

3 March 2017

By email kkommu@mcveaghfleming.co.nz

New Lynn Holdings Limited
c/- McVeagh Fleming Lawyers
PO Box 4099
Auckland 1140

Attention: Kishen Kommu

Dear Kishen

9 Astley Avenue, New Lynn – New Lynn Holdings Limited – Objection to Proposed Stormwater Works (LEX 16275)

1. I refer to your letter of 2 March 2017 and the various emails that you sent yesterday in respect of this matter. While I expect my email response to you yesterday (confirming the adjournment of the hearing) largely addresses your client's key concern, I respond more fulsomely in this letter.
2. You have stated in paragraph 7(c) of your letter that no reasons for the urgency of the works have been provided by the council. While you were advised of several reasons during our recent telephone conversation, for clarity, the council considers that the project is urgent for a number of reasons, including:
 - (a) The associated delays to the 1500 unit housing development in the Crown Lynn special housing area which is reliant on the project.
 - (b) Commercial sensitivities of other property owners that will be affected by the construction works (and their preference for having the works completed as soon as possible).
 - (c) The council has gone out to tender for the works (on 2 March 2017). The construction work is highly specialised and as such, very few contractors are available to undertake the work. Given the current climate in the construction industry, the contractors that are available are extremely busy. Essentially, the council needs to secure an appropriate contractor so that they can source the specialised equipment needed to undertake the works. This can take a considerable amount of time, for instance, it can take up to 6 months to procure a tunnel boring machine (as required for these works).
3. With respect to your comments in paragraph 3 of your letter in relation to options 12 and 13, these options were not the subject of formal analysis because they were discounted very early in the process. This is completely regular when undertaking projects such as this, as only the most sensible options can be considered in depth. As you are aware the council is under an obligation to keep costs down when undertaking public works (with public funds). Nevertheless, Healthy Waters are

currently carrying out further analysis of options 12 and 13 in anticipation of the hearing.

4. Given the urgency of the project, and the fact that the council considers that it has already given your client reasonable notice of the hearing, the council will proceed with the hearing on 12 April 2017. Democracy services will confirm the time and venue of the hearing shortly.
5. It is disappointing that you do not see merit in meeting ahead of the hearing as I understand representatives of the council, Croxley and Mitre 10 will all be meeting on site on Tuesday 7 March 2017 to discuss the tangible effects of the works on your client's property.

Yours faithfully



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Solicitor

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