

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TAMAKI MAKAUROA**

Decision [2024] NZEnvC 085

IN THE MATTER OF an appeal under s 120 of the Resource
Management Act 1991

BETWEEN MCCALLUM BROS LIMITED
(ENV-2022-AKL-000121)
Appellant/Applicant

AND AUCKLAND COUNCIL
Respondent

Court: Judge J A Smith
Judge A H C Warren
Commissioner S Myers
Commissioner K Prime
Special Advisor R Howie

Hearing: On the papers
Last case event: 12 April 2024

Date of Decision: 19 April 2024

Date of Issue: 19 April 2024

CORRECTION OF A DECISION OF THE ENVIRONMENT COURT

A: *McCallum Bros Limited v Auckland Council* [2024] NZEnvC 75 is corrected to read as follows:

[185] Under the umbrella of Pākiri G Ahu Whenua Trust we heard from Annette Baines, Jacob Tahitahi, Wayne Greenwood, Robyn Greenwood, Wendy Brown, Grace Gossage Meyers, Veronica Bouchier, and Aperahama Edwards.

[186] We heard from Olivia Haddon, the daughter of the late Laly Haddon. Ms



Haddon is the current chair of the Pākiri Te Whānau Community Group Incorporated – Te Whānau. This group is made up of people who whakapapa to both Ngāti Wai and Ngāti Manuhiri.⁶⁵ Te Whānau called other mana whenua witnesses, particularly Edward Watts, and also Tamati Stevens an expert on matauranga Māori.

⁶⁵ Evidence of Olivia Haddon, 20 April 2023, at [17].

REASONS

Introduction

[1] This was an appeal by McCallum Bros Limited against Auckland Council's decision declining consent for offshore sand extraction at Pakiri Beach.

[2] On 11 April 2024, the Court issued a decision refusing the appeal, and confirming the decision of the Commissioners.¹

Correction sought

[3] On 12 April 2024, counsel for Te Whānau o Pākiri (**Te Whānau**) advised the Court that:

- (a) the decision at paragraph [185] incorrectly records Tamati Stevens as being a witness for Pākiri G. He was called by Te Whānau; and
- (b) Te Whānau also called another mana whenua witness, Edward Watts, who is not mentioned in the section which lists the mana whenua witnesses for the various groups (around paragraph [186]).

[4] Counsel brought these matters to the Court's attention, but stated they would leave it to the Court's discretion as to whether it wishes to address the matters.

Legal framework

[5] In accordance with s 278 of the Resource Management Act 1991 and Rule 11.10 of the District Court Rules 2014, the Court has the power to correct errors including

¹ [2024] NZEnvC 75.

accidental slips or omissions.

[6] Rule 11.10 is set out as follows:

11.10 Correction of accidental slip or omission

- (1) A judgment or order may be corrected by the court or the Registrar who made it, if it—
 - (a) contains a clerical mistake or an error arising from an accidental slip or omission, whether or not made by an officer of the court; or
 - (b) is drawn up so that it does not express what was decided and intended.
- (2) The correction may be made by the court or the Registrar, as the case may be,—
 - (a) on its own or his or her own initiative; or
 - (b) on an interlocutory application.

[7] We are satisfied that making corrections is appropriate in accordance with Rule 11.10. Paragraph [185] is an inaccurate record and a correction is necessary. The section which lists the mana whenua witness called is incomplete and it is appropriate that the omission of Edward Watts should be corrected.

Outcome

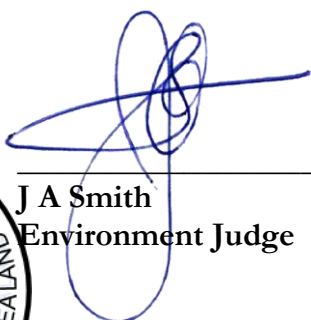
[8] Accordingly, the decision is corrected to read as follows:

[185] Under the umbrella of Pākiri G Ahu Whenua Trust we heard from Annette Baines, Jacob Tahitahi, Wayne Greenwood, Robyn Greenwood, Wendy Brown, Grace Gossage Meyers, Veronica Bouchier, and Aperahama Edwards.

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⁶⁵ Evidence of Olivia Haddon, 20 April 2023, at [17].

For the Court:



J A Smith
Environment Judge

