

Alissa Sluys

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Sent: Wednesday, 15 August 2018 7:35 AM
To: Alissa Sluys
Subject: Submission by William Kearney, submitter.

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Before the Hearing Committee of the Northern Regional Council

Memorandum of submitter William Kearney

1, I address the Committee, in light of an application by Counsel for the Applicant (10/8/2018), on the effect of the Court of Appeal decision in the proceedings brought by the Society. It is necessary only to draw attention to the reasoning and final decision of the Court of Appeal. The Court's decision is FINAL on the law of New Zealand, until it is set aside by the only Court with jurisdiction to overturn a decision of that Court viz. the Supreme Court. No appeal has yet been filed in the Supreme Court. It makes no difference when that is done: the Court of Appeal's decision STANDS as the law, unless and until the Supreme Court rules against it. This Committee is BOUND by the law as stated by the Court of Appeal, like every other citizen and entity of New Zealand.

2. It is desirable that the judgement of the Court is read in full. Note how the Court sticks completely rigidly to the sole question of easements, and ultimately concludes that the Minister's decision of June 2015 should be quashed, with a couple of exceptions. Para. 44 sets out the easement, in full. In para.43 the Court held that its decision is not relevant to, and has no effect on, the consideration of the current application on the RMA.

3. The Planner to the Committee has no misunderstanding ; she is meticulous and forthright in her approach, which I endorse , on this question.

William Kearney. (15/8/2018, at 7.30am)