

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

**I MUA I TE KOTI TAIAO O AOTEAROA
OTAUTAHU ROHE**

ENV-2020-CHC-000034

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 of the Act

BETWEEN **Omaka Valley Group Incorporated**

Appellant

AND **Marlborough District Council**

Respondent

NOTICE OF SIMCOX QUARRY LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

Dated 5 June 2020

SOLICITOR ACTING: **M HARDY-JONES / K M LAWSON**
FIRM OF SOLICITORS: HARDY-JONES CLARK
TEMPLE CHAMBERS
DX WC60007
76 HIGH STREET
PO BOX 646
BLENHEIM

TELEPHONE: (03) 578 5339
FACSIMILE: (03) 578 0323

To: The Registrar
Environment Court
Christchurch

1. Simcox Quarry Limited, previously known as Simcox Construction Limited, (**Simcox**) wish to be a party to the following proceedings:
 - (a) *Omaka Valley Group Incorporated v Marlborough District Council* (ENV-2020-CHC-000034) being an appeal against decisions of the Marlborough District Council (**Council**) on the Proposed Marlborough Environment Plan (**PMEP**).
2. Simcox is a person who made a submission about the subject matter of the proceedings.
3. Simcox is also a person who has an interest in the proceedings that is greater than the interest that the general public has being the operator of the Barracks Road Quarry located at the head of the Omaka Valley.
4. Simcox is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. Simcox is interested in all of the proceedings.
6. Simcox is interested in the following particular issues:
 - (a) The amendments the Appellant seeks to the provisions of Chapter 14 – Use of the Rural Environment, including:
 - (i) Objective 14.3, Explanation;
 - (ii) Policy 14.3.3;
 - (iii) Objective 14.4;
 - (iv) Policy 14.4.12(f);
 - (v) Policy 14.4.13;

- (b) The amendment sought by the Appellant to the definition of Quarrying in Chapter 25; and
 - (c) Any alternative relief that might be deemed to give effect to this appeal.
7. Simcox opposes the relief sought because:
- (a) It has the potential to adversely impact Simcox's ability to extract rock and aggregate from the Barracks Road Quarry in order to provide for the ongoing maintenance and development of regionally important infrastructure, including port facilities, marinas and flood defences;
 - (b) It is not in accordance with good planning practice and it does not meet the purposes of the Act;
 - (c) The decision of the Council has had sufficient regard to the relevant matters prescribed in s 7 of the Act. The decision has also recognised and provided for matters of national importance, including s 6(h) being the management of significant risks from natural hazards;
 - (d) There is no inconsistency between the regional and district planning provisions of the PMEP; and
 - (e) The provisions of Chapter 14 give effect to the relevant provisions of the regional policy statement, namely objective 4.1 and its supporting policies.
8. Simcox agrees to participate in mediation or other alternative dispute resolution of the proceedings.



M Hardy-Jones / K M Lawson
Counsel for Simcox Quarry Limited

Date: 5 June 2020

Address for service:
Simcox Quarry Limited

C/- Hardy-Jones Clark
76 High Street
PO Box 646
Blenheim 7201

Attention: Kim Lawson
Telephone: (03) 578 5339
Facsimile: (03) 578 0323
Email: kim@hjc.co.nz

Advice

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