

**Dye v Auckland Regional Council 11/10/02, Judge Whiting, EnvC Auckland
A202/2002**

Successful application for costs - D argued costs should be awarded against ARC after final decision dismissed ARC's appeal - D incurred \$69,836 in costs - D sought costs on basis that ARC presented its case in such a manner that if consent was granted there would be wider implications - ARC argued they were not party to proceedings under s 274 Resource Management Act 1991, therefore costs could not be awarded - ARC submitted it was unusual D sought to obtain costs against them as they only appeared in support of primary decision maker.

Held, application for subdivision related to rural subdivision, however ARC went beyond merely supporting RDC's case and turned issue into one with far wider implications which D had to answer - ARC's appeal was dismissed and it is appropriate costs should follow event - costs awarded in amount of \$10,000 - application granted.