

10 August 2012

In reply, please quote reference
ENV-2012-WLG-000085

Mr Tony Quickfall
APL Property
PO Box 1593
Nelson 7040

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15 AUG 2012

NELSON CITY COUNCIL
Records

Dear Mr Quickfall

J Raine v Nelson City Council

Topic(s): Plan Change 18

I acknowledge receipt on 10 August 2012 of:

- Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991

I look forward to receiving from you written notice to the Court of the name, address and date of service for each party served with the application. Please note that service of the application cannot be waived.

The Court has accepted your application subject to the following:

- Receipt of one additional copy of the application
- Payment of the required \$511.11 filing fee

These proceedings will not progress until you have attended to the above. After that the matter will be referred to an Environment Judge for their initial consideration.

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 is a voluntary and informal process, where the parties to a case agree to having an independent person meet with them 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.

Please advise the Court in writing within 30 days of the date of this letter whether or not you wish to have this matter mediated at which time a mediator will be arranged. 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.

Environment Court Unit

EC4100_Acknowledged Case Progress Building, Ballance Street, DX SX 11154, Wellington, New Zealand

Telephone: 0-4 918 8300 Fax: 0-4 918 8480

www.justice.govt.nz

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.

Case Management

The Environment Court operates a caseload 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.

Complex:

This applies to more complex proceedings – that is most plan appeals and some section 120 appeals. The essential feature is that cases or sets of related cases will be managed on an individual programme as determined by the Presiding Judge.


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.

PP 
Jennifer Gerritsen
Case Manager

ENVIRONMENT COURT

Direct dial phone: (04) 918 8334

E-mail address: Jennifer.Gerritsen@justice.govt.nz

LIST OF PARTIES

<u>Lodgement:</u>	<u>ENV-2012-WLG-000085</u>	<u>J Raine v Nelson City Council</u>
Initiator	Raine, Mr Julian	Mr Tony Quickfall, APL Property, PO Box 1593, Nelson 7040
Respondent	Nelson City Council	Mandy Bishop , Nelson City Council, PO Box 645, Nelson

cc:
Mandy Bishop
Nelson City Council
PO Box 645
Nelson