

In the Environment Court at Auckland

ENV-2016-AKL-232

In the matter of the Local Government (Auckland Transitional Provisions) Act 2010 and the Resource Management Act 1991

And

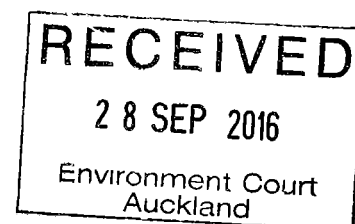
In the matter of an appeal under section 156(3) of the Local Government (Auckland Transitional Provisions) Act 2010

Between **Bunnings Ltd**
Appellant

And **Auckland Council**
Respondent

Notice by Westgate Joint Venture (previously Westgate Partnership) and Nuich Trust of wish to be a party to appeal

Dated 28 September 2016



To: The Registrar
Environment Court
Auckland

1. Pursuant to section 274 of the Resource Management Act 1991 ("RMA"), Westgate Joint Venture (previously Westgate Partnership) and Nuich Trust (collectively, "the Landowners") wish to be a party to the appeal by Bunnings Ltd, ENV-2016-AKL-232.
2. The appeal concerns the Council's decision to include, in the Proposed Auckland Unitary Plan ("Unitary Plan"), a version of the Redhills Precinct Plan which the appellant claims is beyond the scope of submissions, and by which it says it is unduly prejudiced.
3. The Landowners are persons who made submissions and further submissions on the proposal, namely submissions and further submissions seeking the inclusion of a Precinct Plan for the area now known as the Redhills Precinct in the Unitary Plan.
4. The Landowners are also persons who have an interest in the proceedings that is greater than the interest the general public has, because the Landowners own land affected by the Redhills Precinct.
5. The Landowners are not trade competitors for the purposes of s 308C of the RMA.
6. The Landowners oppose the relief sought. The reasons for their position include, but are not limited to:
 - (a) The relief sought does not promote the sustainable management of natural and physical resources in accordance with s 5 of the RMA.
 - (b) The relief sought does not enable the community to provide for its social and economic wellbeing in accordance with s 5(2) of the RMA.
 - (c) The relief sought does not provide for the efficient use and development of natural and physical resources in accordance with s 7(b) of the RMA.

- (d) The relief sought does not appropriately have regard to the actual and potential effects of the Redhills Precinct on the environment.
7. Subject to paragraph 8 below, the Landowners agree to participate in mediation or other alternative dispute resolution of the proceedings.
8. The Landowners record that this appeal can only be pursued in the event that the appellant's concurrent judicial review proceedings result in the Independent Hearings Panel identifying the recommendation as being beyond the scope of submissions made on the Unitary Plan. This appeal should remain on hold pending the condition in s 156(3)(b) of the Local Government (Auckland Transitional Provisions) Act 2010 being satisfied. Should that occur, the Landowners reserve their right to raise, as an interlocutory matter, the issue of whether the condition in s 156(3)(b) is satisfied.

Dated at Auckland the 28th day of September 2016.



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