

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE**

CIV-2019-404-2682

UNDER	the Judicial Review Procedure Act 2016
BETWEEN	AVERIL ROSEMARY NORMAN and WARWICK BRUCE NORMAN Applicants
AND	TŪPUNA MAUNGA O TĀMAKI MAKAURAU AUTHORITY First Respondent
AND	AUCKLAND COUNCIL Second Respondent

Hearing: 13 February 2020

Appearances: R J Hollyman QC and J W H Little for the applicants
S M Bisley for the first respondent
P M S McNamara for the second respondent

Date of minute: 17 February 2020

MINUTE OF PALMER J

[1] A one-day substantive hearing is scheduled in this proceeding for Friday 20 March 2020. Recently:

- (a) The Normans, the applicants, have sought to file an amended statement of claim adding a new cause of action against the Auckland Council. Mr Hollyman QC, on their behalf, seeks an additional hearing day be added to the proceeding because the new cause of action is integrally connected to the decision under challenge.

- (b) Mr McNamara, for the Council, submits an application for leave to file the amended statement of claim is required because the close of pleadings date had passed. He submits there is a high risk of prejudice to the Council from delay, in incurring holding costs, and suggests three days might be required.
- (c) Mr Bisley, for Te Tūpuna Maunga Tāmaki Makaurau Authority, agrees two days would be required and would not oppose leave if a second hearing date before 15 April 2020 were allocated.

[2] At the call of the proceeding in the Judicial Review List, I set down the substantive hearing for two days on **Monday 8 and Tuesday 9 June 2020**. I do **not** vacate the 20 March 2020 fixture at this point, in case it is required for an interlocutory application. Alternatively, if the parties are content for the application for leave to file the amended statement of claim to be determined on the papers, I can determine it on the basis of brief written submissions. Counsel will take instructions, confer and file a joint memorandum reflecting their positions. I ask them to do that by **1 pm Tuesday 25 February 2020**.



Palmer J

Counsel/Solicitors:

R J Hollyman QC and J W H Little, Barrister, Auckland (hollyman@shortlandchambers.co.nz;
james.little@shortlandchambers.co.nz)

Duncan King Law, Auckland (andrew@dklaw.co.nz)

Buddle Findlay (Paul.beverley@buddlefindlay.com; sebastian.bisley@buddlefindlay.com)

Simpson Grierson, Auckland (Padraig.mcnamara@simpsongrierson.com;

Graeme.palmer@simpsongrierson.com)