

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA ŌTAUTAHI ROHE

ENV-2020-CHC-54, 50, 56, 58, 64, 67, 68

IN THE MATTER

of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER OF

appeals under clause 14(1) of schedule 1 of the Act

BETWEEN

OneFortyOne
Appellant and s274 Party

AND

All other appellants concerning the Marlborough
Environment Plan

AND

MARLBOROUGH DISTRICT COUNCIL
Respondent

Memorandum on behalf of OneFortyOne
In relation to Case Management Memorandum Number 1
Dated 14 August 2020

Heather Arnold
Environmental Planner

May it please the Court:

1. This memorandum is filed in accordance with the Court's Minute issued 16 June 2020 in response to matters raised by the case management document filed by Marlborough District Council on 31 July 2020.

2. OneFortyOne is an appellant and a section 274 party to the following appeals on the Marlborough Environment Plan:
 - Trustpower Limited – ENV-2020-CHC-50
 - Waka Kotahi New Zealand Transport Agency - ENV-2020-CHC-56
 - Federated Farmers of New Zealand - ENV-2020-CHC-58
 - Royal Forest & Bird Protection Society of New Zealand Incorporated - ENV-2020-CHC-64
 - Environmental Defence Society Incorporated - ENV-2020-CHC-67
 - Transpower New Zealand Limited - ENV-2020-CHC-68

3. OneFortyOne has reviewed the case management memorandum filed by MDC and related appellants to and wishes to raise the following corrections:
 - 3.1 The name of OneFortyOne be corrected from "One Forty One" to "OneFortyOne" in the Table of Topics and Subtopics.
 - 3.2 OneFortyOne was unable to find reference to three matters of appeal in the Table of Topics and Subtopics, as follows:
 - 3.2.1 OneFortyOne appeal 16. High Amenity Value Landscapes – policy 7.2.8.
 - 3.2.2 OneFortyOne appeal 18. Adverse effects on areas and habitat with significant indigenous biodiversity value – policy 8.3.2.
 - 3.2.3 OneFortyOne appeal 20. Heavy vehicles – policy 17.6.1.OneFortyOne requests that these appeal matters are included in the Table of Topics and Subtopics.
 - 3.3 OneFortyOne was unable to find reference to four section 274 party notices in the Table of Topics and Subtopics, as follows:
 - 3.3.1 Federated Farmers of New Zealand – OneFortyOne section 274 notice 4 a – rule 2.9.5.
 - 3.3.2 Royal Forest & Bird Protection Society of New Zealand Incorporated - OneFortyOne section 274 notice 4 – OneFortyOne is not recorded as a section 274 party in Subtopic 5.8 of the Table of Topics and Subtopics.
 - 3.3.3 Environmental Defence Society Incorporated - OneFortyOne section 274 notice 4.g – chapter 25 definition of vegetation clearance.

3.3.4 Waka Kotahi New Zealand Transport Agency - OneFortyOne section 274 notice 4.c – new standard to 3.3.8. OneFortyOne is not recorded as a section 274 party in Subtopic 6.6 of the Table of Topics and Subtopics.

OneFortyOne requests that OneFortyOne is recorded as a section 274 party to these appeals in the Table of Topics and Subtopics.

3.4 OneFortyOne appears to have been incorrectly listed as an interested party in the following appeals (listed by subtopic)

3.4.1 4.1 – Identification of ONFL and landscapes of high amenity value – policy framework

3.4.2 5.3 – Ecologically significant marine buffer sites

3.4.3 5.4 – King shag habitat and important bird areas

3.4.4 5.5 – Prohibited activity rules for activities in ecologically significant marine sites

3.4.5 5.10 – Biodiversity Offsets

3.4.6 10.1 - Provisions under issue 13A

3.4.7 10.2 – Recreational activities

3.4.8 10.3 – Residential activities

3.4.9 15.3 – Agrichemicals

3.4.10 15.4 – Other contaminants

3.4.11 15.5 – Solid waste

3.4.12 15.6 – Liquid waste

3.4.13 16.1 – Noise sensitive activities in all zones

OneFortyOne requests that OneFortyOne is removed as a section 274 party to these appeals in the Table of Topics and Subtopics.

4. Assuming Marlborough District Council provides an amended Table of Topics and Subtopics incorporating the above changes, OneFortyOne does not have any other concerns regarding the proposed approach contained in the case management document filed by Marlborough District Council.

5. Marlborough District Council has noted its preference for meetings with parties to resolve or narrow the matters in dispute. OneFortyOne is supportive and open to informal mediations. OneFortyOne agrees to all mediation.



Heather Arnold
Environmental Planner