

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

BETWEEN AUCKLAND UNITARY PLAN APPEALS
CATEGORY 1 MATTERS

Appellant

AND AUCKLAND COUNCIL

Respondent

Hearing: 16 December 2016

Minute: 19 December 2016

**(SECOND CASE MANAGEMENT CONFERENCE – CATEGORY ONE
PROCEEDINGS) MINUTE (NO 18) OF WHATA J**

[1] This minute records the outcome of the case management conference on 16 December 2016, in respect of Category 1 matters.

[2] As indicated in my Minute (No 15) dated 12 December 2016, I did not require the attendance of counsel for the appellants or interested parties, given agreement had been reached as to process with the Council. I did, however, require representation on the part of the Council to confirm the agreements reached and for the purposes of finalising timetabling orders.

[3] Helpfully, the Council has produced a table with an update as to progress. This minute will follow the order of that table.

Ancona Properties Limited CIV-2016-404-2338

[4] Mr Wakefield confirmed that settlement discussions had been fruitful and that settlement documentation should be finalised and able to be filed shortly. The parties sought a further reporting date of 23 December 2016.

[5] Accordingly, I make the following directions:

[a] The parties are to file a joint memorandum **by 5.00 pm, 23 December 2016** with a progress report;

[b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;

[c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Bayswater Marine Limited CIV-2016-404-2296

[6] Mr Wakefield indicated that a joint resolution of the Bayswater appeal has been reached. He handed up to the Court joint memorandum of counsel recording settlement, including with attached proposed consent orders. The format of the joint memorandum follows the approach taken by this Court in relation to the Canterbury Regional Council Regional Water Policy appeals. I am content to proceed on that basis and will review the joint memorandum, together with the proposed consent orders, in due course.

[7] As indicated to Mr Wakefield, if there is some urgency to this, then the appellants are to advise the Court as soon as possible.

Karaka North Village Limited CIV-2016-404-2317

[8] A notice of withdrawal has been filed by the appellant. This matter requires no further attendances.

Kawau Island Access Organisation Incorporated CIV-2016-404-2284

[9] Mr Wakefield advised that there had been discussions with the appellant and that the appellant had engaged a surveyor to do further work. A meeting has been arranged for January, so the parties proposed a reporting date on 27 January 2017.

[10] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **5.00 pm, 27 January 2017** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Minister of Defence CIV-2016-404-2314

[11] Mr Wakefield confirmed that the parties have been in constructive meetings and are reasonably confident that there may be a settlement of this matter. It is proposed that there be a reporting memorandum by midday on 23 December 2016.

[12] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **12pm, 23 December 2016** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

PL and R M Reidy, A J and P M Kloeten and Ruatotara Limited CIV-2016-404-2340

[13] Mr Wakefield indicated that it is anticipated that settlement documentation should be able to be filed shortly. A reporting date of 23 December 2016 is proposed.

[14] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **12 pm, 23 December 2016** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Samson Corporation Limited and Sterling Nominees Limited CIV2016-404-2309, CIV-2016-404-2310 and CIV2016-404-2311

[15] Mr Wakefield advised that progress is being made but the parties are not yet sure that the matter will be resolved. It is proposed that the parties will report to the Court at the end of January 2017 as to any developments.

[16] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **5pm, 27 January 2017** with a progress report;

- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Southern Gateway (Manukau) Limited CIV-2016-404-2319

[17] Mr Wakefield advised that there a level of agreement but is yet to be finalised in terms of approval by the Council. It is proposed that there be a report at the end of January 2017 on development.

[18] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **5pm, 27 January 2017** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

The University of Auckland CIV-2016-404-2318

[19] Mr Wakefield advised that the Council has met with the appellant and is reasonably confident on reaching an agreement in relation to this matter. It is therefore proposed that there be a report to the Court on 20 January 2017.

[20] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **5pm, 20 January 2017** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Waste Management NZ Limited CIV-2016-404-2347/2348

[21] Mr Wakefield advised that progress had been made with a good prospect for settlement. It is proposed that the parties report to the Court on 27 January 2017.

[22] Accordingly, I make the following directions:

- [a] The parties are to file a joint memorandum by **5pm, 27 January 2017** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;

- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Waytemore Forests Ltd CIV-2016-404-2312

[23] Mr Wakefield indicated that this matter is currently before the City Councillors and it is proposed that the parties report to the Court by the end of January.

[24] Accordingly, I make the following directions:

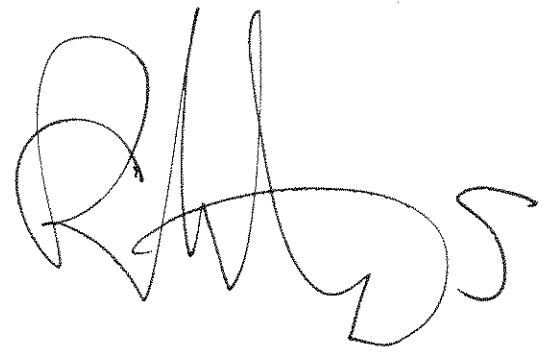
- [a] The parties are to file a joint memorandum by **5pm, 27 January 2017** with a progress report;
- [b] The matter is otherwise adjourned to a case management conference, if required, in March 2017;
- [c] If a case management conference is required, the parties must file, three working days in advance of the conference, a joint memorandum in accordance with the relevant schedule of the High Court Rules so that the matter can be set down for a hearing.

Malcolm Woolmore and Alastair & Sonya Morris CIV-2016-404-2460

[25] Mr Wakefield indicated that the parties to this appeal would be filing a consent document with the Court this week (commencing 19 December 2016).

Other matters to be dealt with

[26] Leave is reserved for parties to apply to the Court for further directions if needed

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