

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

IN THE MATTER OF appeals under clause 14 of Schedule 1 to  
the Resource Management Act 1991

BETWEEN

CLIVE BOONHAM

(ENV-2021-AKL-000061)

MANGAWHAI MATTERS

INCORPORATED

(ENV-2021-AKL-000062)

Appellants

AND

KAIPARA DISTRICT COUNCIL

Respondent

AND

MANGAWHAI CENTRAL LIMITED

Applicant

Court: Judge J A Smith

Appearances: Clive Boonham for himself  
M Savage for Mangawhai Matters Incorporated  
W Bangma, M Day and P Waanders for Kaipara District Council  
I Gordon and E Ellis for Mangawhai Central Limited  
M Doesburg for Northland Regional Council (s274 party)  
H Rogan for New Zealand Fairy Tern Charitable Trust (s274 party)  
M Josephson for Peter Rothwell (s274 party)

Date of issue: 12 October 2021

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**MINUTE OF THE ENVIRONMENT COURT FOLLOWING A  
JUDICIAL TELEPHONE CONFERENCE HELD ON 8 OCTOBER 2021**

**(12 October 2021)**

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## Introduction

[1] This matter relates to Proposed Private Plan Change 78 to the Kaipara District Plan (Mangawhai Estuary Estate).

[2] Two appeals were lodged on 9 June 2021 against a decision of the Kaipara District Council to accept and adopt the recommendations of the Hearing Panel on an application for a private plan change by Mangawhai Central Limited.

[3] I reviewed this matter and directed that given the parties' agreement, this matter would be set down for mediation, with a post-mediation report to be filed and served by the Kaipara District Council by 1 October 2021.

[4] The matter was slow to progress to mediation due to the Covid 19 level 4 constraints.

[5] Accordingly, I directed a judicial telephone conference to make directions for the efficient resolution of the proceedings. The Court's advised the parties of the Court's hearing commitments in 2022 and the limited hearing time available.

## Directions

[6] The following timetable is **directed** by consent:

- (a) The applicant, Mangawhai Central Limited, shall serve its evidence-in-chief **by 5:00pm on 17 December 2021.**
- (b) The respondent and the Northland Regional Council shall serve their evidence-in-chief **by 5:00pm on 11 February 2022.**
- (c) The appellants and section 274 parties (other than the Regional Council) shall serve their evidence-in-chief **by 5:00pm on 11 March 2022.**
- (d) Any evidence-in-reply from the applicant and the respondent shall be served **by 5:00pm on 18 March 2022.**

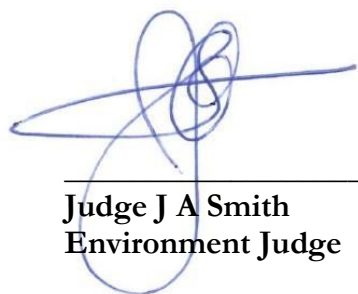
[7] Additionally, I **direct** that the applicant lodge with the Court all evidence and the common bundle **by 5:00pm on 21 March 2022** in the following format:

- (a) four single-sided hard copies of all the evidence and the common bundle (identified as **EB** and **CB** respectively), paginated, tabulated, indexed and compiled into A4 lever-arch folders; and
- (b) an electronic copy of the evidence and common bundle, in electronic folders corresponding to the hard copy files, on a USB drive.

[8] The parties may continue with court assisted mediation/expert conferencing. It is further directed that should mediation/conferencing continue prior to the hearing the evidence timetable is not to be subsumed within that process.

[9] The matter shall be set down for a two-week hearing commencing on **4 April 2022** and continuing in the week of 11 April 2022. A Notice of Hearing will be issued in due course.

[8] Leave is granted for any party to seek further directions on 2 working days' notice.



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**Judge J A Smith**  
Environment Judge

