

In the Environment Court at Auckland

ENV-2016-AKL-232

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

And

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

And

In the matter of Propose Plan Hearing Topic 081 – Rezoning and Precincts (Geographic areas)

Between **Bunnings Ltd**

Appellant

And **Auckland Council**

Respondent

Notice by Hugh Green Ltd of wish to be a party to appeal

Dated 30th September 2016

Daniel Overton & Goulding

Solicitor Acting: **David Gray**

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Counsel Acting: **Matthew Casey QC / Asher Davidson**


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To: The Registrar
Environment Court
Auckland

1. Hugh Green Ltd (**HGL**) wishes to be a party to this appeal by Bunnings Ltd.
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. HGL is a person who made a submission on the proposal, namely a submission seeking the inclusion of a Redhills Precinct Plan in the Unitary Plan.
4. HGL is also a person who has an interest in the proceedings that is greater than that of the general public, because HGL owns land affected by the Redhills Precinct.
5. HGL is not a trade competitor for the purposes of s 308C of the Resource Management Act 1991 (**RMA**).
6. HGL opposes the relief sought. The reasons for its 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 development on the environment.
7. Subject to paragraph 8 below, HGL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

8. HGL records 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, HGL reserves its right to raise, as an interlocutory matter, the issue of whether the condition in s 156(3)(b) is satisfied.

Dated at Auckland the _____ day of September 2016.



Matthew Casey QC / Asher Davidson
Counsel for applicant

This application is filed by **David Kevin Gray**, solicitor for Hugh Green Ltd, of the firm of Daniel Overton & Goulding. The address for service is at the offices of Daniel Overton & Goulding, 33 Selwyn Street, Onehunga, Auckland.

Documents for service on Hugh Green Ltd may be left at that address for service or may be emailed to asher@casey.co.nz.