

**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)

APPLICATION FOR WAIVER OF TIME PERIOD FOR FILING SECTION 274 NOTICES

Dated this 20th day of October 2020

**GASCOIGNE WICKS
LAWYERS
BLENHEIM**

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

Applicant's Solicitors
79 High Street
PO Box 2
BLENHEIM 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 | kmoor@gwlaw.co.nz

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

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
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ENV-2020-CHC-63

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

AND

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BETWEEN **APEX MARINE FARM LIMITED**

Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**

Respondent

(Continued next page)

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

**GASCOIGNE WICKS
LAWYERS
BLLENHEIM**

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

Burkhart Fisheries Limitd's Solicitors
79 High Street
PO Box 2
BLLENHEIM 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 Burkhardt Fisheries Limited (**BFL**) wishes to be a party to Apex Marine Farm Limited's appeal (ENV-2020-CHC-63) 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 parts of Apex Marine Farm Limited's appeal relating to:
 - (a) The mapping of ecologically significant marine site 9.1 being ESMS Map 16 of Volume 4 of the PMEP, and the buffer zone imposed around that site.
 - (b) Landscape map 5.

Relief sought

- 5 BFL supports the relief sought by Apex. This is on the grounds that:
 - (a) The classification of ESMS 9.1 is not justified.
 - (b) The classification in Landscape map 5 is not justified.
 - (c) It also considers that the mapping of the Cape Campbell area is inconsistent with policy 9.1.1 of the PMEP which provides for access to the coastal marine area from Ward Beach as a priority.

Dispute resolution

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

Dated this 20th day of October 2020



.....
Quentin A M Davies
Solicitor for BFL

Solicitor for BFL

Date: 20 October 2020

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 | kmoor@gwlaw.co.nz

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.