

20 January 2017

By email

Croxley Stationary Limited
c/- Hinsan Li
RCG Limited
PO Box 137313
Auckland 1151

Dear Mr Li

Without Prejudice

9 Astley Avenue – Croxley Stationary Limited – Objection to Proposed Stormwater Works (LEX 16275)

1. The purpose of this letter is to acknowledge receipt of and respond to your letter addressed to [REDACTED] dated 16 January 2017 in respect of this matter. Your letter raises three grounds for the objection to the proposed Clinker Place stormwater pipeline works (the **Works**) at 9 Astley Avenue (the **Property**). I have taken instructions in respect of these and address each in turn below.
2. The first ground for objection in your letter is that the truck turning circle issue has not been adequately resolved and that a 12.5m radius is required. The Council appreciates your concern and have accordingly reduced the temporary site occupation area so that the 12.5m turning radius can be achieved (as per the **enclosed** drawing). In the drawing the tracking curve demonstrates that the 12.5m radius can be provided, with a 1m buffer on either side (allowing for the building corner and working area boundary). In this drawing, there has been an assumption that trucks can pass under the canopy. Could you please confirm whether this revised arrangement sufficiently addresses your first ground for objection. The Council would like to continue discussions and is open to suggestions from Croxley to enable the progression of the Works in a manner that minimises intrusion on Croxley's use of the Property.
3. The second ground that you raise is the impact on subtenant Mitre10, which is related to the turning circle issue discussed above. It is anticipated that the revised arrangement deals with this concern sufficiently.
4. With respect to the start and finish dates for the Works affecting the Property, the Council has come to the conservative estimation of 37 weeks in total. Without having let a contract for the Works at this stage, this is only an estimate. However, I am instructed that the temporary occupation area can be scaled back to allow more space for Croxley's use of the Property once certain portions of the Works have been completed and so the full occupation area would not necessarily be used for the entire 37 week timeframe. The exact duration and timing of the Works is dependent on the construction methodology and sequencing employed by the contractor, which will be confirmed after a contractor has been nominated for the Works.
5. The Council has not yet appointed a hearing date but is tentatively working towards 9 March 2017. This will be confirmed shortly and Croxley will be notified as soon as it is set.
6. If the grounds for your objection have been adequately addressed by the information contained in this letter, could you please provide confirmation to this effect. Otherwise, the

Council would welcome further discussions between the parties to arrive at a mutually beneficial solution.

7. I look forward to hearing whether this proposal is agreeable to your client and/or some suitable times should you wish to arrange a meeting to discuss the matter further.

Yours faithfully



Luke Cutfield
Solicitor

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