

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

CIV-2016-404-002343

IN THE MATTER of an appeal under s 158(1) of the Local
Government (Auckland Transitional
Provisions) Act 2010

BETWEEN ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
Appellant

AND AUCKLAND COUNCIL
Respondent

AND HOUSING NEW ZEALAND INC
FEDERATED FARMERS OF NEW
ZEALAND INC
STEVENSON GROUP LIMITED
FULTON HOGAN LIMITED
BROOKBY QUARRIES LIMITED

Contd

Hearing: 16-17 February 2017

Appearances: S Gepp for Appellant
J Caldwell and M Gribben for Respondent
A Devine and C Kirman for Housing New Zealand Inc
R Gardner for Federated Farmers of New Zealand Incorporated
L Eaton for Stevenson Group Ltd, Brookby Quarries Limited
and Winstone Aggregates Limited
N De Wit for Transpower New Zealand Limited

Minute: 17 February 2017

MINUTE OF WYLIE J

NEW ZEALAND TRANSPORT
AGENCY
WINSTONE AGGREGATES LIMITED
TE ARAI GROUP
TRANSPower NEW ZEALAND
LIMITED
ENVIRONMENTAL DEFENCE
SOCIETY INC
S 301 parties

Solicitors/counsel:

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[1] This appeal was set down for hearing, due to commence on 17 February 2017.

[2] On 10 February 2017, the parties, including the s 301 parties, filed a joint memorandum recording that the matter had been settled and inviting me to approve the proposed settlement. At my request, they appeared before me yesterday to explain the settlement.

[3] One of the s 301 parties is Man O'War Farm Limited.

[4] In the course of the submissions I heard yesterday, it became apparent that, from Man O'War Farm Limited's perspective, the settlement was effectively conditional on its own appeal – number CIV-2016-404-002331 – also being settled and that settlement being approved by the Court.

[5] I have this morning issued a judgment declining to approve the settlement in the Man O'War Farm Limited appeal. As a result Mr Williams, appearing for Man O'War Farm Limited, has withdrawn his client's consent to the settlement proposed in this appeal. Absent consent, the appeal needs to proceed to a hearing.

[6] I have heard this morning from counsel. They are all agreed that they would like time to consider their respective positions, and to determine whether or not the appeal needs to proceed.

[7] I direct that within 10 working days of the date of this minute, the parties are to file a joint memorandum advising whether or not the appeal is to proceed, and if it is to proceed, proposing a timetable, and indicating how long the appeal is likely to take.



Wylie J