

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

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

ENV-2020-CHC-42

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

BETWEEN **MINISTER OF CONSERVATION**

Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**

Respondent

**NOTICE OF MARINE FARMING ASSOCIATION INCORPORATED AND AQUACULTURE
NEW ZEALAND 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)

Marine Farming Association and
Aquaculture New Zealand's Solicitors
79 High Street
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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-42, an appeal by the Minister of Conservation 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:¹
 - (a) Policy 8.1.1;
 - (b) Policy 8.3.6;
 - (c) Appendix 3 as it relates to the coastal marine area; and
 - (d) Ecologically Significant Marine Sites Overlay maps in Volume 4.

Relief sought

- 6 MFA and AQNZ:
 - (a) Support in part the relief sought in respect of Policy 8.1.1 (so far as that relates to amendments to Appendix 3 in respect of the coastal marine area), Appendix 3 (as relevant to the coastal marine area) and the

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

Ecologically Significant Marine Sites overlays. However, the Ecological Significance Criteria for the coastal marine area in Appendix 3 should be based off the 2015 amendments to that criteria by the Expert Panel, which includes representatives from the Department of Conservation.²

- (b) Oppose the relief sought in respect of all other identified provisions and issues, because it is inconsistent with the Act, the New Zealand Coastal Policy Statement 2010 (“NZCPS”), and regional coastal plans in other regions. Further, the relief sought is inconsistent with 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. Where relevant, the relief sought by the MFA and AQNZ in appeal ENV-2020-CHC-74 should be preferred.

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: 8th June 2020

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² Davidson, R. J.; Baxter, A. S.; Duffy, C. A. J.; Gaze, P.; du Fresne, S.; Courtney, S.; Brosnan, B. 2015. Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values. Prepared by Davidson Environmental Limited for Marlborough District Council and Department of Conservation. Survey and monitoring report no. 824.

Contact persons: A L Hills, Q Davies and E Deason, Solicitors; 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.