

BOARD OF INQUIRY

EAST WEST LINK PROPOSAL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

of a Board of Inquiry appointed under s149J of the Resource Management Act 1991, to consider notices of requirement and applications for resource consent made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland

**CLOSING SUBMISSIONS ON BEHALF OF
JACKSON ELECTRICAL INDUSTRIES LTD**

12 September 2017

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CLOSING SUBMISSIONS

1. The key submission on behalf of the Jackson Electrical Industries Ltd (Jackson Industries) is that because the turning movement in the proposed layout of the new public road turning head adjacent to the Jackson property will enter and pass over the Jackson Industries property outside the proposed designation, the Notice of Requirement must be declined in this Sector of the EWL.
2. The uncontested evidence of Mr McKenzie on behalf of Jackson Industries is that the Project and its proposed realignment of the southbound on-ramp connection from Gloucester Park Road to State Highway 20 (SH20):
 - fails to adequately provide for the safety and efficiency of vehicle movements to and from the Jackson Industries properties it is intended to service;
 - fails to fully and properly provide for the current extent of vehicle access to ensure the on-going efficiency and flexibility of the Jackson Industries site's operation and safety;
 - proposes a new public road turning head adjacent to the Jackson Industries property that is significantly constrained by both the current property boundary of the Jackson Industries site and the alignment of the new on-ramp.¹
 - proposes a turning movement for use by the public generally (as detailed in the proposed layout provided to Jackson Industries by Mr Nancekivell) that will enter and pass over the Jackson Industries property outside the proposed designation.²
 - does not include a designation over any part of the Jackson Industries land to provide for this part of the road required for the turning movement.

¹ See Appendix 1 of these Submissions.

² See Appendix 1 of these Submissions.

3. Although Mr McKenzie concludes that there might be some value in co-ordinating and integrating the access and property matters in this location given that the properties to the north of the Jackson Industries properties are owned by NZTA, the Agency has not approached Mr McKenzie nor Jackson Industries to discuss this option.
4. While counsel is not aware of any case law directly on this point, it is submitted that the Board cannot approve part of a designation where the turning movement of the road proposed in the designation enters and passes over private property outside the proposed designation.
5. As a consequence, the Notice of Requirement for this Sector of the EWL must be declined.

Vibration

6. Nonetheless, should the Board decide to grant the Notice of Requirement in this Sector, Jackson Industries has concerns about impacts from construction vibration and asks to be identified in Condition CNV.7B (and the Site Specific Construction Vibration Management Plan):

(a) The SSCVMP shall also address circumstances when construction vibration is predicted to adversely affect commercial activities located within 50m of Construction Works that are verified by a Suitably Qualified Person as being uniquely sensitive to construction vibration due to the nature of specialised equipment and/or the nature of the building materials (e.g. asbestos). This shall include activities at the following sites:

- Stratex Group Limited site, 19 – 21 Sylvia Park Road; and
- Fonterra Tip Top site, 113 Carbine Road; [and](#)
- [Jackson Industries site, 18 Gloucester Park Road.](#)

Dated: 12 September 2017



Grant Hewison

APPENDIX 1

