

BOARD OF INQUIRY

Northern Corridor
Improvements Proposal

TRANSCRIPT OF PROCEEDINGS

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Northern Corridor Improvements proposal

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

on 10 August 2017

BOARD OF INQUIRY:

Judge Melanie Harland (Chair)

Mr Conway Stewart (Member)

Mr Nigel Mark-Brown (Member)

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~Day 8, 10 August 2017 (9.08 am)

~Comments from the Board (9.08 am)

JUDGE HARLAND: Good morning, just before we start today with the submissions,
5 we'll just deal with a couple of housekeeping matters to get them out of the way.
The first is to deal with the evidence of some of the supplementary evidence
that's been provided. We don't require Mr Glucina. We would like Ms Brock to
be made available to ask some questions. One of the things we would like to
get some clarity about is what the Applicant is proposing to do to mitigate any
10 adverse effects that might arise in relation to the Unsworth shops or the
Greenwich Way shops; whether they think it is or isn't. So, I'm not sure if
Ms Brock's the person to answer that, but if someone can help us with that
either by submissions or otherwise that would be helpful.

There is an email that Mr Berry has sent us concerning a couple of
15 matters which he suggests need to be covered off in closing. One relates to the
monitoring of -- you don't need to take a note of it, because we will send you a
copy of the email, monitoring of traffic during construction period and aspects of
conditions where he's querying what's happening with that, or why there isn't a
condition around that. And also, aspects of the Proposal he refers to as not
20 being pinned down. So, I just wanted to let you know, all of you, that there will
be an -- this email will be forwarded to you to address as you choose.

MS MCINDOE: Thank you. I have to say it puts us in a somewhat difficult position,
because of course Mr Berry didn't ask any questions of Mr Clark about
monitoring of construction traffic, and he developed -- or his team is involved in
25 the discussions of conditions where that matter was agreed, so I'm not sure
how we can respond to it in closing to be fair?

JUDGE HARLAND: Well the planners might be able to deal with it. They might have
an understanding as to why that's not included. Monitoring is often a planning
issue at the end of the day, isn't it?

30 MS MCINDOE: Yes.

JUDGE HARLAND: So, if there's a technical evidence based reason why we can't
deal with it in that way then let us know, we'll be flexible about that.

MS MCINDOE: Thank you.

JUDGE HARLAND: It's just been raised, we need to let you in fairness have an
35 opportunity to answer it.

MS MCINDOE: Thank you.

And just in relation to Ms Brock I will ask her whether she is the right person to deal with this matter and come back to you about that today.

JUDGE HARLAND: Yes.

MS MCINDOE: Mr Glucina, we would be very happy to have him appear. It seems, I
5 guess from our side of the room, that the Board has some discomfort with the Alliance structure proposed and if I can --

JUDGE HARLAND: Oh no no --

MS MCINDOE: -- ask questions about that.

JUDGE HARLAND: Yes, we understand that, and I just need to make this absolutely
10 clear we're not -- there was not much information, in fact virtually nothing, in the evidence about the Alliance structure.

Mr Glucina's updated evidence covers matters which we understand, anyway, about -- and it's the choice of the Agency as to what they do and how they run their projects. But what we are interested in, as I hope has been made
15 clear throughout, is who is responsible for what, and if there is a problem who's the one that gets to deal with it? And we don't want it lost and falling between the cracks. So, if you would like Mr Glucina to be here to perhaps elaborate on points, that's fine, but we don't have any real questions of him arising out of the material he's provided.

20 MS MCINDOE: Okay thank you.

JUDGE HARLAND: So over to you, very happy to do that; it might be that you want that on the record read out, or something like that.

MS MCINDOE: No it was really just if it was useful to the Board. So, thank you for that indication.

25 JUDGE HARLAND: Yes. So, it's not -- and the other thing I just need to make clear is that we ask questions and we raise issues not necessarily because they'll end up being a key point, just simply because we want to know about it.

MS MCINDOE: Yes.

JUDGE HARLAND: And so -- and everyone has been very helpful in trying to respond
30 to that, so thank you.

So, the next aspect really, and the last one before we get on with the submission, is an update on the plan structure.

Now, I don't seem to have that with me, but in the AEE under construction, there was a very useful diagram of the construction management
35 plans; Mr Hale was going to provide an update, we don't think he did?

MS MCINDOE: No, we have been working on a revised draft of that. I think it's figure 50, out of the AEE. And I had intended to provide it with closing submissions. If you'd like it earlier than that, we could try and do that. It's needed a rejig because of moving across of the op plans from the resource consents to the designations and then recently from yesterday the noise witnesses identifying that actually the site specific plans shouldn't be part of the outline plans, we're rejigging it again.

JUDGE HARLAND: That's absolutely fine.

MS MCINDOE: So, it is under way.

10 JUDGE HARLAND: The other thing we were wondering is whether that would be an appropriate document also to have as part of a set of conditions together with an index of the conditions or some contents page because we, in our look through things, sometimes have found it difficult to actually go to the bits that we want to look at? So, the other thing with the plan structure is that there are in some aspects standards referred to, for example in the landfill, there are standards referred to; well, where they fit within the hierarchy of the proposed plans would also be quite helpful.

So, what we could do is I could perhaps through Ms Robertson, do a list for you of the ones we've picked up --

20 MS MCINDOE: That would be useful.

JUDGE HARLAND: -- but there will be others. And you can then do what you want with it.

MS MCINDOE: Thank you very much. That's useful.

JUDGE HARLAND: So, is there anything else from that sort of perspective that we need to talk about before we hear the submissions? No.

All right. Well thank you, we have now Bike Auckland's presentation. Mr Southall and Ms Cuthbert. Good morning.

Steve Southall & Barb Cuthbert—submission on behalf of Bike Auckland (9.16 am)

30 JUDGE HARLAND: Do you have anything written that you'd like to present to us?

MR SOUTHALL: Good morning everybody, and Board members thanks very much for the opportunity to talk to you this morning.

My name's Steve Southall from Bike Auckland. I'm a committee member and infrastructure rep on the North Shore. Barb is our very able chairwoman and she's here to help me answer the tricky questions that might come later.

So, this morning I just plan to go through -- just to give you a general overview, so I'll be talking to the PowerPoint slides. I've got no other material to produce. I will be referencing Bike Auckland's submission, which you already have and NZTA plan set. So, they're really the only documents that I'll be talking to, otherwise I'll just be verbally talking to the slides.

So, the overview is just a general commentary from Bike Auckland on the overall Proposal. We're certainly going to touch on the good points because there are a lot of them. But there are also some areas for improvement and they fall into the general category of technical considerations and also scope definition.

So, overall, with regard to cycling -- it's a little bit hard to read. So, overall with regard to cycling. We endorse the overall Project.

So, there are some NZTA projects, huge in their scope, where we do raise some question marks and eyebrows, but we see the merit in this Proposal and, in particular, with the cycling aspects we think they're pretty good and just a few areas of improvement.

We're particularly pleased that Auckland Council and Auckland Transport also endorse the cycling aspects of the Proposal; parks traffic and transport all of them endorse, but with reservations and most of them come around to the fact that a motorway Project introduces severance and there is a need for local connections for cyclists into the local network. And that comes through strongly from all of the Auckland Council and Auckland Transport representatives, as I read their evidence.

Unfortunately, Centre for Urban and Transport Studies does not endorse, needless to say we disagree with their assessment and their evidence. And yes, perhaps they need to take a little holiday in the Netherlands or something like that, because their lack of focus on cycling I found quite surprising.

So, I won't spend too long on going through all of these in detail.

There are a lot of good points. In particular, we have a shared use path running the full length State Highway 1 and 18 in the project area, that's brilliant, thank you NZTA. And Bike Auckland's discussions with Gary Moore from Aurecon and Owen Burn from Green Group. We discussed in detail quite a lot of the Project and were reassured by, you know, quite a number of things that we found. So, I'm not going to go through all of them, but what I did want to just cover is probably just down here a little bit.

The separation of the shared use path from the approaching traffic on State Highway 18, that was quite a concerning point in Bike Auckland's submission and we are reassured that there will be a 1 metre wide landscape buffer, even though it's not shown on the cross-section. But, yeah, we're
5 looking forward to working with NZTA as we progress through detail design just to make sure that these little points are actually covered.

So, there are some areas for improvements, there are technical improvements at various locations and I'll take you through those in the slide pack.

10 Also cycling provision within the current designation boundaries and scope expansion beyond them.

Now, it's entirely reasonable when NZTA define a motorway Project that they define the boundaries around it quite closely because there is a roading network into which you can easily integrate. But we're just asking for a little bit
15 more concession on the cycling side, because there is no cycling network to integrate into.

And that's a key point, because when we look at the local connections, Bike Auckland and Auckland Council and Auckland Transport all stress the importance of maximising and improving the local walking and cycling
20 connections.

So, that message comes through very strongly.

But unfortunately NZTA's response is that this isn't really in scope; hasn't been identified, and Bike Auckland's opinion is that, you know, for a major transportation Project like this with an eye watering amount of money being
25 thrown at it, that we can ask for a little more in terms of the cycling aspects, particularly some scope expansion to allow better connectivity into the local cycling network, not just the road network, but the cycling network.

I'll just take you through a few of the high level comments that we have.

In picking up on the evidence provided by various parties there was
30 some discussion as to whether the shared path should be on the north side or the south side of State Highway 18. Now, we don't actually have a strong position on this. Much more important to us is the connectivity from that path into the network rather than which side it's on. I'll let others decide on their technical merits, you know, the best location for that path.

35 Quite important to us is that the shared path extension to Esmonde Road. This hasn't been referenced by anyone else and perhaps the

best way to illustrate this is actually a map. So here, down the bottom, if I can just move the pointer, down the bottom we have SkyPath and SeaPath taking us up to Esmonde Road. We have the NCI Project taking us from Oteha Valley and across to Albany Highway. This magenta bit in the middle is missing. And we know it's completely out of scope of this Project, but we would love NZTA to at least designate and protect this route so that in future we can be assured of a cycle path from SkyPath itself, from the Harbour Bridge right up to Oteha Valley and the connectivity that will flow from that. So, this will give us something which is comparable to the cycle way on the Northwestern Motorway which is one of our most popular cycling routes.

I'd like to discuss gradient briefly because I did read in the evidence that Kiwi Storage had concerns about visibility. Now, in this case we agree with NZTA that gradients should not be made more severe than necessary. Looking at AUSTRROADS standards engineering design, ideally cycle gradients should be less than 3% and certainly not exceed 5% unless absolutely necessary. Because the steeper the gradient the harder it is particularly for unfit novice cyclists, for children, anything like that will act as a disincentive to use of the path. So, yes, Auckland's a hilly city, but let's let our engineering works minimise the gradients and not increase them for any particular purpose.

What I'd like to do now is just go to the -- I'll be referring to NZTA's plan set here as I just step through some of the sheets and just point out some of the improvements that we'd like to see and we'll start at Oteha Valley Road number 1 and work south and then west.

So, this one is a relatively simple one. It's also endorsed by Auckland Transport as an easy win, and it's basically just to, as we look -- we've got a big residential area here (indicates), we've got Masons Road, got a little path here (indicates), why not just curve it around into the beginning the path. We've got Oteha Valley Road which is quite a hostile area for cyclists. As per our submission, let's just get a little bit of cycle friendly infrastructure so that those cyclists using Oteha Valley Road they've got easy access to and from the shared path. It's not hard to do, we've got our recommendation in the Proposal.

On the Rosedale Road sheet not a lot to say here, particularly with regard to the shared path itself. Within the good points we've already discussed access to the Rosedale Road connectivity. But our primary concern here is more Rosedale Road itself as it goes underneath the motorway. It's very narrow, cyclists are either forced onto the road or onto an inadequate

piece of footpath. It would be great to see NZTA working with Auckland Transport to introduce some traffic coning, some additional safety measures. We know you can't pick up a motorway and spread the abutments to make it wider, but there can be some small amounts of work that can be done to make that safer for cyclists.

The Arrenway Watercare, sheet 5. Now this is something that we missed in the Bike Auckland Proposal and I picked it up from the Greenways submission by Auckland Council and it is actually so compelling that I've got a couple of slides on this. Again, a little bit unfortunate that NZTA don't see this in scope, because it really is a really exciting piece of cycle infrastructure that could go there here.

So just to demonstrate, we've got our shared path coming down, here's Constellation Drive here (indicates), and wouldn't it be great to get a greenway flowing through here (indicates) and right up to East Coast Road. Now the problem for cyclists is that Constellation Drive is very hostile, it's busy, there's no cycle infrastructure, cyclists are expected to only use a transit lane or dodge parked cars. This greenway is a really exciting possibility.

Here we've got the Millennium Institute, 10,000 active members, 2,000 visits a day, and quite a number of them are cyclists.

Here we've got Rangitoto College. It's as big as a small town, over 3,000 students go to Rangitoto.

If we can increase cycling usage along this path, because Constellation Drive is hostile and Rosedale Road is a bit far away, then that would be a brilliant outcome. So at least, yes, let's get the stub going here and work with Auckland Council greenways to get this route into place.

The Strava Heatmap is another useful way of look at this, so Strava indicates where confident on-road cyclists choose to work, if they use the application. You can see that Constellation Drive is relatively poorly used. Whereas Apollo, Rosedale, East Coast Road are heavily used. So, to have a connection through here (indicates), would, because we're never going to get Constellation Drive up to speed, opening up with cycle friendly infrastructure, I see this as another compelling reason.

Constellation Bus Station, I won't spend long on this one, but yeah, let's get some cycle storage and lockers and bike parks and things in there as part of this Project. We want cyclists to use that shared path, get transport hubs,

let's make it nice and attractive when they get there, so they can hop on a bus and leave the car at home.

Caribbean Drive is quite an important one for us. The walking and cycling team from Auckland Transport identified the need to have cyclist facilities to the edge of the designation for Caribbean Drive. We endorse that; in fact, we'd like to go further, we'd like to actually take it further south, if possible right up to Sunset Road.

Unfortunately again, NZTA out of scope, we're only going to give you pedestrian facilities.

Just as a side note, something we didn't put in our submission about Cabello Place Link, certainly a nice to have, but this I would argue is a more important facility.

So, you can see the shared path comes along here further south, up Caribbean Drive. The designation only takes us to the roundabout, there's no cycling facility there at all. But we've got a huge residential catchment for Unsworth Heights and it's actually quite a hostile environment; let's make it easy for residents to get down to the shared path, get to the bus station, get elsewhere by at least providing cycle facilities up to the roundabout, and preferably work with Auckland Transport to go further.

So, it's an area where NZTA can really help Auckland Transport here because AT don't have a committed budget for this area and it might be a long time coming.

So, this is quite important for us.

Paul Matthews Bridge is another really important one for us. And that's with regard to motorist cyclist separation on the shared path.

Now, you will recall when I discussed the good points in the Proposal, working with NZTA's consultants that they have agreed to a 1 metre wide landscape buffer along State Highway 18, just to provide that separation, so you don't have cars rushing towards you while you're cycling in the other direction.

But we believe that that should be extended onto the bridge as well. Unfortunately, again NZTA say this isn't needed, it's expensive, it's a 50K zone. But I just ask you to consider you are cycling with your family along the shared path and you're approaching the bridge and you are heading east towards the bus station on the rest of the shared path. Meanwhile we've got a boy racer coming along State Highway 18 drifting into the corner at 50 kilometres an hour,

yeah right, with nothing to protect the cyclist from an out of control motorist coming towards them.

5 So, we really do urge NZTA to look at this carefully to consider the protection that is needed for cyclists and pedestrians on the shared path at this point. You've already committed to providing separation along State Highway 18, let's extend that over the Paul Matthews Bridge and provide that extra margin of safety for cyclists at this location.

10 Okay, no surprises for guessing this one, the Rook Pass, underpass. It looks a bit like a scene out of the Hobbit or something like that.

10 There are some issues with this path. It's a great link, it's one of the ways in which we reduce the severance effect of the motorway by having links underneath it. But there are some real issues with it.

15 We need to improve its visibility, sight lines and ideally its width. I know it's not cheap, but if you look at that picture, you know, it's a pretty unattractive narrow path for cyclists to come through.

So, definitely some improvements needed there. There are some crime prevention issues that need addressing there.

20 Unfortunately, NZTA reject this again. They say it's not economic, cycling numbers are low. Well, to me, it's no surprise that cycling numbers are low, it's a fairly unattractive place to actually cycle. You only do it because you have to. So, we think that there is definite room for improvement at the Rook Reserve Underpass.

25 Another one that Bike Auckland didn't pick up in our submission, because it was part of a greenways plan we weren't aware of is Bluebird William Pickering on sheet 9. Now, certainly we would endorse this if NZTA can find their way to help Auckland Transport to get this into place.

30 It looks as if the NZTA rejects this as a visionary plan with no design, so it was delegated back to Auckland Council. We'd actually ask for a little bit of vision from NZTA to go along with Auckland Council's vision for a united greenways set of paths that traverse either underneath or across the motorway to maximise the connectivity into the path.

35 Albany Highway, sheet 10, is the last of the sheets we'll be considering. All of us, Auckland Transport, Auckland Council, Bike Auckland, were all requesting significant improvements to Albany Highway. Those of you have seen Albany Highway north it's a magnificent piece of infrastructure and thank you Auckland Transport for putting it in, but you've probably also seen some

comment in the local press saying it's not used to the full extent it could be because connectivity to the Albany Highway north and the cycling infrastructure there is a bit marginal.

5 So, there are a number of options that we're all suggesting: Extension to the end of Albany Highway north at Bush Road, Schnapper Rock would be great. Extension south up to Upper Harbour Drive, great. We'd love NZTA to help Auckland Transport deliver Albany Highway south, in other words, get the quality that they've put into Albany Highway north all the way south to
10 Sunset Road to link up with the Glenfield Road cycle lanes. That would be great. We can understand why that is probably a bit of an ask, but can we at least perhaps get this horrible intersection at Upper Harbour Drive, Albany Highway fixed? Auckland cyclists have been crying out for this for a long long time. And then extend the good quality cycling infrastructure all the way to Bush Road, Schnapper Rock which is to link up with Albany Highway north so
15 that both of them have access into the shared path, the stub that I've shown here.

And again, the Strava Heatmap demonstrates sort of a very strong desire line sort of in this direction, but what are cyclists forced to do? With a shared path that will be great. But, coming off Upper Harbour Highway up from
20 Albany, from Glenfield Road, cyclists at the moment are forced along Bush Road and, you know, indirect routes to take them to the east. The shared path will be a huge boom to them. But let's make it easy to access from these key cycling corridors, this one here, (Indicates), this one here, and (indicates) Albany Highway north.

25 Just to conclude, we really are quite keen on cycling continuity during construction. We don't want Rook Place blocked off. We don't want the Rosedale Road cycle lanes blocked off. So, you can please take care during construction that there is good cycling continuity for the routes that already exist?

30 In conclusion, basically we are asking for a couple of things: That NZTA be directed to address the technical implementation details, as per our submission and as per the notes brought up in the slide pack, to ensure cycling provision is included in all requested connectors within the designation. And if possible, let's extend that designation, particularly for cycling aspects, so that
35 we can actually achieve that full sort of cycling connectivity vision that, you know, we know can be put in there, and that we're concerned that with AT's

lack of budget is not going to be there. We run the risk of putting in some good quality cycling infrastructure along the motorway, but then finding it a bit of a dead end because you can't get to it or get off it. So, we're just asking primarily for that connectivity to be established.

5 So, thank you for bearing with us and we're open for questions.

JUDGE HARLAND: All right thank you.

~Questions from the Board (9.36 am)

MR STEWART: Thank you very much, your presentation is very clear and it follows
10 very well from the submission, so you haven't thrown any curve balls at us this
 morning, which is good, I suppose. But it seems to me that what you're saying
 all sounds very good and we should, in an ideal world we should do it. The
 question I suppose in our minds we'll have to deal with, and with the Applicant
 as well, is to what extent can your requests, your submissions be met through
15 this Project?

 Now, you've made the point that maybe NZTA should look a bit wider
 than it has. But do you actually, you know, do you have any view -- well, I
 detect you do have a view about that, but do you think it's reasonable that
 we -- yeah, that we should give some direction to NZTA on this matter when
20 they quite clearly have bounds -- boundaries around their Project and they've
 got budgets and things like that. So, I'm just wondering to what extent we can
 take account of your submissions?

MR SOUTHALL: I understand the reason NZTA -- in fact, I'm a Project Manager and
 scope of definition is very important to me as well; budgets considerations. My
25 arrangement would be that we have a roading network, but we don't have a
 cycling network. And this has arisen through many years of past investment in
 the roading network that hasn't been met with a comparable cycling network
 investment. So, I guess in a way we're perhaps asking to redress the balance
 in this Project.

30 Perhaps if I could also ask Barb to ask, are there any precedents where
 we've been working with NZTA before, we've highlighted cycling issues that
 could be incorporated into the Project?

MS CUTHBERT: Thank you very much.

 I'd make a couple of points that this is very reminiscent of the experience
35 that we had on the Waterview Project where NZTA initially said that we're
 building a tunnel, so although we have an agreement that we'll build a cycle

way on any new or upgraded route that we're responsible for, unfortunately we won't build one where the tunnel is.

Now, I actually gave evidence at that Board of Inquiry and the Board decided that a cycling network is part of an overall transportation network. And that if you're serious about closing off congestion to any degree at all or
5 reducing it, you need to look at all those opportunities all those modes.

So, in that case the NZTA developed a cycle way right across where the tunnel was, and above, and I must say they're taking huge pride in that investment. We'll be opening it in about a month's time and this is something
10 that NZTA really is up there and massively lauding the involvement in terms of improving networks.

So, that's just a tiny bit.

The other thing is that we need to remember that for the NZTA cycling is one of their five priorities. It's not a lost item, it's not out to the corner.

I am a planning consultant, so I understand the issue of brief and
15 designations. But I also understand that this Project involves creating a new cycle way along the motorway, along with a busway and we enormously applaud those because cycling and PT go together.

But the NZTA does need to widen its understanding of what this Project
20 involves, they're building a cycle way alongside the motorway because they want people to get to it. People will never get to a cycle way if they don't have a local network. And that is something that I work continually with NZTA on. 60% of Aucklanders want to ride bikes, we know that from Auckland Transport's work. And in doing that, they are trying to develop a new network. We've got
25 the urban cycle fund that the Government's developing. But as these opportunities come along, we have to remember that Auckland Transport didn't develop a network up here because suddenly this Project -- this priority was established by NZTA to develop and improve this section of motorway, put on a cycle way, improve the busway. That's all important. But they need to take
30 responsibility for that local network as well. Because this is not an isolated Project. A network is exactly that. It's something that reaches into and connects with and I totally endorse Steve's comments that we really are very pleased with NZTA's picking up the ball on trundling along the motorway. But that is only half the story. This will be lost investment if NZTA don't stand up
35 and meet their responsibilities in connecting it to the local network.

That's what Auckland's about. It's about those public bodies working together to develop this network. And we're seeing it in every single tapak(?), every single Project that is happening now to improve transportation in Auckland.

5 MR STEWART: From that, I think there are two further questions.

First one was you mentioned the Waterview Project and can I ask you, did the cycling networks that you're talking about take -- was that included in the original design brief from NZTA or was it something that arose as a result of the hearings and your submissions?

10 MS CUTHBERT: Did the original design brief take on?

MR STEWART: Well perhaps if I put it another way, did the original design which was publicly notified include the cycling facilities?

MS CUTHBERT: That came subsequently?

MR STEWART: Yes.

15 MS CUTHBERT: No the Board of Inquiry instructed NZTA to add them because that Project was about closing off -- connecting a network, closing the loop. But the Board of Inquiry saw that cycling is part of the transport network for Auckland, and that it wasn't good enough for NZTA just to build a tunnel and forget cycling. So, that came absolutely from the Board of Inquiry's instructions in
20 their decision.

MR STEWART: Thank you.

And the second question I had was obviously NZTA's not the only party in this, the obvious other two parties I can think of are the Auckland Council and Auckland Transport. So, at what point do you see the division of responsibility?
25 I mean, in this case NZTA has made provision in principle, I suppose you might say, for future networks to be taken off the end -- let's take Oteha Valley Road for instance, you've made some suggestions as to how that could be improved, and to do that would require some input either from NZTA or presumably from Auckland Council. So, the question really is at what point does the
30 responsibility of one body take over from the responsibility take over from another body?

MS CUTHBERT: And that's a point for discussion, I'm the first to acknowledge that. But can I say to you that first off this is a major public investment here, so it's not a small project, it's major. And it has come along through NZTA's own
35 priorities to improve the roading network here, the motorway network.

Now, part of that, as I say, NZTA has a priority to improve cycling to make it a genuine transport choice. That is their role across the country, so every project they look at they need to include provision for cycling. And that doesn't mean an isolated piece of a network. NZTA would never build a little
5 section of isolated motorway network. They understand very clearly what it relies on, connectivity.

So, part of their responsibility, part of their planning, part of their delivery has to include stretching through as far as they physically can in terms of budgets and other abilities there to connect up.

10 Can I say I'll be appearing in front of the East West Board of Inquiry in three weeks' time, and right now I'm talking to the NZTA about extending their Project there into local networks and they totally understand, and we're in the process of starting on a side agreement there.

15 It's just that this is a little rare, and I've got to say I'm very surprised by the lack of cooperation that we're seeing here from the NZTA in fronting up to what I see as their national transportation responsibilities for all modes, not just motor vehicles.

MR MARK-BROWN: Mr Southall, I'd just like to ask you a question about the Paul Matthews Overbridge --

20 MR SOUTHALL: Yes.

MR MARK-BROWN: -- and your concern about the separation needed.

MR SOUTHALL: Yes.

MR MARK-BROWN: Have you had detailed discussion with NZTA about that?

MR SOUTHALL: Yes we did, if I take you back, it's that one there (indicates), it was
25 primarily in our submission we talked about the need for separation and we're particularly concerned about State Highway 18 itself and the fact that, you know, this is an 80 kilometre per hour zone and that we'd have cars approaching and cyclists approaching with potentially almost no space between them and in the discussions with Aurecon, Green Group, then they agreed yes,
30 this will be provisioned, there will be a one metre landscape buffer, because they recognise the need for it to make cycling safer and more attractive that you don't want that really close proximity on oncoming traffic.

And it was a logical extension to say well, okay, let's take that into the Paul Matthews Bridge. But, that gets harder for NZTA, because it means a
35 wider bridge, and therefore, more money. And we said look this is important too for the very reasons that I described when I discussed the slide and it

seems as if financial constraints are more important here than the safety constraints. And we just ask NZTA to reconsider that opinion in the interests of safety to ensure that there is separation and perhaps a physical barrier to ensure that any out of control vehicles don't have the possibility of wiping out cyclists and pedestrians on the shared path.

5 So, it does seem to be entirely a financial decision that they are taking here.

And on the assumption that this is going to be a 50K zone. So, at some point there will be a 50K signage, but you know, how often do motorists when they're exiting a high speed zone into a lower speed zone, do they instantly drop to 50K? No, they look at the road conditions and they'll take that corner at the speed they think they can. And, I think, to arbitrarily assume that a speed limit will slow vehicles down to a safe speed is a little bit pie in the sky thinking.

10 MR MARK-BROWN: Are there any examples from other shared use paths around Auckland that would be analogous to this situation where there have been barriers put in for such concerns that you can think of?

MR SOUTHALL: I'm trying to think. Certainly there are barriers where -- yeah where there is close proximity. I'm just trying to think off the top of my head. Yeah, I don't know Barb have you got anything popping up?

20 MS CUTHBERT: Could I say that we're certainly looking at them on East West. I think what we've got to accept with cycling infrastructure is that it's a relatively new game in Auckland; it's really only in the last five years that we've started building good quality cycling infrastructure that would lead people to cycle more. And the evidence there is so these sorts of separations we're talking about here are the things that we're building into, so the new networks in the central city where we've had a 44% increase in people riding in the centre of the city because of that investment.

The difficulty with safety, it's not just what the safety engineers tell us, it's that perception of safety. So, these planting areas give that perception of safety. And I think we'd all agree that if we are riding with our children and we want that -- we have an elevated need there to have a perception of safety. And it's those -- it's the wider community who need to cycle, who need to use this investment to actually give the return on it. So, it's a major public issue, to me, is that we don't just build something disconnected.

35 Just one brief statement as well if I could make, is that Bike Auckland is the key stakeholder for cycling for Auckland Transport, Auckland Council and

NZTA. We have an extremely close working relationship with NZTA. I've got to say, I have huge respect for them and so, the Project here is something we massively value. But I think the trivial item of the requests that we're placing here are so small in relation to the overall Project and yet will give such return on the investment, all we can do is if they are out of scope we simply ask NZTA to think again about the public benefit of getting the best public return from this Project.

MR MARK-BROWN: Thank you.

MR SOUTHALL: I think also to answer your question on where there is existing separation, the redevelopment along the Northwestern cycle way with the motorway reconstruction, there certainly is separation and barriers that have gone in there. Because there are times, particularly on the bridges where the cycle way is quite close to the motorway itself. So, certainly there are good barriers there to ensure cyclists safety.

MR STEWART: Thank you. Just one other one which I thought of is as you were talking, we've been told throughout the hearing, and it's obvious that this is not a concept plan it's a fairly broad scale plan that's being presented here, and detailed design will occur in due course. And I wondered whether -- I mean, you've dealt with your submission in a fairly large broad scale way. But I wonder whether there is any scope during the detail design stage that you would then be able to engage with NZTA and or the Alliance to bring about some of the things that you've been asking for?

MR SOUTHALL: Yes, absolutely. We would welcome the opportunity to engage with the NZTA design team, both to refine the high level design and to get into detailed design and working drawings. I've got a background in engineering and transportation engineering project management, and we have others within Bike Auckland who are actively practicing transportation engineers and we would welcome the opportunity to work with NZTA and their consultants as we go through the design process.

MR STEWART: But I take it from what you are saying that it would be of considerable help to you in those discussions if the Board were minded to give some direction?

MR SOUTHALL: Yes, we're asking the Board to direct NZTA, along the lines of our submission, and we're there to back you up to help NZTA develop that detail.

MR STEWART: Thank you.

JUDGE HARLAND: All right, well I have three areas that I want to ask you about. The first is a high level one, probably Ms Cuthbert you might be the best person to address this.

5 I'm wondering whether there is a disconnect where, within the planning instrument or the long-term plan provisions, a disconnect between when NZTA decides to advance a project, how that would fit in with budgeting and planning processes that are set under local Government Act or whatever or Auckland Transport and/or Auckland Council? Because one of the things we've heard very clearly here is we don't have any money from Auckland Transport and
10 Auckland Council. So, there is the inference that therefore the backup is that NZTA should pay for this. Leave aside the connectivity argument, it seems to be more if you had the money we might come to the party on this, but we don't have the money, so you have to. And what I'm wondering from a very more philosophical perspective, I guess, but something we might be able to comment
15 on, is whether this is something that needs to be addressed at a higher level in order for there to be this integrated planning that everybody seems to be striving for?

20 So, the question really is, are there gaps in the planning processes that need to be undertaken for budget purposes that are impedimenta to what you're seeking that otherwise would mean that Auckland Transport and Auckland Council could come to the party to support what you're seeking? That was very garbled, I hope you understand what I'm getting at?

MS CUTHBERT: It wasn't at all garbled, it was a very astute question. It's one that we wonder about a lot. Bike Auckland works very closely with all of those
25 agencies. We've just finished working with Auckland Transport, NZTA and Auckland Council on their next plan, their business case for the next round of cycling investment. But that's -- so we're doing it now for something that's going through actually into a ten year time period. And I think there is a difficulty there, because if you think about it, we look at Auckland now; so we've
30 had the Government fast tracking certain projects and let's take even out of this one the one that's happening out there at the airport because we all tend to go to the airport, the trenching there that's happening off State Highway 20A now that's just one another, another Project where NZTA has been instructed by the Government to quickly deliver a Project. I can't -- there is an inadequacy there,
35 there's a gap, there's no question at all. Because Auckland Transport has longer term planning periods. They simply can't keep up with the pace of

NZTA's need to respond to the Government's instructions to deliver projects quickly. And they're caught on the eight-ball, they're caught -- yeah, lacking the ability to give that supplementary infrastructure.

5 That's an astute question and I personally believe it would be extremely helpful if that observation was made.

JUDGE HARLAND: All right thank you.

10 So, the next question is about the Alexandra Underpass and I'm not sure who's best to address that, it might be you Mr Southall. We've had at least one, and some of us two visits to see this and we are reasonably familiar with the issues that you've raised as a result.

15 What has been put forward is that it's not required, the widening of this apart from 2, 3 metres is not required as part of mitigation for this Project. The response from Auckland Council and Auckland Transport is well if we are to do this we need to do it now because once State Highway 18 is designated as a motorway, it won't be -- there won't be agreement given to it being improved at a later date. And I just wanted to invite you to comment on that.

20 The only area I know, and it's only because I'm familiar with this area myself personally, where this has been done at the moment is in Hamilton where there is an underpass now being provided to the Hamilton Gardens across State Highway 1 through Hamilton, but in the future State Highway 1 of course is going to be a motorway -- the expressway once it's built will -- it will not be such an issue. So, it's a timing issue which is a different scenario from here.

25 So, I just wanted you to comment on that, if you have any experience in that field or whether you think that the matter that's being referred to us by the Council is a reasonable one, that it just won't happen in the future it's a lost opportunity.

30 MR SOUTHALL: All I can say is if you look at that slide and you think how attractive is this as a cycling environment, you'd have to say I would be quite worried. It's very narrow. Typically for a shared use path we're looking for a 3 metre wide, two and a half metres minimum, 3 metres wide is a preferred width for a shared path. Anything less than that, particularly in a constrained space, yeah, people get nervous, they are unsure about using it, and it's not an attractive environment.

35 The motorway, as we've discussed before, it's going to stay forever. My argument would be let's do this now rather than later. That motorway is going

to persist, its severance effect is going to persist, let's get the through paths connectivity sorted out now as part of that construction rather than trying to retrofit it some day in the nebulous future.

I'd argue that the reason it has relatively low usage at the moment is that
5 is an unattractive path. There are potential, you know, crime issues and I think it can be widened, better lit and made a much more attractive environment for cyclists to get from the Unsworth attachment through into North Harbour industrial estate and the Rosedale sports grounds and connectivity to the shared path in general.

10 JUDGE HARLAND: Well, in fairness to the agency you need to know that they have agreed to make some changes. One is to provide CCTV to address these issues, another is to light it in a better way. And the third is to widen it to 3 metres, but not the requested 5 metres, am I correct in that? You haven't agreed to do that?

15 MS MCINDOE: No, we haven't agreed to widen it. I think that's the difficulty.

JUDGE HARLAND: At all, right?

MS MCINDOE: The underpass needs to be lengthened because the road above it is being widened. So that might be the --

JUDGE HARLAND: Yes.

20 MS MCINDOE: And, as part of that lengthening, the approach will be altered so that there's better visibility on the approach, that's what's intended.

JUDGE HARLAND: Thank you for clarifying that, I apologise for getting that slightly incorrect. So, it's not going to be the 3 metres but that's what's being proposed, of course we may agree or disagree with that.

25 MS CUTHBERT: Madam Chair, could I just comment on that. The reason why I have such respect for the NZTA is that the cycling infrastructure they are building in Auckland has been a huge factor in the uptake of cycling across Auckland. And if you look at what they've built recently out on the Northwestern Motorway where they have put an underpass at Te Atatu, they would never build
30 something like that. They are -- as a woman I'd never use that, and I think a lot of women in this room would have that same response. So, NZTA now build things that women ride. And women, we're the canaries as to the uptake. And you've a look at what they built for Onehunga, for instance, they recognised themselves that the old -- the Onehunga Bridge had an old underpass very
35 similar to that, like that, really frightening and they built a new one as a replacement when they did their Project at Onehunga as well. And it's wide, it's

got murals, it tells local stories, that is what NZTA is to be respected for. They build good infrastructure that people use with confidence and that means -- that's why cyclists are part of the travelling community and they need the same good infrastructure.

5 NZTA absolutely cannot put its name to that Project there or even widening it, because it would be so at odds with everything they are now building across the network.

They are the standard setters and bearers in Auckland for good cycling infrastructure. That there (indicates) is a hallmark of what you might meet in
10 New York, it is not something that we put our name to in Auckland.

JUDGE HARLAND: So, the third question that I wanted to ask was addressed to you again Ms Cuthbert because it was something that you said raised and it was in the context of saying that you were having a discussion with NZTA in relation to the East West Project, they were positive but you were commenting that the
15 attitude for this project was not comparable in that regard. And I just wondered, have you had discussions about a side agreement to deal with these other extensions to the Project, or not, if you could just help me a bit more with that?

MS CUTHBERT: Yes, no it hasn't been because we haven't had the discussions about the side agreement because up to now Steve and I have been working
20 together on it, and I've been looking after East West. East West is far more problematical, but this one may be one where I need to take up with NZTA discussions on side agreements. That's all I can say.

If they are out of scope of the Project the sort of responsibility that I see in NZTA in being leaders in transport in Auckland, and they are without any
25 question, is something that I think needs to be dealt with on this Project, because there are around the edge, there are missing elements. And they're only that. We still stand by Steve's comments saying you've done very well, but we know you can do better because you are doing better everywhere else across Auckland.

30

~Comments from Ms McIndoe (10.02 am)

MS MCINDOE: Your Honour, I wonder if it might be useful to clarify for the benefit of Bike Auckland the work that's been going on in relation to the side agreement which does relate to some of these connections which they are seeking. I'm
35 just a bit worried that they might not be completely up-to-date with where things are at.

JUDGE HARLAND: Well neither are we, so it would be very helpful. So, if you want to do that right now, so they can hear that and then comment. Because this is an area, the connectivity issue is definitely an issue for us to consider and it's a question of degree that's what we're talking about here. And so, yes, it would
5 be helpful to know and if you need some input from us or direction from us about whether we think it's a good idea for you to continue with that, we can certainly indicate that.

MS MCINDOE: My understanding is the discussions are going well and we had intended to append to the closing submissions a table with the various
10 connections and how they intend implementation. So, for the benefit of Bike Auckland who hasn't been involved in these discussions. So, I could just outline that the Transport Agency has agreed with Auckland Transport to extend or to provide a cycle connection along Oteha Valley Road, so from the shared use path along Oteha Valley Road, I think as far as -- we can provide
15 them with a plan. And also has agreed to provide a connection at Caribbean Drive up to the roundabout which is one of the matters which you raised. And also there's to be connections in Albany Highway to Bush Road. So, those were some of the things which you had raised in your -- in your presentation and we can provide you more information about that, later today.

20 JUDGE HARLAND: Right, well that's very helpful for raising that Ms McIndoe it's very responsible to do that at this point. And, as I say, helpful.

One thing that you might want to do, and it's just a suggestion, we've got other people here clearly who are waiting and have been put off a couple of times so we need to crack on with the programme today. But if you would find
25 it helpful and if the Bike Auckland people, you were both available, could do again reconvene part of this tomorrow to see whether the concerns have been met, or indeed Monday.

MS MCINDOE: If they are available, perhaps we could continue discussions while the other submitters are being heard. And if they want to come back and update
30 the Board then there will certainly be no opposition to that from our perspective.

JUDGE HARLAND: Or it could be done in writing. So, would you like that opportunity?

MS CUTHBERT: We'd very much welcome the opportunity to be part of this. As a key stakeholder, I've got to say I'm somewhat surprised we haven't been
35 involved in any of these side discussions, but very happy and thank you for letting us know. It might be hard for Steve to come back, and maybe something

if we could have discussions and submit to the Board in writing if NZTA agreed to that and the Board agreed to it, that may be the best way to go?

JUDGE HARLAND: Well, we're very happy with that. You have outlined the areas very clearly that you're concerned about, it might be that as a result of the discussions you have that those are narrowed down, it would be helpful for us just given the amount of material we've got to consider for the issues still in contention to be narrowly identified for us to then determine later.

So, let's do that.

Thank you for that Ms McIndoe that's constructive.

10 So, following that, I don't have any questions. Do we have any other questions arising? Are there any other questions apart from Ms McIndoe's that anyone has? No, all right well thank you very much for taking the time.

15 Could I acknowledge that we understand how difficult it is for people to in their personal lives become involved in processes such as this and I do want to publicly acknowledge the efforts that you have both gone to to present the material you want us to consider and the way that you've done it. You've done it in a very clear way and that's helpful to us.

20 So, thank you for that. And we will adjourn or hold over the final submission you may make as a result of discussions that you will further have with NZTA.

Now, we are under time pressures. It would be great if we could get something back to us on Monday simply because that's when the hearing closes. We are happy for that to happen in writing if everybody agrees to that.

25 And if there is a problem with that from a timeframe perspective it might be we can extend it slightly, but it would be very good if we could have final positions of what's been agreed and what hasn't made available to us by the end of Monday.

Thank you very much.

~(Bike Auckland representatives excused - 10.08 am)

30

JUDGE HARLAND: That now takes us to Harbour Hockey Charitable Trust, Ms Williamson.

~SHARON MARY WILLIAMSON (Sworn) (10.06 am)

35 JUDGE HARLAND: So I need to introduce you formally, could you tell us please your full name?

MS WILLIAMSON: Sharon Mary Williamson.

JUDGE HARLAND: And your position within the Charitable Trust and the Hockey Harbour Trust please?

MS WILLIAMSON: I am Chair the of the Harbour Hockey Charitable Trust.

5 JUDGE HARLAND: How does that relate to the other entity that has been mentioned? Is that the only entity -- is the Trust the management entity of the hockey?

MS WILLIAMSON: There are actually three partners to the facility. The Harbour Hockey Charitable Trust is the owner of the facility and we lease the site from
10 Auckland Council. The facility though is operated by North Harbour Hockey Association; that would be the other party that you've seen in the evidence, but we have a third partner as well, or a second partner, which is Hockey New Zealand. And Hockey New Zealand has partnered with North Harbour Hockey and the Harbour Hockey Charitable Trust on the Project to upgrade
15 our facility that we refer to.

JUDGE HARLAND: Right, so you are appearing for the Trust but you have had input from those other partners?

MS WILLIAMSON: Yes, absolutely. We work in partnership. Riki Burgess is the CEO of Harbour Hockey and he is sitting here in the back of the room, at the
20 moment; I am also a Board member of Hockey New Zealand, and so we work very closely with those two organisations.

JUDGE HARLAND: Thank you, and you have previously filed some evidence in relation to this matter, and do you confirm that as being true and correct?

MS WILLIAMSON: Yes.

25 JUDGE HARLAND: So, would you like to read out your summary, thank you?

MS WILLIAMSON: Okay. This summary statement provides a summary of my Evidence in Chief dated 25 May 2017, and updates the Board of Inquiry on developments since my Evidence in Chief was prepared.

The current North Harbour Hockey Stadium ...(Reads 2.1 - 2.2 of
30 Summary Statement)... planned for construction in 2017 and 2018, over that break between our two seasons.

Plans for an upgrade of the NHH Stadium were at an advanced stage before the NCI Project was identified ...(Reads 2.3 - 6)... the Black Sticks national hockey teams, and the wider hockey community.

35 JUDGE HARLAND: I'm now going to ask other members of the Board if they have questions for you?

MR STEWART: No, but thank you for the update.

~Questions from the Board (10.18 am)

JUDGE HARLAND: So, I have some questions and they are just to really fill in
5 some of the gaps. You have described in your evidence that you had filed
previously the number of clubs and schools that are affiliated to the
North Harbour Association?

MS WILLIAMSON: Yes.

JUDGE HARLAND: Would it be fair to say that's the largest, or one of largest in
10 New Zealand?

MS WILLIAMSON: Overall, we are either second or third, depending on whether
you are looking at juniors, seniors or whatever, but overall second, only to
Auckland.

JUDGE HARLAND: And so, in terms of international, attraction of international
15 events, is the stadium the primary place where they would go?

MS WILLIAMSON: Yeah.

JUDGE HARLAND: So it wouldn't be Auckland?

MS WILLIAMSON: No. Just as a bit of background, North Harbour Hockey,
Auckland Hockey, and Counties Manukau Hockey have been working
20 together with Auckland Council for probably about the last six or seven years;
I'm looking at Riki for confirmation, six or even years, in what we call the
Greater Auckland Facilities Working Group. We did this because, in
recognising that Auckland Council was coming together, we wanted to make
sure that we had a cohesive approach for the development of infrastructure
25 for our sport, and we weren't, if you like, trying to cut each other off to get our
facilities, and through that group, North Harbour Hockey has always had
what is considered to be NZ's premier hockey venue, and so the last 2FIH
tournaments held in New Zealand have been held at this facility, being an
Olympic qualifying tournament in 2008, and the Champions Trophy in 2011.
30 We've got a further FIH tournament planned for this November, which is the
Women's World League finals.

So, in recognition of that, Auckland Hockey, North Harbour and
Counties agreed that this would remain as being the premier international
venue. Auckland Hockey has got -- it can accommodate things like tests
35 et cetera, but we can only really have the infrastructure for one. So that was
the decision that was made across hockey.

JUDGE HARLAND: So, again to get a feel for the importance of this facility nationally --

MS WILLIAMSON: Yes.

JUDGE HARLAND: -- is it the only stadium where international hockey, the FIH,
5 can occur?

MS WILLIAMSON: No. I'll give you the example of the new event that has just been launched by FIH, which is the World Hockey Body. They've actually undertaken a big review in their events and they are aiming to really lift the game in something they call "the hockey revolution", which is very ambitious.
10 They have introduced, or are going to introduce, what's called the World Pro League, which is a series of the -- nine of the world's top teams will play home and away internationals in a league that spans about six months of the year. New Zealand has got both of its teams in this league because we are -- both of our teams are ranked in the top eight in the world, and
15 obviously punch well above their weight. So, we will be getting eight of these games, in New Zealand, every year, from 2019 onwards. Hockey New Zealand's plan is for the bulk of those games to be played at North Harbour, but not all of them, because part of Hockey New Zealand's strategy as well is to take hockey through the regions, and around the
20 regions, and make sure that it is accessible to people to go and watch. However, having said that, the level that is required for these tournaments is quite different to being able to hold a test at a local venue. A little bit like cricket, or rugby, or whatever, you have different tiers. So, in terms of tier 1, there are two or three other places in New Zealand that could hold this, being
25 Wellington, Hawke's Bay and Christchurch is developing a facility. It doesn't have one yet but Christchurch intends to have a facility available in the next few years.

JUDGE HARLAND: Right. So, would it be overstating it to say that this would be, at the current time, the primary stadium?

30 MS WILLIAMSON: Yes, that's correct. New Zealand's application for this event was centred around this venue as being its lead venue.

JUDGE HARLAND: Right. So, having given that material, presented that to us, which is really helpful, the planning you've talked about in 2019, this new programme that is coming in --

35 MS WILLIAMSON: Yes.

JUDGE HARLAND: -- how far ahead do you need to plan, typically, for international events? So, that I can get a feel for the uncertainty and how that might impact on everything, or on your planning processes?

MS WILLIAMSON: The FIH does have a calendar in which it invites national bodies to pitch for particular events. So, for example, we've got this World Hockey League taking place at North Harbour in 2017. We were awarded that tournament in 2014. So, that's been three years that we've known this tournament is coming, and in fact, all of our discussions since we first met NZTA, on this, we have always flagged that this was an event that we had to have at the facility, and obviously, through our previous planning, we had anticipated that this event would be held with an upgraded and enhanced facility.

JUDGE HARLAND: So, in terms of your future planning, it's not been possible, or it's slowed down what you were able to commit to, or not?

MS WILLIAMSON: Yes, well, we have -- in terms of developing the Project with NZTA, there have been timeframes that we have requested, and NZTA in an agreement with us have endeavoured to meet those timeframes. So, it would be fair to say that we have stressed what our commitments are and what the requirements are for that, and NZTA has assisted us, like in recognition that we haven't been able to upgrade this facility, we have -- they have actually provided some -- assisted us with temporary facilities to ensure that we can hold the event this year at the level that it needs to be held. Yeah.

JUDGE HARLAND: So, there are some elements of uncertainty still because of the appeal to the Environment Court?

MS WILLIAMSON: Yes.

JUDGE HARLAND: And also because of the Reserves Appeal processes and hearing processes --

MS WILLIAMSON: Yes.

JUDGE HARLAND: -- over which nobody has any control --

MS WILLIAMSON: Right.

JUDGE HARLAND: -- so that that needs to be acknowledged.

But what would that mean in terms of further planning for you? Because the condition as proposed says, as I understand the intention, and this is what I want you to confirm the intention is, that no work will be undertaken in the vicinity or in relation to your land, or the land that you

lease, until you've been able to relocate in full, or you have agreed to something temporary, a staged plan?

MS WILLIAMSON: Yes, a staged plan.

JUDGE HARLAND: And that's the intention?

5 MS WILLIAMSON: Yes.

JUDGE HARLAND: All right, that's helpful.

MS WILLIAMSON: And just to add a bit of colour to that, we have to -- our sport is a year round sport -- well, at least sort of 10 to 11 months of the year, and we are operating competitions for most of that time. Therefore, we need -- to
10 operate our sport -- we need to have those turfs available to operate the sport. So, it's not as though we can just sort of close down and wait.

The relocation, we need to be literally lifting ourselves up and going from one to the other.

We may be able to operate with some turfs elsewhere on a temporary
15 basis, but it is very very difficult to operate a centralised facility where the pitches are actually in other locations or half of them are in one place, half of them in another place.

JUDGE HARLAND: So, we were fortunate enough, and thank you for giving us access to the site, and we've been there twice and had a good look.

20 One of the things that we observed was that the two main pitches and the club room in the middle are very well appointed facilities.

MS WILLIAMSON: Yes.

JUDGE HARLAND: Are there any plans that you know of about what's to happen to those particular facilities?

25 MS WILLIAMSON: My understanding is that Watercare has notified the Local Board that it would like to occupy the land that is currently occupied by Hockey, following -- but there is -- I'm not party to the various discussions or negotiations that will take place between Council and NZTA et cetera, on what happens to that land, but we do understand that Watercare has notified
30 that Local Board that it would like to occupy those -- that building.

JUDGE HARLAND: So there's been no discussions about retaining what seems to be very good facilities for use for hockey, regardless of the relocation of the current site in its entirety? It's not intended that those would still be used as future pitches for hockey?

35 MS WILLIAMSON: No, my understanding is not. Council might be able to provide more information about that. I mean, part of this whole -- the

restructure -- where we ended up at Rosedale West was partly because Council had a broader look at what it needed to do with the sports, in terms of taking a long-term view of clustering, and part of that I think was to reconfigure what was where, and it worked that through with Watercare.

5 JUDGE HARLAND: So, thank you very much.

Again, if I could acknowledge the input that's -- and time that's been put into presenting this material, and of course NZTA; we acknowledge that they have also assisted you with the various processes you've had to undertake, but we are grateful that you've come and been able to help us fill
10 in the gaps.

MS WILLIAMSON: Thank you.

JUDGE HARLAND: With that I think we'll take the adjournment for 15 minutes and then we'll come back again.

~(The witness withdrew – 10.29 am)

15

~(Adjourned 10.29 am - 10.47 am)

JUDGE HARLAND: Good morning, Mr Willmott. So, today we now have you being able to present your submission, the representation. So just when you're ready. Thank you.

20

Mr Willmott-Submission on behalf of Centre for Urban and Transport Studies
(10.47 am)

MR WILLMOTT: Madam Chair, I envisage doing a brief summary of my previous evidence. There is no significant difference in my submission from this
25 representation and my evidence as a witness. If I have appeared to be an advocate in terms of the witness material I've provided, it's because I believe firmly that motorists need to be accommodated better than they are being accommodated.

Just briefly then, in 1984 New Zealand went bankrupt because of
30 excessive central planning, fixed wages, fixed prices. Everything had to be agreed in Wellington, and the IMF agreed to bail us out only if we went more market enabled, and that's the keyword -- "enabled" -- the private sector to make more decisions as to how to better its life, and their lives. And that is the primary driver between -- it agreed to roll our loans over at a low interest rate
35 provided we went more market. And for that reason we threw out town planning and brought in the Resource Management Act, which was aimed to

enable the private sector to get on with development and using land in the way it thought best, at much lower cost and lower hassle factor than previously occurred under the town planning legislation.

5 What we have today is more draconian town planning than ever before and comparably with last time we are increasing our debts, year-by-year, and we're already at dangerous levels, as evidenced by the Reserve Bank Governor's recent comments directed primarily at the housing market, but you will notice that congestion costs -- in the last couple of weeks the NZIER has brought out a report saying that congestion costs have doubled, and I would submit that it uses a very conservative approach to estimating congestion costs. It excludes weekend congestion costs, and it considers all non-work trips to be less valuable than trips to work.

10 In my submission, and in the submission of many economists, every trip is a commercial trip, if there's a transaction at the other end, either for social, for health, or for transactional purposes which benefit another party. And almost every trip, almost every trip, with the only exception I can think of is a trip to the beach or a park where nobody directs -- benefits directly except that Council uses rates to improve beaches and parks so that they can be used as a means of recreation to better enable people first of all to live and enjoy life, and secondly, to re-create them for the decreation involved in work. It's a part of the work/life balance. So every trip, whether it's to the supermarket for a transactional purpose, or whether it's to an orchestra, where you pay the players, or whether it's to a gym, or to the local shopping centre, or whatever, is part of the commercial economy and contributes -- often to a greater extent if you buy, for example, a refrigerator -- the value of that trip is far greater than any trip to work that brings in \$200 for the day.

15 So, what I'm saying is that the real cost of congestion in Auckland is of the order of four to five billion dollars per year and it's rising, and it will continue to rise until it breaks the bank.

20 It's only one of three major components of the detrimental consequences of this sort of planning that we're -- urban implosion. Another one is housing costs escalation, and a third one is the cost of upsizing services to accommodate higher densities beneath city streets, at far higher cost than expanding into green fields locations. I am well aware of a Greenpeace study --

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30
35

~Comments from the Board (10.53 am)

JUDGE HARLAND: I'm sorry, I'm going to have to just interrupt you Mr Willmott. We can't deal with bigger picture planning issues here, and I'm sorry if I haven't made that clear before. We're here to deal with this particular Project. So, philosophically you might be right; you might be wrong, but we can't go there. We're not permitted to. So I just wonder whether you would mind sticking to this Project and what we can deal with in relation to it, and what your -- I understand that your theme is that there is too much provision made for cycling and public transport, but if you could focus on that it would be helpful.

5
10 MR WILLMOTT: Well actually the reverse. Not enough focus is provided on automobility which is a prime enabler of commerce.

Automobility is as energy efficient as any form of public transport, and like buses -- it's about the same as buses in terms of energy used per person kilometre delivered day long as buses, but rail transit is significantly worse than both.

15
JUDGE HARLAND: Right.

MR WILLMOTT: Bikes, well, we're all in it for freebies if we can get them, but as it stands, road user taxes, which were initially imposed to pay for road development, are now being used for other forms of transport on the argument that reduce congestion. Nowhere in the world is that proven to be the case.

20
There has been a very slight slow down in congestion -- in the increase in congestion -- owing to public transport but it's in the order of 3 to 4 months in the case of Auckland.

Smart growth, is not smart, or we're getting back on to --

25 JUDGE HARLAND: Yes, I'm sorry. I don't mean to cut off what's a very intelligent discussion, but we do need to focus on what we're allowed to do.

~Mr Willmott - submission continues (10.55 am)

MR WILLMOTT: So, essentially what I'm saying is that automobility is environmentally no worse than public transport, but if public transport causes greater congestion, then public transport provisions such as busways and cycle -- shared use paths -- exacerbate congestion and cause an increase in emissions. They are the cause, not the provision of extra road space, that should be occurring to reduce emissions.

30

Now, I've got three attachments which I won't -- I'll just draw your attention to. The first one was listed in the original submission, but deferred into the hearing.

5 Secondly, statements in support of the general thesis, and thirdly, a diagram of the way I envisaged the weaving which was discussed last week could be accommodated, and the basis for the weaving lengths that I calculated.

10 I note with interest that my proposed design is very similar to concept 2 in the evaluation of alternatives, and that alternative 2 was highly commended in the summary, and indeed, I'll just read out the summary of the comments on it.

JUDGE HARLAND: Sorry, could I just ask you where that's from? That's from the AEE options assessment is it?

MR WILLMOTT: Yes, it's from the assessment of alternatives.

15 JUDGE HARLAND: Yes. All right, thank you.

MR WILLMOTT: And concept 2 is relatively low cost, with additional cost associated with State Highway 17 to 1 southbound ramp. I take it they mean State Highway 18 to 1 southbound ramp. Those are the ramps that I proposed to include. This ramp increases the benefits significantly, resulting in the highest incremental BCR, value for money.

20 Secondly, as with concept 1, the footprint and subsequent environmental impacts are low, compared relative to concepts 3 and 4.

I don't see that as providing any barrier to the adoption of concept 2, which is very similar to my recommended concept, with the exception -- including the location of ramps west of Paul Matthews Drive, thereby allowing the motorway to be shifted southwards, away from the hockey fields, and impinging probably only on the fourth field, which, I believe, could be retained if slid north-eastwards, if necessary, to a wall on the boundary with Watercare.

30 Had I been smart enough to ask -- to cross-examine the previous witness, I would have asked her, could Auckland Hockey have lived with that solution? That is, the shifting of hockey field 4 north-eastwards, towards the Watercare boundary? Especially if the motorway were shifted southwards by the relocation of the Caribbean Drive ramps or the ramps terminating from the west at the Caribbean Drive intersection, to an intersection westwards of Paul Matthews Road.

35

That is as much as I would like to say, but I'm very happy to answer any questions.

JUDGE HARLAND: Thank you. I'll just check.

5 Well, you might be pleased to know that we don't have any questions for you Mr Willmott. I think you've been very clear in articulating what the issues are that you have, and we understand what they are and where we can, we will address them in our analysis.

10 And can I, as I've done with others, acknowledge the considerable effort that you and the Centre have put into preparing material for us to consider. We appreciate that this is all done out of hours, so to speak; it's done out of interest, and we're very grateful that you have taken the time to present to us the matters that you have.

MR WILLMOTT: Thank you very much. I really appreciate that.

JUDGE HARLAND: Thank you.

15 ~-(The submitter withdrew - 11.01 am)

~DANIEL ALEXANDER NEWCOMBE (Affirmed) (11.02 am)

~Examination in Chief by Mr Bangma (11.02 am)

MR BANGMA: Is your full name is Daniel Alexander Newcombe?

20 MR NEWCOMBE: Yes, it is.

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

MR NEWCOMBE: Yes, I have.

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

MR NEWCOMBE: I do.

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

MR NEWCOMBE: Yes, I have.

30 MR BANGMA: Are there any corrections you wish to make to your evidence or summary statement?

MR NEWCOMBE: No, there are not.

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

MR NEWCOMBE: Yes.

35 MR BANGMA: Please answer any questions.

JUDGE HARLAND: Mr Willmott, I think you'd indicated you had some questions for Mr Newcombe?

~Cross-examination by Mr Willmott (11.03 am)

5 MR WILLMOTT: I take it, Mr Newcombe, that when you say you are the RTN initiatives manager, is that the road transport network? What does RTN stand for?

MR NEWCOMBE: RTN stands for Rapid Transit Network, which primarily refers to the rail networks, busways and the like.

10 MR WILLMOTT: Right. Now, in 3.2 of your original evidence, under (b) you say that Auckland Transport's role involves planning for an effective and efficient and safe Auckland Land Transport system in the public interest, including the planning and funding of public transport, operating the local road network, and developing the walk and cycling networks.

15 I take it that merely operating the local road network does not incorporate, include for, developing the local road network in the way that you're looking to develop the walking and cycling networks?

MR NEWCOMBE: No, the planning of that transport system would include the planning development of the local road network, whether that's delivered
20 through a developer, through a subdivision or our own development of that local road network in conjunction with a Project such as this.

MR WILLMOTT: Now, my reading of the ATAP, I think it was, the recent cooperation between Auckland Transport and NZTA, there were no roads planned -- no road development planned for the North Shore, apart from the Gills Road
25 supplement to the east of Albany, a minor road. Is that your understanding also?

MR NEWCOMBE: So for the benefit of the Board, the Auckland Transport Alignment Project was a central and local Government initiative to gain alignment on strategic transport planning in relation to growth in Auckland in the future, given
30 that in the past, there had been disagreements between central and local Government on which projects were needed and when they were needed. So that process, the ATAP process, set out an agreement that central and local Government could rely on, for our future planning, so that we didn't have ongoing discussions and debate about whether we need for instance a city rail
35 link, or not, and certain motorway projects. So that process, though, focused on the larger longer term projects such as Harbour Crossing and the bigger

State Highway projects. So, it excluded a number of smaller projects. It excluded safety. And it excluded cycling in particular. And it also excluded local road projects, minor local road projects.

5 So, it wouldn't include the totality of every Project, in this area, but there would be a range of additional projects on both Auckland Transport, Auckland Council and NZTA's books, which wouldn't be represented there.

MR WILLMOTT: Okay. Are you aware, then, of any planned expansions in the general purpose road network as distinct from converting existing road lanes to bus lanes, or adding bus lanes to an existing road?

10 MR NEWCOMBE: Well, there are a range of -- as part of planning and developing the local road network, Auckland Transport, in its business as usual, is constantly in that process of working with developers or changes in the land use which trigger additional travel requirements. Some of those require roading improvement; some of those require new roading connections, just as they
15 require public transport improvements and connections too.

MR WILLMOTT: Yes, having been involved in subdivision myself I'm well aware of subdivisional roading provisions, but I'm talking about main road network development. That is collector, distributor and primary road network, as distinct from the motorways which are NZTA's -- at least the intercity
20 motorways -- which are NZTA's responsibility. Are you aware of any collector distributor, or arterial plans, other than at Gills Road little road, to access the development at the top there?

MR NEWCOMBE: I'm not; I would probably defer that to one of the traffic experts. Mr Peake, for instance, might have a better understanding about the local
25 network, traffic network planning.

MR WILLMOTT: (B) also refers to an effective, efficient and safe Auckland Land Transport in the public interest. Not in the interest -- I take it that that's the local public, as distinct from the UN public, or the global public, or whatever? Is that understanding correct?

30 MR NEWCOMBE: Well the public which is using our network, the network that we operate with NZTA, that may go beyond the Auckland boundary. Obviously, one of the key provisions of this Project, which we support, is the interregional movement of traffic from say Northland down to the central North Island, being able to use a more efficient route through there. So, it's not Aucklanders,
35 per se; it can be national movements as well.

MR WILLMOTT: And given the recently reported increase in congestion costs and the general lack of road network development that I've seen in plans, I'm talking particularly about the North Shore, but I'm also including now the whole of Auckland, would you say that it's efficient just to leave the existing road network as it is, without developing it any further to accommodate some of that congestion?

MR NEWCOMBE: So, I don't believe I said we're leaving it as it is; I'm just not aware of the detail of the development of the network. It is constantly developing to change -- to the change in travel demands that there are. One of the key elements of support that Auckland Transport provides, one of the key reasons we're providing the support, is that the completion of some of these strategic links, and in particular the public transport and cycle network links, is they allow a more efficient overall network, for the range of trips and trip purposes that there are.

We are aware that the provision of simply one element of the transport system and not others means you have an overall less efficient system. Everyone would, for instance, have to drive if we only did the roading element. So, the key for Auckland Transport is this Project allows the busway to be extended, as you heard this morning, allows the cycle network to be extended. So, some of those trips can therefore be made not in a car, which allows people who are in a car to have a more efficient trip.

MR WILLMOTT: Can you give, of the total daily trips, in a weekday situation -- of the total daily trips undertaken, what percentage would be walking and cycling?

MR NEWCOMBE: That's probably best referred to Ms King, as the walking and cycling specialist for Auckland Transport.

MR WILLMOTT: Would it appear to be out of order -- for that to be of the order of 1 or 2%, as distinct, or certainly under 5%?

MR NEWCOMBE: I would defer that to Ms King. I do know that there is a difference between commuting trips by foot, which are low, because those trips can be a longer distance, as opposed to, as you referred to earlier, recreational local trips, and trips to the local shops. Those kind of things are where there is a far higher desirability to make those short trips on foot, and the importance of the local network, walking and cycling network, to provide for those as is made with reference to, by Bike Auckland earlier today.

MR WILLMOTT: Yes, I certainly agree recreational walking is as important to me as it is to many people, and when I can double it with a trip to the local shops then I do.

5 Then can I put it in terms of public transport vehicular movements, of the total daily vehicular movements in Auckland, what percentage is taken using public transport?

MR NEWCOMBE: For the region, or for this area specifically?

MR WILLMOTT: For the urban area.

MR NEWCOMBE: For the urban area overall in Auckland, I'm not familiar with what
10 that would be. I believe Mr Cross or Mr Moore might have referred to that in their evidence. I do know that it differs widely within the urban area. Within the city centre, which is an area I do work in, its more than 50% of trips is made by public transport into the city centre. In the outer areas, getting towards where we are now, where we are getting towards the edge of the city, it would
15 obviously be much lower. The key, that again Auckland Transport supports in this Project, is the continuation and the building up of that Rapid Transit Network, so more and more of those trips can be made on the Rapid Transit Network, giving people connectivity around the region, in a bus network, or a train network, which is unaffected by the traffic congestion throughout the day.

20 MR WILLMOTT: Would it seem out of order to you then, the actual number about 15 years ago was 3.8% by public transport, and there has been some significant increase then, both in population of Auckland and in public transport usage. I expect it to be of the order of 4.2% now, and I have said in my evidence that I would expect it to be able to be pushed up to 5%, but that that would be about
25 its limit. Would you agree with that? I am talking about total trips within the total Auckland area as distinct from access to downtown, and I generally understand your figures down there and I wouldn't care too challenge them.

MR NEWCOMBE: So, I do think it's important to distinguish between those, because it isn't in anyone's interest for us to push investment in public transport interests
30 that are more effectively efficiently made by another mode, which is why we are concentrating on those larger volume trips, the larger destinations like the city centre. So, I do know that the Northern Busway has grown around about 10% patronage per year. Where we provide a quality mass transit service, people do choose to take that. That does free up the road network for essential trips
35 that need to be made by car. We are seeing growth right across our public transport networks. Again, that is mostly where we provide the service, people

will take that, but we are targeted in where we put that. It is on the spine corridors, and isn't for the more dispersed journeys, which is why the average, which you refer to around 5%, isn't really the key metric I would use to refer to the success of the public transport network.

5 MR WILLMOTT: Of total Auckland jobs what percentage of them are downtown, as distinct from distributed around through the suburbs?

MR NEWCOMBE: So I believe the city centre provides about 15% of the total jobs in the region and the rest are by and large scattered around some of the metropolitan centres and urban areas beyond.

10 MR WILLMOTT: In my evidence I think I stated that it was 50% post-war, immediately post-war before automobilisation took hold, but that it reduced to about 10% within walking distance of bus drop off points and train stations. I don't know quite where the 15% figure -- I've seen 11 and 12% by others. My assessment is 10% within walking distance of the termini. Would that seem out of order to you?

15 MR NEWCOMBE: I've recently seen around about 15%. 15% is the employment. It is growing, in the city centre, and if you look at the future land use for the next 30 years, the bulk of the employment in the region is in the city centre, and the other key locations are the airport and some of the other metropolitan areas.

20 So, it is becoming more concentrated, which highlights the likely importance of those public transport connections into those centres. So, I imagine the demand for city centre trips will peak, and grow, and I imagine that that 15, 10, whatever percent would get higher in the future.

MR WILLMOTT: Well, do you think that that would push up the land values in the

25 centre?

MR NEWCOMBE: Yes, that is my understanding.

MR WILLMOTT: And might there be some limit on how much people can afford for city land, in other words, startup businesses in particular, looking for low cost facilities, would look to suburban centres, which are more accessible than the

30 downtown area and a lower cost. I'm not sure of some of your centralisation expectations?

MR NEWCOMBE: What we have found is that there is an agglomeration, agglomeration benefits of being in the city centre, where is it is higher valued land, but it's also higher productivity, and it's actually a multiplier of having an

35 agglomeration of intensification of let's just say of activities, and more people together, which is the reason why people do invest in the city centres, because

there is a greater value to being together, than dispersed, and I guess we're not making a judgment on economic decisions about where to put a business. We do know more and more people want to invest in the city centre, and we are trying to increase the volume of people we can bring in, within the same
5 network that we have.

MR WILLMOTT: Thank you.

I didn't quite finish off on the efficient aspect. Do you think the roading project or at least a Project such as this, which provides solely for Northland -- which primarily for Northland traffic connecting to the airport -- that
10 appears to be its primary driver, which is a regional function and something that NZTA is responsible for -- plus public transport, plus walking and cycling, but with no provision, effectively, other than a marginal improvement for general traffic, and by that I mean, in particular, the traffic around the Constellation Drive interchange and the Greville Road interchange which at the
15 moment are the primary locations, other than Lake Road for congestion in the North Shore, and which are not being directly addressed by this Project -- would you say that's efficient? Given that motorists contribute something like 95% of vehicular traffic on the Shore?

MR NEWCOMBE: So I would say that this is putting in place missing strategic
20 connections of the State Highway network. It is putting in that north to I guess west connection, which is missing at the moment, which forces large volumes of strategic traffic to have to enter the local road network and then get back onto the motorway again. So, this is putting in a missing link, in that. So, to me, that is creating a more efficient strategic network. It is one of the reasons
25 we support that. There is going to be some, obviously, congestion and busy-ness around the remaining Constellation Drive intersections, and over time that will be addressed and made more efficient as best we can. The key, again, for us, is that the public transport network runs through there unimpeded by that congestion, and that to us is a critical component, as is the cycling
30 network that this delivers to. All of those combined make a more efficient network.

MR WILLMOTT: Can you say, because there is no indication in here that I've spotted, why concept 2, which is essentially my Proposal, which appeared from what I read out earlier on to have been a very competitive Proposal, why that was
35 rejected and the additional road space for general purpose traffic rejected along with it?

MR NEWCOMBE: I'm not familiar with the decision-making that was made around that.

MR WILLMOTT: Your planning for impacts under (e), 3.2 (e) -- additionally Auckland Transport has been working with the NZTA on planning for impacts of the NCI Project on the local road network and walking and cycling facilities. Now, I understand the Project will add about 50% to the traffic on the Greville Road Underpass. Would you say that that is a significant impact?

MR NEWCOMBE: I'm not familiar with the changes like that; I would defer to Mr Peake or Mr Clark for those specific numbers. That, if there was a change of that magnitude, that is one of the elements that we are in constant engagement with NZTA on, and through our one network approach to manage the local and strategic roads together, and it's part of the arrangement of how we mitigate and manage those things through the various traffic management plans, either through construction or afterwards.

MR WILLMOTT: Well, is that 50% that would be impacting immediately on the completion of the Project, and then there's further growth of the Albany commercial centre and housing related there too, and the University, all adding traffic to the Albany Expressway, much of which wants to go south on State Highway 1, partly to access State Highway 20, to go west, and partly to go on to elsewhere in the North Shore, and partly to go into the city. Would you not see a doubling of the existing traffic under the Greville Road Underpass, for example, just within a ten year timeframe as being something that needs attention, and it needs its impact to be addressed?

MR NEWCOMBE: If that is correct, then I would, and I expect that that is already one of the elements that we are working with NZTA on. I would expect that if it is of that magnitude and if that is seen to be causing an issue that we would indeed be working out how we manage that as best on the network.

MR WILLMOTT: Thank you, because concept 2 does show that they did consider direct ramps. In that evaluation report there are no reasons given why concept 2 was rejected, and concept 2, as I say, is essentially the concept I came up with independently, as being an optimum solution to the overall situation, barring any improvements south of Constellation, which dramatically needs improvement, but which I consider to be outside the scope of this Project, but which I see as being very difficult to do as a subsequent project, because the only advocates might be a new Auckland Transport or a revised regional plan,

and NZTA might not see much benefit in adding those ramps for its interregional traffic.

JUDGE HARLAND: Sorry, can I just ask what the question is?

MR WILLMOTT: Might it be difficult to add those roads, southwards from State

5 Highway 20, at later stage given --

MR NEWCOMBE: State Highway 18? The south facing ramps from 18 to 1? Are those the ones you are referring to?

MR WILLMOTT: Yes.

MR NEWCOMBE: I understand within the Project that those -- the ability to provide
10 them is future proofed within the footprint. I imagine it would be difficult to build them. My understanding is that's not one of the core objectives of this Project, and so that's why they're not being delivered, and they relate to the ability to receive that extra traffic elsewhere in the network as well.

MR WILLMOTT: Right. So, the fact that traffic from the west to the south is not seen
15 as a core aspect of this Project indicates to me, and I'm asking for your confirmation, that NZTA is not interested in that? So only Auckland Transport on behalf of local motorists would be interested in such connections?

MR NEWCOMBE: I don't believe that's quite correct. The Project objective that this
20 delivers upon is that north to west commuter connection, which makes better use of the overall strategic network down towards the airport, and helps provide an alternative for traffic. There is still the ability to travel from the west to the south, albeit through the Constellation Interchange. There wouldn't be a good deal of efficiency in providing those ramps; without additional the capacity that wouldn't be a benefit to the overall network. So the -- you can see a point
25 where that might be required, but it's, I think, perfectly reasonable for the two transport agencies to not deliver on that right now and deliver on that when it's needed at some point in the future.

MR WILLMOTT: Yes, my point is that it might be very difficult to add it in future, given
30 the lack of NZTA interest in it, and given that it involves its State Highway 20 and its State Highway 1.

MR NEWCOMBE: So, I think the fact that it's been provided for and discussed and analysed but just not delivered on shows that it has been thought about, and collectively with the NZTA, we are comfortable with it not being provided within this Project.

35 MR WILLMOTT: Yes, I'm just searching for reasons why it hasn't been delivered on. I know full well that the busway is cramped up against the motorway and that

makes widening from the existing 2 lanes to 3, for example, or even 4, difficult without shifting the busway. I am similarly concerned about busways north for the same reason, given that Auckland Transport might be not keen at all to shift its busway and acquire property for that, having to acquire property on the basis of the public transport usage of that extra land, and that not having the land
5 freely available from NZTA as part of a motorway designation, that there might be great reluctance, both on Auckland Transport's part and on NZTA's part to add those ramps later.

MR NEWCOMBE: So I don't believe the impact on the busway is a driving factor for why that wouldn't be done; it's simply that the need for it, and the benefit for it,
10 versus the cost of delivering it isn't met at the moment. Considering the overall network requirements, that would require far more wide-ranging network capacity increases for the motorway further around the network, which overall, can't be justified at this time. There will be a point maybe in the future where that is. In the meantime, we still get the most efficient network we can, travel
15 the most people that we can in the various ways they need to go.

MR WILLMOTT: Granted that the congestion cost for Auckland, which I assess it at four to five billion per year is greater than the 2 billion that NZIE -- and granted that improvements to the road network will only reduce that congestion to an
20 acceptable level, which will still be costly, and therefore, I'm not talking about a saving of 5 billion spread over the whole Auckland, but I am talking about congestion saving, at this intersection, at this Constellation Drive interchange. I wouldn't care to put a number on it, and I haven't done the work, but I consider it likely to be significant and likely to be able to justify the costs of the over
25 ramps from west to south in itself.

Now given that -- and the economics of that project, including those ramps, it was held to be the most economic --

JUDGE HARLAND: So what's the question in that? You are challenging the idea of efficiency, is that it? Or that the efficiency, or the savings that are going to be
30 made in relation to congestion? Or are you --

MR WILLMOTT: I hope I've already established the efficiency of adding those ramps. I'm now concerned about the possibility of adding them, given the --

JUDGE HARLAND: Yes, I understand that, but well, perhaps -- I think this witness has answered that. What he's saying is, it is open; it's been provided for as an
35 option later, and it will be assessed if and when the need arises. Is that what you're saying?

MR NEWCOMBE: Yes, that would be correct.

MR WILLMOTT: Okay. Thank you. Well, I'll move on. Under 4.1, you say the proposal comprises works on State Highway 1 extending from Oteha Valley Road in the north to Constellation Drive in the south and on State Highway 18 from the Albany Highway et cetera.

5 Key elements of the Proposal include capacity and safety improvements to State Highway 18 and SH1 within the Project area. Additional lanes and improved connections to the local roading network.

10 I agree that there are marginal improvements. My question is how much greater could those improvements be? Would you not agree that the south facing ramps that we've been talking about would substantially improve, further, the local road network functioning?

MR NEWCOMBE: Only if that was done with the ability of the strategic networks to take those. There's no point having those if they're only connected into a congested motorway network further south, which tends to then divert that traffic onto the local road network. So, an inefficiently provided strategic network can add disbenefits to the local network, and our work with NZTA tries to provide the best balance of strategic local network design.

MR WILLMOTT: Well in my evidence I raised -- no, in my response to questioning on my evidence, I indicated that the local area, of North Shore around that Constellation Drive, was being disadvantaged in favour of traffic from elsewhere, by not being given a connection, whereas other areas are being given, or have been given connections. And I questioned whether or not it was NZTA's right and privilege to determine which areas should be favoured over others, or whether it should not provide access across the board to the motorway and let congestion sort itself out. In other words, let the people decide whether they want to travel on a congested motorway, and if so, over what segments, rather than predetermining that these people should not be allowed, whereas those people can make use of this State Highway facility ostensibly available to everybody.

JUDGE HARLAND: All right. Well, we'll let Mr Newcombe comment on that if he is able to.

MR NEWCOMBE: Yeah. So, I don't believe -- so the people deciding, themselves, that's actually what happens everyday anyway. What we'd like to put in place are those strategic links to best handle those strategic movements and have the overall best system if you are only talking about traffic, not forgetting public

transport movements as well. NZTA would be best placed to answer why local connections can't be made to there. There are genuine safety and genuine reasons why you can't provide local connections in a number of places, as well as looking at the overall efficiency.

5 Auckland Transport is very supportive of the way this Project has been designed and is proposed to be delivered in terms of what it delivers, for those movements and I don't believe we are trading off the local versus the regional. The largest most critical regional movements are being provided for to the greatest degree. Those local connections are able to still be made; they're not
10 being severed. There are opportunities for changes in the future, and those are provided for. So, Auckland Transport is comfortable with the way the network is being proposed.

MR WILLMOTT: Thank you, I think that reasonably covers my question.

Under 6.2, you say AT, NZTA, and KiwiRail have a partnership approach in
15 Auckland, with the goal to operate the three transport systems as one network. Through the one network approach the organisations are providing an integrated approach to moving people goods and services safely and effectively throughout the region. The one network approach provides for the integrated management and planning of transport networks with land use development as
20 outlined in the Auckland Plan.

This integrated planning, integrated management and planning, has always interested me on the basis that people only shift their house every seven years or so on average, partly because the hundred thousand dollars odd cost of shifting. Whereas they shift their job, on average, about two year
25 intervals. I wonder how those can be integrated into a plan which enables people to live close to their job sustainably?

~Comments from the Board (11.34 am)

JUDGE HARLAND: Well, can he really answer that? He's not a -- he's only dealing
30 with the transport. Yes, it's not really a question for him.

MR WILLMOTT: Fair enough.

He did mention the integrated approach.

JUDGE HARLAND: Yes, he does, but I think that's background. It's background material that -- because there is no rail component in this.

So probably the crunchy issues are the ones that we're most helped by, if I can -- I don't want to slow your flow, but the ones that are really in contention, rather than the philosophical ones are probably more helpful.

MR WILLMOTT: I have difficulty in distinguishing between the two.

5 JUDGE HARLAND: Well, yes, and can I say I hope that we -- I think we have grasped the flavour of what you wish us to grasp. It's really a question of which witness can answer questions that are going to help us with the crunchy things we have to decide.

10 ~Cross-examination continues by Mr Willmott (11.35 am)

MR WILLMOTT: Right.

Under 8.12, Auckland Transport requires the following to be addressed through designation conditions and or the framework agreement. A) future proofing. Future proofing, for the extension of the busway further to the north.

15 I haven't noticed any future proofing -- well, again you're not -- you are public transport. I was going to raise a question about future proofing.

MR NEWCOMBE: No, I am able to answer that one if you wish.

JUDGE HARLAND: Yes, that would be good.

MR NEWCOMBE: So, the Rapid Transit Network is part of my remit within Auckland
20 Transport and my involvement here, the design of the busway extension up into Albany, does include the levels and the kind of direction setting for an onward connection towards Silverdale. So, it's not being delivered as part of this Project, but certainly that's been part of our thinking going forward. So, should there be the need for a future busway connection towards Silverdale, this
25 design provides for that, and is able to be delivered without any redundant work.

~Submission from Mr Willmott (11.37 am)

MR WILLMOTT: Yes, I would like to clarify a response I gave to the Board on this
30 matter, when it asked me whether I supported the addition of the busway extension from Constellation to Albany, and I indicated yes, I did accept the inevitability of that, and I would support it, if with reluctance, given that the rest of it has been built already, and that my otherwise preference would have been for a shoulder type facility to be developed for busways.

35 I do draw the line though at Albany, and I would suggest that from Albany up to Silverdale, a busway should be part of a multi-purpose shoulder.

JUDGE HARLAND: Right. Well thank you for clarifying that, and I'll make a note of that and we will have the transcript. We will make that your concession is limited to that effect.

5 ~Cross-examination continues by Mr Willmott (1.38 am)

MR WILLMOTT: Yes.

You did mention you have inferred that the impact on the road network would be considered. Would you not consider future proofing of the south facing ramps both at Constellation and Albany expressway should be provided for at this stage, including for the provision of detailed design plans or at least schematic design plans to demonstrate that they are possible additions in the future, if it's not agreed to add them at this stage?

10 MR NEWCOMBE: As I understand it, the future provision of the ramps from 18 to 1 south facing ramps had been considered and I don't know whether they were shown specifically within the plans that has been provided to the Board, but certainly that's been discussed as being future proofed and provided for, and I've got comfort that those are able to be provided for. The level to which those need to be provided as a design specifically, I don't know.

15 MR WILLMOTT: Thank you. I guess I'm really opening the question to the Board of what's involved in future proofing for road network development?

JUDGE HARLAND: Right. It's probably a question of degree; it's always a question of degree.

MR WILLMOTT: Yes, I agree.

25 8.12(b): Enable a shift from busway operation to future mode such as light rail.

Given that the whole push for public transport and recentralisation and so on, ostensibly is for sustainable development where energy would be saved, would you not agree with my earlier statement that rail transit uses substantially more energy per person kilometre delivered than buses? I did equate cars with buses, but I'm now talking about rail versus buses.

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~Comments from the Board (11.40 am)

JUDGE HARLAND: I think, and again, I'm sorry to interrupt, but I think -- we've got to just be a bit careful about how far we can take all of this, again getting into the philosophical. And if I could just explain, the future proofing is just being stated as things which might happen in the future, that could be provided, rather than

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whether they should be. So, in a sense, the debate for that would be a debate to have later on.

MR WILLMOTT: Yes.

JUDGE HARLAND: So, whether or not rail is a good idea later is not something,
5 probably, we can deal with. The fact is that the option is left open, and
someone at later date will decide whether it's a good idea.

MR WILLMOTT: Yes, he does say "enable", and I agree with what you're saying.

That essentially covers my interest. Thank you for addressing those questions
as best you can, I do appreciate your focus is public transport, but your
10 evidence did stray into the roading area to some extent. Thank you.

JUDGE HARLAND: Thank you Mr Willmott.

Do you have any re-examination?

MR BANGMA: No, Your Honour.

15 ~Questions from the Board (11.41 am)

MR STEWART: Mr Newcombe, I've had a quick read of your summary which I see is
really just, as you say, summarising your Evidence in Chief. Thank you.

And I had a couple of points. You refer to this framework
agreement, and I'm not sure how relevant this is to us or not but I'd like you to
20 just explain a little bit about that, because at paragraph 3.2 (g) you talk about all
relevant matters of responsibility and ownership being able to be resolved
between the two organisations.

So I wonder a), has this occurred yet and is it a matter for this Board or
for an agreement with NZTA?

25 MR NEWCOMBE: So, I understand that Mr Lovell will be speaking on this later today,
who has been dealing with this matter specifically. So, I was aware that there is
a framework agreement under development which dealt with some of the
issues which have already been raised about the boundary and the connection
between the local network and this Project. So, there are a range of matters
30 which I'm not familiar with, but I understand will be dealt with by Mr Lovell later
on.

MR STEWART: Yes, and it comes up again in 8.6, but we'll hear about that later.

And in 8.7, you talk about because of the uncertainty, Auckland
Transport seeks conditions on the designations to address the matters.

35 Where have we got then with the conditions, because we've now got
a -- well, it's not quite a final version, but we've got a version which is fairly final,

and I'm just wondering whether your concerns have been taken account of in those designation conditions?

MR NEWCOMBE: I believe Mr Lovell will cover all of that, but I guess I was alluding to the fact that that was underway, and that needed to be addressed at the time my evidence was written, and I believe that is all now in hand, and will be covered this afternoon.

MR STEWART: Right. And I suppose this might also befall in that category, in paragraph 9.4, you refer to a condition to be included requiring the detailed design of the Proposal, so as not to prevent and foreclose the integration of a possible future Rosedale Road Bus Station.

So, is Mr Lovell going to deal with that as well?

MR NEWCOMBE: Yes, I believe he will.

JUDGE HARLAND: Right. There are two areas I'm interested in, because -- and the first one is because of your role is a strategic role, and this might seem a rather obvious and silly question, but you're providing these hub and spoke models, and you're having -- you've got your bus stations at the centre of that, but then there are these vast carparks around where people come, and drive their cars, and our observation of the Albany area, for example, I'm just wondering how -- what Auckland Transport's thinking is strategically about the efficiency of that? Because it would still create more traffic on the local roads getting to the bus station, it just reduces, potentially, one could argue, congestion from the bus station to wherever, but might create it elsewhere. So, can you help me a little bit with that?

MR NEWCOMBE: Yes, I believe Mr Cross or Mr Moore might have referred to the Park and Ride system in relation to the public transport system. At a strategic level, we would see Park and Ride being provided on a periphery, where there aren't able to be provided efficient local bus services. The closer you get into an urban area where it is built up and we can provide those local buses efficiently, the less Park and Ride requirement there is, although there is certainly the demand. Wherever we put Park and Ride people take it up, and we get the request for more. But we are aware if we are putting in Park and Ride in some locations, we are then competing with our own bus services. So, we are looking again, as raised earlier, about the most efficient use of the road network, not wanting to create local congestion around these stations, and encourage people where they can to use the bus services. We are competing with ourselves. People will drive a long way out of their way to Park and Ride,

rather than catch a much more convenient local bus. It is perhaps a mindset to -- as a barrier to them using that.

JUDGE HARLAND: All right, well, picking up on that, have you got any statistics to show how many of those trips to the Park and Rides are single occupied
5 vehicles?

MR NEWCOMBE: I don't have those with me. I am aware we do do surveys of those; we also look at origin destinations whether those are coming from an area served by a local bus service. That constantly changes, especially in this area, where the land use is growing. So, areas that used to be unserved by a bus or
10 didn't used to have any housing on them, now have a new number of people coming from there. What we are looking at is trying to create more efficient use of those carpark areas whereby people who are multi-occupant vehicles or perhaps an electric vehicle or something like that get preferential parking, and people who are single occupant vehicles perhaps have to walk further at the
15 carpark, but all the time, making the local bus alternative as viable as we can, through ticketing and efficiency and frequency, and that will be -- that offering will be different station by station, depending on where they are on the network. So, Albany is different to Constellation.

JUDGE HARLAND: Right, so you have plans and process to address those things, is
20 that right?

MR NEWCOMBE: We do. And so we have plans -- we get constant requests for Park and Ride buildings right across our network, but our strategic thinking is those are best placed at the periphery. It doesn't stop us or any other provider in the future providing those and charging for those, where people say they would like
25 to drive to one in a place but we don't provide for it, for a strategic reason. So, we are looking Albany to increase the supply of parking for the Park and Ride at the station.

We are not providing to do that at other stations in the network for those local traffic congestion reasons and to not compete with our own buses.

30 JUDGE HARLAND: Right. Well again, possibly not a matter for this Project, but it seems to me with app based technology it wouldn't be that difficult to do something like a shuttle service?

MR NEWCOMBE: Yes.

JUDGE HARLAND: Has that been contemplated?

35 MR NEWCOMBE: So, we are increasingly looking at that; we have actually started using, on our own travel planning app, we have now an ability to connect to

Uber, as part of that. So, you don't just get told a bus timetable, you get told an end of journey, or beginning of journey, potential to use other services. So we are trying to use technology more smartly, and give people choice. That was one of the comments I made earlier, about this isn't just about a motorway connection; it's all of the other trip modes and purposes that we're trying to provide for, and to give people the information and the ability to take those. So, we are looking at app based travel information and ticketing and joining up those trips to enable that overall service to be made in a more efficient way.

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JUDGE HARLAND: So, do I take it from your answers that that's something which is to be implemented later but it's being thought about now, or is it something that's being implemented now?

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MR NEWCOMBE: It's underway now. I guess we're only in our first steps. We've only had a couple of new apps come out this year. And often we notice that people have taken a bus trip or tried something and didn't like it a few years ago; they haven't realised that it's been substantially improved. We get a lot of people say, I don't like taking the bus. Then they go on the northern busway, and they have a great experience, and then they come back.

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So, we are trying to improve our offering through a range of different technologies and vehicles types and different networks improvements. All of which we're trying to plan for in a growing city, which is one of the challenges we face here.

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JUDGE HARLAND: And you might not be the proper person, but because it was only raised this morning I feel obliged to put it to you, one of the themes of the Bike Auckland people is that there need to be more, and will be if this Project is approved, need to be more facilities available for people actually to safely leave and park their bikes at the various stations.

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MR NEWCOMBE: Yes.

JUDGE HARLAND: Are you aware of strategic planning in relation to that?

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MR NEWCOMBE: Yes there are, and Ms King may have referred to that as well, that we are having greater integration between our public transport and the cycling units, and a lot of this is based on what we call the first leg/last leg, which is being able to walk or cycle to a station, but for a cyclist you do need a locker or a cupboard, rack, and those are things which we are increasingly providing for our -- at public transport stations. But the point was also made, there's no point doing that unless you have the local network that people can use to get there, because the roads in some cases are hostile. So, we are increasingly

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integrating those parts of our planning within Auckland Transport, and cycling, and the public transport.

JUDGE HARLAND: Again, in fairness, because I've put this out there to other people, an inference that we might draw is that there is a disconnect between the
5 prioritisation of maybe an NZTA Project like this, and the ability of an entity such as Auckland Transport or the Auckland Council to respond by providing their financial share to improve the flow-on effects to the local, or to improve the Project generally from a local perspective.

Is that a fair inference to draw or not?

10 I see, for example, just to give you the context, you've referred in your Evidence in Chief at 7.1 to strategic concept planning documents, and I'm keen to know whether those longer term documents provide an impediment to being able to swiftly respond in a financial sense to other opportunities that arise, through for example, something like this Project?

15 MR NEWCOMBE: The ongoing ability to fund infrastructure and services in a growing city is a challenge for us. It's something that NZTA, being centrally funded, might not have as great a challenge with. The projects were listed already. The challenge we had with this Project was it became an accelerated one, and at the point that it became worked upon we didn't have enough knowledge
20 about the local impact and what we would need to do to catch up and to provide for that integration. We are now at this stage of doing that, but there is a lag as to what we can deliver, and we have a number of other parts to the region where there are existing problems that we're already trying to fix. Whereas what we're trying to do here is create an opportunity, and so, it's a balancing act
25 for us to cross the region, to know whether we should fix that problem or provide here. What we are trying to do is create -- and it was mentioned by Bike Auckland -- unlock the benefits of any investment. So, if there is going to be a cycle way put in, the benefits of that cycle way is only unlocked when you provide those local connections. So, we have a role in part of that, and so we
30 will do whatever we can within the financial constraints that we have.

JUDGE HARLAND: Yes. Well I'm not mentioning that to be critical; I'm really mentioning it to see whether there's some opportunity for us to be able to assist, to highlight this issue, in the hope that the powers that be might consider it, and I'd like you to comment on that, whether you think that's a good idea, and
35 secondly, if you did, how -- what your ideas would be to enable that to occur in a more integrated way in the future?

MR NEWCOMBE: So, I was involved in the Waterview connection hearing as was mentioned this morning by Bike Auckland. That was one where there'd been a fairly strict demarcation between what the designation provided for and what might have been expected in terms of providing a local cycling network, even though the motorway was in a tunnel, and the outcome of that was that the network was the most important to complete to unlock the benefits that were being sought by the Project, and I would say the same thing here, that there is a strict boundary within the footprint of the designation, but with this one network approach we're trying to look at the overall benefits of doing the Project, as a whole. And so, part of our framework agreement which you will be hearing about this afternoon, is about how we best do that. We are limited by our funding constraints, and our ability to react as timely as NZTA does.

So, the agreements -- we are in a much better place than we have been in the past, in terms of agreeing the importance of the various parts of the transport network and more and more it's not about a strict legal boundary; it's more about how do we collectively create the overall benefits for the Project? And that might mean that there's investment on both sides that might go -- be differently allocated than a strict ownership of assets.

JUDGE HARLAND: All right. So, I need to be a bit more direct. An inference we would be able draw from this is that AT or AC don't have any money to do certain things because it's not within their planned budget, and given that this is an accelerated Project, their ability to respond in a nimble way to that opportunity is limited by that fact.

What I want to know is, what it would take to fix that problem?

MR NEWCOMBE: There are probably a number of ways that could be addressed. We do work with NZTA on ways for us to receive advanced funding from them, and that's happened around the region in a number of ways, whereby they recognise we can't fund it in a timely manner, and there's a financial arrangement made separate from the Project, but through the funding agreement that we have with them, the funding assessment rate that we get from them. There are other side agreements, of which you will be hearing one this afternoon. That can be one, and there are obviously designation conditions which could be applied.

I think we would like to be able to come to the table with an agreed NZTA, AT position rather than one party kind of having something imposed upon the other.

We are increasingly in alignment as to what we're trying to deliver. Our constraint is obviously just on the financial side.

JUDGE HARLAND: Yes. So, there's nothing from a plan perspective, like strategic planning documents, that create an impediment for you?

5 MR NEWCOMBE: Not that I can see, no.

JUDGE HARLAND: Right, so it's not -- it's more a matter of advanced warning and negotiation, is that it?

MR NEWCOMBE: I believe so, and good faith bargaining for want of a better term.

JUDGE HARLAND: All right. I think that's as far as we can take it. Thank you for
10 that. Are there any questions arising? No. All right.
Thank you very much Mr Newcombe.

(The witness withdrew - 11.57 am)

JUDGE HARLAND: That will now take us to Mr Greenaway.

15 ~ROBERT JAMES GREENAWAY (Affirmed) (11.58 am)

~Examination by Ms Sheard (11.58 am)

MS SHEARD: Good morning. Do you confirm that your full name is Robert James Greenaway?

MR GREENAWAY: Yes.

20 MS SHEARD: And do you confirm you've prepared two briefs of evidence dated 20 April 2017 and 15 June 2017?

MR GREENAWAY: I have.

MS SHEARD: And do you confirm that you have the qualifications and experience outlined in section 1 of your Evidence in Chief?

25 MR GREENAWAY: I do.

MS SHEARD: And do you confirm that the statements that you have prepared are true and correct to the best of your knowledge and belief?

MR GREENAWAY: I do.

MS SHEARD: And have you prepared a summary statement?

30 MR GREENAWAY: I have.

MS SHEARD: Could you please read that summary statement?

MR GREENAWAY: Sure.

This summary statement provides a summary of my Evidence in Chief dated 20 April 2017 and my rebuttal evidence, dated 15 June 2017 and
35 includes ...(Reads 1.1 - 3.2 a)... as used by Ms Barrett in her evidence, in order to avoid confusion.

I should say that various documents refer to these things differently. So, even though we're trying to be consistent we will not be consistent with existing material.

5 And a map showing these areas referred to as Rosedale Park West and Rosedale Park North.

I concluded that I remain of the opinion that the Project has achieved an appropriate ...(Reads 3.2 - 5.2)... on this basis, there is sufficient alternative sports field land to meet projected demand.

10 ~Questions from the Board (12.04 pm)

MR STEWART: Mr Greenaway, I've got your evidence here in chief and I'm just going through it quickly, I think what you are telling us is fairly clear. Just one point which came up through your evidence just a minute ago, the upgrades at Caribbean Drive, whereabouts was that?

15 MR GREENAWAY: Actually, we printed out a Google maps aerial of the area earlier that might assist with this.

MS SHEARD: So, I think Ms Williamson with her summary statement handed out a Google map that she was going to talk to. I'm not sure if that Google map goes down far enough actually?

20 MR GREENAWAY: Caribbean Drive is well south of the development area, so it's within the Unsworth Heights residential area, so that's the large area of reserve block that wiggles through that residential setting.

MR STEWART: I understand where Caribbean Drive is, but I understood -- I thought from your summary report that there must be a reserve in the Caribbean Drive area somewhere which I'm not aware of?

25 MR GREENAWAY: I would have to grab a map actually for that.

MS SHEARD: We could actually bring that up on Google maps for you. It is quite some distance down Caribbean Drive, quite some distance south.

MR STEWART: Fairly near the top of the ridge with Sunset Road?

30 MS SHEARD: You are testing my geography now. I'll bring it up on Google maps for you.

MR STEWART: Sorry, on my evidence they don't go that far south either.

MS SHEARD: I think it's the one where she's holding the arrow, is that correct?

MR STEWART: I see.

35 MR GREENAWAY: That's my understanding, yes

MR STEWART: And State Highway 18 is further north. Yeah, I see the retirement village there. Okay, so it's actually in the catchment of the Alexandra Stream basically?

MR GREENAWAY: Yes, it is.

5 MR STEWART: Look likes it anyway.

MR GREENAWAY: Yes. Yes, it is, yes.

MR STEWART: In paragraph 7.22 of your Evidence in Chief you referred to release of up to 9 hectares at Rosedale Park South, and then in A and B are some other matters, financial compensation and comparable land. And I just
10 wondered what's the current situation regarding the comparable land or compensation? Have there been negotiations continuing with the Council on that matter?

MR GREENAWAY: I understand that they are. I'm not a party to those negotiations, so all I know is that I understand it that process is continuing.

15 MR STEWART: And as far as you know that will lead to some satisfactory resolution either through the Public Works Act or some other way?

MR GREENAWAY: I'm assuming that it's purely within the Public Works Act as a compensation package, either land or financial compensation for that loss of open space. So, my focus has been on are the demands for recreation being
20 met in that area, and looking at the ability to provide for those replacement supports field that are being lost at Constellation Reserve. The quid pro quo is that you've got the three fields at Rosedale Park South, you've got North Hockey relocated, so the sports fields, that is all dealt with. The final thing is that there is actually a net reduction of Auckland Council land, which
25 is compensated for through the PWA.

MR STEWART: I take your point in the evidence that the sufficient sports fields land in the local area available to provide for demand up to 2045. And that is presumably without -- is that assuming that these, shall I call them
reallocations of land take place, or does that include financial compensation?

30 MR GREENAWAY: No, that's separate.

MR STEWART: Okay, thank you.

JUDGE HARLAND: Just picking up on that sports field issue. To support your conclusion you've referred to the Longdill Report and you disagreed with the Albany Field Review, correct? Well, the conclusion in the Albany Field
35 Review that an extended 68 hours extra per week were required?

MR GREENAWAY: No, I don't disagree with that.

JUDGE HARLAND: You don't?

MR GREENAWAY: No, no. I don't think there is any disagreement at all actually.

5 It's quite well encapsulated in the Joint Witness Statement in terms of referring to Rosedale Park South in terms of the ability for Auckland Parks to go through and say "based on what we understand to be the long-term demand for supports field in this area, and our expectation that Constellation Park will form part of the provision for that and the Proposal takes out those three fields, two to three fields, the -- what's left at Rosedale Park South with the Proposal in place is two to three fields, so that's the existing harbour facility. So, it's purely a provision basis. Can we provide more sports fields as planned?

JUDGE HARLAND: The problem when I looked at the Longdill Report, it's quite limited. It only in fact deals with three codes, football, rugby, and league. It doesn't deal with anything else, and is that what we're talking about here? 15 It's a very limited report as I understand it. You can challenge me if I'm wrong, but is that all the -- if that's just -- it's just talking about community football rugby and league, what about other sports fields?

MR GREENAWAY: I've actually taken it to be --

JUDGE HARLAND: Well, have a look at executive summary in A, it says "field 20 demand" and it talks about community football, rugby, and league. And then it goes on to talk about, with all of the codes, and it really is only dealing with those as far as I read it. It doesn't refer to any other sports.

MR GREENAWAY: I have taken it though as being what is expected to be provided for in the setting. These are the relevant provisions for the affected area.

25 JUDGE HARLAND: Well, are they? Where does it say, that was my point?

MR GREENAWAY: Well it's the -- you have the main report, and then you have the supplementary report for Albany fields.

JUDGE HARLAND: Well I've only got what you appended.

MR GREENAWAY: I'm just going through and finding the additional --

30 JUDGE HARLAND: And it just didn't seem to me that there was any particular link. I mean, the same comment can be addressed to Ms Barrett, are we only dealing here with those kind of sport field shortages, or are we dealing with something a bit bigger than that, and are the replacement opportunities only the limited to those codes? Winter sports fields in other words.

35 MR GREENAWAY: It's a fair question, and I have taken it that this analysis -- I'm just actually trying to find where the, the specific analysis for Albany fields is.

I actually thought I had appended it to my evidence -- to my rebuttal evidence, and I'm struggling to find it.

JUDGE HARLAND: Well, all of the analysis in the tables talks about breakdowns of teams et cetera to provide the basis, but as I say, it's community football,
5 rugby, and league.

MR GREENAWAY: And I have taken that to be -- here we go. If you go to page 94 of my rebuttal evidence.

JUDGE HARLAND: All right, well let's just hope that's common to the iPad at the same page number, we will be positive and hope that it is. That's the
10 membership headed up page 93, or is it actually headed up page 94?

MR GREENAWAY: 94. It's got Albany Field Review.

JUDGE HARLAND: Yes.

MR GREENAWAY: If you look -- and that's specific to this particular area for this particular project, it is general to fields and it includes sand carpet fields or
15 soil based. In that analysis I have not seen a specific reference to only limited codes.

JUDGE HARLAND: But all of the analysis in the preceding part of the report is dealing with that, and that's the basis upon which the conclusions are reached. So, I mean the point is just that, you know, we're looking big picture
20 here, but if the conclusion is that the only sport field shortage is in relation to these codes and what's proposed here is only going to be provided for those codes, well, good. Leaving aside hockey of course, that's separate. But if it's not, I guess we need to know about it.

MR GREENAWAY: I'd encourage you to ask Maylene from Council just to clarify
25 that, but the critical thing is for this, there are three fields lost at Constellation Park, for whatever purpose they are used for, there are three fields, two to three fields, I should say, and two to three fields for whatever purpose they may be used for at Rosedale Park South, so the quid pro quo is there. There remains all the opportunities that Council currently has to develop the
30 remainder of Rosedale Park for whatever sports fields they like, and hockey is catered for.

So, if you go through and you just say look, in terms of sports fields, regardless of what codes are being discussed, those are being -- the loss of area for fields is being mitigated by the Project.

35 JUDGE HARLAND: All right. Well, I just wanted to make sure what was being relied on for that, because if we do a report we don't want to be inaccurately

referring to all sports fields for certain codes if it's only designed to in fact deal with a number. But your point is a fair one. I'll ask Ms Barrett about that.

5 Thank you. I don't have any other questions. Has anyone got any other questions arising?

Mr Willmott, I don't know that you'd asked to cross-examine this gentleman?

~Submission from Mr Willmott (12.15 pm)

10 MR WILLMOTT: No, I haven't. I could ask the question of a subsequent witness, it may be more appropriate to ask this witness.

JUDGE HARLAND: What do you want to ask about?

MR WILLMOTT: The relocation of the pony facility at Rosedale.

JUDGE HARLAND: I'm not going to let you do that unless you've given notice of
15 that, right? It's contentious, we understand it's contentious. It's up in the air as to whether it can actually be achieved at this particular point in time.

MR WILLMOTT: Yes. I raise that question as a member of the local Greenhithe Residents Association Committee --

JUDGE HARLAND: Well, have you filed --

20 MR WILLMOTT: -- which is one of the areas of interest that I listed in my original evidence.

JUDGE HARLAND: Well, what do you think?

MS MCINDOE: Sorry, Your Honour, but the Greenhithe Residents Committee as far as I know hasn't submitted, and given that no notice has been given of
25 this question I am reluctant to support it.

JUDGE HARLAND: Right. So, do you think that you were representing those people in your original submission Mr Willmott, is that --

MR WILLMOTT: Only to the extent that the committee elected to write a letter in support of my overall submission.

30

~Comments from the Board (12.16 pm)

JUDGE HARLAND: Right. Well, I think your submission was limited to the matters that you've addressed and not to the pony club.

35 MR WILLMOTT: I didn't address the pony club directly.

JUDGE HARLAND: I think, unfortunately, I'm going to have to say no, all right, because it's not within the scope of your submission.

So, any other questions arising?

No. Thank you very much Mr Greenaway.

5 ~-(The witness withdrew - 12.16 pm)

~MAYLENE LOUISA BARRETT (Affirmed) (12.17 pm)

~Examination in Chief by Mr Bangma (12.17 pm)

MR BANGMA: Is your full name Maylene Louisa Barrett?

10 MS BARRETT: Yes.

MR BANGMA: And have you prepared a statement of evidence in this matter dated 25 May 2017?

MS BARRETT: Yes.

MR BANGMA: And a summary statement?

15 MS BARRETT: Yes.

MR BANGMA: Are there any corrections you wish to make to either of those?

MS BARRETT: No.

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

20 MS BARRETT: Yes.

MR BANGMA: Could I ask you to now please read the summary statement thank you?

MS BARRETT: Firstly, corrections to my Evidence in Chief. At section 7.30 of my Evidence in Chief it should be clarified to state that the development of 3 new fields ...(Reads 1 (a) - 4 (b) of Summary Statement)... Panuku, a CCO at Council, has asked NZTA for time to consider ...(Reads 4 (b) - (c) paragraph of the Summary Statement)... I understand the Board has asked the council to provide clarification on the origins of the underpass, and its intended function when built.

30 We've done a bit more digging and we've been able to go back as far as 1991 where it was existing at that time as a pedestrian underpass. We found the environmental impact statement dated 1991 for the Upper Harbour Highway stage 1 and Constellation interchange. That's as far as we've been able to go, and at that time it was a pedestrian crossing.

35 In 2010 ...(Reads 4 (c) 3rd paragraph - 4(f))... as I understand this is important to hockey.

JUDGE HARLAND: So that probably takes us to the break. We've got cross-examination by you, Mr Willmott? Yes, you've got some questions for this witness? Yes? And we've got also from you is that right?

MS MCINDOE: Yes.

5 JUDGE HARLAND: I think we'll take the break at this point and we will come back at 1.30 and then we'll pick this up thank you.

~(Adjourned 12.31 - 1.31 pm)

10 JUDGE HARLAND: Thank you Ms Barrett you are on your former oath, thank you.

~Examination in Chief continues by Mr Bangma (1.32 pm)

MR BANGMA: The first is just a point of clarification Your Honour. Ms Barrett, before the lunch break you were affirming your evidence; I believe I asked you if you
15 had any corrections that you wished to make to your evidence and I believe you said no. So, to clear up some confusion on that point, as I understand it, in your summary statement at paragraph 1(a) through to (d) you have helpfully provided in writing what I understand to be some corrections to your Evidence in Chief is that correct?

20 MS BARRETT: Yes.

MR BANGMA: If I might just take you then Ms Barrett to paragraph 3(a) of your summary statement and it has above it the heading "summary of issues resolved and unresolved" and in paragraph 3(a) you are referring to the position in relation to the reinstatement of Rook Reserve following construction and the
25 conditions which have been proposed in relation to that. And from reading on in that paragraph, you've identified that the amended conditions dated 25 July should in your view include additional mitigation above and beyond what's currently proposed. And you've said should include boardwalks, walkways, seating and viewing platforms and you've also referred to a separate basketball
30 half court and you've noted that those were matters which were agreed in the recreation and reserves conference on 22 June, is that correct?

MS BARRETT: Yes, it is.

MR BANGMA: In case it assists the Board, there is a set of agreed conditions attached to the Joint Witness Statement recreation and reserves dated 22 June
35 2017 and at annexure 2 to that statement, condition 6(b) sets out wording in relation to the reinstatement plan for Rook Reserve and then Your Honour

there's items (i) and (j) which I think in essence were intended to cover those matters.

5 It appears somewhat in the subsequent changes in the conditions that were made by the planners, this is something which for whatever reason hasn't been included in the latest version of conditions attached to Mr McGahan's supplementary evidence, but I've had some discussions with my learned friends for NZTA over the lunch break and they have indicated a willingness to amend the condition that goes with Mr McGahan's evidence so that there would be an additional item which refers to providing recontouring and landscaping of the remainder of the reserve and including features such as walkways and seating.
10 Would that go some way towards addressing your concerns Ms Barrett?

MS BARRETT: Yes it would.

MR BANGMA: And I understand from my discussions with my learned friends there's not a willingness at this stage to provide a second separate basketball half court as you've indicated in your summary statement.
15

Now just to clarify, in your view, the purpose of a second half court, is that relating to the fact that the one half court that's proposed would sometimes be used by machinery, is that what creates the need for the second one in your view?

20 MS BARRETT: Yes, the idea for the second one came up in discussions with NZTA around the potential concept plan for Rook Reserve and they raised it themselves.

MR BANGMA: So, it's something that was volunteered by them at one point is your understanding?

25 MS BARRETT: Yes, it was.

MR BANGMA: But from your point of view as a witness who's experienced in giving evidence on recreational matters is the effect you're concerned about if the one court that's proposed was sometimes used by machinery, it couldn't then be used for basketball, and that would create some sort of adverse effect, that the concern you have?
30

MS BARRETT: Yes. The clearing out of stormwater ponds can take weeks in some cases.

MR BANGMA: And do you have any idea about how frequent in occurrence that would be?

35 MS BARRETT: It depends on precipitation, between 5 and ten years I understand.

MR BANGMA: So, you understand that that's something which would happen every five to ten years?

MS BARRETT: It depends.

MR BANGMA: It depends, all right.

5 Then, just staying with your summary statement then, if I can take you to page 6 of your summary statement, and that's the part where you are referring to the condition precedent for the relocation of hockey. And the last paragraph you indicate that you have reviewed the latest condition IHF1, so that is the condition precedent attached to the NOR conditions dated 25 July, now I
10 appreciate that was probably the most recent version of the conditions you'd seen at the time this summary statement was prepared and the hearing was subsequently adjourned. Have you seen the latest version of that condition attached to Mr McGahan's evidence of 4 August?

MS BARRETT: Yes, I have.

15 MR BANGMA: Is that the same condition, you're happy with that latest condition? I believe the page reference if you are looking for it is page 28 of Mr McGahan's supplementary evidence.

MS BARRETT: Could it be confirmed whether it's been changed or not?

MR BANGMA: Well my understanding is that it hasn't.

20 JUDGE HARLAND: Well it doesn't say that at the beginning of Mr McGahan's.

MR BANGMA: My understanding is it hasn't changed Your Honour.

JUDGE HARLAND: No, and she can read it anyway.

MR BANGMA: Indeed Your Honour, indeed.

JUDGE HARLAND: So have you had a chance to read it?

25 MS BARRETT: I haven't had a chance to compare conditions but I understand it is the same.

JUDGE HARLAND: So if it's the same you wouldn't have a problem?

MS BARRETT: No.

JUDGE HARLAND: Perhaps you can confirm that afterwards?

30 MR BANGMA: Yes, thank you Your Honour.

 Now, then there were just two remaining matters, both of which arise from questions from the Board earlier today.

 Ms Barrett, earlier today Ms Barrett asked Ms Williamson for the Hockey Trust whether she was aware of what would happen to the existing facilities that
35 hockey has once hockey has been relocated and Ms Williamson indicated I think to the Board she understood those facilities wouldn't still be used as

sporting facilities and that there were discussions of some sort with Watercare about them using the land.

Have you had any involvement in that or are you able to add anything to that?

5 MS BARRETT: I've been shown a letter from Watercare to Auckland Council indicating that they are looking to acquire from Council that piece of land, yeah, for the expansion of their facility.

MR BANGMA: And then the last matter, although this is something perhaps Your Honour and the Board would get to in any case, there were questions to
10 Mr Greenaway in relation to the Longdill Recreation Report, and as I understand it, the coverage of that report and what different sporting activities were covered, and whether it was just winter activities relating to certain supports, or was it broader than that, are you able to assist the Board in your understanding of what that report covers?

15 MS BARRETT: I'm not an expert in sport field development but I have spoken to the manager of the delivery of sports fields. When the Longdill Report was prepared, and the original one, in 2014, it was based, I think on 2014 population and it was based around weather related needs. So, winter sports are
20 dependent on -- well they're affected by the weather, and so at the time it was understood that that weather would affect the -- to the most degree, the availability of sports fields. So, that was the winter model. So, things have changed in 2015 to base the needs on the population growth rather than existing population. And also to include a summer model; they also, there will be more information available at the end of this year which will include both
25 winter models and summer models and it is understood, but they haven't got the information available yet, that it's actually the summer model that has the greater need than the winter model. So, the only information that we've got currently is based on old information and that's the Longdill Report. So, it will -- yeah, with reference to it only having the three sports codes, the new
30 information will include more information on diversity; so Auckland population is much more diverse now. We've got lots of immigrant populations that have a different type of sport needs and that obviously has been included in the three codes information that we've got now. So yeah, at the end of the year we'll have much more information around the land that we need to provide for all of
35 the sports.

~Questions from the Board (1.45 pm)

JUDGE HARLAND: What I'm just concerned about here is there is a position that's been taken which initially was that there isn't mitigation provided for a number of sports fields, that was your evidence, that there needed to be that. My
5 understanding now is that you have agreed that there is the ability to meet the shortfall that's proposed to be taken by the Project, is that right?

We can't speculate about future we've got to deal with what we've got now. And what I'm just concerned about, quite frankly for both experts if I can say it, is that you've referred to -- the Longdill Report's been prepared to us, I
10 just read it, I'm not an expert on this, but I just read it and it seemed very limited in its application. And yet the inferences that were sought to be drawn from it were much wider than that.

So, I just want to understand what the position is so that we are fully appraised of whether or not the Auckland Council says that mitigation is being
15 provided for these lost sports fields or not? It doesn't help me if you're talking to about what's going to be available at the end of the year.

MS BARRETT: The Longdill Report says that you can provide enough sports fields to meet demand, 2014 demand, 2014 numbers, by providing new fields where the
20 ponies are currently grazing and upgrading existing fields at Caribbean Drive and existing fields at Rosedale Park north.

I agree on that point. But my wider point is that all of the land that we're losing means that we can't provide for increased population growth and also the loss of land at the same time that we had land banked at Constellation
Reserve.

25 JUDGE HARLAND: Right, so let's be clear about this, you're saying two things then, you're saying that there isn't mitigation because a), there isn't a replacement of the three fields that are being lost and b), in any event, it's not providing for future population growth, is that what you're saying?

MS BARRETT: Essentially, yes.

30 JUDGE HARLAND: Well I don't want to know "essentially", I want to know exactly what you're saying.

MS BARRETT: To provide for future sports field provision requires upgrading of existing facilities and the relocation of existing lease holders.

JUDGE HARLAND: Yes, we understand that, but we're dealing with the assertion by
35 Auckland Council that there isn't adequate mitigation being provided for these sports fields and I'm not trying to be difficult or harsh on you but I want to really

understand absolutely what your reasoning is for this, and what I'm hearing is that it's two-fold, firstly, you're concerned that you're losing the potential for these three fields and it's not being offered -- there's no three fields being offered elsewhere or able to be provided elsewhere at the moment. And,
5 secondly, you're concerned that regardless of that, the -- there's future population growth which is not being taken into account, is that the position?

MS BARRETT: Yes.

JUDGE HARLAND: All right. So how can we take into account future population growth if we don't have any data to support that at this time? Because you've got space for three fields here, it's, I guess the use of the fields that you might
10 be talking about, but if there's three to be lost, what's future population growth got to do with the loss of the three fields? Well, you can have a think about that and we'll come back to it. Because I don't want to put you in a situation where you're put on the spot so to speak, I think we'll just carry on and you can have a
15 think about that.

And so, I guess what I'm troubled about, just to explain it a little bit more, is yes, we have an issue of future population growth, but if we've got three sports fields provided for, future population growth is not going to make much difference or is not going to increase that loss, it's three sports fields. It is what
20 it is, in other words. If you're looking at planning for the future, that's a role that Auckland Council would have to take into account. But I'm trying to understand how that would link into mitigating a loss here.

So, that's what I'm thinking, and you can have a think about that and we'll come back to it.

25 So, I'm sorry, you might want to pick that up in a different way so that it's less threatening coming from me?

I'm interested in the Longdill Report, I still don't understand how the Longdill Report assists with this one way or another, or whether it's even relevant?

30 MR BANGMA: I don't have any further questions on that, Your Honour.

~Cross-examination by Mr Willmott (1.51 pm)

MR WILLMOTT: As I see it, the problem that you've just been wrestling with is caused directly by loss of the existing four hockey fields and their displacement on to
35 recreational land elsewhere, so that the existing hockey field complex is a net

loss to the system, that's directly responsible for the problems that we're looking at, is that your perception as well?

MS BARRETT: Not necessarily. We're talking about the Constellation land and the loss of the land bank on State Highway 18 and State Highway 1, which was --

5 JUDGE HARLAND: It's a different issue Mr Willmott, there is some additional land that's available that is being lost that's the sports fields that we're talking about, not the hockey, that is additional to the three sports fields that are to be lost.

MR WILLMOTT: Perhaps my question is not related to what you were discussing, but it still holds good I suggest, would not the loss of three sports fields be offset if
10 you could retain the four hockey fields pretty much in their present location?

MS BARRETT: That is what has been agreed in the Joint Witness Statement. However, I understand that Watercare are looking to acquire that land.

~Submissions from Mr Willmott (1.53 pm)

15 MR WILLMOTT: Now, is Watercare a part of this hearing I am not aware of it myself?

JUDGE HARLAND: Yes they are, they have reached an agreed position.

MR WILLMOTT: They have reached an agreed position which prejudices this hearing then?

JUDGE HARLAND: No, we have to consider whether we agree with it or not.

20 MR WILLMOTT: Right. Thank you. As I see it Watercare has a lot of land. I have spoken with a retired chief engineer at Watercare of that facility. He's not aware of any more recent plans since he retired. And I have not managed to contact the present chief engineer of Watercare, but -- so I'm only going on his outdated understanding.

25 JUDGE HARLAND: Right, well I'm going to stop you there Mr Willmott, you are asking questions of this witness about reserves and recreation.

MR WILLMOTT: I'm finding out if my question would be legitimate.

JUDGE HARLAND: You can't really put anything to this with witness about Watercare because she won't understand, all she can say is what she said, she
30 understands that that's what they want to do, it's not a done deal, it will be subject to us agreeing to all of this and everything else.

~Cross-examination continues by Mr Willmott (1.54 pm)

MR WILLMOTT: Okay, could I put it a different direction on it, you will be unaware
35 that I have proposed an alternative design which would exclude the two ramps which thicken out the State Highway 18 into the hockey grounds, so that

without those two off-ramps terminating in Caribbean intersection, the motorway complex could be shifted southwards away from the hockey fields, still intruding onto ground 4, but I have suggested in my Proposal that ground 4 be slid north-east wards towards Watercare land with a wall on the boundary if necessary, to enable its retention as a field. Field number 3 may be marginally affected too, depending on the detailed design, but it appears that there's ample room for that to be shifted or slid north-eastwards by a few metres as may be necessary and that would enable the hockey fields to stay as they are.

Now, in my original submission I indicated I was concerned about the cost of that, of shifting that facility and loss of that facility and also the domino effect, and I use that term on all other recreational land users and I raised the problem which you echoed, that there's no provision for future population growth which could be significant in this area, but there is proposal to diminish the existing open space.

JUDGE HARLAND: So we need a question, so what's the question?

MR WILLMOTT: I mean, are you aware of any objection to or reason why and given what I've just described the hockey facility could not remain where it was, that's question number 1.

JUDGE HARLAND: Let her answer that one.

MS BARRETT: I wouldn't be able to comment on the design of the Proposal.

MR WILLMOTT: I would indicate I have haven't done detailed design either it's just I used my judgment.

JUDGE HARLAND: I don't think it is within her expertise really, so what's the next question?

MR WILLMOTT: The next question is if that could be retained, would that make the overall situation easier for you to deal with than what you've got to deal with at the moment, which is a relocated hockey facility?

MS BARRETT: So, you're asking if the Proposal could be redesigned so that the hockey facility could retain four fields where it currently is? If that could happen, then yeah, yes.

MR WILLMOTT: Now, I should say that I have a vested interest here, I live adjoining Wainoni Park and thoroughly enjoy, as I know many of the other people in the area do, the walking facilities provided through that park. I don't personally use the sports fields, but I do watch people playing and more particularly, the pony club is close by and frequently host -- and I know they fully use their land with the membership they've got. A horse requires a certain grazing area, and they

are full up, as is the Riding for the Disabled which has made a submission to the Greenhithe Residents Association --

~Comments from the Board (1.58 pm)

5 JUDGE HARLAND: I'm going to stop you there again sorry, Mr Willmott, because that's for the next process to do with the Proposal, all right, it's not something we can deal with.

10 We just have to deal with whether the proposals for the relocation of the hockey are certain enough and second -- and part of that will be whether the moving on of ponies and BMX is certain enough in terms of what's proposed, that's all we can deal with. We can't deal with whether it's a good idea for the pony club to be relocated to the reserve because another decision making body is going to make that call. Do you understand? I'm not trying to be difficult, it's again a question of jurisdiction, or powers that we have to deal with that issue.

15 MR WILLMOTT: It's just this witness is dealing with all of the recreational reserves.

JUDGE HARLAND: Well she is, but she can only give evidence to us about that aspect which is only proposed at this stage, it's not a certain outcome. It's what they want to happen, but it's not a certain outcome because another decision maker has to make a decision about that at another date.

20 MR WILLMOTT: I was going to raise a question about the Wainoni Pony Club being used to capacity at the moment and the difficulty of adding two other clubs on top of it, is that an acceptable question?

JUDGE HARLAND: Well, I think that is for the next body of decision making about whether it can in fact be relocated. All we've got to deal with is whether it's 25 certain enough, or to provide for the eventuality in case it's not.

So, as it stands at the moment what's proposed is that if the hockey can't be fully relocated for whatever reason, then it looks like this Project is unable to mitigate the adverse effects against hockey, which would mean that that part of it couldn't go ahead.

30 MR WILLMOTT: Is it not a part of the Board's consideration, the cost of relocation of the hockey?

JUDGE HARLAND: No, it's not unfortunately. When I say "unfortunately", it's not that I'm looking for more work, it's just that that's the reality of it, we're not empowered to.

35 MR WILLMOTT: All right, that invalidates my line of questioning.

JUDGE HARLAND: Sorry about that, but another day, you'll have another day to question about the pony club.

MR WILLMOTT: I am unaware of that.

JUDGE HARLAND: There might be another day, put it that way -- looks like there will
5 be another day for that. Not here.
Now we've got you Ms Sheard?

~Cross-examination by Ms Sheard (2.01 pm)

MS SHEARD: I'm just going to start by asking you a clarification about
10 paragraph 1(d) your summary statement. So, in that paragraph you refer to Rook Reserve "will be used as either a construction yard or a temporary storage pond". And I just wanted to clarify with you that when you say "construction yard", you don't mean a construction site for the purpose of the larger NCI Project do you?

15 MS BARRETT: When I raised that, I just wanted to clarify that the entire reserve would be temporarily occupied during construction.

MS SHEARD: Thank you yes, I just wanted to clarify that, because there are some areas within the Project area that are being used specifically as construction yard sites where the Transport Agency will store machinery and equipment
20 over the course of the project, so you're not claiming that that's one of those construction yard areas are you?

MS BARRETT: I'm not -- as the detail design of the Project hasn't been nailed down yet, and I'm not aware that it will be used as a construction yard, but I do understand that parts of it will need to be used to construct the temporary
25 storage pond and also, I wanted to point out that the designation covers the whole park.

MS SHEARD: Okay, but if you turn to -- it might be easiest to take you to the general arrangements sheet 9, I'll bring those up on the screen. She may actually need a hard copy I think, to be able to read it. If you look up in the
30 left-hand corner there's a legend, can you see that, or is it a bit faint? And you will see part way down there there's a construction support area and it's got a purple colour next to it.

JUDGE HARLAND: That's to the hard left just above the word that looks like "sheet 8", is that correct?

35 MS SHEARD: No it's in the legend on the top left-hand side.

JUDGE HARLAND: But you're are looking on the actual map at the hard left, aren't you?

MS SHEARD: Correct.

JUDGE HARLAND: Yes.

5 MS SHEARD: So you will see that in the legend there is the words "construction support area" and there is a purple colour there?

MS BARRETT: Yes.

MS SHEARD: And if you look at Rook Reserve there is no purple colouring on that reserve is there?

10 MS BARRETT: No.

MS SHEARD: So would you accept then that the Transport Agency is not using that area as a construction support area?

MS BARRETT: Yes.

MS SHEARD: I'd like to cover a few issues in relation to the Longdill Report, but
15 we'll start with looking at Constellation Reserve itself. So, there's two to three fields there, aren't there, that have been earmarked by the Council for probably football purposes?

MS BARRETT: No, there has not been identified for any number of fields or any type.

20 MS SHEARD: But there is an area there that has been identified for future sports fields and the area that's been identified up in Rosedale west above the -- where the pony grazing currently is a comparable area where a similar number of fields could be located is that correct?

MS BARRETT: Yet Albany field review document identifies three fields could
25 potentially be provided.

MS SHEARD: And so that gives you the confidence that the earmarked area for Constellation Reserve can be successfully accommodated up in that area?

MS BARRETT: If existing activities are relocated.

MS SHEARD: What -- oh you mean the pony grazing?

30 MS BARRETT: Yes.

MS SHEARD: Correct, yes. So, the Longdill Report and the Albany review which was prepared in response to the project, those two reports look at projected need going forward, doesn't it, in terms of sports fields?

MS BARRETT: Yes, based on 2014 information.

35 MS SHEARD: Yep, and the Albany field review updated that information in terms of population and population projections, didn't it, based on the 2014 numbers?

MS BARRETT: Yes, and it used the winter model approach.

MS SHEARD: And that review concluded, didn't it, that there would be sufficient -- well, I think you concluded based on that review that with the replacement fields up in Rosedale west that there would be sufficient capacity to meet demand through to 2045?

MS BARRETT: Yes it concluded that with three new fields, upgrades to existing fields at Rosedale Park and also upgrades to existing fields at Caribbean Drive.

MS SHEARD: So I guess it could really be summarised that the Longdill Report and the Albany field review give you additional comfort that not only can you replace the land that you're taking -- that the Project is taking at Constellation Reserve, but also that there is sufficient land available overall to meet the demand through to 2045?

MS BARRETT: No it doesn't replace the land, but it -- the projected shortfall in 2045 can be accommodated by repurposing existing land and upgrading existing facilities.

MS SHEARD: Switching tact for a little bit to the issue of the Albany bike path and you had the application or the decision and the application attached to your summary statement. I'd just like to spend a little bit of time on that, now that bike path included upgrades on both sides of the underpass, didn't it?

MS BARRETT: Yes.

MS SHEARD: And attached to your summary statement you had an urban design assessment and that also included a CPTED assessment, didn't it?

MS BARRETT: Yes it did.

MS SHEARD: So, there are several points in that CPTED assessment that consider those CPTED issues both in relation to the underpass and approaches into it, don't they?

MS BARRETT: Yes.

MS SHEARD: So, in order to address some of those CPTED issues the design proposed four things, and I'll just summarise them for you, a small meeting place at the mouth of the underpass on the northern side; raising the floor of the underpass; installing lighting and painting the interior. Would you like me to take you to that reference so you can refresh your memory?

MS BARRETT: Yes please.

MS SHEARD: Page 24, of the annexure to that summary statement.

JUDGE HARLAND: "Assessment of the effects on the environment"?

MS SHEARD: Correct. I think the page numbering may have actually dropped off, but if you can find page 23, which looks like that, it's the page after that.

There is page numbering on the bottom right hand corner of that document.

It's right at the back, so we're looking for page 24, which may be caught in

5 the staple, if you've got a staple in your document. It comes after this page (indicates).

JUDGE HARLAND: So, that's the document entitled "Albany cycle path concept design" and then it goes -- is that right?

MS SHEARD: Correct.

10 JUDGE HARLAND: And page 23 is headed up "Concept design" and it's got three graphics on it?

MS SHEARD: Yes, and if you turn the page to the next page it says BMLA concept design Proposal for the --

JUDGE HARLAND: Let's just wait until everyone's got it. Can I just say, when we

15 have evidence like this, and it's not just your evidence, Mr Bangma why aren't the appendices indicated? It's a whole lot of paper, hopeless. So, counsel's responsibility.

MR BANGMA: I apologise.

JUDGE HARLAND: It's all right, it's just a learning thing.

20 MS SHEARD: If we turn to the bottom paragraph of that section, it talks about there a small gathering and meeting place. It also mentions the raising of the floor of the underpass in the bottom paragraph. And in the bottom paragraph as well, lighting installed and the wall painted.

MS BARRETT: Yes.

25 MS SHEARD: And the urban design report concludes if we turn over to page 33 which is the very last page, actually no it's not the very last page, back a couple of pages from the last page, page 33 is -- has the title on it, on the right-hand side "Albany cycle way summary/discussion" it's the page after "Albany cycle way", has everybody got that page?

30 JUDGE HARLAND: Thank you.

MS SHEARD: And that page of the report concludes that the path will result in positive outcomes, doesn't it?

MS BARRETT: Yes.

MS SHEARD: And those include in the second paragraph down is a social

35 connector?

MS BARRETT: Yes.

MS SHEARD: And in the paragraph under that, it also mentions that it was social connections by using -- by providing stopping points?

MS BARRETT: Yes, it does.

MS SHEARD: And there's no mention in any part of that AEE, is there, of any
5 residual CPTED concerns in relation to the underpass?

MS BARRETT: No.

MS SHEARD: And there's no mention --

MS BARRETT: Sorry, if you go to page 19, under -- on the right-hand side, under
the BMLA CPTED design recommendation on the second to last paragraph it
10 talks about the most problematic part of the path system is clearly the entry
and tunnel of the State Highway 18 underpass.

MS SHEARD: That's correct, and it's talking about the problems that are relating to
the underpass at that point, and then it later on, as we've just already been
through, on page 24, talks about the solutions, doesn't it?

15 MS BARRETT: Yes.

MS SHEARD: And there's no mention anywhere of the need to replace the
underpass, is there?

MS BARRETT: No.

MS SHEARD: And at that time the underpass was owned and maintained by
20 North Shore City Council, wasn't it?

MS BARRETT: Yes.

MS SHEARD: And this very application was also lodged by North Shore City
Council?

MS BARRETT: Yes.

25 MS SHEARD: And there's no mention of any approach being made to the
Transport Agency at that time about the feasibility of replacing the -- or
widening the underpass or --

MS BARRETT: I'm not aware.

MS SHEARD: -- in terms of the impact on State Highway 18 of doing that work?

30 MS BARRETT: I'm not aware.

MS SHEARD: If we now just turn to look at what is proposed by that NCI Project
itself. Do you accept that in providing a pedestrian and cyclist crossing
across State Highway 18 at Paul Matthews Drive will provide a new crossing
across State Highway 18?

35 MS BARRETT: There is an existing signalised crossing.

MS SHEARD: But that crossing doesn't have any pedestrian or cyclist facilities, does it?

MS BARRETT: No.

MS SHEARD: So, do you accept -- well have you read Mr Clark's evidence
5 regarding the increase in demand for use of the underpass?

MS BARRETT: No, I haven't.

MS SHEARD: Are you aware of his position in relation to whether the Project will result in an increased use of the underpass?

MS BARRETT: Could you repeat the question?

10 MS SHEARD: So, are you aware that Mr Clark's evidence says that as a result of the Project there may be an increase in demand for the underpass, but that would be offset bicyclists and pedestrians using the Paul Matthews overbridge?

MS BARRETT: I haven't read that part of his evidence, no.

15 MS SHEARD: So, you've also raised an issue about whether there needs to be specific reference in the hockey condition to the split site issue. Have you -- are you now satisfied with -- I think you indicated before you were satisfied with the hockey condition as currently drafted in that respect?

MS BARRETT: Yes, I am.

20 MS SHEARD: So, turning to the issue of the Rook Reserve, I think we heard before that you were concerned about the frequency of maintenance at Rook Reserve for the stormwater ponds?

MS BARRETT: It is an issue, yes.

MS SHEARD: Do you accept that those stormwater ponds will be servicing
25 stormwater from the State Highway 18 only?

MS BARRETT: As I understand it they will be accessed by Rook Place?

MS SHEARD: Sorry, I think you probably misunderstood my question, I'll rephrase it, do you -- the stormwater ponds at Rook Reserve, will only take stormwater from the State Highway 18.

30 MS BARRETT: I'm not a stormwater engineer so I can't answer that question completely, but I do understand from the cycle way resource consent that there is a swale, there was -- it was a condition of consent that a swale be constructed in the location -- general location that the new stormwater pond will be.

35 MS SHEARD: But if you accept that the swale won't discharge into the stormwater pond, and if you accept that the stormwater pond will only take stormwater

from State Highway 18, then would you accept that there's unlikely to be a lot of silt coming from those areas into the stormwater pond to require maintenance?

MS BARRETT: I can't speak about how often it will be and how much silt will be
5 discharged from the motorway.

MS SHEARD: But you've made some projections that it could be weeks' worth of cleaning out the stormwater pond, what did you base those projections on?

MS BARRETT: Other -- experience of other reserves in Council that have had stormwater ponds desanitation works carried out and the length of time that
10 they take.

MS SHEARD: But you haven't compared what kind of catchment those stormwater ponds were serving in comparison to the ones in Rook Reserve?

MS BARRETT: I haven't, no.

MS SHEARD: And do you accept that it's likely that when those stormwater ponds
15 are cleaned out that it would be during working hours?

MS BARRETT: Yes.

MS SHEARD: Just one final question, and that's in relation to your statements about BMX in your summary statement, and that's on page 5 paragraph (e), so you've noted there that overall the application for BMX is a non-complying
20 activity. But that non-complying aspect of that application only relates to the definition of height -- is only triggered by a requirement -- sorry start that again, so, you've referred to it being a non-complying activity and the reason why a non-complying activity status occurs in this case is because of an appeal under the operative plan in relation to the definition of height, doesn't
25 it?

MS BARRETT: That's correct.

MS SHEARD: And the activity status for under the operative plan is a discretionary activity?

MS BARRETT: That's correct.

30 MS SHEARD: Thank you.

~Re-Examination by Mr Bangma (2.23 pm)

MR BANGMA: Ms Barrett, I just want to make sure that the Board and everybody is
35 clear in relation to your overall position on the effects of this Proposal, on recreational values following all the discussions and questions we've had.

So, you were involved in the joint witness conferencing for recreation reserves on 22 June?

MS BARRETT: Yes.

MR BANGMA: That resulted in a conferencing statement where you went through effects on each reserve and assessed the effects of this project on the recreational values associated with those reserves. And it also included, as we've already been to, annexure 2 which included some proposed conditions. Now, as I understand your position and evidence from your summary statement the sole area of concern that you have at this point was in relation to the Rook Reserve reinstatement plan?

MS BARRETT: Yes.

MR BANGMA: And following discussions with my learned friend from NZTA, provided some revised wording in relation to that in relation to providing seating and walkways et cetera, and based on that the sole area you raise which is not being addressed is in relation to this half basketball court issue?

MS BARRETT: Yes, yeah.

MR BANGMA: So, then just finally on this point in terms of mitigation of effects, of what you consider is required. If we go to the conferencing statement, it's paragraph 5(d) and (e) I'm interested in, under conferencing outcomes, because this refers to Constellation Reserve and the loss of the future sports fields. At paragraph 5(d), the last paragraph in 5(d) says:

"The experts agree that the loss of future sports fields from Constellation fields should be mitigated."

And it notes there "refer to the discussion under Rosedale Park south below."

If we then head to Rosedale Park south there, there's obviously reference, as you've discussed with Ms Sheard, to the ability to potentially provide those in Rosedale south. And you further note below that you don't consider any further conditions are required, as there will be compensation through the Public Works Act process.

MS BARRETT: Yes.

MR BANGMA: And then just the last detail, I think this may get to the heart of your concerns there is a reference to paragraphs 7.31 and 7.33 of your Evidence in Chief and it's following on from this discussion about the compensation under the Public Works Act process. I wonder if we might just turn to those

paragraphs? So, paragraph 7.3 1, I think that's page 14 of your Evidence in Chief?

MS BARRETT: Yes.

MR BANGMA: So, paragraph 7.31 refers to the Council entering into a

5 compensation agreement with NZTA.

And then paragraph 7.32:

"The local Board has indicated their preference for the land taken from Constellation Reserve to be compensated with land or equivalent."

And you say you support this, so you are expressing a preference for
10 compensation to be through extra land rather than monetary compensation,
is that right?

MS BARRETT: Yes.

MR BANGMA: Are you able to explain the reason for that preference?

MS BARRETT: The local Board have indicated their preference. The Council
15 would prefer land to be provided rather than financial compensation, because
land is scarce, particularly in the Rosedale area.

MR BANGMA: And then just lastly on that point, if I could take you to paragraphs
7.8 (2) of your Evidence in Chief, so page 30, just on this -- and again you're
referring to replacement of lost land and at paragraph 7.8(2)(a) do you refer
20 there to basically future intensification that's proposed under the Auckland
Unitary Plan in the sort of Albany Rosedale area, are you able to explain the
relevance of that, to your, as I understand it, your preference from
compensation to be in land rather than monetary terms?

MS BARRETT: Land allows -- well it goes back to the issue that we've got there
25 providing for the shortfall that the Albany -- that the Longdill Report indicates.
The only way that we can provide for our future needs is to intensify existing
land. So, we're losing land that we could have used to provide new fields.
Yeah, so yeah, land provides much more options in how it's developed.

MR BANGMA: Then just one last question, changing topics now to something
30 different, my learned friend Ms Sheard in her cross-examination referred to
the evidence of Mr Clark in relation to the likely usage of the Rook Reserve
Underpass and whether or not that usage might increase and the choices
people would make. Mr Bray for NZTA, Mr Brown for the Council, and in the
presentation this morning Mr Southall and Ms Cuthbert for Bike Auckland, as
35 I understand it, all appeared to express the view that the amenity or

pleasantness of the underpass could be a factor in whether people use it or not.

Are you able to comment on that in your experience in parks and recreation?

5 MS BARRETT: So, if you've got a quality facility that's pleasant and safe people will use it. If it's perceived to be unsafe or undesirable then people will use it less.

MR BANGMA: And would that -- do you think that could be a factor in the existing numbers that Mr Clark's identified? His numbers of usage?

10 MS BARRETT: Yes, but also, to get a better picture of how it's used, a broader sample would have, you know, during summer time, during the weekend, would have given a better representation of how it is actually used.

~Questions from the Board (2.32 pm)

15 MR MARK-BROWN: Ms Barrett, 2(c) of your statement, summary of evidence, talking about the underpass being substandard and should be replaced. Is the main reason that you're saying that due to what we've been talking about, in other words, it's going to be putting off some people, safety issues, doesn't look very good; or are there other reasons as well in terms of the need to
20 replace it?

MS BARRETT: Yes, I feel that it needs to be upgraded because of its obviously substandard compared to the type of facilities that are being put in by NZTA now, and also even in the last ten years. So, because it's substandard it will naturally get used less by more vulnerable members of society.

25 It also forms a really important connection, it's a 2 kilometre long cycle way that connects a considerable network of parks. It allows the Unsworth Heights community to access the parks at Rosedale Park; also the industrial, you know, jobs, recreational opportunities.

30 So, I mean I see it as a key connectivity or connector link in the overall network.

MR MARK-BROWN: What about the other side of the argument perhaps is that with the proposed overpass bridge that's going to make things a lot better than they are at the moment, I think that's sort of the counter argument really?

35 MS BARRETT: Yes, but you have the two connections there provided as part of the project. One is coming from a different direction, but the more connections

you have the better the overall network, the more options people have. And the fact that, as Bike Auckland raised this morning, the connectivity from the overall network into the proposed cycle way is poor. If you needed to use the underpass at night if it was your only option, or you didn't want to use it, you would have to go potentially up to Albany Highway to get across, or you would have to continue down to the Paul Matthews crossing, which is a considerable distance to travel.

MR MARK-BROWN: Okay thank you.

MR STEWART: I've got some questions, first of all let's just deal with your summary of evidence, which is this very thick document here. And I must say I'm really confused as to what's in it, because it wasn't explained to us and I wonder if you could please explain the first 3, 4 pages, 6 pages appear to be your summary statement, and then there's some more pages which are titled "Assessment of Effects on the Environments Share with Care Pathway: Rook Reserve: Albany" and that appears to go until page 31. After which there is an attachment.

So, the first the question is what is this assessment of effects on the environment, where did that come from?

MS BARRETT: Yes sorry, this is all the information, the application for the Albany cycle path in 2010 that the North Shore City Council made for the upgrades; so yep that's a resource consent application for the Albany cycle path as it stands.

MR STEWART: So it's the resource consent application by North Shore City Council, was it?

MS BARRETT: Yes.

MR STEWART: To itself presumably?

MS BARRETT: Yes.

MR STEWART: I see. So, that accompanied the actual consent application. And then Attachment 1 is that Attachment 1 to the assessment of effects? Attachment 1 comes after the pages which are claimed to be the assessment of effects, which was written by Peter Neeve.

MS BARRETT: Yes, all of the information after page 6 was the information that associated with the Albany cycle path, resource consent application.

MR STEWART: Did you say page 6?

MS BARRETT: Yeah, so all of the attached information after my page 6.

MR STEWART: Okay, all of it is part of the resource consent application?

MS BARRETT: Yes.

MR STEWART: Yes, sorry the AEE, so Attachment 1 is part of the AEE?

MS BARRETT: The AEE, yes.

MR STEWART: Can you explain to me what the AEE is, what does it contain? If
5 you had to describe it as a heading, what would you call it?

MS BARRETT: It's the plans for the proposed cycle path.

MR STEWART: Plans. Okay, it's just that when we go to deliberate, if we don't
have this clear in our minds, we will be floundering around quite confused, at
least I will be.

10 Attachment 2 is what, the further plans, long sections, is that right?

MS BARRETT: Yes, long section plans.

MR STEWART: And then we come to stormwater management and sediment
controls and I'm not sure whether that's part of Attachment 2 or it's a
separate attachment?

15 MS BARRETT: It's Attachment 3.

MR STEWART: And then we go on and then we get to AUSTRROAD signage, is that
attachment 4?

MS BARRETT: I can't find those.

MR STEWART: Perhaps I can help you, because if you go further on it says
20 Attachment 3, and Attachment 3 appears to be the Rook Reserve swale
investigation preliminary design. So, when you said the other ones were
Attachment 3 they obviously aren't.

You can see the point I'm making is that these are totally confusing
and I do not know exactly what we're trying to look at here.

25 MS BARRETT: Yep.

MR STEWART: Except we do know they're part of the resource consent application
and I suppose we can look at them on that basis, so perhaps I'll leave it
there, but I wonder whether we might get some clarification of that?

30 So, moving on to the next question we eventually found some
information at the back of the report which referred to the underpass and, so I
think I got that clear enough. It leads to the question of the condition that
was agreed in joint witness conferencing which was in Mr McGahan's
evidence which I believe you had some concerns about, is that right? Or are
they -- has that been resolved between the experts during the lunch break?
35 Did I understand you to say that you'd had some discussions with Mr Burn or
with Mr McGahan?

MS BARRETT: Is this around the Rook Reserve?

MR STEWART: Yes.

MS BARRETT: I didn't.

MR STEWART: Okay. All right. So, those conditions there, I'm just wondering
5 whether they are still --

MR BANGMA: Sorry sir, if I could assist, Ms Barrett was under oath so she wasn't
involved in those discussions, but I had discussions with my learned friend in
the lunch break to see if we could make progress on this issue and what I
read to Ms Barrett was agreed wording, or volunteered wording, by NZTA in
10 relation to a change to that condition to address Ms Barrett's concerns on the
Rook Reserve reinstatement plan issue.

MR STEWART: And has Ms Barrett seen those -- that revised wording?

MR BANGMA: Only insofar as I read it out to her.

MR STEWART: Okay, and just remind me what her reply was? What was your
15 reply, because I don't think I wrote it down?

MS BARRETT: I understand that the wording in relation to the boardwalks and
walkways, contouring and planting has been agreed to. The one that hasn't
been agreed to is a separate basketball half court.

MR STEWART: Right, so that's the only outstanding issue?

20 MR BANGMA: That's my understanding, sir.

MS MCINDOE: It's not mine, I'm sorry, Mr Bangma.

MR BANGMA: Sorry, I was too hasty, I apologise.

MS MCINDOE: We can confer about this and come back to you.

JUDGE HARLAND: I think that's a better way, absolutely. And it's just a cautionary
25 tale, we don't want piles of information where there's not a clear
understanding of what's being put forward.

So, yes counsel please sort it out thank you.

MR STEWART: Now, perhaps if I can just go back a bit, I think I was fairly clear to
begin with that you had said in your evidence that there was sufficient land
30 available to meet the needs up to 2045. And then in your evidence today it
seemed that you were expressing some concerns about the adequacy of
land available. Then later in response to questions you were directed to
some parts of your statement where you'd made comments about land and
the Public Works Act and land being made available.

35 So, it seemed to me that on one end you're saying there's enough
land to meet the needs for 2045, but in the event that there wasn't there was

a process under the Public Works Act and possibly land exchange or, you know land exchange if that's the right word, that would solve the problem in any case, so I'm not quite sure exactly what your position is now, whether you actually agree that the Project has dealt with the adverse effects on recreation adequately or can be dealt with adequately through the other processes or not?

MS BARRETT: The Albany field review area encompasses Rosedale, Albany, Glenfield. It's a specific area. The Public Works Act process is currently under negotiation and the land that's under negotiation is outside that area.

10 So, the replacement of the land, as I understand it, is being negotiated. The information that we've got currently in the form of the Longdill Report says that we can provide for future needs, that it knows about, that it anticipates on existing land. And upgrades, and the relocation of existing lease holders.

15 The Longdill Report is slightly confusing, I found it confusing, and after I prepared my Evidence in Chief I had further clarification on what exactly the geographic location of Rosedale north was and what was, you know, what was to be upgraded. So, when I prepared my Evidence in Chief I -- yeah, I wasn't fully aware of exactly what it was saying, but once I'd prepared it and went through the Joint Witness Statement conferencing and speaking with my colleagues I could understand it more.

20 MR STEWART: Well I don't think that really answers my question, but if we just turn to the Joint Witness Statement which I -- that was where you got together with Mr Greenaway was it?

25 MS BARRETT: Yes.

MR STEWART: Perhaps you can tell me as concisely as you can, what were the main -- was there any -- after that witness conferencing statement what were the issues remaining between you and Mr Greenaway, if any?

MS BARRETT: He considered that the land, the future potential for Constellation Reserve in the form of sports field could be provided at the hockey site once it's been relocated, I didn't agree with that, because I knew that Watercare had a future use for it. So, we didn't agree on that.

30 MR STEWART: Sorry, if I could stop you there, so you're saying that if the hockey facility was shifted to the site further north, and that would leave the old hockey grounds there, and you had presumed -- can I presume that you thought that could be used for some other recreation purpose?

35

MS BARRETT: Mr Greenaway did.

MR STEWART: Mr Greenaway did?

MS BARRETT: Not me.

MR STEWART: And now we've heard today that Watercare have plans for that, so
5 maybe those things have to be reviewed?

MS BARRETT: Yes.

MR STEWART: But if you could now then carry on, that was one point of
difference, was there any other point of difference between you and
Mr Greenaway?

10 MS BARRETT: I don't think there was anything else.

Oh, the only other point of difference that we had was that I felt that
the underpass -- the upgrade of the underpass would in some way mitigate
for the loss -- the overall loss of reserve land to provide better connectivity.

MR STEWART: All right, the underpass is an interesting question, which I'm sure
15 will exercise our minds considerably. But let's just leave that for a minute,
and so that your concern appears, apart from the underpass, to be the
existing hockey facility. Now, if it turned ought to be the case that Watercare
does want land and it's going to take it over, then that presumably means
that there is an unmitigated effect that has to be dealt with? Do you agree, or
20 what's your comment? Do you think that can be dealt with either through the
Public Works Act or through the exchange of land by some other means? In
other words, the Applicant has still got the duty or the obligation to mitigate
that in some way? And they've suggested ways they can do it.

MS BARRETT: I think it's a separate Project that would have to deal with the
25 mitigation of the loss of the hockey land if it was to be taken over by
Watercare, so that would be -- is that your question?

MR STEWART: So, if it's a separate Project does this mean we have to worry
ourselves about that, or is it something that the hockey people have to deal
with, NZTA has a separate deal?

30 MS BARRETT: Sorry, could you rephrase the question?

MR STEWART: Yes, Council would have to deal with it. That's all right, I think
that's probably all my questions.

JUDGE HARLAND: Right, well I have another question. We will leave aside the
questions that I asked you before, but in your supplementary statement 4(b)
35 we had asked a question about why the Council had requested three months

to consider Brigham Creek option for the replacement of the Constellation Reserve land.

I just want to be clear, that is dealing with the replacement of the lost sport fields, is it not?

5 MS BARRETT: It's the Constellation Reserve land, yes.

JUDGE HARLAND: Yes, so that's the area of concern that I was questioning you about before?

MS BARRETT: Yes.

JUDGE HARLAND: And so Panuku, who are they, they're a CCO, but what is their
10 function?

MS BARRETT: They have got delegated authority to acquire land on behalf of Council.

JUDGE HARLAND: Right, well why does it take them 3 months when we're in the middle of a Board of Inquiry that's got a statutory timeframe? Why does it
15 take them three months to get this organised?

MS BARRETT: So, we're doing due diligence to be -- to see whether that land will be able to be used for sports fields.

JUDGE HARLAND: Yes, well, I understand about due diligence, but what's the complicating factors that require it to be three months? It's just unhelpful,
20 because what it ends up being is that if this is the option put forward as mitigation, nothing's been done about it. It's sitting there waiting for three months. Have you asked or has the Council asked for this to be progressed as a matter of urgency given that we're in the middle of a Board of Inquiry?

MS BARRETT: They understand that, I'm outside -- I'm not part of that process.

25 JUDGE HARLAND: Right, who can I ask of the remaining Council witnesses about this?

MS BARRETT: Um --

JUDGE HARLAND: Doesn't matter I will ask Mr Bangma to address that.

MR BANGMA: In closing, Your Honour, or in terms of which witness?
30

~Comments from the Board (2.52 pm)

JUDGE HARLAND: Well, here's the situation, we've got what appears to be a very confused situation about the Council position in regards to mitigation of these sports fields. Well, we've got a response here from the Council saying that
35 there's an option being looked at, but we can't get it sorted in the next three

months, which is no use to us because we have to make a decision. So unmitigated, is that what the Council's position is on this part of the Project?

MR BANGMA: That's not my understanding, Your Honour.

JUDGE HARLAND: Well, your witnesses are saying something different, aren't they?

MR BANGMA: Well, my understanding of the recreation conferencing statement and Ms Barrett's answers is that the overall Council's view is these effects will be mitigated either through the conditions that are proposed or in relation to the land exchange through compensation under the Public Works Act where the Council has expressed a preference for land, but if that can't be accommodated it would be monetary compensation.

MS MCINDOE: If it were to help, the Transport Agency sees these matters as separate. So currently, Constellation Reserve doesn't have a recreation use at the moment.

JUDGE HARLAND: It has no plan, in other words, for that?

MS MCINDOE: There are no people using it. And therefore, there's no impact on the use of that land for ramps. There is a plan which the Council has for a long-term use of that land, and that long term use for sports field use, that is what the recreation witnesses, I understand, to have focused on, and to have concluded that those sports fields can be fitted elsewhere in the network. But the Transport Agency, of course, because it is going to be taking and using land at least to compensate for that under the Public Works Act, that is the process that's going on, but I don't -- it hasn't been categorised in the Transport Agency's processes as an RMA effect, it's a land acquisition which it needs to make in order to progress the Project.

JUDGE HARLAND: All right, it's not so much a concern I have of you, it's more a concern of your client's case, quite frankly, Mr Bangma, because my colleague didn't get a straight answer about what the mitigation was and whether it was adequate or not, and I must say I'm in a state of confusion too.

What we're going to do is adjourn, you are permitted to talk to your witness about this and we want a straight answer about what the Auckland Council's position is on the loss of the sports field situation. Thank you we'll adjourn.

~(Adjourned 2.55 pm - 3.17 pm)

MR BANGMA: Your Honour, I sincerely apologise for any confusion that's been caused.

JUDGE HARLAND: That's all right, let's just sort it out now.

MR BANGMA: I understand the matter we're trying to sort out or get to the bottom of
5 is Ms Barrett's view as to whether there'd be an adverse effect in an RMA sense on recreation values arising from this project and, in particular, the need if this project proceeds to take land at Constellation Reserve.

JUDGE HARLAND: Yes. So, do you want to ask --

MR BANGMA: Yes.

10 JUDGE HARLAND: Do it that way and then we'll get it out very clearly.

~Questions arising by Mr Bangma (3.18 pm)

MR BANGMA: So Ms Barrett, my first question is in relation to the land that would be required for this Project at Constellation Reserve, are there currently any
15 recreational activities undertaken on that land at present?

MS BARRETT: No.

MR BANGMA: So, if this project were to proceed and this particular land be taken, in your view, would there be any adverse effects on recreational values?

MS BARRETT: No.

20 MR BANGMA: Now you, and I think to be fair Mr Greenaway also discussed in conferencing, possible need to provide sports fields within the Albany area at some point in the future.

If this Project proceeds, and this particular land at Constellation Reserve is taken, in your view, can these future needs for recreation still be met?

25 MS BARRETT: Yes, elsewhere.

MR BANGMA: I don't have any further questions Your Honour, I hope that clarifies things somewhat?

JUDGE HARLAND: Yes, thank you very much. Are there any questions that you want to ask, Ms Sheard, as a result?

30 MS SHEARD: No.

JUDGE HARLAND: Thank you very much Ms Barrett.

~(The witness withdrew - 3.30 pm)

ALASTAIR DOUGLAS LOVELL (Sworn) (3.21 pm)

35 ~Examination in Chief by Mr Bangma (3.32 pm)

MR BANGMA: Is your full name Alastair Douglas Lovell?

MR LOVELL: Yes.

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

MR LOVELL: Yes.

5 MR BANGMA: And that your qualifications and experience are as suggested in paragraphs 1.1 to 1.4 of that evidence?

MR LOVELL: Yes.

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

MR LOVELL: I have.

10 MR BANGMA: Are there any corrections you'd like to make to your evidence or summary statement?

MR LOVELL: There is one correction which is set out in my summary statement, so I can probably cover it off as I read it.

MR BANGMA: Thank you for clarifying that.

15 With that correction in your summary statement do you confirm that the contents of your evidence and summary statement are true and correct to the best of your knowledge?

MR LOVELL: Yes.

MR BANGMA: If I could ask you to please read your summary statement to the
20 Board?

MR LOVELL: I'll start at 2, firstly I'd like to clarify that sections 7.4 and 7.5 of my evidence misinterpreted ...(Reads 2 - 5)... I note and support the following amendments proposed to the conditions. Before I go further I'd just like to note they're all now on the designation, so the numbering reflects the notice of
25 requirement conditions.

a. The amendments to the purpose of the Construction Traffic Management Plan in condition CTMP.2...(Reads)...5a-5f)... conditions between the NoR and resource consents.

30 The next section picks up on several matters that were raised during the questioning of other witnesses.

The first one is monitoring of buses and costs.

35 During the questioning of Mr Maul and Mr Peake for Auckland Transport, Your Honour asked about the frequency of bus monitoring and the ability of Auckland Transport to provide such monitoring data ...(Reads 6 - 9)... The wording for this change is set out in Appendix 1 to my summary statement and I understand that NZTA also supported the change.

I can take you to this change now if that would be easier?

JUDGE HARLAND: I just have had a quick look at it and it is as you've said, but thank you for that.

MR LOVELL: Local roads used for heavy vehicle access to construction areas.

5 Without knowing how the Project will be constructed ...(Reads 10)... The wording for this change as set out in Appendix to my summary statement and I understand that the NZTA support this change.

10 I will show you that change as well if you like? It's on the back page of the summary statement in the green. So, it's clarifying along the local roads to the arterial roads including the tracking curves.

Side agreement.

Auckland Transport and NZTA have prepared a draft agreement ...(Reads 11 - 13)... and the significant transport benefits it will deliver for all modes.

15 MR BANGMA: Mr Lovell, just one or two matters which I thought you might be able to assist the Board and the parties. In particular, during its presentation -- the presentation yesterday by Kiwi Self Storage, I think you will recall one of the suggestions I think from one of the Commissioners was that one means of addressing potential effects on Kiwi's site due to reduced visibility could be improved signage or changes to the signage on their buildings and I understand
20 the Board was interested in hearing from one of the planners in relation to the rules framework in the Auckland Unitary Plan in relation to signage, is that something you can assist with?

MR LOVELL: I can. I had a look through the unitary plan last evening and originally I
25 guess through my involvement in the preparation of that we did have some interest in that section, particularly in relation to, I guess, signage on roads, so probably the first thing to do when looking at the sign section of the Auckland Unitary Plan is to see whether there are any bylaws which impact on that. So, for instance if it's abutting a local road and it's going to impact on a local road
30 then the Auckland Transport and Council signs bylaws will come into play. Not the case in this case, and I don't think NZTA have a bylaw for signs along their motorway either. So, it will be dealt with through the signs chapter, largely.

JUDGE HARLAND: Which is, could you help us with that?

MR LOVELL: It's chapter E23 within the Auckland Unitary Plan.

35 Now, the site itself looks to be within the general business zone; that has a site limit of approximately -- I think it's 16.5 metres from memory. And if you

look through the rules it appears that any signs on those sites is a restricted discretionary activity.

MR BANGMA: Is that irrespective of size you're saying?

MR LOVELL: That's right, so it's an RD for all signs, whether they're on the building
5 itself or free-standing signs. Looking at the objectives and policies and down to
the assessment criteria, they largely mirror each other. I guess the key things
to sort of pick up on here are probably that the policies seek that the
development controls of the zone are complied with when proposing new signs;
so, I guess the height, bulk and location and types of those things would be of
10 relevance. They are also interested in the scale and size of the sign overall. If
located on buildings, and I guess this is especially relevant if you are going to
put a sign on top of one of the buildings, in particular, the rules don't like signs
that dominant buildings' form. So, putting on top of the building could potential
league be an issue depending on how the sign's designed. You can design
15 signs that fit well within buildings I understand, but it could be an issue reported
there.

The other thing is if you put them on the side of the building and they're
too large obstructing parts of the building that are considered to be some sort of
architectural value you could come into problems too. The other thing that the
20 objectives and policies pick up is I guess any sensitive locations such as open
space, historic heritage or residential areas. I don't think that's the case here.
If I was going to make a decision on how I would proceed to put a sign up on
this site I'd probably look at a free-standing sign that would probably mean you
don't have to modify the existing building, you could go up to a certain height,
25 and on the way in this morning I did pass the Mini Storage facility and they
seem to have quite an effective free-standing sign located next to the
motorway.

Probably within that, one of the other things you've got to look at is under
the assessment criteria is safety, and safety for traffic and vehicles. So as part
30 of that exercise I'd imagine you'd be looking at, through the notification process,
maybe NZTA would be considered an affected party depending on how big the
sign was and where it was directed and whether it had flashing lights and those
types of things.

And at that point I'd probably expect that it would be consentable.

35

~Comments from Ms McIndoe (3.35 pm)

MS MCINDOE: Your Honour, if I could just clarify one point, Mr Lovell mentioned that he didn't think the NZTA had a bylaw relating to signs and in one sense he's
5 right, but in another sense not. The Transport Agency does have a bylaw, but it only relates to signage on its land, and therefore it's not relevant. But just to be clear it does have a bylaw, but it's not relevant in this situation.

MR BANGMA: Do you wish to ask Mr Lovell any questions on that?

JUDGE HARLAND: Yes, well I'll just ask.

10 Is that the only topic you were going to cover, sorry?

MR BANGMA: No sorry, Your Honour, I was just wondering whether the Board had any questions in relation to Mr Lovell's evidence about the signs?

JUDGE HARLAND: No thank you.

15 ~Examination in Chief continues by Mr Bangma (3.36 pm)

MR BANGMA: Next matter Mr Lovell, this morning Mr Willmott asked questions of Mr Newcombe, and just in relation to other -- whether there were other Auckland Transport projects on the North Shore for, as I understand it,
20 collector, distributor or arterial roads and Mr Newcombe I suppose didn't feel well placed to answer that, or couldn't think of any, is that something you can assist the Board with to just clarify that point?

MR LOVELL: On the Auckland Transport website you can search the current projects; they will be the projects that occur over the next I guess 0 to 10 years. Having
25 a look at those a moment ago it included things like Medallion Drive, the Long Bay Improvements Programme, Lake Road, and there were a series of other ones.

I guess in addition to that we've also got a 30 year programme which sets out those projects which might fall into the following decades. And there's
30 other projects as well that are going on such as Medallion Drive, which I did mention.

So, there is a long list of projects that we're doing which are purely road related responding to traffic.

MR BANGMA: Last matter then, Her Honour mentioned this morning an email
35 received from Berry Simons, who is assisting the Board, and that email amongst other matters raised a question as to whether it would be appropriate

to undertake monitoring of construction traffic, and a copy of that email was provided to me, do you have a copy of that email yourself?

MR LOVELL: Yes, I do.

MR BANGMA: So I understand the relevant point potentially is point 3, the issue is pretty much as I described it where the monitoring of construction traffic is required. Is that something you have a view on or could assist the Board with?

MR LOVELL: I know that when you access the road corridor, whether it's a, I guess, a New Zealand Transport Agency Road or an Auckland Transport one, you've got to go through a corridor access request. As part of that process you must submit a traffic management plan and that's got to be prepared along with certain guidelines, I think, so it's the Code of Practice for access to corridors and network facilities; plus also the Code of Practice for Temporary Traffic Management.

I've also talked to Mr Peake who was our witness, he said in terms of monitoring, generally the Transport Agency do send out people to monitor the construction work as they go on from time to time. We also respond to complaints, and that means that when a complaint is received we'll go out there and monitor the site. And if it's not performing correctly then we'll ask for some changes.

I was just going to say in addition to that Mr Peake's more than happy to come back and explain to you that process if you're interested.

MR BANGMA: And do you have a view overall on whether monitoring of construction traffic is something that should be required under the conditions, as I understand the query from Berry Simons, would that add anything in your view?

MR LOVELL: I guess it depends on how it would be used in the feedback loop. So, for instance, if you can already make a complaint to the Transport Agency or Auckland Transport if you've got a concern, and the second process was sufficient enough to make changes or to address problems, and I know in the past even projects that Auckland Transport's had, we've had them closed down from time to time, just because there's been safety issues or efficiency issues that need to be addressed, I think that's probably an adequate process.

JUDGE HARLAND: I'm sorry, there's some talking going on down the back which we can hear up here; would you mind going out if you wish to talk? Thank you. I'm sorry, I didn't catch all of that, just the end parts that you were talking about your recommendation. So, whether or not you think it's worth having such a condition? Whether it adds anything, I think you were telling us --

MR LOVELL: That was the question, I guess, whether when you monitor it, what's the actual action and if the action is to then I guess contact the agency or Auckland Transport to request a, I guess, an inspection by our road controlling function of Auckland Transport, probably the same end would be achieved with just a
5 general complaint through the Project or some other means.

MR BANGMA: To approach the question another way, is a condition requiring monitoring of construction traffic, is that something you've seen on other projects, or is that unusual?

MR LOVELL: Look, to be honest, I haven't spent a lot of time -- I've heard today that
10 there were such conditions on Waterview. I don't think I've seen them on other projects, but I could be wrong.

MR BANGMA: I understand, apprehend that there could be some questions in relation to the side agreement or framework agreement, can you just confirm is that something that you've been involved with and are familiar with?

15 MR LOVELL: Yes, yes I am.

~Questions from the Board (3.41 pm)

MR STEWART: Mr Lovell, just looking at your main evidence, just a clarification really, in paragraph 5.3 you've said:

20 "I have therefore proposed a new condition X2."

I assume that the X is because you didn't know what number that would be?

And I just wanted to know whether that condition has now been carried forward into the latest list of conditions that we've got in front of us? Have you
25 got the paragraph I'm talking about in paragraph 5.3 of your main evidence?

MR LOVELL: That's right, so the condition I've proposed there is condition X2 which I have included at the back of my evidence. All of those matters which I raised in that condition have been addressed through the proceedings so I can confirm that. If you'd like detail on the specific reasons for --

30 MR STEWART: No, I really just wanted to make sure that -- I also see in paragraph 4.5 I've made the same comment, I just really wanted confirmation that those conditions that you were proposing have actually taken up in the new --

MR LOVELL: That's correct; in some ways the further information or evidence has been provided by the Transport Agency. And that's resolved issues through
35 expert conferencing. In other ways those conditions have been, I guess, addressed in other means such as being incorporated into the

Transport Agency's existing proposed conditions like those relating to, I think the -- that's right, actually some of them have ended up in the side agreement. Where they haven't been directly related to this Project or they haven't related to effects, and in a number of cases some of those projects have become unnecessary impractical.

5

MR STEWART: Okay, so really the answer to my question is that questions -- those things that you've been identified have either been incorporated either in conditions or the side agreement or some other. In other words, you're not left feeling that some of your suggestions have not been taken up or taken account of?

10

MR LOVELL: No, absolutely not.

MR STEWART: Paragraph 7.3 you've talked about key locations where connection and safety and convenience and improvements could be made include, and there's a list of several there. And I was just wondering if you could just let me know or tell us whether -- how many of these have actually been included in the conditions or otherwise included in the Project?

15

MR LOVELL: So, these were taken from the evidence of Kathryn King and incorporated in here. The Oteha Valley Road connections to the north and southern side, these have been included in the side agreement.

JUDGE HARLAND: Is that all of (a) or only part of (a)?

20

MR LOVELL: No, I understand all of (a). Separation of walking and cycling -- this is the McClymonts Road Bridge. This was actually addressed by the minimum requirements of the Project, I understand. So it's, I guess, a contract requirement. It was something I wouldn't have raised if I'd known that at the time.

25

(C) is addressed also, I guess, a mixture of the side agreement and the minimum requirements for the Project.

JUDGE HARLAND: Can you tell us which aspects are covered by the side agreement and which are covered by the Project? It's just to establish the point about it not addressing effects -- the side agreement not addressing effects.

30

MR LOVELL: Right, so the Elliot Rose Avenue intersection my understanding is it probably doesn't need to be signalised, now. Safe cross facilities at the intersection of McClymonts Road with Elliot Rose and Don McKinnon. I think we've covered up to Elliot Rose. Don McKinnon isn't necessary, I think that's probably a stretch too far. So safe crossing facilities at the intersection of McClymonts Road with the Rose Avenue is dealt with through the side

35

agreement. The last bit Don McKinnon Drive and the Elliot Rose Avenue intersection may require signalisation isn't needed.

5 (D) conveniently located bike racks at Constellation. We got feedback from the cycle team that there's actually existing bike racks already there and it probably wasn't needed. And if it was we could probably do it anyway, as Mr Newcombe subjected.

Caribbean Drive, this has been included in the side agreement. (F), this is really about the design of the intersection at Caribbean Albany Highway and I understand it's covered by the minimum requirements of the project, so it's parts of the contract.

10 I also understood that there was some form of pedestrian cyclist separation facility on Paul Matthews Bridge.

JUDGE HARLAND: We've heard this morning that -- well, it was raised this morning I think as being desirable by the Bike Auckland people. But we're not clear whether it has been provided or not, I guess, which is why you're being asked. Do you know whether it's part of -- covered at all?

MR LOVELL: I can double check that and let Mr Bangma get back to you.

JUDGE HARLAND: Thank you.

MR LOVELL: (H) with the reference to the safety and design connections through the Alexandra Reserve. Ms King didn't dwell on that area too much, through the planning expert conferencing we all agreed that perhaps the mitigation needed there wasn't -- I guess the cost of upgrading that wasn't really equivalent to the mitigation of the Project overall.

JUDGE HARLAND: So we're talking about Rook Reserve but the Alexandra Underpass, is that what we're talking about there?

MR LOVELL: That's what I understand it to be the Alexandra Underpass, yes, that's right.

Although everyone does recognise there would be benefits from providing it if there was an opportunity.

30 And the final two, Albany Highway to the existing cycle paths located to the north. Now that's included in the side agreement as well, so that's number 1.

JUDGE HARLAND: So again just to clarify, that's outside the scope of the Project?

MR LOVELL: It is outside the scope of the Project.

35 JUDGE HARLAND: Yes, but you've entered into in an agreement about it in any event?

MR LOVELL: That's right.

The final one along Albany Highway to the existing cycle paths south of the interchange. There is a future Project to upgrade Albany Highway South which will occur at some time in the future. That's probably the best opportunity to do a comprehensive redesign. I understand it will include cycle ways and potentially busway too, or bus lanes.

MR STEWART: Thank you for that Mr Lovell.

Turning to 8.4, and this is where you're talking about construction traffic management conditions and suggesting they should be moved from the resource consent to the designation conditions. And pardon me, I'm not word perfect with this latest version, do you happen to know whether that was done?

MR LOVELL: It was indeed.

MR STEWART: It was?

MR LOVELL: Yes.

JUDGE HARLAND: My question is a question I've asked a couple of people, but you might be actually the right person to ask about this given your role as the strategic manager of planning matters. And it's really not to do directly with the project, but addresses my query, really, about whether with an accelerated Project, where the agency accelerates a project, whether there are planning constraints or issues from your perspective to address that in a more holistic way that could benefit from a change to whatever the regulatory regime is? In other words, if the funding is not available because it's had to be addressed through other plans that have a longer connection and, therefore, you can't respond because there's no additional funding, is that an impediment to what you might be able to do otherwise?

MR LOVELL: That's right, I recall the response from Daniel Newcombe.

Look, I've actually thought about this quite a bit and I have actually talked to my managers, plus also those at NZTA. We were actually involved quite a bit in the business case process over a couple of years and have been back and worked within in their team. But through that process we, I guess, maybe greater focus was placed on some of the bigger parts of those projects rather than some of the smaller sort of finishing parts. What I've suggested, and the reception's been good, is that my team should be involved a little bit earlier in that process to actually give a bit of an RMA focus and flavour to some of the things you've looked at during the -- I guess, you wouldn't really look at it when you're giving it a business case lens is probably the explanation. So, the

feedback I've had has been very positive and the next time we get a big Project I'll request that we get in there and give it, I guess, a little bit of a once over before it moves to the next phase.

5 JUDGE HARLAND: So, are you confident if that future approach is taken that funding constraints might not exist? I mean, funding is always going to be a problem, accepting that, but one of the issues that came out earlier on in this process was that Auckland Council or Auckland Transport, particularly, couldn't fund any of these things because there simply wasn't any money available for it. So, if you were involved earlier, would that resolve the money issue?

10 MR LOVELL: When you are involved earlier it enables you to, I guess, have input and raise certain things which might not be picked up through the process. Once you get a certain way through it, then there's quite a bit of work to do to then, I guess, fill in the gaps or secure funding for something that hasn't been maybe thought of or looked at at a certain time. So, it provides an opportunity, I guess, 15 to get those things out in the open and to make sure that you pick them up as you go through.

JUDGE HARLAND: So, it's not a restriction that's been imposed by any statutory planning process, or it's not an impediment?

MR LOVELL: These processes are very fast, but I think if we work collaboratively 20 together and that was, I guess, the idea that we've always had, we should be able to overcome those differences.

JUDGE HARLAND: Sorry, I haven't been clear enough. I was wondering whether the statutory processes that you are required to fulfill under the various legislative requirements might be an impediment to being able to respond as quickly as 25 you might like to an accelerated Project by another agency? So, it's no-one's fault, it's just that there is an overarching planning process which instead of being enabling as it could be, in this particular kind of circumstances, is actually a bit of a handbrake or an impediment and I'm just interested to know whether that's a fair inference to draw or whether it's not, it's just matter of 30 communication and therefore, adjustment?

And why I'm asking this is not that it's got anything specifically to do with the outcome of this, but there might be opportunity for us to assist with recommending different ways that things might be approached to enable a more integrated approach to these very complex processes that need to take 35 place in the very urbanised -- intensive urbanised environment. So, it's a positive thing that is being approached.

MR LOVELL: No, I understand the questioning.

JUDGE HARLAND: So, you've been helpful saying yes you're talking more and that's wonderful and you are confident that an earlier involvement and a good relationship which clearly you have will assist to some degree.

5 The second part of that, which I'm interested in, is are there any planning processes that prevent you from being as nimble as you might otherwise like to be?

MR LOVELL: In terms of the RMA planning processes, no, we're quite comfortable with the way it's working.

10 If I -- and look, I'm pretty sure if I get early involvement in a Proposal I can work through the issues and get to the end point quite quickly.

 I guess, for Auckland Transport there's always I guess a struggle with our projects just because we do get funding from three different sources; so it's quite different to, marry up all of those at one time to get in one place.

15 Irrespective of that, we still do have enough flexibility, I think, to respond.

JUDGE HARLAND: I see. Thank you very much for that.

 So, are there any other questions that anyone has of the matters that we've raised? No, thank you very much Mr Lovell.

 ~(The witness withdrew - 3.57 pm)

20

MR BANGMA: That brings us to Ms Hart the planner for the Council.

 ~JOANNA HART (Affirmed) (3.58 pm)

 ~Examination in Chief by Mr Bangma (3.58 pm)

MR BANGMA: Is your full name Joanna Hart?

25 MS HART: Yes.

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

MS HART: Yes.

MR BANGMA: And you have also prepared a summary statement?

30 MS HART: Yes.

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

MS HART: No.

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

35 MS HART: Yes.

MR BANGMA: Since you prepared a summary statement could I please ask to you read that?

MS HART: My name is Joanna Hart. I am a principal planner in the planning north west and islands unit ...(Reads 1 - 12 of Summary Statement)... it is my
5 understanding that a copy of the updated conditions was lodged with the Board on 4 August 2017 attached to the supplementary evidence of Mr McGahan.

JUDGE HARLAND: Can I pick up on that last point before I invite Mr Willmott to ask questions?

10 So, as a result have you had a chance to look at the conditions attached to Mr McGahan's evidence?

MS HART: Yes, I have.

JUDGE HARLAND: And do you have any remaining concerns?

MS HART: No, I don't.

JUDGE HARLAND: So everything has been resolved?

15 MS HART: Yes.

~Cross-Examination by Mr Willmott (4.07 pm)

MR WILLMOTT: My interest is focused just on your review of the objectives of three plans in particular and your general approval of the projects subject to certain
20 exceptions; I'm not so concerned about the exceptions, but I am primarily concerned about your determination of the Proposal for filling the objectives statements in the various plans.

Acceptance or not gets down to where the bottom line is set.

25 Could you just expand a bit please on your perception of a bottom line and how it relates to affordability to various types of people, various income levels?

MS HART: I'm not sure how this relates to the objectives and policies that I've analysed the Project against?

MR WILLMOTT: Sorry, I can't hear.

30 JUDGE HARLAND: The answer was, Mr Willmott, she wasn't sure what objectives or which objectives and policies she analysed you're talking about there?

MR WILLMOTT: Right, perhaps if we go to the objectives first and then we can come back to that.

~Comments from the Board (4.09 pm)

JUDGE HARLAND: So can I just help, there's two lots of objectives, there's the objectives and policies in the planning documents, and then there's the objectives of this Proposal which are part of the consideration we have to take
5 into account under the Act. So, there's two lots of objectives with different meanings. So, which one are you talking about?

~Submissions from Mr Willmott (4.09 pm)

MR WILLMOTT: I'm referring particularly to her evaluation of the Project under the
10 Council's documents.

JUDGE HARLAND: All right, so perhaps if you could refer her to the specific objective and policy that you are talking about and then she can answer your question?

MR WILLMOTT: Well first of all the Auckland Plan in general it's a special plan. In section 7.3 of your original submission you say:

15 "The Proposal is identified ... as a priority transport Project within the first decade..." and so on. And that it forms a multimodal package which supports the planned growth and economic development in Auckland for the period to 2040.

That's quite a long way ahead.

20 "All the projects, whilst taking different forms, are designed to move people, goods and services" and I'll come back to that, "around, into and out of the regions efficiently".

Around the region, that is around Auckland city, as well as into and out of Auckland city, without compromising the profitability -- the livability of Auckland
25 or reducing its environmental quality.

There are three or four phrases here that leap out at me. Goods and services I'm wondering how they're accommodated given that the Project only addresses public transport, walking and cycling and with some marginal consequences for general road use which as we've previously discussed earlier
30 today, comprises the vast majority of traffic movements.

~Questions from the Board (4.11 pm)

JUDGE HARLAND: Well, let's deal with that one first before we go on to the next one, would you like to address that please Ms Hart, how you reference in there to
35 the strategic direction referring to goods and service, how was that addressed do you think?

MS HART: Those words were taken directly from the Auckland Plan. So, I was quoting the Auckland Plan there. But my understanding is with the movement of goods and services is that the direct route from -- connecting the Western Ring Route aids in increasing the efficiency of movement of goods and services from north to west and further south via the State Highway network.

~Cross-examination continues by Mr Willmott (4.12 pm)

MR WILLMOTT: Yes that's in and out of the region generally.

MS HART: Yes.

10 MR WILLMOTT: I'm talking about around the Auckland city part of the region, that is around North Shore, for example.

MS HART: I'm not a traffic engineer but presuming that there is less -- that the direct route is taking some of the traffic that might have used local routes, then those local routes will be more efficient because those trucks and things have been removed from that part of the local network.

MR WILLMOTT: Yes, I do agree there's that marginal improvement. I'm thinking particularly of goods and services being moved by trucks and vans from west to south, for example, to State Highway 1 to State Highway 1 south and from the Albany area via Albany Expressway to State Highway 1 south and I'm wondering how specifically goods and services are being helped assuming everybody else can use public transport or walking or cycling?

MS HART: Well, I mean this is in the context of the overall Proposal, so I haven't delved down into each area of the Proposal. So, overall the Proposal is consistent.

25 MR WILLMOTT: Yes, perhaps this question is unfair a bit, but it's a bit difficult to know who's responsible for looking after the goods and services movement.

So, we'll leave that one as standing.

And look to livability, you will have noted the grid congestion in Auckland and particularly the recent NZIER report, does that, without compromising livability, fit with growth -- further growth of congestion by providing no more road space for ordinary traffic?

MS HART: Well, with the inclusion of the busway and the shared use paths.

MR WILLMOTT: Yes, I previously alluded to only 5% or less.

MS HART: I consider that with the inclusion of the shared use path and the extension of the busway, that it is creating a more livable environment.

MR WILLMOTT: Certainly it's more convenient for those that live close by and work in the city.

MS HART: Mmm.

MR WILLMOTT: And that's one third of the total trips that they personally do each
5 day.

That's the Auckland Plan -- there's one other factor down here "there is increasing pressure on existing sports fields and facilities and it is important to ensure that there is sufficient lands on which to provide for the recreational needs required with a growing population."

10 You appear to have an overview responsibility, whereas one or two of the other planners have dealt with this topic in more detail. Would you care to comment upon whether or not you're happy with what's happening in the reserve area as a result of this Project?

MS HART: Again those are direct quotes from the Auckland Plan. I'm not a
15 recreational planner, I am a policy and -- a policy planner. So, I don't have an overview of the region's recreation and reserves needs.

MR WILLMOTT: Okay. Could you speak a bit more into your microphone, I'm a bit hard of hearing?

MS HART: Yes, sorry about that.

20 MR WILLMOTT: Now, the Auckland Unitary Plan, perhaps more particularly the local board plan, which I have a particular interest. Under 7.8 you say that the local board plan sets out the Board's vision and outcomes to work towards creating the world's most livable city. Of course, livability at a world standard comes at a cost and that's part of my submission generally, that by aspiring to world class
25 livability it's livable to international tourists or to high income people, but to lower income Aucklanders perhaps it's less livable. Would you care to comment upon that aspect of livability?

MS HART: I can comment on the local board plan. I'm not part of undertaking the local board plan. The local board plan builds on the vision of the Auckland
30 Plan.

MR WILLMOTT: Yes, just that elsewhere you say that you consider the Proposal complies with the requirements of these plans.

MS HART: Well the local board plan isn't a statutory document, nor is the Auckland
Plan.

35

~Comments from the Board (4.18 pm)

JUDGE HARLAND: So perhaps I can help you there a little bit with some legal matters. It's complicated, is the thing. So, there are some plans that are what we call statutory plans that we have to take into account and there are other
5 plans that are non-statutory plans that we can look at, but they don't have as much weight as the statutory plans and we might give them whatever weight we deem is appropriate.

And the two plans that have been referred to here by this witness are not statutory plans

10

~Cross-examination continues by Mr Willmott (4.18 pm)

MR WILLMOTT: Right. So, getting back to the Unitary Plan, which is the source of the local plan --

JUDGE HARLAND: Yes.

15 MR WILLMOTT: -- under A Unitary Plan describes how the people in communities of the Auckland region will manage Auckland's natural and physical resources --

MS HALL: Sorry, Mr Willmott where are you looking, is it my Evidence in Chief?

JUDGE HARLAND: Where are you looking at, what part of the evidence are you looking at?

20 MR WILLMOTT: The Auckland Unitary Plan.

JUDGE HARLAND: All right, is this in the evidence of this witness?

MR BANGMA: It could be 7.6 paragraph (a).

JUDGE HARLAND: 7.6 paragraph (a). We need to make sure the witness has got that.

25 MR WILLMOTT: It's from the original submission, the Auckland Unitary Plan gives effect to the Auckland Plan chapter A three key roles of the AEP as follows, it describes how the people in communities of the Auckland region will manage Auckland's natural and physical resources while enabling growth, I presume that means economic growth and population growth at the same time, and
30 development and protecting the things people and communities value.

Would you agree that easy inter-accessibility, efficient access to any part of the urban area is something that people and communities value?

MS HART: Yes, I would.

MR WILLMOTT: And would you agree that about 90% of -- no, 95% of all vehicular
35 movements, that's excluding ferries and cycling and walking, but includes all forms of public transport as well as -- about 95% of all such movements

vehicular movements, are by automobile or privately owned van, truck, et cetera to shift around goods and services and people?

MS HART: I wouldn't be sure on the number, I couldn't comment on the number, but I know --

5 MR WILLMOTT: But a vast majority?

MS HART: Yes.

MR WILLMOTT: So, any Project should protect the things people and communities value, and apparently they value that high degree of inter- accessibility afforded by private vehicles.

10 MS HART: It would include as part of it -- part of it would include vehicles, but it's not -- the whole accessibility isn't just to do with private cars and trucks and vans, it's also to do with other modes of transport as well, other ways of accessing.

MR WILLMOTT: Yes, perhaps I need to explain a bit further what I mean by
15 inter-accessibility.

Progress, viability, wealth, prosperity, flourishing is a result of interactions between people to mutual benefit, that is people interact because both parties are better off, they can do that if they get together physically or by telephone, but usually a telephone connection then requires a delivery of good
20 or service. So, wealth and prosperity are created by connectivity and ability to connect with that 90% of jobs or sources of goods and services which are not in the city centre is an important part of livability and quality of life for urban residence, would you agree?

JUDGE HARLAND: "Would you agree", thank you that's a question, very good.

25 MR WILLMOTT: Shall I restate?

MS HART: Yes please.

JUDGE HARLAND: What I think what he's asking is whether connectivity by automobile for goods and services or private, whether that is an important part of livability?

30 MR WILLMOTT: Yes, more particularly universal interconnectivity, not just to downtown or just to destinations of public transport.

MS HART: Yes, I would agree with that.

MR WILLMOTT: Thank you. So, when the Unitary Plan talks about development and protecting the things people and communities value, that would include
35 providing for easy and efficient interconnectivity not overloaded with excessive congestion costing?

MS HART: It would be one of the many things that the Unitary Plan is there to protect and the things that people in communities value, it's only one of the things that would need to be balanced out against many other values.

MR WILLMOTT: Yes, can I ask do you own a car?

5 MS HART: Yes, I do.

MR WILLMOTT: Do you find it convenient to use for all sorts of reasons other than perhaps a trip to work, which is downtown?

MS HART: I do, for my local area, yeah.

MR WILLMOTT: Would you say it's an important component of your quality of life. In
10 other words, could you live with the same standard of living or even a comparable standard of living without a car?

MS HART: It wouldn't be the same standard, but I could live without a car, yes.

MR WILLMOTT: I could live without a car too.

15 ~Comments from the Board (4.25 pm)

JUDGE HARLAND: I think we just have to be a bit careful that this witness is here for her expert planning evidence, not for her personal experience.

MR WILLMOTT: Well she's saying -- okay I hear what you are saying, but she's saying that this Project complies with the plan.

20 JUDGE HARLAND: Well, I think in fairness the plan is very broadly -- those words are big words and I think what this witness has said is that she's agreed with you, in fact, that the type of connectivity that you have asked her about is important, but she said that it's one factor to be taken into account that's correct isn't it?

MS HART: That is correct.

25 JUDGE HARLAND: So, it's a question of what weight you give to these things and at the end of the day that's probably our job.

~Cross-examination continues by Mr Willmott (4.26 pm)

MR WILLMOTT: Thank you.

30 It provides -- B, in the same section, it provides a statutory framework to help make Auckland a quality place to live, attractive to people and businesses and a place where environmental standards are respected and upheld. Given that congestion generates more energy consumption and emission in an ever more concentrated densified area, subjecting more people to proximate
35 living next to high density congested arterials, would you agree that that's an undesirable aspect of cities and should be addressed if section B is to be complied with?

MS HART: The Unitary Plan also provides not just the statutory framework to make -- to help make Auckland a quality place to live, but it also provides for where those standards can't be met, it provides for mitigation of those undesirable effects.

5 MR WILLMOTT: Yes, can you see how congestion could be mitigated other than by the provision of extra arterial road space?

MS HART: Again I'm not traffic engineer, I'm a planner, and as a planner our job is to balance all the needs of Auckland's people, not just one section.

MR WILLMOTT: One section of 95% significance.

10 MS HART: Yeah, but there's other factors to take into account, it's not just traffic within Auckland.

MR WILLMOTT: Yes, there are other factors for other people or for other communities elsewhere, overseas, but I'm talking about the community on the North Shore which has to suffer this particular project, or enjoy it, or both. What we're
15 looking at is a general "elephant in the room" which is that this Project doesn't deal with congestion which is rising and it does help marginally by taking some traffic off the road -- off existing arterials but it leaves a whole lot more on key areas of roading such as the underpasses, both interchanges, and the traffic volumes on both those areas are forecasted to substantially increase.

20 JUDGE HARLAND: All right, well let's find a question in there.
I'll see if I can help.

MR WILLMOTT: Thank you.

JUDGE HARLAND: To what degree did you take into account congestion as an issue in your assessment that the statutory framework in its broader sense had been
25 met by this Project?

MS HART: Again, I'm not a traffic engineer, so I didn't look at the mechanics of congestion.

JUDGE HARLAND: Did you consider that as a relevant factor in your assessment of livability?

30 MS HART: Only in terms of the increased efficiency of the road network from north to west.

JUDGE HARLAND: So, just to perhaps assist, your evidence about the Project meeting certain objectives and policies was reliant on the evidence of others assessed against the statutory framework of the Auckland Unitary Plan, is that
35 right?

MS HART: That's correct.

JUDGE HARLAND: So, what that means Mr Willmott is that this witness, which indeed most planners have to do, relies on what's been provided to them, the evidence of others, so she can't really help you with the underlying assumptions, she's just saying whether based on those, if we accepted them, the objectives and policy framework has been met.

MS HART: And sorry, and whether if sufficient mitigation.

JUDGE HARLAND: And whether there's sufficient mitigation --

MS HART: Has been provided for those effects.

10 ~Submissions from Mr Willmott (4.30 pm)

MR WILLMOTT: Yes, it's just that Auckland Transport is the handmaiden, if you like, of the Auckland Unitary Plan and the Auckland Plan, and direction from Council as to what it shall do. So, the traffic engineers by in large are constrained by the direction set by the planning.

15 JUDGE HARLAND: Yes, that's right, we all are. Whether we agree with it or not. It's just -- that's the fact.

So, I think actually it gets back, again, Mr Willmott, some of your questions I think are legitimate questions, but not for this process, they are more addressed to when the plan is changed. I'm sorry to tell you that, but that's the reality.

20

MR WILLMOTT: Okay, well I had one or two more questions on the local board plan, but I'm happy to waive those if you'd like me to --

JUDGE HARLAND: I'm not sure that they are going to help, it's a non-statutory plan, what kind of things did you want to ask? Just give me an idea.

25 MR WILLMOTT: Well, it's just that the aspirational nature of those plans are not being met, in my opinion, to the extent that they could be with this Project.

JUDGE HARLAND: All right, well what specific aspect of the local plan are you talking about?

MR WILLMOTT: Well, the healthy active community that values its sport and recreation facilities. Well, we've heard elsewhere that these will be reduced. A well connected and accessible Upper Harbour with a well-designed road network and connected busway, walkways et cetera. And I question whether we've got a well-connected road network. And thirdly, in its vision, local board -- of the local board plan there is a statement that recognises the Upper Harbour Highway upgrades will help the local community to move around its neighbourhoods; that there will be better transport links and an improved ability to walk and cycle et cetera, and that minimises the effects and my direction

35

here was that there's a domino effect of taking the hockey fields, that's hardly minimising the effect if the hockey fields can be retained.

JUDGE HARLAND: All right, well that's fair enough. We'll ask Ms Hart whether she thinks that's a relevant consideration or not. She might be relying on the
5 evidence of others again, but she can answer for herself.

MS HART: In terms of minimising effects on hockey moving?

Again, I relied on the evidence of Ms Maylene Barrett as Council's expert on recreation and reserves.

And I agreed with her on that.

10 MR WILLMOTT: I think I'll leave it there.

JUDGE HARLAND: Thank you, we'll transcribe your points which we can deal with the submissions in any event, on your submission or your points about those aspects of the plan.

MR WILLMOTT: Thank you.

15

~Questions from the Board (4.34 pm)

MR STEWART: I did have some questions, but I think they've been answered because if I understand you correctly you are basically saying to us that you've now resolved all the issues and questions you raised in your Evidence in Chief
20 and I think I heard you clearly say that it's now been resolved?

MS HART: Yes, that's correct, including the stakeholder communications plan, it was actually changed again at those further discussions and there were some additional events added aimed at particular groups or parts of the Project area and that is very similar to what has been done in other community areas on
25 group conditions, so for all intents and purposes it's the same beast, really.

MR STEWART: All right, so and that includes just to finalise it in my mind, including your concern about some of the conditions being more appropriately attached to the Notice of Requirement than the resource consent, that's been resolved as well?

30 MS HART: That's correct.

MR STEWART: The other questions I had generally about conditions are really to do with the wording of them and I'm not sure who best to ask the questions of. I don't think I need to ask you, but I certainly need to ask somebody about -- I'll give you, everybody, some warning about my concerns, for instance a lot of
35 conditions, and these are standard, they say something like "and shall include" which always seems to me to be rather wide, because the conditions should

actually say what you want to do, rather than "shall include" because the question then in my mind what is not included and what is included.

There are other points where they will say things like "shall include but not limited to" and, again, that seems to me to be far too wide, and it's -- I suppose
5 I'm just signalling that these are some of my concerns with the conditions and there are other matters of details which are more editing, but I won't go into, I just wonder which is the best witness to ask and I don't think it's you actually?

MS HART: My only comment I could make is on designations they need to be required to be flexible to allow for that final design, that's my only comment.

10 MR STEWART: That's a really good answer, thank you I accept that, that's a fair point, yeah.

JUDGE HARLAND: So there is no further questions Ms Hart. Can I acknowledge on behalf of the Board your input to what's been a large amount of work for the planning witnesses and thank you very much for that. We've required you to do
15 a lot of things and you've, we will assume willingly, gone about your task and we're very grateful for the effort.

MS HART: Thank you.

~(The witness withdrew - 4.37 pm)

20 ~JACK ANGUS TURNER (Affirmed) (4.38 pm)

~Examination in Chief by Mr Bangma (4.38 pm)

MR BANGMA: Is your full name John Angus Turner?

MR TURNER: It is.

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

MR TURNER: I do.

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

MR TURNER: I have.

30 MR BANGMA: And that you have prepared a summary statement in this matter?

MR TURNER: I have.

MR BANGMA: Do you have any corrections you wish to make to either your statement or your summary statement?

MR TURNER: No.

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

MR TURNER: I do.

MR BANGMA: Could I now ask you to please read your summary statement starting at paragraph 1?

MR TURNER: Thank you. My name is Jack Turner. I am an environmental
5 planner and engineer ...(Reads 1 - 9 of Summary Statement)... The RMA includes the following definition for rivers, with reference to streams: "River means --

JUDGE HARLAND: You don't need to read that out, thank you. What I'm a bit
10 concerned about is you might be getting into legal matters. Are you sure that what you are addressing here is planning and not legal interpretation?

MR TURNER: I'm taking the interpretations from the plan as presented. I'm happy to skip that though.

JUDGE HARLAND: Well, we haven't seen this probably in the same format, so it's
15 helpful if you read out the provisions or at least highlight the principle parts of the provisions of the AUP. What I am concerned about is if the AUP purports to modify, change, or elaborate upon provisions in the RMA. That's a legal issue.

MR TURNER: Right.

JUDGE HARLAND: So, let's just box on, and you can highlight the bits relating to
20 that and then we'll see where we get to with it.

MR TURNER: Okay, so I'll skip paragraph 9, and I'll start at paragraph 10.

The AUP then includes the following definitions for streams in the
context of this plan, with the rules in chapter E3 relating to streams (including
intermittent stream)...(Reads 10 - 11 of Summary Statement)... also further
25 defines artificial watercourse, building on the terminology from the RMA.

~Questions from the Board (4.53 pm)

JUDGE HARLAND: Can I ask you there, and interrupt to say, my understanding of
30 the RMA doesn't have a definition of artificial water course. Do you agree with that?

MR TURNER: I do, but it's referred to in the definition of river.

JUDGE HARLAND: It is, but it's not defined.

MR TURNER: No. Yeah, so what I meant -- sorry, just to expand on that,
35 building -- what I meant by building on the terminology from the RMA is to say that the RMA includes the definition of river with reference to artificial water courses and then the Unitary Plan then interprets a definition of

artificial water course for the context of that plan, yeah. So that's what I meant by "building on".

So artificial water course from the Unitary Plan is defined as constructed watercourses that contain no natural portions from their confluence with a river or stream to their headwaters. They include canals that supply water to electricity power generation plants; farm drainage canals; irrigation canals; and water supply races. It excludes naturally occurring watercourses.

So, moving on. In summary, the RMA establishes that both permanent and intermittently flowing bodies of fresh water are subject to its provisions in section 13, and includes protection of streams, but not artificial water courses which are further defined. I see your point, Your Honour, about that. The AUP then refines that further for Auckland.

Based on my understanding and experience, as well as having reviewed the original application documents, I am of the view that there is no definitive evidence to establish that the water courses ...(Reads 13 of Summary Statement)... the area of interest and pre-development environment. I see that you're turning to that now, but that bit shows the -- I included that to highlight the former extent of depressions in the topography where you can make out that there would be likely to have been natural streams at some point.

JUDGE HARLAND: Is this within your expertise?

MR TURNER: Interpretation of aerial photography, or?

JUDGE HARLAND: Well, to say whether from an article photograph, isn't that more a matter of specific hydrology or hydrogeomorphology?

Why I ask you this, and I'm sorry to interrupt, why I'm asking you this is I've had to deal with this in quite a lot of depth in another case -- and I know that it's an area of considerable expertise and that the interpretation of aerial photographs and what they are able to -- we are able to infer from them in relation to water bodies is complex.

MR TURNER: Yeah, no, I understand that.

JUDGE HARLAND: I'm just giving you the opportunity to reflect on that really.

MR TURNER: Thank you. I understand that this is a difficult area, and I understand that there are question marks over my -- you know, my position and experience in relation to this. But, it's a matter that the Council regulatory

teams are posed with very frequently and I've had a lot of experience from that position, so I'm drawing on that experience in this context.

JUDGE HARLAND: All right.

MR TURNER: So I think we're at paragraph 14.

5 Considering the above, and to summarise my view, there is no definitive evidence to suggest that the Proposal should not include the reclamation of some 560 metres of stream as per Ms Barnett's measurements ...(Reads 14.2 - 14.4 of Summary Statement)... I accept Ms Barnett's position on this matter.

10 JUDGE HARLAND: So, I might ask you here, what is the point of all of this then?

~Comments from Ms McIndoe (4.58 pm)

MS MCINDOE: Your Honour, from our perspective there is no point. We're not going to be cross-examining Mr Turner. We've applied for resource consent to reclaim the larger area of stream. I guess after that application was lodged we did understand the Council thought a smaller area of reclamation was required, it now appears that's not the case. We've got those applications, the larger area, and we don't ask the Board to make any particular ruling that a smaller area of reclamation consent is required. We're content for the Board to simply process the applications for the larger area, which is what's been lodged.

JUDGE HARLAND: I'm just wondering why we've spent all this time going through streams and artificial water courses if nobody has got a problem with it?

MS MCINDOE: It has taken some time, in the witness' defence, it has taken some team for us to reach this position and so I think it was last night that I emailed the EPA to say that we wouldn't be cross-examining on this.

JUDGE HARLAND: All right. Fair enough.

MS MCINDOE: So in the witness' defence perhaps not as quick to notify our position.

30 JUDGE HARLAND: Yes, well, thank you, that's very responsible.

Sorry, off you go. Carry on please Mr Turner.

~Examination continues by Mr Bangma (4.59 pm)

MR TURNER: So moving on to other matters, paragraph 15.

35 Amendments to the resource consent conditions as lodged were proposed where I agreed with the relevant specialist witnesses for Council

that the adverse effects ...(Reads 15 - 17 of Summary Statement)... being allocated to the designation. I support this approach.

Thank you.

JUDGE HARLAND: Any other questions you have of this witness?

5 MR BANGMA: No, Your Honour.

JUDGE HARLAND: Now, is everyone comfortable with us continuing, because we've got the witness here, Mr Willmott we've got you here, we're prepared to sit a little bit later if everyone's happy with that?

MR WILLMOTT: I've got no questions of this witness.

10 JUDGE HARLAND: Oh, thank you Mr Willmott. That's good.

So, do you have any questions?

~Questions from the Board (5.01 pm)

MR STEWART: I just have, I think it's only one question, maybe two. Really, I think
15 I've got it quite clear what you're saying because you've been very clear in what you have said, all the way through you've been consistent, and correct me if I'm wrong, but I think what you're saying is that in respect of the non-complying application for the reclamation of the stream, that you questioned whether that part of the Project is contrary to the objectives and
20 policies of the relevant plan. And I think you've identified there's at least one policy, and I think it's only one, which you claim it's, I think you use the word "consistent with", but I think what you really mean is it's contrary to?

MR TURNER: Yeah.

MR STEWART: So in that respect it would seem to me that what you're saying in
25 that part of your evidence is that the -- this part of the application is contrary to that policy and therefore it should be assessed on that basis.

But other parts you seem to be saying well taking the Project as a whole --

MR TURNER: Yeah.

30 MR STEWART: -- then you would have a different view. So, you've actually divided the Project up, written in a sense and saying well, this part of it is in your view contrary to that policy --

MR TURNER: Yeah.

MR STEWART: -- but in all other respects it can be mitigated or whatever, and
35 you're agreeing that the conditions of consent and all that sort of thing.

So, I'm really just wanting you to confirm that that is your position, that there is one part of it which you have a problem with and say it's contrary to, but overall, taking the balance of all the judgments, or whatever the right words are, that you are happy to -- your professional opinion is that it should be granted, have I got it right?

MR TURNER: In a nutshell, yes.

MR STEWART: Good.

~Questions arising by Mr Bangma (5.03 pm)

10 MR BANGMA: Sorry, I know we're sitting late and I don't want to unduly delay matters, but this is an important -- the use of language here is important. Mr Turner, I have in front of me your summary statement.

MR TURNER: Yes.

MR BANGMA: And in particular paragraph 3, and I understand in paragraph 3, as
15 you've indicated, the subparagraphs that flow, those are what you've taken from your executive summary in your Evidence in Chief?

MR TURNER: Correct.

MR BANGMA: You were asked a question before by Commissioner Stewart, quite rightly, on your view of the Project overall.

20 MR TURNER: Yes.

MR BANGMA: And he put it to you, I think he thought there was perhaps one part of the project that was contrary to the objectives and policies. If we look at paragraph 3(b) in your summary statement --

MR TURNER: Yeah.

25 MR BANGMA: -- There you use the words "the Proposal is not entirely consistent with the objectives and policies".

MR TURNER: Yes.

MR BANGMA: And you include there in relation to stream location, and I don't understand you to use the word contrary, I just wonder if you could clarify
30 your view on it?

MR TURNER: No, it's a valid point, and I use that terminology throughout my Evidence in Chief and indicated that my position was -- the position was that that element of the Project was not entirely consistent with, so I did use that terminology as opposed to contrary to, yeah.

35 MR BANGMA: I think the Commissioner's point overall, however if we look at paragraph 3 (c), I think the Commissioner's point overall is a fair one, where

you're saying overall your view is that the objective's not contrary to the objectives and policies?

MR TURNER: Correct, I support that.

MR STEWART: I think that was the main question, because otherwise it seems to
5 me that you have conferenced with the other planners and we've got a good result -- well, it's an agreed result, subject to minor edits, and I think if that's the case, then we've come a long way.

MR TURNER: I think that's a fair point.

10 ~Questions arising by Ms McIndoe (5.06 pm)

MS MCINDOE: Your Honour, I hate to butt in and I know we haven't cross-examined but just in terms of -- I'm thinking ahead to closing submissions which I've already written, and just want to make sure that they're still correct. I wonder if I could just clarify this point which Mr Stewart
15 has raised?

JUDGE HARLAND: Yes.

MS MCINDOE: This arises out of one of the questions which the Board asked us on one of the first days of the hearing, I think it was during the opening legal submissions, whether the test under section 104(d) is whether it's -- the
20 Proposal is contrary to the objectives and policies of the plan as a whole or any particular objective and policy and, therefore, it's important to know your view as to whether the Project is contrary to any particular objective and policy?

MR TURNER: Right.

25 MS MCINDOE: Or whether your view is one as is to consistency, but perhaps not contrariness? So, could you please clarify whether you consider the Proposal is contrary to any particular objective and policy?

MR TURNER: Breaking it down to individual objectives and policies?

MS MCINDOE: Yes. Because, I think what's the Board has asked me to address.

30 JUDGE HARLAND: Well yes, I've got to that, if I look at 104(db) which is one of the alternatives of the gateway and it talks about whether an application for an activity will not be contrary to the objectives and policies of, and so I was wondering about the relevance, I wanted to be very clear about the relevance of where this particular evidence fitted within the statutory framework. I think
35 it's been made clear in his evidence that overall he doesn't consider that to be an issue.

MS MCINDOE: Yes, what I would like to be able to conclude in the closing is that no planning witness considers any part of the Proposal to be contrary to even one.

JUDGE HARLAND: Well, then ask that question.

5 MS MCINDOE: And then takes the legal argument away, it doesn't matter. And I had until this point thought that Mr Turner's view was that there was no element of contrariness to any particular objective and policy, but now I'm not sure, and it would be useful if he could clarify.

MR TURNER: Well, the terminology I had adopted previously was along the lines of
10 "consistency with". The difficulty -- the tension you get is some of the policies can be very, you know, narrowly focused and singular and for any Project to be entirely not contrary to all of the relevant policies and objectives it would be fairly unheard of.

So, I'd prefer not to comment on the full -- unless I go -- I would
15 need -- you know, for me to stand by that I would need to go back through the, you know, the exact policy wording and to say, you know, X Y Z policy's not contrary to.

MS MCINDOE: Okay. I just was -- I thought if there was any particular one you already knew of it would be useful to know that?

20 MR TURNER: I did reference some through my Evidence in Chief in particular, I could reference back to that.

MS MCINDOE: But you don't use the word "contrary".

MR TURNER: I didn't, I haven't, no.

25 ~Questions from the Board (5.09 pm)

JUDGE HARLAND: Well, that is an important point then. I'll pick this up and then you can ask questions if they arise.

So, Mr Turner, the main area of your concern, and I'm asking this not stating it, it seems is in relation to this -- the proposed rules objectives, the policies in
30 relation to reclamation, is that fair?

MR TURNER: That's right.

JUDGE HARLAND: So, the area of non-compliance is most profound in your opinion in that area, is that right?

MR TURNER: Absolutely.

35 JUDGE HARLAND: So, when you say it's not consistent with the policies in relation to that, are you -- are you saying that that's a lower threshold to contrary?

MR TURNER: Yeah, that's my inference, yes.

JUDGE HARLAND: Yes, your inference is. So, it doesn't quite meet the contrary level in your view?

MR TURNER: Yeah.

5 JUDGE HARLAND: Right. That's helpful, thank you. Is there anything arising from that?

I think you can infer from that it's not contrary to relation to most serious one.

Anything else?

10 MR BANGMA: No, Your Honour. That clarifies it.

JUDGE HARLAND: Thank you very much, Mr Turner. I'm going to say the same thing to Ms Hart, and I mean it very genuinely. On behalf of the Board, we've been very grateful for the effort that you and your colleagues have put into trying to narrow down what you're really talking about and to constructively
15 discuss matters where you think agreement can be reached.

So, thank you for your input into that.

MR TURNER: Thank you.

~(The witness withdrew - 5.11 pm)

20 ~Comments from the Board (5.11 pm)

JUDGE HARLAND: All right. So that takes us to the end of today, and just before we leave I think we need to talk about tomorrow simply because it's Friday and we need to get a feel I think for how we're going to go tomorrow.

We've got Mr Burn, Mr McGahan, and then we've got your closings,
25 Mr Bangma, for both Auckland Transport and Auckland Council, and it looks as if we also have Ms Tree as well.

Are you anticipating, Ms McIndoe, that there will be any significant matters we need to consider or be alerted to for Mr Burn or Mr McGahan?

MS MCINDOE: No there isn't. The only other matter I wanted to raise it relation to
30 tomorrow was this morning you had asked whether Ms Brock might be able to reappear. I've had a discussion with her and she is available, or she could have come this afternoon or tomorrow. My bigger concern is that she might not be the right witness to answer questions which I think you indicated you had about mitigation of effects on the Greenwich Way shops. Her evidence
35 outlined the consultation which had been undertaken with them, but she said

she didn't feel appropriate -- like the appropriate witness to comment on the extent of mitigation that can or should be provided to those shops.

5 So, I did some more investigation, and it seems that if your concern relates to mitigation of effects during construction, then Ms Stroger already discussed those matters with you when you questioned her on those matters, conditions relating to those matters. If you wanted to continue or have questions about the construction effects then Ms Stroger could be recalled.

10 And if your concern relates to the effects during the operation, permanent effects on those shops, then I'm afraid we don't have an economic witness. So, it might be something that the planning witnesses can deal with in the round, if you like, tomorrow and I will certainly give them a heads-up that you may have some questions in that area. But we don't have a -- I've had witnesses in the past such as Mike Copeland or something you know, talking about the economic effects as distinct from traffic diversion effects or other types of effects; I'm afraid we don't have a person already
15 engaged in that area.

JUDGE HARLAND: Well, we know that.

MS MCINDOE: I'm not quite sure how to respond to your concern.

JUDGE HARLAND: Well, look, we've got to be pragmatic because we are where
20 we are, and I think that's a very responsible thing to raise with us.

25 From what you've said I don't think Ms Brock is the right person to address that. We suspected as much, but didn't know. Ms Brock, the evidence that she's attached indicates that after the discussions the two meetings that were held after the decision was made to close the Unsworth Bridge, or finish off that particular option when it was looked at, there are some comments made in that information that's included in her supplementary evidence to show that the owners do have concerns about the effects on their business, in other words economic effects, which have not, as you identify, and as we identify as well, there is no evidence about
30 that.

35 So, as we understand it, the agency's position is that there are not effects there that need to be mitigated? And you don't have to answer this, but we thought that was possibly going to be your first point. Well, there is not an effect that needs to be mitigated, you might, for example, be saying well, there's a new -- the Greenwich Village is there and private property rights, private people can't expect to have, et cetera, et cetera, but there isn't

an evidential basis for that, apart from just a general, and you might be submitting that, I don't know.

How the planners could help with that I'm not certain whether it's even within their expertise. We are looking at it from a connectivity perspective.

5 So, again, it's an extreme view, but it's one that we should put out there, I'm not saying we're going there, but we're just questioning it. If that part of the road is closed and we found that there was no evidence to support that effect and we were satisfied there was likely to be an effect, then what's the mitigation? Ms Stroger says there isn't any. That was her evidence as I
10 recall and I'll check the transcript, but I think when she was pushed she conceded that there was no mitigation offered apart from some signs and some redirection of people. It could be fair to say that she might have got confused about whether we were referring to -- or I was referring to construction or to operation. We'd have to look at the transcript.

15 So, one option in that scenario if we got there is, well, is there enough justification to close that particular outlet on to that, or not?

~Comments from Ms McIndoe (5.16 pm)

MS MCINDOE: I think to go in terms of the evidential train to go back a step, if I
20 was to find a witness to address your questions it might be Mr Clark, because it seems to me that the impacts on a business will derive from the ability of cars to get to that business. And it might be that the agency has mitigated effects on traffic flows, but perhaps not been clear about that and how they translate to what would have been the case had that mitigation not have
25 occurred.

So, I will give that some thought as well because Mr Clark might be able to attend tomorrow or --

JUDGE HARLAND: Or even Monday. We don't want to push you. We are here on Monday so it might be that Monday is better and you can reflect a little bit
30 more on it. The other option is I guess you might say well there are overriding safety considerations which even if that's not a mitigated effect that's able to be mitigated in that particular way, namely not agreeing to -- or not closing off that particular accessway, the safety considerations would outweigh that. And we have got some evidence about that, but not a lot.

35 So, because -- and why I picked that up is because it seemed in the evidence of Ms Brock the response, there was a response about well why

couldn't they just reduce the speed limit to 80 kilometres an hour along there?

MS MCINDOE: And Mr Clark would be the right person to answer those questions.

5 So, I think what I've taken from that is that perhaps Ms Brock doesn't need to appear tomorrow?

JUDGE HARLAND: Well, I think that's probably right. That was the only matter we had that we wanted to see if she could assist with.

10 So, I think you reflect on where you get to with that, and as I say, we'll be flexible. You don't need to turn up with someone tomorrow who's worked all night on trying to put something together. They can work on the weekend to put something together and come on Monday.

MS MCINDOE: Thank you, I will update you tomorrow.

15 JUDGE HARLAND: I just need to check, have we got access to this place on Tuesday? We have. So, there we go, there's no need for alarm, if we need to go over on to Tuesday we can.

~Comments from Mr Bangma (5.19 pm)

MR BANGMA: Your Honour, there was one just final matter. You will see there is a very small amount of time down tomorrow afternoon for, I suppose,
20 preserving the right for a closing statement by Watercare Services Limited.

JUDGE HARLAND: Oh, I see.

MR BANGMA: That is really just preserving the right to do that. As I'm sure the Board will understand, Watercare has reached agreement with NZTA on some changes to conditions which are incorporated in Mr McGahan's
25 supplementary evidence, so I wasn't proposing to say anything further in relation to those conditions, I guess, unless the Board has any specific interest or matters in relation to Watercare changes?

30 JUDGE HARLAND: No, I think that you do what you need to do for your client, and if you feel that a summary of a one page is required to make absolutely sure that we've got the point, do it. If you don't, and you trust us to have gotten what we need to get out of that, then it's over to you.

MR BANGMA: Very good. Thank you Your Honour.

JUDGE HARLAND: So, in terms of your closing for Auckland Transport and Auckland Council, are you anticipating those to be lengthy, or?

MR BANGMA: No, no. They are substantially progressed Your Honour. I mean, I think a very rough indication of page numbers might be around 12 pages for Auckland Transport and 18 for Auckland Council, of that order.

JUDGE HARLAND: I don't want to cut you short. You should say and present as
5 you wish, because it's important you cover the matters your client wants you to do. I was just getting a feel for that.

So, if that's the case it looks like we will be able to finish early tomorrow and those that need to catch planes to Wellington will be able to go home.

10 Anything further?

Thank you very much, we will resume again at 9 tomorrow.

~(The hearing adjourned at 5.21 pm)