

BEFORE THE ENVIRONMENT COURT

ENV-2020-CHC-000067

AT CHRISTCHURCH

I MUA I TE KOOTI TAIAO

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

**Environmental Defence
Society Incorporated**

Appellant

AND

**Marlborough District
Council**

Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
MINISTER OF CONSERVATION**

Dated: 8 June 2020

Department of Conservation

Solicitor/Counsel acting: M Pemberton/D van Mierlo

Email: mpemberton@doc.govt.nz/dean@environmentalbarrister.co.nz

Telephone: 027 259 9183/03 7311070

Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
CHRISTCHURCH

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:
 - 1.1. Environmental Defence Society Incorporated v Marlborough District Council.
2. The Minister made submissions and appeared at the Council hearing on the proposed Marlborough Environment Plan (the Plan).
3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Minister has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.
5. The Minister is interested in all of the proceedings, but has a particular interest in parts of the appeal as set out in Table 1 below.
6. The parts of the appeal where I have a particular interest and my reasons for supporting the appeal and the relief sought are set out in Table 1 as follows:

Table 1

Part of Decision Appealed	Reasons for supporting relief sought
<p>Chapter 5 – Introduction</p> <p>Policies 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.7, 5.M.2, 5.2.8, 5.2.16, 5.3.4, 5.3.5, 5.4.5, 5.5.5, Objective 5.6, Policy 5.8.1</p>	<p>The Minister supports the appeals on these provisions as they seek to clarify and improve implementation of the NPSFM in the Plan</p>
<p>Policies 6.1.1, 6.2.1, 6.2.2, 6.2.4, proposed new Policy 6.2.X</p>	<p>The Minister supports the proposed amendments to these policies of Chapter 6 which are consistent with Policy 13 of NZCPS</p>
<p>Policies 7.1.1, 7.1.3, 7.2.1, 7.2.5, proposed new Policy 7.2.X</p>	<p>The Minister supports the proposed amendments to these policies of Chapter 7 which are consistent with Policy 15 of NZCPS</p>
<p>Objective 8.1, Policies 8.1.3, 8.2.2, 8.2.9, 8.3.3, 8.3.5, 8.3.8, new Policies under 8.3, Methods 8.M.2, 8.M.3, and Rule 16.6.6</p>	<p>Reference to Policies 13 and 14 of NZCPS in Objective 8.1 is supported.</p> <p>A move to a regulatory regime for the identification and protection of significant indigenous biodiversity in the terrestrial context, as sought through amendments to Policies 8.1.3, 8.2.2, 8.2.9 and Methods 8.M.2, and 8.M.3 is supported as giving effect to Policy 11 of NZCPS and section 6(c) of the RMA. New Policy and Rule providing for the identification of significant biodiversity as part of</p>

	<p>activities affected by the NESPF is also supported for this reason.</p> <p>An amendment sought to Policy 8.3.3 to recognise circumstances where adverse effects will be required to be avoided in accordance with Policy 11 of NZCPS is also supported.</p> <p>Amendment to Policies 8.3.5 and 8.3.8 and Rule 16.6.6 are supported in principle as providing for greater recognition and protection of habitat for king shag, consistent with Policy 11 of NZCPS. The actual wording of amendments to the policies may require some further consideration and refinement however.</p>
<p>Policies 13.1.1, 13.9.9, 13.10.3, new Policy 13.12.X,</p>	<p>Amending Policy 13.1.1 to address the inconsistency with the wording of Policy 8.3.1 regarding managing adverse effects on biodiversity values in the coastal environment is supported to be consistent with Policy 11 NZCPS.</p> <p>Amending Policy 13.9.9 is supported for similar reasons to Policy 13.1.1.</p> <p>The amendments sought to Policy 13.10.3 are supported to improve consistency with Policy 6 NZCPS.</p> <p>An additional Policy 13.12.X regarding avoiding deposition in specific areas of the coastal marine area is supported as it would compliment the policies of Chapter 8 and the prohibited activity rules for the protection of Ecologically Significant Marine Sites, and will be consistent with the NZCPS.</p>
<p>Objective 15.1a and new Objectives under 15.1, Policies 15.1.1, 15.1.2, 15.1.3, 15.1.8, 15.1.9, 15.1.10, 15.1.11,</p>	<p>The Minister supports the appeals on these provisions as they seek to clarify and improve implementation of the NPSFM in the Plan.</p>

15.1.12, 15.1.23, 15.1.27, 15.1.29, 15.1.34	
Indigenous vegetation clearance rules including Rules 3.3.12, and 3.6 Discretionary activity	Amendments sought to the permitted activity rules and standards for indigenous vegetation clearance activities are supported to give effect to section 6(c) of the RMA and be consistent with Policy 11 of the NZCPS
Rule 4.4.3	The Minister is supportive of stricter control of forestry activities within 200m of the coastal marine area to be consistent with NZCPS.

7. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Matt Pemberton/Dean van Mierlo
Solicitor/Counsel for the Minister of Conservation

8 June 2020

Address for service of person wishing to be a party:

Minister of Conservation
Planning Shared Services
Department of Conservation
Private Bag 4715, Christchurch Mail Centre, Christchurch 8140

Contact persons
Geoff Deavoll, Team Lead RMA – Operations

Telephone: 027 536 7020
Email: gdeavoll@doc.govt.nz

And

Matt Pemberton, Senior Solicitor – Legal Services
Telephone: 027 359 9183
Email: mpemberton@doc.govt.nz

Advice

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