

**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
Appellants
AND MARLBOROUGH DISTRICT COUNCIL
Respondent

**MINUTE OF THE ENVIRONMENT COURT
(21 December 2020)**

Introduction

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

Mediation

[2] The MDC have now filed an amended mediation schedule (after addressing further matters raised by parties) for Group 1 for the court's approval. Beyond Group 1 MDC has been unable to estimate dates for mediation, so these will be confirmed at a later date. The court has now allocated Commissioner resources to facilitate the mediation schedule and can generally work with the dates proposed,¹ subject to the following guidelines:



¹ With one exception being five days allocated to the week of 8 June 2021 which includes a public holiday. Four days will be scheduled at this stage and if a full week is required the court can allocate it to the previous week.

- (a) if for any reason the parties wish to request a change to the schedule for a specific topic they must first obtain agreement from all other parties to that topic before advising the court accordingly. No change to the timetable will be considered without such supporting documentation and even then, the court for resource reasons may not be able to accommodate a change;
- (b) the MDC will circulate an A3 table **ten working days** prior to mediation setting out the appeal details and relief sought for each topic and subtopic by party, together with a summary of MDC's preliminary position;
- (c) having reviewed the MDC's preceding materials, the parties are to circulate indicative position papers in response up to **five working days** prior to mediation which should describe their issues with provisions under discussion and their suggestions for how their concerns could be met at mediation in a 'without prejudice and confidential' way;
- (d) the MDC will provide its position paper in word format, and the parties may elect to use the MDC's table as a base for their own position papers by adding a column;
- (e) the MDC's position paper in most instances will form the agenda for the mediation. Unless otherwise agreed, individual points of relief will be mediated (and any relevant matters will be addressed) in the order set out in the MDC's position paper.

Service

[3] MDC has also filed a memorandum in response to the court's 29 October 2020 Minute addressing the directions it seeks in relation to the service of documents. I consider the revised service proposal is appropriate so I will make the directions sought.

Directions

[4] It is directed:

- (a) the mediation schedule attached is approved (and parties are to file position papers in accordance with paras [2](a)-(e) above);
- (b) a party has sufficiently complied with its obligations of service if it files and serves the document electronically with the court and to the relevant parties;



- (c) if a party has a very large document, they may provide it to MDC before service. MDC must upload it to the portal and provide a URL link for the document which the party will then serve;
- (d) MDC will upload all documents filed and served in accordance with paragraph (b) to the appeals portal.

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



J J M Hassan
Environment Judge

Issued: 21 December 2020



Mediation Schedule

Group 1				
Topic	Sub topic no.	Sub topic	Estimated duration	Preferred dates
Natural Character	3.1	Identification of high, very high and outstanding natural character – policy framework	2 days	Week commencing 16 and 22 February 2021
Natural Character	3.2	Identification of high, very high and outstanding natural character	2 days	Week commencing 16 and 22 February 2021
Natural Character	3.3	Management of adverse effects on natural character	1 day	Week commencing 16 and 22 February 2021
Natural Character	3.4	Determining Significant Adverse Effects on Natural Character	1 day	Week commencing 16 and 22 February 2021
Landscape	4.1	Identification of ONFL and landscapes of high amenity value – policy framework	2 days	15-19 March, 24 - 26 March, 29-30 March 2021
Landscape	4.2	Identification of high, very high and outstanding natural character	2 days	15-19 March, 24 - 26 March, 29-30 March 2021
Landscape	4.3	Landscapes of high amenity value – Southern Hills	1 day	15-19 March, 24 - 26 March, 29-30 March 2021
Landscape	4.4	Management of adverse effects on ONFL and landscapes of high amenity value	1 day	15-19 March, 24 - 26 March, 29-30 March 2021
Landscape	4.5	Reflectivity Standards	1 Day	15-19 March, 24 - 26 March, 29-30 March 2021
Indigenous Biodiversity	5.1	Criteria for ecological significance	1 day	Week commencing 12 April 2021
Indigenous Biodiversity	5.2	Ecologically Significant Marine Sites	1 day	Week commencing 12 April 2021
Indigenous Biodiversity	5.3	Ecologically Significant Marine Site Buffers	1 day	Week commencing 12 April 2021
Indigenous Biodiversity	5.4	King Shag Habitat and Important Bird Areas	1 day	Week commencing 12 April 2021
Indigenous Biodiversity	5.5	Prohibited activity rules for activities in Ecologically Significant Marine Sites	1 day	Week commencing 12 April 2021
Indigenous Biodiversity	5.6	Marine Mammal Distribution Overlays	1 day	Week commencing 12 April 2021
Indigenous Biodiversity	5.7	Appeal withdrawn		
Indigenous Biodiversity	5.8	Significant Natural Areas	1 day	Week commencing 3 May 2021
Indigenous Biodiversity	5.9	Indigenous Vegetation Clearance Rules	1 day	Week commencing 3 May 2021
Indigenous Biodiversity	5.10	Biodiversity Offsets	½ day	Week commencing 3 May 2021
Indigenous Biodiversity	5.11	Volume 1, Chapter 8 provisions (where not covered in above subtopics)	½ day	Week commencing 3 May 2021
Indigenous Biodiversity	5.12	Subdivision rules	½ day	Week commencing 3 May 2021
Indigenous Biodiversity	5.13	AERs	½ day	Week commencing 3 May 2021
Indigenous Biodiversity	5.14	Wetland 991	½ day	Week commencing 3 May 2021
Public Access and Open Space	6.1	Fire risk from recreational/special events	½ day	Week commencing 10 May 2021
Public Access and Open Space	6.2	Priorities for enhancing public access	½ day	Week commencing 10 May 2021
Public Access and Open Space	6.3	Matters raised by Marine Farming Association Incorporated and Aquaculture New Zealand	½ day	Week commencing 10 May 2021
Cultural Matters	1.1	Sites and places of significance to Marlborough’s tangata whenua iwi – policy framework	1 day	Week commencing 8 June 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	Week commencing 8 June 2021
Cultural Matters	1.3	Enabling Customary Access	1 day	Week commencing 8 June 2021
Cultural Matters	1.4	Consultation with iwi	1 day	Week commencing 8 June 2021
Cultural Matters	1.5	Papakāinga	½ day	Week commencing 8 June 2021
Cultural Matters	1.6	Volume 1, Chapter 3 other provisions;	½ day	Week commencing 8 June 2021
Heritage	7.1	Kakapo Bay	½ day	Week commencing 21 June 2021
Heritage	7.2	Heritage provisions	1 day	Week commencing 21 June 2021

