

PITT & MOORE

LAWYERS AND NOTARIES PUBLIC

28 August 2012

The Registrar
Environment Court
PO Box 5627
WELLINGTON

by email

Attention: Kalameli Aspinalli

NELSON CITY COUNCIL PLAN CHANGE 18 - NRMP
ENV-2012-WLG
WAHANGA 2011 LIMITED APPEAL

We attach for filing Form 33, Section 274 RMA, on behalf of Wahanga 2011 Limited.

Yours faithfully



Graham Allan
PARTNER

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GWA-312980-18-23-V1

Pitt & Moore also in Richmond

LawXLink

FORM 33
NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
SECTION 274 RESOURCE MANAGEMENT ACT

To the Registrar
Environment Court
PO Box 5627
WELLINGTON

WAHANGA 2011 LIMITED at Nelson (the Company), wishes to be a party to the following proceedings:

NCC proposed Plan Change 18 to Nelson Resource Management Plan.

MJ Lowe and Ors, and Trustees (McFadden Family Trust), Appellants

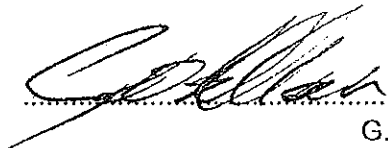
and

Nelson City Council, Respondent

1. The Environment Court's reference no. for this proceeding is ENV-2012-WLG-000083
2. Wahanga 2011 Limited is a person who has an interest in the proceedings that is greater than the interest that the general public has in that Company purchased land affected by the Plan Change from an original submitter KN & DG Smith and is now a landowner of land affected by the Plan Change.
3. The Company is not a trade competitor for the purposes of section 309C of the Resource Management Act 1991.
4. The Company is directly affected by an effect of the subject of the appeal that:
 - (a) Adversely affects the environment; and
 - (b) Does not relate to trade competition or the effects of trade competition.
5. The Company is interested in all of the proceedings but particularly whether or not there should be indicative roading.
6. The Company opposes the relief sought by the appeal for the following reasons:
 - a. There is a jurisdictional issue as to whether indicative roading can be subject to this appeal. The indicative road was not the subject of the Appellants' submission to PC 18.
 - b. Indicative roading can be an unnecessary constraint on best development.

- c. The land is subject of the Services Overlay. Road connectivity and the provision of legal road up to the boundary of a development is one of the matters to which the Services Overlay relates. Indicative roads are unnecessary where land has a Services Overlay.
 - c. The indicative roading proposed by the Appellant does not fulfil the purpose of the Act.
7. The Company agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 28th day of August 2012


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G.W. Allan
Partner, Pitt & Moore

The Company, Wahanga 2011 Limited, by its solicitors and duly authorised agents, Pitt & Moore, whose address for service is at the offices of Pitt & Moore, 78 Selwyn Place, Nelson.

Documents for service on the abovenamed Company may be left at the above address for service or may be:

- a. Posted to its Graham Allan at PO Box 42, Nelson; or
- b. Transmitted to the solicitor by facsimile to (03) 545-6705.

