BOARD OF INQUIRY

MacKays to Peka Peka Expressway Proposal

HEARING at KAPITI COAST on 12 DECEMBER 2012

BOARD OF INQUIRY:

Sir John Hansen (Chairperson)
Environment Commissioner David Bunting (Board Member)
Ms Glenice Paine (Board Member)
Mr Mark Apeldoorn (Board Member)
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CHAIRPERSON: All right, Mr Mitchell.

MR MITCHELL: Mr MacIvor.

<ALOUS RODERICK MacIVOR, sworn>

<EXAMINATION BY MR MITCHELL>

MR MITCHELL: Mr MacIvor, can you confirm that your full name is Aldous Roderick MacIvor, that you are a resident of Waikanae and convenor of Waikanae on One?

MR MacIVOR: Yes, I do.

MR MITCHELL: And would you confirm please that the contents of your evidence, statement of evidence of 5 October 2012 are correct?

MR MacIVOR: Correct.

MR MITCHELL: Now you have some supplementary or outline evidence based on that but slightly updated, dated 12 December. Would you like to now read that please?

MR MacIVOR: Yes, I will. Good morning. Waikanae on One is a group of Waikanae residents from a variety of professional backgrounds. We came together in 2008 as a means of responding to issues arising from major infrastructure projects at that time. We believed that working together was an efficient, legitimate, and rational means of providing high quality submissions and representations on issues of importance to Waikanae.

We realised that our primary tool to shed improvement was persuasion and the offering of constructive ideas. Further, to be effective, persuasion must be based from thorough research presented professionally, sensitively and politely.

The catalyst at that time was the proposal to build a new railway station at Waikanae and a substantial underpass beneath both State Highway 1 and the railway to connect Te Moana Road with Elizabeth Street. The group came to the conclusion that the proposed positioning of the railway station would create significant but avoidable safety and
parking issues. We followed due process taking our concerns to the Waikanae Community Board, the Kapiti Coast District Council, Greater Wellington Regional Council and ONTRACK. Formal submissions were made to both Greater Wellington Regional Council and the Kapiti Coast District Council. Our submissions did not oppose the project, but requested better planning and design to achieve a better outcome, particularly in relation to parking, access and safety.

Greater Wellington Regional Council and ONTRACK ignored our submissions and proceeded with the project as originally designed. As a result, Waikanae now has an intractable parking problem as well as road safety issues for pedestrians.

In 2009 the New Zealand Transport Agency began consultation on two expressway options. An eastern development of the existing State Highway 1 or western route made to modify to run largely along the sandhills route. Our view was that the eastern option would destroy the character and viability of the existing Waikanae Village, severely fracture the Himatangi community from the rest of Waikanae and result in the destruction of scores of houses along the route. Therefore, the decision for the expressway to follow the sandhill route, was a relief to many people and Waikanae on One thought that its involvement was largely over.

However, at that time, I like many others, had no real appreciation of the geotechnical difficulties presented by the Kapiti quaternary deposits. David Royal was not then involved with Waikanae One, attended a meeting with the New Zealand Transport Agency meeting at El Rancho and was astonished to hear that the underpass at Te Moana Road was to be used as a floodway for the Waikanae River. He was even more concerned when he learned that the Greater Wellington Regional Council required clearance for 80 cumecs, that’s 80 cubic metres of water per second, although I understand that this has now been decreased to 60 cumecs. However, at that time it was enough to run a small hydroelectric plant.

As an experienced geologist with long working experience in the district, David was aware of the risk associated with constructing a high embankment on a complex mix of deposits. He concluded that because of the unusual geology and hydrology and the fact that residents are already experiencing high brown water levels and flooding, a modified design incorporating a low bridge structure may be a better option.

David presented his research and conclusions to our group in late December 2010. The members quickly decided that this was a serious issue and gave him our support. One of our members, Sue Smith, an
experienced landscape architect urban designer, also realised that the
concept of using a low bridge structure over the length with critical
hydrology, offered significant opportunities to mitigate the serious and
negative social and visual aspects of the high embankment design.

To this end, David and Sue spent considerable time exploring
alternative concepts and ideas that offered better connectivity, the
service roads better visual presentation and lower noise pollution.

The group suggested that we should test the validity of our concerns
and conclusions with two local engineers and this was arranged, and
this was arranged.

[9.38 am]

Both engineers agreed that there was good reason for concern and the
concept of a low bridge structure had merit. In early March 2011 a
meeting was arranged with the Alliance Project Team on the 24th in
Wellington. We presented our paper and conclusions but made it clear
that we were not road engineers and were not presenting a design but a
concept that may provide a constructive solution. They were also
advised that we intended to make presentations to both the Waikanae
Community Board and the Kapiti Coast District Council. The
presentation was made to the Waikanae Community Board and two
Waikanae councillors in early April 2011. This led to an invitation to
give a presentation to the Kapiti Coast District Council which occurred
later that same month.

Our next step was to contact Ben Ngaia and invite him to meet us as
David’s home. Mr Ngaia accepted and we discussed our concerns, the
paper and possible concepts on 11 May 2011. Mr Ngaia was reserved
but neutral, at this stage there was no model. A personal presentation
was also made to Nathan Guy MP on 26 May who was kept informed
throughout with copies of our reports.

Waikanae on One was invited to make a presentation to a public
meeting at El Rancho, an extensive letter drop in the location
advertised this. Our paper was published on the Waihoo (ph 1.54)
website and, with the approval and assistance from the library manager,
a display was mounted in the Waikanae Library. This included a
number of copies of the paper together with large maps, diagrams and
the large model which you have seen. The display in the library was
there for a full month. In addition we were requested to give two
interviews on both Coast Access Radio and Beach FM.
We have endeavoured to maintain a good relationship with the Alliance project team and we met several times in Waikanae with members of their team. We openly shared with them our concerns about the embankment and alternative ideas and concept. At no time have we ever suggested that we considered ourselves to be road engineers. To illustrate the limitations on our ability to develop a concept to the same level as the Agency I can use an example from my own background.

From 1981 to 1985 I was employed as a senior investigating officer for the Commission for the Environment and participated in four environmental audit teams. The two largest audits were the environmental impact reports for the synthetic fuel plants at Motunui and the Martha Hill open cast gold mine at Waihi. The Commission for the Environment, at that time, received $4 million in annual funding and employs large interdisciplinary teams of professional experts for each audit.

It has been suggested that our small group of residents should, in suggesting the existence of a better alternative, produce detailed costings and, by implication, the detailed engineering designs. That is not our job. Today the proponent, which is the applicant, receives essentially unlimited funding, any concerns are left to community groups such as ours. We are not a government agency and we receive no funding. I would guess that the financial resources of all the various individuals and groups appearing before this Board would amount to less than the cost of producing the New Zealand Transport Agency’s annual report. If a serious environmental audit or evaluation is needed, sir, only the Board can do that.

I, like most of our members, have been retired for a few years, so why are we appearing before the Board? There are several reasons. The first is because we are residents and have genuine serious concerns. Any mistakes will be on our doorsteps for all time. We also have skills and relevant local knowledge which should be used in getting the best solution rather than being disregarded as somehow biased or less useful than that of outside consultants.

[9.43 am]

The second reason is that this expressway is a legacy from our generation to those that follow. In the scale of time the engineers who design and construct this embankment are shadows of the night that disappear with first light but what they leave will last for hundreds of years as will their mistakes. If we are going to create this legacy let’s get it right and that is why we’re here.
David Roil’s evidence was that the Transport Agency’s evidence does not adequately describe the geological materials or the hydrological performance of the groundwater in the Waikanae River to Waimeha Stream section. The Agency, as far as we can determine, has still be unable to produce satisfactory information regarding either the hydrological performance or the geological materials. This is disturbing given their history of getting things wrong in our district.

Sue Smith identified significant landscape, social and cultural impacts which might be significantly mitigated by alternative designs based on the low bridge option. It is our belief that the New Zealand Transport Agency has seriously undervalued the importance of the contribution of their own urban designers and landscape architects in this project. The primary purpose of the Te Moana interchange is to serve the Waikanae community. It is the gateway into Waikanae and it sets the scene for the Waikanae beach community. In Europe these design professionals humanise towns and cities and make them liveable. They beautify the interchanges and enable them to blend seamlessly into communities. They have not been given this opportunity in this (INDISTINCT 2.52).

We are of the view that a design based on a low bridge concept, as demonstrated by our model before, is feasible, is practicable and carries less financial risk and uncertainty than the high embankment proposed by the Agency. We think it deserves thorough investigation if the Board believes that the New Zealand Transport Agency proposal has, as its own landscape architects concede, very high adverse effect. Commissioner Bunting asked Sue Smith whether we thought our concept was worth a premium. In amenity terms the answer is yes but we think that there’s a more fundamental issue.

The additional cost of a low level bridge structure may prove to be necessary because of the requirements demanded by the physical nature of the location also. It is simply the cost of taking the expressway through the short length of the alignment. The low level bridge concept, as you can see before you, only applies to the river end and if you look at it, it (INDISTINCT 4.16) into the left with the blue. This is considered to be more costly. The amenity benefits that WOO has described for the Te Moana Road, (ph 4.26) which is essentially the piece on the right where it’s red, can be achieved by a small deviation from the New Zealand Transport alignment and a much smaller scale interchange, which logic suggests would cost the same or less than the New Zealand Transport Agency’s proposal. The two ends should be considered as independent concepts proposed for different reasons.

[9.48 am]
Our submission, sir, does not ask you to make approval subject to the use of our concept. Rather it asks that this concept be investigated to an appropriate level as an opportunity to mitigate the impact of the expressway and enable to function as an enhancement rather than a detriment to the qualities of Waikanae. Waikanae One respectfully requests the Board to require an independent and rigorous peer review of the hydrology, geology and landscape impacts of the proposal and that this would include alternative expressway design options in this area.

Sir, I’d like to thank you for the opportunity to speak this morning.

CHAIRPERSON: Thank you, Mr MacIvor. Anything else? Thank you very much Mr MacIvor.

MR MacIVOR: Thank you, sir.

<THE WITNESS WITHDREW> [9.49 am]

CHAIRPERSON: Ms Lindsay and Mr Bathgate. Now have I got it correct? You wish to make representations as opposed to giving evidence today, is that right?

MS LINDSAY: That’s right. There’s a representation and I submitted evidence.

CHAIRPERSON: Yes, we have that.

MS LINDSAY: And I was going to draw the Board’s attention to some main points.

CHAIRPERSON: Absolutely. That’s what a representation’s about. I just wanted to know whether we needed to have you in the witness box and sworn or if you just stay at the table and make representation that is all.

MS LINDSAY: Yes, I’ve got a representation and then Mr Bathgate’s going to speak and then I was going to go to the evidence after that and just highlight main points from it.

CHAIRPERSON: Well, I think probably for the record then you should quickly go in the witness box. We’ll have you confirm your evidence as true and correct.

MS LINDSAY: Yes.
CHAIRPERSON: You can come back here and make your representation, and then we’ll hear from Mr Bathgate. Then go back to your submissions on the evidence, okay? So if you’d just pop over there for the moment so it’s on the record.

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<BETH LINDSAY, sworn>  [9.51 am]

CHAIRPERSON: Just take a seat just there for a brief moment while I go through the formal bits with you, Ms Lindsay. Ms Lindsay in this matter you have filed evidence opposing the application by the NZTA?

MS LINDSAY: Yes.

CHAIRPERSON: And can you confirm that that evidence is true and correct?

MS LINDSAY: To the best of my knowledge. I was given assistance by a planner so I have submitted that evidence. But to the best of my knowledge, yes.

CHAIRPERSON: Thank you. And you and Mr Bathgate on behalf of your organisation now wish to make submissions to the Board?

MS LINDSAY: That’s right.

CHAIRPERSON: Thank you. Now that completes the formal part so you can return to the table and just make sure you shift the microphone so we have it all on the record, and we’ll hear your submissions.

MS LINDSAY: Is it okay to stay seated?

CHAIRPERSON: If you want to.

MS LINDSAY: Thank you.

CHAIRPERSON: It’s normal practice to stand but if you prefer to stay seated I’m not going to make you stand.

MS LINDSAY: Thank you. My name is Beth Lindsay. I work as a freelance editor. I am a resident of Main Road, South Raumati, and a member of the Highway Occupants group. This group has existed for the past six years with up to 30 members. It consists of people living on Leinster Avenue and Main Road South. This is where the proposed southern entrance sector of the expressway would be sited, identified as option number 2B in table 9 of the AEE.
Our group consists of residents whose homes would be taken and residents who would find themselves living adjacent to a national expressway should the proposed route at the southern entrance be followed. The group is not against new roads or progress and development for the coast.

[9.53 am]

We support effective and sustainable transport solutions for this region, but we do believe that the proposed road going through areas where people are living will have severe adverse effects for the whole community which will not be able to be mitigated. In November 2010 residents were shocked and disbelieving when NZTA suddenly announced a change of route at the southern entrance. The proposed change of designation would move the southern end of this road from empty land and place the expressway squarely through an area where people are living. It would take 28 homes and leave another 52 households within 200 metres of an expressway.

For residents in the vicinity of Leinster Avenue and Main Road South the adverse effects could hardly be more severe. One of the most distressing facts for residents is that there is an existing designation for a road on empty land. In choosing option 2B for the southern entrance NZTA is proposing that the western link corridor, earmarked for a road for over 60 years, be left empty and instead condemning a residential area to destruction. This is unethical and unjust.

Residents at Main Road South and Leinster Avenue purchased their properties without any anticipation that a road, other than the western link road, was to be built. They have done nothing wrong other than make the mistake of believing that land designated for a road would actually be used for a road. The western link road carefully tailored over years to fit the requirements of a local community was a sustainable road.

The true impacts of this proposed southern entrance on residents have not been accounted for in any detail. Total impacts expert evidence of Julia Rose-Mead acknowledged the extreme adverse effects for a small percentage of residents. Three hours of counselling was offered to remedy or mitigate these extreme adverse effects. NZTA expert evidence for ecology provided no evidence, no information, about the biodiversity or ecological value of the area NZTA’s proposing to destroy. A green belt of approximately 30 acres where our homes are situated.
In NZTA expert evidence there is a lack of detailed geotechnical information about the landforms on our properties, about dunes, the water table and most particularly the depth of peat on land where our houses have been constructed. There has been a lack of information for property owners who would be most affected by this proposed expressway. There have been no visual simulations or modelling to show the scale of this construction situated adjacent to homes. Possibly because the visual impacts would be so extreme the people who would be affected have no real idea of the visual amenity of this expressway that they would have no choice but to live beside. There would be nine lanes of road at the entrance to Raumati, a small seaside village.

NZTA says that a number of factors influenced their decision regarding the new southern entrance. Although NZTA has explained the mechanics of its decision-making process using multi criteria analysis, we contend that the multi criteria analysis process was flawed because it was constructed and framed by a team of people whose stated goal was the delivery of an expressway. Had different elements, issues such as displacement, the social impacts, the effects on individuals, the scale of the proposed changes been given more weighting the outcome of this decision about the southern entrance would probably have been different.

NZTA has stated there were five reasons behind their decision not to put the southern entrance of this expressway along the corridor of empty land, but instead through 28 homes and leave another 52 homes in unwelcome proximity to a national expressway. 21 of these homes are within 100 metres and another 31 within 200 metres. Our group has investigated in some depth the reasons NZTA gave for locating an expressway through a residential area here while nearby land for a road sits empty. These five reasons given publicly by NZTA for choosing option 2B were: the use of land in Queen Elizabeth Park, the impacts on two schools, ecological values, construction over deep peat and iwi and archaeological concerns. Not one of these reasons stands up to closer scrutiny.

[9.58 am]

Firstly, the impact on Queen Elizabeth Park has been stated by NZTA to be a major factor in making its decision on the route at the southern entrance. Issues regarding the acquisition of Queen Elizabeth Park would appear to be at the heart of NZTA’s decision to use private properties for the proposed southern entrance route. However, the Reserves Management Plan indicates that the use of parts of Queen Elizabeth Park for NZTA roading has been anticipated for a
long time. The Greater Wellington Regional Council parks’ management policies.

NZTA’s proposed route, option 2B, through private properties would still require the acquisition of a portion of land from Queen Elizabeth Park. Both this option and option 2A, along the vacant land of the Western Link Road corridor, would require consents from the Minister of Conservation. Additional parkland that would be required for option 2A, four hectares of a total area of approximately 650 hectares, is in a part of the park unused by the public for recreation. This north-eastern corner is in use currently as a clean fill dump site.

Secondly, the impacts on two schools were used as a reason to put the entrance through homes. NZTA stated that air quality and noise impacts on these two schools were the main drivers for not following the western link route. The prospect of having to move the Te Ra Steiner School to another location created division in the community.

The impacts on residents in Leinster Avenue and Main Road South, where 28 properties would be destroyed and 52 households would be left in close proximity to an expressway, were not mentioned in the five reasons given. Those households would be subjected to air quality contamination and noise issues seven days a week, 24 hours a day.

Thirdly, two listed ecological areas are named as factors in the decision to site the southern entrance through a residential area. The first is the Raumati South peatlands, which is adjacent to Te Ra School. A road through the land originally designated for roading would not impinge on these peatlands.

The second listed ecological site is the Raumati Manuka wetland. Ample land is available for a road to be sited alongside the designated route and avoid this wetland. In the district plan notes it is described as a relatively large area of kanuka, gorse, scrub. During the multi-criteria analysis it was recorded that those wetlands that would be affected by the project have relatively low ecological values. It is therefore inconsistent that these wetlands are used as a reason by NZTA in selecting route option 2B.

NZTA’s ecology evidence by Matiu Park did not investigate or acknowledge the ecological value and significance of the area NZTA is planning to destroy at the southern entrance. Similarly, neither the planning evidence of Robert Schofield nor the landscape and visual evidence of Boyden Evans provided any detail about the nature of this area.
Properties such as ours are unusual for the number of trees. Just on the two acres where I live there are over 1,000 trees and about 400 of these are more than two metres in height. It is an area of unique biodiversity with such a variety of indigenous and exotic trees, some are almost 100 years old, oaks, cypresses, walnuts and chestnut. The properties of many of our neighbours are similar in character. We have the privilege of living in a greenbelt, one of the few remaining areas like this in Kapiti. Aerial views show that this 30 acres of green is like a lung for the whole area. If the southern entrance goes here it will be irrevocably destroyed.

The diverse bird life in this greenbelt on private properties includes kereru, morepork, tuis, fantails, kakariki, North Island robin, bellbirds, the occasional kingfisher, there are sighting of long tailed cuckoo and saddleback. Pheasants, guinea fowl, quail, wild ducks and pukekos are frequently seen in this area.

The trees and bush on private properties on Main Road South are part of a series of vital bush links for native birds that fly between Kapiti Island, the Raumati escarpment reserve, and the Tararua Ranges providing valuable roosting and feeding sites. The habitats of birds and wildlife would be destroyed.

Patricia Grace spoke eloquently of the meaning of kaitiakitanga, the concept of guardianship of the land, as we are the ones who live in this blessed area, we have the role of guardians. The stewardship of this land for future generations and the prospect of its destruction I feel to be deeply disturbing. Who is to be the voice for the land?

Patricia Grace also explained her understanding of the concept of wahi tapu, the land or place that is sacred because in the past people have lived out their lives there. We would be proud to borrow the Maori acknowledgment of sacredness of the relationship of people to land, our relationship to place, where we raise families, plant gardens and live our lives.

The focus of this proposed expressway would seem to be on short term economic gain with the implication that the stewardship people have invested in these properties to date, counts for nothing. Last week urban planner for the applicant, Marc Baily, spoke of plans to change the rural zoning of this land around Leinster Avenue, Main Road South, to an urban zoning. He stated that 40 hectares of land around the existing designation at the southern entrance, will become available for urban development.
On 21st December 2010 at a meeting in Raumati South, the mayor, Jenny Rowan stated publicly that the land left empty for more than 60 years specifically for a road, if not used after the Western Link Road was stopped, would go to urban development. Has the prospect of economic benefit that would be derived from opening up the land set aside for road building, influenced the decision to run through our homes at the southern entrance.

Fourthly. Construction over deep peat was stated as a reason for needing to site the southern entrance through a residential area. To date, there has been little or no testing to determine the depth of the peat known to exist on many of the private properties NZTA seeks to acquire for the proposed southern end. We submit that a clear lack of technical information has undermined the assessment of effects because if the existing environment is not properly understood, then the measures required to avoid, remedy or mitigate actual or potential adverse effects, cannot be determined with any degree of specificity.

Fifth. NZTAs final reason was iwi and archaeology. NZTA’s own expert, Mary O’Keeffe, declared in her evidence that there is a very low probability of archaeological sites in the vicinity of Poplar Avenue where our properties are.

We can only conclude that these reasons given by NZTA which do not stand up in light of closer investigation, are not actually the reasons that NZTA decided to locate the southern entrance through our homes and community.

If the option to the alignment goes ahead, residents left stranded in devalued homes, they would find difficult to sell, would be subjected to the issues associated with air quality, noise levels, water contamination, dust, vibration, lighting, sleep disturbance. These issues will affect the health and wellbeing of residents of 21 homes within 100 metres and another 31 homes within 200 metres of the southern end of the expressway. At Raumati Road another 137 homes fall within 200 metres.

[10.08 am]

Among the people living in these houses, are babies, small children, people who are already frail as a result of ill health or old age, people who have pre-existing conditions such as asthma. We refer to the evidence provided by expert witnesses for the group Action to Protect and Sustain our Communities, about air quality in Raumati South, about the low lying nature of the area, the number of days in winter
when inversion layers are present which increases the risk of air contamination exceeding safe guidelines for residents.

Non-monetary costs. The cost of a decision to run an expressway through homes in an area where people would be left to live beside a massive expressway, can never be quantified in dollars and cents. The costs are to social networks, to neighbourhoods and above all, to individual, and therefore to communal wellbeing. There are social, emotional, and cultural costs to loss connected to uprooting families from homes where they have created gardens, planted fruit trees, landscaped properties, put on additions, built conservatories, stone walls and created walking tracks between houses.

NZTA’s own assessment in 2009 recommended that the route originally designated for roading at the southern end, the Western Link Road, best addressed environmental, safety, efficiency, value for money, constructability, and wider community considerations. It would have the least impact on properties, the least population displacement.

To seek a designation for a new route, is an abandonment of what was agreed by the community and the Kapiti Coast District Council confirmed in an open letter from the chair of NZTA Board on 15 December 2009.

There is public land that exists in the vicinity of 89 Poplar Avenue available for a road, land designated for over 50 years for roading. Residents who upon purchase of their properties undertook careful research into all the existing reports on plans for a road are being subjected to unfair treatment because NZTA is not using the land designated for roading purposes.

There is an immense sense of injustice among affected residents in the moving away from that designation. The use of this public land for a public road, will avoid a route which is unnecessary, unjust and unjustifiable. Fairness and natural justice would be for individuals and families to continue tenure of their homes for the future. Who of us would choose to exchange living in a peaceful semi-rural atmosphere for living hard up beside a major expressway. To be left living beside construction and then the operation of a major national carriageway, is not a fate one of us would wish for ourselves.

NZTA’s preference for the southern end of the expressway to be routed through private properties is founded on a lack of evidence, the lack of research to determine the geotechnical landscape or the ecological value of these properties, calls into question the basis on which the
decision was made to go with this route option 2B, as well as the extent of information available to allow for a comprehensive assessment of actual and potential effects associated with this route to be undertaken.

This lends further weight to the argument that the selected route alignment does not demonstrably achieve the purpose of the Resource Management Act as set out in part 2, in particular it does not demonstrate that adverse effects on the environment are avoided, remedied or mitigated. Accordingly, NZTA have also failed to prove that the requirement under section 171 1B of the Resource Management Act, to give adequate consideration to alternative routes has been achieved. An alternative route is available which would fulfil these requirements of the RMA.

Thank you.

<THE WITNESS WITHDREW> [10.13 am]

CHAIRPERSON: Thank you, Ms Lindsay. Mr Bathgate.

MR BATHGATE: Thank you members of the Board for this opportunity to speak today. It has been a long road.

You will see on the first page that it starts with contents introduction. I will come back to that after I introduce myself.

My name is Graham Bathgate. I have been a teacher most of my working life. Now I publish books of stories about Japan. I live in Raumati on Main Road South. You visited our property and other ones at the southern entrance residential area on November 15th. A relief and a comfort, thank you.

Please note at the start of this page of my introduction, there is a selection from the application. I put this here because they gave me the impetus for this fleshing out of social effects.

Social effects. Most of what I have been hearing and reading about social effects, are the social impacts of construction. The future after the building of the road, but there is other social disruption and stress that we do not hear much about. What about the immediate social effects on people who hear about a road going through their homes and don’t like what they hear.

A community liaison group would have been a wonderful thing for the pain of many of the residents. I would like to give life and colour to the social effects of hearing about the acquisition of one’s home by
telling how these people feel and think through their personal first hand views. This is describing the effects of the road much earlier than the received version of after construction, going back to when the residents in our Leinster Avenue, Main Road South area, heard about the rerouting of the expressway.

Ms Meade Rose, expert on social effects, said that people are adaptable as if this was some kind of panacea, yes, people do adapt, but there is not much fun in it if the adapting is forced upon you. Ms Meade Rose said in rebuttal of the highway occupants group’s comments on severance by the road at the southern entrance, “I consider the overall net social effects of the proposal, will be positive.” I don’t think many of the residents whose comments you will soon hear will agree.

The NZTA application says there will be social effects and social disruption, while this is true it lacks detail. The reality is deeper, more gut wrenching, longer lasting, more dramatic. A fuller description of social effects is warranted, not only simply to tell the reactions of some dispossessed residents of Raumati at the southern entrance, but also as an attempt to raise awareness on the need for improvement in the delivery of bad news and in consultations.

The next section is how the interviews were conducted. I am sure you can read that at your leisure. However, I draw your attention to the last paragraph. I have all the names, addresses, notes and longer interview records if you wish to read more or verify anything. I hope that I have condensed the views of residents here without losing any of their favourite (INDISTINCT 4.57.2), and that I have succeeded in doing this both as impartial interviewer and impassioned resident.

[10.18 am]

Two main purposes. One is to give voice to the residents of the Highway Occupants Group on Main Road South at the southern entrance to hear their views on the effects of news of the planned road and changed route taking away 28 properties and leaving 52 more households within 200 metres of the proposed motorway. This is to give some of those who cannot speak here, for whatever reason, a chance to be represented. The second purpose is to flesh out the so called social effects on residents soon after they learned about the new route of the road.

The next section is headings, please skim, they’re just the main categories arising from the subject matter gleaned from residents.
Forward. For most residents there was a grieving process, a deep sense of loss akin to a death in the family. It is not easy to put oneself in their place. I hope the residents’ views here will enable one to empathise with people receiving news of acquisition for the first time. The feelings of loss, the pain and the awkward feelings with officialdom as if the taking of homes wasn’t bad enough. People were particularly exercised in their views by the existence of an uninhabited designated route. It coloured the way they felt about the choice of route through their homes. Another aspect is that no one has seen any scale model.

Residents have no real idea of what the motorway will look like next to their homes. How can people living with terrible news adapt to that kind of unknown quantity? I would draw your attention to a few colourful words which occur in the interview extracts below just in case they are not read aloud here, mercifully I’m not going to read the lot. The images are monopoly, Jehovah’s Witnesses, lambs to the slaughter, fern birds and broken hearts. There are even a few lines of poetry for the so inclined.

We hope that the memories and views of the residents of Leinster Avenue and Main Road South can be taken into consideration somehow and can help you in your decision making. Please note that the different interviewees are shown by capital letters A, B, C in each category but those don’t mean the same people in each section. A does not mean the same interviewee throughout, if you catch my drift.

Finally, what happens is an accurate record of the views and feelings of residents who have to deal with severe threat and loss. I may or may not personally agree, I have had my say but please do not shoot this messenger.

Slides. In a moment a slide show of photos of our greenbelt residential area will start. You can see in the middle of the first ones, the uninhabited designated route through the sandhills and lower down the Leinster Avenue, Main Road South properties. All the slides show properties and nature which will be destroyed and people and their homes dispossessed or left close to the expressway. Please (INDISTINCT 3.56) out.

Page 4. The interviews, selections, categories. That’s an aerial shot there of the designated route and beyond are the properties. Coming in from Elizabeth Park, Poplar Avenue and Main Road South properties are about to begin on the right and will continue in the next few slides.

The first part of the interviews I will again, mercifully, keep short because how we heard about the road, this category is here because it
was a considerable part of the research but I understand that this may not be of much interest to you or help to you. It’s perhaps more for NZTA in the future so just one item to give you a feeling.

[10.23 am]

Extract A. “The NZTA people arrived about 6 in the evening without phoning, unheralded, uninvited, never met them before. One of them spread out a map, we grabbed it, copied it. We told them we’d always assumed the road would go on the designated route and not through homes.”

In B, in the middle, there’s Jehovah's Witnesses. Skip now, No 2, page 5. The unfairness of the changed route, extract A. “It’s just so unfair coming through our properties when there’s a designated route elsewhere. I always thought one day a new road would go on the designation but now it’s very unfair when a designation exists for it through sandhills, not through homes.”

B. “The decision not to follow the full designated route is crap. It’s the difference between fracturing a community, what NZTA says, and destroying one and they don’t seem to care. There’s no justification at all for going through these properties. If we got full replacement for all our loss here that would help.”

C. “I am totally opposed to this road ethically, economically and socially. It runs right through the middle of our community. The whole idea of expressway on the WLR designation is so wrong. I think especially of people without a voice, for example of Makarini Street, no political voice, no group help like we have in our Highway Occupants Group.”

D. “We had a road all set to go almost, years of work put into it, what a waste. “

E. “There is another route on land designated for over 50 years. Anyway we don’t need autobahn in New Zealand for our small population, there are other ways to solve transport problems. With this road NZTA is destroying one of the most picturesque parts of New Zealand, it’s senseless.” There are more there for, as you wish.

Page 6, No 3 category, the shock. Extract A. “It was total shock and panic like being told about an unexpected death in the family. The reason was we had no plans to leave, wanted to be here a long time. Had lived accordingly and done a lot to make this property the way we wanted it. It was for our retirement years. I went through all the
process of a death, the disbelief, the upset, depression, anger, feeling aggressive et cetera”.

B. “Shocked, no other word to use. Our house will be about 50 metres from the motorway. The whole thing was dropped on us like a bombshell, we never expected it would go through this route right through us. A little individual like me just saying this but there are a 142 people on my street who will be greatly affected”.

C. “My first reaction was great grief. Our properties are irreplaceable, cannot be duplicated. We have been here only 12 months. We went into both disbelief and resistance modes especially as there was a designation for another route behind us, not through us.”

Skip to section 4, “loss, stress and losses”. The first section A, “Feelings about loss of homes”. Extract A, “The saddest thing is the great energy that people invested in their homes, properties, gardens, lives here and now all gone, wasted. Our community here has been destroyed”.

B. “It has disrupted plans for maintenance of the house, all put on hold. We did two rooms instead of all of them, we put them on hold really. We were planning new metal guttering, we really wanted to develop and refine the whole house. For example, we put in a new central heating system a few years back costing $40,000 and then there was our new conservatory six years ago which we decided to build on after our council reversed its decision on the entrance for the WLR at 200. All these things we were hoping to enjoy.

C. I had a strong home business. A counselling service. I let it run down expecting a speedy resolution to the process. But I actually could have kept it all going longer. In truth though not easy to do a healing practice when you’ve got the threat of acquisition hanging over. It’s not a normal life. Really I lost the oomph for starting up again. No joy in it. Still got lingering grief over being forced to make decisions we didn’t expect or want.

D. I was depressed for six months. Even my golf game went off. Someone would ask me, “how’s the road?” and I’d slice my shot. I don’t play on Tuesdays on any more because I had a blow-up with someone. People now get under my skin very quickly. Never thought I’d lose my golf over this. For me and my work it’s been a huge loss of focus. I’m self-employed, my business has gone way down, most of my business is in Australia, I have to travel a lot. I’ve had gallstones
and been hospitalised. Almost certainly due to the added stress. One daughter now has migraines. Never had before.

E. The distance is 103 metres from our house to the first lane of traffic. But to the builders of this road that’s as if I live a mile away. Height is the issue for us. Our house is 10 metres higher than the road. We will overlook it. A bund won’t do anything for us. They say the view will be okay but at 10 metres higher we’ll be looking down on asphalt. What view? No one’s shown me a view of anything. Never seen what the road will look like.

Page 8. I’m sorry, I’ve missed a note. I would like to read H on page 7. I work from home. I’m a writer. I need peace and quiet. We chose this property because I wanted a retreat for writing. We also hoped it would be therapeutic. We both have health issues. These will definitely be worse with the noise, pollution and flood lighting of an expressway. We also wanted to be able to grow our own food, enough to support extra family members if needed. NZTA can say they will mitigate what they can’t possibly mitigate against the loss of our homes and dreams, our retirement plans and our peace of mind.

Please go to page 9. Looking at O and moving down through that to: we feel like casualties. Injured parties, yes. This is the great Kapiti earthquake. I’m trying not to be callous in the light of what’s happened to Christchurch, but a great gash of an expressway through Kapiti is manmade, an unnatural earthquake. All the mitigation in the world won’t mitigate this kind of earthquake. It’s too big. Here’s an apposite quotation from a poem by the British poet Philip Larkin. We’re not suited to the long perspectives open at each instant of our lives. They link us to our losses. Worse they show us what we have as it once was. It can be a devil recalling the past and also fearfully looking into the future. It’s a misery when your home, the place you should feel safe in is under threat. We’ll remember the years here lovingly of course, but also with sadness at the way it ended. What we have as it once was.

Number 4. Loss, stress, losses. B. Please note here there are five residents’ costs and investments over the years, some in the past few years. So obviously they can’t enjoy it.

[10.33 am]

Page 10. Number 5. Dealing with the loss. Extract A. My family and I would like to be treated with dignity. I can understand the greater good but we live in a democracy. We have individual rights, but I don’t feel that ours have been addressed. If we are to be sacrificed on the altar of the greater good then we want fair compensation for it.

Kapiti Coast 12.12.12
would like the ability to replace what I have now and don’t mention solatium. It’s a joke and an insult. We’d like to be treated with dignity giving us fair compensation not just the simple valuation. They do it much better in Australia and the UK. They realise it’s to their benefit to save time and payments to all the consultants and hangers-on. It’s a political issue for sure. Whether it’s the Greens, the Raumati Residents Association, KCDC, the schools, the mayor, the Guardians of the Park, the residents of Raumati, they’re all related. We feel like sacrificial lambs to the slaughter.

B. If the Government your property they should feel indebted to the people they’re displacing. Money never compensates though. Just look at the number of people trying to stay on here and no wonder, they don’t want to leave the family home, the stability, the memories, the gardens, friends, neighbours, the proximity to work and actually many of them work on their properties from home. There needs to be more appreciation of the harm caused and then compensation awarded accordingly.

C. Life here in the past two years since being told about the expressway route, apart from the horrible general stress, has been us saying things like, this will be the last time we do such and such in the garden or around the house. Or this will be the last time doing something with the neighbours. It’s been very sad really.

Page 12. Number 6. Dealings with authorities. Extract A. There were so many broken promises in the totally adversarial process. We thought that it would all be smooth as a way to make up for the shock and distress of acquisition. We were completely wrong. We came to accept the death of our property, our plans for a future here finished, however the need to fight for right and principle was amplified by the actions of NZTA. Trying to get what our land was truly worth was very stressful. I was fighting on principle. I knew we had rights. There was an idea it would be ethical to reach a consensus. It’s not like that at all. We felt we were the problem. We were made to feel like that when we sought our rights. We were the problem. There’s a lot of bureaucracy causing a lot of stress.

B. And this will mercifully be the last one. All this disruption and loss could be avoided by keeping to the designated route which is what we were told before purchase. We had checked carefully the route, the real estate agent said we may lose a small part of our front paddock because of some local road widening. I really think that NZTA could have been more upfront and told us more, and there are many more examples there. Culled and collated from over 15 hour long interviews. Thank you very much.
CHAIRPERSON: Thank you, Mr Bathgate. You may rest assured the Board will read those portions that you haven’t read out today.

MR BATHGATE: Thank you.

CHAIRPERSON: And I think for the record you ought to lodge a copy of those interviews in full with the Board. You will understand a lot of the matters you have raised are outside the jurisdiction we have, but it may well be something that we would want to comment on even if it is outside our jurisdiction. So thank you.

MR BATHGATE: Thank you, sir.

CHAIRPERSON: Now Ms Lindsay, you wish to speak further to your evidence.

MS LINDSAY: Yes, thank you.

CHAIRPERSON: If you just move the microphone over.

[10.38 am]

MS LINDSAY: I am aware that some of this is rather technical and I don’t want to go on too much.

I wanted to start at section 2. Although I do not have any formal qualifications in the field of social impact assessment as a directly affected resident I can claim to have first-hand knowledge of the very real adverse effects of this proposal. And at 2.3. Many of these properties are characterised by a semirural atmosphere of tranquillity. 2.4. The location of the Christian community, Shalom, on Main Road South was chosen specifically for the environment an atmosphere and sanctuary. The construction of an expressway on route option 2B would irrevocably destroy the atmosphere of the spiritual community. Instead of the tranquillity they would be exposed to noise, fumes, air and water contamination, dust and the effects of lighting.

2.6. The treat of sudden unexpected loss of home or unanticipated forced proximity to a major road has resulted in residents suffering from a variety of stress related conditions including shingles, heart problems, grief, depression, relationship difficulties, marital breakups and susceptibility to accidents.

2.8. The focus of NZTA’s social impact evidence by Ms Meade Rose is on communities and she acknowledges in her rebuttal evidence that
she does not focus on individuals. The methodological frameworks used by NZTA on social impacts fail to address in any depth the loss of wellbeing to individuals who are severely affected, who are losing homes or left adjacent to a proposed expressway. And we are speaking about the southern entrance, but actually there are another 806 households through Kapiti who are in a situation that’s very similar to that of the residents at our end who are being left.

2.9. The wellbeing of the individuals who are adversely affected is not addressed in the multi criteria analysis. It is only on community wellbeing.

Section 3. The environmental implications of destroying these properties for roading purposes have not been taken into account because the ecology evidence and the planning evidence of NZTA and also the multi-criteria assessment dismiss the ecological value of anything that is not indigenous. So the birds and wildlife to be destroyed on the southern entrance are not even mentioned because they do not come into the category of indigenous.

Actually I’ll read 3.3 to emphasise that. The delicate ecosystems of birds and wildlife on the approximately 30 acres of private properties to be acquired for option 2B are deemed to be of no value because they are in expert terms, non-indigenous. Just because they are non-indigenous does not mean they are of no value.

3.4. The destruction of a green belt is being sanctioned in this way.

3.5. In stark contrast the vacant land, and there’s a mistake here. It should be “for option 2A” - - -

[10.43 am]

CHAIRPERSON: I’m sorry to interrupt but it’s to speak to your evidence. We do have this evidence.

MS LINDSAY: Right.

CHAIRPERSON: And it has been read. Now if you want to highlight points that’s fine.

MS LINDSAY: Okay.

CHAIRPERSON: But it’s unnecessary to read right through it.

MS LINDSAY: Right.
CHAIRPERSON: And repeat it. That’s what we hoped we had explained before we started.

MS LINDSAY: Right.

CHAIRPERSON: But by all means highlight the clauses of your evidence that are particularly relevant and why, but you don’t actually need to read the evidence. It’s already in the record.

MS LINDSAY: Thank you.

CHAIRPERSON: I understand it’s difficult.

MS LINDSAY: Yes, it is. I’d like to reinforce that the Highway Occupants group agree with the evidence from the Action to Protect and Sustain our Communities, and that is section 5.

CHAIRPERSON: Thank you.

MS LINDSAY: And would like to note that, yes this is also for 806 households as well as the 52 affected at the southern entrance. I’d like to point out very strongly the effect of existing designation on residents who have the effects in land use and choices of residence because of the effects for many years of this designation that’s been in place, and that there’s been no recognition through NZTA’s evidence of the change of that designation and the effects that that would have. It’s not been through the multi-criteria assessments or in any of their evidence.

And multi-criteria analysis. I wanted to point out that in his rebuttal evidence Jim Bentley replied that the testing of this multi-criteria analysis was undertaken by a management review team in March 2011. The point though is that the multi-criteria analysis process that was used was initially framed and the weightings were assigned by that same team that undertook the testing. So as far as we can ascertain there has been no objective or independent review of this multi-criteria analysis which was the basis on which all of NZTA’s decisions were made.

Also that regarding Queen Elizabeth Park the Greater Wellington Regional Council plan does not give any indication that choosing option 2A would be any different from choosing option 2B because that area of the park has always had a provision in it for use of that land for roading. It’s just a matter of the amount.

The evidence of the archaeology actually undermines part of the multi-criteria assessment. There are various anomalies and inconsistencies
through the multi-criteria assessment. And some of these sort of undermine confidence in the decision that was finally reached.

Similarly the lack of clear evidence for geotechnical testing, we know that along the residences where we live there has been no geotechnical testing in any of those 19 properties.

[10.48 am]

And it seems a little odd that a major expressway would be constructed through these properties without having done any actual testing because the peat was given as a huge issue but our properties are on peat.

And we would submit that adequate consideration has not been given to alternatives available, that NZTA has not taken the relevant matters into consideration and has based its decision on incorrect information and has given relevant matters an inappropriate weighting.

The Highway Occupants Group contends that, had NZTA properly identified all the adverse effects in the application for a new designation at the southern end, there would have been a different conclusion that the development, as proposed, was not acceptable. Thank you for this chance to talk.

CHAIRPERSON: Thank you. Anything else, Ms Lindsay?

MS LINDSAY: No, that’s it, thank you.

CHAIRPERSON: Mr Bathgate, anything?

MR BATHGATE: Thank you.

COMMISSIONER BUNTING: I just have one question. Are you connected in any way with the Raumati South Residents Association which seemed to be in the same area?

MS LINDSAY: Yes. No, we haven’t been particularly, there have been informal connections but they have tended to have their membership at the southern end and our situation was different. There has been some cross-pollination but not a great deal.

COMMISSIONER BUNTING: So are you slightly different geographically?

MS LINDSAY: We are. They are down toward the beach and we’re the ones up near the highway in the part where the road is to go, so Raumati
South isn’t affected directly, we’re the ones who are directly affected where the expressway goes.

COMMISSIONER BUNTING: Okay, thank you. Thank you, sir.

CHAIRPERSON: Thank you very much for your evidence and, as I said, I suggest you lodge that.

MR BATHGATE: Certainly.

CHAIRPERSON: And when it is lodged the staff can advise me and we will give it a formal exhibit number, Mr Bathgate, but thank you for your submissions.

MR BATHGATE: Thank you very much.

MS LINDSAY: Thank you very much.

CHAIRPERSON: Now, Mr McKay, forgive me if I get it wrong, Ms Flath?

MS FLATH: Double A, silent H, Flaa. (ph 2.44)

CHAIRPERSON: Thank you. If you would come forward please. Now, you have filed evidence from Mr Birkenshaw which we have lodged and is available to us and his attendance has been excused because there was no questions of him. We have noted here that you wish to make a representation in support of your position, so we will hear from you both now.

MR McKay: Okay, I’ll speak on behalf of both of us and we just object to the motorway going ahead where it is and would prefer, as our submission, says, for it to go through the Poplar Avenue interchange. I also just want to register the fact that our dealings with Transit and their representatives all through the whole process, in the taking of half an acre of our property, has been shocking and dismaying. We have had a lot of experiences where there’s been a lot of promises that have been empty and hollow and it’s left us sort of wary and untrusting and concerned more, I guess, as to how it’s going to proceed, given that we haven’t really even started negotiating, you know. And things like being told lots of things that were going to happen and then not hearing or not receiving any responses to emails or answers to phone calls, you know, until a year later and then getting a phone call out of the blue and someone asking to see me within two hours. I tried to remain open minded about the whole process but it felt to me that, everything I read in the paper and all the negative adverse publicity surrounding it, I was experiencing it because up until that time we hadn’t had any.
Quite simply our property is our haven, it’s just under three acres and we’ve been there seven-odd years. We were anticipating being there for 20 with our children. It’s within 50 to sort of 100 metres through a shortcut to our local school. We’ve got five kids that are there on the site from four years of age to 16 now and that’s all changing for us.

[10.53 am]

My partner works from home, the noise levels are going to increase, our privacy is lost and, as a result of all that, we simply don’t want it. And while we are prepared to accept that, you know, progress happens and there has to be a way forward. I work south of here so I certainly get caught in the traffic and I know the issues that are involved with it and I know what I’m up for getting home every night with the motorway earthworks that are going to happen and the resulting traffic delays.

I was accepting it and I feel as long as we get treated fairly, which I feel we haven’t been to date, and we get compensated fairly, which certainly we’ve had one offer that has been nonsensical, I remain strongly opposed to it. And that’s about the length and breadth of it, the rest, you know, we paid for a planner on our behalf to lodge the submission. You asked a question of the last person whether they were involved with the residents group, that sort of thing. We’re on Graham Bathgate’s emailing list so I receive the emails as to what’s happening, I read all the local newspapers to see what the Raumati South Residents Group is doing. And we’ve done our own because I felt that we needed to get heard firstly and, secondly, in the hope that it may go somewhere. However, in seeing all the ongoing stream of emails that comes regarding, you know, being here today, I sort of felt that, you know, it’s a fait accompli in the sense that it’s going to happen and really all that’s happening now is how much that Transit, the government, has to pay and how little they can get away with paying for taking our properties and ruining our lives when there are other options.

CHAIRPERSON: Well, you do understand that compensation is not a matter for this Board. We are more than happy to hear your concerns, and I would trust the NZTA representatives here will be taking the comments on board, but it is not something that we can make any decisions around.

MR McKay: I understand that fully but this is a formal hearing and I was speaking specifically to their ears.
CHAIRPERSON: Well, I glad you have taken the opportunity to do that.

MR McKay: It’s my only opportunity.

CHAIRPERSON: I fully understand that, that is why I let you go on.

MR McKay: Thank you.

CHAIRPERSON: Even though I could have said at the start, “Look, this is nothing to do with us, it’s irrelevant”.

MR McKay: I understand.

CHAIRPERSON: But I think it is important that there is an opportunity for everybody to speak and publicly to do that. Certainly though you are wrong, we have not heard all the evidence yet, and until we have done so we couldn’t form a final conclusion on it. It is an independent Board, it is independent of the NZTA, the government and the EPA, so we have got to reach our own conclusions like any judicial inquiry would have to do.

MR McKay: I understand that. It has cost me a lot of money to pay for out of our own bank account but I felt it was necessary because it then, I felt, gave me this time in front of a mike to, you know, have my objections and concerns heard and you have heard them.

CHAIRPERSON: Well, if there is anything else make the most of your opportunity with the microphone.

MR McKay: Thank you, it’s kind the offer and it’s kind for you to hear me out but, no, I’m done, it was short and sweet.

CHAIRPERSON: Thank you very much. Do you have anything?

COMMISSIONER BUNTING: No, nothing more thank you.

MR APELDOORN: Did we come to visit your property or can you just explain for me where your property was?

MR McKay: Our street address is 28 Leinster Avenue but we’re sort of close to the corner of Leinster Avenue and State Highway 1.

CHAIRPERSON: I think Mr Bathgate could probably answer because he was kind enough to conduct us around. I don’t think we were specifically there but very close to it, is that correct?
MR BATHGATE: We started at Shallon (ph 4.04) and Brent’s place is to the left of that if you are going into Shallon, it’s over Leinster.

MR McKay: So, yes, it’s just in behind the garden centre.

Chairperson: Yes, okay.

MR McKay: Parallel to the motorway but sort of just north of the garden centre and that will give you a very, smack bang in the middle between the garden centre and Leinster Avenue, so it’s one of the strip coming down off the roundabout thingy.

MR Apeldoorn: I just heard a couple of comments from you about whether the land’s been taken. Initially I interpreted from you, you had settled but later I interpreted you hadn’t?

MR McKay: No, I have just assumed - - -

MR Apeldoorn: - - - hear at the moment.

MR McKay: - - - that we are going to settle. You know, and that Transit will take our land. But, no, we have received one offer and, you know, that’s it.

MR Apeldoorn: And that’s for a strip of the land as opposed to the whole property?

MR McKay: Yes, 2,000 square metres, it’s partial but it represents just under 25 percent so a quarter of the property goes.

[10.58 am]

MR Apeldoorn: Thank you.

Chairperson: All right, thank you very much. Mr Fowler.

MR Fowler: Yes, thank you, sir, I call Mr Dunn, and he has four slides, I think.

<MAXWELL JOSEPH DUNN, sworn> [10.59 am]

<EXAMINATION BY MR FOWLER> [10.59 am]

MR Fowler: Is your full name Maxwell Joseph Dunn?

MR Dunn: Yes.
MR FOWLER: Are you a planning consultant resource management consultant resident and working in Auckland?

MR DUNN: Yes.

MR FOWLER: And have you prepared a statement of evidence that has been filed and is currently before the Board?

MR DUNN: Yes.

MR FOWLER: Were you a participant in some expert evidence conferencing amongst planning consultants?

MR DUNN: Yes.

MR FOWLER: And are you a signatory to one agreed statement of position as a result of that?

MR DUNN: Yes.

MR FOWLER: Have you subsequently seen some evidence by way of rebuttal from NZTA planning witnesses?

MR DUNN: Yes.

MR FOWLER: And have you prepared a four page power point summary of your position vis-a-vie the NZTA planning position?

MR DUNN: Yes.

MR FOWLER: Would you proceed to take us through that please, Mr Dunn?

MR DUNN: Firstly, I just noticed there is a spelling mistake on my name, it has two ‘n’, apologies for that.

What I’ve done, I have just gone through my evidence as it’s written in terms of the sections, just highlighting the key points. There is nothing new in this presentation that is not in my evidence I believe.

So the focus on my evidence is on the Notice of Requirement and the resource consents for the large scale earthwork structures and vegetation clearance. That is where the concerns are. I agree with the NZTA witnesses regarding resource consent bundling and also the minor resource consents, if necessary, can be sought later.
The two main concerns are firstly compliance with section 171 and part 2 of the RMA. In terms of section 171, my analysis is that the NZTA analysis of the project is not clear or robust and my concern remains with the three project objectives, which are linked to the Save Kapiti evidence that you have already heard on economics, transportation and urban design.

The primary concern is the lack of integration of the project into the Kapiti Coast urban form. I believe there has been an inadequate consideration of alternatives which is linked to these same three underpinning Save Kapiti expert statements in the urban form design issue.

Sections 104, 105 and 107, I don’t have any particular points, there are no concerns with discharge permits other than alternative evaluation where significant adverse effects, I am not sure that has been undertaken.

In terms of environmental effects, there are two, there is the high level economic transportation and urban design effects which is in the Save Kapiti evidence, and what I call a lower level landscape visual amenity and ecological effects are also of concern, and that’s drawn from evidence from NZTA witnesses and Kapiti Coast District Council witnesses.

In terms of national and regional policy statements. The main concern is the evidential analysis by NZTA of the proposed regional policy statement, and in particular, section 3.9 on regional form design and function. Once again, it is linked to those three high level concerns about urban design, transportation, and economics.

[11.03 am]

I also highlighted in my evidence what I believe was an inconsistent NZTA planning and ecology evidence on the loss and gain of freshwater values and compliance with the regional freshwater plan.

The district plan, I believe there has been limited NZTA evidence analysis of the district plan, I believe it was generally downplayed and it was sort of held to be similar to the regional policy statement, I believe it is a more directive document than the RPS.

The main concern is with the landscape policies on minimum necessary dune and landform modification for roading, and the protection of outstanding landscapes from inappropriate earthworks. The approach that was adopted by the NZTA witness, Mr Evans, in his evidence of
being not visually dominant, to me, is not consistent with the district plan policies.

I also highlighted – I am not sure whether that has been answered in rebuttal evidence – how the project stacks up in terms of the residential zone policies on buildings and over bridges.

In terms of other matters, the urban design protocol is, in my view, the most important document.

Finally, in terms of part 2 of the Act, I recognise that some of the provisions when you assess the project against it, are neutral or even positive but there are three, in terms of section 7, negative ones which are on resource use, amenity values and environmental quality. And those concerns relate to these three underpinning evidence statements on urban design, transportation and economics.

And coupled with that, is the reference I had earlier, regarding the NZTA landscape evidence of Mr Evans which finds that unavoidable adverse effects on landscape and visual amenity values, even with what is noted as being substantial mitigation.

MR FOWLER: Yes, thank you, Mr Dunn, and would you answer any questions please.

CHAIRPERSON: Thank you, Ms Gregory.

<CROSS-EXAMINATION BY MS GREGORY> [11.06 am]

30 MS GREGORY: Good morning, Mr Dunn. I just have a couple of lines of questions for you. Let me start with the alternative assessment, in your evidence at paragraphs 28 to 40, it is your opinion that the NZTA has not carried out an adequate consideration of alternatives, correct?

MR DUNN: Yes.

MS GREGORY: And you are aware of the requirement under section 171 to ensure that the requiring authority has acted with sufficient diligence and that it is to prove that there has not been a cursory or arbitrary consideration of those alternatives?

MR DUNN: Yes.

MS GREGORY: And you would accept that there is no requirement for it to be a robust assessment, for example?
MR DUNN: I am not sure whether you would say – I am not sure I could say that.

MS GREGORY: And you have read the AEE including the chapter on considering alternatives?

MR DUNN: Yes.

MS GREGORY: And you would accept that the NZTA undertook and considered four different routes through the MCA process with a number of technical experts and consultation with the wider public?

MR DUNN: Yes.

MS GREGORY: And then once choosing the preferred route, the NZTA considered different alternatives for alignments within that route?

MR DUNN: Yes, I have a limited knowledge of that second aspect.

MS GREGORY: So given those assessments that were carried out, would you accept that the NZTA’s consideration has not been cursory or arbitrary?

MR DUNN: I wouldn’t say it has been cursory, I don’t believe it has been robust.

MS GREGORY: Thank you. In your evidence you say that you rely on the other witnesses for Save Kapiti, have you read the transcripts of their cross-examination?

MR DUNN: I have read some of them, yes.

MS GREGORY: And have any of answers given by those witnesses altered your views in any way?

MR DUNN: No.

MS GREGORY: I just want to focus a little bit on transport and the effects of the project. Would you accept that your evidence doesn’t provide an analysis for the Board of the positive and adverse effects of traffic of the project?

MR DUNN: Well, I really left that to the Save Kapiti expert evidence.

MS GREGORY: And would you accept that Mr Pekol in his cross-examination, said that the ultimate – his optimal option would include an expressway?
MR DUNN: I do recall him saying that.

MS GREGORY: And that all the traffic witnesses agreed that an expressway is required to address the traffic problems?

MR DUNN: In terms of Save Kapiti experts, or - - -

MS GREGORY: All of the traffic witnesses?

MR DUNN: I have not read the other traffic witnesses.

CHAIRPERSON: Well, I think we should caveat that by saying Ms Genter, who has some experience in the area, certainly did not say that.

MS GREGORY: Yes, thank you, sir. Do you accept that the benefits identified by Mr Murray for the NZTA include traffic time savings and increased connectivity with the Kapiti Coast district?

MR DUNN: I don’t know whether I could really give an unequivocal yes to that question in terms of having detailed knowledge of his evidence.

MS GREGORY: Thank you. I just want to turn briefly to the district plan. In your evidence, you go through some of the district plan requirements, and you have done so on the slides today. Do you accept that in considering the Kapiti Coast district plan, that RMA requires that we have particular regard to those provisions?

MR DUNN: Yes.

MS GREGORY: And there is no requirement to be consistent with them?

MR DUNN: Correct.

MS GREGORY: And would you accept that in most situations where a designation is not actually provided for in the plan, it would be difficult for a project to be consistent with all the objectives and policies?

MR DUNN: Yes and no, yes, it is a balancing act there.

MS GREGORY: Thank you, Mr Dunn, I have no further questions.

CHAIRPERSON: Thank you, any re-examination Mr Fowler.
MR FOWLER: No re-examination.

CHAIRPERSON: Thank you, Mr Dunn, you may stand down and you may be released.

<THE WITNESS WITHDREW> [11.10 am]

CHAIRPERSON: I will take the morning adjournment a little earlier and we will return to Ms Donaldson on her own behalf and on behalf of Kapiti Grey Power. Ms Donaldson, so we will start back at 11.30 and hear you then, so let me get it right, you wish to make representations on your own behalf and on behalf of Kapiti Grey Power and you wish to speak to your evidence as well.

MS DONALDSON: Yes.

CHAIRPERSON: Okay, we will adopt the process we adopted earlier, I will have you sworn or affirmed just to confirm your evidence and then you can return to counsels table as we would call it, and carry out that process, all right, thank you.

ADJOURNED [11.11 am]

RESUMED [11.34 am]

CHAIRPERSON: Thank you. Yes, Ms Donaldson, if you go to the witness box to start with and we’ll go through the process I indicated to you.

MS DONALDSON: Thank you.

<HELENE DONALDSON, sworn> [11.34 am]

CHAIRPERSON: Just take a seat for a moment. Now, Ms Donaldson, in this matter you have filed a brief of evidence not a submission.

MS DONALDSON: Yes.

CHAIRPERSON: You can confirm that the contents of your brief of evidence are true and correct.

MS DONALDSON: Yes.

CHAIRPERSON: Thank you. And you wish to make a representation to the Board and also speak to your evidence.

MS DONALDSON: Yes, I do.
CHAIRPERSON: Okay, thank you. Now we’ve done the formal bit but we need to get it on the record.

MS DONALDSON: So I speak to my submission first?

CHAIRPERSON: Yes, certainly.

MS DONALDSON: I just give a bit of background as I became involved in the whole exercise of the expressway when the announcement was first made in 2009 and the initial NZTA options didn’t encompass what was called the western link route at all. It was through two options that destroyed a whole of home and businesses, one effectively decimating Waikanae township and when I first saw the options it was also going straight through the property of some friends of mine who, their house was three years old, and that was two subdivisions (INDISTINCT 0.52) at that time.

I live right by the western link road. I live just off Makarini Street in Spackman Crescent so that’s halfway between Kapiti Road and Mazengarb Road. And I knew, not necessarily about the – I obviously didn’t know about the expressway when I moved – but knew that for a very long time it had been a major arterial route designation, as do many people who have either bought along there or have chosen not to buy along there because of the road designation.

In taking part in all the public submissions and going to meetings to me there’s a big misconception between designation and design. I’ve heard a lot of people saying that people had bought along that route and were taken by surprise because the designation is a two-lane local road. The designation is not a two-lane local road. The legal designation is still an arterial road for up to four lanes. The fact that the latest KCDC western link road design that they were going to submit to NZTA was a two-lane 50k an hour area road does not mean that that was its legal designation. And I think there’s been a lot of misunderstanding around that, the difference between design and designation. It has always been a legal designation of four lanes up to 100k an hour.

As I said I became involved and vocal because (a) the amount of people that lived along there who knew the designation when they bought those properties versus the people who for no reason were going to lose their homes and they were taken completely by surprise when these announcements were made. So there are a group of us who are actively advocating for the western link road to be put on as an option in the public consultation because in the initial consultation it
wasn’t even there for us to say well this is where we want the expressway to go.

So ultimately NZTA did come out with a number consultation which delayed the whole process for two months. So that consultation came out with including option 3 which was the western link road. That consultation had minimal impacts around the Raumati South entranceway. In fact they were favourable because it protects – it saves the destruction of all the homes that was going to happen under the other options. And that was the route that we were advocating for. The empty western link designation. Not just parts of it as people saw fit, but the while empty designation. In fact that is what was on the initial proposal. So we were shocked when the next consultation proposal came out and in Raumati South there was suddenly two options, an option A which goes through the designation and an option B which, as you’ve heard, destroys a multitude of homes, and not only destroys some homes but puts the expressway up against other homes that are already there.

So these people have purchased their properties, have obtained LIM reports and they knew that ultimately they were either going to have the existing State Highway 1 upgraded or there was going to be up to a four-lane road through the western link which was considerably to the back of them. But suddenly they find that they are either going to be destroyed, their home’s going to be destroyed altogether, or they’re going to be living right up against an expressway. Nothing like that was ever on the LIM reports versus those who have bought and have obtained LIM reports who live along the expressway route. It would have been noted on those titles that there is a four-lane arterial route there.

[11.39 am]

So that seems actually not only unfair and unjust but also immoral and also raises questions for the whole of New Zealand as to what is the value of obtaining a LIM report when you purchase a property. Because if you can have a designation for more than 50 years and then just by an apparent whim it’s not going to be used but we’re going to take your house instead, what is the point of a LIM report?

I’d just like to run through the reasons that NZTA put on the proposal document for having the two options, and the reason why they had their preferred option which is to destroy properties which we’ve heard today. The first one being the impacts on Queen Elizabeth Park. We’ve already heard that in fact that area is gorse, scrub, not even really utilised at the moment. In fact that part of the park that – if they
used that designation did belong to NZTA until 2005. In 2005 NZTA swapped that land for some land they needed to build the McKays over bridge. So right up until 2005 that part did actually still belong to the designation for the roadway.

The other impacts on the park. We’ve heard that you can’t put the road through the park. But in fact with McKays crossing what we’ve ended up is the road going through the park because the Whareroa farm, that part of it, now belongs to part of the park. It is under Regional Council control and in fact has won awards for what’s happened down there, what they’ve done to develop it. And that’s NZTA in conjunction with the Greater Wellington Regional Council. So in fact at that end of McKays crossing the highway does go through the park now because we’ve built the park around the road. So surely if you can do that, if you can build a park around the road, surely at the northern end for moral justice, social justice, we can still have the road go through the designation it’s supposed to.

There are also other options that you could do at that end if the road follows the western link road, the original designation. It sheers off a triangle piece. That could actually become a car park for access to the northern end which the Regional Council is wanting to do at some stage, put in a car park for the northern end of the park. And could also then double up as an overflow car park for the future Raumati South railway station. So in fact you can have the expressway go up through the designation, the corner piece sheered becomes car parking northern entrance for the park plus overflow for the Raumati South railway station car parking.

That (a) saves houses, properties that people have spent 20 plus years developing. Saves the grief within the community because it’s not just the people in the Main Street south who are hurting. The wider community is. In fact on the submissions for the proposals for option A and option B the NZTA submission feedback report states that most – the southern end, the feedback on the two options proposed for the southern end of the expressway expressed greater support for the Queen Elizabeth park option.

So even the wider community is wanting it to go through there. We don’t want to see people's homes destroyed. We see little value in that end of the park and the value that is there can actually be put into other areas. Part of the requirement for NZTA to use that could be to do what they had to do down in the southern end is actually help create improvements in that northern end of the park. It won awards down in the southern end. The same could be applied for the northern end.
So the wider community was actually submitting that we want the option through the park, through the original designation.

One of the other statements in the proposal was the impacts on the two schools eg noise and air quality. Children are at school between 9.00 and 3.00 during the day. That’s when the least traffic goes through. Most of the traffic is peak commuting which has already left Kapiti by 9.00 in the morning or just marginally later and returning home after 4.00 in the afternoon. The children are no longer at the school. Whereas the residents who are going to be abutting the expressway. At that stage then maybe we might even have better design proposals now for the expressway.

[11.49 am]

The southern entrance also does not deal adequately with how we are going to place or provide for a Raumati South railway station. It is on the long term plan of Greater Wellington Regional Council. I have seen a proposal where it’s virtually one lane of the existing highway becomes car parking. As we have seen in Waikanae, that would be totally insufficient. If there is a train stop put at Raumati South, that little bit of one lane parking will not be enough and also just would not provide the space needed to develop that.

The other huge, and it is really insulting and it has been brought up by a previous speaker today, is the Western Link Road designation in that area will become urban development if the existing route is kept. So if we destroy homes we’re going to end up then building other homes in what is now the empty designation. That is really insulting (a) for the people who live there and (b) for the wider community. These people aren’t just living there in isolation, they’re friends with a lot of people in the community, they have children or grandchildren. To tell us that we’re going to destroy everything that they have done over that period that they’ve been building up their properties, and we’re going to say, “That’s okay, you guys can go, hey we’re going to put up housing where that designation is, in the empty designation”. That is just so insulting, it’s just not even funny and it’s causing a lot of grief in the community. A lot of people who haven’t submitted but they all say, “Oh, I just so disagree with that Raumati South option”.

The other issues for keeping the Western Link Road designation and destroying the homes, is that there is some remnants of wetlands there. They’re not that huge but also we can recreate that in the park and actually have QE Park, recreate that in the northern end and start making the northern end a real focal point for the community. And I know recreating isn’t necessarily an ideal goal, but if we’re going to
actually put an urban development in that area in the Western Link designation, how many people are actually going to have access to that wetland anyway and will some of it actually end up going with the development? Whereas we could take that, we could put in a requirement for NZTA to assists with the recreating of wetlands and the development of the northern area of the park to make that a really good community asset. It would be far preferable to destroying homes.

There are also other parts of the NZTA document that talked about just slightly north of that area, they’re actually moving the designation a bit further east so that it takes it away from some of the new housing there. It seems odd that we’re taking a huge interest in taking it away from some houses but in the first section at the entranceway, we’re actually going to put it right up against properties that had no idea that that was going to be happening when they bought those properties. So there’s contradictions right throughout that southern entranceway of what really is going on, what really was behind the decision to (a) put that as an option and (b) proceed with destroying homes when there are so many contradictions. There’s not enough evidence to back up the assertions in the documents and then we’re moving heaven and earth to make it easier for some people and yet others we’re not only destroying their lives but we’re actually destroying the community, the heart and soul of the community. Thank you.

CHAIRPERSON: You also wish to speak to your evidence or have you covered off everything?

MS DONALDSON: Yes, please, I would like to speak to my evidence, sorry.

CHAIRPERSON: Right.

MS DONALDSON: The evidence that I put up was supporting, there were a whole lot of contradictory statements around the community about who knew what, when, why and how and I’ve covered one of them, which was this contradiction in the terms of designation and design. That a lot of people were saying that the designation at the moment is the two lane 50 k an hour local road when, in fact, the designation is still up to four lanes up to 100 k an hour.

[11.54 am]

There’s also been completely overlooked that that route, we’re calling it the Western Link Road but it is still a strategic partnership between KCDC and NZTA. Now, that alone must make you wonder “a strategic partnership”, that it’s not going to necessarily be a little local
road that’s not necessarily going to serve the longer term needs of what an NZTA arterial route would be.

In my evidence I put up the High Court decision for the Pritchard Group, that was when Pritchard’s were wanting to change that alignment, the exit from Poplar Avenue to Main Road South and in that it gives a very good timeline of all the events up to 2008 around all the decisions on that road. So I put that in because it is a very good timeline because outside of that there’s a whole lot of conflicting statements about who knew what when. And that document also confirms that, between 1995 to 1997 NZTA and KCDC – sorry, Transit at that stage not NZTA – came to an agreement for a new arterial road would be a joint venture between KCDC and Transit. So those two words are key “arterial” and a “joint venture”. So that does not denote that it’s going to be a little local road. That the intention is it is going to be a major thoroughfare.

Another item of evidence that I put up was from Te Ra School. There are a lot of statements that Te Ra School did not know that they – they kept referring to it as a “two lane designation” when they bought the land but even on their website they acknowledge that they knew the risks of the roadway when they purchased, but that was a risk they were prepared to take. It seems then totally unfair to be subjecting residents to destroy their homes for the sake of schools who purchased knowing full well the risks.

The other item of evidence I put up was a KCDC document, the Western Link Road process in 2008, it was for a notice of requirement and it’s key because it notes that, “The Raumati section has not been subject to any challenges to the notice of requirement through the Environment Court process” and that was for the Western Link Road designation, that route through there, through Poplar Avenue. That in all the processes for the roadway there has not been any challenges on that section of the route.

The challenges were new. The challenges were new from when NZTA brought out its initial expressway options which were eastern options and then there were a core group who were advocating for the Western Link Road to be used because that was where it should always have been, you know, it had been placed. That’s when the objections started and became very vociferous. Those objections in the manner that they were done and that any trying to put the Western Link Road as the route, was met with fierce political opposition and I respectfully request the Board of Inquiry to actually look at the real substantive reason why the preferred option in Raumati South is the one that’s going to destroy homes.
The evidence that we’ve been given or the reasons we’ve been given do not stack up and I would put it that it’s actually a political decision because we had a Council that was vehemently opposed to an expressway but even more vehemently opposed to that section of it being used. And I respectfully request the Board to look at political reasons, I would put it to you.

[11.59 am]

CHAIRPERSON: I am sorry, I don’t quite understand if they are vehemently opposed why would they - - -

MS DONALDSON: Sorry, they were vehemently - - -

CHAIRPERSON: - - - push for this particular - - -

MS DONALDSON: Sorry, they were vehemently opposed – the council at that time (so that is prior to the previous elections) were vehemently opposed to the expressway full stop, would not engage in community discussions about where was the best place or what we could have, what we could not. They were just, “Do not want to know, no expressway” which actually mean that we could not have discussions. It was very hard to have community discussions, they were vehemently opposed. There was no expressway.

There were statements like, you know, virtually, “We will build a two lane road and if NZTA want four lanes they can come and build it.” Now that was just prior to the two options coming out.

Then when we had the initial consultation it became very clear that the council would have to accept that there was going to be an expressway and even in their words they joined the alliance because it was better to be in the tent than out of the tent.

We have leading political figures making comments that that road (meaning the expressway) will not going past that school (meaning Te Ra) and will not go through the park. That is statements from leading political, from the council.

CHAIRPERSON: This is KCDC politicians?

MS DONALDSON: KCDC, yes. So leading politicians making public statements of that road, will not go past that school and will not go through the park, and then we have those options come out, we will destroy homes. And try and get any sense out of why, the reasons put
up by NZTA do not stack up. It appears that if it was going to be – the Western Link Road designation was going to be used in that area then perhaps council was going to fight it and that would have caused delays, whereas this options (destroy homes) is not going to have council putting up opposition.

CHAIRPERSON: Anything else?

MS DONALDSON: No.

CHAIRPERSON: Did you want to say something about Kapiti Coast Grey Power Association?

MS DONALDSON: Oh, sorry, that was the second – yes, I just want to dissociate myself - - -

CHAIRPERSON: No. No, that is fine. I just wanted to make sure we did not miss it.

MS DONALDSON: Oh, okay. No, I want to dissociate - - -

CHAIRPERSON: So is there anything else you want to – I will just see if Board members have any questions on your personal - - -

COMMISSIONER BUNTING: Yes, I have a question.

MS DONALDSON: Mm’hm?

COMMISSIONER BUNTING: In your submission, you know, the form you had to fill in, tick the boxes and so on in August – do you remember that one? Have you got a copy there?

MS DONALDSON: Yes.

COMMISSIONER BUNTING: You also talked about the Peka Peka interchange - - -

MS DONALDSON: Oh, sorry.

COMMISSIONER BUNTING: - - - but you have not made any reference to it at all.

MS DONALDSON: Sorry. On the Peka Peka one I think that should be full interchange, the reasons being that there is development already underway and proposed out there. I think the arguments were just to have limited access available there was to try and avoid development in

Kapiti Coast 12.12.12
that area but it is happening anyway, and I think if we proceed with just
a limited access interchange in that area it will not be long and we are
going to have to be spending more money to change it for a full
interchange.

It also denies – without a full interchange it denies all the people living
out that area in Te Horo access to – speedy access into Wellington. It
would mean they would have to still trundle down through the local
roads to either access at Te Moana or carry on down what is currently
the main road and access down at Raumati.

But I just think it is short sighted there is already a lot of development
plans out there and we would be turning around spending a lot more
money to improve that access.

COMMISSIONER BUNTING: Okay. And you have also mentioned some
conditions about construction mitigation?

MS DONALDSON: They come up also in the Kapiti one but I can - - -

CHAIRPERSON: Well leave them and spe

(INDISTINCT 4.17)

MS DONALDSON: I mean I disassociate myself from Kapiti Grey Power,
from those other statements that I made about the Raumati South
except that for Kapiti Grey Power we have members living along there
and do not accept the reasons put up as valid reasons for destroying
their homes.

The stress it is creating is huge. They are at a time of life that they
cannot suddenly turn – even if you gave them full replacement value
they cannot turn around and start, they have not got the time to develop
another property how they want it – 60s and 70s, you cannot just go
somewhere else and suddenly start from scratch and no amount of
money can make up for that. They should be at a stage now - - -

CHAIRPERSON: You are making me field very old today.

MS DONALDSON: Well I put it would you actually be forced into buying
somewhere else and having to start from scratch?

CHAIRPERSON: Well age may force me anyway, so - - -

MS DONALDSON: It is not enough time to – you know, you are at a stage
where you actually want to sit back and enjoy what you have done and
keep adding to it, so - - -
CHAIRPERSON: No, I understand what you are saying. I was being a little facetious, as you know.

[12.04 pm]

MS DONALDSON: No, that is alright.

So for the Raumati South, yes, Kapiti Grey Power, we do have members there who are affected hugely and we do not think that there have been valid reasons put up for that chosen as the preferred option.

Then the mitigations for construction, the main ones are like the construction periods - that we have to take into account that people who are living along the construction route will invariably either be working (and often working lives are stressful) or they will have young children, or they are elderly. And you cannot have construction going to late at night every single night and also seven days a week.

There must be Sundays at least as a minimum that there is no construction. Construction should really finish – I mean, I would like to say 7 o’clock at night but that is probably going to be unrealistic, but certainly not late into the night.

Again, a lot of people – I will use myself as an example, work in town so you are often getting up between 5 and 6 in the morning, you are often not back home until 7 – between 6 and 8 in the evening. You do not want to go to bed and not be able to sleep because you have got that construction – not only the noise but the vibration.

Also you need time on the weekend to be able to sit outside and enjoy just peace and quiet, you want to be able to hang your washing out without dust and that getting all through it. So the mitigations on the construction for Kapiti Grey Power is the time factors.

COMMISSIONER BUNTING: Can I just follow up on that? Have you had a chance to see the conditions that the Transport Agency have put forward for dealing with a number of these?

MS DONALDSON: I think we initially did and they were not that great but I think they might have changed.

COMMISSIONER BUNTING: Yes, they - - -

MS DONALDSON: That was our other concern too, was that the raft of folders to have to work through to find out what could affect you and
20 days to make submissions on it, that as a suggestion for the future maybe it needed to be arranged in sections so that if you live in a certain section you would know what to go to and then arranged in – but I know that is a bigger piece of work...

CHAIRPERSON: Well perhaps we can suggest at the end of the hearing today (and these are by no means final and they are dependent on the decision we make about whether or not we allow the application) but as I explained at the beginning, it is not a matter of predetermination but our time constraints mean we have to consider conditions at the same time.

They have developed considerably in the course of the hearings to date and the ones that you have specific concerns about in your submission perhaps the EPA staff would be able to point you to where they are at now and if you still had concerns we could accept a further written submission from you on those perhaps.

MS DONALDSON: That would be appreciated, thank you. Yes.

COMMISSIONER BUNTING: That was all I had. Thank you, sir.

CHAIRPERSON: Anything else? Thank you very, very much.

MS DONALDSON: Thank you for the opportunity.

CHAIRPERSON: It is not an opportunity, it is your right and it is an important right that has been exercised by a number and will continue to be exercised by residents. It is a very, very critical part of the process.

MS DONALDSON: Thank you.

THE WITNESS WITHDREW [12.08 pm]

CHAIRPERSON: So that is the end of the evidence and submissions for the day I understand.

MS GREGORY: Yes, I just thought I would bring to the Board’s attention questioning from Commissioner Bunting that the – I know there are a lot of documents behind you but the plan set includes the land requirement plans and then identifies in a schedule who owns those properties. So if you are wanting to find a submitter and where they live and what part of their property is required that information is there and we could point you to anything if that would be helpful.
CHAIRPERSON: Thank you.

DISCUSSION

5 CHAIRPERSON: We will adjourn until tomorrow morning, thank you.

MATTER ADJOURNED AT 12.09 PM UNTIL THURSDAY, 13 DECEMBER 2012