

**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

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**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY MIDDLE HILL LIMITED AND  
THE TRUSTEE OF THE TYNE TRUST**

8 AUGUST 2024

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

REF: Douglas Allan (dallan@ellisgould.co.nz)

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AUCKLAND**

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY MIDDLE HILL LIMITED AND  
THE TRUSTEE OF THE TYNE TRUST**

TO: The Registrar  
Environment Court  
**Auckland**

**MIDDLE HILL LIMITED AND THE TRUSTEE OF THE TYNE TRUST (“the Submitters”)** give notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that they wish 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. The Submitters made a submission about the subject matter of the proceedings.
2. The Submitters also have an interest in the proceedings that is greater than the interest the general public has because:
  - (a) They have also appealed<sup>1</sup> against NoR 1 and therefore have a direct interest in the relief sought.
  - (b) As appellants and the equitable owners and occupiers of a site affected by NoR 1<sup>2</sup>, the Submitters have the potential to be directly affected by amendments to the conditions arising from the Appeal.
3. The Submitters are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991. In any event, the Submitters are 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.

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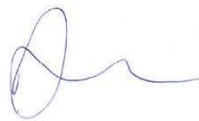
<sup>1</sup> ENV-2024-AKL-000161

<sup>2</sup> 63/67 Old State Highway 1, Warkworth (Section 15, SO 495251 – RT 757814)

4. The Submitters are interested in the proceedings in their entirety and in particular are interested in those aspects of the Appeal which could impact road access to an urban standard being provided between the Submitters' site and the arterial road network, including Old SH1.
5. The Submitters oppose the relief sought by P2B to the extent it is inconsistent with the relief sought in the Submitters' appeal and compromises the Submitters' interests. In such circumstances, the relief sought in the Appeal:
  - (a) Would not promote the sustainable management of the natural and physical resources;
  - (b) Would not amount to and promote the efficient use and development of resources;
  - (c) Would contravene the purpose and principles in Part 2 of the Act;
  - (d) Would generate unacceptable adverse effects on the environment, and in particular, on the Submitters' site;
  - (e) Would not enable the social, economic, and cultural wellbeing of the community; and
  - (f) Will not warrant being upheld in terms of section 171 of the Act.
6. The Submitters agree to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 8<sup>th</sup> day of August 2024

**MIDDLE HILL LIMITED AND THE TRUSTEES OF  
THE TYNE TRUST** by their solicitors and duly  
authorised agents Ellis Gould



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**Douglas Allan**

**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](mailto:dallan@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.