

Email received by Auckland Council's Legal Services – Regulatory and Litigation on 26 February 2018:

Memoranda have been considered by Judge G Harrison in chambers and the Judge has made the following directions :

1 – Assuming without deciding , that there is a right of Appeal , any Appeal would be futile because the applicant has withdrawn the application and a recommendation has been made to the Council Committee to revoke the resolution the subject of the Appeal .

2 – The relief sought by the Appeal is that the decision (resolution) be set aside. It appears that will occur at the meeting of 8/3/2018.

3 – “The court will not make orders that have no utility” *Te Whakaitenga o Waikato Inc v Martin* [2016] NZCA 5484

The Appeal is accordingly stayed pending advice from Counsel for the Respondent of the outcome of the meeting of 8/3/2018 - DCJ G Harrison 26/2/2018.