

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 9 August 2017

BOARD OF INQUIRY:

Judge Melanie Harland (Chair)

Mr Conway Stewart (Member)

Mr Nigel Mark-Brown (Member)

Appearances

~Day 7, 9 August 2017 (9.05 am).....	513
~Comments from the Board (9.05 am)	513
~PAULA ROGERS - submission on behalf of National Road Carrier (Inc) (9.07 am) 513	
~Questions from the Board (9.13 am)	516
~(The submitter withdrew - 9.22 am)	519
~SIIRI WILKENING (Sworn) (9.22 am).....	519
~Examination in Chief by Ms McIndoe (9.22 am).....	519
~Questions from the Board (9.37 am)	521
~(The witness withdrew) (10.27 am).....	539
~(Adjourned 10.28 am - 10.45 am).....	540
~RHYS LEONARD HEGLEY (Affirmed) (10.46 am)	540
~Examination by Mr Bangma (10.46 am).....	540
~Questions from the Board (10.57 am)	543
~(The witness withdrew - 11.05 am).....	545
~JON ROBERT STYLES (Sworn) (11.06 am)	546
~Examination in Chief by Mr Berry (11.06 am).....	546
~Questions from the Board (11.14 am)	548
~(The witness withdrew - 11.29 am).....	552
~Comments from the Board (11.29 am)	553
~Comments from Ms Tree (11.30 am).....	553
~ANDREW MCKENZIE FRASER (Sworn) (11.33 am)	554
~Examination by Ms Tree (11.33 am)	554
~Cross-Examination by Ms Sheard (11.42 am).....	555
~NZTA - Exhibit 1 - Resource Consent 12 Holder Place, dated 13 July 2001....	557
~NZTA - Exhibit 2 - Resource Consent Application 12 Holder Place	557
~Re-examination by Ms Tree (11 59 am).....	561
~Questions from the Board (12.04 pm)	563
~(The witness withdrew - 12.17 pm).....	568
~MICHAEL TURNER HALL (Sworn) (12.18 pm)	568
~Examination in Chief by Ms Tree (12.18 pm)	568
~(Adjourned 12.29 pm - 1.31 pm).....	568
~Examination in Chief continues by Ms Tree (1.31 pm)	569
~Cross-examination by Mr Bangma on behalf of Auckland Transport 1.44 pm)....	573

~Cross-examination by Ms Sheard (1.56 pm)	577
~Re-examination by Ms Tree (2.08 pm)	581
~Questions from the Board (2.13 pm)	583
~(The witness withdrew) (2.19 pm)	585
~KATHRYN LOUISE KING - recalled (Sworn) (2.19 pm)	585
~Examination in Chief by Mr Bangma (2.20 pm)	585
~Cross-Examination by Ms Tree (2.20 pm)	585
~Re-examination by Mr Bangma (2.32 pm)	589
~(The witness withdrew - 2.34 pm)	590
~GEOFFREY ROBERT LAND (Sworn) (2.35 pm)	590
~Examination in chief by Ms Tree (2.35 pm)	590
~Cross-examination by Mr Bangma (3.10 pm)	598
~Cross-examination by Ms Sheard (3.17 pm)	600
~Questions from the Board (3.25 pm)	603
~(Adjourned 3.36 pm - 3.50 pm)	607
~SAMUEL ALLAN (Affirmed) (3.52 pm)	607
~Examination in Chief by Ms Tree (3.52 pm)	607
~Questions from the Board (4.02 pm)	610
~(The witness withdrew - 4.14 pm)	615
~STEPHEN LUKE DOYLE (Sworn) (4.16 pm)	615
~Examination by Ms Tree (4.16 pm)	615
~Questions from the Board (4.20 pm)	616
~Questions arising by Ms Tree (4.29 pm)	620
~(The witness withdrew - 4.32 pm)	621
~Comments from the Board (4.32 pm)	621
~(The hearing adjourned at 4.35 pm)	623

~Day 7, 9 August 2017 (9.05 am)

~Comments from the Board (9.05 am)

JUDGE HARLAND: Thank you. Good morning. It's nice to be back. And we've got a
5 full programme today so what we won't do is start with the housekeeping
matters that we will need to deal with, because we are keen to get underway
and get the evidence out of the way, so that people are not inconvenienced any
more by matters beyond our control.

10 So, thank you all who have been working behind the scenes over the last
week and a bit to get other matters sorted out, that's been very helpful, and as I
say, we'll come back to that a little bit later on.

I think we start today with --

MS MCINDOE: Your Honour, if I could just simply introduce Ms Chung who is
appearing as junior today instead of Ms Trevena-Downing.

15 MR BANGMA: And sorry, likewise Your Honour, today I have with me Mr Simpson
and he will be with me for the remainder of the hearing.

MR BERRY: And Madam Chair, Craig Malone is with me as junior. He's been
keeping his finger on the noise and vibration pulse, so I thought it would be
good for him to be here this morning.

20 JUDGE HARLAND: Thank you very much for that.

Any other appearances that we need to note today? No.

All right, so Ms Rogers is here today from the National Road Carrier.
Ms Rogers would you like to come forward and we'll get the formalities dealt
with?

25

~PAULA ROGERS - submission on behalf of National Road Carrier (Inc)
(9.07 am)

JUDGE HARLAND: Ms Rogers, just to clarify, you're presenting a submission today,
rather than giving evidence, is that your understanding?

30 MS ROGERS: Correct.

JUDGE HARLAND: And I will just, for the record, confirm that you have filed your
submission and that we have read that, and that you have prepared another
piece of information today that you want us to consider?

MS ROGERS: We have indeed.

35 JUDGE HARLAND: All right, thank you. Just when you are ready.

MS ROGERS: So Judge Harland, Mr Brown, Mr Stewart, thank you for this opportunity.

My name is Paula Rogers, the National Road Carriers Executive with responsibilities covering Auckland, north of the Waitemata Harbour and including Northland.

As you will see from our submission, National Road Carriers is about freight transport.

From that perspective, we regard this Project as long overdue and a critical catch up to providing Auckland with a modern transport network that will enable road freight operators to efficiently and safely service customers.

As we note in our submission, the freight task in Auckland is projected to increase by around 6% a year for the foreseeable future. That is probably conservative.

The Project area has major freight generating and distribution activity, including to and from the North Harbour Business Park, Constellation and Apollo business areas and the Albany metropolitan centre.

All these areas have access by both the Grenville Road and Upper Harbour interchanges, and all are at the heart of Auckland's growth-led economy.

NRC notes the NZTA heavy truck movement projections presented to you, and which we have referenced for you.

With the completion of the Western Ring Route Waterview Tunnels the Northern Corridor section is likely to become an even more popular heavy freight route not just linking the project area but further north for business areas of Silverdale, Warkworth, Wellsford and Northland.

There is a big freight task linking all these areas with the distribution hubs to the south including the Southdown rail head, East Tamaki and Auckland Airport.

Please keep in mind therefore that the project will be adding improvements to a highway network that forms part of Northland's economic lifeline - there is no Auckland-Northland rail. All goods are carried to and from Northland by road). And let's not ignore the significant tourist traffic that uses this road ...)

The East West Link between State Highway 20 and State Highway 1 that your panel peers are currently considering will form a critical part of this emerging network, as will the proposed upgraded State Highway 16/18 and

State Highway 18 Squadron Drive Connection, discussions and which are getting underway.

This context reinforces why NRC gives its support in full to the application.

5 In one sense we see the project as (simply) another stage of building a modern, efficient and safe Auckland - Whangarei highway within 15 to 20 years, or sooner; 3 lanes each way.

10 In a more immediate sense, the key role the highway plays in moving goods by the high numbers of heavy trucks that it will carry brings me to the key issues our submission requests the Board of Inquiry to give attention to.

These concerns centre on the design and construction of the highway to ensure it meets the highest possible standards of freight transport efficiency, safety, and effectiveness, as highlighted in paragraph 29.

15 In practical terms, design and construction needs to ensure that the following basic freight transport requirements are incorporated:

All HPMV, over dimensional, and 50 tonne + configurations along the full length of the route.

A full spectrum of operational and safety provisions such as shoulder lanes, stopping areas, and freight ways.

20 Interchanges and turning circles designed to ensure larger classes of HPMV (B-trains and bulk fuel tankers) can corner safely and creating no risks to other traffic, especially where State Highway 1 and State Highway 18 join at the midsection of the improvements.

25 Underpasses are to be at a specification and height for all permitted freight vehicle configurations.

30 NRC strongly supports the proposed ramp signal bypass lanes and also the northbound kerbside lane on State Highway 1 starting from the Grenville Road interchange ramp (where the carriageway widens from two to three lanes). This will help slow moving/heavy vehicles due to the gradient on this section, and also benefit faster general traffic.

To avoid freight getting caught up in general traffic congestion on the Northern Motorway, NRC has elsewhere suggested that heavy trucks have access to the Northern Busway outside peak hours.

35 We would greatly welcome your support to this proposal, for a more efficient use of the northern busway's extension.

As a final observation, another way you might assess the technical design and efficiency requirements of the project is to keep an eye on our fast-changing technology-led future.

5 Looking into the emerging future of transport technology suggests we are entering an era of great change.

But one thing you can be certain of - whatever happens, there will be trucks for a long time, be they with or without drivers.

NRC wishes you well in your deliberations on this important Project.

Thank you.

10 JUDGE HARLAND: I'm just going to ask my colleagues to see whether we have any questions arising.

~Questions from the Board (9.13 am)

MR MARK-BROWN: You talk about that you have suggested that heavy trucks have access to the Northern Busway outside peak hours. That's just a suggestion
15 you've made? Have you had any detailed discussions with Auckland Transport or the Transport Agency about how that might work?

MS ROGERS: So we are currently in discussions with them at present.

MR MARK-BROWN: You are currently in discussions?

MS ROGERS: Yes.

20 MR MARK-BROWN: Do you know of any examples elsewhere overseas where this occurs?

MS ROGERS: Not at this stage. It's still under investigation to see how it would work and as to, you know, how it would work in a safe manner.

MR STEWART: Just a couple of clarifications really. You mentioned the
25 Auckland - Northland rail, and I suppose it's really just for clarification, there is an Auckland rail of course; are you saying that there is, but it's not available, you can't have containers on it, is that what you're really saying?

MS ROGERS: We support rail, and rail is a viable aspect of moving freight. Yes, containers can get on rail. Our issue is that where the point where the rail
30 actually ends, you're still going to have a large number of trucks that are going to have to transport those containers to the destination.

MR STEWART: Okay, so even if the North Auckland rail was upgraded for instance, you are saying that that might help some of the interregional traffic flow, but not stopping the need for trucks on the Auckland motorway system?

35 MS ROGERS: Yes.

MR STEWART: Further down that page, you've got some words here underlined "to ensure it meets the highest possible standards of freight transport efficiency" et cetera. And I am assuming that your submissions as at the present Proposal does that?

5 MS ROGERS: Correct.

JUDGE HARLAND: All right. I have some questions about -- you mentioned the freight task increases by about 6% a year in the foreseeable future which you've described as being probably conservative. The freight task, does that come out of the Upper North Island Freight Study, or is that ongoing piece of work that's done by you or others?

MS ROGERS: That's an ongoing piece of work, and that is basically from the Waikato North region.

JUDGE HARLAND: So, when you talk about Auckland there it's actually what they sometimes refer to as the golden triangle, that 6%?

15 MS ROGERS: Yes, correct.

JUDGE HARLAND: And is that something that -- and do you know who's done that work?

MS ROGERS: There have been a number of studies. Now, gosh, I've just forgotten the gentleman's name. I am actually -- I can actually send a link through to the appropriate person if you require?

JUDGE HARLAND: What I'm trying to get a handle on is, and it's only general information, so it's not critical, but of that 6% of that is within the golden triangle area, how much of that is actually to Auckland within Auckland from Northland, or whether it's more diverged to Ports of Tauranga and that kind of thing? So, it's not a big point. If we've got a statistic it's just helpful to have it as accurate as we can.

MS ROGERS: So there has actually been a national freight study done. There has been a Waikato, a Northland, and I'm 99% sure there is actually an Auckland freight study that has been completed as well.

30 JUDGE HARLAND: All right, thank you for that.

And so, my next question arises from that, is how much of whatever is predicted and what is happening now comes from Northland to Auckland as a total percentage of the freight movements into Auckland, rather than from south to -- just to get a feel for what we're talking about here. Do you know that?

35 MS ROGERS: No. I'm not aware, sorry.

JUDGE HARLAND: All right, that's fine.

So, again, picking up on the point that has been asked by my colleague about the standards that you've requested that you'd included in paragraph 29 of your submission and then repeated here, bottom of page 2 and over at page 3, are you satisfied that the design -- the design features that you've seen
5 from the Project meet all of those criteria that you've set out?

MS ROGERS: Yes, we have had a look, and yes it does.

JUDGE HARLAND: Right, thank you.

The other question, possibly a side question, is whether there is any planning that you're aware of for electric freight vehicles?

10 MS ROGERS: It is an ongoing discussion, and we are aware that they are being looked into. But we feel that they will be actually a few years off.

JUDGE HARLAND: Why I'm asking that question is one of the issues that you'll be aware of is that noise is always an issue, and so to get a feel for future and how that might look, within the reasonable future, I asked that question.

15 So, there are discussions, but it's a way out?

MS ROGERS: A way out.

JUDGE HARLAND: It's not something that we could rely on?

MS ROGERS: Not in the nearest future. We are aware of the noise concerns that residents do have with freight vehicles. We do work closely with NZTA. They
20 do actually have a noise camera and, so if there are any concerns in particular areas, we do ask for that camera to be placed to identify the culprits. More often than not we actually have found in the past they're actually motorbikes and other vehicles that are actually causing the noise.

JUDGE HARLAND: Right.

25 So, moving on with that theme in mind, you've mentioned that you've had discussions with Auckland Transport about the use of the bus lane; potential for that. That could create noise issues if parts of the busway are nearer to residential addresses?

MS ROGERS: Mmm.

30 JUDGE HARLAND: Have you had any discussions about the noise element so far with Auckland Transport concerning the use of the busway, or is it too soon for those kind of discussions?

MS ROGERS: Not regarding the busway. However, we are aware that the newer vehicles now, the newer trucks, they aren't as noisy as the older trucks,
35 especially when it comes to the engine brakes. That seems to be the biggest

concern that we have from the general public. So, the new trucks now are actually a lot quieter.

JUDGE HARLAND: And what percentage of the fleet that would use this motorway would be of the newer type?

5 MS ROGERS: You would be looking around about 70%.

JUDGE HARLAND: Are newer, and by that what --

MS ROGERS: Are newer.

JUDGE HARLAND: -- and what do you mean by that? Is that last five years, or?

MS ROGERS: That would be over the last five years, yes.

10 JUDGE HARLAND: And that's 70% of all of the fleet, or is that just part of the fleet?

MS ROGERS: 70% of all of the fleet.

JUDGE HARLAND: What's the average turnover of the fleet? I know that would depend on the operator, but again, can you give me some help with that?

MS ROGERS: Generally operators do replace their trucks every five years. There is
15 a lot of compliance now, you've got the operator rating system where it's the company is actually rated on safety and other aspects. So -- and they are aware of, with the repair and maintenance side of things that's it's actually better to turn the vehicles over a lot sooner than actually hold on to them.

JUDGE HARLAND: Thank you very much, that's been very helpful.

20 Thank you for your time.

~(The submitter withdrew - 9.22 am)

~SIIRI WILKENING (Sworn) (9.22 am)

~Examination in Chief by Ms McIndoe (9.22 am)

25 MS MCINDOE: Can you please confirm for the Board that your full name is Siiri Wilkening?

MS WILKENING: Yes.

JUDGE HARLAND: And that you have prepared three statements of evidence for this hearing, being two statements of Evidence in Chief dated 20 April 2017
30 and then a rebuttal statement dated 15 June 2017?

MS WILKENING: Yes.

MS MCINDOE: And that you have the qualifications and experience set out in section 1 of your statement of evidence dated 20 April, but dealing with operational noise. That's that statement which sets out your qualifications
35 and experience, and do you have those qualifications and experience?

MS WILKENING: Yes.

JUDGE HARLAND: Do you have any corrections to make to your evidence?

MS WILKENING: I do. Since I prepared the evidence in my summary statement we had --

MS MCINDOE: Oh, we'll come to the summary statement, because I haven't asked
5 about that one yet, but that's all right.

MS WILKENING: Sorry, no.

MS MCINDOE: Now, you have that summary statement in front of you, and I understand that's been prepared and given to the Board?

MS WILKENING: Yes.

10 MS MCINDOE: Now, I think probably the best thing to do is, if you are able to read the summary statement and then make the correction, but in terms of the Evidence in Chief and your rebuttal evidence, can you please confirm to the Board that those statements are true and correct as to the best of your knowledge?

15 MS WILKENING: Yes, they are.

MS MCINDOE: Thank you. So, I think before we get to the correction, perhaps if you read the summary statement, and then I'll ask you about the correction. Thank you.

MS WILKENING: This summary statement provides a summary of my Evidence in
20 Chief, dated 20 April 2017 ...(Reads 1-4.6 of Summary Statement)... do not unduly transfer that requirement for mitigation to the Requiring Authority.

MS MCINDOE: Thank you. I just have a couple of questions which should clear up that correction. In your summary statement you refer to conditions which resulted from the 27 July meeting; have you had an opportunity to consider
25 the supplementary statement of evidence by Damian McGahan, and I wonder if you have that in front of you?

MS WILKENING: Yes, I have.

MS MCINDOE: And that supplementary statement of evidence appends revised conditions. Are you able to confirm that those revised conditions are the
30 ones resulting from your 27 July meeting that you talk about in your summary statement?

MS WILKENING: Yes, they are.

MS MCINDOE: Now you've mentioned that there is a correction required; can you please explain that to the Board?

35 MS WILKENING: Certainly.

So, in condition CNV.8, which is on page 8.

JUDGE HARLAND: Hold on, we'll just get there. This is of Mr McGahan's?

MS MCINDOE: Yes, that's correct.

MS WILKENING: Page 8.

JUDGE HARLAND: Page 8 of the --

5 MS WILKENING: Yes, CNV.8 it's down the bottom.

JUDGE HARLAND: We'll, just wait until we've got -- everyone's got that particular number 8 open. Mr McGahan's supplementary statement of evidence, page 8. All right.

MS MCINDOE: I do intend to put in a further version of conditions in the closing
10 submissions, but I wanted this to be clear.

JUDGE HARLAND: Yeah, and we're grateful that you take this in a measured way because, you will appreciate, you've all been working on this. We're trying to come to grips with where you've got to. Thank you.

MS WILKENING: So, in CNV8, references conditions, CNV.1 (b) (12) in the first
15 line. CNV 1 has been re-numbered; that is on page 5 of Mr McGahan's evidence, and it should now actually reference CNV.1(l).

MS MCINDOE: Okay. Thank you. Are there any other corrections that you wanted to make?

MS WILKENING: Not that I've seen.
20

~Questions from the Board (9.37 am)

JUDGE HARLAND: So, I'm going to start with questions, and first can I
acknowledge and thank you, on behalf of the Board, for the work -- extra,
considerable work that you've done through the expert conferencing process
25 and the further discussions that you have had that have resulted in the changes. Thank you.

MS WILKENING: Thank you.

JUDGE HARLAND: And I'm tempted to ask how you found that process, but if you
want to give that feedback, indirectly to the EPA, that would be of interest; it's
30 probably not appropriate for evidence.

So, I have a number of questions; I want you to understand the framework in which they're asked. They're asked to really fully understand what's being intended here. They're not designed to be a criticism or anything like that; they're simply to try and really drill down into some of the
35 areas that I need to have clarified.

So, starting first with your supplementary statement of evidence, which you've just provided, and looking at paragraph 2.4, you've talked about the importance of communication with affected parties. Are you aware of the experience at Waterview, for example, with that kind of communication process and whether that reduced or increased complaints? If it's not within your area of expertise tell me.

5

MS WILKENING: I have been involved in the Waterview Project for some parts, not others. I have found that it improved situations, because people were aware of what was going on and knew the timeframes and were mentally prepared, instead of getting some work sprung on them and not knowing what was going to happen.

10

So, in my experience, not just with Waterview, also with other projects, communication improves the outcome.

JUDGE HARLAND: Were you in the feedback loop when there were complaints about noise for Waterview?

15

MS WILKENING: I was for some parts, for the causeway works, for instance, in Te Atatu. We tended to get involved when issues were more difficult to resolve. The environmental manager on site did a lot of work themselves. We quite like to get the contractor ownership, because if they themselves own the Project and deal with things, they seem to be more proactive, because it's their own work that they need to deal with.

20

We got involved when there were difficult issues, and would help out in that regard.

JUDGE HARLAND: So, I'm trying to get a feel for how often complaints arose about construction noise and vibration; can you help me with that, in terms of Waterview?

25

MS WILKENING: So, we were involved in about three or four issues that were more difficult to resolve. I'm not aware how many others there were because that was done in-house, effectively, by the contractor.

30

JUDGE HARLAND: And that was over a five year period, was it? Or over a three year period, or?

MS WILKENING: About three years, I would think.

JUDGE HARLAND: All right. And what were they about? What were those difficult issues about, that you were asked to be involved with?

35

MS WILKENING: We got involved with night time piling works, which are not ideal, but have to be done as the motorway needs then to be closed. We got

involved when some earthworks were being undertaken in close proximity to somebody's house, and a couple of times we got involved when the barriers went in and the residents -- it wasn't actually construction noise -- the residents then realised that the barrier would be higher or lower, or different to what they expected, and we had to help resolve that.

5

JUDGE HARLAND: All right. So, I'm interested in the piling. So that was -- were there a number of complaints about piling, and was it piling at night?

MS WILKENING: Yes. So, the Waterview conditions were quite interesting. They actually had the conditions that prohibited piling at night because during the hearing our focus was on the causeway construction and it had something to do with having to work at low tide or high tide and so, the decision was made that no, we don't need to pile the causeway itself at night. Nobody had thought about the local road bridges that need to go over the motorway, and they had to be done at night. So there had to be a variation, I understand, because the motorway can't be closed during the day. In terms of -- so complaints weren't actually prevalent, because there was quite a good prior engagement with those residents, though probably shorter than it could have been, in terms of timeframe, but that had something to do with availability of equipment and things like that.

10

15

20 JUDGE HARLAND: Well that's helpful.

So, how many complaints? Were there a number of private, or was it business? Was it private people? Was it sleep? What were the nature of them?

MS WILKENING: It was private people and we met with three residents at somebody's house and explained what was going to happen and what had happened and what would be happening in the future. I'm actually not aware of the exact number; I just know who I talked with at the time.

25

JUDGE HARLAND: Yes. No, that's precisely what I want you to tell me, not to speculate. So that's helpful.

30

And how were those issues resolved? Were they resolved entirely to the satisfaction of the residents and the Alliance and agency?

MS WILKENING: I cannot tell you how -- what was done for the residents. That was done by the Alliance; that's the Causeway Alliance, not the Well-Connected Alliance, that's a different contract.

I just know that the works went ahead and we did some measurements and everything worked out how we said it would work out, but I don't know what -- if there was any recompense to the residents or not.

JUDGE HARLAND: Well, that's one area of concern to me, and I will explain the reason why, and if you are able to comment, please do, and if you are not, please don't.

One of the issues with, it seems to me, with an alliance is that things can fall through the cracks. For example, who takes responsibility for the end outcome, and if, for example, there are financial penalties for delays or an incentive not to spend money where money needs to be spent, if it's optional, who decides when the money gets spent? That's the kind of thing that I'm looking at. Now I'm looking at it as a worst-case scenario, so we understand that; it's not mentioned to suggest that there would be any ill-will or anything like that.

So where does the agency, in this Project, fit with the overall responsibility for fixing a problem, such as a complaint by a resident if, for example, there is something like piling at night that causes disturbance. Where in this scenario -- who would be responsible for that?

MS WILKENING: I don't know if I can tell you exactly, but I can maybe give some background that I think might be helpful.

I know that the principal's requirements, that the agency puts on the contractor, includes some incentive for resident's engagement and number of complaints -- or a lack of complaints. So, there is an incentive to manage projects well, I understand.

I've also worked on a lot of construction projects of this size and the -- if a good environmental manager is on the project, they are, in my opinion, run very well generally. So, if the environmental manager is proactive, is looking ahead and dealing with things and the communication manager too, if they worked well together, then things tend to go very well. If that's not the case, then less so, but I've been on several projects where it's worked really well.

JUDGE HARLAND: So I'm not looking at the cases where it generally works well; I'm looking at where it really doesn't, and there's a big problem, and who gets to fix it.

And again, I'm not wanting to put you on the spot, I'm just wanting to understand so we can look at this appropriately, would it help do you think,

for those difficult situations, for there to be an independent person who decides what the mitigation should be, and that that is a requirement that it's then implemented, by the contractor? If the agency's not going to have the responsibility for being able to do that, do you think that's a process that
5 would assist?

MS WILKENING: In my experience, I don't know if that would add -- I wouldn't want to say add value, but since we tend to get involved in our projects in difficult situations, we are certainly not holding back, or are interested in the financial outcome. We are there to help fix a problem, and I don't think that our
10 advice, being engaged by the Alliance -- we are not part of an of Alliance -- we are always subcontracted, to some degree -- I don't think our advice would be any different if we were an independent advisor than if we were engaged by the Alliance themselves.

JUDGE HARLAND: I'm looking at it more from a financial perspective. So not from
15 a challenging the expertise that's provided, but actually making the decision well this needs to be fixed in some way and there's some money that's got to be paid or whatever it is, that that process is taken away, from perhaps, somebody who might have a financial interest in that outcome. Why I'm asking this is because you've told me that with Waterview you became
20 involved in some of these difficult situations, not many, but a couple, and -- but you weren't involved in the end outcome, you see? So, the remedy, whatever was done to fix that, was not something that you independently were involved in. So that's the aspect of it that I'm asking that question.

25 MS WILKENING: So, we made recommendations, but we didn't implement them.

JUDGE HARLAND: Yes.

MS WILKENING: That would be done by the contractor.

JUDGE HARLAND: So what recommendations did you make about the piling?

MS WILKENING: In that case, the works were very limited, in time; it was night.

30 And we recommended talking to the residents and seeing if that would be okay and maybe provide some movie vouchers or something like that, because it would be a one-off, and I have not heard afterwards what the outcome was, but I also didn't hear that there were ongoing issues and if there would have been ongoing issues we would have gotten involved again.
35 So, I assume it was resolved amicably.

JUDGE HARLAND: All right. All right, yes, well thank you. That's been very helpful.

So again, looking at paragraph 2.8 of your supplementary statement where you've outlined some mitigation aspects about noise barriers, and then gone on to mention building modification and mitigation, so you considered that on a case-by-case basis. Who would decide that? So, if building modification was recommended, who would make the final decision about whether that would be implemented? In other words, who would pay for that, and who would make the decision?

5 MS WILKENING: So, there's a whole raft of conditions that deals with the -- let me get the conditions, please.

JUDGE HARLAND: Yes, because I couldn't see where it says who makes the decision and who pays. I can see the process, and there's talking and all of that kind of thing, and I don't want to minimise that. It's very good, but it's about where the rubber hits the road. Who decides and who pays?

15 MS WILKENING: So, the process is that the acoustic consultant goes in, does the measurements, and then determines one or several options of building modification that would achieve the internal noise criteria that we are trying to achieve. Those options are then provided to the resident. And then the resident can decide which one of those one or several options they would like implemented. And then they will be -- the requiring authority or I guess the Alliance would pay for that obviously, including all third party authorisations; it's in the conditions.

JUDGE HARLAND: All right. So, again, I don't want to stretch you beyond your expertise, but to help me with this, we're not privy and we probably shouldn't be privy, to the Alliance detail. We've got some detail about one aspect of it, but not others, and are you aware whether it's been decided that the Alliance would pay for any building mitigation or not, or whether it's the Transport Agency? Who would pay?

25 MS WILKENING: I'm not aware, I'm sorry.

JUDGE HARLAND: Right. Okay.

MS WILKENING: We don't tend to deal with the financial side.

JUDGE HARLAND: Oh I'm sure you don't; I'm just raising it. I had to ask it, and there's someone else I can ask about that. Thank you.

30

So, moving on to 2.9, and this is really just information for me, you've got the low noise surface asphalt on the main alignment which will assist, and dense asphalt on the ramps, which I infer is noisier. Is it?

MS WILKENING: It is noisier than the open grade porous asphalt. The porous
5 asphalt is just porous and with that it does absorb some of the sound, because of the road/tyre interaction is the main noise source at high speeds. However, the porous asphalt doesn't do very well overtime in areas where there is acceleration, or braking, or sheer resistance required in curves. For that reason it's not normally used in those areas.

10 JUDGE HARLAND: What would the dB difference be?

MS WILKENING: It depends on the percentage heavy vehicles, but it's not a lot. It might be a dB 1. In our modelling we have taken account of that obviously.

JUDGE HARLAND: All right, well that's great.

So, talking about -- earlier today we heard that the heavy vehicle
15 association or users group is in discussion with Auckland Transport about using the bus lane, potentially, for vehicles at night. What's the surface of the bus lane going to be?

MS WILKENING: That's open grade porous asphalt, in my model.

JUDGE HARLAND: So that's -- sorry, what did you say?

20 MS WILKENING: That would be the porous asphalt.

JUDGE HARLAND: Oh, that's the porous. So that would be the best grade?

MS WILKENING: Yes.

JUDGE HARLAND: Would you have any concerns about trucks using that from a
noise perspective?

25 MS WILKENING: So, in my modelling buses are counted as heavy vehicles, so when I modelled the busway I modelled a hundred percent heavy vehicles, and assumed, you know, used the number of heavy vehicles or buses that I was given by the transport engineers. The change would occur when there are more vehicles, but it would have to be significantly more, because the
30 number of vehicles has not a very large bearing on the noise level, it would have to be a doubling of numbers to get a 3 decibel increase. So, it's quite a -- noise is quite insensitive to the vehicle numbers, small changes anyway. Some of our buses nowadays are still the diesel buses which are like a truck, at the moment. The buses are changing. We heard earlier the trucks are
35 changing too. I think the modelling that I've done would allow for trucks, if the numbers aren't changing, though I hadn't heard that before.

JUDGE HARLAND: And what about if they were B-Train trucks?

MS WILKENING: Then you might have different noise levels.

JUDGE HARLAND: Yes, because -- are you aware that there is a move to
incorporate these larger vehicles more frequently on the roads? Would that
5 have any impact, do you think?

MS WILKENING: They -- we've only got some limited data on the B-Trains
because they are not that common just yet. The ones we've measured are
slightly noisier than other trucks, but I think that also depends on if it's laden
or uphill or which speed its going.

10 JUDGE HARLAND: So that would need to be work that's done later; would that be
a fair comment?

MS WILKENING: I would think it would need an assessment if that occurs, yes.

JUDGE HARLAND: And on that topic, are you aware of moves to electric -- if the
vehicle fleet was electrified to some degree, the freight -- what impact that
15 might have, or is it too soon to tell?

MS WILKENING: I haven't measured any electric -- oh, actually, that's not true; we
have measured electric trucks but I haven't got that information present. As I
said earlier, the road tyre interaction is the main noise source at the higher
speeds, and that won't change. There would be a slight drop in noise level,
20 but we still have the tire interaction.

JUDGE HARLAND: All right. Thank you.

At 3.4 you talk about -- this is of your supplementary statement today,
your summary statement -- the construction noise and vibration is being
generally managed and then the next tier of management which is through
25 the site specific management plans.

And so, on that, I want to take you to the proposed conditions about
that, which I think is CNV.6, if I'm right?

MS WILKENING: Yes, it is.

JUDGE HARLAND: So I need to understand what's proposed here. We've got a
30 definition of major construction activity, which would -- which means a
construction activity that results in an exceedance of the standards in the
tables, correct?

MS WILKENING: Yes, that's what we thought might be a good definition for it.

JUDGE HARLAND: And that would then mean that CNV.6 is defined as a situation
35 where there is major construction activity occurring. Is that right?

MS WILKENING: CNV.6 applies if the noise standards of table CNV a) are exceeded and further management needs to be implemented).

JUDGE HARLAND: Yeah. So, am I right in reaching a conclusion that when that happens, it's been defined by people here as a major construction activity?

5 MS WILKENING: Yes.

JUDGE HARLAND: Yes. Okay. So, we've got the Table A, if we can just have a look at that, and I'm only going to be asking you some questions about noise. So that's a 24 hour table for construction in all circumstances, correct?

MS WILKENING: Yes, for residential, and then for business is below that, yes.

10 JUDGE HARLAND: Yes. And this might not be the right question for you, but I'm going ask it anyway, you can tell me if it's not, is the 45 dB for night time -- mostly for night time -- has that come from the Auckland Unitary Plan?

MS WILKENING: It's come from the construction noise standard, and the Unitary Plan pretty much references the construction noise standard, except that it actually allows exceedance of those criteria for works in a road, for limited times, but we haven't got into this, because this Project is quite large.

JUDGE HARLAND: Yes, I understand is that.

MS WILKENING: But yes, it's of the construction noise standard.

JUDGE HARLAND: All right, and that's adopted in the Unitary Plan?

20 MS WILKENING: Yes.

JUDGE HARLAND: So apart from the issue of timing, it's consistent with the plan --

MS WILKENING: Yes.

JUDGE HARLAND: -- as you understand it?

MS WILKENING: Yes.

25 JUDGE HARLAND: Thank you for that. And are the other levels, as well, that are included during the daytime, from the construction noise standard as well?

MS WILKENING: Yes, they are. Maybe, just for clarification, I should say the Unitary Plan does contain a, probably inadvertent, error. It references the noise criteria of the construction noise standard for typical duration, and then says if something is of short duration, the noise levels can be 5 dB higher, or if it's of long duration they should be 5 dB lower. Which is strictly correct, except that the construction noise standard only applies that to the high noise level, so to the daytime noise level. The 45 night time noise level limit does not actually get reduced by the standard to 40, that would make no sense.

35 The Unitary Plan assumes to reduce it to 40 for long duration construction, but I think that's an inadvertent error, and should eventually be fixed.

JUDGE HARLAND: Right. So again, as a matter of just me understanding, the World Health Organisation sleep deprivation guidelines from back in 1999 in Europe talked about, I think, 40 dB as being a desirable level to avoid sleep disturbance. Am I right on that? I might not be, so don't assume I am.

5 MS WILKENING: I actually thought it was 45.

JUDGE HARLAND: You think it's 45?

MS WILKENING: Yeah.

JUDGE HARLAND: All right, well let's leave it at that and if necessary we can check that.

10 MS WILKENING: Besides, I might want to add that the current noise levels in this area are higher than 45.

JUDGE HARLAND: Oh, yes, I understand that, but I'm just understanding what the planning framework or other relevant documents might be. So, you think that the World Health Organisation, their limit for it might be 45?

15 MS WILKENING: They are not limits; they are guideline levels.

JUDGE HARLAND: Guideline levels, beg your pardon. Guideline levels.

MS WILKENING: They are quite aspirational.

JUDGE HARLAND: Yes. Well, on that point, aspirational in terms of it would depend on what viewing point you were looking at, wouldn't it? Because it's
20 looking at it as a health guideline rather than a -- for other -- with other activities around?

MS WILKENING: That's true, but if you look at it pragmatically, then the existing environment, even without projects, is for the majority of people much higher, already.

25 JUDGE HARLAND: Yes, but that doesn't mean that it's not a health issue, does it?

MS WILKENING: It may be, but those guidelines are for virtually no effect. So, no effect in an urban environment is aspirational, in my opinion.

JUDGE HARLAND: Right, are you aware of any research being done in New Zealand about health and noise next to busy roadways?

30 MS WILKENING: There are studies now and then that come into the paper, and I'm not aware of anything that I've read, but I know things are being done.

JUDGE HARLAND: Right. Thank you.

So, coming back to the table, we've got the table, and then we go to CNV.6, and I want to understand what's being suggested here, and to do that
35 I'll tell you what I understand, and you can correct me if I'm wrong.

So, CNV.6 seems to authorise a five dB exceedance to the levels on a number of occasions, just generally speaking?

MS WILKENING: I don't think so.

JUDGE HARLAND: All right. Well you tell me what it's designed to do?

5 MS WILKENING: So CNV.6 requires a site specific plan to be provided if the level is exceeded by more than 5 dB or for a longer duration. Nevertheless, CNV.3 requires actually compliance in the first instance. So, I don't think CNV.6 authorises a higher noise limit; it just means the paperwork's cut down. The assessment and the management to comply with CNV.2, or as close to as practicable, remains in force, in my opinion.

10 So CNV.6 is just the next step. It doesn't mean that all these assessments aren't undertaken; it just means they don't have to be written down and given to Council, but they have to be done in any event.

JUDGE HARLAND: So when would CNV.6 -- what situations is it designed to address?

15 MS WILKENING: It's designed to address noise levels that are exceeding the criteria for a more substantial period, and by a higher level. If the exceedance is intermittent, which happens a lot -- you've got the digger drive past and its exceeded at that time, and then it's over and done and that was an hour in a day, then those exceedances should not really trigger a site specific management plan, because they are so intermittent and small that the additional work is not warranted that the Council has to authorise that for, for instance. However, the management remains in force so that any onsite management should occur. Even if there is compliance, on site management is required. So, this just cuts down effectively on the paperwork that needs to be submitted to Council, and only restrict it to the important, or substantial exceedances.

JUDGE HARLAND: Well, I guess that takes me to my concern which could be about my lack of understanding, which means that there's quite a long period of non-compliance that could occur before there was a level of detail required for a site specific construction noise management plan. Is that right? I mean you'd have to be exceeding -- you'd have to reach a two week threshold of exceedance, wouldn't you?

35 MS WILKENING: Construction noise -- so you have -- one exceedance is potentially a digger working for an hour outside somebody's house, and then moving away. That is an exceedance. It might just happen for an hour or two, but

that counts for that day. That's your period. So, that does not mean you've got two weeks of high noise activity outside your house; it just means there will be exceedances on and off during the day because there are works in the area.

5 JUDGE HARLAND: So are the exceedances measured every day?

MS WILKENING: 15 to 60 minutes.

JUDGE HARLAND: I see, all right.

So, you're confident you would have an accurate record? So, your concerns are addressed by this length of time, the intermittent aspect --

10 MS WILKENING: That's correct.

JUDGE HARLAND: -- rather than the continuous?

MS WILKENING: Yes.

JUDGE HARLAND: But do you agree as it's drafted this could nonetheless enable continued -- I'm looking at worst case scenarios here, it could enable

15 continuous over that period, couldn't it, as well as intermittent?

MS WILKENING: Yes, it could.

JUDGE HARLAND: But it's designed to meet intermittent.

MS WILKENING: Which in reality is how construction works, because it does move along. It's not that common that things happen in one place, for two weeks,
20 at a high level.

JUDGE HARLAND: So none of the piling -- I seem to recall the piling is 5 to 7 days, was that right?

MS WILKENING: Yes. You have to remember this also is only if the exceedance is no greater than 5. So, the piling would go above the 5 anyway, so that would
25 automatically trigger.

JUDGE HARLAND: I see.

So, with -- and it's all calculated on an LAQ, is it?

MS WILKENING: Yes.

JUDGE HARLAND: 24 hours?

30 MS WILKENING: No, just as the activity occurs. So, the standard requires the criteria to comply it with for a period of -- see, it's a bit vague -- but it says may be as short as 10 minutes, but not exceeding 60. So, it's important to not measure something for 5 minutes and then measure another half hour of silence and say it's quiet. You actually have to measure the activity that's
35 going on.

JUDGE HARLAND: So for the night time, tell me about what that's designed to cover and what you anticipate might come within that CNV.6(b)?

MS WILKENING: To my understanding, night time works are limited to things that would be required if the motorway gets closed. So, piling and surfacing. I
5 understand that's about it. Piling -- any night time works, that involve machinery, are likely to exceed the 45 limit --

JUDGE HARLAND: Yes.

MS WILKENING: -- and are likely to exceed 50 as well, if we add the 5. So, in my opinion, most night time works would require a site specific plan. It might be
10 just somebody driving along and inspecting things that might not be covered for instance, but that wouldn't generate a lot of noise.

JUDGE HARLAND: All right.

And so that would be most night time work. So, if the motorway is closed obviously to get the piling done, the objective is to get it done as
15 quickly as possible?

MS WILKENING: Yes.

JUDGE HARLAND: So it's a short term pain for long term gain kind of idea, is that it?

MS WILKENING: That's the intention.

20 JUDGE HARLAND: And that could be more than just intermittent, couldn't it?

MS WILKENING: That would be for those nights, yes.

JUDGE HARLAND: And so the plan -- can you take me to the provisions for the site specific plan that talk about the things that need to be covered in it? I think CNV.7, is it?

25 MS WILKENING: No. So CNV.6; it's the second lot of (a) to (f), what needs to be in it.

JUDGE HARLAND: All right. Thank you, I do have that.

And so (d) talks about again mitigation options.

MS WILKENING: Yes.

30 JUDGE HARLAND: And they're to be assessed independently are they?

MS WILKENING: They would normally be done by somebody like us or --

JUDGE HARLDAND: Yes. And what does it mean discounted as being impracticable? Who would decide that and what does that mean?

MS WILKENING: For instance, one of the mitigation options could be to put up
35 barriers, which is a very common mitigation option. However, if the piling is here and the house is here, you can't put up a barrier. So that should be

written down. It should be looked at, and said well, we obviously can't put up a barrier, but not to leave any gaps and not talk about it at all. It is better to say, we looked at barriers; they're not practicable because, and then move on.

5 JUDGE HARLAND: But in terms of, if it was really a mitigation option that was going to affect some people, I'm talking about at night time, and there has been -- it has been raised that one option might be to relocate people for the period of time, who would get to make that decision?

MS WILKENING: Ultimately the residents because you can't make them leave.

10 JUDGE HARLAND: No, so you'd be comfortable with the idea that if that was the option, it was the residents' election?

MS WILKENING: It definitely is. So, I think we got told off by Judge Newhook by talking about temporary relocation, and he said well, you can't make people move. And so, since then, we have reformulated it to say offer of temporary relocation. In the end the resident needs to be making that choice.

JUDGE HARLAND: But the intention is that that would be offered, if it was -- if there was nothing else that could be done to fix the problems, so to speak?

MS WILKENING: Yes. It has been done on other projects. Yes, certainly.

JUDGE HARLAND: All right, well, that's been helpful to explain that, thank you.

20 And again, that would be the independent assessment as to what was required?

MS WILKENING: That would be whoever constructs the Project will have an acoustic consultant engaged. That is normally the case, and I assume that they would be making that recommendation. That is certainly what we have been doing in the past, if we were engaged on a project.

JUDGE HARLAND: All right.

MS WILKENING: And that plan will go to Council, and Council needs to then check if they are -- if they agree.

JUDGE HARLAND: All right. So that's the back stop position?

30 MS WILKENING: Yes.

JUDGE HARLAND: Thank you.

All right. Just over at 4.5, you were dealing with traffic vibration, and under b you were talking about the complaints process, and you refer to McKays to Peka Peka expressway as being an example of testing where there's been a complaint. Is that right?

35 MS WILKENING: Vibration complaint.

JUDGE HARLAND: Vibration complaint. And were those complaints -- or do you know whether those complaints were resolved?

MS WILKENING: The expressway has only just opened. To my knowledge there hasn't been a vibration complaint.

5 JUDGE HARLAND: There's been a noise complaint?

MS WILKENING: One or two.

JUDGE HARLAND: A residents' group complaint.

MS WILKENING: Yes.

JUDGE HARLAND: And how's that being dealt with?

10 MS WILKENING: At the moment, lots of measurements to actually show that the road produces levels below those predicted. So, it's always in criteria. In my opinion, it's just a disconnect of people what they're expecting of what is actually now happening that the expressway is open.

But I know that some resurfacing with open grade porous asphalt
15 being brought forward. It was meant to be done later, but it's being done now.

JUDGE HARLAND: And that's -- the grade resurfacing, where you've talked about the grade here, which is of the highest level -- so that's a point of difference is it?

20 MS WILKENING: Yes. So McKays to Peka Peka is partially in a rural area, and in that area the road was surfaced with chip seal and was meant to be resurfaced with open grade porous asphalt at a point in the future when certain triggers were reached, and that has been brought forward, to resurface with open grade porous asphalt, which is what we've got on the
25 entire motorway network here.

JUDGE HARLAND: Yes. Well, thank you very much. That's all of my questions. I'll just check with my colleagues if they have any questions.

MR MARK-BROWN: Ms Wilkening, if we go back to CNV.6 notwithstanding earlier questions, I still have some -- perhaps need some clarification on CNV.6(a).
30 This issue of the period; so CNV(a) the exceedance is no greater than 5 decibels, one period of up to two consecutive weeks. Now, you said a period was between 10 and 60 minutes?

MS WILKENING: Yeah, that would -- I think the period here refers to the weeks.

MR MARK-BROWN: So, it's a duration perhaps?

35 MS WILKENING: It's a duration, yes. "Period", I don't know if that's the right word, but that's what we came up with.

MR MARK-BROWN: So, if we go back to that -- you're saying that's actually measured over a short period? So, you could presumably have 60 minutes you could have an exceedance and the next 60 minutes you have an exceedance, and that could go on for two weeks?

5 MS WILKENING: Which would then come back to what was asked before, that, in my opinion, this is meant to deal with intermittent exceedances, but yes; it could lead to two weeks of 5 decibels above the criteria, but, in reality, that's not how the construction works.

MR MARK-BROWN: I still have trouble understanding of what that -- the period of
10 up to two weeks.

MS WILKENING: So, it could be exceeding for two weeks, in any 8 week period, but the exceedance in those two weeks, those -- for two weeks -- we wouldn't have exceedance all the time within those two weeks.

MR MARK BROWN: Just because of the nature of it?

15 MS WILKENING: Yes.

MR MARK BROWN: Mmm, okay. Thank you.

MS WILKENING: And, as I said before, the aim is to comply. It just means that no site specific plan needs to be provided, but the management still needs to go on, obviously.

20 MR MARK-BROWN: Can I take you to Appendix A in the operational noise conditions which are graphs that show predicted noise levels or PPS. So, if we look at the first one, which is Colliston Rise, and we have a yellow line under -- it is black, I think?

MS WILKENING: Yes, I think it is dark blue.

25 MR MARK-BROWN: Dark blue. Why is the noise level for the preferred option higher than the do nothing, in many cases?

MS WILKENING: Because those houses in Colliston Rise are close to the busway, and above, and so we are adding the busway in close proximity to those dwellings.

30 MR MARK-BROWN: So can you just explain the difference between "do nothing" and "preferred"?

So, my understanding is that -- so do nothing is not doing anything at all, whereas in some cases, it might need to do some double glazing or something like that, is that right?

35 MS WILKENING: No, do nothing means the Project does not go ahead; the road remains as it is now and just traffic increases over time as it would.

MR MARK-BROWN: Okay. That explains it.

MR STEWART: Just a few questions. Turning to your summary statement, in paragraph 2.8, 2.9 really, you answered -- you've talked about various mitigation measures being considered on a case-by-case basis, and you've mentioned the fact that there may be some -- in some cases residents may be offered temporary relocation and things like that. At what point -- now let me put this another way, the NZTA have provided maps of the properties they intend to purchase. Now, in your view would it -- is it likely that as a result of the construction, of the noise resulting from that, there may become a case where the purchase of further property or properties may be appropriate, and how would that happen?

MS WILKENING: I think I should probably go back to the beginning of your question, you referenced paragraphs 2.8 and 2.9 which deals with traffic noise mitigation?

15 MR STEWART: Yes.

MS WILKENING: So temporary relocation, the offer of temporary relocation, relates to construction noise. So that's -- we are not offering -- we are not intending to offer temporary relocation for the mitigation of traffic noise, only for construction noise.

20 MR STEWART: Right.

MS WILKENING: So, that's one issue. In terms of 2.8 and 2.9 if -- in my opinion, I cannot see that there are additional dwellings that would need to be purchased because of noise effects. We have identified quite a few that are in category C, so would receive quite high external noise levels, and they would be offered building modification mitigation, if necessary. And in my opinion, no further dwellings would need to be purchased and removed, for instance, because of traffic noise. Does that answer your question?

MR STEWART: Yes, thank you.

And there's been quite a few questions about construction noise and vibration, CNV.6 -- quite a lot of discussions or answers -- discussion about this particular condition, and it seemed to me, and I may have got lost here somewhere, but if certain -- if the noise level decreases or is greater than 5 decibels and does not exceed the period that's been set there, does this mean that the noise will be monitored at all points? I mean, how do we know that the noise is going to exceed those limits? Is there some permanent measuring station? I mean, you've talked about predicted noise levels and

things like that, but actually on the ground, who actually measures it? Will it be a permanent measuring station or what? Or is it on the basis of complaints?

MS WILKENING: So for construction noise we tend to not place a permanent
5 monitor, because you can't show non-compliance with an unattended
measurement device, because nobody knows what caused the noise. So,
there would be attended measurements. That tends to be done by either the
environmental manager or somebody like that, or somebody like us. What
10 normally happens is that when the Project starts, there will be monitoring at
the onset, so that there are levels for the actual equipment on site, and then
there is a calculation tool that the NZTA has provided which is actually quite
conservative, by about 2 to 3 decibels. And to come back to the
environmental manager, would be looking ahead to what's happening in the
15 next month, put into that calculation tool what equipment, which distance,
how long it will be on, and calculate levels to the closest receivers, and with
that work out if a site specific plan will be needed, who needs to be consulted
with, if any mitigation needs to be implemented. In the beginning, somebody
like us would assist, and teach them how to use things, get up to speed with
20 things, come along for the first few months to make sure everything goes
right, and then by that time normally they are up to speed with things and can
deal with their own noise generation and consultation and site specific plans.
So, there is a tool available to look ahead and predict levels. There will
always be monitoring as well, particularly if a non-compliance is predicted,
because then it's important to go out and measure when that activity occurs
25 to either check that the predictions are right or to see what the actual noise
level is.

MR STEWART: I see, so I get from that with the experience and knowledge that
the team would have, it would be pretty unlikely that there would be a
situation -- an unexpected situation of a noise exceedance that they weren't
30 already predicting or aware of?

MS WILKENING: There shouldn't be, you're correct.

MR STEWART: Okay, and then the bottom line would be presumably that if in the
unlikely event that this did occur, some unexpected noise exceedance, then
there is always the complaints procedure.

MS WILKENING: Oh, definitely, yes. Sometimes also when it's expected, but the complaints are -- the complaint procedure is very important because it does enable residents to give feedback, which is important.

MR STEWART: I just have one more question, and it relates to condition CTM.5d,
5 CTMP.

MS WILKENING: Would you be able to point me to -- is it in Mr McGahan's evidence?

MR STEWART: Yes.

MS WILKENING: Would you be able to point me to the right page, please?

10 MR STEWART: When I find it.

JUDGE HARLAND: I think they start the CTMPs around page 9, so page 11, does that sound right?

MS WILKENING: Yes, page 11.

JUDGE HARLAND: That's the public transport management plan or -- it's been
15 renumbered.

MS WILKENING: The construction traffic management? It seems to be all crossed out?

MR STEWART: Yes. I am sorry, this is really quite complicated; it's a big document, but I've found it now. It's on page 12. And I'm referring to
20 CTMP.5d.

MS WILKENING: I'm afraid I haven't --

MR STEWART: Oh no, this probably isn't your issue really; this is public transport management plan. This is not one for you.

MS WILKENING: I thought it might be something related, so I was waiting where it
25 might go.

MR STEWART: No, I beg your pardon. This is a question for another witness.

JUDGE HARLAND: So any questions arising?

MS MCINDOE: No thank you.

JUDGE HARLAND: Thank you very much Ms Wilkening, and again, if I could just
30 reiterate our gratitude for the constructive way that you've approached this. Thank you.

~(The witness withdrew) (10.27 am)

JUDGE HARLAND: That takes us, I think, to the morning adjournment. And we are
35 running a little behind time but we will proceed with Mr Hegley after the adjournment.

~(Adjourned 10.28 am - 10.45 am)

~RHYS LEONARD HEGLEY (Affirmed) (10.46 am)

~Examination by Mr Bangma (10.46 am)

5 MR BANGMA: Is your full name Rhys Leonard Hegley?

MR HEGLEY: Yes, it is.

MR BANGMA: Do you confirm that you've prepared a statement of evidence in this matter dated 25 May 2017?

MR HEGLEY: I do.

10 MR BANGMA: And that you have the qualifications and experience set out in paragraphs 1.1 to 1.3 of that evidence?

MR HEGLEY: Yes, I do.

MR BANGMA: And that you've also prepared a summary statement in this matter?

MR HEGLEY: That's correct.

15 MR BANGMA: Are there any corrections you'd like to make?

MR HEGLEY: No there are not.

MR BANGMA: Do you confirm that the contents of your statement of evidence and summary statement are true and correct to the best of your knowledge?

MR HEGLEY: Yes, they are.

20 MR BANGMA: Mr Hegley, I understand that you were conferring with your noise expert colleagues during the morning adjournment on the wording of these conditions which are attached to Mr McGahan's supplementary statement of evidence. And, in particular, there are some changes that are proposed to condition CNV.6, which is on the bottom of page 7, and CNV.7 which is on the
25 top of page 8. Are you able to explain that to the board?

MR HEGLEY: Yes. Both CNV.6 and 7 it was pointed out had the same issue.

30 If you look at CNV.6, for example, on the first line there, the blue addition says: "... and submitted with any relevant outline plan ..." and that would mean any site specific construction noise management plan which might happen two or three years after construction started which would have to be submitted with the outline plan. So, what we're suggesting is if we delete the, "and submitted with any relevant outline plan", and reinstate what's been deleted at the bottom of the paragraph in blue which just suggests that the site specific management plan should be submitted to Council for approval.

35 And it's the same change happens on both CNV.6 and CNV.7 and that would take it back to what the noise consultants agreed during our caucusing.

JUDGE HARLAND: So the planners messed with it?

MR HEGLEY: I wouldn't want to say.

JUDGE HARLAND: A lawyer's messed with it?

MS MCINDOE: I think it was probably a combination -- Your Honour, the mistake was
5 simply made when the conditions were moved across from the regional
consents on to the designations.

JUDGE HARLAND: That's fine.

MR BANGMA: And Mr Hegley, to assist the Board, are you able to explain the origin
of the wording of those conditions, if we revert to what was there previously?

10 MR HEGLEY: Yes, when we started writing the conditions we didn't start from
scratch, we picked up previous conditions, and I think part of this was from the
Waterview conditions. And so, what we are now reinstating is simply in from
Waterview as I understand it. So, we're going back to what's already been
accepted and tried and tested.

15 MR BANGMA: Mr Hegley, were you here when Ms Wilkening suggested a minor
change to the cross-referencing in condition CNV.8 which is at the bottom of
page?

MR HEGLEY: Yes, I was.

MR BANGMA: Do you have any comment on that change?

20 MR HEGLEY: I agree with it.

MR BANGMA: Her Honour has asked a number of questions which, as I understand
it, relate to how any complaints that are received for noise would be dealt with
and ensuring that those go to the appropriate person and don't slip through the
cracks. Are you able to offer any comment based on your involvement in other
25 recent projects as to how complaints have been dealt with?

MR HEGLEY: Not so much I think dealt with --

MR BANGMA: Who they've been addressed to perhaps?

MR HEGLEY: -- but the success of the site specific management plans and what the
public think of them.

30 At the first meeting I went to with Council on this specific Project I was
sitting next it to a gentleman from Council who that was his role, was to actually
receive complaints from public and deal with the Transport Agency or the
contractor. So, to answer your question I think he would be the perfect person
to speak to and we're trying to track him down at the moment. So, the
35 information is there.

JUDGE HARLAND: Sorry is this to do with Waterview, is it?

MR HEGLEY: That was Waterview, it was to do with Waterview, correct.

MR BANGMA: So, in that case there was a specific person, Council officer who had the role of dealing with complaints?

MR HEGLEY: Yes.

5 MR BANGMA: Now I also understand Mr Hegley, have you read the evidence of Mr Styles which -- his written statement has been lodged with the EPA?

MR HEGLEY: Yes, I have.

MR BANGMA: Any comment you wish to make on Mr Styles' evidence?

MR HEGLEY: Just the one on his paragraph 2.5 he says:

10 "The construction vibration standards were reconsidered, resulting in the experts agreeing that the German DIN standard is more appropriate than the British Standard for unoccupied buildings and this is now reflected in the agreed conditions..."

I'd prefer the paragraph I think it's 9(kk) of the Joint Witness Statement
15 where we just say:

"... While Ms Wilkening and Mr Hegley do not fully agree with Mr Styles on the issues he raised regarding the British Standard ... and are satisfied that those are suitable in this situation, the two experts can accept the DIN criteria for this particular NCI Project."

20 So, we don't think the British standard is inappropriate, by any stretch, it's just that in this case we think the DIN standards will be fine.

MR BANGMA: And then last question. It's a general question, I understand you've been involved in preparing noise conditions for a number of large projects and you are an experienced consultant; do you have any general comment you
25 could give to assist the Board in terms of how the conditions that have been agreed for this Project would compare?

MR HEGLEY: Yes, I do. I think these are quite a good set of conditions. I'm quite proud of them. I think we've actually moved on from the general what I call the
30 general conditions that have been quite prevalent throughout the Southern Corridor, Waterview and the like, I think we've improved them quite a bit.

MR BANGMA: All right. Now we've got those matters out of the way, could I ask you to read your summary statement starting at paragraph 1.1.

MR HEGLEY: This statement provides a summary of matters I raised in my Evidence in Chief ...(Reads 1.1 - 5.1 of Summary Statement)... it may not be practicable
35 to fully avoid, remedy or mitigate all of those effects."

~Questions from the Board (10.57 am)

JUDGE HARLAND: I'll start again, and I'll start again by saying thank you very much for the constructive way in which you've participated in the conferencing and towards the draft conditions which have now been presented to us.

5 Picking up on what you've just said to us, which is that you consider the noise conditions are a good set of conditions for which you are proud, quite proud, would you be able to identify for me please the areas where you think that there has been improvement from other conditions that have been put forward in the past, and the ones that you think will have been a particularly
10 constructive movement forward?

MR HEGLEY: The biggest change I think is what is now ON.2 and that gives -- previously in ON.4 the operation noise had to comply with a range of levels, category A, B or C of the 6806, so it gave no actual level to comply with and it didn't give the neighbours, the people adjacent to the road, any clear idea
15 of what they were going to receive afterwards. And I feel ON.2 now gives them a specific level allowing -- I guess a practical side to ON.2, and it allows a slight change, as long as that change is not noticeable to the average person which is the 2 decibel limit, so I think that's a real improvement.

There are -- ON.10 requires -- this is the condition that talks about
20 implementation of the building modification/mitigation for the operational noise to houses, but it now includes the fourth line down "and where practicable, prior to a major construction commencing the relevant work area" meaning they've got to modify the houses now for operational noise prior to construction noise. So, they're treated for construction noise as well, which I think is a real benefit.
25 Those are probably the biggest changes, I think, to the conditions, where they have been strengthened the most.

JUDGE HARLAND: Thank you.

And so, there were a couple of questions that I asked Ms Wilkening that I would also like you to reflect on, and one is CNV 6 and the explanation about
30 how that's going to work. So, what we have got from that, and please excuse the generality of this statement, but what we understand from this is that the nature of construction is such that there is unlikely to be exceedance consecutively or continuously, whatever that might mean, over the period that would create obviously a concern; it's more likely to be intermittent
35 exceedances which has justified the, what would on the face of it look like lengthy periods, namely the two weeks and the ten days.

And I just want to check that you are comfortable with what's been put to us and that you agree with that, that there are no risk factors there that would need to be aware of with the timeframes?

MR HEGLEY: I think the timeframes are appropriate.

5 The first thing I'd say is the -- by increasing the permitted levels by 5 decibels from 70 to 75 in the daytime and from 45 to 50 at night time, particularly the daytime, 65 decibels in the daytime is not a bad level for construction noise. It's what the construction noise standards recommends for what it calls typical duration activities, so if you're building a house, a small
10 project, anything between 14 days and 20 weeks, you are allowed to make as of right 75 decibels, so the level itself isn't unreasonable.

 And this condition really, I think, seeks to put a practical side to the conditions, so that if there is an activity like an excavator needs to be driving backwards and forwards past a house you don't need a site specific
15 management plan just for what's really a short term activity.

 I guess there's -- the danger of this condition is that you could set up maybe a pump or a generator on the boundary and that could be turned on 7.30 am and turned off at 6 and still be compliant and it could happen for two weeks solid and be compliant with this condition. In response, CNV.1 has a,
20 which is the requirement for a construction noise management plan, requires the BPO to be adopted. And I think if you -- pumps and generators and that sort of static equipment are normally reasonable flexible where they can go. You know, for a generator you can lead lines, cables to a plant. So, I think the BPO requirement would cover your concern of maybe static equipment.

25 And then other than that, I would agree with Ms Wilkening that yes, if you've got an excavator that's got to work somewhere for an hour or two, it would be nice for some easy mechanism to let it occur.

JUDGE HARLAND: So, you have confidence that the pre-construction baseline, if you like, monitoring, that we've heard about would be sufficiently robust to enable
30 the predictions to be made reasonably accurately?

MR HEGLEY: Yes. You're talking about predications of noise from the individual pieces of plant?

JUDGE HARLAND: Yes.

MR HEGLEY: Yes, that's quite standard.

35 JUDGE HARLAND: And so what about for the noise at night, which is more of a concern?

MR HEGLEY: Yeah 50 at night is probably higher than what you'd consider reasonably -- or desirable anyway. You would normally say for closed windows, most facades would get a 20 dB reduction quite comfortably; so 50 outside at night minus 20 gives you 30 inside. That's on the basis of closed windows. So, you are really saying let's close the windows for a couple of nights, might not be ideal, but it's only for a short term, it's only for two nights.

JUDGE HARLAND: All right. So, you're satisfied that there are no unreasonable risks within those timeframes that have been established?

MR HEGLEY: No I don't think so, no, no unreasonable risks.

JUDGE HARLAND: The next question I want to ask you is to do with this bus lane being used for heavy traffic or for large freight vehicles. I understand that's an Auckland Transport issue, are you -- just remind me are you appearing for the Council only, or for the Transport Agency?

MR HEGLEY: Council only.

JUDGE HARLAND: All right.

So, understanding what the discussion has been today, do you have any useful addition that you want to make to that discussion?

MR HEGLEY: I would, rather than just accepting it -- just transferring the trucks onto the busway, I'd want to see some sort of assessment of it.

I think Ms Wilkening's point is that the trucks are there anyway, so you're not introducing new trucks, you're just moving them closer to the edge of the carriageway and therefore the receivers.

That can't do anything but increase levels. They're probably quite small increases, but there would be some increase there. So, I would be nervous about accepting it carte blanche without any assessment.

JUDGE HARLAND: And we've heard that that might not necessarily be dependent on the number of vehicles, but it could be impacted by the type of vehicle, particularly if there's an increase in those B-train vehicles. Mmm, all right.

All right, well thank you, I don't have any further questions of you.

Thank you very much Mr Hegley.

~(The witness withdrew - 11.05 am)

MR BERRY: While Mr Styles is taking his place Your Honour, just an enquiry as to whether the Board has had an opportunity to read the statement from him or whether you would be wanting him to read it?

JUDGE HARLAND: We've just got it right now.

~JON ROBERT STYLES (Sworn) (11.06 am)

~Examination in Chief by Mr Berry (11.06 am)

MR BERRY: Is your full name Jon Robert Styles?

5 MR STYLES: Yes.

MR BERRY: And are you an acoustic consultant and director and principal of the Styles Group Acoustics and Vibration Consultants?

MR STYLES: Yes.

MR BERRY: And did you prepare a report for the Board of Inquiry dated 2 June?

10 MR STYLES: Yes.

MR BERRY: And you've prepared the statement of evidence dated 3 August that's just been circulated for this hearing?

MR STYLES: That's right.

MR BERRY: Do you have any additions or amendments that you'd like to make to
15 that evidence?

MR STYLES: No.

MR BERRY: In that case, Your Honour, we'll just get Mr Styles to read the evidence, possibly taking some of his qualifications and experience and aspects from his report as read.

20 JUDGE HARLAND: Yes. I think we can start at 2 and we'll read the rest, thank you.

MR BERRY: If you could read your evidence starting at chapter 2 please?

MR STYLES: Certainly, if I may, however I've left my spectacles on the table.

(Mr Styles given his spectacles).

JUDGE HARLAND: Well, another way of doing it is for us to adjourn briefly and read
25 it, or to undertake to read it and to have Mr Styles summarise what he's referred to in this, if everybody's comfortable with that process?

MR BERRY: Chapter 2 is a summary of what follows. So, it may well be that if he read the summary and then just turns the pages on the rest, landing as necessary on what he might want to draw attention to. Otherwise it would only
30 take ten minutes to read.

JUDGE HARLAND: All right, well it's just by the time we get out and come back in again, I think if you read your summary and then we will undertake to read the rest.

MR BERRY: Thank you.

35 MR STYLES: From 2.1, I prepared a report for the Board dated 2 June 2017 in relation to the noise and vibration effects of the Project. In preparing that report

I reviewed a range of documents, including the evidence in chief of Ms Wilkening for the NZTA. And if it's okay we can take those conclusions as read?

JUDGE HARDING: Thank you.

5 MR STYLES: 2.2. After providing the report to the Board, Ms Wilkening prepared rebuttal evidence, but in my view that evidence did not address the majority of the issues raised in my report.

A significant amount of additional information was made available ... (Reads 2.3-2.5 of Summary Statement)... for unoccupied buildings and this is now reflected in the agreed conditions of consent.

10 And I note Mr Hegley's comment on that paragraph earlier, which is accepted.

The conferencing also addressed the need to consider construction vibration effects on businesses that have operations that may be more sensitive ... (Reads 2.6 -2.8(i))... Conditions CNV.6 and CNV.7.

15 And just on that point, and in relation to the matter that Mr Hegley addressed you on, and that is the reinstatement of essentially the certification process at the end of those conditions, I support that change.

In conclusion, in my report to the Board, I raised a number of issues with the noise and vibration assessments that needed to be addressed.

20 The expert conferencing of the noise and vibration experts was a very effective and productive process. That and subsequent discussions have resulted in a number of considerable changes to the way that the construction and operational noise and vibration effects have been assessed and will be managed by conditions.

25 As a result of the additional information provided at conferencing and the agreed conditions resulting from conferencing and the meeting of the parties, I no longer have any concerns with respect to the matters raised in my report to the Board.

30 And with the exceptions I've already noted, I support the conditions as agreed on 3 August, and that should read 2017.

From there on in it goes to the detail that I think you may wish to read later on?

JUDGE HARLAND: Thank you.

35 MR BERRY: I have got no questions.

~Questions from the Board (11.14 am)

JUDGE HARLAND: So if I start again to thank you also for the constructive way that you've approached this throughout conferencing and as has been reflected in the proposed conditions; it's appreciated.

5 So, again, I'm going to put to you the specific matters that I put to the other two experts.

 First in relation to CNV.6 and you've now heard that argument fleshed out.

10 The concern reading it, without understanding the background, was the length of time provided for both periods of potential exceedances and I would like you to express your opinion on both of those please.

MR STYLES: Sure, so my understanding of condition CNV.6 is that it is intended to, more or less, waive the requirement for a site specific plan where the infringement is minor in terms of both level and duration.

15 And it's important to note that any infringement is limited to 5 decibels, which is not a large infringement and it wouldn't be a noticeable change to the receivers.

20 The way I had envisaged it working is that it is where you might have a situation where the construction team are looking forward and saying we need to set up a piling rig, 30 or 40 metres say from the nearest houses, and the Project standard for during the day is 70 decibels, and we predict it's going to be between 72 and 74, so it's quite a minor change. Without this exception you would need to go through a process and demonstrate to the Council a whole lot of stuff for a change that may not be significant -- or it won't be significant.

25 And so, the idea was to remove the requirement to prepare and submit those plans.

30 I would, having heard the discussions this morning, I agree that it's not as clear as it could be. And I would support an alteration to the wording that put it in the context it was designed for, and that is that where an activity is predicted to exceed the Project standard by not more than 5 decibels and for not more than 15 days in any 8 week period, the requirement for the site specific plan is waived, essentially.

35 So that would really, I think, achieve the intention of the condition which is to reduce paperwork for what are going to be intermittent, at times noticeable, but not significant, what I would say "minor" infringements to the Project standards.

JUDGE HARLAND: What about for the night one, which is more the area of risk, or potential for risk? And you understand I'm dealing with worse case scenarios that might not arise at all, but just in case they did?

MR STYLES: Sure, I think the same applies to the night time exception. The
5 5 decibel change is not significant and it's almost, I would say, it would be extremely unlikely for this to be applied in a situation where road traffic noise at night is below 50 decibels, I think it always will be above.

JUDGE HARLAND: And in relation to the bus lane for heavy trucks, do you agree with the two previous experts that that would require proper assessment before it
10 could be contemplated?

MR STYLES: By my reading of the conditions I think there are two triggers that would require that. One is outside my area of expertise, but that is what the busway was intended to be used for, and if that suddenly involved trucks then that could be a change to the designation there, I don't know about that one. But the
15 second one, the second trigger would be an infringement of condition ON.2 which, as you've heard now, includes a pretty hard clear noise limit in the conditions. So, if you started adding trucks on and it ended up at more than 2 decibels above the predicted level, then you would fall foul of that condition and have to go through an alteration process.

20 But in any event, I think that trucks on the busway should be assessed.

JUDGE HARLAND: Just one other question, and that's to do with complaints and an independent process in relation to complaints that might be aside from the agency, but more particularly the Alliance, if there was a need for mitigation and who decides and all of that kind of thing. Do you have anything helpful that you
25 can offer us from your experience to help us form a view about what we should do about that?

MR STYLES: I've had a lot to do with this particular aspect on a number of projects, but probably most recently and relevantly Waterview. Where my company was responsible for assisting the Council in approving or certifying the management
30 plans and the site specific plans. And very often they would arise because someone had complained and obviously the environmental managers have a lot to deal with, and they are not across everything. And so, when someone complains some measurements are done, the Alliance would find out they are above the Project standards, they would submit a management plan. And
35 typically early on in the process when everyone was finding their way around the conditions and the project, some of those plans were a little bit ambitious, in

that they proposed say works at night that didn't need to be done at night. And so, some of those plans were not approved, or not certified.

Generally those plans had -- or they contain the measures that the Alliance had gone to, to consult with those that are affected and those that have made the complaint. In some cases that was simply we appreciate it's noisy, we're meeting the Project standards, or we're slightly above but we've got approval from the Council to go ahead. In other cases the complaints were quite justified and the method of work was redesigned or done at a different time of day.

And as a result of that, very few complaints were escalated to the Council. By far the majority -- and there were quite a few, but by far the majority were dealt with within the Alliance. Which suggests to me that the process works quite well.

The Council, I know in the Waterview case, have a process whereby, I think it's every month or it could be every quarter, the Alliance reports to the Council on the complaints it's received and how it's dealt with them, and the Council provide feedback on that.

So, in that context, the absence of an independent person to determine the best way to mitigate the effects has not been an issue.

Whilst I think the involvement of someone independent could add value, and it could improve the outcomes, it may also, as a down side, incur delays and cost. And probably one of the biggest delays would be bringing that person up to speed with what's happening. They would more than likely need to go to site, have a look around, understand what's happening. Sometimes that can be difficult to arrange in short periods of time.

So, I think my view, after all that, is that an independent person could add value and improve the outcomes, but that comes with its own disadvantages. And based on Waterview, I don't think -- I can't think of any instances myself where that person would have been particularly useful in that the complaints were all resolved quite well.

JUDGE HARLAND: All right, and again, dealing with worse case scenarios which one hopes never arise, but we're not privy to any of the documentation or very little of it to do with the Alliance; so we have to take a very cautious approach in relation to that, and you will have heard me say this morning, again not wanting to pre-judge anything, but if dollars are at issue and providing some form of mitigation that's recommended has that particular impact that's not desired, how

realistic is that scenario arising, or is that just fanciful? Because there's no point putting something in if it's not going to arise, but on the other hand there's a fair element of trust us to deal with this in a way that will be appropriate based further down, albeit that the Council will have some involvement in certain situations.

MR STYLES: Mmm, and I think it's the Council involvement and the certification of those plans that we've relied on to deal with that particular issue.

JUDGE HARLAND: Right, so you don't think there will be a problem because that process is in there?

MR STYLES: I can't say for sure that there won't be, but I think that that provides a reasonable level of confidence that any problems would be dealt with.

JUDGE HARLAND: All right.

Would you be able to go so far as to say it provides a significant degree of comfort?

MR STYLES: If I just look at the wording of the -- so look at CNV.6, for example, in the blue text that has been struck out, which would require the plan to be submitted to the Council for the certification within a timeframe.

JUDGE HARLAND: Yes, well actually just looking at that, what's the point of the certification being deemed to have been given, that's not much sort of certainty to anyone is it?

MR STYLES: I think that's only where the Council have not responded at all. So, if the Council come back and say we don't want to certify it because we don't agree with it, or we need further information, or thank you we'll look at it. That is enough to prevent that certification to be deemed in the absence -- yeah, in that timeframe.

So, in my view, it comes down to what certification means and I understand that the Council can withhold certification if it is not happy that the BPO has not been adopted or for whatever reason.

JUDGE HARLAND: All right, so that didn't answer the question which was do you have a significant degree of comfort or are you unable to say? I don't want to push you into agreeing to something if you don't want to.

MR STYLES: I think, if I may qualify my answer by saying that I do have a significant degree of comfort with that, on the basis of my experience in assisting the Council to administer the same kind of conditions elsewhere, where they have withheld their certification or approval because those plans have not been adequate.

JUDGE HARLAND: All right thank you.

So again, just within your field of expertise, do you really think there is a need to provide such a limit on the Council that if they don't respond within so many days then certification is deemed to have been given?

5 When I read that it looks like it's trying to cover a scenario where the Council is not doing its job; one would hope it is. Is it necessary? If it is necessary, please say.

MR STYLES: I think that that's a matter probably best addressed by the Council. I've never seen a situation where it would ever be used, and I would hope that the
10 Council are doing their job and at least acknowledging receipt and saying we'll have a look at it.

JUDGE HARLAND: All right. I'll ask someone else about that.

Thank you very much.

MR STEWART: I have two questions, you mentioned condition ON.4 and you said
15 that it had been removed, but did you actually mean it had been removed and replaced by some other words?

MR STYLES: Yes, sorry, the original ON.4 has been deleted.

MR STEWART: So ON.4 is here, but it's not the original ON.4?

MR STYLES: Yes, that's right. So, in that context I was referring to the conditions as
20 originally lodged, yes.

MR STEWART: And I write furiously because you had some really nice words for -- which might have been an alternative to CNV.6 and they went something like where an activity is predicted to exceed the standards by not more than 5 decibels or more than 14 days an SSCNNP is not required, is that more or
25 less what you said?

MR STYLES: Yes, I've actually drafted up some wording that I had memorised when I read that. And I could read that if you like or I could provide it?

MR STEWART: What I'm just wondering, is that it seemed to me when you read it out that actually sounded quite practical and reasonable, I could understand it, and
30 I wondered whether that wording has been shared with anybody else and whether we can --

JUDGE HARLAND: No, I think the answer is no. But this is an iterative process, isn't it, so you can discuss that further.

MR STEWART: Thank you.

35 JUDGE HARLAND: So thank you very much for your assistance Mr Styles.

~(The witness withdrew - 11.29 am)

~Comments from the Board (11.29 am)

JUDGE HARLAND: That now takes us to the case for Kiwi Self Storage Limited.

If I could just deal firstly with Mr Berry, I'm not sure Mr Berry, if that means you are excused for the day?

5 MR BERRY: If we may Your Honour, we will go.

JUDGE HARLAND: Thank you very much.

~Comments from Ms Tree (11.30 am)

MS TREE: Thank you Your Honour, Ms Tree for Kiwi Self Storage, and good morning Members of the Board.

10 We have five witnesses to call for our case. But before I call the first witness, Mr Fraser, just to update the Board in relation to discussions with NZTA around a range of matters that were being discussed as a proposed side agreement to address particularly construction related effects, that were very site specific to Kiwi and particular to its operations. So, I'm pleased to confirm, as we indicated in our opening submissions that that discussion was
15 occurring and I am pleased to confirm that agreement has been reached on those matters.

So, Kiwi's case is focused on the primary issue of reducing the height of the SUP and busway adjacent to the Kiwi site. And in relation to that,
20 there's two alternative conditions that are proposed that set a maximum height for the bridge clearance over Constellation Drive, that being a maximum so it still enables flexibility to go below that if it's considered appropriate. And then two alternatives which you may recall in terms of the opening statement, we call Kiwi Solution 1 and Kiwi Solution 2. So, there's
25 conditions proposed that set a relative level for the SUP and busway at a point of measurement on the north-western corner of Kiwi building B and by proposing a relative level, that also provides flexibility in terms of the final detailed design, you know, provided that that relative level is met, and the witnesses will talk through that in further detail.

30 Those conditions are appended to Mr Fraser's summary statement which you will have before you shortly.

So, unless you had any questions in relation to that?

JUDGE HARLAND: Thank you.

MS TREE: Thank you, I'll call Mr Fraser.

35

~ANDREW MCKENZIE FRASER (Sworn) (11.33 am)

~Examination by Ms Tree (11.33 am)

MS TREE: Mr Fraser could you please confirm that your full name is Andrew McKenzie Fraser?

5 MR FRASER: It is.

MS TREE: And that you prepared a joint statement of evidence with Mr Trautvetter dated 25 May 2017?

MR FRASER: Yes.

MS TREE: And you've also prepared a summary statement dated 8 August 2017?

10 MR FRASER: Yes.

MS TREE: Do you have any corrections to make to those statements?

MR FRASER: No, I don't.

MS TREE: Could you please confirm that they are true and correct?

MR FRASER: Yes, they are.

15 MS TREE: Can you please answer any question -- oh sorry, first of all, can you please read your summary statement.

MR FRASER: Okay.

This statement provides a summary of the joint statement of evidence given by me and Howard Trautvetter on 25 May 2017.

20 My evidence provides the context for Kiwi Self Storage ...(Reads 1 - 2(c) ... they need to in order to perform well.

Every week at the Kiwi Site, which is our North Shore facility, customers move out of around 14 units. Over twelve weeks that is 168 units or more than 20% of the total. To keep the facility reasonably full requires us to find new customers to take 14 units every week. That is the hardest part of the business. If we were to only get say 10 new customers a week then occupancy will steadily decline over time.

30 In the year ending 31 March 2017, 19% of customer enquiries were defined as "drive-bys", that's people see the signage of the site and know where it is. Of all the sales at the site for the same period, 26%, so more than a quarter, were from "drive-bys". This method of marketing to customers is extremely effective ...(Reads 2(d) - 4)...to provide that sufficient visibility of the Kiwi buildings is maintained.

The conditions sought are attached as Appendix C.

35

~Cross-Examination by Ms Sheard (11.42 am)

MS SHEARD: Good morning Mr Fraser, I'm going to start by asking you some questions about your statement that the establishment of the Kiwi facility at this site was undertaken because of its high visibility to the State Highway.

5 So, as you will be aware the planners have held some joint witness conferencing, are you aware of that.

MR FRASER: Yes.

MS SHEARD: And have you read the statements produced by them at that conferencing?

10 MR FRASER: No, I haven't.

MS SHEARD: Well on page 6 of the Joint Witness Statement Mr Burns refers to Kiwi's resource consent for Holder Place, which was granted in 2001.

JUDGE HARLAND: He might need to have an opportunity to look at them first, do you need to look at them first?

15 MR FRASER: The statement?

JUDGE HARLAND: Yes.

MR FRASER: Yes please.

JUDGE HARLAND: We will refer him to the statement so he can see what you're talking about.

20 MS SHEARD: Okay, if you look at the Joint Witness Statement, page 6 of the Joint Witness Statement for planning.

JUDGE HARLAND: We'll find it for you if you like. I'll just wait and see if Ms Ioane can locate it.

MS IOANE: Sorry which statement was it?

25 MS SHEARD: Joint Witness Statement for Planning.

JUDGE HARLAND: What was the date, because there is --

MS SHEARD: It's dated 30 June and it appears slash 3-6 July.

JUDGE HARLAND: What was the paragraph again, page 6?

MS SHEARD: Page 6, paragraph 7.2.1.

30 MR FRASER: Just 7.2.1 are you talking about?

MS SHEARD: That's correct, it's quite a short statement where Mr Burns notes that KSS have got consent for the fatality in 2001.

MR FRASER: And is Mr Burns a planning expert, is that what you're saying?

MS SHEARD: That's correct.

35 MR FRASER: Were we represented by a planning expert at that conference?

MS SHEARD: No Kiwi Storage wasn't.

So if I could just -- I'd like to ask you some questions about those consents that were gained in 2001, so I do have copies available for everybody, if I could just ask for those to be handed out please?

JUDGE HARLAND: So most importantly have we got one for the witness?

5 MS SHEARD: Yes, we have. Has that gone to him yet? No.

MR FRASER: Thank you.

MS SHEARD: So, you've got two documents in front of you, one we've added the label at the top "resource consent 12 Holder Place", we also added some page numbers to the right-hand side at the top for ease of reference, have
10 you got that document?

MR FRASER: Yes, I have.

MS SHEARD: Just looking at the first page of that document, second paragraph down, can you confirm there that the Applicant was Kiwi Self Storage?

MR FRASER: Yes.

15 MS SHEARD: And that the application was to operate a self storage warehouse at 12 Holder Place?

MR FRASER: Yes, that's correct.

MS SHEARD: And if you turn to page 5 there is a layout plan there, do you have that plan? It's labelled "location plan".

20 JUDGE HARLAND: Look we have two documents headed "resource consent application" there is one "12 Holder" the other's called "resource consent 12 Holder". Which one are we talking about.

MS SHEARD: We are on the resource consent one.

JUDGE HARLAND: There are two with "resource consent" at the top.

25 MS SHEARD: Okay, you may have accidentally been given two copies of the wrong document?

JUDGE HARLAND: No. We've got the application which says "resource consent application", and we've got another one called "resource consent 12 Holder Place".

30 MS SHEARD: We are in the one called "resource consent".

JUDGE HARLAND: 12 Holder Place?

MS SHEARD: Correct.

JUDGE HARLAND: All right. Are you intending to produce these documents?

MS SHEARD: Yes, I am.

35 JUDGE HARLAND: All right we will call this one NZTA Exhibit 1 and the other NZTA Exhibit 2 so we don't get confused.

~NZTA - Exhibit 1 - Resource Consent 12 Holder Place, dated 13 July 2001

~NZTA - Exhibit 2 - Resource Consent Application 12 Holder Place

JUDGE HARLAND: So, your first set of conditions were in relation to NZTA Exhibit 2?

5 MS SHEARD: No, the first set of questions is in relation to NZTA Exhibit 1.

JUDGE HARLAND: All right, so now we're clear.

MS SHEARD: So on page 5 we've got a layout plan?

MR FRASER: Yes.

MS SHEARD: And it shows that at this time the southern Kiwi building was already
10 in place and it has "proposed warehouse" next to the northern one, doesn't
it?

MR FRASER: Yes it does.

MS SHEARD: And on page 7 of that document, there are a number of elevations
aren't there?

15 MR FRASER: Yes, three.

MS SHEARD: And none of those elevations show any signage, do they?

MR FRASER: No, none of them do.

MS SHEARD: And on page 8 over the page.

MR FRASER: Yes.

20 MS SHEARD: So, there is an elevation from the motorway off-ramp. And if you
look at that bottom elevation which has the label "elevation from the
motorway off-ramp" you can see that the top of the building just pops up just
above the line of the berm, doesn't it?

MR FRASER: "Just pops up" I'm not sure that's right, I mean I can see it, it's about
25 nearly half of the building on the left-hand side there.

MS SHEARD: So the little bit where it says "top of the berm" and then you've got
the peak of the roof, it doesn't look like half the building though does it, it
looks like more like a third or a quarter?

MR FRASER: I think if you look at the left-hand end where that arrow is which is
30 where the signage is, then it's nearly half.

MS SHEARD: Okay. So, if you can take the second document that we've got,
which is the one labelled "resource consent application - 12 Holder Place".

JUDGE HARLAND: Referring here to NZTA Exhibit 2.

MS SHEARD: So, if you turn to the first page of that -- sorry page 3 that we've
35 labelled on the right-hand side?

MR FRASER: Yes.

MS SHEARD: You'll see that this is the document, or the covering letter that went with the application for resource consent?

MR FRASER: Yes.

MS SHEARD: Could you please read the paragraph at the bottom of that
5 page starting "the business".

MR FRASER: "The business has proven successful and when viewed (where it can be) from the only public vantage point - travelling south on the motorway at 100 kilometres per hour is largely screened from view."

MS SHEARD: Okay and if you could just turn over the page to page 4?

10 MR FRASER: Yes.

MS SHEARD: Could you please read the second to last paragraph.

MR FRASER: "A landscape architect has prepared a plan to evidence compensatory scree planting to attenuate that already in existence on the motorway batters and photomontage data is also attached in support of the
15 proposal."

MS SHEARD: So if you turn over the page to page 5, we've got the assessment of effects that accompanied that covering letter and if you turn over the page again to page 8, so it's got an "8" on the right-hand side, it's actually got a 9 in the middle. Sorry it's slightly confusing, if you are on the page which
20 has the 8 at the top right-hand corner?

MR FRASER: Yes.

MS SHEARD: Could you please read the paragraph starting "the site" it's the fourth paragraph down.

MR FRASER: "The site is bounded to the northwest by a piece of land designated
25 as a reserve and it is assumed that it is for a reserve for planning purposes in its own right."

MS SHEARD: Sorry that's actually the incorrect paragraph, the next paragraph down.

MR FRASER: "The site itself is of recent origin and can fairly be described as being
30 'sandwiched' between reasonably unattractive activities as well as being well hidden from any stationary vantage point. The site is only observable from the motorway when passing and even then, only from certain angles of view.

MS SHEARD: And could you please read the following paragraph as well?

MR FRASER: "The area of the site which is proposed to be landscaped whilst not
35 strictly complying with the parameters of the plan will enhance the site further and achieve the purposes of an amenity yard. This is in addition to that

landscaping on site and motorway berm which has already been extensively landscaped and grassed and now grown to such a degree so as to obscure the site."

MS SHEARD: Turning over to page 9, could you please read the bottom two

5 paragraphs there starting with "therefore".

MR FRASER: "Therefore the proposal accords with the first of the threshold tests and demonstrably is able to achieve the second in as much as the adverse effects of the activity are either minor or can be mitigated through the application of a requirement to provide landscaping by way of a condition of

10 consent."

MS SHEARD: And the following paragraph please?

MR FRASER: "It should be noted that overall the development complies to the requirement for the provision of on site landscaping at 17.3% notwithstanding the shortfall in the so-called amenity yard and compensatory planting has

15 been provided in an area of the site that is more likely to be observed by the passing public and as such a more likely to give rise to an effective amenity on the environment".

MS SHEARD: And just finally the low scale stuff in that paragraph please.

MR FRASER: The what sorry?

20 MS SHEARD: Could you please read the paragraph starting "the low scale".

MR FRASER: "The low scale nature of the buildings proposed, which as discussed are far below adjacent development, is a consequence both of the nature of the building, its location on the site and the site's topography which contribute to reducing any visual effects that might arise from the development."

25 MS SHEARD: Thank you.

And do you accept, based on what you've just read out, that it wasn't the intention of Kiwi when they applied for this resource consent to have a highly visible sight from the motorway?

MR FRASER: It was fundamental to Kiwi to have a highly visible site from the

30 motorway.

MS SHEARD: Despite its statements in this resource consent application that it wouldn't visible from the motorway?

MR FRASER: I read this last night, and I think the interesting thing is that the objective of this policy, which I mean it seems to me that we were applying

35 for resource consent that was non-complying in the sense that it didn't have sufficient landscaping. And so, the argument was that there was landscaping

adjacent to the site and various other, and we were doing some landscaping and so, therefore, it met with the requirements which were to provide a buffer between different types of land use.

5 And so, I mean it's written here on page 7 what the objective of the district plan was in this area, but clearly the district plan wasn't intending to hide completely buildings from view, it was just simply trying to create a bit of a transition from public areas to the private developments. When you drive along that motorway you see that most buildings are clearly visible from the motorway, as ours was.

10 As we've said, when we bought the site it was advertised as one having a high level of visibility from the motorway. We have a valuation report here which I'm not sure the procedure for this, Bianca, in terms of referring to a document?

JUDGE HARLAND: Right, well I think if your lawyer wants us to see that she'll ask
15 you about those documents and provide us with copies perhaps in questions at the end.

MR FRASER: Okay fine, so we can talk about that later.

MS SHEARD: I think you've answered the question, if we could turn back to perhaps the resource consent, which was Exhibit 2, was it? Exhibit 1.

20 JUDGE HARLAND: No the actual application is 2, but you are looking at --

MS SHEARD: I'm now looking at the resource consent itself.

JUDGE HARLAND: Okay.

MS SHEARD: So if you could turn to page 6 of that again, which is that layout plan.

25 So, you can see that there's landscaping shown on that plan, isn't there?

MR FRASER: Yes, there is.

MS SHEARD: On the right-hand side beneath parking requirements there is a requirement that says "landscaping" and it has an area of 17% on it.

MR FRASER: Where is that sorry?

30 MS SHEARD: Below the parking requirements in the legend on the right-hand side.

MR FRASER: Page 6?

MS SHEARD: Page 6, yes.

JUDGE HARLAND: Could you perhaps hold it up and point it out?

MR FRASER: I see landscaping, 17.3, yes.

35 JUDGE HARLAND: Oh I see.

MS SHEARD: And if you look at the plan itself you can see there is a considerable amount of landscaping along the northern boundary, isn't there? That's the boundary next to the reserve.

MR FRASER: Yes, it doesn't indicate what sort of planting, but yes it does indicate
5 planting.

MS SHEARD: And similarly there's planting along the -- at the side of the site closest to the motorway adjacent to the proposed warehouse storage, isn't there?

MR FRASER: Yes, and I see on page 7 there's also planting indicated showing its
10 quite low, low planting.

MS SHEARD: So, on page 7 on the north-west elevation the planting is quite high, isn't it?

MR FRASER: That's the elevation between us and the transfer station, so there, yes, there it's indicated. But the planting to the north of the facility, which
15 you'd see from the motorway is quite low.

MS SHEARD: So, if you turn back to the first page of that resource consent, actually the second page where you have the general conditions. First condition is that development shall proceed in general accordance with the plans and/or description of the activity submitted, is that correct?

20 MR FRASER: That's right.

MS SHEARD: And that landscape, that layout plan included landscaping, didn't it?

MR FRASER: Yes it did.

MS SHEARD: And is there currently landscaping in that location?

MR FRASER: I would need to refer to a photo to know that. It's been a while since
25 I've walked around that part of the building.

MS SHEARD: Okay, no further questions thank you.

JUDGE HARLAND: I'll ask if there's any re-examination at this particular point and then we'll ask our questions and invite questions arising after that.

MS TREE: Thank you, Your Honour, I wasn't given a copy of exhibits when they
30 were handed out.

JUDGE HARLAND: That's not good, you should have spoken up much earlier.

MS TREE: It was just a reference to the page numbers that were putting me astray, but I did follow it through.

~Re-examination by Ms Tree (11 59 am)

35 Mr Fraser, there was a question put to you in relation to the elevation diagrams in the -- in Exhibit 1, the application.

MR FRASER: Yes.

MS TREE: And was the reference there to the building that you were talking about, was that a reference -- I suppose when the reference was to "building" can you explain what the building was relative to the existing development on the site?

MR FRASER: Sorry which page are we talking about?

MS TREE: So, it was the elevation, again mine doesn't seem to have -- sorry page 7.

JUDGE HARLAND: Are we talking about NZTA Exhibit 1 that's the actual consent?

10 MS TREE: Sorry yes, it is Exhibit 1. It's the resource consent, Exhibit 1. On page 7, so there was elevations and it was put to you a question in terms of the elevation of the building in terms of those -- that diagram.

MR FRASER: Yes.

MS TREE: And when we were talking about building and your response, was the question and your response, what buildings -- what building did it relate to being this is an application for a new development?

MR FRASER: I think this -- this was all in the context of a resource consent application for the north -- northern most of the two buildings on our facility.

MS TREE: And in questioning you also referred to a valuation report, but didn't get a chance to complete what you were going to say. Would you like to confirm what you'd like to say in relation to the valuation report?

MR FRASER: Yes, I have a valuation report here which was given in the context of raising funding for that second building. And in it, for example, the valuer writes that it is a "high quality two-story ranch style self storage facility occupying a very prominent site with access via Home Place which forms part of the home zone centre in Constellation Drive, but with significant advertising exposure and frontage to the State Highway 1 and Northern Motorway complex. Location adjoining the motorway and a recreation reserve when combined with the northern sloping contour of the site provides what can only be described as high impact advertising exposure to the motorway, particularly for southbound traffic."

And, "excellent motorway access makes the locality within ten minutes of travelling of the Auckland central business district and many North Shore urban areas. This fact, together with the advertising space afforded for the site, make it ideal for those activities such as a storage facility which requires a central location and high impact signage."

MS TREE: Thank you Mr Fraser. Your Honour, I don't have a copy of the valuation report available but we could make available copies.

JUDGE HARLAND: Well I'm just thinking there might be some commercial sensitivity around that, it's not for me to raise that for your client but it does
5 occur that it might be the case, is there any issues about the statements having been read out?

MS SHEARD: No there is no issue with that.

JUDGE HARLAND: No, so on that basis we don't have to produce the report, accept it on that basis and if necessary I imagine your valuer will refer to it or
10 confirm it to be the case, and give us the date of it perhaps would be helpful.

MS TREE: Certainly. Thank you Your Honour.

~Questions from the Board (12.04 pm)

MR STEWART: Couple of questions, in your summary statement of evidence, at the back page you've got conditions, suggested conditions and it seems to
15 me, if I'm correct, they are alternatives, is that correct?

MR FRASER: As in Solution 1 or Solution 2?

MR STEWART: Yes.

MR FRASER: Yes, that's right. I mean Solution 1 involves lowering the bridge but keeping 5%. Solution 2 involves lowering the bridge and also increasing the
20 gradient for part of the busway and SUP to 5.34%. So, Solution 2 has those two features, whereas Solution 1 we're really just changing the bridge.

MR STEWART: And you probably have said it in your evidence but I didn't pick it up, which alternative is preferable to your client?

MR FRASER: Solution 2 is preferable because it's only an additional point 4 of a
25 metre, that makes quite a difference because that point 4 of the metre is what you see of the units through the glazing on the second level of that building. So, it enables people to see and understand, you know, to actually see the product which is, we think, a pivotal thing in terms of that marketing presence.

30 And you know, enough of it would be visible from a car that people would understand and remember the product.

MR STEWART: And you refer to a side agreement between Kiwi and NZTA and I gather this relates, amongst other things, it relates to the fence and although being a side agreement therefore it's not for us to question that at this time,
35 but can you tell me whether the nature of the fence, the style of it, is part of

the side agreement. In other words, will it be visually permeable if that's the right word?

MR FRASER: Yes, that's part of the agreement.

MR STEWART: Turning to Exhibit 1 which is the resource consent, and looking at
5 page 6 which is the layout plan development, and you've talked about the landscaping around the site. And just to the west of the site where it adjoins the motorway, do you see there's some little drawing there on the left-hand side it says "existing landscaping 2.2 m high Pohutukawa" and then further south it's got, "existing landscaping, 2 to 3.0 m high native planting".

10 Do you see that?

MR FRASER: Yes.

MR STEWART: And I am assuming that is on the motorway reserve, would that be your understanding?

MR FRASER: Yes that is. I actually have -- this resource consent has some photos
15 at the back that are very hard to see. We've found the originals of those photos, so you can see those trees, if you're interested in those photos?

JUDGE HARLAND: Yes, actually they are very poor quality, are they the photos attached at pages 18 and 19 of the application, 17, it would be good if we could have replacement copies of those and put them through a colour
20 printer.

MR FRASER: Yes, in fact I think I've got copies here.

MS SHEARD: I'm afraid we haven't had access to those photographs because that was the quality of the photos on the Council file. They scan them in and that's what you're left with unfortunately, so it would be helpful if we could
25 have a copy of those as well please.

JUDGE HARLAND: Yes.

Thank you for attending to that Mr Fraser that's helpful.

(Copies of colour photos handed out)

MR STEWART: My question about that really, and it may be one that you can't
30 answer is that -- well I'll ask it anyway, and that is are you aware of any restriction on NZTA carrying out landscaping on its own land adjoining yours?

MR FRASER: Any restriction?

MR STEWART: Well the question is whether are you aware that they, whether they are allowed to or not allowed to plant plants on their own land?

35 MR FRASER: I'm not aware of anything on that subject.

MR STEWART: So, it is shown on the plan development and I assume it says existing, so at the time the resource consent was granted presumably that was existing, I'm not sure whether it is now, I think it may be. But there's no guarantee, I suppose what I'm asking is do you think there's any guarantee
5 that even if the motorway did not go ahead that you would necessarily always retain your visibility given that NZTA I believe would have the right to plant landscaping planting on the side of the motorway?

MR FRASER: Yes, I think those Pohutukawa, I think you can see them in those photos, are potentially quite small trees.

10 I mean, we've been there a long time. Vegetation sort of comes and goes over time. I suppose the answer is that if -- it's their land they could build a giant hedge on it, it's true, but it doesn't tend to happen along the motorways, I suppose it's a maintenance issue, safety issue I'm not sure.

MR MARK-BROWN: One question in your statement of evidence of 2(j) you say
15 that at the end of that:

"A further half a metre reduction in the height of the ... wall will also be a substantial improvement to the amenity of the Kiwi site."

Can you just explain what aspects of amenity you mean there?

MR FRASER: I think that to be on our site where there is a two storey building on
20 one side and then a concrete wall that's nearly the same height on the other side, the lower that wall is, the more pleasant it will be to be there in terms of daylight and various things. Just the sort of impending feeling of a great wall beside you. But also, in terms of security, because currently our site is quite visible. It gets natural light from the motorway and various things. If you put
25 a wall there, it just makes it less, you know, you have to rely more on our own lighting and CCTV. We feel that it would lose a bit of security the higher the wall is the less visibility it is to be at ground level beside it.

MR MARK-BROWN: That security one would relate to lack of visibility people looking in?

30 MR FRASER: Yes, I suppose if someone was going to commit a crime they'd prefer to do it somewhere where people couldn't see them so easily.

JUDGE HARLAND: So, Mr Fraser, I just want to ask you a little bit about the business. You have commercial customers as well as residential, what do you term them? What do you term them, you've got commercial and other?

35 MR FRASER: Yes, residential we tend to call them.

JUDGE HARLAND: Yes. And so, I'm trying to understand what percentage of your drive-by business that you've told us about that have visibility from the motorway would be commercial or other, have you got statistics to deal with that?

5 MR FRASER: I have a breakdown of all customers.

JUDGE HARLAND: So, perhaps to give you what I'm trying to get at, I'm trying to understand what portion of your drive-by people are likely to be first time people that would be impacted by perhaps seeing something and remembering it, and what percentage of your business is repeat business?

10 And further breaking that down, is the repeat business more likely to be commercial, or is it likely to be whatever the other is? So, to get a feel for how much of a -- how this relates to your business activity.

MR FRASER: Yes, well, we have -- I mean, I can tell you that in the financial year to the 31st of March 2017, 13.1% of our customers were previous clients.

15 And another 13.6% were referrals.

So, it's not a major part of our business. People tend not to need storage very many times in their lives. It's generally for the residential people, often it's between houses or some, you know, perhaps an inheritance. There are lots of different reasons people use storage, but quite often it's just a few times in their lives that they would use them.

20 Commercial customers tend to stay much longer and, you know, as the need for business evolves they may take more or less storage.

But in terms of a breakdown of drive-bys I don't have that information I'm afraid.

25 JUDGE HARLAND: That's all right. So, if we're looking at the statistic you provided me with for the last financial year, only 13.1% would be repeat business?

MR FRASER: That's right.

JUDGE HARLAND: So a very high level of new business?

MR FRASER: Yes.

30 JUDGE HARLAND: I see.

And in terms of the transitional facility aspects or service that you provide, again what percentage of your business would that be, presumably that would be commercial clients would it, or can it also be other people?

MR FRASER: I think mostly that would be commercial people de-vanning
35 containers. But it can also be people moving from overseas. Although I think in most cases people would not be managing their own containers if they

were moving overseas. But, I suppose if they were bringing everything with them to live, then they may do that.

JUDGE HARLAND: So, is that a large part of the business or not particularly?

I mean do you have a forwarding agent or someone who uses you regularly
5 or that. Or is it just again one-off people?

MR FRASER: It's a convenience that's used regularly, but not -- it's not a major part of our business.

JUDGE HARLAND: And I read somewhere, and forgive me I don't have the exact -- my exact finger on it at the moment, but I read somewhere that you
10 were concerned obviously to maintain the visibility, but that you -- I don't think you had put an absolute statistic apart from the numbers that you had for the last financial year had been drive-bys, I don't think you put a statistic on that for previous years? Has that maintained a consistency or not?

MR FRASER: I've got here, so this is the North Shore facility. So, I have the
15 financial years 2017 and 2016 and amazingly consistent, because in 2016 it was 243 enquires and in 2027, 245. And sales it was 116 and 111 for those two financial years.

JUDGE HARLAND: Directly attributable to drive-bys?

MR FRASER: Yes.

20 JUDGE HARLAND: So, are there other competitors on that side of the motorway?

We observed that there was another storage facility on the opposite side a little bit further south I believe, and further away from the motorway, National Storage, is that right?

MR FRASER: Yeah, National Mini Storage is to the north and quite close to
25 motorway. There's one called Storage4you in the Wairau Valley, which is a bit more distant and to the south.

JUDGE HARLAND: But they're on the other side of the motorway, rather than on your side, the southern side?

MR FRASER: That's right.

30 JUDGE HARLAND: Are there other storage facilities on the southern side?

MR FRASER: I think we are the only one that I can think of on the North Shore on that side of the motorway, which is an advantage because the motorway is a bit of a barrier.

JUDGE HARLAND: Right.

35 Well that's helpful thank you. I don't have any further questions is there anything arising?

MS SHEARD: No thank you.

MS TREE: No thank you.

~(The witness withdrew - 12.17 pm)

5 ~MICHAEL TURNER HALL (Sworn) (12.18 pm)

~Examination in Chief by Ms Tree (12.18 pm)

MS TREE: Mr Hall, can you please confirm your full name is Michael Turner Hall?

MR HALL: It is.

MS TREE: And you've prepared a statement of evidence dated 25 May 2017?

10 MR HALL: I did.

MS TREE: And a summary statement dated 8 August 2017?

MR HALL: Correct.

MS TREE: Do you have any corrections to make to those statements?

MR HALL: No.

15 MS TREE: Can you confirm your statements are true and correct?

MR HALL: I can.

MS TREE: Can you please start by reading your statement?

MR HALL: From number 1. This statement provides a summary of my evidence
dated 25 May 2017 ...(Reads 1-2(d) of Summary Statement)... This is
20 attached to my statement as Appendix A, and I've also put a larger version
on the wall for reference as well.

I provided counsel for Kiwi with the measurements to produce a series
of diagrams ...(Reads 2(e)-7)... The additional land required during
construction will impact on vehicle visibility within the Kiwi site.

25 MS TREE: I think it would assist the Board if he took the Board through the various
diagrams he's attached.

JUDGE HARLAND: Would he prefer to do that now or after lunch when we launch
straight into questioning?

30 MS TREE: Well, I think it may take more than five minutes to go through some of
the details of the diagram.

JUDGE HARLAND: I think it would be probably preferable rather than launch into
the questioning, to enable him to be settled again and have some details
explained to us and then get into questioning, all right.

So that's what we'll do.

35 We'll adjourn and we'll come back at 1.30.

~(Adjourned 12.29 pm - 1.31 pm)

JUDGE HARLAND: Mr Hall, you are on your former oath and we will now have the questions about the diagrams or the drawings.

~Examination in Chief continues by Ms Tree (1.31 pm)

MS TREE: Thank you, Your Honour. Mr Hall, in terms of Appendix 1 to your
5 summary statement which is the long section, can you just -- it's probably easier if you stand and work your way to the map on the wall that's been put up -- if you can talk through what that long section is showing, and I suppose particularly in terms of the NZTA Proposal, Kiwi Solution 1, and Kiwi Solution 2.

MR HALL: Yes. So, this is the long section diagram that was prepared by Aurecon
10 and this was all part of our discussions, sort of pre-conference, and pre-hearing as well, looking at the various design options that could be achieved, in terms of achieving a suitable grade and design of the busway and shared used path. The black line on the figure represents the regional design, so that includes a 6.1 metre clearance structure over Constellation Drive, descending at 5%,
15 down towards the Watercare Underpass.

As part of our work, we have then reviewed, firstly, the bridge clearance over Constellation Drive, so bringing that down to 5.6 metres, and that's sort of shown here, the difference between the blue and the black there (indicates), and then that also continues down at 5%, flattening out again towards the
20 Watercare Underpass.

And the next thing that we looked at was the 5.34% grade, which matches the existing matching grade on the existing busway section, so again, it maintains the 5.6 metre clearance over Constellation Drive. So, the red line is effectively underneath the blue line, at this stage. It continues down slightly
25 steeper, and then flattens out, a little bit earlier, again to make sure it is still above the underpass.

So, the constraints there I guess are the Constellation Drive clearance, making sure that that's still suitable, and still being above the Watercare Underpass, at the bottom of the grade.

30 MS TREE: Can you also explain the Kiwi buildings on that diagram, and the distances that are adjacent to those buildings?

MR HALL: Shown in a yellow-orange colour are the outlines of the buildings on site. So, the floor level of the buildings is at RL46.2, and then sort of the roof level, that's 52.3, the peak being 52.9. So, the black line there really does cut out the
35 majority of the building, completely blocks out the southern building, and you can see that the blue, red lines there, are significantly lower with respect to the

building shape there. So, you can see with the lower elevation of the busway and shared path, much more of building will be able to be seen.

MS TREE: And the lines that you -- when you were referring to the black line, red line, and the blue line, what do those lines represent?

5 MR HALL: So the black line is the original NZTA design. The blue line is Kiwi Proposal 1, and the red line is Kiwi Proposal 2.

MS TREE: And in terms of the actual structure that they're representing?

MR HALL: So they're representing the surface level of the busway and shared path.

MS TREE: And just if you could explain too the numbers adjacent to the Kiwi
10 buildings?

MR HALL: So the numbers here represent the distance between the surface of the busway and the roof level of the buildings. So, in the black, you can see that there is 0.9 metres. So that's saying that the busway surface is 0.9 metres
15 below the roof, and you will see in brackets a negative 0.2 metres, and that is to account for the barrier on the side of the busway, which will be there to make sure that the buses don't fall off, which will be at a height of 1.1 metres. So, the black line there is saying that the surface is 0.9 metres below the roof. When you consider the adjacent wall, it will be 0.2 metres above the roof.

Going down to Kiwi Solution 1, which is the blue line -- so you can see
20 the surface is 2.6 metres below the roof. When considering the wall, that's 1.5 metres below.

And then going to Kiwi Solution 2, the red line, that's 3 metres below the roof, and then considering the wall, 1.9 metres below.

MS TREE: And particularly the figures for the Kiwi Solution 1 and Kiwi Solution 2,
25 what does that mean in terms of visibility?

MR HALL: In terms of visibility it means you will be able to see that much more of the site. So, the difference between the blue and the black is 1.7 metres additional, and then the red line being 2.1 metres of additional visibility.

MS TREE: And in your evidence you also referred to chainage. Could you just
30 explain or show the chainage that you are referring to on that map?

MR HALL: So in my evidence, in my summary statement, I referred to two changes where we're not making any proposals to the NZTA chainage. So, those are 3540, which is effectively right at the left edge of the diagram, adjacent to the underpass; at that time, the blue, the red and the black are all on the same
35 alignment and grade, and then the other change at the southern end is 4120,

and that is (indicates), sort of a little bit in from the right-hand edge, on the southern side of Constellation Drive.

Again, there is no difference between the black, the blue and the red design lines.

5 MS TREE: And I suppose just a point of clarification, in terms of the vertical scale of this diagram, if you can explain that?

MR HALL: So the scale for the horizontal and vertical components are slightly different and that's just shown in the bottom left-hand corner. So, the horizontal scale is at 1 to a thousand whereas the vertical is at 1 to 200. So, I guess in
10 reality the vertical is slightly exaggerated with respect to the horizontal in this figure.

MS TREE: Thank you. If I can now get you to -- if you wanted to have a seat again and I'll just get you to explain Appendix B to your summary statement.

MR HALL: Appendix B here compares the three straight sections of the grades,
15 between the black, the blue, and the red line on that figure, which again represent the NZTA Kiwi option design 1 and Kiwi option design 2. So, the first triangle there in black, relating to the black line, shows a 5% grade over 303 metres, with a total vertical difference of 15.15 metres.

Going to Kiwi option 1, again maintaining the 5%, the grade reduces to
20 228 metres, and that's as a result of reducing the clearance over Constellation Drive, and the overall elevation difference in that design is 11.43 metres. And then Kiwi Option 2, the bridge reduction with the 5.34% grade would feature a -- the straight section at 5.34% being 158 metres, and so again, the difference in height reduces again to 8.4 metres.

25 MS TREE: And how do those, in terms of those sections, if you could just relate those back to your figure 1, of your Appendix 1. Just if you can explain kind of how these triangle sections relate back to that long section?

MR HALL: Yeah, so the overall design of the profile features vertical curves at the bottom, so a sag curve, that rises up, (indicates), it goes straight along the
30 gradient and then a vertical curve where it flattens out at the top. So, these triangles are just looking at the straight sections, in between the sag and the crest curves, here. And so, 303 metres is how long the straight section is, past the Kiwi site.

Similarly, the blue line, the curves are moved as a result of the lowering
35 of the bridge, and so that's how you can get a reduced overall length, and then

obviously, for the red line, if you're making it a little bit steeper, you are making the straight section a little bit shorter as well.

MS TREE: And I suppose as a point of clarification in terms of Appendix B, so the distance of 303 metres, so that's a horizontal distance?

5 MR HALL: That is a horizontal distance.

MS TREE: And just what does the last triangle on that diagram show?

MR HALL: The last triangle here is comparing the difference between the 5 and the 5.34% grade. So, over a nominal distance of 300 metres, if you have a 5% rise that will be a rise of 15 metres. If you have a 5.34% grade, that will be a rise of 16 metres. So, it's just illustrating the difference between the two grades.

10

MS TREE: Thank you.

And now just turning to Appendix C, you are welcome to take a seat again, if you can just explain that?

MR HALL: Appendix C here is comparing Kiwi solution 2, the red line from the first appendix, with the existing slope on the busway between Sunnynook and Constellation Stations. So, the red line here still matches the red line from the previous. The northern end of the red line is to the left of the diagram. The slope of the existing busway section is sloping in the opposite direction. I have rotated that around, just for ease of reference, to compare the grades in the same direction. So, that's what the north and south represent there.

15

20

So, the black line overall goes from the top of the rise, which is approximately 300 metres south of Sunnynook, all the way down -- sorry, 300 metres south of Constellation Station -- all the way down to Sunnynook Station. So, it's a distance of about 1,110 metres. You will see that there's a dashed section and a solid section. The solid section was based on the as-built drawings which were provided to us. Unfortunately, it stopped at chainage 15940, and so I've estimated the remainder of the rise based on Auckland Council GIS contours.

25

And then the red line there compares the bottom of the slope, which again is about a hundred metres beyond the Watercare Underpass all the way up to the start of Constellation Station.

30

Again, it sort of flattens out at Constellation Station; it's not dead flat there. There is still sort of a 1.5% rise, but to sort of consider that. That would be the end of the slope, as buses would have to come to a stop at the station.

As you can see, the length, horizontally, between the proposed design and the existing rise is significantly shorter, and as a result, is also not climbing to the same altitude either.

MS TREE: Can you also just explain, down the bottom of the diagram, in terms of
5 what the reference is to the 5.34% grade?

MR HALL: Yep. So, in the red, 183 metres at 5.34%. It's just the straight section where the grade will be at 5.34%, and it will flatten out on either side of that.

And the existing sections, similarly, there's 620 metres where it's at
10 5.34%, and which is -- which I consider to be considerably longer than the proposed design.

MS TREE: Thank you Mr Hall. If you could please answer any questions.

~Cross-examination by Mr Bangma on behalf of Auckland Transport 1.44 pm)

15 MR BANGMA: Hello Mr Hall, good afternoon. I have a couple of questions for you on behalf of Auckland Transport, who'll be the eventual recipient of the busway and shared use path.

And I might just start with a couple of very quick questions of clarification, just to make sure I understand your summary statement, that
20 you've presented.

So, as I understand it, as a result of what Kiwi Self Storage is seeking in terms of changes to the busway, there will be a section of the busway, under Option 2, where the gradient is no more than 5.34%. Is that right?

MR HALL: Correct.

25 MR BANGMA: And that's higher than what would otherwise be the case, which is 5%. Have I got that right?

MR HALL: It's based on the existing gradient, existing maximum gradient, on the busway.

MR BANGMA: So just to confirm my understanding further, with reference to your
30 Appendix C, of your summary statement, which you've just been helpfully taking us all through, there's the section in red which -- a line in red which says 183 metres at 5.34%. To me that looks like that's for a section of the busway between the Kiwi Self Storage site and the existing Constellation Station, further up the top of that hill. So that's the section we're talking about where
35 there would be this slight increase in gradient. Do I understand that correctly?

MR HALL: Correct. So that's approximately in the middle of the rise overall.

MR BANGMA: Thank you for confirming that. Now you've referred in your summary statement obviously to Mr Maule's evidence. He's a bus manager or similar at Auckland Transport, and he's referred to the existing section of the busway from Sunnynook Station, climbing up to the top of the hill, at sort of
5 Sunset Road, which is also 5.34%, and he's noted that that's created some issues in terms of reducing the efficiency and speed of those buses. Have you heard that evidence, or read that evidence?

MR HALL: I did read the transcript.

MR BANGMA: So, that -- the 5.34% in that section of the busway, I mean, that's a
10 result of naturally occurring topography of that hill, isn't it?

MR HALL: I don't know why it was at 5.34% as I wasn't involved in the design.

MR BANGMA: Fair enough.

Well, we'll put this from another perspective. You are a traffic engineer and would obviously -- if we were wanting to design public infrastructure, such as a busway, to operate all buses as efficiently as possible, the optimum
15 outcome would be, presumably, for busways to be flat, wouldn't it?

MR HALL: I would say that ideally, ideally, you would have flat roads, flat buses, flat railways.

MR BANGMA: For an efficiency, use of energy, perspective that would make sense?

20 MR HALL: I guess ideally you'd like them all to be downhill.

MR BANGMA: True. Fair enough. And, it stands to reason, doesn't it, that increases in gradient would as a general proposition reduce that efficiency, albeit in the present case where we're talking about 0.34% it's probably a small difference?

MR HALL: Generally, obviously, you will find it more difficult to go uphill, as you are
25 fighting gravity. So yes, the topography is limiting. There can be other limiting factors, for example in our design we have to get a busway over Constellation Drive, and have sufficient clearance underneath that for road traffic.

MR BANGMA: Yes. So again with reference to your Appendix C, to your summary
30 statement, and the effects that this change, slight change in the gradient, would have on how the buses operate, there'd obviously be buses that would travel downhill from Constellation Station towards the new station that's proposed at Albany, so for that section it's slightly steeper, that's unlikely to be an issue as those buses would be running downhill, as I understand it?

35 MR HALL: Yes, I think in item (i) of my summary statement I think I sort of highlight the differences between the proposed slope and the existing slope. So, having

the station at the top of the rise instead of at the bottom means that buses on approach will be decelerating, to either slow down, and potentially come to a stop --

MR BANGMA: Yes, all right. Well, I'd like to explore that with you, but that's the
5 second scenario, isn't it? So, we've got buses going downhill towards Albany, but buses which are coming from Albany, heading towards the city, will be heading uphill towards Constellation Station, and there is a slight change in the gradient that you are proposing, which means that for a section of 183 metres that busway is going to be a little bit steeper?

10 MR HALL: Correct, but buses will be arriving with momentum. They are not starting from zero. Further up from Albany, there is a downhill section on approach before the rise here. So, I'd imagine that buses would be at/or around about 80 kilometres an hour, and so then on approach to the hill, and the station, they will be looking to decelerate rather than accelerate.

15 MR BANGMA: All right. Well, yes, I just want to explore that briefly with you. So, all right. So, for a section of the busway there will be an increased gradient and as a general proposition, that requires buses to use more energy, but as you've pointed out, they'll have momentum, and eventually, by the time they want to stop at Constellation, they would need to have lost that momentum and come to
20 a complete stop.

So, you're -- I mean, how many metres is it before -- by reference to your Appendix C, I accept that deceleration has to occur, but it's over quite a large number of metres, isn't it?

MR HALL: When I was in discussion with the manufacturer of the bus, they did
25 provide me some specifications as to what buses do. The data provided was at a flat grade, not in a slope.

MR BANGMA: I suppose if I could put it another way, purely as a layperson, it sounds like what you're putting to me is that it might sort of assist someone if your house is at the top of a very steep hill, because of the fact that hill sort of helps
30 you slow down before you get to your driveway and come to a complete stop, but I wanted to explore that in this scenario, because it seems like there is still quite a few -- perhaps up to 200 metres, before that would actually take place at Constellation Station, and presumably drivers might start braking a bit sooner to the station, I guess?

35 MR HALL: So then, yeah, again, if you are braking sooner then you will be braking before the slope or still using the slope to your advantage in your deceleration.

MR BANGMA: But what about -- I guess what I'm asking is what about bus drivers who would choose to brake after this slope, on their final approach to Constellation Station?

MR HALL: Yeah. So, the distance there is not huge. So, on a flat grade, a bus sort of
5 going from 100 kilometres down to zero will travel approximately 400 metres.

MR BANGMA: Well, based on your plan, do you know roughly what the distance is? Is it about 200 metres still, from the end of your steep section --

MR HALL: I can't say exactly where the bus will start decelerating and that will be based on driver preference, whether they're going to stop at the start of the
10 station or the other end of the station, things like that.

MR BANGMA: Because the alternate scene, it seems to me, is the bus driver continues accelerating up the hill, through this slightly steeper section, and then just chooses to brake later.

MR HALL: Yeah, I don't picture the bus accelerating up the hill. It will probably
15 maintain speed, as it will be at that top speed, when it does arrive at the bottom of the rise.

MR BANGMA: But to maintain that speed, if gradient increases, I mean, that requires just a little bit of extra on the accelerator pedal and a little bit more energy, doesn't it?

20 MR HALL: If you are wanting to maintain speed, yes, but if you are wanting to slow down, no.

MR BANGMA: Just one or two very brief questions. Your client's also seeking changes to the design of the shared use path, and I understand that would also result in the gradient of that being increased from 5% to 5.34% at least for
25 some parts of it?

MR HALL: That is what's proposed.

MR BANGMA: And again, were you here for Ms King's evidence? She is the walking and cycling manager of Auckland Transport.

MR HALL: I have read the transcript.

30 MR BANGMA: And her evidence, as the walking and cycling manager, is that from a perspective of a user, again, I think you'd accept a gradient of zero or flat would be ideal.

MR HALL: Again, I'd probably say downhill would be ideal.

MR BANGMA: True, true.

And Ms King also made reference to, I believe it was a sort of a range, with her ideal being flat and she described 5% as being the upper limit of what she regarded as desirable. Do you accept that or do you challenge that?

MR HALL: The 5% is based on a standard from the AUSTRROADS, you know, suite of
5 design guides, and that's based on downhill cycling, and is there, I guess, to make sure that cyclists aren't going too fast and lose control or potentially lose control on the slope or at the bottom of the slope.

So, in this case, we do have a slight proposed increase in gradient. However, at the bottom of the slope, it is quite extended, and it is quite straight.
10 Therefore, in my opinion, the risk of a cyclist losing control is not increased any further.

MR BANGMA: I see. And, I think you've referred to other cycle facilities in the Auckland region which obviously do exceed that gradient. I think, for instance, the cycle facilities in Grafton Gully was one example?

15 MR HALL: Yes, I think there were sections in Grafton Gully above 12%.

MR BANGMA: And again, I mean that's -- I mean that's a result of topography, rather than design, isn't it?

MR HALL: Again, I wasn't involved in the design of Grafton Gully, but I think, being
20 familiar with the area, topography does play a part in what grades could be achieved.

~Cross-examination by Ms Sheard (1.56 pm)

MS SHEARD: So just following on from some of those questions that Mr Bangma asked you about acceleration on that slope for buses. So, I'm just wondering,
25 have you modelled acceleration up that slope?

MR HALL: I have not done any detailed modelling. It's just, I guess, knowing that buses have to come to a stop or slow down through the station, perhaps that's what I'm looking at.

MS SHEARD: So, without any modelling, your analysis is just a best guess?

30 MR HALL: I haven't seen any modelling either from any other parties involved in looking at the 5% grade and whether that makes an impact.

MS SHEARD: But you'd accept that a less steep grade does increase the functionality of the busway, doesn't it?

MR HALL: Depends on whether the bus is accelerating or decelerating.

MS SHEARD: Well, let's just look at that acceleration/deceleration issue, because you said previously in answer to questions from Mr Bangma that the buses would be gaining momentum as they approached the Kiwi Site, is that correct?

MR HALL: They are coming down a rise.

5 MS SHEARD: So, but the rise -- the topography of the site coming towards the Kiwi site is actually slightly uphill, isn't it?

MR HALL: Only for -- only for about 150 metres.

MS SHEARD: So, at what point does the topography start going up?

MR HALL: Up for this rise or for the other rise?

10 MS SHEARD: For this rise.

MR HALL: So the topography starts -- I don't think I have the exact chainages in front of me, for that. So, I'll just go back to the original designs. So, it starts rising at approximately chainage 3420, 3400, in that vicinity.

MS SHEARD: So, how far back is that from the edge of the page? It's at least a
15 couple of hundred metres, isn't it?

MR HALL: So when you say "page", are you referring to my Appendix A?

MS SHEARD: Correct.

MR HALL: I'll just pull that one out as well. It's approximately 120 metres.

MS SHEARD: So what's the total length of the rise into the Kiwi site there?

20 MR HALL: The length of the rise before the Kiwi site is approximately 340 metres.

MS SHEARD: So that's quite a significant distance to accelerate up, isn't it?

MR HALL: You won't be accelerating, because I would imagine the buses at that time would already be at full speed.

MS SHEARD: But again, you haven't undertaken any specific studies to precisely look
25 at what the speed of the buses across that section would be?

MR HALL: It would be the same as the proposed design.

MS SHEARD: But you don't know, definitively, what the speed of the bus would be going across that section, do you?

JUDGE HARLAND: I think what he's saying to you is that NZTA don't either, because
30 nobody has done any modelling to that effect. Is that your point?

MR HALL: That's correct.

MS SHEARD: All right. Well turning now to the gradient of the shared use path. So, Mr Bangma asked you some questions relating to that; I'd like to also ask you some questions about Ms King's cross-examination, and I don't think you were
35 present for that, were you?

MR HALL: I've read the transcript.

MS SHEARD: Okay. So Ms King made a statement under cross-examination that the State Highway 1 shared use path is a very important component of the cycle network. Would you agree with that statement?

MR HALL: I would agree.

5 MS SHEARD: And do you accept that 5% is the desirable maximum gradient under AUSTROADS?

MR HALL: Based on downhill speed, yeah.

MS SHEARD: And you do acknowledge, don't you, that there are safety concerns for cyclists going downhill in terms of gradient?

10 MR HALL: The gradient downhill has been set at 5% -- it is, again, just -- it's a threshold, I guess you have to draw the line somewhere. So, in this case, I mean there are plenty of cases, you know, Grafton Gully as an example, where there are gradients in excess of 5%. In this example, we're keeping the realignment relatively straight, with no side intersections or other objects
15 interfering with visibility or usage of the path. So, for example, Grafton Gully, where it is over 12% is also on a bend at the same time.

MS SHEARD: Okay, but the 5% gradient is also important for going uphill, isn't it, in terms of effort?

MR HALL: So for uphill, generally anything above 3% is when you try to restrict the
20 grade. So, the difference here between a 5 and a 5.34 I do not consider to be significant.

MS SHEARD: Ms King also made some statements under cross-examination about the fact that Auckland Transport only moves away from a flat gradient where there's topography, would you acknowledge the fact that places like Grafton
25 Gully are largely dependent on topography?

MR HALL: There is topography; there is also clearance for bridges, you know, above or below other facilities to have a grade separated interchange.

MS SHEARD: So clearance over bridges is a necessary design element, isn't it, because unless you go over it, you can't actually get your cycle path through,
30 correct?

MR HALL: And you have to make sure that the conflicting user can get under it as well.

MS SHEARD: Correct. So, you'd also acknowledge, wouldn't you, that the design of the cycle path into Constellation is going to be important, because Constellation
35 Station will be a destination for cyclists.

MR HALL: I haven't looked at the overall cycling network. I guess, I imagine that at some point in the future it could potentially continue further south, possibly closely following the alignment of the current busway, and even connecting up to, you know, the proposed SeaPath, and SkyPath facilities as well. For
5 cyclists, I do imagine that the Constellation Station would perhaps be the most common destination of users of the path, but I haven't sort of studied in great detail other destinations in the area for cyclists.

MS SHEARD: And just looking now at the height over Constellation, in your diagram in annexure 2, so if you look at the blue line -- sorry, at the top black line, or
10 triangle, that's the existing specimen design, isn't it?

MR HALL: The black reflects the initial design.

MS SHEARD: So, what you've done there is you've assumed a bridge height or clearance of 6.1 metres, haven't you?

MR HALL: I haven't assumed anything, that's just the NZTA design.

15 MS SHEARD: Sorry, you've adopted it?

MR HALL: Yes.

MS SHEARD: So what's the effect if you reduced the Constellation Bridge clearance at that point to 5.6? What is the effect on the gradient?

MR HALL: It depends on what profile you want to go with, in-between the Watercare
20 Underpass and Constellation Station.

MS SHEARD: But that would likely reduce the gradient below 5%, wouldn't it?

MR HALL: It doesn't necessarily have to.

MS SHEARD: But over some portion, if you've got a longer span, you would probably reduce the gradient to below 5%, wouldn't you?

25 MR HALL: Not necessarily. For example, the blue and the red lines don't -- you have a maximum grade of 5, or 5.34, and then you have the curves tying that back into the design at the top and the bottom.

MS SHEARD: But if you lowered the bridge in that location, you could reduce the gradient below 5%, couldn't you?

30 MR HALL: It's feasible.

MS SHEARD: Feasible?

MR HALL: But I haven't studied it.

MS SHEARD: So just looking at the gradient again, if you locked in the 5.6 metres at Constellation, and you locked in the RL, as you're proposing in the draft
35 conditions attached to Mr Fraser's evidence, then you're effectively locking the gradient, don't you?

MR HALL: Not necessarily, because you can have a variable profile in-between those points.

MS SHEARD: But you lock in that you can't get the gradient any less than 5.34%, can you?

5 MR HALL: Again, not necessarily. You can, I guess it's -- I mean, it's up to the Board what conditions are imposed, but one thing that could be done is to say at certain chainages the surface of the busway or the wall of the busway and shared path must not exceed a certain RL.

MS SHEARD: But you can only get a lesser gradient in some sections if you increase
10 the gradient above 5.34% in other sections, can't you?

MR HALL: Sorry, say that again?

MS SHEARD: So you're saying that it's possible to decrease the gradient, correct?

MR HALL: For?

MS SHEARD: So even if you fix the RLs, and you fix the height over Constellation,
15 you're arguing that it is possible to decrease the gradient?

MR HALL: It's possible; it depends on where your fixed points are and how many you have along the route.

MS SHEARD: And in order to decrease the gradient in some sections you'd have to increase it in other bits, wouldn't you?

20 MR HALL: Potentially. Again, it depends on where those fixed points are.

MS SHEARD: So just in relation to the height of Constellation, or the clearance, do you recall that in the Joint Witness Statement you and Mr Moore agreed that 5.6 metres is an appropriate clearance?

MR HALL: We agreed that was appropriate.

25 MS SHEARD: So, the consequence of reducing Constellation Station to 5.3 metres, is that you compromise the time to Constellation Station, isn't it?

MR HALL: I haven't studied that in great detail. I imagine that would be something that's probably reviewed further at detailed design.

MS SHEARD: So, you're not sure whether a clearance at 5.3 could achieve an
30 appropriate travelling time?

MR HALL: That would be reviewed in detailed design.

~Re-examination by Ms Tree (2.08 pm)

MS TREE: Mr Hall, you were asked a series of questions relating to Sunnynook
35 Station and running downhill and then also in relation to the section next to Kiwi, and going to Constellation Station. Now, if you were going from one point

that's fixed to another point that's fixed, and if a section is steeper within that, what's going to happen to the other sections between those two fixed points?

MR HALL: It also depends, I guess, on the vertical curves at the top and bottom, but, I guess generally, if you do make one bit steeper, you can make other bits flatter.

5 MS TREE: And when buses are at -- you were also asked questions in terms of getting up to Constellation Station -- but when buses are at Constellation Station and travelling north, what does the change in Kiwi Solution 1 or 2 do for those buses?

MR HALL: So yeah, heading north buses will be accelerating going down the hill.

10 Therefore, gravity will be assisting in their acceleration, and the bus won't require to provide as much force to achieve its desirable speed.

MS TREE: You were talking about what Kiwi solution in your response?

MR HALL: All the solutions will help as the gradient is sloping down away from Constellation Station.

15 MS TREE: And is there any difference between Kiwi Solution 1 and Kiwi Solution 2?

MR HALL: There may be a slight difference with a steeper grade. I haven't analysed exactly how much difference that would be.

MS TREE: And how does the gradient of the busway and shared use path compare to the existing motorway?

20 MR HALL: So, the existing motorway past the Kiwi site is at 5.6% and there are trucks and other heavy vehicles, buses as well I believe, that do use that section. So, the 5.34% is flatter than the existing State Highway 1 main line.

MS TREE: And you were also asked questions in terms of -- that Constellation Station is probably an important destination for cyclists. Can you just describe, in terms
25 of the entrances to the shared use path that cyclists might be able to get on and then to get off to the station, just in terms of -- so what distances are we talking about?

MR HALL: Yeah, so I think on the figure you can sort of see, and on my Appendix A, you can sort of see the -- I guess where the shared path does meet the station,
30 it does come out right beside the buildings, it hasn't been sort of stated, but I think there will be cycle parking there for them to use.

MS TREE: And where would those cyclists have entered the SUP? There would be a range of places, but --

MR HALL: Yeah, so it would be mostly from, I guess, the north Rosedale, Albany, and
35 areas, possibly from the east as well. So, you might have cyclists who cycle up from the coast, potentially, head on to the shared path somewhere in the

Albany area, potentially, and then cycle down the shared use path to Constellation Station.

MS TREE: So what kind of distances may they be using the shared use path to Constellation Station?

5 MR HALL: It could be multiple kilometres. I'm not sure of an exact number as to how many there could be, but potentially multiple kilometres. Maybe -- yeah, I won't put a number on it; that would just be speculating.

MS TREE: But I suppose you gave the example of Albany, so the distance between Albany and Constellation Station, do you know --

10 MR HALL: I don't have that on hand, but I can figure that out from the drawings. So, Albany to Constellation is approximately 4 kilometres.

~Questions from the Board (2.13 pm)

MR MARK-BROWN: Mr Hall, good afternoon.

15 My memory of NZTA's evidence on this issue of grade and of the busway and SUP and the problems that they had, I guess agreeing to Kiwi's option, is that their main concern is to have flexibility in the final detailed design, which may result in an overall gradient of something less than 5%. I guess their argument -- what they were saying is that as a designer of the infrastructure,
20 that one of their primary aims is to have a grade as little as possible. We've already had some discussion about that, and we all know you've got to go up where there's hills.

But I guess my question to you is, would you agree, on an overall basis, that one has to be careful in going from an indicative alignment here to a final
25 design to make sure that one doesn't preclude what savings or reduction in gradient for an overall sort of energy use, if you like, is not precluded by agreeing to conditions which may not foresee the effect of that, even when it comes to the detailed design. Are you okay to answer that? It was rather long.

MR HALL: Yeah, so in terms of conditions, perhaps it is, I guess, more beneficial to
30 Kiwi to say that the surface or the height of the wall or whatever parameter you want to use, should be at a certain RL or lower or higher, whichever way you want to look at it. Rather than saying the gradient must be this amount. And I guess that also addresses the concern of NZTA to still allow for flexible design going forward.

35 MR MARK-BROWN: So perhaps pushing that on a bit further, so would your position perhaps be that the condition -- that condition might be reasonable for NZTA to

meet, if possible, given other constraints? Because once it's a hard and fast condition, as you understand, that has to be met and the situation that we're faced with is we are hearing two different sides to it, and have to make a call on it.

5 So, in terms of possible wording of the conditions that you might think address that issue, would you see something like that might be workable, in terms of wording, to the extent practical in detailed design?

MR HALL: Yeah, so I think the concept designs that we've done, in terms of Kiwi design solution 1 and 2, demonstrate that it is possible to reduce the height of the busway and shared use path. So, therefore, if you do put wording in, you know, that does say the surface must not be above a certain threshold, at a certain chainage, then I believe in the detailed design that that could be carried forward.

MR MARK-BROWN: And do you agree that overall it is important to have it as low -- to minimise the grade as much as possible, in terms of infrastructure items, particularly busway?

MR HALL: Yeah. So, I guess trying to have a minimum grade, given you've got two-way movement on it, is ideal, but I consider that a difference between 5 and 5.34 is negligible.

20 MR STEWART: I was just sitting here thinking, it seems to me, or can you comment on whether in fact the difference between you, your company you represent, and NZTA, perhaps isn't that great. Because it seems that NZTA have recognised the possibility of that through detailed design, the motorway -- the SUP and busway may change in gradient. There was some questions here about the height of the bridge, and then if that was to happen, and there's no guarantee it would, but if in detailed design that happened, surely that would help go some way towards meeting your concerns as well?

MR HALL: Yep, that would. I guess, there's also the risk it could also go the other way; it could potentially be higher after the Kiwi site. So, when I say that there is not much significance between the grades, the two metres is significant from the perspective of the business, in terms of providing that visibility.

MR STEWART: Do you think it's likely though, that given what we've heard about buses and SUPs, that through detailed design it's more likely than not, that if there was any change to the overall concept design the gradients are likely to be lower rather than higher?

35

MR HALL: I guess you could also make the gradient flatter by rising or increasing the height of the structure past the Kiwi site, as it is descending from the bridge over Constellation Drive. So, I wouldn't want to guarantee that through detailed design it would become lower.

5 JUDGE HARLAND: I don't have any questions thank you very much.

Any questions arising? No.

All right thank you very much Mr Hall.

~(The witness withdrew) (2.19 pm)

10 MR BANGMA: That takes us to Ms King who has already given evidence, but she's being recalled for specifically for questioning by Kiwi.

~KATHRYN LOUISE KING - recalled (Sworn) (2.19 pm)

~Examination in Chief by Mr Bangma (2.20 pm)

15 MR BANGMA: Is your full name Kathryn King?

MS KING: Kathryn Louise King, yes.

MR BANGMA: Do you confirm that you've prepared a statement of evidence in this matter dated 25 May 2017?

MS KING: Yes, I have.

20 MR BANGMA: And that you have the qualifications and experience set out in paragraphs 1.1 to 1.3 of that statement of evidence?

MS KING: Yes, correct.

MR BANGMA: And you also prepared a summary statement in this matter, I think, dated 20 July 2017?

25 MS KING: That's right, yes.

MR BANGMA: Your Honour, Ms King has already presented her summary statement previously; I am in the Board's hands.

JUDGE HARLAND: She doesn't need to read it again, we'll just have the questions.

30 ~Cross-Examination by Ms Tree (2.20 pm)

MS TREE: Ms King, I just have some questions relating to the Kiwi solutions 1 and 2 that have been put forward by Kiwi Self Storage. Are you familiar with those?

MS KING: Yes, I am. Yes.

35 MS TREE: And it will be helpful, I'm going to refer to some parts of the transcript when you gave your evidence, but also refer to Mr Hall's summary statement,

and I know that you weren't here this morning when Mr Hall first presented; so I have a copy of that summary statement for you, if I could hand that up. And I've also got some copies of the transcript relating to the section of transcript when you gave evidence, so I can provide that to you as well which might be helpful.

If I could start with Mr Hall's summary statement. At Appendix B he's prepared a diagram trying to help illustrate the change in grade and particularly the difference in the gradient of 5 to the 5.34, which is the last triangle on that page.

10 MS KING: Right.

MS TREE: Have you seen this diagram before?

MS KING: Only today.

MS TREE: I'll give you a moment to have a look at that. We're just talking about that last triangle.

15 So, do you understand that this triangle is referencing that over a distance of 300 metres a 5% grade would rise 15 metres?

MS KING: That's right, yes.

MS TREE: And over the same distance of 300 metres, a 5.34% grade would rise 16 metres?

20 MS KING: Right.

MS TREE: And is that your understanding in terms of the difference between the grade percentage?

MS KING: Yes, yes.

MS TREE: And would you agree that a difference of gradient of 0.34% is a very minor difference?

25 MS KING: It is a minor difference, but we do set a threshold in order to be able to ensure the safe and accessible use by our residents, our customers, and that's in place so that anything that deviates from that, is above that, has a series of measures in place to ensure that that convenience, that use is possible. So, whilst it's negligible, we do have a threshold for a good reason.

30 JUDGE HARLAND: I don't think she's challenging whether it's a good threshold, what she's saying is that over the 1 metre here is negligible, really. It's not a safety concern, in other words. On the facts of this case, not challenging the general threshold.

35 MS TREE: And I think she responded to my question right at the end in terms of confirming that it was negligible.

JUDGE HARLAND: Yes. Well, I just want to make sure, because it sounded as if the answer was directed at the threshold and why that was reasonable rather than the facts of this case. So, is that right? Do you agree that it's negligible?

5 MS KING: It's a small difference.

JUDGE HARLAND: So, you disagree that's it's negligible? Do you disagree that's it's negligible?

MS KING: I would call a small difference a negligible difference. So, a small difference of 0.34%, that's a small difference.

10 JUDGE HARLAND: So you're agreeing with Mr Hall that's negligible?

MS KING: I'm agreeing that it's a small difference.

JUDGE HARLAND: Right, not negligible?

MS KING: That's right.

MS TREE: Would you agree that's it's likely that a pedestrian would not perceive
15 the difference between a slope of 5% and 5.34%.

MS KING: I don't have enough knowledge of the experience of a pedestrian to say they wouldn't notice it. I think a steep grade is noticeable, I don't know at what difference people start to notice that.

MS TREE: And so in terms of a scenario, so if we had two slopes, one with a grade
20 of 5% and one with a grade of 5.34%, do you think that that would be able to be noticed by a typical person?

MS KING: I don't know.

MS TREE: If we could just turn to questioning on the 20th of July, and if you wanted to refer back to the transcript it's on page 334, and this is when you were
25 commenting, it's kind of, it's about line 10, when you were commenting that the ideal gradient would be 0%, and you note that it is the topography that requires a gradient to be provided, is that correct?

MS KING: Sorry?

MS TREE: You were talking about the ideal gradient would be 0%, but there's
30 times when a gradient is required, and you refer particularly in terms of the topography --

MS KING: Yes, that's right.

MS TREE: -- requires a gradient?

And when we look at the area adjacent to the Kiwi site, and you'd
35 accept that there's a slope that's starting from the north of the Kiwi site up to

Constellation Station. So, you'd agree here that there is a topography and gradient change that required a gradient on this section of the SUP.

MS KING: Yes, yes.

MS TREE: And in this location, we can't really avoid a gradient of around 5%, can we?

MS KING: No, not as far as the topography allows.

MS TREE: And referring again to the triangle diagrams attached to Mr Hall's summary statement. So, I appreciate too that this is the first time that you've really had a look at these diagrams. So, the top diagram is showing the NZTA lodged design. So, that's showing that the length at 5% in that lodged design, 5% gradient, is over a horizontal distance of 303 metres.

The second blue triangle is showing Kiwi option 1. So, this is lowering Constellation Bridge, but keeping the maximum gradient at 5%. And that diagram's showing that the actual length of slope at that 5% gradient is reduced to 228 metres in terms of horizontal distance.

So, would you agree that in terms of Kiwi Solution 1 it's a better outcome for the SUP design than the NZTA lodged design?

MS KING: Any design that reduces the gradient of a shared use path I would agree is better for users. So, as flat a path as possible.

MS TREE: Just going back to the transcript, and particularly in terms of page 327, lines 5 to 10, and this is really what you were kind of commenting on at the beginning of our discussion, that when a gradient goes over 5% the departure process is required which looks at whether the design -- whether design features need to be put in place to make the facility more comfortable for a wider range of people, is that correct?

MS KING: That's correct.

MS TREE: So is it possible that if a shared use path is over 5%, but only by a small amount, that additional design features may not be required?

MS KING: The departure process would be required, and that process would review whether mitigation was required.

MS TREE: And so, in the scenario, if you're going through the departure process, and it's only a small increase over the 5% grade, is it possible that through that departure process that additional design features are not required?

MS KING: Possible, but I haven't seen a departure process that hasn't required some sort of mitigation to be followed.

MS TREE: And in terms of -- if we look at Mr Hall's summary statement, which I think you should have a copy of, at paragraph 2(f), and I note that you weren't here when he was reading his summary statement, so maybe if I can just give you a moment just to read paragraph 2(f). So, what Mr Hall is
5 noting there is kind of a range of design features already provided for in the proposed design of the shared use path. So, he is just noting those there, so I'll just let you have a moment and read them; let me know when you have.

MS KING: Yep, I have read them.

MS TREE: So, he's listed a number of existing design features of the shared use
10 path. And do you agree that they are all good mitigating factors for increasing a gradient?

MS KING: Yes, they are. They are some of the factors that we would look at, yes.

MS TREE: And so do you think those factors -- sorry, these features, would help mitigate any minor increase in gradient?

15 MS KING: Yes, they would.

MS TREE: And even if it was considered that, in addition to those, a rest bay was required, do you agree that there would be sufficient room for a rest bay adjacent to the Bunnings site which is just south of the Kiwi site?

MS KING: I don't know, sorry. I don't know the design well enough.

20

~Re-examination by Mr Bangma (2.32 pm)

MR BANGMA: Just one minor point, Your Honour.

Mrs King, my learned friend, Ms Tree, asked you a line of questions in relation to the significance of changing the gradient of the shared use path by
25 0.34%, as is proposed, and whether that was a minor or small or negligible difference, and I think you accepted it was. But I think it's important that we put that in context. So, I mean, what would your ideal gradient for a shared use path be?

MS KING: Ideally it would be a flat path that ensures that anyone can use it.

30 MR BANGMA: And if we were to think of a range from that being your ideal through to the upper limit. What's the upper limit in your view?

MS KING: 5% is the threshold beyond which we start to look at mitigating factors.

MR BANGMA: And that's based on?

MS KING: That's based on protecting the use of the shared path for as many
35 people as possible, from people walking, people in wheelchairs, people

pushing push chairs, and people who might potentially struggle with a bicycle.

MR BANGMA: So that matter would require further design considerations?

MS KING: Absolutely, that's what the departure process is in place for.

5 JUDGE HARLAND: We don't have any questions. Thank you, Ms King.

~(The witness withdrew - 2.34 pm)

~GEOFFREY ROBERT LAND (Sworn) (2.35 pm)

~Examination in chief by Ms Tree (2.35 pm)

10 MS TREE: Can you confirm that your full name is Geoffrey Robert Land?

MR LAND: It is.

MS TREE: And you have prepared a statement of evidence dated 1 June 2017.

MR LAND: Yes.

MS TREE: And a summary statement dated 8 August 2017?

15 MR LAND: Yes.

MS TREE: Do you have any corrections to make to either of those statements?

MR LAND: I do.

MS TREE: Can you please explain those corrections?

MR LAND: Thank you.

20 In reviewing the visuals attached to the evidence, I found that they did not exactly represent the Kiwi solution 5.6 clearance and 5.34% gradient, that was the Kiwi Solution 2.

I have prepared an amended set of visuals that are attached to my summary statement, which I will take the Board through. These show that
25 the Kiwi solution provides slightly more visibility to the Kiwi building, but the conclusion in my evidence is the same.

MS TREE: Taking into account that correction can you please confirm that your statements are true and correct?

MR LAND: Yes.

30 MS TREE: Can you please read your summary statement? Thank you.

MR LAND: Yes.

This statement provides a summary of my evidence dated 1 June 2017, and matters addressed in the Joint Witness Statement: Landscape urban design and visual dated 19 June 2017.

35 The main purpose... (Reads 2 - 3 of Summary Statement)... showing that the 3D model is drawn to an accurate scale.

May I bring your attention to that drawing? It's A02a in my summary evidence.

JUDGE HARLAND: Can I just clarify -- we've been provided with some bigger ones -- is that correct?

5 MR LAND: Yes.

JUDGE HARLAND: Are they the same?

MR LAND: Yes.

There are two diagrams on the page, the top diagram shows the 3D model of the motorway and flyover and busway, as provided by NZTA, overlaid onto a 3D model of the Kiwi buildings, drawn by myself from their construction drawings, on an RL, established as the same RL that the motorway is on, so they are relative in height to the motorway, and the 3D model and the motorway are now cut by a drawing, by inserting the drawing in my 3D model. Amazing what you can do with computers.

10 That drawing is on the page over, A03 of my evidence. It's a cross-section drawing provided by Aurecon that showed the relative heights of the flyover, the existing motorway, the existing off-ramp, the proposed busway, and SUP, and in rather fine, almost invisible, an illustration of the Kiwi building position.

15 I've taken that drawing, sliced it in half, and then connected the two pieces together, horizontally, and then inserted it in the 3D model on the previous drawing. So, whereas this drawing is split, and you can see there is a match line join above on that drawing, I've joined the match lines and then inserted that combined drawing into my 3D model.

20 And the red lines, going through the numbers 1, 2, 3 are the same on the 3D model interpretation.

So, returning to A03 or the actual cross-section, line 1 arrows are shown from cars on the flyover, illustrating that they would be above the roof of everything. So, no visibility of Kiwi from the flyover.

30 Line 2 is taken from a motor vehicle on the off-ramp, and looking across a concrete barrier beside the busway, and clearly also well above the roof of Kiwi building, so line 2.

Line 3 is similarly going from the off-ramp, and looking down to the existing Kiwi building, line 3 as though the busway embankment hadn't been built. So, you can see that the current off-ramp has a very clear view, and the shape of the land between the busway and Kiwi is shown dotted by

35

Aurecon, so the embankment is falling towards the building. So, a very clear view from the off-ramp.

And similarly, from the motorway, so number 3, and if we had connected across these two cross-sections so the motorway view from the motorway heading north directly down and across to Kiwi buildings, quite clear.

May I go back to now A02a, the drawing that combines the cross-section and the 3D model?

So, looking to the top one, the lodgement design. You can see that in the installation of the cross-section drawing, I have cars -- an arrow to the cars on the flyover, and on the drawing, and of course those cars are positioned just on the actual 3D model of the flyover.

Similarly, there is an arrow to buses on the busway both on the cross-section drawing and also in the position of the busway.

So, this drawing is really to prove that the combined information that led to make the 3D model is in scale and relates to each other, using Aurecon's own drawing as proof of.

The second diagram on the page, the Kiwi solution, is the Kiwi Solution 2 with the 5.34% gradient and the 5.6 clearance.

And here you can see, by looking at the busway where it's coinciding with the cross-section drawing, that there is, looking closely, there is a 2 metres between the buses and the people on the cross-section drawing and the actual dropped piece of the busway in my model.

A small technical explanation perhaps about this, Aurecon provided the 3D model to me in a format exactly as per the above drawing, the top drawing, but with the wonder of computers I was able to highlight, save separately, and group the busway and the SUP from the motorway and flyover.

And, in fact, I saved and grouped the flyover separately. So, then I had three elements, separately, in my computer, and you could switch on or off the flyover or switch on or off the busway and with -- having copied the busway, I can then copy it again, give it another name, and I gave it a second name and I reduced 2.1, for example, and therefore the lower drawing means the motorway, the buildings are all in exactly the same position, but I just switch on or switch off a layer and busway drops up or drops down to its position.

So, these are illustrations to background the visualisations that are coming up in my evidence.

Although I'm going backwards now, so we go back to A01, the key plan, this is an aerial view of the combination of computer drawings.

5 So, the motorway provided by Aurecon, the two buildings A and B, drawn in three dimensions by myself, and on the motorway you can just see also plan contours showing, and looking up on my notes, in the middle of the notes at the top of the page, in the middle of the page, I've got "motorway drawing provided by Aurecon", immediately below that "contours drawn from the Auckland Council GeoMaps that coincide with the 3D model" and
10 they -- that arrow is going down to the contours I'm referring to. So, the coincidence of the GeoMaps contours on the motorway, and the ground around Kiwi, it's all to prove to myself that the relative levels from sea level are all matching and that when we start looking across at the buildings we're
15 looking across the motorway as it is and we're looking across as the busway as it would be or whatever.

So those are -- the next thing on this particular drawing are the car positions, and in the 3D model I position cars, and have given each car a number.

20 Car number 1 is well back near the ponds; car number 2, on the motorway; car number 3 and 4, coming down the motorway, and I'll illustrate the views from those cars by -- and the difference in the views, by switching on or off the busway heights.

And then the second pair of cars, on the off-ramp or exit, they're
25 denoted car exit 1 and car exit 2, as they travel down the off-ramp, and they also appear in my subsequent diagrams.

And because it's a 3D model, we can take the eye of the viewer to the car, and position ourselves beside the car, and see the view from that car, and in fact, in the computer, if I then click to the next car, it moves down the
30 motorway like a video, but that's all a bit too much for my electronic connection to give you a video; I didn't think you really needed it.

So, these cars are in, you might say, real time.

These actually are drawn life size, in millimetres, in the computer. It's quite amazing; I don't know how they do it.

35 So maybe go to the existing view, A04 of my illustrations. These are illustrating car 1 from a great distance, and if I may trouble you to open my

evidence, if you have my evidence dated 1 June, if we open those to the photographic illustrations, it would help just to give a context, a visual context. Could we open that to page 5 or photo 6.3? This is a photograph taken by my photographer, as passenger, looking east from the northern motorway travelling north, across in front of the driver. And from this distance across all of the motorway lanes, it illustrates the clarity, if you like, that the Kiwi building is currently viewed, across five lanes I think. The building and the signage is legible from the left lane driving north, the bright red corner penthouse and white Kiwi sign are visible. The feature red garage doors are not visible as they are below the armco barrier. The photo was taken from the passenger side.

So, that just illustrates the current visibility of the building from the other side of the motorway.

Moving now to A04, drawing A04, and photograph 1 on page 6 of my evidence. Photograph 1, page 6, driving south, the building is visible from a distance. This photograph is taken from a passenger's window; the position is car 1 in my drawing.

I think it's fair to say that the building is visible in the photograph, but, really not very visible in my computer illustrations and the relative merits of the motorway proposed, the busway proposed, versus the Kiwi solution, I don't think this has been very helpful, this page. It just says, from a long way away, we can see the building, but really the difference would be pretty much indiscernible.

But if we go now to the next page, A05 of the supplementary statement and summary statement, and page 7 of the photographs, photo 2.

So, photo 2 is taken where, after some landscaping, the building becomes visible, and on my computer drawings, A05a, I have three views. The existing motorway, car 2 position, and in that we can see the building more clearly than we can in the photograph because I haven't shown the trees in my computer model, but nevertheless, quite clearly.

The next diagram is the lodgement design and here I've switched on the layer for flyover and switched on the layer for busway lodgement and you can see that a) the flyover is starting to block the view to Kiwi, and b), the busway is rising as well, in respect of Kiwi.

At this point in the Kiwi solution, car 2, obviously the motorway and the flyover are the same, but with the busway and the SUP lower, we see just a little more of the Kiwi building, and that's in the position car 2.

5 And the next illustration I have A06, A06a, and photograph 3, page 8, in the top of my computer illustrations, car 3, existing motorway, just before exit 414, and I have the buildings very clear, and in fact in the photograph they are also very clear, although there is a little bit of vegetation affecting part of the building but we can see clearly the signage.

10 But with the lodgement design, as you can see now, flyover is just above the building as we're looking through under the flyover, but the busway has completely -- almost completely obliterated any view of Kiwi.

And then in the Kiwi solution, with the busway 2.1 metres lower in this position, we're getting a really good punch of the red corner feature, and we can see the signage again as we saw it in the existing situation.

15 So, I consider there that the lodgement design basically obliterates the design and the Kiwi solution improves it, but it's still affected.

Next diagram, diagram A05 car 2, and photograph -- there doesn't seem to be a matching photograph for it?

JUDGE HARLAND: Sorry, are we on A07a?

20 MR LAND: I was on A05. Oh, I beg your pardon, I've told you the wrong number.

JUDGE HARLAND: You are on A07, that might be why you can't find the photo.

MR LAND: Yes.

JUDGE HARLAND: Is that the photo, photograph 4, in 6.7.

25 MR LAND: Yes, it is. Photo 4 and car 4. And the existing view, well in the photograph we have a very clear view of the Kiwi building and of some trees and -- but those palm trees are very thin, and when you're moving along they disappear more or less, so you have a very clear view of the building.

30 My illustration of car 4 shows the what's known as the penthouse, the small red doors, and some of the garage doors. The lodgement design, well, we can't really see any of the building, just a touch of red, and in the Kiwi solution we can now see again some of the penthouse with the small doors visible.

So, it's a significant difference to bring the motorway -- the busway down those two metres.

35 And if we go to drawing A08, and the photo on page 10, exit 1, at car exit 1 we are closer to the building, being on the off-ramp, and we have very

good views of the building and the garages, but the lodgement design shows the busway blocking the view, substantially, to the building, and the Kiwi solution with the busway lower 2.1 you can now see the building again.

5 And then car exit 2, on A09, and photo exit 2, it seems the photograph is -- I'm on the left lane closer to the building in the photograph than in my existing view, but nevertheless, we can see the building and the signage in the existing view of my model. We can't see the building, and we can barely see the top of the red penthouse at all, above the concrete barrier of the busway. You can see a person walking on the SUP and you can see the top of the SUP barrier, and then on the Kiwi solution, we can see again sufficient
10 of the penthouse and the small red doors to recognise the building again.

Moving then to my final diagram, page 10a, this is a diagram that I did to explain my reference to the heights of the retaining wall in my evidence, and if I could find that for you. My apologies just at the moment I just can't
15 find my tab for that location.

JUDGE HARLAND: There's no hurry.

MR LAND: Thank you. Perhaps I won't continue to look for the reference in my evidence. The reason for the diagram was to substantiate my statement in the evidence, and that was that the retaining wall which is very high on the
20 boundary in the lodgement design, was calculated by myself as being 5.7 metres high, at the northern corner of the Kiwi property and 9.1 metres high at the southern corner of the Kiwi property boundary.

This retaining wall height's not been brought out in any of the other evidence because the Aurecon design drawings showed a cross-section
25 through the Kiwi property and near the northern boundary or the northern elevation of building B.

But this retaining wall is very very substantially high, the buildings are clearly two storeys and 9 metres is a massively high wall. So, just to show you where on this drawing, 10a, I get those numbers from, the first circles,
30 the circles on the plan up near the Kiwi buildings are identifying the two corner boundaries, the north boundary and the south boundary of the Kiwi site, and the chainage in those two positions are not figured but calculated 3740 on the north boundary and the chainage 3820 on the south boundary.

And then at the bottom of that page where the data is shown, I've
35 circled the heights that are shown of -- by Aurecon -- of the existing levels of the ground and the busway surface levels, and in the left-hand circle, I've

calculated that in the top left corner the busway 51.34 and the existing ground 45.64, a height of retaining wall of 5.7 metres.

The second circle does not correspond directly to the situation relative to Kiwi, because the chainage line is out on the embankment of the ground, but the ground at Kiwi is 46.2, and therefore, if the busway is at 55.34, as they say, and the ground is at 46.2 then we have 9.1 metres of difference.

Shall I revert now to my summary evidence?

JUDGE HARLAND: Yes, thank you.

MR LAND: On page 2, my conclusions and findings.

The critical views of the Kiwi site are at A05a to A06a which is at a distance ...(Reads 5 (a)-(f))... from a wider landscape perspective.

And I just add to that, because after all if the embankment is 2 metres lower, the change to the landscaping is less, therefore the impact on the environment -- the greater impact on the environment is less, and/or, should I say, closer to the natural topography. The natural topography, as we've just heard, is a slope of the existing motorway of 5.6% gradient.

I also consider that reducing the retaining wall ...(Reads 5 (f)-10) ...will also significantly improve the natural light and amenity of the Kiwi site.

MS TREE: Thank you Mr Land, I just have a couple of questions; I think it would just be helpful for the Board, with reference to one of your drawings, just to point out now that you've added in also the fence for the SUP and maybe just one of the later drawings where you are kind of side on probably has the best view?

MR LAND: I mention just -- I referred to drawing A07a, that on the lodgement design and the -- on the lodgement design you can see a line above the busway and above the head of a person walking on the SUP. The person is 1.7 metres tall and the height of the barrier is designed to be 1.8 metres tall. And so, I've shown a line the height of that barrier.

MS TREE: So when you say "barrier" do you mean?

MR LAND: Oh it's a safety fence. I'm not quite sure what its terminology is; let me look it up. I'll tell you what the terminology is called.

MS TREE: And just a question in terms of your photographs 2 and 3 where -- and you commented on the existing vegetation in those photographs, where is that existing vegetation relative to the proposed location of the busway and SUP?

MR LAND: Yes, I understand the busway and SUP would remove all that vegetation.

~Cross-examination by Mr Bangma (3.10 pm)

5 MR BANGMA: Mr Land, I understand from your qualifications and experience set out in paragraphs 2.3 and 2.4 of your evidence, you are a highly experienced architect and master planner with perhaps almost 45 years of experience if my maths is correct?

MR LAND: It's embarrassing, I'm sorry.

10 MR BANGMA: And you also have familiarity, as you say in 2.4 of your evidence, with preparing 3D visualisation of buildings as you have done in this case.

MR LAND: My colleagues consider I am a freak. At my age I shouldn't have learned to do 3D modelling but I did and I really enjoy it.

MR BANGMA: So, the proposition in this case that your client's putting to the Board
15 is that the design of public infrastructure and obviously the busway and shared use path, should be altered to preserve views from the motorway of a commercial premises. That seems to me quite an unusual proposition, do you accept that?

MR LAND: No, I think it's in line with the design brief as has been mentioned in my
20 evidence, 5.1, that does obligate the designers to respect the Rosedale Road industrial area for commercial reasons, and in the expert conferencing it was agreed to include Kiwi in that same clause, 5.1.

MR BANGMA: Well, to put that question another way, I suppose, are you aware of
25 other major infrastructure projects in New Zealand where the design of motorways has been changed to preserve views of a commercial building?

MR LAND: I'm not aware of any either way, I'm afraid.

MR BANGMA: Fair enough.

But if we look in different parts of Auckland, I mean, I could -- I think we'd all be familiar with examples where certain views from public places
30 have been protected, for example, view shafts of volcanic cones, would you be familiar with that?

MR LAND: Yes.

MR BANGMA: Views of historic terraced houses, I think it was, in Parnell for example.

35 MR LAND: Yeah.

MR BANGMA: And my broad understanding of the reason why views of those items are valued would be because of their perceived either heritage value or amenity value, is that fair?

MR LAND: Yes.

5 MR BANGMA: And as a result of that it's perceived there's a public interest in preserving views of those features for those places?

MR LAND: Yes.

MR BANGMA: But the proposition we're exploring here, isn't it, is trying to preserve views of private commercial premises, for essentially, on the basis of the
10 evidence we've received, a private commercial interest, is that fair?

MR LAND: No, my proposition is that the design guidelines ask the motorway to maintain an interesting environment for the motorway to be positioned in and particularly in that 5.1 clause. So, we're not particularly looking to be only focused on the fact my client's building happens to be Kiwi, but it's just
15 extending that philosophy that's already been embodied in the design brief.

MR BANGMA: Sorry, what paragraph of your evidence is that?

MR LAND: In my -- I just referred to it here, page 3 of my summary statement, item 9, outcome from expert conferencing. Part 5 corridor requirements, the general requirements, which sets out the general and specific design
20 outcomes sought for the NCI Project that the design outcome sought to provide visibility to existing commercial and industrial land holdings between Rosedale Wastewater treatment ponds and the Albany Park, and Park and Ride, currently seen from the highway, noting commercial benefits. But in expert conferencing it was agreed that similar reference should have
25 included Kiwi, and so it's been adopted.

MR BANGMA: I see. So, it's part of the design that NZTA --

MR LAND: It's part of the design brief, so it's not that I'm particularly pushing that it is a public benefit, as much as a general benefit to making a motorway interesting.

30 MR BANGMA: All right. Obviously, we've been talking about views of Kiwi's site from the motorway, primarily, as I understand it from Kiwi's evidence that's what they've been focused on, in terms of their customers. In your evidence you also assess, don't you, the visibility of the Kiwi site from the busway once the busway is completed or more specifically, the visibility of the site from
35 people who will be riding on the buses going up and down the busway, and I

believe you say that there will be -- there will be visibility for passengers on the eastern side of buses of the site?

MR LAND: Yes, I say that, of the roof of the building.

MR BANGMA: Of the roof of the building.

5 MR LAND: Mmm.

MR BANGMA: So, just so we, I suppose, provide a fair picture to the Board, are you familiar with the evidence of Mr Cross from Auckland Transport?

MR LAND: No.

MR BANGMA: Might not be. He was providing high level strategic evidence and in
10 his evidence, I mean, he said that at present around one third of the people who cross the Harbour Bridge in the morning do so on public transport, presumably buses, and that that figure is projected to double over the next 30 years while vehicle trips remain static. So, I take it his point is looking in the future, travel from cars will remain static, but buses will continue to become
15 more important as the busway grows, and perhaps at some point in the future over half of people will be on buses, for which they might have some view of the Kiwi Self Storage site from the busway?

MR LAND: Interesting speculation. But, I also am an early adopter of electric cars and so there's a whole lot of other speculation you could bring into that. I
20 don't think 30 or 50 years out are too easy to categorise.

MR BANGMA: They're projections. All right. Those are my questions.

~Cross-examination by Ms Sheard (3.17 pm)

MS SHEARD: So have you got a copy of your evidence in front of you?

25 MR LAND: Yes.

MS SHEARD: I'm going to use the photographs attached to that evidence. I know there are minor changes in the set you have produced today, but I don't think it is going to be of any consequence.

So, if you could turn to page 5 of the evidence, paragraph 6.3 --

30 MR LAND: Yes.

MS SHEARD: -- there is a photograph there?

MR LAND: Yes.

MS SHEARD: It's not numbered. So, that's a photograph taken looking at right angles across the motorway at the Kiwi site, isn't it?

35 MR LAND: Yes, from the passenger.

MS SHEARD: Yes. So, the passenger has taken that photo looking across?

MR LAND: Yes.

MS SHEARD: So, I assume that at this point the driver was focused on the road ahead, wasn't he or she?

MR LAND: That was me. So, I was driving, and yes, I was focused ahead, but I've
5 been known to look a little left and right.

MS SHEARD: Hopefully not too much while you're driving.

So, turning the page to photograph 1, you've got a photograph there that's taken just past the causeway, is that correct?

MR LAND: Yes, I think so.

10 MS SHEARD: And the building is largely shielded by trees from that angle, isn't it?

MR LAND: Yes.

MS SHEARD: So, turning over to page 2 on the next page; that's the one that's taken at the very beginning of the off-ramp, isn't it?

MR LAND: Yes.

15 MS SHEARD: And you can see that part of the building is visible, but the remaining part of the building is obscured by planting again, isn't it?

MR LAND: Yes.

MS SHEARD: And in photograph 3 on the following page, again, you can see part of the building, but part of the building is also obscured by trees, isn't it?

20 MR LAND: Yes.

MS SHEARD: So, in all those photographs you've got quite a bit of the building obscured by trees haven't you.

MR LAND: Quite a bit of the building in visual.

MS SHEARD: Do you accept that the Northern Corridor Project will result in all of
25 the vegetation shown in photographs 1, 2 and 3, between the motorway and Kiwi site, and also the vegetation just to the north, heading up to Watercare, will all be taken out?

MR LAND: Yes it will.

MS SHEARD: So, if we turn now to your visual simulations for cars 1, 2 and 3. On
30 car 1, there's quite a bit of vegetation in that photograph for the existing view that isn't shown, isn't there?

MR LAND: Yes, I have shown no vegetation in my illustration.

MS SHEARD: And you've just said that the vegetation will be taken out as a result of the project.

35 MR LAND: Yes it will.

MS SHEARD: So, in fact there will be an improvement from the existing to the lodged design?

MR LAND: In the lodged design, the car 1 position, I think we feel that the building is so far away that there will be an improvement but not really discernible.

5 MS SHEARD: But you can see the building from that location, can't you?

MR LAND: Yes, you will be able to see that building as you can now.

MS SHEARD: Turning to photograph 2, again, the existing view doesn't contain any vegetation, does it?

JUDGE HARLAND: Well I think he said none of them do, and we can see that
10 clearly as well.

MS SHEARD: And compared to that the view for the lodgement design underneath, you will have the vegetation removed which is an advantage, but you also still be able to see, which I don't think you can see under the existing view the words "signage solutions", correct?

15 MR LAND: What was your question?

MS SHEARD: So, under the existing view you can't see the words "signage solutions", can you, with the vegetation in place?

MR LAND: Not in my photo 2, correct.

MS SHEARD: And underneath, you can see, in the lodgement design, you can see
20 the words "storage solutions", can't you?

MR LAND: Yes, you can.

MS SHEARD: So, in terms of your views from car 4, that's another view looking across at right angles from the driver's side, isn't it?

MR LAND: Photo 4, you mean?

25 MS SHEARD: Car 4 on the A07? You're essentially looking at right angles across to the Kiwi site from that location, aren't you?

MR LAND: It's not quite right angles, but it is quite a wide angle.

MS SHEARD: And the same would apply to --

MR LAND: Sorry, the photograph was from the passenger side of course.

30 MS SHEARD: Correct.

MR LAND: But equally the driver could see that.

MS SHEARD: And similarly, the car exit 2 is looking at right angles as well, isn't it?

MR LAND: Car exit 2 is also a very wide angle, yes. A wide angled view.

MS SHEARD: So, just turning now to looking at the planting that could be put in
35 place in the current day situation next to the Kiwi storage site, you've said

that the slope for planting there is quite steep, but there's already an existing row of palm trees there, isn't there?

MR LAND: Yes.

MS SHEARD: So, if you removed those palm trees you could get some quite dense
5 planting across that frontage?

MR LAND: You could plant it with different trees.

MS SHEARD: Now in relation to the UDLF, you mentioned that there's a statement
in that UDLF relating to commercial views. Now, would you accept that the
UDLF covers a really wide range of matters, including things like CPTED,
10 and Mana Whenua values, and landscaping, and amenity values for the
users of the shared use path et cetera?

MR LAND: Yes, it does.

MS SHEARD: And would you accept that some of the matters that the UDLF
covers are in direct tension with each other?

15 MR LAND: They may be, I'd have to study them to agree whether they are in direct
tension or not.

MS SHEARD: But they're just a guideline, aren't they, in that particular section?

MR LAND: They are guidelines.

MS SHEARD: So, while they're desirable, it's not a direction that you must
20 implement that particular aspect?

MR LAND: I can't say that it would be "must", but I would certainly see them as
guidelines to endeavour to achieve as many as you can, as best you can.

MS SHEARD: And in trading off the different aspects referred to in the UDLF,
would you accept that the functionality of the shared use path and the
25 busway would be one of those elements?

MR LAND: I would.

JUDGE HARLAND: Re-examination?

MS TREE: No re-examination.

30 ~Questions from the Board (3.25 pm)

MR MARK-BROWN: Mr Land, good afternoon.

MR LAND: Good afternoon.

MR MARK-BROWN: So, a number of your pictures show that, say for example,
A07a, lodgement design A09a, you can see just see the top of the existing
35 Kiwi storage building?

MR LAND: Yes.

MR MARK-BROWN: From an architectural urban design point of view, assuming that one could get a consent to put a sign up, could that effect not be mitigated by a quite effective sign that was raised up above the existing roof, so that even if it was in the sort of shape of a mock section of the building, that might provide some mitigation of the effect that you're talking about?

5

MR LAND: Raising the signage, I understand, would be a possibility to get more view of signage, but the client, I know, prefers buildings over signage in the sense of visual recognition.

MR MARK-BROWN: Would you agree that that's an important aspect, or is that outside your area of expertise?

10

MR LAND: It's outside my field of expertise, the visual recognition difference between signage and buildings.

MR STEWART: I just had one question of clarification really, and that's related to your last plan on page A10a, and you were referring to the high retaining wall at the northern and southern boundaries, and you've said on the southern boundary it was 9.1, and I think I got lost a little bit because you said something about it providing some space for planting and there was some debate about the ground levels for the building and the height of the wall.

15

I've just got lost a little bit as to what you were actually trying to say, whether the height of the retaining wall could be reduced, or whether there was some open space there for planting, or what exactly was is that you were saying?

20

MR LAND: I was just saying that the height of the retaining wall above the ground level around the building A, at 9.1 metres, is very very high, is really what I was saying.

25

MR STEWART: Yes, I heard that, but I thought there was some other comment about the fact that there was some space between the retaining wall and the structure of the SUP?

MR LAND: It may be that I was referring to the difference in the table along the bottom of the drawing, the line of chainage is away from the boundary of Kiwi, in that corner, and so the reference of existing levels in that table, is not the level I used for calculating the height of 9.1 metres. The reference for the existing level is 53.7, at that position, because the chainage is away from the boundary. And I was just pointing out that I've used, for height, the level around the buildings of 46.2. So yes, there is a difference between the two, but I was really only wanting to clarify the fact that when I said 9 metres, it's 9 metres above the ground around the building.

35

MR STEWART: Okay. Thank you.

JUDGE HARLAND: So I just want to have a look at A05a on the big plans, because it's easier to see, and in particular, the lodgement design, the middle photograph. We can see the little person that you've put there on the SUP
5 just to the left of the photograph.

MR LAND: Yes.

JUDGE HARLAND: I'm struggling to see the wall -- can I assume that that goes just above that person's head there all the way along?

MR LAND: Well it may do, but I didn't start it until just to the right of that person.

10 So, you can see there, there is a black line actually just reaching about the fourth garage door to the right.

JUDGE HARLAND: Oh, I see. Thank you for that.

MR LAND: And then it travels to the right.

JUDGE HARLAND: Yes. So, I'm not suggesting this is a total answer, but from that
15 particular viewpoint the signage that is there, secure storage units, could be moved to the left, correct?

MR LAND: Yes.

JUDGE HARLAND: Yes. That doesn't solve the issue of the glass visual into the smaller units, but that's -- that is -- that signage could be moved, and seen in
20 the lodgement design from that perspective?

MR LAND: Yes, it could be moved to the left or it could be higher, on a new construction above.

JUDGE HARLAND: Yes, and are you familiar with the dimensions of the Kiwi site generally speaking?

25 MR LAND: Yes.

JUDGE HARLAND: So, at the left-hand corner there, as I recall from the site visit, that's one of the roadways around the site?

MR LAND: Yes, there's roads around the buildings.

JUDGE HARLAND: And there isn't room to extend out a similar build as that which
30 appears to the right-hand corner showing the visual in, is there? There's not room because it would compromise the circulation issue?

MR LAND: I believe that's the case, but I'm not in that much detail on the ground.

JUDGE HARLAND: And this is probably more appropriately put to a planner, but are you in the course of your work familiar with the rules in the AUP about
35 signs?

MR LAND: Only generally familiar.

JUDGE HARLAND: Pardon?

MR LAND: Only generally familiar.

JUDGE HARLAND: Well, I'm just wondering whether it's pretty difficult to get signs put up, big ones, are you able to comment on that or not?

5 MR LAND: No.

JUDGE HARLAND: No. All right, thank you. We'll ask one of the planners to help us with that.

MR STEWART: Sorry, I just had one more question which was inspired from your previous answer. Talking about the wall on the side of the SUP, and I think I mentioned before, commented on the fact that I remembered there was a side agreement being talked about between the Transit Agency and the Applicant and yourself, your drawing shows the wall or the barrier or whatever it is being clear, like glass I suppose or something like that. So, do we know whether -- I mean have we -- we haven't been told what that is likely to be, but what it would seem from your drawing is that that's actually quite a significant matter for you, because even if you got the relief that you're seeking, it's partly -- would be affected by whether that wall is clear or not?

10
15
20 MR LAND: It would be. I'm not familiar with the agreement that's been discussed in detail. My illustration is definitely diagrammatic; I just showed the top line and some vertical divisions at about 7 metres sets. So, not a practical fence at all, and if I'd drawn all the lines, due to the way drawing lines work on illustrations, it would have obliterated the visibility of the buildings and particularly in a static drawing.

25 So, I can't really guess in respect of what they will see, but I can tell you that we've -- I've personally looked at the clear acrylic protection to the St Mary's Bay walkway beside the motorway, you may know there's one on there?

MR STEWART: Yes, I do.

30 MR LAND: And I was unable to photograph that that clear because it had so much reflection on it. It's in fact -- while it may sound good, a clear acrylic screen, it seemed to reflect badly when you were on the motorway or on west avenue, looking across, to try and take a photograph through towards the greenery of St Mary's Bay cliff. So, you know, I think there may be that the -- my client and others have been discussing what's a transparent or what's a suitable sort of protection for the SUP, that might also not block the view too badly.

35

MR STEWART: I suppose then my last question would be related if the barrier fence, whatever it is, was not transparent, to what extent would this negate your suggestion that your Kiwi solution would help to mitigate the adverse effects you're talking about? In other words, if you couldn't see through it.

5 MR LAND: Correct, if you couldn't see through it, it would be a significant disadvantage and would reduce the visibility very significantly.

JUDGE HARLAND: Thank you very much, Mr Land.

We will take the afternoon adjournment at this point and thereafter I think we have Mr Allan and then Mr Doyle.

10 ~-(Adjourned 3.36 pm - 3.50 pm)

~SAMUEL ALLAN (Affirmed) (3.52 pm)

~Examination in Chief by Ms Tree (3.52 pm)

MS TREE: Mr Allan, can you confirm your full name is Samuel Alexander Allan?

15 MR ALLAN: Yes, that's correct.

MS TREE: And you've prepared a statement of evidence dated 25 May 2017?

MR ALLAN: Yes, I have.

MS TREE: And a summary statement dated 8 August 2017?

MR ALLAN: Yes, that's correct.

20 MS TREE: Do you have any corrections to those statements?

MR ALLAN: No, I don't.

MS TREE: Can you please read your summary statement?

MR ALLAN: My evidence describes the marketing and brand impacts of the Northern Corridor Improvements project on Kiwi Self Storage Limited's site at 12 Holder Place, Rosedale, in particular it demonstrates that:

25

Kiwi is a visual brand and service that is best communicated visually to customers. What I mean by a visual brand is that it is the logo -- the logo, the building, the colours of the building, the type of typography and the services that Kiwi storage offer are represented by their location. As an example, another key business that is also a visual brand, and it also a storage facility, is Westhaven.

30

The Kiwi site was positioned and developed to take advantage of visibility from State Highway 1. It provides broader brand recognitions for Kiwi and its business at other facilities in Auckland. And on the Shore it is an icon. If you ask anybody where the storage facility is out in Albany, they know that it's at the Constellation Drive exit. However, that doesn't apply to any new people

35

that may be moving up into the Silverdale area. Obviously there's a lot of building up that way, there's going to be a lot of new customers moving to that area, and we feel that the impact that the new motorway will have will dramatically reduce the effect of the visual brand that they have.

5 It is important that customers see the space that they may store items in. Customers currently see the big Kiwi building, connect the brand to the idea of storage, and remember the location of the building. Much like Westhaven Mariner, and the fact that people see that; they connect it with the fact that they can store their boat there.

10 In particular, visibility of the Kiwi site from the Constellation Drive off-ramp is critical, these are people living or working in the area and are key potential customers.

I understand there is an agreement to install a wire fence which will help with visibility and it's a positive move.

15 The NCI Project in its current form will severely obscure the view of Kiwi's building to potential customers on Southern [sic] Highway 1. The Kiwi Buildings have been designed to 'face' Southern [sic] Highway 1, and they do not have any other alternative street exposure.

20 I note that from previous evidence there's been some discussion about the trees currently supposedly obscuring some of the building, but I drove past there in both directions today and the foliage makes absolutely no difference to the actual visibility of the building.

25 Loss of visibility will require Kiwi to rely on other advertising techniques. These are not as effective and are very costly. For instance, if people don't know it's there, if they're driving past and they don't see it, they're obviously going to move to an online search tool, which obviously very competitive, it's very price-driven; where Kiwi Self Storage value proposition, is actually on the services that they offer rather than price. Also, Google doesn't necessarily explain, you know, doesn't give the positive benefits of being close to the
30 motorway, it doesn't -- excuse me I'll move on to the next point.

35 Large billboards on the roof of the Kiwi buildings (if they were approved) will not create the visual impact that Kiwi currently has by customers being able to see the buildings, signage and location. And what I mean by that is when you drive past the location at the moment just out of the corner of your eye you can see that there are boats stored there, there's little red doors, you instantly know that that is a storage location. Installing some signage, we have had

experience in Newmarket next to the motorway where there are limitations as to what you can put beside the motorway in terms of signage because you don't want to distract drivers.

5 Also, just going back to the point about being able to see the buildings, signage and services, such as the boat storage, you know, a small sign is not going to portray in the same powerful manner that the building does at the moment.

In conclusion:

10 Overall, I consider that the NCI Project will have a significant impact on Kiwi's brand awareness for both the Kiwi site and its wider business.

There was a comment before about an increase in bus -- use of public transport, I mean that could potentially take 10 or 15 years. The impact, we feel that the brand impact on this business will have dramatic effect within maybe 5 years. So, it's quite a big time difference between the two.

15 I talked about the restriction on the signage, and also we talked about looking at these different views, the close-ups going along on A05a, A06a and A07a, these are all static images, but if you're travelling on the motorway at sort of 50 or a hundred kilometres an hour, then really I think one of the main ones to refer to is A05a and A07a, where I think, you know, those are quite important to look at because -- and it's worth actually going down there and driving along
20 the motorway and you will see that that will make quite a difference.

That pretty much covers it off, if that's all right.

MS TREE: Just a couple of questions. You also commented on alternative advertising techniques, and in terms of a billboard that's facing the motorway, if
25 you were to rent a billboard facing a motorway do you have any idea about how much that would cost?

MR ALLAN: Certainly, it's around 36,000 a year.

MS TREE: And there was also a comment in terms of, you know, the potential if you were actually screening the buildings, not necessarily the buildings, but you
30 would put a sign on the roof of the Kiwi buildings, what's the difference -- can you explain whether that would mitigate the effects?

MR ALLAN: As per my comment before, a lot of cars are going past at 50 or a hundred kilometres an hour; you are not going to see a sign as comparative to actually seeing a physical building, so the impact is a lot less, but a sign has a
35 lot less impact than a physical building does. And it's also that visual

recognition of the type of building that it is, by seeing the type of building that it is you automatically know that it is a storage facility.

MS TREE: I suppose are there any other examples that you can draw in terms of, you know, seeing and recognising a building and a business beside the motorway compared to seeing a sign that's advertising something?

MR ALLAN: Sure, I mean even just driving out here, or driving along the motorway there's quite a few examples. There's Tip Top ice-cream. I mean, I would ask how many billboards can you remember driving along the motorway compared to how many buildings can you remember driving along the motorway? I mean, along the motorway you've got Tip Top; driving here you've got Mitre 10, you've got Bunnings. You know, there's quite a few buildings that you can remember just because of their visual identity beside the motorway. Whereas a sign, I challenge anyone here to remember any of the billboards beside the motorway.

So, I think that shows the importance -- the power of the actually indication.

~Questions from the Board (4.02 pm)

MR MARK-BROWN: Mr Allan, you did mention that you've had experience in Newmarket, but I wasn't sure what that experience was. I think you talked about signs, but there's limits in terms of distracting motorists is that what you were saying?

MR ALLAN: Yes, that's right.

MR MARK-BROWN: So, that limits the size of signage you can have near motorways?

MR ALLAN: That's right, and the type of content that I think you can have on the sign itself.

MR MARK-BROWN: And in your conclusion, you talked about significant impact on Kiwi's brand awareness for both the Kiwi site and its wider business, so what's the wider business?

MR ALLAN: So the wider implications would be basically that there's obviously a lot of traffic going past that location, and they are not just commuters, there are also people travelling on the weekend and they will see that location and then they will think oh Kiwi Self Storage, I could use those guys, and they can then also look up locations that are closer to where they live.

MR MARK-BROWN: So you are saying that Kiwi has various sites?

MR ALLAN: Yes, they do.

And all of the sites have been strategically chosen to have good visual identity beside thoroughfares, like the motorway.

MR STEWART: Just to continue that perhaps, the one -- the two buildings I can think of which have -- can be identified by their shape and colour, for instance, KFC and The Warehouse, which clearly you see them anywhere and that's what they are.

But in this case, the buildings are coloured red and white and there's -- so -- but the nature of the building, are you saying that the actual shape and colour of the building is what identifies them, or is it the words on them?

MR ALLAN: No it's the colour and shape of the buildings. So, the doors are purposefully painted that red colour. And if you look at any storage facilities they all have a similar shape.

MR STEWART: So, in order for somebody going down the motorway and seeing that and identifying it as a storage facility, unless they knew the Shore quite well they might find it quite difficult to get to the site, because as you say it's down a back street. Do you think that the phone number is something that's important?

MR ALLAN: In comparison to?

MR STEWART: Well, I'm really trying to find out from you what exactly is it about that building which will help people to find it, is it just the colour or is it the words or is it the telephone number or all of those things?

MR ALLAN: Personally I think it's the shape of the building, the actual physical shape of the building. So, it is the physical side profile of the building with multiple red doors which says "storage". So that's the important part.

MR STEWART: Okay, so having driven down the motorway, seen the building and seen the word "storage", then people would have to find it either by doing a bit of a recce around the streets or by ringing them up presumably?

MR ALLAN: Yes, that's right.

MR STEWART: So I'm really trying to get to the question that was asked before about signage. And one -- and perhaps signage of course is to enable people to be able to contact the people who put the signs up.

So, there would have to be words and/or phone numbers on the sign, either on the building or on a separate sign?

MR ALLAN: Yes it would, and it would have to be quite a simple message to be legible, you know, driving past at speed. Whereas if you were driving -- you know, with being able to see the building, you know exactly where the area is;

you can easily quickly go and Google and search for that location, that specific location, just because you've seen it visually.

Whereas if you couldn't see the building, you would go and you would search on Google and you would be presented with 20 different locations, not really knowing where any of them are.

5 JUDGE HARLAND: Do you consider that's an advantage to this business that it's the only storage business on this side of the motorway? That's what we were told this morning.

MR ALLAN: Yes, I think it would be an advantage, and they have chosen that strategically.

10 JUDGE HARLAND: So regardless of visual recognition, do you think it's fair to assume that that fact alone would also attract some business?

MR ALLAN: There is another storage facility down in Glenfield.

JUDGE HARLAND: On the same side of the motorway?

15 MR ALLAN: Not on the same side of the motorway, but if someone was looking on Google then they wouldn't know what side of the motorway it is, they'd just be looking for storage on the North Shore and then they would be presented with the competitor brands.

JUDGE HARLAND: Well, you see one of difficulties I have with what you've told us is that only 26% of business for this business, we were told, comes from drive-bys; so that means that three quarters, or just under of the rest of it comes from somewhere else. And what I'm asking -- really want you to help me with is how that might affect the argument that you're making about the visual brand being as important as you say it is?

25 MR ALLAN: 26% is still a lot of business.

JUDGE HARLAND: Undoubtedly, but it's only part of the business would you not agree?

MR ALLAN: Yes, certainly.

JUDGE HARLAND: So, that would tend to indicate that up to maybe three quarters of the rest of the people who use that facility would find out about it in other ways? That's what we've been told.

MR ALLAN: I think that there is still a lot of power in people driving past, looking online, and then going to the facility, or booking online by physically seeing the building. Yeah, I think that cannot be underestimated. I mean, everybody here knows where it is by just driving past it. You know, if you couldn't see it then you wouldn't even know that it was there.

35

JUDGE HARLAND: Well, I just wonder whether you've done any research about your statement that "on the Shore this is viewed as an icon"?

MR ALLAN: Yes, we've done internal and some external research as part of this process.

5 JUDGE HARLAND: All right, are we able to see that, because that's a conclusion at the moment that's not based on any facts. It's just a statement, and I'm not trying to be disrespectful to you --

MR ALLAN: Yes, I understand that, so I would withdraw that then, because it really just has been more of a -- yeah, not an official research.

10 JUDGE HARLAND: Right, well, yes, all right well that's fine, we won't press that any further.

So, I just wanted to ask you again a few questions, because I didn't quite catch the bit it with the -- what you explained to us in your presentation about visual brand. You told us it included the logo, the building, the colour of the building and was there something else?

MR ALLAN: Yes, also the shape of the building.

JUDGE HARLAND: Shape of the building.

And in this case is that more to do with -- or partly to do with the -- more or partly to do with the fact there are the roller doors which --

20 MR ALLAN: Yes that's quite a major feature.

And it's also the fact that you can see the storage of the boats and other vehicles outside behind a secure fence. So, that automatically tells you that it is a storage facility.

JUDGE HARLAND: Yes, all right. That's helpful.

25 And again, just because I didn't get to write it down quickly enough, when you talked about the Tip Top -- when you were talking about billboards and you talked about Tip Top were, you talking about the Mt Wellington Tip Top on the corner there?

MR ALLAN: Yes, that's right.

30 JUDGE HARLAND: Which sometimes has sort of a moving animated as well as a fixed, or am I incorrect about that?

MR ALLAN: Yes it has a large -- yeah, there is a large building beside the motorway with a large Tip Top sign on it. But the Tip Top sign is part of the building, it's not an external sign.

35 JUDGE HARLAND: Right. And sorry what was your conclusion about that?

MR ALLAN: It's the fact that the comparison between the power of the sign and the power of a building itself, and the fact that if you were to drive along the motorway, you won't be able to -- I would challenge anyone to recall any of the billboards they see. However, I'm sure that most people could recall quite a few
5 buildings along the motorway because of their physical presence on the motorway.

JUDGE HARLAND: Right, and is there any research to back up that opinion?

MR ALLAN: Currently there's not, but I'm sure you could do some.

JUDGE HARLAND: All right.

10 And what about -- so, for example, just with the Tip Top and I'm interested in this, which is why I'm asking the questions, under Tip Top billboard, you see I would know that as Tip Top corner.

MR ALLAN: Yes.

JUDGE HARLAND: So, that would tend to suggest that there is some benefit in a
15 billboard, or maybe that's more of an age stage thing and that younger people would not have that same perspective, just help me with that a little bit.

MR ALLAN: So the Tip Top corner doesn't have a billboard, it is physically the Tip Top building.

JUDGE HARLAND: Right, where the Tip Top sign is at Mt Wellington, I would call that
20 the Tip Top corner you see?

MR ALLAN: Yes, that's the build itself.

JUDGE HARLAND: So that visual recognition, if you like just from a personal perspective, is being obtained from seeing the billboard on the building, is that an age and stage thing or -- just help me with that.

25 MR ALLAN: Yes, it's basically seeing the logo, which is iconic, so you would see -- recognise the shape of the actual Tip Top logo and basically that would help give you recognition of that brand in a similar way to Kiwi Self Storage, seeing the shape of the doors and the building itself, that automatically tells you that that is a storage facility.

30 JUDGE HARLAND: Right, but I guess what I'm trying to understand is if I'm seeing a billboard with that on it, regardless of shape of the building or anything like that, is there not some benefit in a big billboard identifying a building as well? I'm not trying to minimise what you're saying, but what I'm getting from you is that there isn't much benefit in a billboard, and I'm challenging you on that.

35 MR ALLAN: There is definitely some benefit, but it would be minor compared to the actual physical presence of the building.

JUDGE HARLAND: And so when you told us that a billboard's about 36,000 per annum, can't you just put up for a business the billboard that they've had designed and have it there, it's on their building, there's that cost every year?

MR ALLAN: To be honest I would think, because they're losing all of that brand
5 presence beside the motorway you would need to install more than one.
Because you'd need to install one further up the motorway to tell people that it's there and that they would need to exit at that exit.

JUDGE HARLAND: Right.

So, you would consider there would be several billboards required, is
10 that it?

MR ALLAN: Personally if I was going to be look at doing the marketing in the new scenario, then that's what I would do, yes.

JUDGE HARLAND: And you've explained that there are some difficulties or limitations to putting them up, at least along the motorway?

15 MR ALLAN: From our experience, yes.

JUDGE HARLAND: Do you know what the -- and say if you don't, do you know what the Auckland Unitary Plan provisions are about billboards such as this?

MR ALLAN: No, I don't.

JUDGE HARLAND: Okay.

20 Thank you that's been helpful. Are there any questions arising?

MS TREE: No Your Honour.

JUDGE HARLAND: From anyone else?

All right, thank you very much Mr Allan.

~(The witness withdrew - 4.14 pm)

25

~STEPHEN LUKE DOYLE (Sworn) (4.16 pm)

~Examination by Ms Tree (4.16 pm)

MS TREE: Can you please confirm Mr Doyle that your full name is Stephen Luke
Doyle?

30 MR DOYLE: That's correct.

MS TREE: And you prepared a statement of evidence dated 25 May 2017?

MR DOYLE: That's correct.

MS TREE: And a summary statement dated 8 August 2017?

MR DOYLE: That's also correct.

35 MS TREE: Do you have any corrections to make to those statements?

MR DOYLE: No.

MS TREE: Can you please confirm that they are true and correct?

MR DOYLE: Yes, they are.

MS TREE: Can you please read your summary statement?

MR DOYLE: This statement provides a summary of my evidence dated 25 May 2017.

5 I am a registered valuer ...(Reads 2-6 of Summary Statement)... which
will be materially reduced by the proposed acquisition and NCI Project works.

MS TREE: Could you just turn to your appendix and just briefly explain what that's
showing?

MR DOYLE: So the map that's on the appendix shows the location of self storage
10 facilities throughout Auckland, those that we have knowledge of as an existing
site, and also some that are currently under construction or may have been
proposed. The clustering of dots on that plan is primarily around arterial routes,
or alternatively in locations where there is available land supply or secondary
industrial property, which has been converted to use for self storage uses.

15 Locations such as central areas of Auckland, say Remuera, on the edge
of St John's and towards Newmarket, you will see there is an opening there,
which means obviously there is no land supply available for self storage use, or
that location is deemed not suitable for that particular activity.

MS TREE: Thank you. And there was a question raised to Mr Allan in relation to the
20 sales for the site, 26% are from drive-bys with a 45% conversion rate of those,
and the question was what impact is that on the business? Are you familiar
with that evidence of Mr Fraser, and are you able to comment on that?

MR DOYLE: I'm not familiar with the specifics statistics that have been mentioned.
But what I would question is of that 26% what proportion of those people had
25 already knowledge of the storage self facility on that site.

MS TREE: Thank you. Please answer any questions.

~Questions from the Board (4.20 pm)

JUDGE HARLAND: Well, we did get some information as it transpires during the
30 evidence about that, and if you just bear with me a moment I will try and
ascertain it.

I think the thrust of Mr Fraser's evidence in that regard was that there
were few repeat customers, there weren't as many repeat customers as one
might think. So, the 26% which seemed relatively consistent not only for this
35 end of financial year that's happened 31 March 2017, but the previous one,

seemed to show that they were one-offs, if you like, that had observed the building from driving past it.

So, in light of that, are you able to make any comment or not particularly?

5 MR DOYLE: I don't think so, no. I would just want to delve a little bit deeper into the question that was asked in order to get that statistic.

JUDGE HARLAND: Right.

All right, so when you talk about the company that you work for monitors the location of self storage units, is that -- what percentage of those sites that
10 you monitor would be clients of yours?

MR DOYLE: A very small proportion, to be honest. The ownership of self storage is highly fragmented. There's a lot of one-off sites with no particular branding associated with it. So, we tend to undertake work for a select group of clients.

JUDGE HARLAND: Right, so what percentage of the self storage market in Auckland
15 would that be?

MR DOYLE: In terms of -- a very small percentage.

JUDGE HARLAND: Right, under 10%?

MR DOYLE: Well under 10%. The reason being is the ownership characteristics of each site may trigger a requirement to undertake valuations for financing
20 purposes. Traditionally these properties don't transact on a frequent basis, so the requirements for valuations can be very small.

JUDGE HARLAND: So when you talk about new self storage developments occurring in less than optimal locations we've also heard evidence that this is the only self storage unit on that side of the motorway, there are others on the other side.

25 MR DOYLE: Okay.

JUDGE HARLAND: So, there's always the opportunity, isn't -- or the possibility that there will be competitors set up on the other side ON a less than optimal site?

MR DOYLE: That's right.

JUDGE HARLAND: Yes.

30 Right, and are you aware of any land supply options available on that side that you can identify for us?

MR DOYLE: On the eastern side of the motorway?

JUDGE HARLAND: Yes.

MR DOYLE: No, without undertaking that research nothing readily springs to mind.

35 Sorry, just to elaborate on that, the most recent purchase of a site specifically for a self storage development was at the intersection of

Tristram Avenue and the motorway. A very awkward shaped site, it had existing buildings on it, it had existing leases which would defer the development potential of that site, acquired by somebody that is specifically undertaking a project in the future to provide for self storage. So, I would expect that the key to having it there was -- the key characteristics of the site are that it had exposure to the motorway. But what that demonstrates is that there is not the availability of vacant sites along that motorway corridor which provides ready opportunities. It is very very difficult to secure a site throughout that entire corridor.

5

10 JUDGE HARLAND: All right, so on the eastern side, leaving aside the motorway access, are there other -- are there other areas, land supply areas where these kind of facilities could establish?

MR DOYLE: I think not within the immediate area. There's certainly in more outlying locations, then that could be possible.

15 JUDGE HARLAND: So, there would be an advantage nonetheless, regardless of location, for the fact -- associated with the fact that this is a business there and there aren't many other opportunities for other businesses of that kind to establish on that side of the motorway?

MR DOYLE: Without a doubt. The key issue relating to the location of a facility is its exposure to a catchment.

20

So, traditionally we look at catchments which are within drive times. And that may be a 10 to 15 minute, within an established urban location like this. Up to 20 minutes in more outlying locations.

JUDGE HARLAND: Right.

25 MR DOYLE: So the area that extends by a 15 minute drive time from that site is a particularly large area encompassing most of the eastern parts of the North Shore. So, from my perspective, it's a very strategically critical site for that activity.

JUDGE HARLAND: I suppose in fairness I need to put to you the inference that I might be able to draw from that, which is that regardless of the view from the motorway, accepting that it's an important factor of the business, but regardless of it, the site still has an advantage because it has few competitors on that side of the motorway.

30

MR DOYLE: I think so, yeah. I think in my statement I described the site as being exceptional. And without a doubt I think with its exposure to the motorway

35

system it is an exceptional site. If it was situated in a deferred location without that visibility, it becomes a prime site nonetheless, but not what it is now.

JUDGE HARLAND: Right.

5 So, just again so that I'm really clear what you're saying, it would go from exceptional to prime?

MR DOYLE: Yeah, I think that's probably the way that I would describe it.

JUDGE HARLAND: And so you talk in your evidence about a decrease of financial occupancy in the order of 10%. I'm just wondering how you get to that figure?

MR DOYLE: The way that we usually value these properties is on a basis of revenue
10 versus cost to get to a net profit line and that net profit line is then capitalised or converted to value. The key determinant in that calculation is the financial occupancy. So, it differs slightly from physical occupancy. The way that we assess that level of financial occupancy is to have regard to the market first of all. And the market statistics tell us that traditionally prime facilities may be in
15 the order of 85 to 90% financial occupancy. The financial occupancy that is being achieved by this facility at the moment exceeds that; so, that quickly tells me that there is special characteristics associated with this site which promote a very favourable trading environment.

20 In terms of assessing that fall in occupancy, we're going to benchmark with comparable facilities that don't obtain similar levels of exposure. And my experience within this sector tells me that that may be within the order of 10% to reflect that it was a site that's exceptional.

JUDGE HARLAND: So, that's been helpful, but is there any research to back that up?

MR DOYLE: Yes, so the valuations that I conduct, which are traditionally for financing
25 purposes or acquisition purposes, provide -- obviously that information is part of the valuation process. The information is obviously of a private nature due to the business that's conducted upon each site. But, in my experience, I've had financial occupancies ranging from in very poor terms maybe 60 to 97 1/2 %.

30 So, the range of financial occupancy can be very wide and I think it's important to note that we're not dealing with a homogenous product; that the composition with units within each site is very different and that can detract or adds to that level of financial occupancy.

JUDGE HARLAND: So, how would that impact on the figure of 10%? Would you be prepared to say that it's a bit variable?

35 MR DOYLE: Yes, I would agree with that. It settles with professional judgement and my experience within the sector.

JUDGE HARLAND: Okay.

And just I wanted to clarify in your conclusion in your Evidence in Chief you've talked about the value of Kiwi's freehold going concern interest in the site. Are there any issues apart from freehold with this site? It's not a leasehold site is it?

5

MR DOYLE: No, no no. So, the reference to freehold going concern is that the valuation's been conducted on basis of its lands and buildings and also the business value associated with the real estate.

JUDGE HARLAND: Right. And that would be only relevant if the business was sold, would it not?

10

MR DOYLE: I'm sorry, what do you mean by that?

JUDGE HARLAND: Well, you've said this will affect the value of Kiwi's freehold going concern interest in the site, I mean going concern is normally only of interest if someone is trying to sell the business?

15

MR DOYLE: It would be of interest if Kiwi tried to sell, but it would also be of interest to them from a financing perspective.

JUDGE HARLAND: Yes, if they wished to refinance.

MR DOYLE: Yeah, refinance or raise debt against this property.

JUDGE HARLAND: Thank you very much. Are there any questions that arise?

20

~Questions arising by Ms Tree (4.29 pm)

MS TREE: You were just asked questions in relation to facilities on the east side of the motorway, probably helpful to have your map that was an attachment to your summary statement. Can I just get your comment about how many storage facilities are in close proximity to the Kiwi site on the west side of the motorway?

25

MR DOYLE: Sorry, in terms of identifying those facilities or how many are -- just the number?

MS TREE: Just a number, and if you can identify them, then happy for you to do them.

30

MR DOYLE: I think -- and we're talking the western side of the motorway?

MS TREE: Yes, we were talking about the eastern side and that Kiwi had an advantage because it was the only one on the eastern side --

MR DOYLE: Yes.

35

MS TREE: -- but in terms of what facilities are in very close proximity on that western side?

MR DOYLE: So, the western side there is National Mini Site Storage 1 and 2, which just below the word "Albany" is the two dots. The next dot down is Kiwi. The next site to the east is a small facility on Ramp Road. The next site down is a facility on Poland Road in Glenfield and then again, a smaller facility.

5 I would say the only directly comparable facilities are those at Titoki Place in Tawa Drive, the National Mini Storage properties. And both properties obtain very high levels of exposure to the motorway.

MS TREE: And you've referred to one, I forgot the name of the road, but it was the two National Mini Storage and then Kiwi, and then you referred to one after, did
10 you say that was on the east side?

MR DOYLE: That's correct.

MS TREE: So, there is one other?

MR DOYLE: Very small facility.

MS TREE: And there were other various questions in terms of the impacts on the site
15 and also if visibility to the Kiwi site was lost. Can you think is there any other major self storage facilities in Auckland that don't have any visibility from a major transport route?

MR DOYLE: To answer your question I wouldn't put -- there are large facilities in Auckland that don't obtain exposure to main arterial routes. Traditionally they
20 are newer facilities because they haven't been able to establish themselves within locations that are comparable to Kiwi's site. But certainly nothing that I would group within the category of being an exceptional facility or at that upper prime level.

JUDGE HARLAND: Thank you, Mr Doyle.

25 ~-(The witness withdrew - 4.32 pm)

~Comments from the Board (4.32 pm)

JUDGE HARLAND: So, that takes us to the end of the day and everyone has done really well to get through the work we had to do today.

30 Can I just clarify, Ms Tree, are you making a closing address?

MS TREE: Yes.

JUDGE HARLAND: All right, that's fine; so we will see you again on the last day, is that on Monday is it or is it on Friday?

MS TREE: I was scheduled to be on Friday.

35 JUDGE HARLAND: That's fine we won't mess with the schedule, I just wanted to know.

All right, thank you.

So, there were a few matters that we needed to cover, just housekeeping matters really, and I'll do that now as much as we can.

5 There was a site visit that we undertook, it seems a long time ago, I think the Wednesday or whenever it was -- the day before, when we last finished -- the day after our last hearing date, that was the date that unfortunately Mr Mark-Brown became ill. So, we, that is Mr Stewart and myself, undertook the site visit. There will be a brief summary of where we visited on the website. Mostly -- well pretty much predominantly it was in the
10 Unsworth Drive area and we did drive back via the Western Ring Route, such as it is into town.

So, what we actually did will be up on the website.

Mr Mark-Brown feels that he's absolutely comfortable with this area and doesn't need to go and re-do that, unless anybody wants him specifically to go
15 back to the places that we saw. So, you can think about that and if there is an issue with that you can let us know.

Otherwise, that was really for the benefit of me, more than anyone else, given that Mr Stewart is very familiar with this area.

So, that was just to record that into the record.

20 Also, the next point was to do with the updated, and in some cases supplementary evidence, by Ms Brock, Mr Glucina and Mr Clark. We are unlikely to want to question Mr Clark, who's evidence addressed the surveys done at Alexandra Underpass. In relation to Ms Brock and Mr Glucina, we will make a decision about that after we retire tonight and let you know. We might
25 require Mr Glucina to ask some questions about the Alliance, it will be obvious the kinds of questions that we've covered today, what areas we might be interested in there.

In relation to Waste Management, there has apparently been a memorandum filed today, which we haven't had a chance to look at, but will do,
30 and can deal with that in a way that's least inconvenience to everybody and in accordance with what you've agreed.

I think that's pretty much it, unless anybody else has any other matters that they think are outstanding that we need to address from that perspective?
No.

35

All right, well thank you very much. We will resume again tomorrow at 9 am.

~(The hearing adjourned at 4.35 pm)