



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, 14 June 2010- 18 June 2010
Monday, 21 June 2010- 25 June 2010
Monday, 5 July 2010- 9 July 2010 (Back up)

TIME: 10.00 AM

VENUE: Hearing Room 8.1, Environment Court
District Court Building
8th Floor
3 Kingston Street
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 07 April 2010



**Samuel Hutchings
Hearing Manager**

Direct dial phone: (09) 916 9369

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

ENVIRONMENT COURT

Box 7147

Wellesley Street

Auckland

Telephone: (09) 916 9091

Facsimile: (09) 916 9090

SCHEDULE OF PROCEEDINGS

1. Topic: Variation 125 & Rodney District Plan Change 110 regarding
Warkworth Town Centre Retail Service Zone

Topic Number: ENV-2009-304-000416

- i Progressive Enterprises Limited v Rodney 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-2009-AKL-000436
- ii The National Trading Company of New Zealand Limited v Rodney 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-2009-AKL-000438
- iii Perrendale Holdings Limited v Rodney 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-2009-AKL-000439
- iv Progressive Enterprises Limited
Direct Referral From Consent Authority Of Resource Consent Application pursuant to Section
87 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000059

2. Topic: Direct Referral Application 55743

Topic Number: ENV-2010-304-000019

- i Progressive Enterprises Limited
Direct Referral From Consent Authority Of Resource Consent Application pursuant to Section
87 of the Resource Management Act 1991
Court Reference: ENV-2010-AKL-000059