

The background of the entire page is a photograph showing the silhouettes of several large construction cranes against a clear blue sky. The cranes are positioned at various angles, with one large crane dominating the left side and others visible in the background and to the right. The overall tone is professional and focused on construction.

LET US HELP YOU REBUILD CHRISTCHURCH

ANDERSON LLOYD AND KENSINGTON SWAN: WHAT OUR **ALLIANCE** MEANS FOR YOU

The Christchurch earthquake severally damaged New Zealand's second largest city and has had a devastating effect on the country.

The reconstruction of Christchurch is expected to cost approximately \$30 billion and will be one of the largest building projects in the southern hemisphere. That creates almost unprecedented demand for services to facilitate the rebuild. As a consequence, major law firms Anderson Lloyd and Kensington Swan have formed an alliance to offer Christchurch access to New Zealand's leading infrastructure experts in resource management and planning, property and construction law.

Anderson Lloyd will bring to the alliance its expertise and local experience in resource management and planning law. Kensington Swan will complement these services with its construction and infrastructure team.

The alliance of Anderson Lloyd and Kensington Swan brings together over 180 expert lawyers across all areas of the law. It gives clients legal resource throughout the country with offices from Dunedin to Auckland and a team of professionals ready to become an integral part of project teams.

Both firms enjoy strong collaborative relationships with key clients, working with them to understand their business, bringing energy and enthusiasm to a project, and making a positive contribution to their strategic vision and objectives.

The pooling of resources of the two firms provides unparalleled legal expertise to assist with the challenge of rebuilding Christchurch. The alliance will ensure a seamless delivery of legal services so that clients will essentially be dealing with one firm.

AREAS OF EXPERTISE

Resource management and planning law



Since September 2010, we have been at the forefront in legal issues related to the recovery and rebuild of Christchurch, which includes working closely with CERA to fast track critical projects. Our aim is to continue to work for private clients and organisations that are instrumental in shaping Christchurch.

Our resource management team comprises one of the largest and most well regarded resource management practices in the country. The practice contains 20 lawyers that specialise exclusively in this field of expertise. We provide strategic advice and legal representation across the full spectrum of activities governed by the Resource Management Act, Local Government Act, Conservation Act, Building Act, and other resource and environmental related statutes.

We work on large scale and capital intensive projects particularly in the areas of land development, infrastructure mining and natural resources, which have helped us earn our reputation as lawyers who make things happen. We have led some of the most complex projects in New Zealand in recent years and our partners are recognised as leaders in their field.

We will give you the benefit of:

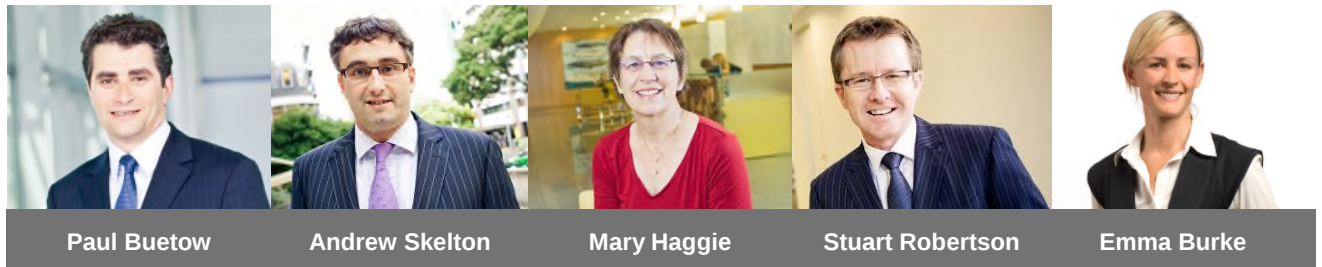
- a team of resource management lawyers who have a proven track record in thinking outside the square to deliver results on complex and controversial projects
- lawyers who are trained and experienced in working collaboratively with clients, fitting seamlessly into the clients own project and development teams
- proactive resolution of legal issues and delivery of high calibre strategic specialist advice.

Key projects that may be of interest to you include:

- Prestons Road Development - a proposed suburb in the North East of Christchurch, intended to be home to more than 7,500 people the development comprises 2,700 residential lots, a town centre, commercial precinct with supermarket, new primary school and an extensive recreational park. We were instrumental in negotiating the fast-tracking of this project as a response to the rebuild requirements for Christchurch.

- Forsyth Barr Stadium - the first covered stadium in New Zealand (project cost NZ\$198.3m). We were responsible for rezoning industrial land to Stadium/Campus to facilitate development of the 30,000 person stadium and for the associated construction contracts. Property-related advice included acting on the purchase of numerous parcels of land, subdivision, and the relocation of State Highway No. 88 adjacent to the stadium.
- Pegasus Town - the successful rezoning of land and securing of associated consents in order to develop a township of 2500 houses, a town centre, recreational lake, restored wetland and 18 hole international standard golf course.
- AMI Stadium Addington - working with the Ministry of Economic Development we have led the planning work necessary to enable the development of a 25,000 person capacity temporary stadium at Addington. The plan change was completed within a 6 week timeframe utilising the provisions of the Canterbury Earthquake Recovery Act 2011, which required lateral thinking, a 'can do' attitude and close working relationships with the Ministry, CCC, CERA and the adjoining residents/businesses.
- Foodstuffs (South Island) Properties Limited - responsible for rezoning and consenting throughout the South Island for Foodstuffs Limited. Foodstuffs owns or leases the sites for all the PAK'nSAVE, New World and 4 Square supermarkets in the South Island, which are then leased to operators.
- Lake Hood Extension Project - rezoning and consenting further development of the largest artificial recreational lake in New Zealand, involving a 173ha aquatic park comprising a mix of commercial, residential and lifestyle properties.
- Portlink Industrial Park - rezoning of land in Christchurch by a subsidiary of Arrow International to enable a range of industrial, manufacturing and service activities strategically located between Lyttelton Port and the CBD. The rezoning has enabled major tenants to establish at this location including the Kathmandu national distribution centre.
- Jacks Point - the consenting of an iconic resort village near Queenstown which comprises residential neighbourhoods, a waterfront village, an 18 hole championship golf course and an extensive trail network.
- Clearwater Resort - responsible for completing the rezoning - this also involved a very complex subdivision development, including intricate land issues, Public Works Act applications, unit titling, Reserves Act land dealings, public walkways and esplanade strips, restrictions on use for the benefit of the neighbouring airport, and to control flood risks.
- Holcim - successfully achieving resource consents for Holcim NZ's proposed cement plant development at Weston, North Otago.

Building and construction law



Our construction and infrastructure specialists have advised the New Zealand construction industry for over 40 years, from the procurement and management of projects to resolving disputes.

We advise government, local authorities, major principals, and contractors on all aspects of the tendering and procurement process. We regularly draft, review and advise on standard conditions of contract such as NZS 3910, FIDIC or NEC 3, as well as bespoke design and construct contracts, early contractor involvement contracts, joint ventures, alliances, and PPPs.

We work with clients to help them identify, manage and allocate the risks of projects. When things go wrong we can help assist clients to resolve construction disputes quickly and effectively. We have experts in mediation, arbitration and litigation, and have acted successfully on numerous major adjudications under the Construction Contracts Act 2002.

We have dealt with many disputes relevant to the Christchurch rebuild regarding insurance, payments, contract pricing, allocation of risks, multi-party contracts, force majeure, provisions, leasing and funding.

We have acted on a number of New Zealand's leading infrastructure projects. These include:

- The New Zealand International Convention Centre, the Museum of New Zealand – Te Papa Tongarewa, Southland Hospital and other major developments.
- Earthquake strengthening work and earthquake advice in Christchurch and Wellington for AMP, St Johns, Kirkcaldie and Stains, and Registered Master Builders Federation.
- Westpac Stadium, Mt Smart Stadium, Vector Arena, ASB Tennis Centre, Northland Events Centre in Whangarei, and the Claudelands Events Centre in Hamilton.
- Numerous major transport projects, the Auckland Harbour Bridge Steel Strengthening, the Auckland State Highway 1 and 20 Projects (including Waterview, Manukau Harbour Crossing, and the ALPURT B2 toll road), the Waikato Expressway, and Wellington Urban Motorway.
- Advising on the NZTA Procurement Manual which governs the procurement of all roading projects in New Zealand by NZTA and local authorities, and most local authority capital works projects. We have also advised the Office of the Auditor General on Procurement by Public Entities, and a number of local authorities on their procurement processes.
- Ocean outfall projects in Christchurch, Dunedin and Auckland, and major waste and storm water projects in Kaipara, Auckland, Wellington and Queenstown.
- Numerous social infrastructure projects including hotels, schools, leisure centres and swimming pools, libraries and prisons.

Property and commercial law



Our alliance team have proven expertise in all aspects of property and commercial law, from complex development and joint venturing agreements and leasing arrangements, to major public infrastructure projects, and including all commercial contracts associated with such developments.

The earthquake in Christchurch has brought about some valuable lessons for commercial property owners and tenants. Future lease documentation needs to deal more comprehensively with damage and destruction provisions. Clients have also become acutely aware of the importance of a quick moving legal team. With limited available commercial and retail space in Christchurch, it is critical to have lawyers who can act under urgency in drafting and negotiating new agreements and leases for temporary accommodation and new longer term premises.

The alliance members have extensive experience in all facets of property law relevant to the rebuild of Christchurch, including:

- Working for Government departments such as the Ministry of Social Development, Ministry of Justice (Courts Division) and NZ Transport Agency, who have significant accommodation requirements. This experience has meant we have developed a team of experienced property lawyers readily available at short notice to document lease arrangements and other required property documentation.
- Dealing with land held by local and central government agencies, and the various statutes which regulate the acquisition, management and disposal of that land. We have acted for a number of government agencies and local authorities in relation to the Public Works Act, Reserves Act, Local Government Act, and the Government Roding Powers Act.
- Acting for Department of Building and Housing on earthquake recovery and provision of temporary accommodation.
- Advising on all post-earthquake issues including advice on responsibilities under Building Act, earthquake prone building policies, insurance, and leasing issues.
- Advising on complex subdivision developments, Public Works Act applications, Reserves Act land dealings, unit titling, complex structuring and financing, and commercial property structuring and sale. Significant experience in bulk conveyancing work, which includes conveyancing of several hundred residential allotments for developer clients.
- Valuable experience working with key interest groups and gatekeepers. This includes the likes of the Ministry for the Environment, Department of Conservation, Federated Farmers, Forest Owners, Landcorp, iwi, territorial authorities, Land Information New Zealand officials, Ministers of Parliament, aviation sectors and other interest groups.

BUSINESS CONTINUITY

Anderson Lloyd has proven that we are able to recover quickly from major events. We have had experience in recovering from a number of major natural events and each time due to integrated systems over all three offices we have suffered very little business interruption. The most recent event was of course the 22 February Christchurch earthquake. In that instance, despite having no access to the physical files in our central business district offices, files were able to be recreated from electronic backups in our other two offices. Our offices are not run geographically but processes and projects are run and managed across offices on a regular basis minimising geographic risk to all clients.

Kensington Swan has policies to ensure business continuity and effective disaster recovery. Our policy aims to ensure that business continuity will be retained in the event of a disaster or other event that affects our firm. This includes comprehensive IT recovery plans which can divert systems including email and phones to the unaffected office, with all files backed up off-site. We were also able to provide our Christchurch clients with immediate support after the earthquakes.

TEAM PROFILES

Resource management and planning



Mark Christensen

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Mark has over 25 years' experience in resource management law and large scale projects. He brings unprecedented experience to the table. Mark has successfully assisted clients obtain approvals for a wide range of mining, energy, property, water-related and industrial developments throughout the country. Prior to joining Anderson Lloyd, Mark was a partner of a national law firm based in Auckland.

Mark was instrumental in establishing the Canterbury Business Leaders Group which was set up as a forum for business leaders following the Canterbury earthquake.



Lauren Semple

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As a specialist resource management lawyer with over 20 years' experience Lauren represents a range of clients including State Owned Enterprises, Local Government, and private developers. Her work has included the successful consenting of the Pegasus township and its adjacent Golf Resort, the Forsyth Barr Stadium in Dunedin, the Mt Cardrona alpine village, and the new Ravenswood development in North Christchurch.

Lauren was at the forefront of challenges to the proposed Metropolitan Urban Limit for the Greater Christchurch Area, a planning tool that is generating significant and widespread interest. More recently Lauren successfully consented the new AMI Stadium in Addington for the Ministry of Economic Development, represented a range of landowners and business groups with respect to the Central City Recovery Plan, and concluded the fast tracked consenting of a new residential subdivision in North East Christchurch (Prestons Road Development).



Jen Crawford

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Jen has over 15 years' experience as a resource management and environmental law specialist in New Zealand and the UK. Jen acts for developers, private individuals, and local authorities. She has successfully consented a number of large scale projects over the years including irrigation schemes, quarries, residential subdivisions, rezoning of industrial land, and several retail developments. Jen also has national and international experience in due diligence, contaminated land management, and environmental risks arising from mergers and acquisitions. Jen appeared for a number of parties during the Central City Plan hearings and has advised on Christchurch rebuild issues since September 2010.

Jen's clients include University of Canterbury, Foodstuffs South Island Limited, Christchurch City Council, and Te Runanga o Ngai Tahu. Jen currently sits as a trustee on the University of Canterbury Foundation and the Arts Centre of Christchurch Trust Board.

Resource management and planning continued



Greg Milner-White

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Greg heads Kensington Swan's based Environment and Planning team. He acts for local authority, network infrastructure, and developer clients on a variety of RMA and Public Works Act matters including Council hearings, Environment Court and High Court appeals. Greg has also acted on substantial negligence claims in the context of resource consent applications. His experience includes resource consent appeals, plan changes, notices of requirement and prosecution/enforcement matters. He has also undertaken environmental auditing and due diligence projects on behalf of large corporate and industrial clients.

Clients include NZTA, Auckland Transport, Ministry of Justice, Taupo District Council, Auckland Council, and McDonald's New Zealand. Greg is a member of the New Zealand Law Society's Environment Law Committee and on the Allocation Working Group of the Land and Water Forum.

Building and construction



Paul Buetow

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Paul has dealt with a wide range of construction and infrastructure issues. He advises on transportation (road and rail), water, energy and major social infrastructure projects. He provides specialist advice on the tender process, contract documentation, claim preparation and presentation, and dispute resolution (whether by mediation, arbitration or litigation).

Paul has significant front end construction experience. He provides advice on all standard and specialist construction contracts including NZS3910:2003, NEC3, FIDIC, Alliance Contracts, Design-Build Contracts, ECI Contracts, and PPPs.

Paul's clients include NZTA, Auckland Council, Auckland Transport, major contractors such as Downer, McConnell Dowell, Hawkins, Ministry of Social Development and Whangarei District Council. Paul is on the board of the New Zealand Council for Infrastructure and Development and on the Executive Council of the NZ Contractors' Federation.



Mary Haggie

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Mary is a specialist construction lawyer. She has advised clients on contracts, project structures, and tendering for numerous large development projects. She drafts bespoke project documents such as development agreements, construction contracts, funding agreements, forms of bond, requests for tenders, and tender conditions. She is experienced with all standard-form construction contracts including NZS 3910:2003, NZS 3915:2005, FIDIC, and NEC contracts, as well as alternative contracting structures such as alliancing, collaborative working arrangements and PPPs.

Mary has expertise in the Construction Contracts Act 2002 and adjudication proceedings under the Act. She has broad experience in negotiations, mediations and litigation on a wide range of construction disputes involving payment, performance, variations, extensions of time, liquidated damages and delays.

Building and construction continued



Andrew Skelton

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Andrew has broad experience in all aspects of large infrastructure and construction projects from the front-end negotiation, drafting and review of project documentation to resolving disputes during and at the end of projects. He has advised public sector and private sector clients on numerous major projects in New Zealand and the South Pacific.

Andrew is experienced in the use of all major New Zealand and international standard form construction contracts.

Andrew's clients include NZTA, Canterbury District Health Board and Downer EDI.



Stuart Robertson

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Stuart has 25 years' experience in the construction and infrastructure sectors, the last 15 years with Kensington Swan's specialist construction and infrastructure team. He acts for numerous national and international clients advising on all aspects of construction law.

Stuart's advice covers all standard form contracts, the Building Act 2004, Construction Contracts Act 2002, Weathertight Homes Resolution Services Act 2006, and the Arbitration Act 1996. He provides his clients with proactive and pragmatic advice prior to entering and completing their projects. Where disputes are unavoidable, Stuart provides strategic advice to best resolve those issues and where possible maintain critical relationships.



Emma Burke

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Emma has 10 years' experience in front-end construction law, having worked in the commercial team of a leading national law firm in Auckland (specialising in construction and infrastructure projects) and in the project finance team at a top ten firm in London (specialising in PPPs) before joining Anderson Lloyd in 2009. Emma has acted for clients in a broad range of construction sectors, including transportation, water, energy, education and correctional facilities. Emma advises clients on all aspects of front-end construction law, including advising on the tender process and preparing tender documentation, assisting with front-end contractual negotiations, and drafting contract documentation.

Emma is familiar with all standard form construction contracts including New Zealand Standards as well as the FIDIC and NEC suite of documents, and has also prepared bespoke funding and contractual documentation in respect to various PPPs. Emma's recent experience includes advising Carisbrook Stadium Trust in respect of the head construction contract and associated contractual arrangements for the Forsyth Barr Stadium in Dunedin.

Property and commercial



Mike Kerr

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Mike is an expert in commercial property and property development matters. Mike has extensive experience in the area of commercial leasing and retail development and acts for one of New Zealand's top retailing chains on all of their leasing, acquisition and development work. He has also advised on large scale developments including Clearwater Resort, Pegasus Town, Christchurch Golf Resort, and Prestons Road Development in Christchurch and Jacks Point and Mt Cardrona alpine village in Queenstown, with a particular focus on the interface between property and resource management issues. Mike acts for Christchurch City Council and private investors on a range of commercial and property related matters including post-earthquake advice on commercial buildings and insurance issues.



Kerry O'Donnell

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Kerry's expertise is in commercial property transactions, with a focus on development property and she has vast experience in complex subdivisions and unit titling, easements and covenants, land sales and acquisitions, and road stopping under Local Government Act and Public Works Act. Kerry has worked on large scale subdivision projects including Clearwater Resort (Christchurch), Jacks Point (Queenstown), and Wyuna (Glenorchy). In addition Kerry recently advised on property issues in relation to the sale of Hyatt Hotel in Auckland. This was a complex transaction with multiple property ownership and management agreements. She co-authored and presented "Easements & Covenants – Pushing the Boundaries" New Zealand Law Society Seminar book and National presentation.



John Meads

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John is an expert in the law and practice of commercial leasing, and acts for a wide range of property owners, investors and managers, including a number of large government departments. John is recognised as one of New Zealand's few experts in public sector leasing issues. He also provides advice on documentation associated with the development and operation of hotel properties.

John also provides specialist advice on legislative changes affecting the property sector and gives regular seminars on property leasing and unit titles issues. John's clients include the Ministry of Social Development, Ministry of Justice, and NZQA.



Matthew Ockleston

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Matthew specialises in public sector infrastructure, and has recognised expertise with the Public Works Act, Crown land, roads, and property aspects of the resource management process. Matthew also has experience with tenancy portfolios, electricity and other infrastructure projects, and a wide range of public law issues.