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For Russell Butchers
Principal Project Lead | Premium Resource Consents



Auckland Transport - Northwest bus station, Westgate - Notice of Requirement

Introduction

- 1 We act for Costco Wholesale New Zealand Limited (*Costco*), the owner and operator of the Costco member warehouse at 2 Gunton Drive, Westgate.
- 2 Costco is a global retailer that specialises in offering high-quality, brand name merchandise at excellent value to its members. Costco has developed a reputation internationally for its connection culture and strives to make a positive contribution to the communities it services around the globe.
- 3 Costco opened its first New Zealand store at Westgate in September 2022 and is delighted by the enthusiasm with which the opening was met; with Costco now having some 150,000 New Zealand members. The location of the Westgate Costco store and related petrol station was specifically chosen because of its easy access from the motorway and positioning within one of New Zealand's largest master planned urban retail areas.
- 4 Costco recently learned that Auckland Transport has given notice to Auckland Council of its requirement for a designation at Gunton Drive for the Northwest bus station (*the Project*) and has also submitted a resource consent application for associated elements of the Project (*the Application*).
- 5 In concept, Costco does not oppose investments in public transportation in the Westgate area and is supportive of improving public transport accessibility. However, based on its limited review of the Project, Costco believes the proposed road closures and modifications associated with this Project will have serious adverse impacts on vehicle traffic in this area, including adverse impacts on access to and from the Costco store.
- 6 We understand that Council's decision in respect of notification of the Application is yet to be made.

7 For the reasons set out in this letter, we request that Costco be notified of the Application as an affected person, so that it can formally engage with Auckland Transport and other parties and be involved in the process going forward.

The Application

8 We understand that the Application seeks to enable the construction of a bus station on land to the east of Gunton Drive between Tawhia Drive and Kedgley Drive.

9 As part of the Application, we understand that Auckland Transport intends to close the stretch of the southbound lane of Gunton Drive between these two roads to private vehicle traffic; allowing buses only to enter this area adjacent to the new bus station.

10 Critically for Costco, the Project will result in the permanent closure of the most direct route for its customers travelling along the southbound lane on Gunton Drive to access the Costco store.

Effects assessment

11 We have been provided with, and reviewed, the transport report prepared by WSP (*WSP Assessment*) in support of the Application.

12 The WSP Assessment has assessed traffic effects on the surrounding transport environment and considers that overall the Project will have minimal effects.¹

13 Costco understands that, since 2019 when the site was secured, the Costco store and associated traffic generation have been considered in all relevant development and integrated transport plans and assessments for the Westgate area. Given the extent of available information in respect of likely traffic demand associated with existing activities in the vicinity of the Proposal, Costco is interested to understand the reasons for selecting the proposed location of the Project and whether an alternative location may minimise negative traffic impacts on this area, including impacts on access to and from the Costco store.

14 Costco is therefore in the process of engaging consultants to review the Application and WSP Assessment. The initial advice received has been that the Application, and in particular the proposal to close part of Gunton Drive to southbound traffic, has the potential to result in significant adverse traffic effects on access to and from the Costco store.

Notification

15 We understand that the Application includes a notice of requirement and resource consent application.

16 Section 149ZCC and section 95B of the Resource Management Act 1991 (*RMA*) require affected persons to be limited notified of notices of requirement and resource consent applications respectively.² Relevantly:

¹ WSP Assessment, section 7.

² Section 149ZCC is part of the provisions applying to proposals of national significance under the RMA but applies to notices of requirement by virtue of section 169(1)(b).

- (a) A person is an affected person if, in relation to an activity, the adverse effects of the activity on the person are minor or more than minor (but are not less than minor).³
- (b) A territorial authority's assessment of who is an affected person self-evidently involves an assessment of the potential effects of an application on neighbouring landowners.

17 If the effects are minor or more than minor on Costco then it is required to be notified of the Application.

18 On the basis of the initial advice received from its consultants that the Application has the potential to result in significant adverse effects, in our opinion Costco comfortably meets the definition of affected person under the RMA and should therefore be notified of the Application.

Conclusion

19 We look forward to your confirmation that Costco will be notified of the Application.

20 For the avoidance of doubt, we advise that, should the Council make a determination not to notify the Application to Costco, Costco reserves the right to pursue appropriate legal remedies to ensure that Costco can be involved in the process going forward.

21 Costco is also available at your convenience to discuss the proposed traffic impacts from this Project and looks forward to coordinating with Auckland Transport on these important issues.

Yours sincerely



Francelle Lupis
Partner

³ RMA, section 95E with respect to resource consent applications and section 149ZCF with respect to notices of requirement (as per the above).