

To The Registrar
 Environment Court
 Christchurch

1. Yachting New Zealand Incorporated (**YNZ**) wishes to be a party to the following appeal against part of the decision of Marlborough District Council (**Council**) on the Proposed Marlborough Environment Plan (**Proposed Plan**).

Clearwater Mussels Limited and Talley's Group Limited v Marlborough District Council – ENV-CHC-2020-000055.

2. YNZ made a submission on the subject matter of the proceeding.
3. YNZ has an interest in the proceedings greater than the general public has as YNZ is the national sports body for competitive and recreational sailing and boating. YNZ represents the needs and interests of over 250-member yacht and boating clubs and class associations. YNZ gets involved at both the central and local government level when environmental and legal issues directly affecting New Zealand's recreational boat owners and operators are at issue.
4. YNZ is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. YNZ is interested in part of the appeal relating to the Proposed Plan's provisions relating to water transportation and navigation.
6. In particular YNZ is interested in all of the proposed relief sought with respect to Policy 13.3.4, Policy 13.15.2 Volume 1 and Chapter 25 Volume 2 and/or new maps at Volume 4. This relief includes (inter alia):

Navigation

- a. Proposed amendments to Policy 13.3.4 regarding the exclusion of Tory Chanel and East Bay from the ambit of that Policy;

- b. Proposed amendments to Policy 13.15.2 of Volume 1 of the Proposed Plan;
- c. Proposed amendments to, or deletion of, the definition of “Recognised Navigational Route” in Chapter 25 of Volume 2 of the Proposed Plan;
- d. Proposed introduction of mapped “Recognised Navigational Routes” in addition to or in lieu of a Chapter 25 definition; and
- e. Introduction of a definition of “Headland” and/or mapping of Headlands.

7. YNZ **opposes** the relief sought:

- a. For reasons addressed in its original submissions to the Plan process and set out in legal submissions to the Hearing Panel;

And because:

- b. The defining or mapping of headlands is unnecessary. A headland in a navigational context is commonly understood terminology;
- c. The deletion of “unimpeded by structures” from Policy 13.15.2(a) is inappropriate. Structures pose a major navigation safety risk;
- d. The “avoidance” policy guidance is appropriate given the importance of navigational routes and maintaining health and safety of persons aboard vessels and ships; and
- e. The definition of “Recognised Navigational Route” is appropriate and has previously been adopted by the Environment Court for the Northland Plan;

8. YNZ agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Signature:

Yachting New Zealand Incorporated by its
authorised agent:



Jeremy Brabant

Date:

17 June 2020

Address for service:

Jeremy Brabant
Level 4, Vulcan Building Chambers
Cnr Queen Street and Vulcan Lane
PO Box 1502, Shortland St
Auckland

Mobile:

021 494 506

Email:

jeremy@brabant.co.nz

Advice

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