

In the Court of Appeal of New Zealand

CA /2017

Between: **BROOK VALLEY COMMUNITY GROUP INC**
Appellant

And: **THE BROOK WAIMARAMA SANCTUARY TRUST**
First respondent

And: **THE MINISTER FOR THE ENVIRONMENT**
Second respondent

And: **NELSON CITY COUNCIL**
Third respondent

And: **FOREST & BIRD**
First intervener

And: **TE WHARE O TE KAITIAKI NGAHERE INC**
Second Intervener

NOTICE OF APPEAL

Dated: Thursday 23 November 2017

This document is filed by:
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Brook Valley Community Group Inc (BVCG), the appellant in the proceeding identified above, gives notice that it appeals to the Court against the whole of the decision of the Honourable Justice Churchman delivered on 31 October 2017 in the High Court at Wellington in CIV-2017-442-39 (*Brook Valley Community Group Inc v The Trustees of the Brook Sanctuary Trust and others* [2017] NZHC 1844).

The grounds of appeal

1 The specific grounds of appeal are that:


1.1 His Honour the learned High Court Justice erred in law and/or in fact in failing to give due weight to:

- a) the public interest aspect of this case;
- b) the legal status of the plaintiff and its capacity to pay; and/or
- c) the prejudicial effect on the appellant and on the administration of justice of awarding costs of this magnitude before the substantive appeal is determined.

1.2 Costs were awarded to the first respondent based on a representation by the first respondent that there was no reason why costs should not be awarded to scale, when in fact the Counsel for the first respondent had operated on a pro-bono basis so no costs had been incurred by the first respondent.

2 The appellant is not legally aided.

Dated: 23 November 2017



S J Grey
Counsel for appellant

To: The Registrar of the Court of Appeal

And to: The Trustees of the Brook Waimarama Sanctuary Trust
The Minister for the Environment
The Nelson City Council
Forest & Bird
Te Whare o te Kaitiaki Ngahere Inc

This document is filed by Susan Jane Grey, solicitor for the appellant of the firm Sue Grey Lawyer. The address for service of the appellant is at the offices of 772 Atawhai Drive Nelson.

Documents for service to the appellant may be delivered to that address or may be

- a) Posted to the solicitor at PO Box 1653, Nelson
- b) Emailed to suegreylawyer@gmail.com