

**BOARD OF INQUIRY
WATERVIEW CONNECTION PROPOSAL**



IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider applications by New Zealand Transport Agency for resource consents and notices of requirement for the Waterview Connection Proposal.

THE BOARD OF INQUIRY
Environment Judge L Newhook
Commissioner R Dunlop
Alan Dormer
Susan Jackson
Sandra Hardie

**Transcription of HEARING
Day 12 – Thursday 10 March 2011**

COURT RESUMES ON THURSDAY 10 MARCH 2011 AT 9.34 AM**THE COURT: JUDGE NEWHOOK**

(Audio missing)...and those people are Alex Wardle, who I'll mention in a moment, David Mead and Rochelle and Brett McLennan. We're minded to hear them in that order as per their request. Ms Wardle spoke with members of the NZTA team last night at our suggestion. She evidently has considered another point overnight and wishes to return briefly and tell us about that, so she's going to do that first. Ms Wardle, do you want to come forward.

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MS WARDLE:

Thanks for having me back and thanks to NZTA last night, we had a good chat. I guess I just wanted to state again for the record that I still feel that there are further mitigations they can implement to protect the noise impacts for our property. And so what I quickly did this morning was I just printed out some pages from the technical report in the hopes that it would just illustrate my point. So what I've got is the appendix F2 of the operational noise and the options that were considered. On the first page I've highlighted my property, so that you can find that easily on the next few pages and just wanted to concentrate on really the last option 4, which is the OGPA surface, which you can see also on further pages there's a table and I've highlighted 15 Berridge Ave and the noise estimated, average noise I might say, so not – obviously there will be loud at times when there are louder noises than these. So as you can see with the OGPA it doesn't reduce as much as for option 1 that talks about the noise barriers being installed. So I just had that query really. And then also we spoke about the options and reasons for them but we did go through that table and that seems to me to be quite a big difference in expected noise. That's about it.

THE COURT: JUDGE NEWHOOK

Well let me just say this to you, that this issue involving these very plans has been the subject of some quite intensive work during the hearing, only a day before you first appeared we put all three noise experts in the witness box all

at once and undertook a comprehensive questioning of them. And there was considerable focus on these operational noise mitigation plans and they certainly got to understand from us that we intend to look into this issue very closely. I can't tell you at this stage what the outcome is likely to be but we
5 certainly focussed not just on category C houses, which in certain of these scenarios appear destined for some more kinds of mitigation, being at the upper end of these scales of noise. But we were also grilling them about the category A and the category B houses as mapped and I think Ms Wardle I can't really take it any further with you given that you have a high level of
10 interest and some knowledge but no particular expertise in sound attenuation.

MS WARDLE:

Absolutely. Okay, thank you for that and I have been trying to follow what's been going on in the hearing to varying levels of focus. I'm currently working
15 six or seven days a week and often out of town, so thank you and I'll have a look at the transcripts perhaps.

THE COURT: JUDGE NEWHOOK

Yes well noise engineering or acoustics engineering is a highly complex area and one that we have to grapple with and just be assured that we are. Again,
20 can't say at this stage what the outcome is likely to be.

0940

MS WARDLE:

That's fine, thank you for your time. Also there was a little – we did have a quick discussion about the amount of room that's at the bottom of the property
25 and perhaps that was a reason why the noise barrier wasn't an appropriate solution, but just saying that we are open to collaboration and talking about what we can do to relieve that if that is the only sort of stumbling block.

THE COURT: JUDGE NEWHOOK

Well you may also find that we won't sit down, we're not acoustic engineers
30 either, or civil engineers, so – well some of us are actually, but we are not going to design the ultimate infrastructure or mitigation. There will be, if consent is forthcoming to the project, a set of conditions that set in train a

design and management process which the council will have an important role to play.

MS WARDLE:

5 Okay, thank you.

QUESTIONS FROM THE BOARD: MR DORMER

Q. Ms Wardle, one of the issues that I've been thinking about overnight is why there weren't more submissions in opposition to –

A. Mhm.

10 Q. – the NZTA proposals? And it occurred to me that one of the reasons for that may be what people were told during the public consultation process?

A. Mhm.

15 Q. They may have been told that some buildings which are now proposed to be aboveground are to be undergrounded. They may have been told that they'd be acoustic barriers that would protect them from untoward noise. And that may have had an impact on the number of submissions we've received.

A. Mhm.

20 Q. I gather from what you said yesterday that you were of the belief that the Agency's proposal included noise barrier protection for your property/

A. I've had various discussions with people over time so when I first – when we first purchased the property we were sort of told well the project's coming so we're not going to do anything for now. I spoke with Sarah Cochrane from NZTA who said – who pointed me at the plan that
25 you've got there, the urban plan, and sort of indicated that those – and the noise barrier plan that talked about noise barriers on the new roads that are going into the tunnel, but there – I hadn't had any discussions about a noise barrier at the bottom of our property, no.

30 Q. Okay, thank you.

A. Yep.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP - NIL

QUESTIONS FROM THE BOARD: MS JACKSON - NIL

QUESTIONS FROM THE BOARD: MS HARDIE - NIL

THE COURT: JUDGE NEWHOOK

All right, that's the extent of our questions and thank you for your input and
5 participation.

MS WARDLE:

Thanks very much for having me back.

WITNESS EXCUSED

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THE COURT: JUDGE NEWHOOK

Mrs MacLennan I think.

MS MACLENNAN:

5 Yes thank you.

MS MACLENNAN READS REPRESENTATION

10 Good morning my name is Rochelle and I live in Waterview and have done so
for six and a half years. We moved into the area and have fallen in love with
the community. We plan to continue raising our small family in Waterview,
and as you can guess that our children are and will be going to the school and
kindy. I do understand the completion of a Western Ring Route is vital and I
do understand that it has to go somewhere. However, I oppose the proposed
15 location of the northern ventilation stack. As with many things it is about
perception. I have had many conversations with people in the Waterview
community and we're all concerned about the health of the community and
school. It is the perception of the stack, and in particular, its location right next
door to the school which is making people reconsider sending their children to
20 the kindy and school. You've all heard before if you put lipstick on a pig, it is
still a pig. I don't understand a lot of the terminology used by the various
experts as I'm a layperson. I do understand though that the stack is big. It
will be the most prominent feature which will be seen by everyone passing
through Waterview. If you will commission this try to imagine this eyesore
25 next to your community's school. It's right next door. Now put yourself in our
shoes. How do you think the people of your community would react,
especially knowing there's a much better alternative? I only have a basic
understand of the Resource Management Act and the consent process, but
one thing I do understand, alternatives should be and need to be carefully
30 considered. The alternative site proposed further to the east on the opposite
side of Great North Road in my opinion would greatly improve the perception
of our school and community. Although it sits within the Oakley Creek
Reserve, resulting in a loss of a small amount of green space it would greatly

enhance the positive attitude of Waterview residents towards the Waterview
kindy and school. The screening afforded by the existing trees would help to
hide the stack, also enhancing the perception of our community for all people.
I know it will cost more, but it is a small price to pay. I put my trust into you to
5 make the best decision for the residents of Waterview. Just in case you
misunderstood what I've said, please move the stack. Thank you.

THE COURT: JUDGE NEWHOOK

All right now we'll let you get away as quickly as you would wish to, but we
may have some questions and I have a comment that I'd like to offer you, and
10 that is that you've not been able to be at the hearing until you've made your
own presentation now, and we can well understand that. A lot of work, a lot of
work has occurred in this room concerning that stack and the ventilation
buildings alongside it. We can't tell you what the outcome is likely to be, in
fact we can't even tell you whether consent is forthcoming at this stage for the
15 whole project, because it's all in the mix. But I can promise you that a lot of
consideration has gone into that very issue that is of prime concern to you.

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Just one question, thank you. Mrs McLennan how many children walk
20 down the Great North Road or up the Great North Road to get to the
school and the kindy? Do many walk?

A. Where I live I can use the backstreets so I wouldn't be able to answer
that question. I know that there are children that do, that their families
are using that road to access the school. Personally I don't.

25 **QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP – NIL**

QUESTIONS FROM THE BOARD: MR DORMER – NIL

THE COURT: JUDGE NEWHOOK

Thank you very much for coming and participating, we appreciate it. Thank you.

WITNESS EXCUSED

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THE COURT: JUDGE NEWHOOK

Mr Mead. Come forward and have a seat Mr Mead. Now my understanding from Ms Morgan is that you don't have it in mind to offer what we're calling in this process a representation or submission as we usually term it in Court, which you'll be familiar with, but that you're here for the purposes of answering questions in the witness box, Auckland Council having signalled that they have some questions for you.

MR MEAD:

That's correct, yes.

THE COURT: JUDGE NEWHOOK

All right, well if you'd like to take your material and place yourself in the witness box we'll have you sworn in.

MS HARTLEY:

Perhaps I can indicate we don't have any questions.

THE COURT: JUDGE NEWHOOK

Step back again Mr Mead. I'll just quickly find out whether we have questions for you, in which case we'll get you heading back across the room again.

0950

DAVID MEAD (AFFIRMED)**THE COURT: JUDGE NEWHOOK**

Good morning Mr Mead, Auckland Council has indicated that it doesn't now have questions for you and I am going to address them about that in a while, but first one, at least of our Board members does have some things that he would like to ask you.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Mr Mead your evidence doesn't seek any specific relief, and for that reason there may not be a lot of questions of you, I don't know, but

that's not to say and I think I can probably speak on behalf of my colleagues, it's not to say that the conceptual frameworks and the precepts that you have set out in your evidence are not going to be of considerable benefit to the Board, so if there weren't to be a lot of questions, for myself, I wouldn't want you to think that that, in any way, reflected on the weight or the value of the contribution. I just wanted to say those things.

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A. Thank you.

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Q. And just by way of a couple of questions, and one is a relatively minor, technical thing, the attachment to the evidence at the back, which sets out the projected traffic flows in the Grey Lynn area, I think you had a technical term for it, it was a traffic print, or some such thing that you obtained from the Agency's consultant, and I was just looking at Williamson Avenue, which you drew attention to in your evidence, and I can see a figure there of 1500 Mr Mead, and am I – I will lead with my chin. Are those numbers that are on the various streets there the daily increases above the "do nothing", if you – are those the increases that would be attributable to the implementation of the project?

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A. That was certainly my understanding of the figures, yes.

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Q. That's the way I read it as well but I wanted to understand that, so this was your point, that there would be an effect right back into the Grey Lynn Centre, including Williamson Avenue?

A. That's right I was particularly worried about the actual town centre area itself, yes.

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Q. Yes, I understand, and some of those numbers are negatives aren't they, on Great North Road itself?

A. Well the, this top would suggest that part of Great North Road would see a reduction

Q. Yes.

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A. But Williamson Avenue would see an increase, if you believe the traffic modelling at that sort of fine a scale. As I understand it, often at that point, it gets a bit less robust perhaps about exactly what route traffic may take, yes.

Q. Just turning to your paragraph 6.17 on page 15 of the evidence, you give the opinion that the Agency, and I'm quoting here, "Needs to be required to help fund projects that will emerge from a more widely cast process within a funding envelope set by the Board." I was wondering whether you could help us at all with advice or an opinion on how a quantum for any such envelope might be objectively set, and when you are through thinking about - no we will take the questions one at a time. How might one objectively set about doing that Mr Mead?

A. Well I have thought of the same question myself Commissioner, but I haven't found an answer yet to that one, and I think it may well just come back down to something that is, sort of, meaningful or practical or reasonable in the circumstances. I don't think you can, you could value it, somehow in relation to the effects which are perhaps not mitigated and need to be compensated in some way or offset in some way, I think that will be just too hard. I think it's something that may be that has got to come forward from the community, to a certain extent, about some sort of project that may be to them of meaning or benefit in terms of the idea of some offsetting of mitigated effects. So there may have to be some discussion with them round that to actually find a, find a project which is actually meaningful. And I understand the issue of about of course you can't make these things open ended and just have a blank cheque there, and that's what we are all struggling with, but I, I hadn't really got an answer for you there, I'm sorry.

Q. Is it correct that there are at least three potential communities that could be the focus for any such approach, I'm thinking of Te Atatu, Waterview and Owairaka and New Windsor?

A. Right, no well I could, I could fully accept that, I guess I have concentrated on this Waterview, you know, through Western Springs Road and that area, because it's the area I know most myself, just on a personal level.

Q. Yes. If the Board were minded to take such approach there would have to be some sort of boundaries or process put around the expenditure of such monies wouldn't there?

A. I would imagine there would have to be and it may be some sort of form of community trust or organisation that has to be set up to administer those, the funds, that of itself, of course, could be quite beneficial in terms of helping to get some community networks going.

5 Q. Galvanising?

A. Galvanising, that's right.

Q. Are you aware of any examples where such an approach has been taken?

10 A. My only, the one example I can think of and I must admit my, my full knowledge of it is pretty hazy, but it related to Waitakere City and the balefill, which was sort of like a, you know, an area for repository of -

Q. I know where you mean.

A. – you know, compressed rubbish I think at the back of Swanson.

Q. Yes.

15 A. And there was quite a bit of debate I think in this, in the, I think it might have been the resolution over that balefill, a – some money was provided to the community which had organised themselves into a trust, and it was actually that community I think who used that money to shift the Avondale Train Station from its old location in Avondale out to
20 Swanson, put it there beside the rail network as their sort of community hub, and from that have grown a number of, sort of, initiatives, that have really helped to strengthen that community overtime and actually have lead to a very positive range of outcomes come through.

25 Q. I am not wanting to turn this into a conversation at all, but at least two members of the Board are mindful of an (inaudible 09:59:51) based offer in the Kaipara Harbour for the funding of a trust there as part of the mitigation I think it's fair to say. There might even have been something at the airport in the past, I'm not so sure.

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30 QUESTIONS FROM THE BOARD: MR DORMER

Q. One of the witnesses who addressed us very well a couple of days ago, they'd stressed the importance of the fact, as the witness understood it, that there were different communities which were affected in different

ways, and that you couldn't seek to mitigate a loss of reserve land in this community by providing bridges in that community. Or you couldn't seek to mitigate that community's loss by providing more parks over here, you had to do it affected community by affected community. The concept of some kind of trust has emerged from your remarks and Mr Dunlop's, wouldn't altogether be consistent with that would it?

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A. Sorry, I didn't get, "wouldn't" be consistent?

Q. Yes.

A. No, I think the idea is totally to be consistent with that idea about where there are effects within the community they should be mitigated within the community and I've always been concerned that a lot of the – it constantly comes back to this reference of the effects will be offset because of these regional transport benefits that people will be able to experience. And I think it was even – sorry, just take this a bit longer, but in reply to my evidence about the effect on Grey Lynn, about the additional traffic through Grey Lynn and I think through Mr Murray's statement, his rebuttal statement, he pointed out, "But the motorway will give you access to the airport quicker for example." And that's kind of true, but of course it's a sort of a different sort of cost and benefit at this point in terms of local benefits versus a sort of a regional benefit which may be used by some people in the community, maybe not all, not every day. So I think the idea is to deal with, you need to deal with each community in a discreet sense about the impacts on that community and look for mitigations that are reasonable within that community and I think where you get to a point, like a motorway, it's a big beast undoubtedly, then you know there's no way of getting around that, there needs to be some other mechanism put in place within that community that has that main impact from that motorway that helps to offset, compensate, not quite sure what the words are, for that effect. And I think that has to be within the community which bears that effect and I think the trust is one mechanism or one vehicle to provide a sort of a reasonable sort of offset for that community, that's meaningful for that community not in the sense of a sort of a wider regional transport benefit, which is sort of a

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very diffuse benefit, but something that's more concrete and tangible to that community.

Q. I appreciate your lifelong experience Mr Mead and the value of your comments. Do you mind if I –

5 A. No, no absolutely, please.

Q. – pull more ideas out of the air. I was reading over Christmas in a proposal by a New England local authority to pump sewage into a bay and they finished up having the communities of two bays competing at sewage outfall, because what went with the sewage outfall was a huge compensation package, enough to build an Olympic swimming pool and several other facilities. If one were to follow that sort of line, the mitigation, if we can call the provision of the pool and other things mitigation, doesn't really even have to relate to the impacts caused by the project does it?

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A. No, that's essentially the point, that's right, at some point you're saying well some of the impacts probably can't be mitigated and traditionally I think we've said at that point well the wider benefits will offset those impacts in the total scheme of things, more management in the round for example, you know sorry you'll just have to wear some of those benefits because of the great of public good. I think there's increasingly now a push to say well where that community suffers some impacts, those that benefit, which is the wider community should actually help properly compensate for those impacts at that local level. But by compensation it's not necessarily directly related to those impacts that right, it's some other offset which the community will find meaningful and feel I guess in their terms, "All right we've got some impact over there, but yes we've got this positive over here and we can feel from that, some sense of I guess equity perhaps or feeling that our environment in the round is actually going to come out of here a bit more ahead of where we were previously."

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Q. If the economic benefits of this project are huge –

A. Well that's right.

Q. – then there is perhaps some justification, could you comment, and there may perhaps be some justification for ensuring that the full burden or that those who bear the full burden are in some way compensated?

5 A. I think, well I mean I've basically in part of my evidence talked about that and suggested that was a reasonable thing to think about, about how the people who benefit from the project, you know the wider community can actually help compensate for the costs that individuals or individual communities would bear and I think that's a reasonable principle to think about.

10 **QUESTIONS FROM THE BOARD: MS JACKSON – NIL**

QUESTIONS FROM THE BOARD: MS HARDIE

Q. Mr Mead, just going back to your idea of the community trust. In your evidence you've made a point about that possibly in terms of transport links that's one of the things that we've heard quite a lot, has been,
15 "Look there's already one there," all being it might not be the pleasant environment. Do you see that as perhaps for the community trust that that could be taken up by the community that they could pick and choose to duplicate a transport link to allow perhaps that to be a different area than what they've got at the moment, even though it is a
20 duplication?

A. Yes, well I think that would certainly be an option open to the community. I guess I suggested that as one mitigation option, but then I mean I'll have to be frank, I've done that from afar up in Westmere, I haven't talked to anyone down in Waterview about for them what would
25 actually be a good link or mitigation that might be available, but certainly that would be something that they could look at. Yes, if there was a trust available then that would certainly be one of the options.

THE COURT: JUDGE NEWHOOK

Mr Mead I've no questions for you myself but I want to thank you for your
30 considered statement of evidence. One could probably have conversed with you, to use Mr Dunlop's words, quite extensively on some very interesting

concepts that you raised. I don't feel the need to quiz you about them today but thank you for your constructive participation.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

THE COURT: JUDGE NEWHOOK

5 Ms Hartley, I need to say to you as counsel for the council that it's disappointing that you signal a wish to cross-examine a witness and then announce after a busy professional person has arrived that there are no questions. As it happens the Board did have some questions for Mr Mead, but if we hadn't that witness's time would have been wasted.

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MS HARTLEY:

I sincerely –

THE COURT: JUDGE NEWHOOK

15 Prefer some more thought that went into notices of cross-examination. We've signalled for many weeks or months the need to seek leave to cross-examine.

MS HARTLEY:

20 My sincere apologies sir to the Board and to the witness. We have been attempting to update things that we wish to cross-examine and it was an oversight I'm sorry to say in this case.

WITNESS EXCUSED

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THE COURT: JUDGE NEWHOOK

Right, Friends of Oakley Creek, Ms Docherty and Ms John. All right now,
Ms Docherty are you going to speak to us or is Ms John going to address the
5 representation?

MS DOCHERTY:

I will.

THE COURT: JUDGE NEWHOOK

10 You will?

MS DOCHERTY:

I will.

THE COURT: JUDGE NEWHOOK

15 All right, we're just busy sitting here looking at this rather nice brochure that
you've given us. We'll come back to that.

MS DOCHERTY READS REPRESENTATION

20 "... with Living Communities."

We don't need to read out the background for Friends of Oakley Creek, it was
in our initial evidence.

THE COURT: JUDGE NEWHOOK

25 That's kind of you to remind us about that. We've been reading that and we
can take this as read. I'd say it's very impressive.

MS DOCHERTY CONTINUES READING REPRESENTATION

“An overview of... over environmental objectives.”

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5 And I just note that that was a topic that was raised yesterday and we support Mr Beer’s encouraging words that Auckland Council would indeed be looking to purchase that area of land post-construction – post-completion.

MS DOCHERTY CONTINUES READING REPRESENTATION

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“The lack of... of the proposal.”

And within that section it’s included that the – it’s a stormwater treatment wetland, it’s not a stormwater treatment pond, which is quite a different device.

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MS DOCHERTY CONTINUES READING REPRESENTATION

“Section 3.3 of... part O and part P.”

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And also I may add in proposed condition ARC 9, that also goes part of the way.”

MS DOCHERTY CONTINUES READING REPRESENTATION

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“However, Friends of... objectives are achieved.”

I note that that is consistent with the advice of our ecological expert Ms Myers which is found in her supplementary statement of evidence, paragraph 1.6.

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MS DOCHERTY CONTINUES READING REPRESENTATION

“Animal pest control ... the hearing process.”

THE COURT: JUDGE NEWHOOK

Well in our turn Ms Docherty it is appropriate to thank your organisation and you particularly because you have been the face of it throughout the hearing largely.

5 **MS DOCHERTY:**

Thank you.

THE COURT: JUDGE NEWHOOK

For your extremely constructive, helpful and responsible participation, we are most grateful for that.

10 **MS DOCHERTY:**

Thank you.

THE COURT: JUDGE NEWHOOK

You would get a round applause if this was a public place. We may have questions for you on your presentation and Mr McCurdy on behalf of Star Mills
15 has indicated, he indicated that he would like to ask Ms John some questions on oath in relation to her evidence, so the thing to do might be to swear Ms John in at the witness box, have Mr McCurdy ask his questions of her and then we in our turn might have questions for Ms Docherty sitting over here
20 and Ms John sitting across there and if that splits you up unfairly well we will allow Ms Docherty to go and join Ms John in the witness box. So Ms John if you would like to proceed to the witness box for the first part of it.

MS JOHN:

Thank you.

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25 **THE COURT: JUDGE NEWHOOK**

Q. Now before Mr McCurdy asks questions you've provided us this morning with this very pleasant and interesting looking brochure on the

work of your organisation. I imagine you'd like us to receive this in evidence?

A. We would, thank you.

Q. So that would become exhibit 14 I think.

5 **EXHIBIT 14 PRODUCED - BROCHURE**

CROSS-EXAMINATION: MR MCCURDY

Q. May I say as the preamble as an Oakley Creek resident I regard the activities, energy and knowledge of the Friends of Oakley Creek with great admiration.

10 A. Thank you.

Q. And I know that's not a question, but I thought I should start with that. In your evidence, and again in the representation, Friends of Oakley Creek have expressed concern about the lack of recognition of the ecological value of trees. This is for the tree schedule E.7 and the CEMP and
15 vegetation conditions. The stem assessment has now been added to these conditions. Do you consider that that now covers adequately the evaluation of the amenity value of trees?

A. I think the addition of the stem assessment process is definitely a positive, while it takes into consideration certain aspects, particularly of
20 individual trees I don't think that it covers the broader aspect of trees as part of a wider ecological process and the ecological value that they contribute as a whole rather than just individual trees.

Q. Outside ecological value would you agree that another amenity value of a tree, or an area of vegetation, is community association, that trees and
25 plants that are familiar to the community and appreciated for their presence, the fact that they're here, have amenity value by virtue of that association?

A. I do.

Q. Referring now to condition V4 which is on page 63 of the 1st of March
30 compilation of the conditions.

THE COURT: JUDGE NEWHOOK

Sorry that page number again?

MR MCCURDY:

Page 63.

CROSS-EXAMINATION CONTINUES: MR MCCURDY

- 5 Q. V4 calls for the minimisation of the removal of vegetation, native and exotic, except for the weeds. Would you agree that this condition should be more strongly worded perhaps, for example, if there's no specific requirement in the conditions for the removal of this tree or patch of vegetation then leave it alone? Do you think V4 is strongly expressed enough?
- 10 A. No I don't. I think it's important that if vegetation is not required to be removed that it should be – the default should be that it be retained.
- Q. Returning for a moment to the amenity value of trees. The Friends of Oakley Creek have asked that the community liaison group be included in the preparation and finalisation of the AE E.7 tree schedule as in condition PI6. Do you consider that adequate or would it be helpful to have the Friends of Oakley Creek directly nominated in the conditions for inclusion in deriving that schedule, given their track record and former recognition of their involvement and expertise?
- 15 A. Do you have a page number for that?
- Q. Oh sorry no I do.
- 20

THE COURT: JUDGE NEWHOOK

22.

CROSS-EXAMINATION CONTINUES: MR MCCURDY

- 25 Q. PI 6 is page 22.
- A. Twenty two, yes yeah yeah. I support the establishment of the community liaison group. I think that – and that – my understanding is that the Friends of Oakley Creek will definitely have an opportunity to be part of that. I do think that we have quite considerable knowledge of the area and of the processes involved there and think that's really
- 30 important that we are involved.

Q. Referring to condition V4 again, where woody weeds are to be removed, do you consider that this should be staged and programmed so as to combat habitat loss and erosion?

5 A. I definitely do. Through our experience we've witnessed and we have used that staged process and found it very valuable, very important actually, to ensure that we don't lose important habitat, albeit not necessarily native, but the staged process has been something that we've been working with for quite some time.

10 Q. And can you confirm that the Friends of Oakley Creek have observed the larvae of the native puriri moth inhabiting privet trunks and limbs, rather than their preferred puriri trees which are in short supply in the area?

15 A. Definitely. That was pointed out to us quite some time ago, that the puriri moth live in the privet trees, and we have since observed that they not only live in the taller tree privet they actually live in the smaller Chinese privet as well, in considerable numbers. And that's been one of the reasons, one of the many reasons for the staged transition from weedy species to native species, to ensure the loss – we don't lose too much of that habitat at any one time.

20 Q. The Friends of Oakley Creek have referred in several sections of their representation and in the evidence previously to the fragmented nature of a proposed environmental monitoring and that's fragmented by locality, upstream or tidal for example.

A. Mhm.

25 Q. Or by division of specialist expertise. We saw possibly some areas falling between the (inaudible 10:47:20) between marine, freshwater, avian, vegetation specialist expertise. Friends of Oakley Creek have asked for overall cross-referencing of monitoring between areas and disciplines to connect and correlate these separate matters. Do you
30 consider that your group, the Friends of Oakley Creek have knowledge and experience to contribute to the design of this overview ecological monitoring, either the view of the community liaison groups or directly?

A. I think we do. Again, through our experience and some of the expertise that we have on our – within our organisation I think we have, we could contribute quite constructively to the process.

5 Q. And last question. You refer to the lack of criteria in the process for the assessment of the accumulative effect of separate impacts, which are individually assessed, in some cases as a minor or insignificant but whose combined effects could be major. You have made specific recommendations in the representation today for combinations of impacts, for example flooding and vibration. However, there doesn't
10 seem to be in the applicant's proposal any general overall mechanism to assess the accumulative effect of individual impacts, and you note that these are likely to (inaudible 10:48:54) downstream in growing concentration. How important is it to the wellbeing of the creek and its surrounds that such accumulative assessment mechanism be put in
15 place?

A. I think it is crucial as we've outlined in our representation that the accumulative effects, as we have said, are not – we do not feel have been addressed appropriately and if we're to ensure that there is no lessening of the quality of the environment in the stream that they be put
20 in place.

THE COURT: JUDGE NEWHOOK

Right now questions for either Ms John on the evidence that's been called on behalf of the organisation or for Ms Docherty in connection with the representation. Perhaps starting with Member Hardie.

25 **1050**

QUESTIONS FROM THE BOARD: MS HARDIE

Q. I point this towards Ms John and perhaps if that's not the right person we can go back to Ms Docherty. Great. Just with regards to the representation and I note that you've also commented on this in the
30 evidence. Your purpose for wanting stream bank stability monitoring. Can you tell me what the purpose of it is, is it just simply to seek the

information that this is how it is at the moment and this is how it is at the end of construction or is it actually if something happens?

A. Well it's if, well hopefully it can be avoided but it's if something happens and there is something in the conditions that there will be an appropriate response and a timely response.

5

Q. So it's not simply, "We want it monitored, we actually are looking further to if an event happens, what is the procedure for that."?

A. That's right.

QUESTIONS FROM THE BOARD: MS JACKSON

10 Q. Ms John, I was interested to hear your comment about how effective a staged process along the creek would be, either to make sure that all the weeds are removed or to do the work that's required in the creek. So yes I can appreciate how that going in and trying to reconstruct an entire creek length at one time would be disastrous to the ecology, so that was a valued point, thank you for that. On page 87 there's a condition G12 that talks about monitoring the water levels in the Oakley Creek, do you have that?

15

A. Yes I do.

Q. It's condition G12, and I spoke to Ms Myers about this the other day, about whether the monitoring results be reviewed on a monthly basis was adequate because if there's a rapid drop in water levels for any reason I would have thought you'd want to pick it up a lot sooner than every month. So what's your comment on that?

20

A. It's actually a very difficult one because you're right, if there's rapid levels we would want them to be picked up as soon as possible, but on the other hand sometimes the changes can be over a longer period of time. But we would be really supportive of it being more often, more regular.

25

Q. Who would be most likely to pick up something that needs attention fairly quickly?

30

A. Well I think in relation to this – this was to do with a think the flow monitoring.

Q. Yes it is.

A. So – sorry, can you ask your question again?

Q. I just wondered who would be most likely to pick up a drop in the flow that should be followed up pretty quickly, something needs to be done, who follows up on that?

5 A. Well, probably Friends of Oakley Creek would be the most likely ones to observe something like that, we are down there regularly working and with activities so –

Q. So you're doing your own monitoring anyway?

A. We are, regularly, yes.

10 Q. That's great isn't it. Can you just explain to me what an in-stream litter trap is, is it a surface thing, I can understand what it's trying to do, what I can't understand is how does it affect the eels and –

A. It's a floating –

Q. It does float?

15 A. It does float, so that it doesn't affect the passage of fish or any of the invertebrates or any stream fauna and it rises and falls with the level of the stream as it goes up and down.

Q. And just picks up surface litter?

A. It covers the whole – it's like a boom that actually covers the width of the stream and so it captures any litter, then it's cleaned out regularly by the contractors. It has a grille at the front of it and then has floating booms at the side.

Q. The problem is, who is the contractor?

A. Yes.

25 Q. What appals me in this material, with reading the state that the Oakley Creek has got itself into with its contamination, there's obviously massive weeds that need to be removed and it's a bit sad that it was ever allowed to get to that stage. Was it the ARC in the old scheme of things that maintained Oakley Creek?

30 A. No it was the Auckland Council.

Q. It was the Auckland Council?

A. Auckland City Council. And one of our concerns is the maintenance and we have raised that in our cross-examination, is that the level of expenditure going into places like our streams is – the budgets are

constantly being stretched as new projects come on line, so we have very severe concerns about the level of maintenance once it gets handed over. That's why we asked the council about that.

5 Q. And that's why you followed up on that 10 years because NZTA can pour all this money into doing this wonderful work to try and mitigate effects and make this a place to be really something to be proud of and then if it's let go that would just be a real shame?

A. It would, and a waste of money.

QUESTIONS FROM THE BOARD: MR DORMER – NIL

10 **QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP – NIL**

QUESTIONS FROM THE COURT: JUDGE NEWHOOK (MS DOCHERTY)

15 Q. I've got a couple of things that I'd like to raise. Perhaps address to Ms Docherty first, under the heading of "buildings and stacks", your paragraph 10.5 of your representation this morning. Thank you for a number of things in this section and other parts of the representation where Friends of Oakley Creek have adopted a truly balanced view of matters in the community interest, that's impressive.

A. We are a community group after all.

20 Q. You are indeed, yes. But to look at other issues outside of the primary ones for your organisation, I thought was to be commended, in particular referring to the northern stack. Now, as between options 1 and 3 on the eastern side of Great North Road, should consent to the project be forthcoming and the Board be minded that the stack should be moved across the road, are you aware that there might in fact, 25 despite your preference for option 2, be some legal jurisdictional difficulty?

A. Yes I realise that is a difficult –

Q. You're aware of that fish hook?

30 A. Yes we are, yes, but we felt it was important to get it on record that should an area of land be acquired for the operational footprint that would be our preference.

Q. Should we find the magic bullet in relation to option 2 you'd be pushing for that?

A. Yes.

Q. Well thank you for recording the point of view and doing so
5 constructively.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK (MS JOHN)

Q. The next point that I have arises out of your representation, but I think it's probably a question for Ms John. I'm looking at section 5 of the representation and the discussion of support for urban bird species by
10 undertaking mitigation work in sector 8 despite the fact that that is not crossed by surface works, and it's an interesting concept that I'm sure we'll want to get out heads around. Works taking place further north and further south, but you've advanced through witnesses as well as in the representation the concept that there may be a call for mitigation of
15 those works, further north and further south by seeing to it that urban bird species are supported in the middle. Now and that maybe laudable and it maybe something that we can deal with we don't know at this stage. But just thinking about conditions in that area that we saw when we walked through, I'm wondering whether in fact you might be, I'm
20 going to test you on this, whether you might be looking for a bit more than ought to be visited on NZTA because of its works upstream and downstream. And the example that comes to my mind is one of my pet hates happens to be the moth plant vine and it's pretty rife through that part of the creek, up into the trees. I have an obsession with pulling out
25 moth plant seedlings when I find them in Auckland and it's a never ending thing, they're just all over the place, it's a scourge. You've got a bad infestation there in the trees, right up into the trees smothering the trees. Despite my abhorrence for moth plant vine, it seems to me that it might be just going a little far to expect that NZTA might be called upon
30 to fund that kind of mitigation, you didn't have it in mind that some of those bad week problems that you have got in that middle area ought to be the subject of the mitigation from NZTA, unless are you going to play to their heartstrings..

A. We wouldn't expect that they would do that whole area upstream and through sector 8 but we thought there could be some areas that, some select areas that could be looked at to further expand and to improve that habitat.

5 Q. Yes.

A. We are aware of the problems with that and one of the reasons that Friends of Oakley Creek has not ventured into that area yet is because until we know that we have got the resourcing behind us to ensure it is successful, then much as we abhor the weeds that are there and I was pleased to hear that somebody else pulls out my plants, seedlings, as they walk around the streets in our city, you know, we are realistic about that, but we thought there may be some select areas that we could look at. There are some other areas, some smaller areas that we could consider.

15 Q. Yes.

A. And we wouldn't expect it to be the whole area.

Q. Is it perhaps not so much an area thing, or bits of areas, as a targeted approach on species, after all the point that you are making is the support of urban bird population that might be affected to some degree in sectors to the north and urban sector 9 itself. Might it not be more a matter of targeting the thing in a scientific way than, than in geographical, a geographical sense?

A. I would –

Q. In terms of supporting the bird population?

25 A. Yes, yes, I would concur with that yes.

Q. And I am wondering if you can offer us some slightly more detailed ideas about that in case it helps with the constructional conditions if we decide that this concept is, is something that should become a part of the conditions of consent here?

30 A. Yes I would, further to what you have just stated, I think that selective species could – would be the best approach and that's one of the things we are looking at in certain areas. I mean one of the things we do at the moment is looking at picking up on certain species at a critical time so that we don't end up with further seed spread, so that that – yes.

Q. Now I'm sorry that I can't remember every last piece of evidence that has been trotted out in front of us or that we have read thus far, but it is under constant or continuing examination I promise you. Perhaps you can help, would I, would I look in the evidence of Ms Myers or in your
5 evidence which I happen to have open in front of me, for some help with this, with this ecological approach to this kind of mitigation as opposed to a geographical approach, or is it something that you believe you might need to just develop a little bit further for us?

A. We would need to develop further we didn't go into too much detail.

10 Q. Yes. I wonder if you would give some thought to that, we've been asking NZTA to come back to us with things as they have occurred to us.

A. Uh huh.

Q. And if you would be happy to put some further thought into this, we can't
15 promise that ultimately we will say that this is some mitigation that we should direct, but in case it is, I think we need that further help, so if you wouldn't mind we are not sitting next week, we are sitting the following week, we will probably conclude the hearing sometime during that week, so if you were to have something to send in to the EPA staff to deliver to
20 us by the end of next week obviously served on the other parties –

A. Yes.

Q. – that are involved in the issue, that would be helpful, thank you very much.

QUESTIONS FROM THE BOARD: COMMISSIONER DUNLOP

25 Q. A slightly different subject but Ms John, in paragraph 1.4 of your evidence you explain how the Friends are an incorporated society, and have attained a charitable status?

A. Yes.

Q. Then in paragraph 1.14 you discuss some of the streams of funding that
30 the Friends have had?

A. Yes.

Q. Does the organisation have a secure source of funding going forward?

A. No.

THE COURT: JUDGE NEWHOOK

Thank you very much both of you for your presentations and answering of questions, and your constructive involvement in these proceedings, thank you.

MS DOCHERTY:

5 Thank you.

MS JOHN:

Thank you.

WITNESS DOCHERTY EXCUSED

WITNESS JOHN EXCUSED

10

THE COURT: JUDGE NEWHOOK

Ms Morgan the Messrs Chand I see are here, they had indicated that they wished to be heard and leave before 11.30 but that little tag hasn't appeared on the latest version of the sheet that I have been working from this morning,
5 is the tag still valid, do they still wish to get away before 11.30 am? You would like to be able to get away before 11.30?

MESSRS CHAND:

If possible.

THE COURT: JUDGE NEWHOOK

10 How long do you think you would like to be speaking for?

MESSRS CHAND:

Ten to 15 minutes.

THE COURT: JUDGE NEWHOOK

Let us delay the taking of the morning adjournment and hear from you now
15 before we take our break.

MESSRS CHAND:

Thank you.

MR CHAND:

I'm (inaudible 11:07:35) Chand representing myself and Usha Chand, seated is Sebastian representing himself, and Sheila Chand.

THE COURT: JUDGE NEWHOOK

5 Right thank you.

MR CHAND:

We have common concerns and we want to provide some more information in relation to reasons for submission and follow on to decisions we are looking
10 forward to receive from Board of Inquiry where possible.

THE COURT: JUDGE NEWHOOK

Yes and the property that you are particularly concerned with I see is 51Hendon Avenue?

15 **MR CHAND:**

Yes.

THE COURT: JUDGE NEWHOOK

And your particular concerns are around the south portal building?

20 **MR CHAND:**

Yes, referring to – we will come to south portal building in a minute, before that loss of part of our residential property. With all due respect to some failings in communication we would like to say that, initially we were advised our property will not be affected at all, then we were indicated 5 metres of
25 linear measure of our property will be affected at that date because railway lands are being forecasted, then lately we have suddenly come to note 11.5 metres depth into our property is going to be affected.

THE COURT: JUDGE NEWHOOK

What is the total depth of your property, do you know?

30

MR CHAND:

54.5 plus 11, it's about 45 metres.

THE COURT: JUDGE NEWHOOK

5 So it would reduce from about 54 to 45 if the 11 linear metres were taken, is my maths right?

MR CHAND:

Sorry, from 45 to 34, a quarter of the land will be taken away.

THE COURT: JUDGE NEWHOOK

10 About a quarter of the land?

MR CHAND:

Quarter of the land, linear, 695 square metres will be reduced to 400-something.

15 **THE COURT: JUDGE NEWHOOK**

Let's see if we can find your property on a map that we have got here. I wonder if you could call up on the screen please, sheet 219.

1110

THE COURT: JUDGE NEWHOOK

20 Q. Sorry to make you wait but we want to understand your problem. Just help us, when were you told about the 11 point something metres?

A. Yesterday (inaudible 11:10:40).

Q. Yes, who told you?

A. The valuer who came to value our property from a Property Group.

25 Q. Property Group?

A. Yes on behalf of property group, then he told us 11.5 metres from the back, our property will be taken.

Q. Do you understand that he was sent by the Transport Agency?

A. Yes.

30 Q. Yes I think they work for the Transport Agency.

THE COURT: JUDGE NEWHOOK

Is there any knowledge amongst those present of your team this morning about this development that Mr Chand is telling us about? No knowledge, okay, doubtless you'll be seeking it and quite urgently. There's some dismay I think might be a low key way of putting it that a quarter to a third of somebody's property might be taken. All right, do continue Mr Chand, they can't tell us whether you're right or not at this stage but on the assumption that you might be then we'd like to hear from you.

THE COURT: JUDGE NEWHOOK

10 Q. You haven't got copies of your talk to hand up to us do you?

A. We are basing our submission earlier on. So referring to reasons for submissions point number 1 is what we have mentioned.

Q. Carry on.

15 MR CHAND (USHA) CONTINUES READING REPRESENTATION

Similar problems I've heard from other neighbours. I personally approached about 15 households in Hendon Avenue to see what their feelings was and out of those about four or five were hard to get in touch with, they were not available. About seven to eight of them said they were not happy and about a third of them said they were of the opinion that they will not be heard, they do not have any powers over the big authorities that are doing the work and two or three have said that their property had already been purchased by New Zealand Transport Authority so they were renting. So the general feeling was, "We may not be heard or we may not be able to do anything."

THE COURT: JUDGE NEWHOOK TO MR CHAND (USHA)

Q. There may be one slight difficulty, that we don't have jurisdiction over the Public Works Act matters, over the taking of land. There is another avenue at law though on which you might be wanting to take some legal advice that winds up in front of another body, a bit like this one, that we have something to do with, but this particular panel wouldn't have power in relation to whether or not your property ought to be taken, but I will

ask you one question. And that is, if there were a choice between having 11 metres sliced off the back of your property taken on the one hand or having your whole property taken, what would be your preference?

5 A. We don't want our property to be affected as we have been told from beginning.

Q. So your first preference is take nothing?

A. Nothing taken, taken nothing but the really worse scenario can take about three metres, four metres, that's fine, but 11 metres quite a lot for us because we have our own plan to have something on the property as our extended family, which is going to be major effect. And I've been in that area for 15 years and that sort of property I have been looking, I bought that property not by seeing the house, just bought the property for land purpose.

10 Q. And if NZTA really had to take 11 metres, if they really needed the 11 metres, would you then prefer that they bought the lot?

A. Depends what –

Q. That might be too harder question, it's nothing that we can control but I'm just a bit interested?

20 A. Yes, depends we have those to reconsider.

Q. It has some relevance for us because the effects on you of how close the motorway works or the construction works come to you, is our business.

A. The main thing is from NZTA we were told our property's not going to be affected at all. I'm not opposing the motorway, I'm opposing – the motorway was told that it's going underground. I'm fine with they take my land underground, my top land is still available for me, but later on I've been told they want top ground also. For what purpose, for train, whereas train they got the land behind our property (inaudible 11:16:23).

25

30 And to avoid affecting these properties, they can move the house, put the whole house further south.

MR CHAND:

South portal building is what we are referring to. Initially we were indicated that's the second major issue, that initially we were indicated that will be nearest to the Maioro end of the motorway and then we were told it will be
5 about 100, 150 metres north. Now it has come right behind our house and as part of one of the discussions with one of the members or reps from NZTA, we were advised because there is a – if you look at the map, there is an entry way to the park, there are two, one is next to our property and the other one is about 150 metres further south. We suggested, "Why don't you have that
10 portal, south portal building at the other entry level?" And they said cost is involved and engineers have looked into it. So when we asked for evidence of what are the major costs that you are saving by us being pushed 11 metres this way and so many other houses getting affected, they did not have any evidence Your Honour. If there is any evidence it's our pleasure to see.

15 THE COURT: JUDGE NEWHOOK TO MR CHAND

Q. Have you seen the plans that we've been studying in the hearing concerning the concept of moving the portal 80 metres to the south?

A. No.

Q. You haven't seen that. I wonder if we could just have that called up on
20 the screen please, it is the one in which the portal buildings were shaped as a red "teardrop", for want of a better description.

A. It seems like that they are moving as far north as possible to just for monetary reasons and that is where we are very depressed.

Q. Now Mr Chand, we'll be showing you a copy of this plan that's on the
25 screen. Do carry on now, have you seen this plan that's up on the screen now. This is a drawing of a possible option that NZTA have been studying in recent weeks concerning moving the portal buildings to the south away from the red marked area to the right to achieve certain improvements in the view of some people. Now that would clearly be
30 moving the portal away from your property, which is up to the left top corner of the graphic, you mightn't have the ability, just looking at that quickly for the first time, to know whether that would remove the

squeeze or the push on the railway designation into the back of your place, and that is something we might need to ask NZTA about.

MR CHAND (USHA):

If the portal is going underground and that house willing is moved further south, why they require the – my property for train, by the way, why, they can
5 move, they got plenty room on top beside, without affecting the other people's property.

THE COURT: JUDGE NEWHOOK TO MR CHAND (USHA)

Q. I think you will find, I think you will find that part of the arrangements are
10 that in order for NZTA to gain the tick from the railway designation, and they were there first, in order for the railway people to say, yes okay you can put – build a motorway through here, it has to be demonstrated to Rail that they can still be provided for, that's what, that's what's been happening in recent weeks, that's between NZTA and KiwiRail.

15 A. We were in, we were also advised that at – we totally agree with you, train was first, railways were first, but they were about 10 metres further southwest of where they are going through now. Due to some unknown reason they have moved it and that has come into our boundary.

Q. Yes, all right, well I think I have reached the limit of what I can say to
20 you I think has been happening from the evidence that we have been hearing, but NZTA's team over here, is taking on board that we are needing some answers from them as a result of what you have been telling us this morning.

A. Yes.

25 **THE COURT: JUDGE NEWHOOK**

As a result of what you have been telling us this morning and it includes the question I put to them before about the extent of taking, it includes the question of the extent to which, as I presently perceive it, rightly or wrongly, that the squeeze has put on the railway designation as a result of the
30 arrangements made between NZTA and KiwiRail, and thirdly as to whether the moving of the portal southwards would alleviate the effect that the Chands

are suggesting exists from those arrangements and that we perceive may be the case. So we are going to enquire.

MR CHAND (USHA):

Reducing from 11.5, even five metres, I don't mind. We want to put it that way, because what we have been told from beginning that means we have been misleading.

THE COURT: JUDGE NEWHOOK

Well there may be an issue there.

MR CHAND (USHA):

10 And we have been not receiving any letters from NZTA or EPA until the first letter we received was when Greg (inaudible 11:23:33) came a day before that letter was – in December it was 15 or 16 something like that. The next day, the same day, in the morning or anytime he posted that letter and he rang us to make an appointment to come next day and discuss about the acquisition of our property, which is not fair we were lost to what he is talking about.

THE COURT: JUDGE NEWHOOK

Right, well you have certainly raised some questions in our mind that NZTA are going to have to deal with.

20 **MR CHAND (USHA):**

Another question is that when I have attended a meeting at (inaudible 11:24:16) primary school, which was held by EPA, when we question EPA, EPA don't know what NZTA is doing and NZTA don't know what EPA is doing, why NZTA and EPA is not getting together and getting a open public meeting held in that area.

THE COURT: JUDGE NEWHOOK

I think I've got to say this to you that the EPA isn't part of – they aren't the applicant, NZTA is the applicant, it's the NZTA that wants to build a road. The EPA is simply the administrative support structure for us.

5 MR CHAND (USHA):

I see.

THE COURT: JUDGE NEWHOOK

We are the hearing authority. They are the administrative support structure. The EPA isn't wanting to build a road, the EPA simply provides the clerical support for us in our decision making role. Okay, just want you to understand who the EPA are.

1125

MR CHAND (USHA):

15 So why NZTA's not having the open forum meeting in Mt Albert area with the public, they've never had it according to my concern. I've never been any NZTA meeting openly where we can talk openly in a public. All those meetings which I have been was like individual people who are going there and looking the maps, whatever is there, and every time we were given
20 different different stories from all those pictures we were shown.

THE COURT: JUDGE NEWHOOK

Well they say they've held meetings. Now you tell me, how long has your family owned 51 Hendon Avenue?

25 MR CHAND (USHA):

Eighteen months, about 18 months.

THE COURT: JUDGE NEWHOOK

About 18 months.

30

MR CHAND (USHA):

Yeah, but I've been in 31 Stewart Road for 15 years.

THE COURT: JUDGE NEWHOOK

Fifty one – sorry, 31 Stewart Road?

5

MR CHAND (USHA):

31 Stewart Road for 15 years, (inaudible 11:25:55) we're just walking distance (inaudible 11:25:56), 150 metres.

THE COURT: JUDGE NEWHOOK

10 Did Mr Putt, did Mr Brian Putt chair a meeting for the EPA to – the Friend of Submitters it was called, the Friend of Submitters. Did you encounter him?

MR CHAND (USHA):

I don't – I think so I don't remember his name, but he's –

15 **THE COURT: JUDGE NEWHOOK**

Do you remember a man with a –

MR CHAND (USHA):

- the one who gave us this forum –

20 **THE COURT: JUDGE NEWHOOK**

Do you remember the man with the bow tie?

MR CHAND (USHA):

25 Yes, yes he's the one who help us in getting some information about this thing works because generally we are not experienced in all this (inaudible 11:26:34).

THE COURT: JUDGE NEWHOOK

Absolutely, we understand that and that's why we insisted that there be a friend of supporters and that's why the man with the bow tie was there.

MR CHAND:

He was very helpful.

THE COURT: JUDGE NEWHOOK

5 Yes, pleased to hear that.

MR CHAND:

I've got a couple of questions here. One is do we have an indication of how many metres that south portal building is likely to be according to the diagram

10 –

THE COURT: JUDGE NEWHOOK

That diagram indicates that the south portal building will move about 75 metres to the south. That's what we've been told. That's if – yes, and I'm reminded – that is if we favour that option. And at the moment let me tell you

15 NZTA do not support that move.

MR CHAND:

We have suggested to the gentleman that came around about 15th of December we have suggested if you move it more right to (inaudible

20 11:27:28) as it was indicated to us initially about when we heard first about this, at least 150 metres south where the other carpark is and entry to the park. That would fit in pretty well because a lot of houses on the south of – a couple of houses from our house, the rest of the houses on the south aren't going to be demolished. They had been I think brought over by NZTA and

25 that would be like a win/win case. The rest of the houses on our right-hand side are getting affected a minimum. So our support is with the motorway extension, but we are trying to remove any significant damage or at least minimise it. That's what, that's where we are making a humble request to you.

30 **THE COURT: JUDGE NEWHOOK**

We understand what you're saying.

MR CHAND:

And last point is (inaudible 11:28:20) any discharge from the tunnel we are very much worried about the amount of traffic that will be flowing through, diesel and petrol pollution and the children. We've got two children, eight year
5 old and 15 year old. The family there and pollution is what we are worried about. So we are looking forward to some neutralise the process or some way of diverting that pollution from the south portal building or from the underground tunnel so that it goes to the other side. They might say that
10 there are vegetation and other habitat that will be affected, but it's our request that this opportunity to request for the safety of our family's health.

THE COURT: JUDGE NEWHOOK

Are you talking about the stack, the ventilation stack, or are you just talking about the road, where it comes out of the tunnel?
15

MR CHAND:

Ventilation stack.

THE COURT: JUDGE NEWHOOK

The ventilation stack, yes okay just wanted to get that clear. Yes, we've been
20 doing a lot of work on that in this hearing with NZTA and other parties.

MR CHAND:

The last favour I ask. When are we likely to get something in concrete as to how much land they are going to take so that we can decide to stay there or
25 sell the whole property? Very hard to find another property and buy it in this time of difficulty. We cannot afford to buy another property straight away.

THE COURT: JUDGE NEWHOOK

Well Mr Chand that is unfortunately something that we can't help you with. We're not involved with the Public Works Act process, as I told you that
30 there's another body might come into that, but the – you've put the question

and we've put it to NZTA to at least tell us, and at the same time yourselves, about what the answers are to what the needs are for the amount of land.

1130

MR CHAND (USHA):

5 Do they have the answers now?

THE COURT: JUDGE NEWHOOK

We are required to release our decision about this whole case.

MR CHAND (USHA):

Thank you.

10 **THE COURT: JUDGE NEWHOOK**

This vast motorway by the middle of June. We won't be able to write in detail about the amount of land that NZTA needs to take from your property because, as I say, that, that it relates to Public Works Act matters that aren't in front of us we have got enough to write about as it is, there have been many,
15 many, many pages.

MR CHAND:

Yes.

THE COURT: JUDGE NEWHOOK

So I don't think we will be able to address that but we have now told NZTA we
20 want these answers, to inform us about, at least about what the effects on your property will be, how close the works are going to come, up to or into your place, that is our business and so they will be telling us about that and when they tell us they have got to serve that stuff on you. We might, I don't know at this stage, we might have to invite you back to come and participate
25 in another discussion about it.

MR CHAND:

We are most willing to. We have come to know about injurious affection.

THE COURT: JUDGE NEWHOOK

Yes, yes you have got some terms.

MR CHAND:

And that is another worry we have got now, so yes, you have our full support
5 and with all due respect to the good work it's finally our humble request that if
they can spare our land that will be appreciated, if not five metres, that sort of
thing. If they cannot avoid taking that we are willing to co-operate there but
one quarter of the home.

THE COURT: JUDGE NEWHOOK

10 We have got our ears open as far as the law allows us to on the matters that
are relevant for us.

MR CHAND:

Thank you.

THE COURT: JUDGE NEWHOOK

15 Let me see if there are any other questions for you.

QUESTIONS FROM THE BOARD: MR DORMER – NIL

QUESTIONS FROM THE BOARD: MS JACKSON – NIL

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

THE COURT: JUDGE NEWHOOK

20 We have held you enough for the moment and we may be asking you to come
back and have it here, would you be willing.

MR CHAND (USHA):

As it to do, I want, what is it can do to reduce the impact of most of the
properties over there, and if they – another thing is, if this portal house, portal
25 house which is sectored from, about 75 metres further south now, so is this
motorway -

THE COURT: JUDGE NEWHOOK

That's just one option, that's just one option Mr Chand, it's not, it's not something, and in fact they don't even want to do it., but it's been put on the table in this hearing and it's, and the concept is there for us to consider, it's
5 something that could happen, but against, against resistance from NZTA that it should happen, they want to keep things as they plan originally designed them.

MR CHAND (USHA):

But at the end of the day public has got rights also not only NZTA, by making
10 a public works law, that doesn't mean that they can overrule all the public and do whatever they think is correct, that is not fair, all this people who are sitting even in NZTA, or any position, they are elected by public and they expect –

THE COURT: JUDGE NEWHOOK

15 Mr Chand everybody in the country has to obey the law of the country that includes NZTA.

MR CHAND (USHA):

So this is my humble request that they should reconsider and minimise the public effect.

20 THE COURT: JUDGE NEWHOOK

Thank you very much for your participation this morning and we might be asking you to come back.

MR CHAND (USHA):

Thank you.

25 MR CHAND:

Thank you very much for giving us the opportunity

WITNESS CHAND EXCUSED

WITNESS CHAND (USHA) EXCUSED

COURT ADJOURNS: 11.35 AM

COURT RESUMES: 11.58 PM**THE COURT: JUDGE NEWHOOK**

Ms Higgins would like to be next. Concerning the Chands' appearance before morning break Ms Janissen, we've in somewhat loose terms perhaps put a
5 number of questions your way and hopefully you've got an adequate note of those. There is a question floating in our minds about the adequacy of consultation, with the Chands and perhaps therefore others in Hendon Avenue and not only as to the quantity of consultation but the quality of it, as for instance who has represented what to the Chands and others in
10 Hendon Avenue along the way, whether within the 18 months they've been there or back further. And frankly then that raises in our minds the issue and we might have entirely the wrong end of the stick but you heard my responses to the Chands, the perception at the moment is that what has occurred is that you've gained the tick under section 177 from KiwiRail, which would allow us if
15 we were otherwise minded to grant a designation for a motorway, but it appears to be on the basis that that shunts the railway designation sideways and further into Hendon Avenue properties. There is a legal question there that you're going to need to address as to what we are to take account of. Because in the strict sense we're here to consider an application for
20 designation for a motorway, not for a railway, but if the effects on the environment in an indirect sense arise of moving the railway sideways into people's properties, to what extent are we to take account of the effects on the environment of doing that. Now Ms Hartley we would like to get some input from Auckland Council as well on this issue. I think things are going to have
25 to happen reasonably quickly Ms Janissen in terms of some evidence being got together on several questions we've put and the legal submissions, followed by legal submissions from the council and any other party who wishes to submit on the issue. And it is a matter on which we'll signal that we may wish to have our counsel offer a legal view as well subsequent to seeing
30 that from NZTA, Auckland Council and anybody else. So (inaudible 12:02:21) Campbell are likely to be asked to offer advice which of course will be shared publicly, shared with the parties, shared publicly. A bit of a thorny one I think.

MS JANISSEN:

Such issues have arisen in other hearings with respect to the Chands, we're checking in relation to the visit from the Property Group or what not, but we think the simple explanation to that is there has been discussions with the Chands both in relation to the sub-strata, which I think is five metres and the surface designation which is 11. As you could see from the diagram it's always been about 25% of the property, about 11 metres. I don't anticipate that's changed in quite some time, we don't know.

10 THE COURT: JUDGE NEWHOOK

This is what the evidence will address obviously.

MS JANISSEN:

Yes. And with respect to such matters as consultation I know that my friend Ms Linzey has spoken to the Chands, so there is an issue as to the perceptions perhaps of people that are consulted with and what they will hear and what they won't hear. But we'll certainly address those issues.

THE COURT: JUDGE NEWHOOK

That whole bundle of issues obviously has to be live as of now, including as to whether in terms of gaining the section 177 approval from KiwiRail, the railway designation does need to move sideways. Will KiwiRail have to seek a changed or new designation as a result of those arrangements and indirectly then are there effects on the environment that we must consider or not, and that's the legal question. It maybe not, but as I sit here I don't know. Now Mr and Mrs Higgins, both of you here. If you just wait for a moment while I get your materials in front of me.

1205**MR HIGGINS:**

And some other more general things, if we might, we just want to first of all say thanks for the opportunity to come speak this afternoon and also thanks for accommodating our request to be brought forward.

THE COURT: JUDGE NEWHOOK

Certainly.

MR HIGGINS READS REPRESENTATION:

5 I just want to make a couple of contextual points first and that is that we
moved to Waterview about 20 months ago knowing that the motorway was
going to go ahead in some form, so we are not opposed to the idea of the
motorway, but we did have a working assumption that, at the end of the whole
process that, Waterview would be an even better suburb than it is now, so that
10 that process would leave Waterview better than it currently is, and we made
the decision to move to Waterview relying on the whole process bringing that
result about. However, there are a couple of things that I want to talk about in
just a moment that may be at odds with that. The other thing I just want, also
would like to observe is that, as the, a person on the end of all the information
15 that is coming through, it's really, really, daunting and overwhelming and as
part of the process of making the appointment to be here today, noticed that it
looked as though a lot of people who had said that they wanted to make
representations were actually dropping out of the process.

THE COURT: JUDGE NEWHOOK

20 It has been happening.

MR HIGGINS:

Yes and I suspect that that is due to a kind of fatigue that has set in because it
is so difficult for, you know, the average Joe Blow to come to grips with all of
the information. So I would urge the Court not to take that lack of
25 representation as being a lack of interest in the outcome.

THE COURT: JUDGE NEWHOOK

It's a good point Mr Higgins, we are well aware of the fact that a number of
people, some dozens of people in fact, who indicated they wished to be heard
like you did, have dropped away and said they are not going to come and talk
30 to us this week or next, and we, we have the view that that may well be

because the process is so daunting. It is daunting enough to get into it, we recognise that. It was daunting enough to front-up today and some of them just haven't been able to quite make that grade. Some of them may have kept watch on the website and seen that things are being gone into very thoroughly, and they have been over the last few weeks I can promise you.

MR HIGGINS:

Mhm.

THE COURT: JUDGE NEWHOOK

Even that may, however, have introduced a further level of complexity in their perception that resulted in fatigue or whatever, so we are well aware of it and I doubt that we are likely to say in our decision that people lost interest. I don't think that's the case. It's a massive project. It is daunting, we know that. It's a heavy enough task here, you can't quite see the piles of paper we have got in front of us but it's not pretty.

MR HIGGINS:

Sir, notwithstanding that we have used our best endeavours to keep a watching brief on the process and some things we just haven't been able to look at because we have got our daily lives and jobs to attend to. Some of the stuff we have been able to look at and we are aware that we actually made two points in our, albeit brief written representation last year, that both of those issues are being addressed as part of the process, but we still thought, we thought it was nevertheless important that we came personally and front up and added our voice to those concerns.

THE COURT: JUDGE NEWHOOK

We thank you for that.

1210

MR HIGGINS CONTINUES READING REPRESENTATION

And the first - and we'll come to the chimney in a moment. The first of the concerns that we had relates to the lack of any local connection to the

motorway that's available to Waterview residents. So basically our view is that there's a motorway that's being put through Waterview and if you live in Waterview the only way that you can actually access it directly is by going down the North Western Motorway, turning around at the Western Springs
5 interchange coming all the way back and then getting back on the motorway that way, or you have to go across country to the Maioro Road intersection and we frequently do that already to connect up with the current end at the south-west motorway. And I can assure you that it is, it can be a very stressful trip because of the –

10 **THE COURT: JUDGE NEWHOOK**

It's not fun, mmm.

MR HIGGINS:

Yep. The traffic flows and the traffic lights so it's not an easy journey so –

15 **THE COURT: JUDGE NEWHOOK**

We're very aware of the fact that the motorway is intended essentially to serve a wider community, national certainly regional community, and that it is in a way imposed on the local people without them actually gaining an accessway. And some of the submitters, and I'm thinking particularly of the likes of
20 Mr Duncan McKenzie who's a highly qualified experienced planner, brought this issue to us in great detail and the result of that was that we required the traffic engineers and Mr McKenzie and some others to go into an expert caucus – go into a meeting to work on that issue because some of the people involved, including Mr McKenzie, had some ideas for a design of ramps.
25 They've taken their thinking that far which we thought was quite impressive. They spent a day or two trying to work on a problem and ultimately they all agreed, and you'll find this unfortunate, that if a ramp or ramps were to be installed in or near the Great North Road interchange that the consequence of that would be that the whole shooting box would need to be pushed
30 northwards and out into the Waitemata Harbour essentially, in order for it to work in traffic engineering terms. And so they agreed it couldn't be done within what's in front of us and that with reluctance Mr McKenzie and others

who've worked away diligently at it agreed that it couldn't be done and couldn't be sought. And on that basis I really don't think it's on the table any more. So it is, if we grant consent and we (inaudible 12:13:02) know we're going to consent it yet, but if we grant a consent I think I have to try and let
5 you down as gently as I can, that this is a feature that is probably not going to be capable of being addressed.

MR HIGGINS:

If it really can't be addressed then we would urge that that continue to be
10 looked at and a better solutions be found right through to the end of the process. If it really can't be addressed then some possible ways of mitigating that would be to require that the route from Waterview through to Maioro Road be improved and fast tracked and somehow.

THE COURT: JUDGE NEWHOOK

15 Just what have you got in mind? This is the tunnel (inaudible 12:13:47) mainly in a tunnel?

MR HIGGINS:

No I'm talking about –
20

MR DORMER:

No. No the (inaudible 12:13:50) but they're not (inaudible 12:13:52).

THE COURT: JUDGE NEWHOOK

Sorry, I'm sorry, I'm sorry –
25

MR HIGGINS:

It's how we get to the motorway that's going through the Waterview –

THE COURT: JUDGE NEWHOOK

I misheard you.
30

MR HIGGINS:

- community. That's the issue. So if we really can't get on it in a direct sense then I think it should be made a lot easier than it currently seems as though it's going to be to use alternative routes.

5 THE COURT: JUDGE NEWHOOK

Okay, you're points noted.

MR HIGGINS CONTINUES READING REPRESENTATION:

And the second point that we would like to address is the whole issue of the chimney, and we're aware that that has received considerable attention since
10 it was first proposed. And going back to the point I made earlier about wanting Waterview to be, end up being a better suburb than it is at the moment I think the idea of having a chimney, whether it's next to the school or anywhere else where it's a prominent feature of the landscape as you first
15 enter Waterview from the northern end is not okay. So in addition to the concerns that we have about the chimney potentially being right next to the school, we do have some added concerns about the whole visual impact of that particular feature on the landscape and we would urge that that be mitigated as much as it can be.

20 1215**THE COURT: JUDGE NEWHOOK**

Are you aware that there has been a great deal of work done on that during the course of the hearing?

MR HIGGINS:

25 Yes.

THE COURT: JUDGE NEWHOOK

Q. Are you aware of some alternative options that have been put before us that involve, or two out of three possible alternatives involve placing the ventilation stack on the eastern side of Great North Road in the Oakley
30 Creek Reserve?

A. Yes.

Q. But at the, near the entrance of Great North Road.

A. Yes.

Q. And possibly at a lesser height?

5 A. Yes.

Q. The experts in the air quality area and the visual experts, and I am summarising here and being perhaps a little over general, but generally seem to be saying that a 15 metres high chimney instead of a 25 metres high one would do.

10 A. Yes, no I have noticed that and that seems to be certainly a move in the right direction, so I guess what we are –

Q. So you would support a move across the other side of the road?

A. If we really need to have a chimney yes we would definitely support a move to the other side of the road and have it locate – have it higher, 15 ah, lower than it was originally intended to be so that's going to be as visually unobtrusive as possible.

MR DORMER:

The really unfortunate thing I think is if we are going to have a tunnel rather than an overland route, we have got to have a chimney.

20 **THE COURT: JUDGE NEWHOOK**

Well we haven't got any evidence, as I can recall sitting here, to the affect that we can do away with the chimney all together. If we had had that magic bullet offered to us we would have been looking at it with considerable interest.

25 **MS HIGGINS:**

I think I've heard in Europe that they have vented tunnels, so they vent them as they go, I haven't got any evidence to support that but I have heard there are alternatives, but the other suggestion I put forward as a location for that stack is what about in the middle of the interchange where there is obviously 30 going to be a lot of disruption, could that stack not go in the middle of that.

THE COURT: JUDGE NEWHOOK

I think you might find the likes of the Friends of Oakley Creek and the Star Mills group, the first of which is concerned with matters of ecology and the second with heritage matters, would be saying that anything in the middle of the interchange is ecologically important and important in heritage terms and nobody walked up with a design for such a stack. I rather imagine that because this has been a real feature – this issue about the ventilation stacks has been pretty much at the heart of our case, but I've no doubt the experts have been thinking as laterally as they can.

10 MS HIGGINS:

Okay.

THE COURT: JUDGE NEWHOOK

But none of them have actually come to us with that idea I'm afraid to say.

MS HIGGINS:

15 So, I mean no one wants the stack in their neighbourhood, so if we are going to have a stack in our neighbourhood I want to be assured that the air or the toxic, you know, fumes, that are going to be released over my local reserve where we got married and had our photos taken and go and see the ducks and the waterfalls, it's a beautiful spot, I would like to ensure that the fumes that are being released are filtered and that some of those heavy metals or toxins are taken out of the fumes before they are released into the atmosphere to minimise the impact on the wildlife, the fauna, the flora, you know, the residents of Waterview. So let's do this in, you know, a responsible, considered, thought out way.

25 THE COURT: JUDGE NEWHOOK

Well when you see our decision, if it's, whether it's a yes or a no for the project, the issue that you have just been speaking about is certainly one on which we have had a great deal of expert evidence and I put to you we will see that we will having to write a good deal. I can't tell you what the answer is going to be on any of those things as we sit here because we have, we have

got about, we have got about 80 tonnes of material at this stage, and the air quality issues are concerned with quite a part of that, but it is certainly an issue that we are requiring to do a lot of work on.

MS HIGGINS:

5 Okay.

THE COURT: JUDGE NEWHOOK

And have had a lot of input on.

MR HIGGINS:

Thanks.

10 **MS HIGGINS:**

Thank you.

THE COURT: JUDGE NEWHOOK

Anything else you wish to raise?

1220

15 **MR HIGGINS:**

No that's – those are the points we want to make, thank you.

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

QUESTIONS FROM THE BOARD: MS JACKSON – NIL

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

20 Q. Mr and Mrs Higgins, I've got a Google mappy thing here in front of me and I've endeavoured to find 69A Oakley, can you confirm that it's at the end of Oakley Avenue, more or less butting up onto Howlett Reserve, that's where the two 69s are?

A. That's correct, yes we're one of those, yeah.

25 Q. If I understand the Agency's proposal, they are looking to acquire land to better connect Howlett Reserve to the local street system and if I understand the proposal, they are looking to do that by acquiring

properties, so it would have to be plural, fronting Howlett Street or towards the end, Oakley Avenue?

A. Mmm.

5 Q. Perhaps somewhere around 69. Has there been a dialogue with you folk about this at all?

A. No, I'm aware of it because I saw a schedule that came out that said that our next door neighbour's property was one of the – was the option for kind of being sacrificed if you like so that that public accessway to the Howlett Esplanade could be affected from the end of
10 Oakley Avenue. So no, nobody's come and spoken to us directly about that but we are aware of that as being a proposal.

Q. You're 69A, which appears to directly abut the reserve, is that correct?

A. No.

Q. No?

15 A. No, not quite, yeah. We're once removed from the end of the reserve by 70 or 71.

Q. Seventy one.

A. Seventy one and 69, so we're kind of tucked in just behind 71 and 69 and both of those properties directly abut the reserve.

20 **THE COURT: JUDGE NEWHOOK**

If you've got a moment, I'm going to see whether an appropriate graphic can be put up on our screen and we'll get you to go and point it out to us.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

25 A. Can I just add one more comment to that, my understanding of where that particular discussion has got to is that after it was first proposed at 71 be acquired to make that access possible, there was another communication from somewhere and I can't remember who, saying that that would require a willing seller because it wasn't part of the original
30 proposal by I can't remember who is putting the proposal up?

Q. NZTA?

A. LTSA.

Q. NZTA?

A. NZTA, sorry, yes, it wasn't part of their original proposal, therefore it would require the owner of 71 to be a willing seller and the inference – and that therefore they were looking for other options so the inference –

5 Q. That's my understanding to.

A. – I took from that is there wasn't a willing seller.

Q. That's my understanding Mr Higgins also.

A. Do you want me to come there and just point out where we are?

Q. Yes.

10 **THE COURT: JUDGE NEWHOOK**

Just for the record, what's the exhibit Ms Linzey that's been put up there?

MS LINZEY:

That is the annexure to my rebuttal evidence 33, annexed –

15 **THE COURT: JUDGE NEWHOOK**

Which rebuttal?

MS LINZEY:

Good point, second, sorry evidence 33 in the rebuttal folder and it's the –

20 **THE COURT: JUDGE NEWHOOK**

Original rebuttal?

MS LINZEY:

Original rebuttal and the annexure number C.

25 **THE COURT: JUDGE NEWHOOK**

Q. If we could slide that map down again and could we just magnify it please.

A. Well we're in, and it's quite difficult to see on this map, but we're just in there, but there's that property there which is 69, we're 69A, which is
30 just tucked in there and 71 is just in there, does that make sense

Q. So you're not actually hard up against that green space?

A. No we're not.

Q. You've got something between that and you?

A. That 71 is between that and us.

5 QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. Do you have a view at all on the merits of the Howlett Reserve being linked to Oakley Avenue?

10 A. In principle we would be reasonably happy with that provided it was foot access only and no carparking.

Q. You can relate to the concept of people being able to walk around the coastal edge and getting back onto the street system?

A. Yes, yes, absolutely.

Q. With those two provisos?

15 A. No cars because they come all through the night and we already get quite a bit of traffic during the night at the end of our cul-de-sac so we wouldn't want a carpark there.

QUESTIONS FROM THE BOARD: MR DORMER – NIL

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

20 WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Mr Mehaffy you've been with us almost throughout the hearing and if you're interested in staying and continuing to listen to the hearing you might be prepared to let some others go before you in terms of speaking or would you
5 like to speak now and then get away, it's up to you.

MR MEHAFFY:

Either, but I do believe that some of my evidence you might find important.

THE COURT: JUDGE NEWHOOK

10 We're waiting with baited breath for your evidence, I'm not trying to send you away. No way, you've been here as much as any of these other people have, including NZTA. All I'm asking is, you're next on the list, but would you like to let others get away seeing as you're going to be here anyway we think?

15 MR MEHAFFY:

No I'd rather talk now if I may please.

1230

THE COURT: JUDGE NEWHOOK

20 Okay, now you're going to offer us a representation and I see you've produced it in writing for us.

MR MEHAFFY READS REPRESENTATION

"... at any time."

25 Does that still apply if this is just a representation?

THE COURT: JUDGE NEWHOOK

Yes, now Mr Mehaffy what I'd invite you to do if you can, you've got quite a long presentation there for us, is there may be chunks of it, including that which you've just been speaking to and reading out, which are in your earlier

materials, like in the submission you lodged last October and in the evidence that you've lodged with us, so I do invite you to put anything that's in your written stuff today, that is in that category, and invite us to take that as read. We've been doing our reading, we have been looking at your stuff and we
5 don't need it repeated.

MR MEHAFFY:

Okay. My question really is though, can I produce photographs?

THE COURT: JUDGE NEWHOOK

Oh I see, and I see you've attached some photographs at the back.

10 **MR MEHAFFY:**

Yes.

THE COURT: JUDGE NEWHOOK

Now, I think I asked the EPA people to convey to you that I wanted you to ask NZTA whether they had any objection to you doing that because it's new
15 material that we would have expected to see in your written evidence at the end of last year.

MR MEHAFFY:

That wasn't present then. This is an ongoing operation that's happening. It – can I read what I've got –

20 **THE COURT: JUDGE NEWHOOK**

Okay, just pause there. Ms Janissen is there any difficulty with these photographs being produced to us today?

MS JANISSSEN:

Sir I haven't – I've just received it so I don't know what they related to or what
25 they're intended to show.

THE COURT: JUDGE NEWHOOK

Q. What are these photographs of Mr Mehaffy?

A. Ongoing, pumping tests at the present time that are discharging into the creek, and if you look at the photographs, I can't prove that it's pollution but I can demonstrate that the material is not what I would like anywhere near me, and my question, I have been told or I was referred to the
5 hotline. I've been to them twice and I've had no action and the pumping is still continuing at this time.

Q. Okay, another question for you. Do you have any knowledge of where this is coming from?

A. Yes, it's there.

10 Q. Where? Where's it coming from?

A. Coming from? It's – it's – it's from a bore that I've got the photograph there and the bore is one of those that's in, well the area that is through into the municipal rubbish and they're pumping out of that and discharging that material into the creek.

15 Q. No, pause. Who do you understand put that bore there, NZTA?

A. It has to be. Nobody else could afford it. It's been going since –

Q. Well the council might be able to afford it. Are you sure it's not theirs?

A. It's a pumping test sir. It can only be for a tunnel.

THE COURT: JUDGE NEWHOOK

20 Just wait. Ms Janissen my suggestion is to you, that we allow the material to come in for what it's worth and to be given whatever weight we can give it, which given it's relative lateness in the process and the likely hearsay qualities about it, may be rather little.

MS JANISSEN:

25 Sir, that's fine. I'm not sure if we've got the full set of photographs because Mr Mehaffy was holding up another one showing where it was, because all we've got is this one.

MR MEHAFFY:

No, there's four there I think.

30

MS JANISSSEN:

So this is the only thing that identifies where it is.

MR MEHAFFY:

There is another photograph from further back, but I don't have it with me.

5 Those are expensive for me to produce.

THE COURT: JUDGE NEWHOOK

Okay, there's four photos, we've all got four photos. Okay Mr Mehaffy, you may continue and we will receive that material and give it whatever weight we're able to give. Now, I just want you, as you're going through here, if there
10 are materials in today's presentation that are repetition of materials that were in your original submission and/or your evidence, that you've already filed, we have read them and so just point them to us, say yes I've sent that already, you've read it, can I move on, and then just move to the next topic. Okay?

MR MEHAFFY:

15 Fine.

THE COURT: JUDGE NEWHOOK

Rather than reading out every word that you've got here, okay?

MR MEHAFFY:

Fine, yes, no, I'm happy with that sir.

20 **THE COURT: JUDGE NEWHOOK**

Yes, thank you.

MR MEHAFFY:

Well, as I say, it's a present ongoing operation and what it leads to, if you find any weight to it, there's obviously an issue of integrity which comes up and the
25 documents would cover the situation once you've made the determination. That they don't cover it at the present moment. Now, to point three on page 2.

MR MEHAFFY CONTINUES READING REPRESENTATION

“The response of... that were ineffective.”

5 That’s a harsh criticism – yes, I should leave it there. I asked a question there and I received your answer yesterday, thank you.

MR MEHAFFY CONTINUES READING REPRESENTATION

“The representation to... a back seat.”

10

Can I presume you’ve read that article?

1240

THE COURT: JUDGE NEWHOOK

15 Don’t presume that we’ve read every piece of every newspaper Mr Mehaffy, no.

MR MEHAFFY CONTINUES READING REPRESENTATION

“In the wake... up and recovery.

20 **THE COURT: JUDGE NEWHOOK**

Okay Mr Mehaffy, I want you to skip now to point 7 please because we’re not here to debate the merits of whether the city council or the Government or anybody else sends money to the earthquake relief in Christchurch.

25 **MR MEHAFFY:**

Fine, thank you.

THE COURT: JUDGE NEWHOOK

Please stick to the topic.

30

MR MEHAFFY CONTINUES READING REPRESENTATION

“From the evidence... up to 160 million.”

THE COURT: JUDGE NEWHOOK

5 Yes well let’s take that as read.

MR MEHAFFY CONTINUES READING REPRESENTATION

1250

“Clause 9. Mr... requires documentation.”

10

And I go on to list it out, do I carry on?

THE COURT: JUDGE NEWHOOK

Yes.

15 **MR MEHAFFY CONTINUES READING REPRESENTATION**

“An adequate design... through the network.”

MR MEHAFFY:

I think you will be aware of all of that information.

THE COURT: JUDGE NEWHOOK

20 We have certainly had it with us for quite a long time.

MR MEHAFFY:

Okay.

MR MEHAFFY CONTINUES READING REPRESENTATION

25 “Point 15, the... aims and objectives.”

THE COURT: JUDGE NEWHOOK

We are nearly at 1 o’clock when we usually take the lunch adjournment and you have got a little way to go Mr Mehaffy, can I just ask you a question

before we stop. You were indicating to us that you had some concerns and you are neutral about a number of things. Are you actually submitting to us that we should decline the project, turn it right down, because of the, because of these shortcomings with access to the local roads and because of your
5 opposition to the tunnels, are you saying, just don't do it?

MR MEHAFFY:

As I understand it sir you have got no other option if, if the tunnel does not fulfil its obligation to carry the traffic and Avondale has to take it, I am forced to that position and I think you are forced to turning it down.

10 **THE COURT: JUDGE NEWHOOK**

I just wanted to know where you stood.

COURT ADJOURNS: 12.56 PM

COURT RESUMES: 2.19 PM

THE COURT: JUDGE NEWHOOK

Right, now, we'll come back to you in a minute Mr Mehaffy. At the request from Christine Jordan to be able to leave reasonably soon to attend to their needs, and we will be accommodating that. All right, now, Mr Mehaffy let's
5 carry on through here and I just want us to have a real focus please, on that which is strictly relevant to the project. I don't want to be drawing in the Christchurch earthquake. I don't want to be drawing in other stuff that wasn't in the submission. I need to focus, all right.

10 **MR MEHAFFY:**

Yes sir.

THE COURT: JUDGE NEWHOOK

So you're going to have to help with this.

MR MEHAFFY:

15 Okay, sir that does give me a problem in that I'm going further in the traffic predictions, and one of the traffic predictions is that in the long term he depends on the railway. I'd like to look at that.

THE COURT: JUDGE NEWHOOK

Tell me one thing before you start talking about railways, as well as traffic.

20 You're not a traffic engineer?

MR MEHAFFY:

No sir.

THE COURT: JUDGE NEWHOOK

Q. You've been an assistant engineer in the design of roads?

25 A. Yes sir, a scheme planer.

Q. Yes, but you're not a traffic engineer. You're not involved in traffic counts?

A. Yes sir, I've done traffic counts.

Q. You've done traffic counts?

A. The – I've done the mechanics of them, not the analysis.

Q. No, it's the analysis that's important.

5 A. I know that sir.

Q. And that's why I'm uncertain as to whether you can truly help us, given that we've had a raft of actual experts who have engaged in analysis.

A. Okay, well –

10 Q. I think when we come to those parts I think we're going to just move through quickly. We will read them afterwards but I'm not wanting to hold up other people while you read out at great length, material for which you're not truly qualified to be offering comment.

A. Yes sir.

15 Q. So I'm not going to rule it out, but we're going to move through it quickly, all right?

A. Well sir, this is just a submission. I've written it. I don't have to talk it.

Q. Well if you – yes – if you feel comfortable with cutting through certain sections of it and saying to us, "Yes, please go away and read that after today's hearing," we'll do that.

20 A. Yes.

Q. And that could help.

A. Right.

Q. Thank you.

A. I think I'm at clause 16, the baseline.

25 Q. Yes.

MR MEHAFFY CONTINUES READING REPRESENTATION

"There is a discrepancy... have increased considerably."

30 And I go on to illustrate that, and I can't get out of my street and the cues are there, I illustrate how extensive they are, and I make the suggestion that that could be documented from the helicopters that keep flying overhead by photographing it with a time and a date, and they'd have that information. I

make the point that I've already said about the rail system in Mr Murray's evidence. Clause 17.

MR MEHAFFY CONTINUES READING REPRESENTATION

5 "From the evidence... times this volume."

MR MEHAFFY:

Now, at this point, I think I need to be here to explain. In Mr Murray's evidence, annexure G, page 61, there's an error. The error is that in there he's actually used a very small residential street to – in his tests, and I question that, what that does. If we go to annexure D, page 55, the, that error becomes even more pronounced if you look at that, the diagram sir. He's talking about the daily flow, and the change in the daily flow, and he uses that small street, Allendale Road, and shows figures of 3100 and 3600 as the change. It is a small residential street that runs parallel to New North Road and I'm sure that is a definite mistake but how important it is I don't know.

15 **1425**

THE COURT: JUDGE NEWHOOK

Q. Well neither do we.

A. Well I think that somebody needs to ask to fill in that information sir. In paragraph 18 I'm talking about the principal economist and his words and he also –

Q. Can we take this one as read, it's about the Christchurch earthquake, it's about economists, you're not qualified in economics are you Mr Mehaffy?

25 A. No.

Q. Let's move on.

MR MEHAFFY CONTINUES READING REPRESENTATION

30 "The Auckland motorways... list of them."

But the question is, why do the people, well the designers of this think that the Avondale tunnel will be an exception, you can't widen a tunnel.

THE COURT: JUDGE NEWHOOK

Q. Do you know that you can't widen a tunnel Mr Mehaffy?

5 A. Do I know?

Q. Do you know that, are you an engineer?

A. No, a technician engineer sir.

Q. So you know that you can't widen a tunnel. Now let's move on. Where are we going to next?

10 A. Well I'm going to in 21 I'm talking about the previous construction at Mt Roskill and in that I pointed out to the Court that there was an error. They found it easier to shoot me, the messenger rather than to look at the error.

15 Q. Can we take that section as something to read after we've finished today?

A. Yes you could.

Q. There's more detailed discussion about the operation of streets and I think we'll take that in and read that. 22 seems to be back to the case in hand, what do you want to tell us in that paragraph?

20 A. Well just that I did design a limited access arterial from the then end of the motorway at Hillsborough Road through to Richardson Road and one of the suggestions I made the railway at that time had a station on the northern side of Mt Roskill. I suggested that they change that to where it is and let me design my motorway where State Highway 20 is
25 now.

Q. All right, moving along.

A. Well I –

Q. Can we leave 23?

A. Pardon?

30 Q. Can we leave 23 you're not an ecologist. You're telling us about birds and the Puhoi motorway there?

A. Yes.

Q. Can we take that and move on?

A. Well I also, I'm pointing out that I have an interest in birds myself and that I have a fascination, in other words I'm not just an engineer.

Q. Yes, yes Mr Mehaffy, I have a big interest in native birds too, but I'm not an ecologist and I wouldn't give evidence about it.

5 A. Well this was a submission I understand sir.

Q. Well even less is it appropriate as a matter for submission. Let's move on.

MR MEHAFFY CONTINUES READING REPRESENTATION

10 **1430**

"We've been in... a fact of life" -

THE COURT: JUDGE NEWHOOK

Okay, stop there, I don't think that was even in your original submission and we are not here to inquire into whether this area should be, or remain, a park.

15 Move to the next point please and we'll see if that has relevance for us.

MR MEHAFFY CONTINUES READING REPRESENTATION

"Point 26, I... that be removed."

20 **THE COURT: JUDGE NEWHOOK**

Yes all right, stop there, I'm sorry, I'm sorry Mr Mehaffy but really we want material from you that is relevant to the motorway project, we are not a committee of the council, this is not a political statement that you are making today about what needs fixing in the local parks. Move on.

25

MR MEHAFFY CONTINUES READING REPRESENTATION

"Point 27, I ... it was preserved."

THE COURT: JUDGE NEWHOOK

30 All right next point.

MR MEHAFFY:

Well I list pollution which, as you have said, I had not covered before and I will leave it.

THE COURT: JUDGE NEWHOOK

5 Q. That's correct, we'll move to another topic that you have raised in your submission please. I don't think 29 comes into that category.

A. Yes, I think 30 has been covered except that I would like to ask that the area that hasn't been covered by Mr Wilson was covered and that his expertise in how to handle the existing pollution in the stream was
10 sought, and the slow poisons there that, I don't know nearly enough about them and I would like to have that information distributed to people.

Q. Well maybe you should in another place.

A. Okay.

15 Q. But not here.

MR MEHAFFY CONTINUES READING REPRESENTATION

"Point 34, travel... then it works."

20

I talk about the railway at 35.

THE COURT: JUDGE NEWHOOK

Q. I don't think we need to deal with that this afternoon do we?

A. No.

25 Q. I can't recall that being in your original submission and I really struggle to understand how it is helping us. We are not here to sit here, we are not here to make a decision to tell NZTA to go away and build train tracks and build stations and do alternative forms of transport. We are here to decide whether this motorway should be approved.

30 A. Okay, the - I've made the point already sir that using trains to justify the tunnels in the long term and I am asking questions whether that's actually going to work.

Q. Yes, well if you are asking the questions of us Mr Mehaffy I doubt that we can answer them.

5 A. No sir, but I would like the chance for Auckland City to see the import of what of what is projected for Auckland and to have come to this hearing, but they haven't, but maybe if there is another hearing on a little different subject they may be there.

Q. Well that may be Mr Mehaffy, I don't know where or when that will be, but it's not here.

A. Okay. Well I think then I've reached the end sir.

10 Q. Yes, all right, yes. I must say, in paragraph 39, I really don't want to hear about your views on Auckland's political scene, that's not going to help us this afternoon either. So I am sorry Mr Mehaffy some of the matters were raised in your submission and may be of assistance to us but rather a lot of it you have obviously a great interest in a great many
15 matters on the Auckland scene, but I am sorry they go a well beyond our brief, many of them. All right?

A. Yes sir.

Q. Okay, thank you very much.

WITNESS EXCUSED

20

THE COURT: JUDGE NEWHOOK

Now, Ms Jordan. Good afternoon Ms Jordan.

MS JORDAN:

Thanks for accommodating me, I might push up the schedule, that's great
 5 thank you. Now hopefully all of the things I'm talking to you today have been
 covered in my submissions. There are a lot that I could talk but I didn't in the
 original submission so I won't even try to day.

THE COURT: JUDGE NEWHOOK

There is, those rules may seem pedantic but they are there for a purpose, that
 10 we need to know where people are coming from, what topics they are going to
 address and then we can listen to them, as long as the bear upon the
 motorway project and having reread your submission, I imagine that is going
 to be the case.

MS JORDAN:

15 Well I will just read from it because I won't be speaking adlib.

MS JORDAN READS REPRESENTATION

"... will go ahead."

20 THE COURT: JUDGE NEWHOOK

Q. Well you might have heard me say to some others Ms Jordan that at
 this point we have not decided whether it will be or not. That's one of
 the things that is on our plate

A. Okay I will take that, but I will assume that it is going ahead for this –

25 Q. Well from the point of view of what you are about to say –

A. For my submissions, yes.

Q. Yes.

MS JORDAN CONTINUES READING REPRESENTATION

“We face up... be done right.”

1440

THE COURT: JUDGE NEWHOOK

- 5 Q. Thank you Ms Jordan, we might have some comments and questions. I've got one. At the bottom of page 3 you've commented about the school and the kindergarten and the importance of the needs for the children rarely being taken into account. You may or may not be aware but the school and the kindergarten and their representatives and expert
- 10 advisers have been going to considerable lengths to get involved in the process that we've got happening before us –
- A. I realise that.
- Q. And engaging with the NZTA and other parties, working on extracting the best possible solution should the project receive consent. We've yet
- 15 to hear from them. We were expecting to hear from them in a few days time as to where they've got to with their discussions, but our understanding at this stage is that NZTA is offering to undertake a lot of work and to spend millions of dollars in addressing many of the things that concern you. One of them, as yet, is not whether the stack might
- 20 be put across on the eastern side of Great North Road, NZTA has not signalled to us that it's happy to do that, but it's an option that it has investigated and has in a responsible fashion put that in front of us as something that it says it's considered and that we may wish to consider. So there is a lot of work happening in this room.
- 25 A. Mhm.
- Q. We've been busy. We're not finished yet, quite a way to go, but the school is a particular focus. It always was going to be in this case.
- A. And it needs to be.
- Q. Yes, absolutely. Now just Traherne Island and Pollen Islands you think
- 30 that it might be nice to have them opened up to the public. I'm not sure that you'd get ready agreement from some of the ecology groups who are interested in those special places. I think there's a –

A. There is – I don't know if this is included, if those islands are included in this, but you know land owners around the inlet have to give a certain amount of land for the council purposes and –

Q. Yes we know.

5 A. – my understanding was that it, there is a plan to do a boardwalk.

Q. There was a certain plan for walkways and cycleways on the south side of State Highway 16, as there is (inaudible 14:48:46) –

A. Yeah alongside the –

Q. – some improvements.

10 A. Alongside the motorway itself, but I mean that issue I think is – it really would be part way in compensating for everything that we face really. I mean it's a huge project and –

Q. Well let me just say that we're cognisant of ways in which the community can have its concerns mitigated, even compensated even something a little better, but within the limits of the law. So very conscious of those things in the general sense and we're looking at them closely, but I'm not sure that's going to be one of them. Traherne and Pollen Islands.

15

20 **MR DORMER:**

There'd be major problems with that.

THE COURT: JUDGE NEWHOOK

They'd be major problems ecologically I think to have people wandering all over them.

25

MR DORMER:

Do they think they're going to protect a (inaudible 14:49:33) status?

THE COURT: JUDGE NEWHOOK

Yes, yes one – there's the Marine Reserve's Act. Quite a few complications.

30

MS JORDAN:

But Forest & Bird have supported it and they're you know a major –

THE COURT: JUDGE NEWHOOK

Yes we've heard opposing views.

MS JORDAN:

5 Right, okay. Well it will be interesting to see those.

QUESTIONS FROM THE BOARD: MR DORMER - NIL

1450

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

10 Q. Ms Jordan, just quickly, at the bottom of your page 2 you say that you understand that DOC and possibly the council were in favour of a board walk that goes around the entire Waterview inlet. Over there we've got a map. Am I correct in understanding what you are describing there would be board walk that would run down the eastern side of the Rosebank Peninsula and hook up around, run up the western side of
15 Waterview –

A. That would be –

Q. Is that roughly what you're describing?

A. That would be what I'd favour, yes, I – that's what my understanding is that they – was – you know, somewhere in history that they have
20 proposed. I don't have physical evidence of that, but anecdotal.

Q. Yes, that's what I understood you to be saying and I just wanted to clarify that, so thank you Your Honour.

QUESTIONS FROM THE BOARD: MS JACKSON

25 Q. Ms Jordan on page 2 you say mitigation by the – it's not the EPA that we're really in mitigation, it's the NZTA, but anyway that aside – you say, "Consider options for mitigations that our community is in favour of." We've had numerous community groups come in and submit to this hearing process. Are you a member of any of those?

30 A. I am a member of the North-western Community Association. I think I am a member of Friends of Oakley Creek. But I make – this is a personal submission.

Q. I realise that, I was just trying to work out whether they are true representatives of the communities that are behind them and whether they are presenting a community's view?

A. Right, okay, I'm presenting my own view and I'm part of the community.

5 Q. So have you heard the submissions or are you aware of the submissions they've made?

A. No – not – no, I haven't heard their submissions.

Q. So you don't know whether they are your view as well?

A. I think some of those views are those groups' views.

10 **QUESTIONS FROM THE BOARD: MS HARDIE – NIL**

THE COURT: JUDGE NEWHOOK

Thank you Ms Jordan for your time and considerable trouble. Thanks very much.

WITNESS EXCUSED

15

DOROTHY MADDOCK

THE COURT: JUDGE NEWHOOK

Q. Just wait for a moment and I'll find your materials here in the –

A. I'm submitter number 139 and I have very little to say much.

5 Q. I'm looking for another way, it won't take me a moment. Yes, yes got that, thank you. Right, now would you like to read your presentation to us.

A. Thank you, yes.

MS MADDOCK READS REPRESENTATION

10 **THE COURT: JUDGE NEWHOOK**

Q. Yes, thank you for that. Yes, we've had a look at the area where you have been involved with the planting and it's started to mature quite nicely I think isn't it?

A. Yes, it is and there's a little path right around part of it where –

15 Q. Yes, we went right around that.

A. - dogs and people can ride their bikes, sometimes with the dogs on the lead. It aids the speed of the exercise.

THE COURT: JUDGE NEWHOOK

Now, any other questions. Member Hardie?

20 **QUESTIONS FROM THE BOARD: MS HARDIE – NIL**

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Thank you sir. It's not really a question Ms Maddock –

THE COURT: JUDGE NEWHOOK

She's going to pat you on the back.

25 **QUESTIONS FROM THE BOARD CONTINUES: MS JACKSON**

Q. I am. Because we saw these flax forests and I too am relieved that there's other trees going to be planted in amongst them so –

A. Yes.

Q. I understand where you're coming from, thank you for that.

THE COURT: JUDGE NEWHOOK

And I agree.

5 MS MADDOCK:

Thank you.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

10 Q. Thank you Your Honour. Ms Maddock you mention the motor camp and you think Odyssey House. I've got a fairly good idea of where the motor camp is by now and I've heard of Odyssey House and I think I know what activity's conduct there, but could you tell me where it's located and what activities are done there?

A. You should be able to see some of the buildings on the picture which is attached to your –

15 Q. Right, yes. Yes, I can see – is this Odyssey House, the big – the collection of big buildings?

A. Yes, yes that's it.

Q. Right, and I've got a Google map here too and I can see where it sits relative to the motor camp now.

20 A. It's quite high above the creek, it's quite -

MR DORMER:

Q. All these big buildings?

A. – quite a steep embankment. Yes that's it.

25 Q. Gosh, it's grown a lot from when - I was involved in getting the thing established there in the first place, a thousand years ago.

A. Well it was a girls' home originally, and when we first moved to where we lived now it was paddocks and horses.

30

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. It was a girls' home?

A. Yes it was a girls' home. The equivalent of the Owairaka Boys' Home.

5 Q. Yes, I've heard of that I didn't know there was a matching pair so to speak.

A. I'm afraid so.

Q. Well I stand to be corrected. It's the first time that the presence of Odyssey House has entered my consciousness so I thank you for that.

10 A. Well I'm a little surprised that they seem to have stayed right out of the whole process.

THE COURT: JUDGE NEWHOOK

Yes, we were surprised that the motor camp, for instance, hadn't been involved, but not a peep.

15 **MS MADDOCK:**

Well, I think I can guess about the reason for that, because Ms Linzey told me, explained to me that they don't have the right to have permanent residence there. I think that came up – somebody else mentioned that too.

THE COURT: JUDGE NEWHOOK

20 We didn't hear that, none of our business.

MS MADDOCK:

I think Mr Dunlop raised that point.

MR DORMER:

25 Thank you sir, my only enquiry was about Odyssey House which I had a former interest in, so thank you very much.

THE COURT: JUDGE NEWHOOK

Thanks very much for your time and coming to talk to us.

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Now Mr McKenzie. Yes, good afternoon Mr McKenzie.

1500

5 MR MCKENZIE:

I've stated here that I'm presenting evidence, but I understand it's a submission rather than evidence, so I apologise if I've overstated the case.

THE COURT: JUDGE NEWHOOK

Don't worry about that.

10

MR MCKENZIE:

As I've sat here I have a Bachelor of Commerce from the University of Canterbury majoring in Operations Research and Business Administration. Both of those fields contained quite a degree of modelling at that time. I've
15 also done some chemistry, physics, maths and economics. As I say I'm not claiming to be a traffic engineering expert, however I am an expert in I think one plus one equals two kind of calculations, I'll go as far as that and observation and comparison. I've also done a public policy paper at the University of Auckland and I completed a paper on motorway flows and the
20 economic implications thereof, so I've had some experience in that. I'll just go through my submission here.

MR MCKENZIE READS REPRESENTATION

25 "...20 at Manukau."

If I could refer Your Honours to the illustration on the two pages further. That's an illustration of the three motorways with traffic heading in either direction and you'll see the grey sections that I've highlighted close to the
30 motorway junctions, they represent the same sections of the relevant motorways as these Waterview Connections are being planned. And I've made a number of observations of the traffic flow there and as you'll see that

I've written those down. I'm not claiming that they're definitive traffic counts, however, you'll see that the maximum count was 2600 vehicles per hour and yet the Waterview Connections are being planned for 6000 per hour. So hence I suggest that over capacity maybe being built into these connections.

5

MR MCKENZIE CONTINUES READING REPRESENTATION

"As I say....of taxpayer funds."

10 Now I've just got two further points to make if I may. It relates to the reasoning given for the amount of traffic that's going to be put into State Highway 16 and on page 4 there I've noted that they've given an explanation of travel times. At the top of that page that's the evidence from NZTA on page 4 of my document. And I'm sorry I don't have the reference to
15 the page but I'll ask you to accept that that's from their evidence. And they're saying there that any increase in the number of vehicles wishing to use the corridor results in delay to the vehicles trying to enter the corridor but doesn't really affect the speed of the traffic in the corridor and they've compared that to pouring water into a pipe via a funnel and that if you pour more water than
20 the pipe can handle then it will just fill us the funnel. They're implying in this that no matter how much traffic they add to State Highway 20 it will not affect the speed of the traffic, sorry to State Highway 16 going west, that it won't affect the speed of that traffic going west. However, I suggest that that's misleading and I've explained there why I say that. I agree that the capacity
25 of the land cannot be increased but as I've noted down here, "As the traffic on a motorway slows, the number of vehicles on the motorway actually increases because the cars are slowing down, which means they can become closer together and imagine if all the cars are stopped then obviously there's a lot of cars on the motorway, if they're going slowly there's less but there's still a lot,
30 whereas if they're going at 100 kilometres an hour, there's only 40 cars per lane per kilometre." Thus you can put in say 2100 cars per hour into a motorway lane, even though 2000 cars only can come out the other end and that the motorway can handle that. However, if you, and this is illustrated by, if you're driving on a motorway which is very full, three lanes very full and

you've got a lane of traffic coming in, then that traffic still joins the motorway but the traffic will slow and you'll probably recall that as you drive along the motorway. And also over the peak hour when traffic's flowing freely it flows well, but as more traffic is going into the motorway system than can come out of it the traffic slows. So over the period of the peak the traffic will slow down, then once the peak is over the traffic will speed up again. And the result of all that is that you can add more traffic to the motorway than it can actually handle, but you can't add too much and you can't add it too quickly. And so I suggest that they need to be careful that they're not adding too much traffic at one point because that will result in gridlock, which I suggest is undesirable. Now finally on page 5 I've just pulled out a couple of points from the evidence of NZTA and they're saying that the five westbound lanes on State Highway 16 are primarily required to provide appropriate merging conditions for traffic rather than for strict capacity reasons. So this is where they've got three lanes heading west and they're going to add two lanes from State Highway 20, a total of five lanes. And they're saying that they don't need the five lanes across the causeway to accommodate the traffic, mainly, it's mainly in order to sort that traffic out. However, if you add up each of those five lanes plus the offramp from Great North Road you've got 11,000 cars an hour going across a motorway which is 10,000 cars per hour so you've got an overcapacity, and I suggest that that means that you do need those full five lanes to accommodate that traffic. Then at Rosebank they're planning to reduce from five lanes to four lanes and they're saying that this will not cause traffic congestion. And their reasoning there, which I've underlined, is that because there's only four lanes coming in the opposite direction they'll only need four lanes going through Rosebank heading west. This implies that 2500 per hour are leaving the motorway at that point. However, if you're familiar with Rosebank Road it's a business area and the afternoon peak very few cars go in there. Cars go in in the morning when they go to work and in the afternoon they head north, but in the afternoon peak very few cars go into Rosebank Road, and I counted it at 250 cars an hour. That may be more in the future, but not enormously more. And then finally, the logic of NZTA is that if you've got four lanes going in one direction you only need four lanes coming in the other. I suggest that's unsupportable. If you look at the Newmarket Viaduct

it's going to have three lanes heading north into town, but four lanes coming out of town. And I suggest that at Rosebank it needs five lanes heading out of town, even though it's only got four lanes coming into town. However, they're going to restrict it to four and they're going to restrict it to four because that's the width of the pillars that are holding up the overpass at that point. So at
5 Rosebank road there is a restriction of four lanes and I suggest they need to be careful not to pump an oversupply of traffic into there because it will gridlock, just as it gridlocked at Manukau. And I went down there last night to some counts, very slow traffic, low flow coming in from State Highway 20, but
10 the hole was blocked up all the – quite a way back past Manukau and State Highway 1. So overall I suggest that two-lane tunnels and roads to connect these two motorways would be more than sufficient and that to build two-lane roads and tunnels would require less expenditure of funds, would require less mitigation which I think is in the public interest. Thank you.

15 **THE COURT: JUDGE NEWHOOK**

Thank you Mr McKenzie.

MS HARDIE:

No questions but I can definitely appreciate the – your concerns with regards
20 to (inaudible 15:14:03) actually happens having driven from Auckland down to Manukau and the time it takes and the degree of pace that you go at. But thank you for that.

QUESTIONS FROM THE BOARD: MS JACKSON - NIL

THE COURT: JUDGE NEWHOOK

25 I have the expense of driving from the Auckland Airport along State Highway 20 Mr McKenzie to get onto State Highway 1 to go south a couple of weeks ago on a Friday night at 5 o'clock. You know what I'm saying.

MR MCKENZIE:

30 I do.

QUESTIONS FROM THE BOARD: MR DORMER - NIL**QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP**

Q. One of my colleagues Mr McKenzie thought it was food for thought. I'm not sure I have all those thoughts well formulated at the moment, but is it the case that the interchange of 20 and 21 southbound was planned to operate with widening on State Highway 1, southbound, it wasn't in place at the time of opening?

1515

A. I'm not sure of that, I know it is three lanes there, which is very narrow, I understand there were plans to broaden it beyond that. There is a bridge there which is only three lanes gap and you would have thought that's the first thing they would do, but I'm not aware that they plan to do that. But I am aware that they funnel a total of five lanes to go through three lanes, and they expected it to work.

15 Q. I'm not sure of the situation either Mr McKenzie to be frank but you get these ideas in the back of your head and I think I've heard that somewhere –

A. I've heard the same thing, I've heard the same thing but more about towards Takanini, that section from Manurewa to Takanini, apparently they fast track that but there is still that three lane bottleneck which I haven't heard about.

20 Q. I thought it was the section from Manukau to Manurewa but there you to, thanks Mr McKenzie.

THE COURT: JUDGE NEWHOOK

25 Thank you for your time and trouble Mr McKenzie.

MR MCKENZE:

Thank you.

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Now Ms Haines for the Tree Council, Ms Haines thank you for your patience waiting to have your time to speak to us in a queue.

MS HAINES:

5 Thank you, thanks for the opportunity. I would just like to say that I took this over from somebody else who put in our original submission, who became quite sick, and so we weren't able to actually participate in the community groups or would it be done in time to do the questioning of witnesses, either side, so that might, you know, matter a little bit, but apologies for that. So this
10 submission is from the Tree Council which exists to protect, conserve and improve the tree cover in Auckland region, especially in the urban areas.

MS HAINES READS REPRESENTATION

15 "... not all of it"

THE COURT: JUDGE NEWHOOK

There is plenty.

MS HAINES CONTINUES READING REPRESENTATION

20

"It appears there... by an arborist."

1520

THE COURT: JUDGE NEWHOOK

I wonder if I just get you to pause there, I think we'll just take the afternoon
25 break and come back to you on the return.

COURT ADJOURNS: 3.32 PM

COURT RESUMES: 3.52 PM

THE COURT: JUDGE NEWHOOK

Ms Haines please continue, sorry you had that interruption but we take this break in the middle of every afternoon.

5

MS HAINES CONTINUES READING REPRESENTATION

“... the amenity situation.”

THE COURT: JUDGE NEWHOOK

10 Q. Which tree's that?

A. The Rewarewa.

Q. It's an early mover isn't it?

A. Yes it is within a forest where it can actually shoot up really fast, it's not so good in the amenity situation though.

15

MS HAINES CONTINUES READING REPRESENTATION

“And there are... to the RMA.”

1600

20 **MS HAINES:**

Thanks for the opportunity to participate.

THE COURT: JUDGE NEWHOOK

Thank you very much for your helpful and constructive contribution Ms Haines, and some of the concerns that you have been discussing for us have arisen at other times during the hearing, in particular looseness of draft conditions of consent, should the overall consent be forthcoming and we appreciate your contribution on those draft conditions that you have been talking about. It has occurred during an earlier part of the hearing, a subsequent discussion about some other projects that NZTA has tackled

25

where they have been able to achieve some good things around trees. One example that I raised at one point was the new motorway to Puhoi where they have managed to retain trees right up to the edge of the motorway contrary to past previous practices and even going to the length of doing such things as taking stormwater, stripping heavy metals and other, the ugly things out of it, and then irrigating wetlands that are sheltered from rain by viaducts, things like that. So we know they are capable of good things, we would like to encourage them, if we grant consent, to have the kind of input that you have offered us is interesting and I am almost certain that you will find one of my colleagues at least is going to give you a little pat on the back about exotic trees, so we will start with her.

MS HAINES:

Just in response to that I do realise that the Puhoi is an exemplar for managing that and particularly from an ecological point of view and we would like to see this as from an amenity point of view as well as ecological point of view.

THE COURT: JUDGE NEWHOOK

Yes, we very much understand the Tree Council's point about that, yes.

QUESTIONS FROM THE BOARD: MS JACKSON

Q. I have a particular love for oak trees, I have some of the oldest ones in Ramarama, they are well over 100 years on my property, so I know where you are coming from when you say "like for like". I don't support – this is a personal opinion, relocating large trees. What's your opinion on that.

A. I have no expertise in relocating large trees and I'm not, I'm really not sure about being able to answer that from the Tree Council's point of view.

Q. So when we look at planting exotic trees and replacing trees that are 15 metres and above, what is the biggest size of tree that you can put in that you have got some, some reasonable chance, I mean there is no point in spending buckets of money on a tree that has got little chance

of survival, so what's the biggest sort of tree or the height that you would think would be possible to replace a big tree?

5 A. I guess I've got no specific – and I'm not being a, I've got no specific kind of expertise on that either. I guess though that there is some argument that the size of tree that you plant doesn't necessarily it doesn't, after seven years mightn't necessarily make a huge difference to the size of tree at seven years, if you know what I mean.

Q. Yes I do.

10 A. Because of the ability for the trees to re-establish their rooting system and get a good growth on again if they are being trans-located or being planted at large sizes, so I guess that - it's the immediate impact, I mean it's only my understanding but it might be more an immediate impact that is the affect of that and I guess in translocation it's the affect of retaining a particular tree that has some local value.

15 **THE COURT: JUDGE NEWHOOK**

If I could add a thought, it is this, that it will probably depend on tree size, species –

MS JACKSON:

20 Yes.

THE COURT: JUDGE NEWHOOK

And soil conditions.

MS HAINES:

Yes absolutely.

25 **THE COURT: JUDGE NEWHOOK**

And moisture conditions.

MS HAINES:

Yes.

THE COURT: JUDGE NEWHOOK

And the best that we can do if we grant consent, I suspect, is to ensure that the conditions are designed to make sure that the appropriate experts are brought into it with the correct certification if necessary.

5 **MS HAINES:**

The right tree for the right place.

QUESTIONS FROM THE BOARD CONTINUES: MS JACKSON

Q. Yes so we are looking more at species, a variety of species, like you have suggested, and the maintenance to make sure that they grow?

10 A. Yes.

MR DORMER:

It's a where practicable condition.

THE COURT: JUDGE NEWHOOK

15 Yes.

MS JACKSON:

I award that.

QUESTIONS FROM THE BOARD: MS HARDIE

20 Q. Just in terms of, you have sort of noted that, you know, introduced another stem as, as in a good, an approach to go down that road, and then you have made a comment that you have said that it's encouraging to see that condition there, I just wondered whether or not the Tree Council had an idea of how they, or whether or not they were, you know,
25 there was any amendments to that – you know, the condition, the proposed condition that that it would be – that it would actually go further towards where your Tree Council would like to be?

A. Well I am not an expert in this but having talked to somebody about it, my understanding is that it depends on the benchmark. Basically stem
30 is a quantitative measure in the end, it comes up with the figure, and

where the benchmark of that's set, makes a difference as to how it might be classified, and I understand currently within the various sectors of – the various sectors, you know, being able to differentiate the previous councils, they all used variations of that. they don't have the same benchmark is my understanding and they don't even currently, my understanding is currently, even within one council, that they haven't decided to use a single benchmark, so I guess there's a kind of – a bit of uncertainty there about what benchmark might be set for, for evaluation – for the evaluation of where – you know, how they were classified, how trees will be classified within the cut off points in the various different quantitative measures of the stem evaluation.

Q. Okay, and so does the Tree Council, do they see that their participation in the community liaison groups will actually assist in making – you know, put the their thoughts forward at that stage?

A. We would like to be part of that process, yes.

Q. Right, okay, thank you.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Ms Haines, in table 1 you've counted with quite a degree of accuracy –

A. I don't know, if anyone else has counted they might find it – I've made a few mistakes, but ...

Q. Well, whatever, but the numbers are pretty specific. That – have you had the opportunity to make any sort of quantitative assessment of the total number of trees that are proposed to be planted?

A. No.

Q. So I think somewhere in the evidence there's actually reference to a ratio and it's not – it's not ungenerous if there's such a word. I guess we're always looking for balance in these things. Secondly, you seem to have embraced *eucalyptus* as a species, if it's appropriate, are you aware of the limb drop problems that can be associated with *eucalyptus* in public places?

A. At lunch time I walked past a limb drop in Wellesley Street and I guess I brought *eucalyptus* up partly because they are already being removed, or proposed removal, for example, on Alan Wood Reserve. They also

are significant trees, there are numerous species and it's the selection of species that is really key, not the *eucalyptus* as such, that it comes down to which species you're actually selecting as to how appropriate they might be for areas.

5 Q. So is it inappropriate to make a generalisation about *eucalypts* – there are some species that aren't prone to limb drop, is that what you're saying?

A. As far as I know there are, yes.

10 Q. So I understand the point you're making in terms of marker trees and their ability to play that role, I can relate to that.

A. I guess it depends where they are as well, you know, as to the likelihood of limb drop being a problem.

15 Q. And finally, this might seem an odd sort of a question, but have you had the opportunity to sit down and actually talk to the consultants or the NZTA project team about the things that you've raised?

A. No we haven't.

20 Q. And indeed the council, because often we're talking about land that would ultimately vest in the council. I don't think I want to take that forward any further in this forum, but sort of exchanging pieces of evidence can be quite a tenuous way of getting to a good place –

A. Yes.

Q. – and if there was will on both sides –

A. Sure.

Q. – then you'll probably make a lot of progress.

25 A. Well it's partly me coming in late.

Q. Mmm?

A. It's partly me coming in late to the process I think, having taken over from somebody else, that we missed out that part of the process.

30 Q. Well if the door were to be opened on the other side of the table so to speak, we might be able to make some progress here.

THE COURT: JUDGE NEWHOOK

To, for instance, community liaison committees.

THE COURT: COMMISSIONER DUNLOP

Yes, yes, finalising the detail.

THE COURT: JUDGE NEWHOOK

During the project, if consent's forthcoming.

5 QUESTIONS FROM THE BOARD: MR DORMER – NIL

THE COURT: JUDGE NEWHOOK

I've no further questions or comments for you Ms Haines, but we're grateful for your constructive process and for picking up the reins part way through and getting to grips with what is a very large project.

10 MS HAINES:

Especially for trees, yes. Thank you very much for the opportunity.

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Now, we've had some requests for – from people who would like us to make a point of getting them heard today because there is difficulty returning at other times. Ms Morgan can you identify those people for me please?

5 MS MORGAN:

Lynne Waterfield sir, Aaron and Fiona Bridges. I believe Paul Cullen – is he still here – and Maryanne Riley.

THE COURT: JUDGE NEWHOOK

10 All right, now, from amongst those people is there anybody who would like to be first because they need to get away really urgently? Or can we take them in the order that I've got them on the list which happens to be Maryanne Riley, Paul Cullen, the Bridges and Lynne Waterfield?

MS MORGAN:

I don't think Maryanne Riley's here yet.

15 **1615**

THE COURT: JUDGE NEWHOOK

Oh okay, well we won't start with her then.

MS WATERFIELD:

20 Am I next on the list?

THE COURT: JUDGE NEWHOOK

No you're not Paul Cullen I don't think, but you're Lynne Waterfield are you, and you'd like to make a point of getting away quite soon?

25 **MS WATERFIELD:**

No it's not a big issue for me.

THE COURT: JUDGE NEWHOOK

No Mr Easte, you have your hand in the air.

MR EASTE:

Yes I have to leave here from 9.30 to 12 tomorrow morning so if I can't be heard this afternoon tomorrow afternoon's quite satisfactory for me, but I can't
5 be here in the morning.

THE COURT: JUDGE NEWHOOK

How long is your presentation going to be?

MR EASTE:

10 Fifteen, 20 minutes I don't know.

THE COURT: JUDGE NEWHOOK

Well look we'll see what we can do. All right, Paul Cullen that's – have you next please. Yes all right Mr Cullen. Now you're appearing for yourself and Dr Ry Tweedie-Cullen is that right?

15

MR CULLEN:

That's right, yes.

THE COURT: JUDGE NEWHOOK

Yes and so we've been handed two statements that you're now going to read
20 out in whichever order you'd like to tackle them.

MR CULLEN:

Okay thanks, well I'll start with mine.

25 MR CULLEN READS REPRESENTATION

...end of Waterview.”

Actually one thing I should say too is that I'm a Waterview resident. I live in
30 Waterbank Crescent which is at the northern end and adjacent to the, what will be the construction area and where the ramps –

THE COURT: JUDGE NEWHOOK

You're somewhere near Mr McCurdy?

MR CULLEN:

5 Possibly, I don't know him.

THE COURT: JUDGE NEWHOOK

Right, yes we've been in the vicinity and had quite a good look.

MR CULLEN CONTINUES READING REPRESENTATION

10

"This development is... in the city."

1620

The points that I raised in my submission were ones that were quite specific to the very local area that I'm in and the next section is an expansion on those.

15

MR CULLEN CONTINUES READING REPRESENTATION

"So number one... effects during construction."

20 Obviously as somebody living there I am concerned about the likely impact of the five or six years of construction process and the effect that that's going to have on, not only on me, but all the people living in that area.

MR CULLEN CONTINUES READING REPRESENTATION

25

"I recommend that... and the school."

1630

THE COURT: JUDGE NEWHOOK

Right now, you'll read us the second statement.

30

MR CULLEN:

Yes.

THE COURT: JUDGE NEWHOOK

On behalf of Dr Ry Tweedie-Stewart. Dr Ry Tweedie-Cullen, I apologise.

MR CULLEN:

5 Now his proposal, sorry his submission opposes in full the project.

**MR CULLEN READS REPRESENTATION FOR DR RY TWEEDIE-CULLEN
1635****THE COURT: JUDGE NEWHOOK**

10 Thank you for those two statements Dr Cullen. I'm going to see whether there are questions for you from the Board.

QUESTIONS FROM THE BOARD: MR DORMER

Q. Thank you very much. The comments you were doing to the end of Dr Tweedie-Cullen's submission were interesting. Can you think of other
15 examples of mitigation measures which might conflict with the rail alignment, other than the sound wall one that you named there?

A. Well, it could involve, if there were tree plantings that were going to be in that designation, then obviously once again by the time that rail route is constructed which is going to be some time in the future, then that's
20 another things which could potentially make it publicly unpopular because the trees would have time to become established, and then would possibly have to be removed.

Q. And are you aware that the current proposals do involve – as I understand it – do involve as I understand it, shifting the designation, the rail designation?
25

A. Yes.

Q. So you are arguing that the rail designation should stay where it is?

A. No, I don't think that that's practical, but I think that primarily the issue is here is that it's not producing the situation which is going to make it
30 more difficult and with a difficult project to proceed at that point, when the time arrives and the funds are available for that project.

Q. Thank you very much.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Dr Cullen, I was wondering if you could tell us what your doctorate is in?

A. It's in visual arts.

Q. Visual arts?

5 A. Yes.

Q. I see the AUT in your email address, is that a clue to something?

A. Sorry?

1640

Q. Is that a clue to something the AUT in your –

10 A. Well I'm a lecturer at AUT University, yes.

Q. In your own submission in the first of the items at the bottom of page 1 you address the development and the redevelopment of the Waterview Park. I was wondering if you've seen appendix D to Mr Beer's evidence, the recreation or open space planner who gave

15 evidence for the council. Have you had a chance to see that at all?

A. No I haven't sorry. I have received that information but I have to say I've been swamped by that information, it's difficult to get through it all.

Q. I understand.

THE COURT: JUDGE NEWHOOK

20 Could NZTA help the projectionist find that exhibit.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. Just by way of background Dr Cullen, the council open space witness proposed an alternative approach to the redevelopment of

25 Waterview Park, which as I understand it didn't have an active recreation sports field on it, and I think it may have had some elements that's you've referred to. Yes here it comes now.

THE COURT: JUDGE NEWHOOK

30 That's probably a bit distant, if you'd like to walk closer to one or other of the screens Dr Cullen and just have a look at that.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. In fairness, have a period of time just to absorb it. Would you have any comments on the merits of that sort of approach Dr Cullen?

5 A. Yes, well the one difference there would seem to be that in the version that I've seen then there's a playing field, presumably for rugby or whatever games are played, gridiron I've seen them playing there as well. And so this one it doesn't seem to have that it's dispensed with that, so presumably that's moved elsewhere, so this would make it into
10 a different kind of area and yes that does have some of those things in it that I suggested such as that relocation of the children's play area closer to where the bulk of the children are coming from but also away from the estuary and –

Q. That would seem to be consistent with your evidence as I understand it?

15 A. Yes.

Q. In a general sense. Then turning to Dr Tweedie-Cullen's statement, there are two sort of bullet points at the bottom of the first page. The first of those concerns extending the bus shoulder lanes through the motorway interchanges to ensure that buses do not need to merge with
20 general traffic at every on an off ramp. In order that the Board could get its head around what was proposed with these bus lanes, the Agency helpfully generated a set of drawings that show the bus shoulder lanes and as you've picked up on, it's evident that they discontinue as they go through the interchanges?

25 A. Yes.

Q. Coming to the point of the question, do you know whether it's actually technically possible to have continuous bus lanes through interchanges. Do you have some personal experience of where that has been done?

A. No I don't have some personal experience of where that's been done,
30 so no I can't comment on that.

Q. On page 2 of the same statement in the second section, it's noted how the traffic will catch up on the capacity by about 2026 and the same thought has occurred to me. But then the next thought is what would it be like if the extra capacity weren't to be provided? What sort of

conditions would we have in 2026 in that eventuality? Now have you thought your way through that and got a position on that situation?

5 A. Yes well I guess the position in relation to that is that investment should be going into public transport so that that's then able to reduce the requirement for the use of the roads, so that the solution isn't just to widen the roads, because as we all know that just is a short term solution and actually it acts as an inducement for people to get onto the roads. And so really the fundamental point of the submission is that it has to be an approach which encompasses these other forms of transport. One of the problems I think in Auckland is that we haven't provided alternatives for people to get around the city and so getting into the car and driving has become the default way of doing it because there isn't bus lanes, little buses that shoot into the city or a rapid transit network that makes it easy to do that.

10 Q. I think we've heard that point of view from others. I understand that's a, shall we say, strategic approach. On the last page sort of going from the strategic to the specific you give an example that mitigations for the current project, such as sound walls, should not conflict with the rail alignment. Are you aware of any situations, specific situations where that is actually proposed?

15 A. No I'm not, I'm not and I – sorry but I can't answer that actually. I received this last night from (inaudible 16:47:22) so I haven't had opportunity to investigate it in detail so I don't know if there are specifically situations within the proposed plan as it's set out now where that could be an issue.

20 Q. Again, I understand the point –

A. Yes.

Q. – and I expect it's a filter that the design would have to be put through?

A. Yes, yes.

25 Q. Thank you Dr Cullen.

QUESTIONS FROM THE BOARD: MS HARDIE - NIL

QUESTIONS FROM THE BOARD: MS JACKSON

5 Q. Dr Cullen, with your experience in visual art I then saw that you considered that these concrete and acoustic barriers down the southern motorway are a positive development. I'm assuming that that's for noise?

A. Yes, yes.

10 Q. So would you like to see some sort of confirmation of where the noise barriers are intended to be placed as part of this project and whether they would be transparent acoustic ones where people aren't so worried about privacy but are more worried about the view, and concrete ones where people are more worried about noise and privacy? I mean I think people should know what's going where. Do you agree with that?

15 A. Yes I agree. I think in, well in the area that I'm referring to specifically then the view isn't so much an issue. I know in St Marys Bay obviously then the people walk along that area and so it allows them to see across there, but it also deflects some of that noise. So from my perspective I think one of the principal issues around there is to find ways of deflecting the potential noise that'll be coming from the motorway. And I think that – I have seen some of the material from NZTA in terms of
20 mitigation for that area, but just my point about the removal of all of the houses and that there currently are no barriers along the north western motorway so there is a lot of sound that comes from there, and so for example I was suggesting that there could be soil mounding they'd have it around the northern end of Waterbank Crescent where houses are
25 being removed, then that means it will immediately open up that area to sound coming from that direction, that possibly there could be some enhancement of the landscape around there as a part of that process so that it then became an extension, in effect, of the park so that it had a positive visual impact, but would also act to reduce the transmission of
30 sound and didn't just involve putting concrete barriers up. Obviously they have to be concrete barriers along the edges of the motorway and the ramps that are around that area to ...

1650

Q. Those bunds too, give you a two to three year start on vegetation planting too –

A. Yes.

Q. – so yes, there's certainly plenty of spaces for those to be appropriate.

5 Thank you

THE COURT: JUDGE NEWHOOK

Thank you very much for your statements this afternoon Dr Cullen, a lot of thought has gone into them, appreciate it, thanks very much.

WITNESS EXCUSED

10

THE COURT: JUDGE NEWHOOK

Now, I think we should press on for a little while and just see if we can get one or two of these other parties heard who have been waiting very patiently. Is Maryanne Riley here? Yes, you've arrived?

5 **MS RILEY:**

Yes I have.

THE COURT: JUDGE NEWHOOK

What I'm going to do is, I'm just going to check with the remaining people and see roughly for how long they wish to speak, so we can see. We'll just work
10 out how long we'll sit this evening in order to try and get through the list. How long do you think you might be wanting to address us?

MS RILEY:

About 15 minutes.

THE COURT: JUDGE NEWHOOK

15 Fifteen, yes. Aaron and Fiona Bridges?

MR BRIDGES:

Ten minutes.

THE COURT: JUDGE NEWHOOK

About 10 minutes, and Lynne Waterfield?

20 **MS WATERFIELD:**

Probably about 10.

THE COURT: JUDGE NEWHOOK

Yes, that will take us to about half past five, is that to half past five? Can our support team assist us until half past five? All right, let's press on and
25 endeavour to achieve this. So Maryanne Riley first.

MS RILEY:

Kia ora, my name's Maryanne Riley. I'm a Waterview resident and I live in Seaside Ave. I'm also a registered architect and have worked for 16 years in the profession, including large scale buildings and master planning work. I've

5 been very involved in the consultation, State Highway 20, Waterview connection for the last five years. Contrary to something else I've read, I do oppose all aspects of the motorway, primarily because I think funding should be put into public transport ahead of building motorways. However, if it's going to be built I have the following key points. I'll just outline those and then

10 I'll go into more detail, so the stack location at Waterview, the control building design at Waterview, Waterview's isolation and pedestrian and cycle connections that could aid, that could prevent that isolation and construction impacts including traffic and the length of time of construction and communication with the community, between the community and NZTA.

15 Firstly, the stack location. The stack needs to be relocated onto the east side of Great North Road to minimise the visual impact on the Waterview School and Kindergarten. To remove it from the Great North Road sight lines, the stack is currently located in its proposed location at the apex where Great North Road bends, so both for the north and south you'll get a view

20 straight to the stack, and take it away from, take that large scale stack away from the small scale residential that surrounds it. I also note there that the control building has been broken up in more recent drawings I've seen to represent that smaller scale residential and the stack as inappropriate with the scale of that building as well. It also must be relocated to reduce the

25 psychological and social effects on Waterview School parents and their choice to send their children not to Waterview Primary but to other schools and the social impact on Waterview as a community will be vast with children being dislocated away from where they actually live, with additional traffic impact from that, from parents driving their children to school, ironically. I understand

30 the stack may be reduced to 15 metres. If it is reduced to 15 metres it makes it even more important that it's moved across the road so that Great North Road can act more as a buffer from the stack to the school and the residences that are on the west side of Great North Road. I will just turn to

Control Building Design. The Waterview control building with the latest design with the broken up masses helps in some aspect to match the local scale and the grain of the residences. However, the concrete material and portholes does not reflect a coastal design, unless we are talking about gun
5 emplacements on Northhead or something of that nature –

THE COURT: JUDGE NEWHOOK

You are not the first to have expressed that view.

MS RILEY:

So I think further design studies on materiality and form are required to
10 address that and that and that an urban design review of that design should be taken – should take place to control that. In addition, the gaps between the massing of the buildings could be seen to be, and the lack of activity that is associated with that building, means there could be CPTED issues on Great North Road and I think this is a very real issue given how many houses
15 are been removed along that Great North Road frontage and that that's our really, at the moment, our only primary means of getting to Pt Chevalier to the north. So connections that increase pedestrian foot traffic, such as a pedestrian and cycle bridge between Alfred and Unitec I think could help increase foot traffic around there and a better footpath design through that
20 area so that actually there is a wider burm and it's not such a rugged and concrete location where people don't really want to inhabit. My last point is that the function of both the control building and the stack need to be expressed without faking it, so adding sculpture to those things I don't think will actually help to mitigate that project and should not be seen as mitigation
25 and, at its worst, will be facadism and not sculpture, it's a control building and it's air quality stack. So it can be well designed, but it is also what it is. I will just turn to Waterview isolation and potential solutions to that. The distance along Great North Road between Waterview houses and the Pt Chevalier shops with the proposed new connection, Waterview connection, is greatly
30 increased, in fact it almost seems to be doubled in terms of the last house that you walk past up to the Pt Chevalier shops, from where the last house currently is. This brings a whole lot of social issues because Waterview will

become much more dislocated from the community to the north and it can't be mitigated but it could be helped with better pedestrian and cycle connections that link Waterview to the community that surrounds it. I think the best solution for that would be a bridge that aligns with Alfred Street that would go

5 across to Unitec at the shortest span of Oakley Creek and would provide connections to the north, to Pt Chevalier shops, south to Mt Albert and to Unitec obviously, and to the Metro Soccer Club, and I note that the playing field that was proposed for the new layout of Waterview Reserve is not going to the Metro Soccer Club and that, I think that a link to that is very important. I

10 know there is a bridge proposed as Phyllis but that I don't see as an appropriate or safe way for us to get our kids to that soccer field, in particular because it means people interfacing with Great North Road, which is a very busy road. If there is a much more direct connection that goes perpendicularly across Oakley Creek and then across to the Metro Soccer

15 Club, I think that would be a much better route. Unitec also has road and path infrastructure up to Carrington Road and throughout its campus, so that could be utilised. It's a level route, the most important thing about this bridge link is that it is maintained at the Great North Road level, so CPTED issues are met, i.e. it is highly visible and can be lit and well used during the day and in the

20 evening, and it also provides CPTED over Oakley Creek which has had several assaults that have happened in it. This bridge would provide economic benefit to Waterview with Waterview becoming a servicing neighbourhood for Unitec with housing and shops and also link the public transport on Great North Road to the west with Unitec. And also Unitec

25 seems to be consolidating to the south of the campus, so that again would be a good link into the south of Unitec. Waterview will require an economic kick-start after the impact of five years of construction on house prices and morale and this would be some mitigation towards that. My last points are around construction impacts and communication. The construction period

30 must be minimised to reduce the impact on the community. Replacement open space away from the construction zone must be in place prior to construction starting. We're losing all of our open space just about, apart from Saxon Reserve, which is very small. And communication between NZTA and the community must be much better than in the consultation. The consultation

period was not ideal in terms of keeping the community involved. A community liaison group must be well utilised to get design details correct and keep up good relations through the construction period. Another point, NZTA could better utilise social media in addition to other means to communicate with locals. People are time hungry and this can be used to that benefit. And my last points are around Great North Road, that the traffic management on Great North Road is very important. There will be a major impact on Waterview but there will also be a major impact on neighbourhoods to the west in terms of the increased traffic from the construction. This is NZTA's responsibility as it is caused by the motorway construction, and that a traffic management plan needs to consider bus lanes and a multi person vehicle lane. Consider incentivising public transport with things like Broadband on buses to bring people onto buses and that the express bus which currently doesn't include Waterview should include Waterview to get people out and away and on the motorway and that will incentivise people to use public transport and to not contribute to the traffic and congestion that will happen on Great North Road. That's the end of my statement.

THE COURT: JUDGE NEWHOOK

Thank you very much indeed. I'll see if we've got questions for you, Member Hardie?

QUESTIONS FROM THE BOARD: MS HARDIE

Q. I've been interested to note that a vast majority of Waterview residents have been requesting the bridge from Alfred Street to Unitec as a mitigation package. The reason being involved with the project where the original facility was a community facility placed on private land and that facility is no longer available because it was placed on private land. So I'm just wondering who do you say the responsibility would lie with in terms of maintenance and the ownership of that asset;

A. Of the bridge?

Q. Of the bridge?

A. The bridge I would see being an Auckland Council owned piece of infrastructure and maintained by them as part of the kind of network that

would be provided of connections. But in terms of the construction of it and those sorts of things I would say that that would be an NZTA responsibility and obviously there'd have to be a memorandum of understanding with Unitec.

5 Q. And just one last question, with regards to the design of the proposed northern ventilation buildings. If we were to place six architects in a room and gave them a design, do you think that they'd come to some sort of agreement in terms of whether or not that design was good or bad?

10 A. It's a very good question. I think they would all argue with each other but I think that nevertheless they would probably refute the link between coastal and concrete and portholes.

Q. So possibly in terms of whether or not the general was in keeping with the location would overrule the sort of did they like it or didn't they like it, it would be a stand back situation, one could stand back and say, "Does this meet the intent or the location, does it fit with its purpose?"

15

A. Yes I think they would be able to do that in a situation, yeah.

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Just on the same vein Ms Riley, I don't really mean to put you on the spot, but what treatment would you put on those walls to improve them, have you got any ideas?

20

A. It's a very good question because it needs to be a robust material that will cope with a lot of pollution, a lot of people through there. I would put square windows in to start off with and I think concrete is okay so long as it has some treatment on it or has some – it may have some aggregate on it, it may have some movement on it, those sorts of things. And yes, I don't have a clear picture of what the design would be but I think that it could be greatly improved and I'm also aware that that design was done very, very quickly and that the way architects normally work is they get a concept out very quickly and then they will critique that and then they will do a preliminary design and then they will critique that and they'll do a developed design. This is a concept design stage, the massing and scale are starting to work but obviously the elevational

25

30

treatment and the materiality and the form needs a bit more design development and that's obvious when you're an architect looking at those drawings.

5 Q. At the moment they're very close to the road aren't they. I mean if you were moving it back a little bit and putting trees down the side, would that help?

A. It could help in terms of buffering the building, but at the same time what it would do was it could create more spaces for people to lurk and then leap out. So it has to be carefully balanced.

10 **THE COURT: COMMISSIONER DUNLOP**

Member Hardie's question has sort of triggered a – with regards public access across private land has got my mind working about the legal challenges that are inherent in that and here I am flanked by two people trained in the law so it almost sort of behoves me to go there. It's a question of you Ms Janissen
15 actually. I should probably know the answer to this, but it's getting late. Is there an agreement between the Agency and Unitec settled yet or still in the offing?

MS JANISSEN:

20 Yes, settled.

THE COURT: COMMISSIONER DUNLOP

It's settled?

MS JANISSEN:

25 Yes.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

30 Q. We've been given a copy? What I'm sitting here thinking is that you know if consent were granted and if there were to be a condition with regards to the Alfred Bridge, the last thing anyone would want to would be a bridge to nowhere, on terms of securing access on the other side.

And the way, this is where I really am getting into difficulty. I think the way you'd normally do that would be with an easement in gross?

- 5 A. Can I say something to that. I think what really needs to be discussed here is that there's actually advantages to Unitec to actually have this bridge coming across to there and that currently they have a lot of students who live in Unitec and in winter travel down and back up the other side, and being a woman who lives in that neighbourhood and if I had female students going across that actually having a bridge that was a very safe bridge would be a great advantage to Unitec. They also
10 struggle with having enough housing for their students and Waterview acting as more of a servicing community would be of an advantage to them. So I think discussion could be had with Unitec for them to see that and we know they do have a desire for something to connect across there. I believe strongly it should only be pedestrian and cycle
15 but there are distinct advantages for Unitec as well.

THE COURT: JUDGE NEWHOOK

We've have their representatives come to talk to us, it's been mentioned.

1710

QUESTIONS FROM THE BOARD: MR DORMER – NIL

20 **THE COURT: JUDGE NEWHOOK**

- I will just make one or two observations around the – on the issue of communications between NZTA and the community if consent is granted to this project. It has been quite vigorously discussed from time to time and we have made some views known, having heard from some witnesses who have
25 offered us thinking a bit like yours on this topic, and some further work has gone into draft conditions of consent about that, so we are not unmindful of –

MS RILEY:

Right, thank you.

THE COURT: JUDGE NEWHOOK

- that point, as indeed we are not unmindful about a number of the points that you have been making, although you haven't, of course, been able to come here and participate until today and I don't think I need add anything above
5 what my colleagues have said on some of these other topics, but we are very grateful to you for your constructive and considerable thought and involvement.

MS RILEY:

You are welcome, thank you.

10 **WITNESS EXCUSED**

THE COURT: JUDGE NEWHOOK

Now Ms Waterfield would you like to come and talk to us. Good afternoon to you and thank you for your patience.

MS WATERFIELD:

- 5 Good afternoon, thank you. I am making a submission as a 20 year resident of Waterview, I also live in Seaside Ave, in fact I am a neighbour of Maryanne's. This submission will focus on Waterview School and the potential effects on the Motu Manawa Reserve.

THE COURT: JUDGE NEWHOOK

- 10 Thank you.

MS WATERFIELD:

I am aware that you have probably had some submissions on Waterview School, well perhaps numerous submissions on Waterview School already -

THE COURT: JUDGE NEWHOOK

- 15 Quite a few.

MS WATERFIELD:

- but I thought I would add my –

THE COURT: JUDGE NEWHOOK

There is a lot of work has been happening around Waterview School.

- 20 **MS WATERFIELD:**

Yes.

THE COURT: JUDGE NEWHOOK

And in particular, given their due, on the part of NZTA.

MS WATERFIELD:

- 25 That is good hear.

MS WATERFIELD READS REPRESENTATION

And you will... at Waterview School.

THE COURT: JUDGE NEWHOOK

- 5 Yes, if consent is given, it won't be the EPA that hands that out, it will be asked, the Board of Inquiry, we are the hearing body the EPA is giving us the administrative support.

MS WATERFIELD:

Okay thank you.

10

MS WATERFIELD CONTINUES READING REPRESENTATION

And I think... the eastern side.

THE COURT: JUDGE NEWHOOK

- 15 Q. You've also got the perspective of the bend in Great North Road there.
A. That's right.
Q. And whether you are coming north or south, but particularly north, you gain that extra view.
A. Yes it is straight in your face.
20 Q. Onto a stack, if placed on the western side, I think Ms Riley touched on this.
A. Yes.

MS WATERFIELD CONTINUES READING REPRESENTATION

25

I also don't... the BP station.

THE COURT: JUDGE NEWHOOK

- Q. Were you here this morning when Ms Docherty, on behalf of Friends of Oakley Creek, made quite a magnanimous concession on behalf of that
30 group -

A. Right.

Q. - that had previously been quite stoutly resisting moving the stack to the eastern side, but they had been, she said this morning, weighing up the many issues being voiced by the community.

5 A. Uh huh.

Q. And with I think a little bit of reluctance, understandably from their point of view, she came in this direction too.

A. Great.

10 MS WATERFIELD CONTINUES READING REPRESENTATION

My feeling is... Motu Manawa Reserve.”

1720

THE COURT: JUDGE NEWHOOK

15 Q. That’s a topic that’s had a fair airing here in our long hearing as well and I think a consensus has been reached which you’ll be sad to hear that we don’t have any jurisdiction –

A. No.

Q. - to direct the expansion of the marine reserve.

20 A. Is that a Department Of Conservation?

Q. Yes and others and it seems to have a little bit of a head of steam coming out of, rising out of this process that we’re in charge of and it may be that others will take it up in other places, seeking gazetting of an expansion of it. We can’t direct that or direct NZTA to take any steps in
25 connection with it because they’re about roads, not about reserves.

A. Yes, it’s the ongoing problem.

Q. Yes. So anyway, look it’s been discussed and pretty thoroughly.

A. Mmm, okay that’s good to know.

Q. We understand the point of view being made.

30

MS WATERFIELD CONTINUES READING REPRESENTATION

“As a resident... it at all.”

THE COURT: JUDGE NEWHOOK

Yes well I guess I can respond to that in a small way, and that is that we're not in charge of the (inaudible 17:22:33). We haven't been given that much authority, but we've had no input from anybody in authority to the effect that
5 this project should be delayed or cancelled and we're certainly proceeding with the hearing on the basis that it's been applied for, consent is sought, and then it's our duty to look, if we grant consent, if we agree to grant consent, to attend to a whole host of things, including any necessary mitigation effects on the environment, what extent those should be done.

10

MS WATERFIELD:

Mmm, and then it has to be approved in terms of spending by the Government.

THE COURT: JUDGE NEWHOOK

15 Yes. Yes the spending is authority by someone else, but if our decision is that certain things should be done one supposes that those in charge of the purse have the situation, face the situation where they decide whether it's affordable or not, but that's out of our hands. At that point it probably becomes it gets done or it doesn't get done, but that may be a bit much crystal ball gazing, I'm
20 not sure. But look, thank you very much for your considered opinion. Let me see if there are some questions for you.

QUESTIONS FROM THE BOARD: MS HARDIE - NIL**QUESTIONS FROM THE BOARD: MS JACKSON – NIL****QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP – NIL**25 **QUESTIONS FROM THE BOARD: MR DORMER – NIL****QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL****WITNESS EXCUSED**

THE COURT: JUDGE NEWHOOK

Now Mr Bridges, try and get you heard this afternoon shall we, such that you would not need to come back if you didn't want to.

5 MR BRIDGES READS REPRESENTATION

I suppose as a bit of background I've been a resident of West Auckland all my life and to be fair intend to be a resident for a good portion of the rest of my life. I have a wife and two children and a long association, and my family
10 does, with the area. In terms of my involvement with Alwyn Ave, which my representation is about, I suppose it was love at first sight when we moved into the area and in fact we weren't even in the market for a place. We took a wander down a street we'd never been down before and then purchased the place that afternoon. As you can see by the illustration on the front it's a
15 mature street. It's been around since the mid-60s. The trees are mature, mature properties, mature homes, and it was the character and the outlook that the family fell in love with. I'm also representing three other submitters, numbers 46, 73 and 124, who are also Alwyn Ave residents.

THE COURT: JUDGE NEWHOOK

20 Just give us their names, quickly if you can.

MR BRIDGES:

Krylich, I can't recall the other two off the top of my head.

THE COURT: JUDGE NEWHOOK

25 That's all right we can look them up, we've got the numbers. Thank you.

MR BRIDGES CONTINUES READING REPRESENTATION

30 So in terms of my initial submission there were three areas of concern. They were to be the visual impact of what we were to be left with, the noise and also we were going to be living in a construction zone for the best part of

five years. So if you turn across to page number 2, as I said it's a beautiful street. You've been down the street –

THE COURT: JUDGE NEWHOOK

We have.

5

MR BRIDGES CONTINUES READING REPRESENTATION

It's mature, large trees, has some unique wildlife as you can see by the free range bird. So the street has character. So in my submission I requested that
10 the earthworks appear natural. So what I don't want is the street to look like it backs on a motorway. I don't think it needs to and as it's currently proposed it looks very much like the street backs onto a motorway. So I asked that the earthworks be naturally formed, perhaps some contouring rather than just a solid three metre earth bund that looks like it was put there by a bulldozer.
15 I've asked that the plants, and it's been mentioned already this afternoon, as an ongoing maintenance programme for them, they're not planted and left. And I also asked that there was a mixture of plants as the proposal is there's a lot of pohutukawa and I have a large one on my section, but I suspect it took a long time to get that size and I don't want to be looking, you know, for the next
20 30 or 40 years at small plants. I want, as you can already see, there are some very mature plants in the street.

THE COURT: JUDGE NEWHOOK

I've got a suspicion that pohutukawas are pretty fast growing in this part of the world. In fact I have more of a suspicion about that and I meant to ask
25 Ms Haines about that when she was with us from the Tree Council earlier.

MR BRIDGES:

I'd be well pleased if they were.

THE COURT: JUDGE NEWHOOK

30 And it escaped me, but –

MR DORMER:

(inaudible 17:29:00) blocking my view (inaudible 17:29:04) year by year.

THE COURT: JUDGE NEWHOOK

In my experience in good soil they take off and even in poor soil they get
5 going and can then take off.

MR BRIDGES:

Well if that would be the case that would be fantastic.

10 MR BRIDGES CONTINUES READING REPRESENTATION

There was, in one of the original drawings, a highway fence that was – so
obviously as you're aware one side of the street there are a number of houses
that have been purchased and, or not relocated, destroyed. And so there was
15 a highway fence that was to be put down in front of the earth bund and I can
see no reason for that. It would be (1) it's a quiet street and I just see no
reason for it. And also, and I suppose it's the key thing in my submission, was
that the bund be reversed and so in terms of all the rebuttal it was all rejected
and what was put up was appropriate. So if you could turn to page 3 at the
20 top of page 3 there's the original presentation of the bund, so what you see
there is the summit of the bund I suppose is towards the left-hand side, which
is on the Alwyn Ave side of the road and the gentle slope with the trees,
slopes down to the motorway towards the right-hand side. My submission
was that the bund be reversed and that the gentle sloping shape of the bund
25 and the trees face the residents of Alwyn Ave, giving us a more attractive
outlook and that the steeper side faced the motorway. It's key, because the
bund is both a visual and a noise buffering element in the design so that's why
I'm focussing on it now. Again, I think it was mentioned and I actually wrote it
down that I think the design has been motorway-centric and I actually quote
30 part of one of the drawings, C1-24, "That the noise attenuation earth bund
designed to visually balance the appearance of the cutting and enhance the
escarpment." I take from that that there's no consideration given to what the
bund would look like from Alwyn Ave, it was purely designed to make the

motorway look beautiful. So I'll move across to page number 4 and we now move onto noise. And so in my submission I requested that they are anticipating the noise in the street will increase and obviously the motorway moves closer to our houses and we've lost the protection of, in some cases
5 seven metre high houses. So I suggested that there must be ways to make the noise increase close to zero or zero and I suggested that intervention be closer to the source and that is recommended by the NZTA, and I believe in this case they've – if you look at the bund, which is the only noise intervention, it's in the no-man's land, it's not close to the source and it's neither close to
10 the receiver, which is the other suggested place for intervention. Also suggested that the speed limit perhaps be reduced on the off ramp to reduce vehicle noise, that any –

THE COURT: JUDGE NEWHOOK

Q. Just pause for a moment Mr Bridges. If we could have sheet 102 put up
15 on the screen please, F17 series. Just so we can see what NZTA had in mind about attenuation measures. Are you familiar with that drawing Mr Bridges?

A. Yes, indeed.

Q. Please carry on.

20

MR BRIDGES CONTINUES READING REPRESENTATION

That if there was any improvements made to the mitigation that of course any visual impact was also considered and that if there were to be double glazing
25 be considered for the residents in their houses and also that the noise wall that is on the State Highway 16 side of the bund, be extended the whole length of the bund. Again, the rebuttal dismissed and said that everything was appropriate and – I mean I understand it meets with the criteria but as far as me and my fellow residents are concerned, the criteria is we're going to have
30 a noisier household, which is something we wish to avoid. There are a number of large, as you can see by the red dot there, I've suggested that the barrier be increased in size, closer to the source, and there is a similar barrier on State Highway 1 on the bus-way. Also if you have a quick look over at

page number 5, there is a large plywood noise wall on State Highway 20 and also I have noticed in recent days glass, or it would appear to be glass walls at State Highway 1 at St Mary's Bay, which I suspect has got something to do with the reduction in noise. One of the comments in the rebuttal was that the reversing of the bund would be a poorer outcome for users of the cycleway, so if we move to page 5, the bottom picture shows State Highway 20 and I would consider that a very poor outcome for cyclists who use that part of the cycleway. And what was proposed in the reversal of the bund was that there would be a steeper bank of trees, which I've simulated on the top picture, which I think wouldn't be too bad for cyclists. The last thing that I discussed or mentioned in my submission was the construction, so obviously we're going to live in a construction zone for five years and I am not naive to know that while there maybe – granted, that there will be things that are unexpected that occur during the construction process that were not foreseen. So I ask that there be ongoing consultation during the process and to make sure that if there was a committee or whatever review, that there would be remedies in place, should we find that things don't go as planned during the construction process.

THE COURT: JUDGE NEWHOOK

One of the things that we've raised with the noise witnesses is, and it might seem like a small matter, but I don't think it will be a small matter for people like you on the ground, that there be notified contact points, phone numbers, actual people that can be contacted in the event of concern, amongst a whole heap of other things that we have been working through with the noise witnesses. We had three of them line up there on oath the other afternoon and your area was one of several where the houses are relatively close to the works and we spent a lot of time questioning them, other people in the room were questioning them. We pretty much put them through the hoops, what comes out the other end is yet to be seen, we've still got a lot of work to do but we're very mindful of these sorts of issues.

30

MR BRIDGES CONTINUES READING REPRESENTATION

So to conclude, it's my opinion that Alwyn Ave has not been given I suppose the respect that it deserves, in terms of design and the visual proposals and preference has been given to the state highway and it's definitely designed
 5 motorway-centric. The noise, I think the bare minimum has been done to keep it within set criteria and again I would say, "Well that's just not good enough, you know it's just not good enough." And no effort to have mitigation close to the source. And it is the NZTA's own I suppose criteria or rules or
 10 desires to have that be the case. And in terms of construction, as I mentioned, we just want to make sure that there's a process that obviously during the construction we have a way of continually being involved. So I suppose if I was to give last words to the proposal for Alwyn Ave, I would say, if it was to my children, I would say, "It's not really worth a pass mark," and I
 15 would ask them to go back to the drawing board and try again. I think there is a better outcome for us.

THE COURT: JUDGE NEWHOOK

Thank you very much for your input Mr Bridges, we'll see if there are questions for you, starting this time with Member Dormer.

20 QUESTIONS FROM THE BOARD: MR DORMER

Q. I'm not aware of whether you have any occupational skills or qualifications which might enable you to answer the question. But you suggested what at first sight seems a fairly cost-neutral solution to reversing the bund;

25 A. Yes.

Q. Is it cost-neutral?

A. I don't know, I would believe – I would struggle to think that it wouldn't be. It was noted in the rebuttal that there was no difference in the noise, so I can see that would be a reason for a not doing it and I would
 30 struggle to see why there would be a cost difference, but I don't know.

Q. And I couldn't quite get the hang of the pictures in the last page. This wall that you've got there, the bottom one, that's on –

A. So there was a comment made in the rebuttal that the reversing of the bund would give the cyclists a steeper earth wall and that was considered to be and I think the words were “a poor outcome for users of the cycleway”.

5 **1740**

Q. Yes.

A. And so if the bottom picture, being the big wall, that is an example of the cycleway in State Highway 20 down at, past the Air Force base, and if that is accepted –

10 Q. That's a pretty poor outcome isn't it?

A. – that's acceptable I would say that my steep, walk – you know, steep bund with plants on it is very acceptable.

THE COURT: JUDGE NEWHOOK

That must be a temporary construction wall.

15

MR DORMER:

Quite right, yes.

MR BRIDGES:

I –

20 **QUESTIONS FROM THE BOARD CONTINUES: MR DORMER**

Q. Is it?

THE COURT: JUDGE NEWHOOK

Q. You are not sure about that?

A. I am not sure about it, I would – the motorway is almost finished so I
25 would be very surprised, it's almost the last part of the puzzle.

THE COURT: JUDGE NEWHOOK

Somebody from NZTA might tell us.

QUESTIONS FROM THE BOARD CONTINUES: MR DORMER

5 Q. You know, the other point in your favour I think sir is that, yes, passing infrequent users like cyclists may have some rights and they expect some nice amenities, folk who live there, they are being subjected to these intrusions, possibly have rather more.

A. Yes.

Q. I am glad you submitted that.

A. I'm sorry?

Q. I'm glad you submitted, you made that submission.

10 **QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP – NIL**

QUESTIONS FROM THE BOARD: MS JACKSON – NIL

MS JACKSON:

I concur with Member (inaudible 17:41:32).

15 **QUESTIONS FROM THE BOARD: MS HARDIE – NIL**

MS HARDIE:

Yes thank you sir, I also – and I think they did extremely well working out what was proposed on the urban design plan versus the bund versus what is going to happen there really in terms of – well, thank you.

20 **THE COURT: COMMISSIONER DUNLOP**

So just to, sorry Your Honour, but just to clarify the cross-section briefly in those terms, is that you have got the off-ramp and then a proposed noise wall and then the bund. That's the, the way here.

MR BRIDGES:

25 Yes. So it's actually a bus-way, so there is the bund, a cycleway, a bus off-ramp I believe it is, could be wrong, then the, then the off-ramp, I could be wrong.

THE COURT: JUDGE NEWHOOK

All right well Mr Bridges thank you very much for your considered and heartfelt views. We have listened carefully, we have read your detailed materials, as filed earlier –

5

MS JANISSSEN:

Sir, could I perhaps just check, given it's the end of the day, if the witness has seen the rebuttal evidence of Ms Hancock and the redesign of the bund that is attached to that.

10 **MR BRIDGES:**

No I have not.

THE COURT: JUDGE NEWHOOK

Thank you for drawing that to our attention too, I wonder if that can be put up on the screen so Mr Bridges can see it before he departs – where it is.

15

MS JANISSSEN:

It doesn't show a total reversal of the bund design but the Agency's designers are certainly look at softening the impacts on Alwyn Avenue, there is no noise wall but there is a highway fence for security, which they need to sort, but I think it's something that they need to look at in final design in terms of softening the impact on Alwyn Avenue.

20

THE COURT: JUDGE NEWHOOK

Yes, now just which exhibit was that to Ms Hancock's rebuttal?

25 **MS JANISSSEN:**

Annexure F to the rebuttal of Ms Hancock. And her evidence paragraphs 49 to 54, so it doesn't go the full way that Mr Bridges is after, but it's –

THE COURT: JUDGE NEWHOOK

But do you think that there may be a start at least on that process?

30

MS JANISSEN:

There is further work, yes, definitely.

THE COURT: JUDGE NEWHOOK

5 Yes, yes. Thank you for drawing out attention to that and Mr Bridges might appreciate hearing that something is being done. We haven't the ability to remember each and every last little piece of evidence that has been brought to us and, once we are finished our hearing we are going to be going away and doing a great deal more reading and re-reading and work as we prepare our decision, so this will be one of the things that hopefully comes onto the
10 radar again.

MR BRIDGES:

Yes hopefully.

THE COURT: JUDGE NEWHOOK

15 So thank you, once again, for your participation Mr Bridges and if you have brought a car into the City I am not going promise you an easy passage out of the place at this time of night.

MR BRIDGES:

No.

THE COURT: JUDGE NEWHOOK

20 Thank you very much Mr Bridges.

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

All right, any matters for housekeeping before we rise, a little late this evening, sorry we haven't got to the Albert Eden Board, we are doing our best, we have a lot of business. I am pretty sure we will get to you tomorrow. We will
5 resume at 9.30 in the morning.

COURT ADJOURNS: 5.45 PM