

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

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

ENV-2020-CHC-49

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

BETWEEN **PORT MARLBOROUGH NEW ZEALAND LIMITED**

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**

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-49, an appeal by Port Marlborough New Zealand Limited 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 13.2.6; and
 - (b) The permitted activity rules and associated permitted activity standards for “In-water cleaning and removal of microfouling of ships, moveable structures or navigation aids” in the Port Landing Area, Marina, Port and Coastal Marine Zones.

Relief sought

- 6 MFA and AQNZ:
 - (a) Support the relief sought in so far as it seeks to delete reference to “individual values” from Policy 13.2.6, because that is consistent with

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

the approach taken by the MFA and AQNZ in their appeal in relation to Policy 13.2.1; and

- (b) Reserve our position [Support/oppose the relief sought] in respect of the in-water cleaning and and removal of microfouling rules, because it is unclear how the relief sought by Port Marlborough is consistent with obligations under the Biosecurity Act 1993.²

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

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

² Section 42A Report – Reply to Evidence for Topic 11: Use of the Coastal Environment (6 May 2018) at pp 129 – 133.

- 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.