

**IN THE HIGH COURT OF NEW ZEALAND
WANGANUI REGISTRY**

CIV-2010-483-278

UNDER the Resource Management Act 1991

IN THE MATTER OF an application for judicial review pursuant
to the Judicature Amendment Act 1972

BETWEEN REUTERS HOMES LIMITED
Applicant

AND WANGANUI DISTRICT COUNCIL
Respondent

Hearing: 6 April 2011

Counsel: J W Maassen and N J Jessen for applicant
S J Ross and P Drake for respondent

Judgment: 14 June 2011

RESERVED JUDGMENT OF DOBSON J

[1] In these proceedings, a property developer seeks a declaration that the Wanganui District Council (WDC) wrongfully exercised its power to require notification of a resource consent application under s 95C of the Resource Management Act 1991 (the Act). The step prior to WDC requiring notification was WDC's request for further information in respect of this application. At the core of these proceedings is an argument that WDC's request was not for further information "relating to the application", and was therefore not for a purpose contemplated by the Act.

[2] The proceedings were brought by way of judicial review, and a preliminary issue is whether judicial review of the exercise of the power under s 95C of the Act is available, given the scope of a privative provision confining remedies to appeals to

the Environment Court. An ancillary issue is whether, given the history of relevant dealings between the parties, the issue on which a declaration is sought is now moot.

Factual context

[3] The plaintiff (Reuters) is a closely held company of which the alter ego is Mr Reuters. Reuters was the owner of a relatively large block of land accessed from Virginia Road to its south, in suburban Wanganui. It appears that the property had one existing substantial dwelling, with extended grounds. A subdivision proposal was developed which provided for some 35 small residential sites. All of those sites except the two which directly fronted Virginia Road were accessed from a proposed cul-de-sac, with access to it only being from Virginia Road on the site's southern boundary. The sections ranged in size from 400 square metres, up to some 890 square metres. It was intended that the sites be available for erection of small units for elderly occupants and Reuters' plans for the site evolved over a period reflecting its negotiations with the owners of two substantial adjoining properties on Reuters' eastern boundary, Presbyterian Support Services (PSS) and Hospice Wanganui. PSS operate an old people's home immediately adjacent to the Virginia Road frontage of Reuters' site comprising the southern half of Reuters' eastern boundary. Hospice Wanganui operates from a large property also adjoining the eastern side of the Reuters' proposed subdivision, comprising more or less the northern half of that eastern boundary.

[4] The cul-de-sac designed for access to all of the site was supported by PSS. They did not want a through road from the north-western corner of the proposed subdivision (ie into Edmonds Drive) which might compromise the relatively secure and enclosed character of their operations. In addition, Hospice Wanganui did not require a road connection to be formed from Edmonds Drive to their boundary in the north-eastern portion of the proposed subdivision.

[5] Reuters had investigated the prospect of continuing road access out through the north-western boundary of the property, to connect with Edmonds Drive, but the suggestion was thwarted by the demand of the owner of an access strip of land between the north-western boundary of Reuters' property and Edmonds Drive for

what Reuters considered an extortionate price to acquire sufficient of that land to enable any road to connect through to Edmonds Drive.

[6] The application for resource consent was lodged by surveyors on behalf of Reuters on 26 March 2010.

[7] Reuters' personnel had a meeting with WDC personnel concerning the application on 4 May 2010. WDC officers expressed a wish for there to be a connection through to Edmonds Drive, and also into Hospice Wanganui's adjoining land. Mr Reuters took the implication that his company's application would encounter "procedural difficulties" if the Council's notion of "road connectivity" to the adjoining areas was not provided.

[8] An attempt was made to dissuade the WDC Council from its view on the need for road connectivity in a letter sent by Reuters' surveyors to WDC on 10 May 2010. The letter referred to the concept plan having been under development for two years, the importance to it of the negotiations with PSS, and that the significant changes in design involved in providing a through road would involve yet further negotiations with PSS. The letter advised of Mr Reuters' view that requiring road access to Edmonds Drive was an unreasonable request given the adverse financial implication and the adverse effect on the character that Mr Reuters and PSS were hoping to create.

[9] Without expressly acknowledging the 10 May 2010 letter, WDC's principal planner wrote to Reuters in relation to its application for subdivision consent on 24 May 2010. The letter included the following paragraph:

4. Connectivity

The Wanganui District Plan shows an indicative road connecting Edmonds Drive with the property that is the subject of this resource consent application. While an indicative road does not have any legal standing, it provides an indication that Council considers this connection to be an important component of any future development. The Council officers advising on this consent believe that connection to Edmonds Drive and to any future development along Virginia Road is required. Council is prepared to consider modifications to the configuration of the roading infrastructure to create the living environment that you and Council are trying to

create. Would you therefore please consider and submit a revised roading layout and configuration showing the connections required? Council is aware of the issue with the segregation strip and is prepared to work with you in resolving this, and the roading configuration issues.

[10] The letter then advised that because of the requests for further information, including that in relation to connectivity, the application would be placed on hold awaiting receipt of further information and that under s 92(1) of the Act, Reuters had 15 working days to either:

- (a) Provide the requested information; or
- (b) Respond in writing that you agree to provide the information and arrange an agreed reasonable time for this information to be provided by; or
- (c) State in writing that you refuse to provide the information.

[11] The letter then advised that if all the information required to make a full and proper assessment was not received, the application would be required to be fully notified which could result in it being declined under s 104(6) of the Act.

[12] The terms of that letter caused Reuters to take advice from Mr Maassen's firm, and on 4 June 2010 he responded to it on their behalf. His letter:

- stated that the Reuters' interests objected to the request of WDC to provide connectivity strips out to Edmonds Road and to the Hospice property;
- explained Reuters' view why they were inconsistent with the character sought to be developed in the neighbourhood; and
- explained why a connection to Edmonds Drive was not feasible on account of the separation link strip owned by the adjoining owner.

[13] As to the process that the WDC might follow thereafter, the letter commented:

8. Our client is not particularly impressed with the second to last paragraph of your letter of 24 May 2010 that implies that unless the information requested is provided, the application will be notified

implying for example that if the connectivity issues to WDC's satisfaction are not addressed then the application will be fully notified. This is potentially an abuse of process and furthermore as you well know, the absence of connectivity is not an effect of development within the RMA having regard to the provisions of the District Plan and the matters that are relevant for consideration in the evaluation of the application.

[14] Mr Maassen's letter continued that the development was a "vanilla subdivision in appropriately zoned land and has no environmental effects of significance that would warrant public notification".

[15] By letter of 21 June 2010, WDC rejected any suggestion of abuse of process, and stated that the attitude on behalf of Reuters left WDC with no option but to initiate the statutory procedure for notification of the resource consent application.

[16] In late June 2010, both PSS and the Hospice recorded in writing their strong views against the WDC's proposal for a through road.

[17] On 16 July 2010, senior WDC officers signed off on a formal decision to require notification of the resource consent application. The reasoning recorded for the decision included the observation that because the applicant had refused to provide the information requested (ie projecting an alternative roading proposal to address the WDC's wishes on connectivity), they considered the WDC could not determine if the effects of the proposal would be more than minor.

[18] In mid August 2010, Reuters commenced these proceedings, initially seeking orders that the request for information in respect of effects on the wider road network were unlawful, that the WDC's decision to publicly notify was unlawful, and that the WDC had acted in abuse of its powers. Mr Maassen suggested that the commencement of the proceedings, and the prospect of an application for interim orders that would constrain the WDC, resulted in more prompt processing of the resource consent application and its referral for a hearing before an independent commissioner. The hearing before the Commissioner resulted in the substantive planning issues being resolved satisfactorily from Reuters' perspective. Resource consents were forthcoming on the basis of the cul-de-sac formation as proposed on behalf of Reuters.

[19] Notwithstanding that outcome, Reuters seeks a declaration that the context in which WDC resorted to s 92 as a device to force it to introduce a significant change, constituted a misuse of the power to request information in relation to an application, leading to an unlawful exercise of the default power under s 95C of the Act to require public notification of the application on account of the perceived inadequacy of information.

Jurisdiction to pursue judicial review

[20] Mr Maassen’s submissions describe the proceedings as involving a challenge to the lawfulness of WDC’s notification decision under s 95C of the Act.

[21] There is a privative provision in Part 11 of the Act, under a heading as to the effect of the decisions of the Environment Court, as follows:

296 No review of decisions unless right of appeal or reference to inquiry exercised

If there is a right to refer any matter for inquiry to the Environment Court or to appeal to the Environment Court against a decision of a local authority, consent authority or any person under this Act or under any other Act or regulation—

- (a) No application for review under Part 1 of the Judicature Amendment Act 1972 may be made; and
- (b) No proceedings seeking a writ of, or in the nature of, mandamus, prohibition, or certiorari, or a declaration or injunction in relation to that decision, may be heard by the High Court—

unless the right has been exercised by the applicant in the proceedings and the Environment Court has made a decision.

[22] The scope of rights of appeal is provided for in s 120 of the Act in respect of “...the whole or any part of a decision of a consent authority on an application for a resource consent”, with standing to appeal recognised for an applicant or a consent holder, or persons who made submissions on the application. Mr Maassen argues that the wording describing the scope of rights of appeal (ie “...a decision of a consent authority *on an* application for a resource consent...”) means decisions on the substantive outcomes of applications, and does not extend to procedural

directions or decisions arising in the course of processing an application for a resource consent.

[23] Consistently with that, Mr Maassen argued that the procedure providing for such appeals under s 121 allows 15 working days after notice of a decision has been received, within which the appellant may lodge a notice of appeal. Notices of appeal are required to be served on all categories of persons recognised as having potential rights of appeal, such as persons who made submissions on an application for resource consent. The length of time for lodging an appeal, and the scope of obligations to serve others, are cited by Mr Maassen as inapt and unnecessary if rights of appeal were afforded in respect of process decisions prior to a consent authority's determination on the merits of an application for resource consent. He suggested that the consequence of interpreting the right of appeal as extending to such decisions as to process would be to bog the Environment Court down with procedural decisions, not the substantive ones that its jurisdiction is intended to address.

[24] Consistently with that analysis of the rights of appeal being confined only to substantive decisions, Mr Maassen points to the scope of the Environment Court's jurisdiction to make declarations, as provided for in s 310 of the Act. A variety of situations are contemplated which may be the subject of a declaration. The last, residual, category is:

310 Scope and effect of declaration

A declaration may declare—

...

- (h) any other issue or matter relating to the interpretation, administration, and enforcement of this Act, except for an issue as to whether any of sections 95 to 95F have been, or will be contravened.

[25] Mr Maassen argues that the exclusion of the provisions on public notification and limited notification of applications that are set out in ss 95 to 95F is consistent with his analysis that the Environment Court's jurisdiction is intended to be confined to substantive outcomes: that Court does not have jurisdiction to make declarations about the manner in which a consent authority deals with considerations as to public

or limited notification of any particular resource consent application. More specifically, he argues that the declaration sought here is in relation to a misapplication of the power under s 95C, so that the specific relief sought in these proceedings relates to a matter on which he could not obtain the appropriate relief from the Environment Court.

[26] For the WDC, in opposing the Court's jurisdiction to embark on judicial review, Mr Ross urged a different analysis of the various provisions in the Act. He submitted that there was nothing in the wording of s 120 of the Act to restrict it to what might be called substantive rather than interlocutory challenges to the decisions of consent authorities in relation to applications for resource consent. "Any part of" a decision on an application for a resource consent is to be given its ordinary meaning and that would extend to the decision made on behalf of the WDC on 16 July 2010 to invoke s 95C.

[27] As to the restriction on the scope of declarations available from the Environment Court by virtue of s 310(h), Mr Ross argued that the real gravamen of Reuters' complaint here was the scope WDC attributed to its powers under s 92 which is squarely within s 310(a), namely that the "...extent of any...power...under this Act..." must include a challenge to the scope of what a council assumes it is entitled to do under s 92.

[28] Mr Maassen supported his narrower approach to the scope of the privative provision by reference to cases that have considered the scope of the Environment Court's jurisdiction. He relied on *Waitakere City Council v Estate Homes Ltd*.¹ In that case, a property developer preparing an application for subdivision consent recognised that the Council would require the developer to form a road that Council plans had previously provided for as designated over part of the land to be subdivided. Relying on indications that the Council would meet the costs of any larger road and extent of road reserve greater than that required for the subdivision itself, the property developer applied for a resource consent for the subdivision, including provision for the road as it anticipated the Council would require.

¹ *Waitakere City Council v Estate Homes Ltd* [2006] NZSC 112, [2007] 2 NZLR 149.

[29] The Council's consent was subject to a larger road than the developer considered was necessary, but the developer and the Council agreed to permit the subdivision to proceed on the basis that the developer could subsequently challenge the reasonableness of the Council's requirement for roading. The developer appealed to the Environment Court over the terms of the condition of consent that addressed the extent of both the roading requirement, and the Council's commitment to compensate for a portion of its cost. The origins of the dispute were not the terms of the consent, but the preceding stipulations by Council officers and pragmatic acceptance of them by the developer, for the sake of progressing the development. The Environment Court found the conditions imposed did not fairly and reasonably relate to the development and that the Council had acted unlawfully in imposing the condition without compensation for the whole of the cost of forming and constructing the road and the value of the land on which it was constructed.

[30] There were subsequent appeals to the High Court and the Court of Appeal, and eventually to the Supreme Court. As to the way in which the matter had been litigated, the Supreme Court observed:²

...The appeal to the Environment Court was an inappropriate proceeding in which to bring a challenge to administrative actions that did not form part of the Council's decision-making process in respect of the application which was actually submitted. Any challenge to the lawfulness of the prior actions of Council officers should have been brought by way of judicial review in the High Court, thereby meeting the requirement that "the right remedy is sought by the right person in the right proceedings". The appellate authority of the Environment Court under s 290 of the Resource Management Act was confined to the decision against which Estate Homes was appealing, and the Environment Court did not have authority to go behind the application which was the subject of that decision in order to determine the appeal. In the present case the proceedings in the Environment Court were the wrong proceedings. That Court did not have statutory jurisdiction to determine the lawfulness of the prior actions of Council officials because its appellate jurisdiction was confined to the Council's decision on the application... (references omitted)

[31] Mr Maassen argued that in the present case, Reuters is challenging the same type of pre-decision conduct by a local authority, and that the lawfulness of it ought, as the Supreme Court observed, to be determined by way of judicial review in the High Court.

² At [38].

[32] Mr Ross resisted the analogy. He argued that the way in which the argument was framed for Reuters avoided what the real issue was. In supporting the argument that the appropriate jurisdiction was the Environment Court, Mr Ross pointed out that even the traffic engineer retained by Reuters had recommended extension of the road reserve and a pedestrian link out to Edmonds Drive, more or less over the land which WDC's staff wished to consider for the location of a through road. This was a classic resource management issue, namely whether the absence of a connection through to Edmonds Drive was "an effect" within the matters over which the WDC appropriately exercises resource management control.

[33] Mr Ross submitted that the absence of power for the Environment Court to make a declaration in relation to s 95C of the Act was a minor matter, as the validity of WDC's decision hinged on whether it had correctly interpreted s 92 when it sought further information. A declaration as to the correct interpretation, administration or enforcement of s 92 may be made under s 310(h) as cited at [24] above.

[34] As to the merits of WDC's position, Mr Ross also submitted that a judicial review proceeding, on affidavits without cross-examination, was not the appropriate forum in which to advance serious criticisms of the propriety of steps undertaken by WDC officers, given the prospect that arguments they had exceeded their powers or used them for an inappropriate purpose bordered on allegations of impropriety with the prospect of adverse consequences for the careers of those officers.

[35] I am not satisfied that the scope of the privative provision in s 296 extends to prevent the High Court having jurisdiction in the present judicial review. The essence of Reuters' complaint is that WDC used a concern to require a developer to include a through road as a part of its proposal when the developer did not wish to do so, and sought to pressure the inclusion of that option by threatening to transform the resource consent application from one that would not require to be notified, to one that did.

[36] This is a pre-decision step of the same type as the dealings in *Waitakere City*. The gravamen of the complaint is not the substantive resource management merits,

but rather the lawfulness of the process preceding any formal resource consent decision that might be made by WDC. The step in exercise of a statutory power that is relevant to the complaint is the decision to require public notification under s 95C, which is one of the provisions in respect of which the Act does not give the Environment Court power to make a declaration. A reasonable justification for that exclusion from its jurisdiction is that complaints about decisions under s 95C are likely to be process driven, and relate to the compliance by the exerciser of the power with the purposes for which it is created. It is distinct from a resource consent authority's substantive dealing with the merits of an application.

The substance of the challenge by way of judicial review

[37] The purpose of s 92 was commented on in *Westfield New Zealand Ltd v North Shore City Council*.³ Blanchard J observed that a Council can require further information to enable the consent authority to better understand the nature of the proposed activity, the effect on the environment, or the ways in which any adverse effects might be mitigated. In light of that, and the statutory scheme, Mr Maassen submitted that a request by a consent authority under s 92 must be:

- for information;
- for information that relates to the application; and
- for the purposes of enabling the local authority to be satisfied as to the nature, scope and extent of the application and its actual or potential effects and any other matters addressed in schedule 4 of the Act.

[38] In arguing that the WDC's request for further information did not come within s 92, Mr Maassen pointed to the expression of belief on behalf of WDC officers as expressed in its 24 May 2010 letter.⁴ Mr Maassen also referred to an affidavit sworn in the judicial review proceedings by Mr Shane McGhie, the

³ *Westfield New Zealand Ltd v North Shore City Council* [2005] NZSC 17, [2005] 2 NZLR 597 at [81], [106]-[107].

⁴ As cited at [9] above.

principal planner for WDC, in which Mr McGhie recorded his belief at the time the 24 May 2010 letter was despatched:

...I do not believe that [Reuters] had given serious consideration to Council's proposal made at the meeting of 4 May 2010 and that a formal request was therefore required.

[39] On the basis of these attitudes, and the contrast between the proposal on which Reuters had sought resource consent, and the scale of changes that would be involved if the Council's road connectivity concern was addressed, Mr Maassen submitted that the purported request for further information did not have the character as contemplated by s 92, and rather was a request to change the application. He further submitted that the request did not "relate to the application" but rather proposed a different roading configuration and therefore a different application, and that it was not for the purpose of WDC understanding the precise scope and effects of the activity, but to achieve a roading configuration desired by the WDC.

[40] In resisting that categorisation of the information request, Mr Ross argued that the real issue is whether the absence of a road connection through to Edmonds Drive, and to the hospice property, could constitute an "effect" of the development, that being a matter over which WDC had control in the context of resource consents. This point was made primarily to emphasise that the challenge was in the wrong forum, and ought to have been the subject of argument in the Environment Court. As to the substantive merits of the argument, Mr Ross was implicitly arguing that WDC was entitled to treat road connectivity as a potential effect of the subdivision, and was therefore entitled to require adequate information about that topic, and therefore made a request under s 92 that was within its powers to do so.

[41] On any view of the proposal, the transformation of the roading servicing it from a relatively small cul-de-sac, to a through road, would substantially transform the proposal. Reuters sought to develop a community that was complementary to two existing uses on its boundaries, with both PSS and Hospice Wanganui supporting the cul-de-sac formation and being opposed to any through road.

[42] WDC's request did not seek information enabling it to better understand the traffic consequences of the cul-de-sac proposed. Rather, WDC sought to require the developer to transform its proposal into one that would address WDC's objectives for a much wider area, in terms of roading development.

[43] Once the developer had been persuaded to include, as an alternative, the through road concept that WDC was keen on, it would have been vulnerable to the real likelihood, if not probability, that WDC would only consent to a development if it included the through road that WDC was seeking. Therefore, compliance with WDC's information request under s 92 of the Act would have left the developer very limited prospects of challenging a consent granted on conditions that it did not want, and which were contrary to the negotiated position with relevantly involved neighbours.

[44] A further factor which is relevant to the context in which Reuters' refused to provide the information, even if not directly relevant to the lawfulness of WDC's request, is that the planning officers who were keen to pursue the through road concept also indicated to Reuters that WDC would expect provision of roading of the type it contemplated at the developer's expense, without WDC offering any commitment to contribute to the additional costs involved in doing so. That financial concern would add to Reuters' justification for refusing to transform its own development proposal into one that met a larger objective of WDC.

[45] A statutory power can only be exercised for proper purposes, in the sense of purposes consistent with the reason for it being available to those who might potentially exercise it.⁵ Mr Maassen cited generally on this proposition *Padfield v Minister of Agriculture, Fisheries and Food*,⁶ and *R v Inland Revenue Commissioners ex parte Preston*.⁷

[46] Here, WDC officers clearly misconstrued the scope of the power available to them under s 92. The relevant part of the request for information that would have

⁵ *Attorney-General v Ireland* [2002] 2 NZLR 220 (CA).

⁶ *Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 997.

⁷ *R v Inland Revenue Commissioners ex parte Preston* [1985] AC 835. Michael Fordham *Judicial Review Handbook* (5th ed, Hart Publishing, Portland, 2008) at [53.1].

required Reuters to recast, in a substantial manner, the detail and scope of its application, did not constitute a request for information on the application as lodged. Instead, it sought to transform that application.

[47] Mr Maassen emphasised that the labels used in such judicial review analyses of improper motive or abuse of power do not connote any moral turpitude on the part of those exercising the power. As a matter of legal analysis, however, the power will be abused if it is invoked for a purpose that is inconsistent with, or goes beyond, the purpose for which the statute has created the power. A purpose will be “improper” in the legal sense if it goes beyond the purposes for which the statute has created the power.⁸ Such notions are routinely argued in judicial review, and the prospect of their being upheld does not render judicial review, where the individuals criticised cannot appear as witnesses to defend their bona fides, an inappropriate form of proceeding. Mr Ross’s concern on the point⁹ is not a relevant factor in assessing the lawfulness of WDC’s process.

[48] In other situations, requests for further information that might contemplate rearrangement of details, or inclusion of alternatives for some details, of a proposed development could be justified. Within the present context, the difference is so significant as to require the developer to transform the proposal into a different development. That would involve significant features on which negotiated agreement with neighbours had been concluded, and which was also significant to the character and cost of the development proposed.

[49] WDC elected to rely on Reuters’ refusal to provide the relevant information as the pretext for requiring notification of the resource consent application. It did so after receiving and rejecting a protest on behalf of Reuters to the effect that the relevant component of the request went beyond what WDC could legitimately require by way of information under a s 92 request.

[50] On the basis of that finding as to the lawfulness of the steps undertaken on behalf of WDC to require further information under s 92, and subsequently to resort

⁸ *Attorney-General v Ireland* at [42].

⁹ See [34] above.

to the default provision in s 95C of the Act to require public notification of the application, is any relief now futile so that it should not be granted? The Court will not exercise powers under the Judicature Amendment Act 1972 if there is no practical point in doing so.¹⁰ This notion of mootness has arisen, for instance, in reviewing the lawfulness of steps taken to oppose a rugby tour to South Africa after it had been called off,¹¹ and the conduct of a school's board of trustees in handling disciplinary matters where both the teacher and the students involved had long since left the school.¹²

[51] Here, the developer has obtained resource consent for the development substantially as it proposed, and certainly without being required to comply with the WDC's wishes on road connectivity. There has been no suggestion of any claim to recover any additional costs that may have arisen as a result of WDC's invocation of ss 92 and 95C. However, the point is not moot. Declaratory relief could have some practical value because such conduct is likely to recur, if not for this developer then for others, and certainly for territorial authorities.¹³ Use of statutory powers arising in the pre-determination stages of processing resource consent applications is a matter of some importance. It is not an issue on which the Court should decline to provide a ruling on the basis that it can no longer affect the course of relevant dealings between the developer and the local authority, in the immediate context.

[52] Accordingly, Reuters is entitled to declarations that:

- (a) WDC could not require the provision of an amended plan addressing its road connectivity aspirations for a through road to Edmonds Drive pursuant to an information request made under s 92 of the Act; and
- (b) WDC erred in law in treating Reuters' refusal to provide information on an amended plan that would provide road connectivity through to Edmonds Drive as a refusal to provide further information relating to

¹⁰ *Fowler & Roderique Ltd v Attorney-General* [1987] 2 NZLR 56 (CA) at 78; *New Zealand Māori Council v Attorney General* [1996] 3 NZLR 140 (CA).

¹¹ *Finnigan v New Zealand Rugby Football Union Inc* [1985] 2 NZLR 190 (CA).

¹² *Maddever v Umawera School Board of Trustees* [1993] 2 NZLR 478 (HC) at 502.

¹³ *Just One Life Ltd v Queenstown Lakes District Council* [2004] 3 NZLR 226 (CA) at [38]-[39].

the application in terms of s 92, for the purposes of a decision under s 95C(2)(b) of the Act to publicly notify the application for consent.

[53] Reuters are entitled to the costs of the proceedings on a 2B basis.

Dobson J

Solicitors:
Cooper Rapley, Palmerston North for applicant
Stephen Ross & Associates, Wanganui for respondent