

BOARD OF INQUIRY

EAST WEST LINK PROPOSAL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

of a Board of Inquiry appointed under s149J of the Resource Management Act 1991, to consider notices of requirement and applications for resource consent made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland

**EVIDENCE OF SCOTT PALMER, DIRECTOR,
THE LOCAL LOCKUP LTD**

22 May 2017

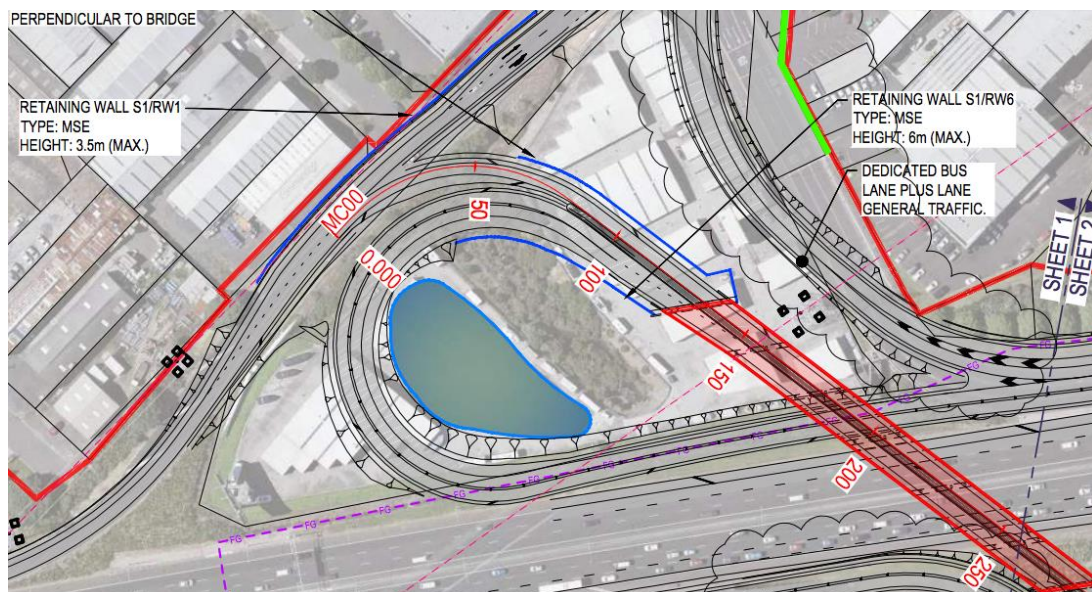
<p>Counsel</p> <p>Dr Grant Hewison PO Box 47397, Ponsonby, Auckland, 1011 grant@granthewison.co.nz mob: 021 577869</p>	<p>Counsel</p> <p>John Burns, Consultant K3 Legal Limited M +64 (0)21 186 8212 9th Floor, West Plaza, 1-3 Albert Street, Auckland 1010, New Zealand P +64 (0)9 366 1366 F +64 (0)9 366 1363</p>
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INTRODUCTION

1. My full name is Scott D'Eyncourt Palmer.
2. I am the Managing Director of The Local Lockup Ltd, which is the owner of the land at 11 Gloucester Park Road, Onehunga.
3. I designed and built up The Local Lockup Ltd business, which now trades as Storage King Onehunga.
4. The Local Lockup Ltd has been open for business for 18 and a half years and it supplies storage services to the local Onehunga community. The Local Lockup Ltd has a total of 600 units and at present has 525 licensees.
5. I have been in the 'industrial property' industry for 40 years. I own and manage my own property holdings in both Auckland and Melbourne. The Local Lockup Ltd is crucial to my income earning capacity and is returning me 30% on my investment.

QUALIFIED SUPPORT

6. While I mainly wish to address issues pertinent to my property, I do wish to say that I have been in general agreement with the idea of an East West Link since it was first put forward by John Key six years or so ago.
7. However, where I firmly disagree is with the final design of the East West Link, especially at the Onehunga end of the Project.
8. As can be seen from the plan below, the proposed design of the two ramps (southbound to Mangere and the approach to the new bridge over SH20) are over the land occupied by Local Lockup Ltd at 11 Gloucester Park Road, Onehunga.



ECONOMIC/SOCIAL IMPACT

9. The proposed Notice of Requirement includes all of the 1.89ha at 11 Gloucester Park Road, Onehunga, which is the entire site occupied by The Local Lockup Ltd.
10. In response to the Notice of Requirement, The Local Lockup Ltd raised the following concerns in its Submission:
 - Adverse effects on the economic well-being of Onehunga, Auckland, and the nation in particular unnecessary destruction of existing businesses and unnecessary use of valuable land
 - The proposed designation would require the land on which The Local Lockup business is located, to be acquired via the Public Works Act. This would require the business to close. THERE WOULD BE SIGNIFICANT ADVERSE ECONOMIC IMPACT ON THE SUBURB OF ONEHUNGA, AS UP TO FIVE HUNDRED AGREEMENTS WOULD HAVE TO BE TERMINATED.
 - Adverse social impacts on the Onehunga community, by the loss of 500 storage agreements used by business and residential clients, which will be caused by the closure of The Local Lockup storage operation at 11 Gloucester Park Road
11. This elicited a surprising response in the Statement of Primary Evidence of John Williamson on Behalf of the New Zealand Transport Agency.

Submission by The Local Lock Up (#126269)

- 9.6 I note that this submission contends that the Project will create an “adverse effect on the economic well-being of Onehunga, Auckland and the nation” and that this will arise in particular through the destruction of existing businesses and the unnecessary use of valuable land.
- 9.7 My evidence demonstrates that the Project will be beneficial to Onehunga’s, Auckland’s and New Zealand’s economy. The Project will create impacts on certain landowners, for which they will be entitled to compensation. The submission does not recognise that others will benefit from the Project.

12. I don't think Mr Williamson understood the concerns of The Local Lockup Ltd in regard to the licensees that use the facility.
13. While the EWL Proposal has continued to promote its expected economic benefits, the Proposal did not (and still does not) identify and assess the economic costs.
14. As noted in the AEE, the outcome of an analysis undertaken by NZTA is that the 'directly affected' landowners at this stage included approximately 55 residential properties and just over 60 business/commercial/other landowners (the largest being Auckland Council whose landholding includes business, commercial and open space), but also including Mercury (see AEE, page 170, Footnote 55).
15. Nowhere does NZTA identify and assess the economic costs to all these businesses being affected and potentially closed, or to residences and Auckland Council.
16. While I am not an economist, in my mind, to properly assess whether the EWL Project will have an overall economic benefit to Auckland or New Zealand, it is necessary to quantify its economic costs.
17. This exact point is made clearly in the evidence of Kieran Murray, an expert economist for Mercury NZ Limited.

1. The New Zealand Transport Agency's (NZTA's) economic evidence, presented by Mr Williamson,¹ does not assess the economic costs of the East West Link proposal, and does not quantify the economic benefits.

18. I am alarmed at Kieran Murray's conclusion that it is not certain the East West Link proposal would result in a net economic benefit; that is, the proposal could have an adverse effect on the economic wellbeing of New Zealanders.

RADIUS LOOP AT ONEHUNGA END OF EWL

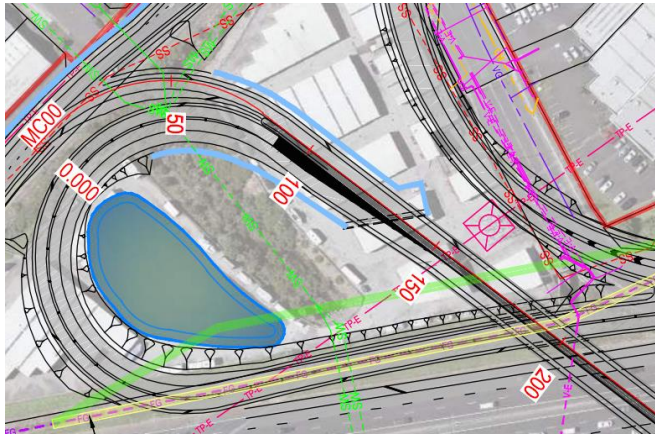
19. It appears from the Primary Evidence of NZTA that while the radius of the loop at the Onehunga end of the EWL is designed for semi trailers up to 18m in length, it will not be able to accommodate semi trailers longer than that.
20. Larger trucks will not use the interchange if the camber is too tight, when they can still use the old ramp. This would discourage larger trucks using the EWL and would encourage them to continue using the Neilson Street ramp.
21. It is also now not uncommon in Onehunga to see truck and trailer units up to 25m in length. It appears that these 25m vehicles will not be able to use the EWL because the radius of the loop is too tight.



22. This casts doubt in my mind about whether the EWL can achieve one of its main objectives to improve the movement of freight through this area.

TRANSPower TOWER 31 AND LINES

23. I have reviewed the Assessment of Environmental Effects ('AEE'), the Drawings for the EWL, the Primary Evidence of NZTA, the Evidence of Transpower and have several concerns regarding Transpower Tower 31 on the HEN-OTA 220kv line, located within the property owned by The Local Lockup Ltd and the overhead 220kv Transpower lines that traverse our property.



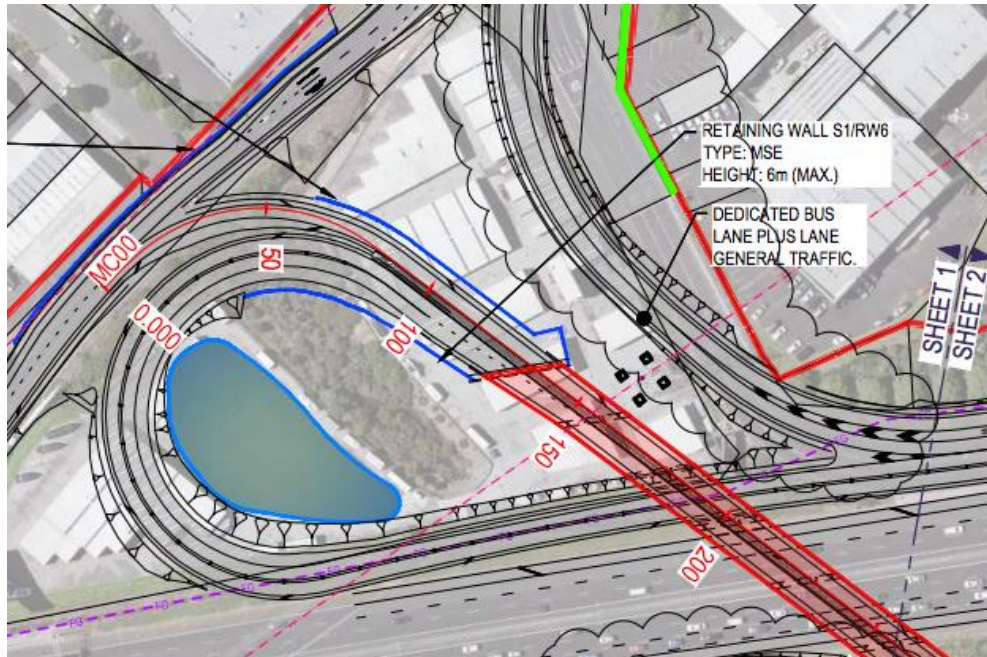
24. The AEE states that the Henderson - Ōtāhuhu A (HEN-OTA A) 220kV line crosses SH20 just south of Neilson Street. Tower 31 is positioned between the EWL/SH20 southbound on-ramp and the EWL/Neilson Street overbridge. The AEE also states that the foundation will be protected which means that the tower and lines can remain unmodified.
25. However, the Transpower Submission (at page 4 of Appendix A) contradicts this statement and instead states below that:

Tower 31	<p>Sheet 1. Tower 31 is shown located immediately between two new ramps. As drawn, the ramps would need to move or the tower be relocated.</p> <p>Practical access and any changes to height to achieve electrical clearances to be confirmed.</p> <p>Tower 31 is shown within a construction yard.</p> <p>Access will need to be retained to this structure during project construction and establishment.</p> <p>Operation of the yard will need to be managed to protect the Transpower tower.</p>
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26. In his Primary Evidence on behalf of NZTA, Mr Nancekivell states in Annexure E that the road alignment has been adjusted to provide greater clearance to Tower 31.

Transpower Towers	Drawing Set 3 - Road Alignment, sheets: AEE-AL-101 and AEE-AL 102,	Road alignment adjusted to provide greater clearance to Towers HEN-OTA-A tower 31 MNG-ROS A tower 33	Mr Nancekivell's evidence Annexure F.
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27. As Mr Nancekivell states, he includes a new Drawing in Annexure F.



28. However, I cannot see from the Drawing exactly how the road alignment has been adjusted to provide greater clearance to Tower 31.
29. On behalf of The Local Lockup Ltd and others, a letter was sent between our lawyers and NZTA's lawyers asking more specific questions about Tower 31. (See Appendix).
30. Of note in the response from the lawyers for NZTA is that as detailed design of the East West Link had not commenced, only indicative information could be provided in relation to the location of road structures in relation to Tower 31.

"Updated road alignment plans are attached to the evidence of Mr Nancekivell. Based on these plans, the SH20 over bridge approach is located approximately 5.30m from Tower 31 and the EWL to SH20 Southbound onramp is located approximately 6.55m from Tower 31."

31. I note that these distances of 5.30m and 6.55m breach the requirements of the New Zealand Electrical Code of Practice (NZECP 34: 2001).

2.4 CONSTRUCTION OF BUILDINGS AND SIMILAR STRUCTURES NEAR OVERHEAD ELECTRIC LINE SUPPORTS

- 2.4.1 Except with the prior written consent of the overhead electric line owner, no building or similar structure shall be erected closer to a high voltage overhead electric line support structure than the distances specified in Table 1. The distances in Table 1 are to be measured from the closest visible edge of the overhead electric line support foundation, and the nearest part of the outermost part of the building. Refer to section 3 of this code for minimum safe distances between buildings (and other structures) and conductors.

TABLE 1 MINIMUM SAFE DISTANCES BETWEEN BUILDINGS AND OVERHEAD ELECTRIC LINE SUPPORT STRUCTURES

Circuit Voltage	Pole	Tower (pylon)
11 kV to 33 kV	2 m	6 m
Exceeding 33 kV to 66 kV	6 m	9 m
Exceeding 66 kV	8 m	12 m

32. As a consequence, it appears that the EWL Project (being a structure) will need prior written consent of Transpower.
33. Finally, the evidence of Roy Noble on behalf of Transpower New Zealand Limited: lines and substations (Part 1, Appendix C) states:

Tower 31	<p>Sheet 1. Tower 31 is shown located immediately between two new ramps. As drawn the ramps would need to move or the tower be relocated.</p> <p>Practical access and any changes to height to achieve electrical clearances to be confirmed.</p> <p>Tower 31 is shown within a construction yard.</p> <p>Access will need to be retained to this structure during project construction and establishment.</p> <p>Operation of the yard will need to be managed to protect the Transpower tower.</p>	<p>Additional drawing (AEE-AL-101 attached to the evidence of Noel Nancekivell) shows ramps realigned to avoid tower.</p> <p>Transpower needs additional assessment and confirmation of crash barrier type, but understands that work is being undertaken.</p> <p>Transpower has been provided information indicating suitable access.</p> <p>Access for construction will be addressed through conditions.</p>
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34. I remain concerned that the Additional Drawing does not clearly show how the ramps have been realigned to avoid Tower 31 by 5.30m and 6.55m. I also remain concerned that Transpower needs additional assessment and confirmation of crash barrier types and that this work has not been completed.
36. In that regard I note that there have been accidents involving trucks and containers in this locality.



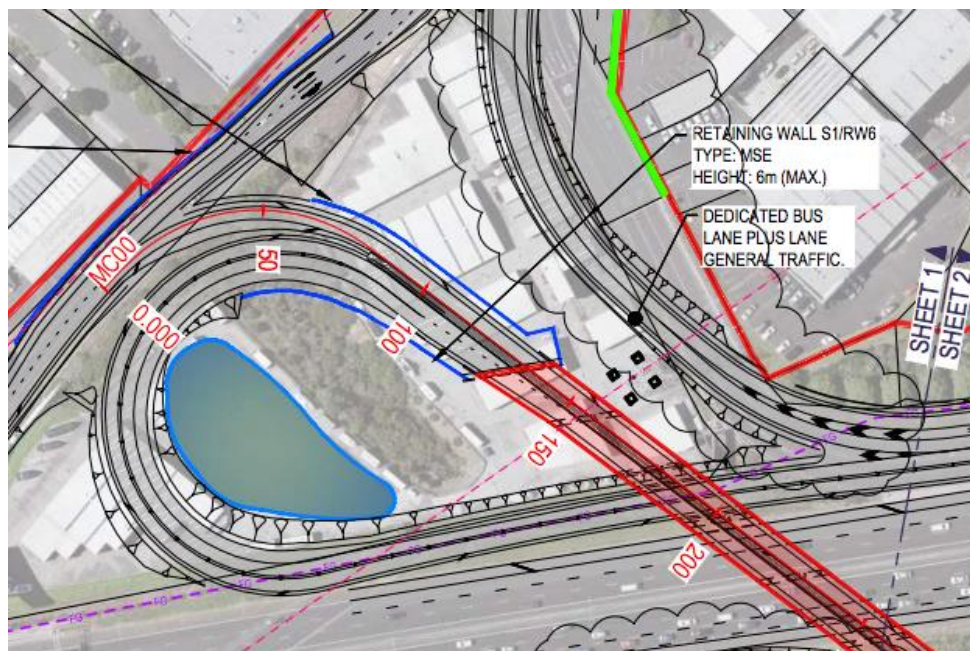
And an accident involving another truck close to Tower 20, on the 110kv line.



37. As noted above, my understanding is that Transpower can give a written approval (or a dispensation) to the distance requirements under NZECP 34: 2001.
38. As Mr Noble points out in Part 1 of his evidence (paragraphs 70 to 75), Transpower only infrequently grants dispensations in relation to structures and when it does so, it carefully considers the risks on a case by case basis (such as the context of the surrounding land use and probable future uses, safety (both public and that of Transpower's maintenance and contracting staff) and also the ability to operate, maintain and upgrade the Grid now and in the future.
39. While I am no expert, I think the risks regarding Tower 31 because of its close proximity to the EWL on a tight bend suggest a dispensation would be inappropriate in this case.

REQUIREMENT TO TAKE ENTIRE PROPERTY AT 11 GLOUCESTER PARK ROAD, ONEHUNGA

40. Looking at the plans again, I note that the indicated bridge structure only occupies the lower part of the site at 11 Gloucester Park Road and physical access to the balance of the land from Gloucester Park Road will still be possible when the indicated bridge structure has been built.



41. Given this, I do not believe it is necessary that all of the land at 11 Gloucester Park Road needs to be designated.
42. As I noted earlier, I believe the taking of all the land at 11 Gloucester Park Road will cause my family and the local community considerable social and economic hardship with the closure of The Local Lockup Ltd.

BACKGROUND/CONSULTATION

43. Along with my neighbor, Mr Jim Jackson, I have been attending public meetings arranged by NZTA since 2013.
44. In my view, in the most part these meetings have been poorly run, provided very limited information and overall, a waste of time. I dispute the claim by the staff of NZTA and their road designer, BECA, that they have listened and taken notice of the community's views and my personal views.
45. I was very upset by the final changes made by NZTA to the Community/OBA Design that transformed it into something that was never proposed by the community. The changes made by NZTA to the community design and then the way they have been conveyed through the NZTA alternative options analysis has been, in my view deceitful. As initially designed, there were savings of 2.1kms per trip for traffic travelling from the east to Mangere and a similar saving in the opposite direction. This was on top of the time and distance savings in the proposed Community/OBA Design. This was produced by building just one further crossing over the Mangere inlet (not two as shown in the altered NZTA design).
46. In terms of consultation, my feelings on this subject are well known to NZTA staff. In reading their evidence, I have been very disappointed at the claims that there have been one-on-one meetings with me. In this regard, I refer to the evidence of Mr Nancekivell, Ms Lindsay and Mr Harrington. In the case of Mr Harrington, I believe I have never met him.

47. I have been to most open public meetings about the Project since 2013. At none of these meetings have I ever been taken aside and spoken to personally. In this regard, I wish to add my voice to the number of other submitters who have voiced their concern about the so-called 'consultation' and the claims that the planned options have been adjusted in light of concerns raised by the community. In my view, the issues raised by the community have not been incorporated. For example, see the Maungakiekie-Tamaki Local Board section of the Auckland Council Submission at 18.2 and that of the Mangere Boating Club, which states that: "Consultation to date has been primarily telling us what they are doing, while pretending to listen to what we want, but then not incorporating any of it."
48. I also refer you to a review by Vivien Twyford, a contractor employed by NZTA, to liaise with affected parties.
49. I was also shocked by the invitee meeting held at Mt Smart Stadium. It was conducted by Miranda O'Connell, who was introduced as an associate of Vivien Twyford. In my view, the less said the better of this so-called 'community-consultation' meeting.
50. I wish to record the following comments in reply to the Primary Evidence put forward by NZTA.
51. Mr Chris Bauld says in his Summary of Conclusions at paragraph 8.1(a) that the design development of the OBA Option appeared to be a reasonable interpretation and development of the original options formulated by the Onewhanga Business Association. I disagree with this. In my view, NZTA provided him with altered designs and not the actual designs put forward by the OBA.

52. Andrew Murray says he spoke to me, but my recollection is that he did not.
53. Scott Wickman says in his Evidence at paragraph 8.1 that: "At all stages the design of the Project has been constantly refined in response to the feedback received." I disagree with this statement. In paragraph 8.14, Scott Wickman says that a number of conditions raised by Transpower have been agreed. This is not acknowledged by Transpower. It is followed by suggested changes by Ms Hopkins which have also not been agreed.
54. At paragraph 10.33, Scott Wickman notes that there will be inevitable impacts on existing land uses. If he had bothered to ask me, I would have told him that the taking of my land affected my family and 520 others in the area is a serious and unnecessary impact.
55. In Noel Nancekivell's evidence at paragraph 2.3, he claims expertise in geometric design and safety standards of road design. I am concerned, however, that he has now designed a road that is unable to take the new-era 25m long truck and trailer units. He has also designed ramps within 5-6m of Transpower Tower 31 when the standard for safety is 12m.
56. Mr Nancekivell also states that he has liaised with landowners whose properties are required for the Project. I dispute that.
57. At paragraph 9.6, he says: "No matter how many safety measures are developed, factors outside of our control, such as driver error mean that road crashes will still occur." I am concerned about what will happen when Tower 31 is struck in an accident by a vehicle. If the Tower falls or is out of commission for any length of time, the result is not worth thinking about.

58. In their submission, at paragraph 2.3.7, Auckland Council have expressed concern about the suitability of the road for large and over-dimension vehicles. Nowhere in Mr Nancekivell's evidence does he address this issue raised by Auckland Council, especially the tight alignment of the ramps in the vicinity of Tower 31.
59. In her Evidence on Engagement at paragraph 5.3, Amelia Linzey she claims to have been an independent conduit for others. I dispute this. At paragraph 6.6(d) she also claims individual landowner meetings were held. However, she did hold a meeting with me. At paragraph 8.3, Figure 1, Phase 2, she sets out 'Engagement with Potentially Affected Landowners' and states that they were informed of impacts. This didn't occur with me. At 9.1(f), she sets out landowner meetings after the lodgment of the application. I do not recall any occurring with me.
60. Finally in the AEE, at paragraph 12.4.4, it states that the Project philosophy has been to avoid and minimise potential adverse impacts on businesses. However, I was not consulted about what would occur if The Local Lockup Ltd had to close. If I had been consulted, I would have advised of the huge impact on the local community who use our facility. The comments in paragraph 12.4.11 of the AEE were never followed as far as my business was concerned.
61. There seems to me to be a dis-connect between what is said in the AEE Overview in section 12.5 and what has occurred, because there are now objections to the EWL from Transpower, Mercury, Kiwirail and First Gas.

STREAM

62. Another feature on our site that has not been picked up is the stream which takes stormwater out to the Manukau Harbour under SH20. It can be seen on Drawing AEE-AL-101, which shows the loop drawn over the existing storage units.
63. A new pond is drawn where there are presently 193 units. The existing stream has been filled in at the northern part of the loop. This is an action that was not permitted when I asked to be able to do that, five years ago.

CONCLUSIONS

- 64. While I have been in general agreement with the idea of an East West Link, I firmly disagree with the final design, especially at the Onehunga end of the Project.
- 65. I don't believe the benefits of the Project will outweigh the costs.
- 66. I don't believe 25m vehicles will be able to use the EWL Neilson Street Interchange because the radius of the loop is too tight.
- 67. It seems that the EWL Neilson Street Interchange has to pass so close to Transpower Tower 31 that it will need a dispensation or the tower removed. At this very late stage in the proceedings, no dispensation has been granted nor any plans to move the Tower. It is in a very dangerous location.
- 68. I do not believe it is necessary that all of the land at 11 Gloucester Park Road needs to be designated.
- 69. I do not believe there has been adequate engagement or genuine consultation with myself or more widely, with the community.



Scott D'Eyncourt Palmer
Director
The Local Lockup Ltd

22 May 2017