

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000232

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 of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel ("**Panel**") on the proposed Auckland Unitary Plan ("**Proposed Plan**")

BETWEEN **BUNNINGS LIMITED**

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**

3 October 2016

**ELLIS GOULD
LAWYERS
AUCKLAND**

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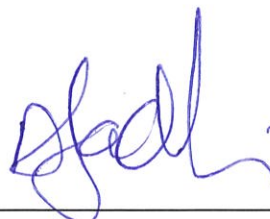
TO: The Registrar
Environment Court
AUCKLAND

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 *Bunnings Limited v Auckland Council* (ENV-AKL-2016-000232) (“**the Appeal**”).
2. The Appeal is in respect of the decision of Auckland Council (“**the Council**”) on recommendations of the Panel on Proposed Plan Hearing Topic 081 – Rezoning and Precincts (Geographical Areas) (“**the Decision**”), specifically the Decision relating to Redhills Precinct (“**Redhills Decision**”).
3. NTC is a person who made primary and further submissions on the Proposed Auckland Unitary Plan (“**Unitary Plan**”).
4. NTC has applied to intervene in support of the Appellant’s concurrent application for judicial review of the Panel’s Recommendation, which did not identify the amended Redhills Precinct plan as being beyond scope of submissions.
5. 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 referred to in paragraph 12 of the Appellant’s notice of appeal. The Supermarket has two vehicle accesses, from Tawhia Drive and from Te Oranui Way.

- (c) 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 NTC's supermarket, and the ability of NTC to comply with conditions of resource consents for the supermarket.
6. NTC is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
7. NTC is interested in the Appeal in its entirety.
8. NTC supports the relief sought in the Appeal because:
- (a) If the relief sought in the Appeal is granted, and the Decision is disallowed or modified as sought in the Appeal, 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) Will in those circumstances enable people and communities to provide for their social, economic and cultural wellbeing; and
- (iii) Will provide for the efficient use and management of natural and physical resources.
9. NTC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 3rd day of October 2016

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



D A Allan / D J Sadlier

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Attention: D J Sadlier, dsadlier@ellisgould.co.nz.