

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
THE LOCAL LOCKUP LTD**

12 September 2017

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CLOSING SUBMISSIONS

1. The key submission on behalf of the Local Lockup Ltd is that its site at 11 Gloucester Park Road should be subject to a “roll back” of the designation rather than permanent acquisition.
2. The evidence shows that it, the East West Link, will not permanently use all of the land at 11 Gloucester Park Road and therefore it is not reasonably necessary for the notice of requirement to provide for the permanent taking of all the land. In particular:
 - the footprint of the East West Link only occupies a small portion of the land at 11 Gloucester Park Road;
 - NZTA has not shown that all the land at 11 Gloucester Park Road will be permanently required for the ongoing maintenance and operation of State Highway 20 and the East West Link;
 - the evidence of Mr Sunich on behalf of Auckland Council is that it will be possible to have a proprietary underground structure in place of the proposed pond. As a consequence, the site required for the pond is unnecessary;¹
 - the evidence of Mr Noble on behalf of Transpower that the large internal road proposed for Transpower to access Tower 31 at 11 Gloucester Park Road will not be necessary following construction of the East West Link;²
 - the evidence of Mr McKenzie shows that the proposed layout of the cul-de-sac outside Jackson Industries is unworkable as the turning movement will enter and pass over the Jackson property on land which is outside the proposed designation;

¹ See Hearing Transcript, page 3022.

² See Hearing Transcript, page 4845.

- the evidence of Mr Palmer is that future access to the Local Lockup Ltd site (following completion of the EWL) would best be achieved by retaining the existing 'Gloucester Park South' ramp in its current configuration;
3. As a consequence, the Local Lockup Ltd asks for a Condition in the Designation that the site at 11 Gloucester Park Road be leased by NZTA, making it subject to a "roll back" of the designation rather than permanent acquisition.

DC.5	NoR 1 NoR 2	<p>As soon as practicable following Completion of Construction, the Requiring Authority shall:</p> <p>(a) Review the extent of the area designated for the Project;</p> <p>(b) <u>In consultation with the relevant landowners, identify any areas of designated land that are no longer necessary for the on-going operation, maintenance or mitigation of effects of the Project. For the avoidance of doubt, this shall include the designated land on the Onehunga Wharf to the south of the EWL Trench and shared path; and</u></p> <p><u>(c) Identify any areas of designated land that apply to local roads to be vested in Auckland Council; and</u></p> <p>(e)(d) Give notice to the <u>Council Manager</u> in accordance with section 182 of the RMA for the removal of those parts of the designation identified in (b) <u>and (c)</u> above.</p> <p><u>With regard to the Local LockUp Ltd site at 11 Gloucester Park Road, Onehunga, the Requiring Authority shall lease the entire site at 11 Gloucester Park Road from the Local LockUp Ltd for the period of construction. Following construction, the Requiring Authority shall give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation not required for ongoing operation or maintenance of the Project.</u></p>
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4. The Local Lockup Ltd also asks that a specific Condition be included in the stormwater conditions providing that stormwater related to the EWL be managed at 11 Gloucester Park Road by an underground device and not a stormwater pond.

SW.LLL	<p><u>The Consent Holder shall construct an underground stormwater management proprietary device to manage stormwater from the Project generally in the location of the proposed stormwater pond on the site at 11 Gloucester Park Road, Onehunga.</u></p> <p><u>The Consent Holder shall not construct the pond shown on the stormwater drawings on the site at 11 Gloucester Park Road, Onehunga.</u></p>
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5. The Local Lockup Ltd further asks that a specific condition be included that the large internal road proposed for Transpower to access Tower 31 not be constructed. Mr Noble for Transpower acknowledged that Transpower's long-term needs could be accommodated with a much smaller access way.³

NU.LLL	NoR 1 NoR 2	<u>With regard to the Local LockUp Ltd site at 11 Gloucester Park Road, Onehunga, the Requiring Authority shall not construct maintenance access to Tower 31 from SB on-ramp (which is located on the Local Lockup site) and as shown on Drawing Set 3 - Road Alignment, sheets: AEE - AL-101 to 102.</u> <u>Instead, the Requiring Authority shall generally maintain the current vehicle entrance to the Local LockUp Ltd site at 11 Gloucester Park Road, Onehunga so that on completion of the Project, it can be used for maintenance access to Tower 31.</u>
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6. Finally, Mr Palmer (Director the Local Lockup Ltd) wants it recorded that the situation at Tower 31 on his property is dire! The idea behind allowing the dynamic of having two ramps within approximately 6 metres of the tower goes against Transpower's rules that say that a static situation demands a setback of at least 12 metres. The risk this poses means that the directors of Transpower and NZTA will be putting themselves in an invidious position.

Dated: 12 September 2017



Grant Hewison

Co-Counsel for The Onehunga Enhancement Society Incorporated; The Re-Think East West Link Society Incorporated; The Manukau Harbour Restoration Society Incorporated; Jackson Electrical Industries Ltd; and The Local Lockup Ltd/Scott Palmer

³ See Hearing Transcript, page 4845.