

BEFORE THE INDEPENDENT COMMISSIONER

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Notice of Requirement from the Palmerston North City Council for a designation of a new road connection between Abby Road and Johnstone Drive, Palmerston North

MEMORANDUM OF COUNSEL FOR THE REQUIRING AUTHORITY

Dated: 5 May 2020



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MEMORANDUM OF COUNSEL FOR THE REQUIRING AUTHORITY

MAY IT PLEASE THE COMMISSIONER:

- [1] There has been a further development since our memorandum dated 1 May 2020.
- [2] A Submitter in this proceeding, Aokautere Land Holdings Limited (“**ALHL**”), has sought injunctive relief against the Council in the High Court, in order to prevent any further processing of the Notice of Requirement to a hearing until such time as its claim can be heard. The Requiring Authority intends to oppose the application.
- [3] The High Court has provisionally indicated a hearing date for the injunction of 20 May 2020. The Requiring Authority considers the appropriate course of action would be to temporarily suspend the evidence exchange pending completion of the injunction proceeding. A practical concern of the Requiring Authority is that resourcing the preparation of evidence in accordance with the indicated timetable will be considerably more difficult while also preparing to respond to the injunction proceedings.
- [4] Given that the application looks likely to be allocated a prompt hearing, the Requiring Authority does not consider that a temporary suspension of the timetable (nor commensurate delay in the NoR hearing) would cause prejudice to any party involved in this process.
- [5] Counsel can provide a further memorandum to update the Commissioner, immediately following the High Court hearing on the injunction application.

DATED 5 May 2020



Nicholas Jessen

Counsel for Palmerston North City Council

