

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2017-AKL-000156

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 ("**LGATPA**") and the Resource Management Act 1991 ("**RMA**")

A N D

IN THE MATTER of an appeal pursuant to section 156(3) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel ("**Hearings Panel**") on the proposed Auckland Unitary Plan ("**Unitary Plan**")

BETWEEN **C N BARBOUR FAMILY TRUST**

Appellant

A N D **AUCKLAND COUNCIL**

Respondent

**NOTICE OF INTENTION TO BECOME AN INTERESTED PARTY PURSUANT
TO SECTION 274 OF THE RMA BY THE NATIONAL TRADING COMPANY
OF NEW ZEALAND LIMITED**

27 October 2017

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: D J Sadlier

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TO: The Registrar
Environment Court
AUCKLAND

1. **THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED** (“**NTC**”) gives notice under section 274 of the RMA that it wishes to be a party to these proceedings, being *C N Barbour Family Trust v Auckland Council* (ENV-2017-AKL-000156) (“**the Appeal**”).
2. The Appeal is in respect of the decision of Auckland Council (“**the Council**”) on recommendations of the Auckland Unitary Plan Independent Hearings Panel (“**Hearings Panel**”) on Proposed Plan Hearing Topic 081 – Rezoning and Precincts (Geographical Areas) (“**Recommendation**”), specifically the decision on the part of the Recommendation relating to Redhills Precinct plan (“**Precinct Plan**”) (“**the Decision**”).
3. NTC is a person who made primary and further submissions on the Proposed Auckland Unitary Plan (“**Unitary Plan**”).
4. NTC is also a person who has an interest in these proceedings that is greater than the interest the general public has for a number of reasons, including (without limitation):
 - (a) Foodstuffs North Island Limited is one of two regional buying co-operatives that collectively operate throughout New Zealand. Its members operate supermarkets and grocery outlets throughout the North Island under the Pak’n Save, New World and Four Square brands. NTC is the property holding company for those outlets and is a wholly owned subsidiary of Foodstuffs.
 - (b) NTC owns the Pak’n Save supermarket at 17-19 Fred Taylor Drive (“**Supermarket**”). The Supermarket has two vehicle accesses, from Tawhia Drive and from Te Oranui Way.
 - (c) The Precinct Plan provides for an arterial road connection through Redhills Precinct connecting into the Fred Taylor Drive / Don Buck Road / Te Oranui Road intersection, which may affect the level of service of that intersection and/or necessitate changes to the way that intersection operates.

- (d) Any reduction in accessibility to, or level of service of, the Fred Taylor Drive / Don Buck Road / Te Oranui Road intersection, will have direct and significant effects on the operation of the Supermarket, and the ability of NTC to comply with conditions of resource consents for the Supermarket.
5. NTC is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
6. NTC is interested in the Appeal in its entirety.
7. NTC supports the relief sought in the Appeal to the extent that it is not inconsistent with the relief sought in NTC's own appeal (ENV-2017-AKL-000155 - *The National Trading Company of New Zealand Limited v Auckland Council*) and opposes it to the extent that it is inconsistent with the relief sought in NTC's own appeal. To that end:
- (a) If the relief sought in the Appeal which is consistent with the relief sought in NTC's own appeal is granted, and the Decision is disallowed or modified to that extent, the Decision will:
- (i) Achieve the sustainable management of natural and physical resources and will be otherwise consistent with the purpose and principles of the RMA;
 - (ii) In those circumstances enable people and communities to provide for their social, economic and cultural wellbeing; and
 - (iii) Provide for the efficient use and management of natural and physical resources.
- (b) However, if the relief sought in the Appeal which is inconsistent with that sought by NTC in its appeal is granted, and the Decision is disallowed or modified to that extent, the Decision:
- (i) Will be contrary to the sustainable management of natural and physical resources and will be otherwise consistent with the purpose and principles of the RMA;

- (ii) Will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
 - (iii) Will not represent the efficient use and management of natural and physical resources.
8. NTC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 27th day of October 2017

**THE NATIONAL TRADING
COMPANY OF NEW ZEALAND
LIMITED** by its solicitors and duly
authorised agents Ellis Gould



D J Sadlier

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