

IN THE SUPREME COURT OF NEW ZEALAND

SC 77/2010  
[2010] NZSC 125

BETWEEN NORTH SHORE CITY COUNCIL  
Appellant

AND THE ATTORNEY-GENERAL AS  
SUCCESSOR TO THE ASSETS &  
LIABILITIES OF THE BUILDING  
INDUSTRY AUTHORITY  
Respondent

Court: Blanchard, McGrath and William Young JJ

Counsel: D J Goddard QC for Appellant  
D B Collins QC, T G H Smith and B L Orr for Respondent

Judgment: 13 October 2010

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JUDGMENT OF THE COURT

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**A Leave to appeal is granted.**

**B The approved grounds are:**

- (i) **Whether it is reasonably arguable that the BIA owed a duty of care to the Council in relation to the Grange development in any of the respects pleaded (as described in para 13.1 – 13.3 of the Council’s submissions in support of its application for leave to appeal).**
- (ii) **Whether it is reasonably arguable that the BIA owed a duty of care to the plaintiff body corporate and unit owners in the respect pleaded (as described in para 13.4 of the Council’s submissions in support of its application for leave to appeal).**

Solicitors:  
Heaney & Co, Auckland for Appellant  
Crown Law Office, Wellington