

**BEFORE THE ENVIRONMENT COURT**

**ENV-2020-CHC-000072**

**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**

**Horticulture New  
Zealand**

*Appellant*

**AND**

**Marlborough District  
Council**

*Respondent*

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

**Dated: 8 June 2020**

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Department of Conservation

Solicitor/Counsel acting: M Pemberton/D van Mierlo

Email: [mpemberton@doc.govt.nz](mailto:mpemberton@doc.govt.nz)/[dean@environmentalbarrister.co.nz](mailto: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. Horticulture New Zealand 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 also 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 relating to:
  - 5.1. Policy 5.2.4; and
  - 5.2. Policy 5.2.13.
6. The Minister **opposes** the relief sought.

### ***Relief opposed***

7. The Minister opposes the relief sought in relation to the following appeal points on the basis that:

- 7.1. Policy 5.2.4: Water quantity and quality protection and maintenance provided for through this policy in turn provide for the human use national values in the NPSFM. As the decisions version of the Plan provides for allocations and water quality standards for these uses it is not considered necessary to specify this value in the policy. Human uses are also referred to in the policy explanation as being part of the process of determining flows and levels for FMUs in accordance with the NPSFM.
- 7.2. Policy 5.2.13: The exemption from minimum flow requirements for domestic and stock water supply is provided in section 14(3)(b) of the RMA, this exemption does not extend to root stock. Irrigation of rootstock should be managed within the flow limits set by the Plan.
8. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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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](mailto:gdeavoll@doc.govt.nz)

And

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

**Advice**

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