

IN THE ENVIRONMENT COURT  
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA

Decision No. [2023] NZEnvC 151

IN THE MATTER

of an application for an interim  
enforcement order or enforcement order  
under ss 316 and 320 of the Resource  
Management Act 1991

BETWEEN

PUKETOTARA LODGE LIMITED

(ENV-2022-AKL-113)

Applicant

AND

BLUEGUM GOSPEL HALL TRUST

Respondent

Court: Environment Judge L J Semple sitting alone under s 279 of  
the Act

Hearing: In Chambers at Wellington

Last case event: Memorandum dated 5 July 2023

Date of Decision: 17 July 2023  
(On the papers)

Date of Issue: 17 July 2023

---

**DECISION OF THE ENVIRONMENT COURT**

---

- A. The application to join the Far North District Council to these proceedings  
is declined.



PUKETOTARA LODGE LTD v BLUEGUM GOSPEL HALL TRUST

## REASONS

[1] By Notice dated 16 June 2023, the Applicant sought to join the Far North District Council (**Council**) as a party to these proceedings. That request was opposed by both the Respondent and the Council.


[2] The proceedings in question are enforcement proceedings against Bluegum Gospel Hall Trust. The Applicant has been at pains to confirm to the Court that the Council's prior decision making is not at issue and the proceedings do not seek any form of relief against the Council.

[3] To the extent that Council staff may have knowledge and expertise that could assist the Court in its determination, it is noted that Council experts have participated in joint conferencing without the Council being a party to the proceeding and that the Court's directions of 26 April 2023 placed the Council on notice that such experts should be available to the Court if requested. The Council has indicated no issue with that.

[4] Further, the Court holds powers under s 276 of the Act to call for anything to be provided in evidence that it considers will assist in its decision making and/or call any person before it to give evidence if to do so will assist its decision making. I am satisfied that these powers are sufficient to deal with the matters raised in the application for joinder.

[5] I am also satisfied that the Court can adequately consider matters of the *vires* and enforceability of any order it might make absent the Council and that the Council is capable of interpreting and enforcing any order that the Court may make without being a party to the proceedings.

[6] On that basis, I find no need to join the Council to the proceedings and accept the Council's submissions that to do so would be "contrary to public interest and will place unreasonable pressure on ratepayer funded resources".

  
L J Semple  
Environment Judge

