



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 details for these proceedings are as follows

TIME: **10:00 AM**

COMMENCING: **Monday, 24 May - 28 May 2021**

VENUE: **Hearing Room 5**
Environment Court
Specialist Courts and Tribunals Centre
Level 1, 41 Federal Street
(Corner of Wyndham and Federal Streets)
Auckland
Ph: (09) 9169091; Fax: (09) 9169090

COMMENCING: **Tuesday, 8 June – 11 June 2021**

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

Scheduling Fee: \$350.00

Scheduling Fee Due: **26 February 2021**

Time Allocated: 9 days

Estimated Hearing Fee: \$5,950.00

Hearing Fee Due: **17 May 2021**

The scheduling fee and the hearing fee must be **paid by the dates specified above** unless settlement is reached prior to that date. If the scheduling fee or the hearing fee are not paid by the date specified above, the Registrar may vacate the hearing.

If settlement is reached prior to the hearing, please notify the Court immediately.

1. SCHEDULING AND HEARING FEES

The scheduling fee is incurred when the proceeding is scheduled for a substantive hearing or any other application or proceeding (apart from an interlocutory application). The scheduling fee is not refundable if the hearing is no longer required.

The party bringing the proceeding is liable to pay hearing fees.

- For interlocutory applications, the first two days do not incur a fee. After the second day there will be a \$350 fee for each half-day or part half-day after that; or
- For all other applications, the first half-day is free. After the first half-day there will be a \$350 fee for each half-day or part half-day after that.

The fees must be pre-paid in accordance with the Resource Management (Forms, Fees and Procedure) Regulations 2003.

The time allocated by the Court provides an indication of your potential liability for Court hearing fees in this case.

2 PROCEDURES

At the start of the hearing, 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 hearing.

Parties must advise the Court **immediately** if they want to:

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

Parties should notify the Court of the settlement and/or withdrawal of proceedings as soon as possible as this will enable the Court to reallocate the hearing time if necessary.

The Court will only grant a request for adjournment if there is a good reason for doing so, even if all the 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

then the Court may order the party or parties to pay any costs and expenses incurred by the Crown or another party. This may happen where the hearing time allocated by the Court is not used.

3 EVIDENCE

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

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

4 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

<https://www.justice.govt.nz/courts/going-to-court/pre/interpreters-language-and-disability-access/>

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.

5 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 19 February 2021



Frida Cho

Hearing Manager

Direct dial: (09) 916 9034

E-mail address: Frida.Cho@justice.govt.nz

ENVIRONMENT COURT

CX10086

PO Box 7147

Auckland

Telephone: (09) 916 9091

Facsimile: (09) 916 9090

SCHEDULE OF PROCEEDINGS

- 1. Topic:** **An appeal against a decision on an application to demolish existing buildings and construct 7 multi-level buildings at Tamaki Drive, Patteson Avenue and Marau Crescent, Mission Bay, Auckland**

Topic Number: **ENV-2019-304-000097**

- i. Drive Holdings Limited v Auckland Council
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2019-AKL-000283

LIST OF PARTIES

TOPIC: An appeal against a decision on an application to demolish existing buildings and construct 7 multi-level buildings at Tamaki Drive, Patteson Avenue and Marau Crescent, Mission Bay, Auckland

<u>Lodgement:</u>	<u>ENV-2019-AKL-000283</u>	<u>Drive Holdings Limited v Auckland Council</u>
Initiator	Drive Holdings Limited	Douglas Allan, Ellis Gould, P O Box 1509, Shortland Street, DX CP22003, Auckland 1140, D Allan@ellisgould.co.nz
Initiator	Drive Holdings Limited	Julie Goodyer, Ellis Gould, DX CP22003, Auckland, jgoodyer@ellisgould.co.nz
Respondent	Auckland Council	Anne Buchanan, DLA Piper New Zealand - Auckland, PO Box 160, DX CP24027, Auckland, anne.buchanan@dlapiper.com
Respondent	Auckland Council	Diana Hartley, DLA Piper New Zealand - Auckland, PO Box 160, DX CP24027, Auckland, diana.hartley@dlapiper.com
Respondent	Auckland Council	Lisa Leyland, Auckland Council, Private Bag 92300, AUCKLAND, lisa.leyland@aucklandcouncil.govt.nz
Interested Party S274	Nathan, Anna	James Gardner-Hopkins, JGH Barrister, PO Box 25160, Wellington 6140, james@jghbarrister.com
Interested Party S274	Stephen Owen Family Trust	Ben Guernier, Russell McVeagh - Auckland, PO Box 8, DX CX10085, Auckland, ben.guernier@russellmcveagh.com
Interested Party S274	Stephen Owen Family Trust	Daniel Minhinnick, Russell McVeagh - Auckland, PO Box 8, DX CX10085, Auckland, daniel.minhinnick@russellmcveagh.com
Interested Party S274	Support Mission Bay Incorporated	Alan Webb, DX CP 18023, Auckland, webb@quaychambers.co.nz
Interested Party S274	The Mission Bay Kohimarama Residents Association Incorporated	Gillian Chappell, Vulcan Building Chambers, PO Box 3320, Auckland 1140, gillian@chappell.nz