



ENVIRONMENT COURT OF NEW ZEALAND

30 July 2020

In reply, please quote reference
ENV-2020-CHC-105

Quentin Davies/ Joshua Marshall
Gascoigne Wicks
P O Box 2
Blenheim

Kaye McIlveney
Marlborough District Council
PO Box 443
Blenheim

Dear Parties

Evans v Marlborough District Council

Topic: Application for orders amending the review of the Marlborough Regional Pest Management Plan 2018

I acknowledge receipt on 29 July 2020 of:

- Application under section 76 of the Biosecurity Act 1993
- filing fee of \$250.00
- notice of the name, address and date of service for each person served with the above application.

This proceeding was referred to Environment Judge Hassan for initial consideration and the following directions given:

1. The appeal should be placed on the Standard Track;
2. Counsel for the appellant must confer with the other parties and file a memorandum by **28 August 2020** (counsel can file this earlier if there are no submitters/s274 parties likely to join) setting out:
 - a. a list of the issues; and
 - b. whether the parties seek mediation (and if so setting out their reasons/positions, timetabling arrangements and a time estimate); or
 - c. If mediation is not sought then the parties should propose an evidence timetable (setting out the potential witnesses to be called and an estimate of the hearing time required).

J J M Hassan
Environment Judge

Mediation

This case may be able to be resolved by negotiation or mediation, rather than by a full hearing and a decision by the court. Mediation can be directed by an Environment Judge or requested at any time by the parties. Mediation is an informal process, where an independent person meets with the parties to help them to reach agreement on all or some of the questions in dispute. Mediation is a process, which can be relatively quick and inexpensive. Parties and their advisers can talk openly about the dispute and their attitudes to it. Any technical or legal questions can be identified and discussed.

A mediator does not judge the case or impose a decision, but helps the parties to see if they can reach an outcome of their own.

An Environment Commissioner of the Environment Court may be asked to act as mediator, see section 268(1) of the Resource Management Act 1991. The parties are not asked to pay his/her expenses. An Environment Commissioner acting as mediator will not be involved in hearing the appeal if agreement cannot be reached, and the case on the appeal will not be prejudiced by the mediation if it is not successful.

If negotiation or mediation is not successful in resolving the case, the file is then returned to the control of the Case Manager and Judge.

The parties may agree to engage a private mediator instead of an Environment Commissioner. This would involve payment of the mediator's fees and expenses. A private mediator may be chosen because of special skills.

Further information about private mediators can be obtained from the Arbitrators' and Mediators' Institute, PO Box 1477, Wellington, or LEADR NZ (Inc), PO Box 10991, Wellington, email: leadrnz@xtra.co.nz or telephone: (04) 470 0110.

If the matter proceeds to hearing, you will be notified of any hearing date and time as well as the associated hearing and scheduling fees.

Case Management

The Environment Court operates a caseflow management system for all proceedings filed with it. The Court will supervise or manage the time and events involved in the life of this case, from the time it is filed, to the time it is disposed of. Initially a copy of this appeal will be referred to an Environment Judge shortly after its filing for assignment to a case track.

What is a case track?

The Court specifically manages the flow of cases through a Case Tracking system, of which there are three distinct management tracks. They are:

Standard:

This management track will include most s.120 appeals, non-urgent enforcement proceedings and other miscellaneous proceedings. The Court will typically issue standard directions to the parties, with an emphasis on avoiding unnecessary court appearances at the interlocutory stage and a hearing within six months of commencement.



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Priority:

This track is for the more urgent cases, such as urgent enforcement proceedings; also appeals that the Court considers require priority resolution, or matters for which more intense case management is required.

Parties On-Hold:

Cases will be placed onto this track (unless the managing Judge otherwise directs) in circumstances where parties advise that they are not actively seeking a hearing to (for example) negotiate or mediate.

Where your case has not already been assigned to a case track then the Managing Judge will allocate your case to a specific track and you will be notified of this by way of separate correspondence.

Information about the Environment Court and its procedures can be found on the Ministry of Justice web site (<http://www.justice.govt.nz>) and is also available from the Ministry for the Environment (<http://www.mfe.govt.nz>).

Please direct any correspondence or enquiries to myself as Case Manager for this matter and note the above Court reference.

Kind regards,

A handwritten signature in purple ink, appearing to read 'C McKee'.

Christine McKee
Hearing Manager

ENVIRONMENT COURT

Direct dial phone: (03) 365 0905

E-mail address: Christine.McKee@justice.govt.nz

LIST OF PARTIES

<u>Lodgement:</u>	<u>ENV-2020-CHC-000105</u>	<u>Evans v Marlborough District Council</u>
Initiator	Evans, Geoffrey	Joshua Marshall, PO Box 2, Blenheim 7240
Initiator	Evans, Geoffrey	Quentin Davies, Gascoigne Wicks, P O Box 2, Blenheim
Respondent	Marlborough District Council	Kaye McIlveney, Marlborough District Council, PO Box 443, Blenheim