

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 6/2022
[2022] NZSC 23

BETWEEN PORT OTAGO LIMITED
Applicant

AND ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED
First Respondent

OTAGO REGIONAL COUNCIL
Second Respondent

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

MARLBOROUGH DISTRICT COUNCIL
Fourth Respondent

Court: William Young, Glazebrook and Ellen France JJ

Counsel: L A Andersen QC for Applicant
D A Allan and M C Wright for First Respondent
S J Anderson and T M Sefton for Second Respondent
P D Anderson and S T Shaw for Third Respondent
J W Maassen and B D Mead for Fourth Respondent

Judgment: 17 March 2022

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Port Otago Ltd v Environmental Defence Society Inc* [2021] NZCA 638).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal.
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REASONS

[1] The Registrar is directed to set the appeal down for hearing on 11 and 12 April 2022 and to liaise with the parties as to a timetable for filing submissions.

Solicitors:

McMillan&Co, Dunedin for Applicant

Ellis Gould, Auckland for First Respondent

Ross Dowling Marquet Griffin, Dunedin for Second Respondent

Royal Forest and Bird Protection Society of New Zealand Inc, Christchurch for Third Respondent

Marlborough District Council, Blenheim for Fourth Respondent