



## **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

**COMMENCING:** Monday, 30 January 2023

**TIME:** 10:00 AM

**VENUE:** Courtroom 5.01  
District Court Building  
5th Floor  
49 Ballance Street  
Wellington  
Ph: (04) 9188300; Fax: (04) 9188303

Scheduling Fee: \$350.00

Scheduling Fee Due: Friday 13 January 2023

Time Allocated: 5 days

Estimated Hearing Fee: The hearing fees will be dealt with after the hearing.

The scheduling fee must be **paid by the dates specified above** unless settlement is reached prior to that date. If the scheduling fee is 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 evidence exchange was set down in previous Minutes of the Court.

## **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](http://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 Wellington Environment Court Registry on 16 December 2022**



**Jennifer Gerritsen**

**Case Manager**

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E-mail address: [Jennifer.Gerritsen@justice.govt.nz](mailto:Jennifer.Gerritsen@justice.govt.nz)

### **ENVIRONMENT COURT**

SX10044

Wellington

Telephone: (04) 918 8300

Facsimile: (04) 918 8303

## SCHEDULE OF PROCEEDINGS

1. Topic: **Waikanae Land: Subdivision Barrett Drive-appeal and Direct Referral**
  - i. **Waikanae Land Company Limited v Heritage New Zealand Pouhere Taonga**

Appeal Against A Declaration/Decision Under The Heritage NZ Pouhere Taonga Act pursuant to Section 58 of the Heritage New Zealand Pouhere Taonga Act 2014  
Court Reference: **ENV-2021-WLG-000034**
  - ii. **Waikanae Land Company Limited**

Direct Referral From Consent Authority Of Resource Consent Application pursuant to Section 87 of the Resource Management Act 1991  
Court Reference: **ENV-2022-WLG-000014**