

**Ngati Maru Iwi Authority Inc v Auckland City Council 24/10/02, Baragwanath J,
HC Auckland AP18-SW01**

Successful application for leave to argue questions in Court of Appeal ("CA") - NMI claimed it should have continued consultation in planning process in local land redevelopment - NMI's application was based on special relationship with land claiming this gave them right to continue in planning process - NMI's case was unsuccessful in Environment Court ("EnvC") due to its evidence being based on general assertions from indirect sources - EnvC decision was upheld as HC found it contained no errors in law - NMI applied to argue two additional questions of law in CA - second respondent SPBC submitted that additional questions were not advanced before EnvC or HC therefore application should fail.

Held, there are questions of law that arise that have sufficient public importance to be submitted to CA - in this case treaty issues arise from clearly articulated points of law - contrary to what EnvC ruled tract of land is subject to relationship with Maori culture and traditions - relationships between Maori and their land are to be given serious weight as Parliament has legislated for recognition of sacred places in law - questions proposed by NMI are both legally and factually important to warrant consideration in CA - application for leave granted.