



TRANSCRIPT OF PROCEEDINGS

East West Link Proposal

**HEARING at
HUNTERVILLE ROOM, ASCOT STAND,
ELLERSLIE EVENT CENTRE,
80 ASCOT AVENUE,
REMUERA,
AUCKLAND
on 6 September 2017**

BOARD OF INQUIRY:

Dr John Priestley (Chair) CNZM QC

Mr Alan Bickers (Deputy Chair) MNZM JP

Mr Michael Parsonson (Board Member)

Ms Sheena Tepania (Board Member)

Hearing Proceedings

Day 43 Wednesday 6 September 2017

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[9.01 am]

- 5 DR PRIESTLEY: Thank you. Please sit. Now, good morning, everybody. I gather we're going to start off with the Otahuhu Historic Society, is that right? I guess you are Mr Goodger?
- MR GOODGER: Yes.
- 10 DR PRIESTLEY: Are you Ms Gault? Or are you Ms LeGrove?
- MS LEGROVE: I'm Ms LeGrove.
- 15 DR PRIESTLEY: Ms Gault is here in spirit, as it were.
- MS LEGROVE: Couldn't make it.
- 20 DR PRIESTLEY: All right, now I think the way we'll work it is this, because we are certainly interested in the historic aspects at both ends of this proposal, you've got something you'd like to read out for us, I assume. We will let you do that and then we'll ask you some questions. Are you comfortable about that?
- 25 MR GOODGER: Yes.
- DR PRIESTLEY: Okay, so the floor's yours.
- 30 MS LEGROVE: Okay, so the Otahuhu Historical Society opposes in full the proposal to build a highway from State Highway 20 to State Highway 1 and requests that the Environmental Protection Agency not approve the East West Link proposal. The OHS objects to the EWL proposal for the following reasons. It would increase traffic congestion on State Highway 1 and surrounding areas, it would impact the ecology of the Manukau Harbour, especially for migrant and resident shore birds, and it also objects to the development of Anns Creek, which has historical significance for the people of Otahuhu.
- 35
- 40 The first reason. It will further increase traffic congestion on State Highway 1 and surrounding areas. Prior to the recent opening of the Waterview Tunnel the traffic congestion on State Highway 1 was legendary. Local people organised their day around State Highway 1 traffic conditions. On week days from 6.00 am the northbound traffic backed up for 20 kilometres all the way to South Papakura. On-ramp queues at Princes Street and Sylvia Park often backed up and joined each other. The EWL proposes that adding another on-ramp to State Highway 1 between Princes Street, Otahuhu and Sylvia Park will ease traffic congestion between State Highway 1 and State Highway 20. We
- 45

disagree this will happen.

Currently peak hour traffic on and between State Highway 1 and State Highway 20 are better than they ever have been for a long time. We don't need the EWL.

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DR PRIESTLEY: Just pause there, why do you say they're better?

MS LEGROVE: Well, since the opening of the tunnel the traffic that was coming from Papakura and heading to the city can now get on State Highway 20 at Manukau and go directly to the city without having to go through all the residential streets of Owairaka and Mt Albert. So that's cut their journey, so that's cut a lot of the traffic that would normally be on State Highway 1 now diverted to State Highway 20.

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DR PRIESTLEY: You'll appreciate that as far as State Highway 1 is concerned the proposal includes widening State Highway 1 north of Princes Street, but you're opposed to that?

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MS LEGROVE: We don't think it will make any difference.

[9.05 am]

DR PRIESTLEY: All right. The justification, so we're told, for the East West Link proposal is to take a lot of the truck traffic which at the moment has to trundle along State Highway 1 and get off at Mt Wellington or Greenlane to access the industrial area, that will be able to take the East West Link. You don't think that might help a bit on State Highway 1 congestion?

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MS LEGROVE: Not really, I think they're just going to increase the rate of traffic entering State Highway 1 and State Highway 20 because you have two options to go along the new East West Link and Church Street. So all of this traffic can get off at State Highway 1 or State Highway 20 and it has two choices, so you're going to have twice as much traffic.

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DR PRIESTLEY: It might make sense a little bit better by the time you get to Panmure or Greenlane, mightn't it?

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MS LEGROVE: Well, it's only going to affect that area, that's right.

DR PRIESTLEY: Okay, I just wanted to check that you were opposed to the widening of

State Highway 1 as well, to which the answer is yes.

MS LEGROVE: Well, if it's part of this project, yes.

5 DR PRIESTLEY: Okay. Take it up on the next page. Public transport options.

MS LEGROVE: Okay, public transport options should therefore be investigated and they haven't been investigated very well. This proposal does not include bus options to use the East West Link. Buses will not be allowed on the East West Link I read. There are currently no frequent bus services in the area and many services have been withdrawn, so building new roads is not the way to the future of a sustainable Auckland.

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15 The second reason. It will impact the shorebirds of the Manukau Harbour. The unique geographical location of the township of Otahuhu on the isthmus between the Tamaki estuary and the Manukau Harbour means that the godwit migration played a big part in the lives and the memories of the people of Otahuhu. All who lived in Otahuhu prior to the 1970s were witness to the clouds of godwits arriving from their northern breeding grounds in September.

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25 Godwits were such a common sight for the early settlers that one area was named Curlew Bay for the huge numbers of godwits that foraged and rested there. Godwits were called curlews by the early settlers. Reports of huge numbers of godwits feeding at the headwaters of the Tamaki estuary are common in newspapers of the time. However, after State Highway 1 motorway went through Otahuhu in 1966 the ecology of the estuary system changed and the mangroves began to spread. The areas for feeding solely diminished and the godwit sightings in the upper Tamaki stopped around 2003.

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35 Now, that's a photo of Curlew Bay today. Those areas there were all mudflats for feeding godwits and there was a slight, small beach area here, sandy beach area for them to roost. The one house that is there now, but now there's about 20 houses there, they used to bring their boat up and sit it on the hub, but this is all gone and now there are no godwits in Otahuhu.

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45 So the Manukau Harbour then is the most significant refuge remaining for the godwits and other shorebirds and Mangere Inlet makes up an important part of this habitat. However, this habitat is also under threat of the encroaching mangroves as on the Tamaki estuary at Otahuhu. The next two slides show the changes that have taken place in the Mangere Inlet over the last 25 years. The first photo in 1992 shows the last stage of the inaugural portage crossing re-enactment where the paddlers put their waka into the Manukau Harbour at the Mangere Inlet after conveying them from Otahuhu. Note the shoreline, there are no

mangroves.

DR PRIESTLEY: No, is that on the Tamaki side or the Manukau side?

5 MS LEGROVE: This is the Manukau Harbour side. The Mangere Inlet, which is the most important foraging area for godwits. This is 1992, there were no mangroves. The next photograph will show me standing -- I took this photo two days ago and I'm standing in the same spot and now they cut the mangroves to get the waka into the harbour at high tide. That's high
10 tide now. So those mangroves have now grown up above the high tide. That's how fast they grow and that is how much they've encroached since 1992. You can't even see the end of them and all of that area then is now lost feeding ground for the godwits. It's only going to get worse after they put the EWL through.

15 MR PARSONSON: Can you just explain exactly where the photo is taken from?

MS LEGROVE: If you go back to the second one, the previous one, I'm standing about --

20 MR PARSONSON: And where is that in the inlet, what location?

MS LEGROVE: That building there is the Mainfreight building.

25 MR PARSONSON: Yes, thank you.

[9.10 am]

MS LEGROVE: Where the wry bills rest on the roof of. So the next one I've explained to you, the mangroves have to be cut down. So the rate of mangrove encroachment in the Mangere Inlet will increase if this project goes ahead, resulting in further reduction to the feeding grounds available to shorebirds. Do you want to say anything about the mangroves, Ray?

35 MR GOODGER: Yes, since I've lived in Otahuhu, I live on the river bank, and I moved down there in about 1992 and there was actually no mangroves along where we live and they've actually really grown except in front of our place where we keep pulling them out. We've got a clear space where we are. In 1992 I could walk along the foreshore there with my sandals on and it was quite sandy but now it's just impossible. The mud has
40 built up and that done by the proliferation of mangroves. We have noted a dramatic difference in the area where we live.

DR PRIESTLEY: All right, thank you.

45 MS LEGROVE: The third reason then is the proposal threatens an area of cultural significance to the people of Otahuhu. Anns Creek is a designated special ecological area being the last remnant of pre-European vegetation on the Auckland isthmus. It has significant heritage value

for the people of Otahuhu. OHS has made previous submissions to protect Anns Creek from development.

5 In summary the OHS feels that this project will deliver no transport benefits to the people of Otahuhu. One benefit of this proposal however is that it has brought to light the precarious state of the Mangere Inlet ecosystem and the threat to it if the project is approved. Do we want a future where visitors ask, "Where are the birds?" That's what they look like.

10 DR PRIESTLEY: Those are godwits, are they?

MS LEGROVE: They are, yes. They are still on their way from Alaska.

15 DR PRIESTLEY: Alaska.

MS LEGROVE: There's not many here at the moment.

20 DR PRIESTLEY: Well, that's very helpful. I've got two or three quick questions and other members of the Board may want to follow. The first is this. Just listen carefully to make sure I've captured your argument right. The loss of Manukau foreshore because of mangrove growth over the last 20 or 30 years is not something this Board can necessarily do anything about and I think you've said it's got nothing to do with the highway system, it's just the way possibly of climate change, the ambient temperature of the water going up a bit because mangroves are a subtropical/tropical plant. But the mangroves are busy populating regardless of what anybody may be doing with motorways and highways. But I take it that where your argument is really cutting in is that you're saying that for rare birds and migratory birds the feeding grounds have diminished because of the spread of mangroves and you want to make sure that that's stopped and that further mud areas shouldn't be reclaimed? Is that in essence what you're saying?

35 MS LEGROVE: Yes, well the motorway being put in at Otahuhu caused the mangroves to grow and reduced the feeding grounds and the EWL project will also do the same thing. There doesn't seem to be any provision made for that mangrove growth in the future.

40 DR PRIESTLEY: I understand. The second thing I wanted to ask you is that part of the Transport Agency's proposal, thinking of the portage area, they want to take streams, which are currently piped underneath the motorway out so that they are more open, so that those old historic portages from the Tamaki River through to the Manukau, and vice versa, are much more obvious to the naked eye; in other words, they will be there to see. I was wondering whether you had any thoughts as to whether that was a

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good idea or not.

MS LEGROVE: It depends which portage they are talking about, Otahuhu portage, or the Karetu portage.

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DR PRIESTLEY: Karetu is one of them, yes.

MS LEGROVE: Well, the Karetu is quite a minor portage and it's possible that if they promote the Karetu portage, it will demean the significance of the Otahuhu portage, which the most significant portage. I think it would be very difficult to open up the Otahuhu portage because the railway line runs across it.

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[9.15 am]

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DR PRIESTLEY: Yes. Ms Tepania may want to talk a little bit more, or ask you some questions about the portages.

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The third one is this, and I think I've got this right: we have had some input from people with historical interests, historical societies, at the other end of the proposal, the Onehunga end. I take it that there's no impact on anything in the Otahuhu area of historical significance that you are aware of.

MS LEGROVE: Anns Creek is of special significance and heritage value to the people because it was where the people, the first settlers, landed.

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DR PRIESTLEY: Anns Creek, yes.

MS LEGROVE: And it is a special area, of special ecological significance and it shouldn't be disturbed in any way.

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DR PRIESTLEY: But there is no impact on old Fencible cottages, early-settler cottages, farmlands, cemeteries; anything like that.

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MS LEGROVE: No.

DR PRIESTLEY: Right. That's very helpful.

MS TEPANIA: In terms of the Tainui portage, where they carry out the crossing every year in terms of the waka ama, can you talk about the effect on that, or what you understand is the effect in terms of the Te Tau waka, or that portage.

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MS LEGROVE: Well, the annual portage regatta promotes the Otahuhu portage and keeps the memory of it alive but it won't be affected by the EWL, but I think it is really important that we keep that heritage alive and if they promote the Karetu portage as one of the main portages, it might lose

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that significance.

MS TEPANIA: How large is that event?

5 MS LEGROVE: It happens every year and it's getting bigger every year. It now takes the form of a race and different levels enter it. It's fairly well publicised. It takes place around Waitangi Day, but it depends on the tide, so as close to Waitangi Day as possible.

10 MS TEPANIA: Okay. With Otahuhu, do you understand - I'm sorry if you've already answered this - in terms of the Princes Street bridge, do you understand the way that that's going to be realigned, so that it makes it easier in terms of the transition there, because at the moment it's a bit of a dog leg where they get on to State Highway 1 at Princes Street, going south;
15 do you understand what's happening there in terms of the way the bridge is being moved, a new bridge is being put into place?

MS LEGROVE: Is this the bridge over the Otahuhu Creek?

20 MS TEPANIA: Yes.

MS LEGROVE: Over the Otahuhu Creek.

MS TEPANIA: It's the new on-ramp, essentially.

25 MS LEGROVE: Oh. No, I'm not. I'm not familiar with that part. I didn't know they were affecting the actual on-ramp itself.

MS TEPANIA: Okay. So where you come now - I can't even think of the road, but on
30 Princes Street, where you come down - at the moment you come down from Otahuhu, you turn right; there's that big, ugly bend.

MS LEGROVE: They're going to straighten the bridge.

35 MS TEPANIA: That's right. They're going to straighten the bridge. They are actually building a new bridge, raising the level of it, so that it's higher and it's safer for clearance underneath, and so that it will essentially be straighter when you come down Princes Street; you can go straight over rather than having to dogleg around and then turn right on to the
40 motorway.

MS LEGROVE: Oh, yes. Put it back to where it was.

MS TEPANIA: I'm not sure. You would probably have that in your memory.

45 MS LEGROVE: Pardon?

MS TEPANIA: That's not in my memory. It might be in yours. Is that where it was

originally?

MS LEGROVE: Put it back to where it was.

5 MS TEPANIA: Okay. And in terms of the Otahuhu Creek, the idea that they are raising it and clearing the culverts, which the Chair has already talked to you about, to help facilitate the more natural coastal processes there, do you have a view about that?

10 MS LEGROVE: Well, we are opposed to the project in its entirety, so really we don't have an argument for that.

MS TEPANIA: Okay. Just to acknowledge my whanau for many years lived at the bottom of Meadow Street. Arephimoihi(?), my grandmother, was instrumental in the Otahuhu Historical Society in its beginnings in 1976, so just acknowledging that this morning.

DR PRIESTLEY: Any more questions?

20 MR PARSONSON: No, no questions, thank you.

MR GOODGER: Hard to hear.

MS LEGROVE: What was your grandmother's name?

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MS TEPANIA: So Pitia(?) Tepania, and Arephimoihi Tepania, lived at the bottom of Meadow Street, 32 Meadow Street, for many, many years and in 1976 was involved in the establishment of the Otahuhu Historical Society.

30 DR PRIESTLEY: Thank you for that. Mr Goodger, was there anything you wanted to add and say to us?

[9.20 am]

35 MR GOODGER: Down Curlew Bay, near the bay, the launching ramp there, you could launch your boats, and I had a little boat there years ago and used to put it in down there and it was completely free of mud at that stage. In fact, there was sand there. The motorway actually obstructs the flow of water and caused a tremendous build-up of mangroves in that particular area and along the foreshore, that's almost down Princes Street, along the foreshore, and the upper reaches there.

40

DR PRIESTLEY: Right.

45 MR GOODGER: Yes, that was really - what we can do about it ...

DR PRIESTLEY: That's been very helpful. Thank you, both of you. One of the difficulties we have as a Board is trying to balance all these various

interests but certainly you've amplified the submissions which we've had about wading birds and migratory birds and that's been helpful. Your comments on the portages have also been helpful. Interestingly, you are one of the few groups who have come from that eastern end of the proposed East West Link. We haven't had many submissions from the Otahuhu/Panmure end at all but an awful lot, as you know, from the Onehunga end, so it's nice to have some balance.

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Thank you very much for coming. We are really grateful.

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MR GOODGER: Can I just say one more thing?

DR PRIESTLEY: Yes, please.

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MR GOODGER: Years ago, when they had the portage, annual portage, they used to bring the canoes out of there at the Urukuru Bay Road, but because of the mud build-up, I presume, now they bring them out at Panama Road. So, there's been dramatic changes gone on in that river, over the years. It used to be more of a procession through Otahuhu, those canoes, but now it goes down the back streets, down Portage Road. That's what I really want to say.

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DR PRIESTLEY: That's helpful. I used to be quite familiar with Otahuhu, as a teenager, going to school in that area, and driving through it later on, but it's come from what was sort of a village, now to it's unbelievably different, isn't it, in so many ways. Yes.

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Right. Thank you very much indeed. I'm grateful.

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MS LEGROVE: Thank you.

MR GOODGER: Thank you.

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DR PRIESTLEY: Good morning, Ms Rich. Would you like to come? Ms Rich, it's nice to see you again. I don't know whether you are aware, but last week, early last week, we went on a site visit, on a fine day, and we thought we'd identified your house, which is the old single-storey villa-type house with a green corrugated iron roof. Is that right? I think it was

green.

MS RICH: That is not my particular house.

5 DR PRIESTLEY: That's not your particular house?

MS RICH: Yes.

10 DR PRIESTLEY: Ah, well, we've got it all wrong, then.

MS RICH: Yes. Happy to point out what my house is, but prefer not for the public record, on the internet.

15 DR PRIESTLEY: Yes. No, well we thought, by process of elimination, it was. Initially my thought was that you'd bought one of the apartments in the block, along Onehunga Mall Cul-de-sac, but some of my colleagues thought that this house, right on the edge, with high fences round each side, right by the walkway, with, as I said, a green, corrugated iron roof, we thought that was yours. In fact, counsel for NZ Transport Agency also thought that was yours, but obviously what we thought was wrong. I even had a little peep through the fence.

MS RICH: Yes. There are multiple villas on that same site.

25 DR PRIESTLEY: All right. So what do you want to tell us today?

MS RICH: I would just like to read through my representation, that I believe Jenny has provided you all, if that's possible.

30 **[9.25 am]**

DR PRIESTLEY: Yes. Would you like to read them out to us?

35 MS RICH: Yes, if that's possible.

DR PRIESTLEY: Yes.

40 MS RICH: So just starting at the introduction. The purpose of my representation at the Board today is to affirm in full the Onehunga Mall neighbourhood's, and my personal submission, and comment on the changes subsequent to my opening statement two months ago.

45 To recap: the Onehunga Mall Cul-de-sac between property addresses 31 - 39, has approximately 38 homes, ranging from two to six bedrooms. The estimated population of these homes is circa 120-plus residents. There are also other residential homes in the Onehunga Mall

Cul-de-sac.

5 Construction noise and vibration: an overarching theme regarding
construction noise and vibration seems to continue to be
communication with the affected parties as the most important and
effective management measure. This approach is not equitable or
reasonable for dwellings already experiencing category B and C noise
10 levels. Any higher noise than what we receive currently would impede
the core uses of the homes, ie, sleeping, studying and relaxing.
Therefore, we do not agree with the softening of condition CNB.1 to
best practicable option for the management of construction noise and
effects versus the original measures to avoid, remedy or mitigate
adverse construction noise and effects. That proposed change is shown
15 on that figure A below.

20 Likewise - moving on to page 4 - we don't believe that acceptable
breaches clauses are equitable at CNB.6(a) without enacting the
options to be made available to residents as per paragraph 2.4 below.
At figure B there are the proposed conditions that show these
acceptable breaches clauses.

25 I am at paragraph 2.4. Further opening statement: the detailed options
below are requested to be mandated in the conditions available to
residents to be exercised at their discretion and choice when adverse
construction noise and vibration are forecast to be experienced with
one month's notice given instead of the ambiguous blanket best
practicable option. This is essential for the justice, equity and dignity
of residents. Those options are stated below there. The first option is
30 to vacate the home and NZ Transport Agency rent the property for the
remainder of the project construction period, an option to be
temporarily accommodated at a location suitable to the resident, an
option to stay in the house during construction despite the noise,
vibration and air quality issues, and the final option for the resident to
35 have the option to sell the property to NZ Transport Agency under the
Public Works Act.

40 We note that Aotea Sea Scouts have very specific conditions drafted
for them and we consider, as directly affected residents, specific
conditions should be included to reflect the needs of the residents at
Onehunga Mall Cul-de-sac. While other users of the project area may
come and go during construction, the residents have to live without
respite in the project area unless conditions are stipulated to mitigate
the adverse construction and noise impacts.

45 Construction air quality: I affirm the position as per the opening
statement. Nothing conditional to note. Likewise with construction
access and car parking. Likewise with construction of the First Gas

pipeline impacts.

Operational noise and vibration: I am at paragraph 6.1. We request a no engine braking condition request on all roads within 100 metres of Onehunga Mall Cul-de-sac to mitigate the total reading network noise. Likewise, we request a maximum 80 kilometres per hour condition on all roads within 100 metres of Onehunga Mall Cul-de-sac to mitigate the total reading network noise.

The Waterview Tunnel opened the first weekend in July before I made my opening statement. Anecdotally, both the operational noise and vibration effects have been adverse to our neighbourhood. We appreciate for the majority of Auckland the opening of the Waterview connection has had a positive impact but not so for the direct residential neighbours, where it appears there has been a transfer of equity from private property owners to road users with no mitigation as yet.

The Waterview noise in regards to the East West project: regarding the impact of the Waterview project on the noise assessment for the East West Link project, we request NZ Transport Agency perform a follow up site test on the new baseline noise experience this month to contrast this against the measurements they took at 31 Onehunga Mall in June to see if any recalibration on the noise assessment is required, given the context of the category A, B, C ratings for PPFs only having 3 decibels between them.

[9.30 am]

On 6.5. The traffic noise regarding the current environment post Waterview connection opening: request to NZ Transport Agency, in any case, for a noise barrier to be constructed as soon as practicably possible irrespective of the outcome of the East West Link project.

The Ellerslie acoustic barrier precedent: as an aside, we understand that the Ellerslie acoustic barrier project has provided a precedent for retrofitting acoustic barriers as in the press releases on the Ellerslie noise walls in March this year. It was stated there was a wider programme investigating how noise barriers can be used near other sections of urban motorways. This is confirmed by the NZ Transport Agency website statements in figure C. We seek NZ Transport Agency's advice on the status of this programme and timings in relation to Onehunga Mall Cul-de-sac.

Waterview vibration: regarding the impact of the Waterview project on vibration, I request that NZ Transport Agency test what I believe is the applicable operational vibration test of class C of the Norwegian standard Neilson Street 8176.E to check this has not been breached due to the opening of the Waterview connection tunnels. If it has been

- 5 breached I understand that would require timely mitigation now. In any case, if the baseline vibration experience has increased, the East West Link project vibration assessment needs further works performed because at present minimal to nil testing and assessment of vibration effects has been performed.
- 10 Vibration assessment from the changing nature of the trench structure: in addition to the Waterview impact on vibration, it would appear to the lay person that the changing nature of the trench structure needs to have its vibration impacts reassessed.
- Site specific noise testing: request 35 Onehunga Mall is site-specific tested giving --
- 15 DR PRIESTLEY: Just pause there, Ms Rich.
- MS RICH: Yes.
- 20 DR PRIESTLEY: Just on 6.8, I don't quite understand the point there. There are still investigations and discussions about the trench, but just explain to me why the vibration impacts would need to be reassessed. Is that construction phase or post construction phase or both?
- 25 MS RICH: Both. The original assessments were done on a previous design and that design has now moved on.
- DR PRIESTLEY: I see. Right.
- 30 MS RICH: So I think they need to be rechecked given the material changes in the structures proposed so near to the residential dwellings.
- DR PRIESTLEY: All right. Thank you, 6.9.
- 35 MR BICKERS: Can I, just as you have stopped at that point? In 6.7 you said:
- "I believe the applicable operational vibration test is class C of the Norwegian standard."
- 40 Can you explain that? Why do you think that and why did you choose this Norwegian standard?
- MS RICH: I was advised by an acoustic engineer that is the applicable standard for operational noise at residential dwellings within the New Zealand context, so not construction noise but the operational noise, the

applicable guideline.

MR BICKERS: So you have received some advice that that is ...?

5 MS RICH: Yes.

MR BICKERS: Okay. All right. Thank you.

10 DR PRIESTLEY: 6.9.

MS RICH: 6.9. So site specific noise testing: request 35 Onehunga Mall is site-specific tested, given the results of the noise assessment relativities between 35 and 35A. As both homes are stated as first floor measurements, I wonder if the computer noise model assessment expects 35A to be acting as a sound block to 35. However, 35A is a materially shorter building than 35 and does not materially block the first floor noise at 35. In particular, the first floor at 35 has direct and almost level site lines to State Highway 20.

20 **[9.35 am]**

Missing dwellings from the noise assessment: in addition, the separate residential dwellings of 31A and 33A Onehunga Mall do not appear on the noise assessment.

25 Internal/external noises differences: the older style 1930 dwellings on Onehunga Mall Cul-de-sac were on site prior to the construction of the second harbour Bridge. I refer to examples in figures C and E. They do not have modern soundproofing, meaning the difference between the internal and external noise difference is not as noticeable as a home built to the conditions in the context of the second Manukau Harbour Bridge existing, like our new neighbour 40 Onehunga Mall, the Euroglass building. On that next page figures D and E are some examples of the older style dwellings on the Cul-de-sac.

35 I am on paragraph 6.12. To reflect the internal/external noise difference impacts from the building construction styles, in the context of homes existing prior to the NZ Transport Agency footprint enlargement in the project area, we request that any home that will receive internal, habitable room noise levels of 40 decibels in the operational phase be classified as category C.

40 6.13. The noise barrier proposal from construction of Manukau Harbour Bridge: Like the owners' committee of 2 Onehunga Harbour Road, the residents of Onehunga Mall Cul-de-sac would like to understand the status of the noise barriers that were proposed to be previous constructed in relation to the Manukau Harbour bridge. Our underlying request to NZ Transport Agency in any case is for a noise

barrier to be constructed as soon as practicably possible, irrespective of the outcome of the East West Link project.

5 The noise assessment adjustment factor. With the discrepancies between the computer model noise testing, the actual noise testing and the plus or minus 2 decibel margin of difference generally, contrasted with the apparent preciseness with the specific category A, B, C ranges where individual home mitigation is either 100% with category C or 0 with category B, it appears just that all computer model predictions have plus 2.5 decibel adjustment applied post the recalibration with the Waterview Tunnel's noise impact. The result being some of the residential dwellings at 31 to 39 Onehunga Mall may be classified as category C.

10
15 Noise barriers for Onehunga Harbour Road. Concern as visuals become more available of how prominent the East West Link trench will be and there doesn't appear yet to be permanent noise barriers along the western side behind Onehunga Harbour Road proposed.

20 Proposed noise barrier on State Highway 20 next to the Onehunga Mall Cul-de-sac, and this is in relation to the LV conditions. Request the need to specify any existing landscape treatment that is removed and the construction to be reinstated with consideration as to the height of the noise barrier that may require taller landscape treatment than what exists currently.

[9.40 am]

30 Post completion review. To strengthening the condition of ON7, request three months post construction that testing is done to see whether the post construction noise levels agree with the predicted noise levels post construction. If any of the PPFs are experiencing noise higher than what was predicted additional mitigation needs to be undertaken to ensure the predicted noise levels are complied with.

35
40 Finally, on the operation and noise and vibration, it would appear there might be a typo on the draft condition ON4. It appears to the layperson that category A, B, C references are flowing in the wrong direction as category A is the less than 64 decibels and category C is the greater than 67 decibels. And I've just got an extract there of the proposed condition in question that I'm just wanting to clarify if that's a typo.

45 Moving on to the operational air quality. Currently there does not appear to be any proposed operational air quality conditions, therefore we remain concerned about the lack of air quality testing investigation and expert debate that has occurred regarding the operational air quality on the residential dwellings on Onehunga Mall Cul-de-sac. It appears from a distance that a blanket approach has been taken to say that the

impact will neutral to positive due to the reduction in traffic volumes along Onehunga Harbour Road.

5 That may be true for the dwellings set back from Onehunga Mall that
back on to Onehunga Harbour Road but for the dwellings that sit
roadside on Onehunga Mall Cul-de-sac I'm not convinced that the
increase in the vehicles travelling on the NZ Transport Agency network
and the surrounding area, in particular the proposed 40,000 vehicles on
10 the East West trench, will have a positive to neutral impact on the air
quality those residents experience.

15 Further, operational air quality is particular unclear when the land
bridge length has yet to be determined alongside the impacts of the
wind challenging effects through the trench, where I understand the
prevailing wind condition is towards the dwellings on Onehunga Mall
Cul-de-sac. So we request that more work is performed on the
operational air quality.

20 Operational car parking. A firm position to request that all parallel and
perpendicular parking on Onehunga Mall Cul-de-sac and the parking
capacity within 100 metres of the Cul-de-sac at proposed condition
DC11. At the moment the proposed conditions do not specifically call
that out. We note that the current informal parking under State
25 Highway 20 that the public use to access the Waikaraka cycleway has
recently been closed off to the public, which is disappointing.

Section 9, State Highway 20, pedestrian underpass and CPTED
measures.

30 DR PRIESTLEY: What do you mean by current informal parking? People just leaving
their vehicles underneath the State Highway 20 bridges?

MS RICH: Yes, so I think the word "informal" is potentially a word that NZ
35 Transport Agency use but I would just call it car parking, but it's not
marked with painted lines but there's basically a gravel area, big square,
under State Highway 20 where cars park and people offload their bikes
to jump on the cycleway.

40 DR PRIESTLEY: And disappear leaving their cars behind?

MS RICH: They go for a bike ride for an hour or two and then come back. That's
a good entry point.

45 DR PRIESTLEY: All right. 9.1.

MS RICH: Yes, 9.1. So the neighbours co-creation, perhaps through specification

on condition of the urban design landscaping visual.

[9.45 am]

5 In addition to the opening statement comments, the direct residential
neighbours to the underpass need to be included in the detailed design
phase of the area, including pedestrian and cycle paths, roadside
furniture, architecture and landscape treatment of noise barriers, and
10 general landscape treatment. Alongside incorporating the resident's
views on the crime prevention and anti-graffiti measures.

15 The noise barriers for 31 - 35 Onehunga Mall boundary line. In
particular, given the very close proximity to the residential dwellings,
if the public are going to be encouraged to frequent the area through
upgraded pathways, noise barriers along the border line of 31 - 35
Onehunga Mall to access the State Highway 20 underpass and
Onehunga Harbour Bridge improved pathway need to be installed and
paid for from the project budget.

20 Operational loss of views. So refer what's now figure F. We've not
seen any discussion from the urban designers on how the operational
loss of views might be mitigated. We continue to request the resident's
co-creation and dual purpose aesthetically pleasing and acoustic
barriers alongside Onehunga Harbour Road.

25 Other conditions. The community liaison groups request Onehunga
Mall Cul-de-sac is specifically noted like Onehunga Harbour Road is
currently. Request that the Onehunga and Penrose groups are separate
instead of a combined one, given the geographic distance and therefore
30 different construction impacts experienced at each location.

DR PRIESTLEY: Just pause there for a minute, Ms Rich. Looking at figure F, the
35 photograph from 31 Onehunga Mall living room, is that a first storey
apartment?

MS RICH: That is one of the villas, and that's the blue villa and it's two storeys and
there are two separate dwellings. So I believe that's 31 and 31A.

DR PRIESTLEY: What are we looking at in the distance? There's a line of white over
40 towards the right-hand side, which --

MS RICH: That's the water.

DR PRIESTLEY: It could be surf but it can't possibly be. Are we looking across to the

other side of the inlet or up towards South Head or what?

MS RICH: So there's two areas of blue that are showing up on the screen.

5 DR PRIESTLEY: Here we go.

MS RICH: Yes, the lower area is the water, then it's the other side of the harbour and then it's the sky. In the foreground is the lush vegetation. So currently it's a very aesthetically pleasing view.

10 DR PRIESTLEY: Yes.

MS RICH: At night time it's also very pretty when the lights from the other side of the harbour are twinkling.

15 DR PRIESTLEY: Right, thank you very much.

MS RICH: So back on the other conditions, 11.2. Construction traffic management plan. The current intersection at the end of Onehunga Mall is dangerous. Meaning no disrespect to the families and friends involved but a cyclist was very tragically killed there three weeks ago in an incident involving a truck. So during construction it would appear that intersection could become even more dangerous with heavy construction vehicles using Onehunga Mall proper and/or seeking to park on Onehunga Mall Cul-de-sac. So request condition contractors and subcontractors agree not to drive on Onehunga Mall Cul-de-sac for the duration of construction and request a condition that a temporary signalled intersection is put at the end of Onehunga Mall Cul-de-sac, which is sensed, triggered by motorists and cyclists wanting to enter or leave Onehunga Mall Cul-de-sac during the construction phase.

30 That concludes my representation. What follows behind is just my initial opening statement.

35 DR PRIESTLEY: You have reattached that?

MS RICH: Yes.

40 DR PRIESTLEY: That's helpful. I have got three questions I want to address to the lawyer acting for NZ Transport Agency, just for information purposes, and then Board Members may want to ask you questions, Ms Rich.

45 Ms Evitt, you want have these answers at your fingertips but just for follow-up. In paragraph 6.4 of Ms Rich's submissions, she is suggesting there that with the increased traffic flows as a result of opening the Waterview tunnel there might be some merit in

establishing a new baseline.

[9.50 am]

5 That, I suspect, is something which will take place or should take place
before the construction phase. But there is merit in that, it seems to me,
and you might like to make sure that it is somehow or other weaved
10 into a condition so you won't be using historically inaccurate data or,
no, that is not the way to put it. Noise levels will move on year by year
as flows go up.

15 The second is - and I have got no idea what this is - the Ellerslie
acoustic barrier precedent referred to in 6.6. It would be helpful if we
just had some quick information about that. I assume that this is an
experimental type of barrier and, in terms of all technological advances,
it is an improvement on what is used at the moment and will eventually
be used in the project, but it would be helpful to have some information
on that.

20 The third point raised by Ms Rich, which you may want to check, in
6.18, is whether there is indeed a typo in the category A, B, C criteria
which are mentioned there.

25 MS EVITT: We will certainly look into --

DR PRIESTLEY: I would be surprised if you knew the answers straightaway but at some
stage just let us know.

30 MS EVITT: Well, actually, I do on one.

DR PRIESTLEY: Do you. Okay.

35 MS EVITT: In relation to that ON4 condition that has been the subject of some
discussion with the Council. We have got some new wording that will
clarify that issue. It wasn't a typo. It is the way the CADs work but we
have come up with a new approach. I certainly acknowledge the points
you have raised and will take advice and advise you on those --

40 DR PRIESTLEY: Thank you, Ms Evitt. Now, questions of Ms Rich. Mr Parsonson.

MR PARSONSON: Thank you very much. While I am asking questions, is it possible we
could bring up the aerial image of this area? I will ask questions while
we are waiting anyway. I was going to pick up on that ON4 condition,
so Ms Evitt has addressed that.

45 In 2.2 of your submission and 2.3, you have also raised questions on
particular wording of conditions. We have certainly explored these
matters with Mr Styles who is the Council's noise and vibration expert

and, in particular, reference to your earlier opening submissions and the points you have raised. As Ms Evitt alluded to, the Council has been working with NZ Transport Agency to some amendments to conditions because Mr Styles raised some particular concerns, not substantially different to the concerns you have raised around how conditions would be implemented and the impact of the wording of the conditions on adjacent properties and how they may or may not address concerns and effects that will occur during the project.

5

10

So Mr Styles had quite a range of matters that he raised but we weren't able to be provided with a copy of his suggested condition changes at that stage, and I understand the Council has been working with NZ Transport Agency on those. So we are a little bit in the dark about the outcome of those discussions but they are certainly matters that have been highlighted by Mr Styles to work on.

15

20

So that is probably all the detail I can give you there at the moment, but we did directly address your site as well. Now I understand the properties that you are most concerned about have originally been identified as categories Bs and Cs. Is that your understanding? Yes.

MS RICH:

So currently the noise assessment conveniently assesses none of the houses in the area of 31 to 39 being category C, so currently no individual mitigation is proposed.

25

MR PARSONSON:

I know you don't want to put it on the record but just silently if you like, point out your particular property on that image up there? Right. Okay. So those are the ones that are currently mainly identified in the noise assessment as category B I understand. Is that right? The cluster of houses right in your location?

30

MS RICH:

Yes.

35

MR PARSONSON:

Okay. Thank you. So, like I say, there is work being done behind the scenes between the Council and the NZ Transport Agency but we just don't have that in front of us at the moment. But it is work that is addressing some of the concerns around the applicability of the conditions that you raise, so time will tell over the next few days or early next week how that shakes down.

40

MS RICH:

Great. Thank you. I guess, yes, we all look forward to receiving those proposed conditions.

[9.55 am]

45

MR PARSONSON:

Yes, they will come through in due course. Just looking at 11.1 of your submission, I have made a note - and I am sure Ms Evitt has to - in terms of whether it is appropriate to specifically identify Onehunga

5 Mall Cul-de-sac in that condition CS3. I guess the principle of this is that there is a practical limit to the specific areas of properties that get identified in conditions. Otherwise it could be 100 pages long. But in saying that, I don't see any reason why it couldn't be added in if there was a particular effects-based need for it. So that is something that, no doubt, Ms Evitt will provide comment on.

10 And 11.3, there may be reasons and we don't know. If the project went ahead - and we are certainly not suggesting there is any determination on that yet - there may well be a need for occasional access by contractors on that street but I just don't know. So it would require us to think fairly carefully about a condition that would provide a suitable level of input, in terms of a construction traffic management plan that was prepared and how that input might include people like yourselves and limiting to a practical minimum any access or what type of vehicles might access. It is not something perhaps that could be completely excluded. I don't know.

20 I am pretty sure Ms Evitt would provide feedback next week on your 11.4, the practicality of a signalised entry/exit from your street on to Onehunga Harbour Road intersection again. It is an interesting point you have raised and it may well be a good way of managing effects during construction. I just don't know.

25 MS RICH: And, yes, what is really important is that, if there was to be a sensor triggered intersection, then it is also that cyclists will trigger it, because so many sensor triggered intersections are not triggered by cyclists and that is when cyclists then do things that they might not otherwise do that put themselves at risk.

30 MR PARSONSON: Yes. The point is well made, thank you. So, look, I understand all the points you have raised there and it would be my anticipation if the project went ahead that a number of those matters can be built into management plans. It is just the devil, as you say, is in the detail around the management plans and how they trigger that to be incorporated, so we're just waiting to see how that shakes down.

40 MS RICH: Yes. With the management plans, the difference between being a specific condition that gives us surety at this point versus a management plan in the future who governs that and ...

MR PARSONSON: Yes, point taken. Thank you.

45 MR BICKERS: There is a great deal of detail in your representation, Ms Rich, that I am going to think about. But I would be interested in an answer to the question I put to you on paragraph 6.7. If you wanted to file some further information on that as to why you think that class C of this Norwegian standard is the appropriate test. If you wanted to talk to

your advisor and come back and file something. It is very hard for us to take a request like that on the face of it without knowing more about it, so if you are able to do that.

5 MS RICH: Yes, I definitely could. Would it also be appropriate for, say, NZ Transport Agency to have a position on that?

MR BICKERS: Yes, but you are proposing it so I think you have to justify it in the first instance and they can respond to that.

10

DR PRIESTLEY: Ask your advisor to have a look at the current vibration condition and he or she can let you know how the Norwegian standard differs from what is there.

15 MS RICH: Currently there are only construction vibration conditions. There are no operational vibration conditions because it was considered that there was not any vibration. It was just not on the radar.

[10.00 am]

20

MR BICKERS: Did you read Ms Wilkening's rebuttal and supplementary evidence?

MS RICH: Yes, I believe I have read everything relevant.

25 MR BICKERS: Yes, okay. That's fine.

MR PARSONSON: As you say, Mr Styles and Ms Wilkening have not landed on an agreed set of construction noise and vibration limits, and certainly Mr Styles has been very clear that he has had the best interests of neighbours to the project in mind in doing so and they have agreed on construction noise and vibration limits. But you are saying you are more interested in operational effects in that particular instance.

30

MS RICH: Yes, both are relevant. Yes.

35

MR BICKERS: Thank you.

MS TEPANIA: Thank you, Ms Rich, for your evidence. I found it really clear where your position is.

40

MS RICH: All right. Thank you.

DR PRIESTLEY: Ms Rich, I just had one final question. It is right at the start of your submission at 2.4 and you raised this, as you rightly pointed out, in your opening submission to us, all those months ago. Have you had any discussion with NZ Transport Agency about the renting vacation option, because it's a novel idea and of course it could only be justified for construction in close proximity to the apartments and houses

45

involved, couldn't it? It wouldn't have any justification further along the alignment.

5 MS RICH: No. Yes, just the ones that are particularly close, yes, so those residences that you pointed out.

DR PRIESTLEY: Right.

10 MS RICH: And equally, probably only a sub-section of that would be interested, the ones that are the older-style dwellings, and maybe the apartments, that are right on the back side.

15 DR PRIESTLEY: Yes. And of course the other thing, and this is not a criticism at all, but these apartments are already - all these houses and homes - are in a very, very busy location. You can see that from the photographs, quite apart from our walkaround last week. They are cheek by jowl with a six-lane highway, the two bridges, and then you've got Onehunga View Road carving around. The real test, I think, would be the extent to which the ambient noise would increase during the construction phase and inevitably, with the trench, that would be the case, wouldn't it, so I assume that that's your main concern, that at the time of concentrated construction noise within 200 metres of these places, that's where you want, maybe, to explore the option of vacation. Is that right?

25 MS RICH: That's correct.

DR PRIESTLEY: Right. Okay.

30 MS RICH: I guess your point about the current environment, that's why we, like the Onehunga Harbour Road Residents Committee, have those same questions about the promises, for want of a better word, that were made at the time of second Manukau Harbour bridge crossing being constructed, because there was noise mitigation proposed at that state that has not been performed.

35 DR PRIESTLEY: My other question is historical, I guess. I seem to recall you had come to Auckland reasonably recently from somewhere else and had purchased one of these houses but you may know that, of those two bridges going across the Manukau, one, in a very different ages of industrial relations, took years and years and years to build because the boilermakers union, I think it was, and various other groups, were constantly on strike and eventually it went across, and then the second bridge, which went across some years later, went across very fast, under a new construction regime. Are there any of the residents close

by who were there and can recall the second bridge going across?

MS RICH: Yes, yes.

5 [10.05 am]

DR PRIESTLEY: So they would have some idea of the noise levels which that construction of the second bridge took. Is that right?

10 MS RICH: Yes.

DR PRIESTLEY: Can you tell us anything about that?

15 MS RICH: That it was incredibly loud, incredibly disruptive.

DR PRIESTLEY: Right.

20 MS RICH: Those residents are not here today because their previous engagements with NZ Transport Agency during that process have left them in a somewhat jaded state.

DR PRIESTLEY: I see. All right. But that presumably lies in part behind these suggestions you've got in paragraph 2.4.

25 MS RICH: Yes.

DR PRIESTLEY: All right. That's helpful.

30 Any further questions?

MR PARSONSON: No.

35 DR PRIESTLEY: Thank you very much. It's good to see you again, Ms Rich, and thank you for coming to explain that to us. We'll certainly take aboard everything you have told us. Many thanks.

MS RICH: Thank you, Board.

40 DR PRIESTLEY: My little crib sheet here: who have we got? There's an impressive array lined up at the back here. According to the programme here, we've got submissions by Nicholas Lee, and also by Tatjana Buklijas. Have I got

that right?

DR BUKLIJAS: Buklijas.

5 DR PRIESTLEY: Buklijas. Is it a Balkan name?

DR BUKLIJAS: Croatian.

10 DR PRIESTLEY: And also somebody there, I think we've been told, you've got a Dr
Randerson. Is that you, Dr Randerson? Dr Randerson, you sent a letter,
or an email, which the Board considered last week, which came to us
through Mr Hewison, who is the lawyer acting for TOES, and it did
15 seem to us that, given the timelines which have been imposed on
everybody, it would be unfair, and possibly create all sorts of
difficulties, if we were to suddenly allow you to come in at the last
moment and make submissions in your own right. I hope you could
understand the reasons why I made comments like that. It did seem to
me that we shouldn't totally exclude somebody who is a lecturer at
AUT. Have we got that right?

20 DR RANDERSON: That's right.

DR PRIESTLEY: And also a PhD, if they had something helpful to say. We were told
25 you were here in a support role.

DR RANDERSON: That's right, yes.

DR PRIESTLEY: So somebody else is going to fire the bullets for you.

30 DR RANDERSON: Well, no. I also have something to read out in support of Tatjana's
submission, and Jenny advised us that she could call on us.

DR PRIESTLEY: All right. We're happy with that.

35 Which is Nicholas Lee? Are you co-ordinated in the same group as the
other three, or what?

MR LEE: Tatjana's my wife.

40 DR PRIESTLEY: Ah, right. Okay. So which one of you is taking the lead role?

MR LEE: I guess we both have --

DR PRIESTLEY: Answer that cautiously.

45 MR LEE: We both have different perspectives.

DR PRIESTLEY: Different perspectives. And the person in the most impressive scarf,

sitting between you?

MR LEE: This is my grandmother.

5 DR PRIESTLEY: Your grandmother. Good morning. She is here in an observer capacity?

MR LEE: Yes.

10 DR BUKLIJAS: As someone who has sitting with select committees in the past, she has also been an adviser to us.

DR PRIESTLEY: Right.

15 MALE SPEAKER: And I'm here to support all these guys.

DR PRIESTLEY: All right. What's the easiest? It seems a bit ridiculous, getting them all to come forward to the bench.

20 MS DUFFY: It might be a good idea if we just bring Mr Lee forward. They've got separate submissions.

DR PRIESTLEY: Separate submissions. Why don't you all shuffle forward to the front benches, where you've got live mics, etc.

25

MR LEE: Now?

DR PRIESTLEY: Yes, do it now. We'll take a morning tea adjournment in about 20 or 30 25 minutes, depending on how we go. By all means, bring your grandmother forward, too. She can sit at the front bench - keep you under control. Are you all right there? Okay. All right. You are going to read out your statement.

[10.10 am]

35

MR LEE: Yes. Shall I start?

DR PRIESTLEY: Off you go.

40 MR LEE: I'll just read it out.

45

My name is Nicholas John Lee. I have been a resident of Auckland for 21 years and a resident of Onehunga for 11 years. The first time I visited Onehunga was for the University Games in 1992. I have two children that go to school and daycare in Onehunga. Both my mother and my grandmother live in Onehunga. After arriving in New Zealand in 1864, my grandmother's great grandparents owned a farm around Leigh. They later lived, and continued to be active, in Onehunga until

the 1900s. For example, if you see my supporting material, there's a copy of a diary transcript from November 1897. So at least six out of seven of New Zealand generations of my family have lived --

5 DR PRIESTLEY: She listened to a Temperance sermon. Love it. Those family records and diaries are so valuable, aren't they? It's wonderful to think they're still there on the page for four or five generations later.

10 MR LEE: Yes. It's actually quite lucky; some of these things, they just get lost or go missing.

DR PRIESTLEY: Okay.

15 MR LEE: I am the finance and operations director for a small, medium-sized, packaging business with operations in Wellington, Auckland and China. It is a family business with currently ten staff in Auckland. We have had branches in two locations in Onehunga, in 2000 and 2003, Penrose, 2009, and currently we are in Wiri. I have developed and completed the construction of our office warehouse in Wiri last year. I
20 am a frequent user of State Highway 20 to Wiri and the Gloucester Park interchange. I have a BSc Honours in applied maths from Auckland

and an MPhil in Statistics from Cambridge.

DR PRIESTLEY: What was your Cambridge college?

5 MR LEE: Clare Hall.

DR BUKLIJAS: That's where we met.

10 DR PRIESTLEY: You met at Clare Hall?

DR BUKLIJAS: Yes.

DR PRIESTLEY: My wife and I also met at Cambridge, many years ago.

15 MR LEE: So, it's a common story.

DR PRIESTLEY: Yes. So the MPhil was a one-year course? Is that right?

20 MR LEE: That's right, yes. I didn't do a PhD, but my wife has continued.

DR PRIESTLEY: What were you reading at Cambridge?

DR BUKLIJAS: History and Philosophy of Science, but I'm a medical doctor.

25 DR PRIESTLEY: Okay. Were you also at Clare Hall?

DR BUKLIJAS: Yes.

30 DR PRIESTLEY: Okay. Right. I was at Queens'.

DR BUKLIJAS: Oh, right. Yes.

DR PRIESTLEY: On you go.

35 MR LEE: The main focus of my academic work was computational modelling in autonomous congestion control models. I oppose the current design for the East West Link in Onehunga.

40 Our activities in and around Onehunga: these are the types of activities that we do around Onehunga, Taumanu and the port's life-saving course, walking the family dog, local festivals, the lagoon playground, coastal walks along the Onehunga and Mangere Bridge sides, visits to One Tree Hill, Mangere Mountain domain and Ambury Park, meals at The Landing. We have plans to swim at Taumanu Beach, ride bikes at these various places and take our children to join the activities at the
45 Onehunga Sea Scouts. My children go to the school and they have

numerous activities around the local area.

5 Loss of amenity and our hopes. I had hopes about a Wynyard like
development at the Onehunga Port and the Transform Onehunga
project by Panuku. I have worries about increases in traffic speed and
10 volume of traffic in the shared areas. Witness the recent death of an
experienced bike rider in Onehunga. I am concerned that traffic
alongside the waterfront will make it much harder for my family to use
this area due to vehicle pollution, both air and noise, and safety issues.
I've concerns about using this area for bike riding with children and to
commute via bike, especially the narrow section from Taumanu to the
port.

15 I feel the increased traffic will make it difficult to use the beach. This
design seems to reduce current and provide no new -- and remove
future locations for water based activities. There are issues of more
visual pollution and the severance created by the new overpass and its
use by vehicles.

20 Finally, I doubt NZ Transport Agency's predictions regarding the
reduction of traffic on local roads. Fundamentally, I feel the current
design will result in an substantial loss of amenity and create a large
physical barrier between the community and the waterfront.

25 DR PRIESTLEY: We don't need a number but what street in Onehunga are you living in?

MR LEE: In Victoria Street, so we're above Upper Street.

[10.15 am]

30 DR PRIESTLEY: We've had a number of representations from groups, including the
Onehunga Business Association, which is expressing concerns about
volumes of truck traffic at the moment along Neilson Street and also in
recent times heavy vehicles rat running to get away from Neilson
35 Street. Don't you think that to some extent heavy traffic congestion on
Onehunga residential streets will be improved?

MR LEE: No.

40 DR PRIESTLEY: You don't? Why not?

MR LEE: Well, I talk about that later but --

DR PRIESTLEY: Okay, I was just testing your scepticism there, you see.

45 MR LEE: Yes, I guess because the thing is as well is that we don't -- just speaking
to that point, we don't just get rat running from the south side but we
also get rat running from the north side, from Mt Smart, because people

go down Grey Street and Arthur Street, they both use those as slip roads in order to pass through the Onehunga area.

5 DR PRIESTLEY: All right.

MR LEE: So as stated in my submission, I oppose the NZ Transport Agency proposal on three points. The destruction of place. Onehunga Port is the only deep water port on the Manukau Harbour close to the city. Without great expense, it is unlikely that the city can develop another location on the Manukau with the same level of consolidated access. So potential development of services, such as the coastguard, ferries, tourism, recreational activities and public spaces will be delayed or never happen. Without the demand created by these services and activities I think it is difficult for the city to consider restoration activities. The current status quo for the harbour will hold. The port area is not large and implied space projected around the East West Link will restrict alternative activities, thus this land use by the East West Link and the activity restriction converts the port area into one purpose roading.

20 Onehunga is a core, vital and historic area of New Zealand where a unique combination of residential, commercial and industrial uses have developed. Panuku and Auckland Council have a continuing vision for this area with the Transform Onehunga project. It was sold to us as the next Wynyard Quarter. Development of this is now delayed and I have heard of other improvements in the area that have also been delayed due to uncertainty. I worry that these improvements will either not go ahead or will be greatly affected by destruction of place. Without a redesign and true mitigation, this represents a transfer of economic value. The purpose of this place should not be a road and the primary agency responsible for development in this area should not only be focused on one aspect of society, transport.

35 Process. The lack of communication affects our opposition. For all the discussion on how this project has been in progress for ten plus years, the current design was essentially introduced to the community at the end of the last year. Up to 2016 my understanding was that any project would cost around \$600 million and I had only seen concept lines on aerial view maps. From the start of this year and within a very short period of time, the community was presented with a complete design that would cost at \$1.6 billion which then went almost immediately into a complex consent process. During the early meetings it was difficult to get documents and only after the EPA submission process was open was much of the documents released. There was a large amount of this documentation and much of it was technical. I would say from experience that drawings like cross-sections can be very hard to understand. In addition, it has been shown by TOES that the images

released by NZ Transport Agency were not accurate.

You can see the photos that I've attached that I think have already been put into record.

5

DR PRIESTLEY: Yes, we have grappled with that issue.

MR LEE: The early engagement and submission process was both fast and deceptive. There was no time for people to reflect and fairly comment on the project. At the time, even news reporters did not know about the project. This seems extremely uncommon for a project with costs reaching nearly \$2 billion. I feel this has locked out valuable voices to the process from the community. For example, Dr Randerson, senior lecturer at AUT, has done a lot of work on the Manukau Harbour and is a resident of Onehunga. But she will be speaking later.

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[10.20 am]

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Without accessible facts I feel our understanding of the project as a community was limited by NZ Transport Agency. This reduced the pressure that could be built to oppose the submission.

The design passing a sniff test.

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DR PRIESTLEY: I was going to ask you what that meant but you are going to tell us.

MR LEE: Well, I don't mention it specifically but you often have quick tests, you look at something and go, "Does this make sense?" essentially. Reviewing NZ Transport Agency models from the outside, does it pass the sniff test? Are they missing input variables, does the output seem logical?

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35

Braess's Paradox is a model proposed to explain examples where the addition of a link or capacity to a network increased the overall average travel times. I've attached an excerpt from a book which explains it but it's quite technical so we won't go into it here.

DR PRIESTLEY: Is that the Networks, Crowds and Markets?

40

MR LEE: Yes.

DR PRIESTLEY: Right, thank you.

45

MR LEE: This paradox has been observed empirically in real transport networks and the reverse of a paradox can also happen. For example, the removal of a six-lane highway in South Korea to build a public park resulted in improved travel times. The reduction in perceived cost will affect driver choice throughout the network while a smaller subset may see

improvements to overall network and could see increased travel times. There is no increase in the outgoing capacity at Onehunga. The capacity of the on-ramps, both south and northbound, on to State Highway 20 have not changed. On-ramp traffic lights will operate as they do now. Due to grade issues I think trucks will use the Neilson Street on-ramp, either via Galway Street extension or by starting on Neilson Street. The southbound climb up the bridge still exists but the capacity of the bridge has not increased. The arrival rate of traffic will increase. The two southbound on-ramps will reduce efficiency, a classic queuing theory exercise.

I also feel that the current model understates the arrival rate and does not include additional traffic from reduced demand. I've attached some supporting material with regards to that.

Logical self-interest actions from southbound truck drivers will see them avoid the three or four storey grade change and instead use the Neilson Street on-ramp. Engine issues at grade changes, braking, dealing with wind and a single land on the overpass. Instead, they will travel either via Galway Street extension or by staying on Neilson Street. Southbound car drivers queuing at the Galway Street lights may also choose the same option.

The departure rate from Onehunga cannot change. The existing design is not efficient and the arrival rate of traffic will increase. Without opening NZ Transport Agency's black box, from the outside, as a mathematician, I think their claims for travel time reduction do not pass a sniff test. Ultimately, congestion from elsewhere will then consolidate in Onehunga. Is the next solution to build another road through Onehunga, maybe by tearing down the town centre? The above also puts into doubt the cost benefit analysis. If the benefits from travel times are created by losses elsewhere that is not a benefit. A change to perceived costs will also induce new traffic and this will not be accounted for in the cost benefit analysis.

Contrasting business view. Why we need better alternatives, not the same stuff.

As an employer, often the first item I check on a CV is location. If their travel options seem poor then I may discount that CV. This reduces my potential pool of employees. I have had two cases of past employees that either stopped working due to lack of public transport or where commute times play a factor in their job satisfaction.

45 DR PRIESTLEY: That was a workplace at Wiri, is that right?

MR LEE: Yes. As a developer with interests in residential development, public transport plays a factor in my consideration. Over 30,000 people at or

5 around the airport, this will increase with new developments. These
 people can only get to work by car, plus they have to deal with almost
 40,000 daily airport travellers who may also be using these roads. If
 we build a public transport network now as an alternative to the East
 West Link project, I think there would be greater economic benefit.
 The trucking sector contend that East West Link will have major
 economic value to them and thus the public. I contend that other
 options for this area can also provide equal or greater economic
 benefits to the public and business. The economic value of other
 10 alternatives should be considered in the context of this project.

15 Have other alternative and the wider view also been considered? For
 example, with investment could southern and airport container
 volumes be shifted from MetroPort to a better located Wiri port.
 Without choices we continue down the same path thinking new roads
 are the only solution.

[10.25 am]

20 DR PRIESTLEY: What's the Victoria Transport Policy attachment you've got here,
 January 2017?

25 MR LEE: That is just a table which talks about traffic generation, so induced
 traffic which it is my understanding has not really been included in NZ
 Transport Agency's models. So that's really talking about arrival rates
 at the Onehunga Interchange and the likely increase because of the
 perception that the route cost through the interchange will be lower
 because the travel times are a consequence of lots of different actors
 making decisions. But when they make a decision they don't have
 perfect information, so they will look at the route and say, "Well, this
 is faster". So when you get millions of drivers in Auckland making
 decisions all at the same time, sometimes the optimal outcomes are not
 logical, which is why there is a paradox. As I say, this route is faster
 but when they get to a location and go through a link it actually results
 in an increase in average travel times.

35 DR PRIESTLEY: I see. Well, I think maybe we'll take --

MR PARSONSON: I have got a related question.

40 DR PRIESTLEY: Do you want to ask a last question and then we'll take the break?

45 MR PARSONSON: Yes. Thank you. While you were reading I was listening and also
 reading your excerpts on the Braess's Paradox, which was very
 interesting. On the second page of that excerpt there is a paragraph at
 the bottom that starts with highlighting, so the paragraph above that in
 the middle the excerpt discusses - what you just explained there - that

phenomenon.

MR LEE: Yes.

5 MR PARSONSON: But the sentence reads:

"Like many counterintuitive anomalies, it needs the right combination of conditions to actually pop up in real life; but it has been observed empirically in [quoted locations]."

10

The implication to me in that sentence is that it doesn't always occur. Are these an unidentified combination of conditions that sometimes occur or are they particularly identified combinations of conditions or what are they?

15

MR LEE: The model has been built to describe situations that happen in real life and I can't guarantee that the conditions at any given time will arise that will make the paradox occur, but mathematical models tend to reflect what happens on average. If you look at Manukau City with Mt Wellington and Onehunga as the diamond example that they have as the standard example for the paradox, and then you add the East West Link, even though there is an existing route essentially the Link is a reduction in travel time cost. So to me it just seems like a classic example of what can happen.

25

MR PARSONSON: Yes, I am not challenging the logic of your argument. I just want to explore that exclusion or potential for it not to occur. One example that is very recent, I think, is the opening of the Waterview Tunnel. So far it seems to have reportedly freed up a lot of travel time and productivity, which not everybody thought was going to happen. I actually went to an event that the Mayor opened last year where he described the advantages of the Waterview Tunnel "may be for a millisecond". I think he will be presently surprised that it is a lot better than that.

35

MR LEE: In some ways you could say that the Waterview Tunnel is an example of the reverse of the paradox because - this is a bit of a simplification - essentially what has happened is that point to point we have multiple routes and then it is consolidated into a single route. Essentially, you removed choice from the network but then there is the wider impact later in the rest of the network. These things are not always intuitive. Sometimes they are counterintuitive results.

40

MR PARSONSON: Thank you.

45

DR PRIESTLEY: All right. Well, when we come back is it going to be Dr Buklijas and

Dr Randerson or the other order?

DR BUKLIJAS: I think I will speak.

5 DR PRIESTLEY: You will go next.

DR BUKLIJAS: And then we will address the points --

10 DR PRIESTLEY: All right. That will be great.

MR BICKERS: I will have some questions.

DR PRIESTLEY: When we come back?

15 MR BICKERS: Yes.

DR PRIESTLEY: All right. Are you happy with a delay?

20 MR BICKERS: Yes.

DR PRIESTLEY: All right. We will take a 15-minute break for morning tea. Thank you very much.

25 **ADJOURNED** [10.30 am]

RESUMED [10.48 am]

DR PRIESTLEY: Thank you. Right, if you would like to read your statement please.

30 MR BICKERS: No, I am going to ask questions.

DR PRIESTLEY: Oh, that is right. We have some questions. I do apologise.

35 MR BICKERS: He is trying to get rid of me.

Mr Lee, I recognise your expertise in mathematical modelling. Have you read the evidence or read the technical report on the transport

modelling?

MR LEE: The technical report one, yes, I have had a look through it.

5 MR BICKERS: You had a look through it?

MR LEE: Yes, I have read through it. Yes.

10 MR BICKERS: Did you read the evidence of Mr Murray?

MR LEE: As part of this hearing?

MR BICKERS: Yes.

15 MR LEE: I am not sure if I have read that one or not. I couldn't tell you.

MR BICKERS: What about the other traffic experts who have commented?

20 MR LEE: I guess, as part of my statement, I haven't tried to focus really deep into the details because that requires both time and a lot of domain-specific information so, as I have said, I have tried to analyse it from a higher mathematical level just testing the assumptions and the outputs.

25 MR BICKERS: Yes, I understand but you have made quite a strong statement and you doubted the NZ Transport Agency's predictions on the reduction of traffic on the local roads. You also made a statement about induced traffic was not considered, and I am just exploring how carefully you investigated those two matters.

30 MR LEE: I can clarify that from my observations of how the design works. An important aspect of my argument is that the outbound capacity, south and northbound from Gloucester Park, is not changing and in fact southbound is getting more complicated because you have now two onramps and no change over the bridge.

35

[10.50 am]

MR BICKERS: Yes, no, I heard that.

40 MR LEE: The departure rate of traffic from that junction is not changing because it can't change unless more work is done and there is no room to do that work. So then instead what we have is a new four lane and existing four lanes, so eight lanes of total traffic arriving in Onehunga. That means that drivers will choose to use that and the arrival rate of traffic will increase. The departure rate won't change, so that means that

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rather than --

MR BICKERS: You have taken an intuitive approach to it.

5 MR LEE: Yes, but it is informed by mathematical principles.

MR BICKERS: Okay. Thank you.

10 DR PRIESTLEY: No other questions?

MR PARSONSON: One question. Traffic modelling is pretty complex. Are you aware to what extent it may incorporate some of these principles that Brasses's Paradox reflects in terms of choice?

15 MR LEE: In terms of the NZ Transport Agency's model?

MR PARSONSON: Traffic modelling in general. NZ Transport Agency have used some recognised modelling techniques and packages but to what extent do those models, do you know, incorporate some of the principles into the option selections that they consider?

MR LEE: I think the thing with Brasses's Paradox is, because it is a counterintuitive example, it is hard to use it in practice. Often it is used as an explanation of why things occur rather than to actually say, "This will exactly happen because of factors that you can't determine beforehand". It is an example of a sort of a game theory approach with Nash equilibriums and all these other things.

30 It is hard to establish, because modelling is often about simplification and an attempt to model reality and it can be easy to get the input variables wrong when it comes to real life. You always seek to test your inputs and outputs and your assumptions to see whether or not what you are saying seems likely. This is why in real life we create these models and we go, "Is this outcome going to occur?" and then we think that it does and then later on, after we analyse, it we go, "Well, this is why".

MR PARSONSON: Okay. Thank you.

40 DR PRIESTLEY: All right. Thank you. I apologise if I get the pronunciation wrong

again. Dr Buklijas?

DR BUKLIJAS: Buklijas.

5 DR PRIESTLEY: Buklijas? Excellent.

DR BUKLIJAS: Yes, thank you.

10 DR PRIESTLEY: Would you like to take us through your submissions please?

DR BUKLIJAS: Yes. So I have a medical degree from Croatia and a PhD in history and philosophy of science from the University of Cambridge in Britain. I lived and worked in Croatia, Vienna, Austria, and Cambridge, UK, before moving to New Zealand in 2008 to join my New Zealand partner then husband sitting here. Also in 2008 we bought a house in Victoria Street, Onehunga, where we have lived since. I became a New Zealand citizen in 2015. We have two children aged seven and four who attend the Onehunga primary and the local day care on Grey Street.

20 Since my move to Auckland I have been employed as a researcher at the Liggins Institute, University of Auckland, working on projects concerning the conceptual basis of genetics, which is a science studying how environmental influences change gene expression and, therefore, health and disease, and the understanding of human evolution in relation to health. I also teach in the medical school and one day a week I work with the Prime Minister's science advisor, Sir Peter Gluckman, in science policy.

25 My interest in the East West Link is informed by my experience of growing up and working in European cities, of living in Onehunga and witnessing as well as enjoying many positive developments, such as the reestablishment of the Onehunga train line and the regeneration of Taumanu, and finally through my professional interest and experience in the areas of human health and in the uses of scientific evidence and policy.

30 My submission really focuses on two main points: the unfairness of the consultation process and the disjunction or lack of any overlap or perception of Onehunga between the NZ Transport Agency application and the views of the future of Onehunga by the Auckland Council as well as by Onehunga residents. I am focused in my submission and in this presentation on these points.

35 [10.55 am]

45 Consultation process: my family spent a period between September 2015 and July 2016 in Europe, where I had a visiting fellowship, and it was upon our return to New Zealand in late July 2016 that we first

5 learnt about the plans to build a motorway, the East West Link. Many of the statements by the NZ Transport Agency that I read stated the project had been discussed and planned for several years. But although we have always kept very well informed about the developments in our community, we first heard about it then in July 2016 and none of our extensive network of friends and acquaintances in Onehunga had known about it.

10 NZ Transport Agency's own documents show that at least until mid-2015 these plans were poorly defined and without a definite schedule, and it appears that the plan to build the full version of the East West Link in some form was planned for some time around 2035. That is the date on the document I downloaded. It is NZ Transport Agency's own memo. If you look at the summary:

15 "The project shall be completed in three stages, stage 1, stage 2, short and medium, and then stage 3 around 2035."

20 And actually stage 3, if you look at the map that is the part in Onehunga.

25 The NZ Transport Agency's submission to APA, on which my submission comments, mentions multiple times that the East West Link was planned in the Auckland 2012 plan. That is the map from the 2012 plan. Indeed, there is a road that corresponds with the East West Link but then there are a lot of other things there. Like, there is a railway - and I will just mention this - to the airport of some form. There is a connection from Onehunga to New Lynn. So there are lots of things there, so none of these have been fast tracked in the same way. Sorry, there shouldn't be a line there. So it was not clear to me, and to many Onehunga residents, why the East West Link has to be built now and all the other things from the Auckland plan do not.

30 The NZ Transport Agency's own website indicates the beginning of public discussion around the Link started in June 2015, although, as I say, we didn't really know anything about it. It didn't come to the public really. Then from late 2015 through 2016 the project was fast forwarded, especially through the second half of 2016, in spite of the strong community objections and estimated costs that kept on increasing, which Nicholas mentioned in his presentation. The leaflets providing visualisations of the East West Link plan were delivered to our mailboxes in December 2016, not much before the Christmas holidays. The visualisations were not clear and we couldn't tell what this was even going to look like.

45 Throughout late 2016 and early 2017, the representatives of NZ Transport Agency refused to consider a plan that would impact less on the connection between the Onehunga community and the Manukau Harbour. Altogether, less than six months passed between the first

5 news about the project and the opening for submissions, and much of the crucial information came at the last moment during the summer. Throughout there was a feeling that we were rushed, that we were not adequately informed and that there was a lack of transparency. For example, a comparison between the so-called community or Onehunga Business Association plan and the NZ Transport Agency plan was published on the NZ Transport Agency website on 9 March 2017, so that was 13 days before the end of the public consultation process.

10 At the time when I wrote my submission there was no publicly available business case. We did not know the benefit cost ratio. Compared to the amount of discussion and consultation that went into the city rail link, which is more expensive but a similar order of magnitude, the project appeared rushed and not really well thought through. The cost, monetary, environmental health cost potentially, is 15 too high to rush into a major project. The short amount of time, lack of substantial information, lack of transparency made it difficult for many of the concerned residents to prepare a submission. One example is Dr Randerson who will speak after me. For instance, I would have 20 asked my friends from the School of Population Health, who work on environmental health, but there was really no time and we just did what we could within the space.

25 **[11.00 am]**

30 My second part is regarding perceptions and assumptions concerning Onehunga. The NZ Transport Agency submission to the EPA described the Onehunga/Penrose area as an integral component of the upper North Island freight network and a regional hub for transport and distribution activity. While that may be true, Onehunga is also one of the two main historical settlements of Auckland, around one of the two historic Auckland harbours. This is not to negate the industrial aspect of Onehunga but to stress that every project intervening into this 35 community must take into account - and not in a perfunctory but in thoughtful and engagement in all of its components, in industry, its natural environment between the volcanic cone of Maungakiekie and the fragile coast environment of Manukau Harbour - its rich human history and its future potential.

40 In the same Auckland 2012 plan the NZ Transport Agency submission references south Auckland as an area of enormous promise, and Onehunga was singled out as the priority growth area. As late as November 2015, when the new foreshore revitalisation project was finished, the city's own newsletter, Our Auckland, was talking about a 45 Wynyard Quarter-style development for Onehunga Port by the council-controlled organisation, Panuku Development Auckland, with high-

quality apartments, recreational and public spaces.

5 With the population of Auckland growing and the pressure for land to
build high-density housing located near public transport hubs,
Onehunga, with its location allowing easy access to the CBD - 17
minutes on the train current - airport and south Auckland, which is
currently by bus but also connecting through Penrose on the train, but
with rail to the airport planned, seems like an obvious place for a mix
10 of high-density housing and commercial as well as light industrial
activity.

15 This is what we're already seeing, with new housing projects exploiting
the proximity to the rail. A good example of Fabric of Onehunga in
Princes Street, a thoughtfully designed new apartment complex or
pocket neighbourhood surrounded by a mix of light industrial and
residential buildings.

20 In the NZ Transport Agency submission to the EPA there is some
acknowledge but not really a deeper understanding of the historic,
diverse and changing character of Onehunga. The juxtaposition
between the design effort and financial investment placed into the
revitalisation of industrial parts of Waitematā Harbour through
building successful public spaces, high-quality housing, while allowing
the continuation of industrial and commercial activity, expressed in the
award-winning Wynyard Quarter and the contrast in the way that
25 Manukau Harbour is treated is striking.

30 It is often repeated that this area is degrade so why not put a motorway
there. But its degradation is not due to a natural catastrophe. It is the
result of many bad decisions through the 20th century. Today we
understand that environmental degradation ultimately impacts humans.
We understand that seashores, especially in urban environments, are
precious for their biodiversity. We also know that people like spending
time close to the sea. The area around the Manukau Harbour has the
35 potential for so much more than a thoroughfare.

40 The NZ Transport Agency plan reduces the multifaceted problem to
the question of potential benefit of reduced travel time, mainly for
trucks. The submission stated the proposal intends to significantly
reduce travel time for trucks traveling from the Onehunga-Penrose
industrial area to State Highway 1 and 20 between 4 - 17 times, reduce
travel time between MetroPort and East Tamaki by up to 13 times,
reduce travel time for public transport, including buses, by 5 - 6
minutes when travelling to Mangere Bridge, to Onehunga town centre.
45 So while there is some time saved for trucks, provided the modelling is
correct, time saving for buses, for example, does not justify the
monetary cost or the environmental, social and potential economic
costs it incurs by lowering the quality of the connection with the

Manukau Harbour.

5 The question that NZ Transport Agency's submission does not address is if, say, \$1.4 billion to \$1.8 billion is invested towards rail, rapid
10 busways on the existing road, would the extant roads be sufficient for trucks, while at the same time futureproofing transport for high-density housing along the way, reducing greenhouse gasses, emissions and air pollution? Instead of rushing in to building another motorway in a motorway-choked city with increasing levels of pollution, it would
15 make much more sense to consider the options that would allow not building it.

20 International experience has shown that building more roads does not lead to improvement in the traffic but rather leads to increased demand. Removal of urban motorways considered vital in cities much larger and Auckland - and I also mention that Nicholas mentioned in Seoul - did not result in gridlock, and it brought many other benefits such as improvement environment and better quality of life in the city. Congestion charges and public transport have been shown to be much
25 more effective in recuing traffic congestion.

30 The strict focus on the reduction in travel time for trucks furthermore ignores reduced access to the foreshore and the noise, health costs caused by increased pollution, increase in greenhouse gases through bringing more cars on the road, at a time when New Zealand should be focusing on reducing greenhouse emissions, reducing investments into roads and building train networks.

35 **[11.05 am]**

40 To conclude, in the rapidly growing Auckland, experiencing huge pressure for housing and alongside urban intensification likely to experience pressure for public space, Onehunga is an area that has enormous potential for accommodating many more people than it does. It's an historic and well-established community located centrally with various commercial amenities already fairly well-connected through public transport as well as roads, but it can be better. With more people we will need more public space.

45 We're lucky to live right next to one of the two harbours in Auckland and to have the opportunity to do something really interesting that will be just as good or even better than the Wynyard Quarter. But placing a motorway hard against the shoreline is going to take this opportunity away.

Looking beyond New Zealand, placing motorways hard along coastlines is no longer an accepted practice. My native Croatia, which in the early 21st century built a modern system of motorways to support

- 5 the access of European tourists to tourist hubs on the Adriatic coast, placed these motorways inland, far from shorelines, where they are likely to produce lesser impact. Yet in the much wealthier New Zealand, the first vista that the tourists arriving in Auckland see are motorways.
- DR PRIESTLEY: The Adriatic highway, though, goes right along the coast, though, doesn't it?
- 10 DR BUKLIJAS: That's the old one.
- DR PRIESTLEY: It's a slightly terrifying road, isn't it?
- DR BUKLIJAS: Not any more. That's the old one from the 1960s.
- 15 DR PRIESTLEY: But it's still there.
- DR BUKLIJAS: Well, it's no longer the main thoroughfare for people coming up from Germany and Poland. They actually go inland and then they come down. These are just pretty much local roads now.
- 20 DR PRIESTLEY: Right. Mind you, there would be geographic constraints trying to put a six-lane highway along that coastline.
- 25 DR BUKLIJAS: Yes, there would be.
- MR LEE: I think you get local traffic, but the thing is with that motorway, because obviously German and Austrian and Polies travel at 160 on the Croatian highways and the local roads are very windy and they have to slow down for villages and there's bridges and other things, so it becomes again one of these --
- 30 DR PRIESTLEY: I have driven recently extensively in Croatia so I know something about the motorway system. Thank you. That concludes it?
- 35 DR BUKLIJAS: I look to Janine Randerson. Could she speak now in relation to my points.
- DR RANDERSON: Jenny said I could speak in support of Tatjana's reading.
- 40 DR PRIESTLEY: All right. The Board will then direct questions to both of you.
- DR RANDERSON: All right. Kia ora koutou. I'm a filmmaker and a senior lecturer in art and design at AUT University. I'm particularly interested in research around environmental art and social environmental issues around Auckland. I've lived in Onehunga, in Cardwell Street, for 14 years and I'm here in support of matters raised in Tanya and Nick's submissions. My husband's father also lived and worked in Onehunga and worked
- 45

in Onehunga at the woollen mills as a designer, so we have an historical family connection as well.

5 First, in support of Tatjana's argument that the consultation was rapid and ill-timed over the summer break, as you can see I in fact missed the earlier deadlines to submit, as I was away on a research project. Although I attended the public meeting about the EWL in December, much of the crucial information that would have helped a submission came through during my absence. We also received no letter drops about the EWL project in our part of Onehunga. I felt rushed and inadequately informed about the project, despite my deep engagement with the local community.

10 In 2014 I staged or facilitated the community art project, Other Waters: Art On The Manukau. That involved eight local artists and performance art and sculpture along the Old Mangere Bridge and we also did some planting around the Mangere Inlet. I also filmed a documentary, assisted by the Papakura Coastguard, from a boat on the harbour. Part of this film recorded the birdlife and the social activity around the Mangere Inlet, including the fishing. That was screened in the New Zealand International Film Festival last year.

15 Our project Other Waters was opened by kaumātua Jeff Tukua of Te Waiohū iwi, one of the many tribes connected to Mangere Inlet, from whom you've heard. He also took us for walks around the harbour, told us stories about Te Manukanuka o Hoturoa and took us up the Mangere mountain, Ihumatao.

20 [11.10 am]

25 So I see, as part of my role as an academic, is to share this sense of kaitiakitanga, or a sense of a role as a critic and a conscious around what happens to this harbour in my area. So when more information surfaced around the East West Link I was dismayed to learn that it would actually cut through the harbour and, as you know, will disturb the birdlife and the sea life for the years to come, as well as our social relations to that shore.

30 In some of my research projects I've also worked with water quality experts such as Mike McMurtry to find out more about the seawater quality in the harbour. I've also designed an art application with an urban meteorologist, Dr Jennifer Salmond, at the University of Auckland. That was part of my PhD research.

35 With more time for consultation, both Tanya and I could have enlisted expert witnesses amongst our colleagues, on air pollution, noise annoyance and the health costs of EWL, to contribute to a more substantial submission. Also I'm interested in the water quality claims

that the addition of the bund made by NZ Transport Agency have promised. I'd like to find out more from my colleagues about that. But I feel that this consultation process should start again to allow fuller submissions to be prepared by residents and others.

5

DR PRIESTLEY:

The same point was made also by Dr Buklijas - and this is not a criticism of either of you - but the East West Link as a concept has been sitting there in the Auckland plans for something like 30 years or so, so we understand. The tight timelines are not, I don't think, imposed on anybody for any sort of Machiavellian reason, there is a provision in the Resource Management Act which allows central government to declare, if they wish, projects to be of national importance. That is what two Ministers of the Crown have done. So the tight timelines imposed not only on submitters but also on us and this panel hearing is really a one stop shop, otherwise under RMA procedures you start off with the local authority, you've got a right of appeal to the Environment Court, you might go back to the local authority, rights of appeal to the High Court, all of which could go on for years. Whereas the process mandated by parliament for projects of national importance is one of nine months. We have, in fact, had to apply for an extension of one month because this hearing has taken about a month longer than anybody in the wildest dreams thought would be the case. But we have done that.

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So we are all under time constraints and I don't think there's any deviousness about it. As you both candidly admitted, you were both overseas at the relevant time so you didn't have the lead time that you might have liked or the whole entire time that you liked. This didn't prevent many hundreds of submitters from getting their points of view in. So although I can sympathise with you both personally, there's nothing we can do about it because the law binds us all, both you and us. All right?

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Don't hammer that point too much because, although I hear what you say, there's nothing that any of us can do about it and we are giving you an indulgence, Dr Randerson, as I think you appreciate, by allowing you to supplement your friend's submissions.

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Incidentally, you're not the daughter of Tony and Glenda, are you?

DR RANDERSON:

Yes.

DR PRIESTLEY:

I thought I saw some family resemblances. As you know, I was a colleague of your father's for a long time.

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DR RANDERSON:

He didn't have much input in it but he said we shouldn't plug the lack

of consultation time.

DR PRIESTLEY: I am sure he would.

5 DR RANDERSON: But I ignored his advice as you can see.

DR PRIESTLEY: On you go.

10 DR RANDERSON: I've got a couple of other points that don't relate to that. So in support of Tania's comments on the divergence of views about the future of Onehunga between the NZ Transport Agency, the Council and residents, I add that at the time that my film was in production the outlook was very optimistic for our local area. You've heard about the new Wynyard Quarter style development.

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Despite years of neglect and misuse I felt that the Manukau Harbour was going to get the attention that it had long deserved. It would no longer be the B side harbour. There would be cafes, markets, community activities, more support for the kind of arts events that we get around Silo Park that I was trying to do. We also did projections on the Holcim concrete silos as part of my project in Onehunga. Yet in a matter of months the area featured only in media focus as a place to build a significant four-lane arterial route, a road of national significance, but the rapid turnaround was shocking to me. The area I drew attention to in my film making practice as a place of neglected beauty was now fast tracked for the construction of a road.

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Third, in support of Tania's comment that there's little recognition in the NZ Transport Agency plan of the historic or diverse and dynamic character of Onehunga, I agree that the Manukau Harbour is a vital natural asset to Auckland and that Onehunga is no longer solely an industrial area. Attention to our long-mistreated foreshore is much needed and a roading project that severs the inhabitants from our leisure activities by heavy vehicles cannot be argued to improve our suburb.

[11.15 am]

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My family ride our bikes frequently from Mangere Bridge eastwards along the coastline where the East West Link is proposed. We often ride past the Waikaraka Cemetery and stop to walk among the graves where one of my husband's relatives is buried. The East West Link will cut off this old cemetery from the sea. Rather than a place of quiet contemplation, the sound of trucks and the pollution from cars will fill the air.

After viewing the NZ Transport Agency images and impressionistic animations of the planned planting and landscaping, there does not

5 appear to be places where cyclists or walkers can now linger on the foreshore. The proposed bike path over the water appears to be a transit route for bicycles rather than a place where we can stop for lunch and watch the grey herons and oyster catches as we do now. We also often climb Mangere Mountain from where there will a disruptive sight line through to the arterial route along the coastline as well as from the opposite coast.

10 Finally, in support of Tania's point about motorways along coastline and how they seem to be a regressive step in this day and age, from the perspective of someone who has filmed the harbour and appreciates the diverse ecosystem there as well as the interests of Te Waiohua, it's totally unacceptable that a new road should be built on Auckland's vital southern harbour in this century. Last night I met the new director of Artspace Public Gallery, a major gallery in the city, from the Netherlands who had just moved his family to Onehunga. He was shocked to hear for the first time that a motorway was proposed after his carefully considered migration here. Trucks are not prioritised over health-related quality of life so much in Europe.

20 We owe it to future generations of young people to seek complimentary alternatives to roads for Auckland's infrastructure, including light rail options.

25 This disruption, I believe, will be a permanent cause of harm, socially, visually and culturally, to our local area.

DR PRIESTLEY: 30 Thank you very much, Dr Randerson. I think it's fair to say that the issues which you've both raised are issues which have already been put before by TOES and other interested parties and your statements, from the three of you really, augment those. I've just got one question which you can both answer if you like and then other members of the Board may want to ask you some questions.

35 One of the paradoxical features of NZ Transport Agency's application is that they want to reclaim part of the Manukau foreshore, which - using a neutral word - is something which is not done very much nowadays, reclamation of harbour foreshores. But in a desire to mitigate that and make things better beyond the proposed carriageway of the highway, there is quite extensive reclamation which will involve wetlands, water treatment areas, boardwalks, cycle paths, footpaths, etc, etc, and even the creation of some artificial beaches. In other words, Taumanu but better. This has been put to us as something which has a number of public benefits. The first public benefit being that there's treatment of storm water for the Onehunga catchment, which at the moment can't be treated on the land because of the intensive urbanisation of the land on the Maungakiekie slope. Secondly, that it's an attempt, as with Taumanu Reserve, to make better in part a harbour

or an inlet of a harbour which has been over more than a century extensively degraded. I would have thought that some of the disadvantages, for instance, which you've raised, Dr Randerson, about cycling along the current path where you don't have time to look at the wading birds otherwise you go off the edge sort of thing, that maybe these walk areas might improve the ambient environment for pedestrians and cyclists. Have you any comment on that?

[11.20 am]

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DR BUKLIJAS: Yes. Must we tie improvement projects --

DR PRIESTLEY: I'm sorry?

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DR BUKLIJAS: I'm asking, do we have to tie the improvement of Manukau Harbour to a roading project?

DR PRIESTLEY: To a road, yes. Well, the sad reality is no one else has tried it over 50 years, have they? With the exception of Taumanu.

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DR BUKLIJAS: We are living in the 21st century and we can see the effects of environmental pollution of greenhouse emissions and we really have to rethink our relationship with the environment, not only from the aspects for the environment but also from the economic aspects as we can, for instance, see the cost of the catastrophic hurricanes in the United States which override the extensive investment in other form of industry. So we really, I think, have to think differently and, yes, this is all very wonderful but can we think about it in separation and think about trying to put options that do not come with destroying and then trying to mitigate later.

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MR LEE: Yes, I think there's one other point from a resident's point of view with regards to the mitigation that NZ Transport Agency are suggesting along the foreshore as creating more recreation, this area will be behind a four-lane significant road with substantial amounts of traffic. So access to those facilities will be limited and also the value of those activities that you can participate in there will be reduced because of the pollution and of noise and air from the road.

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DR PRIESTLEY: The access to Taumanu Reserve is limited too, isn't it?

MR LEE: To a certain extent, that's true. They are developing new connections along the Hillsborough foreshore and you can access it from multiple directions. You can access it down the various roads but the developments that they're suggesting as part of this seem to be only accessed from two directions as opposed to the current walkways along there where you can access from lots of different areas. So if someone wanted to go swimming say where the cemetery is, if there's beach

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there, in order to get there they would drive and find some park where this junction was and then have to walk some way to that location and then be surrounded by this bubble of noise and pollution. I think that it's unlikely that people will do that.

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DR PRIESTLEY: You have answered the point, I just wanted to get you views on it.

DR BUKLIJAS: Can I just add something about Taumanu? Taumanu is 2015 mitigation for a project that was done -- I only moved to New Zealand -- in the 1980s, right? So it's --

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DR PRIESTLEY: It took a long time to come.

DR BUKLIJAS: Do we have to -- it's good that we want to mitigate straightaway but that motorway was done in the 1980s, that was done that way, but can we like actually do this trading solutions in a way that we don't have to have the effect and have the beach. I think maybe these ...

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DR RANDERSON: I agree on the beach. We don't see grey herons and oystercatchers and wading birds near the Taumanu. It's the artificial beach. It's not what was always there at the Manukau Harbour. It should be mudflats, you know, it should be mangroves, to support that. So, yes, I'm not sure about their solutions but I have looked extensively at those, that they would answer our concerns.

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DR PRIESTLEY: The other question I had was to you alone, Dr Buklijas. I will summarise the point, which is a good point. What you are saying is that if there was much more investment in public transport, fewer people would be clogging up the roads with their cars and there would be more room for trucks, and that is an argument which I have heard both inside and outside this inquiry.

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[11.25 am]

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But isn't the reality that, particularly with huge growth in the Auckland area, and the need to service the population of Auckland, which is why all that light industry is out there, isn't it the reality that public transport improvements are going to be a long time coming? When I was a little boy I used to jump on to trams, now, called light rail, and by the mid-1950s they had all been ripped up and we had bus services, which are gradually getting better. But I would have thought that the roads are going to get more congested with private transport, which is going to have this flow-on effect on truck congestion and that improved public transport may come gradually but it's not a quick fix, is it?

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DR BUKLIJAS: Unless it's designated as an area of national significance, and fast-tracked. I mean, the East West Link was fast-tracked because it is

nationally significant. If we said public transport in Auckland is nationally significant ...

- 5 DR PRIESTLEY: So you think that should be fast-tracked?
- DR BUKLIJAS: Yes.
- DR RANDERSON: I agree.
- 10 DR PRIESTLEY: I understand. All right. Now other members of the Board may have some questions. Ms Tepania? I thought you might.
- MS TEPANIA: Dr Randerson, my questions are probably aimed in response to your evidence. Your documentary: what was it called?
- 15 DR RANDERSON: It was called Seawater and Dust.
- DR PRIESTLEY: Seawater and Ducks?
- 20 DR RANDERSON: Dust.
- DR PRIESTLEY: Oh, dust.
- 25 DR RANDERSON: Yes, because it was looking at -- it was around the time of the development of the reclaimed beach, so it was looking at that from the perspective of the water, as well as what else was going on around the harbour.
- 30 MS TEPANIA: From the perspective of the water, because you went out on a boat, do you mean in terms of the physical take from that, or more of a ...
- 35 DR RANDERSON: Well, the soundtrack of that film was sonified water quality data, so it was an electronic soundtrack that actually Jason worked on but we used actual water quality data, which was part of my collaboration with Mike McMurtry, so they put an EXO sonde instrument down in the harbour as part of the collaborative aspect of the project.
- 40 MS TEPANIA: You talked about birds as well, and the life of the birds around that area. Is that covered in your documentary from a community perspective?
- 45 DR RANDERSON: It was more observational, so I was recording the birds around the harbour, but we did talk about the birds with the tokuas(?) and just the general food basket of the Manukau, and how that had changed.
- MS TEPANIA: Okay. I'm interested in your comment, too, around the lack of birds around Taumanu, and your views that they are more prolific, if you like, around the other side, your comments around needing that

environment. From what you've seen, and your experience, to ensure that - well, the different comparisons, can you elaborate on that a bit more?

5 DR RANDERSON: Yes. It's a visual comparison, so I haven't got scientific expertise about the birdlife, but it's just what we see through our leisure activities, through the making of that film, through spending time down at the new beach as well. Yes, you get gulls down there, but you don't get the wading birds.

10 MS TEPANIA: Thank you. Thank you for your evidence

DR PRIESTLEY: Mr Bickers?

15 MR BICKERS: No.

DR PRIESTLEY: Mr Parsonson?

20 Well, thank you very much, the three of you, for coming today. So often in this sort of hearing you have hundreds of people who are making closely-related points and TOES has been particularly active throughout this hearing, represented by counsel, and have made us critically aware of issues of severance and degradation of the Onehunga environment, and I think the point which all three of you made, directly or indirectly, that the East West Link will certainly, if it is approved, delay a lot of quite exciting Wynyard Quarter-type, Panuku, developments for improving the area and increasing connectivity between the Onehunga community and the Manukau Harbour. That is a very important point, which we are going to have to weigh, but it is always helpful to us to be able to put personal faces, personal experiences, to some of these submissions which are black and white, and the Board is grateful to the three of you for taking the time to prepare these very helpful submissions. Also, thank you to the two support people. That has been good. Thank you very much indeed.

35 [11.30 am]

DR RANDERSON: Thanks for the opportunity to tag on.

40 DR PRIESTLEY: Is Dad coping with retirement, Dr Randerson?

DR RANDERSON: He's a little bit agitated. I think he would have like to have got more involved in this.

45 DR PRIESTLEY: Goodness me. I'd have had to have disqualified myself. Anyway, pass

on my regards to your parents, please. That would be great.

All right. We've run out, have we?

5 MS DUFFY: Mr Carr.

DR PRIESTLEY: Oh, is Mr Carr here? Right. If you could vacate the front bench, and we'll now put a transport operator in your place.

10 Now, Mr Carr, you're a director of Carr & Haslam Limited. Is that right?

MR CARR: Correct.

15 DR PRIESTLEY: Okay.

MR CARR: Thank you very much. After the last speakers, I must say I feel like somewhat of an academic cretin. I'm a truck driver by trade and haven't driven a truck since 10.00 am this morning.

20 DR PRIESTLEY: Not since 10.00 am? You didn't park it out there, I hope?

MR CARR: No, no, I didn't. When I got a phone call to say could I come in here early ...

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35 So, thank you very much for allowing me to be here. Just some background: I'm a director of Carr & Haslam, and that is a very old company. We were established in 1862. The photo on the screen there was taken on Queens Wharf, outside what was then shed 15, now shed 10, in about 1919, and there's a fat, pudgy bloke in there somewhere, who is my grandfather, who you can't see particularly well in that photo. We were established in 1862. We are based in Mount Wellington and we lease land in the area that is affected by this. We employ 100 people nationwide and the majority of those, probably 60%, are Auckland based. We operate 70 trucks around the country and we distribute motor vehicles, LPG, and things, nationwide.

DR PRIESTLEY: Carr & Haslam is still a private company?

40 MR CARR: Yes, it is a private company, yes. I'm effectively the owner, through trusts and things like that, but I'm effectively the owner.

DR PRIESTLEY: Does the Haslam family still exist, or is that historical?

45 MR CARR: No, that's historical. My father bought them out in about 1963 and we retained the name because it was already a well-established name, so

we have stayed with that.

To go from the horse and cart, we've got something a little more modern there, which is kind of what we do today.

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We've always supported organisations which support our industry, such as National Road Carriers, Auckland Business Forum, Road Transport Forum. I'm a director of the Chamber of Commerce. I'm a director of the Auckland Business Forum. I'm a Fellow of the Chartered Institute of Logistics and Transport. I'm on the governing council of the Institute of Road Transport Engineers. But I guess I'm just a truckie at heart.

10

I represent the industry, also, on the NZ Transport Agency Axle Weights and Loadings advisory group, which is totally unrelated to this type of funding and financial activity.

15

I have been involved in assisting the interests of customers of the road transport industry for many years. I have seen improvements that quality infrastructure brings. As a child I walked across the Auckland Harbour bridge with my father, sort of holding his hand, as we walked across the bridge, and then we had a long time to wait before we saw things like the Newmarket Viaduct and then the New Mangere Bridge, and then, most recently, the Waterview Tunnels, which, in my view, have been a resounding success, certainly as directly it affects my industry and, as far as I can see, for other people as well.

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We are a trading nation in New Zealand. We have a population which creates and consumes goods, and without transport, all of this would stop; the economy would just grind to a halt. There is no alternative to truck transport in Auckland and for the vast majority of freight, for 99% there is nowhere else to go, and further afield within New Zealand, road transport accounts for 90% of the freight movement, and rail for about 10%. That is land transport. It doesn't take into account sea freight and air freight, which have varying degrees of viability.

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I consider rail has a vital role to play in the freight industry. I'm not opposed to rail in any way, but I make the point that rail needs road transport to service the terminals at either end of the system. So without road, rail fails, basically.

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Carr & Haslam supports the timely construction of infrastructure needed to support a growing New Zealand and we have supported this project right from the very beginning.

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[11.35 am]

I spent my youth around the Onehunga area, for good or bad, I suppose.

I traversed the delights of the top and bottom pubs, which were, by today's standards, remarkably uncivilised and rather brutal at times. I've walked around the waterfront in its then highly polluted and rat-infested state in the 60s and 70s, I watched the water rats running around, we threw food to them. I scrounged for treasure in the rubbish tips where Waikaraka Park now is. We refuelled our cars at the old Europa service station at the bottom of the road just by where the old bridge joined. I'm quite familiar with the area from my youth and working in that area now.

We'd never heard of Anns Creek. I don't belittle Anns Creek for that, it was just something we had no idea of, it didn't exist, it was beyond our comprehension, no one ever talked of it. I think as a result of this project Anns Creek has come to some sort of prominence which is probably beneficial for Anns Creek, I guess.

That narrow little Mangere Bridge, that still exists today and is now used as a fishing and recreation zone by an awful lot of people. It could never, ever carry the traffic that the main highway does today. I struggle when I hear people talking about going back to the way we were because we just can't. That was then, this is now and we have to deal with it.

I think Onehunga has a last chance to recover from the increasing amounts of traffic that it now suffers. We, being the transport industry, drive through downtown Onehunga when we need to cross the isthmus and our trucks carry freight through Church Street, Neilson Street, Gloucester Road, Onehunga Mall and Onehunga Harbour Drive, getting in and out of the motorway, as do a whole lot of cars and other vehicles. Effectively we chop Onehunga in half as it is now. So when people talk of severance and the severance that the East West Link is or may create in their view, they actually have severance now. It's almost impossible to get across Onehunga Harbour Drive at certain time of the day. The port or the skeletal crappy remains of the port that exist at the moment will never develop until there is some attention to fixing that. I, too, like the previous speaker, would love to see that developed into some kind of useful area but I fear that there's no incentive for anybody to do anything until there is a different roading set up.

Since the Waterview Tunnel opened there's been a considerable increase in vehicles, not only trucks using these roads, and that increase will increase as time goes on and the Auckland City grows.

Something like a spotty faced youth outgrowing his clothes, we've outgrown our roading network and we need to build some new roads

instead of just putting on new clothes.

5 In terms of access to the residences and commercial properties in
Onehunga, I've probably covered that now but in 2006 Onehunga
interests stopped the building of the motorway interchange and had that
been built then it would have been much easier to do some of the things
that were wanted now. It just seems to me that if we don't progress
with the East West Link then Onehunga will consign itself to gridlock
because nothing will happen. If nothing happens then things will only
10 deteriorate and it strikes me as it would be rather unfortunate for
Onehunga if that was to be the case.

15 In those days, around 2006, there was a lot more land available than
there is now so there's a degree of difficulty with the project now
compared to what it would have been then. I guess that's a trend at all
times.

20 Neilson Street is often at a standstill from one end to the other and for
an area that accounts for 17% of Auckland's GDP that's pretty poor
really. This area is one of Auckland's major and threatened industrial
hubs, and threatened only by the lack of access to it and the difficulties
with it. Somewhat ironic when people are proposing transferring goods
to rail that we should want to put the transport to and from the rail link
at any kind of threat.

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[11.40 am]

30 In 2008 we started to present our case to the then City Council which
was the Auckland Business Forum, which I'm a part of and Michael
Burnett spoke to you yesterday. We went to the Auckland City
Council, we went to the Auckland Regional Council or Auckland
Regional Authority, the Council, the Transfund as it was then.
Transfund, as you well know, was folded into NZ Transport Agency in
35 2008, and it has since been responsible for the funding of major
projects throughout the country.

40 We struck a lot of difficulties initially with our putting the case forward
because there was no ability for Auckland Council in any of its various
iterations to pay the cost of any improvements therein. It took a lot of
time working with government and with Council to determine that
there was some way for the Council to step out of paying for things and
to allow NZ Transport Agency to take over some of that.

45 We took the project on tour. We showed politicians, the mayors, the
chairs, the Ministers, the MPs, the councillors, the local boards, the
boards of directors, the policy wonks and the bureaucrats, we drove
them around, we showed them all of the industrial buildings,
warehouses, railways, empty container depots and things around that

5 area. It's a very forgotten area in terms -- everybody ignores freight and they ignore industry. It's only when industry or freight want to do something that they may raise themselves up otherwise you just forget them. You go to the supermarket, you buy your food and life's great. Everybody forgets that there's a whole support structure behind the bag of food that you pick up at the supermarket.

10 You are probably not aware - and I'm sorry I'm digressing a little bit - but Aucklanders drink more than a million litres of milk a day and every day on the motorways there are something like 80,000 tonnes of aggregates moving around, and all of these things just disappear. Nobody pays any attention to them because they don't see them, they don't know, they just expect and accept that those goods will be available for them.

15 The bureaucrats --

DR PRIESTLEY: So that's distribution of milk to supermarkets and so on, is it?

20 MR CARR: Yes. Milk for Auckland comes from the Far North and it comes from as far south as Taranaki. So it comes from all over the country to get here and it comes in various transport forms and modes and it's packaged and delivered and all sorts of things, so it is handled a number of times before it is consumed by the consumer. So that million litres is handled probably three or four times before it goes into your cup of tea in the morning.

30 The people that we showed this area to had no idea of what was there. I remember vividly sitting with Len Brown as we went through there and Len Brown just turned to me and said, "God, I had no idea this place existed". It wasn't a frivolous statement, it was a statement from a man who genuinely was unaware of the complexity of the things within the area that he had been mayor of for some time. But it remains invisible.

35 Even my almost neighbour, Jim Jackson, was an early convert to some of the things that we progressed. Jim kind of lives over the fence and one over at the back and Jim was with us on this project until we separated on financial lines effectively and then Jim decided that he wanted a different view.

40 In 2011 Mike Lee was the recipient of a tour that we carried out and what I've got here is the notes, the PowerPoint, that we delivered to Mike Lee at that time. He was then the Chairman of the Auckland Regional Council and in charge of transport. This is what we delivered to him on 8 November 2011. It is attached to the back of your notes but just running through this, and I won't go through the whole thing but I'll just flick through bits of it because there's a lot of numbers and

things in there that have some relevance.

5 We went through where we started, what freight was about and some
freight facts and we talked then about AMETI, which has largely
dropped off the radar. We talked about the tour that we were going to
run, the issues that we had and what we thought was the fix for that.
10 We talked about roads are for moving people as well as they are for
moving freight and then gave some facts about what trucks do with
freight in Auckland and how freight is the backbone of the economy,
which I have already covered, and dealt with the fact that there is no
alternative to road freight within Auckland City. People who maintain
15 that rail can have some kind of role to play in freight within Auckland
City just don't understand how the freight industry works and just don't
quite get it. Rail has a different role over longer distances but in an
urban area -- I have always figured that my job is done when I see a
train backing out of a supermarket and I am not ever going to see that
I don't think.

[11.45 pm]

20 We worked through a number of things that make up freight. Because
as stupid as it may seem, people don't understand what freight is,
because it's just some nebulous term that exists. Basically, everything
is freight. The clothes you're wearing, the furniture, the PowerPoint
25 things, the microphone, everything in here I presume was brought in
on the back of a truck and it will go out after you have finished your
deliberations. I think it was 46 or 47 days so far. I thank you for that.

30 We looked at what was or what is Auckland's economy that this area is
a freight hub of Auckland - and the clicker is not clicking - the freight
task in Auckland is about \$45 billion, bearing in mind this was 2011.
So this has all changed. This has increased now. We're a third of
Auckland's GDP -- a third of New Zealand's GDP, sorry. There is \$34
35 billion worth of imports that run in and around the roads and rail tracks
of Auckland. A fair amount, to be fair, of export good travel by rail,
90% though travel by road. Ports of Auckland and the Auckland
International Airport account for 33% of value of New Zealand's
exports. However, the airport only does 10% of Auckland's freight
40 traffic but it's really high value the stuff that goes through the airport.

45 So around freight. There are 200,000 freight vehicles in Auckland -
there were then - 20% of Auckland's motor vehicle registrations, 40%
are heavy vehicles and that includes buses. There is not statistical
separation of trucks and buses. 60% are light trucks and vans and
utilities and in 2011 we were projecting that freight transport would
double by 2020. That was not our industry, that was the Auckland

Regional Council were predicting that.

5 Somewhere there's a thing that receives this and I don't know where I'm getting it. Point it that way? Technology. It is much easier when you just drive a truck rather than drive a mouse.

FEMALE SPEAKER: We will do it here.

10 MR CARR: Okay, thanks. You'll probably just have to flick through it as I go. Transport and logistic services are about \$4 billion, 8% of Auckland's GDP and 5% of jobs in Auckland, and there's many thousands of related jobs to the freight industry.

15 On to the next slide. In freight trends, there's a growth of freight and it's all population based. Basically the population centres of Auckland, Hamilton and Tauranga have a triangle where there's an incredible amount of development and movement of freight between those. The Ports of Auckland and Ports of Tauranga are logical endpoints to that, and then you've got a lot of dairying which accumulates around
20 Hamilton. So it creates a very, very busy freight triangle. And all of these things are totally population-driven, so wherever the population is, that's where the freight and all the other services will be. The demographic centre of New Zealand is somewhere around Kawhia, a little bit north of Kawhia, so you have an enormous amount of
25 population in that Tauranga-Auckland area and the greater conurbation that it is.

30 The distribution activities in that area are increasing all the time. I know that there's considerable work being done on motorway links between Auckland and Tauranga and Tauranga with KiwiRail pushing for additional capacity on the railway line which runs from Tauranga through to Auckland. I know that over a period of time the Port of
35 Tauranga has increased considerably the number of rail journeys per day and the size of the trains which run from Tauranga into Auckland, so there's a considerable amount of growth that's happening.

40 At the last point of that slide, the east-west corridor is kind of the hub of a lot of that activity. A lot of the services around the country start and finish at that time.

45 Probably right through to the next slide now. When I sat here yesterday you spoke of De Leuw Cather, and that's the map of De Leuw Cather's plan in 1963. There are just three or four maps you can probably flick through, but if you look as you go you can see there's a focus on the East West Link being somewhere around the coastline of the Manukau

Harbour in all of those things, going right back to 1963.

[11.50 am]

5 Two slides on, please, from that. What we wanted to was finish what we started, or what was started back in the 1960s. We noted there that the draft Auckland plan in 2011 included the East West Link. So way back then it was in the plan.

10 Two slides on. That gives you an idea of the then heavy transport trips which took place in this area. Mt Wellington Highway was only 2,500, Neilson Street was 4,000 trips then, it's now 6,000. So the predictions of doubling of freight is exactly on target and it's happening.

15 I should just point out, and I may cover it later, we don't make freight. You make freight. The cumulative people, the demand of people makes freight. All we do is what we're told.

20 MS TEPANIA: Mr Carr, can I just interrupt you? In terms of the ports and your discussion around Tauranga as well, the intention for an inland port and Hamilton as well, at Te Rapa, would obviously add to that.

25 MR CARR: Correct, yes, there's the Tainui project which is being developed in the old Ruakura area, I think. I'm not quite sure how that will actually pan out in terms of demand, but my gut feeling is that the growth in everything will create quite a need in and around there. But that reinforces the need for transport links to and from that site. I think they've spent quite a bit of time developing it and there will be quite a lot of ancillary freight operations built around that site.

30 MS TEPANIA: Thank you.

35 MR CARR: There are a whole lot of photos there now which I guess we just flick through. These are the pictures of the briefing that we gave to then chairman, Mike Lee, so there's not much point in looking those. I guess you can look at those if you want but I'm sure you've already had lots of time to do that.

40 What we did determine - and I coined the phrase New Zealand's premium freight corridor - was that there are a number of sites in his area which have a lot of freight activity: MetroPort, Pikes Transfer Station. Just click all those. Tapper Transport, Hardies Holcim, TransLink, New Zealand Rail, EnviroWaste. Holcim now have gone, of course. They're no longer there but they've been replaced by New Zealand Wine in another building further along. So you lose one, you gain another.

45 Then on to the next slide, MetroPort -- bear in mind again these were

2011 figures. The two-way traffic between the two ports was 300,000 units, TEU, per annum. The volumes are increasing rapidly and MetroPort is New Zealand's third largest port after Auckland, Tauranga and then MetroPort. We predicted that they would do 400,000 within 24 months and I'd say they have.

MetroPort is interesting because, while there's a lot of argy-bargy between Ports of Auckland and Ports of Tauranga, it does create a strategic alternative to the Ports of Auckland. We saw that a couple of years ago when there were some industrial issues at Ports of Auckland. The Ports of Tauranga were just able to cope, and I say just because they almost completely broke. But they managed to handle part of the volumes. Auckland still carried some and they carried the difference and effectively the measure of coping was that nobody was really disadvantaged to any great extent. So it's a good strategic alternative. There was a huge mess of other things, with cargo all over the country and things, but they did cope.

Also that area is New Zealand's largest recycle depot. I kind of look at this area -- I call it the shiny roof-type stuff. It's the back of all the activities that go on. Recycling for lot of people is a nice little plastic bin that you have outside and you drop your stuff in it and you wheel it out and truck puts it away. It takes it away to Neilson Street. In Neilson Street CMA, which is a metal recycling place, they're exporting 150,000 tonnes per annum. They're now doing less and some of the other metal recycling places are doing more but it's a financially seasonal thing depending on commodity places.

Visy recycle 90,000 tonnes of glass through Neilson Street. Pikes Point Waste Transfer Station, 55,000 tonnes per annum. King Waste, 18,000 tonnes. Carter Holt Harvey Pulp, 40,000-odd tonnes of paper. That in itself equates to 20,000 heavy truck trips but you have to remember you need to double everything because what goes out or comes in in a truck goes in or out in some other way. That's what they process but the transport task is double.

[11.55 am]

Other major generators in that area are MetroBox, which is an empty container handling facility, which has grown substantially since this, at 182,000 containers. TransLink with - and I love this figure, it's so precise - 101,280 truck movements per annum. KiwiRail had about 200,000 containers. Onehunga Wharf then, totally gone now, a couple of hundred thousand tonnes of cement. And the New Zealand Bus Depot, which sits on Neilson Street, with 400 bus trips per day in and out of the site.

In and around the greater area were other generators like Coca Cola, who store 35,000 pallets on their site. Foodstuffs and Progressive food

5 operations, who deal with about 2 million pallets per annum. Just another aside on Auckland freight, each of the large supermarkets around Auckland each week receive something like 100 pallets of toilet paper and 100 pallets of nappies and 100 pallets of Coca Cola. There are 20 lines of fast-moving commodity items that are delivered in about 100-pallet lots to the large supermarkets. People just forget that these things have to go from somewhere and get there. Sanitarium up to the north.

10 Within that area is Seamount, who probably means nothing to you unless you've sort of looked at it. It's quite a large, significant building, and if you drive through it, it's just the most amazing wall of glass, pallets and things like that. They basically are providers of bottle services for Lion Nathan and other --

15 MR BICKERS: We had a look from the street and we could see what you're describing.

MR CARR: It's amazing. It is just amazing. They have 5,000 truck movements a week in and out of that site. It's a whole lot of alcohol that people drink. I don't know where it all goes.

MR BICKERS: Ultimately to the wastewater treatment plant, doesn't it?

MR CARR: Yes, I think so. I'll gloss through the Auckland Airport: 10,000 people work there daily and 80,000 vehicles move in and out of their daily.

30 If we just flick through to the next slide, it's a Ports of Auckland slide. That's provided by Ports of Auckland. The circles are not exactly accurate, but basically 50% of the stuff that goes through the Ports of Auckland is handled within the South Auckland area. Very little goes outside of that.

35 We talked then about the effect of congestion and how we generate freight. The industrial zone generates most of it, but it's the effect of that in other places which Aucklanders don't understand. Particularly for us as the freight industry, drivers' hours are important to us. They are seriously limited. We have a very significant shortage of drivers, so any delays that we have in Auckland tend to compound right around the country. It doesn't seem like that, but losing half an hour or an hour could make the difference to somebody getting home or not.

45 Then if we just flick on two slides there, our target then, optimistically, was completion by 2020, which I don't think we've achieved, really. It took us, I think, 28 years to get Waterview Tunnel built and operating, so I guess if we started this in 2008 and we're now at 2017, we've only put nine years into this so far. I hope we can do better. That's the end of the presentation that we gave at that time, and we gave a number

around that time.

5 Then just to cover on to more -- coming back to my paper that you
have. In terms of environmental gains from this project, I have to be
thoroughly honest and say that my expertise in transport allows me
only a layman's view of environmental science. I have no
10 qualifications or anything other than what I see as logic, and others may
disagree. But I do note that when people want to stop a project which
affects them personally, they suddenly become experts on the
environment, and I certainly don't pretend to be any of that.

15 The reclaimed area along the foreshore between Onehunga Wharf and
Great South Road was reclaimed largely through the disposal of
rubbish, and some of it was very toxic, very nasty. The sealing of this
area by a solid dam which runs across and locks all of that stuff in and
stops it leaching into the harbour, makes sense to me.

[12.00 pm]

20 Areas like Anns Creek, which have been built over and ignored for
years, I believe will be allowed to flourish under this. People have
discovered Anns Creek. It now has a place, it has a name, it has a title,
it has interest in it.

25 Trucks and traffic will be relocated out of lower Onehunga. That will
free-up local roads for local use and that will give back to the light
commerce an opportunity for them to develop and to improve.

30 Trucks travelling at high speeds without constant stop-start movements
will be better for air quality, better for truck maintenance, and a whole
lot of things.

35 In terms of the economy, Auckland is very short of industrial land and
building along the foreshore does not diminish any of that precious
resource. It was one of the factors that we took into account when we
lobbied to have the road in that area. There are many large generators
of freight in that area. Most are under-developed sites, and with the
40 traffic flows reduced, I can see these sites developing; I can see a great
amenity factor for people working and living around those places. I
see it as making the area better for the economy, not worse. Traffic
generated by the freight industry in that area serves Auckland and it
serves the whole of the nation. Traffic departs from Neilson Street
daily for all points of the North Island and South Island and any delays
45 have a ripple effect all over the country. The freight industry does not
generate freight and we only move what the economy demands and a
busy and thriving freight industry is indicative of a busy and thriving
economy. Goods only have a value if they can be brought to market
for exchange, and that is the simple task of the transport industry.

Without that movement, the economy stops.

5 In terms of design, this type of project is always going to be
contentious. For some people their self-interest or opposition to change
will require that they oppose any change and any design. For me, I just
want the biggest and best road links that we can afford but in asking
that, I accept that there is always going to be compromise. How much
10 should a person in Timaru have to pay for the East West Link? Should
someone in New Plymouth pay for amenities that they will never use?
How much benefit should an Onehunga resident get from a gold-plated
project when a utilitarian link will suffice? In my view, they should
only pay the amount that contributes to the national interest, and any
extra money, should be coming from local expense. We know that
15 that's not possible and we know that there's a fair amount of mitigation
and a lot of extra has been put into this, but I do find that gold-plated
schemes, commercially, are very hard to justify. I struggle with some
of those gold-plated schemes. I accept that in any project like this,
there's always going to be a compromise. We have limited resources.
It is our duty to all New Zealanders to do the best we can with what we
20 have and that means to me that compromises are inevitable, and that
we will never achieve what every interested person wants. My request
is that we build the best we can afford, and that we do not design
ourselves out of future options.

25 Traffic lights are a nuisance for truck operations, as any requirement to
stop and start increases wear on machinery, wear on road surfaces, and
increases fuel consumption, which translates directly into increased
emissions. We request that any such stops be kept to a minimum.

30 An alignment along Neilson Street was considered and consulted upon.
We were of the opinion that it would be impossible to build as there
was no viable alternative to use during construction and it was a loss of
industrial land.

35 In terms of freight, a proportion of the goods delivered to and from the
area are dangerous goods. I was not able to get any hard data from
MetroPort as to what percentage goods were dangerous goods that they
handle - they don't keep it in a fashion which allows it to be easily
40 pulled out of their system - so trolling round the internet, I found a
paper on dangerous-goods handling from the States, from an insurance
organisation, The American Club, and they advised that 2.5% of
containers on vessels typically were dangerous goods, so I would
imagine if you took that 2.5%, put that into the containers they handled
at MetroPort, you'd have something like 10,000 - 15, 000 loads of
45 dangerous goods that will be delivered through MetroPort and in that

area each year. So we request --

DR PRIESTLEY: They are being delivered along existing networks already, aren't they?

5 MR CARR: Yes, they are.

We request that this figure is considered in any structural constraints that there may be through tunnels or anything else.

10 Road and rail provide different solutions to freight transport and it is essential to enable both to work closely together. MetroPort and KiwiRail rely on road links for their success and without efficient road links, rail would not be able to be efficient either and therefore it is essential to have free movement out of their terminals if KiwiRail is to improve its efficiencies. It's got some good plans, it's making steps in the right direction, and it's quite a hard thing for me to say, as a truckie; it goes against the grain a bit. MetroPort is the third largest port and it is going from strength to strength, doing a great job.

20 **[12.05 pm]**

25 Amongst the broader populace, there is a lack of understanding of how the freight industry works and what it does, few people understand the logistics of getting their goods to the mall or the market, and as a result they're prepared to make decisions which don't take into account the efficient movement of freight. Any reduction in efficiency of freight movement costs New Zealanders. We often hear complaints about the cost of things in New Zealand but no one takes into account the freight, the geographical location, and the inventory-holding costs when they level these complaints. Freight is highly contested market. Worldwide, as well as New Zealand, gains and losses are passed on to the consumer very quickly. Our desire is to see the East West Link built promptly and efficiently and that desire is not one driven by personal interest but is driven by the understanding of what the implications will be if it is not built.

30 In closing, the consequences of not building the East West Link will be felt by New Zealanders for far longer than the consequences of a short-term change that some will feel if it is built. We urge the Board to allow the East West Link to be built as quickly as possible.

Thank you very much.

45 DR PRIESTLEY: Thank you, Mr Carr. Questions.

MR BICKERS: Mr Carr, that is a very powerful submission and very well prepared, and I congratulate you on it. It is good to hear from someone who's got

real skin in the game.

MR CARR: Thank you.

5 MR BICKERS: We share a few things in common, I noted.

MR CARR: Probably not my academic truck-driving background.

10 MR BICKERS: You are a Fellow of the Chartered Institute of Logistics and Transport and you don't get those in the Weetbix packet. I was one of those, as well, until a few years ago, when I retired from active work. The other thing that we share in common is I also walked over the Auckland Harbour Bridge with my father. Have you been over the top?

15 MR CARR: I've been over the top and I've been underneath.

MR BICKERS: Okay. Well, we share that in common as well. I've been over the top twice.

20 MR CARR: On that, and sorry if I'm holding anyone else up, but I was amazed at the flex, before they put the strengthening into the Harbour bridge, on the two outriggers, the flex in the outriggers was 900 millimetres as heavy traffic went over it and there was a strain gauge underneath, which I stood next to, and this thing just floated up and down and the
25 cycling effect was amazing.

MR BICKERS: It's incredible. The Nippon clip-ons move an enormous distance relative to the main span and that's why those Perspex protection
30 barriers are there, because if you put your arm in, it would just shear it straight off.

Have you had a look at this connection in Onehunga, the land bridge proposals? Have you had a look?

35 MR CARR: Do you mean Jim Jackson's proposal?

MR BICKERS: No, no.

40 MR CARR: Or the bridge that's coming over from Mangere?

MR BICKERS: No, the land bridge that goes from The Landing tavern down to the port.

45 MR CARR: Oh, I know. The cut and cover-type approach. Yes.

MR BICKERS: Yes.

MR CARR: To me, it is essential to me, that should be as big as it can be and as

5 small as it needs to be, because that will provide the link that the
community will have to and from that wharf. At the moment, there is
no link. The community is divided. The trucks and whatever else runs
through that area; you cannot move. I can say at one public meeting
about two years ago where one of the residents of that Landing area
was complaining about their inability to get in and out of their home at
certain times of the day. So to me, the land bridge and the local road
link, which will run over to the port, is absolutely vital, that that works.
10 That will allow successful development of the old port in some kind of
workable form. As it is now, it won't.

MR BICKERS: So, as wide as it can be but as narrow as it should be.

15 MR CARR: And for that, what I mean by that - it's an obtuse statement - what I
mean by that is that there will be limitations in terms of specifically
things like dangerous goods, which have a formula which applies to
tunnel length and size and things like that, and if you go to a certain
size, dangerous goods are prohibited from using it, and if you come
back 1 metre, maybe, it's acceptable. So there are limitations there. I
20 also accept that there are engineering constraints, because the longer
you make the bridge at the lower end, then the further down the tunnel
will have to go into the ground, and you run into sea water and drainage
and engineering issues like that, which just make the project more
complex.

25

[12.10 pm]

MR BICKERS: What did you think of the consultation process?

30 MR CARR: I'm probably biased and I say that because we were often asked to
consultation processes and perhaps that's because we've been vocal
about it. I thought it was quite fair. I thought it went on for quite a
long time. I went to a number of public meetings organised by NZ
Transport Agency, and consultation processes. I also went to a number
35 that were organised by other organisations, such as the Penrose
Business Association and others - Onehunga Business Association - so
that the word was got out, and we started talking to these organisations
in a 28 - June 9 and 10. The public consultation, obviously, was some
time later, but from what I saw, it was a fair process, but I'm happy to
40 concede that I would have to be biased in that because I would be
sought out to go to some of those meetings because of my interest.

MR BICKERS: Did you think there were an adequate number of alternatives
45 considered?

MR CARR: I was quite frustrated by the number of alternatives, to be fair, as we
went through. There were lots of alternatives from NZ Transport
Agency back in terms of running through Otahuhu, running along the

south side of the harbour, the north side of the harbour, developing along Church Street. I thought there were a fair number of alternatives and I honestly became frustrated by the complexity of the process. But nevertheless, it was done.

5

MR BICKERS: Thank you. The Ports of Auckland have made a submission in which they question the value of the alignment and provision made for the port link road. What are your views on the port link road?

10 MR CARR:

Sour grapes on the Ports of Auckland's part to a degree. I think if you took the words "port link" out of it and moved it along a little bit their opposition would disappear. I just see that they think Tauranga is getting some kind of advantage on one hand. The other part is there are some quite complex land holdings in that area and part of the area where that link road would run runs over land that Ports of Auckland own and operate, so any kind of mention of anything that they would give away to the Port of Tauranga is just like sticking knives in their back. It is not a comfortable process at all. They exist like this. It is a very dynamic form of competition and very beneficial, but I understand that they would have to make the complaint because they wouldn't be doing their job if they didn't. I imagine that were the situation reversed Ports of Tauranga would make exactly the same complaint.

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20

MR BICKERS: All right. Well, thank you again for your very helpful submission.

25

MR CARR: Thank you.

DR PRIESTLEY: Mr Parsonson.

30 MR PARSONSON:

Thank you. Mr Carr, in that last page of your submission you said:

"The alignment along Neilson Street was considered and consulted upon. We are of the opinion that it would be impossible to build as there were no viable alternative routes during construction."

35

MR CARR: Yes.

MR PARSONSON:

I did note in one of the latter slides that you showed us - that you provided to the various parties back in 2011 - that the 2020 completion target was MSE Panmure to State Highway 1 at Penrose, Mt Wellington, and then it was State Highway and Penrose to Neilson Street and then it was State Highway 20 to Neilson Street. At that stage were you looking at a Neilson Street option?

40

45 MR CARR:

That was one of the options that were provided under the AMETI project. AMETI was a sop really to John Banks' failed eastern motorway, and that all went quite messy and then as some kind of resurrection out of that process they dug out AMETI. That was Barry

5 Curtis and Auckland Council coming up with some kind of, "Mm, yes, we can do something and let's just take the roads that we've got, fatten them out a bit and everything will be all right". So we lobbied against -- or to expand actually AMETI in a whole lot of ways and really it foundered on the fact that they had no money to do anything anyway. It was just a complete waste of time in those terms because Auckland Council and Manukau City did not have any money to do anything and it would have had to have been done by someone - then it would have been Transfund - who then had no issue in a local road.

10 We lobbied hard for improvements in the area. It wasn't going anywhere so we pushed further, and then tried to push to make it a national interest rather than a local interest. Because we could see the national need and the national cost if we didn't do something, so we took it really out of that and made it a bigger project.

15 MR PARSONSON: So that bigger project is the one that was presented in the presentation to the policy wonks and every other person?

20 MR CARR: Yes.

MR PARSONSON: So that was a link between Panmure and State Highway 20, crossing State Highway 1 and linking in there and going down Neilson Street, was it?

25 MR CARR: Lots of alignments were talked about but effectively we moved quite quickly to Sylvia Park Road and then along the bottom of the harbour because it was quite obvious we couldn't do what was needed to do.

30 MR PARSONSON: Okay.

MR CARR: When I say "me", I was one of a number. And I am no engineer of any sort but, engineering constraints, we had a lot of support from both Auckland Transport and from NZ Transport Agency looking at this.

35 **[12.15 pm]**

MR PARSONSON: And that was subsequent to this 2011 presentation?

40 MR CARR: Yes.

MR PARSONSON: So the 2011 presentation was the cards you had on the table at the time.

45 MR CARR: Yes, and we were working through it. We started off with the proposal, the AMETI project, and then we moved it into coming lower across the bottom of the harbour. What we were then seeking was a full motorway across the harbour, and there were lots of complex financial

and operational reasons why that wasn't able to be delivered.

MR PARSONSON: And so you are satisfied with the alignment and where it links into State Highway 1 now?

5

MR CARR: Yes, satisfied only in as much as I accept there has to be compromises. What I want ideally is that when you build something like that you don't cut yourself out of the future, so that if there are to be links to the motorway to allow access north or links to SEART - and I doubt very much you could have both - that there is engineering ability to make that happen in the future. Personally, I can see - and some of my colleagues in the business forum can't see - the need to restrict traffic coming from the city and using that link because it will then very quickly change to a full-blown motorway-type link to the airport where really ideally now that link would be taken by the Waterview Tunnel, and that volume of traffic would go through there and that would allow freight to have movement through the East West Link.

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That would never be a sole freight road in any way, shape or form, obviously, and there will be cars and vehicles that use it and enjoy it and benefit from it, just like anyone else, but, if it was to be linked to the motorway coming from the north, it would be a totally different operation and, in my view, that would need to be a motorway. You couldn't get away with this what is basically a pumped up arterial road.

25

MR PARSONSON: Okay. Thank you.

DR PRIESTLEY: Mr Carr, you mentioned - point 11 I think it was - your tour of local body politicians, and you made some specific reference to Mr Mike Lee, who I think at that stage wore a very powerful regional council hat. Is that right?

30

MR CARR: He did, yes.

35

DR PRIESTLEY: He was for a while on Auckland Transport as well. We have received a submission from Mr Lee, which he has augmented with reference to a long article he wrote approximately four months ago. The central point of his submission is quite simply that he thinks that the East West Link precludes or cuts off the possibility of any heavy rail connection to Auckland International Airport.

40

MR CARR: I would tend to agree with that. While I don't have any engineering knowledge, I also tend to think that any heavy rail link to Auckland Airport won't travel along that route because it doesn't make any sense to do it. I am not sure that there will be a rail link in the way that Mike Lee wants, and the idea currently is to run it across from the Onehunga Station across the bottom of the existing bridge and then run it along the alignment of the motorway into the airport, which makes sense in

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5 those terms but it doesn't make any sense in terms of there is no room
to double track it. The access to the junction that the railway has to
have at the top, when the railway comes down to Onehunga it goes up
to Penrose and there is a failed Y junction at the top of that. By "failed"
I mean only one arm of the Y exists. The other arm has been built over
and has gone now. That means that any trains coming to or from that
area have to either back in or back out, if they have any connections
from the south, and it just doesn't work. My gut feeling is that there
will be an alignment that runs through Otahuhu which will achieve it,
10 or there will be an alignment that runs through from the airport.

I also think that technology may well change that in time. I mean we
are getting to a point where there are a significant number of
15 technological changes that are coming, in terms of electrical vehicles
and self-drive vehicles and things. I don't see now why technically
there cannot be a rubber tyre light rail equivalent that would operate
every bit as efficiently as a tram, light rail or heavy rail, just because
the technology now allows that. It didn't allow it five years ago. I
know, from discussions I have had with Mercedes-Benz buses, that by
20 2020 they will be able to provide driverless electric buses which could
drive from Auckland City to the airport without a driver and without
any diesel. Whether that is on the go I don't know but, technologically,
that didn't exist five years ago. It just didn't and now it does. So it is
just something that has to be considered.

25

[12.20 pm]

DR PRIESTLEY: My second question relates to a topic which you expressed some
understandable impatience about, and that was the complexity of the
30 consultation process on the various alternatives involved. This
alternative has the almost unique feature of requiring reclamation and
going along the shoreline, and there is some quite principled opposition
to that. Given your evidence, which I think the Board would accept
that there is a need for the East West Link for all the transport and
35 freight reasons you have told us about, do you think it would have been
preferable to have chosen another route, if at all possible, which didn't
involve reclamation or do you think that NZ Transport Agency has
done the best it can in this area?

40 MR CARR: If you consider the desire to retain industrial land as a prime one, which
I do, then it severely restricts your options in terms of other places that
you can go, because anywhere that you go between the water and
basically One Tree Hill, you are going to be displacing industrial land.

45 DR PRIESTLEY: Cutting up somebody's property?

MR CARR: Yes. While people are uncomfortable with reclamation but that whole
area is reclaimed. That whole area is a cesspit. It is full of muck and

5 rubbish and toxic stuff that has been there for so long. I actually saw the building of something solid to seal that stuff and it has actually been quite beneficial. That bottom end of the harbour has been mistreated for an awful long time. The two freezing works used to just dump their offal straight into the harbour. There is a channel which is 2 metres square, which still exists, that all the offal just used to get dumped in and it used to just run in from Westfield and the mudflats were --

10 DR PRIESTLEY: It used to be yellow.

MR CARR: Yes, it was just a shambles; literally a shambles.

DR PRIESTLEY: Yes.

15 MR CARR: I just saw that as an ability to build back some of the losses that have happened there. This constant ebbing of toxic stuff into the harbour can't do it any good. If you stop it I can only see the harbour developing. I am fortunate enough to have travelled to places that have been war torn and bits and pieces in my life, and then you travel to them
20 some years later and the scars have healed and the bush has grown back and the hills are back and things like that. Regeneration will occur, and I just know that the Manukau Harbour hasn't had that ability for an awful long time. It has had a constant stream of muck running into it and all of the beaches that people talk about, they are really not being
25 totally honest. Their memories are way better than the reality was back in those days when they're talking about the beaches that were there. Those beaches along the Manukau Harbour were just crap. There was no other word for it. They were disastrous. I see this as being quite positive. I would hardly rank myself as an avid environmentalist but I'm also an environmentalist in many ways. Within our company we do everything we can to have the latest, best, most fuel efficient, effective, less polluting equipment at some cost. In my private life, we recycle, we do all those good fuzzy feeling type things that you would expect that people do. I'm not a rabid environmentalist but I don't want
30 to see any more damage and I see this as stopping damage to Onehunga and to the Manukau Harbour.

40 DR PRIESTLEY: Right, thank you. My third question relates to the current proposal which is where the East West Link will join State Highway 1 to have no north facing ramps. Does that surprise you?

[12.25 pm]

45 They're not precluded but they're not going to be built straightaway.

MR CARR: No, and it doesn't surprise me purely because I can understand the reasons why. While I don't fully agree with those reasons, I can understand pragmatically why that would want to be that way, but my

request would be that the engineering ability is there for those to be built at a later date and that they're not precluded in the construction process.

5 MR PARSONSON: Didn't you tell me, though, that if there was that link then the road would have to be a full motorway to carry the traffic coming from the north to the airport?

10 MR CARR: Yes, that's what I think and it may be that at some time in the future that occurs. I don't see the need for that now but I wouldn't want to shut that off. Physically changing that road to a motorway after it's built as an arterial road is not essentially that difficult. The turns and joins at the Onehunga end may preclude some of that in terms of the size because there's a need for those things to be taken at slow speed rather than high speed. There certainly will not be 100 kilometre turns available at any time in this project because there physically isn't the room to do that. But if that was to be built at some time, or linked to SEART, that would make some sense to me. As long as it wasn't precluded.

20 MR PARSONSON: As long as it remains a four-lane arterial road you'd seek that to maximise its freight potential there is not a link to the north, is that what you said before?

25 MR CARR: Yes, I don't believe it's necessary for the freight potential. Motorists would argue it was for them.

30 DR PRIESTLEY: Well, leaving aside motorists, though, what about trucks coming from Ports of Auckland, Fergusson Wharf Container Depot, which might want, for the reasons you stated, take containers, etc, to the industries in this area to be serviced by the East West Link? They are still going to have to trundle through Onehunga, aren't they?

35 MR CARR: Not through Onehunga. I would see them coming off the motorway at the eastern end of Church Street where the SEART joins. There's a link through there and I would see them continuing to use that.

40 DR PRIESTLEY: All right. My final question, can you tell me how many trucks operating in the Auckland area at the moment does Carr Haslam have?

MR CARR: In Auckland we would have 55.

DR PRIESTLEY: How much?

45 MR CARR: Fifty-five.

DR PRIESTLEY: Fifty-five, right. Presumably a number of those trucks are constantly

running the gauntlet along Neilson Street?

5 MR CARR: I wouldn't say running the gauntlet, that could be an expensive statement, but yes, we do use Neilson Street, perhaps not as much as some others, to be fair, but I see the need to the greater industry as being one that need to address.

10 DR PRIESTLEY: This would be purely anecdotal on your part, though you may have some feedback from drivers in your fleet, do you think, given the high volume of truck traffic along Neilson Street at the moment, that it's a particularly safe route for normal motorists and residents? I will put it to you quite bluntly, somebody has said that a lot of the objections to the East West Link might suddenly disappear if a large family was killed by a truck in a collision on Neilson Street.

15 MR CARR: I guess that's probably a fairly bloodthirsty reason to create. I don't believe that it's unsafe. I believe that a motorist in a car probably feels threatened by a truck in their proximity just by the size of the vehicle around them. I don't believe that is necessarily unsafe. I certainly sympathise with motorists who travel around trucks and feel uncomfortable with them because if you're sitting in a car and you've got something looming over you or something alongside you, it would be unnatural if you didn't feel uncomfortable.

25 DR PRIESTLEY: Seeing those wheels above your head.

MR CARR: It's a bit scary.

30 DR PRIESTLEY: Just drilling down to that, your current thinking is that although the volume of traffic, including truck traffic, on Neilson Street leads to congestion it's not unsafe at the moment?

MR CARR: I don't believe so. Not for motorists, I believe it's probably unsafe for cyclists and pedestrians.

35 DR PRIESTLEY Right, are there any further questions?

MR PARSONSON: Yes, I do. You'd be aware of the lower of the Neilson overbridge at Onehunga last year?

40 MR CARR: Yes.

MR PARSONSON: As a truck operator, can you explain to me the need for that?

45 MR CARR: Yes, and it's been a great success, the need for it was because it's a fairly heavily congested route at that end. There was a lot of stop/start traffic and there was an unnatural hill which we had to drive up and down to get over that hump. So there was a lot of clutch wear, a lot of -- because

5 the trucks are quite heavy at that point coming out of the port so going up and over that thing created a visual barrier, it made it quite hard to see what was happening ahead of you and taking it out has meant that you don't have that hill, you've lost the visual barrier, the traffic flows considerably better despite the fact that the largest and single major change is the fact that it's just been flattened out.

[12.30 pm]

10 There hasn't been considerable change to the intersection structure but it has made a huge difference.

MR PARSONSON: Okay, thanks.

15 MS TEPANIA: Mr Carr, I just want to thank you for your evidence. I have actually really understood it, I am surprising myself, and I found it really helpful and the way you've explained it. I've really appreciated your considered answers to questions of the Board and of Mr Parsonson, so thank you.

20 Just completely unrelated, do you remember the sports drink shop that used on Selwyn Street at the bottom?

25 MR CARR: Yes, the blue boxes and stuff in there, and go and exchange the bottles.

MS TEPANIA: Exactly, at weekends -- I grew up in Mangere as a child, we used to come across every weekend to exchange our crate of sports drinks because you'd get free drinks if you there while you waited for your dad to fill up the crate.

30 MR CARR: Yes, Chris Innes was the guy that ran it. He was an offspring of the Innes Tartan family and he was the wayward son that went off and set

up sport drinks.

DR PRIESTLEY: He was a school with me, yes.

5 MS TEPANIA: Thank you for your evidence.

DR PRIESTLEY: Yes. Ms Tepania's moved to pallets of Coca Cola since then.

10 MR CARR: A hundred a week.

DR PRIESTLEY: We'll take the break and resume at 1.45 pm. Thank you.

MR CARR: Thank you very much for your time.

15 **ADJOURNED** [12.31 pm]

RESUMED [1.46 pm]

20 DR PRIESTLEY: Thank you. Good afternoon. Now, it is Mr Majurey, isn't it?

MR MAJUREY: Yes, sir.

25 DR PRIESTLEY: Now, Mr Majurey, I don't know how you want to handle this but we are here to effectively listen to submissions which you are making, or representations on behalf of Ngāti Maru.

30 MR MAJUREY: Yes, thank you, sir, and greetings to the members of the Board. I have a one-page statement. I am happy to read that, sir, thank you. I understand you all have copies in front of you.

DR PRIESTLEY: Yes, we do.

35 MR MAJUREY: This representation on the East West Link is made on behalf of Ngāti Maru. We respect other Mana Whenua speaking for themselves as we speak for us. Ngāti Maru considers it was constructive that the contributions of Mana Whenua Kaitiaki, including Ngāti Maru, during the NZ Transport Agency consultation process resulted in various changes to project design to address Mana Whenua concerns. I note NZ Transport Agency confirmed they do not equate that participation with support for the project. Ngāti Maru made a neutral submission on the NZ Transport Agency application, as a wero or a challenge for NZ Transport Agency to further protect wahi tapu in outstanding treaty claims, as well as agreeing various performance conditions.

45 Ngāti Maru has continued discussions with NZ Transport Agency to explore mechanisms that preserve our spiritual and cultural values, including the Māori and long-term health of the Manukau Harbour, while enabling the future transport needs of Tāmaki Makaurau. These

ongoing discussions have been constructive and include the following matters: (a) acknowledgement and protection of sites of significant, including mechanisms to protect wahi tapu, (b) acknowledgement and protection of customary interests and treaty claims, (c) Mana Whenua ownership of proposed non-state highway reclamations, and, (d) Mana Whenua co-governance, co-management in project activity options for proposed non-state highway reclamations.

These discussions are well advanced and we are working on a draft comprehensive agreement. NZ Transport Agency has shown real commitment to addressing the above matters by way of agreement. Ngāti Maru will provide the Board with a report on these discussions and our final position on the project in our closing submissions. Thank you.

DR PRIESTLEY: Mr Majurey, I think it would be helpful, particularly given your acknowledged expertise and experience as an RMA lawyer, if I at least ask you a few questions so I can get a statutory and a cultural context here. If I tread on any toes, well, I do so inadvertently, as I am sure you will appreciate.

The first is really I will just make a statement and you tell me whether this is fairly accurate. It strikes us that the Manukau, as a moana, is of cultural significance to a number of iwi. Historically, that is unsurprising, given the narrowness of the Auckland isthmus, the transactions and migrations north/south between Te Tai Tokorau and Waikato areas, and also, in a more localised way, just crossings through portages and on foot between the Waitematā and the Manukau.

[1.50 pm]

So it is not surprising that a number of iwi have interests in the Manukau, some of which could be regarded as historical or even contemporary clashing or in conflict with one another.

That said, one of the issues which we as a board have to grapple with, are the specific reservations and acknowledgements in part 2 of the RMA for these relevant interests to be given weight. I guess one of the concerns we have is how to grasp hold of those in a culturally sensitive way but also a way that is fair and appropriate for the large number of iwi I have just referred to.

MR MAJUREY: Yes, sir.

DR PRIESTLEY: So, can you help me? To make it appropriate for you, if I ask you a question I appreciate you are not necessarily stating the Ngāti Maru position but just helping us generally in an RMA context. Are you

comfortable with that?

MR MAJUREY: Yes, sir, I am happy to help where I can.

5 DR PRIESTLEY: Excellent. Well, that is really helpful. The first is: can you talk to us briefly about reclamation because this proposed highway is, for quite a large part of its footprint, on the Manukau foreshore on reclaimed land, and it is reclaimed land which goes beyond what is strictly necessary for the carriageway, and you will be aware of what is involved there.
10 We have had submissions, including submissions from -- goodness me.

MALE SPEAKER: May I approach, sir?

15 DR PRIESTLEY: Yes, by all means. Try not to hurl it back at him. That wasn't a subconscious reaction on Mr Bickers' part, I am sure.

MR BICKERS: I was concentrating on what you were saying, sir.

20 DR PRIESTLEY: We have had submissions - including submissions from Ngāti Whātua, but not by any means the only iwi submitting on this issue - that reclamation is to some extent an intolerable interference with the harbour, which has already been degraded. I am conscious of the fact that Y8, one of those early tribunal claims, made a recommendation that there be no more reclamation of the Manukau.
25

We are aware of the fact, though, that something which seems to be quite dear to the hearts of Onehunga residents was the reclamation which resulted in the Taumanu Reserve, of which we understand some iwi were supportive of. So I am just unsure how we should approach reclamation from a Māori perspective and, in particular, this proposed reclamation on the foreshore.
30

MR MAJUREY: Yes, sir.

35 DR PRIESTLEY: Open slather for you, and I appreciate you are assisting us without necessarily putting any particular iwi standpoint.

MR MAJUREY: Yes, sir. And with all the caveats of subjectivity and interest, there are a few things in that, sir, as you will appreciate.
40

DR PRIESTLEY: Absolutely.

45 MR MAJUREY: If I could approach it in these parts: first, as I understand it, the Board has heard from a number of tribal groups around their world view in relation to reclamations. For some it is an absolute opposition. For others it is contextual and depends on the circumstances of what is involved. They are my words. Are there benefits in the Māori world view? Are there other interests that go with that, such that a decision

can be made that there is actually a net benefit, a net positive or something speaking in favour of the development?

5 Development, per se, in these types of situations again comes to context. If one - when they drive around Tāmaki Makaurau - looks at the Tūpuna Maunga, the ancestral mountains, those are very revered places. But, as is very clear in terms of a visual confirmation, those landscapes were modified, pas, terraces, kumara pits. And so again, in the Māori world, there is a reason for things and so our society was not one of not utilising resources.

[1.55 pm]

15 It all comes down to: in the world view of the tribal group, is it appropriate? Are there reasons for it? And that is the way that I would see for myself, and I can speak for Ngāti Maru because that is our view as well, is we don't have in our world view in relation to reclamations an absolute position of opposition. It comes down to circumstance and context.

20 DR PRIESTLEY: So is this an accurate précis, though, in pakeha terms: it is a concept of practical modification in a situation where there might be some overall benefit?

25 MR MAJUREY: Yes, sir, if I can use another example. I understand you have a role in the marine and coastal space matters and you are probably aware - and I don't want to speak for you, sir - there is a decision of the 1870s, the **Kauaeranga** decision, quite a famous decision followed by the colonial government shutting down the courts on that matter. **Kauaeranga** was a case on the Thames foreshore and involved a number of my ancestors. Part of that case was around the rights of Ngāti Maru and other Marutuahu tribes, and that was a valued fishery. The area was staked out for nets and for the gathering of fish. So, again, a modification of the landscape for the world view of the tribe as being an appropriate modification.

35 DR PRIESTLEY: Right. I have got a little mental list here. Other Board Members, I am sure, will want to follow. The second issue is closely related, and that is really one of partial remediation or betterment of the Manukau. If one was a cynic - and one might be justified being cynical if you look at Y8 and that land mark decision really - not much has happened to improve the Manukau at all. Now one of the arguments advanced to us by NZ Transport Agency, which I am sure was floated by them in their Mana Whenua consultation stages, was that, "We can't better the entire Manukau but at least we can improve it a little bit".

The areas of improvement are, first of all, the improved treatment of storm water from the entire Onehunga catchment, which requires this

5 offshore treatment of ponds, etc, and that is in part the justification for reclamation, and although, on the evidence we have had, that is not going to have a huge improvement, so far as water quality is concerned in the Mangere Inlet, there will be some improvement. So a little bit better than none, is the argument there.

10 Then the second justification, or object of the reclamation, is going to be that it is going to make easier on the eye, improve benefits to the public, of that stretch of coastline, which is really at the moment just a flat line, with a seawall and certainly cycle path across the top, but there are improvements, or attempts to make the coastline more undulating; to some extent, to try and replicate long-disappeared lava flows, maybe headlands, and so on and so forth. Are there Mana Whenua views close to the one which you have explained to me for modification which would encourage that sort of approach, which must have appealed to some iwi with the Taumanu project?

15 MR MAJUREY: In broad terms, the answer is yes, sir. Again, it is going to come back to circumstance and context. On those two broad areas of benefit that you mentioned, it could be said that if it was just the latter, a landscaping beautification - using my words - I'm not sure that that would be enough to be a countervailing consideration in terms of the poor state of the Manukau that you have touched on and one which we support in terms of the various efforts to try and improve that quality. So if it was just the second of those two matters, I don't know that that would go very far, but the combination, especially of the first with the second, and other considerations, are very important as to forming a view that for a tribal group, if they see it that way, that it is appropriate in all the circumstances.

30

[2.00 pm]

35 DR PRIESTLEY: Right. Thirdly, and you may want to be cautious on this, I suppose, you have said in your submission to us, in paragraph 5, that there are ongoing discussions between Ngāti Maru and the NZ Transport Agency, looking at mechanisms to support spiritual cultural values, including the mouri, etc. Then paragraph 6 really expands on that slightly. Can you help us, without going into confidential areas? Are these discussions solely bilateral with Ngāti Maru and NZ Transport Agency or are there a wider number of iwi, Mana Whenua, involved?

40

MR MAJUREY: It's a combination, sir. There are both bilateral discussions going on, and multilateral discussions going on.

45 DR PRIESTLEY: Then - just tell me whether I have picked the sensitive spots here, looking at 6(c) and also 6(d) - one of the interesting things, of course, or conceptual things, about a reclamation, it creates land out of what was formerly moana and, going back to various interests of numbers of

5 groups in the Manukau, I would have thought that Mana Whenua ownership sounds fine as a concept but that given overlapping competing rohes, etc, etc, and different iwi histories, that some agreement on an ownership model may be a long time coming. Is that fair, or not?

10 MR MAJUREY: It's a fair observation, I think, sir, in terms of the number of interests and the respective views among the tribes. One example that I can point to through personal knowledge of that very matter being the subject of discussion and in the end unanimity was the co-ownership of the ancestral mountains of Tūpuna Maunga and the ownership of some of the islands of the Gulf by 13 tribes; every single one agreed; every single one went through a ratification process and the tribes approved that. So, I am not saying that because that happened there it will happen here, but it's a model that I can refer to through personal knowledge where that very dynamic occurred and that agreement was reached.

20 DR PRIESTLEY: You kindly mentioned my involvement in the Marine and Coastal Act, but certainly iwi seem to be quite adept at recognising the mana of other iwi in certain sites or fishing areas or maunga, so presumably that recognition doesn't necessarily lead to exclusive control, does it?

25 MR MAJUREY: No, sir, and as is known by a number of folk around the room, that basis of whanaunatanga relationships, kinship, shared genealogy, is quite a strong glue in that. It wouldn't be right to say that that is an easy or a quick thing necessarily. Sometimes those are very involved discussions, given the interests that go in there. But, yes, there is - again, using examples like the Tamaoho collective, examples where there is a recognition of those relationships.

35 DR PRIESTLEY: Sure. I mean, initially, of course, if approved, the operation of the water treatment facility is going to be taken over and run by Auckland Council, which I suppose makes some sense, doesn't it?

MR MAJUREY: Yes, sir.

40 Could I just add, as I reflect on our exchange, sir, I can't of course speak for NZ Transport Agency, but one thing that has struck me is that they have taken a very inclusive approach. So on the matter of what Mana Whenua might be, the discussions to date have always been sought to be inclusive and my expectation at a personal level is that will continue into the matters like (c) and (d) in paragraph 6.

45 [2.05 pm]

DR PRIESTLEY: From my very scanty knowledge, I am conscious that Ngāti Maru's rohe is Coromandel, Firth of Thames, and the eastern side of the

isthmus, to some extent. If it is inappropriate for you to say anything, just say so, and I understand totally, but do you want to say anything to us about Te Hopua?

5 MR MAJUREY: I've read some of the transcripts, sir. I am comfortable that my relations in other tribes have addressed that. That's been an important part of the discussions in terms of protection. But I would also add, there's been a strong focus, and naturally so, on the Manukau Harbour, but
10 recognising where the project actually encompasses, and going past Mutukaroa, around towards Mangere, there is a large number of tribal interests that are included by reason of that. And speaking also for Ngāti Maru, we are a Tainui Waka people and so our travels to and from the Waikato, which was quite common because of our history and our relationships with the Waikato folk also being of the Waka, the
15 portage was very important to us, so the Manukau is a very important area for us.

DR PRIESTLEY: Right. That was going to be my last question. Presumably, given the history of Ngāti Maru, and particularly the original ancestral lands
20 further east and on the Coromandel, the portages are of some importance. Are you generally supportive of what NZ Transport Agency proposes of the portages?

MR MAJUREY: Yes, sir. So through that work and those engagements we talked about,
25 there have been amendments to the project, as I ...

DR PRIESTLEY: It's a good thing, to bring a stream out of a pipe, isn't it, really, when you think about it?

30 MR MAJUREY: It is, sir. Yes, sir.

DR PRIESTLEY: All right. That's really helpful. I'm obliged to you, Mr Majurey. I will go along the table and see whether others have any questions.

35 MR MAJUREY: Tēnā koe.

MS TEPANIA: Tēnā koe. I do have questions of you, Mr Majurey, but before I do, it's appropriate to acknowledge members of Mana Whenua here this
40 afternoon. I do see representatives of Tamaoho and Ngāti Te Ata this afternoon, and, of course, Ngāti Maru. (Māori content) And the others I haven't acknowledged, aroha mai (Māori content).

45 In terms of paragraph 4, you talk about Ngāti Maru made a neutral submission and you referred to a wero to NZ Transport Agency to further protect wahi tapu. Is that a wero where you anticipated that through the ongoing discussions, once this hearing had got underway, they would pick up and look to protecting other areas that you had

concerns about?

5 MR MAJUREY: Yes. So it's a recognition that as at the point of the formal submission part, the project wasn't complete, in our view, in terms of final design. So that were very much was to see whether NZ Transport Agency would continue, as they had, an inclusive approach to try and find solutions to the issues that had been raised.

10 MS TEPANIA: In terms of Ngāti Maru's position, how do we, as a Board, given the fact that you've got ongoing discussions and we have a certain level of evidence before us, that is not, from a Ngāti Maru perspective, entirely complete, to be fair - how do we, as a Board ensure that those matters that you are concerned about are still provided for by us, or matters that we can consider and provide for, whether by condition or otherwise?

15 MR MAJUREY: Starting at the end and coming back, we think we are quite close to reaching agreement on the matters that we have raised with the NZ Transport Agency in the discussions, and speaking for ourselves, we understand that those types of discussion with some other Mana Whenua. So we are looking, in our closing submissions, to assist the Board by understanding where we finally have arrived.

25 Working back from that, the various conditions that have evolved over the course of the hearing, as well as those that were committed to beforehand, we have been monitoring and so we come to give our final position, it will reflect where we land on that.

30 MS TEPANIA: Okay. Questions around a couple of answers you gave to the Chair, and, again, I am going to tiptoe carefully as well.

35 The inclusive approach that you referred to, and you gave the Tāmaki Collective as an example, it is fair to say that the Tāmaki Collective is essentially a Treaty construct, the whole point of it being for the Crown to settle breaches of the Crown in terms of Tāmaki rohe and as regards the maunga. To the extent that that's now been taken, in some ways, to provide a remedy or a mitigation or compensation package here, within an RMA framework, can you comment on the appropriateness of that?

40 MR MAJUREY: Yes. I am certainly not advocating that collective, that structure as the one to apply here. I wanted to give that as an example to answer the Chair about the challenging dynamics than can occur with multi tribal matters and finding agreements if they're there.

45 [2.10 pm]

Having said that, there is a relevance to the collective insofar as - as I think the Board is aware - there are those outstanding claims to the Manukau and the Waitematā that are acknowledged in the deed of

5 settlement that those negotiations haven't commenced yet and so there are going to be Treaty claim negotiations with the tribes of the Tamaki Collective. It may be that there are others in terms of who the Crown negotiates with but there is that direct nexus arising from the deed of settlement.

10 MS TEPANIA: I'm glad you raised that, that was actually a question that I put earlier in the hearing - whether you have kept up with the transcript - to counsel around that - NZ Transport Agency, Auckland Council and
15 Ngāti Whātua and Te Kawerau's counsel, Mr Enright. I'm going to ask you the same question. Given the Tamaki Collective settlement and the identification by the Crown, essentially an acknowledgment by the Crown that there are breaches there to be addressed, as I understand it the only matter left to discuss is the quantum of redress or the nature of redress, cultural redress or whatever. To what extent does an NoR that essentially takes 25 hectares of reclamation, or what have you, derogate from the Crown responsibility in terms of that redress and the obligation to provide that redress?

20 MR MAJUREY: Where it intersects is that if the project proceeds and the Board gives the approvals, which will be its decision, and the land tenure process is carried through, then private title will follow in terms of the reclamation. That then becomes private land. So in the sense that in
25 the Treaty world, as we know, private land is unavailable for Treaty settlements. So that point is a very important insofar as in the way that can be seen that is a change of circumstances, it pre-empts what redress there might have been for the area involved here.

30 That weighs quite heavily on Mana Whenua in terms of, from a timing point of view, this is occurring before those negotiations and whatever redress might occur. That's not an uncommon thing in our world where negotiations occur over many years. For ourselves, they've been going since 2009 and we're still not there. The world doesn't stop. Land transfers, acquisitions, sales, etc don't stop from the Crown even. So
35 as challenging as it is, we have to deal with those circumstances and tribe by tribe we look at that and make those sorts of calls in the exchanges I had with the Chair.

40 MS TEPANIA: Do you agree that in terms of section 8 that's obviously -- in my view, the issue I'm grappling with is that is a matter that's to be taken into account by this Board?

MR MAJUREY: I would agree with that.

45 MS TEPANIA: To the extent that the remedy -- if I step back to some of your answers around the effects of the project overall - and you quite rightfully acknowledge the numerous interests down the other end or throughout the project as a whole but in particular I do understand the fact that in

5 the Onehunga end there are different levels of interests. So when you look at the project overall, and NZ Transport Agency has to look at how do they avoid remedy and mitigate the adverse effects of the project overall, for some groups their interests -- they may take a position where, in their view, they're more affected. They are significantly affected because they have stronger land interests, whenua type interests in Onehunga which may not exist down the other end. Do you follow what I'm saying?

10 MR MAJUREY: I do and vice versa.

MS TEPANIA: And vice versa, of course.

15 MR MAJUREY: Luckily, I'm not on your side of the table on this one to make that decision. Not wanting to be flippant but there's a number of ways to look at that. Each of the tribes in their world view is conveying what is important to them to the Board and the outcome that they want. I can't speak for the Board, of course, but the Board's role as I see it is to weigh all those matters within the framework of the RMA and make findings of weight in terms of evidence and the law.

20 This is a question I posed to myself, does that mean because of a history of occupation settlement for Onehunga, etc, that one tribe has a stronger right in terms of the outcome than another? I wouldn't see that way. The way I would see it is that we all have the right to participate, we all have the right to convey the information we want to, and we all have the right to have the Board weigh those matters and make its decision.

30 [2.15 pm]

35 MS TEPANIA: I absolutely agree with that statement. One of the issues, though, is that when you come up with a mitigation package to address adverse effects of the project in its entirety that different groups are obviously going to have different levels of whether that is acceptable or not because it covers a wide area. You talk about an agreement that's continuing to occur and that may land or otherwise in respect of the Mana Whenua group as a whole, but for some groups where they feel that their issues can't be avoided or remedied or mitigated there's an imbalance there in the overall mitigation package, isn't there?

40 MR MAJUREY: There is and as I understand the range of world views of Mana Whenua, there are some - if I have it right - who won't want to participate in any types of agreements like that because their views are so strongly held. There are maybe some who perhaps are more in the middle and there are others who are signalling, as I understand it, if certain things occur that they can provide their support. Again, each of us have the right to take those positions and in the broad wane of those world views that's

the role that the Board will ultimately have to take.

5 MS TEPANIA: That's right. You will agree then, too, that it's not something that has to be reconciled. It's something we have to step through but not necessarily reconcile one against the other?

10 MR MAJUREY: To the extent that things are mutually exclusive then that can't be done. What it comes back to then is that judgement the Board has to make. Perhaps another way to put it is - and its language that is often used in the RMA as we know, and my personal view - no one has a veto over anyone else.

15 MS TEPANIA: Absolutely, but no one is looking to supplant the Board's decision so no Mana Whenua group is asking for a veto here.

20 Then if I look within the RMA framework to section 6, my concern then is how do you then recognise and provide for the interests of each of those iwi groups to the extent that they have different values, different interests which are being affected in different ways. The way I see it, we still need to look at each individually in terms of the remedy that's provided.

25 MR MAJUREY: Yes, ma'am, and so if the decision is not a full decline and all that goes with that and it's a grant then there are different ways to recognise and provide for with the project going ahead. If that is the decision. Again, it comes back to what is available to the Board in its jurisdiction to be able to do that. You've heard from a number of groups, you've heard from NZ Transport Agency and in the closings hopefully you will have those things dovetail into a clear indication of who's seeking what.

30 DR PRIESTLEY: Can I just ask you a supplementary question on that? Ms Tepania has mentioned section 6. I was looking at section 6(e), the relationship of Māori, etc. I would be of the view that should be interpreted in the way totally consistent with what you've just said because when looking at the Manukau different iwi and different groups, some may fall under ancestral lands, other water, sites, wahi tapu, and other taonga, and I'm not suggesting there's a hierarchy there but the spiritual and cultural differences vary from iwi to iwi. Would you agree with me that section 6(e) doesn't give primacy to any particular Māori group?

40 MR MAJUREY: I agree, sir, because that is not what 6(e) is trying to do. Section 30 of the Te Ture Whenua Māori Act goes close to that but that's not before you.

45 DR PRIESTLEY: No.

MS TEPANIA: Last question is around the consultation process which you've already talked about and acknowledged that the process resulted in various

changes. One of the matters before us is around how robust that consultation process was. Is it right to see it in different ways in that consultation is one thing and perhaps using a collective like the Tamaki Collective or a forum of the groups to disseminate information is one process and we've had evidence from NZ Transport Agency that has been robust and undertaken in good faith and in the spirit of partnership. But where decisions are made, at the point that you start to make decisions about matters, don't the terms of reference then become more important with each group?

[2.20 pm]

MR MAJUREY: Yes. I would agree with that. Consultation is a process not substance, although substance arises in consultation and it is designed to get to a point where a group can make an informed view and that can be done in a collective way or in an individual way. As I understand, the Agency has been open to both in terms of the type of process. But you are right, in terms of where decisions are made, the terms of reference are very important and so where an inclusive approach is taken to that, that is a lot safer position to be involved with than an exclusive one.

MS TEPANIA: Okay, an inclusive approach in terms of engagement, yes, but inclusive in terms of the remedy or the way that you actually assess the effects on each group and then provide a remedy or otherwise to avoid remedy and mitigate a solution, that's a bit different. Would you agree?

MR MAJUREY: I do and it will come back to context. Just an absolute hypothetical. If there's a particular area wahi tapu or otherwise, if a number of groups - say ten - if three of the ten have that particular focus then that will be the groups that are relevant to that.

MS TEPANIA: Absolutely. Okay, thank you. Thank you for indulging me, Mr Majurey.

DR PRIESTLEY: I have one question, because other Board members have some too, you may like to just answer it as a legal submission.

MR MAJUREY: I'm not allowed to do that, sir.

DR PRIESTLEY: I am thinking of section 8 of the Act which obliges us "shall take into account the principles of the Treaty of Waitangi" and it is a matter of statutory interpretation. "Taking into account" is probably slightly lower down the hierarchy than "having particular regard", which is the section 7 terminology or "shall recognise and provide" which is section 6 but nonetheless it has the mandatory word "shall" there. Now, tell me whether this is a tenable proposition because it's a tentative view I have. The collective redress agreement of Ngā Mana Whenua o

Tāmaki Makaurau says in paragraph 10 that:

5

"The Waitematā and Manukau are of extremely high spiritual, ancestral, cultural, customary and historical importance to Ngā Mana Whenua o Tāmaki Makaurau."

10

Added to that is the fact that Wai 8, which we've talked about, which set up its then jurisdiction under a statute which clearly has its origins in the Treaty, has already considered matters related to the Manukau and has made a whole number of recommendations, many of which have yet to be implemented. My tentative view is that, unlike a lot of RMA applications, section 8 is more heavily engaged with this application than it might otherwise be. Is that tenable?

15

MR MAJUREY:

I would strongly agree with that sir. For what it's worth, a lot of ink has been shed on the whole hierarchy matter and I don't want to go there. But again, context is everything, as we know, and in this case it does have a --

20

DR PRIESTLEY:

Justice Courtney and I in respective decisions have used the "hierarchy" word. Whether that sort of vilifies us forever, I don't know, but one can't dance around the fact that there are different statutory words used, of course. Anyway, thank you for that. Mr Parsonson.

25

MR PARSONSON:

Yes. Thank you, Mr Majurey. With respect to the wetlands that we were discussing just now, what responsibilities would co-governance bestow upon Ngāti Maru and other signatories?

30

MR MAJUREY:

If that's where the agreement lands, there is a temporal aspect to this because reclamations and wetlands are a long time. So in relation to co-governance the guidance to what management might look like and in relation to management itself, there's a very important discussion to be had over who should be involved in co-management. Is NZ Transport Agency going to continue with that, does Auckland Council have a role, do any of the CCOs have a role, Watercare, for example? The Healthy Rivers folk within Auckland Council itself are proper.

35

40

There's also a potential liability matter of ongoing costs. So all those matters are very much in our minds and part of the discussions around the agreement.

MR PARSONSON:

Certainly there is maintenance responsibilities, which was part of my question. My last question is not deliberately simplistic, but in relation to those features, what benefits does co-governance afford to Ngāti

Maru and the other signatories?

[2.25 pm]

5 MR MAJUREY: If I can speak at a personal level, co-governance is often referred to by
our people as a seat at the table, and when you're at the table your world
view is able to be imparted. Again speaking personally, an important
10 result of the Tāmaki Collective settlement was the co-governance of
the ancestral mountains and being at the table. Having that direct role
of equal representation with Auckland Council has made a huge
difference to our world view being understood and also being affected
by that statutory body in terms of the health and welfare care of those
important taonga. That's why it's so important.

15 MR PARSONSON: Thank you.

MS TEPANIA: Can I just ask one more question, and it might be slightly improper?
This might be the first time I've asked one of those in this hearing. True
governance, true partnership would mean that the foreshore wasn't on
20 the table in the first place, wouldn't it?

MR MAJUREY: I think that's a fair statement.

MS TEPANIA: I'll leave it there.
25

DR PRIESTLEY: Mr Majurey, thank you very much for assisting us. Your overview not
only of the RMA but also of the application of those principles and
many others to the Manukau and the problems which we are going to
have to grapple with has been quite invaluable, so we're much obliged.
30 If that could be passed back to your client iwi, if I can call them that.
It was helpful for them to unleash you at this hearing for us. Thank
you very much.

MR MAJUREY: Thank you for your time.
35

DR PRIESTLEY: Now I think we now pass to -- is Ms Rutherford here? Hello, Ms
Rutherford. Would you like to come up here? You're representing
Ngāti Tamaoho, is that right?

40 MS RUTHERFORD: Yes, that's correct, sir. Kia ora koutou, my name is Lucille Rutherford.
I'm presenting as a resource management officer for Ngāti Tamaoho.
Ngāti Tamaoho are Mana Whenua of the Manukau Harbour. In my
role I represent Ngāti Tamaoho in its environmental interests and
discussions on various activities, including proposed development
45 projects. I report to Ngāti Tamaoho on a fortnightly basis and I sit on
many forums ...

MS TEPANIA: If it helps, Ms Rutherford, just to relax you a bit, I last recall you

5 appearing before me in terms of the Southern Corridor, NZ Transport Agency's application there, and I recall that your comments in that hearing were particularly helpful in terms of the result, as I understand it. So I'm wanting to acknowledge you this afternoon as well for the role you played there and for that. I'm trying to give you time to recover.

10 MS RUTHERFORD: I have little coughing fits for about five minutes and then I come right for a few hours. I'll start again.

DR PRIESTLEY: If it gets too bad and you want us to take a short break, just say so.

15 MS RUTHERFORD: In my role I represent Ngāti Tamaoho in its environmental interests and discussions on various activities, including proposed development projects. I report to Ngāti Tamaoho on a fortnightly basis and represent the position of Ngāti Tamaoho as provided to me by the leadership of Ngāti Tamaoho. I have been in my role of resource management officer since December 2010 and have been involved with this project since 2013.

20

[2.30 pm]

25 I have regularly attended hui, workshops and have provided feedback on the project and had input into the development of the design of the East West Link project. I have had input into all aspects of the project from an operations point of view, including environmental, social and with the support of the leadership, putting forward cultural values as well.

30 The Manukau Harbour was a bountiful food bowl for Ngāti Tamaoho. However, intensive industrial growth in the late 18th and 19th centuries resulted in both human and industrial waste being discharged into the harbour. In particular, the area around the East West Link project was subject to landfilling, and to this day the historic landfills across the
35 northern coastal edge of the inlet continues to discharge contaminants into the water, which has had a significant impact on the quality of the water in the Mangere Inlet. Adding to the landfill contaminants is the continual discharge of virtually untreated storm water and sediments from roads within the residential and the industrial catchment of the
40 inlet.

45 Ngāti Tamaoho realised early on that this project provided an opportunity to incorporate environmental improvements into the project design. Whilst Ngāti Tamaoho are opposed to reclamation, the contamination containment bund was seen as an opportunity to rectify past degradation and continual contamination of the Mangere Inlet. Ngāti Tamaoho was one of the iwi that opposed the nearby Taumanu Reserve reclamation and will continue to oppose further reclamation of

the harbour for beautification purposes.

5 As guardians, kaitiaki, of the Manukau Harbour, this clean-up opportunity through the contamination containment bund, the East West Link proposal is seen as an opportunity to provide for our responsibilities of kaitiaki of the harbour.

10 I am familiar with the cultural values report that has been provided to the Environmental Protection Authority and have had input into it along with other Mana Whenua representatives. In my view this report represents a fair view of the process undertaken and the inputs of the Mana Whenua Reference Group to the East West Link project. I was also involved through the Mana Whenua Reference Group in the development of the vision for the Mangere Inlet that is attached to the cultural values report.

15 Ngāti Tamaoho have forged a respectful relationship with NZ Transport Agency through this project. We have managed, along with other Mana Whenua kaitiaki groups to influence the design throughout the entire project, from the Neilson Street interchange the contamination containment bund to Tip Top corner. Again, in my view this has been an example of a good process that has resulted in cultural values influencing decisions and being embedded in the East West Link project. Ngāti Tamaoho support this project and our stand still is that of support. Kia ora.

20 DR PRIESTLEY: Thank you, Ms Rutherford. I just want to ask you a question which arises out of the second-to-last paragraph on the first page, which starts off, "Whilst Ngāti Tamaoho ..."

30 MS RUTHERFORD: Yes.

35 DR PRIESTLEY: What I think you're saying there is that although in the normal course of events your iwi is opposed to reclamation, particularly for beautification purposes, and that this was one of the reasons why you were not supportive of the Taumanu Reserve project.

MS RUTHERFORD: Yes.

40 DR PRIESTLEY: The containment bund here you see as being consistent with the Kaitiaki role of helping to improve water quality of the Manukau Harbour. That is essentially what you are saying?

45 MS RUTHERFORD: That's correct.

DR PRIESTLEY: Right. The reclamation of course is more extensive than required for just the road, and also probably more extensive than would be required

if there was just a containment bund there.

MS RUTHERFORD: That's correct.

5 [2.35 pm]

DR PRIESTLEY: Nonetheless, I take it that you cannot ignore the fact that there are beautification factors relating to the proposed reclamation but despite those add-ons - if I can put it crudely that way - you are still supportive of the entire project?

MS RUTHERFORD: The reason that we are supportive of it is that, along with other reps at the table, we saw the, I think -- somebody will need to correct me about the exact number of acres or hectares of the catchment above.

15 DR PRIESTLEY: 611 hectares.

MS RUTHERFORD: Thank you. I thought it was about 1,100 or 1,200 acres of farm. I still think in acres.

20 DR PRIESTLEY: Yes, like --

MS RUTHERFORD: So that is a lot of land whose storm water flows virtually untreated into the harbour, and we saw this as an opportunity for NZ Transport Agency to go outside of their normal bounds of what they needed to do, which was just treat the road runoff from their road, and we saw it as an opportunity for NZ Transport Agency to provide treatment for the entire catchment as well as their road in this project.

30 DR PRIESTLEY: Right. Okay. Ms Tepania. Would you like some water?

MS RUTHERFORD: Sorry.

35 MS TEPANIA: Ms Rutherford, I seem to recall you having quite some experience with storm water treatment.

MS RUTHERFORD: Yes, I am very passionate about the quality of our water.

40 MS TEPANIA: I do recall that, too. So, in terms of that, there are a couple of benefits or measures to mitigate the effects that have been raised by NZ Transport Agency, and one of them I also recall that you had an interest in them raising the Pahurehure Bridge at that time.

MS RUTHERFORD: Oh, we still haven't forgotten about that project either.

45 MS TEPANIA: But in terms of what NZ Transport Agency is planning to do here, in terms of raising the bridge down that end and to allow the natural processes in terms of the portage by Otahuhu Creek, can you comment

further on that and the benefits you see there?

5 MS RUTHERFORD: Absolutely. The portage is hugely important, spiritually and culturally to Mana Whenua and, from an environmental perspective, the pipe and the culvert is just yuk. I don't know who it was but at the table that was something that all Mana Whenua agreed at the time, was that needed to be part of the mitigation package as well. We worked on all aspects of the project, and the removal of the culvert and replacing it with a bridge to allow the water to flow and possibly waka to again enter through there has been very important.

10 MS TEPANIA: In addition to that, I wanted to ask you about in terms of the containment bund, you clearly have faith that that process and that way of treatment, biofiltration and the wetlands, will work and will achieve an outcome that you consider is beneficial?

15 MS RUTHERFORD: We have put NZ Transport Agency's engineers and specialists through the grill over this because our support has been pivotal on it being not a reclamation but a contamination containment bund and associated wetlands, and we have been assured - and I am not an engineer but I can read some of their stuff and understand it - that the contamination containment bund will stop most of the contaminants and those that it does not stop will end up in the wetlands being treated through the wetlands.

20 We also don't subscribe to the TP standards. TP10 is the storm water standard where 75% of TSS - total suspended solids - needs to be removed to cover consent, and we are expecting above 80% through this project. It has been conditional - our support - on it achieving a very high standard of water quality discharge into the harbour at that point.

25 MS TEPANIA: Mr Parsonson might have a follow up question there, but I will jump in before he does, in terms of: evidence before us has been around the fact that leachate is currently taken off to Trade Waste.

30 MS RUTHERFORD: Yes.

[2.40 pm]

35 MS TEPANIA: So the plan is for that leachate now to be put through the new wetlands system to be treated. Does the support of Ngāti Tamaoho recognise that and is it more around the world view of what is best for our Papatūānuku, for our environment in terms of treating it that way? Is there a cultural view there or ...?

40 MS RUTHERFORD: It is going to end up in the harbour anyway because it ends up at the Mangere Wastewater Treatment Plant. Let's face it that is where the

- 5 leachate goes. In saying that, it is my understanding that with the leachate they are leaving some of the collection that is already existing and they will be monitoring it and then - once they are of the surety because disturbing the current landfill will release and stir up contaminants, that is what happens to them - once they have the test results on that, then they will pass it through the wetlands. They will continue to monitor it and, if need be, that will still be collected and sent to the Mangere Wastewater Treatment Plant.
- 10 MS TEPANIA: Okay. A couple of other matters I just wanted your confirmation on. We have had evidence that earlier on there were other alignment options, etc, discussed with the Mana Whenua group and you are a member of the group.
- 15 MS RUTHERFORD: Yes.
- 20 MS TEPANIA: So the evidence of NZ Transport Agency is that they have already taken measures to avoid effects on Te Apunga o Tainui, for example. Can you confirm that that is the case? That there were earlier options and that, by making the choices they have already made about where the road would go, they have already avoided one, Motukarara, where there was an earlier option that affected Motukarara. And there was another earlier option that affected Te Apunga o Tainui. Do you agree that there has already been a degree of avoidance there?
- 25 MS RUTHERFORD: Yes. Back in 2013 - I think it was around that time - it was Mana Whenua who put this option to NZ Transport Agency. They did not have an option to reclaim part of the harbour at that particular point in time. It was the current, at the time, Kaitiaki representatives at the table who first mooted that idea to NZ Transport Agency, because they knew that they could not put an option of reclamation on the table and have Mana Whenua agree with it.
- 30
- 35 MS TEPANIA: I understand, from other evidence that has been before this Board, that the idea of a road along the coast is not a new thing. In fact, there are earlier maps from the 1970s indicating that was always the plan. Do you have any awareness of that?
- 40 MS RUTHERFORD: I don't recall that. I do recall options of it going through the town centre and other options. I do recall the meeting that we were having at Highbrook where the option to build a contamination container bund was mooted and it did get the support of the reps in the room at the time, which is where they went away - it possibly was an earlier option that didn't sink into my head - and NZ Transport Agency went away and gave that option some more consideration with that in mind.
- 45
- MS TEPANIA: Okay. All right. Thank you for your answers. That clarifies the

position for me in terms of Ngāti Tamaoho.

DR PRIESTLEY: Mr Parsonson.

5 MR PARSONSON: Thank you. Just to confirm, the option to utilise the bunded area for storm water treatment of the upstream catchment was something that was mooted by NZ Transport Agency for consideration or promoted by Mana Whenua?

10 MS RUTHERFORD: When Mana Whenua sit at the table with NZ Transport Agency - and any other agency, actually, Auckland Transport, anybody, anybody who is doing any improvements - Mana Whenua always look for the most gains they can get from an environmental point of view. If we can get them to treat that road as well as their road, if we can get them to treat the whole catchment as well as their road, we will go for that and that is where that came from.

15 MR PARSONSON: Was that the same situation for the removal of the culverts on State Highway 1?

20 MS RUTHERFORD: Yes.

MR PARSONSON: Okay. There is currently a proposed condition that requires at least 75% TSS removal.

25 MS RUTHERFORD: Minimum, that's right.

MR PARSONSON: Minimum. And you have stated that your expectation or preference would be 80%. Is that condition as it stands something that you could live with as a minimum?

30 [2.45 pm]

35 MS RUTHERFORD: I think we are still working through to minimum requirements. I don't buy into the term "minimum requirements", and unfortunately I have obligations. I am in Waikato as well and I was unable to attend yesterday's meeting, but we will be - Ngāti Tamaoho and the rest of the Kaitiaki - all pushing for the highest standard we can possibly get. I am personally expecting around about 80% as a minimum. I am hoping it will be up higher than that. It is achievable if the wetlands are built properly.

40 MR PARSONSON: So there have been ongoing discussions over the last few weeks around that requirement, is that right?

45 MS RUTHERFORD: Oh, a long time but minimum requirement has just come to us, I guess,

in the last month or so, yes.

MR PARSONSON: Right. And if the condition allowed through circumstances for the minimum to be less than 75% could you live with that or ...?

5

MS RUTHERFORD: No.

MR PARSONSON: No. Thank you.

10 MS RUTHERFORD: I would find that very difficult. Well, the current Auckland Council rules say it has to be a minimum of 75% so if they were to put something forward that was going to be less than 75% then it should not even pass through Council because that's their minimum requirement.

15

MR PARSONSON: All right, thank you.

MS TEPANIA: I just have a follow up question in terms of you missed the southern side of the inlet. Just joking.

20

MS RUTHERFORD: They are getting there with some of their roads.

MS TEPANIA: In terms of the cultural monitoring conditions, is that the first time you've been involved with conditions of that nature and this type of consent?

25

MS RUTHERFORD: Cultural monitoring is certainly not new to Ngāti Tamaoho, but for a project like this I believe so. It's not my -- I'm not the cultural monitoring co-ordinator for Ngāti Tamaoho but we have worked on the conditions that Mana Whenua will be involved in the monitoring of water quality and so forth all along the way. We're involved in a type of monitoring, I suppose, for the Taumanu Reserve as well. There was a kaitiaki group set up to -- we met monthly to talk about progress and what was happening and to go over consent conditions and that they were being met and everything.

30

35

MS TEPANIA: In terms of the matter before us, it does set up a framework for the development of cultural indicators as well, and you're comfortable that that framework will add value and the way it is provided for?

40

MS RUTHERFORD: Absolutely. Mana Whenua demand fairly high standards of environment outcomes and it's a good way to keep a check on both sides that they're both performing, both doing their best.

45 MS TEPANIA: Okay. Last question. Vision and strategy document, where does that come from? Was that essentially pushed by Mana Whenua? I'm just trying to understand the basis for it and the intentions for it moving

forward.

5 MS RUTHERFORD: The intention of it was to get an overall strategy moving forward for
outcomes for the inlet itself. It was worked on by Mana Whenua with
the vision in mind of getting an overarching strategy and vision on
outcomes, ie see your feet when you're standing in the water, be able
to swim without fear of becoming ill, eat the kai from the harbour.
10 Whilst it was the vision for the Mangere Inlet, it was also envisioned
that if we did the work right at the upper level that we could then pick
up that strategy and move it to, yes, the Pahurehure Inlet and perhaps
even at stage over the entire Manukau Harbour itself. But the Manukau
is still in its infancy as far as getting any kind of a management plan
for it is concerned. It started out being for the Mangere Inlet but, yes,
15 it was envisioned that you could then pick that up and move it
elsewhere, even the Kaipara, I guess, at the end of the day or the
Waitematā, it should fit.

20 MS TEPANIA: I see that the vision and strategy doesn't just involve the vision, I
suppose, or aspirations for Mana Whenua but it's tied in with other
entities, the Council. Do you think that what's come out of it, the
output, is a fair reflection of Mana Whenua aspirations and intentions
for the harbour as a taonga separate to the aspirations of the other
parties involved in developing that strategy?

25 MS RUTHERFORD: I do because it was Mana Whenua who worked on the strategy with the
consultants and I see it as our vision and strategy really, yes.

[2.50 pm]

30 MS TEPANIA: Thank you for your answers, (Māori content).

DR PRIESTLEY: Ms Rutherford, thank you very much for coming to help us with those
submissions and I think the discussion you've had with Board members
has been very helpful and I hope you've not found it too stressful.

35 MS RUTHERFORD: I should be used to it but I always get a bit nerve wracked.

DR PRIESTLEY: Probably a good way to start off, isn't it? Thank you very much indeed.

40 MS RUTHERFORD: Thank you.

DR PRIESTLEY: Now, do we have Roimata Minhinnick here? Is there someone here
from Ngāti Te Ata? Who else is here that we need to hear?

45 (off mic conversation)

DR PRIESTLEY: Infrastructure New Zealand. Do you know what the position is with

Ngāti Te Ata? They are on the programme here.

(off mic conversation)

5 DR PRIESTLEY: But you haven't spotted them yet. All right, other than Infrastructure New Zealand, is there anyone else waiting to give submissions at this point? Which is Mr Hamish Glenn.

10 MR PARSONSON: He's not here.

DR PRIESTLEY: He's not here either, we're going to take an adjournment until we've got it sorted out.

15 **ADJOURNED** [2.51 pm]

RESUMED [3.24 pm]

DR PRIESTLEY: Thank you. Now it's Mr Glenn, is it?

20 MR GLENN: That's correct.

DR PRIESTLEY: And you are going to make some submissions to us on behalf of Infrastructure NZ.

25 MR GLENN: Yes, that's correct.

DR PRIESTLEY: All right. Have we got something? Have you handed something out?

30 MR GLENN: No. I've got a little slide here for myself but the rest of it is up on the screen, which I was hoping you might be able to see, but if you can't, I can probably ... Fantastic.

All right. Are we ready to roll?

35 DR PRIESTLEY: Yes. Off you go.

MR GLENN: All right.

40 We are Infrastructure New Zealand. I don't know if you know about us, but there's a few of our members, up on the board. It is probably worth noting that some, a lot, of our members actually participating in this project, in one way or another, and on different sides of the fence, so I might just take this moment to stipulate that these views are the views of Infrastructure New Zealand and not necessarily of any one

member or group of members.

[3.25 pm]

5 DR PRIESTLEY: What does that mean?

MR GLENN: We are representing the views of --

10 DR PRIESTLEY: You are not coming along here in unauthorised fashion?

MR GLENN: No, no. Representing the views of Infrastructure New Zealand as a whole, not any single party.

15 DR PRIESTLEY: All right.

MR GLENN: Just in terms of key points, as per the submission, we support the East West Link. There is chronic congestion in the Onehunga/Mount Wellington area that must be resolved. The type of trips taken and the destinations travelled are not suitable for public transport, or at least a large proportion of them, which means that road capacity must be enhanced. Since the proposal does enhance road capacity, we find that there is a lot to support about it.

25 We find also that it has quite an enduring impact on congestion, and that map there I hope you have seen, but there is a copy in our submission. It shows Auckland Transport network, as modelled by the Auckland Transport alignment project last year. That's the 2046 projection for the AM peak. It is a pretty ugly picture. The black lines there show that more cars want to access that particular stretch of road in the 7.00 until 9.00 peak morning flow, which means that you have gridlock. So that basically shows gridlock across the entire network. Even though the black only shows up in certain spots, because you have more cars wanting to pass that little piece of road than there is capacity to use it, there will of course be a trail back, so you will see very significant impacts across the network. Subsequently, of course, we have started to look at things like pricing to address the issue but you can see there that you have a very constrained network. But one place you don't see a problem is in the East West Link, and you can sort of see a little grey line there, to the north of the Manukau Harbour, which is the East West Link, or a version of it. As per that previous bullet point, the East West Link is still performing well within its capacity. The yellow line - so the different colours on the map are yellow shows volume to capacity; yellow for example, 0.7. Red is 0.8, 0.9. So it shows increasing gradations of congestion and there is no colour, which is good. It shows that the East West Link provides significant capacity indefinitely.

45 There are two ways of looking at it and this is our concern, if you like,

with the project. The fact that you've got no congestion modelled on that part of the network, with the rest of the network under significant pressure, indicates that it is not exactly operating as a part of that national strategic network. There is something separate about the East West Link from the rest of the state highway network. So we think this is quite critical. This is a very large project. It may cost up to \$1.9 billion. It is obviously being delivered by the NZ Transport Agency. We think it is a nationally significant project. Obviously the fact you guys have been directed to hear it on the basis that it is a nationally significant project, is important. So if this is a nationally significant project, we think that the objections to it must be nationally significant. In our view, they are not nationally significant. When we think of some of the key objections, for example around Anns Creek, we observe that Anns Creek is not a national park, it's a local park. There might be very significant local objections but we are not convinced that they are of national significance. When we think of some of the concerns --

DR PRIESTLEY: Can we test the logic of that proposition? If something is of national significance, any objections to it must be of national significance? Effectively, regardless of what any legal framework one was operating in, that would really give central government, or anyone who declares something to be of national significance, an overriding right.

[3.30 pm]

They could say, "I think this is of national significance, but the fact that we are going to reclaim and entire ..." this is hypothetical, "... inlet or have huge noises going along within 200 or 300 metres of a residential area, that's of only local significance, so too bad". We'd end up with a Stalinist state, if we allowed that proposition through.

MR GLENN: Well, no, we wouldn't end up with a Stalinist state because that government wouldn't last very long.

DR PRIESTLEY: What, there'd be a revolution and somebody would execute them?

MR GLENN: No. They would be voted --

DR PRIESTLEY: That might include you.

MR GLENN: Well, it possibly might, but at the same time, we have a democratic process by which a government is elected. The government, for example, was elected on the basis, or partly on the basis, of its roads of national significance, back in 2008, or the lead party in that, I should say. That lead party has identified this as a project of national significance. We are now going to have an election and people will

vote on those parties' policies.

DR PRIESTLEY: But we are not elected.

5 MR GLENN: No, you are appointed by a democratically elected government. So, that you have a functional democratic process which allows people to vote every three years, which allows them to evoke people to make decisions.

10 DR PRIESTLEY: But my point remains valid, it seems to me, with respect. Nowhere in the RMA does it say that the only valid objection to a project of national significance must be a nationally valid objection. We have to operate within the framework of the RMA.

15 MR GLENN: You absolutely do and I'm going to probably make some comments on that, subsequently. But, as I was saying, in our view, you've got to make a decision about a nationally significant project, which means that you've got to make a decision as to whether the objections to it are nationally significant and we are looking at types of objections that we
20 have seen raised - and, I appreciate you've got a much broader understanding of those than we do - but I'm commenting on what we --

DR PRIESTLEY: I hear your point. I don't necessarily agree with it. But you are right to
25 the extent that the fact that this has been designated by two Ministers as being a project of national significance is something this Board has to weight quite heavily.

MR PARSONSON: Given the range of organisations that comprise Infrastructure New
30 Zealand membership, it is probably good that you put the rider at the start, that you are not speaking on behalf of those individual organisations.

MR GLENN: Absolutely. Probably timely to re-state that point. Thank you.
35
But further to that point, I think this knife cuts both ways, of national significance. In order for this project to be nationally significant, it must deliver nationally significant outcomes and to be absolutely honest, we are not convinced it does in that regard, either. It delivers very, very significant outcomes. The fact that this project can deliver
40 a positive benefit cost ratio at the enormous cost that is being estimated is nationally significant in and of itself, but I'm not sure if that's sufficient in itself. This project must deliver nationally significant transport benefits and in its current form, as suggested by that previous graph, which shows it is not operating as a part of that national strategic
45 network, we are not sure that the outcomes delivered are fully nationally significant. So what we would really like to see is amendments to the project which allow it to become nationally significant, if not in the first instance, then certainly later in the piece.

5 It must provide connectivity, functional connectivity, between State
Highways 1 and 20. The fact that there is no congestion showing up
on that map in a morning peak 30 years from now, suggests that it is
not being used to connect up those networks; it is being used as a local
project, albeit one of great size. So we think there must be better
provision made for through traffic, which probably means some of the
intersections need to be grade-separated. There may need to be
expansion of the road corridor, if not now, then in the future, but other
means to make these outcomes that it delivers, nationally significant.

10 [3.35 pm]

15 That includes, of course, potentially extending it further east. At the
moment the project stops, gives partial access to State Highway 1, but
stops, does not travel further east. Initial descriptions of the project
were that it would connect up to other very, very significant
employment areas across the Tāmaki estuary and even extending up to
Pakuranga. We would like to keep those options open in the future, so
we would expect that any East West Link had the potential to move
20 further east should that be required in the future.

25 That's really the main substance of our submission but I promised you
one or two other comments relating indirectly to the Resource
Management Act process in particular.

MR BICKERS: Mr Glenn, I just want to come back to his Honour's question. Have
you read our terms of reference?

MR GLENN: Yes, some time ago.

MR BICKERS: The relevant ministers say in that:

35 "We consider the matters [the matters] are a proposal of national
significance because of the proposal."

And it talks about the road. But then it says:

40 "Is likely to result and contribute to irreversible changes in the
environment, particularly the loss of bird-feeding areas in the Mangere
Inlet; involves relocating infrastructure; is likely to arouse widespread
public concern; relates to matters that may be of national interest to
Māori."

45 And so on. I have a great deal of difficulty reconciling our terms of
reference that we have to consider under the Resource Management
Act with that statement that the effects must somehow be of the

national significance.

MR GLENN: And the outcomes.

5 MR BICKERS: Yes. So I'm with his Honour that I'm struggling to understand that statement.

10 MR GLENN: All infrastructure is going to have a permanent effect or very close to permanent effect on the natural environment. That's almost the definition of infrastructure in many respects. It provides a fundamental change to the natural environment. The question in that I guess I would pose is whether those environment impacts have a nationally significant effect.

15 MR BICKERS: But aren't you saying to the Board that there are a number of issues that are being raised in submissions which we should discard because they are irrelevant in the contexts of national interests?

20 MR GLENN: No. I guess I would frame it more in terms of your final decision as to whether to proceed or not with the project. The cumulative effects, if you like -- that's probably a poor choice of words.

25 MR BICKERS: No, that's a correct choice of words. We have to consider cumulative effects.

30 MR GLENN: Yes, I suppose if you added up all of those you might reach a conclusion that they were, all together, nationally significant. As I say, our organisational position is that cumulatively they're not nationally significant. They may be very significant, but with respect to, for example, their impact on the birdlife it would be whether there was somewhere else those birds bred, or whatever the specific impact might be.

35 When you are looking at this project, it is a project of national significance. Perhaps I should caveat that slide on national significance with regard to your decision. Should this project proceed or should it not? Are the negative effects nationally significant and so nationally significant in fact that they supersede the outcomes?

40 **[3.40 pm]**

45 MR BICKERS: We do have to do a weighing exercise. I'm just having trouble and it may be that I should just ignore those words that you're using of the effects being nationally significant, because I think, yes, that could be an issue in terms of the habitat of endangered species. It could be a matter of national significance in relation to, let's say, sites of historic interest or cultural significance to Mana Whenua, but as a broad

statement I'm certainly struggling with it.

MR GLENN:

5 Let me just touch on something. I want to really convey this because this is quite a significant issue. You'll see up on the slide there a road. I wanted to emphasise this point, so I Googled the world's most expensive road and I got some good hits because the US media really jumped on to this Russian road that was built a couple of years ago as part of the Sochi Winter Games. It's the Sochi to Krasnaya Polyana 40-kilometre handwritten tunnel bridge project. The US media had some fun with that and they called it the most expensive project in history because it cost \$9.4 billion. For a country like Russia it's a staggering amount of money for its 40 kilometres. That works out to a per-kilometre cost of \$235 million.

10

15

Our East West Link may cost up to \$1.8 billion or \$1.9 billion, potentially more, depending what requirements may be placed on it. It's going to be 5½ kilometres between State Highway 1 and State Highway 20. That doesn't necessarily include some of the other aspects of the project, but that works out at \$327 million per kilometre, exactly the same price as a road which found considerable amusement to much of the world's media as the most expensive.

20

DR PRIESTLEY:

This is quite a good argument for refusing the application. Is that where you want us to go?

25

MR GLENN:

What I want to touch on is your point about these effects. The fact is that the Transport Agency, in order to get through the Resource Management Act, has had to bend so many little bits and pieces to this project. It has to be high enough so that it doesn't affect birds, it has to be low enough so that it doesn't affect locals, it has to be wide enough so that it avoids this group and shallow enough so that it avoids that group. In order to get past all these objections which the RMA encourages, allows, whatever, the Transport Agency has now designed a project which is of world-beating cost.

30

35

So I hear what you're saying about some of these environmental effects, but if we don't allow projects with always significant environmental features -- you can't build a \$1 billion project of virtually any form without significant and permanent effects on the natural environment and local communities. But if we allow all of these local objections to stand, this is the price we pay. These projects become ferociously expensive. That's potentially \$1.8 billion. I actually think it will, depending what requirements are on it, come in lower, as we found with the Waterview Connection, for example. But this is taking money out of other projects.

40

45

This is not just a slightly more expensive project because the Transport Agency has had to think about ways of getting through the Resource

Management Act. This is taking projects out of the regions, it's taking projects out of the provinces by adding further requirements on to these projects to get past multiple objections.

5 MR PARSONSON: There's a poetic dichotomy between your submission and the next submitter we're going to hear today, but you did say earlier that you think that as it currently stands the proposal may not have national benefits.

10 MR GLENN: It has national benefits. It has very significant benefits. We would like to think that the national outcomes provided are significant at that national level. For us that means connecting up the state highways and making provision for it to be potentially extended so that it can continue to function.

15 MR PARSONSON: So even as it stands, you think it does have national benefits, is that correct?

20 MR GLENN: It has very significant benefits to a nationally significant economic area.

[3.45 pm]

25 MR PARSONSON: Right. Because in the context that it will impact on threatened species, recognised threatened species, it will impact on cultural and spiritual values and ecological values and taonga that is significant in particularly certain groups of Mana Whenua. They're significant to all groups but some Mana Whenua groups are saying they're so significant it shouldn't occur. Those are reasonably considered of significance at a scale equivalent to a national scale in one form or another.

30
35 Your comment regarding the cost then suggests to me that Infrastructure New Zealand's position would be to get the cost down so it stacks up better by kicking to touch some of the mitigation. Is that what you're saying?

40 MR GLENN: Where possible, absolutely we should be trying to streamline the project, if you like. Potentially we should be adding bits on to the project to achieve those national outcomes. But my key point here is that the Transport Agency has gone out of its way so far to try to appease the multiple objections that you get from doing anything in an established urban area, even one which has been on planning documents for 50 years, or for a project that's been on planning documents for 50 years.

45 In order to try to make sure that it can get through a project like this, it has added costs to that project. If you further add requirements to meet objections -- which as I say, in our view, we don't think they are

nationally significant objections, but we'll perhaps agree to disagree on that.

- 5 MR PARSONSON: I think the reality is that we are required to consider and make a decision under the framework of the RMA and subsidiary planning documents. There are people in this room, who are employees of member organisations of Infrastructure New Zealand, who know that if all the mitigation gets kicked for touch it wouldn't get through the planning framework. So we're all sort of operating under a framework that requires these things to be implemented or the project will never happen in any circumstances. So we understand the point you're making from your organisation's position but it's not something we can do anything about.
- 10
- 15 MR BICKERS: I understand the other point you're making is that the resources are limited and therefore one shouldn't waste money. I understand that. But even if it is alongside the world's most expensive highway, it's producing a positive benefit cost ratio so what does it matter?
- 20 MR GLENN: It matters a great deal because it's taking money out of other projects.
- MR BICKERS: I understood that point. But we built other roads in New Zealand that don't show a benefit cost ratio that is in excess of one.
- 25 MR GLENN: I would be very cautious about relying on benefit cost ratios alone. They are a very good indicator in some respects and they're very good at comparing two alike projects but depending on who you believe, something like a city rail link has a benefit cost ratio as low as 0.3 and that's because a project like that costs a heck of a lot to start with, takes a long time to build and by the time you start generating benefits a discount rate has virtually removed the ability for those projects to deliver a positive benefit cost. It is incredible that this project is able to deliver a positive benefit cost ratio, in fact a significant positive benefit cost ratio, it shows how important and critically important the area is and addressing the congestion problem is. But each time -- and the risk with a positive benefit cost ratio is that you can continue to add projects on to it. Sorry, add aspects on to the project which make it more expensive and that takes money out of other --
- 30
- 35
- 40 MR BICKERS: The central thrust of the argument you're putting to us today is for us to disregard some of the requests for mitigation or elements of the mitigation.
- MR GLENN: I guess I would ask that you very carefully considered how significant they were. Maybe discuss with the Transport Agency, or what the appropriate avenue for that is, what options there might be and there might be options for the Transport Agency to address those issue at a
- 45

very minimal cost.

[3.50 pm]

5 We would ask you to take into consideration that we are dealing with
the most productive manufacturing sector in New Zealand. It is
congested at all times or through large periods of the day currently. At
10 the moment it will take another, at least, five years to deliver that
project if it proceeds by which the problem will be even greater. It is
vitaly important that a solution is identified for this area or we are
going to choke a significant portion of the Auckland and New Zealand
economy.

15 DR PRIESTLEY: Mr Glenn, can I just take you to your written submissions which you
filed on 22 March, and I'm looking at page 8 right in the middle, you
say:

20 "While we strongly agree that solutions to congestion in such a
productive area are urgently required, we are challenged to agree that
limited national resources will be optimally allocated under the current
proposal."

25 Now, what that says to me is we need a solution but we're far from
convinced that this \$1.8 billion I justified.

MR GLENN: For the outcome delivered. So for --

30 DR PRIESTLEY: What do you want us to do? We have NZ Transport Agency's
application before us, we can't jiggle around with it and say, "Well, we
think this is in the wrong place" and we can't go redrawing the
alignment. We can't say to them, unless we think they have been totally
and utterly slack - and there's no evidence of that - well you haven't
35 done a proper cost benefit ratio. We can't say, "Well, we don't think
you need all this reclamation and highway and chop it down to size",
our hands are limited. It's almost Sydney or the bush. We either
approve it with various conditions and some minor modifications or
else we decline it. What do you want us to do?

40 MR GLENN: We want you to approve a project with the capacity to become
nationally significant. We want you to approve a project which allows
for future expansion potentially of the project within the environment.

45 DR PRIESTLEY: This is page 12 of your submissions. Well, let's knock those off, shall
we? The first thing you say is we should ask NZ Transport Agency -
you say EPA but you're talking about us, I think, we're not EPA they
are the service - to provide a 30-year plan for Auckland strategic

network.

MR GLENN: Yes.

5 DR PRIESTLEY: We have no jurisdiction to do that. So the next thing you want us to do is that where relevant EPA should provide - we - for this plan for notices of requirement for resource consents for the East West Link. In other words, we going to be drawing notices of requirement all over the place for the next 30 years. Is that what you would like us to do?

10

MR GLENN: No, we would like --

DR PRIESTLEY: Who is going to do it?

15

MR GLENN: What we are asking through that, and if we didn't word it properly, we want to be convinced that this project suitably serves Auckland and New Zealand and fits within the long-term timeframe.

DR PRIESTLEY: But you're not convinced, are you?

20

MR GLENN: Not in its current form and so we think that there needs to be sufficient scope given to it that it can become that.

DR PRIESTLEY: You're almost comparing it to some oligarchy driven prestige highway in the southern Russia. Same cost and a joke. That's the comparator you gave us.

25

MR GLENN: Yes, I am comparing it in terms of its cost as a globally expensive project.

30

DR PRIESTLEY: And you are far from convinced, you already accepted to me, that that cost is justified. Bang for bucks you think they can do better?

MR GLENN: Bang for bucks we think they could do better.

35

[3.55 pm]

DR PRIESTLEY: Okay, well take it from me we can't go drawing notices of requirement for the future. Then you say this:

40

"Corridors to the east of State Highway 1 to expand the East West Link from four to six lanes and full grade separation of the corridor."

45

In other words, you want us to cast our territorial eyes to the east of State Highway 1 and look to the future to expand this thing into Glen Innes and down the Tamaki estuary and, god forbid, even in Orākei, is

that right?

MR GLENN: Well, potentially.

5 DR PRIESTLEY: We can't do that either because no one's proposed it. Do you accept that?

MR GLENN: The point is that this project needs to be able to be -- in order for it to be, I guess, of national significance it needs to provide enduring capacity for the Auckland and New Zealand economy.
10

DR PRIESTLEY: Does it do that?

MR GLENN: In its current form, we think it provides probably regional significance.
15

DR PRIESTLEY: Like kindergarten does to secondary school, perhaps?

MR GLENN: Maybe. Maybe something along those lines. But obviously with a project you have the ability to expand it in the future and so we would like the ability or the scope given within your jurisdiction --
20

DR PRIESTLEY: But it's not within our jurisdiction. We can't sit down here and say, "Oh, Ministers, present and future, we think that NZ Transport Agency is not working hard enough, there's not enough capacity here and we think you should be planning for the future". That is a political exaltation which, with respect, is far better coming from groups like you and other like-minded groups to go down to Wellington and lobby the relevant Ministers and successive administrations, which you have probably done.
25

MR GLENN: We have, indeed.
30

DR PRIESTLEY: And it's not worked so far, has it?

MR GLENN: Well, no, it's working pretty well. We're kind of hoping that there's going to be a significant rethink of how the Resource Management Act deals with infrastructure and urban environments because at the moment it is very close to impossible - not quite - to get a major project like this consented.
35

DR PRIESTLEY: Now, in case you haven't realised what I've done, Mr Glenn, I've been like a sheepdog running around and I've driven you into a pen. Now, I want you to tell me what you want us to do. I have told you there are all sorts of things you can't do and why, what would you like us to do?
40

MR GLENN: All right, in light of your comments about what you can't do, we think you should approve the project but provide sufficient scope within the approval, to the extent that you can, potentially making
45

recommendations, I don't know, but certainly within your jurisdiction to provide future flexibility in the project both in terms of how it's procured. Say, for example, that somebody coming along tendering the project might be able to think of things, innovate, whatever, change some things so that they --

5

DR PRIESTLEY: Okay, two things which spring to mind here, and I'm trying to help you at this stage rather than keep you confined in the sheep pen --

10 MR GLENN: Okay, thank you.

DR PRIESTLEY: -- one of the aspects of this project is that on the eastern side of Great South Road it reduces from four lanes to two. I assume you would like it to be four lanes?

15

MR GLENN: Absolutely.

DR PRIESTLEY: All right, and then once it gets to State Highway 1 you can get on and off it from the south but not from the north. Is that a good idea or not?

20

MR GLENN: We understand why the Transport Agency has made some of those decisions.

DR PRIESTLEY: But it doesn't provide for much future expansion, does it?

25

MR GLENN: But it doesn't provide for much future expansion. Now, we have been advised by the Transport Agency that the option that they have put forward can be amended or improved, whatever, extended further east, so it's our expectation that that is the case. So within your recommendations or decisions we would like to make sure that that road can be, should the need be there, extended, that the consent is not so limiting that effectively whoever builds it or maybe the Transport Agency through subsequent planning has to limit it and take away that option.

30

35

DR PRIESTLEY: I see. I think we now have some clarity. Tell me, how many members

does Infrastructure NZ have?

MR GLENN: About 100.

5 DR PRIESTLEY: Is Mercury Energy one of them?

MR GLENN: No, it's not.

10 DR PRIESTLEY: Pity, but never mind.

MR GLENN: I am aware of that.

DR PRIESTLEY: Finally, what's your occupation?

15 MR GLENN: I'm the policy director.

DR PRIESTLEY: Yes, but what were you before that? What areas of human knowledge are you particularly trained in, other than advocacy?

20 MR GLENN: I am trained in political science.

DR PRIESTLEY: Did you do a BA or a MA?

MR GLENN: I have a MA.

25 DR PRIESTLEY: Where from?

MR GLENN: Auckland University.

30 DR PRIESTLEY: Right, okay, that's enough from me. Now, do you really want to say anything else? I think we've covered it, haven't we?

MR GLENN: I really have enjoyed this.

35 DR PRIESTLEY: So have I.

MR GLENN: No, look, thank you very much for your time. I am more than happy to take any further questions.

40 DR PRIESTLEY: I want to make quite sure I haven't cut you off at the pass, but what you had up on the screen there is really a condensed version of your submissions.

MR GLENN: Yes.

45 DR PRIESTLEY: Would you agree that I have fairly taken you to the operative part of

your submissions?

MR GLENN: I think you have very assiduously assessed our submission and, no, look, I am satisfied.

5

DR PRIESTLEY: Now, let's see whether any of my colleagues want to ask you any questions. Mr Parsonson, Mr Bickers?

MR BICKERS: No, I am done, sir.

10

DR PRIESTLEY: You are done? Thank you very much, Mr Glenn.

MR GLENN: Thank you.

15 DR PRIESTLEY: I hope you feel you have had a fair crack of the whip because we certainly meant to give it to you.

MR GLENN: Thank you.

20

[4.00 pm]

DR PRIESTLEY: All right. Now, do we have representatives of Ngāti Te Ata here and, in particular, Roimata Minhinnick? That is you? Mr Minhinnick, before you come up to the table I know Ms Te Pania wants to mihi you, but can I just say myself, on a personal basis, that I am aware that recently your whanau, and in particular the iwi, have suffered a loss, firstly, of Dame Nganeko Minhinnick, who was a giant in this area, and also Tahuna Minhinnick who was tragically taken away prematurely. Was he your brother?

25

30

MR MINHINNICK: Yes.

DR PRIESTLEY: I thought so. All right. Would you like to come up to the table and any support people who want to come with you can do so.

35

MS TEPANIA: (Māori content)

MS TEPANIA: Mr Minhinnick and whanau, before you start.

40 FEMALE SPEAKER: (Māori content)

DR PRIESTLEY: Thank you.

MR MINHINNICK: (Māori content)

45

So, kia ora, if the summary paper before you looks a little bit rushed

that's because it was a tad rushed.

[4.05 pm]

5 But I did attempt to try and summarise the voluminous submission that was presented to you, and tried to summarise some of the key points relating to our submission and to highlight those.

10 So the NZ Transport Agency East West Link resource consent application includes major harbour reclamations, and we wanted to point out from the outset that this is the priority concern for Ngāti Te Ata and sits at the crux of this submission.

15 So I think I should briefly mention here that Ngāti Te Ata do not freely alienate the Manukau Harbour and consider the reclamation a breach of our rights under the Treaty of Waitangi. The Waitangi Tribunal Manukau claim lodged by Mana, which was submitted in 1982, heard in 1984 and reported in 1985, confirmed the reclamation is a breach of the principles of the treaty. So I will relay in more depth the Tribunal's
20 deliberations on this later.

25 Before moving to that issue, I wish to provide some background to touch on our traditional associations to the area, to give that context and relay and propose some guidelines that we would urge this committee to consider in regard to making this decision.

30 In terms of our traditional associations, it is important to understand and, I would suggest, to recognise, to provide for and protect Ngāti Te Ata's traditional culture and associations to its heritage, the Manukau Harbour. I was just wondering if I could interpolate at this point, sir.

DR PRIESTLEY: Yes.

35 MR MINHINNICK: The issue about the national significance of the Manukau Harbour. It seems timely to relay our view about that, that Ngāti Te Ata does consider that the Manukau Harbour is of national significance. When the Waitangi Tribunal reported on the Manukau claim it certainly considered there was a most comprehensive claim that it had heard up until that point. I do feel it did gather national interest at the time. It is
40 a symbol of our identity and I think, if you look at some of those symbols of other iwi identity, they could probably join the kete of being of national significance as well. We could point to Maunga, Taranaki, Egmont, Taupiri, Hikurangi, throughout the motu(?), and I would dare say moana as well, and for us there is certainly no difference in heritage and cultural terms between those Maunga of iconic national interest to
45 our heritage as well as the Moana. And the Manukau Harbour sits

firmly in that category.

DR PRIESTLEY: It may help you, Mr Minhinnick, earlier today and indeed the Board has discussed this between ourselves, we are aware of the recent collective agreement, the Mana Whenua o Tāmaki Makaurau collective redress deed. Clause 10 of that says:

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"Mana Whenua o Tāmaki Makaurau and the Crown acknowledge and agree that the Waitematā and Manukau Harbours are of extremely high spiritual ancestral, cultural, customary and historical importance to o Mana Whenua o Tāmaki Makaurau."

[4.10 pm]

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So that is something which we have really taken aboard. In addition to that, as you may know, section 8 of the Resource Management Act requires us to take into consideration matters relating to the treaty and, as a result of the Waitangi Tribunal report Y8, which made a number of recommendations, we are of the view that section 8 is engaged in this application, quite simply because there is still unresolved treaty business relating to the Manukau, quite apart from the collective agreement which I read out. So we are acutely aware of these issues. That may help you. You don't need to work extra hard to convince us on those points.

MR MINHINNICK: I appreciate that. Thank you for that background and understanding. I think that said we might be able to move on from that point. Thank you.

30

35

So, the Manukau Harbour is who we are. Ngāti Te Ata is the Manukau Harbour and I guess that is part of our identity. It is how we identify ourselves. When we introduce ourselves that is how we introduce ourselves. Our name comes last. The Manukau Harbour and our maunga stand before those symbols of who we are, our identity.

40

45

I want to refer to a whakatauki, which I think captures some of our traditional associations. It goes something like this - (Māori content) - literally meaning as long as the sun shines, ka whiti te ra (Māori content) from the east coast to the west coast, (Māori content) is the ancestral taniwha of the Manukau Harbour, the spiritual guardian. Ngāti Te Ata was once known as Te Rua O Kaiwhare before we became known as Ngāti Te Ata. So we have both a human attachment, a physical attachment in the thousand-year occupation of the Manukau and its surrounds, as well as a very spiritual association through our taniwha tupuna, our ancestral guardian. I could tell you many more stories about Kaiwhare, his home at Te Rua, Wattle Bay, and where he was born, and that he was a twin, and his life, and his deeds. I think suffice to say that we were once known as Te Rua O Kaiwhare before

we became known as Ngāti Te Ata. So that's another enshrined part of our identity from a spiritual perspective and if I could move from that to our Atua, our Gods and the relationship we have there to the moana.

5 There is a rock, that's called Ninepin Rock, just that lies outside the mouth of the Manukau Harbour. That's what Pākehā refer to it as. It's called Te Toka-Tapu-a-Kupe - kupe, sacred rock - and so from that perspective, Kupe being one of those that is accredited for having discovered Aotearoa, we have a direct link back to Kupe, back to all of those migratory waka, and back, from Kupe, to the Gods. One in particular that Ngāti Te Ata sought instruction from was Uenuku. That's in the traditional saying that I have referred to in my submission. Uenuku is the local deity, the atua for Ngāti Te Ata, and geographically uenuku means rainbow. It is one symbol that you will see quite often, particularly on the Awhitu peninsula, because you have the precipitation from the west and when the sun's coming over, when that rises and comes over the maunga, it's quite common to see a rainbow appear on the Manukau Harbour.

[4.15 pm]

20 In 1949, when the Tainui Trust Board was established, Ngāti Te Ata were certainly referred to as the Uenuku division of Tainui. Uenuku, the four-pronged statue that's in Te Papa, used to stand, was resident, on Puketapu, one of the sacred fortifications located on the Awhitu peninsula. So I just wanted to relate that there's a long history of Ngāti Te Ata association to Manukau Harbour, traditionally and culturally.

30 I think another one of the aspects that fortifies that exercise of kaitiakitanga is not only the pa, the mini-pa and fortifications, the cultivation sites and fishing places and customs and extensive evidence of this, I'll leave that submission for you to read in more depth, but I did want to mention the many battles that have been fought and I think that's an affirmation in terms of occupation and usage patterns. I have referred to one in this summary, Tahuna Kaitoto, at the end of page 2. Following that battle, the principal marae of Ngāti Te Ata was named, Tahuna Kaitoto. That's obviously pre-contact period, European contact period. There were many battles before that on Manukau Harbour. I could name many, (Māori content). That's on the Waiuku Estuary, pre-contact period. (Māori content), that's at Wattle Bay, Orua Bay, pre-contact period. Let me see. The re-occupation of Mangere. (Māori content) was round about 1741, somewhere around there; 1740s. The re-occupation of Mangere, 1750s. There was a political stand at Hikurangi on west Waitakere area in 1854, 300 army from Ngāti Te Ata took a position when that land was going to be sold, which included basically the whole of the Waitakere, ex-Waitakere, City Council area; 45 50,000 acres were going to be sold. Ngāti Te Ata rallied up 300 men, armed. 1854 was quite late in the piece to be running around with guns, saying, "We think you should not sell this land". It wasn't a cup of tea

party, that's for sure. And the Governor confirmed that and said, "Yes, do not sell the land until the disputants agree". And in 1854 the Hikurangi purchase was undertaken, which included my great, great grandfather, Aihepene Kaihau, was the chief of Ngāti Te Ata. The chief of Ngāti Whātua, at that time, Apihai Te Kawau, and the chief of Te Atitai Takanini. So all of those three iwi were recognised in terms of all of that land that adjoins the Waitakere region, where the reclamation is going to go. So we have direct links throughout the Manukau Harbour, not just Waiuku, where some assume Ngāti Te Ata started and ends. It's that whole area.

I just wanted to conclude on that particular section, that we have direct links to Mangere and Onehunga in that particular area as well, and you will see in the report references of Ngāti Te Ata and Pōtatau in 1835, I think it was a report by some of the missionaries, of Ngāti Te Ata cultivating at Onehunga with Pōtatau. And prior to that, the great chief of Ngāti Te Ata, Te Horeta, who was the grandson of our founding ancestor, Te Te Atairehia, was the last, I think, recorded Rangatira to reside at Mangere Mountain and we certainly consider - and that was after a battle, as well - that from that advantageous position, he was able to control traffic and users around Onehunga, Otahuhu, from the southern end of the harbour, coming from the north. So there's a lot of cultural and traditional association and I will just leave it at that point, because I think that the key messages are there, that there were strong usage and occupation patterns that have been there since time immemorial, from our perspective.

[4.20 pm]

Before moving on to more contemporary times, I thought I might just, if I could, interpolate a little bit here, as well, and mention that during the 1840s, 1850s, there was a real time of economic prosperity and Ngāti Te Ata were right in the thick of it, controlling, from our perspective, certainly had significant control of that trading area. In 1854, I think, 1856, about, 1,500 canoe couched on the Waiuku isthmus, maybe more. There was a lot of canoes that went from Waiuku through to Onehunga during that trading era. It's in my initial submission there. I just want to briefly touch on it, but we were right there, right in the thick of it, and one of the tupuna, who signed the Treaty, named Katepa, apparently also had a toll gate on the Waiuku, the Orua stream, which, if you were coming from the Waikato, you either had to pay the toll, understand there would be conflict, or go the long way. So we thought, yes, there was a whole lot of trading every resource imaginable at the time. And that all went when we were militarily invaded in 1863. It put a halt to everything, the trading industry. There was no need for the middleman at that time. Ngāti Te Ata grew the produce, it transported the produce on its canoes to the port, and then it sold the produce. No one else was required. When we

were militarily invaded, our canoes destroyed, basically that's like taking (Māori content) who owned 100 (Māori content) out at Waiuku, and terminating them. That capital, that we had at our fingertips, that capital interest, those canoes and so forth, were destroyed and our potential to develop economically, socially, culturally, with it.

If I might add, in 1863, when the confiscations happened, around 1864, that included land adjacent and abutting the land that's proposed to be used here. Mangere was one block of land that was included in the 1963 confiscations. And I dare say - I was going to save that for my round up, my concluding comments - but I dare say that confiscation in 1863, the Public Works takings in 1928, the potential foreshore takings in more contemporary times, and this particular undertaking, this reclamation, this uncompensated expropriation of our cultural proprietary rights over the Manukau Harbour, gone potentially as well, by the mere swipe of a pen, which we may not have the opportunity to participate in the deliberations, following this hearing. How does that happen? Another form of raupatu. That's how it feels. We didn't sell the Manukau Harbour. As far as we're concerned, we still own it. There's no sale deed that says that Ngāti Te Ata sold the harbour. If that's the case, is this not an appropriation of proprietary rights guaranteed to the iwi under the Treaty?

When we talk about the Treaty, what are we talking about? Rangatiratanga. Even if we left aside the many interpretations and differing interpretations, and I'm sure they're all correct interpretations of rangatiratanga, if you look at the English version, article 2, what does "full exclusive, undisturbed possession" of taonga, of our land, forest and fisheries mean? How do you reconcile as a committee that? "Full, exclusive, undisturbed possession."

[4.25 pm]

I'll just leave that in your capable hands because it's not an issue or a question I could answer right here and now. But we would like the opportunity, certainly, to discuss that. We just haven't been given, I think, the opportunity to explore what that might look like. I think as partners ought to, as Treaty partners ought, just sit down and explore what that might look like.

So I'll leave that there and I'll go on to we exercise traditional relationship to the land and in more contemporary times that's been the same story, the ongoing kaitiakitanga of the area. You'll see between points 46 and 49 that more contemporary history is relayed and the ongoing exercise of kaitiakitanga, Ngāti Te Ata kaitiakitanga of the Manukau Harbour.

That stems from the establish of the Huakina Development Trust in

1982 by mother dearest. The Huakina Development Trust, one of the issues that was potent from the Manukau claim was the mixing of waters from the Waikato River into the Manukau Harbour. The Manukau Harbour was intricately involved, a part of why Huakina was established. There were over -- I've mentioned 100. I went to a seminar recently that evidenced 50 applications per year that Huakina Development Trust had lodged in regard to resource consent applications. Imagine that. I struggle to do 1 or 2, but 50 applications per year to planning tribunals and learning, "Oh, actually, you're actually allowed to appeal". That led to the Huakina Development Trust in 1987. I think that's just a reflection of the position that the iwi has held and the rationale for the position we've taken today opposing the reclamation.

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15 DR PRIESTLEY:

I read your original submissions with some care. I see, I think it was 2003 or thereabouts, you actually represented your iwi at an international water conference in Kyoto in Japan. It's clear to us that not only have you considerable knowledge here, but in recognition of its kaitiaki role your iwi has involved itself in a considerable amount of Manukau and water-related and Waikato River-related litigation.

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I think I can help you by saying that we are aware of that long-standing commitment over decades. In fact, you could probably say over centuries. But it would probably help us more, from that platform which we're aware of, as I've just indicated to you, if you focused now on how you view the current application and the interests that are engaged there. I'm not trying to rush you through but I think if we can get to that, that would be helpful.

30 MR MINHINNICK:

Kia ora, thank you for that.

DR PRIESTLEY:

I do like the bit about the tollgate, though. I'm going to think about that one.

35 MR MINHINNICK:

I wanted to touch on the core objectives in the framework and if I could just spend a couple of minutes on those objectives, because I guess we're hoping that those objectives could be utilised by this committee in terms of perhaps guiding its decision-making in regard to its end decision.

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I think some of these are very general and probably incorporated in many other applications, but just to emphasise that that whole environmental, ecological protection of the harbour is of utmost significance. If I could just relay in terms of empowering Mana Whenua how that might happen, we would like to explore how that might happen. We don't know how that might happen, but how would you empower Mana Whenua, given what we feel is a crisis situation over the potential reclamation? We don't have the answer but we'd like

to explore -- I wouldn't say opportunities, but how we might work our way through that aspect of kaitiakitanga.

[4.30 pm]

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So you have an example there at 9.2.12 of the Manukau report, which refers to the issue as to when fisheries interests are affected. There's never been a situation where the marae of the Manukau Harbour, the Mana Whenua of the Manukau Harbour, have been given any consideration in regard to levies over development. As mentioned before, uncompensated loss of property or interest. Hopefully there's some vision on the table that says, "Yes, maybe we can explore this a little further". I will just leave that at that.

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Of course I won't go into much detail in regard to the regulatory framework, which I've already mentioned, sections 6, 7 and 8 of the RMA. But again the Auckland plan and in terms of empowering Māori, how do we do that? Because it feels like we're doing the exact opposite in regard to taking away part of our identify and the environmental impact. So if I could just leave that with you.

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DR PRIESTLEY:

You might want to build on this, but there was something in the Manukau report all those years ago. As you probably know, lawyers in my chambers all these years ago were involved in that claim. As I said to another iwi who were here a month ago, the three members of that tribunal, Paul Temm, QC, was one of my mentors in the law. Sir Graham Latimer is somebody with whom I have family connections, and Eddie Durie I shared the High Court bench with for a while, so there's a sort of an overlay from that.

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But there was something I think which was quite seminal in the report, not relating to the Manukau but generally. I'll read it out to you. Your mother was instrumental in such a large measure in getting the report underway. The tribunal said this:

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"There is a myth that Māori values will unnecessarily impede progress. Māori values are no more inimical to progress than Western values. The Māori are not seeking to entrench the past but to build on it. Their society is not static. They are developers too. Their plea is not to stop progress but to make better progress and to progress together. It is not that they would opt out of development in New Zealand. It is rather they need to know they have a proper place in it."

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Some people weight that more importantly than others but it's there and underpins so much of our legislation now. You've set down this wonderful platform of Ngāti Te Ata's involved in Manukau matters and its kaitiaki. I was just wondering whether you saw what I've just read out as being helpful in some way to the East West Link and what do

we do about traffic congestion in Tāmaki Makaurau? What is the proper way of trying to make the Manukau better? The floor is yours.

5 MR MINHINNICK: Great. Thank you for asking that question. How much time do I have?

DR PRIESTLEY: Probably half an hour.

10 MR MINHINNICK: We just had a hui on 22 August at our principal marae at Tahuna, where we invited NZ Transport Agency, AT, the Council, Waikato Regional Council and some of the key stakeholders. One of the key issues there was infrastructure, including Watercare and some of our partnerships. A lot of these partners are technology partners, some from overseas and elsewhere.

15 Kaitiakitanga has definitely evolved from protection, guardianship, stewardship, to employing the best breed of technology we can and the most - I say it with caution - practical means of moving our people forward.

20 [4.35 pm]

25 As an example, we proposed at that meeting the upgrade of the rail, which takes a left turn at Pukekohe, Paerata. It goes to the Glenbrook railway station. If you were to go there on any weekday, the only person you would see there is Thomas the Tank Engine.

DR PRIESTLEY: The vintage train, yes.

30 MR MINHINNICK: The vintage train. For us it would be one of the most untapped resources in Auckland. Why is that? Because it goes from there to an 800-acre industrial zone owned by New Zealand Steel. We're saying to Auckland Council, "We don't think you've got it right. We don't know what your vision is for South Auckland. Our vision is quite bright. We would like you to share the same passion that we have."
35 When we say "South Auckland" we're excited. We don't hear anybody else saying it. It feels like it has got a little bit of a cringe to it. There are connotations of negativity, and that is not how we view South Auckland, our area and our vision for it. So, that 800-acre block of industrial land, we have a relationship with New Zealand Steel, our
40 technology partners. What is the goal? A universal innovation, right there, a waste energy plant where that road, that rail could be the link in terms of not our people accessing employment but creating employment where we live, a satellite city.

45 The majority of Franklin and South Aucklanders they don't want to go to Auckland. The one despising there, life is getting up in the morning and hopping on that motorway, spending two hours having to go to Auckland and then another hour and a half coming home. That is not

it. That is not our vision of the future. Another potential was a ferry transport mode, a ferry from Waiuku. The population is increasing there.

5 There was a recent article in the Herald - I think it was seven pages of
the Herald - that they mentioned the potential of a ferry as an alternative
to existing modes of transport, and that the ferry might go to Glenbrook
10 where there is an 800-acre housing development zone, so that is 1,600
people; a similar development at Clarks Beach. That is by Sir Barry
Curtis who has undertaken that with the Ngati family. That is another
1,600 people. I mean 1,600 minimum - 800 houses with mum and dad,
1,600 people - probably mum/dad and one child, 2.5. That is 2,400
15 people at both locations. Te Toro is the same. Clarks Beach and
Karaka is increasing. So what is our solution? A ferry and even a
bridge - a bridge from Karaka to Weymouth was posed not so long ago.
So, no, you are absolutely right, we are not opposed to development.
It is, "Please come and have a discussion with us in regard to your
proposal".

20 What was the assessment undertaken in regard to the route because the
only proposal we had on our table was, "We are using the Manukau
Harbour". "Really? What were the alternative routes that you had
looked at? What were the alternatives modes of transport that you had
25 looked at? We might have supported going underneath the harbour. I
doubt it but you never know, but please involve us in the discussion."

30 Could we live with reclamation? We had 1,500 acres reclaimed in
1860. I think it was Williamson. The Mangere Airport was reclaimed.
The marae was moved when that reclamation went ahead. I had a catch
up with one of our Komata today. He is 80 years of age. His name is
George Flavell and for Ngāti Te Ata he is like the last. That's it. One
of the last of the Mohicans for Ngāti Te Ata. One of the last - probably
35 the only one alive - that went to the old Whare Wananga. The last
standing traditional Whare Wananga located at Te Kuiti called Te
Miringa te Kakara. He went there with all of those old tohunga. You
will see in my concluding comments - where would it be now - on page
6, fourth paragraph, I wanted to relay and that's why it might look a bit
shaky, the presentation. I wanted to catch up with uncle because we
40 have had obviously several meetings before today and he just relayed
this, this morning, that our people lived right along that shoreline. That
is where we find everything there. They lived along the whole
coastline. The reclamation will impact on traditional places of abode
and traditional fishing grounds. Matua George states there is no doubt
45 about it, the application will invade - and he used the term "invade", I
got a little bit of a shock, "Really, Matua?" - waka landing places,
fishing camps and possible burials. Our people lived along the

shoreline.

[4.40 pm]

5 MS TEPANIA: Mr Minhinnick, can I just note - I am just going to pick up on your
point there - there isn't, in my view, in the matters before this Board
and in terms of our jurisdiction, any challenge to Ngāti Te Ata's status
or relationship with the harbour. I think it is fair to say that the
10 conclusions by Y8 in terms of the relationship, no one would require
you to come along and establish that. That is something that I think
everyone recognises and particularly the Agency, and I think it is fair
to acknowledge that.

15 In terms of involvement, can you just clarify for me: is Mr Flavell still
part of Ngāti Te Ata? As I understand it, he is one of the Kaitiaki
kamahi for Ngāti Te Ata. Is that right? Because I had understood, in
terms of the evidence, that Mr Flavell had been involved in the Mana
Whenua group, which was the way in which the Agency engaged with
20 Mana Whenua in this region in terms of the project over an almost
three-year period. And to that extent, as I understand the evidence,
there has been an invitation or there has been inclusion of Ngāti Te Ata
to that extent at a Kaitiaki level, in terms of those matters. Are you
able to comment on that, his involvement?

25 MR MINHINNICK: Sure. There are two Mr Flavells. One of them is our environment
officer. His name is Carl Flavell.

MS TEPANIA: Carl Flavell.

30 MR MINHINNICK: He has had 20 years in the business of environmental Mahi, with a
background in planning. So there is not an environmental resource
consent that he wouldn't be aware of or hasn't looked at, and he would
have definitely been involved in terms of the initial consultation.

35 Our Kaumātua, George Flavell, is of a different, I'd say, level I guess -
for lack of another word - and highly respected. We all go back to
Matua George - particularly now that Mum is not here - in terms of
issues like this. These were his last words on the matter and that is why
I recorded it as such. So, there is definitely that cultural and that
40 spiritual attachment, and how does that work in terms of moving
forward? Well, we would like to explore that as well but we're not sure.
Why is it you need, what is it, 20 metres instead of 10 metres? I don't
know. And what cultural value is being added? A lot is being taken
away. But no one has come to Ngāti Te Ata and said, "This is the
45 cultural value we would like to add to the Manukau Harbour, to your
people, your communities, your marae". All of it has been, "This is
what we are going to do and we'll see you at the table", and I don't know
if "see you at the table" under those conditions is appropriate

engagement.

5 MS TEPANIA: Okay. I appreciate that whakairo. We have also had evidence that there are ongoing discussions between NZ Transport Agency and other iwi at a multilevel agreement and at different levels. We understand that those conversations continue to occur and we have had evidence today to that effect. Is Ngāti Te Ata involved in those ongoing conversations with NZ Transport Agency at this point?

10 MR MINHINNICK: It has been a hectic year and I'd say, yes, and no. As soon as this application came to our notice and we made a submission, opposing it on the grounds that we have, we haven't been that involved in those discussions and we have had a lot of changes in the organisation, so I think that may have added to it. But we have, having said that, invited
15 NZ Transport Agency to meet with us. We don't think it is appropriate that we go to some all in hui to discuss general Māori values or general other iwi values to the Manukau Harbour. We are special we feel. Some of them are quite unique interests and we have invited NZ
20 NZ Transport Agency to come and meet with us at our table when Mum was alive, and that hasn't happened yet.

MS TEPANIA: Okay. Thank you.

25 MR MINHINNICK: But we would still be open to undertake that, absolutely.

DR PRIESTLEY: Can I -- sorry, do you --

MS TEPANIA: No.

30 [4.45 pm]

DR PRIESTLEY: Can I ask you to focus - and we are really looking at a position and proposal to restore harbour at page 6 - and help us please on the
35 Mangere Inlet. I appreciate that Ngāti Te Ata's interests, Kaitiaki, extend far beyond that particular inlet, but the bit you read out to us a few minutes ago from Matua George, where you said that there is no doubt that the application will invade waka landing areas, fishing camps and possible burials, and we are really talking about wahi tapu amongst other things here, I guess. It seems to us on the evidence we
40 have had, and we have seen photographs, that the reclamation in that area has been extensive. Waikaraka Cemetery, for instance, used to be a promontory. It came out like this and it has now been reclaimed on both sides. Ditto with what used to be the Te Hopua lagoon. I just wonder whether - well, I guess I'll put it quite bluntly to you - blanket
45 opposition to reclamation, in an area which has already been reclaimed so that, compared with what it was like 50 years ago or 100 years ago, it is almost unrecognisable, is blanket reclamation a tenable proposition if, as part of that reclamation, there may be some improvement to the

foreshore in treating pollutants and water treatment? That is the big issue I would like you to help us with.

MR MINHINNICK: Yes.

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DR PRIESTLEY: I am not trying to trap you in this.

MR MINHINNICK: You're not.

10 DR PRIESTLEY: If the spiritual value of Ngāti Te Ata is opposed to reclamation, full stop, despite the damage which has been done, well, I can understand that.

MR MINHINNICK: Thank you for that.

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DR PRIESTLEY: Sir David Baragwanath used to have a lovely expression about kissing something better, and I just wonder whether this isn't an attempt by NZ Transport Agency to try and kiss better some of the past damage in that inlet. Anyway, the floor is yours again.

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MR BICKERS: If I could just add to the question, because you posed the statement that you hadn't seen any cultural value added, any benefit added: we are particularly interested in how you might see the proposals to prevent leachate entering the harbour, to treat the storm water to a higher standard, all of which, as we understand it, is intended to restore or enhance the mauri of the water. How do you see those features?

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MR MINHINNICK: We have a vision for our idea of how we consider we can restore the harbour. We entered into an MoU with Watercare, as an example, in August of last year, and have personally had about maybe 30 meetings with them, with our technology partners, working on these particular issues, waste treatment technology; we have an exclusive agreement with a technology partner from the US, North Point, and their New Zealand-based company, Viroment(?) New Zealand, and our discussions are all about re-use waste water treatment and all of those issues. So we have own plans. I don't know that we need this particular undertaking to make the Manukau Harbour better. As an example, recently - maybe if I just give a little bit of a background on it.

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[4.50 pm]

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Watercare had a proposal, application, resource consent application, for the Waikato River, to discharge into the Waikato River. We opposed it from the outset and went into negotiations. They said, "What would suffice, Ngāti Te Ata, for you to come to the table?" I go and ask my mother. She goes, "Son, zero discharge. But if there is going to be discharge, then no more than 1% of that pollution should go into the harbour". So I go back to Watercare, relay that message:

"99.99% termination of pathogens, that is Ngāti Te Ata's position". Why do we relay that? Because we already have the technology ourselves, through our technology partners, to provide that. So in view, you are not providing the best breed of technology available.

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As a tribute to Mum, on 19 June, during her tangi, we get a message that Watercare has committed, in writing, to 99% termination of pathogens into the Waikato River. Not only that, they made the same commitment to their Clarks Beach discharge consent application, which is going into the Manukau Harbour, of the same, 99.99% termination of pathogens, to the cost, I might add, of some \$30 million, so it's not some small undertaking. In addition to that, we also had a change in the review from a 30-year to 25-year, to a 5-year plus 5-year, plus 10-year, plus 10-year, plus 10-year undertaking. So the review would enable us, after five years, if everything didn't work out right, not to change, to remove, but to add value, to add our technology on to Watercare's technology, to improve the status of the Manukau Harbour. We haven't really had that type of - we need to be just sitting down, every week, so they understand, the capacity we could actually bring to the table and the value that we have to offer in that regard but we're looked at as these Māoris that sit up -- that crouch precariously at the edge of nowhere on the Awhitu peninsula, that jump up and down about their Māori values, and that ought not to be the case. We are in this game. How could we go for, in regard to the Tribunal in its view about kissing something better? Fortunately, I think that coincides with our tikanga, and that's always been the basis of our decision-making.

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If I could explain what tikanga means, and then how that relates to development, tikanga literally means - well, generally means - customs; practice, customs, tikanga, way of life, and when you break it down, tika means what's right; literally, it just means right. Hē is wrong; tika is right, and nga is plural, and when you put it together, you have "many rights". And when you practice many rights, over 1,000 years, you have a customary way of like, well and truly practiced, and some of that tikanga, that I think is applicable here, is that, well, we did change the nature of the land. Maungakiekie consists of seven independent pa; the largest man-made fortification in the world. Now we did alter waterways, structurally, to catch tuna. We are not opposed to that idea and if we had the technology ... I remember my brother discussing with my mother, when the idea we should have the 2011 Rugby World Cup, he says, "Let's have it right smack and let's put a rugby field right smack in the middle of the Manukau Harbour, Mum,

and have a railway going right out there". We've also discussed the --

[4.55 pm]

5 DR PRIESTLEY: Your mother wouldn't have taken too kindly to that.

MR MINHINNICK: You can imagine her reaction.

10 But we have entertained these discussions because we're not, as a tribe, we're not opposed to the idea of development. Would a reclamation benefit the iwi, culturally? Is it tika? We would have to take every single aspect of it into account, not just make a blanket reclamation. The way the process has evolved, we have undertaken the position that we have, because there was no further communication with us on this point. They're talking past us. They're not listening. They don't understand us. We don't think they've got the foggiest idea. In fact, it's a very foreign idea of our values to this harbour. They need to understand more before we even sit down and I don't think they're even at that point and we've got to send them back to the marae or the library before we even get to communicate on the same level about moving forward. We're not really at that point. We're not opposed to it, the development. I'll give you another example, a port. We even discussed a port. Can you imagine what that might entail, a port on the Manukau Harbour? So we thought, how do you do a port where we had the least impact on the harbour, and most would imagine you would need reclamation, to some extent. You'd have to do some kind of reclamation. And we were pondering that, as well.

30 DR PRIESTLEY: There is scope for that in the Manukau, one of these great floating ports, with a causeway, that's the way, and there is an argument for that. It would need a lot of dredging.

MR MINHINNICK: Yes. And so the idea of a floating port, I'm amazed at your knowledge in that area.

35 DR PRIESTLEY: Can I try and summarise this, because I think I understand it but I want to make sure we're not doing an injustice to your submissions.

40 As far as discussions between NZ Transport Agency and Ngāti Te Ata are concerned, it's really like two ships passing each other in the night. There has not been, in your view, sufficient communication. And although NZ Transport Agency, to its credit, has done a great deal of consultation with Mana Whenua and have produced reports, which you have probably seen, your iwi regards its relationship with the Manukau as being special and possibly dominant, and to go along to some of these consultation groups with other iwi, other Mana Whenua, is to

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some extent an affront to your mana. Is that fair?

MR MINHINNICK: You've read my mind and I'm surprised I didn't put it in my statement, sir, but that --

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DR PRIESTLEY: It's lurking there.

MR MINHINNICK: That would be absolutely the position and hence, I guess, the stressing of the cultural associations because, without saying it, I don't know if there are English words to say it - predominant - it's more definitely a unique interest that we are saying.

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DR PRIESTLEY: I understand.

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MR MINHINNICK: You know, there are 19 iwi that Council consult, and we say, well, our interests aren't the same as that. We know they have interests; we are not trying to undermine that interest. We just don't think our interests are the same as, for example, our whanaunga from Hauraki. We recognise they have interests, but are they the same? We say, no. It would be like us going over to Tikapa Moana and what are our interests over there? Not the same as Ngāti Maru and Ngāti Paoa, and similarly with the Manukau Harbour, it's definitely a feeling, and just to say that we are not overly complaining about the consultation, because we understand the consultation has happened and we have been invited to their huis; we just think they've got it around the wrong way. We've invited them to come and meet with us, to discuss our specific issues, but that hasn't happened.

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DR PRIESTLEY: I understand. I am just looking at the clock. It is edging 5.00 pm, and I want to make sure that there is nothing which you want to say to us, that is relevant to the project, because as you heard from my exchanges with the man from Infrastructure New Zealand, we do have specialised but very limited jurisdiction. There's some things we can do and some things we can't and our focus has to be on this. But is there anything relating to the East West Link which, against the huge background you have given us, you can usefully say or which you think you need to tell us? Or do you think we've got it all aboard?

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[5.00 pm]

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MR MINHINNICK: I'm sure you have but I would like to relay for the record page 5. The Manukau claim position on reclamation. This is our key opposition. There they are saying that Ngāti Te Ata -- we did lodge the claim and it was supported by a lot of other claims and a lot of other iwi had a lot of interest as well, but our enjoyment would be severely prejudiced by reclamation, contrary to the principles of the Treaty.

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We don't have to argue whether or not it is contrary or whether or not

5 there is prejudice, it's already been authoritatively determined by one of the leading authorities on the issue in New Zealand. So that paragraph 3, the quantity and the quality of the fish and marine habitat has been seriously affected by reclamations. How are we going to overcome that? The Council should not approve the reclamation. They haven't listened obviously.

10 Then, lastly, the continuance of reclamations on page 6 clearly affects ecological sensitive fish feeding and breeding grounds. So I think it raises a number of issues for the Committee and Ngāti Te Ata, and our wairua, our mouri, our Manukau Harbour and the impact of the application on our tradition and relationship to it.

15 So I will just leave that in your hands.

DR PRIESTLEY: That's helpful. The point you've just made about kaimoana, I take it you'd also adopt the same approach to habitation and feeding grounds for birds?

20 MR MINHINNICK: The breeding grounds for the birds, absolutely. Yes, there's so many stories and maybe I didn't mention it to the extent that it ought to have been but there's so many beautiful stories, including how Manukau got its name.

25 DR PRIESTLEY: All right, we'll wrap it up now but I think a couple of Board members have questions.

30 MR PARSONSON: Thank you. Is it your position then that - and just picking up on what cultural value has been added issue that you raised earlier - the treatment of storm water runoff from existing areas would add cultural value but reclamation is not the way to do it? Is that your position? My question being that part of the reclamation purpose is to treat storm water from a 600-hectare catchment --

35 MR MINHINNICK: To be it's an excuse, sir, to pour all the dirt back in that they just can't get rid of from the housing development and fill up our harbour. Auckland has long drop technology, they have got one pot when there should be two pots. I doubt that this is going to bring about the great changes. It's a coincidence. We might be able to fix up that but I think there's a bigger issue in terms of storm water, in terms of waste water treatment affecting and the answers to them as well. They are not in reclaiming the Manukau Harbour. I wouldn't say that would be a good rationale for moving forward with being a good Samaritan.

45 MR PARSONSON: Okay, thank you.

MS TEPANIA: I don't have any more questions but just to thank you all for coming today and support the korero and for putting your evidence before us.

(Māori content)

DR PRIESTLEY: It's been a very useful conversation, thank you very much indeed. You want to ask Mr Mulligan a question?

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MR PARSONSON: Mr Mulligan, I've been searching frantically for a memorandum that was presented to us regarding NZ Transport Agency's responses to issues around the Neilson Street interchange end and consideration of the OBA option. There was a memorandum that provided feedback on different issues that were considered through that. I'm sorry, I can't find it right now but one of the reasons why an extension of the trench was identified as problematic was there was potential interception of a basalt ground water aquifer and potential sediment issues. This thought has been floating around for a couple of weeks. Normally with a basalt aquifer it's quite competent because it's in rock and I would just like

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some more information on why that might create potential sediment issues.

5 MR MULLIGAN: Yes, of course.

[5.05 pm]

MR PARSONSON: Thank you.

10 DR PRIESTLEY: You will see, Mr Mulligan, a memorandum from Mercury's counsel.

MR MULLIGAN: Yes, sir.

15 DR PRIESTLEY: We did our best. Right, well we'll adjourn until 9.00 am tomorrow.

**MATTER ADJOURNED AT 5.05 PM UNTIL
THURSDAY, 7 SEPTEMBER 2017**

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