

BOARD OF INQUIRY

Northern Corridor
Improvements Proposal

TRANSCRIPT OF PROCEEDINGS

BOARD OF INQUIRY

Northern Corridor Improvements proposal

Hearing held at: QBE STADIUM, Stadium Drive, Albany, Auckland

on 25 July 2017

BOARD OF INQUIRY:

Judge Melanie Harland (Chair)

Mr Conway Stewart (Member)

Mr Nigel Mark-Brown (Member)

Appearances

~Day 6, 25 July 2017 (9.11 am)	461
~Comments from the Board (9.12 am)	461
~DAVID BRUCE WILLMOTT (Affirmed) (9.14 am).....	461
~Questions from the Board (9.14 am).....	461
~Cross-examination by Ms McIndoe (9.43 am).....	470
~Questions from the Board (10.01 am).....	476
~(The witness withdrew - 10.11 am).....	479
~PETER RICHARD FOGARTY (Affirmed) (10.13 am)	479
~Questions from the Board (10.13 am).....	479
~(Adjourned 10.40 am -10.56 am).....	487
~Comments from Ms McIndoe (10.56 am).....	487
~Cross-examination by Ms McIndoe (10.56 am).....	488
~Questions from the Board (11.05 am).....	490
~Questions arising by Ms McIndoe (11.26 am)	498
~(The witness withdrew 11.29 am).....	500
~Comments from the Board (11.29 am)	500
~CRAIG IRVING MCGARR (Affirmed) (11.32 am)	501
~Examination in Chief by Mr Berry (11.32 am).....	501
~Questions from the Board (11.37 am).....	503
~Comments from Ms McIndoe (11.37 am).....	503
~Comments from the Board (11.38 am).....	503
~(The witness withdrew - 11.39 am).....	504
~IAN DAVID CLARK (Recalled) (11.39 am)	504
~(Reaffirmed) (11.40 am)	504
~Questions from Ms McIndoe (11.40 am)	504
~Comments from the Board (11.43 am).....	505
~(The witness withdrew - 11.43 am).....	506
~Timetabling matters discussed (11.43 am)	506

~Day 6, 25 July 2017 (9.11 am)

~Comments from the Board (9.12 am)

JUDGE HARLAND: Good morning. Just before we start the evidence this morning,
5 can we deal formally with Mr Bluett's evidence? I might have dealt with that last
week, but I can't recall absolutely; so just to be sure, we've received the
summary statement from Mr Bluett in relation to air quality and the indication
was, I believe, if it could be confirmed, that this was able to go in by consent?

MS MCINDOE: That was my understanding.

10 JUDGE HARLAND: Yes, thank you. Well, we've formally now dealt with that,
probably twice, but at least we're sure we've dealt with it.

And so that takes us today to Mr Willmott, I understand your case.

So, if you would like to come forward. Have you had enough time to get
everything together this morning?

15 MR WILLMOTT: Thank you.

JUDGE HARLAND: Well, if you would like to come up to the witness box with your
materials and I'll help you with the first part.

~DAVID BRUCE WILLMOTT (Affirmed) (9.14 am)

20 ~Questions from the Board (9.14 am)

JUDGE HARLAND: Just take a seat please Mr Willmott when you're ready.

Now I just need, before we do the formal part of your evidence, it seems
as if you might have come prepared to give all of your case today, is that right,
your submission and your evidence?

25 MR WILLMOTT: If you wish, I'm prepared to come back if it suits the Board.

JUDGE HARLAND: Well, we don't want to waste your time, but you would prefer to
give it all today.

MR WILLMOTT: Yes.

JUDGE HARLAND: All right let's deal with it in that way.

30 So just formally, could you tell us please your full name?

MR WILLMOTT: David Bruce Willmott.

JUDGE HARLAND: And are you to give evidence today and present your
submissions on behalf of the Centre for Urban and Transport Studies?

MR WILLMOTT: That's right, yes.

35 JUDGE HARLAND: And is that also in relation to in your personal capacity, or only on
behalf of the Centre?

MR WILLMOTT: I'm sorry?

JUDGE HARLAND: Are you giving evidence today on behalf of the Centre only or the Centre and yourself?

MR WILLMOTT: The Centre and myself.

JUDGE HARLAND: All right thank you. And have you prepared a statement of
5 evidence for this hearing?

MR WILLMOTT: I have, yes.

JUDGE HARLAND: And I wonder if we could just get that in front of you so that we
can make sure we've got the same one. Have you got that one in front of you,
and do you confirm that's not the one you prepared for today, it's the one that
10 you prepared before, do you confirm that that's true and correct?

MR WILLMOTT: Yes.

JUDGE HARLAND: We'll just give it to you.

It's all right in the folder, just to give it to him to have a look at.

MR WILLMOTT: Right.

15 JUDGE HARLAND: So just looking at that document, take a moment.

MR WILLMOTT: Yes, it appears to be.

JUDGE HARLAND: Is that the preparation of your evidence with 8 points and a
number of annexures that you wish to present as evidence to the Board?

MR WILLMOTT: Yes, do I have some annexures today.

20 JUDGE HARLAND: All right. But insofar as this particular document that you're
referring to is concerned, is that true and correct to the best of your knowledge?

MR WILLMOTT: Yes.

JUDGE HARLAND: All right thank you.

25 So, Mr Willmott, what we'll do is I'll let you present your document that
you've got today and then I'll invite questions.

MR WILLMOTT: Right. I had not envisaged reading it right through, but I'm willing to
do so if that would be of help to the Board.

JUDGE HARLAND: We're happy to read it and take it as read and if you want to
simply highlight points, or do you simply want us to receive it and read it later?

30 MR WILLMOTT: Well, I think it's only fair to those who are attending today to read it
through, because they haven't had a chance to hear it previously --

JUDGE HARLAND: All right.

MR WILLMOTT: -- and as I stated, some of it's pretty complex stuff and if it suits any
of the questioners I'm willing to come back. I am coming back at in any case to
35 question other witnesses, so I could respond to any written questions
subsequently, if that's of any help to the Board?

JUDGE HARLAND: Well, the concern I have is that much of this appears to be material that would be submission as opposed to evidence. And we're very constrained also by the matters that we can as a matter of law consider --

MR WILLMOTT: Yes.

5 JUDGE HARLAND: -- for example, we're not able to get into the debate about sustainable development and economic development and the theoretical appropriateness of either model.

MR WILLMOTT: Right.

JUDGE HARLAND: We have to take the plans as they are and we have to interpret
10 them where required and also apply the evidence to the planning instruments and to the law as it is. So, it's not our function to go beyond that. We can't as a matter of law.

And just having a brief look through some of this, it does appear that some of it relates more to those philosophical aspects, which are perfectly
15 legitimate, but are not things that we can deal with here in the context of this application.

MR WILLMOTT: Right.

JUDGE HARLAND: So we just have to be mindful of that.

MR WILLMOTT: Well my evidence is really of two types. The first is that issue and
20 the question of how the stated objectives of various plans conflict with each other and are not borne out in what's being done on the ground.

JUDGE HARLAND: All right, well again, the evidence was supposed to have been filed ahead of time, so that everybody would have an opportunity to consider it, rather than to be caught by surprise with new material.

25 MR WILLMOTT: It's only an expansion, or at least a repeat of the material. The exception is a detailed examination of weaving distances as requested at the joint witness --

JUDGE HARLAND: Well, perhaps if you read out the portion dealing with the weaving differences and we can take the rest of it as read as being an expansion of your
30 earlier evidence. I'll then invite questions and if anybody is caught by surprise by any additional material, then they can raise that with me afterwards and you've indicated you will be coming back and, if necessary, we can recall you. How does that sound?

MR WILLMOTT: Yes, that's fine.

35 JUDGE HARLAND: All right, thank you. So perhaps if we turn to the part concerning weaving, what page is that on or what paragraph is that?

MR WILLMOTT: It starts about five pages from the back.

JUDGE HARLAND: Is the heading "weaving between adjacent on and off-ramps"?

MR WILLMOTT: That's right.

JUDGE HARLAND: All right, if you could take us through that please?

5 MR WILLMOTT: Much is made of weaving capacity as measured by weaving
distance and crossing volumes being theoretically sufficient to prevent any
slowing of traffic speed, nominally for safety reasons, although any accident is
more likely to be a bent fender or broken tail light rather than a serious injury or
worse. But often it is more desirable (in terms of traffic service on roads
10 accessing the motorway, and access to/from the motorway) to have an on or off
ramp installed almost regardless of such weaving capacity.

Again, calculations are made for a subjectively determined horizon, that
is 2031, possibly, or 2100 as an extreme horizon for local planning, which is
probably almost irrelevant when the life of the motorway and possible changes
15 in on and off traffic are taken into account. Eventually, any weave will be
engulfed by general arterial congestion if arterial road space is not increased at
the same rate as increases in population, thus economic activity, thus of traffic.
In practice, for most of the day capacity is not a problem, and the ramps
perform useful service, but in peak hours when capacity is
20 approached -- weaving capacity is approached I should have said, the traffic
slows down anyway rendering calculations questionable and consequences
minimal when compared with the benefits of general facilitation.

AASHTO weaving distances:

25 These tend to be used in New Zealand still today as they were 50, 60
years ago.

The merge distances between on and off-ramps recommend by
AASHTO in the 1995 edition of its Policy (Manual) on the Geometric Design of
Highways and Streets, in particular Figure X-72. The recommended merge and
diverge or (crossover) distance between on-ramp joinings (measured from
30 where an on-ramp is 1.5 metres from a through-lane) and off-ramp separations
(measured to the point at which an off-ramp diverges from the through lane) is
600 metres, in figures X-72. Since 1995, the manual has been digitised and its
information is available today online for a fee. (American wealth, terrain, rural
distances and standards are arguably too generous for New Zealand, yet in the
35 absence of our own standards, we still use AASHTO.)

It should also be noted that AASHTO 1995 is a guideline only in that it does not specifically allow for variations in the volumes and speeds of merging and diverging traffic, the nature (eg queue speed) of traffic on and off-ramps, variation of merge speeds and volumes such as may be affected by on-ramp signal departure speeds and volumes, the varying holding capacities of approach and departure lanes and the way this may influence signal timings to minimise the prospect of overload spilling back onto feeder arterial (on-ramp) and motorway (off-ramp).

Further, I understand that, in recognition of the urban situation which generally operates at a lower level of service than rural highways, and with experienced drivers familiar with which lanes to take, a reduced guideline (ie less than 600 metres; perhaps 450 metres) is now the urban guideline, as has long existed for Khyber to Gillies in the city and St Marks to Market weaves, including decades at a hundred KPH speed limit.

Moreover, the guideline -- although it's now been reduced to 80KPH, as may eventually be appropriate for this stretch of road we're talking about.

Moreover, the guideline should be considered (and historically has been considered) with reference to other factors, such as the consequence elsewhere if it is treated as an absolute. Such consequences may include a high level of congestion on the signalised arterials interchanged upon, especially motorway underpasses, quite apart from the rest of the arterial road network and the "rat-runs" which can develop (where possible) to bypass congested arterials.

Project weaving distances:

Approximate weave distances of the existing situation and proposed designs by both NZTA and CUTS have been established for comparison purposes from NZTA's plans or from Google Earth. Distances on the latter were established by comparing with scaled maps. The overall distances between interchanging streets were scaled from the nearest road reserve boundary.

And then I list the current weave distances on a bunch of existing roads.

First of all, the two city weaves that I've previously cited Khyber Pass to Gillies Avenue and St Marks Road to Market Road both of which have a net 450 metres for weaves. The existing Albany Highway to Paul Matthews Drive, which has no weave currently, is some 1200 metres less the on-ramp of 300 metres. Similarly, the Albany Highway to Caribbean Drive is 1880 metres with

no existing weave. The Albany Highway to Caribbean Drive for the NZTA design eastbound winds up with an 830 metres weave. And generally, the rest of both NZTA's proposals and CUTS' proposals are of the order of 830 weave for NZTA and 600 metres for the CUTS design ending where the ramps would end on the newest part of Paul Matthews Road. The Constellation to Greville Road on State Highway 1, the overall distance is almost 2 kilometres, 1.92 kilometres. And the existing northbound weave is 1140 metres and the existing southbound weaves are respectively 880 metres and 730 metres.

All of these exceed the 600 guideline long established by AASHTO and even the Khyber Pass and St Marks Road weaves at 450 metres probably comply with the reduced guideline which AASHTO has been encouraged to develop for more urban familiar situations.

In another table over the page I list the proposed designs and the weaves, and without going through the table in detail, you will see that in every case they are somewhere between 600 metres at the bottom end, and 1180 metres at the maximum.

You will see that my Greville Road to Constellation Drive option for the southbound is done for both a four lane southbound motorway and for a five lane southbound motorway. The four lane results in a weave of 650 metres, whereas the five lane not only do you get more capacity and less traffic intensity in the lanes, but also the weave distance is longer at 830 metres.

So for the similar reasons, as five lanes have been applied northbound, I would apply five lanes southbound.

In the cut Proposal, State Highway 18 ramps would terminate on Paul Matthews Drive instead of at Caribbean Drive. Both weaving sections would satisfy the AASHTO guideline for rural highways; the urban location should mean that, at 600 metres each, they equal the AASHTO 1995 guideline, despite longer than usual ramp lengths. Additionally, the on-ramp traffic from Albany Highway is currently very limited, and with limited prospects of increase, owing to limited prospects for its catchment. In both cases the weaves are about one-third longer than city weaves included in the tables above.

I do not consider the merge and demerge distance -- the merge to demerge distance should be used as a reason for discounting an eastbound offer-ramp onto Paul Matthews Road, particularly as the alternative as proposed offers several disadvantages, not least a messy design which requires considerable "back-tracking" for traffic destined for Paul Matthews

Drive. And originating in Paul Matthews Drive and the existing commercial centre.

5 If the shared use path is to remain despite the availability of an alternative route of Bush Road and Paul Matthews Road, then some property (and a slice of building) may need to be acquired from the industrial buildings hemming in the existing arterial standard State Highway 18. However, the cost of same would be substantially less than the cost of shifting the hockey fields with all the flow-on effects resulting in reduction of recreational space even as population is increasing. The outcome would be (in my opinion) a better design, better functional operation, and reduced call on Drainage Board land.

10 This is section 5 now, potential for south facing ramps connecting State Highway 18 and S H1.

JUDGE HARLAND: Can I just, sorry to interrupt, but can I just ask does this cover weaving specifically this paragraph? Or does it amplify what you've already told us in other parts of your submission? Because I'd like to just stick with the paragraphs that talk about the weaving on the basis that the other parts we've read your points and we can read them again.

MR WILLMOTT: Right, there's nothing in there on weaving.

JUDGE HARLAND: Yes, and the same for 6. It looked as if 7 might be something that talked about weaving?

MR WILLMOTT: For the joint witness hearing I relied upon general impression rather than attempting to design the whole system, which has taken several people several years to do and as you can see, just from the weaving, it has taken quite a lot of effort just to consider that aspect of design, quite apart from other aspects of geometric design. I've only done so on request.

JUDGE HARLAND: Yes, well I don't want to cut you short, but I want to make sure that we're not going over things that we've already covered. And I'm not -- that's not suggesting that we're not going to read it, but it was really the material that might be elaboration on the weaving point that we were going to -- I was going to ask you to elaborate on. So, are we clear that 5 and 6 we can read?

MR WILLMOTT: Yes, they are -- they refer more to overall design, which was a necessary framework for the weaving thing.

JUDGE HARLAND: All right thank you. And 7, is that a matter of detail that you feel we need to have read out?

MR WILLMOTT: Well I'm at the mercy of the Board, whatever will help. It does talk about the weave length, but -- and describes the way in which that weave length was established and the design -- the nature of the design resulting in that weave length being established.

5 JUDGE HARLAND: All right. Well why don't you just for consistency's sake read out 7, and then is 8 also dealing with elaboration of weaving? Yes, 7 and 8. And then 9. And I think we can leave 10 to read. So, 7, 8 and 9.

MR WILLMOTT: Yes.

JUDGE HARLAND: Thank you.

10 MR WILLMOTT: 7 is the Possible Northbound Greville Overpass Ramp Between State Highway and the Albany Expressway heading northbound.

The NZTA Proposal has an 830 metres weave between Constellation Drive and Greville Road, even allowing for the significant reduction in weave length caused by the large radius ramp from State Highway
15 20. This would make it almost twice the length of the city weaves at 450 metres each, and 230 metres longer than the AASHTO rural guideline.

Thus, safety auditors were correct in allowing the proposed north-south merges, both of traffic from Constellation Drive and from State Highway 18. They are reported to have granted their approval with a degree of caution, as is
20 appropriate when rigorously observing justifiably defensible standards regardless of other factors. Specialist involvement may lead to poorly balanced overall designs, which CUTS considers will occur in this case if direct ramps between State Highway 1 (south) and the Albany Expressway are excluded.

The CUTS Proposal is for the departure point for the northbound
25 off-ramp to Greville Road to be shifted up to a hundred metres southwards, reducing the weave length to a minimum of 730 metres (possibly larger, dependent on detailed design of the overpass ramp). The longer off-ramp would then allow a Greville Road/Tawa Drive overpass ramp to depart from that off-ramp from State Highway 1 about halfway between its departure point
30 from State Highway 1 and that east to west arterial. That would separate the -- that would be somewhat similar to the Westgate off-ramp I might point out. That would separate the two departures by up to 240 metres as recommended by AASHTO 1995 (Table X-72) for motorway to motorway ramps. Automatically slower speeds on the off-ramp would ensure that 240
35 metres separation is more than adequate, and well in excess of the 180 metres that AASHTO recommends for service road interchange.

No difficulty is foreseen connecting the overpass into the Albany Expressway on the northern side of the Tawa/Greville arterial.

8. Possible Southbound Greville Overpass Ramp Between Albany Expressway and State Highway 1, that is it crosses over the top of State Highway 1 north of Greville Road Underpass and then swings around to merge with State Highway 1 heading south. Assuming this -- this first case assumes only four southbound lanes on State Highway 1 as proposed by NZTA.

The general configuration of this CUTS proposed ramp would be for it to depart from Albany Expressway at such a location as allows clearance over State Highway 1 with an alignment still restricted to 50 kph although the design may be able to achieve 80 kph standards. It should then join State Highway 1 with a new lane ahead, which enables its traffic to avoid weaving before making a choice of State Highway 1 or State Highway 18. The on-ramp from Greville Road would then merge with this fourth lane with a merge separation of at least 180 metres. This would result in a weave distance for on-ramp traffic bound for Constellation off-ramp or State Highway 1 beyond Constellation of about 680 metres, somewhat greater than AASHTO's 600 metres guideline.

In real life, drivers naturally adjust their speed; I made this point somewhere else, especially peak hours, when weaves are most heavy, but drivers are familiar with the lane configuration and thus any weave necessary.

The AASHTO guideline of 600 metres is appropriate for a higher level of rural service and speed than that obtaining in urban peak hour situations, accommodating drivers who cannot be expected to know the road, in rural situations that is. The 1995 AASHTO manual, neither includes a reduced standard appropriate for urban motor ways, as I believe the recent electronic version includes, nor allows for the ameliorative measure of managing on-ramp traffic with ramp signals, as will occur here. Thus, it is naturally conservative for this situation.

9. Possible Southbound Greville Overpass Ramp Between Albany Expressway and State Highway 1. As the previous case, but this time assuming five lanes southbound on State Highway 1, one more than NZTA proposes.

A significantly better solution would be to increase the southbound lanes between interchanges to five lanes, as NZTA proposes for the northbound lanes. This would result in a better balanced design, as there is no reason for any significant difference between northbound and southbound traffic volumes

on this stretch of motorway. Moreover, with an on-ramp separation distance of 180 metres, the weave distance would be increased to about 830 metres, and additional motorway capacity would be provided in a location where it would easily prove its economic worth.

5 JUDGE HARLAND: All right, so we can read -- thank you for that, we can read paragraph 10 and we'll do so.

So, at this point I'll make -- I'll invite the cross-examination of your evidence. So, thank you Ms McIndoe.

10 ~Cross-examination by Ms McIndoe (9.43 am)

MS MCINDOE: I just have some questions about weaving before I ask about some other topics from your evidence. Just coming out of the information which you've presented to the Board this morning, my understanding is that the AASHTO guideline hasn't been used in New Zealand for roading projects,
15 are you able to confirm whether that's the case?

MR WILLMOTT: Did you say "has been" --

MS MCINDOE: Has not been used.

MR WILLMOTT: It certainly was used back in the 60s, 70 and 80s. Australian standards generally supplanted those more recently, but they were always
20 weak on specialist topics such as weaving. They may have -- my knowledge is somewhat out of date, and they may have improved those aspects, but a reference was made in a design context for this stretch of State Highway 1, reference was made to the AASHTO Guideline, so that is the one I've used.

MS MCINDOE: But you'd accept that in the last 30 years at least this guideline
25 hasn't been the main guideline used in New Zealand for roading design?

MR WILLMOTT: I certainly know the Australian standards when they were developed were adopted by New Zealand as more reflective of New Zealand Standards than the American AASHTO.

MS MCINDOE: Thank you.

30 MR WILLMOTT: But my experiences in the last 10 to 15 years has been removed from design practice.

MS MCINDOE: Thank you. Now I have been trying to keep up with your calculations of distances of ramps and weaving lengths and things, so bear with me here, my questions arise about -- are out of combination of including
35 ramp signals, on-ramps, and what that would do to the weaving lengths

required. So, am I right that I understand you support ramp signals being in installed on on-ramps, am I right about that?

MR WILLMOTT: Only where there is a danger of congestion being created back on to arterials to the extent that they could choke, or at the other end where a
5 motorway could be overwhelmed by on-ramp traffic. I don't support their general application as has been done in Auckland. But I do support their use only in peak periods.

MS MCINDOE: Yes, okay. And when there are to be ramp signals installed on an on-ramp do you accept that that would mean a longer on-ramp would be
10 required?

MR WILLMOTT: For storage, it is desirable, yes.

MS MCINDOE: And that longer -- long on-ramp in turn could mean a reduced weave length, if you like, it would take up space that would otherwise be available for weaving is that correct?

15 MR WILLMOTT: Yes, I have not reduced the length of on-ramps in any of my designs, generally I have increased them for that reason, where possible.

MS MCINDOE: So you've allowed for ramp signals on your ramps?

MR WILLMOTT: Not in any calculated -- oh yes, certainly I envisage that ramp signals, the overall policy would be applied here as well.

20 MS MCINDOE: But you haven't added any additional length on to your ramps to allow for that?

MR WILLMOTT: In the case of the on-ramp from Greville Road, yes. Not for the on-ramp from Constellation Drive, or the off-ramp on to Constellation Drive. And I did suggest that the ramp -- off-ramp length could be increased by up
25 to a hundred metres for the north off-ramp on to Greville Road, but that's not a holding situation except back from the signals yes, back from the signals on Tawa Drive.

MS MCINDOE: And have you also taken into account when designing the length of your ramps, have you taken into account the need for safe signage and how
30 that might add to the length of ramp required?

MR WILLMOTT: No, signage always has to be the best possible and it's always restricted, the options are limited. One does what one can, but as I previously said in the joint witness hearing, signage is widely recognised as influencing drivers to the extent of about 10% of their decision making. The
35 other 90% they get from other traffic and from their observation of the road.

MS MCINDOE: Hopefully my final question on weaving, you've referred to the Khyber, Gillies end and Market weave which you measure as 450 metres, are you aware of the crash record for those sections of road?

5 MR WILLMOTT: No I haven't examined that. But I used to live quite close to both of those stretches and whenever I went into the city, I lived in Remuera just off Market Road, I still go there once a week in peak hours in the evening, on Monday evening, so I'm reasonably familiar. I have yet to see a crash. I cannot recall in some 40 years of travelling that -- both those weaves -- ever seeing a crash on those weaves.

10 MS MCINDOE: Okay, but you say you haven't examined the records for the purposes of this Board?

MR WILLMOTT: No.

MS MCINDOE: No, that's understandable.

15 MR WILLMOTT: As I said, also in the joint witness hearing, the value of such crashes and the frequency of them has to be weighed against the immense value of having access to the motorway by the traffic that otherwise might be precluded by a consideration of safety, and the question is who should make those safety decisions? Should they be made by central planners or should people take safety and risk into their own decision making?

20 MS MCINDOE: I have a couple of other topics which I'll try and cover quickly. I recall you were here last week, weren't you, when Duncan Tindall gave evidence; in fact, I think you questioned him about the number of people travelling over the Harbour Bridge?

MR WILLMOTT: Yes.

25 MS MCINDOE: And you will recall that his evidence was that one-third of people going over the Harbour Bridge heading south in the morning peak do so on public transport in buses?

MR WILLMOTT: Yes.

MS MCINDOE: And do you accept that evidence?

30 MR WILLMOTT: I do since Duncan produced some actual calculations -- some measurements.

MS MCINDOE: Okay. And on that basis then, do you accept that a busway could carry more people than a general traffic lane could?

35 MR WILLMOTT: Yes, it can also occupy more space per person carried than a normal traffic lane. In other words, you could fit 200 cars between buses on a busway.

MS MCINDOE: But you could get more people per vehicle in a bus, that's the point, isn't it?

MR WILLMOTT: Oh absolutely. But there's no energy saving by getting people on to buses, buses use just as much energy per person kilometre delivered day
5 long as do cars. They're both about the same, depending upon the city and the route. Trains are much worse energy consumers than both buses and cars. Contrary to what everybody expects or has been led to believe.

MS MCINDOE: In your evidence, and here I'm looking at section 5.5, which is about the Northern Busway, you've recommended that the extension should
10 be retained --

JUDGE HARLAND: We're looking at your Evidence in Chief here Mr Willmott, so not the one today.

MS MCINDOE: It's the one which the Hearing Manager showed you this morning.

MR WILLMOTT: Right.

15 MS MCINDOE: And under the heading "Decisions Sought on the Busway" it says "retain its inclusion in the Project".

MR WILLMOTT: Yes, well having invested so much in the busway already, it makes sense to carry it on.

MS MCINDOE: And your key concern, as I understand it, is that you don't want the
20 busway to preclude later widening of the motorway?

MR WILLMOTT: Yes. As appears to be the case south of Constellation where only two lanes travel south and it appears to a driver past that the bus lanes are so close to the two travel lanes that adding a third lane would be difficult without shifting the bus lane.

25 MS MCINDOE: And in that the location the bus lane's already existing, isn't it?

MR WILLMOTT: Yeah, and without providing adequately for motorway expansion.

MS MCINDOE: And you're aware, aren't you, that the Project does included additional lanes between Greville Road and the Upper Harbour ramps?

MR WILLMOTT: Yes.

30 MS MCINDOE: And you'd support those additional lanes?

MR WILLMOTT: Oh absolutely, it will be a heavily trafficked bit of road.

MS MCINDOE: And if we think about the addition of south facing ramps in the future, ramps to State Highway 18 going south on State Highway 1, you would support those being added in the future by the sounds of it?

35 MR WILLMOTT: It's much less -- it's much more costly to add them as a separate project on top of existing functioning ramps, than it is to build them in the first

place. So, in my opinion, the Project should have been rather larger to include widening of the motorway south of Constellation, and the addition of these ramps. But that has not been included at this stage. I only seek to address the Project as it is proposed, but I do hope that provision will be
5 made for southbound ramps at a later stage. I think it is suicide not to, it's societal suicidal not too.

MS MCINDOE: And that's from an efficiency perspective?

MR WILLMOTT: Beg your pardon?

MS MCINDOE: Is that from an efficiency perspective in terms of --

10 MR WILLMOTT: Economic efficiency, yes.

MS MCINDOE: Economic efficiency, yes.

But you do accept, don't you, that the Transport Agency has looked at the issue of south facing ramps, it's just decided not to include them in this Project?

15 MR WILLMOTT: NZTA is influenced, even as is Auckland Transport, by the prevailing enviro-planning ethos.

In my un-read evidence today I talk about the return of romanticism at the expense of the ages of reason and enlightenment. Just within my life-time I've seen the extent to which hard factual based reality is now being
20 fuzzed over and supplanted by opinions and values. And this is not to say that ideals and values are inappropriate, because they are appropriate. But there needs to be a balance. And we have obliterated the rationality side from our projects and our development and that is reflected in the make-up of NZTA and Auckland Transport.

25 MS MCINDOE: And if we consider that matter, now your evidence here, you confirmed is given for the Centre For Urban Transport Studies, correct?

MR WILLMOTT: Yes. Well only that I -- my associates are like minded with myself and I know that I have their support in this sort of submission.

MS MCINDOE: Are you familiar at all with the Environment Court's Code of
30 Conduct for Expert Witnesses?

MR WILLMOTT: Yes, I have read it.

MS MCINDOE: You might have had it shown to you when you did expert witness conferencing?

MR WILLMOTT: Yes, I had a copy provided -- no, I downloaded a copy off the web,
35 yeah.

MS MCINDOE: Okay, sure. And so, you're aware that your duty here is to assist the Board in an impartial way?

MR WILLMOTT: Impartiality is a very subjective topic. I attempt to be impartial, but I'm more of a rationale person than an idealistic person; other people are different, it takes all kind to make a world. I don't judge myself as being in any way superior. But I do form opinions based on rationality rather than idealism. And to that extent my opinions are different from those of other people.

MS MCINDOE: But do you accept that your duty is to bring your training and your professional knowledge to assist the Board in this case?

MR WILLMOTT: That's why I'm here.

MS MCINDOE: And that you must not advocate for any political or philosophical view that the Centre for Urban Transport Studies might have?

MR WILLMOTT: What you're suggesting is that I should drink the Kool-Aid, that is the prevailing culture should condition my evidence. No, I don't accept that.

MS MCINDOE: One more topic. Your evidence also recommends adding ramps between Albany Expressway of State Highway 17 and State Highway 1 heading south?

MR WILLMOTT: Yes.

MS MCINDOE: And do you accept that the Transport Agency has explored the possibility of adding these ramps?

MR WILLMOTT: One of the un-read sections of my evidence produced this morning is headed "Where There's a Will There's a Way" and in brackets "No Will Means No Way". The general prejudice against automobility and the positive promotion of walking, cycling and public transport, in my submission beyond their natural station is the Kool-Aid that I alluded to previously. The idea that we should suppress automobility, which is by far the most efficient form of inter-accessibility and has been directly responsible for the immense burst of productivity in the 50s, 60s and 70s, is suicidal -- as is culturally, collectively and economically suicidal in my opinion.

MS MCINDOE: So, I accept that you don't like the outcome --

MR WILLMOTT: No.

MS MCINDOE: -- but do you accept that the Transport Agency at least looked at the possibility.

MR WILLMOTT: Yes, but even as with the weaves, you can use these things as absolutes and as justifications, or you can weigh them up in conjunction with

other considerations. I'm used to the latter approach at a time that an office of three people, including myself, designed half of the motorway network in Auckland, within a very short space of years. And those motorways have been built, and while they have their limitations, they've served magnificently for promoting the welfare of Aucklanders.

MS MCINDOE: Those are all my questions Your Honour.

JUDGE HARLAND: Thank you for that. So now I'm going to just see whether any of the Members of the Board have questions for you Mr Willmott.

10 ~Questions from the Board (10.01 am)

MR STEWART: Let's just deal with one thing first, which I think is matter of fact, in your section 7 which is headed, two pages from the back; it's headed "Possible Northbound Greville Overpass Ramp Between State Highway 1 and Albany Expressway", do you see that?

15 MR WILLMOTT: Right.

MR STEWART: That's the evidence you gave this morning.

MR WILLMOTT: Yes.

MR STEWART: And you see in the second line there, the last word in that line is "SH20", you see that?

20 MR WILLMOTT: Yes.

MR STEWART: Do you actually mean S -- State Highway 18?

MR WILLMOTT: No, I meant SH18, I'm sorry.

MR STEWART: Thanks. I assumed that was the case by thought I better confirm.

25 Now in that section also you're talking about the Greville Road overpass ramp and am I correct in assuming that that refers to a plan in your original evidence, which you may recall the --

MR WILLMOTT: Yes.

MR STEWART: Yes, so that --

MR WILLMOTT: It's still essentially in the same place.

30 I have improved my understanding of the local geometry and potentials since that sketch, but time precluded an improvement of it. But essentially, it's still indicative of exactly what I would do.

MR STEWART: Okay, thank you. And I know you've got the section 7 here which discusses it, but are you -- do you accept; I think this is Ms McIndoe's question to you, that it has been discussed by Transport Agency witnesses and I think the, if I'm correct, that they have rejected that, but there's been no

35

suggestion that it could not be built in the future or some sort of overpass could be built -- is that your understanding?

MR WILLMOTT: I don't know, I'm not aware of any intent to build such overpasses in future. And I suspect that if only four southbound lanes are built as
5 proposed, that could be used by persnickety rule book followers -- rule book followers who I would consider persnickety, to preclude or to exclude such a ramp being built.

MR STEWART: Okay. Just returning to this evidence in which that plan was located, and I'll just -- I think I've got a couple of questions, and I think we've
10 dealt with this probably, but you talk about the south facing or the lack of south facing ramps from State Highway 18 to State Highway 1?

MR WILLMOTT: Yes.

MR STEWART: And NZTA have said that they did look at it; there is space available and you've questioned that. Do you accept that what they say -- do
15 you accept that there is space there for ramps to be built in future?

MR WILLMOTT: I would like to accept, but my experience suggests that the room between the two ramps for a diverge is going to make it very tight, if not substandard, to have a ramp diverge to split the east bound traffic to go north and south.

20 MR STEWART: Okay. Now I think that --

MR WILLMOTT: That's just looking at the plan, it's not doing an alternative design. I'm just dubious, quite frankly.

MR STEWART: Okay, we probably have to leave it there at this point.

Then just moving on to another area, on the section between
25 Greville Road and Rosedale Road which is up against the landfill, and the Proposal is to build a busway and a shared used pathway up against that landfill. And I think -- can you confirm for me, my understanding of the statements you've made earlier this hearing you appear to be saying you'd prefer to see a fifth lane. A fifth traffic lane at the expense of either the
30 busway and/or the shared used pathway, have I got that right?

MR WILLMOTT: Yes if economic development is the ruling consideration, then one would certainly build the motorway lane rather than the pathway. But that doesn't mean to say that much of the pathway south of landfill couldn't be built maybe stopping at the landfill, or alternatively climbing over it, or
35 possibly being set into it. I haven't looked at alternative designs. But I'm just surprised that it has been decided to build a 5 metre shared used path there,

which in my expectation will be -- will attract limited use compared with the immense value of a fifth motorway lane.

MR STEWART: And so you're concentrating those comments on the shared used pathway, would your suggestion be that the busway is retained in that area or not?

MR WILLMOTT: I would have opposed the busway at the start considering that it would be better accommodated on the motorway by widening the motorway and perhaps using a shoulder as a multiple use facility, including for buses. But having started with a separate busway, we are pretty much constrained to proceeding with that.

I haven't considered, not being in a position. The enormously weighted question of whether it would be better to revert to buses on the motorway north of Constellation versus extending the busway. Other people have considered it better to extend the busway. I think their reasoning is somewhat influenced by ideological preferences, but that is a matter of opinion, which I haven't closely examined to base it on a more factual understanding than I have at the moment.

MR STEWART: Thank you Mr Willmott.

JUDGE HARLAND: Mr Willmott, I just had some further questions about the Centre itself, because unfortunately I had tried, as you suggested in your I think submission or original evidence, for a search of the website, but I had difficulty getting into it. So, could you tell me please the Centre, has it got a place, has it actually got separate premises and that kind of thing? Is it separately funded? Are there employees or staff of it?

MR WILLMOTT: No it's -- all the associates are retired or semiretired and just do odd jobs. Mostly pro bono publico. To have free opinions when there is only one game in town and to have a different opinion from that one game is dangerous for one's career, means that people still working full-time cannot consider membership of a group like ours. So, to answer your question, the office is a bedroom in my house which is stacked floor to ceiling with reports and papers.

JUDGE HARLAND: Right. And so, is it operated by -- what, as an Incorporated Society or something?

MR WILLMOTT: No, just an informal sharing of perceptions amongst very experienced or people of my own age who have contributed papers that I could've written myself.

JUDGE HARLAND: Right, and so how many people are part of the centre?

MR WILLMOTT: There were three, other than myself. They are now reduced to two formal associates who are willing to have their names listed on the website. There are half a dozen, maybe 8 or 9 fringe people who share our interests, but are still working full-time and are bound, more or less, to support the ethos of their employer.

JUDGE HARLAND: I see. And so, all of the people that are part of the Centre, do they all have similar backgrounds to you, engineers, that kind of thing?

MR WILLMOTT: Yes, planning and engineering. It was more or less equally weighted, but with the death of one member, Owen McShane, the planning side is reduced to two of the three of us qualified planners, that is.

JUDGE HARLAND: All right, thank you for that, that's helpful. I don't have any other questions, are there any questions arising or questions of the Board?

MS MCINDOE: No thank you.

JUDGE HARLAND: Thank you very much Mr Willmott you are going to make a submission later, so we will see you again later on in the hearing. But for the present time thank you very much.

~(The witness withdrew - 10.11 am)

JUDGE HARLAND: That takes us now to Mr Fogarty. If you'd like to come forward please?

The process is we'll arrange for the formalities to occur and then I'll take you through the rest of the formalities we need and then we'll go from there. Before we start have you got any questions about what's about to happen?

MR FOGARTY: No.

~PETER RICHARD FOGARTY (Affirmed) (10.13 am)

~Questions from the Board (10.13 am)

JUDGE HARLAND: Yes, please just take a seat. Now, I wonder if we could have the reference to the evidence in front of Mr Fogarty, please?

Could you tell us please your full name?

MR FOGARTY: Peter Richard Fogarty.

JUDGE HARLAND: And you live at Carl Place in Unsworth Heights?

MR FOGARTY: That's correct.

JUDGE HARLAND: And you have prepared a submission in respect of this particular Proposal and evidence as well, is that correct?

MR FOGARTY: For now?

JUDGE HARLAND: Yes. No, sorry in the past, in your submission?

5 MR FOGARTY: Yes.

JUDGE HARLAND: And if you could just look at the folder in front of you, is that a statement of your evidence comprising 26 pages?

MR FOGARTY: Yes.

JUDGE HARLAND: And do you confirm that to be true and correct to the best of
10 your abilities?

MR FOGARTY: Yes, I do.

JUDGE HARLAND: All right. Well, now what's going to happen is -- do you have some material you wanted to present? Otherwise what will happen now is I'll invite questions.

15 MR FOGARTY: I just want to make a sort of statement. That's what I was sort of told to --

JUDGE HARLAND: Yes. That's absolutely fine. And do we have that in writing; are we going to get a copy of that in writing? Or are they just your own notes?

20 MR FOGARTY: They are just -- I mean, just some notes I made.

JUDGE HARLAND: No, that's fine. Off you go.

MR FOGARTY: Okay. My two main concerns with this Project are, as I state in my submissions, the Caribbean Drive/Upper Harbour Highway intersection; the position of the SUP, which I believe is on the wrong side of the motorway; not
25 building the southern ramps, and the effect on the community, especially Unsworth Heights.

Starting with the intersection, basically, now it's a T-intersection and frequently traffic banks up through the roundabout with Barbados Drive, despite what NZTA say, I cannot see how going from two light phases to turn
30 right to at least four light phases will improve that intersection. Basically, the wait time will double, meaning that more traffic will back up through the roundabout, which impinges on the three feeder roads, and even if you're not going through the lights, you're still held up because there's only one lane entering into that roundabout. You see in the mornings now, and weekends,
35 where even traffic wanting to go west on the State Highway 18 is held up in

Barbados Drive or Caribbean Drive, because it can't enter the roundabout to enter the empty left turn lane.

Mr Church says, I think he applies a 95 percentile rule, saying that traffic will only back up through the roundabout. I take that from that, 5% of the time, which is still 72 minutes a day. But even NZTA's own figures show that traffic is going to increase naturally on Caribbean Drive up until 2031. I don't believe the figures where Mr Church says by 2031, with the Project, there will be 1400 less cars a day on Caribbean Drive. The Project does nothing to reduce traffic using Caribbean Drive. I mean, it's west of Caribbean Drive. So, if they're building the northern -- southern ramps that might be true, but I just can't see that being the case. So even my 6 year old granddaughter says "pop, the traffic is going to build up more with double the light phases." A 6 year old knows that, so. Currently -- so I'm trying to -- on Friday I was the 12th car in the queue to turn right. I was three quarters of the way back to the roundabout, behind me cars are backed up through the roundabout. I got through the light on an orange light; the car behind me went through on red. So just with double the wait time this Project is going to make that intersection worse.

Going on to the SUP, I think it should be on the southern side; I agree with Auckland Council that it should be on the southern side. I don't think we need a southern and a northern SUP. There is already east-west connection through the North Harbour business district using Bush Road and Paul Matthews Drive. So, if you want to travel east-west on the northern side you can do that as a pedestrian or a cyclist, using those roads. On the southern side there is no east-west connection for the residents. So people who live, like I believe you've visited Bluebird Reserve, you can't get out of there; you have to backtrack all the way to Caribbean Drive. So, all the schools are located to the north of State Highway 18, all the zoned schools, so for those children to get to those schools they basically have to go by car, because they can't get to the buses on Albany Highway. So a southern SUP would give them connectivity between Albany Highway, Bluebird Reserve, and also to get to the bus station. I think in my submission there I showed that if you use the proposed northern SUP it's actually about 630 odd metres longer than just using Barbados Drive.

And the other thing is that I've been amused by all the excuses the NZTA have been using against the southern SUP, like a future busway which

doesn't even feature in the Unitary Plan, but a couple of times now they've mentioned that it would -- a southern SUP would have to be relocated if they built a busway along the side of State Highway 18. The other thing is -- the other excuse they use is they would need to take private properties and they would need to relocate the proposed State Highway 18 to the north, but what they don't say is that they're actually relocating State Highway 18 south to fit the bus lane in on the north. Their plans indicate that, especially their cross-section on sheet 8, it clearly shows the State Highway 18 being shifted south to accommodate the SUP on the northern side.

The other excuse they use is that there's not room. I've used both Google Maps and also Auckland Council's Geomaps and there's 41.1 metres available between Wren Place and number 1/2 Saturn Place, which they're both taking chunks off. So measuring between those new boundaries, there's 41.2 metres, and even with a 2 metre space between the barriers for the ramps to start diverging, you only need 36.2 metres to fit a southern SUP in, and that's actually allowing for 4 metre shoulders under the Paul Matthews Bridge, which is what they seem to be allowing. I do concede that they would need to build a retaining wall on the southern side, instead of battering it, to fit the SUP in.

There's not room to fit a southern SUP past the properties at Bluebird, so that would have to -- it would have to be built on the side of Bluebird Crescent, but that's no different to what they're doing along Paul Matthews Drive which is actually an arterial road; Bluebird is just a suburban street. But that SUP would be used a lot more than -- the northern one, I don't think would anyone would use it. It would serve no purpose at all. As Mr Church points out, there is already connectivity between the current SUP and Omega Place, anyway. So, I just don't see that.

One comment too on NZTA's pedestrian survey. In the figures that they -- in their rebuttal evidence they produce figures of a survey and they actually said that on Saturday 11 May -- they gave some figures. Well, that wasn't actually Saturday 11 May; that was Thursday 11 May that survey was conducted. My wife walks through that walkway on a Thursday and she actually spoke to one of the surveyors.

JUDGE HARLAND: So, just let's be clear about that. So the survey, from memory,

I don't have it in front of me dealt with a Wednesday --

MR FOGARTY: A Saturday and a Monday it said.

JUDGE HARLAND: Yes, and you are saying it was a Wednesday, a Thursday, and a Monday, it wasn't a Saturday?

MR FOGARTY: Well, 11 May -- it says Saturday 11 May. No such date exists.

JUDGE HARLAND: Right. I see, so it's either the date is wrong or the day is
5 wrong?

MR FOGARTY: Well, no the day is -- it is Thursday, because my wife, she only works Tuesdays and Thursdays. And she was -- she was counted on the Thursday. She made a comment that there were people in the walkway counting pedestrians. So their survey results are wrong. They may have
10 counted on a Saturday as well, but my wife was definitely counted on the Thursday.

JUDGE HARLAND: Right.

MR FOGARTY: So I am also concerned that this Project is going to have huge negative cost benefits for the local community. Like I said, they're taking
15 124,000 square metres of reserves and based that on a figure of 400 per square metre; that's 50 million dollars worth of reserves that they're taking. That's how much it would cost Auckland City to replace those reserves. That's based on -- there's a piece of education land at 67 Caribbean Drive, which currently has a market value of 7 and a half million, as of 2014, I'd
20 estimate that's got a market value of 15 million, in today's dollars, and for the size of that reserve, that works out at \$413 a square metre. If Auckland Council was to buy that off the Ministry and use it as reserve, which they currently lease it from the Ministry for about \$1 a year I think, and for between 75 and 80% of traffic, this Project doesn't improve travel times. It
25 actually, as Mr Willmott said, it actually increases travel distances for all the traffic that wants to head west, out of Paul Matthews Drive; it has to travel further. It's going to have to travel through the new intersection at Caribbean Drive, which currently it misses. It only really delivers improved travelling time for, I think on their own figures about 15% of traffic heading
30 from State Highway 18, east to west, to State Highway 1 north. So we're going to have three or four years of traffic chaos to benefit 15% of the traffic.

Most of the traffic from State Highway 18 either goes into Caribbean Drive, Constellation Drive, or heads south on State Highway 1. So that's why they need to build the southern ramps, but I don't believe there's room. I
35 don't really think they've investigated them properly. In fact, again, on the southern ramps, their evidence seemed to be conflicting. In my reply to the

evidence I asked, because I think Mr Moore made a statement that the ramps had been designed and removed from the design, or something like that, and so I thought, well if they'd been removed, let's show them. So, I'd like to read his statement in the Evidence in Chief he said:

5 "South facing connections at State Highway 1 and State Highway 18 intersection. The design of the interchange between State Highway 1 and State Highway 18 was developed with all four ramps considered. The south facing ramps were then removed from the design ensuring future compatibility with the north facing ramps and the busway".

10 And then, later on he said, in reply to me, he said: "The submitter..." proposed the Project -- Opposes the Project unless it provides for a west State Highway 18 access to south State Highway 1. As I have described above, the design of the interchange between State Highway 1 and 18 has been developed with all four ramps considered. The south facing ramps
15 were then removed from the design ensuring future compatibility with the north facing ramps constructed as part of the NCI Project."

 And then, in the rebuttal evidence he says:

 "I can confirm that the project has been designed so as not to preclude the later addition of south facing ramps in-between State Highway
20 18 and State Highway 1. This was one of the directions from the Transport Agency to the design team. It is envisaged that the State Highway 18 eastbound to State Highway 1 southbound future ramp will be located in the available space between State Highway 1 and Constellation Drive southbound on-ramp. Some realignment of that Constellation Drive ramp
25 may be required. However, it is not possible to provide drawings of the ramps that Mr Willmott requests, as no final decision has been made on the form of, or locations of these ramps. These ramps are not part of the current Project."

 So, to me those statements -- in the first statement he's saying they
30 were basically designed and removed. In the second he says they haven't really been designed.

 And so we can't show them. So, I did some quick drawings or calculations, and I think they're about 50 metres short to get the south facing ramps in; that's allowing for future widening of State Highway 1 to three
35 lanes. They can't get a two lane ramp in before Sunset Road Bridge.

So, I would like to see those, even though they're not part of this project, I would actually like to see them shown so that the Board and other submitters can judge whether it's actually feasible.

5 The other thing I'm concerned about is that the west to south ramp will have to pass over the proposed north to south ramp. So basically you're going to have (indicates), State Highway 1 here (indicates), the proposed ramp here (indicates) and then the next ramp is going to have to come over the top of it (indicates). So it's going to be three tiers high.

10 I'd also like to see an elevation of that, so we could get some idea of the impact, the visual impact of that southbound ramp in the future, because it will be too late in ten years' time when they design it saying, oh well, that's all we can do, because the other ramps are built. So yeah, that's my concern with regard to the ramps.

15 So in conclusion, I think the SUP can be built on the southern side. I don't think there is a will to build it on the southern side, but I think it can be. I think the future busway excuse is just an excuse.

20 And, also, to build the northern SUP they're actually take parts of 12 properties, six in Bush Road and six in Omega Drive, to get that walkway in. That was another excuse they said that it will cost more to build the southern SUP because they'd have to take property on the southern side, but what they failed to say was they're actually taking property on the northern side to do it as well.

25 There are some sewerage services on the northern side, but there's still room for those to remain with the southern SUP. In fact, all the services west of 1/2 Saturn Place will be removed anyway, because the sewer connection to where Carl Junior's is won't be needed because there will be no buildings there and the stormwater line that runs up and services four cesspits, they'll become obsolete with the Paul Matthews overbridge and the new motorway.

30 I also mentioned the consultation. I've spoken to quite a few of the businesses in Unsworth Drive. None of them have had a visit from NZTA. A couple didn't even know about the Project or that the Unsworth ramp was closing. One business owner said he'd had two letters from NZTA, but no-one had visited him to speak to him. He thought that basically all they need along there is an expressway. He comes from west Auckland every morning. He says there's a small hold up. He said the main hold up is that

35

the left turn lane into Paul Matthews Drive isn't long enough, and the right turn lane into Caribbean Drive isn't long enough. The traffic in those two lanes wanting to turn holds up traffic -- through traffic in the main lanes because it backs up. So, basically, NZTA could fix that problem just by making the lanes -- those turn lanes longer and just basically building an expressway like the East West Link at Onehunga. It doesn't need to be a full motorway it could just be an expressway with dual lanes in each direction. Forget about the ramps completely with State Highway 1 and spend the money upgrading State Highway 1 from Constellation to Tristram Avenue. The economic benefit would be far greater than taking all those reserves and relocating North Harbour Hockey with all its chain reaction of relocating pony clubs, which you're probably looking at another hundred million dollars to relocate all those clubs. So, there's \$150 million saved in the end by not doing that, when you consider cost of reserves.

5

10

15

So, thank you.

JUDGE HARLAND: All right, well thank you Mr Fogarty. I'm now going to see if there's any questions for you.

We've got it down that the agency, a lawyer wanted to cross-examine you, or ask you questions. And so now I'll ask Ms McIndoe to do that.

20 MS MCINDOE: Happy to do it now or after the morning break.

JUDGE HARLAND: That might be an appropriate time. We will take the break for 15 minutes and then we'll come back and at that point Ms McIndoe --

MR FOGARTY: Oh sorry, just one thing I forget; the southern SUP doesn't actually

25

comply with the NZTA's own Pedestrian Planning Design Guide. In that guide it actually says in "characteristics", in 4.1 of their own design guide, which was actually formulated -- Mr Ian Clark was actually on the steering committee; it was formulated in 2009 -- it actually says "characteristics:

30

Connected, does the network provide direct access for pedestrians for the places they wish to reach? Do paths connect well to public transport and surrounding networks? Another characteristic is comfortable: Are routes unpolluted by excessive noise and fumes? Are paths wide enough, and even surfaces and gentle gradients. Is there shelter from elements and places to rest? Another characteristic is pleasant -- are pedestrian spaces enjoyable, interesting, quiet, and clean with qualities encouraging lingering and social interaction?

35

The northern SUP is none of those, it's right beside a motorway. There will be fumes. It will be shaded by the existing buildings to the north. So in winter it won't see much sun, so it will be damp, and it basically doesn't go where people want to go.

5 And the other thing is that the Ministry of Transport have just put out figures in June this year that showed that cycling is in decline. Only 1% of all trips now are taken -- undertaken by cycle, and most cyclists are actually children aged 5 to 17 years using cycles to travel to and from school. People don't use cycles to cycle to work.

10 JUDGE HARLAND: So can you just help me, where do you get that from?

MR FOGARTY: That's the NZTA, it's called Introduction to Pedestrian Planning and Design.

JUDGE HARLAND: What's the date of that?

MR FOGARTY: 2009. It was put out, by the NZTA.

15 JUDGE HARLAND: Right.

MR FOGARTY: And the other one is the Ministry of Transport Outlook; that's June 2016; that's their analysis of walking and cycling trips. Walking is also in decline, so despite all these SUPs we're building, cycling and walking is still in decline. Most walking is done for recreational purposes, not to get to work.

20 JUDGE HARLAND: All right. Well thank you for that.

We will take the break for the 15 minutes and then we'll come back for questions, thank you.

~(Adjourned 10.40 am -10.56 am)

25

~Comments from Ms McIndoe (10.56 am)

MS MCINDOE: Two minor matters before I get underway. The first is that Mr Clark who is present today, has advised me that he is not the Ian Clark, apparently there are two Ian Clarks and he's not the one. I can see how you could easily think that was it the Ian Clark who's presenting evidence here, and he could be recalled to confirm that if the Board found that useful.

30 And at the same time he would also be willing to correct the date error in the pedestrian and cyclist survey if that was also useful to the Board?

JUDGE HARLAND: Well, we definitely need that.

35 MS MCINDOE: So perhaps we could deal with that after Mr Fogarty.

JUDGE HARLAND: Yes, there's another matter that I'll raise, but I think ask your questions first thank you.

~Cross-examination by Ms McIndoe (10.56 am)

5 MS MCINDOE: Mr Fogarty, just firstly touching on your comments before the morning break about consultation with the Unsworth Drive businesses and residents. Have you had a chance to read the evidence of Ms Brock for the Transport Agency? She prepared evidence on consultation matters.

MR FOGARTY: I did read it a few weeks ago, I think, yeah, I think I read it all.

10 JUDGE HARLAND: Well perhaps remind him, put it to him, it's a bit unfair to see whether he remembers all of that, because I don't.

MS MCINDOE: In her evidence Ms Brock in paragraph 13.2, I wonder if the Hearing Manager could, it's probably fair to put it in front of him. The evidence is behind tab 7. If you could turn to paragraph 13.2? In that evidence Ms Brock set out a number of the consultation steps which took place with the Unsworth community. Do you accept that there were a number of consultation steps undertaken?

MR FOGARTY: There were letter drops. Yeah, I said that they hadn't spoken to the businesses at the bottom of Unsworth Drive.

20 MS MCINDOE: In her evidence in paragraph 13.2 b v which is at the bottom of page 22 she describes individual meetings including with resident group representatives, business and retail operators.

Do you accept that while you might not be aware of those meetings, her evidence is that they occurred?

25 MR FOGARTY: With those groups. But they don't represent Unsworth Heights community, in my view. The Community Board was never spoken to, Unsworth Heights community --

MS MCINDOE: But the consultation --

MR FOGARTY: They are self-appointed spokes people, in my opinion.

30 MS MCINDOE: But the consultation went beyond just the Community Board, didn't it?

MR FOGARTY: They consulted on a bridge, which I don't know why they did, because they then said it was unfeasible. Why would they consult on building a bridge from Omega Place to Unsworth Drive knowing that it was not feasible? Were they not expecting 67% of the residents to be in favour of that bridge?

35 And then most residents when it wasn't feasible they were thinking okay well

what's next and then nothing happened. That was the letter drop, about the bridge, that was never feasible in the first place.

MS MCINDOE: Ms Brock's evidence is that the consultation occurred on a broader basis, this is her evidence in paragraph 13.2, do you accept that that was the case?
5

MR FOGARTY: No the only correspondence we had, and that's -- I live up the top of Unsworth Heights, was about the bridge. And then later on a letter drop saying that the bridge wasn't feasible.

MS MCINDOE: But it's possible that others in Unsworth Heights may have been consulted and you didn't know about it?
10

MR FOGARTY: Well the businesses I talked about, I spoke to them on the 10th of July. The cafe didn't know anything about it. I spoke to the guy in the model shop. He was the one who said he'd received two letters. No-one from NZTA had spoken to him, he's European, so there was no language problem. The takeaway shop didn't know anything about it. They thought it was a petition that had gone around a few years ago about wanting a bridge over. So, of the three businesses I spoke to two weeks ago, none of them -- I said have you had visits from NZTA, none of them said yes, they said no. The two Asian business owners, or they're leasees, they didn't have a clue.
15

MS MCINDOE: And these matters haven't been put to Ms Brock for her to respond to have they, you never asked her about these matters?
20

MR FOGARTY: No.

MS MCINDOE: That was my only question about her evidence. You don't need that anymore.

Your evidence explains that you have experience in the building and construction industry. But you've got no traffic engineering qualifications, have you?
25

MR FOGARTY: No.

MS MCINDOE: And you don't have any engineering road design qualifications either?

MR FOGARTY: No.
30

MS MCINDOE: Just a few other matters that came out of your presentation this morning --

MR FOGARTY: Can I just say, I have been a licensed real estate agent, I did work as a commercial real estate agent for many years so I know about bare land property values and stuff like that.
35

MS MCINDOE: Okay. One of the matters that you raised this morning was the value of the reserve land that was being taken for the Project.

MR FOGARTY: Mmhmm.

MS MCINDOE: Do you accept that the Transport Agency is negotiating to replace that
5 reserve land?

MR FOGARTY: Yeah, and I'm just making a point that the cost -- the value of that land has to come from somewhere and it comes from -- it's taxpayers' money wherever it comes from, it's taxpayers' money. So that is a cost of this project, whether it comes from somewhere else or not.

10 MS MCINDOE: Okay, I'll accept that.

Just a question on the shared used path location, I think it's clear that you would prefer that it be built on the south side of State Highway 18?

MR FOGARTY: Mmm.

MS MCINDOE: In terms of the users, the current users of that shared use path, do
15 you accept that they might -- some of them might be students travelling from Unsworth Height to the schools on the north? Do you have any knowledge about the, I guess the origin and destination of the users of the shared use path?

MR FOGARTY: Well I think there's only about -- no, I don't. And I don't think the
20 surveyors -- my wife said "oh do you want to know where I'm coming from or going to" and they said "no", so I don't think NZTA would know where they're coming or going to either.

MS MCINDOE: And if the shared used path was built on the south side and then later
25 removed for a future busway in that location, do you accept that that would be a worse outcome for pedestrians and cyclists than if it was built in the north and therefore, not removed in the future?

MR FOGARTY: Where do you get the idea that there's going to be a future busway?

MS MCINDOE: I'm not here to give evidence. Let's take that as a theoretical, if that did occur, let's just consider that for a moment.

30 MR FOGARTY: If you built a runway too you could use that as an excuse. I mean, it's just nonsense.

MS MCINDOE: Those are all my questions, thank you.

~Questions from the Board (11.05 am)

35 MR MARK-BROWN: I'd just like to clarify, if I can, you mentioned about children getting to school, and I was wondering if you could just clarify that, I think you

said that they can't get out of -- people have trouble getting out of Bluebird Reserve and children can't get to buses to go to school. Can you just clarify that please with respect to the different roads around the area that you have been talking about?

5 MR FOGARTY: Well, the only northern exit out of Unsworth Heights is Caribbean Drive.

MR MARK-BROWN: Sorry, to Albany Highway?

MR FOGARTY: You'd have to go out north. But you can't get out there in the morning.

10 MR MARK-BROWN: So you are saying out of Unsworth Drive that's the only vehicle one, is there a pedestrian access at all from some of these roads?

MR FOGARTY: No, no pedestrian access --

MR MARK-BROWN: There's no pedestrian access?

MR FOGARTY: -- from Spoonbill, Bluebird to Albany Highway.

15 MR MARK-BROWN: Because we haven't looked at that area in detail, but we will do. Looking at that road map, it looked like there might have been reserve from Lorikeet or one of those through there?

MR FOGARTY: No, no the only access to Albany Highway is top of Carl Place there is a walkway through.

20 MR MARK-BROWN: Carl Place?

MR FOGARTY: Yeah.

MR MARK-BROWN: So there is a Carl Place walkway?

MR FOGARTY: Yep, but that's -- you've got to do some athletics at the northern end to actually get out, there is a big mound to stop water.

25 MR MARK-BROWN: So you are saying that's not very good for children to get up?

MR FOGARTY: You'd have to walk your bike over it, you wouldn't be able to bike over it, and there's no footpath.

MR MARK-BROWN: So you don't think people use it for bikes as far as you know?

MR FOGARTY: I've never seen anyone biking through there. There is no footpath on
30 Albany Highway anyway.

MR MARK-BROWN: But in terms of catching the bus, just sort of trying to clarify, so I think you were saying that at the moment it's hard for children to get out of that area to catch the bus?

MR FOGARTY: In that Bluebird Crescent, in that sort of end -- they can't -- they've got
35 to come down to Unsworth Drive. They can't go and catch a bus in Albany

Highway, which would be taking them directly to -- the zoned schools are -- the primary is in Bass Road and the high school's --

MR MARK-BROWN: So you were saying that in relation to your view that the SUP should be on the south side --

5 MR FOGARTY: Yep --

MR MARK-BROWN: -- because if it's on the northern side it's too far for them to go along that --

MR FOGARTY: No that they're not going to backtrack all that distance.

MR MARK-BROWN: Backtrack, backtrack all the way around.

10 MR FOGARTY: And there is room beside the current off-ramp for an SUP. I think there's one pinch point where there may not be, you might have to go down to 4.6 metres.

MR STEWART: Mr Fogarty good morning. Just a couple of questions, some of my questions were answered, fortunately for you.

15 Just taking the existing situation at the moment we've got, and you've described some of the difficulties that the Unsworth area have in getting in and out, and I think I've now got the message fairly clearly that Caribbean Drive is really the only practical way out in the mornings, is that right? Because it's got -- because it's got traffic lights?

20 MR FOGARTY: Yes, yeah.

MR STEWART: Because.

MR FOGARTY: Well, it's the only northern exit anyway.

MR STEWART: Yes, and correct me if I'm wrong, but I gathered from what you and others have said that to get out any other way, you've got Meadowood and
25 Unsworth, I think at about the top you've got Sunset Road and the Upper Harbour, you've got about three roads, but they would be --

MR FOGARTY: Caribbean backs up, that's quite hard to get out of. You can get out of Unsworth to go south, because there's a free turn lane. But to go north, like our tenant, he often -- he'll leave for work and then he'll come back home ten
30 minutes later and say I'm just going to wait until the traffic dies down.

I used to catch a bus into the city when I was surveying the building in the central city. In the evening I would get off that bus at the top of Unsworth Drive and then I'd walk along Albany Highway for about 30 metres to the walkway at Carl Place. Often I'd be in that walkway before that bus had
35 turned right out of Unsworth Drive to head towards Greenhithe. He would sit there for five minutes trying to do a right turn in the evening. Just because with

the traffic, even though there's a slip lane. Once he crosses the eastbound traffic, there's a slip lane where he can accelerate and join in with the westbound traffic. Just to get across that lane, often he would sit there waiting for five minutes; I would be through the walkway and nearly home.

5 MR STEWART: So in terms of traffic, motorised traffic, and in terms of this Project, I think what I hear you saying is that there is a problem with traffic getting in and out of that residential area anyway, at the present time you've got traffic lights at Caribbean Drive and they have some problems with queueing and whatnot. And what I'm just interested to know, in your opinion, is whether this project, to
10 what extent will that make the situation worse than it is at the present time?

MR FOGARTY: Because currently when you turn right, if you turn left out of Caribbean Drive to go west, it's a free turn. So currently, to go west on to State Highway 18 is not a problem. I should point out that with the Project you won't
15 able to free turn to go west, you'll have to wait at the lights and cross over Paul Matthews to get onto the on-ramp. So that's going to make it harder to go west. So to go north, which means turning right, currently we wait for two light phases, it's about 120 seconds I think I counted. It's going to go to four light phases, even Mr Church's own Evidence in Chief, he had a map of the light phases, he had five light phases which means one of those is right turning, so it
20 means we will have to wait for four phases. So the wait time will double and so the Project will make getting out of Caribbean Drive even worse.

MR STEWART: Okay.

MR FOGARTY: And the Project does nothing to decrease the amount of traffic wanting to turn right.

25 MR STEWART: Just turning back to the SUP. In your submissions you haven't specifically talked about the underpass, the Alexandra Underpass, but you have referred to it in passing and I just wondered what your view is? Again, take the existing situation, people, including school children, presumably can use that underpass and then having done that, they are on the northern side of the State
30 Highway 18 and can presumably use the public roads to get to school if they've got bikes and things like that, or even if they're walking. And you're suggesting the SUP should be on the southern side, and I understand your reasons for saying that. But there will still be the matter of the underpass which they can use, whether the SUP's on the north or the south side, is that right?

35 MR FOGARTY: Well if you look at the Bluebird end to get to that SUP you can't cross Alexandra -- the only place to cross Alexandra Stream is Barbados Drive, so

they have to backtrack all the way to Barbados Drive to then use that underpass.

MR STEWART: But I understand that, I think -- we were helpfully given a road map yesterday which -- very convenient, I think when you are looking at your area and you are talking about Bluebird area, that's sort of a bit, shall I say, land

5

locked anyway, isn't it? Because the only way out of there is up Unsworth or --

MR FOGARTY: That's what I'm saying, if you put the southern SUP in they would be able to get out into Albany Highway up beside the existing off-ramp and that would give them access to -- there's a bus stop just to the south of that off-ramp, it would give them access to those bus services, direct access. Currently to get to Albany Highway they've got to walk all the way down to the underpass via Barbados Drive and then all the way back up. You just don't do it.

10

MR STEWART: Yeah, so you're assuming that if there was a southern SUP that people who live in Spoonbill and that area would be able to get direct access to the SUP. Where this is in the area of realm of supposition, isn't it? I mean, it hasn't been designed yet or anything like that, it hasn't been committed to?

15

MR FOGARTY: Well it would be going through reserves, it would be open. It wouldn't even be a fence on it to preclude access to it.

MR STEWART: There are no reserves at the moment though, are there, apart from the one to the north of Spoonbill, is that what you're referring to?

20

MR FOGARTY: Yeah and there is already a disused walkway through that reserve, but it goes nowhere.

Unsworth Drive used to be connected to what was then called

25

Constellation Drive. You used to be able to come in and out. So gradually over the years that route has been -- it's gone from in and out, to just an in, and now it's going to go to a nothing.

MR STEWART: Yes, I'm old enough to remember that.

MR FOGARTY: Yeah. There is actually room for a bridge over to Paul Matthews through Bluebird Reserve. I think Auckland Council have suggested a link there too.

30

And I believe it would be tight, but you can still do it keeping in the 5 degree gradient, because there's about a hundred metres available to rise up.

MR STEWART: Thank you Mr Fogarty.

MR MARK-BROWN: Mr Fogarty, I do have another one.

35

MR FOGARTY: Yep.

MR MARK-BROWN: In Mr Church's rebuttal evidence, he responded to your criticism of his modelling and he offered to explain how the traffic models are developed. I'm just wondering did you read that rebuttal evidence and did you take him up on his offer to explain how the models work?

5 MR FOGARTY: No, that came in quite late. But no, I didn't take him up on his offer. And really it's irrelevant for Caribbean Drive, for right turning traffic. The Project does nothing to --

MR MARK-BROWN: But you are disputing his modelling results, aren't you?

MR FOGARTY: His modelling results are actually irrelevant because traffic is going
10 to -- even if you believe his modelling results, traffic in Caribbean Drive up to 2031 is going to increase anyway and he doesn't dispute that there's five light phases, in fact, that's his diagram. So you don't have to be a traffic engineer to know that the wait time is going to increase. The traffic is going to increase even by his own figures. So he makes a comment that I think he talked to
15 Mr Tindall and he said that traffic won't back up through the roundabout. Well, it backs up now and with more traffic and with a longer wait time I can't see how you can make that statement?

JUDGE HARLAND: I just had a question about your discussions with the business owners. The business people that you talked to there, have they been -- you
20 talked about the model shop, has that been there for a while?

MR FOGARTY: Yes.

JUDGE HARLAND: How many years?

MR FOGARTY: I'm not sure, I think he said about three.

JUDGE HARLAND: Three years. And what about the other two businesses that you
25 spoke to, how long have they been there?

MR FOGARTY: The cafe has probably been there two or three years. And the takeaway shop has been there ever since I can remember. Same owners. Their English isn't good.

JUDGE HARLAND: That's the takeaway owners?

30 MR FOGARTY: Yeah.

JUDGE HARLAND: And are you aware whether the cafe -- the people operating the cafe have been there for a while?

MR FOGARTY: I think they are they've been there for about two years. The chef is the lessee, so --

35 JUDGE HARLAND: And you were referred to Ms Brock's evidence, if you just bear with me a moment, because my device has timed out, but there was a talk

about in that 13.2 v, I don't know if you've still got it open, I think it's 13.2, it should be page 22 -- actually page 23. We'll start at page 22. So just let's check we've got the same numbering. Do you see 13.2 there?

MR FOGARTY: Yes.

5 JUDGE HARLAND: And down to b), what is said is that:

"Special efforts were made to contact and involve the Unsworth Heights community through 2014, 2015 and 2016".

And then it includes what was there.

And then over, if you could carry over the page to page 22, down to v.

10 MR FOGARTY: Yes.

JUDGE HARLAND: Is there anything -- I beg your pardon iv, is there anything in iv about the meetings and open days that were held that links with the business owners you've told us about today?

MR FOGARTY: How do you mean?

15 JUDGE HARLAND: Well the Mosaik Cafe says it's at Constellation Drive.

MR FOGARTY: I actually went to that one.

JUDGE HARLAND: So that's not the business you are talking about, so the open days there were not down or around by where that business was -- community is?

20 MR FOGARTY: No, we don't have a lot to do with the Meadowood community centre. There is like two parts to Unsworth Heights and not being elitist, but our side of Unsworth Heights don't really relate with the Meadowood community centre.

JUDGE HARLAND: Right, okay fair enough. So on v it then talks about:

25 "Individual meetings ... with a wide range of Unsworth Heights parties ..." it says "... including resident group representatives."

Now, do you know who those resident group representatives were?

MR FOGARTY: No.

JUDGE HARLAND: Right, and have you ever -- or known of -- that the Harbour Board, the Upper Harbour Local Board talking to a group people from your
30 area?

MR FOGARTY: No.

JUDGE HARLAND: Have you been contacted by the Harbour Board -- by the Local Harbour Board about this?

MR FOGARTY: No, not that I can recall.

JUDGE HARLAND: And what about the Greenwich Way business centre, you'll have to forgive my lack of absolute local knowledge, which is why I'm talking and asking this question of you, that's a different part again, isn't it?

MR FOGARTY: The Greenwich Way?

5 JUDGE HARLAND: Yes, so the Greenwich Way business and retail operators, who's that referring to, do you know?

MR FOGARTY: That will be those shops at the bottom of Unsworth Drive.

JUDGE HARLAND: The ones that you're talking about?

MR FOGARTY: Yeah.

10 JUDGE HARLAND: Yes, all right.

MR FOGARTY: The Greenwich Gardens Retirement Village is the new village.

JUDGE HARLAND: Yes, I appreciate that, but I'm just trying to establish who the Greenwich Way business and retail operators might be, would that be the same people that you talked to?

15 MR FOGARTY: They're the same people. Sorry, where do you see that?

JUDGE HARLAND: Down on v just after halfway it says "... numerous occasions with a wide range of parties seen ... the collective of Greenwich Way business and retail operators ..."

MR FOGARTY: Okay.

20 JUDGE HARLAND: So would that be the same group of people --

MR FOGARTY: I would imagine so, I've never heard of that, and they obviously hadn't heard of it either. Whether that's the landlord, I don't know.

JUDGE HARLAND: But that would be the same place, there's not another place called Greenwich Way business operators?

25 MR FOGARTY: Yes, and the emergency centre has gone anyway.

JUDGE HARLAND: When did that go?

MR FOGARTY: About two or three months ago it moved to Home Place. I'm not sure where the local fire station is.

JUDGE HARLAND: You don't know where that is?

30 MR FOGARTY: No, there's not one in Unsworth Heights.

JUDGE HARLAND: Okay. We'll all right thank you, I don't have any questions. That was helpful clarification, anything arising?

MR FOGARTY: Can I -- look, they didn't -- they didn't consult -- those consultations 14/15 were about the bridge to Omega Place.

JUDGE HARLAND: Yes, I've got that point, I understand that's what you're saying it was consultation about the bridge. And your point is that there wasn't much after that or before and that is your point, I do understand that.

MR FOGARTY: And they did -- I did go to the first meeting held at the North Harbour Business Association, the breakfast. But I only found out about that through my
5 wife's boss who said I should go -- they're in North Harbour, but they didn't go, because they're too busy running their businesses, but they said oh you should go along.

10 ~Questions arising by Ms McIndoe (11.26 am)

MS MCINDOE: My question is just in relation to what's proposed for Caribbean Drive coming out on to State Highway 18. Now, my understanding is that there's currently one lane for traffic that wants to exit State Highway 18 and turn right on to State Highway 18, that's correct, isn't it?

15 MR FOGARTY: Yep.

MS MCINDOE: And the Project proposes to double that so that there would be two dedicated right-hand turn lanes coming out of Caribbean Drive?

MR FOGARTY: No that's misrepresentation. They are adding another lane, but it only holds four to five vehicles, it's about 19 metres long.

20 MS MCINDOE: So you are aware of the other lane though?

MR FOGARTY: Yeah, but --

MS MCINDOE: But that doesn't change your view by the sound of things?

MR FOGARTY: Room for another four or five cars and if the first five cars in the queue are wanting to go on to the motorway north then you'd have to break the
25 law to get into that lane, you'd have to cross the centre line for other vehicles behind them, because they're going to be wanting to be in the left right turning lane if they're wanting to go north so they would block access to that lane anyway. Like, when they said they'd add another lane I thought they'd add another lane all the way back to the roundabout, but it's only big enough to hold
30 four or five cars.

MS MCINDOE: And in terms of the existing lane that has a, I think you described it as a slip lane for vehicles turning left out of Caribbean Drive, that currently exists now?

MR FOGARTY: Yeah.

MS MCINDOE: And do you accept that there will in the future, after the Project, continue to be a dedicated left lane turning left out of Caribbean Drive that doesn't need to go through the lights, it will be a give way?

MR FOGARTY: That's only if you go on to Paul Matthews, if you are wanting to go to State Highway 18 currently where you have a free left-hand turn you will have to wait. That will be sort of like -- you will have to -- I'm not sure -- it's going to be fairly funny actually, but it's going to be sort of like go straight ahead and then you'll turn left, yeah. So that will be a disadvantage for people wanting to go west, because they'll be going from a free turn to having to wait at lights as well.

MS MCINDOE: But you are aware that there's a left turn lane that's a give way, that's much --

MR FOGARTY: Yeah, that's into Paul Matthews, but not free turn onto State Highway 18.

MS MCINDOE: Onto State Highway 18. Okay thank you.

JUDGE HARLAND: Thank you Mr Fogarty.

Can I just say, because you're not coming back, I don't think are you?

MR FOGARTY: No.

JUDGE HARLAND: We appreciate the effort that you have gone to. It's, as I think I mentioned at the pre-hearing conference, quite a thing for people to have to absorb all of the information in a Project such as this. And regardless of the outcome, I wanted you to know that from the Board's perspective we appreciate very much the trouble that you've gone to, to present this information to us.

MR FOGARTY: Can I just say one thing?

JUDGE HARLAND: Yes, why not.

MR FOGARTY: About the Community Board consultation?

JUDGE HARLAND: Pardon me?

MR FOGARTY: The Community Board.

JUDGE HARLAND: The Local Board you mean?

MR FOGARTY: Yeah, the Local Board. Like they came up a with a suggestion to put a basketball hoops or something beside the entrance to the walkway. When I told my wife about that she said she doesn't want young kids loitering around the entrance to a walkway shooting basketball hoops. So, where they got that idea from, you know, they didn't consult the community it's just a -- -

JUDGE HARLAND: Well I think, just again, this is just a comment, one of the things that all of these sorts of issues throw up are the different values and different

ideas people have about what spaces and things should happen at different times. And that's part of the democracy we live in and different opinions expressed. But, nonetheless, the comments I made about being grateful for your input and the effort that's gone into that remain. So, thank you very much.

5 MR FOGARTY: My wife will be pleased.

JUDGE HARLAND: Pleased it's over you mean?

MR FOGARTY: For me, yeah.

JUDGE HARLAND: For you. Yes.

~(The witness withdrew 11.29 am)

10

~Comments from the Board (11.29 am)

JUDGE HARLAND: That takes us now to Mr McGarr. And I see Mr Berry is here. Come forward Mr McGarr.

15 I am interested, and I think my fellow Board members are interested too, in receiving some more information from Ms Brock about these meetings. Now we didn't require her for cross-examination, but this issue has been brought more into sharp relief as this hearing has progressed.

20 One initial way of dealing with this might be for some information to be provided to us, or at least guide us to what in fact occurred, particularly in relation to the businesses, but we're talking about iv) here. It may well be that it's in the consultation report, that we can look at in the AEE. But it may not be. And we will let you know once we receive that, whether we're going to require her for questioning.

25 If that information's able to be provided by the end of the week that would be good, by Friday, and then we can talk about it first thing on Monday morning.

MS MCINDOE: I have a note of some references within the consultation report. If it's useful I could give you those references now?

30 JUDGE HARLAND: Well, not right now because we've got Mr McGarr, but we do want them. And I'm not just interested -- what I'm interested in is the detail --

MS MCINDOE: Yes.

JUDGE HARLAND: -- all right? Not just generic, but detail of what in fact happened and who in fact was visited and when, names, et cetera. And that should be shared.

35 And, likewise, we may also have some questions, we'll need to discuss that, about this Caribbean Drive business and left-hand turn,

right-hand turn, which might already be there, but we're going to focus on that as well.

MS MCINDOE: Okay thank you, that's useful.

JUDGE HARLAND: So that we have an understanding of what the existing

5 situation is compared to what is proposed, thank you.

MR BERRY: I will just lead through Mr McGarr through the beginning part of his evidence.

~CRAIG IRVING MCGARR (Affirmed) (11.32 am)

10 ~Examination in Chief by Mr Berry (11.32 am)

MR BERRY: Is your full name Craig Irving McGarr?

MR MCGARR: Yes it is.

MR BERRY: Are you a Director of Bentley & Co an independent planning consultancy practising here in Auckland?

15 MR MCGARR: Yes, I am.

MR BERRY: Do you have the qualifications and experience set out in chapter 1 of your statement of evidence?

MR MCGARR: And yes, I do.

MR BERRY: And you've prepared this evidence in relation to the issues that you've
20 reviewed in the context of this Board of Inquiry hearing?

MR MCGARR: That's correct.

MR BERRY: Are there any amendments or additions you'd like to make to your evidence?

MR MCGARR: No not specifically, but I just think it's important for the Board to
25 understand that in the overall conclusion that I've made in respect of this statement, that plainly relates to the matters I've been involved with, as opposed to the generic approach. And that plainly also in the conversations that I've heard, there are further condition matters being discussed beyond my evidence today.

30 JUDGE HARLAND: Right. And I'll ask you to elaborate on that through some questions, Mr Berry, if you wouldn't mind? Or if you don't know what I'm talking about I'll do it myself in due course.

MR BERRY: I don't think I do, Madam Chair.

JUDGE HARLAND: Well, what I'm really talking about is -- well, I want to know
35 whether or not you are involved in those discussions as well, just to get a feel for whether we might need to get you to do some work when you return?

MR MCGARR: Sure. I received an invite today from NZTA to attend a meeting tomorrow and I have advised that I am available for a large proportion of that time that's been set aside.

JUDGE HARLAND: Yes, well that's great and perhaps if you feed that back through
5 Mr Berry and let us know in due course. We were aware of those sessions, but we understand that what you are saying today is it's limited to what you've done to date and what you've been asked to do.

MR MCGARR: Correct.

MR BERRY: Now, Your Honour, this was produced yesterday, has there been an
10 opportunity to read this or would you like Mr McGarr to read it?

JUDGE HARLAND: No, no opportunity. Well, I don't know that we even had it, did we? No.

MR BERRY: Perhaps Mr McGarr, you could start reading your evidence, if it's all right by you Your Honour, at the start of chapter 2.

15 MR MCGARR: Just picking up that matter at chapter 2, as Mr Berry says, I was engaged by the Board to provide independent planning advice to the Board on the specific aspects of the Project. In that regard, I have closely reviewed and considered the conditions of consent proposed by NZTA and provided the following two memoranda to the Board: Being one dated 7 June 2017 as
20 to how noise generated by the motorway is managed/addressed relative to the Colliston Rise residential subdivision; and second, a memorandum on 14 July 2017, providing advice as to whether the effects of the works associated with the landfill at Rosedale are properly addressed by the proposed conditions.

25 Both of these memoranda have been made available by the Board and are on the website.

In addition, I attended conferencing of the expert planners for the 30 June and 3 to 6 July 2017 and then 18 to 19 July 2017.

I address each of the above matters in the following context of my --
30 Your Honour, these are pretty much evidence in the documents that have been set out and supplied and reviewed by all parties. I'm not taking them any further, but happy to walk through them in this context. There is nothing unusual or different to the matters that have been addressed in those documents, other than to note that the joint witness conferencing that
35 occurred confirmed the positions that I landed on in respect of both those memoranda and they are reflected in the conditions that are carried forward.

The only other matter that's perhaps new in the sense of this document is that following the second expert planning conference, and I'm at page 6 of the document, I consulted further with the Board's noise expert Mr Styles in respect of some conditions that fell out of the second joint witness
5 conferencing. And in particular, a reference there on paragraph 5.7, last page of my evidence, discussed with him the condition I've referenced there at ON.2, which was an addendum to ON.2 inserted through that conferencing process. And in conversation with him, as I've explained there, it was more appropriate in reflection to insert that paragraph from condition ON.2 to ON.7
10 as it more properly related to attenuation rather than the noise, which themselves at ON.2 related to.

So that is the only new matter, if you like, but as I said I don't want to take more time than is necessary to read out a document, which given the memorandum I prepared, you're familiar with.
15

~Questions from the Board (11.37 am)

JUDGE HARLAND: Yes well that's helpful, thank you. All right and we note your overall conclusion at the end of paragraph 6 --

MR MCGARR: Yes.

20 JUDGE HARLAND: -- that they're adequate, but there's also some more conferencing perhaps for what you would describe as fine tuning, is that correct?

MR MCGARR: Yes, I think so.

JUDGE HARLAND: Mr Berry, anything further you need to ask?

25 MR BERRY: No I don't thank you.

JUDGE HARLAND: We now come to you I think Ms McIndoe?

~Comments from Ms McIndoe (11.37 am)

30 MS MCINDOE: Your Honour, our cross-examination notice was, if you like, a "just in case". And now that Mr McGarr has clarified that his evidence is confined to simply the matters which he presented in evidence; prepared reported on, we don't have any questions for him thank you.

~Comments from the Board (11.38 am)

35 MR STEWART: I don't have a question, but I would just like to thank you very much for your effort, on our behalf. Because I think this is, for me as a planner, it's

brilliant to have the conditions altogether in one place, and I know we've still got a little way to go yet, but thank you very much for that effort, all the planners really, for conferencing in that way.

JUDGE HARLAND: Well I don't either. And I feel slightly embarrassed, Mr McGarr,
5 that you've' now been dragged here for two days and nobody's got any questions for you. But that's how it is. And so thank you very much.

MR MCGARR: Good, it means the process is working.

JUDGE HARLAND: So we might need to see you again --

MR MCGARR: Yes.

10 JUDGE HARLAND: -- and we'll relay that information to you once we've got everything together and we'll see where we get to. So, thank you.

MR MCGARR: Great thank you.

~(The witness withdrew - 11.39 am)

15 JUDGE HARLAND: So that takes us to the end of today.

So yes, Ms McIndoe?

MS MCINDOE: Do you want to recall Mr Clark while he's here to correct the survey of the dates?

JUDGE HARLAND: That's a very good idea let's get that sorted.

20 MS MCINDOE: Get that out the way.

~IAN DAVID CLARK (Recalled) (11.39 am)

MS MCINDOE: Mr Clark, can you confirm for the Board that you are under your previous oath or affirmation in relation to this matter?

25 MR CLARK: Yes, I confirm that.

JUDGE HARLAND: We probably need to do it again. We don't need to do all the introduction business, but we need to do it again.

~(Reaffirmed) (11.40 am)

30 ~Questions from Ms McIndoe (11.40 am)

MS MCINDOE: Now Mr Clark, I understand your company undertook a survey of walk and cycling through the Alexandria Stream Underpass, can you explain where that information is presented and the correction which you'd like to make?

35 MR CLARK: So that information appears as appendices to two of the Joint Witness Statements. One of them was the Traffic and Transport Construction and the

other, I believe, was the Site Specific Transport. The one I have with me here was the construction, and it appeared at annexure 6.

MS MCINDOE: If it assists the Board, for the record, the other one is annexure 5 to the Site Specific Joint Witness Statement.

5 Can you advise if it's the same document in both cases?

MR CLARK: It was definitely the same document appended to both documents -- witness statements.

MS MCINDOE: And if you could in a methodical way identify the correction that needs to be made?

10 MR CLARK: The correction that clearly needs to be made is on the date of the Saturday. Mr Fogarty mentioned that Saturday wasn't the 11th of May. If you look further down, Monday was the 15th, and therefore Saturday was the 13th of May.

MS MCINDOE: So to confirm, are you suggesting that in the left-hand column the
15 third row down where it reads "Saturday 11 May" that should be corrected to read "Saturday 13 May"?

MR CLARK: That's correct.

MS MCINDOE: And are there any other corrections to make?

MR CLARK: Not to my knowledge. There was reference from Mr Fogarty to the
20 Thursday rather than the Wednesday being the survey day. I'm not sure whether that is actually material. All I've been able to do while listening to this morning's proceedings was check that the Wednesday was actually written on the survey sheets. There is an outside chance that the surveys may have been changed from Wednesday to a Thursday. I haven't been
25 able to re-check that. Again, I'm not sure it's a material change. The surveys were definitely carried out; I actually visited the site on that week day, I just couldn't recall from my diary whether it's the Wednesday or Thursday. But then again, I'm not sure actually materially it affects the conclusions.

MS MCINDOE: So with that proviso -- it does make it hard.

30 JUDGE HARLAND: Well, we just need the facts right.

MS MCINDOE: Perhaps Mr Clark could check that and return?

~Comments from the Board (11.43 am)

JUDGE HARLAND: We need to get the proper information, and then come back
35 with it. Thank you.

And there must be some record from the person who did it? So it's helpful to try and patch it up today, but it's not quite there.

MS MCINDOE: Okay.

JUDGE HARLAND: Thank you. I think we will reserve questions for later.

5 All right, thank you Mr Clark.

~(The witness withdrew - 11.43 am)

~Timetabling matters discussed (11.43 am)

JUDGE HARLAND: So that takes us to the end of where we've got to for this week.

10 Let's just do a bit of a check for next week, to make sure that we are on track.

On the Monday, have you all got one of these sheets of the indicative hearing schedule? We start submitters on Monday next week and then we have Mr Newcombe. And then we have the recreational and reserves
15 people.

If Mr Clark's information -- if we can get that information in this week, again by say as soon as you can, we can then make a decision about whether that needs to be formally produced. In fairness to Mr Fogarty, I think that needs fob provided to him and he needs to be invited to comment on
20 that should he wish to do so. And if he wishes to do so, and the EPA would need to organise this, he could come back in to do that. So that would need to be next week if that were to occur.

And then, there's the question of the consultation material. Is Ms Brock in Wellington, or is she an Auckland based person?

25 MS MCINDOE: She is based in Auckland, so I don't understand that there'd be any difficulty with her returning. And I haven't been able to ascertain just in the last few minutes whether the report contains the detail you require, so I'm afraid we'll have to come back to you on this matter.

JUDGE HARLAND: That's absolutely fine, I don't expect that you'd be able to do
30 that completely on the hop, even though you've got help. But I think again, the more detail if you could oversee that please, the better. And, again, in fairness to Mr Fogarty I think that needs to be provided to him. And we'll see where we get to with all of that. It will be historic information, and it might be that that's where it sits and there's nothing further that can be said about it, it
35 is what it is, in other words.

Is there anything further that you foresee for next week moving forward that would impact, and I don't like that expression, I'm sorry I even used it, but for next week that might interrupt what's planned, or might bring forward what's planned? Because we seem to have gone quite quickly through a lot of material. And I'm just -- from our selfish perspective, the more we can have time to do writing, at the end of the day the better for us.

5

MS MCINDOE: I am hopeful that with the meeting planned on conditions for later this week, that the extent of questioning of the planners, that perhaps the planning evidence might move a little more quickly. My impression to date is that there's very little actually in dispute between the planners. So, it might be that we do move along a little more quickly through the planning witnesses.

10

15

And I also suspect that the recreation witnesses, their Joint Witness Statement was fairly comprehensive, and that there may be not very many matters that we need to ask the recreation witnesses about.

JUDGE HARLAND: All right. Well I think Tuesday's pretty much set, apart from Mr Mitchell who we may not need, and as you say, Mr Lovell who might not amount to much, I don't mean that unkindly but the questioning of him might not amount to much. And then we've got Kiwi's case which I understand is relatively immovable, is that right?

20

Now Ms King's being recalled again, can someone help me with what's that about?

MR BANGMA: That was so she could be cross-examined by Kiwi Self Storage.

JUDGE HARLAND: I see, of course, I recall now, that's right.

25

Could the EPA please check to make sure that that in fact is still going ahead?

And then from Thursday next week we've got the planners and we will know by the end of the week whether that's likely to amount to as much as we expect.

30

So, if that were to be the case, could people be in a position to close, or would you prefer an extra day or so to pull things together? Leaving you out of this, because you've got the biggest job, but probably you I'm addressing that to Mr Bangma.

MR BANGMA: Sorry, Your Honour, just to be clear the suggestion of me closing on?

35

JUDGE HARLAND: If need be, could you close before next Friday if we get to that and the planners don't get too long?

MR BANGMA: Yes I think so.

JUDGE HARLAND: Without terrible discomfort?

5 MR BANGMA: Perhaps just a little, but not too much.

JUDGE HARLAND: Well we'll review that because we don't actually want that. I mean, we'd rather get a better result -- not that you wouldn't do a good result, but be a bit more thorough if you had more time. Are you actually doing that or Mr Lanning?

10 MR BANGMA: It will be me, Your Honour.

JUDGE HARLAND: Mr Berry, we had asked you, I think, to pull some things together in closing for us?

MR BERRY: We can do that, next week will be fine for that.

JUDGE HARLAND: All right thank you.

15 One of the other things that we were interested in you perhaps helping us with, and this is for everybody that's involved in it, is the question of the Alexandra Underpass. It would be really helpful for us to have some references in the transcript and the evidence that we can refer to about the various issues to do with that. Normally in a hearing I'd just do that, but
20 we've got the time issues; so it would be helpful if you could do that.

 Mr Berry, the way things have progressed with this from Auckland Council's perspective, Mr Tindall's evidence is quite critical on that, and his, I think the thrust of his argument is when we are focusing on what -- to what extent does the improvement suggested by the Council to
25 widen the underpass, to what extent does that relate to an adverse effect that needs to be mitigated? He linked that in with the objectives of the Project and so the argument was slightly more subtle than it might have appeared on the paper.

MR BERRY: Yes.

30 JUDGE HARLAND: But, I think if you read the notes of evidence transcript about that, you will understand what he's on about. It might be -- we don't want you all to run away and do the same thing, so that we come back with the same submissions. It might be that there's a community of interest not in the arguments you're advancing, but at least the accuracy of the references and
35 perhaps the legal issues. So, if Mr Berry it transpires that you've got nothing to add, following discussions with the other two counsel, so be it.

So, we don't need you to address things that you feel are already covered. There's cost and inefficiency associated with that, but if you think there are things that need to be covered, so we've got it all there, then that would be much appreciated.

5 MR BERRY: Thank you. Happy to do that Your Honour.

JUDGE HARLAND: Anything further we need to talk about today?

All right. I just wanted to check where we might have you Mr Willmott, where were you intending to turn up next week?

MR WILLMOTT: I think on the Monday on the schedule.

10 JUDGE HARLAND: Oh you are too. And that's your final appearance, is it?

MR WILLMOTT: If that is convenient for the Board, yes that would suit me. I may -- I haven't checked whether I've cross-examined all those people that I requested and whether or not they have been heard already. So I may be back for a day or so after Monday. But I hope to complete things on Monday,
15 if possible.

JUDGE HARLAND: Well, I just -- there's no pressure associated with that, I just wanted to understand in my own mind when you might be back. And certainly if you liaise with the EPA about the witness, the cross-examination issue, I think Ms Robertson's probably got down everything she thought you
20 were going to be cross-examining, but if she's missed something or you're not sure about it is, she's the person to talk to.

MR WILLMOTT: Yes.

JUDGE HARLAND: Thank you very much. We will adjourn then until next Monday.

25 ~-(The hearing adjourned at 11.52 am to resume at 9 o'clock Monday,
31 July 2017)