

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

Decision No. [2018] NZEnvC 113

IN THE MATTER of the Resource Management Act 1991
AND of a direct referral pursuant to s 87G of the Act
BETWEEN MINISTER OF CORRECTIONS
(ENV-2017-AKL-92)
Applicant
AND OTOROHANGA DISTRICT COUNCIL
Consent Authority

Court: Environment Judge J E Borthwick

In Chambers at Christchurch

Date of Decision: 19 July 2018

Date of Issue: 19 July 2018

**DETERMINATION OF THE ENVIRONMENT COURT
ON APPLICATION FOR COSTS**

- A. The Minister of Corrections is ordered, by consent, to pay costs of \$245,150.49 (incl. GST) to the Crown.

REASONS

Introduction

[1] The Minister of Corrections applied to the court under s 198E of the Resource Management Act 1991 to alter an existing designation to enable the expansion of Waikeria Prison.



MINISTER OF CORRECTIONS – COSTS

[2] On 15 November 2017 the court issued interim decision [2017] NZEnvC 213. The final decision [2018] NZEnvC 025, confirming the notice of requirement, was issued on 1 March 2018. The issue of costs was reserved.

The issue of costs

[3] Section 285(3) of the Act provides that the Environment Court may order any party to proceedings before it to pay to the Crown all or any part of the court's costs and expenses. In respect of those applications referred under s 198E to the court for determination, the court must apply a presumption that costs under subsection (3) are to be ordered against the applicant (s 285(5)(a)(ii)) and when deciding on the amount of any order it decides to make, the court must have regard to the fact that the proceedings are at first instance (s 285(5)(b)).

[4] In accordance with s 285 of the Act, the Registrar (on behalf of the court) and counsel for the Minister of Corrections have agreed that a sum of \$213,174.34 (excl GST) is an appropriate amount to be paid in relation the expenses incurred by the court in relation to this proceeding.

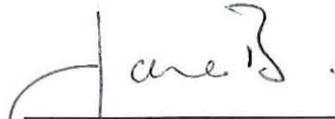
[5] Accordingly, the Registrar and The Minister of Corrections have requested that an order for costs be made in favour of the Crown against the Minister of Corrections of \$245,150.49 (incl. GST).

Determination

[6] I wish to record that I have none of the information before me which has produced this agreement between the Registrar and the Minister of Corrections, such as information about the costs and expenses incurred in determining this application. Therefore, while I am prepared to make the order as sought, by consent, I wish to be clear that the order does not represent a reasoned determination of the court.



[7] The Court orders, by consent, that the Minister of Corrections pay \$245,150.49 (incl. GST) to the Crown.



J E Borthwick
Environment Judge

