

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 106/2016  
[2016] NZSC 164**

BETWEEN HAWKE'S BAY REGIONAL  
INVESTMENT COMPANY LIMITED  
Applicant

AND ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED  
First Respondent

MINISTER OF CONSERVATION  
Second Respondent

**SC 107/2016**

BETWEEN MINISTER OF CONSERVATION  
Applicant

AND ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED  
First Respondent

HAWKE'S BAY REGIONAL  
INVESTMENT COMPANY LIMITED  
Second Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: F M R Cooke QC and M J E Williams for Applicant  
SC 106/2016 and Second Respondent SC 107/2016  
S R Gepp, I T K T R F Hikaka and D M Salmon for First  
Respondent SC 106/2016 and SC 107/2016  
A L Martin and J M Prebble for Second Respondent  
SC 106/2016 and Applicant SC 107/2016

Judgment: 13 December 2016

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**JUDGMENT OF THE COURT**

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- A**     **The applications for leave to appeal are granted (*Royal Forest and Bird Protection Society of New Zealand Incorporated v Minister of Conservation* [2016] NZCA 411).**
- B**     **The approved question is whether the Court of Appeal was correct to allow the appeal and dismiss the cross-appeal.**
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[1]     The applicant in SC 106/2016 seeks urgency in relation to the appeal. The Court is able to accommodate a hearing in February 2017. The Court asks the Registrar to consult counsel as soon as possible about a suitable date in that month for a two day hearing.

Solicitors:

Sainsbury Logan & Williams, Napier for Applicant SC 106/2016 and Second Respondent SC 107/2016

Royal Forest and Bird Protection Society of New Zealand Incorporated, Nelson for First Respondent SC 106/2016 and SC 107/2016

Crown Law Office, Wellington for Second Respondent SC 106/2016 and Applicant SC 107/2016