

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991  
AND of appeals pursuant to clause 14 of the First  
Schedule of the Act  
BETWEEN TIMBERLINK NEW ZEALAND LTD  
(ENV-2020-CHC-30)  
and all other appellants concerning the  
proposed Marlborough Environment Plan  
(as set out in the Schedule attached)  
Appellants  
AND MARLBOROUGH DISTRICT COUNCIL  
Respondent

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**MINUTE OF THE ENVIRONMENT COURT  
(19 February 2021)**

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**Introduction**

[1] This Minute makes further case management directions in relation to mediation for the proposed Marlborough Environment Plan ('pMEP') proceedings.

[2] The Registrar has referred to me the memorandum of counsel for Marlborough District Council ('MDC') dated 15 February 2021 filed following a meeting with Environment Commissioners Wilkinson and Leijnen concerning mediation logistics.

**Mediation**

[3] I will confirm the updated schedule as attached to this minute. In addition to the directions made in the Minute of 21 December 2020, the Council seeks that to assist the court in arranging meditations, the parties involved should indicate who will be attending when they serve their position papers. Counsel should be familiar with the court's



attendance forms for mediation which are issued with the notice but I will make a direction to that effect to ensure all parties comply.

**Directions**

[4] It is directed:

- (a) the updated mediation schedule attached is approved; and
- (b) when parties file their position papers (as per [2](c) of the Minute dated 21 December 2020) they are to confirm who will attend by filing their attendance forms at the same time (which the mediation's manager will issue to parties closer to the mediation event).

[5] Leave is reserved for any party to apply for further (or other) directions.



**J J M Hassan**  
**Environment Judge**



Issued: 19 February 2021

### Schedule – List of Appellants

ENV-2020-CHC-30	Timberlink
ENV-2020-CHC-32	Talley's Group Limited
ENV-2020-CHC-33	Friends of Nelson
ENV-2020-CHC-34	Omaka Valley
ENV-2020-CHC-35	Fish & Game
ENV-2020-CHC-36	Heritage
ENV-2020-CHC-38	Okiwi Bay Ratepayers
ENV-2020-CHC-39	Te Rūnanga a Rangitāne o Wairau
ENV-2020-CHC-40	Haro Partnership
ENV-2020-CHC-41	KPF Investments Limited & United Fisheries Limited
ENV-2020-CHC-42	Minister of Conservation
ENV-2020-CHC-43	Te Ātiawa o Te Waka-a-Māui Trust
ENV-2020-CHC-44	Beleve Ltd, RJ Davidson Family Trust & Treble Tree Holdings Ltd
ENV-2020-CHC-45	Aroma (N.Z.) Limited and Aroma Aquaculture Limited
ENV-2020-CHC-46	Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-47	Goulding Trustees Limited and Shellfish Marine Farms Limited
ENV-2020-CHC-48	McGuinness Institute
ENV-2020-CHC-49	Port Marlborough NZ
ENV-2020-CHC-50	Trustpower Limited
ENV-2020-CHC-51	The New Zealand King Salmon Co. Limited
ENV-2020-CHC-52	Matthew Burroughs Broughan
ENV-2020-CHC-53	Cochran
ENV-2020-CHC-54	OneFortyOne
ENV-2020-CHC-55	Clearwater Mussels Limited and Talley's Group Limited
ENV-2020-CHC-56	New Zealand Transport Agency
ENV-2020-CHC-57	KiwiRail Holdings Limited
ENV-2020-CHC-58	Federated Farmers of New Zealand
ENV-2020-CHC-59	Colonial Vineyard Limited
ENV-2020-CHC-60	Sanford Ltd
ENV-2020-CHC-61	Villa Maria Estate Limited
ENV-2020-CHC-62	Oldham & Others
ENV-2020-CHC-63	Apex Marine Farm Limited
ENV-2020-CHC-64	Forest & Bird



ENV-2020-CHC-65	Levide Capital Ltd
ENV-2020-CHC-66	Brentwood Vineyards Ltd
ENV-2020-CHC-67	Environmental Defence Society
ENV-2020-CHC-68	Transpower New Zealand Limited
ENV-2020-CHC-69	Jeffrey Val Meachen
ENV-2020-CHC-70	Te Rūnanga o Ngāti Kuia Trust
ENV-2020-CHC-71	Horticulture New Zealand
ENV-2020-CHC-73	AJ King Family Trust and SA King Family Trust
ENV-2020-CHC-74	Marine Farming Association Inc and Aquaculture New Zealand
ENV-2020-CHC-75	Delegat Limited
ENV-2020-CHC-76	Minister of Defence
ENV-2020-CHC-77	Just Mussels Ltd, Tawhitinui Greenshell Ltd & Waimana Marine Ltd
ENV-2020-CHC-78	East Bay Conservation
ENV-2020-CHC-79	Rebecca Light



**Annexure – Group 1 Mediation Schedule**



**Group 1**

Topic	Sub topic	Sub topic	Estimated duration	Preferred dates
Natural Character	3.1	Identification of high, very high and outstanding natural character – policy framework	2 days	16 - 18 March, 30 March - 1 April 2021
Natural Character	3.2	Identification of high, very high and outstanding natural character	2 days	16 - 18 March, 30 March - 1 April 2021
Natural Character	3.3	Management of adverse effects on natural character	1 day	16 - 18 March, 30 March - 1 April 2021
Natural Character	3.4	Determining Significant Adverse Effects on Natural Character	1 day	16 - 18 March, 30 March - 1 April 2021
Landscape	4.1	Identification of ONFL and landscapes of high amenity value – policy framework	2 days	5 - 6 May, 11 - 13 May, 18 - 20 May 2021
Landscape	4.2	Identification of high, very high and outstanding natural character	2 days	5 - 6 May, 11 - 13 May, 18 - 20 May 2021
Landscape	4.3	Landscapes of high amenity value – Southern Hills	1 day	5 - 6 May, 11 - 13 May, 18 - 20 May 2021
Landscape	4.4	Management of adverse effects on ONFL and landscapes of high amenity value	1 day	5 - 6 May, 11 - 13 May, 18 - 20 May 2021
Landscape	4.5	Reflectivity Standards	1 day	5 - 6 May, 11 - 13 May, 18 - 20 May 2021
Indigenous Biodiversity	5.1	Criteria for ecological significance	1 day	1 - 3 June, 8 - 10 June 2021
Indigenous Biodiversity	5.2	Ecologically Significant Marine Sites	1 day	1 - 3 June, 8 - 10 June 2021
Indigenous Biodiversity	5.3	Ecologically Significant Marine Site Buffers	1 day	1 - 3 June, 8 - 10 June 2021
Indigenous Biodiversity	5.4	King Shag Habitat and Important Bird Areas	1 day	1 - 3 June, 8 - 10 June 2021
Indigenous Biodiversity	5.5	Prohibited activity rules for activities in Ecologically Significant Marine Sites	1 day	1 - 3 June, 8 - 10 June 2021
Indigenous Biodiversity	5.6	Marine Mammal Distribution Overlays	1 day	1 - 3 June, 8 - 10 June 2021
Indigenous Biodiversity	5.7	Appeal withdrawn	NR	NR
Indigenous Biodiversity	5.8	Significant Natural Areas	1 day	15 - 17 June, 29 June - 1 July 2021
Indigenous Biodiversity	5.9	Indigenous Vegetation Clearance Rules	1 day	15 - 17 June, 29 June - 1 July 2021
Indigenous Biodiversity	5.10	Biodiversity Offsets	½ day	15 - 17 June, 29 June - 1 July 2021
Indigenous Biodiversity	5.11	Volume 1, Chapter 8 provisions (where not covered in above subtopics)	½ day	15 - 17 June, 29 June - 1 July 2021
Indigenous Biodiversity	5.12	Subdivision rules	½ day	15 - 17 June, 29 June - 1 July 2021
Indigenous Biodiversity	5.13	AERS	½ day	15 - 17 June, 29 June - 1 July 2021
Indigenous Biodiversity	5.14	Wetland 991	½ day	15 - 17 June, 29 June - 1 July 2021
Public Access and Open Space	6.1	Fire risk from recreational/special events	½ day	27 - 29 July 2021
Public Access and Open Space	6.2	Priorities for enhancing public access	½ day	27 - 29 July 2021
Public Access and Open Space	6.3	Matters raised by Marine Farming Association Incorporated and Aquaculture New Zealand	½ day	27 - 29 July 2021
Cultural Matters	1.1	Sites and places of significance to Marlborough's tangata whenua iwi – policy framework	1 day	3 - 5 August, 17 - 19 August 2021
Cultural Matters	1.2	Sites and places of significance to Marlborough's tangata whenua iwi – extension of Wairau (Areas B and C)	1 day	3 - 5 August, 17 - 19 August 2021
Cultural Matters	1.3	Enabling Customary Access	1 day	3 - 5 August, 17 - 19 August 2021
Cultural Matters	1.4	Consultation with iwi	1 day	3 - 5 August, 17 - 19 August 2021
Cultural Matters	1.5	Papakāinga	½ day	3 - 5 August, 17 - 19 August 2021
Cultural Matters	1.6	Volume 1, Chapter 3 other provisions;	½ day	3 - 5 August, 17 - 19 August 2021
Heritage	7.1	Kakapo Bay	½ day	24 - 26 August 2021
Heritage	7.2	Heritage provisions	1 day	24 - 26 August 2021

