

In the District Court
at Thames

CIV 2022-090-1759

I te Kōti-ā-Rohe
ki Pārāwai

In the matter of An application for authorisation for the territorial authority
to carry out building work

Under Section 220 of the Building Act 2004

Between **Thames-Coromandel District Council**
Applicant

And **Puriri Posthumously Trustees Limited**
First Respondent

And **Steven Lawrence Hart**
Second Respondent

Continued over

Memorandum to accompany formal orders for sealing

12 November 2024

Judicial officer: Judge PR Spiller



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Memorandum to accompany formal orders for sealing

May it please Your Honour:

1. By decision dated 11 October 2024, Your Honour granted the Thames-Coromandel District Council (**the Council**) orders pursuant to s 220 of the Building Act 2004 (**the Act**) authorising it to carry out building work (including demolition if deemed appropriate), as required to make the building works at the Property compliant.
2. The Council intends to carry out the building work on or about 19 November 2024 and has organised contractors for that date.
3. For the reasons set out below, the Council asks the Court to formally seal the orders and to slightly enlarge the scope of the s 220 orders, to:
 - a. Confirm that the Police may provide any reasonable assistance to enable the building work as authorised by the orders to be carried out; and
 - b. Appoint a bailiff to enforce the orders of the Court as set out in the formal orders, pursuant to ss 66 and 68 of the District Court Act 2016, if the Court considers it appropriate.
4. Following Your Honour's decision, there has been various correspondences between the second respondent and the Council's representatives, which suggest that the second respondent will try to prevent the authorised building work as ordered by the Court, from being carried out by the Council and its contractors.
5. The following correspondence and communications are noted:
 - a. The Council has also been provided with a post in the "challenging councils nz" Facebook group, posted on the second respondent's account, titled "A PARTY NOT TO MISS", which discuss the court's order and asks that people be at the Property on 18 November 2024 "for support, documentation and witnessing ('human chain')". The post is annexed and marked "A".

- b. The second respondent emailed an affidavit on 7 November 2024, which amongst other things at paragraph [36] states that “If this affidavit is unrebutted the NZ Police have no jurisdiction to interfere but do have an opportunity to address all representatives of these corporations and the corporations themselves accordingly as by tacit agreement with all parties”. The affidavit is annexed and marked “B”.

- 6. From the above, and related correspondence, the Council considers that it is likely to need the assistance of the New Zealand Police to ensure that the authorised building work can proceed as ordered.

- 7. As included at paragraph 4 of the draft orders for sealing, filed together with this memorandum, the Council therefore asks the Court to enlarge the scope of the orders under s 220 of the Building Act 2004, to:
 - a. Confirm that the Police may provide any reasonable assistance to enable the building work authorised by the orders to be carried out; and
 - b. Appoint a bailiff to enforce the orders of the Court as set out in the formal orders, pursuant to ss 66 and 68 of the District Court Act 2016, if the Court considers it appropriate.

Dated: 12 November 2024



S Waalkens | J Libbey
Counsel for the applicant