

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

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

**ENV**

**UNDER** the Biosecurity Act 1993

**IN THE MATTER** of an application under s 76 of the Act

**BETWEEN** **GEOFFREY IAN TUDOR EVANS** of Waihopai Valley, Farmer  
**Applicant**

**AND** **MARLBOROUGH DISTRICT COUNCIL** a unitary authority  
**Respondent**

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**NOTICE OF MOTION: APPLICATION ABOUT PROPOSED REVIEW OF THE  
MARLBOROUGH REGIONAL PEST MANAGEMENT PLAN**

Dated this 29<sup>th</sup> day of July 2020

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**GASCOIGNE WICKS  
LAWYERS  
BLENHEIM**

Solicitor: Quentin A M Davies and Joshua S  
Marshall  
(jmarshall@gwlaw.co.nz | qdavies@gwlaw.co.nz)

Applicant's Solicitor  
79 High Street  
PO Box 2  
BLENHEIM 7240  
Tel: 03 578 4229  
Fax: 03 578 4080

**NOTICE OF MOTION**

*Section 291, Resource Management Act 1991; Section 23(3), Public Works Act 1981*

**To** The Registrar  
Environment Court  
Christchurch

**Name of applicant**

- 1 GEOFFREY IAN TUDOR EVANS applies under s 76 of the Biosecurity Act 1993 (the "Act") for orders amending the review of the Marlborough Regional Pest Management Plan 2018 ("MRPMP") to incorporate the following:
- (a) Instating a containment area for Contorta Pine with objectives and rules to the same effect as the Contorta Containment Areas in the Regional Pest Management Strategy for Marlborough 2012 ("RPMS12");
  - (b) The relief in terms of the applicant's submission to the respondent (annexure GITE-5 in the accompanying affidavit);
  - (c) Equivalent relief that the Court think fit;
  - (d) Costs.

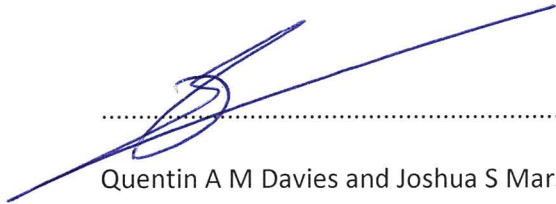

**Grounds of application**

- 2 The grounds for the application are:
- (a) The proposal did not fully set out the matters in s 70(2) of the Act.
  - (b) The proposal is not an effective means of effectively managing the Contorta Pine in the former Contorta Containment Areas in the RPMS12.
  - (c) The private land owners (including the applicant) required to control wilding pines on their land would not receive a benefit outweighing the cost to them.
  - (d) The refusal to reinstate the Contorta Containment Area is not reasonable.
  - (e) The Council has considered irrelevant considerations when assessing the applicant's submissions on the proposal.

**Attached documents**

3 The following documents are attached:

- (a) an affidavit in support of this application; and
- (b) a list of names and addresses of persons to be served with a copy of this notice.

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Quentin A M Davies and Joshua S Marshall

Solicitor for applicant

Date: 29 July 2020

**Address for service of Applicant**

Gascoigne Wicks, 79 High Street, Blenheim 7201, PO Box 2, Blenheim 7240

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin A M Davies and Joshua S Marshall, Solicitors

**Note to applicant**

You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve copies of this notice and affidavit on the parties to the application (if any) as soon as reasonably practicable after lodging the notice. An Environment Judge may also at any time direct you to serve a copy of this notice and affidavit on any other person. You must advise the Registrar of the persons served and when those persons were served.

This form should be used to object to the taking of an interest in land under section 23 of the Public Works Act 1981.

**Advice to recipients of copy of notice of motion***How to become party to proceedings*

If you wish to become a party to the proceedings, you must lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant within 15 working days after—

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) the proceedings are commenced, in any other case.

You must serve copies of your notice on all other parties within 5 working days after the period for lodging this notice with the Environment Court ends.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see form 38*).

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.

*How to be heard on this application*

If you wish to be heard on this application, you must lodge a notice (in form 37) with the Environment Court and serve a copy of the notice on the applicant within 15 working days after you were served with this notice.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**Schedule B – Persons to be served with a copy of this notice**

1. Marlborough District Council