

COPY

IN THE HIGH COURT OF NEW ZEALAND  
DUNEDIN REGISTRY

CIV-2011-412-269

UNDER	the Judicature Amendment Act 1972
IN THE MATTER OF	a decision under s 181(3) of the Resource Management Act 1991
BETWEEN	ANZIDE PROPERTIES LIMITED First Plaintiff
AND	HALL BROTHERS TRANSPORT LIMITED Second Plaintiff
AND	DUNEDIN CRANE HIRE (2005) LIMITED Third Plaintiff
AND	DUNEDIN CITY COUNCIL Defendant

Hearing: 26 April 2012

Counsel: J A Farrow and M H Hayes for Plaintiffs  
M B Couling for Defendant  
J A Knight for New Zealand Transport Agency

Minute: 26 April 2012

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MINUTE OF MACKENZIE J

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[1] During the course of today's hearing, the parties were able to reach agreement concerning the terms on which the current temporary access arrangement under the consent orders made by Chisholm J on 24 October 2011 are to continue.

[2] The following orders are made by consent:

- (a) That the current temporary access arrangement (ordered by minute dated 24 October 2011) remain in place until either:
  - (i) The outcome of the publicly notified application by the defendant to alter the designation is known and the plaintiffs have exhausted all appeal rights in relation to the designation process; or
  - (ii) Further order of the Court in relation to any application for an alternative temporary access arrangement.
- (b) The parties (plaintiffs and defendant) are to file costs submissions in relation to both the application for judicial review and all disputes regarding the temporary access arrangement according to the following timetable:
  - (i) Plaintiffs' submissions within 28 days;
  - (ii) Defendant's submissions within a further 28 days; and
  - (iii) Any submissions in reply within a further 14 days.

No costs are sought by the plaintiffs against the NZTA.

[3] It is recorded that the plaintiffs have agreed to this consent order following undertakings by the defendant that:

- (a) Ownership of that part of the land in respect of which the designation was quashed will not be transferred from the defendant to the NZTA or any third party; and
- (b) The Council will not take any steps in reliance of the New Zealand Gazette Notice No. 20, 23 February 2012 entitled "Land Acquired for Road – Ravensbourne Road, Dunedin City";

until the outcome of the designation process and any subsequent appeal process.

**“A D MacKenzie J”**

Solicitors: Webb Farry, Dunedin, for Plaintiffs  
Anderson Lloyd, Dunedin, for Defendant