



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: Thursday, 17 June 2010

TIME: 10.00 AM

VENUE: Whangarei District Court
107-109 Bank Street
Whangarei

Please note:

1. A Pre Hearing Conference will be held on Thursday 17 June for matters relating to the proposed new railway line from Oakleigh to Marsden Point (Topics 1 and 3 on the attached schedule of proceedings)
2. If a hearing is needed for ENV 2009 AKL 000512 *EDS Incorporated v KDC* (Topic 2 on the attached schedule of proceedings) the it will be held on Friday 18 June 2010 starting at 10:00am

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 06 May 2010

**Janice King
Hearing Manager**

Direct dial phone: (09) 916 9285

E-mail address: Janice.King@justice.govt.nz

ENVIRONMENT COURT

DX CX10086

Auckland

Telephone: (09) 916 9091

Facsimile: (09) 916 9090

SCHEDULE OF PROCEEDINGS

1. Topic: **Appeal against decision of requiring authority (KiwiRail) and recommendation by WDC; in relation to land designation required for the Oakleigh to Marsden Point Rail Link**

Topic Number: **ENV-2009-304-000529**

- i Goldpine Industries Limited v New Zealand Railways Corporation (trading as KiwiRail) & others
Appeal Against Decision Of Requiring Authority pursuant to Section 174 of the Resource Management Act 1991
Court Reference: ENV-2009-AKL-000509
- ii Mighty River Power Limited v New Zealand Railways Corporation (trading as KiwiRail)
Appeal Against Decision Of Requiring Authority pursuant to Section 174 of the Resource Management Act 1991
Court Reference: ENV-2009-AKL-000513
- iii Whangarei District Council v New Zealand Railways Corporation (trading as KiwiRail)
Appeal Against Decision Of Requiring Authority pursuant to Section 174 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000004

2. Topic: **Declaration sought in relation to the Proposed Kaipara District Plan**

Topic Number: **ENV-2009-304-000530**

- i Environmental Defence Society Incorporated v Kaipara District Council
Application For Declaration pursuant to Section 311 of the Resource Management Act 1991
Court Reference: ENV-2009-AKL-000512

3. Topic: **An application for consents to construct, operate and maintain a new railway line from Oakleigh to Marsden Point**

Topic Number: **ENV-2009-349-000003**

- i New Zealand Railways Corporation (trading as KiwiRail) v Whangarei District Council
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2009-AKL-000451
- ii New Zealand Railways Corporation (trading as KiwiRail) v Northland Regional Council
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991
Court Reference: ENV-2009-AKL-000454
- iii Goldpine Industries Limited v Northland Regional Council & others
Applicant: New Zealand Railways Corporation (trading as KiwiRail)
Appeal Against Decision Of Consent Authority pursuant to Section 120 of the Resource Management Act 1991

Court Reference: ENV-2009-AKL-000455