



02 November 2010

In reply, please quote reference
ENV-2010-AKL-000279

Gerald Lanning
Simpson Grierson
DX CX10092
AUCKLAND

Brigid McDonald
Auckland Council
CX 10032
Auckland

Dear Mr Lanning and Ms McDonald,

Auckland Council (formerly Rodney District Council)

Topic: Application for directions regarding proposal to stop two portions of unformed (paper) road known as Higham Road, South head

I acknowledge receipt on 29 October 2010 of:

- Stopping Of Road And The Temporary Prohibition Of Traffic On Roads pursuant to Tenth Schedule of the Local Government Act 1974

I look forward to receiving from you written notice to the Court of the date of service for each party served with the application. Please note that service of the application cannot be waived.

The Court has accepted your application subject to the following:

- Receipt of one additional copy of the application
- Payment of the required \$56.22 filing fee

These proceedings will not progress until you have attended to the above.

Case Management

The Environment Court operates a casflow management system for all proceedings filed with it. The Court will supervise or manage the time and events involved in the life of this case, from the time it is filed, to the time it is disposed of. Initially a copy of this appeal will be referred to an Environment Judge shortly after its filing for assignment to a case track.

What is a case track?

The Court specifically manages the flow of cases through a Case Tracking system, of which there are three distinct management tracks. They are:

Environment Court
CX10086, Auckland
Specialist Courts and Tribunals Centre, Level 2, 41 Federal Street
(Corner of Federal and Wyndham Streets) Auckland 1010
Telephone: 09 916 9091 Fax: 09 916 9090

Standard:

This management track will include most s.120 appeals, non-urgent enforcement proceedings and other miscellaneous proceedings. The Court will typically issue standard directions to the parties, with an emphasis on avoiding unnecessary court appearances at the interlocutory stage and a hearing within six months of commencement.

Complex:

This applies to more complex proceedings – that is most plan appeals and some section 120 appeals. The essential feature is that cases or sets of related cases will be managed on an individual programme as determined by the Presiding Judge.

Parties On-Hold:

Cases will be placed onto this track (unless the managing Judge otherwise directs) in circumstances where parties advise that they are not actively seeking a hearing to (for example) negotiate or mediate.

Your case has been assigned to the COMPLEX case management track.

Information about the Environment Court and its procedures can be found on the Ministry of Justice web site (<http://www.justice.govt.nz>) and is also available from the Ministry for the Environment (<http://www.mfe.govt.nz>).

The presiding Judge has issued the following directions:

- (a) By Friday 26 November 2010 the objectors must advise the Court (and the Council) in writing, whether they:
- Wish to be heard, or if their objection is withdrawn; and
 - Are willing to participate in Court-assisted mediation
- (b) By Friday 26 November 2010 any submitter who wishes to do so, may notify the Court (and the Council) in writing, whether they:
- Wish to become a party to these proceedings; and
 - Are willing to participate in Court-assisted mediation.
- (c) Court to make further directions after 29 November 2010 after considering (a) and (b).

Please direct any correspondence or enquiries to myself as Case Manager for this matter and note the above Court reference.



Yours faithfully

Samantha Buckley
Case Manager for Judge J A Smith
ENVIRONMENT COURT
Direct dial phone: (09) 916 9034
E-mail address: Samantha.Buckley@justice.govt.nz

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Specialist Courts and Tribunals Centre, Level 2, 41 Federal Street
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LIST OF PARTIES

<u>Lodgement:</u>	<u>ENV-2010-AKL-000279</u>	<u>Auckland Council (formerly Rodney District Council)</u>
Initiator	Auckland Council (formerly Rodney District Council)	Brigid McDonald, Auckland Council, CX 10032, Auckland
Initiator	Auckland Council (formerly Rodney District Council)	Mr Gerald Lanning, Simpson Grierson - Auckland, Private Bag 92518, Wellesley Street, DX CX10092, AUCKLAND

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Form 33
Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

COPY

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, [full name], wish to be a party to the following proceedings:

[state –

- the Environment Court's reference number for the proceedings (eg, RMA 232/2003); or
- the parties to the proceedings and the nature of the proceedings (eg, an appeal on a resource consent application or an application for an enforcement order)].

I am [state whether you are –

- the Minister for the Environment; or
- a local authority; or
- a person who has an interest in the proceedings that is greater than the public generally. In this case, also explain the grounds for saying that you come within this category; or
- a person representing a relevant aspect of the public interest. In this case, also explain the grounds for saying that you come within this category; or
- a person who made a submission in the previous proceedings on the same matter.]

I am interested in all (or part of) the proceedings.

* The part of the proceedings I am interested in is:

[explain which part or parts of the proceedings you are interested in].

* Delete if this does not apply.

I am interested in the following particular issues:

[explain which issues raised by the appeal you are interested in].

I support (or oppose or conditionally oppose) the relief sought because –

[state why you support or oppose the relief sought, giving clear reasons for your views].

I agree (or do not agree) to participate in mediation or other alternative dispute resolution of the proceedings.

.....
Signature of person wishing to be a party
(or person authorised to sign
on behalf of person wishing to be a party)

COPY

.....
Date

Address for service of person
wishing to be a party:

Telephone:

Fax/email:

Contact person: [*name and
designation, if applicable*]

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days after the notice of appeal or inquiry or the other proceedings commenced. The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the other parties to the proceedings within the same 30 working-day period.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* Form 38).

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.