

**In the Environment Court
I Mua I Te Kōti Taiao O Aotearoa
Christchurch Registry
Ōtautahi Rohe**

ENV-2020-CHC-000046

In the matter of the Resource Management Act 1991
And in the matter of an application under Section 274 of the Act

Between

Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu

Appellant

and

Marlborough District Council

Respondent

**Notice of Port Marlborough New Zealand Limited's wish to
be party to proceedings**

8 June 2020

BELL GULLY

BARRISTERS AND SOLICITORS

A J L BEATSON

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To: The Registrar
Environment Court
Christchurch

1. Port Marlborough New Zealand Limited (**PMNZ**) wishes to be a party to the proceedings in ENV-2020-CHC-000046.
2. PMNZ is a person who made a submission about the subject matter of the proceedings and has an interest in the proceedings that is greater than the interest that the general public has as it is the entity responsible for the operation and maintenance of Marlborough's regional port and marina facilities.
3. PMNZ is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.
4. PMNZ is interested in part of the proceedings.
5. PMNZ is interested in the following part(s) of the proceedings:
 - (a) Objective 3.6
 - (b) Policy 3.1.2
 - (c) Policy 15.11
 - (d) Policy 15.1.18
 - (e) Rule 16.7.5
6. PMNZ opposes the relief sought because—
 - (a) Objective 3.6 and Policy 3.1.2: While PMNZ agrees that iwi should be consulted as best practice, the amendments as drafted are unnecessarily onerous.
 - (b) Policy 15.11: The proposed amendments require that the quality of all coastal waters is managed so that they are suitable for contact recreation and food gathering/marine farming. This is

incompatible with the existing PMNZ uses and should be limited to those waters which are identified as having those values.

- (c) Policy 15.1.18 and Rule 16.7.5: The impact of amending these provisions is that the new prohibited activity rule will also apply to any water based activities (including ships) in the Coastal Marine Zone. Rules 16.7.3 and 16.7.4 set out details of prohibited discharges from vessels and include treatment standards, distance requirements from land and marine farms, and exceptions for discharges outside of restricted areas. The proposed amendment will create a blanket prohibition which was only intended to apply to land based activities.

Policy 23(2) of the New Zealand Coastal Policy Statement 2010 is directive on this issue and only prohibits discharge without treatment so long as adequate consideration has been given to alternatives and the discharge is informed by an understanding of tangata whenua values and the effects on them.

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



Andrew Beatson/Sarah Anderton
Counsel for Port Marlborough New Zealand Limited

Dated 8 June 2020

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Advice

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