

BEFORE THE ENVIRONMENT COURT

Decision No. [2010] NZEnvC 144

IN THE MATTER of an appeal under Clause 14 of the First
Schedule of the Resource Management Act
1991

BETWEEN NEW ZEALAND HISTORIC PLACES
TRUST
(ENV-2009-AKL-000351)

Appellant

AND AUCKLAND CITY COUNCIL

Respondent

Court: Environment Judge L J Newhook sitting alone in chambers pursuant to
Section 279 of the Act (decision on the papers)

DECISION STRIKING OUT PART OF APPEAL

- A. Item (b) in the Relief section of the appeal (and supporting paragraphs) is struck out.**
- B. Costs reserved.**

[1] On 1 March 2010 the respondent applied to strike out one of 5 topics the subject of an appeal by New Zealand Historic Places Trust (“NZHPT”) concerning the Hauraki Gulf Islands District Plan Review.



[2] The ground for applying to strike out was that the appellant had not made a submission on the particular subject.

[3] NZHPT responded indicating that it would not oppose the strike-out, acknowledging that the subject matter of Item (b) ("Submission 16(264/23") was never the subject of a submission by it in the review.

[4] Item (b) in the Relief sought in the appeal is therefore struck out along with supporting paragraphs in the appeal document.

[5] One wonders at the respondent having been forced to file an application for strike-out with supporting affidavit and submissions, only to be met with a full and frank concession. That is, one wonders why NZHPT could not simply have been persuaded to withdraw the item from its appeal.

[6] Costs are reserved.

DATED at Auckland this *4th* day of May 2010



L J Newhook
Environment Judge

