

**Form 33**  
**Notice of person's wish to be party to proceedings**  
***Section 274 Resource Management Act 1991***

TO:

The Registrar  
Environment Court  
Christchurch

1. OneFortyOne wishes to be a party to the following notice of appeal proceedings:

***Federated Farmers of New Zealand v Marlborough District Council ENV-2020-CHC-58***

2. OneFortyOne was a person who made a submission about the subject matter of the proceedings.

3. OneFortyOne is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

4. OneFortyOne is interested in the following parts of the notice of appeal:

- a. Rule 2.9.5
- b. Rule 2.10
- c. Rule 3.2.1.7
- d. Rule 4.2.1.6
- e. Rule 4.5.2

5. The particular issues of concern, following the numeration above, are:

- a. Rule 2.9.5. The issues set out in the Notice of Appeal.
- b. Rule 2.10. The issues that a restricted discretionary regime is the appropriate planning regime.
- c. Rule 3.2.1.7. The issue of setbacks for new habitable buildings from plantation forests.

Nelson Management Ltd and  
Nelson Forests Ltd trading as  
OneFortyOne  
58A Gladstone Road  
Private Bag 5  
Richmond, Nelson 7050  
New Zealand  
Ph: +64 3 543 8115

- d. Rule 4.2.1.6. The issue of setbacks for new habitable buildings from plantation forests.
  - e. Rule 4.5.2. The issue of threshold provision for earthworks.
6. OneFortyOne generally supports the relief sought, following the above numeration of issues, for the following reasons:
- a. OneFortyOne appealed this provision and requested alignment with the provisions of the National Environmental Standards for Plantation Forestry (NESPF) and the relief in this Notice of Appeal aligns with the relevant provisions for plantation forestry crossings.
  - b. There is alignment with the NESPF provisions of cascading from a permitted activity to a restricted discretionary regime.
  - c. The relief for setbacks for new habitable buildings are supported however for other buildings the provision of firefighting water supplies, while commendable, should not be the sole mitigation. Other factors such as the proximity of other buildings to existing plantation forest also need to be provided for as permitted activity standards to protect the building from force majeure events and to enable safe and legally compliant activities to occur in existing plantation forests.
  - d. The relief for setbacks for new habitable buildings are supported however for other buildings the provision of firefighting water supplies, while commendable, should not be the sole mitigation. Other factors such as the proximity of other buildings to existing plantation forest also need to be provided for as permitted activity standards to protect the building from force majeure events and to enable safe and legally compliant activities to occur in existing plantation forests.
  - e. OneFortyOne has lodged an appeal on this provision for alignment with the NESPF and supports this as an alternative relief should the OneFortyOne appeal relief not be accepted.
7. OneFortyOne agrees to participate in mediation or other alternative dispute resolution of the appeal proceedings.



Heather Arnold authorised to sign on behalf of  
OneFortyOne

Date: 8 June 2020  
Address for service: OneFortyOne  
Private Bag 5  
Richmond 7010  
Nelson  
Telephone: 03 543 8115  
Contact person: Heather Arnold  
Email: Heather.Arnold@onefortyone.co.nz