



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, 13 May 2024
TIME:	10:00 AM
VENUE:	Atrium Conference Centre 252 Otūmoetai Road, Tauranga (13 – 14 May 2024)
	Whareroa Marae 25 Taiaho Place, Mt Maunganui (17 May 2024)
	Microsoft Teams (20 May 2024)
Scheduling Fee:	350.00
Scheduling Fee Due:	29 April 2024
Time Allocated:	6 Days
Estimated Hearing Fee:	3850.00
Hearing Fee Due:	6 May 2024

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 23 April 2024



Diana Wolfgramm

Hearing Manager

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ENVIRONMENT COURT

CX10086

PO Box 7147

Auckland

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SCHEDULE OF PROCEEDINGS

1. **Topic:** **An application for direct referral for resource consents relating to the construction and operation of a new asphalt plant at 54 Aerodrome Road, Mt Maunganui**
- Topic Number:** **ENV-2023-339-000002**

i. **Allied Asphalt Limited**

Direct Referral From Consent Authority Of Resource Consent Application pursuant to Section 87 of the Resource Management Act 1991
Court Reference: ENV-2023-AKL-000160

LIST OF PARTIES

TOPIC: An application for direct referral for resource consents relating to the construction and operation of a new asphalt plant at 54 Aerodrome Road, Mt Maunganui

<u>Lodgement:</u>	<u>ENV-2023-AKL-000160</u>	<u>Allied Asphalt Limited</u>
Initiator	Allied Asphalt Limited	S W Christensen, PO Box 1251, Dunedin 9054, stephen@projectbarrister.nz
Referral - Consent Authority	Bay of Plenty Regional Council	Jemma Hollis, Cooney Lees Morgan, P O Box 143, DX HP40001, Tauranga, JHollis@clmlaw.co.nz
Referral - Consent Authority	Bay of Plenty Regional Council	Mary Hill, Cooney Lees Morgan, DX HP40001 / PO Box 143, Tauranga 3144, mhill@clmlaw.co.nz
Referral - Consent Authority	Tauranga City Council	Jemma Hollis, Cooney Lees Morgan, P O Box 143, DX HP40001, Tauranga, JHollis@clmlaw.co.nz
Referral - Consent Authority	Tauranga City Council	Mary Hill, Cooney Lees Morgan, DX HP40001 / PO Box 143, Tauranga 3144, mhill@clmlaw.co.nz
Interested Party S274	Clear the Air Mount Maunganui Charitable Trust	Charlotte Muggeridge, HARKNESS HENRY & CO, Private Bag 3077, Hamilton, charlotte.muggeridge@harkness.co.nz
Interested Party S274	Fullerton-Coles, Josephine	Josephine Fullerton-Coles, NO ADDRESS AVAILABLE, jfullertoncoles@windowslive.com
Interested Party S274	Kelway, Rosie	Rosie Kelway, NO ADDRESS AVAILABLE, rosiekelway@gmail.com
Interested Party S274	National Public Health Service - Toi Te Ora	Michelle Paddison, Regional Chambers, P O Box 13126, Tauranga 3141, michelle@regionalchambers.co.nz
Interested Party S274	Ngati Kuku Hapu	Awhina Ngatuere, 11 Taiaho Place, Mount Maunganui, Tauranga, awhina.august@maoriworks.com
Interested Party S274	Ngati Kuku Hapu	Robert Enright, 14 Karearea Rise, Wanaka 9305, rob@publiclaw9.com