

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2018-AKL-000078**

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of direct referral of an application under s87G of the RMA for resource consents for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

**BETWEEN** **PANUKU DEVELOPMENT AUCKLAND**

**APPLICANT**

**AND** **AUCKLAND COUNCIL**

**REGULATING AUTHORITY**

---

**NOTICE OF HIREPOOL LIMITED'S WISH TO BE PARTY TO PROCEEDINGS**

**16 JULY 2018**

---

MinterEllisonRuddWatts

PO Box 3798, Auckland 1140  
TELEPHONE +64 9 353 9700  
FACSIMILE +64 9 353 9701  
SOLICITOR ACTING: PATRICK SENIOR  
patrick.senior@minterellison.co.nz  
PARTNER RESPONSIBLE: RACHEL DEVINE

## NOTICE OF WISH TO BE PARTY TO PROCEEDINGS

To: The Registrar  
Environment Court  
**Auckland**

### Proceeding and standing

1. Hirepool Limited (**Hirepool**) wishes to be party to these proceedings.
2. Hirepool is a person who made a submission on the application by Panuku Development Auckland (**Panuku**) for various resource consents for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland (**Application**).
3. Hirepool is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

### Background to Hirepool

4. Hirepool is an equipment rental agency. It has a large hire fleet that encompasses specific equipment (for matters such as welding, earthmoving and renovation), scaffolding, vehicle rental, marquee and party hire, and portable toilets, showers and buildings. It provides nationwide capabilities, a well maintained hire fleet and staff with specific knowledge about Hirepool's equipment.
5. Hirepool has been operating in New Zealand for over 60 years. It has a nationwide presence with 70 branches from Invercargill to Whangarei.
6. Hirepool has a branch located on the corner of Beaumont Street and Pakenham Street in Wynyard Precinct (**Site**). Access to the Site is from Pakenham Street. The Site is open 24 hours from 7pm on Sunday until 5pm on Friday, and from 7am to 4pm on Saturday. This means the Site is operating through the night five nights a week (from Sunday to Thursday night). A number of customers make use of Hirepool's 24-hour opening days to hire and return rental equipment.

7. Hirepool's activities on the Site are industrial / commercial in nature and have been lawfully established.
8. The nearest Hirepool branch is 3.4km from the Site, in Grey Lynn. Other Hirepool branches in Auckland range from 7.1km to 30.4km from the Site.
9. There is a lack of equipment rental agencies, and a high level of development and construction, throughout Auckland's CBD. The Site is therefore a key branch for Hirepool. It services a number of significant projects in the CBD and the city fringe.
10. Hirepool was an official supporter of Emirates Team New Zealand for the 35th America's Cup regatta and supports the 36th America's Cup regatta being held in Auckland. It is an internationally significant event that will provide a number of positive effects for Auckland and New Zealand.

#### **Interest in proceeding**

11. Hirepool is interested in all of the proceedings.
12. Hirepool is particularly interested in traffic and transportation issues in the vicinity of the Site.
13. Hirepool conditionally supports the Application:
  - (a) In general:
    - (i) The application is consistent with the relevant objectives and policies of the Unitary Plan and the Operative Regional Coastal Plan;
    - (ii) The application is consistent with the sustainable management of natural and physical resources and is not otherwise inconsistent with the purpose and principles of the RMA; and
    - (iii) The application will result in a number of positive effects for Auckland and New Zealand.

- (b) However, the proposed conditions of consent do not ensure that the adverse effects on the environment, including significant traffic and access related effects, are adequately avoided, remedied or mitigated.
- (c) Hirepool considers that the traffic and transportation effects on Wynyard Precinct and the Site associated with the application will be significant adverse effects because:
  - (i) Of the general difficulty in accessing the key sites comprising the Application, which are located on reclaimed land / wharves, in the coastal environment, and within Auckland's CBD;
  - (ii) Of the limited number of routes available to trucks and other vehicles to access key sites during construction and once construction has been completed;
  - (iii) Of the existing congested nature of Wynyard Precinct;
  - (iv) Of the high number of truck and vehicle movements that will be introduced to the area, particularly Wynyard Precinct, during the construction phase and during the events;
  - (v) The streets that Hirepool's customers use to gain access to the Site (on Pakenham Street) will be the primary routes for construction traffic;
  - (vi) Of the considerable period over which construction is expected to take place (20 to 24 months for the total construction programme); and
  - (vii) Restrictions on traffic movements at certain times will not necessarily mitigate effects on Hirepool as its Site has extended opening hours.
- (d) It is not clear from the application documents or the management plans provided by Panuku on 6 July 2018 how the adverse traffic effects will be adequately avoided, remedied and mitigated.

14. Hirepool seeks that the application be granted subject to conditions or management plans that appropriately:
- (a) Avoid, remedy or mitigate adverse effects on traffic and access to Wynyard Precinct, and in particular, the Site;
  - (b) Adequately avoid, remedy and mitigate all other potential adverse effects on the environment;
  - (c) Address the concerns raised in this submission including maintaining access to the Site at all times during and post construction;
  - (d) Require consultation with affected businesses, including Hirepool, prior to and during the development and implementation of any event and traffic management plan;
  - (e) Ensure the proposed activities achieve the purpose and principles of the RMA, meet all relevant statutory and planning requirements and achieve the intent of all relevant statutory and planning criteria; and
  - (f) Ensures all consequential and appropriate amendments are made to the Application, and conditions imposed on it, to ensure that the decision on the Application appropriately responds to the matters raised by Hirepool in this notice and in its submission on the Application.

**Mediation/alternative dispute resolution**

15. Hirepool agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 16<sup>th</sup> day of July 2018

Hirepool Limited by their solicitors  
and duly authorised agents  
MinterEllisonRuddWatts



**Rachel Devine / Patrick Senior**

Address for service of interested party:

c/- MinterEllisonRuddWatts

P O Box 3798

AUCKLAND 1140

Attn: Rachel Devine

Telephone No: (09) 353 9891

Fax No: (09) 353 9701

Email: rachel.devine@minterellison.co.nz

patrick.senior@minterellison.co.nz