

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 103/2022
[2022] NZSC 152

BETWEEN LOCAL GOVERNMENT MUTUAL
FUNDS TRUSTEE LIMITED
Applicant

AND NAPIER CITY COUNCIL
Respondent

Court: O'Regan, Ellen France and Williams JJ

Counsel: M G Ring KC and C J Hlavac for Applicant
D H McLellan KC and G N M Tompkins for Respondent

Judgment: 21 December 2022

JUDGMENT OF THE COURT

A The application for leave to appeal is granted (*Napier City Council v Local Government Mutual Funds Trustee Ltd* [2022] NZCA 422).

B The approved question is whether the Court of Appeal was correct:

(a) in its interpretation of exclusion 13(a) of the Protection Wording; and

(b) in its consequent finding that the claim by the respondent in relation to its liability to owners of apartments in the Waterfront Apartments complex was excluded by exclusion 13(a) only to the extent that the respondent's liability arose directly or indirectly out of, or in respect of, weathertightness defects.

Solicitors:
Young Hunter Lawyers, Christchurch for Applicant
Wilson Harle, Auckland for Respondent