

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

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

ENV-2020-CHC-74 and others

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

AND

IN THE MATTER of Appeals under Clause 14 of the First Schedule of the Act

BETWEEN **MARINE FARMING ASSOCIATION and AQUACULTURE NEW
ZEALAND**

Appellants

(Continued next page)

**FOR AQUACULTURE INTERESTS: MEP APPEALS CASE MANAGEMENT MEMORANDUM
NO. 1**

Dated this 14th day of August 2020

Next Event Date: 28 August 2020

**GASCOIGNE WICKS
LAWYERS
BLLENHEIM**

Solicitors: Quentin A M Davies
(qdavies@gwlaw.co.nz) | Amanda L Hills
(ahills@gwlaw.co.nz)

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

AND MARLBOROUGH DISTRICT COUNCIL

Respondent

**AND FRIENDS OF NELSON HAVEN & TASMAN BAY (INC) ENV-2020-CHC-33,
HARO PARTNERSHIP ENV-2020-CHC-40,
KPF & UNITED FISHERIES ENV-2020-CHC-41,
BELEVE LIMITED, RJ DAVIDSON FAMILY TRUST AND TREBLE
TREE HOLDINGS LIMITED ENV-2020-CHC-44,
AROMA (N.Z.) LIMITED & OTHERS ENV-2020-CHC-45,
GOULDING TRUSTEES LIMITED & SHELLFISH MARINE FARMS
LIMITED ENV-2020-CHC-47,
CLEARWATER MUSSELS LIMITED & TALLEY'S GROUP LIMITED
ENV-2020-CHC-55,
OLDHAM & OTHERS ENV-2020-CHC-62,
APEX MARINE FARM LIMITED ENV-2020-CHC-63 and
A J KING FAMILY TRUST & S A KING FAMILY TRUST ENV-2020-
CHC-73 and
JUST MUSSELS LIMITED ENV-2020-CHC-77**

Appellants

**AND TE ATIWA O TE WAKA-A-MAUI TRUST ENV-2020-CHC-43,
ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED ENV-
2020-CHC-67,
THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED ENV-2020-CHC-64,
FRIENDS OF NELSON HAVEN & TASMAN BAY (INC) ENV-2020-
CHC-33,
TE RUNANGA O NGATI KUIA TRUST ENV-2020-CHC-70,
EAST BAY CONSERVATION SOCIETY INCORPORATED ENV-
2020-CHC-78,
MINISTER OF CONSERVATION ENV-2020-CHC-42,
PORT MARLBOROUGH NEW ZEALAND LIMITED ENV-2020-
CHC-49,
NEW ZEALAND TRANSPORT AGENCY ENV-2020-CHC-56,
EAST BAY CONSERVATION SOCIETY INCORPORATED ENV-
2020-CHC-78,
JEFFREY VAL MEACHEN ENV-2020-CHC-69**

Appeals to Which the Aquaculture Parties are s274 Parties

May it Please the Court:

- 1 This Memorandum is circulated on behalf of members of the aquaculture industry who are either appellants in their own right or s 274 parties (known collectively as the “aquaculture parties”). A list of the parties on whose behalf this Memorandum is filed is attached in **Schedule 1**. A list of parties who seek to be removed from certain interests are also listed in **Schedule 1**.
- 2 In addition:
 - (a) Mr J V Meachen is separately represented [supports this memo].
 - (b) Sanford Limited is separately represented [supports this memo].
 - (c) The New Zealand King Salmon Co. Limited (NZ King Salmon) will be filing a separate Memorandum dealing with issues of specific interest to it. NZ King Salmon supports the matters detailed in this memorandum.
- 3 The aquaculture parties are generally in agreement with the matters raised in the Council’s Memorandum dated 31 July 2020. That agreement may, in some circumstances, be subject to practical details being resolved (such as those listed in Part 4 – Possible Electronic Appeals Management and Other Management Details).
- 4 I make the following specific comments.

Part 1 – Overview and Housekeeping*Communication*¹

- 5 In the view of the aquaculture parties, it should be mandatory for all documents to be uploaded to a webpage. That webpage could automatically update the parties to the various sub topics.
- 6 This is preferable to long email chains for the following reasons:
 - (a) “The more confined parties’ interests, the larger the volume of material they receive which is not relevant to their interests and the more taxing it becomes for them to sort the ‘signal’ from the ‘noise’.”²
 - (b) Some participants will find constantly being bombarded by emails overwhelming and inefficient.

¹ Marlborough District Council’s Memorandum dated 31 July 2020 at [17].

² *Various v Greater Wellington Regional Council* [2020] NZEnvC 109 (23 July 2020).

(c) Invariably some people who wish to be included in such email chains will be omitted. Other people who no longer wish to be included in those email chains will be included (there were three such emails on the working day following the receipt of the Council's Memorandum).

7 The Council did operate a very efficient process during the first instance hearings³ and I have no doubt that they will be able to produce an easy to use web-based solution for the appeals process.

Part 5 – Addressing the Environment Court's Minute of 16 June

Topic Structure and Sequencing⁴

8 Corrections in respect of matters to which the aquaculture industry is involved are set out in the attached **Schedule 2**. This is our tentative list from an initial review of the Council's list and we proposed to work through this with the Respondent's Counsel as:

- (a) Some of the aspects identified might simply require clarity on expression;
- (b) Some might be errors in the list; and
- (c) Some might be linked to a lack of clarity in a particular aspect in s274 notices.

9 Appendix 2 of the Respondent's Memorandum lists matters which they wish to deal with as a matter of priority. The only matters listed in Appendix 2 which relates to aquaculture matters is:

- (a) Coastal occupancy charge appeals; and
- (b) Transportation appeals.

10 These are discrete standalone topics which can be addressed in the way proposed by the Marlborough District Council.

11 The aquaculture parties signal that they consider that indigenous biodiversity should be addressed before landscape and natural character. Both landscape and natural character are underpinned by science.

³ <https://eservices.marlborough.govt.nz/programmes/ListProgrammeEvents?id=705555>

⁴ At [42] and [48].

- 12 Often, it will be more appropriate to resolve such matters in a more focussed way in relation to the indigenous biodiversity chapter. This sequence ought to inform the timetable.

*Mediation*⁵

- 13 The aquaculture parties agree that there should be an opportunity for informal mediation prior to any Court assisted mediation.
- 14 In advance of any Court assisted mediation it may be worthwhile agreeing a protocol so that all parties are clear and can have thought about the range of possible outcomes prior to attendance at any mediation. A protocol should also be agreed in respect of documenting outcomes. These issues have been dealt with recently in *Various v Greater Wellington Regional Council* [2020] NZEnvC 109 (23 July 2020). The Directions made at [28] and [45] in that case would seem to be appropriate here.

“[28] The Court's current Remote Court-assisted Mediation directions state:

*All parties will be given the opportunity to start with a short opening statement (which ideally should be pre-circulated by email) on the issues for them. **Where a party has a proposal, whether in concept or redrafted provisions, it wishes to table at the mediation that proposal is to be pre-circulated so participants have the opportunity to look at it ahead of the mediation. That proposal is to be precirculated by 9am one day ahead of the mediation at the latest and preferably earlier.** (emphasis added)*

Those requirements should also apply to face-top-face mediation. Given that participants will have the Council's summary statement a week before mediation the requirement should be to circulate any proposal by 9am two days ahead of the mediation. We direct accordingly.”

“[45] The current Remote Court-assisted Mediation directions (22 June) state:

The Regional Council will produce a complete record of the mediation outcome(s) and circulate it to all parties by email shortly after the mediation concludes. If a party has a concern that the record does not reflect their understanding of the mediation outcome(s), all parties and the Mediator are to be promptly advised.

⁵ At [52].

This direction will also apply to face-to-face mediation.”

*Jurisdictional Matters*⁶

- 15 In respect of the Friends of Nelson Haven and Tasman Bay Incorporated (The Friends) appeal, the aquaculture parties agree with the Marlborough District Council that directions seeking a s 293 Order are not desirable.
- 16 The aquaculture parties have filed a comprehensive appeal on landscape and natural character. However, the aquaculture interests see resolution of these matters as being possible on an evolutionary rather than revolutionary basis.
- 17 Secondly, the Court lacks the jurisdiction to address Topic 5.4 King Shag Habitat and Important Bird Areas⁷. The closest that any relief was sought on this Topic was submission 716.93 and 716.96 by The Friends. Those submission points were summarised by the Council as follows:⁸

Submission No. & Type	Provision	Submission (not formally part of Council summary) ⁹	Decision Requested (per Council summary) ¹⁰
716.93 Support in part	Volume 1 8 Indigenous Biodiversity Issue 8A ----- A reduction in the extent and condition of indigenous biodiversity in Marlborough.	The inclusion in this issues statement of an intention to address the effects of certain fishing techniques (bottom page 8-3) is supported as being consistent with the Council's responsibilities under section 30 of the RMA. Under the heading Marine environments (page 8-3) First sentence of the second paragraph <i>Marlborough's marine environment supports a significant diversity of sea birds, most of which rely on the area for breeding, raising young or for feeding. Of particular note is the king shag, which is endemic to the Marlborough Sounds.</i>	Retain Issue 8A and explanation. The submission makes particular reference to retaining the reference to the importance of feeding areas, in particular of threatened species as king shag (first sentence of the second paragraph on page 8-3) and retaining the fourth sentence of the fourth paragraph on page 8-3.

⁶ At [55].

⁷ At page 23 of the List of Topics and Sub-Topics, 31 July 2020.

⁸ Adopting the summary of Council as found in their online Submissions Database.

⁹ Taken from <http://data.marlborough.govt.nz/EnvironmentPlanSubmissionPublic>

¹⁰ <https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Your%20Council/Environmental%20Policy%20and%20Plans/MEP%20Submission%20Data%20by%20Submitter%20List/1SubmissionDataByNameCompleteo>

		<p>Acknowledgement of the importance of feeding areas of sea birds is supported, in particular of threatened species as king shag as giving appropriate effect to Policy 11 of the NZCPS 2010</p> <p>- Indigenous biological diversity (biodiversity) avoid adverse effects of activities on:</p> <p>(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</p> <p>Feeding areas of seabirds including the threatened King Shag in the sounds are missing from plan's Ecologically Significant Marine Sites. We are also concerned about the limited information available to identify the occurrence of marine mammals.</p> <p>Retain reference to the importance of feeding areas, in particular of threatened species as king shag.</p> <p>Fourth sentence of the fourth paragraph</p> <p><i>Many activities, such as recreational swimming, do not affect or have an impact on marine biodiversity; however, other activities, including shipping (especially large and/or fast ships), reclamations or other coastal structures, marine farming and physical disturbance from certain fishing techniques can affect marine biodiversity.</i></p>	
716.96 Support in part	<p>Volume 1 8 Indigenous Biodiversity Policy 8.1.1 -----</p> <p>When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:</p>	<p>The identification of the criteria to be used for assessing whether areas have significant indigenous biodiversity is an unnecessary duplication of the consents of Appendix 3 of the MEP. The fuller explanation of these criteria in Appendix 3 is preferred.</p> <p>Criteria do not appropriately recognize important bird feeding areas, as required by the NZCPS 2010, in particular Policy 11.</p>	<p>Amend Policy 8.1.1 to refer to the ecological significance criteria in Appendix 3.</p> <p>Amend Appendix 3 to recognise important bird feeding areas as a criterion for determining ecological significance.</p>

716.101 Support	Volume 1 8 Indigenous Biodiversity Policy 8.2.3 ----- Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected. Last paragraph of the explanation Support but introduce king shag in text as well.	Last paragraph of the explanation Support but introduce king shag in text as well.	That the following amendment (bold) is made to the last sentence of the second paragraph of the explanation: <i>In terms of Priority 4 habitats, in Marlborough bird species such as the king shag, New Zealand falcon, weka and rifleman and plant species such as pingao, Muehlenbeckia astonii and native broom species are either acutely or chronically threatened.</i>
--------------------	--	--	---

18 The Friends' submission does not seek any of the following relief:

- (a) An addition of a new policy such as Policy 8.3.5;
- (b) The creation of a new ecologically significant marine site;
- (c) Mapping of King Shag feeding areas;
- (d) Changes to Rule 16.6.6.

19 The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest and Bird) does not seek this relief either. They do state:¹¹

[31] Forest and Bird is supportive of the approach for a separate Coastal Environment chapter. We also support the approach of separate chapters for Natural Character, Natural Features and Landscape and Indigenous Biodiversity including policy direction for the identification of these matters in the coastal

¹¹ Submission of Forest and Bird, dated 1 September 2016.

environment as well as throughout the region. If this relationship between the chapters were clearly set out in the introduction sections of each chapter this would improve use of the Plan. The Plan would also be improved by including any other coastal objective and policy direction outside of those chapters within the coastal chapter.

[32] Forest and Bird is concerned that the [sic] Plan does not provide a robust approach to ensure the protection of indigenous bird nesting and feeding habitat. While some sites are on private land many are within the coastal environment and margins of lakes, rivers and wetlands, where activities, particularly access and land disturbance can have significant adverse effects. We would like to see the Plan include some clear policy direction and matters for discretion to ensure that disturbance activities will seek to identify nesting sites and avoid bird breeding period. Forest and Bird published New Zealand Seabirds report in 2014 which identifies a number of important bird areas (IBA's) within the Marlborough Sounds and along the east coast as far south as Kaikoura. We also ask that the council provide direction through inclusion of policies and methods within the Plan that they will restrict access to during bird breeding period where necessary to protect indigenous bird species.

- 20 The Forest and Bird submission then goes on to tabulate relief sought. There is no mention of feeding areas in that table and the passage was not summarised by the Council.
- 21 Environmental Defence Society Incorporated (EDS) do not seek the specific relief either.
- 22 All Appellants on this topic are seeking relief which they did not seek in their original submission. The Council's summary of submissions does not disclose any such relief being sought, which precludes relief being granted without re-notification of the submissions.¹² The Aquaculture parties would submit that there is nothing to re-notify here. The Court is without jurisdiction.
- 23 The King Shag Working Group¹³ is currently in the middle of a three year study designed to address the issues raised in the Department of Conservation

¹² [Arthurs Point Outstanding Natural Landscape Soc Inc v Queenstown Lakes District Council](#) [2019] NZEnvC 150

¹³ <https://www.aquaculture.org.nz/2020/06/09/king-shags-steady/>

Action Plan for Seabirds¹⁴, issues raised by *Davidson*¹⁵ and in the context of the *Pig Bay*¹⁶.

- 24 The marine farming parties submit that the appropriate course of action is for these appeals to be withdrawn on an understanding that after the King Shag Working Group three year study is complete the Marlborough District Council and the Department of Conservation¹⁷ will jointly consider what form of further regulation might be appropriate in light of the findings of the King Shag Working Group.
- 25 King Shag will not be left unprotected. In addition to Policy 8.3.5 the King Shag is protected by Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) and the provisions derivative of that in the proposed Marlborough Environment Plan (PMEP). It is appropriate that we put our time and effort in respect of the King Shag into protecting the species with reference to the most up to date scientific information. The preliminary results of that demonstrate that much of our earlier understanding about the species was wrong.

*Further Particulars*¹⁸

- 26 The industry parties consider that they have appropriately provided further particulars in their s 274 Notices. Each of the s 274 Notices makes specific reference to the provisions of interest. To the extent that there is any residual ambiguity, a specific (as opposed to generic) request for particulars should be made.
- 27 The industry parties, in the attached **Schedule 1**, have commented on the s 274 provisions which the Council is mistaken on.

Part 5 – Other Matters

*Variations*¹⁹

- 28 The aquaculture parties are plainly interested in variations 1A, 1B and 1C which relate to aquaculture.

¹⁴ Taylor, G. A. (2000) Action plan for seabird conservation in New Zealand. Wellington: Department of Conservation. (Threatened Species Occasional Publication 16). <https://www.doc.govt.nz/documents/science-and-technical/tsop16.pdf>

¹⁵ *R J Davidson Family Trust v Marlborough District Council* [2016] NZEnvC 81.

¹⁶ *Clearwater Mussels Limited v Marlborough District Council* [2018] NZEnvC 88.

¹⁷ In terms of their powers under the Wildlife Act 1957.

¹⁸ At [66].

¹⁹ At [70]

- 29 The aquaculture parties note that Council seeks more time to reflect how to progress the appeals on natural character, landscapes and ecologically significant marine sites.²⁰ That seems like an appropriate course in the circumstances.

*Other Influences*²¹

- 30 On 31 July 2020 the making of National Environmental Standards for Marine Aquaculture²² (NES-MA) was announced. These regulations apply to:
- (a) Replacement coastal permits for existing marine farms;
 - (b) Replacement coastal permits for existing marine farms that include realignment; and
 - (c) Replacement coastal permits for existing marine farms, involving a change to, or addition of, species to be farmed.
- 31 The NES-MA comes into force on 1 December 2020. The existing Marlborough Coastal Plans (the Marlborough Sounds Resource Management Plan and the Wairau Awatere Resource Management Plan) will be altered to reflect the NES-MA on that date. If variations 1A, 1B and 1C have been notified by then, those plans will also be modified to include those provisions.
- 32 The aquaculture parties agree with the Marlborough District Council that certain topics or sub topics which are touched on by Changes to National Direction should be placed into a temporary hiatus.

Dated this 14th day of August 2020



.....
Quentin A M Davies and Amanda L Hills
Solicitors for Appellant

²⁰ At [73]

²¹ At [74]

²² Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

Schedule 1:**List of Parties on Whose Behalf this Memorandum is Filed**

MARINE FARMING ASSOCIATION/AQUACULTURE NEW ZEALAND ENV-2020-CHC-74,
HARO PARTNERSHIP ENV-2020-CHC-40,
KPF & UNITED FISHERIES ENV-2020-CHC-41,
BELEVE LIMITED, RJ DAVIDSON FAMILY TRUST AND TREBLE TREE HOLDINGS LIMITED
 ENV-2020-CHC-44,
AROMA (N.Z.) LIMITED & OTHERS ENV-2020-CHC-45,
GOULDING TRUSTEES LIMITED & SHELLFISH MARINE FARMS LIMITED ENV-2020-CHC-47,
CLEARWATER MUSSELS LIMITED & TALLEY'S GROUP LIMITED ENV-2020-CHC-55,
OLDHAM & OTHERS ENV-2020-CHC-62,
APEX MARINE FARM LIMITED ENV-2020-CHC-63
A J KING FAMILY TRUST & S A KING FAMILY TRUST ENV-2020-CHC-73
JUST MUSSELS LIMITED, TAWHITINUI GREENSHELL LIMITED AND WAIMANA MARINE LIMITED ENV-2020-CHC-77,

KJB MARINE FARMS LIMITED s274 party to ENV-2020-CHC-74

List of Parties to be Removed from Interest in the Following Topics as a s274 Party

BELEVE LIMITED, RJ DAVIDSON FAMILY TRUST AND TREBLE TREE HOLDINGS LIMITED (ENV-2020-CHC-44) were incorrectly added to some aspects of some appeals at Counsel's error and seek to be removed the following subtopics:

- (a) **THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED** ENV-2020-CHC-64
 - (i) Subtopic 5.11
 - (ii) Subtopic 5.1
 - (iii) Subtopic 5.4
 - (iv) Subtopic 5.10
 - (v) Subtopic 5.5; and
 - (vi) Other appeal points relevant to indigenous biodiversity, ecologically significant marine sites and king shag.
- (b) **ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED** ENV-2020-CHC-67
 - (i) Subtopic 5.4
 - (ii) Subtopic 5.10
 - (iii) Subtopic 5.5

- (iv) Subtopic 5.11
 - (v) Subtopic 5.8
 - (vi) Subtopic 5.7
 - (vii) Subtopic 10.1
 - (viii) Subtopic 10.5
 - (ix) Subtopic 22.1
 - (x) Subtopic 5.4; and
 - (xi) Other appeal points relevant to indigenous biodiversity, ecologically significant marine sites and king shag.
- (c) **FRIENDS OF NELSON HAVEN & TASMAN BAY (INC) ENV-2020-CHC-33**
- (i) Introduction of Chapter 8, Volume 1
 - (ii) Subtopic 5.4
 - (iii) Subtopic 5.5
 - (iv) Appendix 3
 - (v) Consequential changes to the indigenous biodiversity policies in Chapter 8 of Volume 1 arising from the criticism of the methodology in the proposed Plan; and
 - (vi) Other appeal points relevant to indigenous biodiversity, ecologically significant marine sites and king shag.
- (d) **MARINE FARMING ASSOCIATION/AQUACULTURE NEW ZEALAND ENV-2020-CHC-74**
- (i) Subtopic 5.1
 - (ii) Subtopic 5.2
 - (iii) Subtopic 5.3
 - (iv) Subtopic 5.5
 - (v) Subtopic 5.6
 - (vi) Subtopic 5.10
 - (vii) Subtopic 5.11

- (viii) Subtopic 6.3
- (ix) Subtopic 10.1
- (x) Subtopic 10.2
- (xi) Subtopic 10.3
- (xii) Subtopic 10.5
- (xiii) Subtopic 10.6
- (xiv) Subtopic 10.16
- (xv) Subtopic 10.19
- (xvi) Subtopic 16.4
- (xvii) Subtopic 17.5
- (xviii) Subtopic 18.4
- (xix) Subtopic 22.2

Schedule 2: Corrections to Council's Topics and Sub-topics List of 31 July 2020

All Aquaculture Clients listed in Schedule 1 – General	
Subtopic Reference	Comment(s)
11.1	All aquaculture parties need to be added to policy 13.2.1.
N/A	A new subtopic for Appendix 4 of Volume 3 needs to be added in Natural Character Topic. Aquaculture parties to be added to that subtopic.
N/A	Need a new subtopic on definition of ‘recognised navigational route’ in Chapter 25, Volume 2. Relevant aquaculture parties need to be added. Mapping of ‘recognised navigational route’ should be added?
5.8	This relates to SNAs which aquaculture parties are not interested in and some are therefore incorrectly listed in this subtopic.
3.3	Policy 6.2.9 should be added to subtopic.
10.15	Should aquaculture parties be added to this too?
N/A	New policy 4.1.1A sought and points regarding 4.3A and 4.3.6 are not in table unless meant to be in subtopic 10.19?
Topic 5	All Ecologically Significant Marine Sites which aquaculture parties raise in their appeal and/or s274 notice should be specifically referenced.
5.6	Should refer to the two maps (ie. Location of Marine Mammal Distribution Maps and Queen Charlotte Sound Hector's Dolphin Map) specifically?
17.5	“Aquaculture New Zealand” needs to be added to Marine Farming Association Incorporated as appellant (consistent with other references).
3.1 and 3.3; 4.2 and 4.4	All aquaculture parties who appealed natural character and landscape provisions should be added as appellants (not just s274 parties).
N/A	New policies 6.2.X and 7.2.X in ENV-2020-CHC-67 intended to be covered in subtopics 3.3 and 4.4 respectively?

N/A	No reference in table to other appeal points such as s32 analysis, and “the statement relating to marine farming on page 1-3 of Chapter 1 of Volume 1”.
N/A	Appellants ENV-2020-CHC-33 and ENV-2020-CHC-78 seem to be missing from some subtopics to which aquaculture parties have joined their appeals on.
5.11	“Introduction of Chapter 8, Volume 1” appeal point should be added somewhere in this subtopic?
Topics 3 and 4	Catchalls could be clearer that they cover new policies sought.

A J KING FAMILY TRUST & S A KING FAMILY TRUST ENV-2020-CHC-73 (and s274 party) (“King”)	
Subtopic Reference	Comment(s)
4.4	King needs to be added as appellant to this subtopic.
5.8	King incorrectly added to this subtopic as s274 party. He has not appealed volume 1 policy 8.2.2 or method 8.M.3 (unless, these subtopics fall into a consequential change or other appeal point i.e. one of the catch-all sections in his appeal notice).
N/A	Ecologically Significant Marine Site 3.15 needs to be added to the table, and King added to that new subtopic.
5.2	King needs to be added to this subtopic.

APEX MARINE FARM LIMITED ENV-2020-CHC-63 (and s274 party) (“Apex”)	
Subtopic	Comment(s)
16.4	Is this the relevant subtopic for the national transportation route?
5.3	Apex to be removed as appellant but retained as s274 party?
10.19	Apex to be added as appellant as it appealed Issue 4C and joined as 274 on objective 4.3.
5.7	Apex needs to be added as 274 as joined on new bottom line rules.
3.3	Apex needs to be added as appellant.
4.4	Apex needs to be added as appellant.
17.5	Apex needs to be added as s274 party as well, as joined MFA in its entirety.

AROMA (N.Z.) LIMITED & OTHERS ENV-2020-CHC-45 (and s274 party) (“Aroma”)	
Subtopic	Comment(s)
5.8	Aroma appears to have been incorrectly added to subtopic 5.8 as an s274 party. Aroma has not appealed volume 1 policy 8.2.2 or method 8.M.3 (unless, these subtopics fall into a consequential change or other appeal point i.e. one of the catch-all sections in his appeal notice).

CLEARWATER MUSSELS LIMITED & TALLEY’S GROUP LIMITED ENV-2020-CHC-55 (and s274 party) (“Clearwater/Talley’s”)	
Subtopic	Comment(s)
5.8	Clearwater/Talley’s incorrectly listed as s274 party? They have not appealed volume 1 policy 8.2.2 or method 8.M.3 (unless, these subtopics fall into a consequential change or other appeal point i.e. one of the catch-all sections in his appeal notice).

JUST MUSSELS LIMITED, TAWHITINUI GREENSHELL LIMITED AND WAIMANA MARINE LIMITED ENV-2020-CHC-77 (and s274 party) (“Just Mussels et al”)	
5.2	Just Mussels et al need to be added to this subtopic.
KPF & UNITED FISHERIES ENV-2020-CHC-41 (and s274 party) (“KPF and United”)	
5.8	KPF and United are incorrectly listed as s274 party? They have not appealed volume 1 policy 8.2.2 or method 8.M.3 (unless, these subtopics fall into a consequential change or other appeal point i.e. one of the catch-all sections in his appeal notice).
3.1	KPF and United need to be added as s274 party, regarding 6.AER.2.
3.2	KPF and United need to be added as s274 party, regarding Appendix 2 and overlays in Volume 4.
GOULDING TRUSTEES LIMITED & SHELLFISH MARINE FARMS LIMITED ENV-2020-CHC-47 (and s274 party) (“Goulding and Shellfish Marine”)	
Throughout	Some inconsistencies in abbreviations, such as at subtopic 4.1 Goulding is listed as “Goulding Trustees” and then at 4.2 it is listed as “Goulding Trustees Limited and Shellfish Marine Farms Limited”.
HARO PARTNERSHIP ENV-2020-CHC-40 (and s274 party) (“Haro”)	
5.4	Haro needs to be added as s274 party regarding Method 8.M.4.
5.2	Haro needs to be added as appellant as well as s274 party.
OLDHAM & OTHERS ENV-2020-CHC-62 (and s274 party)	

Abbreviations list.	Oldham & Others need to be added to abbreviation list as “Arapaoa Marine Farmers”? The actual table only lists them as ‘Oldham’ in appellants, but lists them as ‘Arapaoa Marine Farmers’ in relation to the s274 appeals.
Topics 3 and 4	Oldham and Others need to be referenced as only interested regarding Onauku Bay somehow?

MARINE FARMING ASSOCIATION/AQUACULTURE NEW ZEALAND ENV-2020-CHC-74 (and s274 party) (“MFA/AQNZ”)	
N/A	Should there be a clear subtopic for 4.1.1A, 4.3A, 4.3.6, General edits to Chapter 4?
11.1	MFA/AQNZ needs to be added to appeals for policy 13.2.1.
16.4	Mapping of ‘national transportation route’ needs to be added? Or new subtopic on this.
16.1 to 16.4	MFA/AQNZ not interested in appeals on transport?
13.2.6 / 13.2.6(a)	MFA/AQNZ should be listed as s274 party for 13.2.6 not 13.2.6(a)?
5.6	MFA/AQNZ only an appellant not s274 party too?
15.4	Unclear why MFA/AQNZ are listed here as it only joined regarding rule 2.21.2? Subtopic needs to be split out?
N/A	Discharges from ships/16.7.3 not included in table? MFA/AQNZ joined ENV-2020-CHC-70 on this point.

N/A	Microfouling / 16.3.20 missing from table?
5.13	13.AER.1 should be separated out into its own subtopic and MFA/AQNZ added to this.
16.6	MFA/AQNZ should be listed as s274 party regarding Chapter 25 definition of 'mobile source'?
Various	Need to check in-water cleaning/biofouling provisions which MFA/AQNZ joined ENV-2020-CHC-49, on are covered in the table.