

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision No. [2020] NZEnvC 145

IN THE MATTER	of the Resource Management Act 1991 (the Act)
AND	of appeals under s325 of the Act
BETWEEN	RD HAINES (ENV-2020-AKL-000060) WAITOTO DEVELOPMENTS LIMITED (ENV-2020-AKL-000061) Appellants
AND	NORTHLAND REGIONAL COUNCIL Respondent

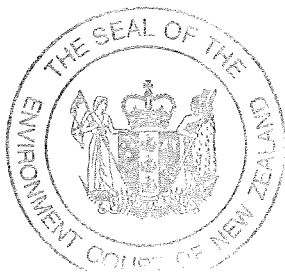
Court: Environment Judge J A Smith sitting alone under s 279 of the Act

Date of Decision: 4 September 2020

Date of Issue: 4 September 2020

DETERMINATION OF THE ENVIRONMENT COURT

- A: The abatement notices are cancelled.
- B: The appeals are withdrawn.
- C: There is no order as to costs.



REASONS

Introduction

[1] On 15 May 2020 the Northland Regional Council (**the Council**) issued two abatement notices requiring Mr R Haines and Waitoto Developments Limited (**the appellants**) to cease any open burning not authorised by a resource consent or permitted by a rule in a Regional or Proposed Plan in the entire Northland Region and Constituencies.

[2] The appellants filed appeals against the abatement notices on 8 June 2020 on the grounds that the fire of 11 May 2020 had been extinguished, and there was no ongoing need for abatements notices to restrict future fires by the appellants.

[3] The parties attended Court-assisted mediation on 25 August 2020. Following that mediation a mediation agreement was filed with the Court. It was signed by all parties and advised the Court that the Council has cancelled the abatement notices issued to both appellants.¹

Determination

[4] Given the withdrawal of the abatement notices the appeals are moot. As the mediation agreement is signed by Mr R Mark, counsel for the appellants, I conclude that the mediation agreement is also intended to act as a withdrawal of the appeals given the settlement reached.

[5] No costs are sought or granted.

[6] The files are closed.





J A Smith
Environment Judge

¹ Mediation Agreement dated 25 August 2020.