

IN THE SUPREME COURT OF NEW ZEALAND

**SC 33/2010
[2010] NZSC 126**

BETWEEN	MARLBOROUGH DISTRICT COUNCIL Appellant
AND	ALTIMARLOCH JOINT VENTURE LIMITED First Respondent
AND	D S AND J W MOORHOUSE Second Respondents
AND	VINING REALTY GROUP LIMITED Third Respondent
AND	GASCOIGNE WICKS Fourth Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: D J Goddard QC for Appellant
M E Casey QC and R M Dunningham for First Respondent
M R Ring QC and A B Darroch for Third Respondent

Judgment: 20 October 2010

JUDGMENT OF THE COURT

The application for leave to extend the grounds of appeal is dismissed.

REASONS

[1] The departmental report upon which the appellant now wishes to rely to support its statutory interpretation argument does not come within the scope of legislative material conventionally regarded as available for that purpose. The report

was not referred to by the Select Committee nor was it mentioned in Parliamentary debate. Furthermore, even if the position in that respect were otherwise we do not consider the report provides sufficient support for the appellant's argument to cause us to review the Court's earlier decision to decline leave for the point to be argued.

[2] For these reasons the appellant's application to extend its grounds of appeal to include the ground previously rejected must be dismissed. Costs are reserved.

Solicitors:
Heaney & Co, Auckland for Appellant
Buddle Findlay, Christchurch for First Respondent
Duncan Cotterill, Nelson for Third Respondent