

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I MUA TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2024-AKL-000183

UNDER the Resource Management Act 1991 ("the Act")
IN THE MATTER of an appeal under section 174 of the Act
BETWEEN **P2W SERVICES LIMITED**
Appellant
AND **AUCKLAND TRANSPORT**
Respondent

**NOTICE OF FOODSTUFFS NORTH ISLAND LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

7TH AUGUST 2024

**ELLIS GOULD
LAWYERS
AUCKLAND**

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AUCKLAND**

**NOTICE OF FOODSTUFFS NORTH ISLAND LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

TO: The Registrar
Environment Court
Auckland

FOODSTUFFS NORTH ISLAND LIMITED (“Foodstuffs”) gives notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that it wishes to be a party to the appeal ENV-2024-AKL-000183 (“**Appeal**”) by P2W Services Limited (“**P2W**”) against the decision of Auckland Transport (“**the Decision**”) to confirm Notice of Requirement 1 - Warkworth: Northern Public Transport Hub and Western Link North (“**NoR 1**”).

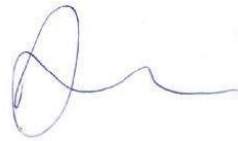
1. Foodstuffs made a submission about the subject matter of the proceedings.
2. Foodstuffs also has an interest in the proceedings that is greater than the interest the general public has because:
 - (a) Foodstuffs, through its subsidiary Warkworth Properties (2010) Limited, owns the site at 12 Hudson Road (“**Pak’n Save site**”).
 - (b) The Pak’n Save site is immediately to the south of the proposed ‘Western Link Road’ and the ‘Old SH1/Western Link North’ intersection. The operation of the Pak’n Save will be affected by the location and operation of the Western Link Road and its intersection with Old SH1.
 - (c) Foodstuffs appeared at the hearing seeking *inter alia* greater certainty regarding the vehicle access to be provided between the Western Link Road and the Pak’n Save site. As a result, a new Condition 8A-Additional Intersection Condition was imposed in the Decision.
 - (d) The Appeal challenges the general conditions of NoR 1 and raises issues with respect to Condition 8A. Any changes to conditions arising from the Appeal have the potential to directly affect Foodstuffs’ interests.

3. Foodstuffs is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991. In any event, Foodstuffs 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.
4. Foodstuffs is interested in the proceedings in their entirety.
5. Foodstuffs opposes the relief sought by P2B to the extent it seeks amendments to Condition 8A or other conditions to NoR 1 which could have implications for the transport environment in the vicinity of the Pak'n Save site, including access to the Pak'n Save site.
6. The reasons for Foodstuffs' position are as follows:
 - (a) Foodstuffs activities are vehicle oriented and depend on customers being able to access the site in a safe and efficient manner.
 - (b) Providing direct access to the Pak'n Save site off Western Link Road will ultimately: reduce vehicle movements onto and along Old SH1; reduce interactions between customers and delivery vehicles on Hudson Road; reduce congestion at entry and exit points during peak times; and improve connectivity with the urban area to the west.
 - (c) The proposed conditions, including Condition 8A in particular, will: improve network resilience; improve traffic conditions; and support growth in the wider urban area.
 - (d) Any changes to the conditions of NoR 1 have the potential to compromise the outcomes in (b) and (c) above and to that extent:
 - (i) Would not promote the sustainable management of the natural and physical resources;
 - (ii) Would not amount to and promote the efficient use and development of resources;

- (iii) Would not be consistent with the purpose and principles in Part 2 of the Act;
 - (iv) Would generate unacceptable adverse effects on the environment, and in particular, on the Pak'n Save site;
 - (v) Would not enable the social, economic, and cultural wellbeing of the community; and
 - (vi) Do not warrant being upheld in terms of section 171 of the Act.
7. Foodstuffs agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 7th day of August 2024

FOODSTUFFS NORTH ISLAND LIMITED by its solicitors and duly authorised agents Ellis Gould



Douglas Allan / Alex Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: 09 306 1075. **Attention:** Douglas Allan (dallan@ellisgould.co.nz) and Alex Devine (adevine@ellisgould.co.nz).

Copy to: Auckland Transport

And: P2W Services Limited

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.