

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:

Royal Forest and Bird Protection Society of New Zealand Incorporated v Marlborough District Council ENV-2020-CHC-64

2. OneFortyOne was a person who made a further 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 all parts of the Notice of Appeal.
5. The particular issues of concern are the relief set out in the Notice of Appeal.
6. OneFortyOne opposes the relief sought for the following reasons:
- a) While there are some issues concerning the verification process of significant wetlands and SNAs, Council has met its legislative responsibilities by undertaking its own surveys to identify SNAs. Furthermore, the on-going nonregulatory methods complement the Councils survey work.
 - b) To map "potential SNAs" is nonsensical within the RMA process. The significance criteria is set out by the Council and therefore any survey should be identifying all SNAs.
 - c) Council has undertaken its own surveys. To require resource consent applicants to undertake further ecological assessments is, in effect, transferring costs for a council function to an applicant. Given the extent of the

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Council surveys there is no legal or practical planning justification to require such work by resource consent applicants.

- d) We may be misreading the appeal relief point b) (*Include rules that require a resource consent when indigenous vegetation [clearance] is proposed in the "potential SNAs"*), but It does not make any sense to require a resource consent applicant to obtain consent for an area that may or may not be a SNA.
- e) The relief is too vague as to further objectives, policies and rules for SNAs. Accordingly, it is not clear if the Appellant wishes rules to be more stringent than the regulations set out in the National Environmental Standard for Plantation Forestry 2017 (which include setbacks from SNA's). To be more stringent, the Council would have to provide the relevant data to justify any stringency. The Appellant does not provide any such information to assist the Council to provide more stringent rules for SNAs in plantation forests.
- f) To require indigenous vegetation clearance to be a non-complying matter is unwarranted when, as a discretionary activity Council has the mandate to decline applications.

- 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

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