



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, 12 September 2011

TIME: 10.00 AM

VENUE: Hearing Room 2.01, Environment Court
Specialist Courts and Tribunals Centre
Level 2, 41 Federal Street
(Corner of Wyndham and Federal Streets)
Auckland
Ph: (09) 9169091; Fax: (09) 9169090

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 Auckland Environment Court Registry on 14 June 2011



Lucinda Rishworth
Hearing Manager
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ENVIRONMENT COURT
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Auckland
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SCHEDULE OF PROCEEDINGS

1. **Topic:** Conditions of resource consent for a discretionary land use activity to construct and operate a supermarket at 130-144 Felton Mathew Avenue, St.Johns, Auckland

Topic Number: ENV-2010-304-000192

- i Progressive Enterprises Limited v Auckland Council (formerly Auckland City Council)
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000293
- ii St John's College Trust Board v Auckland Council (formerly Auckland City Council)
Applicant: Progressive Enterprises Limited
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000295

2. **Topic:** Granted r/c to discharge contaminants to land, and for ongoing discharge of contaminants associated with the development of a supermarket at 134-144 Felton Matthew Avenue, St. Johns

Topic Number: ENV-2011-304-000005

- i St John's College Trust Board v Auckland Council (formerly Auckland Regional Council)
Applicant: Progressive Enterprises Limited
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2011-AKL-000007