

BOARD OF INQUIRY

**East West Link
Proposal**

TRANSCRIPT OF PROCEEDINGS

East West Link Proposal

**HEARING at
HUNTERVILLE ROOM, ASCOT STAND,
ELLERSLIE EVENT CENTRE,
80 ASCOT AVENUE,
REMUERA,
AUCKLAND
on 5 July 2017**

BOARD OF INQUIRY:

Dr John Priestley (Chair) CNZM QC

Mr Alan Bickers (Deputy Chair) MNZM JP

Mr Michael Parsonson (Board Member)

Ms Sheena Tepania (Board Member)

Hearing Proceedings

Day 07 Wednesday 5 July 2017

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[9.02 am]

DR PRIESTLEY: Thank you. Yes, good morning, counsel. As you will have noticed we are without Mr Parsonson this morning but he will be here just after the morning tea adjournment. The hearing procedure rules do set out that we can proceed with a quorum of three of the four of us and there will be the odd occasion where members of the panel will have to absent themselves for brief periods of time but if that does occur we will organise it in such a way that the witnesses or submissions concerned at the time of absence aren't totally inside that particular panel member's area of expertise. But for most of the time all four of us will be here so don't get too optimistic if one of us isn't here for a little while.

All right, now, Mr Burns, you are continuing.

MR BURNS: Yes, good morning, members of the Board. Just before I address the final brief part of my legal submission, I went back to the report of the Board of Inquiry on the proposed New Zealand Coastal Policy Statement following our brief discussion yesterday to see what it said about the basis for its policies against reclamation. I didn't find in that anything which particularly said we have a concern that if people can reclaim land to do things it would be cheaper and easier than building it on land, they didn't say that specifically.

[9.05 am]

The nearest thing I found - and I'll give the link to the Board because I haven't had time to copy the whole thing off - policy 10 in the New Zealand Coastal Policy Statement is discussed on page 7 of the report under the heading, "Subdivision use and development policies 8 to 12" and this is policy 10. What the Board of Inquiry into the NZCPS, chaired by Her Honour then Environment Judge Kenderdine, said was this:

"We appreciate that the use and development of the coastal marine area with its emphasis on public open space has a different starting point from the land. The Act recognises the difference with limitations on activities and the duration of consents in it. There is also little of the coastal marine area in private ownership, a point not understood by many living alongside and taking advantage of it. Accordingly, there is a need for a specific policy setting out the basis of the use and development of the coastal marine area, that includes the general principle that it is not a place for activities that do not have a functional need to locate there, a direction from the previous New Zealand Coastal Policy Statement."

That, as it says, follows up the earlier 1994 New Zealand Coastal Policy Statement direction about a functional need for things which happen in

the coastal marine area.

DR PRIESTLEY: Right, so it wasn't quite as you put it in your submissions yesterday but it is nonetheless a valuable interpretative aid for us making, with respect, the obvious point that coastal areas are different from land but also subject to Māori and other claims and riparian rights. It is not exactly the same as private land but in the public domain.

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I think what I'll ask you to do, particularly given Mr Hewison's impassioned plea yesterday on resources, is if you could give that link during the interval to the EPA staff and we will direct that actually be printed out for us and anyone else who wants a copy so we've got it there. That saves you having to replicate it for us.

15

MR BURNS: I think that is the best way, and you also have the whole context of the comments.

DR PRIESTLEY: Thank you, that would be great.

20

MR BURNS: The other thing that triggered in my mind was whether there may be any cases which contain comments relevant to that and I haven't had the opportunity to do a comprehensive case law research but I'll do that and if I find any perhaps by memorandum draw them to your attention. It did raise in my mind just, from memory, that there are relatively few cases about reclamation and the two main ones I could think of were the **Fergusson Container Terminal**, which was an Environment Court hearing and the **Marlborough New Zealand Rail** one which went to the High Court and resulted in a definitive decision of His Honour Justice Gregg.

25

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DR PRIESTLEY: That must have been a long time ago.

MR BURNS: It was a long time ago and that in fact is my point, both those cases --

35

DR PRIESTLEY: Justice Gregg retired before many of the people in this room were born, I would have thought.

40

MR BURNS: Yes. Both those cases were in the early 1990s and it occurs to me, and I will see if it's borne out when I have a closer look at the cases, that since the first New Zealand Coastal Policy Statement in 1994 and its strong policies against reclamation, the level of discouragement has been that very few people have actually applied for substantial reclamations which is why the two leading cases are those early 1990s ones before the NZCPS. I am not sure that there is merit in that or not but I will have a look at the cases and if there perhaps then develop it later.

45

DR PRIESTLEY: A planning authority on reclamation which predates the arrival of the

policy statements, and particularly the same policy as its set out in the unitary plan, probably is not going to be very persuasive, is it?

5 MR BURNS: Correct, and I'll see if there's any authority post that, but I rather suspect there isn't much.

DR PRIESTLEY: All right, that is helpful but if you find anything which you think is going to be helpful by all means let us know.

10 MR BURNS: Thank you.

15 MR BICKERS: There are two reclamations that I'm aware of in Tauranga, the Waikareao Expressway, but that was subject to specific legislation and also the reclamation of the Port of Tauranga but I think again subject to specific empowering legislation. I don't know whether that's of assistance.

[9.10 am]

20 MR BURNS: That's right. Apart from that it's hard to think of one but, yes, thank you.

25 Now, the final point is economic and financial considerations, paragraph 180. While the submitters consider the benefits of the road in its presently proposed form do not justify its costs they accept that as a matter of law that is not in itself a reason for the Board to decline the applications. If NZ Transport Agency wants to expend substantial resources for little benefit in the process creating an arterial road, not a highway or motorway, as the most expensive road in New Zealand's history, that is a matter for NZ Transport Agency. However, the extent of the benefits is relevant insofar as NZ Transport Agency advance them in support of why the acknowledged significant adverse effects of the proposal should nevertheless be allowed to occur.

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35 If those benefits are not as great as contended by NZ Transport Agency or are outweighed by the costs then the justification for creating those adverse effects falls away.

40 In our submission, in the absence of an updated cost benefit analysis the Board is left in a state of doubt as to the extent of the benefits of the proposal compared with its costs. In those circumstances, the Board cannot conclude the benefits outweigh the costs and that would be a reason, if that is the conclusion, that the applications should be declined.

45 The way I often put it is that for submitters economics is a shield not a sword. We are not advancing economic failure as a reason you should decline but if NZ Transport Agency put up economic benefits as being

in the plus side of the equation then we are entitled to say those economic benefits are not as great as contended for and therefore the plus is less.

5 Now, looking at your effects analysis, you are going to end up looking at a column of alleged positive effects and in particular the economic benefits which NZ Transport Agency place squarely in the plus column, and then in the minus column you are going to have a number of contended adverse effects, ecology, landscape, Onehunga community and so forth.

10 So in my submission the relevance of questioning the economic benefits is a diminution of the positive rather than something in the negative column. Does that answer your question, Mr Bickers?

15 MR BICKERS: I understand what you are saying, I still don't understand why you reached that conclusion. Let's say the benefit cost ratio is less than one, let's say it was 0.8, why should the application be declined. You have already said it's NZ Transport Agency's business whether they want to build the most expensive road in history, whether or not there are economic benefits. At the end of the day, it's a matter between the NZ Transport Agency Board and the government that provides its funding.

20 MR BURNS: Yes, let's say the cost benefit ratio is very good, is 3, then in weighing the positive and adverse effects of this proposal, you've got in the plus column something with really good economic benefits. It's got a plus 3 and you're weighing that against the alleged adverse effects on ecology, on avifauna and so forth. Let's say the cost benefit ratio is really poor, it's 0.5, you are still in the column, "The positive economic effects", it's just there are a lot less. There's a lot less in the plus column --

25 MR BICKERS: Okay, so it's a cumulative thing.

30 MR BURNS: So therefore it's relevant.

35 MR BICKERS: Yes, you're just saying the balance. It's another factor that changes the balance into the negative.

40 MR BURNS: Yes, exactly.

MR BICKERS: Yes. It's not that there is any statutory provision that says it must be a

positive benefit cost ratio.

MR BURNS: Correct, exactly. It's not in itself a reason why you should decline it.

5 MR BICKERS: But combined with other factors.

[9.15 am]

10 MR BURNS: Combined with other factors, it may be a reason that tips the balance, yes.

MR BICKERS: Thank you, Mr Burns.

15 MR BURNS: Thank you.

DR PRIESTLEY: But at the end of the day, it strikes me, as somebody who never made a professional career out of planning law, that these balancing or weighting exercises are to some extent -- well, not only problematic, but they're also highly objective. I mean, it would be possible for the NZ Transport Agency - and they haven't gone quite this far - to say, "Well, travel times are going to be reduced by so many minutes on particular routes, the saving of diesel or petrol will be approximately \$X million. In addition to that, there will be a reduction in carbon emissions which we can value at \$Y million. There will be an increase in business efficiency spread amongst the businesses along the road" which would be quite difficult for the NZ Transport Agency to quantify, so on and so forth.

30 Then on the other hand, we've got the matters which you have correctly referred to, such as increased ecological risks, further severance from Onehunga from the foreshore or the wharf, etc, which you can't put a monetary value on at all. With respect to people who know much more about this than I do, it seems to me that this is ultimately a subjective and somewhat inaccurate assessment, very similar - in an area I do know something about - to weighing up the respective benefits which might flow to a child in a dispute over parenting. So there's no right answer to this, is there? Or am I just showing my total ignorance of planning law?

40 MR BURNS: No.

DR PRIESTLEY: Because you're more experienced than I am in this.

45 MR BURNS: I think we're both perhaps struggling a little with the dark art of economics.

DR PRIESTLEY: I'm okay on economics. If you want to talk about fiscal drag, I'll have

a conversation any time you like, if you want.

- 5 MR BURNS: Yes, it is the art of economics and cost benefit analyses, as I understand it, to try and value intangibles as well as tangibles. We're not calling in an economist, and I'm not sure I particularly want to go there.
- 10 DR PRIESTLEY: No, all right. Well, let me bring you back to your sword/shield analogy. I'm not quite sure of the point you're making. I mean, the sword and the shield used to be the maxim of equitable estoppel, so I'm fascinated to see this being dragged into an RMA dispute.
- MR BURNS: Oh, yes.
- 15 DR PRIESTLEY: How does that help you?
- MR BURNS: The sword and the shield analogy helps. We are not saying that a ground for declining the application would be a poor cost benefit analysis.
- 20 DR PRIESTLEY: Yes.
- MR BURNS: We're not saying you can decline the application because this thing would be a waste of money.
- 25 DR PRIESTLEY: So they're making a gold-plated highway, that's their problem. Yes, okay, I understand that point.
- MR BURNS: We're not introducing it as a sword, turn it down because it doesn't stack up economically, but if the NZ Transport Agency come in and say, "A plus for granting it are these big economic effects" then we're entitled - or other people here who are actually calling economists are entitled - to put up as a shield against that, "They're not as big as you contend".
- 30
- 35 DR PRIESTLEY: Oh, all right.
- MR BURNS: That's --
- 40 DR PRIESTLEY: But you've got to produce some evidence, and maybe you're doing this, that the many benefits sketched by Mr Mulligan, many of which do have an economic foundation, are flawed in some way or have been

exaggerated. Is that right?

MR BURNS: Yes, and we --

5 DR PRIESTLEY: And are you going to do that?

MR BURNS: We have not produced an economist, but fortunately other parties have.

10 DR PRIESTLEY: All right.

MR BURNS: Mr Williamson, so --

DR PRIESTLEY: So you'll ride on the coat tails of those others?

15 MR BURNS: We rely on Mr Williamson's evidence.

DR PRIESTLEY: No, I understand exactly where you're coming from, thank you. Where you're going to, I'm not sure, but I know where you're coming from.

20 MR BURNS: Yes, quite. Yes, we rely on Mr Williamson's evidence in that respect.

[9.20 am]

25 So just on that, I could actually give an example of a case which I was involved in where I think the proponent only contended economic benefits. It was the Central Plains Water Co down in the South Island. So the only thing they had in the plus column was the economic benefits. There were no environmental benefits. Here at least the NZ
30 Transport Agency contends certain environmental benefits from storm water and so on, but you had a case where the only thing in the plus column was economics and everything else was in the minus. In that case we did call an economist to challenge the extent of the plus, so you can get a case where the only contended positives are economics.

35 So turning to my text 182 - excuse me - furthermore, what the NZ Transport Agency cannot do is somehow cry poor when it comes to mitigation and say that the mitigation options sought by the parties and other submitters will be too expensive and make the prospect unviable. Here the question for the Board, if it decides the proposal may proceed,
40 is what is required to avoid, remedy or mitigate the acknowledged significant adverse effects that the proposal will cause. If the cost of that mitigation is so great as to make the project unviable, according to whatever criteria the NZ Transport Agency uses, that is the NZ Transport Agency's problem. It has the option of not proceeding or
45 proceeding with a revised project with fewer environmental effects and correspondingly fewer mitigation measures and less cost. But in our submission, the NZ Transport Agency cannot have it both ways. Its mitigation must be commensurate with the costs it is imposing on the

environment and on the community. That concludes my submissions.

DR PRIESTLEY: Thank you, Mr Burns. I'll just see whether other panel members have any questions.

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MS TEPANIA: Mr Burns --

MR BURNS: Sorry, I've actually got a blocked ear.

10 MS TEPANIA: I'll try to yell.

MR BURNS: Thank you.

15 MS TEPANIA: We're dealing with some bundled activity resource consents and yesterday you reinforced the proposition that the coastal plan of the unitary plan should be treated as a separate entity because of the way it reflects the NZCPS and because you have to get minister sign-off etc. So I understand that you can have bundling between different plans in terms of how you assess things, but the approach you proffered yesterday effectively siloes your consideration to the objectives and policies of that aspect of the plan under which consent is sought or that aspect of the plan of most relevance to that activity. My question: are you able to provide us with any case law that actually confirms that approach? So when you're considering reclamation, what is the case law that tells us that we limit our consideration to the coastal plan?

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MR BURNS: Not off the top of my head. It is a very relevant question. There is some case law on bundling, but I don't know if there is case law on bundling where a reclamation or coastal permits are included. I'm happy to take the opportunity to look that up and to revert to you, if I may.

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MS TEPANIA: Thank you. That would be helpful.

35 MR BURNS: Yes.

MS TEPANIA: The second part of that, I suppose, is also whether you can confirm that that approach would still be relevant to the unitary plan and whether there's case law. Now, not case law on the unitary plan, but on a unitary plan or a situation where you've got a unitary --

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MR BURNS: I'll also seek that out. There are other unitary plans, aren't there?

There's one in -- is it Marlborough or one of those --

MS TEPANIA: Marlborough and Gisborne, to some extent.

5 MR BICKERS: Marlborough, Tasman, Nelson.

MR BURNS: Yes, yes, so if there is case law on bundling within a unitary plan, it would relate to those unitary plans. Again, if I may, I'll check that out and revert to you.

10 MS TEPANIA: That would be helpful, thank you.

MR BURNS: Thank you.

15 MR BICKERS: I've just been pondering some recent examples of reclamation and I did mention the Port of Tauranga and I was thinking actually of an older reclamation there, but they've had a relatively recent reclamation which went to the Environment Court and, I think, to the High Court. So you might want to have a look at that.

20 MR BURNS: Yes.

MR BICKERS: So that's certainly within the last five years.

25 MR BURNS: Yes, thank you. Thank you very much. Thank you.

DR PRIESTLEY: Thank you, Mr Burns, that's very helpful. Now, Mr Hewison, I think you leap back to start at page 1. Is that where we're at?

30 DR HEWISON: Yes, sir. We're going to just summarise very quickly what we've presented to you over the last -- yesterday and this morning.

[9.25 am]

35 So as I said yesterday, submissions are made on behalf of The Onehunga Enhancement Society, Re-Think and the Manukau Harbour Restoration Society and they'll have slightly different interests and directions in terms of this. Manukau Harbour is much more of a concern to that society, whereas the Onehunga area is much more of a concern to the enhancement society. Although the parties support in principle the idea of an east west transport connection in Auckland, they do not support the East West Link, that is the option that's being proposed by the NZ Transport Agency, especially - and I think the Chair really summed this up yesterday - this Onehunga interchange end of the project. It just has too many adverse effects and there's just not enough mitigation. If there was enough mitigation, we're not even sure that that would meet the adverse effects, or our submission is that even some of the mitigation that's been suggested wouldn't go as far as it

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needs to.

5 If we go back to the idea of an East West Link, back to 2012, it was all about freight, it was all about connecting up those industrial areas of Penrose, Onehunga, East Tamaki, the port, the airport; it was about freight. But it's transformed to something a lot more diffuse, a lot more unclear over the intervening years, and it has become almost an environmental project with the reclamation that is being suggested.

10 In their opening submission, the NZ Transport Agency said, well, this area - particularly along the Mangere Inlet - is not a motorway. They likened it to Ponsonby Road and not a big ugly motorway. And indeed it does connect to a number of local roads this section, and traffic will be slowed to 60 kilometres an hour, making it a relatively slow arterial road.

15 So that analogy of Ponsonby Road and perhaps even Tamaki Drive, does come with some additional benefits: the reclamation, the cycling, the attractive areas to walk, the interrupted views of the harbour. If this had been the initial objective of the project then maybe that is something that the residents of Onehunga would have supported in terms of that access down to that area. But that is not what this project was about. It was about freight. It was about moving freight in and out of those heavy industrial hubs.

20 Our concerns in proposing a Tamaki Drive for that area is you're not going to meet that objective and, in fact, you're probably going to undermine it, particularly along the edge of that road, and you will see retail and you will see residential along that edge of the road. It's not as if these pressures aren't already underway. Onehunga itself but also all across Auckland, light industrial land is being taken up for retail and residential uses, because the cost of land in Auckland is now so much that those become viable options and viable options for developers.

25 Our concerns in proposing a Tamaki Drive for that area is you're not going to meet that objective and, in fact, you're probably going to undermine it, particularly along the edge of that road, and you will see retail and you will see residential along that edge of the road. It's not as if these pressures aren't already underway. Onehunga itself but also all across Auckland, light industrial land is being taken up for retail and residential uses, because the cost of land in Auckland is now so much that those become viable options and viable options for developers.

30 But Onehunga itself is a really, really important area now in Auckland. It's one of these four transform areas. It's where we're going to see - where we intend to have, underpinned by the unitary plan, underpinned by a lot of energy from the Auckland Council and from the Government and where we want - intensive housing. We want to have a centre that is connected to some fantastic rail options, to public transport options. But with intensive residential development you have to also provide open space. You have to provide the other aspects of amenity that people who live in small apartments want to have, and that's access in Auckland to the coast.

35 But Onehunga itself is a really, really important area now in Auckland. It's one of these four transform areas. It's where we're going to see - where we intend to have, underpinned by the unitary plan, underpinned by a lot of energy from the Auckland Council and from the Government and where we want - intensive housing. We want to have a centre that is connected to some fantastic rail options, to public transport options. But with intensive residential development you have to also provide open space. You have to provide the other aspects of amenity that people who live in small apartments want to have, and that's access in Auckland to the coast.

40 One of the major issues with this project is, while we've created perhaps this lovely coastal environment under the heavy industrial part of the project, we've done the reverse in Onehunga and created the big, ugly

interchange right in the middle of where we're trying to transform that part of Auckland into one of these four significant areas, and frankly we just don't think that works.

5 So our major concern is that this design at the Onehunga end of the project will sever that connection between where you're going to see lots of intensive apartments built, lots of terrace housing, lots of future urban development from its big attraction which is the harbour end and that's called the Wynyard Quarter of the Manukau.

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[9.30 am]

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And you can't take these things away. Once you build a structure like this it's there forever. So you're going to make a big call about the future of Onehunga in terms of this project and, as we saw on day one, even trying to just make a little change to an underpass, just to make that tiny little bit of that area more attractive so that people can access down to there requires the closing of State Highway 1 says NZ Transport Agency for potentially weeks, and that's catastrophic. So once you build these structures, once you've designed and built them, it's pretty hard to even make slight changes to make them more attractive, make them work better.

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Back inside this process the parties recognised, I suppose, this end of the project being of real concern. The Onehunga Enhancement Society is about Onehunga. That's where people like Jim Jackson grew up. That is where he had his business 40 years ago. That is where he went to high school. He knows that area of Auckland backwards, sideways, up and down. So do a lot of other members or pretty much all the other members of these societies. That's where their focus is. So when you start designing something in Onehunga they really get the idea of what the impacts are going to be.

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They saw the severance issue of the design and the project was going to be of major concern. They tried to come up with an alternative, "Okay. If we do want to have this freight movement through from the east to the west, how do we design the Onehunga end so it has less impact in terms of those severance issues than what the NZ Transport Agency has come up with?" So they got out their pens. They got out their bush engineer maps and they did the best job they could, and they came up with a design that they thought would avoid all of the interchange area here, that had a tunnel through under, that had another road that went out across to the south, just a simple idea.

45

Let's try and avoid stuffing up this part of Onehunga where we're going to see people travel across from intensive housing through to the foreshore, and then let's take that foreshore and that wharf and let's do a Taumanu. We had a huge success with the community spearheading

that project, Jim Jackson spearheaded that project and it's hugely successful. Let's do something really visionary and exciting again with that area, rather than put a big ugly interchange in it.

5 We've heard a little bit from John Burns about the economics of this and the community remain concerned that it just doesn't seem to stack up. There are perhaps some economic benefits from travel times but, in terms of that element of the project, is that enough to overwhelm, if you like, the really negative parts of this project which is about Onehunga and potentially just ending that transformation or creating a big barrier to it.

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15 The parties do have a concern about tower 31 and I'm not sure we've really tried to get that across, but tower 31 is going to have a big, elevated motorway structure within five metres of it. Trucks will come round that corner, who knows? Is there an accident there? Will it fall over? How do you protect a tower from that sort of compromise when it's almost half way up it? So we're not talking about the structure being at the ground level of the cell, we're talking about it being some way up it. We don't know. Hopefully the evidence will come through that Transpower and NZ Transport Agency have really thought through how you're going to protect that tower from trucks going along an elevated structure. We'll see but we remain concerned.

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25 DR PRIESTLEY: Mr Burns' answer yesterday is we underground them all but that is probably a slight overreach.

DR HEWISON: There certainly are some options to underground a number of these lines and probably if you stepped back from it and said, "Which ones might be really valuable to underground?" it's probably those lines going across the harbour. That's where you look out to the west. That's where the Taumanu, the wharf, those really attractive urban areas are going to be in the future and then, if you took away that visual impact of those lines that might be mitigation.

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[9.35 am]

DR PRIESTLEY: What I found paradoxical about some of your submissions, with respect, Mr Hewison, to the group you represent, although I accept totally their concerns and their sincerity, is that if the project is approved as requested you're going to have a very extensive Taumanu east right along the foreshore.

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45 Now your interesting argument yesterday was that this is not necessarily a good thing because it's going to encourage people to go there for recreational purposes and this is going to dilute and undercut what is clearly an industrial area. I understand that argument, but I would have thought that the focus - I'm not trying to tell you how to

5 run your case - of your argument must accept that, for better or for worse, State Highway 20 is already there, which is a substantial barrier between Onehunga and the Manukau foreshore. It's something with which Taumanu has to cope, although access is slightly further to the west, Normans Hill Road and those other roads which come down it are easier to get into Taumanu from there than it is from the mall itself. Your fundamental objection really boils down to the further severance being caused by these on and off-ramps. Isn't that the gravamen of your case?

10 DR HEWISON: That's the core of it, sir.

DR PRIESTLEY: Yes.

15 DR HEWISON: So we accept State Highway 20 is there. We'd probably say that that was the wrong decision back 30 years ago.

DR PRIESTLEY: Yes, but we can't unravel that.

20 DR HEWISON: No, you can't unravel that but you can make it slightly better. But what this project will do is make it worse.

DR PRIESTLEY: I understand that. That's helpful and I think that central core of your case is something which we do understand. I don't want it to be diluted by -- well, you can dilute it if you want but it would be unhelpful if it was diluted by other suggestions which have been made, like undergrounding and so on and so forth, yes.

DR HEWISON: Very good. Well, thank you, sir, and Panel. That concludes the --

30 DR PRIESTLEY: Can I make a totally irrelevant observation, as I do from time to time? I might have sounded slightly surprised or jocular yesterday about the flooding of the tuff ring crater but just thinking about that overnight, and obviously we can't do it but long-term, if it's feasible, that would actually restore what used to be a lagoon.

DR HEWISON: Indeed.

40 DR PRIESTLEY: And would give you a nice aquatic edge without necessarily having to psychologically go through State Highway 20 and all the other things to find some water. Long-term, Onehunga groups might like to think about that as something to achieve in the next quarter of a century.

45 DR HEWISON: Certainly, sir, one vision is for that, and you'll hear from the Onehunga Business Association about what that vision could be. It's a bit blue skies, but if you're thinking long-term --

DR PRIESTLEY: Well, blue water rather than blue skies.

DR HEWISON: Blue water.

5 DR PRIESTLEY: Thank you. Are you going to stay at the rostrum and then open on behalf of other groups?

DR HEWISON: I am. We're going to do a little bit of a tag team here.

10 MR BURNS: Sorry, I just need to make one correction. I said we relied on the evidence of Mr Williamson in respect of economics. We rely on the evidence of Mr Murray. Mr Williamson is actually NZ Transport Agency's expert.

15 DR PRIESTLEY: Mr Mulligan was probably feeling reassured.

MR BURNS: Yes. We won't get very far relying on his evidence. We prefer the evidence of Mr Murray. Thank you, sir.

20 DR PRIESTLEY: All right, thank you. Just give us a moment, Mr Hewison.

I'm going to get you to take this away, and we may have to start an openings vault. These are yesterday's openings. But get rid of this other stuff first. Thanks. Yes, just pick it up and take it with you, when you've got an EBM.

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[9.40 am]

30 DR HEWISON: All right. Thank you, sir. Thank you, Panel. So, these are opening submissions on behalf of Jackson Electrical Industries Limited, or Jackson Industries. Mr Jackson is the managing director of Jackson Industries, which is the occupier of land at 18 Gloucester Park Road. In some of the photos of Tower 31 that you've probably been shown, his property is essentially to the east of Tower 31 across the current road. He's operated there for the last 36 years.

35

Jackson Industries leases factory space from Selwyn Street Properties. The owner of the site and buildings and Selwyn Street Properties is owned by Jim and Caroline Jackson Trust. The site comprises seven properties each on its separate titles at this location, and the main entrance is at 18 Gloucester Park Road, Onehunga. The overall site is 8,500 square metres.

40

Now, you've heard from some, I suppose, other businesses that will be affected up and down the East West Link proposed --

45

DR PRIESTLEY: Just pausing, looking at the aerial photograph on page 3, it's this conglomeration there?

DR HEWISON: Yes, that's correct. That one there.

DR PRIESTLEY: Thank you.

5 DR HEWISON: Sir, as you've heard over the last couple of days, there are some significant businesses, I suppose, that will be affected by the East West Link up and down its corridor, and Jackson Industries is one of these businesses. It might not be on the scale of some of the ones that you've heard from, but it is of significance.

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15 Now, what's also important in that picture is there are a number of businesses up and down this corridor that, if you like, perhaps couldn't afford to participate or felt that this process might have been a little bit too daunting for them and haven't participated in it. Mr Jackson has. But we just want you to bear in mind that his is an example of a business that's probably replicated dozens of times up and down this area who will be affected in perhaps similar ways.

20 We also heard that while manufacturing is something that's being replaced by logistics and distribution in and around this area, actually there are some really exciting manufacturing businesses doing some innovative work, doing that really high-level work that remains in Onehunga. Mr Jackson's business is one of those.

25 Since forming in 1977, Jackson Industries has grown to be a leading supplier of portable power distribution equipment used on small and very large construction projects throughout New Zealand and Australia. As a result of diversification, Jackson today operates the largest computer numerical control facility. You'll hear from Mr Jackson in terms of evidence, and he can explain in some detail what
30 this facility is, but essentially it's a highly complex machine run by computers that manufacture really high-quality, high-end, innovative metal or composite design products. One of those that Mr Jackson can be rightly proud of is the work that he did with Emirates Team New Zealand. Here in Onehunga we have Mr Jackson's business which
35 essentially contributed to that fantastic success over there in Bermuda, and these are the kinds of businesses that remain in these light and heavy industrial areas, and they shouldn't be overlooked in terms of these types of projects. The tooling associated with Emirates Team New Zealand's recent America's Cup win was produced on the Jackson site. This included tooling for the foils, the daggerboards, and cyclors which contributed to the success of the team.

40
45 Since January 2017 this facility has been operating 24 hours a day, 7 days a week, producing parts for not only Emirate Team New Zealand but other high-profile New Zealand companies, including aerospace projects. This facility can operate continuously 24 by 7 for many weeks at a time.

[9.45 am]

- 5 So, there are a few impacts on Jackson Industries from the East West Link. The company has serious concerns that the proposed construction in close proximity to its facility will have a significant impact on the accuracy, repeatability and reliability of this complex equipment that it operates.
- 10 DR PRIESTLEY: Just pausing there, and I'm sorry to be a pedant, Mr Hewison, but this is the fourth time I've seen it in your submissions and I can't hold back any longer. Where you use "it's" in this second line of paragraph 6, it's a totally incorrect use of the apostrophe.
- 15 DR HEWISON: Sorry, sir. I'm from a younger generation where grammar didn't exist in our schooling.
- DR PRIESTLEY: Well, it's not a difficult rule to learn.
- 20 DR HEWISON: I will go back to the drawing board and look at it carefully for you.
- DR PRIESTLEY: Go and have a talk to the compiler, but it's irritating. Also, if I may say so, bad advocacy, because if you have a panel or board or a judge who starts to get worried about repetitive grammar mistakes, it means their attention is deviating from what you're trying to achieve. Anyway, proceed to paragraph 7.
- 25 DR HEWISON: Thank you, sir. I'll have to go back and check my PhD but I suspect there are some errors in it along those lines too.
- 30 DR PRIESTLEY: My goodness me. Send it back to the examiners for a re-mark.
- DR HEWISON: It was examined by a professor at Auckland University who I highly respect, but he might have missed some too.
- 35
- 40 Anyway, on to vibration and noise. So, essentially on vibration and noise, Jackson Industries has concerns that the vibration and noise through the construction of the project in particular may have some effects in terms of this equipment that it operates. There is a suggestion of a construction noise and vibration plan, and as that currently stands Mr Jackson believes that that will likely meet his concerns, but we'll follow that through as it works its way through. It's just something to bear in mind yourselves as you work through this that those issues around vibration and noise are important in terms of really high-level manufacturing, and this still goes on in the Onehunga area.
- 45
- Probably the same with air quality and dust. Again, with manufacturing of some of these products associated with the America's

5 Cup, Mr Jackson had to create a clean room and ensure that no dust and
air particles got into that clean room, so he does have that facility.
Nonetheless, there just remains concern about the general impacts of
10 air quality and particularly dust on the site. Again, he is satisfied at this
stage that there is a construction air quality management plan being
proposed, but he would like his side to be identified in it as an air
pollution-sensitive land use. Again, we're not quite sure how that
works. It appears that they've proposed that certain sites might be
15 identified in this way but there's no schedule as we can see it at the
moment that identifies properties or sites that should be included as
being sensitive to air quality and particularly dust. Again, just
something that we'd like to make sure is followed through. Particularly
for businesses, often these plans are about residential concerns, but I
20 think it's important that the business side of the equation be brought
into those sorts of plans to just make sure that we're getting the right
protection for businesses in terms of construction and in terms of long-
term impacts.

25 Perhaps the most outstanding issue at the moment relates to vehicle
access, and there are concerns that the vehicle access to the site might
be severely compromised in terms of where the alignment of the East
West Link is. Mr Jackson engaged Don McKenzie, a traffic engineer,
to assist with these issues. His evidence is essentially that there are
concerns about vehicle access, particularly large trucks that have to
30 come on to the site and get off the site, and he's raised these concerns
in expert conferencing, so they have been raised. But in terms of --

DR PRIESTLEY: Is this on completion or during the construction phase, or both?

30 DR HEWISON: Both. Both. Mr Nancekivell has responded to those concerns, and
essentially - I won't go into the detail - he's saying, "We can manage
those". He's produced a diagram which shows the turning circles of a
range of vehicles.

35 [9.50 am]

40 But in examination of that information, Mr Jackson's expert, Mr
McKenzie, still has a number of concerns about whether in fact the
turning circles will work on the site and particularly because some of
the turning circles suggest that the trucks will turn over a particular part
of the site where there is in fact a wall.

45 So if you flip over to page 8 you will see that there's a photo of Mr
Jackson's property and there is actually a wall that runs along that road
and some of the turning circles we've seen from the diagrams seem to
suggest that they turn over that wall. Of course that seems to us to be

physically impossible.

I think this is something that can be sorted out. We've had an email exchange with Mr Mulligan just raising these issues and suggesting that there be further expert conferencing between Mr McKenzie and Mr Nancekivell, and I understand that is underway but, again, we just remain holding the position that is currently configured, we're not satisfied that in fact Mr Jackson can have the trucks that he needs to get in and off his site.

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10

DR PRIESTLEY: Can you just decoded slightly for us this diagram on page 7 with the yellow turning circles? What streets are we looking at here?

15

DR HEWISON: So this is Mr Jackson's site here and that's Gloucester Park Road.

DR PRIESTLEY: Sorry, which is Gloucester Park Road?

DR HEWISON: This one that runs down here.

20

DR PRIESTLEY: Yes, okay, I'm with you.

DR HEWISON: So essentially you've got --

25

DR PRIESTLEY: This is Neilson Street, is it?

DR HEWISON: It is Neilson Street.

DR PRIESTLEY: Right, okay.

30

DR HEWISON: So it's a diagram produced by Mr Nancekivell that essentially shows how trucks will get on and off Mr Jackson's site in relation to where the new East West Link is and in terms of construction where the current roads are. The concern is that some of the turning circles, in particular, appear to go over that wall.

35

DR PRIESTLEY: Is this one of the new ramps down here? This thing here?

DR HEWISON: This one here is, I understand.

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DR PRIESTLEY: I understand, all right, thank you.

[Dr Hewison approaches the panel and demonstrates some of the detail on page 7 of his submissions on behalf of Jackson Electrical]

45

DR HEWISON: You will be hearing from Mr Nancekivell, I think, today or tomorrow so it might be useful for him to just update you on what those turning circles mean. They're produced by him and perhaps update you on how progress is going in terms of conferencing about trying to resolve the

issue.

5 In terms of the turning circles, if we do find that you cannot have the trucks that are needed to enter and exit Mr Jackson's property both during construction but probably more importantly once the project's completed, Mr Jackson has I suppose put forward another option. The other option would require Auckland Council to be involved but certainly at this stage it's an option that he would just like to suggest should the problem remain. It is in terms of another way of getting off his site.

10 This is through Selwyn Street. So Selwyn Street is essentially a street just over the other side of his property, you can probably almost see it. So it's just a street that runs down this way.

15 So the end of Selwyn Street is an unformed road designed to provide pedestrian and vehicle access to Gloucester Park. It was originally going to provide on-ramp access to State Highway 20 from Neilson Street. For many years Gloucester Park has only had one access point, being at the Onehunga Mall, which has very limited on-site parking and virtually no parking on the adjoining Onehunga Mall roadway. So Mr Jackson's concerns go a little bit beyond his property and also a little bit of that wider community issue around how do people access this park as well and get parking.

20 As the concerns regarding tracking distance limitations on the proposed East West Link access road to service the Jackson Industries' sites are in doubt and remain in doubt at this point and may be unable to be resolved, Jackson Industries raised a proposal in its evidence that it would be possible to provide safe access for the 23 metre vehicles to enter and depart from their site if Selwyn Street was to be extended into Gloucester Park thereby providing the missing link between its site and Selwyn Street.

35 [9.55 am]

DR PRIESTLEY: That's outside the designation, isn't it?

40 DR HEWISON: It's outside the designation, yes. And here is a diagram that Mr Jackson put together himself showing what that might possibly be.

45 Again, from a community point of view there currently is no parking or toilet facilities in this area of the park and the extension of Selwyn Street could resolve other issues including provision of these amenities. The Gloucester Park area between Selwyn Street and O'Rourke Street is also a highly compromised area containing demolition materials, scrap steel concrete rubble, exposed rebar but this area could provide vehicle parking for park users and overflow parking for the Onehunga

Railway Station, which has been at capacity for many years.

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There is another diagram that Mr Jackson put together of perhaps a before and after of what that road might look like, that provides access through into his property but also provides a greater amenity in terms of the park area.

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Although Mr Nancekivell in his rebuttal evidence acknowledges this proposal he says this is not seen as necessary for the East West Link project but Mr Jackson could raise his concept with Auckland Council. However, as the concerns regarding tracking distance limitations on the proposed East West Link access road to service Jackson Industries are in doubt and may be unable to be resolved, Mr Jackson again has raised the proposal of Selwyn Street as an alternative and ask that it be treated a bit more seriously with the Agency if they can't find a way around this tracking issue in and off his property, both during construction and with the final completion of the East West Link.

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DR PRIESTLEY: What's the position - and I might have read over it in your opening - so far as site access is concerned for Jackson Electrical during the construction phase, given that one of these new on/off-ramps is going to be going effectively over the top or it is going to impede current access, isn't it? What arrangements have been made for vehicular access during the construction phase?

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DR HEWISON: Well, we have been having discussions or Mr Nancekivell and Mr McKenzie have been having discussions about that but the issue really hasn't been resolved. So we are still up in the air as to how the site is going to be affected during construction and certainly on completion. We've suggested that those two experts get together and try and resolve whether these issues remain alive or whether they can be resolved before we get too far into the hearing.

35

DR PRIESTLEY: You are counsel for Jackson Electrical is the dialogue still taking place?

DR HEWISON: We suggested some dialogue and it hasn't taken place but I'm hoping it takes place with some urgency.

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DR PRIESTLEY: Just pause for a moment. Mr Mulligan, I notice in your opening you don't deal specifically with Jackson Electrical but it does seem to me at the very least there are going to be some vehicular access problems during the construction phase of the ramps and there needs to be some mitigation put in place here, does there not? Is there going to be some evidence from NZ Transport Agency on this?

45

MR MULLIGAN: Yes, there's evidence in terms of construction and in terms of the issue that's been raised today. The road in fact moves away from Mr Jackson's site and Mr Nancekivell can deal with the workability of the

diagram that you've seen. My friend seems to be suggesting some further discussions. I can't remember the name of the transport engineer, if he wants to speak to Mr Nancekivell he can just give him a call --

5

[10.00 am]

DR PRIESTLEY: Well, just get Mr Nancekivell to liaise with Mr Hewison's expert. The extension of Selwyn Street, that is presumably a local road and lies outside what you need to do and what we can do. There is possibly, particularly on the issue of severance from Gloucester Park and foreshore area, some merit in that suggestion but it will obviously involve Auckland Transport and others.

10

MR MULLIGAN: Yes, sir, (a) we don't consider it to be part of the project as my friend says but there are some sensitivities around the use of parkland and it's a fight we want to tread very carefully.

15

DR PRIESTLEY: Yes, I understand that. Right, continue, Mr Hewison, or does that wrap it up for Jackson.

20

DR HEWISON: That probably wraps it up, sir. So we just have there a couple of short statements at the end that Jackson Industries supports The Onehunga Enhancement Society and has witnesses that will be called, Mr Jackson and Mr McKenzie.

25

DR PRIESTLEY: Right, Mr Jackson will be giving evidence at some stage?

DR HEWISON: Yes.

30

DR PRIESTLEY: Thank you very much. Now you metamorphose into the Local Lockup.

DR HEWISON: Indeed. The Storage King site and not some further police cells.

DR PRIESTLEY: Not a jail?

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DR HEWISON: No. Sir, Mr Scott Palmer is the managing director of The Local Lockup which is the owner of the land at 11 Gloucester Park Road, Onehunga. Mr Palmer designed and built up his business, which is now Storage King Onehunga, over again many years. The Local Lockup has been open for 18½ years. It supplies storage facilities to the local Onehunga community and has 600 units and at present 525 licensees. Again, while Mr Palmer has been in general agreement with the idea of an East West Link or East West Connections, he is firmly opposed to the final design, especially the Onehunga end of the project. As can be seen from the plan below, the proposed design of the two ramps essentially

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are over the land occupied by the Local Lockup.

5 Mr Palmer wished to raise issues around economic and social wellbeing effects. The proposed notice of requirement includes all of 11 Gloucester Park Road, Onehunga, which is the entire site occupied by the Local Lockup. While the East West Link has continued to promote its expected economic benefits, in Mr Palmer's submission the proposal does not identify and assess sufficiently its economic costs. As noted in the AEE, the outcome of the analysis undertaken by the 10 NZ Transport Agency is that the directly affected landowners at this stage include approximately 55 residential properties and just over 60 business/commercial other landowners, the largest being Auckland Council.

15 But, sir, it's these number of smaller businesses comprised in that 60 that aren't represented at your hearing today that Mr Palmer, I think in particular, just wants to continue to remind you of. He's one of them and he is seriously affected by this proposal. He's concerned that the NZ Transport Agency does not identify and assess the costs of all these 20 businesses being affected, potentially closed, nor the costs to the social wellbeing of the people and communities in Onehunga for businesses such as the Local Lockup providing local social services and these being permanently closed through this proposal. So he's wanting you to remain conscious of that through that the process, that there are --

25 DR PRIESTLEY: Just help me there. If the land is inside the -- is he a freeholder or a leaseholder?

DR HEWISON: He's a freeholder, yes.

30 DR PRIESTLEY: So is his property going to be compulsorily acquired under the PWA?

DR HEWISON: It probably will be.

35 DR PRIESTLEY: Well, we can't really involve ourselves in that process, can we?

DR HEWISON: No, no. So at this stage he's saying his business provides an important social service to the Onehunga community. Without that business, these licensees would have to find somewhere else to put their goods and with Auckland and its land prices and availability of these types of 40 facilities, they'd probably have to go much, much further than where they currently are. So he's got --

45 DR PRIESTLEY: Is there any evidence to suggest that of his 525 or whatever it is licensees, the majority of them are Onehunga residents?

DR HEWISON: Yes. He'll be also giving evidence and he'll say that and be able to give you a little bit more detail around what he says is the social effect of

this business having to close.

DR PRIESTLEY: These are the normal lockup units used by people to store excess furniture, sometimes used as workshops --

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DR HEWISON: Prized goods, yes.

DR PRIESTLEY: -- sometimes, although they never know about it, illicit goods, things in transit and so on, that sort of thing?

10

[10.05 am]

DR HEWISON: And also valuables, also valuables, but Mr Palmer can also give you a good sense of what those goods are and what those --

15

DR PRIESTLEY: Valuables?

DR HEWISON: Yes, valuables.

DR PRIESTLEY: What, you put grandmother's jewellery in a lockup? Surely not. What do you mean by valuables?

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DR HEWISON: Not quite their jewellery, but maybe their antique furniture, yes.

DR PRIESTLEY: I see, I understand. Right.

25

DR HEWISON: But he's very keen to explain what that is and give you a sense of why that is important to a community and particularly in the case of Onehunga if his business goes, what that effect will be.

30

DR PRIESTLEY: Okay, I understand the social service aspect.

DR HEWISON: Yes. He's also concerned about the requirement to take the entire property, that when the project is finally completed, there's actually a relatively large portion of the site that will remain, and the question in his mind is, well, does the NZ Transport Agency need to acquire the entire property or whether it can perhaps find some way of him remaining on that property or being relocated back to that property on completion of the East West Link.

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On this issue, Mr Nancekivell again says that the full property is being designated because of the requirement to have room for construction machinery to build the ramps. He says a construction yard is proposed in this area and that following construction, he says that no public access will be possible without temporary traffic control. So again, you'll hear from Mr Nancekivell on that and will probably have

questions around how important that is.

5 Mr Palmer questions the need for that site to be used for a construction yard when other large construction yards are planned for the East West Link nearby, such as the Onehunga Wharf. It also appears from the revised maps that have been provided that access will be provided to the land on completion of the East West Link. Then there's a diagram below which shows what appears to be an access road through to Tower 31 back into that site. So again, just some questions around whether in fact this site can't be accessed into the future and whether in fact his business could return to that site on completion or remain on that site during construction.

15 DR PRIESTLEY: Just pause for a moment. I don't want to derail you totally on this. Mr Mulligan, just yes or no will suffice at this point, so that the Board can focus: does the NZ Transport Agency intend to acquire compulsorily the land occupied by the Local Lockup?

20 MR MULLIGAN: Sir, yes.

DR PRIESTLEY: Right, that's all I need to know. Well, that gives you some focus, Mr Hewison, and us.

25 DR HEWISON: It does.

MR BICKERS: So what is the relief that you are seeking?

30 DR HEWISON: Well, Mr Palmer, essentially he's saying, "I want my business to try and remain on this site and if there is a way in which the NZ Transport Agency can construct the East West Link so that I can still use this site --"

DR PRIESTLEY: But Mr Mulligan has just said no.

35 DR HEWISON: No.

40 DR PRIESTLEY: No to that, yes to acquisition, so that's the end of it, isn't it? I understand the economic and personal distress this is going to cause to Mr Palmer and his business, but if the NZ Transport Agency intends to invoke the provisions of the Public Works Act for its own reasons for a property which is right inside in the NoR, so your vires arguments can't possibly apply, he's out of the game, isn't he?

45 DR HEWISON: If the answer is yes, then yes, he's out of the game.

DR PRIESTLEY: All right.

MR BICKERS: So the only argument that you could put is that the land is not

reasonably necessary for the project, so is there going to be some evidence on that point? Otherwise there's not a lot I think the Board can do in the circumstances. If it's within the NoR and it's reasonably necessary for the purposes of the project, well, there's not --

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DR HEWISON: Well, the question in Mr Palmer's mind is the final design, so once it's completed, there will be access into the site provided and the site is free at that point of any of the structures, so is it reasonably necessary for his site to be compulsorily acquired - or acquired through the PWA - rather than another arrangement of the NZ Transport Agency using his land for the period of construction and then returning it to him once it's completed so that he can re-establish his business on that site?

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[10.10 am]

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DR PRIESTLEY: Can we just go back to the previous slide? I just wanted to see what's involved. That's the lockup site, is it?

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DR HEWISON: Yes. So the structures can be moved, they're not necessarily permanent structures, they can be shifted around the site. There might be some licensees that will have to depart the site. Mr Palmer's key question is if the site's going to be returned essentially once the structure is built, why can't his business return to that site or at least part of it?

25

DR PRIESTLEY: So looking at Mr Bickers' point, this isn't an argument by you that the NoR itself is not reasonable, what you're trying to suggest to us is that the site need not be compulsorily acquired because once construction is complete, the site may still be useable. Is that the essence of the argument?

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DR HEWISON: Yes, that's the essence of the argument. Yes.

35

MR BICKERS: Although there's not much of the site left after. If you put the access road in, it's just shown in that diagram below paragraph 17, what --

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DR HEWISON: The access road, as drawn by the NZ Transport Agency, probably to satisfy the needs of large vehicles for Transpower, so there's been no discussions between Mr Palmer, Transpower or the NZ Transport Agency whether in fact this entire roadway that's being designed is needed. It may be that part of it is needed or it may be that it's not.

45

MR BICKERS: I'm struggling, Dr Hewison, as to what this Board can do. It seems that if it's a PWA matter then that's not our concern. It also may well be just a matter of a commercial negotiation between Mr Palmer and the NZ Transport Agency's property purchase people. I'm certainly aware of instances where alternative sites have been found and allowed businesses to relocate, but I'm still struggling to find out what relief

this --

DR HEWISON: Well, I think it is that question of is Mr Palmer's site, for both construction and in terms of the structure --

5

DR PRIESTLEY: But I asked you that question and you said that wasn't your argument. If you're trying to say the NoR is not reasonably necessary, that's a totally different argument from the ones you're hitherto advancing. You can't ride both horses. Do you want to sort of take instructions and think about this for a while? I'm quite happy to adjourn the hearing, adjourn your opening halfway through or you may want to complete it and seek leave to come back, but we need to have a very clear focus as to what Mr Palmer and Local Lockup's concerns are, and in particular, as Mr Bickers has said, what we can possibly do about it. If the answer is nothing, well, then we can't look at it.

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DR HEWISON: Sir, I think it probably is appropriate on that point that I can complete the opening, but I can take instructions and then come back and clarify this particular point.

20

DR PRIESTLEY: All right. Just from my view, I've charitably given you leave to come back and you need to.

DR HEWISON: Yes, thank you, sir. Look, there are only a couple of other issues that Mr Palmer wished to raise and that was around the issue of consultation. Essentially his issue there is that he didn't feel that consultation was genuine and I think we'll just leave that point at that. There will be evidence from NZ Transport Agency on that point and evidence that Mr Palmer would like to give himself.

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The final other issue that he raises is around a stream that he says run through that property. He can't find anywhere in the resource consents management of that stream and just wants to raise that again as an issue that NZ Transport Agency might want to respond to. We haven't seen anything in rebuttal evidence. It may not be an issue at all but he remains concerned that, well, what is happening to the stream and what consents might there be to manage that. Finally, in terms of support, again he supposes The Onehunga Enhancement Society and the other parties and he'll be giving evidence.

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So, thank you, sir, and with your kind offer of leave to come back with instructions on these issues.

[10.15 am]

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DR PRIESTLEY: Thank you Mr Hewison. Mr Mulligan, I'm sure you have grasped what is at stake here. I think it might just be helpful, if only from a residents' management point of view, for somebody inside NZ Transport

5 Agency's organisation to open up a constructive dialogue with Mr Palmer and the lockup. If the property is going to be compulsorily acquired well then that needs to be made very clear, and you've made that clear today and also, to Mr Palmer and his commercial interests, the actual date on which that might happen is important. I should imagine that inevitably there could be another two or three years of occupation and use of his business there. And Mr Bickers' point about some commercial arrangement short of acquiring powers under the PWA has got merit as well.

10 There are all sorts of ways this particular cat can be skinned and it would be I'm quite sure helpful and probably good management for the project if that sort of dialogue was entered into sooner rather than later.

15 MR MULLIGAN: Yes, sir. There is always some sensitivity and the Agency doesn't want to be presumptuous.

DR PRIESTLEY: No.

20 MR MULLIGAN: One other aspect I should point out for completeness is that within the Public Works Act, when a notice for compulsory acquisition is served there is an opportunity to object to that and there is a formal process, so --

25 DR PRIESTLEY: It's a different process entirely with different thresholds.

MR MULLIGAN: Mr Palmer would have the opportunity to convey both that whole take and that partial take aspect within that context as well.

30 DR PRIESTLEY: At the end of the day this isn't Bangladesh or Calcutta, you don't want a lockup right underneath one of your ramps. I would be surprised.

MR MULLIGAN: No.

35 DR PRIESTLEY: All right. Thank you. What are you doing now, Mr Hewison?

DR HEWISON: We've finished, sir, and it's Ms Kinzett who is ready to address you.

40 DR PRIESTLEY: Ms Kinzett, your turn. I can't remember how long you wanted yesterday, is it 15 minutes or 30?

MS KINZETT: Thirty.

45 DR PRIESTLEY: All right. We will start you now and we'll take the break at 10.30. I wouldn't worry at all about paragraph 1, Ms Kinzett, we quite understand. We're not expecting you to be here a prisoner to courtesy throughout. There is no point for you being here throughout and with the EPA's website you're able to work out what is going on anyway.

Tell us when you're ready.

MS KINZETT: Yes, sir. Excuse my voice. I've got a bit of a cold like a lot of people - step away.

5

I'm the manager of the Onehunga Business Association, the OBA, and I've held this position for the past 12 years. I'm proud to have advocated, lobbied and been part of the Onehunga community supporting its growth over this time. In this process I'm a lay person. However, after 12 years of leading, advocating and planning for Onehunga, I look at the area as a whole and not parts and I know a lot of its idiosyncrasies.

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It is my role to look at ways Onehunga can grow and prosper. To do this I utilise training programmes, community development and area business promotion to name a few key strategies. The OBA is guided by a strategic plan which took two years of consultation with our businesses, landlords and community at large by focus group surveys and conversations and workshops. The plan has 12 priorities, with our business plan developed from these strategies.

25

The OBA was established on 27 May 1937 and during this time it has represented its members and community. The OBA has a current membership base of 419, consisting of retail, service and commercial businesses.

DR PRIESTLEY: That is quite impressive with respect. It has been in existence for 80 years?

30

MS KINZETT: It was originally put together by the business voluntarily and we became part of the main street programme in 1990, which was the Auckland Council. But during that time the business themselves have advocated for the area strongly. So there has always been a champion for Onehunga from the business community.

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[10.20 am]

MR BICKERS: In order to join the association, is there some qualification as to where a business must be located? Is there are a boundary?

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MS KINZETT: We have a boundary area. I don't take membership outside this area although I am constantly asked to, but I don't believe in taking funding for the sake of it. I believe that we have to deliver value for what it is even though a lot of the industrial businesses want to be part of us

because of what we deliver. I do it as part of the whole.

MR BICKERS: So the nature of the business is not an issue.

5 MS KINZETT: No.

MR BICKERS: It is where it's located and so can you just describe for us please the limits of that boundary?

10 MS KINZETT: Sure. Neilson Street up to Grey Street, Selwyn Street over to Galway, so it's just a few blocks.

DR PRIESTLEY: It's very compact.

15 MS KINZETT: It is very compact but our area of influence is obviously a lot wider because we all interconnect obviously with the roading, staff, economics, we're all part. But the actual targeted rate is within those few blocks.

20 Going from paragraph 7, the OBA is mandated by its members through its constitution. The constitution is to assist and guide the development and advancement of the commercial interests of business people and businesses in the Onehunga commercial district, through a co-ordinated, structured and measurable communications, marketing and
25 economic development programme; to foster and promote generally the welfare of the business community of the Onehunga commercial district and, in particular, to provide a forum for networking and collaboration of members and sharing of information, to improve the environment of the Onehunga commercial district, so as to retract and
30 retain business in order to drive employment and economic growth; to enhance the safety and security of the Onehunga area and to attract and retain business in an effort to drive employment growth through economic, social, cultural and environmental wellbeing; to capitalise
35 on the unique assets and profile of the Onehunga commercial district and to use that as a means of establishing an identity and positioning for the area; to make arrangements with and/or advocate to the government, local authorities and/or persons, corporations or associations for the improvement of amenity, streetscape, utilities, transport, services or other infrastructure and for lighting, service,
40 security and cleaning to the benefit of the Onehunga commercial district.

45 Some of the advocacy work that we have done over the years, State Highway 20, the extension which led to the development of The Onehunga Enhancement Society, lobbying the Auckland Regional Council to actually purchase the train station. What happened was there were a lot of discussions going on. Campaign for Better Transport ran a really brilliant programme to try and get the train

5 service established but there was no location. It was no good actually trying to get it without a location for the station. There was a property where the current rail station - past rail station - became available and we pushed, ARC advocated and finally they purchased that land which enabled the rail to start up. From that time we were actually told that we were pushing a dead duck but all of the figures have actually killed what they expected. We knew it would be the right thing to do and it turned out to be the right thing.

10 DR PRIESTLEY: Is the site now owned by Auckland Transport?

MS KINZETT: It is now owned by Auckland Transport but we wouldn't have had that if we hadn't made sure that they purchased and it was a lot of lobbying.

15 Now the campaign to secure the Onehunga Wharf started a few years ago. What I've done in there is actually put a Facebook post that we did, mainly because we have the Facebook for Onehunga and Onehunga main street, and from that we acted from unity. We can gauge what is happening and how people feel, and a few years ago
20 when we were talking about this and we were looking at what was happening, I put this out.

[10.25 am]

25 Now, Facebook three/four years ago, we got 8,000 hits which is very impressive on just a random thing that went out. You'll see some of the comments that were put down there, "Can we have outdoor movie screens, silo park, similar to Granville?" "Yes." "Great news." "Can we have cafés?" "I'm open to it." "Fabulous opportunity." And these
30 were just random responses that came from the community and this enabled me to say, "Okay, there is a mandate out there for it. It's not just a group of business people saying we think this, and we know that the opportunity that it could bring that if we don't have our community it's not going to help. So, like I said, this was three to four years ago
35 that we put this out and today we've still got that support. Other things that we have advocated for have been obviously the undergrounding of the Transpower lines, and we've been involved with the unitary plan in the appeals with Auckland Council regarding the Yarnton Corridor. Mainly because the Transpower lines take a huge chunk of land from
40 Onehunga, straight through the middle of it. We have advocated for a long time for a removal of the Neilson Street Rail Bridge, mainly because we saw what was happening with the trucks trying to get over that and the impact that was having on the local roading network. That's finally happened and it's had a very positive impact, and we did
45 a lot of advocating to Auckland Council for Panuku to take us on as a transformation area. Underneath that, I've just put in there part of the document that I utilised for that advocacy of why we wanted Panuku to actually start looking at us seriously and what we have got to bring

to the table. Onehunga is an amazing area, but there are so many opportunities, and we need to make sure, for the sake of the Auckland region, that we can harness those opportunities.

5 Paragraph 9. The OBA has recognised the huge impact that congested traffic is having in the area over recent years and has voiced its concerns strongly and advocated for an East West Connection, but not at the current configuration. The OBA made a submission to the East West Link Project lodged by NZ Transport Agency with the Environmental Protection Authority. As noted above, the OBA is fundamentally supportive in principle of an east west connection and, like I said, has been advocating for a resolution to the traffic congestion since 2006, very proactively since 2009.

15 The OBA has concerns about a number of aspects of the application, including - in our evidence we will focus on these 12 areas - the Gloucester Park Neilson Street interchange. Is this the best use of land and does the additional driving add to travel savings?

20 DR PRIESTLEY: Sorry, what do you mean by additional driving?

MS KINZETT: Well, when you come along the East West Link and go in front of the port to actually get on to State Highway 20 to go south, you've got to do that big loop.

25 DR PRIESTLEY: Yes.

MS KINZETT: Now, is that viable, that big loop? Does it add value? Or just going along Neilson Street and ducking on as they do now. So I'm not quite sure that there's actually going to be a value.

30 DR PRIESTLEY: But the driving along Neilson Street you seem to accept is pretty slow and congested.

35 MS KINZETT: It is pretty slow, but if you put another road there, which is effectively going to split the traffic in half, I can see what's going to happen. The trucks are going to stay along Neilson Street and just flick straight on at the Gloucester Park link, which they do now.

40 DR PRIESTLEY: All right. Thank you.

MS KINZETT: The new road that they're looking at will have just as many traffic lights, it will be just as slow, but it's going to be longer. So I don't know that it's actually going to add the value and --

45

[10.30 am]

DR PRIESTLEY: You think a truck driver is going to sit there and say, "Well, rather than

do a 180-degree turn on an access ramp, I'd much rather stick on Neilson Street with all the current problems"?

5 MS KINZETT: Yes.

DR PRIESTLEY: There must be interesting psychology in that, but never mind.

10 MS KINZETT: Well, for the truck drivers it's about time, but also, if you look at the loop, it's going to be quite a tight loop, so they're going to have to slow down quite a bit to actually get that bottom of the loop to get on to State Highway 20 as well. Just anecdotally, the truck drivers I've spoken to, they've ...

15 DR PRIESTLEY: All right. Thank you. Yes.

MS KINZETT: The Wharf Connection. Concerns on the degraded environment have been highlighted, but we're concerned whether this link will make improvements and development more challenging than it needs to be.

20 DR PRIESTLEY: Shall we take the break there?

MS KINZETT: If you like, sir.

25 DR PRIESTLEY: I think it might be a good idea, and I hope we'll be rejoined by Mr Parsonson. We'll break for 15 to 20 minutes. Thank you.

MS KINZETT: Thank you.

30 **ADJOURNED** [10.32 am]

RESUMED [10.50 am]

35 DR PRIESTLEY: Thank you. Now, I think you had just completed 12(b) and were about to start on 12(c). Have I got that right?

MS KINZETT: I think so, sir. Thank you. So, 12(c) is the Galway Link. We have concerns about the capacity of the area and the ability of this area to cope with the configuration and the impact on to other roads.

40 MR BICKERS: Now, I wonder if you'd expand on that. I asked for the plan to go up showing the Galway Link, so I wonder if you could just expand a little bit and show us where your concerns are.

45 MS KINZETT: I have concerns. Onehunga Mall. Up this end, you've got Neilson Street. At the moment, if you actually see what happens with the traffic along Onehunga Harbour Drive, that's backed up right up through the town centre at night. For the traffic to actually get on, I can see that this is going to become quite a chokepoint around here, so my concern

is how is everything going to move? Also for the futureproofing, I know we're just talking about it, but I have great hopes for the wharf and the residential and the impact that we can have. You add a whole pile of residents and business having to go up here to this link here as well, that's going to stop traffic coming down Galway and turning left. So this roundabout, there's just some fundamental basic concerns that I have.

During the night, you will see that to get on to going north, the traffic is backed up all the way up here, and like I said, sometimes up to Arthur Street. There's a huge amount of back-up of vehicles trying to get on to the west --

MR BICKERS: So, you don't that in fact that traffic would be reduced because it could use the East West Link and it could use some other connections? So, depending on what its destination is, it's clearly the issue. I'm hearing what you're saying but I think it's assuming that that same level of traffic will occur in lower Onehunga Mall, rather than be redistributed across the other connectors.

MS KINZETT: There are a lot of assumptions that have been made, mainly because there's not a lot of traffic figures that have been given out. We're all having to make huge assumptions along the way because everything is quite high-level, but for us it's what is actually going to happen on the ground. I can see at this point in time that there is a huge potential for it being backed up even more.

MR BICKERS: Galway Extension, as I understand it, is intended to take traffic off Onehunga Mall to get on to the East West Link. One of the issues that might need some more conversation is that little link road between Onehunga Mall and Galway Extension in terms of capacity and ability to accommodate the turning movements.

MS KINZETT: Yes, very much so. It's just at this point in time I think there are more concerns than there are what-ifs at this point in time, and we need to have a wider conversation on that one.

MR BICKERS: So, we'll wait to hear the traffic modelling experts on that.

MS KINZETT: Yes. We will be asking questions of them following on from our concerns.

MR BICKERS: Okay, thank you very much.

DR PRIESTLEY: Just help me locally. I vaguely recall - I may be wrong - the current intersection of Galway Street and Church Street. Is that traffic light controlled?

MS KINZETT: Yes, it is.

DR PRIESTLEY: Then the next intersection down, Galway and Princess?

5 MS KINZETT: No.

DR PRIESTLEY: No lights there?

10 MS KINZETT: No.

DR PRIESTLEY: What about at Galway and Neilson?

MS KINZETT: No.

15 DR PRIESTLEY: You said twice that there is a back-up along Galway at night.

MS KINZETT: No. Onehunga Mall, sorry.

20 DR PRIESTLEY: Onehunga Mall at night. But at night you mean evening rush hour traffic?

MS KINZETT: Evening rush hour traffic, but that starts at about 3.00 pm. So, movement around the town centre going south is very difficult at the late afternoon.

25 DR PRIESTLEY: All right. Thank you.

[10.55 am]

30 MS KINZETT: Thank you. 12(d), we want to address the lack of information in the application, which is this sort of thing, information is still being delivered at a high level and it's very difficult to make informed decisions with the community when we are talking about high level rather than local impacts.

35 Mangere Bridge connections. It seems to me that there's a waste of time and resources not to cohabitate this area of construction. So, we will talk about that.

40 DR PRIESTLEY: Sorry, what on earth does that mean?

MS KINZETT: It sounds really good, doesn't it? I thought it did.

45 DR PRIESTLEY: Cohabitate normally means living together or shacking up, but I'm not sure you're meaning that.

MS KINZETT: No, actually it is a bit like that. They need to interconnect. The Mangere Bridge does need to interconnect with the wharf and

5 Onehunga Harbour and that whole area. If we actually looked at it, just going by that picture here, you've got a space down here as well. This is the Mangere Bridge here, the wharf. There's a space here. Now, if we actually looked at futureproofing, here's the rail corridor. Instead of bringing it out over here, we'd bring it to its designation to the wharf where we're going to have a lot more business, a lot more residential, and of course then you've got to the airport straight across Mangere Bridge. Then you don't need to do that other bridge; it's already there. Why are we not looking at these sorts of things, why we're actually doing this construction and there's going to be so much disruption to the area? Let's give everyone a break and do it at the same time and actually work it together.

15 The consideration of alternative options, the blue sky thinking, or as you said, sir, the blue water thinking, looking at overseas options. The walkway between Mangere Harbour, the Manukau Harbour Cruising Club in the wharf. Connections between the harbour, walking and cycling need to be of a quality environment that mitigates the intrusion of the East West Link. There's a lot of talk about it being degraded at the moment, but that's only because of State Highway 20.

25 The effects of construction on businesses in Onehunga, and I have a huge concern about this. Further discussions on the effects construction will have on the local business economy. Access and post-construction recovery. We know from the Central Rail Loop the impact that that's having. Onehunga itself has a huge economy, and to stretch out this construction and have major plans in place, I'm just really concerned. I've got businesses really worried at the moment, and so they should be.

30 DR PRIESTLEY: I just wonder whether you could help us, and I see you are going to be calling two witnesses yourself, and Mr Hoheisel. Is that how you pronounce him? Hoheisel?

35 MS KINZETT: Sorry, I can't pronounce it.

40 DR PRIESTLEY: That's all right. It's probably reasonably close to it. You see, from what you've been saying in your opening, you have in quite a tight block of a few blocks, north-south and east-west, got 400-odd members anyway. Residential development in Onehunga is increasing considerably.

MS KINZETT: It is hugely.

45 DR PRIESTLEY: You accept, and I think sensibly so, that an East West Link is going to assist in terms of Onehunga traffic flows. So I would have thought that over the next few years, regardless of construction, Onehunga is going to become increasingly vibrant.

MS KINZETT: It will. It will, definitely. But a lot of areas, while there's big industrial in the industrial belt, a majority of businesses are your small/medium, so you've got five to ten people employed. A lot of these businesses work very lean. So, any form of disruption can have a huge impact on that local environment and economy, and that's the biggest concern, if they don't have the access.

[11.00 am]

10 DR PRIESTLEY: Can you just try and specify a little bit what sort of adverse effects it could have? I accept, and the Board would accept and Mr Mulligan would also accept, because he's come up with a whole raft of conditions and construction conditions which are designed to try to ease traffic flows or problems which construction is going to incur, but an awful lot of people coming into Onehunga are going to come along Campbell Road, along Mount Smart Road, along Manukau Road. The adverse effects are probably, during the construction phase, going to be for people from Mangere Bridge and other areas which would otherwise be accessing along State Highway 20, which clearly is not going to be totally closed down because that would be catastrophic to the entire Auckland region. What are these effects on your businesses which you represent? What are these adverse effects which are going to take place in the construction phase which you are worried about? Quite important.

25 MS KINZETT: Yes, no, completely. Just to give you some sort of idea of the trucks themselves, they avoid Neilson Street. Then when we were looking at that construction, what's going to happen around that interchange, everyone at this point in time, if you try and go through Church Street, 30 Onehunga Mall, Selwyn Street, we're gridlocked. You add on to that construction, and that's going to stop people from actually getting in and moving around and that's going to be the biggest problem. We've got articulated trucks just running straight over our urban design route, they demolish roundabouts, they demolish the footpath and that's just 35 on -- and our local road are old local roads. They can't cope with this amount of heavy traffic.

DR PRIESTLEY: This is your point in I, isn't it?

40 MS KINZETT: Yes.

MR PARSONSON: In normal circumstances with a project of this scale, site-specific construction traffic management plans would be developed immediately prior to construction at any stage and normally prepared 45 by the contractor. Are you thinking that you would like to see some more detail perhaps moving towards the type of detail you might get in

one of those plans to understand how those effects could be minimised?

5 MS KINZETT: Very much so. The problem, like I said, that we have is everything's just up here at the moment and if you grant this it could all change tomorrow. We don't know what the final design is actually going to be and that's really difficult when you're trying to business planning, when you are trying to look at developing an area if you haven't got some form of certainty. So if we could get some form of certainty as to how the traffic is going to be managed, what areas, where the impact is going to be then we can start planning as well for those businesses, for the area and, like I said, for the future because it is making sure that those businesses have enough support that they can get through this time and then recover afterwards because as soon as the construction goes everyone doesn't suddenly perk up and go, "Great", it takes a long time to recover. So that's my concern. So, yes, any clarity you could offer would be much appreciated.

10 DR PRIESTLEY: Right, you would accept that the general growth residentially in Onehunga, which is going to occur willy-nilly, you are going to have construction traffic disruption, which is your major fear, on the local road system but there is also going to be probably an increase in economic activity generated by more people coming to live in the area?

15 MS KINZETT: Yes, completely. It's an area of growth and we are going to have these challenges along the way but what we need to make sure is that any challenges we can mitigate as much as possible and make sure that the community at large doesn't suffer more than it needs to. So on my side I need to put plans together, talk to the agencies that I need to talk to work out how we can support these businesses, where the traffic is going to be, at what time and take it from there.

[11.05 am]

20 DR PRIESTLEY: I understand. So just listen to me carefully and see whether this summarises what you are saying. You want to have more detail of the disruption which construction will bring about so that you can plan accordingly. Is that it in a nutshell?

25 MS KINZETT: Yes, sir, that's it in a nutshell.

30 DR PRIESTLEY: Good, thank you very much.

35 MR PARSONSON: Could I just ask, have you had an opportunity or will your witnesses be commenting on --

40 MS KINZETT: Oh, you star, everyone is bringing lozenges and water, it's so sweet.

45 MR PARSONSON: I am only offering you a question, sorry. Will you have an opportunity

to comment on the amended conditions that the Agency has proposed for managing construction traffic? I don't know whether you've had a chance to look yet but will you be able to comment on those?

5 MS KINZETT: I'm hoping to comment on those as part of our evidence and also asking questions about that with the other people.

MR PARSONSON: Thanks.

10 MS KINZETT: Thank you.

DR PRIESTLEY: I think we've now got to J.

15 MS KINZETT: We are going into J, thank you, sir. The traffic assessment. The traffic assessment is minimal in guiding this project and it has meant a lot of assumptions, which is what we've spoken about and the impact on the local roading and residential traffic. We also have a concern obviously with the Waterview opening and the actual capacity of State Highway 20. If you actually see what happens with State Highway 20 in the peak hours it's not moving now, what's going to happen when we add this to it? I have a concern that we're not actually looking at how we can increase the capacity of State Highway 20 to actually consider this.

25 K, the economic assessment. There seems to be minimal economic data and it's all based on traffic movements. Like I said, I have concerns about the overarching viability.

30 The outcome for the East West Link. Serious questions need to be asked whether the current configuration delivers the best for the area and Auckland region. For me, quite a lot of that is around the Neilson Street, Gloucester Park interchange. The OBA is fully supportive of the submissions delivered on behalf of The Onehunga Enhancement Society (TOES), Manukau Restoration and Re-Think Expressway. While it may seem that the OBA has a connection with these
35 organisation, which we do fundamentally, it does need to point out that we are a membership organisation of businesses only. We may work within the community delivery community development programmes and projects, we are not governed by the residential community though. We are guided but we are not governed.

40 The OBA and its members believe the East West Link project must provide a balance between transport requirements, sustainable economic outcomes and community expectations of recreation and environmental recovery. It is the OBA's position that it alternatives
45 have not been properly identified and considered nor has there been any wider consideration of how this project should enhance or integrate

other community objectives.

To deal with such a project with such a huge impact will surely require interconnecting plans so future proofing on sustainability is maintained.

In conclusion, the OBA requests this application is declined in its current form. Should the Board decide to grant this application, the OBA asks that Board puts in recommendations and changes to support the OBA's areas of concern. The OBA will highlight in its evidence areas of changes proposed and the OBA will be calling witnesses itself but also in light of the Chair's comments yesterday, we seek leave for Cyril and Colin, who are members of the Onehunga Fencible and Historic Society to be witnesses for the OBA to speak the heritage of Onehunga and the Main Street programme. They would like to present together, if that is okay.

[11.10 am]

20 DR PRIESTLEY: Ms Kinzett, thank you very much. Other Board members may have questions of you in a moment but can I just ask does OBA have a good working relationship with the local community board. I can't remember the name, is it, Maungakiekie.

25 MS KINZETT: Maungakiekie-Tāmaki Local Board, yes, we do. We have a strong relationship.

DR PRIESTLEY: And through them directly and indirectly with Auckland Council?

30 MS KINZETT: Yes, we are very fortunate to have a strong councillor.

DR PRIESTLEY: Yes, it's Denise?

35 MS KINZETT: Denise Lee.

DR PRIESTLEY: Have these concerns of OBA, which are East West Link related, have they been discussed or passed on to the local board?

40 MS KINZETT: They have, both the local board and the Council.

DR PRIESTLEY: Thank you. All right, now?

MR BICKERS: Nothing from me.

45 MS TEPANIA: Kia ora, Ms Kinzett. Just a quick question. I was just thinking in terms of your submission around alternatives and integrating with other community objectives. Has there been opportunity, and/or have OBA initiated it themselves, to sit down with Mana Whenua to understand

how OBA's views or whatever on alternatives, whether there might be some discussion to be had there? Has there been an opportunity for that?

5 MS KINZETT: We have had a meeting with Mana Whenua, that was activated through NZ Transport Agency. We asked for that meeting and we did present to them our then alternative design but it was only but it was only a very quick conversation and we would obviously welcome the opportunity to have a more thorough discussion.

10 MS TEPANIA: All right, thank you for that.

MS KINZETT: Thank you.

15 DR PRIESTLEY: Ms Kinzett, I am sure I speak for the whole Board to say we have been impressed by your opening and also very much assisted by it. It's both focused and indeed realistic and we are very grateful to you for your time. I hope your voice, with which you have coped heroically this morning, is improved by the time - and I am not sure when it is - that you and Mr Hoheisel come back to give evidence.

20 MS KINZETT: I have a few weeks so I will be --

DR PRIESTLEY: You should be recovered by then.

25 MS KINZETT: I hope so.

DR PRIESTLEY: Thank you so much.

30 MS KINZETT: Thank you so much.

DR PRIESTLEY: Mr Lanning, without putting you in any spot at all, there are matters of citywide concerns, panapa concerns and local board concerns there, I can't - because they have all been bundled - recall what Auckland City said in its opening but presumably you will be vigilant as well to make sure that the adverse effects, particularly during the construction phase of the project if it gets that far are minimised by appropriate conditions. Will you be monitoring that?

40 MR LANNING: Absolutely, sir, and I have Mr Gouge who is the Council planner who has been sitting through this as well, so he's listening to that.

DR PRIESTLEY: That would be good.

45 MR LANNING: So there will be an ongoing conversation with NZ Transport Agency and its planners over the conditions, so we will definitely be looking at

those.

DR PRIESTLEY: I assume you, like us, find Ms Kinzett's opening points quite helpful.

5 MR LANNING: Very helpful, sir, yes.

DR PRIESTLEY: Good, excellent. Thank you very much indeed for that. All right, who do we have now? We get into evidence. Is that right? There is no one else here who we've overlooked who wants to open? Good. Ms Duffy, 10 do you want the Board to retire while you reconfigure the room a bit or is it happening before our eyes and we just watch?

MS DUFFY: It's a temporary set up until lunch time. We may need a little bit longer just to ensure we take the cords down and everything is safe, but if 15 you're happy like this to begin with until lunch --

DR PRIESTLEY: So a witness goes over there?

MS DUFFY: Yes, sir. 20

DR PRIESTLEY: Are counsel happy with that? This will be one of your witnesses, Mr Mulligan?

MR MULLIGAN: Yes, sir. 25

DR PRIESTLEY: Who is first in line? Have a look. I haven't sat down or tried to impose or even sort out a cross-examination order and obviously people won't necessarily want to cross-examine. Have we got a list of people who have indicated they want to cross-examine? This list here - for 30 instance, for Mr Gliddon - says, "Kiwi property, The Onehunga Enhancement Society, Re-Think EWA, MHRS", and that's it.

FEMALE SPEAKER: Yes, sir.

DR PRIESTLEY: We can't choke off somebody who suddenly decides they do want to cross-examine but we'll just use that cross-examination order, and if 35 you could put it in the programme subject to other counsel who want to ask questions getting leave - well, I can't insist on leave - indicating they want to do so and joining in. All right?

FEMALE SPEAKER: Yes, sir. 40

MR BICKERS: Yes, just before we start with NZ Transport Agency's witnesses, I just wonder whether Mr Mulligan has been able to direct me to the

designation.

DR PRIESTLEY: The gazette notice.

5 MR BICKERS:: The gazette notice dealing with the NZ Transport Agency's status as requiring authority?

[11.15 am]

10 MR MULLIGAN: Yes, and I was just going to outline briefly some procedural matters before we started and that was one of them but I'll do that now.

DR PRIESTLEY: And they've taken away your lectern.

15 MR MULLIGAN: They've taken away my lectern. I'm feeling somewhat naked as a result, but we will advance. The gazette notice is in the Notices of Requirement and resource consent folder, the application folder, and it's an attachment to the Notice of Requirement and it's an attachment to the Notice of Requirement under the tab "Notice of Requirement".

20

MR BICKERS: Which tab?

MR MULLIGAN: Notice of Requirement form.

25 MR BICKERS: Right, the fourth tab. Thank you.

MR MULLIGAN: It's at the back of that section.

30 MR BICKERS: So essentially - I'm just having a quick read - this is a continuation of the gazetting of Transit New Zealand as the requiring authority, and I'm assuming that the legislation that created NZ Transport Agency said something like NZ Transport Agency would assume all the rights and benefits and obligations and liabilities of Transit New Zealand?

35 MR MULLIGAN: That's my understanding, sir.

MR BICKERS: Right. Thank you.

40 MR MULLIGAN: On the other page is the modification which relates to cycling and walking so two pages.

DR PRIESTLEY: This is signed off by the Honourable Dr Smith. This is in fact the resource management approval as the requiring authority for this project, isn't it, 10 November 2015?

45

MR MULLIGAN: Yes, that was the gazette notice for this project. The general one

relating to NZ Transport Agency but Transit is on the other page.

DR PRIESTLEY: That is over two decades ago. That's a transitional one.

5 MR MULLIGAN: Yes.

DR PRIESTLEY: Just looking at 10 November 2015 approval as a requiring authority, you have been approved in respect of this project under section 167 - this is paragraph 3 of the gazette:

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"For the purpose of constructing or operating or proposing to construct or operate and maintaining cycleways and shared paths in New Zealand pursuant to the Government Roothing Powers Act and the Land Transport Management Act."

15

I suppose the point will have to be explored at some stage as to whether that extends to reclamation.

MR MULLIGAN: We can explore that, sir, but the question related to the statutory designating power and those two --

20

DR PRIESTLEY: That does, you say?

MR MULLIGAN: Well, again, there is this issue of the reclamation being outside the -- it's a resource consent it's not a designation.

25

DR PRIESTLEY: I understand.

MR MULLIGAN: This is - crudely put - a landward based control of the land use control and the mandate for that.

30

DR PRIESTLEY: All right. Thank you. What next?

MR MULLIGAN: Sir, I was just going to briefly indicate the way that we were going to go about our evidence. In accordance with the practice note, our witnesses were going to be called and sworn, etc, and then present a two-page summary of their evidence, which includes any updated or notations of any errors that they've picked up on the way through, and to essentially provide a little entrée so that everyone knows who they are and what they're generally going to be talking about before I hand over to my friends.

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DR PRIESTLEY: Confirmation of the briefs filed previously but not reading them out, yes?

45

[11.20 am]

MR MULLIGAN: Yes. There are two nuances to that and they're relatively early in the

5 piece. Mr Nancekivell will in his short summary and that is really the
essence of his evidence. I'll just take you through the alignment. He is
the design manager and so we'll provide a brief overview of some of
the attributes of the link which I wasn't able and not qualified to
provide, just to give you some sense of things, like where the
intersections are, the nature of the intersection, those things. But again
it's within a two-page summary. And the other nuance is in relation to
our first witness Mr Gliddon who, because he is a corporate witness,
won't be providing a summary. He'll just be going straight into his
10 evidence and then I'll hand over to my friends for cross-examination.

15 I should address one other issue because it may be helpful at this point.
There was some discussion yesterday about photo simulations and the
pictures were shown by The Onehunga Enhancement Society. I
wanted to make it clear that the photographs or the images that were
shown and produced - and they were often produced from NZ
Transport Agency images - those images were not part of our evidence.
Those were used as part of consultation because they're not photo
simulations in the sense that a landscape architect understands with the
due rigour. However, with that caveat as to their reliability, I suppose,
20 we are able if the Board -- well, the Board clearly felt that they were
helpful to provide some spec. We're able to present those through the
evidence of Ms Linzey, who is going to give evidence about
consultation and that was a tool that was used as part of that. So I
suppose they're the equivalent of what The Onehunga Enhancement
Society are presenting through theirs. We hadn't included them in our
evidence, but we're happy to provide them and provide someone to
swear to them and answer questions about any inadequacies that there
might be.

30 DR PRIESTLEY: So the fact that they were NZ Transport Agency's photographs, but
used in the consultation phase but not a part of the more formal
evidence, you're going to cover that through Ms Linzey?

35 MR MULLIGAN: Yes.

DR PRIESTLEY: That's very helpful.

40 MR MULLIGAN: They're already available online and that is where obviously The
Onehunga Enhancement Society has got them from, so no one is
surprised by them but we'll make them available.

45 DR PRIESTLEY: No. It is only if we were to find that there is an on-ramp or an off-ramp
or something else which was 100 metres way from where it's projected
to go that we would have some concerns. And also the accuracy, if you
think the reconstructions done by The Onehunga Enhancement Society
of what viaducts and ramps are going to look like, if you feel that that
is seriously awry it would be good to know but that is a matter which

you can share --

MR MULLIGAN: That is a cross-examination matter.

5 MR BICKERS: Mr Mulligan, I know you referred to Mr Gliddon as a corporate witness. From what I can see, Mr Gliddon is the only officer of NZ Transport Agency being called to give evidence, is that right?

10 MR MULLIGAN: No, sir, Mr Wickman is giving evidence as well after him.

MR BICKERS: Right. Okay. So that will be on the traffic. NZ Transport Agency's suite of witnesses involve a lot of consultants. I suspect that some of the questions that might arise would relate to the reasons why NZ Transport Agency has made certain decisions and I would hope that we would be able to put those questions to Mr Gliddon, not to a consultant. So I just want to make it clear that there are some matters that certainly I am interested in and probably counsel for a lot of the other parties may wish to put questions. I don't think it will be a sufficient answer to say, "Oh, that's going to be addressed in the evidence of a particular consultant" when they are executive decisions or even policy decisions that are made by NZ Transport Agency. I certainly would be looking to see Mr Gliddon or Mr Wickham - although probably Mr Fitzpatrick Gliddon in particular - responding to some of those matters.

25 MR MULLIGAN: Yes, sir. Mr Gliddon is within the organisation more senior. Mr Wickman has been involved in the mechanics of a lot of those policy decisions, so some of the detail may be best dealt with by him but, as between them both, they certainly won't be shirking their responsibility to provide the Agency's view on matters and describe how those decisions were made.

[11.25 am]

35 MR BICKERS: Thank you. That is the assurance I needed.

MR MULLIGAN: On that basis, if we're happy, then I'll call Mr Gliddon to the stand. Thank you.

40 DR PRIESTLEY: I'm sorry, Mr Mulligan - and other counsel need to take warning - I have an intrinsic and deep-seated objection to a witness table or a witness box being called a stand, which is part of American cultural imperialism and I will sort of make adverse noises if it's called that by too many people. Laypeople, I probably can't do much about it, because they watch too much legal drama on TV, but counsel should know better. You'd never get away with that in the High Court, so

please don't do it here. Thank you.

MR MULLIGAN: This hopefully will be my last stand, sir.

5 MR PARSONSON: Touché.

DR PRIESTLEY: You won't follow Custer's model though, will you?

10 MR MULLIGAN: I feel surrounded.

MR BICKERS: Thank you very much.

Mr Gliddon (affirmed)

15 MR MULLIGAN: Mr Gliddon, if you can give your full name to the Board.

MR GLIDDON: Sure. Brett Rowland Gliddon.

20 MR MULLIGAN: And can you outline your position with the NZ Transport Agency?

MR GLIDDON: Yes, my position in the NZ Transport Agency is Highway Manager for the Auckland Northland Region, which is responsible for the state highway network from planning through to operations.

25 MR MULLIGAN: And in terms of this particular project, can you briefly outline what that particular role or what relationship that role has to this project?

30 MR GLIDDON: Yes, sure. So this project obviously fell under my area of influence. I had a governance role on it and was the direct manager of Scott Wickman, who was embedded the project and helped deliver it on behalf of the Agency.

MR MULLIGAN: And have you prepared a brief of evidence in relation to this matter?

35 MR GLIDDON: I have.

MR MULLIGAN: Dated 12 April?

40 MR GLIDDON: Correct.

MR MULLIGAN: Do you confirm that that is true and correct, to the best of your knowledge?

45 MR GLIDDON: Correct.

MR MULLIGAN: If you are available for any questions from my friends and then from

the Board.

DR PRIESTLEY: Right, counsel for Kiwi Property.

5 MR ALLAN: Morning, sir. Good morning.

MR GLIDDON: Morning.

10 MR ALLAN: My name is Douglas Allan and I am here as counsel for Kiwi Property Group Limited and Sylvia Park Business Centre Limited, and they are the owners of and operators of the Sylvia Park Shopping Centre or metropolitan centre, a short distance to the north-east of the eastern end of the EWL.

15 Can I begin by asking you who is making decisions within the NZ Transport Agency or within the alliance as to the acceptability or otherwise of proposed conditions or changes being put forward by submitters to the proposal?

20 MR GLIDDON: So those decisions are made in a variety of places, depending on the scale and significance of them, so some could be made by Scott directly, myself, the general manager or the CEO.

25 MR ALLAN: So were you present for the presentation of legal submissions on behalf of Kiwi?

MR GLIDDON: No, I wasn't.

30 MR ALLAN: Have you had a chance to read the legal submissions of Kiwi?

MR GLIDDON: I have.

35 MR ALLAN: Do you recall that there's a series of conditions proposed at the end of those legal submissions?

MR GLIDDON: I do.

MR ALLAN: Have you had a chance to read those and consider them?

40 MR GLIDDON: I have.

MR ALLAN: And are you the right person to ask a question about whether those conditions would be acceptable to the NZ Transport Agency?

45 MR GLIDDON: Yes, sure. Yes.

MR ALLAN: Right. Can you let me know then or let the Board know what your response on behalf on the NZ Transport Agency is to that suggestion

in terms of the conditions?

MR GLIDDON: Yes, sure. I guess there was two parts to my response. One is I would refer to our traffic expert, who is obviously of the view that the effects on Mt Wellington Highway and in and around Sylvia Park will be minimal, and he'll be able to talk to more detail about that, so that would be my first point.

5

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The second is in the context of those specific conditions, they're not conditions we would necessarily want to sign up to as a starting point, and the reason I say that is because we work with Auckland Transport, regardless of those conditions, to manage the network. That includes both the local road and the state highway network, and we do that through the Auckland Traffic Operations Centre, which is a joint venture between both parties, and the purpose of that joint venture is to operate the network as most efficiently as possible. So it's always in our interests, prior to the project and after the project, to ensure that the project and also the surrounding network is being operated as efficiently as possible. So a lot of the things in those conditions we would do of a matter of right anyway.

[11.30 am]

MR ALLAN: So you appreciate that Kiwi is not party to those discussions and it's not aware of what's happening with them?

25

MR GLIDDON: Yes.

MR ALLAN: You appreciate why Kiwi might want to have some certainty in terms of the designation conditions that there would be monitoring of traffic conditions around Sylvia Park?

30

MR GLIDDON: I can understand that, yes.

35

MR ALLAN: Is there anything in the condition that you would find problematic, were it imposed?

MR GLIDDON: Not problematic, but they are just a repeat of what we already do.

40

MR ALLAN: If the Board elected to impose a condition, is there anything in that text

that you would want to have changed or altered?

MR GLIDDON: Oh, I would probably want more time to go back and study them.

5 MR ALLAN: But that would be a matter of detail, as opposed to a matter of principle?

MR GLIDDON: Yes.

10 MR ALLAN: Is there any adverse effect on the NZ Transport Agency that you are aware of that would flow from having conditions imposed that effectively require you to do things that you've told the Board you would do anyway?

15 MR GLIDDON: Yes, look, if we're already doing them through management of the network, then we're -- you know, that won't change now or into the future that I can see it in the current point of time.

20 MR ALLAN: Do you understand Kiwi's advice to the Board that if a condition or conditions in that form were imposed, it would be happy to leave these proceedings?

MR GLIDDON: I understand that.

25 MR ALLAN: Is that not an advantage to the NZ Transport Agency in terms of shortening the process we've got here?

MR GLIDDON: Well --

30 MR ALLAN: It's not attractive?

DR PRIESTLEY: It's not a carrot you're prepared to devour immediately?

35 MR GLIDDON: No, no. Yes, we don't want conditions just for the sake of conditions, so if we -- you know, I feel that we have got an interest in operating the network with Auckland Transport as efficiently as possible, including Mt Wellington Highway, which obviously is a very strategic arterial in Auckland, so we have that driver regardless.

40 MR ALLAN: Absent the condition, there's no requirement though to carry out monitoring on those streets immediately around Sylvia Park, is there?

45 MR GLIDDON: No, but then I could use Waterview as an example. We're taking -- undertaking monitoring on a number of the streets around Waterview as well, which we've got no requirement to do so.

MR ALLAN: Can I ask you then a question on behalf of another client that my firm

has --

DR PRIESTLEY: Can I just --

5 MR ALLAN: Sorry.

DR PRIESTLEY: That was quite a helpful comment. Despite the NZ Transport Agency's statutory obligations to manage the highway network and also the fact that once a highway is constructed and built, it's there up and running, do I take it that the NZ Transport Agency nonetheless does monitor post-construction for some time traffic flows in adjacent streets?

10

MR GLIDDON: Absolutely.

15 DR PRIESTLEY: Because Kiwi's concern, as I understand it, was that there may be a whole new series of rat runs created. Were you aware of that?

MR GLIDDON: Yes, I read that in the evidence.

20 DR PRIESTLEY: Is that a matter which regardless of the imposition of conditions, the NZ Transport Agency would be, as a matter of course, monitoring?

MR GLIDDON: Absolutely, yes, because we don't want to create, by opening a new piece of infrastructure, an adverse effect that we didn't actually foresee at the start.

25

DR PRIESTLEY: Yes. Of course local roads aren't your responsibility. Presumably you have to whip Auckland Transport into line on this as well?

30 MR GLIDDON: Well, the Joint Traffic Operations Centre is a joint centre, so we operate them together. If there's physical works required, then we would have to work with Auckland Transport to undertake that.

DR PRIESTLEY: But on monitoring simpliciter -- by itself, sorry?

35

MR GLIDDON: No. On monitoring, we often do that ourselves or we do that jointly through the Centre, which we're a 50:50 partnership within.

DR PRIESTLEY: All right. I hope that didn't spring any cross-examination traps, Mr Allan --

40

MR ALLAN: No.

DR PRIESTLEY: -- but, I mean, it's helpful colour.

45

MR ALLAN: Could I turn then, Mr Gliddon, to another party that I'm representing here, which is Syl Park Investments Limited, which is the body or the submitter relating to 8 Sylvia Park Road? Are you familiar with that

entity in that site?

MR GLIDDON: No, I'm not.

5 MR ALLAN: Okay. Have you had a chance to read the submissions on behalf of that party?

MR GLIDDON: No, I didn't. No, sorry.

10 MR ALLAN: So in that submission, a suggestion was made regarding a condition that in this case I suspect the NZ Transport Agency would need to agree to in order to have it imposed. Am I better to put this question to Mr Wickman on the assumption that he will have read it?

15 MR GLIDDON: I would suggest that would be a good idea.

MR ALLAN: And if I go there, I'm not going to be told by him I've asked the wrong person?

20 MR GLIDDON: I hope not.

MR ALLAN: Now, can I move to a slightly broader range of questions? Were you involved in the strategic decision-making about the form and I guess format of the East West Link?

25 MR GLIDDON: Well, the form and the format of the East West Link as a strategic decision was made by our board, but I was involved in the process of reporting to the board on that.

30 **[11.35 am]**

MR ALLAN: In paragraph 4.2 of your evidence-in-chief, you refer to an objective for the NZ Transport Agency to undertake its functions in a way that contributes to an effective, efficient and safe transport system. Would you agree with me that in terms of that objective, ideally we would be investing in roading projects that are well integrated with the balance of the road network?

40 MR GLIDDON: Correct.

MR ALLAN: Your evidence focuses on some components that the proposal has, but it doesn't mention some of the things that it doesn't have, and I want to just suggest to you that if we had, for example, connections to State Highway 1 to the north of Mt Wellington, as opposed to just the south, if we had connections to the south-east arterial, CR, the road that crosses Sylvia Park, those would be factors that would improve the integration of this proposal with the balance of the arterial road network

in the city?

MR GLIDDON: Yes, look, and I'm happy to talk to that. So we don't necessarily build the complete -- or we know we don't build the complete roading or transport system in one go, it's done over a staged approach, and the East West Link, as it's presented here, is a stage of that delivery of the land transport system. The topic you're talking to there about the ramps facing to the north and a connection to SEART is identified as a strategic project in ATAP, the Auckland Transport Alignment Project for Decade 2. It's something that we will be beginning a study on to look at what the problem is and what the solution might be, and that was one of the reasons why those north-facing ramps were not included, because if that solution is to connect to SEART - and I'm not saying it is because that work hasn't been done - that could impact how those ramps were constructed. If it's connected at a different location, that could have a different impact. So, the point you raise, you are correct, but it's done in stages, and there is identified in the Auckland Transport Alignment Project a future stage which I think is called East West to East Tamaki Connection in Decade 2 of ATAP.

MR ALLAN: Are you confident that the proposal that's being put forward with the East West Link doesn't preclude or compromise the ability to integrate in the future with northbound parts of the State Highway 1 and with SEART?

MR GLIDDON: Yes, correct. So, Noel will be able to talk to that in more detail, but work was done to ensure that that's not precluded in the future.

MR ALLAN: Now, there's a couple of other factors or elements that don't seem to be here. One of them is the possibility of a grade separation or a motorway route all the way along between State Highway 20 and State Highway 1, so we do have some at-grade intersections.

MR GLIDDON: Yes.

MR ALLAN: The other thing that comes to mind in my understanding of the plans is that we drop from being a four-lane road to being a two-lane road where the East West Link crosses Great South Road. Am I right in that?

MR GLIDDON: Yes, correct.

MR ALLAN: Sorry, just before I ask that question, is that the only place on the route where we drop to two lanes?

MR GLIDDON: Noel will be better to talk to the exact detail. I think it's actually two lanes at the Onehunga end across State Highway 20, but Noel will be able to confirm that.

MR ALLAN: Are you able to give us any guidance as to why at a strategic level we effectively choke traffic or we reduce the lanes of the traffic at the Great South Road intersection?

5 [11.40 am]

MR GLIDDON: Yes, I don't want to comment because the traffic experts will be able to confirm that, but I would make the statement that I assume there will be a drop-off of traffic at Great South Road at that grade-separated interchange, which means that the four lanes are not needed on the other side. But our traffic experts can give you the detail around the modelling on that.

MR ALLAN: We're spending a lot of money on this project, aren't we?

15 MR GLIDDON: Potentially we will, yes.

MR ALLAN: Am I right in thinking that when you start bridging, when you have grade-separated intersections, that becomes particularly expensive?

20 MR GLIDDON: It's more expensive than putting in traffic signals.

MR ALLAN: And it would be quite challenging, wouldn't it, to retrofit another two lanes at that intersection?

25 MR GLIDDON: I'm an engineer, but that's not my area of expertise. It's been done before. Someone with more expertise can give you how technically difficult that will be.

30 MR ALLAN: At the moment you're not able to tell me whether the decision to go to two lanes is a technical one, an engineering one, or it's a cost-driven one, or a land-take minimisation one?

35 MR GLIDDON: It's not a cost-driven one. It definitely wasn't that. I suspect it will be a traffic modelling one which our traffic expert will be able to talk to.

MR ALLAN: You do not know whether it's driven by a wish to avoid taking more land from the Stratex site or from the land to the north?

40 MR GLIDDON: Yes, well, there's always a balance with all of these things. You're balancing the objectives of the project, the effects of the project on the surrounding area. So, all of those things will be taken into consideration, and Scott will be able to talk in some detail about the trade-offs that were made there.

45 MR ALLAN: Wouldn't it be preferable at a strategic level to futureproof the road by providing four lanes all the way along, including at this intersection?

- 5 MR GLIDDON: Not necessarily. There's obviously a cost component to that, there's a time component to that, as to when that four-laning would be required, if ever, and what the cost of futureproofing that for four-laning or constructing it now would be. So, it's a little bit more complex than that.
- 10 MR ALLAN: Am I right in thinking that when we reduce the number of lanes, we tend to add a choke to traffic flows, as we are still doing at the Mount Wellington Highway, Southern Motorway interchange?
- 15 MR GLIDDON: Not necessarily, if the traffic volumes are not high to create the choke. The Mount Wellington Highway is a specific chokepoint which I'm happy to discuss why that is and how that works.
- MR ALLAN: Can you explain it to me, then?
- 20 MR GLIDDON: Yes. So, that is a chokepoint where we have two lanes going across at Mount Wellington Highway. By removing that chokepoint, it doesn't necessarily fix all the issues that people might think, because what happens is that capacity then has to be taken up downstream. If you don't have the capacity downstream - and in the case of the motorway network at that location is Newmarket down into the central motorway junction - all you do is create a chokepoint further up which can actually have a bigger impact and cause greater queuing further back down the motorway. So, strategic chokepoints are not uncommon and do serve a purpose.
- 25 MR ALLAN: One of the effects of them means that somebody who is wanting to get off the road between the strategic chokepoint and where the next queue might be is now going to be delayed because they're going to be caught by a queue that's earlier than it needs to be.
- 30 MR GLIDDON: Well, we're managing a network, so it's not just in isolation.
- 35 MR ALLAN: You don't know whether this is a strategic chokepoint also, a designed one, at Great South Road?
- MR GLIDDON: Scott and our traffic expert will confirm, but I doubt that it is.
- 40 DR PRIESTLEY: On this issue of chokepoints, Mr Gliddon, you have several times said that this is ultimately traffic management, but there was a question put to you by Mr Allan which has some significance, which was whether the link reduced to two lanes as it crossed Great South Road and beyond to minimise what would otherwise be NZ Transport Agency's obligation to acquire land. You heard him say that?
- 45 MR GLIDDON: Yes, I did.

DR PRIESTLEY: Were you involved in any high-level discussions in which that factor was discussed?

5 MR GLIDDON: No. So, the conversation I was involved in with regard to Great South Road, it was an at-grade intersection, traffic lights, and at the Agency we talked with the alliance about the desire to change that to a grade separation following feedback from the freight community that they were concerned about the at-grade intersection.

10 DR PRIESTLEY: "No" would have been a sufficient answer to my question. Were you aware at any stage of this possible acquisition factor which Mr Allan has put to you?

[11.45 am]

15 MR GLIDDON: I haven't been involved in those conversations directly, no.

DR PRIESTLEY: That's not what I asked. Were you aware of it as a factor?

20 MR GLIDDON: No.

DR PRIESTLEY: All right. Thank you, Mr Allan.

25 MR ALLAN: Thank you, sir.

30 MR BICKERS: Sorry, can I just ask? At that intersection we've heard from Mr Allan. He's raised the possibility that the alignment should have been shifted south so that it takes the whole of the Stratex site and would require some reconfiguration of the geometrics of the overpass to reach the property which NZ Transport Agency is going to use as a construction site. One of the effects of that which was raised was that it would not require the designation on the north side of the road. So, one property would be affected very significantly; the other one would not be affected. Did you have a discussion about that possibility?

35 MR GLIDDON: I did not personally have a discussion about that possibility, no.

MR BICKERS: Who made that decision?

40 MR GLIDDON: That decision around the grade separation was made in the alliance.

MR BICKERS: No, the decision about the alignment.

45 MR GLIDDON: Within the alliance.

MR BICKERS: So, sorry, who comprises the alliance?

MR GLIDDON: Sorry. The team here, so Scott would have been the NZ Transport

Agency representative involved in that discussion.

5 DR PRIESTLEY: What we want to know is who. I mean, you don't have a great amorphous group making a collective consensus decision. Somebody, ultimately, the buck lands on his or her desk. Do you know who that person was?

MR GLIDDON: It would have been Scott in this regard, from the Agency.

10 MR BICKERS: I think, Mr Gliddon, I'll be frank. The comments I made before you started to give evidence, I'm starting to get concerned about it as to where the buck stops in this exercise, and you're the senior man, so I'm somewhat concerned that you are referring a lot of these matters to Mr Wickman, but I'm really intrigued about the decision-making process within NZ Transport Agency. Who's calling the shots and where does the buck stop? I assumed it would stop with you, but you're saying it doesn't, it stops somewhere lower down.

15 MR GLIDDON: Not necessarily. It depends on the decision. I can talk to the decision-making process if that's helpful.

MR BICKERS: It might be.

25 MR GLIDDON: So, depending on the size and scale of the decision, obviously Scott is empowered to make decisions or they then go into our internal decision-making process. There's a regional group that consists of a number of managers that make decisions at a regional level, and then we have a thing called a Value Assurance Committee, which is a national committee that makes decisions at a much higher level around projects, and then, if it's beyond the delegations of that group, it would then transfer to the Board.

MR BICKERS: Do you have a national highways manager?

35 MR GLIDDON: We have a GM of highways and network operations.

MR BICKERS: This wouldn't be operations, though. This is planning.

MR GLIDDON: That sits under the GM.

40

MR BICKERS: Okay.

45 DR PRIESTLEY: Thank you, Mr Allan. You may want to ask one or two supplementaries arising out of that, but it's a new topic which interrupted your flow somewhat, but important it seems to us.

MR ALLAN: One matter I would like to get some clarity on. There's reference to the alliance. Can you just explain who the parties to that alliance are? It's

not just NZ Transport Agency, is it?

5 MR GLIDDON: Sorry, yes. The alliance is just a procurement method, so the parties are Buddle Findlay, our legal representatives, Beca, our consultants, and GHD and ourselves.

MR ALLAN: To what extent are decisions made in that wider alliance as opposed to being made within NZ Transport Agency?

10 MR GLIDDON: So, obviously engineering-type decisions are made within that alliance, but then ultimately the alignment, the project and all the big strategic decisions are signed off based on that approval process I just explained.

15 MR ALLAN: So, let's come back to the decision about Kiwi's conditions. The decision in terms of Kiwi's condition would be made by NZ Transport Agency, as opposed to being made within the alliance. Is that correct?

MR GLIDDON: Correct. Based on advice from the alliance, yes.

20 MR ALLAN: As I understand the rationale behind the project there is a real focus on freight traffic and a focus also on pedestrian and cycling ways. To what extent has NZ Transport Agency given thought, at a strategic level, to the potential for the East West Link, in conjunction with State Highway 20 and the Waterview Tunnel, leading to a significant change in travel patterns for people throughout the wider area?

25

[11.50 am]

30 MR GLIDDON: Maybe I'll just repeat the question back so I understand what you're asking.

MR ALLAN: To what extent has NZ Transport Agency given consideration to the potential for the East West Link, in conjunction with - and I'm going to raise there - particularly the Waterview Tunnel, to effectively change travel patterns in the wider parts of the city? In other words, if you're moving from the east to the west instead of going State Highway 1, through Spaghetti Junction along the Northwestern Motorway out to Rosebank Road where you work, you might go East West Link, Waterview Tunnel and on.

35

40

MR GLIDDON: Yes, correct. That's right. So a roading link like this is taken in the context of the broader strategic network.

45 MR ALLAN: And were this connected to the northern part of the motorway, north of Mt Wellington and to SEART, it could have some quite significant changes in those flows, couldn't it?

MR GLIDDON: Yes, it could do but like I said that is that next study that will look at

that to see if that's the right connection point.

- 5 MR ALLAN: Right. The fact that we've got two lanes on the East West Link across Great South Road, is that likely to influence whether you think you want more vehicles on this road or not?
- MR GLIDDON: No, that shouldn't influence that, no.
- 10 MR ALLAN: It's unlikely to influence whether you then try and connect this road into the Southern Motorway going north and to SEART?
- MR GLIDDON: Yes, if the decision was made to connect to SEART, and that required additional capacity at that location, we would look at that as part of that work, yes.
- 15 MR ALLAN: It might be, mightn't it, that you then have to come back and retrofit the additional lanes at Great South Road because of the additional capacity that this linkage now produces on the East West Link?
- 20 MR GLIDDON: If that was required and that was seen as the right solution, correct.
- MR ALLAN: And are you confident that the two lanes at Great South Road have not been left as a choke point to have that future impact on flows along the East West Link?
- 25 MR GLIDDON: Yes, I'm confident that we've designed that correctly.
- MR ALLAN: That's not the purpose of that narrowing?
- 30 MR GLIDDON: Correct.
- MR ALLAN: Would you accept that in terms of the current design, the current extent of the proposal, the East West Link lacks the integration with the network that we would normally want to have?
- 35 MR GLIDDON: No, I don't accept that.
- MR ALLAN: Do you accept that if you make those improvements we talked about, you will increase the integration?
- 40 MR GLIDDON: It will enhance the wider network, but I don't accept the road that we've proposed here doesn't integrate with the network that it surrounds for the purpose we want it to at the moment, no.
- 45 MR ALLAN: I think, sir, any further questions I'll put to Mr Wickman. So, thank

you.

DR PRIESTLEY: Thank you, Mr Allan.

5 MR MULLIGAN: I have one, sir. Mr Gliddon, I note that Ms Devine doesn't have a name
beside you but I just want to raise a question, picking up on the point
raised earlier about where decision-making sits. The decision to
10 continue to promote the road alignment over the Mercury land and over
the Mercury power station itself, once Mercury made it clear to NZ
Transport Agency that it wished to retain the option of restarting
generation on the site, at what level and who made that decision to
continue with the alignment across that power station?

15 MR GLIDDON: Yes, so the original alignment was signed off by the Board but as it's
being progressed our CE has been heavily involved in those
discussions.

MR MULLIGAN: Are you aware of any other roads - particularly four lane roads - of this
20 nature that cross power stations?

MR GLIDDON: I'm not aware of any, no.

MR MULLIGAN: Do you think it's unusual?

25 MR GLIDDON: It is unusual and I think that the team will talk to it's not ideal. We
would normally want to avoid that but, like all these projects and
brownfield sites, you've got constraints that you're trying to manage
across the board and you've got to find the best way through that.

30 MR MULLIGAN: Thanks.

DR PRIESTLEY: Anything arising out of that Mr Allan? It wasn't your client but just in
case.

35 MR ALLAN: No, sir.

DR PRIESTLEY: All right. Mr Burns.

40 MR BURNS: Thank you, sir. Good morning, Mr Gliddon.

MR GLIDDON: Good morning.

45 MR BURNS: Now, there are some significant environmental issues with this coastal
route, aren't there? There are impacts on ecology. There are cultural
concerns. There are the impacts of reclamation and so on. NZ

Transport Agency has always been aware that is the case, hasn't it?

[11.55 am]

- 5 MR GLIDDON: Correct.
- MR BURNS: Very significant environmental impacts. Is that correct?
- 10 MR GLIDDON: Sorry?
- MR BURNS: NZ Transport Agency has always been aware that there are significant environmental impacts resulting from this choice of coastal route?
- 15 MR GLIDDON: Correct.
- MR BURNS: And a lot of those issues would be avoided by an inland route, wouldn't they? If for example Neilson Street was upgraded we're not going to have problems with AB4, coastal reclamation and that sort of thing?
- 20 MR GLIDDON: Correct.
- MR BURNS: NZ Transport Agency then advanced the proposals for landscaping and storm water and leachate treatment to try and address those environmental issues, didn't they?
- 25 MR GLIDDON: Correct.
- MR BURNS: Because without them NZ Transport Agency saw reclamation as a fatal flaw to this proceeding, didn't it?
- 30 MR GLIDDON: No. I don't believe that. No.
- MR BURNS: Doesn't Mr Wickman tell us in his evidence that without those any option requiring reclamation was likely a fatal flaw, in paragraph 8.6(b) of his evidence?
- 35 MR GLIDDON: I haven't got that in front of me but maybe it's better he answers that.
- 40 MR BURNS: Could you look at his evidence and let me know whether NZ Transport Agency saw it as a fatal flaw without those? Mr Wickman's evidence, 8.6(b). I don't know what the process is for showing the witness Mr

Wickman's evidence.

MR GLIDDON: I haven't got it, sorry.

5 MR MULLIGAN: We're just getting it.

MR GLIDDON: What paragraph did you say?

10 MR BURNS: 8.6(b). Have you had the opportunity to read 8.6(b)?

MR GLIDDON: Yes.

15 MR BURNS: And do you see that Mr Wickman describes reclamation as potentially a fatal flaw before those mitigation options were selected?

MR GLIDDON: Yes. The way I had read that would be that he was referring to Mana Whenua suggesting that would be the case.

20 MR BURNS: But the proposed landscaping, storm water and leachate treatment was intended to address those Mana Whenua concerns, wasn't it?

MR GLIDDON: Correct.

25 MR BURNS: Yes.

30 DR PRIESTLEY: Mr Burns, just to assist you and also other counsel lying ahead, and yours is on the cusp, the sort of question of a witness, "Would you look at witness X's brief, page 52. Do you agree with me that witness X says this?" is totally useless because that is not what it's all about. If you are going into a challenge area, which is perfectly legitimate, you say, "Now Mr X has given witness evidence to this effect. Do you agree or disagree?" that sort of thing. But there is an awful lot of time wasted by often an experienced counsel just getting one witness to confirm that this is what another one said, which is not the purpose of cross-examination. Now you saved it marginally by adding something on to that, but I am just sounding a warning that any counsel who indulge in that time-wasting sort of question will be jumped on. Off you go.

40 MR BURNS: Yes, thank you, sir. I had anticipated that the witness would be sufficiently familiar with Mr Wickman's evidence to know that he had identified a fatal flaw but he didn't and, therefore, I felt it necessary to refer him to the evidence.

45 DR PRIESTLEY: But that is the point. You can say, "Look at this paragraph. Mr Wickman says this is a fatal flaw". So what? We know that Mr Wickman says it's a fatal flaw. Mr Wickman will say that. What you have to say is - a much better way to formulate a question, "Now, Mr

Wickman who is the witness for [whoever] says this is a fatal flaw". You can either say, "Do you agree with that?" Or, "What are your thoughts on that?" If he doesn't know or care what Mr Wickman says well you're going to have to move on.

5

MR BURNS: Yes. I appreciate that, sir.

[12.00 pm]

10 DR PRIESTLEY: I've made my point. Get on to your next question.

MR BURNS: Yes, I'm not particularly interested in whether --

15 DR PRIESTLEY: We've got an auditory problem here, Ms Duffy. It's useless having counsel picking up microphones. I was wondering whether we can just have the trailing mic travelling around various people when they're asking questions.

20 MR BURNS: Actually there was a lectern somewhere. If I could put it on that it would elevate it.

25 DR PRIESTLEY: No. Where is the trailing mic? We'll connect it up. Otherwise you look as if you're performing karaoke, Mr Burns, which we don't want. It may even be you are going to have to acquire a second trailing mic so we can automate them around. Otherwise it is going to be logistic mayhem.

MR BURNS: Now, is that ...?

30 DR PRIESTLEY: I don't know.

MR BURNS: I don't think it's on, is it?

35 DR PRIESTLEY: Why have you taken the static mic away from him?

FEMALE SPEAKER: Because he has got the lapel mic.

40 DR PRIESTLEY: So you can't have both there together? It might be a good idea otherwise there will be far too many movements around the room.

MR BURNS: I think the lapel mike might need to be a bit higher. Is that working?

45 DR PRIESTLEY: And leave that there so when you bend forward you're getting double exposure. Right, next question.

MR BURNS: Thank you, sir, yes. So where in NZ Transport Agency's consideration of options do I find the identification of reclamation as being potentially a fatal flaw? Can you show me where in the options

identification NZ Transport Agency said, "We've got a potentially fatal flaw here"?

5 MR GLIDDON: I cannot point you to that but I'm not sure that's what that point said. That point was referring to Mana Whenua.

MR BURNS: That says reclamation might be a fatal flaw.

10 DR PRIESTLEY: So it is.

MR BURNS: Set aside why it says it might be a fatal flaw, it just says, "Look, reclamation might be a fatal flaw". My question is where in NZ Transport Agency's identification of options does the big red flag go up saying there's a potential fatal flaw here?

15 MR GLIDDON: I can't point you to where that is. We did talk about whether it was a fatal flaw and we talked about what we would need to do to mitigate the effects of that and felt that on the advice received it wasn't going to be a fatal flaw provided we put forward the mitigation that we have. That's how that would have played out.

20 DR PRIESTLEY: With respect, Mr Burns, it is going to be much more productive for you and us if you cross-examine Mr Wickman who is the next witness on this, about what he meant and what happened to his assessment of a fatal flaw, etc. Asking this witness about Mr Wickman's evidence is not getting anywhere. If you want - and I am not going to take over your cross-examination for you, tempting though that might be from time to time - you could say, "Did Mr Wickman's identification of reclamation as a fatal flaw lead to further discussion by decision-makers?" I don't know whether that's what you want to ask but that might be helpful.

MR BURNS: No.

35 DR PRIESTLEY: That's not what you want to ask?

MR BURNS: No, that's not what I want to ask. What I want to find out, setting aside who identified it as a fatal flaw, is where in the assessment of options did NZ Transport Agency put up a big flag saying, "Reclamation is a fatal flaw"? We need to weight that appropriately in our assessment of options.

DR PRIESTLEY: Got that question, Mr Gliddon? Answer it.

45 MR GLIDDON: We didn't say it was a fatal flaw, that was Mana Whenua so we wouldn't

have put that up. We identified it as a risk.

MR BURNS: In the assessment of options?

5 MR GLIDDON: It should be identified as a risk in the detailed business case, correct.

MR BURNS: So I should ask the witness who is giving evidence about detailed options and that would be ...?

10 [12.05 pm]

MR GLIDDON: Mr Wickman and Amelia Linzey will also be able to talk to that.

MR BURNS: Thank you very much.

15 MR BICKERS: Can I just step in? Mr Gliddon, what I've heard you say - and you might need to lift your volume a little bit - is that NZ Transport Agency when they considered the reclamation saw it as a risk but it considered that there were mitigation opportunities to offset that risk or to counterbalance that risk. Did you discuss how that proposed mitigation weighed up in terms of the statutory provisions prohibiting reclamations except under specific circumstances?

20 MR GLIDDON: Yes, so that would have been discussed in regards to the statutory components of that, yes, but I wasn't directly involved in that and I'm not a planner so I'm not probably the right person to ask in that regard.

25 MR BICKERS: I'm sorry, I still keep coming back to this question of who calls the shots. You're the manager and I would have thought you would have played a prime role in route selection.

30 MR GLIDDON: I was involved in discussions and decisions about route selection that was then put forward to the groups above to make the final decision, because of the size and scale of this project that ultimately was at the board.

35 MR BICKERS: So you're telling me that the board made a decision to proceed with the reclamation irrespective of the potential risks?

40 MR GLIDDON: Those risks would have been made aware to the board and the board made the final decision on the preferred alignment.

MR BICKERS: Okay, can you provide us with a copy of the board's resolution, please?

45 MR GLIDDON: Yes, I am sure we can provide that.

MR PARSONSON: Did the alliance have to convince you firstly that the proposal,

including reclamation, was a risk worth pursuing?

MR GLIDDON: Correct, yes.

5 MR PARSONSON: On what basis did you consider that to be the case?

10 MR GLIDDON: So that was made again through the decision-making body. So they presented the options and the preferred option and the risks associated with that and then that went through the regional decision and then to the BAC. That was made on advice from our planners and their planners around the statutory requirements around reclamation versus the NZ Transport Agency process that had been undertaken.

15 MR PARSONSON: Please just briefly summarise then your overview of that proposal and why you thought it was an appropriate option?

20 MR GLIDDON: So I am not the planning expert so I can't talk to the statutes on the planning, because that was provided by others and I didn't make the final decision in that regard, but the option was presented to us as the best option from a transport perspective for the solution that we were trying to solve. It was presented as being a risk as regards to reclamation and the size and amount of reclamation required, and it was presented as an opportunity around how that reclamation could be used to offset the effects and some of the existing effects in the Mangere Harbour, as well as the effects of the project, which is where the bunding came from, the storm water treatment, the wider storm water treatment and then recreational use of the reclamation.

30 DR PRIESTLEY: Right, back to you, Mr Burns.

35 MR BURNS: Thank you, sir. I am moving now to another topic. Transpower has said that it will only grant dispensations from the distance requirements from its facilities if NZ Transport Agency indemnifies it against all liabilities. As I understand it, that would include liabilities arising should a truck unfortunately come off one of these ramps, wipe out a transmission facility, bring down the power lines and cut out power to a substantial part of Auckland. As NZ Transport Agency agreed to do that, to provide that indemnity?

40 MR GLIDDON: No, because those discussions are ongoing.

[12.10 am]

45 MR BURNS: Wouldn't it be fundamental to those discussions that NZ Transport Agency agrees to provide the indemnity? Transpower have made it perfectly plain they need it. The discussions will go nowhere unless

NZ Transport Agency agrees to provide that indemnity, will they?

MR GLIDDON: That's not necessarily the case, it depends if they want to enforce that or whether we can talk to them about other mitigations.

5

MR BURNS: Including not providing them with an indemnity?

MR GLIDDON: Yes, correct.

10 MR BURNS: I see, thank you. Do you consider NZ Transport Agency has the statutory -- I will pose that differently. Has NZ Transport Agency taken advice as to whether it has the statutory ability to provide that indemnity?

15 MR GLIDDON: We haven't to date, no, because those conversations with Transpower are still in the early stages.

MR BURNS: Thank you. To your knowledge has NZ Transport Agency ever given such an indemnity to Transpower before?

20

MR GLIDDON: I'm not aware of it but it may have.

MR BURNS: Thank you.

25 MR BICKERS: Sorry, can I just step in? As a Crown entity, can you give an indemnity?

MR GLIDDON: Only by ministerial approval is my understanding so it has to go right up to the Minister.

30 MR BICKERS: Thank you.

MR BURNS: Finally, were you hear during Mr Hewison's opening on behalf of the Society?

35 MR GLIDDON: I was.

MR BURNS: Thank you. Has NZ Transport Agency done any analysis of the matters Mr Hewison raised concerning how industrial land uses north of the East West Link might change as a result of the East West Link, how there might be a tendency for people to want to switch from industrial uses to uses which benefited from the attributes of this coastal highway?

40

MR GLIDDON: Yes, so we haven't directly but I would point out that Auckland Council and Auckland Transport and ourselves were all a joint partnership at the beginning of this project because land use was an important part of it. Obviously the road is servicing a certain type of land use. So Auckland Council were heavily involved in the early phases, the initial

45

business case that we developed for the project and the land use associated with it.

MR BURNS: Thank you.

5

DR PRIESTLEY: No other parties have requested it but is there anyone else here who can usefully cross-examine Mr Gliddon? Any questions of Mr Gliddon from the Board?

10 MR BICKERS: Yes, please.

DR PRIESTLEY: Yes, and then we will give you the right of re-examination, Mr Mulligan.

15 MR BICKERS: Mr Gliddon, in several places in your evidence you say that this is not just a transport project. Do you want to expand on that?

MR GLIDDON: Yes, so it's obviously got walking and cycling but more importantly it is relating to the bunding and the reclamation and the additional benefits we are providing out of the reclamation. The stop of contaminants entering the harbour, the storm water treatment for the wider catchment and their recreational areas.

20

MR BICKERS: Okay. If I look at the gazette notice, the 1994 gazette notice gave Transit authority as a network utility operator for the construction and operation, including the maintenance, improvement, enhancement, expansion, realignment and alteration of any state highway or motorway. Then the 2015 requiring authority I noticed threw in cycleways and shared paths. Now, the provisions of the RMA about what land can be designated suggest that it has to be reasonably - precise words escaping me just for the moment - related to the project. So, I've got some specific questions. On what basis and having regard to your authority is part of the Onehunga Wharf to be designated?

25

30

35 [12.15 pm]

MR GLIDDON: So, the Onehunga Wharf, we're only designating a portion of that, and that's for a temporary area for construction, and then obviously we require a permanent portion of the wharf long term for the road itself.

40

MR BICKERS: Okay, that's helpful. Now, have you read the evidence on the ChemWaste site?

MR GLIDDON: No, I haven't, sorry.

45

MR BICKERS: On what basis is the designation being applied to the ChemWaste site?

MR GLIDDON: Can you just bring that up? Yes. That section in there?

MR BICKERS: Yes.

MR GLIDDON: What's the question again, sorry?

5

MR BICKERS: What are the grounds on which the designation is extending across that site?

MR GLIDDON: Well, obviously for the road, and I assume the width is for construction space to allow for that road to be constructed.

10

MR BICKERS: We understand it's to deal with a leachate drainage system. Does a leachate drainage system come within your mandate as a requiring authority?

15

MR GLIDDON: I think I would refer to the LTMA, where we talk about - I think it's section 96 in my evidence, on 4.5 - exhibiting a sense of social and environmental responsibility. And given the road is so close to the edge of the Mangere Harbour and the leachates that are already exiting out there, there's a social and environmental responsibility to clean that up while we're in that vicinity.

20

MR BICKERS: We have evidence that says there is no leachate problem.

25

MR GLIDDON: Right. I can't comment on that.

MR BICKERS: So, you can't assist the Board in determining why that has been designated?

30

MR GLIDDON: No. No further than what I've just suggested.

MR BICKERS: Okay. Can you explain to us why part of the TR land at Anns Creek, that appears to be unnecessary for the construction -- so we're talking about the large portion there, so there's a construction yard to the north-east. What about that big chunk down there? On what basis has that been designated?

35

MR GLIDDON: Yes, I cannot answer that. I was not involved in the discussion around the shape of the designation.

40

MR BICKERS: Well, who makes that decision?

MR GLIDDON: Again, I think Scott will be able to talk to you about why we've taken a wider designation at that location.

45

MR BICKERS: Okay. A relatively minor one of Jaafar Holdings, though it's not minor to them. There's a shared footpath designation. Do you know why that's being included in the designation? There's the construction yard

there, but there's a shared footpath that they seem to be quite upset about.

5 MR GLIDDON: Yes, sorry, no, I couldn't add anything further.

MR BICKERS: Okay. Hugo Johnston Drive, there's a portion of land there which is also proposed for designation. Can you assist us by telling us why that is necessary to designate?

10 MR GLIDDON: I couldn't add anything further on that, sorry.

MR BICKERS: Okay. Maybe you could tell us about how NZ Transport Agency will go about rationalising the limits of the designation after the project is completed.

15 MR GLIDDON: Yes, sure. So, we have a standard process as the project is coming to completion to look at what land is required for the safe operation and maintenance of any road, and we will do that here on this road as well, and then we will reduce the designation back so that it sits within that requirement. If it's required for operation and maintenance and a functioning of the road, we'll keep the designation, and if it's not then we usually release that and the land associated with that.

20 MR BICKERS: Given the submissions that we have heard so far, is NZ Transport Agency prepared to review the limits of the designation at this point in time?

25 MR GLIDDON: Yes. We're always prepared to look at that if there is a justification that we've suggested too much and it's not actually required for the construction and ongoing operation. I think the Agency would be open to that.

30 MR BICKERS: You might want to look at those ones that I referred to. My colleague has raised the Mercury site with you, and we have directed there be a further conference of witnesses. But based on the submissions that we've heard from counsel for Mercury, does NZ Transport Agency still think that's the best alignment?

[12.20 pm]

35 MR GLIDDON: At this stage we do, yes.

40 MR BICKERS: Okay, thank you, Mr Chairman.

45 MS TEPANIA: Mr Gliddon, I just have one question. Turning to your paragraph 5.13, if you can just expand on that a little bit more for me. I thought it was an interesting comment. You talk about it being highly unlikely that the improvements that are outlined there could be feasibly undertaken

by any other entity. What do you mean by that? Do you mean in terms of capacity, in terms of responsibility or in terms of budget?

5 MR GLIDDON: Budget and space, because the budget to do it and then also the space of where you would put that treatment in place. Obviously a lot of that treatment is on the reclamation which we're constructing.

10 MS TEPANIA: Okay then. So, that hinges on the reclamation and the space required for reclamation?

MR GLIDDON: Yes.

MS TEPANIA: Thank you.

15 MR PARSONSON: Could I just pick up on that? I mean, the purpose of 12 hectares of the reclamation is to provide for storm water treatment, a large part of which is for the other catchment.

20 MR GLIDDON: That's right.

MR PARSONSON: So, presumably Auckland Council could come up with that same plan.

MR GLIDDON: They could, yes.

25 MR PARSONSON: So, why is the space an issue?

MR GLIDDON: Sorry, I was meaning they couldn't do it or probably would find it difficult to do it within the existing coastal line, coastal edge.

30 DR PRIESTLEY: All right. Mr Mulligan?

MR MULLIGAN: No, sir. No re-examination.

35 DR PRIESTLEY: No re-examination?

MR MULLIGAN: No, sir.

DR PRIESTLEY: All right. Well, thank you very much, Mr Gliddon.

40 We might as well make a start on Mr Wickman, Mr Mulligan, even if it's only getting him to the extent of formally swearing him in. Are you happy with that?

45 MR MULLIGAN: Yes, sir.

Mr Wickman (sworn)

MR MULLIGAN: Mr Wickman, can you please give your full name to the Board?

MR WICKMAN: Scott Deemer Wickman.

MR MULLIGAN: Can you outline your position with the Transport Agency?

5

MR WICKMAN: I am a principal transport planner. I have been the project manager on this project since 2012.

MR MULLIGAN: And you've prepared some brief evidence in relation to this matter?

10

MR WICKMAN: Yes.

MR MULLIGAN: On 12 April, evidence-in-chief?

15

MR WICKMAN: Yes.

MR MULLIGAN: And on 20 June this year as well in rebuttal?

MR WICKMAN: Yes.

20

MR MULLIGAN: Have you prepared a summary of your evidence, which includes any references to errors in your evidence?

MR WICKMAN: I have.

25

MR MULLIGAN: If you could read that out.

MR WICKMAN: Thank you.

30

"Since preparing my rebuttal I have noted a matter that I would like to clarify in respect to my comments regarding the economics and in particular the costs provided in the table at paragraph 11.6. The table notes that the costs provided in the column are reported in the second column as being in 2015 dollars. I would like to clarify that the escalated costs recorded in the second row should actually be described as being dollars spent in the year they are incurred, ie the year that the actual cost is incurred. To this end, escalation has been applied in line with the current proposed construction timeframes, being between 2018 and 2024, and the cost assumed in each of those years.

35

40

[12.25 pm]

45

My overall view is the project has been developed following the Transport Agency's business case approach in line with all relevant statutory requirements under the Land Transport Management Act and other relevant requirements. The progressive development of business cases for the project has subject to multiple formal review and approval gateways, culminating in the respective boards of the Transport

Agency and Auckland Transport approving the detailed business case in December 2015.

5 The business case identified a number of transport problems in the area.
The project objectives for the designation were developed to address
the identified problems and to align with the Transport Agency's
functions and the relevant strategic and transport plans. The Transport
Agency has engaged with key stakeholders, property owners and the
10 general public since mid-2014. This feedback has been used to inform
the various options developed, identify the preferred option and refine
the alignment to that which is now before the Board. There are a
number of agreements that the Transport Agency is currently
progressing with various submitters. I provide the following update to
15 each of the agreements I have previously referred to in my evidence,
the first being Auckland Council.

20 A memorandum of understanding is nearing agreement between the
Transport Agency and Auckland Council. The purpose and content of
the MOU is covered in my evidence-in-chief and was briefly touched
upon by Mr Lanning in the Council's opening submission. I can advise
that the Transport Agency and Council have reached an in principle
agreement on the MOU and this is now proceeding through the
respective internal approvals process. I anticipate the Transport
Agency's approval to be confirmed by the end of this week.

25 Auckland Transport: as mentioned in the opening submissions from
Auckland Transport, the Transport Agency and Auckland Transport
have reached an in principle agreement on a consenting phase
agreement. The agreement is currently awaiting the appropriate
30 approvals from the relevant parties and, like Council, this is expected
to be completed and signed by the end of this week.

35 Panuku Development Auckland: the Transport Agency is working to
develop a project agreement with Panuku to agree the manner in which
ownership of the wharf is progressively transferred to Panuku. It is the
Transport Agency's understanding that Panuku seek to own and
redevelop the wharf as a key element of the Transform Onehunga high
level project plan, as referred to in the evidence of Mr Marler. The
Transport Agency has committed a significant amount of investment to
40 ensure the connection to the wharf is not only not affected, but
substantially improved. The project agreement with Panuku is
intended to capture and record how the parties will work together in
developing the detailed design and construction of the project as it
relates to the wharf. The agreement, however, is subject to the
45 successful completion of the transfer of ownership of the wharf from
Ports of Auckland to the Transport Agency. Mr Harrington can provide

a further update on the status of this agreement when he appears.

5 Mana Whenua: the Transport Agency continues to work with Mana Whenua to consider the future management, governance and vesting of the proposed reclaimed land. This discussion is progressing in a positive fashion, but the Transport Agency feels as though it would be more appropriate to allow those Mana Whenua involved in this discussion to provide an update at the appropriate time.

10 I provide a further statement on the supplementary evidence of Mr James Flexman on behalf of Mercury. In paragraph 31 of his supplementary statement of evidence, Mr Flexman identifies that a terms of reference was one of the agreed actions to be progressed, following a facilitated site meeting on 8 June 2017, refer clause 2.2.
15 He goes on to state that he has not yet received an invite to participate or otherwise contribute to the terms of reference which he had anticipated being progressed immediately following that meeting. The Transport Agency has sought to progress the development of the terms of reference. In order to do so, the NZ Transport Agency made various
20 information requests to Mercury that were not responded to, including an understanding of dates when Mercury would be in a position to share indicative site reconfiguration options as per clause 2.4 of the joint witness statement.

25 While the supplementary evidence of Mr Flexman has provided some information that the Transport Agency has sought, the development of indicative site reconfiguration operations is still an action that remains outstanding. Notwithstanding the above, I can confirm that the draft
30 terms of reference for the risk assessment were sent to Mercury yesterday, 4 July.

In conclusion, the Transport Agency has gone through a robust
35 business case approach to identify a preferred alignment for the project that is best able to respond to the transport problems experienced in this part of Auckland. The process that has been followed has been entirely consistent with the Transport Agency's policy and guidance. Thank you.

40 DR PRIESTLEY: Just on a logistic matter, Mr Mulligan, I would have thought that this was quite an extensive - and understandably so - update. What's the best way of getting that before the Board and other interested counsel? I mean, it's going to be a lot to transcribe, which it will have to come out as anyway. Is it reduced to writing as a supplementary brief or what? How are you going to deal with this?

45 MR MULLIGAN: It's not a brief, sir, it's notes, but we could make those available as a matter of habit to other counsel and to the EPA if that was thought

appropriate.

[12.30 pm]

- 5 DR PRIESTLEY: Well, it's already been read in as evidence, hasn't it?
- MR MULLIGAN: Yes.
- 10 DR PRIESTLEY: And quite legitimately, from Mr Wickman's point of view, it was dealing with a number of updated matters. I think possibly if that could be made available, but if this is going to happen at that length in the future, I think it's something you'll have to talk to EPA about.
- 15 MR MULLIGAN: Yes, that's fine and I think that's correct. It's all in the transcript. It's just early transcription for my friends.
- DR PRIESTLEY: Yes.
- 20 MR MULLIGAN: So yes, we can. We'll make it available.
- DR PRIESTLEY: Right. Just an idle question of my own: Mr Wickman, I see with some interest your first college was at Hartford, Connecticut. Are you from New England originally or from some other part?
- 25 MR WICKMAN: I am. I'm from just outside of Boston.
- DR PRIESTLEY: From Connecticut?
- MR WICKMAN: From Massachusetts.
- 30 DR PRIESTLEY: I thought it was Massachusetts, right. All right, we'll take the -- do you want to ask him something?
- 35 MR BICKERS: Mr Mulligan, I did ask Mr Gliddon for a copy of the board resolution. My experience with board resolutions are they're necessarily brief and they say that, "Report number so and so B received and the recommendations adopted" which won't actually enlighten us very much. So I wonder, could we also have the background report on which the board made its decision on route alignment?
- 40 MR MULLIGAN: I will perhaps just take that or get some instructions in relation to that

and report back to you after the break.

MR BICKERS: Thank you very much.

5 DR PRIESTLEY: All right. We'll take the hour's luncheon adjournment. Thank you.

ADJOURNED [12.31 pm]

RESUMED [1.32 pm]

10 DR PRIESTLEY: Thank you. Mr Mulligan.

MR MULLIGAN: Yes, sir. Before I hand Mr Wickman over to my friends I just
15 wondered if I could clarify. There are a number of counsel acting for
a number of parties and I noticed Mr Allan in his cross-examination
seemed to slip along the alignment from one to the other. Initially, he
identified --

20 DR PRIESTLEY: It was quite brave with Ms Devine sitting beside him, I thought, but
he did nonetheless.

MR MULLIGAN: Yes. It would be helpful I think if people identified - and he did
initially with Sylvia Park identify who he was asking questions for
because it just I think helps everyone find their mind.

25 DR PRIESTLEY: I think we can deal with the flow. I don't want it to become too
formalised. But there will be clearly some questions cross-examining
counsel might want to ask which applies to everybody, including their
suite of clients and some which are individualised, and I think that in
30 the latter stages it's there but I don't want it to become too formal.

MR MULLIGAN: No.

35 DR PRIESTLEY: I am certainly not going to allow somebody who acts for four clients
to cross-examine four times.

MR MULLIGAN: No. The other thing, sir, is just in terms of time management in terms
of cross-examination. I mean obviously there is the obligation on the
Board to allow people to ask questions as we go, but I know certainly
40 we're fielding a lot of queries as to where things are at in terms of

cross-examination.

DR PRIESTLEY: Well, you will just have to work that out.

5 MR MULLIGAN: Yes. It's just it would just be helpful.

DR PRIESTLEY: Your guess is as good as mine, Mr Mulligan.

10 MR MULLIGAN: Yes, it would be helpful if other counsel provided some indication.
It's just helpful --

DR PRIESTLEY: What?

15 MR MULLIGAN: In terms of whether they're cross-examining or not.

DR PRIESTLEY: I will tell all counsel this. Some counsel have indicated in advance they want to cross-examine, and you'll notice, Mr Mulligan, their names appear on the programme.

20 MR MULLIGAN: Yes.

25 DR PRIESTLEY: But to guard against the possibility that other counsel may want to join later - you're one of those Mr Enright, we've granted your request - we can't make a ruling that people who haven't notified in advance can't but I have asked EPA staff to circulate a list or even an expanded copy of this either the day before and/or on the morning so that counsel who want to join in add their names to the list. That satisfies your requirement there, doesn't it?

30 MR MULLIGAN: It's just a matter of witness management and time. Yes, sir that's --

DR PRIESTLEY: You're not alone in this concern, Mr Mulligan.

35 MR MULLIGAN: No.

DR PRIESTLEY: It's a matter for the Board as well but thank you for raising it and we'll just have to do our best. Right.

40 MR MULLIGAN: Mr Wickman, if you can answer any questions.

DR PRIESTLEY: All right. Nothing you want to supplement?

MR MULLIGAN: No, sir.

45 DR PRIESTLEY: How long will we have to await his supplementary notes, as you

called them? Will they be on their way before too long?

MR MULLIGAN: That will be this evening, sir.

5 DR PRIESTLEY: Okay. That's fine.

MR MULLIGAN: We've got them available but it's a matter of conveying them to the EPA.

10 DR PRIESTLEY: Thank you, Mr Mulligan, I'm obliged. Now, the first name on the list -- well, it's you Ms Devine for Mercury.

[1.35 pm]

15 MS DEVINE: Yes, sir. Can you hear me, sir? Is that loud enough? I've got the lapel.

DR PRIESTLEY: Yes, put the lapel on, please.

20 MS DEVINE: We thought we might be able to do without so --

DR PRIESTLEY: No, put the lapel on.

MS DEVINE: Right. Okay.

25 DR PRIESTLEY: We can just hear you but people in the other reaches of the room mightn't be able to, including the witness.

MS DEVINE: The witness is far away. Mr Wickman, can you hear me.

30 MR WICKMAN: I can down there, yes. Hello.

MS DEVINE: Thank you. I am the first to ask questions from counsel and I understand from the Board that we might be quite fluid amongst ourselves in terms of that order, is that correct, sir? On this occasion I'm starting first.

40 DR PRIESTLEY: The order we've got here is Mercury, Heliport. Is Mr Berry here? Okay. Then T&G, Kiwi again, which will be Mr Allan and Mr Lanning is joining in the hunt here, Auckland Council and The Onehunga Enhancement Society - so this witness is going to be subject to a number - and Mr Enright. You are going to be subjected to a number of counsel.

45 MS DEVINE: My question was more are you comfortable that if we decided

amongst ourselves any particular arrangement of that order on the --

DR PRIESTLEY: You mean you want to change the order?

5 MS DEVINE: Yes, sir.

DR PRIESTLEY: All right, if no one has any objection to it.

10 MS DEVINE: Thank you, sir. I think that gives --

DR PRIESTLEY: Don't you want to be first anymore?

MS DEVINE: I will continue to proceed, sir. I think counsel have benefited from that direction. I think it's useful.

15 DR PRIESTLEY: Thank you. The floor is yours.

MS DEVINE: Thank you, sir. Mr Wickman, good afternoon. Now, turning to your evidence-in-chief, and you don't need to turn to it at the moment, you have a degree in economics I noticed. That's correct?

20 MR WICKMAN: Yes.

MS DEVINE: But you're relying here on Mr Williamson's expertise for economic matters for NZ Transport Agency?

25 MR WICKMAN: Yes.

MS DEVINE: Thank you, sir. I don't want to put any questions to this witness on economics when that wouldn't be necessary.

30 In your opening notes and comments and updating the Board, you mentioned Mr Flexman's supplementary statement. You've read that, have you?

35 MR WICKMAN: I have.

MS DEVINE: And I don't think it's necessary to take you to that and I don't propose to canvass the issue of where the parties are at on risk at all, but just I want to draw your attention, there is a letter at the back of that supplementary statement. It's at appendix D. Unless your recollection is different, we won't necessarily take you there. In that he writes a letter to you around 23 June, so it's after the site visit, after the facilitated meeting, and there was discussion on issues relating to risk. Do you recall him writing you a letter along those lines at that

45

time?

MR WICKMAN: Yes.

5 MS DEVINE: And in that letter which canvasses a number of matters, it records
your concluding comments at the end of the site visit on 2 June where
you and some NZ Transport Agency people and Transpower people
were on the Southdown site, had a wander around, examined,
10 considered risks and the like, and the letter records that you said that
the proposal was inconsistent with NZ Transport Agency's zero harm
policy and you couldn't see it proceeding in the same manner with
those risks identified. Do you agree that you said something to that
effect?

15 MR WICKMAN: I don't recall saying those exact words. I do recall reflecting that NZ
Transport Agency has a commitment to a zero harm policy, but I
certainly didn't think that the proposal as it stands is contrary to that.

20 MS DEVINE: I have to say I paraphrased what Mr Flexman said. I'll just use his
words and if we need to we can go to the statement. He said:

25 "Your concluding comments before you left the site were that the
proposal could not stay the same with the risks identified, especially
given NZ Transport Agency's zero harm approach to health and
safety."

Do you agree you said that?

30 MR WICKMAN: No, I do not.

MS DEVINE: Thank you.

DR PRIESTLEY: Did you say anything like that?

35 MR WICKMAN: I may have said something like that.

DR PRIESTLEY: Well, what did you say?

40 MR WICKMAN: It was 2 June. The exact statement would've been something along
the lines of what I just previously said, NZ Transport Agency does
have a zero harm policy and we are committed to ensuring that the
delivery of that East West Link, no matter where it sits, is done in a
safe and effective manner. And that's borne out by a lot of the
45 guidance and policy that we have in terms of safety and design as
well as safety audits that are conducted as the project develops.

DR PRIESTLEY: So what Ms Devine read out to you is not an accurate quote of what
you said but it's a fairly accurate précis or substitute for what you

said, would you agree with that?

[1.40 pm]

- 5 MR WICKMAN: It's a recognition that NZ Transport Agency acknowledges there are risks with the design, as currently proposed, in relation to the Mercury site, and there is further work to be done.
- DR PRIESTLEY: But you did use in both versions "zero risk", didn't you?
- 10 MR WICKMAN: I used the term "zero harm".
- DR PRIESTLEY: Zero harm?
- 15 MR WICKMAN: Yes.
- DR PRIESTLEY: All right. Thank you, Ms Devine.
- MR MULLIGAN: Does the proposal meet NZ Transport Agency's zero harm policy, as it currently stands, at the Mercury site?
- 20 MR WICKMAN: Sorry, can you repeat the question?
- MR MULLIGAN: Is the proposal consistent with NZ Transport Agency's zero harm policy as it is currently proposed at the Mercury site?
- 25 MR WICKMAN: I don't believe it's inconsistent. I think along the length of the corridor there are areas where there is further work that is required in order to address certain safety risks, but that's in line with how projects develop.
- 30 MS DEVINE: Thank you.
- DR PRIESTLEY: Are you exploring that issue a bit further or you're moving on to another topic?
- 35 MS DEVINE: Indirectly, sir, so perhaps if you have further questions I'm happy to --
- DR PRIESTLEY: No, I don't. I just was wondering whether you're moving on to something else because the Board will be reluctant to come in on a topic which you're still in the middle of and at the moment you seem to be talking about this letter.
- 40 MS DEVINE: Sir, I propose to move from the letter and --
- 45 DR PRIESTLEY: Okay. Thank you.
- MS DEVINE: Now NZ Transport Agency does not have any interest in the

Southdown site yet for roading purposes or any other purposes, does it, legal interest?

MR WICKMAN: No.

5

MS DEVINE: You have an easement plan. I will perhaps take you there. So I'm going to deal with your evidence in rebuttal, your evidence in reply and work through that with you, Mr Wickman, so you may want to have that easy to hand. In your appendix A you have a range of correspondence and, unfortunately, it's a bit out of order in places and it's not numbered, so we might have to struggle through to just find it. But I'm looking for the easement plan. It's probably about two-thirds of the way through appendix A.

10

15 DR PRIESTLEY: His rebuttal evidence?

MS DEVINE: His rebuttal evidence, yes, sir.

MR WICKMAN: Yes.

20

MS DEVINE: Just wait for the Board to catch up. For the Board, there are a couple of photos before it and some diagrams and then there is a picture with a site on it, which is the Southdown site. I might come back to this later in my questions. Do you have that to hand, your Honour?

25

DR PRIESTLEY: Yes.

MS DEVINE: That picture appears to be supplied by Mighty River Power, as it was at the time. It has their name on the left-hand bottom side, is that correct?

30

MR WICKMAN: Yes.

MS DEVINE: That's information from Mercury so it's not something you've prepared?

35

MR WICKMAN: No.

MS DEVINE: And that demonstrates the extent of easements across the site, doesn't it?

40

MR WICKMAN: It appears to, yes.

MS DEVINE: We have Transpower. We have services, natural gas, drainage, a couple of drainage ones, KiwiRail, steam pipeline and some public

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access easements as well. Is that right?

MR WICKMAN: Yes.

5 MS DEVINE: So quite a complex number of interests in this one site?

MR WICKMAN: Absolutely.

10 MS DEVINE: And the site is owned by Mercury but it has to comply with the legal interests that those people have over that land, is that correct?

MR WICKMAN: Yes.

15 MS DEVINE: Now, at paragraph 6.2 - just turning away from that for the moment - of your rebuttal evidence, at the end of that paragraph you say:

"The preference for Mercury to stay on site and perhaps redevelop the site was not communicated to the Transport Agency until early 2006."

20 Now, Southdown Power Station --

DR PRIESTLEY: 2016.

25 MR WICKMAN: 2016.

MS DEVINE: Sorry, what did I say? 2006, sorry. 2016, that is correct?

MR WICKMAN: Yes.

30 MS DEVINE: Thank you, Mr Wickman. Now, the Southdown Power Station was still operating until 31 December 2015, wasn't it?

[1.45 pm]

35 MR WICKMAN: I don't know what the exact date was, I think Mercury would be better placed to tell me that.

MS DEVINE: It's in their press releases in your evidence.

40 MR WICKMAN: Okay.

MS DEVINE: Would you accept that that is reasonable to say that power station was still operating until 31 December 2015.

45 MR WICKMAN: If that is what the press release says.

MS DEVINE: So in your evidence where you say in the next paragraph that the correspondence between 2014 to late 2015 that was while the Mercury

Power Station was still operating?

MR WICKMAN: Correct.

5 MS DEVINE: So let's look at that in terms of 2014. You've got no reference to correspondence in 2014 in your appendix A, do you?

10 MR WICKMAN: That's incorrect. I don't have a record of correspondence directly with anyone from Mighty River Power, however the first piece of correspondence is a record of a meeting which was held at Mighty River Power on 9 October between 2.00 pm and 3.00 pm, that was with Richard Hastie and Richard Griffin where we talked through what it is that we were looking to do, what the project was about and give them some early indication of what some of the options are that we were looking at. And by options I refer to the long list and the short list of options from the indicative business case.

15 MS DEVINE: In your record of that meeting it says there could be operational concerns with the close location of a new road next to a power plant and you need to work with MRP to ensure that standards are continued to be met?

MR WICKMAN: Yes.

25 MS DEVINE: It wasn't until March in 2015 that that press release says that Mercury was going to close the power station. That's right, isn't it, March 2015 it told the public or the world that the stock exchange listed company was going to move away to close the power station?

30 MR WICKMAN: Yes, 24 March.

MS DEVINE: So during 2015 Mercury was considering its options for that site it is fair to say, isn't it? Sorry, you have to speak for the record.

35 MR WICKMAN: Yes, I mean I don't know what Mercury was doing, I'm not a member of Mercury or Mighty River Power so I can't say what they were doing, I can only vouch for what the correspondence was between us.

40 MS DEVINE: So we know in 2015 they told the market they were going to close the site and stop operating at the end of the year?

MR WICKMAN: Yes.

45 MS DEVINE: They can change their mind about that decision, can't they?

MR WICKMAN: Of course they can.

MS DEVINE: Now, going back to your correspondence in appendix A, you have an

email the beginning of that year following closure dated 22 January from Duncan Annandale to yourself and Mr Forest. Do you have that there?

5 MR WICKMAN: Yes, 22 January, yes.

MS DEVINE: So immediately following the closure of the site Mighty River Power writes to you and they make the statements there, the site is unique, they need to retain it in the same area, they need to preserve the consent, it is reasonable to expect these things, that the consent will be able to continue and you need to be aware of operational risk from the power site, doesn't it?

10

MR WICKMAN: Yes, it refers to the steam plume and potential visibility hazard if that's what you are referring to in terms of risks?

15

[1.50 pm]

MR PARSONSON: Ms Devine, what's the date of that correspondence, is it January 2016?

20

MS DEVINE: 22 January 2016, yes.

MR PARSONSON: Isn't there an email to Mr Wickman from Mr Duncan Annandale on 18 December 2015 which indicates that Mighty River has essentially changed its mine and wants to retain the option of generation?

25

MS DEVINE: Yes, sir, and I will go through all of the letters but the sequence here was that there was a decision, they were operating up until January and then as early as January while they were still operating they've made it clear in the most substantive way, I think, in the 22 January email. But happy to take you through that from the 18th.

30

So on 18 January, just a couple of pages back in your --

MR WICKMAN: 18 December.

35

MS DEVINE: 18 December 2015, the first paragraph there in that email from Mr Annandale to you says that the base case here is indeed to retain the site, both parcels, for future development. At the bottom of the second paragraph, all of these reasons which are set out in that paragraph make the Southdown site strategic for future generations of circumstances

40

and the electricity market change, doesn't it?

MR WICKMAN: Yes.

5 DR PRIESTLEY: What's the date of that email?

MS DEVINE: It's just a couple of pages earlier on 18 December 2015.

10 DR PRIESTLEY: I have it, thank you.

MS DEVINE: So you have notice in December, and logically we will just flow from there, and the next correspondence refers to 21 December, that is when Southdown is still operating the power plant. The business is more inclined to retain the site than previously but not necessarily be wedded to precisely the same footprint if there is extra property available nearby. It says that, doesn't it?

MR WICKMAN: Yes, it does.

20 MS DEVINE: Then we are up to the 22 January 2016 statement and I put to you that there were assertions in there about the importance of the sites, so that is paragraph 1. Do you agree that you were told that the site was unique and important to Mercury in that paragraph?

25 MR WICKMAN: Yes.

MS DEVINE: And you can agree that in the second paragraph that Mercury was quite clear that it needs to retain the same area for the power station?

30 MR WICKMAN: It indicates a desire, yes, that would be what would be expected or desirable.

MS DEVINE: In the third paragraph it states that the consents will continue to be preserved, doesn't it?

35 MR WICKMAN: Yes.

40 MS DEVINE: In the last sentence of that paragraph it says you might want to notice that the consent allows the steam plume, it may not be observable but given it's a consented part of what's entitled to operate on that site, you should take notice of that consent and think about it from a visibility hazard perspective. Do you accept that?

45 MR WICKMAN: Yes.

MS DEVINE: At the end there it also says tell us what variations you can come up

with, doesn't it?

MR WICKMAN: Yes.

5 MS DEVINE: On the next page we've got questions that Mr Annandale is raising with you about have you made any progress in investigating an alternative route that doesn't involve our site. That is in April 2016.

MR WICKMAN: Yes.

10 MS DEVINE: Then the next document is an email from you to Mr Annandale on 21 April and it says the design team is turning its attention to alternative potential design alignment and looking for a bit more information. That's correct?

15 MR WICKMAN: That's correct.

MS DEVINE: Now I just want to job your mind about what was happening that beginning part of 2016 through to April 2016 and hopefully the EPA will be able to help you there but I would like to turn you to one of the application documents because it sets out some workshopping and some thinking that NZ Transport Agency have been doing.

25 Sir, I am going to have to take the Board to this. In the application documents there is an assessment of environment effects and there is a report No 1. It is lengthy, sir. It is appendix J to report 1. It is a mammoth of information so it might take you some time.

30 DR PRIESTLEY: Is this the alternatives appendices report 1 or something else?

[1.55 pm]

35 MS DEVINE: Yes, it is report 1 which is supporting material for the consideration of alternatives, and within report 1 there are many appendices. We want to take you to appendix J. That's called, "Workshop Information Packages". Thank you, sir. Mr Wickman, do you have that before you?

40 MR WICKMAN: Yes, I do.

MS DEVINE: Now, in appendix J numbering starts and stops so you have a number of memos in there, the first one is about the Princes Street design option. Unsurprisingly you're going to find we're going to Anns Creek in amongst that. The first one is Princes Street, the second one is

Neilson Street, the third one is Anns Creek.

MS TEPANIA: Sorry, which one do you want us to look at first, the Princes Street?

5 MS DEVINE: Just the Anns Creek one, sorry.

MS TEPANIA: Anns Creek.

10 MS DEVINE: So it's the third memo there.

MS TEPANIA: Right, thanks.

DR PRIESTLEY: It's got a page number down the bottom right.

15 MS DEVINE: It does, but each of the memos has a page number, so the Anns Creek one, it's at the top. It's a memo from Amelia Linzey to Lloyd de Beer. It's dated 15 April and down the bottom right-hand side of the same page, it says, "Page 1 of 15".

20 DR PRIESTLEY: Yes.

MS DEVINE: Mr Bickers, have you been able to ... Mr Bickers, do you have that?

25 MR BICKERS: No, I haven't.

MS DEVINE: No.

MR BICKERS: I'm listening carefully.

30 MS DEVINE: Okay, and the EPA's just put it up. It may have. It did have it briefly up on the -- it may be a bit small for you to read, perhaps, if that assists. So Mr Wickman, are you familiar with the application documents?

35 MR WICKMAN: Yes.

MS DEVINE: This memo of Ms Linzey describes the Anns Creek design option presentation, doesn't it?

40 MR WICKMAN: Yes, it does.

MS DEVINE: If you turn to the page 2 of that memo, it talks about changes to the detailed business case. This memo is 15 April. Can you read to

yourself the two paragraphs, two short paragraphs, there?

DR PRIESTLEY: Which part of part 2?

5 MS DEVINE: The heading number 4, "Changes to detailed business case".

MR BICKERS: Gosh, it's taking me ages to find appendix J. Now, where have you gone to now?

10 MS DEVINE: You're doing well, sir. You're up to J, and within J there are three memos. I'm not interested in the first two memos. The third memo relates to Anns Creek.

15 I'll just do a background question while the Board is catching up, Mr Wickman. I notice from Mr Nancekivell's evidence, up until April the Alliance had been working on options that didn't run through the Southdown site, that's right, isn't it?

MR WICKMAN: I'm sorry, could you repeat that?

20

MS DEVINE: In Mr Nancekivell's evidence, he says that up until April, up until the short list of options were identified, the options being considered didn't run through the Southdown site, did they?

25 MR WICKMAN: Didn't run through the Southdown site. Can you be a bit more specific?

MS DEVINE: I think that's the language Mr Nancekivell uses, but through the power station on the Mercury site.

30 MR WICKMAN: Up until April? I'm not familiar with the context of what Mr Nancekivell says in his evidence, so I would --

MS DEVINE: Okay.

35 MR WICKMAN: -- I think that needs to be referred to Mr Nancekivell.

MS DEVINE: You were part of the options consideration for this project though, weren't you?

40 MR WICKMAN: Absolutely.

MS DEVINE: All right. And there were a range of options, 16 or more, I think, at the beginning?

45 **[2.00 pm]**

MR WICKMAN: I think perhaps there's a little bit of clarification required, so the 16 long-list options were back in October 2014 as part of the development

of the indicative business case. Through that process, the long list was narrowed down to six short-list options. That was how you get between State Highway 20 and State Highway 1. In regard to the full link there were two options. One affected -- if we refer to it as the Southdown site, that's option F, whereas there was another option, option E, that did not affect the Mighty River Power or Southdown site.

Through the detailed business case, there was a lot of work done on trying to understand the risks associated with each of the options as well as the benefits delivered by each of the options. We ended up going with an option that came in close proximity to the Southdown site. That was in December of 2015. That was following the engagement that we had had through 2015, where Southdown, there were potentially changes afoot at what the future requirements were for Southdown. So when we refer to the memorandum here, this is when we're starting to look at refining the design, the link between Onehunga and Mt Wellington and how it relates to certain features, properties, areas along the corridor. So there were options identified that would have different impacts on different properties along the length of the corridor, and that's what the information contained in these memorandums is about. So when you refer to the long list and short list, it can be rather confusing about which process that's part of.

MS DEVINE: Thank you, Mr Wickman. So this paragraph 4 or section 4 of this memo, it says that in April 2016, when Ms Linzey wrote her memo, it says:

"The current Anns Creek alignment was chosen to avoid the Mighty River power site."

And that was the design that was put forward and signed off through the NZ Transport Agency business case process. It then goes on to say that:

"Subsequent information suggests that Mighty River Power Station is closing and the property might be available for purchase."

Doesn't it?

MR WICKMAN: Yes, it does.

MS DEVINE: And I've just been through with you the correspondence in 2014 and in 2015, which says, "We've got consents. Pay attention to the consents". You remember our discussion on that prior to finding this document?

MR WICKMAN: I do, and I remember your comment that businesses do change their

minds as well, so ...

5 MS DEVINE: So you had the impression or Ms Linzey had -- someone has instructed Ms Linzey with information that suggests that the site might be available for purchase after this advice was given to you in January and in ... let's pick the dates we've had. In at least January, and we'll come back to some of the other advice you were given prior to this choice to switch suddenly and include the Mercury site.

10 MR WICKMAN: Just to be clear, the design -- so I think it's perhaps a little bit misleading in that the first paragraph, the option 1, as you'll note in the memo, if you turn to the plan, it does go through the Mercury site. It's noting that Mighty River Power holds two parcels, that the Southdown facility, the co-generation facility that has -- that is no longer operational and that was closed at the end of December 2015, sits on the southern parcel. The northern parcel was at that time vacant and the alignment, as you'll note, goes through the northern parcel.

20 MS DEVINE: Just to be clear, having heard the messages in January that the site is important and that the resource consents need to be paid attention to, there was a decision in April to include the Southdown -- the Mighty River Power site and the power station, that's correct?

25 MR WICKMAN: That's correct.

MS DEVINE: Now, there's another document I could take the Board to, and I'm hesitating about doing that. It's in the same bundle. In the multi-criteria analyses - and I can put this to Ms Linzey - there is a document that's further in this bundle, appendix L.

30 [2.05 pm]

It talks about that site in April and it talks about it being a defunct power station. Are you familiar with that?

35 DR PRIESTLEY: Did you say appendix L?

MS DEVINE: I'll take you there, sir.

40 DR PRIESTLEY: No, it's all right, I just wanted to make sure I heard you right.

MS DEVINE: Yes, sir.

45 DR PRIESTLEY: Thank you.

MS DEVINE: So it's just further along from J, as you might think. It's called, "The

MCA outcomes for alignment options".

DR PRIESTLEY: Yes.

5 MS DEVINE: Unfortunately this isn't numbered in a helpful way either, sir. About halfway --

DR PRIESTLEY: Which option number is it under?

10 MS DEVINE: It will be under, "Anns Creek outcomes report".

DR PRIESTLEY: I've got it anyway.

15 MS DEVINE: You found that. Mr Bickers, found ...

DR PRIESTLEY: "Multi-criteria analysis."

20 MS DEVINE: Yes, thank you, sir. At the top of that, it's an outcomes report and it says it's a record of process involved in that report, that there was a workshop in -- at 8 April, there were comments in May and July. It was finalised in May and then updated after obviously the second lot of comments came in in July last year. Do you see that, Mr Wickman?

25 MR WICKMAN: Yes.

MS DEVINE: Now, this is the type of workshop where a number of people sit in the room and consider the information they have in front of them?

30 MR WICKMAN: Yes.

MS DEVINE: Were you at that workshop?

MR WICKMAN: Yes, I was.

35 MS DEVINE: So if we turn the pages, there are tables with lots of tiny text for the Board to look at that I can take you through and I will ... so there's a table at the back of that part of the memo. It refers -- there's a first page, which isn't numbered; that talks about performance against project objectives. The second page, at the top left-hand side it says, "Road safety". Mr Wickman, do you have that page?

40 MR WICKMAN: Yes.

45 MS DEVINE: Just in terms of that row there, the, "Road safety" row, it works through the newly-narrowed down five options and it works on different -- it gives different scores to different options and some commentary and reasons and assumptions on those options. That's the formula for the

table, isn't it?

MR WICKMAN: Yes.

5 MS DEVINE: In that row for road safety, there's no reference to risk from the operations at Southdown Power Station, is there?

MR WICKMAN: This was conducted in 2016. The plant was mothballed.

10 MS DEVINE: Although Mercury had told NZ Transport Agency that it should take into accounts its consents and steam and the like?

MR WICKMAN: This was considering road users, so there will not be comment or consideration of other land uses along the length of the corridor. That would not solely be to Mercury --

MS DEVINE: So, you don't take into account risks that arise from the neighbouring land on to the roads, such as explosions and the like?

20 MR WICKMAN: No.

MS DEVINE: In terms of the next row on construction, there's reference to construction impacts on utilities and lifeline infrastructure. Mighty River was not, as it was then, assessed as being a lifeline utility, was it?

MR WICKMAN: I would refer you to Ms Linzey for that question.

MS DEVINE: The construction cost, the next row down, which talks about presumably construction cost, is referenced to MRP, and under options 2 and 3 it says, "The MRP property may not be available". Do you see that?

[2.10 pm]

35 MR WICKMAN: Yes.

MS DEVINE: So you're taking into account that Mercury might want to keep its site?

40 MR WICKMAN: I can't speculate what that comment was meant to mean, but Ms Linzey might be a better person to --

MS DEVINE: But you were in the room, weren't you?

45 MR WICKMAN: Yes, I was in the room.

MS DEVINE: And these things are, we've already heard today, an alliance, which has a bunch of people who sit in a room and agree what's the best

recommended approach, and you were participating in that discussion.

MR WICKMAN: This was undertaken in April 2016, so I cannot recall the exact context for that comment, but perhaps Ms Linzey might be able to.

5

DR PRIESTLEY: I don't think it's a difficult question or a trick question at all, Mr Wickman. You were there, you've got some knowledge of the thing, and I accept totally you wouldn't be able to recall with total clarity who said what at this meeting all that time ago, but it would seem to me that "MRP may not be available" just means that. Would you agree?

10

MR WICKMAN: I would agree. That's likely what it means.

DR PRIESTLEY: Yes, and it's a reflection, is it not, that when thinking at least about option 2 and option 3 and scoring, along with a multitude of other factors, that one of the things which NZ Transport Agency had to consider so far as option 2 and 3 were concerned were that they might not be able to get their hands on the MRP property. Correct?

15

MR WICKMAN: Absolutely, yes.

20

DR PRIESTLEY: Yes. That's the point you wanted to make, or was there some subtlety I've missed there?

MS DEVINE: Thank you, sir.

25

DR PRIESTLEY: Thank you.

MS DEVINE: Moving down the table, option 1 is considered on not the next page but the page after, which is a roll-over from social and economic row. It considers that grade separation might be required for the MRP site to be retained, and access still required in that option 1 column, doesn't it?

30

MR WICKMAN: I'm sorry, I'm not sure where you are.

35

DR PRIESTLEY: It's the next page, the last section under the heading of -- what's this building --

MS DEVINE: Social and economic column. It rolls over to the next page.

40

MR WICKMAN: Yes. Grade separation is required for this option for other comments. Is that where you are, that page?

MS DEVINE: Yes, thank you. Just continue past the next page and on to the page after, where it says, "Viability of land areas". Have you got that, Mr Wickman?

45

MR WICKMAN: Not yet. Yes.

MS DEVINE: It talks about larger land take price than use:

5 "Differentiator is the area of land required. All localised impact. This option may impact a building."

In relation to option 1, isn't it?

10 MR WICKMAN: Yes.

MS DEVINE: So, again, it assumes you are buying the Southdown site, even though MRP had advised it wasn't a willing seller at that time, doesn't it?

15 MR WICKMAN: It assumes there is a property impact, yes.

MS DEVINE: Carrying on down the table under "Natural environment", which is another two pages along. You'll find the heading, "Natural environment". It's four pages with text related to the natural environment, so it's not quite near the bottom. The heading, "Natural environment" is at the bottom of one page, then there's a whole other page, and then next page is where I'd like to take your attention to.

20

MR WICKMAN: Is that the final page with, "Other comments and assumptions" at the bottom?

25

MS DEVINE: No, it's the one before that. It's got lots of text and no reference on the left-hand column.

30 MR WICKMAN: Okay.

MS DEVINE: In different places for options 1, 2 and 3, there are references to the MRP station being "defunct", talk about the post-industrial character being reinforced by a defunct MRP station. Is that correct?

35

[2.15 pm]

MR WICKMAN: It does say that, yes.

40 MS DEVINE: So, you're dealing with all options, are you saying, that you see that the site could continue to operate? Is that the basis that the option analysis was done at that stage? Or that the options were done on the basis that the site was defunct?

45 MR WICKMAN: I'm sorry, can you repeat the question? I'm a bit --

MS DEVINE: So, there are people in the room, you're all having a chat about the options and you're weighing up what you should say and recording

5 these options, knowing well that this is a useful document for this Board, and you're exploring the possibilities. I'm trying to understand what was in the minds of the people in the room about the Mercury site in April, because there's a chain of correspondence we're going through, and the chain of correspondence says Mercury says, "We're not leaving. We're staying. We want you to pay attention to these consents", and we'll go on to what the rest of it says. I'm trying to understand what was the sense of the people in the room, which included you, about what was happening with the Mercury site, because we've just looked at a memo which says, "Instead of skipping it, we're going to go right through it".

10
15 MR WICKMAN: All right. So, in relation to that, yes, as part of the MCA process, we do need to consider a whole range of options, and we have at that time identified a number of options that could get from Sylvia Park Road to Pikes Point, and various different ways. The assumption at that time, so the existing environment at that time, was Southdown was no longer operational and Mercury was reconsidering or was considering what their future plans were for the site. In order to be complete, the assessment was undertaken as the plant was not operating at the time, and there would have to be continued engagement with Mercury to test that assumption and to work through the detail of the assessment in that regard.

20
25 MS DEVINE: So, the view was that the site was defunct and would not be operated as a power station? Is that your assessment of what your thoughts were in the room in April?

30 MR WICKMAN: I cannot speak for what other people's views were.

MS DEVINE: That was your view?

35 MR WICKMAN: The assessment was undertaken on the basis that Mercury had a property holding there, they had a facility that was built and has had consents, still has consents, but that it was not currently operating.

40 MS DEVINE: But that's quite contradictory. It seems an incomplete assessment to me. You've just said that it should take into account it has consents there, but there's no reference to risks arising from the consents, even in the visibility matters that were brought up in emails. It's not mentioned there, is it? Sorry, I'm really trying to understand this. Either you're saying it was assessed as being completely defunct or that it could be, does have consents, it could be operating. In which case, I put it to you that you have not taken into account that it's a lifeline utility operator, or that it has consents that you have to assess the risks of compatibility of the road with.

45 MR WICKMAN: Which is I believe what we have done.

MS DEVINE: So, where do you identify that it is a lifeline utility operator in that table?

5 MR WICKMAN: I believe that's a better question for Ms Linzey.

MS DEVINE: Where do you take into account that there are health and safety risks associated with the environment that these options are going through?

10 MR WICKMAN: The safety assessment that we have undertaken in this type of an assessment is the safety of the carriageway itself and how it might impact on users of the facility. The consideration of additional land uses and the impact of those land uses doesn't fall within the safety assessment. The safety assessment is: can you design a safe road that
15 will be useable in a safe and effective manner for the users and the use it's intended for?

MR PARSONSON: Have those risks from the adjacent land use that Ms Devine is alluding to been subsequently considered?

20

MR WICKMAN: Have they?

MR PARSONSON: Been subsequently considered.

25

[2.20 pm]

MR WICKMAN: Yes, and Ms Rickard in her evidence provides --

30 MR PARSONSON: With a zero-harm policy, why were those particular potential risks such as might come from a power station excluded from the options assessment.

35 MR WICKMAN: This record is an incomplete record of all of the information. Mercury has been identified as a risk. It has long been known and acknowledged, as you'll see in the email correspondence, that Mercury does have an interest in this area and that the location of the road in proximity to an operating power plant would present some challenges that we would need to work through.

40 Insofar as assessing the risk as part of the MCA, the MCA is meant to identify some high level reasonings for why it may or may not do certain things which Ms Linzey can expand upon, but from my understanding the process is really there to try and guide a decision, not necessarily identify all of the red flags because further work
45 would need to be done to understand: are those actually red flags and are there things that you can do to manage or mitigate some of the

risks that are identified in that process?

- 5 DR PRIESTLEY: Mr Wickman, if I may, I appreciate there were a number of people involved in the assessment of options and alternatives, but they include not only Ms Linzey but also you. Am I right?
- MR WICKMAN: Yes.
- 10 DR PRIESTLEY: And you quite clearly were in the room at this April meeting, and you're one of a number of people in the room who were methodically and conscientiously and professionally looking at the pluses and minuses of various options, correct?
- 15 MR MULLIGAN: Yes.
- DR PRIESTLEY: Right. Now you - maybe not uniquely - knew a number of things when you went into that room from the email exchange between you and Mr Annandale of what was then Mighty River Power, correct?
- 20 MR WICKMAN: That's correct.
- DR PRIESTLEY: And counsel has taken you through those about half an hour ago.
- MR WICKMAN: That's correct.
- 25 DR PRIESTLEY: You knew that it was no longer being used to generate power, correct?
- MR WICKMAN: Correct.
- 30 DR PRIESTLEY: You also knew that MRP saw strategic importance of the site for generation needs of the entire community, correct?
- MR WICKMAN: Correct.
- 35 DR PRIESTLEY: You also knew they might have some flexibility about the footprint but that that would depend on whether there was suitable land available adjacent to their current site, correct? That is what one of

the emails says.

MR WICKMAN: That's what one of the emails says.

5 DR PRIESTLEY: Yes.

MR WICKMAN: The previous email, though, the one from 2014 is that there are --

10 DR PRIESTLEY: I'm talking about to 2015.

MR WICKMAN: Yes, well, sir --

DR PRIESTLEY: It's closer to the meeting than 2014, isn't it?

15 MR WICKMAN: It is, and the conversations since then have indicated that maybe there are things that we can do to design --

20 DR PRIESTLEY: Yes, but you would be drawing a very long bow to tell anybody professionally that Mighty River Power was quite happy to quit the site. That's just not on the table at this point, is it?

MR WICKMAN: No, it's not.

25 DR PRIESTLEY: Right. And you also knew from a safety point of view that, should this plant be put back into operation, it was going to generate a plume, that being information volunteered to you by Mr Annandale, correct?

MR WICKMAN: That's correct.

30 DR PRIESTLEY: Now, I think that all that Ms Devine is trying to do - though doing so in a very methodical way - is she's trying to suggest to you that maybe you, as the possessor of this information - which I've taken you through - in the room perhaps just let one or two of these things slide, or not have total emphasis when the Mighty River Power site was
35 being considered. The way Ms Devine is doing this is taking you through all these schedules, which really aren't quite complete, are they, so far as MRP is concerned? Do you agree?

40 MR WICKMAN: I agree that they're not complete for MRP, but that would be the same case for the other property owners as well as the other issues in that area.

DR PRIESTLEY: Well, that's true but it's not necessarily or indeed fair to say, "Well, maybe Ms Linzey should know about these things" because you knew

and she might not have. Do you see what the point I'm making?

[2.25 pm]

- 5 MR WICKMAN: I share my correspondence that I receive with the team.
- DR PRIESTLEY: All right. But you are the person who had the first read of it?
- MR WICKMAN: Yes.
- 10 DR PRIESTLEY: Right.
- MS DEVINE: Thank you, sir. Taking a step back from that, so we've recapped
15 January - from January to April - so prior to April you're going
through a process of refining the options down to these five and then
you're going to release those to the public. Is that right?
- MR WICKMAN: No, it was actually only four at that time but the fifth came up as a
20 result of the conversation that I had with Mr Annandale on that,
whenever, 21 April. The email correspondence would be there.
- MS DEVINE: It is fair to say that Mercury thought the site might have been missed
25 and didn't receive those five options until after the decision was made
to include the Southdown site. Then that memo was written by Ms
Linzey that you were no longer going to avoid the Southdown site?
- MR WICKMAN: That's incorrect. The four options that we were considering as part of
30 that MCA process I shared those with Mr Annandale and that was
referred to in the correspondence.
- MS DEVINE: Let's look at the timing of that. I think you'll find that follows your
35 memo from Ms Linzey that the site was now going to go -- the
decision was previously that you were going to try and avoid the
Mercury Power site, that now you're taking a different approach to the
alignments.
- 40 So let's look back at your correspondence. Just turn over past the
pretty pictures. We'll go through this methodically. The next email
after your 21 April email is a response. Appended to that are some
diagrams of the site which shows the three generators. Then you have
an email, 30 May 2016 - at the top of the page. It's dated to that and it
shows correspondence from 26 May to 30 May between you and Mr
Annandale. On 26 May Mr Annandale says:
- 45 "I hadn't heard back regarding your investigations on a more

southerly route. Any progress on that?"

Doesn't it? 26 May you received an email from Mr Annandale?

5 MR WICKMAN: Yes.

MS DEVINE: And on 30 May you say, "Well, we've done a bit more work", which is obviously referring to the work shopping you were doing, "I'm thinking about it. I have plans I can share with you". Then he chases you for those plans, "If you could send me something through. Let's keep it moving". And then you write back to him later that day and say:

10
15 "I can't email you those plans because the alignment is in a bit of flux."

So in May they hadn't received the plans, had they?

MR WICKMAN: That was so in the email:

20 "Fantastic. Thanks. I'll meet you in the lobby of ANZ Tower tomorrow at 3.30."

25 I sat down with Mr Annandale and showed him the plans.

MS DEVINE: So he got the plans on 30 May?

MR WICKMAN: He got the option 5 that we had developed in response to the feedback that we received from him on the four options that went through the MCA. So the MCA is not a static process. It is something where we do look for feedback, especially in areas where we don't have or feel we might not have complete information, and we shared those four options with Mr Annandale to try and get some feedback from Mighty River Power.

35 MS DEVINE: Let's turn to the next correspondence, Monday 27 June. Can you find that, Mr Wickman? It's from Mr Annandale to you.

MR WICKMAN: Yes.

40 MS DEVINE: It says MRP has reviewed the latest option provided to it and compared it with conversations you've had, and there is a summary preliminary comparison of the options below and other information they seek further explanation from. Do you see that?

45 MR WICKMAN: Yes.

MS DEVINE: And in terms of the list there it's important to have a good close look

at their summary list. Their list here refers to potential disruption to the existing plant, the ability for MRP to re-commission and operate its plant is potentially compromised in a number of ways including the things that are listed there, doesn't it?

5

[2.30 pm]

MR WICKMAN: Yes.

10 MS DEVINE: And they refer to the bridge structures relative to the plant, the bridge structures relative to the gas pipeline, the supply pipelines, the ability to operate the site with the necessary cranes, impacting storm water and drainage. That's the initial preliminary views on operational impact given to you at the end of June, isn't it?

15

MR WICKMAN: That's correct.

MS DEVINE: They also raise the issue of impacts. They're concerned about their resource consent and the availability for their RMA authorisations; the impact of this project on their consents, their RMA authorisations, doesn't it?

20

MR WICKMAN: Yes.

25 MS DEVINE: It also talks about land availability. If you were trying to change things whether that would be actually possible, and also issues around access there at number 5, doesn't it?

MR WICKMAN: Yes.

30

DR PRIESTLEY: Just confirm for me, Ms Devine, Mr Annandale is the author of this table, is that right?

MS DEVINE: Yes, sir.

35

DR PRIESTLEY: That is at the foot of the transcript.

MS DEVINE: Yes. Sorry, sir, it's advice from MRP to NZ Transport Agency/

40 DR PRIESTLEY: Right. Thank you. It's pretty comprehensive.

MS DEVINE: Yes. Now these options all align and they go into it in some detail in the table, but this advice is pretty much mirrored by the submission by MRP when this proposal was notified, isn't it? All those things that are in that list are in the MRP - Mercury now - submission to this board, aren't they?

45

MR WICKMAN: I'm going to have to take your word for that because I don't have their

submission in front of me, but there are a number of design matters that have been raised and we've been working on with Mercury to try and address.

5 MS DEVINE: Well, have you read Mercury's submission?

MR WICKMAN: Yes.

10 DR PRIESTLEY: Do you need to make that point? He said he's not read your submission.

MS DEVINE: No, he just said he has read the submission, sir, just now.

15 DR PRIESTLEY: I'm sorry.

MR WICKMAN: Just I don't have it in front of me so a direct comparison is rather hard to do.

20 MS DEVINE: I can take you to that submission. I will just try and prompt your memory. Do you think it refers to or do you recall it referring to concerns about the operation of the site?

25 MR WICKMAN: It refers to air quality matters, it refers to noise matters, it refers to a lot of the same or similar issues as are raised in this email, yes.

MS DEVINE: So the answer to my earlier question was, yes, the matters are the same that are raised in the submission?

30 MR WICKMAN: The matters are similar to those that are raised in this email and those that are in the submission.

35 MS DEVINE: I put it to you that there's not a lot of work being done between the end of June - and we will go through the correspondence - and when the application was made available to the public in December. Is that fair to say.

MR WICKMAN: No, I disagree.

40 MS DEVINE: So was there any comfort given to Mercury about the potential disruption to the existing plant?

45 MR WICKMAN: Part of our challenge that we've been working through and trying to, I guess, reconcile with Mercury, particularly in the work that was being done between June and when we lodged, we had a firm deadline we needed to lodge by the end of the year, there was a lot of detail in terms of how the alignment itself could be managed or otherwise designed. How the design could be amended to respond to some of the issues raised. There are three primary matters, being access, being the vertical

5 clearance to Transpower towers and being the horizontal clearance to
the GE105 turbine. Mr Nancekivell in his evidence or his rebuttal, I
am not entirely sure which one, sets out all the work that has been done
and had been done between June and by the time we lodged.
10 Unfortunately, between the time we lodged and when it was actually
publicly notified -- so we lodged the applications with the EPA at the
end of 2016. It wasn't publicly notified until end of February. There
was a lot of work that been done in that intervening time but the design
for NoR and the way the alignment looked hadn't changed to reflect
some of the conversations that we had been having with Mercury.

[2.35 pm]

15 I think it's not fair to say that work hasn't been done. We have done a
lot of work and we have tried to respond to a lot of the issues that
Mercury has raised. Unfortunately in 2017 there were no issues raised
and there are no mentions of risks in this table from Mr Duncan
Annandale in June 2016.

20 MS DEVINE: Mr Wickman, this email talks about preliminary comments about the
options, doesn't it?

MR WICKMAN: Are you referring to the email from 27 June?

25 MS DEVINE: Yes.

MR WICKMAN: Yes.

30 MS DEVINE: I'll get to Mr Nancekivell next in terms of cross-examination and in
terms of the matters that he has covered and you have just pointed to
around grade and some of those working within the access of the site
and we will go through the correspondence. But let's look at the issue
of resource consents. Where is the comfort being provided to Mercury
35 that the effects on its site will be avoided, remedied and mitigated so it
doesn't impact on its resource consents?

MR WICKMAN: I am not entirely sure how to answer that question.

40 MS DEVINE: Well, you focused on the three things that you have actually done and
not the things that are omitted from being done, which are also on this
list. So Mercury points out to you that there are concerns, in amongst
them are the impact on the resource consents. If you are trying to
mitigate the effects of this proposal by changing the power station
somehow or changing the operations on the site they raised right back
45 then, how is this going to work with us being able to operate. Resource
consent is absolutely fundamental to operating a power station. What

work has been done on that exercise?

5 MR WICKMAN: Well, we have been working with Mercury to develop an agreement between the parties as to how that might be managed if this were to go ahead.

10 MS DEVINE: So there is no condition in the conditions proposed by Ms Hopkins that says that their engineering plans will be acceptable to Mercury to be able to operate as it does now, is there?

15 MR WICKMAN: I'm probably not the best person to ask that question of. Ms Hopkins would be better answering that. I know that the construction traffic management plan and a number of the management plans would form good tools to address those issues.

MS DEVINE: The construction management plan doesn't deal with the fundamentals of a power station continuing to operate, does it?

20 MR WICKMAN: That is a question that is better suited for Ms Hopkins.

MS DEVINE: So you are not familiar with the position NZ Transport Agency is taking to mitigate the effects on the Southdown site, is that what you are saying?

25 MR WICKMAN: That's not what I'm saying. I'm saying that the mechanics of how the conditions might work in relation to Mercury and in any decisions that Mercury make with regards to the future use of their site, if East West Link was to be delivered is something that is better spoken to Ms Hopkins.

30 MR BICKERS: I think it is an issue that we have asked for in the direction from the Board, the consents form part of the existing environment and therefore have to be avoided, remedied or mitigated and so that direction, which the Board has issued is specifically asking that question. How are they to be avoided, remedied or mitigated?

35 MS DEVINE: Do you have an answer, Mr Wickman?

40 MR WICKMAN: I do not.

45 MS DEVINE: From an NZ Transport Agency perspective, being one of the two employees giving evidence on behalf of the Agency, are you to say whether it's the intention of NZ Transport Agency to ensure that the Mercury Power Station will be able to continue to operate and start within three months in the same manner as it is now?

MR WICKMAN: It is the intention of NZ Transport Agency to work with Mercury to find a mutually agreeable solution that allows the East West Link to be

delivered in a safe and effective manner and allows Mercury to continue to operate the site in the way that meets their future needs.

5 One of the questions that we have had and I guess the challenges that we have grappled with is just understanding exactly what that future strategic use of the Mercury site might be, and we have asked Mercury a number of times for that. We have undertaken our assessments knowing that there are existing consents and that is the existing environment. I am not probably the appropriate person in terms of not 10 knowing the detail or the planning detail around what those consents mean in relation to his application but Ms Rickard would be able to answer that question for the Board.

[2.40 pm]

15 MS DEVINE:

Mr Wickman, you are still not answering my question. Now, let's deal with this in pieces. You have deflected the answer to my question by referring to all potential future options for the power station Mercury might have. Obviously Mercury hasn't developed those options at this stage. Mr Bickers has pointed you to the fact that there is a consented readily available power station that can be operating in a short amount of time and you need to consider, as NZ Transport Agency, how you avoid remedy and mitigate those effects. My question to you is whether NZ Transport Agency is prepared, as a condition, to provide that it will not build the road unless Mercury can continue to operate that power station on those terms?

MR WICKMAN:

At this stage I haven't seen a condition to that effect and therefore I wouldn't be able to make a comment on it, but what I would be able to make a comment on is NZ Transport Agency has been working very hard to try and address the issues that have been raised by Mercury. Our air quality expert has met with Mercury's air quality expert and agreed a way that we would be able to monitor the air shed - excuse me if I'm not using the correct terms - to allow Mercury the confidence for its existing consents that those would not be -- or any impact on how those might be able to be applied in the future, we can have an understanding of what the baseline is today without East West so that there is an understanding of the impact that East West might have and how that might relate then to the consents that Mercury does hold.

40 There are a number of things that we've been working through with Mercury, some of them are detail and others are design matters, but I don't accept that we have not been working with Mercury and we are trying to obstruct Mercury from continuing to operate or exist on the site.

45 MR BICKERS:

Mr Wickman, the Board needs to be satisfied that the adverse effects have been avoided, remedied or mitigated. When you tell the Board

5 that we are having ongoing discussions with Mercury that is more an expression of hope than any certainty to this Board that effects have been avoided, remedied or mitigated. That has precipitated the direction from the Board because we just don't seem to have any concrete information about how you will avoid, remedy or mitigate effects on the existing environment.

10 MS DEVINE: In terms of the other matters raised by Mercury in this table and this email, putting aside consents, some of the issues are relating to concerns about the availability of the gas and how the lack of gas might impact on a gas-powered power station. That is one of the issues that Mercury has raised, hasn't it?

15 MR WICKMAN: Yes.

MS DEVINE: There is no guarantee that the gas will remain available for the power station, is there?

20 MR WICKMAN: We haven't proposed to change the gas in relation to the power station.

MS DEVINE: Yes. Let's come back to the gas. Turn to the next piece of correspondence in your appendix A, shall we? This is dated 2015 and is obviously included in error because you had another meeting in July 2016, so this 2015 document is right after the press release in March 2015 that the plant would close and before Contact Energy in August 2015 said they would shut down the Otahuhu Power Station, isn't it?

[2.45 pm]

30 MR WICKMAN: Yes.

MS DEVINE: And before the email earlier on 23 October 2015 that MRP said it had yet to make a final decision on selling the land, and before later advice in this correspondence which says it will retain the land. So it's not really appropriate or necessary to have in that order of your chronology of correspondence, is it, Mr Wickman?

40 MR WICKMAN: I think this was just mis-located in the correspondence. If we're following chronologically, it should be earlier, yes.

MS DEVINE: The rest of the correspondence, just to complete this exercise before I take you back to your statement of evidence, you have an August request from Mr Annandale. You mention:

45 "There are some changes. Could you give us that information, particularly get us information about the air quality issues? Give us some information about clearance distances and what's going on with the gas."

Is that right? That's in August 2016.

MR WICKMAN: Sorry, I've lost where you are. Yes. So the 9 August email?

5

MS DEVINE: Yes.

MR WICKMAN: Yes.

10 MS DEVINE: Then the next document is the exchange of some information around special types of vehicles that need to enter in and out of the Mercury site, and so is the document after that. Is that right?

MR WICKMAN: Yes.

15

MS DEVINE: Then we have a minutes document which is on NZ Transport Agency letterhead of a meeting held at Southdown in October last year, where there's some discussion about -- I should say the 7 October just follows immediately after the 3 October announcement that the solar research and development centre would be undertaken at Southdown, isn't it? It's just immediately after that announcement.

20

MR WICKMAN: Okay.

25 MS DEVINE: It's in your evidence.

MR WICKMAN: Yes.

30 MS DEVINE: Do you agree? So, you met with the five people from Mercury there and they raised a number of issues. I guess there's some usefulness of checking they're accurately represented. Was this memo agreed by the Mercury people who attended as an accurate representation, or are these just your notes?

35 MR WICKMAN: These are the meeting minutes.

MS DEVINE: Do they get approved by Mercury?

40 MR WICKMAN: I would assume so. That is the normal process. I can check if we have email confirmation, if that's what you're ...

45 MS DEVINE: So, in this EWL latest alignment there's various information there. The actions are on the right-hand column, "Need some more information from Mercury about transformers". In relation to earth grids, there's clearly a discussion there about the effects on the earth grid. "It depends on whether the structure is well-earthed or not", so there are concerns about the safety of people from electricity at the Southdown site, and there's a bit of discussion around the implications of that. Do

you see that there, Mr Wickman?

MR WICKMAN: Yes.

5 MS DEVINE: There's a recognition that the cooling towers - because the site is no longer a cogen site - aren't necessary any longer. Whether that provides some extra land. Across the page there are some questions from Mercury. "Tell us how much tolerance to curve more to the south."
10 This is on the second page, when there's discussion about Anns Creek. Mercury is asking, "How much more can you go into the south there?" Is that right?

MR WICKMAN: Yes.

15 MS DEVINE: No actions arising on that issue.

MR WICKMAN: On the ecology report?

MS DEVINE: On the right-hand column there are no actions arising for exploring the
20 move to the south.

[2.50 pm]

MR WICKMAN: There doesn't appear to be. I know that the ecology report was shared
25 with Mercury.

MS DEVINE: In that paragraph 3 there in your report there's a recognition there was concern or tension in the room about the lack of understanding from
30 NZ Transport Agency about the strategic direction of the site. Do you see that?

MR WICKMAN: That wasn't tension in the room. That was the --

MS DEVINE: Tension.

MR WICKMAN: -- tension of the consideration. It's a very constrained area. The
35 concerns that had been raised by Mercury were that we should go further to the south, whereas the concerns that have been raised by Council are that we should go further north, and that's the tension that that refers to. Anns Creek is a significant ecology area. The planning
40 maps indicate that there are outstanding natural features in that area, and Mercury would like us to sit over those. Council would like us to sit off of those. So, that's the tension that that's referring to.

MS DEVINE: Then there's reference to the CEOs having a discussion to make sure
45 that understanding about what's needed is -- it doesn't say what's going to be occurring, but you recognise that there were going to be conversations, as you say, from your very involved CEO with the CEO

of Mercury?

MR WICKMAN: I understood that the discussion would be elevated. It didn't end up being the CEO, but ...

5

MS DEVINE: We'll come to that. Then there's a list there of matters which emphasises - this is October, before the application was lodged - the security of energy supply is crucial. Still looking at options. It's a very strategic site, given the heavy industry zone, the gas and transmission line infrastructure, and residential not being nearby. It's fair to say all those things have been repeated to you, actually, haven't they, because those are messages we've already addressed in this correspondence so far?

10

MR WICKMAN: Absolutely, and this correspondence records just the amount of design work that we have been going through with Mercury to try to address the concerns that were raised by Mercury.

15

MR PARSONSON: Ms Devine, could I just cut in with a question? I think in response to a question from me, Mr Gliddon indicated that the final decision to align the route over the Mercury land was made at NZ Transport Agency chief executive level. Just based on your response to the question about those minutes, does that mean that a decision was made without engagement with the Mercury chief executive?

20

25

MR WICKMAN: The detailed business case stage, when we picked the macro alignment between Onehunga and Mount Wellington, that went through the Board, and it was identified that Mercury was one of the sites that was potentially affected by the proposed alignment. In relation to the issues that have been worked through since then, the CEs weren't involved in the discussion until later on in the piece when it became apparent that maybe the issues were going to be harder to be addressed than was originally anticipated.

30

MR PARSONSON: So they have engaged now?

35

MR WICKMAN: They have engaged now, yes.

MR PARSONSON: Okay, thanks.

40

MS DEVINE: Sorry, I just have to take you to clarify a point for the Board there and perhaps might need to take you to Mr Whineray's statement of evidence. Have you read that? The short one that was supplied a week or so ago?

45

MR WICKMAN: Yes, briefly.

MS DEVINE: Do you recall that in that statement Mr Whineray, the chief executive

of Mercury, says that he met with the chief executive of NZ Transport Agency on 24 February 2016 and indicated that the site was of immense strategic value?

5 MR WICKMAN: Yes. Yes.

MS DEVINE: Okay. Thank you, Mr Wickman.

10 MR WICKMAN: Just to clarify, that was after the detailed business case that was approved by our Board.

MS DEVINE: Sorry, you're suggesting that there was a closed ear to those entreaties by Mercury that NZ Transport Agency should pay attention to the strategic importance of the site?

15 MR WICKMAN: I'm not suggesting there was a closed ear at all. It was a reaffirmation of Mercury's position that they provided to us in January of 2016.

[2.55 pm]

20 MS DEVINE: Let's turn to the next piece of correspondence because I'm conscious of time. 10 October we have next. Mr Gliddon refers to some correspondence which we'll take you down to, which is between the GM for hydro and wholesale for Mercury and the chief executive of NZ Transport Agency, Mr Gammie, which he then forwards on to your team, and Mr Gliddon says to you, "Hey guys, what's the latest? Do I need to meet the GM?"

25
30 Now, in that email from Mr Gibson, he points out on 7 October that the teams have been engaging on the route, and:

35 "Following the announcement in early 2015 that we closed down the site, it was felt that it was assumed that the site was available to the East West Link, and that the Mercury team has worked hard to make sure NZ Transport Agency is aware that the assumption is incorrect, because the site is unique with respect to the future electricity supply."

40 He points out that that announcement around the R&D solar development site had just been made and that he emphasises that the immediate plans for the site do not change the requirement for this to be preserved. He said that the message was well-received and understood. I put it to you that that April memo that I read to you from Ms Linzey -- oh, sorry, the April note/memo from Ms Linzey which says, "We now choose not to avoid the Mercury site", that it wasn't well-received.

45 MR WICKMAN: That was six months prior to this email. That was April 2016, the Ms

Linzey correspondence.

- 5 MS DEVINE: But it hasn't been well-received because the message wasn't heard that you should avoid the Mercury site in April 2016. It was already decided to go through the Southdown site.
- MR WICKMAN: I would argue it's -- we are not going directly through the Southdown site. We've gone as far south as we think we practicably can.
- 10 MS DEVINE: So, Mr Wickman, you're familiar that the designation goes at least halfway through the power station?
- MR WICKMAN: Yes, and the reason for that is through consultation with Mercury, the -- it was identified that the cooling towers that are no longer required for the turbines and wouldn't be required if the plant was to be started up again and they are redundant and could be removed. So we put the designation over the cooling towers to allow us the ability to get in there and deconstruct those before we construct the East West Link.
- 15 20 MS DEVINE: So it's your view that when Mr Gibson says that:
- "We've worked hard for NZ Transport Agency staff to understand that our plans do not change the requirement for this site to be preserved."
- 25 That your project is consistent with preserving this site?
- MR WICKMAN: We have worked hard to try and, yes, ensure that Mercury can remain operational on that site with East West Link just to the south of it.
- 30 MS DEVINE: And I will put it someone else where exactly that is in the conditions, because you have no idea how you're actually providing for that, is that right? I've asked you before, Mr Wickman, where does it provide in the conditions that the site can continue to be preserved as a power station site, and you have not been able to identify any way of making any commitment that the site will be preserved.
- 35 MR WICKMAN: I'm sorry, I'm not aware of the conditions. You're correct, I'm not entirely sure that that's the purpose of the conditions, but that's -- you know, that's out of my area of expertise.
- 40 MS DEVINE: You're a planner though, aren't you?
- MR WICKMAN: Yes.
- 45 MS DEVINE: So when Mr Bickers says to you that you need to avoid, remedy and mitigate effects on the properties that are affected by this power station,

you understand that that might be addressed in conditions, don't you?

MR WICKMAN: Yes.

5 MS DEVINE: And therefore there might be some expectation that the NZ Transport Agency has a commitment, having listened from a chief executive and from senior members of management that the site should be preserved to continue the supply of electricity, that might be reflected somewhere in the conditions, mightn't it?

10 MR WICKMAN: Or it might be reflected in a project agreement between Mercury and the NZ Transport Agency, which is something I refer to and is referred to in the minutes from the 7 October meeting. So we have started developing a draft agreement between the parties. Unfortunately, that hasn't progressed in parallel with this as quickly as we would otherwise have liked.

[3.00 pm]

20 MS DEVINE: So there's no commitments yet from the NZ Transport Agency to preserve the site for a power station?

MR WICKMAN: Not as reported in the conditions.

25 MS DEVINE: Let's turn to the next piece of correspondence, 7 November, some discussion about trailers and access.

DR PRIESTLEY: Sorry, could I just pause for a moment, please, Ms Devine?

30 MS DEVINE: Thank you, sir.

DR PRIESTLEY: Mr Wickman, I just need to take you back to these emails which Ms Devine was asking you about four minutes or so ago on 7 and 10 October 2016, which are attached to your rebuttal evidence. Can you turn them up? It's lurking somewhere in annexure C, I think, or annexure A. It's about two or three pages beyond the East West Link -- sorry, the minutes of the meeting, which involved you and Mercury.

40 MR WICKMAN: Yes.

DR PRIESTLEY: You've got those there?

MR WICKMAN: I do.

45 DR PRIESTLEY: In fact, it's interesting, the same day. Now, you need to help me here. The first email in the chain is somebody called Mr Gibson, who's Mercury's GM Hydro Wholesale, and it's sent to the NZ Transport

Agency, a person called Fergus Gammie. Now, who is Mr Gammie?

MR WICKMAN: That's the Chief Executive of the NZ Transport Agency.

5 DR PRIESTLEY: Right. So he's Wellington-based, I guess?

MR WICKMAN: He is, yes.

10 DR PRIESTLEY: And you would accept - although I realise this is a little bit above you in the food chain, as it were - but you accept that to have somebody from Mercury writing to the NZ Transport Agency's CEO is taking it right to the top, isn't it?

MR WICKMAN: It is.

15 DR PRIESTLEY: Now, Mr Gammie, almost three days later, but not quite, replies to that and says -- after the initial pleasantries, sort of really copies in and refers it to Mr Gliddon, the Auckland State Highway Manager, and we had him earlier today, and also Mr Tommy Parker, General Manager, Highways. Now, are both these gentlemen -- in the hierarchical structure of the NZ Transport Agency, do they sit above you?

20 MR WICKMAN: Yes. Tommy Parker is the General Manager of Highways and Network Operations.

25 DR PRIESTLEY: And he still holds that post, does he?

MR WICKMAN: As of 3 July, there's a slight --

30 DR PRIESTLEY: Sorry?

MR WICKMAN: Technically, as of 3 July there's been a reshuffle at the NZ Transport Agency. It's been going on for about a year, but yes, he's still in that same --

35 DR PRIESTLEY: Well, where's Mr Parker been shuffled to?

MR WICKMAN: It's still in that same tier.

40 DR PRIESTLEY: Still in the same tier?

MR WICKMAN: So it still goes Fergus, Tommy, Brett.

45 DR PRIESTLEY: All right. Now, it's very clear to me - and also, understandably so, to Ms Devine - that you're the person who's really the NZ Transport Agency's lead person, if I can put it that way, with these discussions

with Mercury. Is it fair to describe you in that way?

MR WICKMAN: Yes.

5 DR PRIESTLEY: Yes. Now, you've helpfully annexed these October emails, but when did you first become aware of them? In other words, when did you first know that the NZ Transport Agency's CEO - way up there in the lofty heights, several tiers above you, I suspect - had been approached by Mercury direct?

10 MR WICKMAN: On that 10 October email from Brett. So the first email on that chain, or the last email, as were, the top email.

DR PRIESTLEY: So you knew on 10 October?

15 MR WICKMAN: Yes.

DR PRIESTLEY: Did that factor, that it had been a CEO -- almost a CEO to CEO exchange, did that factor weigh with you in your subsequent dealings with - particularly being a planner - the alignment as it related to Mercury's Southdown site?

20

[3.05 pm]

25 MR WICKMAN: Yes. So in relation to the work that we've done, as I'm sure you can appreciate, there are a lot of tensions. I think somebody last week referred to it as "threading the needle". In this area, from Pikes Point to State Highway 1, it is a very constrained and busy area.

30 DR PRIESTLEY: It's one of a number of critical issues is what you're saying, is that right?

MR WICKMAN: Yes, absolutely.

DR PRIESTLEY: Yes.

35

MR WICKMAN: And the concerns that were and have always been raised by Mercury have not fallen on deaf ears. We have done our best to try and find a way to balance the concerns from Mercury as well as other property owners with the potential impacts on what Auckland Council have identified as a significant ecological area. So there is a -- you know, as the meeting minutes note, there is a real tension particularly in this area and we have done our best to try and design the alignment so as to allow the Mercury facility to continue to operate, albeit with an un-ideal -- it's there are compromises throughout the project. This is one area where it's less than perfect, but that is the nature of the brownfield site that we're working with.

40

45

DR PRIESTLEY: Okay. We'll just leave it there because we're straying slightly now. I

think a yes or no answer to this will suffice: the NZ Transport Agency of course is still trying to solve or resolve the Mercury problem and the tensions we're dealing with, correct?

5 MR WICKMAN: Yes.

10 DR PRIESTLEY: Now, would you agree with this - and listen carefully - would you accept that way back at the start of 2016 or maybe even late 2015, the NZ Transport Agency perhaps misconstrued Mercury's interest in this site and put too much weight on the public knowledge that Mercury was going to cease power generation at the site and perhaps has been trying to backfill to sort out that misinterpretation ever since? Is that a fair assessment of this process?

15 MR WICKMAN: No, I don't think it necessarily is. I think what we -- in the engagement that we have had since 2014, the -- we were led to believe - and we still believe --

20 DR PRIESTLEY: It's the mis-assessment I'm talking about, focusing on, as you might expect.

25 MR WICKMAN: Yes, and I don't think it is a mis-assessment. I think our assessment was that the road can be designed in a way to address the issues that have been raised and I think we still believe that.

30 DR PRIESTLEY: But you do accept the strength of Mr Parsonson's - and undoubtedly Ms Devine's - point, that putting an enormous road of this sort right over what could become an operative power plant again is unusual from a planning perspective?

MR WICKMAN: Absolutely.

DR PRIESTLEY: Right.

35 MS DEVINE: Thank you, sir. I was just going to take you beyond that email to move through the last few items of correspondence, Mr Wickman, before we go back to your statement of evidence. So the next email is 14 October, and there is some discussion about a range of technical things. I don't need to go into the detail on that.

40 MR WICKMAN: That's the removal of, yes, the cooling towers.

45 MS DEVINE: The cooling towers and then below, further down the page, there is reference to the earth fence, some chimneys, some site plans, information about the KiwiRail transformer, bridges, venting stacks. I'm going to put it to you that the next few emails are about technical information on a range of different topics. So that is the one that is dated 14 October, and then we have one on 7 November which deals

with heavy machinery and access and road type matters that I can address with a traffic engineer or otherwise. Is that correct?

MR WICKMAN: Yes.

5

MS DEVINE: The same with 4 November, the next one. And then we have a few pictures which might go with that 4 November email, which is just showing the large types of vehicles that are used and the next few are again information about tracking and the size of vehicles. I'm just trying to look to see if there is anything else.

10

[3.10 pm]

We move through to 29 November after those photos. We have more information being provided around -- well, on 29 October we have an email from Mr Graafhuis at Mercury saying:

15

"I wanted to touch base about you updating your designs. I realise you're working towards a lodgement. I'm keen to progress things. We discussed the new design which you're going to send through."

20

And you reply saying:

"We've had a slight delay. It's resulted in delays to the design team doing the necessary work to test out access issues."

25

Because the emails have been about traffic arrangements, which we just referred to. That was on 29 November, wasn't it?

30 MR WICKMAN: Yes.

MS DEVINE: And then, while it's not in there, the application was lodged on 17 December, wasn't it?

35 MR WICKMAN: That's correct.

MS DEVINE: There is no further correspondence in between those. So over the Christmas break Mercury gets the plan that says you're committed to a particular approach. And then they come back to you on 17 January carrying on the discussion about roading alignment while everybody has had a break. They've asked for Mr Graafhuis there in the second paragraph. There was some delay in getting some information through to you:

40

"NZ Transport Agency now has this information so could you send us an amended design?"

45

And I don't see a reply to that one but there is an email - the next one

5 - where Mr Graafhuis writes to you after Waitangi weekend, so it's the summer period, and points out that he and Natasha Strong, who is their in-house lawyer, did a walk around the site on the Friday before the Waitangi weekend. Are you familiar with that email? Do you have that before you?

MR WICKMAN: Yes.

10 MS DEVINE: He picked up on a few additional issues. So they're reacting on the information they've got in front of them and considering what does this really mean:

15 "And we can add to these matters to be discussed. Hopefully you can think about it before Friday."

20 And then they go on to set out a number of things for your information. The first paragraph is a lot about shifting machinery in and out. The second paragraph starts, "Access to the site remains a fundamental issue", which seems to be the subject of those discussions around traffic, which I won't take you through. And the third paragraph talks about if you're taking land what legal mechanism:

25 "We're talking about strata title. There's a large size of the designation over the site and it says: 'Mercury need assistance. We can still operate within the bounds of existing consents and permitted activity framework without permission from NZ Transport Agency'."

30 There is no proposal to provide Mercury in any of the conditions with the ability to operate without asking NZ Transport Agency for permission.

35 MR WICKMAN: That forms part of the draft agreement that we were currently working on at that time.

MS DEVINE: It's not in the conditions, is it?

MR WICKMAN: No, it's a side agreement between the parties.

40 MS DEVINE: An unsigned site agreement?

MR WICKMAN: Correct.

45 MS DEVINE: There are comforts around the entities that are requiring authorities, like Transpower and First Gas, that they have the comfort that you will ensure that they can continue to operate but there is no comfort in

the RMA documents, is there, Mr Wickman?

MR WICKMAN: I suppose not.

5 MS DEVINE: It then goes on to talk about the gas generator. Some additional
environmental and health and safety risks we picked up on. It says
the gas generator is still turned on and the gear boxes are turned over,
which you probably knew from your site visits before. They point out
10 this will continue and they say that with the gas turbine there's a risk
of disk failure, such an event could result in a significant explosion
and mitigation would be a blast wall which would deflect an
explosion from the highway. They also point out the risk of smoke
and CO2 drift because they use CO2 to drench fires. There is no
15 reference to rotor end caps there, though, is there, Mr Wickman, in
relation to the generators that came up later?

MR WICKMAN: No.

MS DEVINE: And they point out that when the gas fire station is started up gas
20 comes out of the stack and the noise is described "like cannons".

[3.15 pm]

25 Now there is no response to these emails in your correspondence.
That is where your correspondence ends, doesn't it, Mr Wickman?
That is the last document.

MR WICKMAN: That is the last document in there.

30 MS DEVINE: We made it to the end and everyone else in the room.

MR WICKMAN: Good work.

MS DEVINE: So 22 March Mercury lodges its submission and it raises these issues,
35 doesn't it?

MR WICKMAN: Yes.

MS DEVINE: So once we've entered into this formal process you prepare evidence-
40 in-chief and your evidence-in-chief doesn't address any of these
issues, does it?

MR WICKMAN: I'd have to look at again, refresh myself. No, it doesn't appear to.

45 MS DEVINE: Let's come back to your evidence in rebuttal, paragraph 6.5.

DR PRIESTLEY: To save me chugging through it, Ms Devine, you are saying that
when I look at Mr Wickman's affidavit there is nothing. He deals

with The Onehunga Enhancement Society and Auckland Council and various other people. Are you saying there's absolutely nothing there about Mercury at all?

5 MS DEVINE: Correct, and Mr Wickman confirmed that.

DR PRIESTLEY: Thank you.

10 MS DEVINE: Your evidence in rebuttal, Mr Wickman, at paragraph 6.5 you say, "Although the design hasn't been updated" and you suggest, subject to some design refinements, that Mercury will be comfortable with the proposal. And you say in this letter of 20 January 2017 Mercury indicated that they would be comfortable with the proposal. That is not a true representation of what that letter says is it, Mr Wickman?

15 MR WICKMAN: That was what I read that to be.

20 MS DEVINE: So you interpreted the letter in appendix C that we now have to go to, if we turn to that at the end of your statement of rebuttal. And so from this letter you deduce that Mercury is comfortable in January, putting aside all the emails and all the correspondence? I'll take you through it. Sorry, you're making like you might resile from your statement, is that correct?

25 MR WICKMAN: No, I'm not resiling from that statement. I will acknowledge maybe "comfortable" wouldn't be the word that Mercury would use but the intent was that the letter, as I read it, said that as long as we addressed

certain matters there would be an ability to coexist.

MS DEVINE: Let's look at the letter then, shall we? Does the Board have that?

5 DR PRIESTLEY: Now where do we find this?

MS DEVINE: Appendix C. It's at the back of his evidence in reply.

10 DR PRIESTLEY: This is behind the Mana Whenua stuff. Oh, no, appendix C.

MS DEVINE: It is before the Mana Whenua. That is appendix D.

DR PRIESTLEY: Here we are. I've got it, 20 January 2017, is that it?

15 MS DEVINE: Correct, sir, yes. Mr Wickman, do you have that letter?

MR WICKMAN: Yes.

20 DR PRIESTLEY: Just give us a moment to read it, please.

MS DEVINE: Thank you, sir.

DR PRIESTLEY: Okay.

25 MS DEVINE: In that letter, Mr Wickman, Mr Colson requests redesign information that is fundamental to enabling it to identify the effects of the proposal, the construction and the operation on the site, doesn't it?

30 MR WICKMAN: Yes. He refers to the design matters that we previously referred to and that we had been working through up until lodgement.

MS DEVINE: And he requests some tangible progress to progress discussions, doesn't he?

35 [3.20 pm]

MR WICKMAN: He does.

40 MS DEVINE: That's not an assertion that they're comfortable with the proposal, is it?

MR WICKMAN: It's an unfortunate tension with this process. We had lodged our design in December, and that was not necessarily fully aligned with the design process that was currently under way in parallel to that process.

45 MS DEVINE: We'll come back to your evidence in reply. Paragraph 6.6. At your evidence there you say:

"The gas-fired cogeneration facility that gives rise to the alleged risks

is not currently operational and may never be reactivated."

Now, it was operating when the application was lodged, wasn't it?

5 MR WICKMAN: It was not operating as a cogeneration facility, no.

MS DEVINE: It was operating as a power station though, wasn't it?

MR WICKMAN: No.

10

MS DEVINE: Yes, it was. It operated until 31 December. You already acknowledged that.

MR WICKMAN: 31 December 2015. We lodged in December 2016.

15

MS DEVINE: My bad, Mr Wickman. My bad. You accept, though, that they have consents to continue operating the site, don't you?

MR WICKMAN: Yes.

20

MS DEVINE: You would rely on NZ Transport Agency's planner about what is the existing environment against which the effects of the proposal should be assessed?

25 MR WICKMAN: Yes.

MS DEVINE: And you recognise that they are already on record as saying that the consents granted should be taken into account?

30 MR WICKMAN: Yes.

MS DEVINE: Let's turn to paragraph 6.8 of your evidence. Now, here is where you start talking about conditions that you're not familiar with. 6.8, you refer to a condition that you say is 11(b), and you say:

35

"Committed to working with Mercury to ensure that all reasonably practical steps are taken to address health and safety of workers and for the public on the road."

40

So, you have proposed a new condition to acknowledge the need for a risk assessment. If the risk assessment indicates the proximity of the road to the operational generation assets gives rise to an unacceptable level of risks, then the parties can identify potential mitigation options. That's what you say the condition does. Isn't that right?

45

MR WICKMAN: As far as I'm aware, yes, the condition that's proposed is to acknowledge the need for a risk assessment if Mercury signals --

MS DEVINE: Now, you've already said that you're -- sorry.

MR WICKMAN: When Mercury signals the need to reactivate the facility, yes.

5 MS DEVINE: I have questions for you on that condition, but rather than take the Board to that document, if you are not familiar with that condition, as you have suggested you're not familiar with it, I would put it to you that you have not correctly represented what that position does.

10 MR WICKMAN: Okay. I will admit I'm not familiar with that condition and I think Ms Hopkins would be better to talk to that.

MS DEVINE: Thank you, Mr Wickman. Now, in paragraph 6.8 at the end of that paragraph we were just looking at, it says:

15 "If Mercury should return to a position of wanting to vacate the site, we would of course be a willing buyer, NZ Transport Agency."

It isn't a willing seller, though, is it, Mr Wickman?

20 MR WICKMAN: Not at the moment, no.

MS DEVINE: Thank you, Mr Wickman. No further questions.

25 MR PARSONSON: Mr Wickman, about three minutes ago I think you used the words, "An unfortunate tension between the necessary lodgement date for the applications in NoR and the design process". Did you say some words to that effect?

30 MR WICKMAN: Yes. It wasn't necessarily the date for lodgement. It was just this process in general. It's a very constrained process.

MR PARSONSON: Is the proposal that we have before us now the same as lodged with respect to the Mercury site?

35 MR WICKMAN: Yes.

MR PARSONSON: So, picking up on Commissioner Bickers' point, what comfort do we as a Board have that the road and the power station can coexist?

40 **[3.25 pm]**

MR WICKMAN: I think the risk assessment work that has been flagged in terms of needing further conferencing is certainly going to help the Board understand some of the risks associated with the potential for the colocation of these facilities. The work that we have done in response to the information that we have been provided by Mercury up until now is such that we think we can design this in a way that allows them to

continue to operate that, notwithstanding the matters of what may come out of the risk conferencing.

5 MR PARSONSON: So, is it true that right now we wouldn't have enough information to have that comfort, but after the risk assessment process we may?

MR WICKMAN: That is the hope, yes.

10 MR PARSONSON: Is it your view that the outcome of the risk assessment process at the moment is somewhat uncertain?

MR WICKMAN: Insofar as we'll have an outcome, or?

15 MR PARSONSON: Insofar as the ability of the road and the power station to coexist.

MR WICKMAN: I probably wouldn't be able to answer that, not knowing some of the details of some of the risks, but the advice that I have received up until now is that the risks that have been identified, there are ways to manage those through engineering responses.

20

MR PARSONSON: Thank you.

25 DR PRIESTLEY: Mr Wickman, I know this is a hypothetical question but it's one which could easily have occurred 15 months or so ago. From your perspective as one of NZ Transport Agency's planners, had Mercury still been using its Southdown site for power generation, would you still have been comfortable with the alignment going where it is?

30 MR WICKMAN: It is a very difficult hypothetical.

DR PRIESTLEY: Yes, but it's pretty pertinent, isn't it?

35 MR WICKMAN: It is, but it also needs to be weighed against the significant constraints that you have elsewhere surrounding that site. So I am confident that the assessment that we did in terms of the options as it relates to this site were robust. They were thorough. We do need to get to Sylvia Park Road in some --

40 DR PRIESTLEY: I know all that, but I'm just asking you whether, if this power plant was still generating, with whining jet engines and occasional explosions coming up the chimney and plumes etc, would the alignment still be where it was?

45 MR WICKMAN: I think that's been the challenge as we've tried to understand what that might mean in relation to the design and how we might be able to respond. It is a world of theoreticals though, and so it's very hard to design for what might be. The alignment that we've picked and the designation boundary that we've allowed for does give us a bit of

flexibility to continue to work with Mercury to try and address some of those if-thens.

5 DR PRIESTLEY: Had that been the case hypothetically - and as I say, it's not totally fanciful because it might have been the case - would I be right that NZ Transport Agency would have of necessity paid much closer attention to risk assessments and conditions, etc?

10 MR WICKMAN: Or, yes, we may have looked at a different alignment. It's very hard to tell.

DR PRIESTLEY: Then looking at paragraph 6.8 of your rebuttal affidavit, have you got it there?

15 MR WICKMAN: Yes.

20 DR PRIESTLEY: If Mercury does decide to start up, etc, just reading that through, I take the message from it that if Mercury does start up, well, then there's going to be a new risk assessment and so on and so forth, but there's no guarantee, is there, that the site can continue to be used for power generation as per its current consents?

25 MR WICKMAN: There is no guarantee, no, and that's part of the drive for why we want to have this additional expert conferencing.

DR PRIESTLEY: Yes. I put it correctly, didn't I? There's no guarantee it can continue to be used for its consented purpose.

30 MR WICKMAN: No.

MR BICKERS: Given what you know now, do you think your option analysis is valid?

MR WICKMAN: I do.

35 MR BICKERS: Okay.

40 DR PRIESTLEY: All right. Now, whoever suggested that Mr Nancekivell would have been on an hour or so ago has been very optimistic, but who is going to be cross-examining for Heliport? Is that you?

MS ANDREWS: Yes, sir.

45 DR PRIESTLEY: All right. We'll take the adjournment now and come back in 15 or 20 minutes. Thank you.

ADJOURNED

[3.30 pm]

RESUMED**[3.50 pm]**

- 5 DR PRIESTLEY: Thank you, counsel. Just a couple of quick housekeeping matters. First, the EPA staff have been able to acquire a second lapel microphone, so that will assist in terms of counsel who want to sort of mic up or if we need to have two operating at the same time.
- 10 The second is when you've got a witness in the witness box or at the witness table there, he or she will obviously have to be armed with affidavits and exhibits and so on and so forth, but if you, as counsel, think there's a probability in the course of cross-examination that you might want to refer that witness to another document, like somebody else's affidavit or exhibit or something of that nature, if you can just try to alert the EPA staff in advance so that they can have it ready to thrust on to the table. Because there are only two of them, and if they don't know you want this done until you've actually asked the question, there's going to be a delay while people trundle around the room and try and find things. So is that the issue you wanted raised, Ms Duffy?
- 15
- 20 MS DUFFY: That's lovely, thank you.
- DR PRIESTLEY: That'll be fine. Thank you very much. Right, so we've got further cross-examination and it's by you.
- 25 MS ANDREWS: Yes, sir. Thank you. Good afternoon, Mr Wickman.
- MR WICKMAN: Hello.
- DR PRIESTLEY: Have you got your lapel mic on?
- 30 MS ANDREWS: I do.
- DR PRIESTLEY: Good. Right, good.
- 35 MS ANDREWS: I believe it's working and everybody can hear clearly. Mr Wickman, you'll be aware I appear for the heliport and the partnership and I'm very familiar with the issues relating to the heliport. Just a few matters to go through with you briefly. Firstly, turning to the detailed business case and the benefit cost ratio arising out of that, your position is that that benefit cost ratio is not a relevant consideration for the Board, that's correct?
- 40
- MR WICKMAN: That's correct.
- 45 MS ANDREWS: And that is on the basis that the BCR is only an internal NZ Transport

Agency tool, is that correct?

MR WICKMAN: It's a tool that we use for prioritisation of projects.

5 MS ANDREWS: And that BCR is the result of a formulaic application, if you like, of the Agency's economic evaluation manual?

MR WICKMAN: Yes.

10 MS ANDREWS: Which is used for funding purposes only?

MR WICKMAN: Or -- yes, yes.

15 MS ANDREWS: And that economic evaluation manual is not required to be produced under the Resource Management Act or indeed any other statutory provision?

MR WICKMAN: I don't know about the economic evaluation manual, but I'm not quite sure what the question is.

20 MS ANDREWS: Just the statutory weight that could be accorded to the economic evaluation manual. It's not designed to be produced under the Resource Management Act or reflect the considerations that are relevant under that Act, is that correct?

25 MR WICKMAN: No, it is refined to just looking at transport costs and transport benefits.

30 MS ANDREWS: As I think you reflected in the quote at paragraph 11.3 of your rebuttal statement, the economic evaluation manual itself clearly states that it's not a tool for determining economic impact?

MR WICKMAN: That's correct.

35 MS ANDREWS: So in terms of your position around the benefit cost ratio and the relevance of that, you're not, by those comments, intending to reflect that economic considerations or broader economic considerations and effects of the project are not relevant to the Board's consideration, you'd accept that those considerations -- that those effects are relevant to the Board's consideration?

40 MR WICKMAN: Yes. My comments are in regards to the BCR calculation that the NZ Transport Agency uses.

45 MS ANDREWS: I'm aware you didn't participate in the caucusing of the economic experts and obviously you've clarified you're not here to give the economic evidence from the Agency, but are you aware of the caucusing statement? Have you reviewed the caucusing statement

that's come out of that conference?

MR WICKMAN: I am aware of it.

5 MS ANDREWS: Do you accept the agreement reflected in that caucusing statement, that the Agency has not quantified the project's economic benefits and costs other than within the BCR that it produced through the detailed business case?

10 MR WICKMAN: Yes, I do accept that.

MS ANDREWS: And you also accept the statement reflected in the caucusing statement, that this analysis will not be presented as part of the Agency's or application documents?

15 MR WICKMAN: That's correct.

[3.55 pm]

20 MS ANDREWS: Now, turning to paragraph 11.10 of your rebuttal evidence, you reflect there your view that the ... it's not appropriate for the purpose of that detailed business case for the Agency to undertake a detailed assessment of the impact of the proposal on all potentially affected properties in terms of economic impacts.

25 MR WICKMAN: That's not quite accurate. There is an element of the multi-criteria assessment that does account for those wider impacts, so there is -- Mr Osborne provided an economic assessment for each of the options.

30 DR PRIESTLEY: What paragraph in his rebuttal evidence was that, Ms Andrews?

MS ANDREWS: 11.10.

35 DR PRIESTLEY: Oh, 11.10. Thank you.

MS ANDREWS: Yes. I think we can go to that if we need to, but I think what you're referring to there, is it not, Mr Wickman, is the level of assessment that's required or appropriate for the Agency's detailed business case?

40 MR WICKMAN: Yes.

MS ANDREWS: Is that correct?

MR WICKMAN: That's correct.

45 MS ANDREWS: So your subsequent statement in that paragraph, that such a detailed assessment would not be -- not assist the decision-making process, that the decision-making process you're referring to there is the Agency's

decision-making process, not the Decision-making Board is required to do as part of this process, is that correct?

5 MR WICKMAN: Correct, insofar as the BCR is used for the Agency to make investment decisions. However, the MCA and the alternatives are certainly -- they make up part of our AEE and part of the MCA process did include an assessment of economic impacts of the various alignments.

10 MS ANDREWS: And that was a qualitative assessment?

MR WICKMAN: A qualitative assessment, yes.

MS ANDREWS: So no aspect of that included a quantitative assessment?

15 MR WICKMAN: No.

MS ANDREWS: Would you accept, Mr Wickman, that the detailed business case that has been prepared was not a substitute for economic or a full economic assessment of the project's economic effects?

20 MR WICKMAN: I'm sorry, I'm not quite sure. So the detailed business case is not intended to be a full assessment of the economic effects --

MS ANDREWS: Correct.

25 MR WICKMAN: -- of a project, correct. It's an investment decision for the Agency.

MS ANDREWS: Thank you. In terms of that detailed business case and the various inputs into it, the only proxy for economic effects of the project on the heliport was land acquisition costs, do you accept that's correct?

30 MR WICKMAN: Insofar as you're referring to a potential relocation of the heliport, is that -- so in terms of the property impacts, is that ...

35 MS ANDREWS: Well, in terms of the inputs that the detailed business case was based on, those included land acquisition costs, correct?

MR WICKMAN: Yes, yes.

40 MS ANDREWS: And that would be --

MR WICKMAN: Which covers a range of things.

MS ANDREWS: We'll move on to that. That would be the only element or input that was in any way a proxy for the potential effects on the heliport that was included in that detailed business case?

45 MR WICKMAN: I wouldn't necessarily say that's entirely correct. There was a

recognition that the heliport's activity existed there and that it was an activity that would need to be accounted for.

5 MS ANDREWS: In terms of the quantitative inputs that were reflected in the detailed business case in arriving at the BCR, how was relocation cost accounted for?

MR WICKMAN: So, yes, that was not accounted for, no. It was a qualitative review.

10 DR PRIESTLEY: Ms Andrews, I take it - and I'm not trying to curtail you at all - but given what we were told by Mr Berry and ongoing negotiations, I assume that this cross-examination is nonetheless relevant to the heliport's case?

15 MS ANDREWS: Indeed, sir.

DR PRIESTLEY: All right, thank you.

20 MS ANDREWS: Yes, and those negotiations are ongoing --

DR PRIESTLEY: Of course.

25 MS ANDREWS: -- and in that circumstance, yes, this is quite relevant and directly related to that.

DR PRIESTLEY: If negotiations fail, the points you're making are going to weigh the scales very heavily, you would say?

30 MS ANDREWS: I didn't say it was the most critical part of the case, sir, but it's certainly a matter addressed in our economic evidence, yes.

DR PRIESTLEY: Thank you.

35 MS ANDREWS: I certainly won't be labouring the point, put it that way.

[4.00 pm]

40 Would you agree, Mr Wickman, with Mr Williamson's view that those land acquisition costs that were included in the detailed business case for the purpose of preparing the BCR could have increased since 2015?

MR WICKMAN: Yes.

MS ANDREWS: The Agency has not provided the Board with an updated assessment of

those costs, is that correct?

MR WICKMAN: That's correct.

5 MS ANDREWS: Just finally, Mr Wickman, you were involved in the joint working party that was established to try and identify mitigation options for the heliport, that's correct?

10 MR WICKMAN: That's correct.

MS ANDREWS: And would you agree with Dr Mitchell's evidence that the only viable solution identified through that joint working party for mitigating those effects was either to move the heliport -- sorry, to move the East West Link behind the heliport or to relocate the heliport to another part of its current site?

15 MR WICKMAN: That's correct, in terms of relocation of the -- if the heliport was to remain, yes.

20 MS ANDREWS: And there were a range of other options or alternatives that were considered for addressing the effects on the heliport, but of all those that were considered, the two that I just mentioned there, the alignment going behind the heliport or the heliport being relocated were the only two that were identified as being feasible solutions?

25 MR WICKMAN: In terms of solutions, yes. I do note that there is also the -- always the worst-case scenario where we have to buy out the activity.

30 MS ANDREWS: And that's related to -- my next question was you agree it was also established via that joint working process that the heliport can't continue to operate on the site if the project proceeds in its current alignment?

35 MR WICKMAN: As currently designed in relation to the heliport, yes, it was agreed.

MS ANDREWS: And to date, the Agency has not been prepared to accept or offer any condition to ensure that the heliport can remain on its present site and continue to operate from there.

40 MR WICKMAN: There is no current condition proposed. However, I do note that those discussions are ongoing and we are attempting to find a condition that might work.

45 MS ANDREWS: Indeed, and hopefully we are able to report some positive progress on that to you soon, sir, but in the meantime the position stands that there is nothing provided for within the conditions, as far as you're aware, to mitigate or avoid the effects on the heliport?

MR WICKMAN: Not within the conditions, no.

MS ANDREWS: Thank you, Mr Wickman.

5 MR BICKERS: Ms Andrews, you need to help me just understand the relevance of
some of your questions. Are you suggesting that had there been
rigorous benefit-cost analysis, it might have affected the option
selection, so far as the heliport is concerned? So, had the heliport
10 relocation business interruption costs been factored in, you're
suggesting that it might have been another alternative?

MS ANDREWS: Sir, this goes to a matter that's raised in Dr Wheeler's evidence, and
that's in terms of the quantification of the overall costs and benefits of
15 the project that the Agency has put before the Board. The point very
shortly is that the only quantification those costs and benefits have is
through the BCR analysis, which the Agency's position is that's not
relevant to your considerations.

MR BICKERS: Yes, that's what I'm struggling with. So, BCR analysis is not really a
20 relevant issue, only that it might point to a possibility of a failure to
adequately consider another alternative. So, that's where I'm just trying
to make the connection between the line of questioning and what
ultimately you might want us to consider.

MS ANDREWS: Sir, there may be an extent to which it goes to the assessment of
25 alternatives as well, and obviously we'll be addressing that in detail
with Ms Linzey. But primary purpose of those questions was relating
to the point in Dr Wheeler's evidence in terms of the overall material
you have before you as to the economic costs and benefits of the project
30 and how they stack up.

MR BICKERS: I understand what you gleaned in the cross-examination. I'm just trying
to sort out where you're going with it.

35 DR PRIESTLEY: Whose witness is Dr Wheeler?

[4.05 pm]

MS ANDREWS: The heliport's witness, sir.

40 DR PRIESTLEY: So effectively what you're doing is you're trying to evidence of
confirmation from this witness about evidence in support which you'll
be getting from one of your own witnesses. That's a legitimate use of
cross-examination, so thank you for clarifying that.

45 MS ANDREWS: Thank you, sir.

DR PRIESTLEY: Nothing else? All right. Now, who's acting for Turners & Growers

today?

MS CARRUTHERS: That's me, sir. Thank you.

5 DR PRIESTLEY: You are, Ms Carruthers. Right. We're on. Have you got a mic?

MS CARRUTHERS: I believe so. Yes. Great.

10 DR PRIESTLEY: Somebody might want to retrieve the mic from Ms Andrews.

MS CARRUTHERS: Good afternoon, Mr Wickman.

MR WICKMAN: Good afternoon.

15 MS CARRUTHERS: Sir, I'll just acknowledge to start with it feels very weird cross-examining from this distance across so many heads. But just three items --

20 DR PRIESTLEY: You want a stool.

MS CARRUTHERS: Stand on my chair if it gets really bad. Just three items I'd like to discuss with you today, Mr Wickman. The first is in your evidence where you refer to engagement with key stakeholders. That's the phrase that you use at your paragraph 4.19 of your primary evidence. At 8.3 you refer to key stakeholders and landowners, and then at 11 you refer again just to key stakeholders. I just wanted to clarify with you in those discussions if you're referring to Turners & Growers as a key stakeholder or just as a landowner.

30 MR WICKMAN: Maybe that's just me being sloppy. Turners & Growers are certainly a stakeholder. They are also a landowner. So there are some stakeholders who are not landowners. Turners & Growers are both.

35 MS CARRUTHERS: Right. Now, in your evidence, particularly at paragraphs 1.8 and 8.1, you discuss how the project has been refined in response to feedback. In your section 8 you explain that you're touching on the engagement undertaken when Ms Linzey was not particularly involved, but there's no mention in your section 8 of your engagement specifically with Turners & Growers in your evidence. Is that correct?

40 MR WICKMAN: That's correct.

45 MS CARRUTHERS: Now, do you recall personally meeting with Turners & Growers in October 2014?

MR WICKMAN: With Mr Steven Kelly?

MS CARRUTHERS: Yes.

MR WICKMAN: Yes.

5 MS CARRUTHERS: At that stage there were six options on the table, four of which impacted on the Turners & Growers site and two that did not.

MR WICKMAN: That's correct.

10 MS CARRUTHERS: Do you recall being told at that meeting of Turners & Growers' strong preference for the two options that did not impact on their site?

MR WICKMAN: Yes.

15 MS CARRUTHERS: Do you recall being told that there was a significant redevelopment under way on Turners & Growers' site?

MR WICKMAN: Yes.

20 MS CARRUTHERS: Do you recall Turners & Growers pointing out to you that the access to the rear of their buildings, where the bin and crate wash facility and the banana ripening is, is critical to their operations?

MR WICKMAN: Yes.

25 MS CARRUTHERS: Do you recall being told that the impacts on the group head office were also of significant concern to Turners & Growers?

MR WICKMAN: Yes.

30 MS CARRUTHERS: Do you also recall being told that the site, once redeveloped, would be fully optimised?

MR WICKMAN: Yes, that was the purpose of the reconfiguration as I understood.

35 MS CARRUTHERS: Do you acknowledge that those key messages were reiterated to you personally at the next meeting, which was not until 1 July 2015?

MR WICKMAN: Yes.

40 MS CARRUTHERS: And that those key messages were also included in a letter sent to you in February 2016 following the government's announcement this was a road of national significance?

45 MR WICKMAN: I acknowledge that the issues that Turners & Growers have raised have been consistent throughout and as you've indicated.

MS CARRUTHERS: And that in a letter in early March 2016, Turners & Growers was really

pushing to meet with the Agency while meaningful changes could still be made to the design? In other words, it wasn't too late. Do you recall that?

5 MR WICKMAN: Sorry, I don't recall the letter, but I know that there has been engagement. I'm sure I did receive a letter.

[4.10 pm]

10 MS CARRUTHERS: But that has been the intent of Turners & Growers through this process, to engage before it was too late so that those concerns could be addressed.

15 MR WICKMAN: Yes, and that has been the intent of the Transport Agency to understand what those concerns are so that we can try and address them.

MS CARRUTHERS: Okay. So, you agree that Turners & Growers raised their concerns very early in the process?

20 MR WICKMAN: In 2014.

MS CARRUTHERS: And that those concerns have been repeated throughout the process?

25 MR WICKMAN: I acknowledge that those concerns have been repeated, yes.

MS CARRUTHERS: And that nothing new has now been raised in their submission? They're the same concerns, aren't they?

30 MR WICKMAN: They are.

MS CARRUTHERS: Now, then in relation to Transpower, in your paragraph 1.9 you record that you've been working with Transpower since 2013. Is that correct?

35 MR WICKMAN: Yes.

MS CARRUTHERS: Do you accept that the first time you flagged to Turners & Growers the potential for any Transpower works was in March 2016?

40 MR WICKMAN: I'm sorry, I can't recall that one. I know that the design that was considered as part of the detailed business case that we have been working through with Transpower had largely avoided the Turners & Growers site. It sat right on the fringe and was minimal in terms of impact on Turners & Growers, and we have always known that there would potentially be a need to raise a tower that sits right next to head office for Turners & Growers, but the detail of how that might happen wasn't understood because the work that was required in order to understand that needed the full, final design from NZ Transport Agency. So it was an iterative process.

45

MS CARRUTHERS: Do you accept that the first time you flagged this potential to Turners & Growers was at the meeting in March 2016?

5 MR WICKMAN: I'm sorry, I can't recall the exact date when I flagged that to Turners & Growers.

MS CARRUTHERS: Do you accept that the first time it was discussed with Turners & Growers was in August 2016?

10 MR WICKMAN: I'm at a bit of a loss. I can't recall the exact meetings. If you have some meeting minutes, I would be happy to go through them.

15 MS CARRUTHERS: I do, but I don't have sufficient copies to hand out. But you accept that it was relatively late in the piece of the engagement with Turners & Growers when you started to raise the Transpower relocation issues?

20 MR WICKMAN: I don't accept that Turners & Growers has not been aware that there may be impacts on the alignment, and the towers particularly next to their head office, as the design in relation to Turners & Growers as it stood at the detailed business case would have an impact on the Transpower tower that sits next to the head office. That has always been something that we've been aware of, and the exact way in which that might impact on Turners & Growers, that's something that we weren't able to be informed by Transpower until 2016. As soon as we were aware of the impact we made Turners & Growers aware of the potential impact.

30 MS CARRUTHERS: In mid-2016?

MR WICKMAN: Presumably, if that's when the meetings were.

35 MS CARRUTHERS: Do you accept that the first time a plan was provided to Turners and Growers, showing those requirements, was not only after lodgement of this application but after your primary evidence was exchanged?

MR WICKMAN: Sorry, what type of alignment?

40 MS CARRUTHERS: The first time that a plan showing the Transpower requirements was provided to Turners and Growers was not only after the project was lodged, the application, but after your primary evidence was circulated?

45 MR WICKMAN: I can't recall the exact dates, I'm sorry.

MS CARRUTHERS: Thank you. No further questions.

DR PRIESTLEY: Thank you, Ms Carruthers. Any questions on these matters? All

right. Mr Allan, it's you.

MR ALLAN: Good afternoon, Mr Wickman.

5 MR WICKMAN: Good afternoon.

MR ALLAN: I wonder if I might just ask a couple of questions about the comment
10 you made before the closing of your discussion with Ms Devine. You
talked about the tension created by the process. Can you just expand
on what you mean by that?

MR WICKMAN: It's a fast moving process.

MR ALLAN: It doesn't really start until you lodge, does it, in terms of the fast
15 moving part?

MR WICKMAN: No.

MR ALLAN: Right. So who made the decision as to when to lodge the application?
20

MR WICKMAN: Our board made the decision.

MR ALLAN: Do you think NZ Transport Agency has had sufficient time to deal
25 with all the issues that are being raised by the parties around this
room and to come up with its best solution, or do you think you've
been under a bit of time pressure and you have, in a sense, got a
slightly undercooked proposal?

MR WICKMAN: I think with a project of this scale you're always going to ask
30 questions that need to be answered.

[4.15 pm]

MR WICKMAN: I think we lodged it at a time where we had a good understanding of
35 what the majority of the issues were. I acknowledge that there are
still some issues that need to be worked through but that there are
discussions underway in order to try and address those.

MR ALLAN: So the tension created by the process is something that you've chosen
40 to take on?

MR WICKMAN: The process is the process, yes.

MR ALLAN: But NZ Transport Agency has elected to use this process as opposed

to others?

MR WICKMAN: That's correct.

5 MR ALLAN: I'd like to address now some issues that came out of the discussion that you had with Ms Devine but also that relate to the Tram Lease site, which is the Stratex site, which is one of the parties I'm representing, and I'm going to discuss with you issues in terms of
10 Stratex land, which is the Tram Lease site, the 8 Sylvia Park Road site, which is Sylvia Park and the Kiwi submission.

The first one I'd like to start with is the Stratex site. Could we zoom into the photo a little bit and, if possible, show both the Stratex site and the Mercury site?

15 MR WICKMAN: Who's driving it?

MR ALLAN: Whoever is on the control. Yes. Thank you.

20 MR WICKMAN: A bit further. Is that good?

MR ALLAN: Fine. It was good before. That's fine. Are you familiar with the Stratex land?

25 MR WICKMAN: I am.

MR ALLAN: That is on the corner of Great South Road and Sylvia Park Road. Now, I discussed this morning with Mr Gliddon the unusual aspect of the flyover over Great South Road, which is that it reduces to two
30 lanes, one lane in each direction. Do you recall that discussion?

MR WICKMAN: Yes.

35 MR ALLAN: Are you able to tell us why the road narrows at that point?

MR WICKMAN: Mr Murray can give you more detail. I can tell you that the decision and the design has been largely informed by the modelling outputs that say there is a large split of traffic at that intersection. The original design was publicly engaged on in mid-2016 included an at-grade intersection, but the performance of that intersection was found to be quite poor and degraded soon after the completion. So we looked at grade separating it. Now the flows across, as I understand it from Mr Murray, are such that you only require one lane in each
40 direction, because they do need to tie into ramps that are one lane for that southbound on to State Highway 1 and northbound off from State Highway 1.
45

MR ALLAN: Is Mr Murray's evidence and your understanding that on the other

parts of the route we will need two lanes in each direction?

MR WICKMAN: Yes.

5 MR ALLAN: So is this an East West Link or is it a link from Great South Road to the west and a separate link from Great South Road to the east?

MR WICKMAN: It is a link that meets the objectives of the project, which is to improve travel times and travel time reliability between State Highway 20 at Onehunga and State Highway 1 in Mt Wellington.
10

MR ALLAN: Do you accept that over time travel patterns in this area might change quite significantly, as a consequence of this new route coming in, and we might get an increase flow over time here?
15

MR WICKMAN: I accept that Auckland is growing. Auckland is growing at a rapid rate. There are going to be changes to the network and we work quite closely with Auckland Transport to manage and monitor the network.

20 MR ALLAN: What is the timescale you've planned for in terms of this part of the route? Is it 10 years out, 20 years out, 30 years out?

MR WICKMAN: So the modelling is done out to 2036, so 20 years out.

25 MR ALLAN: So in 20 years' time, if we've got a different layout of other arterial roads, we might have a connection to the motorway lanes in the northern direction. We might have a connection to SEART. What happens if at that point you need to come back and expand this part of the road into four lanes rather than two? What is the likely outcome in terms of that? What would NZ Transport Agency do at that point?
30

MR WICKMAN: There would be a lot of work that would be going into that to understand what the problem is that we're trying to respond to and how we might address it.
35

[4.20 pm]

MR ALLAN: Well, let's think about it, shall we? If I've got to take a two lane overbridge and turn it into a four lane overbridge, I'm going to need to widen it, possibly double the width, correct?
40

MR WICKMAN: Theoretically.

MR ALLAN: Well, practically.
45

MR WICKMAN: Or practically. I'm not an engineer. I'm not going to speak on design matters, but that would form part of the work that would need to be done to understand what the scope is that that project would actually

be seeking to do.

MR ALLAN: Has it formed any part of the work you've undergone so far about whether this is a good idea to narrow the road at this point?

5

MR WICKMAN: There has been a lot of work that has gone into the design of this project, yes.

MR ALLAN: Right. Has any of it thought about what might happen if the one bit of it that is two lanes ultimately has to be increased to four lanes, like the rest of it, and it happens to be an overbridge?

10

MR WICKMAN: I would submit to you that Mr Murray is probably the one who's better to address some of these questions. This goes to some of the modelling work that has been done.

15

MR ALLAN: Mr Murray is a modeller, isn't he?

MR WICKMAN: He's a transport planner.

20

MR ALLAN: You are the NZ Transport Agency person with responsibility for this project.

MR WICKMAN: For ensuring that the scope is right, yes.

25

MR ALLAN: So let's continue thinking about what we do with this overbridge. We probably need to have some extra pillars, don't we?

MR WICKMAN: I am not a design engineer. I do not know.

30

MR ALLAN: Let's assume we need some extra pillars to keep it above the ground. Does that mean we need extra width to be able to accommodate the other parts of Sylvia Park Road?

MR WICKMAN: Again, I am not a design engineer. I would not be able to answer that question.

35

MR ALLAN: Could we just come in a bit closer?

MR BICKERS: Yes, Mr Wickman, I asked these questions of Mr Gliddon. He passed the ticking bomb to you and he appears to have hived off. We need an answer from NZ Transport Agency on these matters. Mr Murray is a consultant. He provides professional opinion but we actually want some decisions and some answers from NZ Transport Agency, and Mr Gliddon said you're the man and you're now sitting in the hot seat.

40

45

MR WICKMAN: Yes, and I have taken the advice from Mr Murray who is an expert in

his field. The way that the Transport Agency works is we seek advice from professional subject matter experts in the fields and we use that advice to inform our investment decisions. The business case that has been developed --

5

MR BICKERS: But you don't abrogate the decision-making.

10

MR WICKMAN: We do not abrogate the decision-making, no. So I have here with me a detailed business case. This is the type of document that we do seek professional advice to develop, and that is what we use to understand what the scope of these projects might look like and how they get delivered.

15

20

25

DR PRIESTLEY: Mr Wickman, you're an intelligent man and it doesn't seem to me that the questions Mr Allan is asking you require the expertise of an engineer or designer. You come from a land of huge freeways and interstate highways, and you'll have observed these things probably since you were a little child in the back seat in a baby chair some time. I would have thought it's a matter of common sense that, when you're building this type of highway, you need to turn your mind - and I'm looking at holistically here, exactly the sort of thing you're involved in - at future proofing. So it's not a question of saying, "Well, yes, maybe we might need to double the size of the bridge but I don't know how to do it". You need to make sure you've got room to do it. Now that's not an engineering problem, is it?

MR WICKMAN: No, it's not and, sir --

30

35

DR PRIESTLEY: So could you perhaps turn your mind back to Mr Allan's questions, with that in the background? I appreciate that you have had certain things thrust upon you here, but you have to do your best and not try to say, "Well, this is really for Mr Murray" or something like that because Mr Murray will probably say, "Well, future proofing, that's a matter which you should have asked Mr Wickman", and we get nowhere or else we haul you back which you mightn't like to do. You're looking agitated Mr Mulligan.

MR MULLIGAN: Well, sir, I think the question about future proofing is valid but --

40

DR PRIESTLEY: Indeed. That's why I raised it.

MR MULLIGAN: -- to design the future proof on the hoof of someone that isn't an engineer to me seems a bit --

45

DR PRIESTLEY: I think I've settled down that issue, haven't I? I don't want him to come up with what sort of cantilever bridge he's going to put up there. It's whether the current designation has taken aboard the issues which

Mr Allan is putting to him. That's what it is.

[4.25 pm]

- 5 MR ALLAN: Yes.
- DR PRIESTLEY: Now we've softened them up, Mr Allan, back to you.
- 10 MR ALLAN: Mr Wickman, Mr Murray's evidence is essentially a modelling statement and I take it that he has done the modelling that NZ Transport Agency has asked him to do for the timeframe that you've asked him to look at. Is that correct?
- 15 MR WICKMAN: I'm a bit perplexed about that question. He has done the modelling in line with the standards that we set as an agency and in terms of expectations for projects.
- 20 MR ALLAN: So he has told you, effectively, the minimum you require to put the road in place in terms of your own internal standards? He said, "This is the width you need, the number of lanes you need. I've modelled it. It's okay to a certain time", is that correct?
- MR WICKMAN: Yes.
- 25 MR ALLAN: I'm going to suggest to you that it's not Mr Murray's job to think about whether that is adequate or appropriate or the right thing to do that that is NZ Transport Agency's job to think about the future proofing. What might we do if, in the future, demand increases as anticipated, or even faster than we anticipate, because people might be attracted to this brand new road and how will we be able to cope with that? Would you accept that that is NZ Transport Agency's role rather than Mr Murray's?
- 30
- 35 MR WICKMAN: Absolutely, and it goes straight back to the strategic case and the programme business case that we did when we started looking at what the transport problems are in this area. In this area, in particular, the issue that you face in Onehunga, in Penrose, is your access to the state highways at either end. It's not about trying to provide a rung in the ladder, per se. That is reflected in the objectives that we've arrived at. It's about how we can move traffic more effectively into the area as well as out of the area. The tension with that obviously is: the bigger you make it the more you start attracting vehicles in and it does come under pressure.
- 40
- 45 So we have sized this appropriately to do the job that it's intended to do, and that's to connect State Highway 1 to the businesses and State Highway 20 to the businesses that this project is intended to serve. It's not trying to be a motorway and we are not wanting it to act like a

motorway because then it starts to degrade the objective that it's there to do for the network.

5 MR ALLAN: So the fact that this road is going to attract a whole lot more vehicles to it, because it's in a good place for people coming through, might be disregarded by you because what you're trying to do is a much more limited range of things, is that right?

10 MR WICKMAN: Our modelling doesn't indicate that we are attracting a whole lot of new vehicles. The problem that you have in the network today, as set out in the business case, is that currently there are a lot of vehicles that are using roads that are inappropriate. They're using residential streets and they just can't get into this area or get out of it. This project is trying to add to the network some more resilience to the network and something that needs to be meaningful in terms of a longer lasting solution.

15 MR ALLAN: Right. Wouldn't four lanes give you greater resilience and a more longer lasting solution on that overbridge over Great South Road?

20 MR WICKMAN: It may but it's not necessary, so we need to decide: what is the right scope in that? As the Transport Agency we make a decision based on the advice that we've received. The advice that we've received shows that it's the volumes of traffic that are expected to travel over Great South Road are such that only a single lane in each direction is required.

25 MR ALLAN: What if you've got it wrong? What if in three years' time you're getting queues at that one place, the one bottleneck in your road where you go to two lanes rather than four? What do you do then?

30 MR WICKMAN: There is a whole lot of 'what ifs' with this project, as there are with any other project. We do do sensitivity testing. We do try to ensure that our decision-making is robust. But the modelling, I would submit, is very robust, so ...

35 MR ALLAN: I'm going to suggest to you that the business case tells you what you might or might not build now, but the designation process should have a slightly wider frame to it.

40 [4.30 pm]

45 You should be thinking about what the connection will be in the long term and that if you did that you'd probably have a wider designation by the Stratex site, either to the north or the south of that intersection, because you'd have to take into account the fact that, when you put

four lanes in there, you need more space.

MR WICKMAN: And I would submit to you that that is a decision that needs to be made in the future. What we're trying to do now is trying to put in place a transport solution that does not disrupt the business or minimises the business activity that is currently ongoing. We do not want to push business out when the businesses that are in this area are the purpose for this project, so it would be self-defeating to push all of these businesses out and have a really wide designation that is not required for the project itself.

MR ALLAN: So is the decision to go to two lanes, at least in part - in terms of the Great South Road crossing - is that decision at least in part a function of a wish not to take out the Stratex land?

MR WICKMAN: We have been working very hard to try and minimise the impact on properties. The design of the overbridges is not driven by the property impact. First and foremost, the transport solution that we provide needs to work. We think that one lane in each direction will work and that will be a long-term solution that will be an enduring solution. We don't think it's appropriate to have four lanes or necessary to have four lanes. That is what has driven the designation in that area.

DR PRIESTLEY: Isn't the answer then to Mr Allan's question, "No"? His simple question was: is the narrowing of the designation here and reducing from four lanes to two motivated by a desire not to have to take out the Stratex site? And is your answer "No" or not?

MR WICKMAN: Yes, it is no. Apologies for my Americanism.

MR ALLAN: That is factor that just simply hasn't come into your decision-making in terms of this intersection?

MR WICKMAN: Property impact is a factor. It is not the driving factor in this case.

MR BICKERS: So, can I ask you the question I put to Mr Gliddon? Have you considered the option of moving the alignment south on to the Stratex site, taking the Stratex site out of play and putting the sites to the north, removing the designation from that? Have you looked at that?

MR WICKMAN: We have.

MR BICKERS: And ...?

MR WICKMAN: The issue with that - and Mr Nancekivell can give you a bit more detail - is the land to the west of Great South Road is Anns Creek and that is the area that is highly significant, so the further south you go

the more you start to encroach on Anns Creek. Again, it's the threading the needle. We have tried to balance all the constraints in the area. If you were to go further south into the Stratex site that just means that you are going further south into Anns Creek.

5

MR BICKERS: Well, is it Anns Creek or the TR site that is the problem? Are you saying the geometrics would not allow that alignment that I've just suggested to you?

10

MR WICKMAN: I would suggest that Mr Nancekivell is better to talk about the geometrics, specifically, but the work that we have done has looked at the impact on Anns Creek versus the impact on properties on all three corners of that site, so ...

15

MR BICKERS: Okay.

DR PRIESTLEY: Have you completed, Mr Allan, or not?

20

MR ALLAN: I've got some more things I want to --

DR PRIESTLEY: Yes, up you go.

25

MR ALLAN: Yes, thank you. Let's continue with that discussion then. The suggestion Mr Bickers has made is that we bring the road DWL down into the south, into the Stratex site. You've raised the issue about Anns Creek. How are you crossing these areas of ecological importance that you are already crossing? What methodologies are you using here?

30

MR WICKMAN: In terms of construction methodologies?

MR ALLAN: And ultimately the road, is it --

35

MR WICKMAN: It's on a bridge.

MR ALLAN: On a bridge. So couldn't you build a bridge just a bit south and use the same mechanism that you're using already through this area?

40

MR WICKMAN: You could, but it would have more impact on Anns Creek and some of the native plant species that some of our ecologists can advise you of.

[4.35 pm]

45

MR ALLAN: And you are, I presume, putting forward techniques of construction that NZ Transport Agency says mean that those effects are being mitigated appropriately in terms of the works that you are already

doing in these areas?

5 MR WICKMAN: We have identified the areas that, from an ecological perspective, in Anns Creek have been identified as significant and areas that we should try and stay away from. The conditions allow for or seek to provide a construction methodology that will avoid the impact on those.

10 MR ALLAN: I'm going to suggest to you that what Mr Bickers has put to you would actually help solve Ms Devine's issues as well because, if you take the road alignment at the Stratex site, you drop it south, you then run the same pattern of road that you've already got to the south and you avoid the Southdown site, I suspect Ms Devine wouldn't be here. Isn't that a possibility that is worth looking at?

15 MR WICKMAN: Ms Devine might not be here but there might be other parties here.

DR PRIESTLEY: She'd have another client.

20 MR ALLAN: So that's not an option that is at all attractive to NZ Transport Agency?

25 MR WICKMAN: I would submit to you that we've been working on this for two years. There is a lot of work, a lot of thought that has gone into the alignment. The alignment that we have here today is our best foot forward for how we best manage and balance the effects on all of the environment.

30 MR ALLAN: Why do we have such a big designation on the block immediately to the south-western side of the Great South Road, Sylvia Park Road, and the EWL intersection?

35 MR WICKMAN: That is the parcel of land that's been identified by -- so that's TR Group, so Mr Littlejohn spoke about that a couple of days ago. The designation that sits in that area, we designated that for the purposes of being able to do environmental mitigation to address some of the acknowledged effects that we will have on Anns Creek as well already, going further south into Anns Creek. I don't know that you'd be able to extend the designation line big enough to be able to do the work that needs to be done.

40
45 MR ALLAN: If you were to decide - ultimately, if the Panel was to decide - that maybe the effects on Mercury and other effects are such that, as a balanced decision, we should put the road a bit more into Anns Creek and take it off the Mercury site, you've got space there, haven't you, for at least some of that work to be undertaken? What you don't have is space on the Stratex site. So, would you accept that by moving the designation, if you like, south over the Stratex site, effectively taking

that land as a whole, you give yourselves a great deal more flexibility in terms of what to do on this intersection?

5 MR WICKMAN: I would not accept that, no.

MR ALLAN: Let me come back to what's going to happen when - "when", I say - you need to widen your two-lane bridge across Great South Road. NZ Transport Agency is adamant, isn't it, it's not going to go into Mutukaroa, into Hamlins Hill? So you have a pinch-point on Sylvia Park Road on the northern side. Correct?

10 MR WICKMAN: There could be a pinch-point.

MR ALLAN: Practically, if you ultimately need to widen the road from two to four lanes so it matches the rest of it, you're going to probably come south, aren't you? You're going to designate the Stratex site anyway.

MR WICKMAN: That will be the subject of further investigations at the time that it is decided we need to do further investment in this area, if that ever happens.

[4.40 pm]

MR ALLAN: You don't think it's a good idea for our Transport Agency, charged with strategic thinking, to think strategically about this intersection and try and go a little bit beyond the 20 years it's been modelled?

MR WICKMAN: We have done considerable work as the Transport Agency with Auckland Transport, as well as with Auckland Council and the New Zealand Government, to look at how Auckland might grow and the strategic transport responses that might be required. The detail of how each of these projects is shaped is in response to that strategic network, and we think the project that we have here is adequate and fit for purpose for the objectives that we're seeking to achieve.

MR ALLAN: Okay. We'll come to them soon. But does long-term strategic thinking get trumped by adequacy in terms of your current analysis?

MR WICKMAN: I'm not sure what you --

MR ALLAN: You've told us your proposal is adequate. I'm asking you questions about its strategic forethought, if you like. You've ended up with a pinch-point on this intersection.

MR WICKMAN: I don't believe we have a pinch-point.

MR ALLAN: You don't. Do you have space in terms of the current designation to put in a four-lane overbridge at that intersection?

MR WICKMAN: I don't know. I haven't ... That's not what we've designed.

5 MR ALLAN: Does anybody in your organisation know the answer to that question yet at this point?

MR WICKMAN: We have developed a design and set the designation for what we think is required in order to meet the objectives of the project.

10 MR ALLAN: Let's go to paragraph 1.4 of your statement, which is your summary of the agreed problems that the strategic case is supported by or the strategic case was designed to deal with. The first of those, (a), is inefficient transport connections in the wider east-west area. I'm going to start asking some questions at this point that have some relevance particularly to Kiwi. What did you mean by wider east-west area?

15 MR WICKMAN: So, the area that's referred to is Onehunga through to Penrose, Mount Wellington, to East Tamaki, down through Favona, Mangere, and picking up the Auckland Airport connection from 20(a).

20 MR ALLAN: East Tamaki, do you include Pakuranga in that?

MR WICKMAN: We didn't include the actual suburb itself, but as you look at the business case there's a fairly amorphous bubble that's been drawn to capture all of the major road connections and rail connections that connect into and go through this area.

25 MR ALLAN: Did you include SEART in that?

30 MR WICKMAN: SEART is part of that, yes.

MR ALLAN: The reality is, isn't it, that connections across the city in an east-west direction, through the bottom of the isthmus and further south, aren't very good at the moment?

35 MR WICKMAN: At the moment, that's correct.

MR ALLAN: This proposal only partially solves that because it increases connectivity between Onehunga and State Highway 1, but it doesn't do anything for the land to the east of that.

40 MR WICKMAN: I would disagree with that statement.

MR ALLAN: How does it help connectivity between Pakuranga and Onehunga, for example?

45 MR WICKMAN: It frees up quite a bit of space on SEART. It also provides a much more efficient and effective connection to East Tamaki from Onehunga.

- MR ALLAN: If I'm going to drive between Onehunga and Pakuranga, am I going to want to use the EWL?
- 5 MR WICKMAN: That is a behaviour choice that you're going to have to decide, not me.
- DR PRIESTLEY: Fair answer, Mr Allan.
- MR ALLAN: Fair answer. Would you like to use the East West Link? Do you think
10 it might be a useful way to get between those two suburbs?
- MR WICKMAN: It will be picturesque.
- MR ALLAN: Well, would it be reasonably quick?
- 15 MR WICKMAN: Off the top of my head, I don't have the numbers of what the modelling outputs say, but it would be quicker than it is today.
- MR ALLAN: If people do want to travel between Pakuranga and Onehunga and make
20 use of both SEART and the EWL, they're probably going to come off at Carbine Road and run through Clemow Drive and into the EWL, aren't they?
- [4.45 pm]**
- 25 MR WICKMAN: I would suggest actually they would stay on SEART and go through Church Street, which has had a considerable amount of traffic removed from it.
- 30 MR ALLAN: So, the way that this road improves accessibility in the wider east-west area is simply by taking some of the traffic off SEART, but it doesn't actually give a more direct for anybody going from the east of the city to the west of the city?
- 35 MR WICKMAN: It makes better use of the existing network.
- MR ALLAN: But it doesn't connect very well with it, does it?
- MR WICKMAN: I would disagree.
- 40 MR ALLAN: It connects to the Southern Motorway to the south, but not to the north.
- MR WICKMAN: There already is a very efficient connection to the north from Church
45 Street. The connection to the south is very indirect and ineffective, inefficient.
- MR ALLAN: If I'm using the Church Street loop through to SEART, the connection on to the motorway to the north, I'm not using this new road at all, am

I?

MR WICKMAN: It depends on where you're coming from.

5 MR ALLAN: Well, if I'm coming from the industrial area you're serving, I'm going to drive north on to Church Street, aren't I, and then on to the motorway?

10 MR WICKMAN: That would seem to make sense, and there would be a freer run that there is today.

MR ALLAN: If I'm coming from Mangere and I'm wanting to go north, not as far as the city necessarily but I want to get up on to the Southern Motorway, what route am I likely to use?

15 MR WICKMAN: Well, there's a brand new tunnel that just opened a couple of days ago that might be pretty good from --

MR ALLAN: I'm not wanting to go to West Auckland, Mr Wickman.

20 MR WICKMAN: It does connect to the city as well.

MR ALLAN: I want to go to Remuera or to Greenlane, those kinds of places.

25 MR WICKMAN: There are a number of routes that you could take, and pretty much all of them I would suggest are going to be running a little bit smoother because of East West.

30 DR PRIESTLEY: Mr Wickman, I don't know, I may be totally wrong, but I think what Mr Allan is trying to do, and he'll correct me I'm sure if I'm wrong, is he's trying to suggest to you that maybe the opening up of the East West Link is going to encourage normal motorists from other parts of Auckland, certainly not being industrial traffic, to use the East West Link for their own private purposes, and therefore the increased traffic flows on the East West Link and roads connecting with it may go up. That's what he's suggesting to you. If you accept that that's likely to be the case, he can then drill down into some of the planning implications of this.

40 MR WICKMAN: Yes.

DR PRIESTLEY: Do you accept that he's right in that regard?

MR WICKMAN: I do not.

45 DR PRIESTLEY: You don't?

MR WICKMAN: No.

DR PRIESTLEY: All right.

MR WICKMAN: The East West Link is designed --

5

DR PRIESTLEY: I know that, but the point is that I'm sitting out there in Pakuranga wanting to go to Onehunga, or I'm sitting there in Mangere wanting to go not to the dreaded Remuera but to get on to the motorway somehow or other, State Highway 1, and that therefore the East West Link, quite apart from what GPSes may show, is going to be something which I can try out, and that there are going to be hundreds of people in the months that follow who are going to do this. Now, you don't think that's going to be a by-product of opening up this road?

10

15 MR WICKMAN: No, I do not. I do not think that this will induce a lot of traffic.

DR PRIESTLEY: Well, you're in total conflict territory there, Mr Allan. Deal with it as you can. At least we now know he's never going to agree with you.

20 MR ALLAN: I accept that too. Under (c), under 1.4, you say:

"The quality of transport choices in the east-west area is inadequate and hinders the development of liveable communities."

25 Are you meaning the same thing there by "east-west area" as you meant by "wider east-west area" in (a)?

MR WICKMAN: Yes.

30 MR ALLAN: And what do you mean by "liveable communities"?

MR WICKMAN: I believe it was a term that is defined in the Auckland Plan. I'd have to refer you to the Auckland Plan.

35 MR ALLAN: Right. NZ Transport Agency signed up to this, didn't it? Along with Auckland Council and Auckland Transport.

MR WICKMAN: The Auckland Plan?

40 MR ALLAN: Was the language that you're using here simply something that's been cribbed from the Auckland Plan in terms of what "liveable communities" means?

[4.50 pm]

45

MR WICKMAN: This was back in end of 2012. I cannot recall exactly what the genesis of this term was. I know that it was in response to trying to pick up and reflect the desire to improve the integration between land use and

transport, and there were communities that were effectively severed from a transport perspective to the rest of the network. So, how you better provide access for those communities and make them more liveable, quote unquote, that was the intention.

5

MR ALLAN: So, Pakuranga might be one of the communities and Onehunga might be another one? Are we really referring here to suburbs or to areas in the city? Is that what you were implying in your evidence when you're referring to that?

10

MR WICKMAN: I think it's just a general statement for residential areas.

MR ALLAN: By quality of transport choices, what are you meaning there? Are you meaning there's not enough types of transport choice or there's not enough buses or that there's just not enough good roads?

15

MR WICKMAN: It is deliberately vague to mean all of those. It's meant to reflect that public transport needs to be improved in certain areas. Walking and cycling access to quality facilities needs to be improved in certain areas, as well as road connections. Even bus shelters. These statements are intended to be rather high-level and big-picture.

20

MR ALLAN: It's very hard to know if you've solved a problem if you don't actually know what it means, isn't it?

25

MR WICKMAN: Yes.

MR ALLAN: We've got problems we're trying to address but they're deliberately vague problems. That's pretty hard for the community to know whether NZ Transport Agency has done anything about it.

30

DR PRIESTLEY: Is this a comment or a question, Mr Allan?

MR ALLAN: It's a question. I'm just asking.

35

DR PRIESTLEY: Well, I didn't hear the interrogation mark at the end. It sounded like a comment to me.

MR ALLAN: "Correct?"

40

DR PRIESTLEY: Right.

MR ALLAN: Would you agree with that?

45

MR WICKMAN: That it's hard to solve problems that you don't ...

MR ALLAN: That it's nebulously expressed.

MR WICKMAN: Yes.

MR ALLAN: You don't know if you've solved them.

5 MR WICKMAN: Yes.

MR ALLAN: In 1.5 you talk about the business case process, and then you say, "A preferred approach was identified as a new full link", and I confess I haven't read all the documentation that's been circulated on this matter because it's overwhelming in its quantity, and that I have read I've struggled to remember all of it. But what did you mean there by "a new full link", and what would be a not quite full link?

10

MR WICKMAN: Given that you're reading from the summary of evidence, it's actually set out in the body of the evidence where I take you through the actual development of the business case. So, the three problems that you identified, those are problems from the strategic case. That was the very high level from an Auckland Plan, Auckland zoomed out, what are the problems that we think are needing to be responded to? Those get further progressed. Problems are delved into in more detail in the programme business case, and then through the indicative and detailed business case we really get down to the nitty-gritty and understand what are the actual problems in this area that we are seeking to respond to. When we talk about the new full link, that's the decision that came out of the detailed business case where, through the development of a long list of options and short list of options, responding to the project objectives, it was identified that a full connection between State Highway 20 at Onehunga and State Highway 1 at Mount Wellington was the preferred option.

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MR ALLAN: So, it's that physical distance that you've covered? You're saying rather than doing a new road over part of it, just leaving the rest of the network to cope, we'll go all the way from 20 to 1?

35 MR WICKMAN: That's correct.

MR ALLAN: Did having a connection in both directions at 1 come into the description of, quote, "Full new link", or was that left off?

40 MR WICKMAN: Sorry, can you --

MR ALLAN: I'll put it this way. To get a full new link between 20 and 1, I'm going to suggest to you it would have been helpful to be able to connect on to 1 towards the north as well as the south. Would you agree with that?

45

MR WICKMAN: It wasn't the problem that we were trying to resolve, and that's where we get back to that, "What are the problems that we're trying to resolve?" One of the problems was on the State Highway 1 side. The

access to State Highway 1 is actually pretty good from Church Street, but if you want to get south from Neilson Street it is a very indirect route that you have to take. For heavy vehicles in particular, going through eight signalised intersections, it's very inefficient as well.

5

[4.55 pm]

10

So, we weren't trying to do an entirely new connection to State Highway 1 because it was already pretty well served from the north. It was, how do we improve that access to the south, acknowledging that that was the predominant driver for a lot of the movements in and out of this area. So, from the inland port, there is a heavy demand going south as opposed to north, so that was one of the problems that was identified, and that's how the solution got identified as one of the options.

15

MR ALLAN:

But we've ended up with a partial link. We've got a link to the south on the motorway, both to and from the south, but we haven't actually got a link in terms of this road to and from the north. And you've told us that a lot of vehicles come off at Great South Road. So those vehicles might want to come up from Otahuhu, say, along Great South Road, turn right, get on to the new EWL and then get go on to the motorway to the north, rather than go up to Church Street. That's possible, isn't it?

25

MR WICKMAN:

There will be a lot of -- yes.

MR ALLAN:

So, for them, this is not a full link. This is an incomplete link, isn't it?

30

MR WICKMAN:

This is a link that's --

DR PRIESTLEY:

Sorry. Answer the question, then I'll ask you a question.

35

MR WICKMAN:

This is a link that's been designed to meet the objectives of the project, which respond to the problems that have been identified. It's not intending to be a motorway rung, as you seem to be implying it should be.

40

DR PRIESTLEY:

Who dreamed up the word "full" when describing this project? Do you know?

MR WICKMAN:

It was probably me.

45

DR PRIESTLEY:

You? Well, heavens. You see the problem, because if you were to say, "This is going to be a full link between SH1 and SH20", people immediately start asking Mr Allan's questions and say, "Well, you can't go north when you're travelling east" and so on and so forth. If we go on this nomenclature we're going to have counsel later on asking

witnesses whether this is a link half full or a link half empty, which I really don't want to do.

MR ALLAN: Not going to ...

5

DR PRIESTLEY: So, let's try and cut this off at the pass. Do you accept as a witness and having claimed responsibility, Mr Wickman, for the word "full", that to some extent there are some ambiguities in it which detract somewhat from the accuracy of the word "full"?

10

MR WICKMAN: Insofar as it doesn't provide all the movements at the eastern end, yes. But it is a full connection between 20 and 1.

DR PRIESTLEY: There you are.

15

MR ALLAN: I've got some more questions to do. By my clock, I can't see that --

DR PRIESTLEY: What are you determining?

20

MR ALLAN: Sir, I've got some other topics to ask.

DR PRIESTLEY: You want to finish in the next four minutes or you want to go on to a new topic?

25

MR ALLAN: No, I'm going to need more than the next four minutes.

DR PRIESTLEY: I think that's a helpful indication because Mr Bickers has a question he wants to ask arising out of something you've asked. Mr Bickers.

30

MR BICKERS: Yes, Mr Wickman, you responded to Mr Allan's question about the designation of the land to the south-west of that intersection. It's the Anns Creek. And he asked you about the designation and you said it was for the purposes of conducting ecological mitigation works; my words, not necessarily yours. Is that a legitimate reason to designate that portion of land? I appreciate the bit to the north-east is for a construction yard, but we're talking about the balance of it. Is that a legitimate reason to designate?

35

MR WICKMAN: I think it is. I certainly understand the issues that have been raised by TR Group, and certainly it's something that we have been talking through with them. I think the challenge that we have in that area in particular and the condition that we've proposed identifies the constraints that that area presents. So, from a Transport Agency perspective, there's not only the requirement for a little bit more flexibility to maybe identify a cleaner, more environmentally friendly way to construct this, as opposed to our assumed construction methodology which occurs from the north. Then, longer term, the ecological area, it has been identified as a big issue.

40

45

[5.00 pm]

- 5 MR BICKERS: I understand all that. I understand all that. Laudable though it may be, the Act says the designation must be reasonably necessary for achieving the objectives of the requiring authority. Now, when I turn to the Notice of Requirement to see what the objectives are - one of them, inter alia - they are to provide a new grade-separated intersection at Great South Road, Sylvia Park. I can't see anything in that list of the nature of the proposed public works which talks about the ecological mitigation work. As I say, the mitigation work is fine, but does the site need to be designated in terms of what the Act requires and what the Notice of Requirement says. So, would you like to rethink your answer?
- 10
- 15 MR WICKMAN: I think it's something that I would prefer to pass to our planning expert because I'm not, I guess, well versed in the technical detail of the statute. Ms Rickard I think would be better.
- 20 MR BICKERS: Okay. So, who's responsible for drawing the line?
- MR WICKMAN: The project team, and obviously I take the responsibility as the Transport Agency project manager.
- 25 MR BICKERS: Well, the Transport Agency is the requiring authority.
- MR WICKMAN: Yes.
- MR BICKERS: Not the project team.
- 30 MR WICKMAN: No. But I take the guidance from the team in terms of what we can and can't do.
- MR BICKERS: All right. Well, if you want to think about that, it'd be really helpful. You were here when I asked Mr Gliddon about a number of other sites on what the justification is, and I'm giving notice that I shall ask you all those questions tomorrow.
- 35
- MR WICKMAN: Sounds good.
- 40
- MR PARSONSON: Mr Wickman, it prompts me to think of a question I had which arose out of a statement in your evidence-in-chief where you referred to KiwiRail designations that are existing, one of which Mr Littlejohn helpfully pointed out loops across the Anns Creek gully. It would also be helpful, whether you or another witness later on, can comment on the degree to which that KiwiRail designation trumps your suggested designation and compromises the outcomes that you would try to achieve in that gully.
- 45

- DR PRIESTLEY: All right. Now, before we adjourn for the evening, and Mr Allan, this is no criticism of you at all, but your cross-examination --
- 5 MR ALLAN: It was a little longer than I had anticipated.
- DR PRIESTLEY: -- was down here aspirationally at ten minutes, I think. That's just the way it goes. So, how much more do you think you've got tomorrow morning?
- 10 MR ALLAN: I might have another 20 minutes, sir.
- DR PRIESTLEY: All right, that's 20 minutes. Then it's you, Mr Lanning. You're also down here at ten minutes but I don't believe it. What would you like?
- 15 MR LANNING: It was 10 minutes, until the last 20 minutes. I have a few more questions now to ask, so I think 15 to 20 minutes.
- DR PRIESTLEY: You'd like how much?
- 20 MR LANNING: Fifteen minutes.
- DR PRIESTLEY: Fifteen minutes. That's a very modest increase. All right, and who's taking up the challenge for The Onehunga Enhancement Society? Is it you, Mr Hewison, or Mr Burns?
- 25 DR HEWISON: Yes, sir.
- DR PRIESTLEY: What do you want?
- 30 DR HEWISON: We'll probably be less, so five minutes.
- DR PRIESTLEY: Less than what?
- 35 DR HEWISON: Less than ten. Very short.
- DR PRIESTLEY: Mr Enright.
- MR ENRIGHT: Yes, sir. My questions relate to one passage only of the evidence, so probably 10 minutes, 15 at max.
- 40 DR PRIESTLEY: Now, you've got re-examination.
- MR MULLIGAN: Yes, sir. I've got a reasonable degree. I'd imagine probably 20 minutes.
- 45 DR PRIESTLEY: Yes, so we're probably looking at about an hour to an hour and ten minutes with Mr Wickman tomorrow. All right, well, that gives you staff some idea. Then we move seamlessly to Mr Nancekivell - where

have I got him here - where we've got a large number of people who want to have a crack. Ms Devine, are you going to be here tomorrow? No, I've got it here.

5 MS DEVINE: Yes, sir, though we may be --

DR PRIESTLEY: You've got 45 minutes at the moment.

MS DEVINE: Yes, sir, and that may be a little bit longer than that, sir.

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DR PRIESTLEY: All right. Tram Lease, Sylvia Park, Sanford.

MR ALLAN: Yes, sir, and I'll need to revisit to see how much Mr Wickman is addressed --

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DR PRIESTLEY: Yes, because there will be different topics. And somebody from the Onehunga Business Association wants to cross-examine him. Why have you got them lurking right up there ahead of the lawyers?

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[5.05 pm]

MS SMEATON: I can move them now.

25 DR PRIESTLEY: Okay. It's also because the layperson will want to have some accuracy as to when she should arrive. Heliport, are you doing this tomorrow?

MS ANDREWS: Yes, sir.

30 DR PRIESTLEY: Twenty minutes. Does that sound sensible?

MS ANDREWS: It might be more like 15, sir.

DR PRIESTLEY: All right. Who are you acting for tomorrow?

35 MS CARRUTHERS: Sir, tomorrow I am attending for Ports of Auckland and Fonterra, and if I could go first, sir?

DR PRIESTLEY: First? What, before Ms Devine?

40 MS CARRUTHERS: Yes, sir, and that works for Ms Devine as well. We've discussed that.

DR PRIESTLEY: You're happy to swap? All right, you've got a swap in the order. Thank you, Ms Devine. That's very helpful. So, you want to be crisp and then get away?

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MS DEVINE: I do. Thank you, sir.

(off mic conversation)

- DR PRIESTLEY: All right. This is a different witness we're talking about. You've got 45 minutes, Mr Lanning, I see.
- 5 MR LANNING: That's correct, sir.
- DR PRIESTLEY: We've got Jaafar, Fonterra and EnviroWaste. Is Mr Williams coming back from Hawkes Bay?
- 10 MS CARRUTHERS: Sir, I'm here for Fonterra tomorrow, sir, so I'll ...
(off mic conversation)
- DR PRIESTLEY: Yes. That's been sorted.
- 15 MS CARRUTHERS: So he won't be here tomorrow.
- DR PRIESTLEY: All right. Sorry, was it 45 minutes or longer?
- 20 MR LANNING: Forty-five minutes, sir. That should be sufficient.
- DR PRIESTLEY: Mr Hewison, The Onehunga Enhancement Society, Jackson and Lockup?
- 25 DR HEWISON: Probably actually 20 minutes for all 3, rather than 10 minutes each.
- DR PRIESTLEY: Goodness me. Well, it sounds as if once we finish with Mr Wickman we'll have Mr Nancekivell on for a good part of the day. Were you realistically wanting to get Ms Linzey on tomorrow?
- 30 MS SMEATON: We're forever hopeful, sir.
- DR PRIESTLEY: Tomorrow is only Thursday, isn't it? Yes. Well, we'll see how we go. It may be, Mr Mulligan, we can make a start with Ms Linzey, but if everybody keeps going until say 4.00 pm, 4.15 pm, I think we might as well have an early break.
- 35 MR MULLIGAN: Yes, sir. I think there was a slightly earlier schedule tomorrow anyway.
- 40 DR PRIESTLEY: You've got a commitment too.
- MR BICKERS: I've got to leave at 4.00 pm.
- DR PRIESTLEY: Yes. When do you want to leave?
- 45 MR BICKERS: 4.00 pm.
- DR PRIESTLEY: Yes. We can't sit beyond 4.00 pm anyway.

MR MULLIGAN: Yes, yes.

5 DR PRIESTLEY: I would ask counsel to use their best endeavours so we can complete the evidence in cross-examination of Messrs Wickman and Nancekivell tomorrow, and then we'll stop, which will mean that Ms Linzey, if we've got there, will be parading on Friday. Is that right?

10 MR BICKERS: Monday. We don't sit on Friday.

DR PRIESTLEY: We don't sit on Friday, do we? What a shame. Okay, Ms Linzey will have the whole weekend to wait. All right, we'll adjourn until 9.00 am tomorrow.

15 **MATTER ADJOURNED AT 5.07 PM UNTIL
THURSDAY, 6 JULY 2017**

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