BEFORE THE ENVIRONMENT COURT AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA KI ŌTAUTAHI

IN THE MATTER of the Biosecurity Act 1993

AND of an application under section 76 of the Act

BETWEEN GEOFFREY IAN TUDOR EVANS

(ENV-2020-CHC-105)

Appellant

AND MARLBOROUGH DISTRICT COUNCIL

Respondent

MINUTE OF THE ENVIRONMENT COURT (28 August 2020)

Introduction

- [1] This proceeding concerns an application for orders amending the review of the Marlborough Regional Pest Management Plan 2018 ('the plan').
- [2] The court issued initial directions for the appellant to file a memorandum 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).
- [3] The court has now received the joint memorandum dated 18 August 2020 which requests the initial directions be deferred to enable all persons who submitted on the plan, a chance to be served with the application, and an opportunity to join as a party.



- [4] The applicant also seeks a direction to enable service to be carried out by notifying the submitters via a letter which would direct them to the Council's website where they can download the documents (since the affidavit is 402 pages long).
- [5] I consider both requests are appropriate so will grant them as sought but will also make additional directions for any submitters wishing to join (and extending the reporting memorandum date).

Directions

[6] Accordingly, I direct:

- (a) the applicant must serve the notice of motion and supporting affidavit on each of the submitters:
- (b) service can be effected by sending a letter (and a copy of this Minute) to each of the submitters (within three working days) referring them to a page on the Council's website where the notice of motion and affidavit can be downloaded:
- (c) any submitter who wishes to join the proceeding should lodge with the court, and serve on the parties, a form 33 (found on the Environment Court's website) by **Friday 18 September 2020**;
- (d) the appellant is to confer with parties and file a memorandum by Friday 25September 2020 setting out:
 - (i) a list of the issues; and
 - (ii) whether the parties seek mediation (and if so setting out their reasons/positions, timetabling arrangements and a time estimate); or
 - (iii) 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).
- [7] Leave is reserved for any party to apply for further (or other) directions.

J J M Hassan

Environment Judge

Issued: 28 August 2020

