



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, 13 December 2010

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) 916 9091 Fax: (09) 916 9090

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:

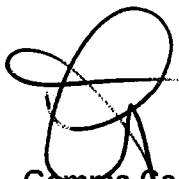
1. wishes to speak Māori at the hearing under the Māori Language Act 1987, or
2. has special needs (for example in relation to disability and access, deafness, difficulties with the English language), or
3. has any special arrangements for the hearing are required, e.g. transport for site visits, storage 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 29 October 2010



**Gemma Carlyon
Team Leader**

Direct dial phone: (09) 916 9496

E-mail address: Gemma.Carlyon@justice.govt.nz

ENVIRONMENT COURT

DX CX10086

Auckland

Telephone: (09) 916 9091

Facsimile: (09) 916 9090

SCHEDULE OF PROCEEDINGS

- 1. Topic:** **Application for enforcement orders to ensure that a retaining wall has been removed from the boundary of 323 and 325 Glenfield Road**

Topic Number: **ENV-2009-304-000122**

- i North Shore City Council v Antonio & others
Application For Enforcement Order pursuant to Section 316 of the Resource Management Act 1991
Court Reference: ENV-2009-AKL-000222

- 2. Topic:** **An application for enforcement orders requiring the respondent to cease operating a caravan hireage and repair business and to remove all caravans from 13 and 19 Station Road, Takanini, Auckland**

Topic Number: **ENV-2010-304-000112**

- i Papakura District Council v Diack Trustee Company Limited
Application For Enforcement Order pursuant to Section 316 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000209

- 3. Topic:** **Application for Enforcement Order in relation to trees that breach the airfield height restriction on a property at the corner of Green & Parkhurst Roads, Parakai**

Topic Number: **ENV-2010-304-000126**

- i Rodney District Council v DW & VJ Shepherd
Application For Enforcement Order pursuant to Section 316 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000224

LIST OF PARTIES

TOPIC: Application for enforcement orders to ensure that a retaining wall has been removed from the boundary of 323 and 325 Glenfield Road

Lodgement: ENV-2009-AKL-000222

Initiator North Shore City Council

Initiator North Shore City Council

Respondent Antonio, Dorotea

Respondent Antonio, Regino

Respondent Bodyworkz Limited

Respondent Cruickshank, Donald

North Shore City Council v Antonio & others

Scott Smith, Simpson Grierson - Auckland, Private Bag 92518, Wellesley Street, DX CX10092, AUCKLAND

Steve Goeldner, North Shore City Council, Private Bag 93500, Takapuna, North Shore City

Dorotea Antonio, 1/325 Glenfield Road, Glenfield, North Shore City 0629

Regino Antonio, 1/ 325 Glenfield Road, Glenfield, North Shore City 0629

Bodyworkz Limited, P O Box 936 , Seventh Avenue , Tauranga 3140

Donald Cruickshank, 323 Glenfield Road, Glenfield, North Shore City 0629

LIST OF PARTIES

TOPIC: An application for enforcement orders requiring the respondent to cease operating a caravan hireage and repair business and to remove all caravans from 13 and 19 Station Road, Takanini, Auckland

Lodgement: ENV-2010-AKL-000209

Papakura District Council v Diack Trustee Company Limited

Initiator Papakura District Council

Vicki Morrison, Atkins Holm Joseph Majurey, PO Box 1585, Shortland Street, Auckland

Respondent Diack Trustee Company Limited

Prue Kapua, Tamatekapua Law, PO Box 106454, Auckland

LIST OF PARTIES

TOPIC: Application for Enforcement Order in relation to trees that breach the airfield height restriction on a property at the corner of Green & Parkhurst Roads, Parakai

<u>Lodgement:</u>	<u>ENV-2010-AKL-000224</u>	<u>Rodney District Council v DW & VJ Shepherd</u>
Initiator	Rodney District Council	Mary Nacey, Rodney District Council, Private Bag 500, Orewa 946
Initiator	Rodney District Council	P M S McNamara, Simpson Grierson - Auckland, Private Bag 92518, Wellesley Street, DX CX10092, AUCKLAND
Initiator	Rodney District Council	Scott Smith, Simpson Grierson - Auckland, Private Bag 92518, Wellesley Street, DX CX10092, AUCKLAND
Respondent	Shepherd, Dennis	Dennis Shepherd, 264 South Head Road, RD 1, Helensville 0874
Respondent	Shepherd, Dennis	Mr Luke Kemp, Kemp Barristers & Solicitors, Box 600, Kumeu, Auckland 0841
Respondent	Shepherd, Valerie	Mr Luke Kemp, Kemp Barristers & Solicitors, Box 600, Kumeu, Auckland 0841
Respondent	Shepherd, Valerie	Valerie Shepherd, 264 South Head Road, RD 1, Helensville 0874

Bodyworkz Limited
P O Box 936
Seventh Avenue
Tauranga 3140

Dennis Shepherd
264 South Head Road,
RD 1
Helensville 0874

Donald Cruickshank
323 Glenfield Road
Glenfield
North Shore City 0629

Dorotea Antonio
1/325 Glenfield Road
Glenfield
North Shore City 0629

Mary Nacey
Rodney District Council
Private Bag 500
Orewa 946

Mr Luke Kemp
Kemp Barristers & Solicitors
Box 600
Kumeu
Auckland 0841

P M S McNamara
Simpson Grierson - Auckland
Private Bag 92518
Wellesley Street
DX CX10092
AUCKLAND

Prue Kapua
Tamatekapua Law
PO Box 106454
Auckland

Regino Antonio
1/ 325 Glenfield Road
Glenfield
North Shore City 0629

Scott Smith
Simpson Grierson - Auckland
Private Bag 92518
Wellesley Street
DX CX10092
AUCKLAND

Steve Goeldner
North Shore City Council
Private Bag 93500
Takapuna
North Shore City

Valerie Shepherd
264 South Head Road
RD 1
Helensville 0874

Vicki Morrison
Atkins Holm Joseph Majurey
PO Box 1585
Shortland Street
Auckland