

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY  
I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**ENV-2020-CHC-55 and 63**

**IN THE MATTER** of the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991

**BETWEEN** **APEX MARINE FARM LIMITED** and **CLEARWATER AND TALLEY'S GROUP LIMITED**

**Appellants**

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

**Respondent**

*(Continued next page)*

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**APPLICATION FOR WAIVER OF TIME PERIOD FOR FILING SECTION 274 NOTICES**

**Dated this 20th day of October 2020**

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**GASCOIGNE WICKS  
LAWYERS  
BLLENHEIM**

Solicitors: Quentin A M Davies  
([qdavies@gwlaw.co.nz](mailto:qdavies@gwlaw.co.nz))

Applicant's Solicitors  
79 High Street  
PO Box 2  
BLLENHEIM 7240  
Tel: 03 578 4229  
Fax: 03 578 4080

**To** the Registrar  
Environment Court  
Christchurch

- 1 Burkhart Fisheries Limited (**BFL**) applies for a waiver under section 281 of the Resource Management Act 1991 (**RMA**) of the time limit for lodging notices of intention to join proceedings as an interested party under section 274 of the RMA.
- 2 On 20 October 2020, BFL filed s 274 notices to join the following proceedings:
  - (a) Apex Marine Farm Limited's appeal (ENV-2020-CHC-63)
  - (b) Clearwater Mussels Limited and Talley's Group Limited appeal (ENV-2020-CHC-55)
- 3 This application for waiver is supported by the accompanying memorandum of counsel.

Dated this 20th day of October 2020



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Quentin A M Davies  
Solicitor for BFL

**Address for service of BFL:**

Gascoigne Wicks, 79 High Street, Blenheim 7201.

Telephone: 021 045 8608 or 03 578 4229

E-mail: [qdavies@gwlaw.co.nz](mailto:qdavies@gwlaw.co.nz) | [kmoor@gwlaw.co.nz](mailto:kmoor@gwlaw.co.nz)

Contact persons: Q Davies, Partner; K Moor, Solicitor

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY  
I TE KŌTI TAIAO O AOTEAROA  
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**ENV-2020-CHC-55**

**IN THE MATTER** of the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991

**BETWEEN** **CLEARWATER AND TALLEY'S GROUP LIMITED**

**Appellant**

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

**Respondent**

*(Continued next page)*

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**NOTICE OF BURKHART FISHERIES LIMITED TO BECOME PARTY TO THE APPEAL  
Dated this 20th day of October 2020**

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**GASCOIGNE WICKS  
LAWYERS  
BLENHEIM**

Solicitors: Quentin A M Davies  
([qdavies@gwlaw.co.nz](mailto:qdavies@gwlaw.co.nz))

Burkhart Fisheries Limited's Solicitors  
79 High Street  
PO Box 2  
BLENHEIM 7240  
Tel: 03 578 4229  
Fax: 03 578 4080

**Notice of person's wish to be a party to proceedings – s274 Resource Management Act 1991**

To the Registrar  
Environment Court  
Christchurch

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

- 1 Burkhart Fisheries Limited (**BFL**) wishes to be a party to Clearwater Mussels Limited and Talley's Group Limited appeal (ENV-2020-CHC-55) in respect of decisions of Marlborough District Council on the Proposed Marlborough Environment Plan (**PMEP**).
- 2 BFL has an interest greater than the general public has. It currently operates fishing vessels in the Cape Campbell region and has done so for decades.

**Trade competition**

- 3 BFL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

**The Proceedings**

- 4 BFL is interested in Clearwater Mussels Limited and Talley Group Limited's appeal relating to rules 16.6.6 and 16.7.7 of the PMEP.

**Relief sought**

- 5 BFL supports the relief sought by Clearwater Mussels Limited and Talley's Group Limited in respect of rules 16.6.6 and 16.7.7.
- 6 BFL's reasons for supporting the relief sought is on the grounds that:
  - (a) It considers the findings of the Panel and the s42A report author should be reflected in the rules.
  - (b) It is necessary to clarify that 'deposition' refers solely to the deposition of dredged materials.

**Dispute resolution**

- 7 BFL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 20th day of October 2020



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Quentin A M Davies  
Solicitor for BFL

**Address for service of BFL**

Gascoigne Wicks, 79 High Street, Blenheim 7201.

Telephone: 021 045 8608 or 03 578 4229

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Contact persons: Q Davies, Partner; K Moor, Solicitor

**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.