



THE ENVIRONMENT COURT OF NEW ZEALAND

NOTICE OF HEARING

TAKE NOTICE that there is to be a sitting of the Environment Court as detailed below to hear the proceedings listed in the attached schedule.

The hearing will be held:

COMMENCING: Monday, 2 August 2010

TIME: 10.30 AM

VENUE: Waimea Room, Club Waimea
345 Queen Street
Richmond
Nelson
Ph: (03) 5439179

1. PROCEDURES

At the beginning of the sitting, the Court will consider any requests to:

- (a) Withdraw proceedings
- (b) Adjourn (postpone) hearings to a later date
- (c) Approve settlements agreed to all by the parties

The Court will then decide the order in which the proceedings will be heard during the sitting.

Parties must however advise the Court **immediately** if they wish to:

- a) settle and/or withdraw proceedings in whole or in part, or
- b) request an adjournment, that is postponing the hearing of proceedings, until a later sitting of the Court.

Timely notice to the Court of the settlement and/or withdrawal of proceedings will enable the Court to reallocate its hearing time if necessary.

However, the Court will only grant a request for adjournment if there is good reason for doing so, even if all parties have agreed to it.

If any party fails to:

- a) be ready to proceed with a hearing at the time arranged for it by the Court
- or**
- b) give adequate notice of withdrawal or settlement of proceedings

the Court may order the party or parties to pay any costs and expenses incurred by the Crown or another party. This may particularly be the case if the hearing time allocated by the Court is not used.

2. EVIDENCE

The parties must (subject to any existing timetable order or direction of the Court):

Exchange no later than 10 working days from the date of hearing - all statements and evidence that will be produced to the Court at the hearing.

3. MĀORI LANGUAGE AND SPECIAL REQUIREMENTS

If any party or witness:

1. wishes to speak Māori at the hearing under the Māori Language Act 1987, or
2. has special needs (for example in relation to disability and access, deafness, difficulties with the English language), or
3. has any special arrangements for the hearing are required, e.g. transport for site visits, storage space for bulky exhibits, video playback

they are to advise the Court in writing of this not later than 10 working days from the date of hearing so that appropriate arrangements can be considered.

4. CORRESPONDENCE AND ENQUIRIES

Information on the Environment Court and the Court's Practice Notes which serve as a guide, are available at www.justice.govt.nz/courts/environment-court. All correspondence or enquiries about this notice or the hearing procedures are to be directed to the undersigned.

Dated at Wellington Environment Court Registry on 05 July 2010



Sarah Jeffs

Hearing Manager

Direct dial phone: (04) 918 8334

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ENVIRONMENT COURT

DX SX11154

Wellington

Telephone: (04) 918 8300

Facsimile: (04) 918 8480

SCHEDULE OF PROCEEDINGS

1. Topic: Application for Order restricting the use of firearms at Cable Bay Road, Nelson

Nelson City Council v S & B Harvey

Application For Enforcement Order pursuant to Section 316 of the Resource Management Act 1991

Court Reference: ENV-2009-WLG-000221

Delaware Bay Residents Association Incorporated v B & S Harvey

Application For Enforcement Order pursuant to Section 316 of the Resource Management Act 1991

Court Reference: ENV-2010-WLG-000048

2. Topic: Removal of the barge and other associated materials near the Otuwhero Inlet near Marahau

Tasman District Council v D Way

Application For Enforcement Order pursuant to Section 316 of the Resource Management Act 1991

Court Reference: ENV-2010-WLG-000039

LIST OF PARTIES

TOPIC: Application for Order restricting the use of firearms at Cable Bay Road, Nelson

Lodgement: ENV-2009-WLG-000221

Initiator Nelson City Council

Respondent Harvey, Bruce

Respondent Harvey, Sharon

Interested Party S274 Delaware Bay Residents Association Incorporated

Nelson City Council v S & B Harvey

Julian Ironside, Fletcher Vautier Moore (Richmond), PO Box 3029, DX WC71017, Richmond
Shoshona Goodall, Duncan Cotterill, PO Box 827, Nelson

Shoshona Goodall, Duncan Cotterill, PO Box 827, Nelson

Nigel McFadden, McFadden Mc Meeken Phillips, P.O. Box 656, DX WC70016, NELSON

Lodgement: ENV-2010-WLG-000048

Initiator Delaware Bay Residents Association Incorporated

Respondent Harvey, Bruce

Respondent Harvey, Sharon

Interested Party S274 Nelson City Council

Delaware Bay Residents Association Incorporated v B & S Harvey

Nigel McFadden, McFadden Mc Meeken Phillips, P.O. Box 656, DX WC70016, NELSON

Bruce Harvey, Cable Bay Road, RD1, Nelson

Sharon Harvey, Cable Bay Road, RD1, Nelson

Kenneth Beckett, Fletcher Vautier Moore (Nelson), PO Box 90, DX WC70009, Nelson

LIST OF PARTIES

TOPIC: Removal of the barge and other associated materials near the Otuwhero Inlet near Marahau

Lodgement: **ENV-2010-WLG-000039**
Initiator Tasman District Council

Respondent Way, Mr Daryl
Respondent Way, Mr Daryl

Tasman District Council v D Way
Julian Ironside, Fletcher Vautier Moore (Richmond),
PO Box 3029, DX WC71017, Richmond
Mr Daryl Way, 177 Princess Drive, Nelson
Rob Ord, 306a Hardy Street, Nelson