

**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:

***Environmental Defence Society Incorporated v Marlborough District Council ENV-2020-CHC-67***

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 following parts of the notice of appeal:

- a. New policy for ecological assessments
- b. Policy 15.1.27
- c. Policy 15.1.29
- d. Indigenous vegetation clearance permitted activity standards.
- e. Discretionary activity rules for activities not meeting permitted activity standards.
- f. Rule 4.4.3
- g. Chapter 25 definition of vegetation clearance.

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

- a. The requirement for ecological assessments prior to afforestation.

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- b. The requirement of planting riparian margins.
  - c. The change from “mitigation” to “avoidance”.
  - d. The deletion of various standards.
  - e. The change from “discretionary” to “non-complying” status.
  - f. Rule 4.4.3 concerning replanting.
  - g. The change to reference to adjacent forestry activities.
6. OneFortyOne opposes the relief sought, following the above numeration of issues, for the following reasons:
- a. Council has undertaken the relevant assessments. The Council cannot introduce such a provision as it would lead to rules being more stringent than the National Environmental Standards for Plantation Forestry (NESPf). There is no planning justification to single out afforestation from any other land use activity.
  - b. The proposal should exclude application to plantation forestry activities within the scope of the NESPf. The qualification provides no certainty as the circumstances when preventing sediment loss would be applicable. Riparian planting does not prevent sediment loss from slope failure.
  - c. A policy for “avoidance” is not practical with regard to land disturbance activities. The Council’s approach is supported.
  - d. The rules should be aligned with the NESPf to exclude clearance of indigenous vegetation in plantation forests from this appeal relief. For other land uses this would mean no clearance could be permitted without a resource consent. The Council regime of thresholds for clearance is supported.
  - e. Discretionary and even restricted discretionary status can ensure that the effects of any clearance are appropriately assessed.
  - f. There is no planning justification to require the non-complying status for replanting of existing plantation forestry.
  - g. There is a practical difference between an activity clearing vegetation versus damaging vegetation. The NESPf properly provides for “damage” that may occur between SNAs and adjacent plantation forests.
7. OneFortyOne agrees to participate in mediation or other alternative dispute resolution of the appeal proceedings.



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Heather Arnold authorised to sign on behalf of  
OneFortyOne

Date: 8 June 2020  
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