

IN THE SUPREME COURT OF NEW ZEALAND

SC 66/2103
[2013] NZSC 134

BETWEEN TE RŪNANGA-Ā-IWI O NGĀTI KAHU
 Applicant

AND FAR NORTH DISTRICT COUNCIL
 First Respondent

 CARRINGTON FARMS LIMITED
 Second Respondent

 CARRINGTON ESTATE LIMITED
 Third Respondent

 CARRINGTON RESORT LIMITED
 Fourth Respondent

Court: McGrath, Glazebrook and Arnold JJ

Counsel: J D K Gardner-Hopkins and D J Minhinnick for Applicant
 M E Casey QC for First Respondent
 R B Brabant, I M Gault and A M Glenie for Second, Third and
 Fourth Respondents

Judgment: 2 December 2013

JUDGMENT OF THE COURT

- A. Leave to appeal is granted.**
- B. The approved grounds of appeal are:**
- (a) In relation to the land use consent application:**
- (i) Whether or not “special circumstances” existed such
 that the Far North District Council had discretion in
 terms of s 94C(2) of the Resource Management Act
 1991 to notify the application for the land use
 consent;**

- (ii) **Whether or not the authority made a reviewable error in exercising that discretion; and**
 - (iii) **What degree of scrutiny is appropriate when reviewing non-notification decisions.**
 - (b) **In relation to the subdivision consent application, whether or not the unimplemented land use consent should have been taken into account, when determining the application for the subdivision consent, as part of:**
 - (i) **The “environment” under s 104(1) of the Resource Management Act 1991; or**
 - (ii) **The permitted baseline under s 104(2).**
 - (c) **Whether the Court of Appeal’s interpretation of the settlement agreement was correct.**
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REASONS

The Court wishes the parties to address in their submissions the question of the sequencing of the land use and the subdivision applications.

Solicitors:
Russell McVeagh, Wellington for Applicant
Law North Limited, Kerikeri for First Respondent
Bell Gully, Auckland for Second, Third and Fourth Respondents