

**Before the Environment Court  
At Christchurch  
I Mua I te Kōti Taiao  
Ōtautahi Rohe  
ENV-2022-CHC-**

**Under** Resource Management Act 1991 (**RMA**)

**In the matter** an application for declarations by **Nelson City Council**  
under section 311 of the RMA

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**Notice of application for declarations**

**Date:** 8 August 2022

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Solicitor on the record  
**Contact solicitor**

Kerry Anderson  
**Kate Rogers**

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**Tel +64 4 918 3050**

*To:*

Members of the boating community who have previously identified to Council that they have an interest in this issue, listed in **Appendix 1**;

Iwi groups who have previously been involved in discussions with the Council on this issue, listed at **Appendix 2**:

MACA claimants, listed at **Appendix 3**:

Adjacent property owners listed in **Appendix 4**.

Community boat clubs: Tasman Bay Cruising Club; and Nelson Yacht Club

Department of Conservation

Forest and Bird

The Port

Harbourmaster

MPI

The Committee that manages the Taiāpure Management Area from Delaware Bay to Glenduan (established under the Fisheries Act 1993).

Delaware Bay Access Group members as confirmed with the Group: Daryl Crimp; Peter Ruffell; Stuart Edens; Simon Mardon; and Zane Mirfin.

**This document notifies you that -**

- 1 **Nelson City Council** gives notice that it applied for the following declarations to the Environment Court on 25 July 2022:
  - 1.1 The use of the beach area below mean high water springs (**MHWS**) at Delaware Bay (shown on **Plan A** attached) for driving vehicles across to launch and retrieve recreational boats/ fishing vessels at the water's edge is not a Permitted Activity under Rule CMr.33 of the Nelson Resource Management Plan (**Plan**), and therefore, the activity requires resource consent.
  - 1.2 The beach area at Delaware Bay (shown on **Plan A** attached), below MHWS, which is used to launch and retrieve recreational boats/ fishing vessels, is not a launching ramp under Rule CMr.33(d) of the Plan.
- 2 If you wish to be heard at the hearing to determine this matter, you should notify the Environment Court Registrar withing 15 working days after the date the application was made. Your notice may be posted in full on the Council's website.
- 3 If you do not notify the Registrar of your wish to be heard, the case may proceed without notice to you.
- 4 The following documents were attached to the application and are available on request:
  - 4.1 An affidavit of Julie Clare Barton in support of the application for declarations.
- 5 A copy of this notice, the application, and the affidavit of Julie Clare Barton in support of the application for declarations are also on the Council's website - [nelson.govt.nz/delaware-bay-application-for-declaration](https://nelson.govt.nz/delaware-bay-application-for-declaration), as are the directions of the Court in relation to service.

**Date:** 8 August 2022



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**Kerry M Anderson / Kate H  
Rogers**  
Counsel for Nelson City Council

This document is filed by Kerry Anderson of DLA Piper New Zealand, solicitor for the Applicant.

The address for service on the Applicant is at:

DLA Piper New Zealand  
Level 4, 20 Customhouse Quay  
Wellington 6011

Documents for service on the Applicant may be:

- left at the above address for service, or
- posted to the solicitor at PO Box 2791, Wellington 6140, or
- emailed to the solicitor at both [kerry.anderson@dlapiper.com](mailto:kerry.anderson@dlapiper.com) and [kate.rogers@dlapiper.com](mailto:kate.rogers@dlapiper.com).

Please direct enquiries to:

Kate Rogers  
Tel +64 4 918 3050  
Email [kate.rogers@dlapiper.com](mailto:kate.rogers@dlapiper.com)

### **Advice to recipient of receipt of notice of application**

- 1 It is recommended that you consult a lawyer without delay, although it is not essential for you to have a lawyer for the purpose of these proceedings.
- 2 If you want a lawyer but think you cannot afford one and wish to apply for legal aid, contact the Environment Court, a Citizen's advice Bureau, a community law centre, or a lawyer for assistance.
- 3 If you have any question about this notice, contact the Environment Court in Christchurch.

**APPENDIX 1 - Members of the public who have contacted Council in relation to using the boat ramp at Delaware Bay**

**Name**

Nigel McFadden

Glenn Harvey

Bruce Wilson

Simon Small

Stuart Edens

Markham Phillips

Robyn Venning

Michelle du Plessis

Peterson, Reuben

Glen Aspin

Sara - Nelson Weekly

Rachel Boyack

Taku Parai

Julia Eason

Andrew Stephens

Kura Stafford

<b>APPENDIX 1 - Members of the public who have contacted Council in relation to using the boat ramp at Delaware Bay</b>
<b>Name</b>
Ratapu Hippolite
Hayley Roberts
Fred Te Miha
Tim O'Connell
Austen Dean
Sarah Rees
Simon Small
Gerard Praat
Stephen Mariu
Fred TeMiha
Moetu
Kura Strafford
Marlin Elkington
Sarah Wild
Julia Eason
Jim Dahm

**APPENDIX 1 - Members of the public who have contacted Council in relation to using the boat ramp at Delaware Bay**

**Name**

Ngati Tama

Marlin

Dai Mitchell

Robin McMillan

Mathew Shearer

Daniel Jackson -

Penny Wardle

Robyn Venning

Dave Hart

Bruce McLean

John Heslop

Dean Atkinson

Richard Kennedy

Tim Pannell

Steve and Cherie

Jarrold du Plessis

<b>APPENDIX 1 - Members of the public who have contacted Council in relation to using the boat ramp at Delaware Bay</b>
<b>Name</b>
Philip Strang
Buzz Falconer
Daniel Fisher
Barbara & Ian Stuart
Peter Lawless



**APPENDIX 2 - Iwi groups who have previously been involved in discussions with the Council on this issue**

**Name**

Ngāti Apa

Ngāti Koata

Ngāti Kuia

Ngāti Rārua

Ngāti Tama

Ngāti Toa Rangatira

Rangitāne

Te Ātiawa

**APPENDIX 3 – MACA**

Name

Te Ātiawa o Te Waka a Maui Trust (Whakatu/Te Hoiere)

Te Huria Matenga Trust

Te Runganga O Ngāti Rārua

Ngāti Apa

Ngāti Koata Trust

Ngāti Tama ki Te Tau Ihu

Ngāti Toa Rangatira

<b>APPENDIX 4 - Adjacent Property Owners</b>
<b>Name</b>
Bruce Reginald Harvey & Gordon James Harvey
Gina Lynn Edens
Sondrio Management Limited C/- J G Cameron
Eric Gordon Ingham
Heritage Trustee Company LimitedC/- Christopher Andrew Gordon Phillips
Corey John Herbert & Tessa Bianca Smith
Gary John Cleary & Christine Cleary
Hamish McPherson Black & Bronwen Ruth Rounce
David Peter Gordon Phillips & Kelli Kindred Phillips
Rachel Mary Ryan
Graham Eric Fern & Marjory Frances
Peter Ross Grundy
Carolyn Anne Phillips
Simon Paul Hunt
Philip Hansen & Gaylene Margaret Hansen
Eric Gordon Ingham
Timothy John Monro Edwards & Lianne Edwards
Peter Geoffrey Ruffell
Bruce Wilson & Hillary Margaret Johnstone
Denis John Richardson & Rebecca Jane Richardson

<b>APPENDIX 4 - Adjacent Property Owners</b>
<b>Name</b>
Leslie James Hollyman
Bruce Douglas Hollyman & Carol Joy Hollyman
Louise Te Amohau Evelyn & Katene Te Oti
The Proprietors of Wakapuaka 1B Block
The Proprietors of Wakapuaka 1B Block

