

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

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

ENV-2020-CHC-67

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

BETWEEN **ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED**

Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**

Respondent

**NOTICE OF JUST MUSSELS LIMITED, TAWHITINUI GREENSHELL LIMITED AND
WAIMANA MARINE LIMITED TO BECOME PARTIES TO THE APPEAL**
Dated this 8th day of June 2020

GASCOIGNE WICKS
LAWYERS
BLENHEIM

Solicitors: Quentin A M Davies and Amanda L
Hills
(qdavies@gwlaw.co.nz | ahills@gwlaw.co.nz)

Just Mussels Limited, Tawhitinui
Greenshell Limited and Waimana
Marine Limited's Solicitors
79 High Street
PO Box 2
BLENHEIM 7240
Tel: 03 578 4229
Fax: 03 578 4080

To The Registrar
Environment Court
Christchurch

Name of Person who wishes to be Party

- 1 Just Mussels Limited (“Just Mussels”), Tawhitinui Greenshell Limited (“Tawhitinui”) and Waimana Marine Limited (“Waimana”) wish to be parties to the following proceedings: ENV-2020-CHC-67, an appeal by Environmental Defence Society (“EDS”) against parts of the Marlborough District Council's decision on the proposed Marlborough Environment Plan (“proposed Plan”).
- 2 Just Mussels, Tawhitinui and Waimana have an interest in the proceedings that is greater than the interest that the general public has (as marine farmers in the region). Just Mussels, Tawhitinui and Waimana made a submission about the subject matter of the proceedings.

Trade competition

- 3 Just Mussels, Tawhitinui and Waimana are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991 (“the Act”).

The Proceedings

- 4 Just Mussels, Tawhitinui and Waimana are interested in parts of the proceedings.
- 5 The parts of the proceedings that Just Mussels, Tawhitinui and Waimana are interested in are:¹
 - (a) The statement relating to marine farming on page 1-3 of Chapter 1 of Volume 1;
 - (b) Issue 4C;
 - (c) Objective 4.3;
 - (d) Policy 6.1.1;
 - (e) Policy 6.2.3;

¹ Provision numbers correspond to those in the Decisions Version of the proposed Plan.

- (f) New Policy 6.2.X;
- (g) Policy 7.1.1;
- (h) Policy 7.1.3;
- (i) Policy 7.2.1;
- (j) Policy 7.2.12;
- (k) New Policy 7.2.X;
- (l) Issue 8A;
- (m) Policy 8.3.5;
- (n) Policy 8.3.6;
- (o) Policy 8.3.8;
- (p) New policy and rule for habitat-specific bottom lines;
- (q) Policy 13.1.1;
- (r) Policy 13.10.3;
- (s) Policy 13.10.5;
- (t) Policy 15.1.23;
- (u) Rule 16.6.6;
- (v) Appendix 4; and
- (w) Other appeal points relevant to landscape, natural character, indigenous biodiversity (where relevant to the coastal marine area), Ecologically Significant Marine Sites and king shag.

Relief sought

6 Just Mussels, Tawhitinui and Waimana:

- (a) Support the relief sought in respect of Issue 8A and Policy 7.2.12; and
- (b) Oppose the relief sought in respect of all other identified provisions and issues, because it is inconsistent with:
 - (i) The submissions of EDS on the Notified Version of the proposed Plan (in some respects);
 - (ii) The Act;

- (iii) The New Zealand Coastal Policy Statement 2010 (“NZCPS”);
- (iv) Regional coastal plans in other regions;
- (v) The requirement to plan strategically in NZCPS policy 7, and with the requirement to provide for aquaculture in appropriate places in terms of NZCPS policy 8; and
- (vi) The best available science.

7 Where relevant, the relief sought by the MFA and AQNZ in appeal ENV-2020-CHC-74 and/or by Just Mussels, Tawhitinui and Waimana in appeal ENV-2020-CHC-77 should be preferred.

Dispute resolution

8 Just Mussels, Tawhitinui and Waimana agree to participate in mediation or other alternative dispute resolution of the proceedings.



.....
Quentin A M Davies and Amanda L Hills

Solicitors for Just Mussels, Tawhitinui and Waimana

Date: 8th June 2020

Address for service of Just Mussels, Tawhitinui and Waimana

Gascoigne Wicks, 79 High Street, Blenheim 7201.

Telephone: 021 045 8608 or 03 578 4229

E-mail: ahills@gwlaw.co.nz | edeason@gwlaw.co.nz | shammerson@gwlaw.co.nz

Contact persons: A L Hills, Solicitor; E Deason, Solicitor; Sharyn Hammerson, Secretary

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.