

**OUTLINE OF EXPERIENCE IN ENVIRONMENTAL LAW LITIGATION –
OVERVIEW OF CASES – APPEARANCES AS COUNSEL**

- *Royal Forest and Bird Protection Society of New Zealand Inc v Minister of Conservation* [2016] NZCA 411 and *Royal Forest and Bird Protection Society of New Zealand Inc v Minister of Conservation* [2016] NZHC 220 [2016] 19 ELRNZ 370 – successful defence of judicial review action against land exchange to facilitate Ruataniwha Water Storage Scheme – overturned on appeal (currently subject of application for leave to Supreme Court).
- *Man O War Station Limited v Auckland Council* [2015] NZRMA 329 – challenge to outstanding natural landscape mapping of Man O War Farm (Waiheke Island), Court of Appeal decision pending.
- *Hawke’s Bay and Eastern Fish and Game Councils v Hawke’s Bay Regional Council* [2015] 2 NZLR 688 – High Court appeal challenge to nitrogen management within Tukituki River catchment (Change 6 to Hawke’s Bay Regional Plan and Ruataniwha Water Storage Scheme consent conditions).
- *Mahanga E Tu Inc v Hawke’s Bay Regional Council* [2014] 18 ELRNZ 419 – successful defence of appeal challenge to coastal subdivision centred on coastal hazard issues and management response.
- *Brady v Napier City Council* [2013] NZEnvC 275 – successful defence against appeal challenge to decision approving private garage for storage of classic cars.
- *MacPherson v Napier City Council* [2013] 17 ELRNZ 770 – successful judicial review challenge to decision approving multi-unit development without notification.
- *Re Hastings District Council* [2013] NZEnvC 102, declaration regarding meaning and effect of National Environmental Standard – contaminants in soil.
- *OB Holdings Limited v Whangarei District Council* [2010] NZEnvC 391 – challenge to subdivision consent for bush lot subdivision on Brynderwyn Range.
- *McHardy v Hastings District Council* [2011] NZEnvC 339 – successful defence of appeal against Council decision declining consent to subdivision.
- *General Distributors Limited v Foodstuffs Properties (Wellington) Limited* [2012] NZRMA 215 – declaration/enforcement proceedings regarding meaning and effect of new RMA provisions restraining opposition by trade competitors.
- *Winstone Aggregates v Bay of Plenty Regional Council* [2011] NZEnvC 127 – approval to resource consents for expansion of Cameron’s Quarry, west of Te Puke.
- *HB Land Protection Society Inc v Hastings District Council* W057/09 – approval to district plan change providing for establishment of Hawke’s Bay Regional Sports Park.
- *Straume v Hastings District Council* W014/09 – challenge to decision approving rural residential subdivision on hills above Havelock North.

- *Wainui Environmental Protection Society v Redvale Lime Company Limited* A90/08 – defence of enforcement proceedings regarding establishment of Redvale Lime Quarry.
- *Ernslaw 1 Limited v Waikato Regional Council* W009/07 – litigation over riparian margins for production forestry on Coromandel Peninsula.
- *Heald v North Shore City Council* A9/06 – enforcement proceedings regarding North Shore Events Centre.
- *Redvale Lime Company Limited v Rodney District Council* A140/05 – consenting of Redvale Lime Quarry (Silverdale, north of Auckland).
- *Whangapoua Environmental Protection Society Inc v Thames Coromandel District Council* A117/05 – successful appeal overturning decision for saw mill on Coromandel Peninsula.
- *Thompson and Flavell v Western Bay of Plenty District Council* A16/2005 – approval of private plan change for industrial use.
- *Tairua Environmental Protection Society v Thames Coromandel District Council* A97/2004 – test case on request for esplanade reserve reduction (Hotwater Beach, Coromandel Peninsula).
- *Auckland City Council v Auckland Regional Council* A054/2004 – oral decision approving resource consent for conversion of “Valve House” on Tamaki Drive into restaurant.
- *Jan Bain Holdings Limited v North Shore City Council* A56/99 – applications to strike out appeal regarding cell phone tower.
- *Long Bay Okura Great Park Society Incorporated v Auckland Regional Council* A78/2008 – appeals regarding plan change providing for urban development at Long Bay (interface with Long Bay Regional Park).
- *Thumb Point Station Limited v Auckland Council* [2016] NZRMA 55 – High Court appeal challenge regarding Hauraki Gulf Islands District Plan.
- *Kirton v Napier City Council* [2013] NZEnvC 66 – successful appeal approving rural residential subdivision (Poraiti, near Napier).
- *Waitakere City Council v Brunell* [2007] NZRMA 235 – High Court appeal against successful objection to Environment Court setting aside compulsory acquisition of land under Public Works Act.
- *Guyco Holdings Limited v Far North District Council* [2014] NZEnvC 129 and *TW Reed Estate v Far North District Council* [2014] NZHC 3328 – successfully defending plan change 12 applying heritage overlay to site of Church Missionary Society mission station established in the 1820s.
- *Winstone Aggregates Limited v Franklin District Council* (A097/00, A141/00, A036/01, A051/01 and A080/2002), *Pokeno Kaitiaki Society Incorporated v Franklin District Council* [2003] NZRMA 33 - consenting Pokeno Aggregates Quarry.
- *United Carriers Limited v Whangarei District Council* (A233/02) – consent review – Kara Quarry / enforcement-declaration proceedings.

- *Hill Park Residents Association Incorporated v Auckland Regional Council* (A030/2003) – Hill Park residents – enforcement action – removal of acoustic barrier (Botanic Garden).
- *Springs Stadium Residents Association Incorporated v Springs Promotions Limited* (A0150/2004, A169/2004), *Springs Promotions Limited v Springs Stadium Residents Association* [2006] NZRMA 101 – Western Springs - enforcement action.
- *Oggi Advertising Limited v Auckland City Council* (Unreported, High Court. CIV-2004-404-002884. 25 February 2005. Auckland Registry. Harrison J) - signage industry – bylaw and compliance issues, including judicial review proceedings.
- *Urban Auckland – Society for the Protection of Auckland City and Waterfront Incorporated v Auckland City Council* [2005] NZRMA 155 – judicial review proceedings – St James Theatre redevelopment overturned.
- *Videbeck v Auckland City Council* [2003] NZRMA 113 – judicial review proceedings – residential development on Waiheke Island.
- *North Holdings Limited v Rodney District Council* [2004] 17 PRNZ 384 (CA), [2004] NZRMA 76 (HC) – North Holdings Limited – judicial review proceedings – notification issues.
- *Wymondley Against the Motorway Action Group v Transit New Zealand* [2004] NZRMA 162 – Wymondley residents – High Court proceedings, designation of motorway interchange.