

IN THE SUPREME COURT OF NEW ZEALAND

**SC 107/2017
[2017] NZSC 184**

BETWEEN DA JIANG FAN
 Applicant

AND THE QUEEN
 Respondent

Court: Elias CJ, William Young and O'Regan JJ

Counsel: Applicant in person
 R K Thomson for Respondent

Judgment: 6 December 2017

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Following his trial before a judge and jury, in the District Court, the applicant was found guilty of failing to comply with an abatement notice issued under the Resource Management Act 1991. The abatement notice had been issued in respect of the relocation of a garage from the rear to the front of a residential section owned by the applicant. As relocated the garage was in breach of the District Plan. The applicant had previously unsuccessfully sought a resource consent for major works including the relocation of the garage. His appeal against conviction was dismissed by the Court of Appeal.¹

[2] Although the applicant has filed voluminous submissions and other material, the basis of the proposed appeal is far from clear. His primary complaint appears to be that the rules in the District Plan were not engaged by the relocation of the garage.

¹ *Fan v R* [2017] NZCA 41 (Wild, Simon France and Duffy JJ).

The arguments which the applicant wishes to advance in respect of this complaint were addressed by the Court of Appeal and rejected.²

[3] We see nothing in the arguments advanced by the applicant to suggest that there is any point of public importance involved in the proposed appeal. Nor is there any appearance of a miscarriage of justice. Accordingly, the application for leave to appeal is dismissed.

[4] We note that the garage has recently been demolished and the applicant has lodged material with this Court in which he complains about the demolition. This Court does not have jurisdiction in these proceedings to address these complaints.

Solicitors:
Crown Law Office, Wellington for Respondent

² At [4]–[8].