

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

ENV-2020-CHC-000067

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

Between

Environmental Defence Society Incorporated

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-000067.
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) Policy 8.3.8 (now 8.3.6)
 - (b) Policy 13.9.9(a)
 - (c) Policy 13.10.3
 - (d) Policy 13.11.7
 - (e) New additional Policy 13.12.X
 - (f) Objective 4.3
 - (g) Policy 6.2.1
 - (h) Policy 6.2.2
 - (i) Policy 6.2.4 (now 6.2.3)
 - (j) Policy 13.1.1
6. PMNZ opposes the relief sought because—

- (a) Policy 8.3.8 (now 8.3.6): The amendment unnecessarily narrows the opportunity for offsetting to be undertaken.
- (b) Policy 13.9.9(a): The use of avoidance language in this policy would not allow any new moorings in these areas unless it can be demonstrated that the effects are avoided. This is impractical as there will be bed disturbance to establish a mooring and potential ongoing disturbance from chain drag if that type of mooring is practically required.
- (c) Policy 13.10.3: This amendment will unduly restrict port and marina activities including in situations where the area may be the most desirable space to carry out that activity. The efficient use of coastal marine area space will be best achieved by different means in different cases.
- (d) Policy 13.11.7: The deletion of the “where practicable” language fails to acknowledge that there may be some situations in which it is not practical or necessary to set aside an esplanade reserve or strip.
- (e) New additional Policy 13.12.X: The wording of the appeal leaves a high level of uncertainty as to the content of any additional policy and this could impinge on PMNZ’s dredge disposal locations in the future.
- (f) Objective 4.3: PMNZ has appealed this objective seeking deletion in its entirety and the inclusion of further wording would likely adversely affect PMNZ’s operations.
- (g) Policy 6.2.1 and Policy 6.2.2: The application of this policy should not be extended beyond areas of outstanding natural character. The requested amendment is inconsistent with the relief sought by PMNZ in its appeal.
- (h) Policy 6.2.4 (now 6.2.3): The inclusion of a list of factors that should be taken into account when assessing a resource consent application would unnecessarily increase the number of matters to be included in applications when this should already be

adequately addressed through the activity status of the proposal, the matters reserved for council discretion (if applicable), the nature of the existing environment, and the nature of the proposal and its likely effects on the environment.

- (i) Policy 13.1.1: PMNZ has sought to delete this policy in its entirety within its appeal and the relief sought would be inconsistent with this.

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.