



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, 21 February 2011

TIME: 10.00 AM

VENUE: Conf. Room, Cosmopolitan Club, Marlin Room
54 Miro Street
Mount Maunganui
Ph: (07) 575 4886, (07) 574 4990

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 December 2010



**Samuel Hutchings
Hearing Manager**

Direct dial phone: (09) 916 9369

E-mail address: Samuel.Hutchings@justice.govt.nz

ENVIRONMENT COURT

DX CX10086

Auckland

Telephone: (09) 916 9091

Facsimile: (09) 916 9090

SCHEDULE OF PROCEEDINGS

1. **Topic:** WBOPDC Proposed Plan: Ford Land Zoning in Papamoa
Topic Number: ENV-2010-339-000045
 - i. Ford Land Holdings Pty Limited v Western Bay of Plenty District Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000106

2. **Topic:** Resource Consent application by Winstone for land use consent to expand and operate an existing quarry at Old Coach Road, Otamarakau, Western Bay of Plenty District
Topic Number: ENV-2010-339-000009
 - i. Winstone Aggregates - a division of Fletcher Concrete and Infrastructure Limited v Western Bay of Plenty District Council
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000158
 - ii. Winstone Aggregates - a division of Fletcher Concrete and Infrastructure Limited v Bay of Plenty Regional Council
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000159
 - iii. Craig Harris v Bay of Plenty Regional Council & Western Bay of Plenty District Council
Applicant: Winstone Aggregates - a division of Fletcher Concrete and Infrastructure Limited
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000162
 - iv. John Cameron v Bay of Plenty Regional Council & Western Bay of Plenty District Council
Applicant: Winstone Aggregates - a division of Fletcher Concrete and Infrastructure Limited
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000163
 - v. Ngati Tuwharetoa (BOP) Settlement Trust & on behalf of Ngati Makino Heritage Trust v Bay of Plenty Regional Council & Western Bay of Plenty District Council
Applicant: Winstone Aggregates - a division of Fletcher Concrete and Infrastructure Limited
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000165

3. **Topic:** Application to stop part of an unnamed road connected to Taumata Road, Tauranga
Topic Number: ENV-2010-339-000031
 - i. Western Bay of Plenty District Council
Stopping Of Road And The Temporary Prohibition Of Traffic On Roads pursuant to Tenth Schedule of the Local Government Act 1974
Court Reference: ENV-2010-AKL-000247

4. **Topic:** Application for declaration to determine which of two companies has hearing priority for renewal consents
Topic Number: ENV-2010-339-000038
- i. Bay of Plenty Regional Council v Fonterra Co-operative Group Limited & Trustpower Limited
Application For Declaration pursuant to Section 311 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000274
5. **Topic:** Application for resource consent to extend a condition capping the number of full time staff in an existing medical centre.
Topic Number: ENV-2010-339-000008
- i. Graeme Lynam (as trustee of the Graeme & Jenny Lynam Trust, and trading as Harley Dentistry) v Tauranga City Council
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000155
6. **Topic:** Designation & Plan Change 44
Topic Number: ENV-2009-304-000444
- i. Te Tumu Kaituna 14 Trust & others v Tauranga City Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2008-AKL-000272
- ii. Hawridge Developments Limited v Tauranga City Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2008-AKL-000274
- iii. Bluehaven Holdings Limited & others v Tauranga City Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2008-AKL-000275
- iv. New Zealand Transport Agency v Tauranga City Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2008-AKL-000277