

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**ENV-2020-CHC-56**

**IN THE MATTER** of an appeal pursuant to Clause 14 of Schedule 1 of the  
Resource Management Act 1991

**BETWEEN** **NEW ZEALAND TRANSPORT AGENCY**

**Appellant**

**AND** **MARLBOROUGH DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF MARINE FARMING ASSOCIATION INCORPORATED AND AQUACULTURE  
NEW ZEALAND TO BECOME PARTIES TO THE APPEAL  
Dated this 8th day of June 2020**

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**To** The Registrar  
Environment Court  
Christchurch

**Name of Person who wishes to be Party**

- 1 Marine Farming Association Incorporated (“MFA”), of Blenheim, and Aquaculture New Zealand (“AQNZ”), of Nelson, wish to be parties to the following proceedings: ENV-2020-CHC-56, an appeal by New Zealand Transport Agency against parts of the Marlborough District Council's decision on the proposed Marlborough Environment Plan.
- 2 MFA and AQNZ have an interest in the proceedings that is greater than the interest that the general public has (as the regional and national representative bodies for the aquaculture industry). MFA and AQNZ made a submission about the subject matter of the proceedings.

**Trade competition**

- 3 MFA and AQNZ are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991 (“the Act”).

**The Proceedings**

- 4 MFA and AQNZ are interested in parts of the proceedings.
- 5 The parts of the proceedings that MFA and AQNZ are interested in are:<sup>1</sup>
  - (a) Rule 2.21.2; and
  - (b) The addition of a new definition of “mobile source” in Chapter 25.

**Relief sought**

- 6 MFA and AQNZ support the relief sought, because discharges to air from vessels should be a permitted activity. That is consistent with the Act, in particular with s 32, and with the approach recommended by the s 42A Reporting Officer.<sup>2</sup>

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<sup>1</sup> Provision numbers correspond to those in the Decisions Version of the proposed Plan.

<sup>2</sup> Section 42A Report – Reply to Evidence, Topic 13: Resource Quality – Air (14 November 2018) at p 37.

**Dispute resolution**

7 MFA and AQNZ agree to participate in mediation or other alternative dispute resolution of the proceedings.



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Quentin A M Davies and Amanda L Hills

Solicitors for MFA and AQNZ

Date: 8<sup>th</sup> June 2020

**Address for service of MFA and AQNZ**

Telephone: 027 293 7795

E-mail: AUndorf-Lay@sanford.co.nz

Contact person: Alison Undorf-Lay

**Note to person wishing to be a party**

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see form 38*).

*Advice*

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