

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

I MUA I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision No. [2020] NZEnvC 222

IN THE MATTER of the Resource Management Act 1991
(RMA)

AND of an appeal against Abatement Notice
under s 324 RMA and application for stay
under s 325(3A) RMA

BETWEEN CLIFTON PROJECTS LIMITED
SCULPTUREUM VINEYARD LIMITED
(ENV-2020-AKL-194)

Appellants

AND AUCKLAND COUNCIL

Respondent

Court: Alternate Environment Judge L J Newhook

Hearing: 22 December 2020

Appearances: S Grant for Appellant
S Quinn for Respondent

Date of Decision: 22 December 2020

Date of Issue: 23 December 2020

**DECISION OF THE ENVIRONMENT COURT GRANTING STAY OF ABATEMENT
NOTICE**

A: Application for stay of abatement notice granted.

B: Costs reserved.



REASONS

[1] On 18 December Auckland Council served an abatement notice on the appellants prospectively against an event they wish to hold on New Year's Eve and which had been advertised for some weeks.

[2] Interests related to the appellants had earlier appealed against some conditions of consent on a new resource consent granted by the respondent, and applied for early commencement under s 116 RMA. The appellants urgently filed these proceedings and sought that they be heard alongside the application for orders under s 116. The court was able to accommodate that on 22 December.

[3] There is an argument between the appellants and the respondent about the extent to which the appellants can avail themselves of certain permitted activities in chapter E40 of the Auckland Unitary Plan when taking up the rights embodied in the recent resource consent and an earlier one in 2015.

[4] That argument can only be resolved in the context of either these substantive proceedings, or the appeal against conditions of consent.

[5] In the hearing I worked with the parties to gain an understanding of precisely what is proposed for the event on New Year's Eve and its potential effects on the environment as deposed to.

[6] After hearing more detail about what is proposed from Ms Grant, I encouraged her to reduce that detail to writing and provide it to the Council and to the neighbours who are parties in the appeal against consent conditions but not these proceedings.

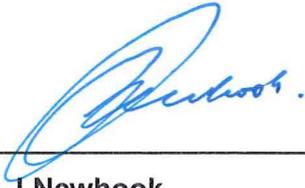
[7] After hearing from all parties, it was agreed that the abatement notice could properly be stayed, and I **make that order** accordingly.

[8] Given that the event will now take place and that the abatement notice was addressed only to the one event, these proceedings may effectively be at an end.

[9] Costs are unlikely to be an issue, but if any application is to be made it must be filed and served within 15 working days of the date of this decision, bearing in mind the statutory summer blackout period. The parties are to advise the court within the same



timeframe as to whether the court file can be closed.



L J Newhook
Environment Judge

