Registrar
Environment Court
CHRISTCHURCH

1. The Environmental Defence Society Incorporated (**EDS**) wishes to be party to the appeal by OneFortyOne (**Appellant**) on the Marlborough District Council's decisions on the Proposed Marlborough Environment Plan (**PMEP**).
2. EDS made a submission on the PMEP in respect of matters raised in the appeal.
3. EDS has an interest in the proceedings that is greater than that of the public generally. EDS is a not-for-profit national environmental advocacy group. It was established in 1971 with the objective of bringing together the disciplines of law, science and planning to advocate for better environmental outcomes in resource management matters. It has been active in assessing the effectiveness of the Resource Management Act 1991 (RMA) and statutory planning documents in addressing key environmental issues
4. EDS is not a trade competitor for the purposes of s308D of the RMA.
5. EDS is interested in, and conditionally opposes, the following aspects of the Appellant's appeal:
 - a. Rules 2.7.5 and 2.7.11
 - b. Rules 4.5.4 and 4.5.5
 - c. Rule 3.1.8
 - d. Policy 7.2.8
 - e. Policies 8.1.1 and 8.3.2
6. EDS also interested in any other consequential relief relating to biodiversity, freshwater quality and quantity, natural character and landscape protection.

7. EDS agrees to participate in mediation or other alternative dispute resolution.

Reasons

8. The Appellant seeks to:
 - a. Exclude certain activities from the ambit of Rules in the PMEP on the basis that they are governed by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NESPF).
 - b. Allow for the harvesting of plantation forestry, and the excavation and filling associated with forestry tracks, roads and skid sites as permitted activities.
 - c. Enable the use of machinery within 8m of a significant wetland as a controlled activity.
 - d. Recognise 'primary production' as an existing land use that contributes to the values of the landscape.
 - e. Limit the requirement to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna (SNA) to sites that have been verified on the ground.
9. EDS considers that the relief sought will not provide for adequate protection of Marlborough's biodiversity and landscapes. As such it does not give effect to the environmental protections required under the RMA and other national policy documents.

DATED 8 June2020



Cordelia Woodhouse

Signed for and on behalf of the
**ENVIRONMENTAL DEFENCE
SOCIETY INCORPORATED** by its
duly authorised agent

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