

**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 14 – Monday 21 March 2011**

COURT RESUMES ON MONDAY 21 MARCH 2011 AT 10.00 AM**THE COURT: JUDGE NEWHOOK**

Now were there any matters of housekeeping that people feel they need to raise. There's been no shortage of correspondence and memoranda and
5 responses to various of our questions and so on and so forth during the last week. Ms Janissen do you have anything you need to add?

MS JANISSEN:

No thank you sir.

10 THE COURT: JUDGE NEWHOOK

Anybody else have anything that they wish to raise by way of preliminary procedural point before we get going? Okay, then our first party this morning to offer us representation is Sarah Jane Challis. You've provided us with a very succinct statement in writing here. Would you like to speak to that.

15

MS CHALLIS:

I'm here today because I'm just concerned about – sorry, my name's Sarah Jane Challis and I live on, in Cradock Street in Avondale and the proposed tunnel is supposedly going underneath that street and so I have a few
20 concerns, or just a couple of concerns with regards to a ventilation stack at the end of Cradock Street which I had heard was supposed to be withdrawn, the idea was to be withdrawn but –

THE COURT: JUDGE NEWHOOK

Yes, we can perhaps give you a little bit of comfort there. It's been withdrawn.
25 We can't consent to it because it isn't proposed.

MS CHALLIS:

Right.

THE COURT: JUDGE NEWHOOK

30 It having been withdrawn.

MS CHALLIS:

It has.

THE COURT: JUDGE NEWHOOK

5 So it's gone.

MS CHALLIS:

It has, okay all right.

THE COURT: JUDGE NEWHOOK

10 Now we couldn't prevent NZTA from coming, cropping up with another application at some future time so you might have to be on the lookout for that, but they have been completely firm, upfront and open about withdrawing the notice of requirement for the provision (inaudible 10:03:09) Cradock Street, and we won't be consenting to it because we can't. It's not there.

15

MS CHALLIS:

Right, excellent. I had thought that and then I heard otherwise when I was called up for this and it was – I was told that it wasn't set in stone so that's why I'm here today.

20 **THE COURT: JUDGE NEWHOOK**

No, it's not part of this proceeding at all.

MS CHALLIS:

That's all I have to say really.

25 **THE COURT: JUDGE NEWHOOK**

I see you've got a note here about putting the tunnel on hold indefinitely and –

MS CHALLIS:

Oh yes.

THE COURT: JUDGE NEWHOOK

- spending the money on rebuilding Christchurch.

MS CHALLIS:

5 Yes that...

THE COURT: JUDGE NEWHOOK

A nice sentiment I'm sure in the minds of many people in New Zealand, but it's not something that we would have the legal power to ordain. That's entirely a matter for central Government.

10

MS CHALLIS:

Okay, just thought I'd put it out there.

THE COURT: JUDGE NEWHOOK

Well you've said it, it's there.

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

QUESTIONS FROM THE BOARD: MS JACKSON – NIL

QUESTIONS FROM THE BOARD: MR DORMER – NIL

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Mr Shearer is next. Right now, you've got a representation for us. You had filed evidence I think as well hadn't you?

5 MR SHEARER:

Yes I had, yes.

THE COURT: JUDGE NEWHOOK

Of which we've received and have read along with everything else that's before us, and no party had indicated that they wish to question you about
10 that statement of evidence. We'll see if members of the Board have any questions, but for the moment if you would start by offering us your representation.

MR SHEARER READS REPRESENTATION

15

Thank you very much. Well thank you very much for the invitation and the opportunity to speak today. I'm the Member of Parliament for Mt Albert which takes in the Owairaka area as well as Waterview and as part of that role I play I've spoken at length with a number of the people who are obviously going to
20 be affected by this, by the motorway and the extension of it. Just a couple of general points first. First of all, I mean this obviously this motorway's going to go on for a long time and people are, in a way would like to have some sort of closure on it, and the best possible closure that they could have. In the last
25 18 months since I've been the Member of Parliament the vacillations have been pretty extreme. I remember – I was looking back in my diary, for example, just yesterday and looking at where we had gone to an open day to look at sort of the mitigation that was possible as a result of the – Jazzmax was, that was running was looking at some of the connections in the bridges that were going to be put in and of course it generated quite a lot of
30 excitement amongst the community that this, these sorts of mitigations might be possible. That's now gone. We're onto yet another iteration of the process. The other thing that I wanted to make, to just to emphasise as well

is while this, I think there's some real advantages in going through this Board of Inquiry and I note that the response from many of the community that have spoken to me have been very heartened by the reception they've received from the Board, and the opportunity at caucus and look at some of those other
5 issues is part of – before they came in front of you and put their submissions in. There was a real problem though I think in the amount of time that they had to assemble expert witnesses and I know that the Ministry for the Environment went to some exceptional lengths to allow them to have the funding under the ELA scheme in order to get those expert witnesses
10 employed, but that only came through a few days, only about three days before they were actually about to give evidence which for many of them was quite difficult and they felt that they were being really squeezed. So I think in terms of looking forward in further EPA processes you might want to look at that in a more general sense. My submission really is to support – and I've
15 got a small sheet here that I've prepared just – and I'm sorry I got caught in traffic coming through this morning so I apologise for moving it a little bit late.

THE COURT: JUDGE NEWHOOK

Mr Shearer can I just offer you a thought on the ELA aspect before you turn to these other points. As a Judge on the Environment Court for quite a long time
20 I've held a view that the, while the ELA scheme appears to provide good (inaudible 10:08:18) for people to get involved in RMA processes and it's produced some valuable input in some of the cases that we've heard over the years, that nevertheless yes there can be quite a bit of time taken in the approval of those lines. It so happens that Member Dormer is a member of
25 the Board that administers that scheme and he and I have been in conversation about this and he might or might not be able to say anything more about it than I can, but I understand that my concerns have fallen on fertile ground, at least for the future.

30 **MR SHEARER:**

Oh that's terrific.

THE COURT: JUDGE NEWHOOK

And that the Board is aware of the need for our processes to keep moving forward, efficiently and fairly, and that they may take some steps to endeavour to speak (inaudible 10:09:23).

5

MR SHEARER:

Oh that's very good to hear –

THE COURT: JUDGE NEWHOOK

Did you want to –

10

MR SHEARER:

- I was particularly impressed by the – sorry.

QUESTIONS FROM THE BOARD: MR DORMER

Q. Just there's been a, two or three examples over the last year when
15 slowness in the administration of the Environmental Legal Aid Fund has
caused a difficulty for the Court and whilst I've (inaudible 10:09:44)
myself more deliberations in relation to your constituents' application in
relation to these proceedings I could of course take no part in that.

A. No.

20 **1010**

Q. I do gather from more general discussion with my colleagues on the
Environmental Legal Aid Panel that as a result of this episode, it's one
of those that will be discussed at our forthcoming annual meeting in
June and hopefully a greater use of telephone conferencing of member
25 of the panel, rather than relying on meetings every six weeks. Hopefully
we'll get somewhere closer to a better outcome.

MR SHEARER:

That's very good to hear. As I say, I take my hat off to the team on this
30 particular case because they actually accelerated it forward several weeks I
think from what I understand, so they pulled out the stops, but it's good to
hear that it might be taken up in more sort of a general aspect.

MR SHEARER CONTINUES READING REPRESENTATION

5 Just to quickly go over one or two of the points and I know that many of you
have heard this in great detail, looking at some of the transcripts, they've
discussed it in detail. But I think that one of the things particularly for the
Waterview community is obviously the position of the stack of the exhaust
stack. I think that the major concern is that Waterview is an enclave and they
don't want it to be turned into anything less desirable than an enclave. They
10 have gone there for that reason but we don't want to have it ghettoised, in that
they felt that the stack may in fact be the sort of the optical kind of
confirmation of that. And putting it on the other side of the road, where it
could actually likely covered somewhat by trees although it will stick up
beyond the trees, would actually be a much more preferable option. So I
15 would very much urge, in the interests of that community to give that
consideration and I know you have. I think that that will be a better outcome
for the – certainly for my constituents. The issue of 25 or 15 metres has been
discussed a lot with regard to the type of exhaust that's coming out and
there's been some discussion about the fact that it's based on Australian
20 standards and Australian exhaust emissions. I think there's a bigger question
here of how we tackle our own ability to regulate exhaust emissions in
New Zealand, and if that happened then some of the fears might be
ameliorated, not only here but in other motorway projects around the country.
At the other end I've spoken to some of the constituents and some of the
25 other interested parties about the option 3 possibility of being able to construct
the building on top of the cut and cover part, or certainly a cap on the top of
the portal. And clearly, while it is more expensive, offers I think considerable
environmental advantages, accessway and also, from what I understand, can
seek and can minimise the actual footprint of the operational buildings as well.
30 So I would urge the Board if it's possible to look at that. Just a word on open
space, as part of the doing some work within the community around this
project, we brought together a few months ago now, Unitec and the
Auckland University and some of the students there presented a number of
different options for crossings. It was a way of trying to bring the community

together, focus on some of the upsides, rather than the downsides of a motorway. Some of those included the bridge across to Pt Chev, which I understand is possibly not on the table. But one of the things that we did feel was really important was the bridge across Oakley Creek, a walking cycling
5 bridge across there. Because we will have in the Waterview area in particular is a degraded parks environment and that provided the access across to the Unitec site, which is I have to say a very underutilised area of green space in the heart of this area, which I think we could do a lot more with from a community point of view. And I think Unitec is very open to that as well.
10 Phyllis Park has become, and I've been in touch over the last few months with both the soccer and the softball club, in fact I was down at the softball club on Saturday. The softball club has doubled in size, the soccer club has increased tremendously in numbers and I think Wilson Irons is coming along to testify later on today, and he can tell you the numbers of teams. It caters
15 for a huge number of young people in that area. A re-jigging of Phyllis Park would enable the growth of that park into a hub, a sports hub, an organised sports hub as opposed to informal green space but a formalised area. And I really do think that a very– not insignificant, but not terribly expensive amount of money could actually create a hub for the whole area that would serve the
20 young people extraordinarily well. So just a plug for – particularly for that. The support for the pedestrian and cycleways that have been talked about here, again I don't see that as being an enormously expensive item, to make sure that those places are connected up around the motorway and that would be helped by the alternative 3 that was being proposed for the south. And a
25 final word, and I'm not sure if this comes under the scope of the Board, but a number of constituents have come to me with issues of valuation. Their properties are being valued at they believe are a much lower value that they've received from an independent valuation. I think it's probably outside the scope of this –

30 **THE COURT: JUDGE NEWHOOK**

You're right to raise it tentatively Mr Shearer, because it is beyond our brief, that's under the Public Works Act which doesn't come within the present

proceeding. So whatever views we might have about matters of valuation and fairness in that department, unfortunately we're powerless.

MR SHEARER CONTINUES READING REPRESENTATION

5

Well I won't go any further, other than to say, I was looking at the solatium payment, which I'm sure you're aware of, which is \$2000 set in I think 1981, which seems to be extraordinarily out of date. So there might be a Private Members Bill there somewhere that where somebody can get in behind and support. Just lastly, I think in summary, as part of the party that I represent the Labour Party was in support of State Highway 20 extension and we had a different view of the option. I'm very pleased that the cut and cover option of the Great North Road is being changed to this particular one, although I would have obviously preferred the much earlier one under our Government. However, I want to just say that this really is a project that aims to benefit Auckland but I don't think should disadvantage the people in this community as much as we – as possible. So in fact it should be a fair option, and I think some of these points that I've raised in terms of mitigation are points that are relative – you know it's always – it always involves money, but in the context of a \$1.7 billion or \$2 billion, however you want to calculate the project, we're looking at 1 to 2% in terms of additional costs to satisfy the local community, not completely satisfy, some of the people are obviously not going to be satisfied, but certainly mitigate many of their concerns. And it does seem to be fair in the sense of a six lane motorway running through a community that those concerns are taken fully into account. Thank you very much again for the opportunity to present.

30

THE COURT: JUDGE NEWHOOK

I suppose it would be fair to say that your predecessor achieved a fair bit Mr Shearer, in at least getting –

MR SHEARER:

In more ones than one actually.

THE COURT: JUDGE NEWHOOK

A considerable length of it tunnelised.

MR SHEARER:

- 5 Yes, I hate to think that she had any personal input into that, but it was sort of incumbent on me to support the option that was already on the table.

THE COURT: JUDGE NEWHOOK

Ironically of course we wouldn't have these buildings and stacks if we didn't have a tunnel.

10

MR SHEARER:

That's true.

THE COURT: JUDGE NEWHOOK

- 15 There are plenty of ironies around all this and certainly the buildings and stacks are a highly visible issue from this Board's perspective. Now let me see if we have questions for you.

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

- 20 Q. Thank you for coming in Mr Shearer, it's been good to hear from you. I think we all feel that Auckland has this opportunity to become a super city, at the moment it's supposedly a blank sheet of paper and we all want to feel proud of it in the end. So hopefully we do this once and do it right and the people of Waterview feel that their district is as welcoming as it is now, because it's very beautiful isn't it?
- 25 A. Mhm.
- Q. You said that when the community were first introduced to the project they were quite excited about it, do you feel that that still stands?

1020

- 30 A. No, last year when there was some discussion about the various bridges that were going to be crossing the motorway and some of the

landscaping that was going to be done, it generated a bit of excitement because I think people felt that, you know, there was going to be a real effort to try and ameliorate some of the downsides and to make the connections and if you are losing green space then, you know, you need to have – or quality of green space, you need to have connections to alternatives and this was, I wouldn't say "excited", I think the people of Waterview want the motorway, if you gave us, gave them a choice, but they could see that there might have been some ways of being able to do it that perhaps was less onerous perhaps than they were expecting.

5

10 Q. And there is a good chance to make it nice isn't there?

A. I think there is and I think your point is absolutely right, you do it once and you do it right and it's going to be with us for several generations and you don't want to be in that situation where you say, well God I wish they had put that stack on the other side because otherwise it would have been – it could have been really nice, or it could have been much more improved, so – and why is that stack now the symbol of Waterview. So there is a whole bunch of different issues there I think as you say, it's extremely important.

15

Q. And for the Phyllis Street, I know where you are coming about with sports usage increasing everywhere and it's important to have good facilities but you must remember there is also a dog obedience ground on Phyllis Street and so long as they are going to do up the sports ground they must also take care of the Akarana Dog Obedience collapsing. So that's fine we will look at that.

20

25 **THE COURT: JUDGE NEWHOOK**

Declaration of interest by –

MR SHEARER:

I was going to say that.

30

MS JACKSON:

I am not a member, no.

QUESTIONS FROM THE BOARD: MR DORMER

Q. On the matter that is outside the scope of this Board is it Dr Shearer, forgive me?

A. No, no, Mr, yes.

5 Q. More power to your arm with the private members bill on solatium payment and you may care to look at the report by the Minister's technical advisory group on infrastructure, it was chaired by Mr Foster who is here today as an NZTA advisor. There was quite a passage in there on inadequacies in the Public Works Act and, in particular, 10 recommendations as regards solatium being inflation adjusted and then increased further by reference to the length of time the owner had held the property. Thus, if I have only owned the property for six months, it would seem that my claim for solatium rather less than someone whose family had been there for 30 years. So there is some interesting 15 analysis in there –

A. No that is very interesting yes.

Q. – which I commend to you if you want to take that Bill further.

A. Yes if – it sounds like somebody's – obviously this has been given some thought so it might be a right time to throw it into the draw and see if it 20 comes out.

Q. I hope so.

A. Thank you very much.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

25 Q. Mr Shearer on page 2 of your evidence you say that Marist Primary and Gladstone Primary have grossly inadequate sports fields. Is that an evidence based statement, like is that under-pinned by some knowledge of a code that perhaps says that for X number of children you should have Y area of sports field, is that where you are coming from?

30 A. I don't think that's my submission because I didn't mention Gladstone and Marist but I, as two schools in my area I can comment on that if you like. Marist Girls is used as –

Q. I beg your pardon it is –

A. Oh sorry was that – the earlier evidence over – I was going to say.

Q. I can give you a page number and a paragraph if you wish.

A. Yes. Okay, apologies, no, no, I stand corrected.

Q. For the moment they are your words Mr Shearer.

A. I will stand by that then. Yes the – no I didn't work it out on a per head
 5 basis but I know that Marist – the Marist School uses the
 Mt Albert Grammar school extensively because they literally don't – they
 don't have a sports field as such, they have got a small space, so they
 use that and they are able to use the Phyllis Road facility. Gladstone
 Primary uses the facility – Phyllis Road Park as part of theirs, they have
 10 one smallish, it wouldn't be a full size, football pitch there and it is a very
 large school, it is one of the largest schools in my electorate, 600 and
 something kids, so it's – having, it comes back to the point I was making
 about Phyllis Road, the Phyllis Park being upgraded and putting three
 15 soccer fields in there, they particularly want an all weather one which
 could, which would enable the practises in both schools and the club to
 use it, and three softball diamonds. So it is not based on any scientific
 measure it's just simply based on talking to school members and
 parents.

Q. I know where Gladstone is, can you remind me where Marist Primary is
 20 please?

A. Marist Primary is right beside the Marist Girls, the secondary school –
 it's just off New North Road, just down from Mt Albert Grammar on
 Albertine I think it is, yes, runs between Albertine and –

Q. Yes I know where you are, thanks.

25 **THE COURT: JUDGE NEWHOOK**

Thank you for your representation this morning Mr Shearer and your
 involvement in the proceedings.

MR SHEARER:

30 Thank you very much, thank you.

THE COURT: JUDGE NEWHOOK

Now Kim Ace is next. Good morning to you.

MS ACE:

I just have a couple of queries first.

THE COURT: JUDGE NEWHOOK

Yes okay.

5 **MS ACE:**

I received all my EPA stuff by mail and I never received the one telling me that on the 17th of March I had to have my facts in, I never received that, I only found out about it through other people later. So I have tried to write this accordingly.

10 **THE COURT: JUDGE NEWHOOK**

Yes so you are just going to read that out to us?

MS ACE:

Yes please. This is mine and I am also reading my partner's because he is in the forest.

15 **THE COURT: JUDGE NEWHOOK**

He is in the forest okay, well that's fine he can't be here you are welcome to read out his statement to us.

MS ACE:

And also I mention him in mine, is that okay?

20 **THE COURT: JUDGE NEWHOOK**

Yes, yes that's just fine.

MS ACE:

My name is Kim Ace, my partner's family the Guttenbeils, have lived in Hendon Avenue, Owairaka for more than 33 years. We have lived within
25 five minutes drive or 20 minutes walk from them in Alan Wood Park for the past five years. In 2007, just before the last election John Key gave us his State of the Nation speech and in that he made special mention of Owairaka

and the underclass who live there, lamenting it as a place where the rungs on the ladder of opportunity have been broken. He also observed too many kids in these communities are excluded from sport; often the very kids who need it most. The National Government he said will work with schools, sports clubs and community groups to ensure more kids from deprived backgrounds get access to sports. I bring attention to this to demonstrate that the National Government themselves have already acknowledged the community of Owairaka as one that is currently already disadvantaged and deprived. They themselves also attributed this directly to a lack of open space and facilities for the youth to play. In Auckland City Council report of 2005 by Sheryl Burt, the author stated, "The Eden/Albert ward has 119 hectares of open space; this is a net figure of 1.9 hectares per 1000 residents. Officers acknowledge their open space provision in the Eden/Albert ward is the lowest in the city." After direct and open acknowledgement of this issue and their declaration to improve it, I therefore seriously question the National Government and the NZTA's moral and legal ability in any way to mitigate the further massive loss, an irreversible, irreplaceable destruction that Owairaka will suffer if this current designation plan is allowed to proceed. The proposed passage of interconnected passive space that will apparently be left after five years of heavy construction is a piteous substitute for our current 1.5 kilometres of open and unbroken green space and cannot even be seriously compared in like for like terms, since it will be visually, aurally and environmentally polluted by the traffic driving along the giant concrete motorway trench it will sit beside. NZTA have, in my opinion, not met the requirements of consultation with the community under the RMA, that they themselves undertook to comply with on their website information page and in the letters to the affected households. At the information meetings, including the last one not long ago in September, the ventilation and control building was presented as being underground; this was much lauded by the NZTA representatives as a huge design concession by them so that the community could benefit from 50 to 70 more metres of open space. We were never consulted that they would in fact be adding a huge industrial building to the already unconscionable amount of loss already faced in the form of a huge open air motorway trench to be ripped through our beautiful park. Likeways with the new surprise of a large construction yard,

which is apparently to be situated for years in the Waterview Esplanade Reserve. More of our green space to be taken over and compromised, not to mention the visual and aural degradation for those wanting to enjoy one of the few green spaces we will actually have left; the gorgeous Oakley Creek valley.

5 So now for up to five years we will not be able to enjoy that relaxing natural space without the noise and rumbling of very large heavy machinery. So Waterview's ecological heritage area is to be compromised, along with its waterfront to Auckland City's only marine reserve, our archaeological historical heritage with the overbearing impact on the Star Mills site and our

10 children and community's access to our much loved, much needed green space taken from us. Wow, could NZTA comprehensively ruin our area more. The community of Owairaka is wonderful. It is probably the most diverse and Māori cultural area in the whole country, in part due to our lovely refugee and migrant community. A significant amount of these families have only fathers

15 who can drive. Many mothers would therefore be unable to drive their children to further away recreational space during the days when many fathers are at work. The make-up of working class significant state housing area and refugee migrants is I believe a huge reason why Steven Joyce and the NZTA consider our community space as unworthy of expenditure to

20 properly mitigate the effects of the SH20 link, i.e. with a full tunnel. Yet these areas have come ahead in leaps and bounds, especially since community groups like Living Communities and Friends of Oakley Creek have been so vested in beautifying and upgrading our precious community spaces. My partner, Eric, and I spent the last Valentines Days getting our hands well and

25 truly dirty and partly waist deep in Oakley Creek with other people of the community, giving it a good old clean out. When we got home covered in mud and with a bleeding scratched knee, we both agreed it was one of the most fun Valentines Days ever. If this project goes through NZTA and the National Government will turn the tide for our struggling but hearty community from a

30 future with positive promise to a future and a motorway slum. As Auckland City continues to grow rapidly areas nearer the city are seeing their house amenity values rise. Waterview and Owairaka are looking to a positive future. This cheap destructive motorway plan would directly affect that future in a highly negative manner. That simply cannot be mitigated for in my opinion.

My partner of six years, Eric Guttenbeil, grew up at 24 Hendon Ave, Owairaka. As a local youngster of Tongan descent he did not join one of the local Pacific Island youth gangs, nor did he develop the love handles commonly associated with the Pacific Island diets. Rather he spent his youth and teenage years tearing round Alan Wood Park from hide and seek with his siblings to soccer, basketball, tag, touch and rugby with an ever growing stable of local buddies. Like any kids, but with a noticeably rather stunning pool of ethnic diversity, Somalian, Indian, Korean, Māori, Chinese, Middle Eastern, Ethiopian, Pakeha and Chinese. Those who frequent the reserve will tell you that is much the same today. As New Zealanders well know, there is nothing like a kick around of the ball to level the playing field so to speak. In sport you don't need to all speak the same language. You just need to get that ball. Eric's future was directly affected by his love of both Alan Wood and Oakley Creek Reserves, so much so that he grew up to graduate from university with a BC and a college (inaudible 10:34:12) and now works for the (inaudible 10:34:14) Native Forest Trust which is where he is right now, specialising in the regeneration of Auckland's native forests. These places are so special that they can positively shape our individuals, and therefore our society's, future. Are NZTA's piecemeal mitigation plans going to be able to achieve the same? So to mitigation for the current piece of planning. There is no mitigation that can adequately deal with the visual noise and air pollution this huge concrete trench will cause the community of Owairaka to suffer. Also the proposed mitigation parcels for loss of open space do not even begin to compensate for the enormous loss of our current facilities in both Owairaka and Waterview. Some allocation for rail lines in Alan Wood Reserve is nowhere near equivalent to it all being ripped out for a giant six lane motorway and the rest of much of that land belongs to our community. Upgrading of public club facilities at Phyllis Reserve does not help the 98% of the community that doesn't belong to that club. It is too far for many and there is a complete loss of relaxed informal space to take a (inaudible 10:35:27) or walk the dog. Proposed replacement space at Valonia and Saxon will nowhere near match the amount and quality of current space. When we eventually get Valonia it will be right next to the motorway and its portals, which many studies consistently show to be areas of high density air pollution.

The only way to deal with these issues in any adequate fashion is to tunnel under our park. Why pay millions in mitigation and fruitlessly search for open space where there is none, when you can simply fight for us to retain what we already have? NZTA will try to tell you that conveniently for them and

5 Steven Joyce it is impossible to tunnel under any more of our park. They know, I know, and everyone in this room knows that this is plain untrue. If others can tunnel under the English Channel, Boston Sea and the mighty Bosphorus in Istanbul we can sure as heck tunnel under Alan Wood Park. How can the Government allow so much of our open green space to be

10 destroyed when we already have the least amount in Auckland? Also our archaeological and heritage sites will become noisy eyesore construction sites for years to come so that people who already live in more environmentally blessed areas can spend a few less minutes in their plushy air conditioned cars. There has never been a full economic and environmental assessment

15 of the true effects to our community and our access to the democratic process has all but been taken from us. The Government would do well to put the \$15 million in the bank and save towards doing this properly, as suggested by NZTA advisors in the 2008 report to the Ministry of Transport. How can they legally be allowed to make such an about turn and completely change their

20 minds, just because the Minister of Transport told them to? How can this project in its current form be morally or legally allowed when the destruction is so great, the mitigation so inadequate and the reasoning behind this particular proposal at this current time is so flawed? Are our legal rights as citizens and our homes so much less important than any other New Zealanders? How can

25 our communities very heartland and its future be legally less important than trucking companies' profit margins or a few minutes driving time? It is clear to me that NZTA's mitigation proposals do not even come close to being an adequate provision for the massive destruction and environmental loss that our area would suffer from. Therefore I urge you, the Board of Inquiry, to

30 reject and fully decline the current proposal for this project. Thank you for your time.

THE COURT: JUDGE NEWHOOK

Would you like to read us Eric Guttenbeil's statement as well before we ask you questions, because then we may be able to –

5 MS ACE:

His is much shorter.

THE COURT: JUDGE NEWHOOK

Then we may be able to ask you questions about both statements.

10 MS ACE READS REPRESENTATION ON BEHALF OF MR GUTTENBEIL

My name is Eric Guttenbeil. My family has lived in the Owairaka Valley since my parents started a life in New Zealand more than 33 years ago. I remember vividly growing up in Mt Albert. It was my place of refuge and
15 adventure, as it is now for the generation of kids fortunate enough to live in that community. Alan Wood Reserve has always been, always had a bit part to play in my formative years and even as I became an adult the park kept giving and giving. As a pup I would play soccer in the park on Saturdays, riding up off the road to warm up with my team. I can fondly remember my
20 dad walking over to the park to cheer and support for me and my peers as we ran about like chooks, short legs and awkward. Weekly we would train in the afternoons after school, getting to the park early so that we could play before the stern coach would demand our full attention. Thinking back I can say in all honesty that I've always felt safe in the park across the road. I would cruise
25 the pathways on my bike, looking for adventure. Always there were mysterious tree groves where imagination could take over. The creek itself would inspire curiosity and so whole afternoons would pass. To think that once upon a time the valley would have had a mighty watershed, native plants covering the hills until trees gave way to wetland full of life. Though the land
30 has changed, the potential remains. Later in my life as our park became more tamed, great care going into make it more beautiful, a young person could walk the length to find some sanctuary, a student could take books and read in the golden sun, or a group of friends could practice for touch rugby, sharing

the copious space with other groups. Firemen doing the same or basketballers trying to perfect layups. One of my finest memories is of being asked to make up numbers in a random, friendly football game, Europeans, Pacific Islanders, Africans and Japanese guys, mixing it up with competitive intensity and open smiles. Green is the colour of civic and civil genius, the colour of peace and contemplation, sky blue above, slow beating heart within. Alan Wood Reserve represents why I love my home city, simple beauty, more perfect by its imperfection, being “real”, not artificial. Clearly the decision to be made is a difficult one, how best to proceed. The right decision must secure the future of our city and community, it must showcase our (inaudible 10:41:15) Kiwi ingenuity, the innovative spirit, the ability to expand into a future, which looks after the people as well as the economics. A change to show the world and other Kiwi cities, that Auckland leads from the front, finding new and better solutions to old problems. We care about our parks and in our community because it is a part of us as we are of it. Those who inherit these deserve a chance to see the best of all worlds, worlds which you now partly hold in your hands. Please secure the accessibility and use of the greater surface of the park, please make us proud.

THE COURT: JUDGE NEWHOOK

20 Thank you very much, we appreciate you coming to read jus both statements, given that your partner hasn't been able to come, thank you very much for that. Questions:

QUESTIONS FROM THE BOARD: MS HARDIE - NIL

QUESTIONS FROM THE BOARD: MS JACKSON

25 Q. Ms Ace, we've met some impressive people from Owairaka and you're certainly one of them. I really enjoyed that, especially your comments about your valuing Oakley Creek the way that you do and that you actually go down and try and make a difference yourself. So I mean if this project was to go ahead and they do mess up some of the parks, because that's what bulldozers do, do you think that a variety of plants

30

would help, in consultation maybe with the community, would help to restore the area to something that could be really proud of?

5 A. I have a huge problem with the amount of time that these huge machines will be overlooking the valley that is where people go to get peace. I just couldn't believe it when I heard that that's where they were going to be parked.

Q. Is this Oakley Creek that you're talking about, is that the reserve?

10 A. Waterview Esplanade Reserve. And Alan Wood, if you look at it now and you put a giant motorway through it, which is not a couple of railway lines, it's completely more massive, I just don't see how - it's apples and oranges, how can you get peace and contemplation and a bit of quiet when there's a six lane motorway right next to you. How can you breathe deeply in the air and get away from an already built up noisy area, if right through the middle of it is the most built up part of it. And it

15 will be continuous and ongoing and there for my whole life and my children's life and when I take them to their grandparents, if I have children with Eric, we won't be able to – I wouldn't want to take them across the road to play in the park so much because it will be polluted.

20 Q. Do you agree that quality is better than quantity for open parks, so long as they're easy to get to?

A. Partially, but I also think quantity is an area that we're seriously lacking in, so quantity is a very important part of this and the quantity that we're left with is – there isn't any, you know especially with the giant building, wow, cool – that we didn't know about really, like it just seems – we just

25 lose, lose, lose and a few nice plantings are not going to fix or mitigate it. Personally and from an RMA perspective as far as I'm concerned.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. I think in your submission you gave a Great North Road address, but where are you resident now?

30 A. I live at 178 Great North Road, which is about a 15 minute walk to Alan Wood Park but we spend – every time we've moved in the last five years, we don't want to be any more than five minutes away from Eric's family 'cos we're very – well they're Tongans, very family

orientated. And actually most of their family live the same, within five minutes.

Q. In that neighbourhood somewhere?

5 A. Yeah, and they – most of their – the whole family of children is a very successful young Pacific Island people and I think it's directly related to the park that they grew up next to.

10 Q. One of the points raised in Mr Guttenbeil's submission was that more houses are taken along Hendon Avenue to ensure amenity value of remaining homes. I was wondering if you could help us better understand – know it's in Mr Guttenbeil's submission, but you yourself may be able to assist us better understand the thinking behind that sentence, can you?

A. No.

Q. No?

15 A. It sort of surprises me, but, no.

Q. I'm mindful it's in his submission, rather than your own, so –

20 A. Yeah, yeah, maybe he was just trying to come up with some way to get some more open space because it's such a deprived open space area already. It's the one great big, fabulous open space and it's a lower socio economic area, Owairaka Valley, so the kids sort of need it, as do the whole community.

QUESTIONS FROM THE BOARD: MR DORMER

25 Q. I remember the Prime Minister describing Owairaka as one of those areas where the rungs on economic ladder had broken. It's a very good quote, do you have a source or reference to it?

30 A. Ah yes, it was the Burnside Rugby Club's speech, 30th of January 2007. It's on National Party website as well and also around the time he also – they, the National Party on their website have a sort of bullet point list of how they were going to help the youth in these communities as well, but it sort of seemed factual so I didn't know if I could reference it too much.

Q. Thank you very much indeed, we'll put it –

A. If you wrote in "Burnside Rugby Club", it will come up.

Q. If we put it in the decision, we will need a source for it.

A. Okay, it's on National's webpage, Burnside Rugby Club.

THE COURT: JUDGE NEWHOOK

Thank you very much Ms Ace, thank you for overcoming your nerves and coming and facing the Board. Thank you for your time, energy and passion in
5 getting involved in the process, much appreciated.

MS ACE:

Thank you for letting me read it all.

WITNESS EXCUSED

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THE COURT: JUDGE NEWHOOK

Next we have David Clendon, Gareth Hughes and Kevin Hague. Good morning.

5 MR CLENDON:

Kia ora, good morning.

THE COURT: JUDGE NEWHOOK

Q. You are?

A. I'm David Clendon, I'll be representing to our submission.

10 Q. You're going to present the submission on behalf of the three of you are you?

A. That's right.

Q. Do you have written materials that you want to distribute to us or are you just going to read from –

15 A. No I'll just pick up some of the points in our submission made if that's all right.

MR CLENDON READS REPRESENTATION**1050**

20 So yes I'm David Clendon, I'm a Green MP, I live in the Mt Albert electorate, representing myself and my two colleagues who jointly presented this submission. Prior to taking up this task I was a lecturer and programme director in resource management at Unitec. I have a Masters Degree in resource management from Lincoln University, was a founding member of the
25 Environmental Institute of Australia and New Zealand, so I have a little bit of background in some of these issues. Essentially, our position in relation to the overall proposal is to oppose it in its entirety. We think it's muddled thinking and not a solution for the 21st century. The construction – that is to say the Waterview connection and the widening of State Highway 16, which is
30 allied to this of course. I'd just like an initial comment on the process. We think allowing people only 20 days to comment on over 50 resource applications was actually an abuse of process. It completely undermined, it

belittled the community. It minimised the opportunity to be involved. Particularly at that time of year when people are busy with their work, their daily lives, winding up to Christmas, all those sorts of things. It was an abuse of process and a disgrace that that was allowed to happen, despite multiple
5 appeals for an extension of that period. Given that this application is likely to go ahead, that the project is likely to advance, there's a number of significant changes we'd like to see made. Not least of all to see better provision for public transport, both on State Highway 16 and State Highway 20. Better provision of walking and cycling facilities, and I'll comment on some of those
10 that are included and suggest improvements that ought to be made to them. Much better mitigation for local communities who are going to suffer both long term disruption and significant short term disruption in terms of noise, air pollution, traffic disruption, all of those things. And I think the scale of that is only just becoming apparent to many of the community and to many of the
15 people interested in this. We'd also like some better protection for the sensitive conservation areas. By that we particularly mean Oakley Creek and the Motu Manawa Marine Reserve round Pollen Island there. In terms of provision of public transport, there are some improvements that are proposed in the applications, but we think these don't go far enough and we think they
20 actually fail to meet the objectives of NZTA who among other things suggest that two of their key objectives are to support mobility and modal choice, which is to say to give people options about what transport mode they choose on a given day, and to improve the connectivity and efficiency of the overall transport network. The experience nationally and internationally is actually
25 projects of the form that is proposed would do very little to improve transport efficiency overall. We would suggest a north-western busway along State Highway 16. This could be designed in a similar style to the northern busway with stations at St Lukes, Pt Chevalier, Rosebank, Te Atatu, Lincoln Road, Royal Road and Westgate. A busway will carry approximately
30 three times as many people at peak as will a single lane of motorway. Something about 12,000 people is a busway capacity. Scarcely a third of that for a single lane of motorway at peak time. A busway along the state highway would improve the reliability and speed of journey for people living in Te Atatu and Massey. It would improve modal choice for people from that area, Te

Atatu Peninsula, Massey, who currently are very poorly served by public transport and almost inevitably are driven into dependency on their cars, which is not promising given the increases in fuel which will only continue over time. The busway could reduce traffic congestion, air pollutions, emissions, runoff into the state highway, all of those things. It would require some space and we would like to see NZTA rededicate at least two lanes to a busway, rather than the expansion of the motorway. We know that bus lanes will be acceptable to people. The extraordinary success of the North Shore busway have demonstrated that there is willingness for people. For many many decades we heard the mantra that Aucklanders will not get out of their cars, and we simply know that's not true any longer. People have adopted the busway. It's almost been a victim of its own success in terms of inadequacies now in the park and ride facilities. The increased patronage for rail and buses generally around Auckland over the last five to 10 years demonstrates this is the time when people are willing to accept and adopt public transport for their normal day to day commuting to and from work, to school and so on. We note the NZTA's own assessment of the traffic effect of this proposal suggests that despite spending between eight and \$900,000 million on the section of State Highway 16 there will be no improvements in the next five years, and in fact the situation in 15 years is expected to be worse. And we fail to see the logic of investing the thick end of a billion dollars knowing full well that you won't actually improve the situation and in 15 years time you'll be confronting a worse situation than exists today. As well as the busways on the State Highway 16 we suggest busways ought also to be incorporated into the Waterview Tunnel or along Great North Road, and there are two schools of thought about which might be the most effective means of achieving that goal of getting an adequate bus service. That modelling could be done, but we would suggest either dedicated bus lanes through the tunnel or along Great North Road, whichever is optimal for improving passenger transport and the carriage of people, and that these of course connect with the State Highway 16 busway. It simply makes no sense to limit the modes available to people at a time when we know that private car use is going to become increasingly expensive, both for the users and environmentally, and we would like to see that option provided. In terms of other modes we'd also

like to see greater protection at the southern end of the proposal for the Avondale southbound rail designation. The current proposal, particularly in relation to land at Alan Wood Reserve, is going to significantly squeeze the existing rail designation and we think the responsibility for ensuring there is adequate land for the rail in the future should lie with NZTA with this proposal, rather than putting the cost on KiwiRail at a future time, who would then face a significantly more difficult proposition in terms of trying to get that designation. It would delay the project, it would impose cost on them, recognising that the likelihood is that the, it expanded or a slightly moved designation would put the rail within three metres of existing homes. Which is clearly going to cause considerable upset so –

THE COURT: JUDGE NEWHOOK

Mr Clendon, have you seen the agreement between the NZTA and KiwiRail?

15 MR CLENDON:

I have, yes I recognise some progress has been made but we just would like to reiterate that there are significant – there's a great deal riding on that particular designation and we'd like to see it –

THE COURT: JUDGE NEWHOOK

20 Right, just wanted to be sure that you'd actually seen it because it sounded from what you were saying as though you hadn't caught up with that. But okay you have, thank you.

MR CLENDON CONTINUES READING REPRESENTATION

25

In terms of improving walking and cycling facilities, again we know that walking every journey starts with a walk. Many more people in Auckland would cycle if they felt it was safe to do so, and we believe this is a good opportunity to improve connectivity for pedestrians and cyclists living round the sites. Currently the proposal does little to improve that connectivity, and in some respects it actually makes it worse. We note that NZTA, one of their key functions for NZTA is to find in the Land Transport Act is to promote an

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affordable integrated, safe, responsive and sustainable land transport system, and clearly the provision of walking and cyclingways is key to (inaudible 10:58:26) in both the safety, the sustainability at least, and indeed the integrated elements of that. And there are four areas where we see, we'd like to see substantial improvement, one of those being the – we are pleased that there is provision to link Maioro Street and the southern tunnel portal with a cycleway. We would suggest that's actually too narrow. Experiences of 1.5 metres will almost inevitably lead to conflict between walkers and cyclists. We think two and a half metres is minimum for comfort and safety of both pedestrians and cyclists. We'd like to see a link, walking cycle link between the State Highway 20 cycleway and the State Highway 16 cycleway. Again there's – the proposal at minute shows no commitment to actually achieving that and it does seem un – just inappropriate not to ensure that that mode is also accommodated in that link. At the northern end, at the Te Atatu end, we'd also like to see improved access for cyclists and pedestrians at the interchange there, which is currently acknowledged to be inadequate. And while some proposals fund them, some improvements are proposed, we think they could go further in ensuring again safety, comfort and just particularly the comfort of cyclists and pedestrians at that end, and we deal with that in more detail in the submission. The overall question of mitigation, as I said earlier and as others have pointed out, this whole project is imposing considerable cost, stress, upset, disruption to the affected communities and there is a significant perception in the community that mitigation is actually being seen as necessary evil. That people's interactions with NZTA and others is such that they are feeling that money or mitigation is being spent grudgingly rather than willingly and we think that is an unfortunate perception and we would like to see it remedied by some very powerful and clear commitment to getting the best possible mitigation rather than the least, shall we say. We particularly – there is concern about air pollution, noise pollution and availability and quality of green space. We know that lots of little bits of green space do not compensate for the loss of large areas of space and that is one of the key concerns of people in the area. I understand the Living Communities Incorporation and North Western Community Association have already presented - certainly presented their written evidence and essentially we

would like to offer support to their recommendation. They have done some very high quality work and I think they have come up with some very creative and positive opportunities, particularly around the location, the profile of the portal buildings, the very contested issue of the stacks and the height of those stacks, clearly that is something of a dilemma and we do think that they have come up with some very useful and positive solutions to that. In terms of the stacks specifically, there is the question of 25 metre, or 15 metre, the higher clearly are intended, or potentially would allow greater dispersal of pollutants but visually of course they are much more intrusive. The 15 metre is less intrusive visually but there are concerns about the dispersion. Clearly we believe that they should be locate – stacks should be located on the BP side essentially, in line with the recommendation from those community groups. Again, the construction, and it was mentioned by the previous submitter, at the Owairaka end of that massive industrial building, we think the community association has come up with some very creative and positive solutions to that, by some amendments to what is proposed to lower the profile of those buildings, to lessen the long term impact and to create a much greater likelihood of mitigation that is acceptable to people over time. In summary then, I should – no actually I won't go into the conservation issues I think they have been fairly well covered off elsewhere. We do, I mean we do – Oakley Creek did have the only waterfall in the Auckland City within the boundaries of what was Auckland City, that was the only waterfall, it's still a significant landscape feature, it is a retreat, a place where people can go and enjoy, there has been an enormous amount of work put in both by agencies, and particularly by the community and beautify and regurgitating pest management, weed management, all of those things, it would be a great shame if that work was in anyway diminished and we would like to see significant commitment to continued improvement of that environment. Similarly Motu Manawa the marine reserve, the only marine reserve within the boundaries of Auckland City, and it's quite unique in that you don't often get marine reserves in an urban environment that are that accessible. So we would like to see an outcome that actually improved access to the reserve and assured the ongoing protection of the environmental quality of it. In summary then, our first choice would be a complete rethink of the project. Given that

that is unlikely we think the focus needs to go on to ensuring genuine modal choice, high quality public transport, passive means – that is walking, cycling. Improvement and indeed extension of availability of green space for the people in Waterview and the other affected communities. Given that they are inevitably going to suffer considerable disruption over a considerable amount of time, they should not just get back what they have, in fact we believe they should get back a better environment than they currently enjoy. Thank you for your attention.

THE COURT: JUDGE NEWHOOK

Mr Clendon thank you for your submission, and thank you in particular for the mention of the involvement of the Living Communities group and associated groups and also the Friends of Oakley Creek group, they have participated very fully in the hearing, they have been here to question other people's witnesses, to make their own submissions, to present their own evidence and they have done so in a very, very constructive and helpful way. So I am pleased to hear you offering your support for their involvement, their involvement has been extremely helpful.

QUESTIONS FROM THE BOARD: MS HARDIE

Q. Mr Clendon I will take you back a little way actually and in your submission you referred to what you what you would like to see is an average of 95% sediment and contaminate removal at Oakley Creek. Are you aware, you know, that sort of level of treatment being achieved anywhere else?

A. I would have to reference some of our background but it is achievable, I think we should go for the highest possible, given the amount of work that has been done, and the very degraded condition the creek was in before that community work was done. We believe it is achievable, yes.

QUESTIONS FROM THE BOARD: MS JACKSON – NIL

30

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Mr Clendon, in the submission and, indeed, in your representation this morning you talk about access to the cycleway at Te Atatu?

A. Uh huh.

5 Q. And it is interesting that the submission turns its mind to something that had been occupying me as well, and that is, how do you actually get onto the proposed cycleway, west of the Te Atatu interchange. Do you have a, sort of a, working knowledge of the geography in that area, you have referred to the possibility of a link at Ngarewa but I am looking at
10 aerial photograph here which has a pedestrian cycleway coming down the east bank of the Henderson Creek which is connected back into the local street system. Now might that facility, if in fact it exists on the ground, serve the need that you have identified or spoken about?

A. Potentially I am not familiar with the view you are referring to but
15 certainly, a key point at the moment, I mean I know that area just simply as a person who occasionally cycles through there and one does get to the end of the cycleway and suddenly you are in the middle of a major intersection which is an uncomfortable place to be as a cyclist. Any solution, and clearly there will be multiple solutions or different versions
20 of what could be a solution, that does get people safely onto the network itself, with this suggestion in here I believe was based on some discussions that our researchers had with Cycle Action Network and others who have some expertise in this, but I couldn't speak with any great authority about the geography, personally, up there.

25 Q. And have you had access traffic engineering advice about the possibility of getting a pedestrian cycle bridge over the Te Atatu in the way that you have discussed in your submission, as you say, the proposal, as I understand it for the moment is that you have to indeed cross a number of parts of the interchange using signalised pedestrian crossings I
30 expect. Have you had traffic engineering advice on how you might be able to get right up and over with a bridge?

A. I believe at the moment there are four signalled interchanges people would have to get through, from memory. We haven't – certainly, no,

we don't have that access to traffic engineering at this point. That is NZTA's job.

QUESTIONS FROM THE BOARD: MR DORMER – NIL

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

5 THE COURT: JUDGE NEWHOOK

Thank you for your participation.

MR CLENDON:

Thank you for your time.

WITNESS EXCUSED

10 THE COURT: JUDGE NEWHOOK

1110

THE COURT: JUDGE NEWHOOK

We need to be on the lookout for him at some point then, Andrew Patrick. Same will apply to him. Kathryn Ennis and Donald Carter, like to come
5 forward. You've prepared a statement that I assuming you would like to read out to us?

MR CARTER:

If that's your wish sir.

10 **THE COURT: JUDGE NEWHOOK**

Yes, yes it is indeed. Off you go.

MR CARTER READS REPRESENTATION

"...as lot 45DP."

15 **THE COURT: JUDGE NEWHOOK**

We'll take those numbers as read.

MR CARTER CONTINUES READING REPRESENTATION

20 "The property will... 21st of March."

1120

THE COURT: JUDGE NEWHOOK

Mr Carter, we generally take our morning break at about half past 11 and I see you're coming to another topic, so it may be a convenient point for us to
25 stop now. I was wondering whether you might be assisted if we were to take a slightly longer break than our usual 15 minutes and to read ahead and come back to you when we resume and have a question and answer session. Would that be of interest to you, or you have to keep reading on?

MR CARTER:

I'm happy to read on sir but whichever way you wish to conduct the proceedings is fine.

THE COURT: JUDGE NEWHOOK

- 5 Well perhaps shall we talk about that when we head out for our morning tea and let you know through one of the staff. Just in case that might assist. We'll adjourn for 15 minutes, it maybe longer.

COURT ADJOURNS: 11.24 AM

COURT RESUMES: 11.59 AM

THE COURT: JUDGE NEWHOOK

Now you will have noted we've taken some extra time out the back and we have read your statement carefully. There aren't, you'll appreciate, some
5 matters that we can't help you with that are beyond what the law says is our job. For instance, I noted your last paragraph seeking \$16,500 costs. We have no power to do that.

MR CARTER:

10 That's a pity sir.

THE COURT: JUDGE NEWHOOK

Well, we just don't and so that and a number of other things we can't help you with. However, we have read your statement with care and of course it will come as no surprise to you to know that we have had experts giving their
15 evidence tell us about such things as noise and vibration and settlement and the area of ground settlement. There are a number of witnesses involved. We required them to caucus and meet and endeavour to come to agreements and they came to a large matter of agreement. You may have seen that caucus statement on the website, along with others so we thank you for the
20 material and we've been able to factor it into the large collection of materials that we're left with. I'm going to see if members of the Board have questions for you. First I should say is there anything in particular you need to add to what you've prepared, obviously with care?

25 **MR CARTER:**

Yes sir, the only clarification point was really on the, was actually on the settlement. What concerned us was that there was a schedule given in terms of pre and post-development settlement and it says "as per the schedule." I think our, well our point really is that number 11 Hendon Avenue needs to be
30 on the schedule, even though the indications are that it will not be, and yet our

advice is that, as you've seen with the appendix, is that there could be differential movement and as it is a wooden house it could move.

THE COURT: JUDGE NEWHOOK

Yes, well that's one of the many things in your evidence that we'll be able to factor in against the other technical information from people who are qualified in the field and not all of them are being called by NZTA. So you'll need to leave that aspect with us. Now let's see if we have questions for you.

QUESTIONS FROM THE BOARD: MS HARDIE

Q. Under section 6 subsidence, 6.3 on page 8, you've said you understand that a visual assessment has been carried out?

A. Yes.

Q. That you've given permission for access to the land?

A. Yes.

Q. And request for the results have been denied?

A. Yes.

Q. So, in terms of your tenants, have they advised you that someone's been on the site, looked at it in terms – with regards to the condition of the building?

A. It's my understanding and the direct communication was actually with my wife and it would be best perhaps if you got the firsthand...

MS ENNIS:

NZTA asked for permission to access the site to have that survey undertaken. It has been done. We asked for the report and were declined. I've subsequently asked for that information on other occasions, it hasn't been provided.

MS HARDIE:

And just how long ago was that?

30

MS ENNIS:

I can't remember exactly, but it was prior to the end of the year when we were asked for permission to access the information. I asked at that time if the report will be made available. We were told it wasn't. I've subsequently
5 asked NZTA for it, in a meeting and in a letter, it hasn't yet been provided.

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

Q. Mr Carter in seeking to determine how deep the tunnel or the tunnels
10 would be under your property if consent were granted, have you been able to access the drawings set F3 in the AEE which is the long tubenal sections?

A. I did when I was in Pakistan and not in detail since, but the advice that I have been given was that those were simply indicative of where it might
15 go, on the basis of the design and build house assessment.

Q. So you have looked at F3?

A. It's quite a long time ago that I did look at F3, but I will have another look at it but I'm sorry I can't clarify any more than that for you.

Q. Given your technical background I'm sure you'll very quickly interpret
20 that drawing and understand what it was saying.

A. Yes sir, well I actually have asked the LT – NZTA on three or four occasions as referred to in my evidence, or in my statement, and actually asked them for a printed drawing on A3 preferably so you can actually read it. It's actually – it was impossible in the eBook and quite
25 difficult to actually blow up on a screen and on A4.

1205**THE COURT: JUDGE NEWHOOK**

A set of documents in the back of the room Mr Carter which you can have a look at when we're finished.

30

MR CARTER:

Thank you very much.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

THE COURT: JUDGE NEWHOOK

5 I don't have any questions for you Mr Carter but I'm just going to check with NZTA about the allegation in paragraph 6.3 about being denied a copy of an assessment report and Ms Linzey I think you've just been to the back of the room and talked to Mr Galley or somebody and find out a bit more if you can.

10 **MS LINZEY:**

Yes, as I understand it, a site visit and initial review was done of all properties along the alignment. There were no site specific reports from that, so it's not the pre-condition sir, valid as identified in the conditions, it was an overview of the buildings, so there's no site specific property assessment. We have
15 advised that when those site specific property reports are available, NZTA's advised rather, that they will be made available to landowners and all the landowners, but at this point that report is not – that visit wasn't used for that purpose and that report is not available.

THE COURT: JUDGE NEWHOOK

20 You're saying it was just a general quick observation of the nature of the properties?

MS LINZEY:

That's correct, yes.

25 **THE COURT: JUDGE NEWHOOK**

So that's apparently the state of the play. Mr Carter, Ms Linzey is one of the senior planners assisting NZTA, you've probably known that if you've been looking at materials on the website, she's basically in control on behalf of her client in these proceedings. She has been able to offer us quite detailed
30 information at times in answer to queries, so I took the opportunity just then to

see to have her look into that and that is her response. So in terms of what happens next, you'll simply I'm afraid need to watch this space.

MS JANISSSEN:

- 5 Sir perhaps before the submitters leave, there's two things we can assist with. One was the query as to whether or not their property would be included in the schedule and it is, it's in ground settlement condition 7, they're one of the buildings on properties within the sub strata designation, so they –

THE COURT: JUDGE NEWHOOK

- 10 Page?

MS JANISSSEN:

- So page 80 of the conditions. It says, "A schedule of buildings considered at risk in accordance with criteria, this shall include but not be limited to the following properties." And they would fall within buildings on properties within the sub strata designation. So it should be on that, should be included.

THE COURT: JUDGE NEWHOOK

Yes, so it's item (a) in draft condition S7.

- 20 **MS JANISSSEN:**

Yes.

THE COURT: JUDGE NEWHOOK

Yes thanks for pointing that out.

- 25 **MS JANISSSEN:**

And the second point, in terms of the long section that's relevant to Ms Ennis' property, it's F03102402.

MS LINZEY:

- 30 I mean I'd be happy to take those plans –

THE COURT: JUDGE NEWHOOK

Yes well you might be able to assist them after they've finished talking with us Ms Linzey. Indeed for ourselves we were looking for those plans during our break and what was stated in your evidence. I have no further questions for you, you have one more thing?

MR CARTER:

Yes sir, I just had a point of clarification. Has a determination actually been made as to the depth of the tunnels under Hendon Avenue at all?

10 THE COURT: JUDGE NEWHOOK

Ms Linzey will help you with the detail of that, for us there's a combination of a number of documents. The plans that have just been referred to and the evidence given by technical witnesses on behalf of NZTA and Ms Linzey will be able to help knit all that for you together, rather than I sit here and provide you with a lot of advice and take everybody's else's time. So she'll have that, all right. Thank you for your involvement and presentation. Now Ora Emslie, John Parker, and Stella Maris Trust. Are the representatives of those parties present? No. Then the next person is Colin Tunncliffe. Good morning to you.

20

MR TUNNICLIFFE:

Good morning.

THE COURT: JUDGE NEWHOOK

Q. Do you have some written materials for us?

25

MR TUNNICLIFFE:

I do.

1210**THE COURT: JUDGE NEWHOOK**

30 Your copy of your submission is in front of me.

MR TUNNICLIFFE:

Thank you. I can read my submission or speak to it, whichever is preferable. I would prefer to read if that is okay.

THE COURT: JUDGE NEWHOOK

5 Yes all right, why don't you do that.

MR TUNNICLIFFE READS REPRESENTATION

"I wish to make... the preferred option."

10 MR TUNNICLIFFE:

Could I just comment, I am not sure whether that is the preferred option, it may be option (d) that the applicant is proposing.

MR TUNNICLIFFE CONTINUES READING REPRESENTATION

15

"The alternative option... the Waterview Estuary."

1220

I'd just like to make one further comment. I've asked for a Google Earth aerial photograph to be displayed of the Waterview Estuary to illustrate what I'm really talking about in relation to the estuary. You'll see this was probably taken at low tide, but a lot of the area is now silted up to the point where it is transforming back into land. Also worth noting is the causeway and the very small opening in the causeway, compared to the area it has to flush. It's an opening of about 60 to 70 metres, approximately. Thank you, that is my submission.

20

25

THE COURT: JUDGE NEWHOOK

All right, yes thank you Mr Tunnickliffe. Now you haven't told us what qualifications you have yourself.

30

MR TUNNICLIFFE:

Well formal qualifications, I have a Bachelor of Property and a Master – a Bachelor of Property. I have a Bachelor of – a BA and a Masters of EMA. I – my work experiences I've worked –

5 THE COURT: JUDGE NEWHOOK

Just pause. And your MA was in what subject?

MR TUNNICLIFFE:

10 It was history and politics. I have about 20 years' work experience in property construction, property management, with some town planning experience.

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

15 Q. On paragraph 14 Mr Tunncliffe, you – in the last sentence there you're suggesting that really the causeway is (inaudible 12:24:59) otherwise need to be with a pipe collection system. Now that's not a matter that you return to on your last page where you set out the relief you'd like to see, but could you help the Board with a better understanding of what you mean there in 14, with a pipe collection system?

20 A. Yes. Well as I understand it the applicant looked at two systems for removing stormwater. One was a pipe system which would – you would have swales alongside the motorway and they would empty into pipes and the pipes would ultimately run to a public stormwater system. That's very difficult for them to construct because two reasons; they can't get enough fall for water to flow to a construct – to the end points,
25 and there will be settle - there's likely to be settlement of the causeway which could cause differential movement in the pipes. So they've opted for a filtration system, but there's a trap and the pipe system is a cheaper – is a more expensive system. They've opted for a cheaper system, a filtration system where water runs off the sides of the
30 motorway and it goes into filters and it is, the sediments are taken out through the filter –

Q. I understand that.

A. Yes, but that sort of system requires a seven metre strip on either side of the motorway, and the motorway, or the causeway, is well, depending where you take beginning and end points it could be up to two kilometres long. So they were requiring – I think I calculated about five hectares of additional land in order to put that system in. So cost is driving that decision. A pipe system is more expensive and it's (inaudible 12:26:59) difficult, is unaffordable, so they've moved to a more affordable option. The consequence for the community is that it is losing five hectares of harbour.

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Mr Tunnickliffe, you must have seen Jonathan Hind's evidence?

A. No I haven't.

Q. Oh okay, because in that he details how that rock armoury is going to be constructed.

A. Oh okay.

Q. And it has your seven metre bifilters, but it does show you what materials are going to be used for that rock armoury, and also it does say that option (d) was the preferred option –

A. It was.

Q. – that they looked at. So if you go back and have a look at that, might be worth having a look at.

A. Thank you, yes I will.

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

25 QUESTIONS FROM THE COURT: JUDGE NEWHOOK - NIL

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Peter Perriam. Now you've provided us with some materials.

MR PERRIAM:

5 Some information. Basically the first submission was two pages which you – I didn't realise you would have a copy of that so I duplicated them and apologise for that. There are then two persistent statements and, in terms of a compared one and a comparison table as well and two maps, so it's not really a great expansion of what I've already said, but I hope to keep it within
10 coherent sort of readable, accessible information. So looking at the header sheet, we can ignore A1 and A2 from the extent of being new information.

THE COURT: JUDGE NEWHOOK

Yes we've read those.

15 MR PERRIAM READS REPRESENTATION

If I just briefly talk to that please if I may. I sought therefore to show that there were various options for the connection, the state highway connection through Waterview and also showed how the costs have come down from original of
20 2.77 billion to 1.4 billion because the Government would not accept the 2.77. There are various advantages I think of the overland route, the surface route as opposed to the NZTA's mostly tunnel and Tranz-route and, looking at that, I've asked, in the end, for a statement of the rationale between two options in terms of how the NZTA justify the extra money to be spent. Now, if we could
25 move on, if we could, to A3, amongst the papers that I have given you, which basically sets out the presentation things that I will talk to. First of all, my position is I recognise the need to complete State Highway 20 through Waterview, or through another route, whichever is the best. There are various route options but, as far as I am concerned, I view with much concern the lack
30 of detailed factual comparison between the options available. I understand that this is contained perhaps in some considerable detail in the various emails that I have received and in the evidence that has been given already,

but whilst – with due respect to the NZTA, they live, breath and eat this stuff 24 hours a day, I only perhaps read it for, say, maybe an hour a day. So it is not possible for my mind to get into a concise comparison.

THE COURT: JUDGE NEWHOOK

- 5 Can I just ask you, have you, prior to coming today, been able to read relevant portions of the AEE, the assessment effects on the environment and the statements of evidence given to us on behalf of NZTA by various of their members and specialists?

MR PERRIAM:

- 10 No, I haven't had that opportunity, mainly because there is such a volume, I've – since the 25th of October I've had over about 3000 emails with attachments and, quite honestly, you know, unless it bears directly on what I was talking about, I had to put it on one side. So I apologise for that but it's basically impossible for a resident of Waterview to sit in the NZTA seat and see it
15 clearly.

THE COURT: JUDGE NEWHOOK

Yes, okay, I just needed to ask you that so that we could understand in context your criticism. You will just have to take it from us that part of our job is to have gone through all those materials.

- 20 **MR PERRIAM:**

Yes.

THE COURT: JUDGE NEWHOOK

- And form a view as to the adequacy of the study and the alternatives because that is the question, we don't have the power to direct them to build something
25 else.

MR PERRIAM:

Okay. One of the routes which is a possible option to the NZTA route, is the JV Partners route, which basically is a surface route and a preliminary design

for that was built by the then Transit in 1999 and is the basis of basically the Queenstown Road to Maioro Street section, which was completed in 2009. Now, to me, reason would have said that therefore the completion of the SH20 extension through Waterview would have largely followed the

5 JVP Partners route, but obviously NZTA have had a change of mind on that and they dropped the previously purchased JVP surface route, running parallel to Great North Road, and promoted a new tunnel and surface option, which will go under Great North Road. And that arised out of the original older (inaudible 12:33:38) tunnel and some political pressure, which I won't go into

10 at this stage, but it appeared that other routes were ignored at that stage. I think my main point here is that, whenever I have been to a presentation by NZTA, and they have shown various maps and documents, it only ever has been about the NZTA proposal. The implications of the tunnel route to the surface route, if you would like to look at, first of all the routes themselves,

15 which are A5 and A6, I beg your pardon A4 and A5, one shows the NZTA route which basically has a break in the tunnel, though I couldn't see it on the map over there, but it is mostly tunnel and trench and, in fact, affects a lot of Great North Road. Whereas the JVP surface route which is A5 document you have there, that runs parallel to Great North Road and basically through

20 Crown land where Unitec is currently. It slightly affects the Oakley Creek but not to the extent that it destroys it. If you look at A6 now, which is a comparison of the various - two options that I looked at, which was the tunnel and surface route by NZTA, and the totally surface route for JVP, the cost that I could establish at this stage, 1.4 billion for the NZTA route, and 420 million

25 for the JVP. Now there have been various comments in newspaper articles and from the *Herald* transport editor that these figures may be pie in the sky in some respects, but I think they are indicative of the difference between the tunnel route and the surface route. I worry about the cost escalation in the tunnel route over four and a half years of building it, or four to five years of

30 building it. Whereas with the surface route they have got a short amortization base of any incremental because of the shorter time span. I think it should be obvious anyway in the cost situation that, if you go underground for the tunnel, you are going to be up for a lot more cost than if you go surface. I guess one of the disturbing things is that the tunnel surface route would see the sacrifice

of 365 houses, whereas the JVP surface route only means about 50 houses would have to be sacrificed. Local access from the tunnel, well there is none available basically from Maioro Street to State Highway 16, the reason I think, the main reason, because you can't do offshoots off tunnels. If we went the surface route, we have on and off south at New North, on and off north and south at Blockhouse, Rosebank, Great North Road, Unitec and there would be a Springleigh Avenue link as well. Air pollution, the expensive venting of concentrated fumes, I think I have a think about the concentration of the fumes that would be released into the atmosphere, whereas the surface route would have it's – any fumes from traffic going north and south would be dispersed by normal air movement, as it currently is on Great North Road. Venting buildings and headquarters, well there would be no need for that in the surface route but obviously very much needed for the tunnel surface route. The construction site will be sprawled over the entire area for the tunnel surface route, it would be difficult to avoid that. Whereas with the JVP surface route we are on the Unitec side of Great North Road and it would have dedicated access only for construction vehicles. I think finally, the major affects on property value and (inaudible 12:37:47) is the thing that I worry about in the tunnel surface route, I might add here that I have been a resident of Waterview for over 25 years, so I am well aware of the community spirit that exists. Obviously the suburb effects will be mitigated due to the shorter project time and the ability to see beyond that when the community can settle down again so that the community spirit could be preserved. I therefore refer back to sheet number A3, if we may please, and look at the bullet point there which talks about cost. Currently the Government, as probably you all know, is borrowing about 300 million a week and the forecast \$12 billion deficit is up from six billion, plus the huge bill to restore Christchurch, it seems to me to be ludicrous to be squandering and extra 980 million, or close to that, on a State Highway 20 tunnel and perhaps we need here to look at the exact cost of the JVP surface route and the Rosebank Road route and the NZTA tunnel route so that we can be quickly confirmed which is the best option in terms of cost, time taken to do it and other factors as well. So, my final request is that we could take a week or two to verify all the basic facts, and I'm not saying that the criteria on my previous page, at page – I'm not saying

that the criteria on page A6 are all that we should consider, but quite obviously cost is a major one and the effects on the community as well, are others. So, basically, what I'm looking for is an A4 or A3 sheet with the JVP route, the NZTA tunnel route and a possible Rosebank Road route, compared side by side so that, for the average resident of Waterview, Mt Albert and Owairaka, can see why NZTA want to go with a very expensive route.

1240

THE COURT: JUDGE NEWHOOK

Thank you Mr Perriam. Any questions for Mr Perriam.

10 QUESTIONS FROM THE BOARD: MR DORMER

Q. Your attachment A5, it's the first time I've seen the surface route since the hearing started. I saw reference to it in some of the earlier papers. Just looking very quickly at that it seems hard to believe that an extra 350 houses would be taken. Could you give me a rough indication as to where they might be?

15

A. That I unfortunately I cannot do, but I get a reference to that from JV Partners who have gone into it very thoroughly and there's been various newspaper articles that have indicated that far more houses go on the tunnel route than do on the JVP surface route. I would estimate that a lot of the people in Waterview particularly have not seen the JVP route map or heard about what it will do to the environment. I think mainly because we've been presented with a proposal from NZTA and I've felt like that's been a sort of fait accompli in way because it's the only one that's been presented. Okay, I understand that the other routes have been looked at and are probably buried in the files or they're on the wall over there. I don't work for NZTA, so I don't have access to that information as I need it.

20

25

Q. Whether the proposal goes through as now proposed or whether the JVP route were to be adopted by NZTA, the effect on the folk in your city would be much the same either way wouldn't it?

30

A. No, I think not. Firstly we're talking a much reduced build time, far reduced build time, we're not looking at four to five years of complete disruption of traffic through that area. We will still have lots of green spaces across in Oakley Creek, or the Oakley Reserve and I think largely because it can be built – we're looking at here at the – even if the Government has already given 1.4 billion towards this project in its roading budget it still comes out of the same big cake, be it health, be it whatever and I think to be able to appreciate the fact that by going overland we can save quite a bit of money which could go to other much needed projects, like the expansion to the rail system. So I think that once the facts were known you'd say, "Yeah that's – if we have to have it, that's the way we'd want to go."

Q. And lastly Mr Perriam, comment if you're able, if you feel able to, but I understand that the legal position is that we cannot require NZTA to adopt the over ground route even if we were minded to.

A. But you would be able to make recommendations on what you've seen and heard?

Q. We are, our chairman can no doubt more fully than I, but my understanding is that we are required to assess the Minister's proposal or the NZTA's proposal and merely enquires whether other options were considered appropriately.

A. Just following on from that, is it possible therefore to get an A4 and A3 piece of paper with various criteria on the left-hand side and say three options on the top, one being the JVP route, one being the NZTA route and a possible Rosebank Road, because that comparison basically compresses all the facts into what an average citizen can say, yes, yes, yes, no, no, no.

THE COURT: JUDGE NEWHOOK

Now Mr Perriam I'm going to comment on that myself. The situation is, as you've rightly observed, there's more than enough paper floating around this deal already. Many pine trees have been sacrificed in the exercise. It's not something that we have an interest in doing and nor is it within our powers, to now require NZTA to go and create more pages and start distributing them.

What we have to do is, we have to look to see, amongst a whole heap of other things, we have to see, we have to determine whether they have consulted the community adequately or not, and we've been told a great deal about that. And as Member Dormer has rightly pointed out to you, another key
5 consideration is that we have to assess whether or not they have adequately studied alternatives, and they've presented us with a great deal of information about that as well. I'm sorry, but we're not here to provide you with a whole lot more information or to provide the community with a whole lot more information. The time for that has passed and we have to answer the two
10 questions that I've just indicated to you, amongst a whole heap of other things. So you won't find us downing tools for a couple of weeks while more information is dished up. The information about alternatives and about consultation is there certainly, and I'm sorry, it is contained in a swag of other material that can test the average person's patience and to be honest
15 probably tests ours. But our job is to consider it and we have been in great detail and we will continue to be right up to the time where we issue our decision. So I'm sorry, the answer is no way we're doing that.

MR PERRIAM:

20 I wasn't sort of seeing a whole lot more information going out, only compressing of the information that's already there.

THE COURT: JUDGE NEWHOOK

Well look Mr Perriam, it might be of interest and even importance to you, in your mind, as a resident of Waterview to have some kind of a summary of all
25 of this information but it's not one of our jobs, as a matter of law to sit here and tell NZTA to provide Mr Peter Perriam with something that he would like to have, that's not why we're here.

MR PERRIAM:

30 I could approach the NZTA direct on that?

THE COURT: JUDGE NEWHOOK

Well you could ask them, I don't know what the response would be, you could certainly ask them. They've been very open to people approaching them over many things for many years and many months in our past. I don't know what
 5 the response will be but it's not part of our job to sit here and –

MR PERRIAM:

I understand that and certainly wouldn't like to proliferate the amount of information at the moment.

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

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

QUESTIONS FROM THE COURT: JUDGE NEWHOOK

Q. I want you to look at your attachment A5 please, and I just want to put something to you about what this map shows. You, I thought, rather
 15 glossed over potential impacts on the Oakley Creek alignment of a surface motorway. You said that not much of it would be affected, but as I read this map and I'm sure we've got better plans somewhere else, but this map shows that for the first stretch from Maioro Street, up to about Springleigh Avenue, the thing carves its way through the Oakley Creek
 20 corridor and then you get a little bit where the creek settles around what is now football club area, and then the proposed alignment once again rejoins the Oakley Creek corridor and completely plasters it, except for one or two minor wiggles, all the way through Waterview and up to the interchange. I couldn't understand what you were saying to us about
 25 your idea that that surface route wouldn't have those apparently significant effects on the Oakley Creek corridor. Do you have a comment on that?

A. Yes, if I just may quickly. I think possibly when the costs of the two routes are compared and there's a proper sort of drawing of the actual
 30 JVP route and what it envisages, that basically the people of Waterview who would look to Oakley Creek as a green space would not be too

discouraged I think. You know at some stage they've got to rather endure four to five years of construction upheaval or maybe some slight, well I'll say some loss of the green space, although it would not be I think the same as the tunnel would do.

5 Q. Well that's about as far as we can take it.

A. Thank you very much for hearing my submission, I appreciate your time.

Q. Thank you Mr Perriam

WITNESS EXCUSED

1250

THE COURT: JUDGE NEWHOOK

Watercare Services. Good afternoon to you Ms Gotelli.

5 **MS GOTELLI READS REPRESENTATION**

“My name is... of these agreements.”

And we have agreed some wording as – and I’ll take that as read.

10 **THE COURT: JUDGE NEWHOOK**

Yes, now that wording’s been agreed with –

MS GOTELLI:

Yes it has.

15 **THE COURT: JUDGE NEWHOOK**

- NZTA has it?

MS GOTELLI:

Yes it has.

20 **THE COURT: JUDGE NEWHOOK**

Oh yes I see, that’s the very next sentence there. Yes, thank you.

MS GOTELLI:

25 So we just ask that that could be included in the designation conditions to remind all parties that that agreement needs to be developed. And that’s really all I wanted to state today and I thank you for the opportunity to be here.

THE COURT: JUDGE NEWHOOK

Well that’s helpful and constructive, thank you very much.

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

Q. Ms Gotelli, how often do you think water supplied to residents would be interrupted? Do you think there's a – is it likely to happen very often?

5 A. Because of the construction or –

Q. Yes.

A. – just ordinary?

Q. Because of the construction.

A. Provided that we are working together and we know when those works
10 are going to be undertaken and we can take every measure to ensure that there isn't a disruption, but that's just - what we are asking for and it has been agreed is that we can collaborate together to ensure that doesn't happen.

Q. If it does happen, when you reconnect it is the water quality
15 compromised in any way? Like sometimes you can get air and it - you know when you reconnect –

A. Yeah.

Q. – it and it stirs everything up?

A. Well we have standard practices to ensure that any time there is a, say
20 a water main is repaired that it is appropriately flushed and meets all required standards.

Q. And you advise the residents of this –

A. Yes.

Q. – so that they know there's no need to worry?

25 A. Yes. Yes of course.

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

COURT ADJOURNS: 12.57 PM

COURT RESUMES: 2.18 PM**MR WOOLF:**

So first up, apologies for not following the full protocol that I understand I was supposed to have brought my 10 pages, 10 copies printed and all that stuff.

5 So I've – and actually one of my earlier comments while this loads, because it'll take a second, I've appreciated that you've made a real effort in the last (inaudible 14:19:22) communicate that on the defensive for being just somebody who has another job that they're doing, a number of emails and stuff coming in, yeah it's a little hard to keep up with it. So thank you very
10 much.

THE COURT: JUDGE NEWHOOK

Well we apologise for that, but it's called natural justice, communication. And if we don't keep you in the loop we'll get into trouble.

15 MR WOOLF:

And you will, I completely agree. So thank you very much.

MR WOOLF READS REPRESENTATION

20 So I wanted to run through some of my – I've just got a few comments at the front, in the three areas that I put in my submission were flooding, air pollution and the loss of green space and the vent. Thank you. So I really compliment on the overall process of this stage compared to the previous stage. I was involved in Green Belt and Living Communities and I think actually personally
25 I might be liable for 20,000 awarded against us by the Transit Authority, which was very kind of them, but they've never come to collect and we've dissolved ourselves. So at that stage we were just putting in some, what I thought are pretty reasonable things. So anyway. So and it's great to see things like soundwalls and these being retrofitted on the motorway, and St Mary's Bay.
30 You know to me these are just reasonable things that should have been happening on any quality motorway and when you travel around the world –

and I've got a whole lot of photos which I won't put in – of soundwalls everywhere in the world so why haven't we done that? So, and I'm thrilled with the tunnel, but of course we'd have liked a little bit longer, and appreciate that you allow non-experts like us to present. Thank you. So first of all, 5 flooding. This is the view from my house. I look straight down into Oakley Creek. So I'm right beside the caravan park, and the direction we're looking is straight into the middle of the caravan park, Avondale Motor – whatever. So I think probably almost of any person along Oakley Creek my house, I am the most cognisant of that creek and its flooding. The land that I'm on I think now 10 probably council wouldn't allow me to build a house on because of flooding, and basically my whole site would get covered once in a hundred years, which I'll come to. So next one. So this is a view looking onto my front lawn when there's no flooding. Next one. And this is what it looked like three weeks ago. So – flick forward again – so you can see. The height that you're going down 15 and up to there is pretty impressive. So the sheer volume of water that comes down there is mind boggling. That wall that you're looking at there – actually go to the next one – okay there's three or four lines there. The wall is the bottom line. You can –

THE COURT: JUDGE NEWHOOK

20 Yes, there's a red line there.

MR WOOLF CONTINUES REPRESENTATION

You can see, yep. The bottom line, the one at the bottom that's –

25 **THE COURT: JUDGE NEWHOOK**

Do you want to wander up to that screen and just point things out to us.

MR WOOLF CONTINUES REPRESENTATION

30 So the bottom line has got a AUP one in 10 year flood and when the creek, when the grille was over the culvert at the bottom of Oakley Creek I'd got over that wall three times in one year. This is the height that I've seen it come to.

It actually touched the poles there so standing on the wall it was above your knees. So it was up, half way up my table there and the official one in a hundred year AUP is about to cover up here. So it would cover the whole site by about 20 centimetres or more. What worries me is and I'll get to is the

5 culvert, and I estimate with the culvert it would at least go up, up here, if not further than that because this was all calculated on the previous – this is calculated on having the culvert working, which I can't remember how many (inaudible 14:23:18) it takes, but it really does have a lot of capacity in that culvert. As soon as you put a grille over it, and I understand this isn't directly

10 your responsibility, but when you add on a whole lot of miles of asphalt and then you put, try and put it through the existing culvert then I really do worry about the flooding at my place. So I'm very glad that I didn't build my house where I was supposed to, which was about half a metre above the one and a hundred. I built it 1.4, but actually in retrospect I wish I'd built another metre

15 on top. So this is the culvert, which is a particularly increased size pipe and goes all the way through under the railway station. So the creek normally flows round the corner, at the end of the site flood it just stops over this wall. And even here you can see trash that's built up. Next. This is what it looked like four or five years ago, and if you put it back and forward you can get a bit

20 of an idea of the sheer height. We're talking about the water being way up there, and here we were actually trying to clear trash out of it. There was picnic tables, logs, massive amounts of wandering dew. And you can see the whole thing just stops working if we have that grille there. Next slide. Next. This is looking back up the creek, one of the houses, I'm not sure if they've

25 made a submission, but there's a number of houses where flooding that occurred that I've talked about before really does affect these sort of places. Next. So some things have happened that worry me, the grille, which we'll come to, and railway sleepers which was an experiment somebody handed in. Next please. So this is the grille and you can see this was the first version

30 and it had a bit of a hole here then it was just filled up. So you've got a grille and a culvert, which must have cost tens of millions in today's price, and just gets covered up. Next. And then we have the, and then as I said we were there trying to clear out all the bits of it and this is all the trash that we were catching as it came down. And this guy's house is round the corner and that's

why he was there 'cos he gets flooded. Next, this is what happens to the grille, and trust me, none of you could bend any piece of that metal, the force that we're talking about here is immense. And this was the first version, then another one was put in and that had poles under it, then extra poles were put

5 under it and all of them got destroyed. And the current policy seems to be not to have a grille, which is at least what I would like to see, and if it gets put back in, it just completely risks flooding. Next, so this is it, as you can see, starting to move through. Another experiment, I don't know who tried this one, but the idea of putting railway sleepers in, so these are railway sleepers, not

10 railway sleepers, railway tracks, hammered into there, half their height, and you can see that half of these have pushed out and if we go to the next one, this is where five or six that were in a line and the next slide show how many are left now. Railway sleepers are pretty impressive piece of metal, I'm sorry, railway track. And that's the sort of force we're talking and it just gives you an

15 idea of the volume we're talking about here. And I guess what worries me is, yes your engineers can do their calculations but it doesn't take much to know that the world's doing things that we hadn't calculated on, couldn't get more pertinent at the moment, in terms of rainfalls and intensities and it's all about intensity. Long patches of rain are no issue but once they come down hard

20 and fast, the rate that that creek can go up is just amazing, and as I say I sit down and look at it all the time, so it's an amazing flow of water. And I know again this isn't in your jurisdiction particularly, but trees, stumps, weeds, water and dew, all of this stuff slows the movement. Now if we have a quick look at the next slide, this came down last week and sits straight across the creek

25 and obviously if we had a flood in between this just would have built up with a whole lot of trash and that would have slowed things up, then that would have smashed into things. I phoned up before I left the country and that was there for an extra week, and then I phoned up again and then they came and took it away. So, yep, it's not your official issue but it really makes a mess and a

30 difference from a flooding point of view. Next, air quality. In my submission I did ask for some clarification on some of the actual figures, but you know, and I said at the very beginning scrubbing clearly is the perfect solution. You've now concentrated all these fumes, the obvious thing is you stick it up a vent, why not scrub it. And so I've suggested and I really – to me it seems at the

very least that you should allow to design the stacks so that they can be retrofitted and then you can scrub out – even if we can only do particulates would be really helpful. Personally, if you asked me whether we wanted a taller stack or a shorter one, and I understand there's a – sorry I'm not absolutely sure was it 25 versus 15 metres. Personally I'd go for the taller one, but speaking from a horticulture, landscape and aesthetic point of view, if you can plant around it decent trees that will get up, then that's going to help with the aesthetics and you've got the figures and you've got some experts but higher has got to be better in terms of trying to get the fumes away. So that's what I would prefer. Next, space. This was the plan which I took the photo of because this was all the place what was going to happen to Alan Wood Park and it all looked marvellous and then the signs, two or three of them got ripped down and buried with all the trash that came through. So we had options of softball pitches, all sorts of things. So one of the options that you had, which was going to remove the entirety of Alan Wood Park basically, and I'm not just being NIMBY, not just because it's my backyard, but you're taking away just a massive piece of parkland. So to put the tunnel all the way through would have been the best and I at least appreciate that part of Alan Wood Park is being preserved and I would like to see you know similar things that we hope to see happen. This is now 15 years ago, that some of those things have the potential to happen. So you know there's people out there, the guys playing basketball. I didn't get a photo but yesterday there's all the sports grounds are covered in just social games, people coming along having a great time, there's a lot of new immigrants playing and you know it's near those lower cost housing places. So they're places that we do want green space, we do want things to do and we do want – there' no kids' playgrounds in this area for example, so the more space that can be preserved the better. So in that respect, next, if the stack I understand, I apologise if I got it wrong but I understand annexure option C, option 3 of that annex is talking about moving it further along. Clearly, if you look at your map, this is the narrowest part of Alan Wood Park and you're putting – I could not believe that building, I really could not believe that building. The sheer size of it and, to be frank, I could not believe also the artist's impression, which was looking up, it was the goldfish view, you had to stand in the creek,

at the bottom, and look up, you couldn't – that's just dishonest, it's dishonest to say that's what it is going to look like, there is another walk along the bottom of the creek. You know, if this was a massive building – so I understand you are talking about moving it, and burying it partly, trying to

5 reduce its footprint. Those are just obvious things that should happen. And, as I say, that is a pretty narrow part of the park, visual – it was going to be put almost at the head of the campground, so if it could be moved along by some amount that would be a definite improvement but, as I said, another couple of kilometres further on, where we used to be, would be my preferred option.

10 Next, I just wanted to quickly run through, I know you have experts, I'm a scientist, so – but there is a difference between having somebody who sits and lives in a place and sees things all the time and I know this, in terms of evidence this is – these are just photos but these photos, nearly all of these are just at my house. So we have Tuis – which is my roll through, rosellas,

15 these are all on my front lawn, we have two kingfishers and they were nesting in the willow tree, ducklings – personally I don't actually take a great liking to ducks but they are slightly cute. Next, pukekos and we had them actually nest. Next one, actually nesting and we had the chicks, you know, just in the grass on the side of the creek. Nest, we have eels, I heard somebody once

20 said that there were no eels above the waterfall, so I've got – this is one of my pet ones, I've got about six or eight that can come round at any one time. So, there's plenty of – whilst it isn't, you know, brilliant, there is a lot of potential for it to be good green space. Next, shags, to me – it can't be that bad if shags are actually coming in and cruising up and down the creek and I've had, I've

25 got many photos of these, and this is just right on my front lawn. Next –

THE COURT: JUDGE NEWHOOK

Do they steal your eels?

MR WOOLF:

Yes we have seen one having a ripper of a fight. The – I think the shag won.

30 This is a picture of a ruru – what do you call them – morepork and so I haven't got proper photos – there's, next one, online, so it – recently, the last three lines we have actually got moreporks calling at night which I – I thought was

pretty magic. Next, I haven't got photos of these but obviously got those, and showing, could be the last two years, we have had a showing (inaudible 14:32:34) around the area. So whilst, even to an expert wondering through, there may not appear to be as much wildlife as you would hope, through the planting that's happened, and a lot of the planting that's immediately opposite me, I asked the council to provide the plants and I planted probably in the order of 400/500 plants. A lot of the natives that are right in front of my house I planted, the council have come along and planted some under-planting. So some of us have a strong commitment to the environment there, want to see it looking more native, and want to see more wild life there, so that's the sort of thing, I guess, I would like to see more of. Next, proper planting, if we put decent planting of, you know, native bush, then we have the potential to reduce flooding, you can go and have the proper engineering on it but anything that has plants will reduce water run-off. I did a – did landscaping in my Horticultural Degree and those are true, we all know obviously reduce sediments and air pollution, binding particulates and washing them off, reduce noise, and obviously improve the aesthetic. So really good planning plans I would really like to see and what the next photo is showing is a photo – we just went on the way here, this is the end of State Highway 1, and this is called "a planting", this is monoculture of green flax, I cannot imagine how somebody could call themselves a landscaper and show that level of artistic flare. Very impressed, for example, to drive down Grafton gully, you've got some architectures, some – you know, sculptures, you've got mixed plantings, so what about something a little better than that, and if you look at the other end of State Highway 20, what we've got is the ultimate example of bonsais, there are puri that is as tall as this building, this roof, and they have been there for 10 or 15 years. What an engineer likes for soil, isn't what an horticulturalist and a plant person likes – and plants like for soil. You've got to make some compromise. So one you get further away you are not talking about a steep slope, prepare the soil appropriately, plant some decent plants and we can have something that both looks good, has a whole lot of positive environmental factors and is a win-win situation in my opinion. And last of all, this was, this was, this is off the Internet but I've seen it, (inaudible 14:34:52) and to sit in traffic like this is not what we want to do. And 10 lanes each way

doesn't do the job, whereas this is (inaudible 14:35:03) is my children and they used to be in there in the middle of winter in their knickers swimming in the creek and having fun. So it's a great creek. It's got a lot of potential and I'd like to see it developed and so things about flooding, planting
5 appropriately, trying to reduce things like wandering dew. You've got a lot of people who are keen to do things about it, I'm on a couple of committees and involved with things and you've got people like Wendy who's been here plenty of times from the bottom of Oakley Creek. We'd be down there, I'm covered in cuts actually because we were chopping out the woolly nightshade from
10 further down. There's a lot of people who care about it and a lot of good things could happen in the park if it's invested in properly and done well. So thank you very much for your time.

THE COURT: JUDGE NEWHOOK

Thank you very much Dr Woolf. And we learned partway through your
15 presentation that your qualifications are, that your doctorate is in I think you said horticulture?

MR WOOLF:

Yep, yep. So I've been (inaudible 14:36:00) if you want titles. (inaudible
20 14:36:05) and then a PhD.

THE COURT: JUDGE NEWHOOK

From which university?

MR WOOLF:

25 Massey University.

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Thank you Dr Woolf. Those grates they've put on those culverts are often put there to stop children flowing through them and the water too, you'll be aware of that but I guess it's one of those balancing acts
30 between what's safe for kids and what's safe for the property –

A. So an opinion on that. When I was down there pulling stuff off you get a hunk of wood and there was a piece of wood, just this wide and this long coming along, and I thought I'll grab that and before it came along then it goes, it hits the bars like wong, and I thought oh I'll drag that off, pull that off and I grabbed it, and you try and push it away, I couldn't move it. And I could barely slide it off. So I can strongly suggest, and I have children, that I prefer my children to go through that tunnel –

Q. They'd hit the grate.

A. No they won't – then hit the grate, absolutely. They'd just be stuck to it, just like all the wood that's stuck to it. They wouldn't be able to pull themselves off, they really wouldn't. So I know that was the reason for it, but it's just not – and it sou – intuitively you might think that's the way it will work, but honestly you couldn't get off that if you were a child. I don't think an adult could get off it.

15 **QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP**

Q. How long is that tunnel?

A. It's actually – it's really quite long, two or 300 metres, but at the beginning – and I've thought about it – the child's going to go in and tumble around, but you'd float up and then you're just going through a tunnel so you'd still – it's not, it doesn't fill right to the top so you'd still be able to breathe, float back up and then continue on. It doesn't become a solid tube of water.

QUESTIONS FROM THE BOARD CONTINUES: MS JACKSON

25 Q. And the other one is more a comment than a question, that some engineers actually do like plants other than flax forests.

A. Good.

Q. And we go to quite a lot of trouble to come up with – I'm on my soapbox again –

30 A. Well I've been on my soapbox you're allowed a turn.

Q. To come up with something that an area would be proud of and would, at the same time, bring back the flora and fauna and the bees.

A. And I think a lot of people would be willing to be involved in discussing it, you know, we're not – we don't want to come in as adversarial. If landscapers came in and started talking then I'm sure people would be keen to be involved.

5 Q. Thank you for your presentation.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Dr Woolf, could you just walk us through the red bars in this slide again please.

A. Can we go back to the...

10 **THE COURT: JUDGE NEWHOOK**

Try the beginning.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

15 A. Yeah I tried to look –

Q. It's five or six in.

A. I'm shooting myself in the foot here a little bit. When this, my house was – there's another house up the top here and this land actually sloped all the way down to the creek and the guy wanted to make a tennis court so my land was cut out, very unprofessionally, filled and – so there was never actually a survey level for it. And so I went, I got a friend who was a surveyor and we bought the level down and I did some surveying (inaudible 14:39:31). So we bought the level down and I tried to find all the bits of paper about it, but I think the level was 37.2. Is there anyone
20
25 who actually knows the relative levels round that area? I think it's 37.2. And here is 37.2 and that I think is pretty much the one in a hundred, and 37.6 which is this level I'm trying to indicate here, 37.6 is the one in a hundred AEP.

1440

THE COURT: JUDGE NEWHOOK

Q. Just for the record, the witness is pointing to the third line, the highest red line on the photograph.

5 A. Does somebody here know the flood levels, would you guys know anything –

Q. It will be somewhere in the volume of information that we have Dr Woolf, we can look it up.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

10 A. So because obviously when I went in to try and decide to buy the house its flooding was a pretty obvious point, and so that's why we went with – and at that time then I'm sure the council wouldn't accept it now, you could survey it and then do the heights and all that stuff, now I think they'd require much more documentation. So yeah, 37.6 is this area
15 here, which would as I say cover my entire site and there's a number of houses there that would flood. Further to that, why I drew that line up there, and it's great to have some of the old neighbours, they remember how high the flood got before the culvert was put in and they said it would be halfway up the house, they said they remember it when it
20 almost came up to their back step, which is pretty mind boggling, it's a lot of water.

Q. Have you read the AEE stormwater management background report?

A. No, no. I wished I had time to read a lot of this stuff, so no I would like to but I don't, no.

25 Q. I understand it's a major task, tackling the whole seat.

A. Yeah.

Q. So there's no implied criticism.

A. No, no, you know, yeah in the perfect world – I mean if I had an extra day a week would it be what it would take to keep up with the
30 information you have and if I wanted to put some criticism back, what I found frustrating was up to a certain point there was very little detail, there were a few sketches if you – sort of, this is where the motorway's going... And when you tried to find the detail it wasn't there and now all

of a sudden, and again I understand it's not a perfect world but all of a sudden there's this incredible level of detail which we had less than a month I think to put our first submissions in and now we've got waves of you know caucusing and all those things over the top, it's just (inaudible 14:42:09). You need a really big A3 printer as well.

5

Q. I've got a second point and it's more in the nature of a comment than a question, and it's this. That your picture, which shows how streams can be blocked, really strikes a chord with me because I've seen it in the earlier stages of my professional life and it just strikes home to me the importance of effective urban stream management and how that sort of column of considerations sits juxtaposed with theoretical calculations of flood levels. It's not a question, it's just an observation.

10

A. And sure, and when they came with the first stage of the motorway we had an engineer come to our site and talk to Green Belt, I think we were then and he said, "We're putting the motorway – there won't be any increased flows down the creek." And I said, "Look I'm not an engineer but I look at that creek everyday and look what happens, and you cannot tell me you're going to stick in x kilometres of asphalt and not increase the flows through it." And then, of course I'm going to say this but three or four months later they came back and did ask for an increase flow allowance. So you know, I know gut feel doesn't cut it when it comes to talking numbers but yeah, if you just sit there and watch this all the time and this will come up in you know it doesn't even need to rain at my place. The top of where State Highway 20 starts in the middle there up near Mt Roskill, the catchment is right back to the beginning of the motorway, the new motorway, so once it starts raining up here, the creek can just come up and it hasn't even rained where you're standing, so yeah.

15

20

25

QUESTIONS FROM THE BOARD: MR DORMER – NIL

30

QUESTIONS FROM THE BOARD: MS HARDIE

Q. I just actually would like Mr Woolf to point out where his house is, I just couldn't find 34B on our plan and I just wondered maybe –

A. That picture you've got right in front of you – those are my plants, those are all the plants that I planted, most of these ones in here. So this is – that's the camp ground and it comes and does a U, so all, most of these plants in here I planted and my house is pretty much straight at the end of it. So right on the tip of – it swings right in front of my house, so it comes – this is the camp ground here, there's a – this is the main feature there's a monstrous weeping willow

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1445

THE COURT: JUDGE NEWHOOK

10 Okay, yes Dr Woolf, thank you very much indeed for your interest and the detail and your passion, thank you very much.

MR WOOLF:

Sure.

WITNESS EXCUSED

15

THE COURT: JUDGE NEWHOOK

Right Ms Woodfield, yes all right, thank you very much.

MS WOODFIELD:

My name is Sarah Woodfield, I live at 19B Craddock Street and I would like to
5 thank you for having me.

THE COURT: JUDGE NEWHOOK

Our pleasure.

MS WOODFIELD:

I am a bit nervous so I will try and speak slowly.

10 **THE COURT: JUDGE NEWHOOK**

Just know that we understand that, just try and feel as much at home as you
can.

MS WOODFIELD:

Thank you. I am a local and I've not been able to keep up with all the
15 information, I've tried to pay attention, but I guess I am here to tell you my
concerns, what my life and interaction are with this area and the impact that
this motorway is potentially going to have on me. I guess I have to trust you
all to take into account concerns like mine and do the best with what you are
able to do. I appreciate this tunnel is happening, this motorway is happening,
20 I'm a driver.

THE COURT: JUDGE NEWHOOK

We haven't given consent, we are here working out first whether we give
consent and be it so, on what terms we give consent.

MS WOODFIELD:

25 Right, I understand thank you.

THE COURT: JUDGE NEWHOOK

So it is important for you to understand that, there's no preconceived notions up here.

MS WOODFIELD:

5 Thank you. So, I have five brief, hopefully, key areas of concern. I am a cyclist and so I cycle to town every day from Craddock Street along Great North Road and up through Pt Chev into town. I have only been cycling a year or so and as a new cyclist I know that it made life easier for me and less daunting to start with cycleways and good traffic management. So I guess my
10 first concern is, (a) what the traffic management and safety of my daily commute is going to be during the construction period, and also what it is going to look like afterwards in terms of those cycleways, in terms of the community connections. I don't just cycle to work I cycle to shops, I cycle to church, I cycle to friend's place for dinner and down into Onehunga, I love the
15 new cycleway by the new motorway and yeah, so that, that – and I think it benefits everyone, road users or not, and it's, to me, important that normal people cycle, it's not just a sport thing, it's not just an eco-geeky thing, it's a normal every day, or it can be, and I've, I've discovered it and I want everyone else to know about it too, so I'm currently looking at another bike because you
20 know, one is not enough anymore and I want a nice one that I can ride to my friend's place as well as my, my go-hard one for work.

THE COURT: JUDGE NEWHOOK

I quite often see somebody cycling to work when, in my case I'm walking, and I rather like the message that he has got emblazoned on the back of the pack
25 on his back, it says, "One less car".

MS WOODFIELD:

Yes exactly, yes that's exactly right, and you know, I am a driver, I go to the shore, I go to my parents' place in Wellsford and so obviously I need that, that ability as well, but more and more I am saying to myself, firstly can I cycle
30 there if I've got somewhere to go and if you guys are, if this is part of this process there is easier ways for me to get to Onehunga for example, from my

place, that would be the exact route that I would be taking. So my second point is the environment. Following Dr Woolf's presentation, Oakley Creek is really important to me, it's the end of our street, I walk along it from time to time, but I would like to say it's not just about people like me. I live with
5 someone who is not well and she doesn't get out of the house more than about once a month but, everyday she sees birds in our garden that have come up from Oakley Creek, so if we didn't have that as a community resource, if we want to put it in those terms, I think that, you know, or degradation around this, that I want Oakley Creek to be as good as it is now if
10 not better than. And talking about flooding, I've been involved in native planning and stuff down there as well and that's a concern for me. I guess I would like to encourage you to err on the side of caution, if it may or may not be okay then let's do it better than that so it definitely is going to be okay because, you know, this is a chance to get it done right I guess. And I guess I
15 see Oakley Creek as a way of bringing the community together. I know the interactions that I have with the community groups that I'm involved within is not just one of them and I see different people interacting with the creek in different ways, so I think that that's a really important thing. Pollution, smoke stacks, air filters. Why would you not is my question. It's – you can't do
20 anything about the open air pollution, but you've got a tunnel, you've got filters – sorry, you've got vents. Why would you not filter it? I'm going to be cycling through there every day hopefully for the next 20 years, I don't want to be breathing that air that I don't have to breathe. And the whole school thing, yeah. I guess I want to encourage your best case scenario again, and let's do
25 it better than average. This whopping great motorway is, may or may not be going through our community and if it does I'd like to see some good outcomes from it. Noise. I guess I'm wanting to encourage you again, it's important that it's minimised. That is an impact on the community and we want the best solution for the affected areas in terms of, you know, there's
30 average options and there's better than average options, so yeah. And lastly, community connections. The cycleway I've mentioned, but footpaths, overbridges, they're the arteries of this community and if there's a bit, you know, motorway going through it I want to see those connections being able to be maintained and improved, that people can get from A to B and they don't

have to think twice about their safety and their kids can get to the creek, or whatever it is. And again, I've not been able to keep up with option A versus option B and what that might look like, but that's a concern I have so that's what I want to share with you. I guess this is, you know, if we're going to impact on our community and future proofing what's our city going to look like in 10 years, 20 years time. Are we still going to be driving? All those questions, I'm not the expert, I don't know the answers, but I'd like to see a good outcome for our community out of this. So thank you so much for your time. I'm very grateful and I'm not so nervous now.

10 **THE COURT: JUDGE NEWHOOK**

And thank you very much for yours.

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

QUESTIONS FROM THE BOARD: MS JACKSON

15 Q. Ms Woodfield, you said there's somebody in the home who doesn't get out very often. Has NZTA contacted you to say that you are likely to be adversely affected by noise?

A. Not that I'm aware of. We are where the tunnel's going to be versus where the open air is going to be, per se, but no we've not been contacted about that. It would be a concern if it was because, like you say, she is home every day and that would be a significant impact on her. I hadn't really thought, but we can hear the train tracks from our place so, you know, from time to time.

20 Q. Okay, your statement that footpaths are the arteries of the community was pretty neat.

25 A. Thank you.

Q. That's very true isn't it?

A. It is.

Q. And I congratulate you on cycling as much as you do. I think you're very lucky actually in this area to have the cycle tracks that you've got.

30 A. Completely agree.

Q. And so, yeah to have more would be even better I suppose?

A. I mean there's no way I'd be getting down to Onehunga if I was, you know, if that cycle – it just wouldn't have occurred to me to try it, this is my point, you know and now that I am a keen cyclist I will go into traffic and it doesn't bother me, per se, but I think of myself a year ago and I think it wouldn't have happened, you know.

5

Q. So when you say you cycle to town every day, if I cycled to town I'd only go to Pukekohe, that's town to me. So where's town to you?

A. CBD. So I –

Q. CBD, all right, fine.

10 **QUESTIONS FROM THE BOARD: MR DORMER – NIL**

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Ms Woodfield, can you just remind us what number Cradock you are?

A. 19B. Yep, down a wee right-of-way.

15

Q. Just to share a bit of information with you, there's about a zillion proposed conditions for the project and one of them's known as "Open Space 6" and subparagraph of 6 there's the creation of an esplanade reserve at number 36 Cradock Street. So that's, you know, just share a bit of information with you.

20

A. Is there where the emergency smoke stack was going to be at one point?

Q. Yes I believe it is in that neck of the woods, and "was" past tense, but if you were talking to any of the folk from the Agency they could probably share some more information with you about that bit of the whole deal.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK

25

Q. Ms Woodfield, question for you about cycle tracks. I can see it's dear to your heart (inaudible 14:54:58). And you use the new one alongside the motorway through Onehunga. How good are you at estimating widths? I can ask this question to the NZTA if you like, but I'm interested in asking a cyclist. How wide do you reckon that one is, and is it divided into two pieces?

30

1455

A. My intuition says about a metre and a half wide.

Q. The whole width, the whole width of track?

A. Or bigger, I have a fellow cyclist here.

Q. Is there a painted line down the middle of it –

5 A. No there's not.

Q. – to divide the pedestrians and cyclists?

A. No there's not, it's one of those –

Q. And you think the whole thing's about 1.5 metres?

A. Yeah, perhaps through, perhaps it's – yeah it's one of those ones that
10 just it occasional has lines when there's a bollard or something across to
–

Q. Well we can ask them how wide it is.

A. It narrows at Mt Roskill.

Q. How do you find it to use if there are pedestrians on it and other
15 cyclists?

A. It's fine on the main part and in fact I'm thinking again that it's probably
closer to two metres wide, but it does narrow up Mt Roskill for example
and there are certainly pinch points and they can be challenging and not
just on that cycleway, at intersections up the – the cycleway up beside
20 Unitec, which is part of my ride into town which I think is part of the
bigger picture here. If there's a team, and that can be a challenge
depending on if there's a pedestrian or two and cyclists are actually
quite good at keeping left but pedestrians not so much, and they have
dogs and the dog on the leash will be on that side, you know, yeah.

25 Q. More challenging for me as a pedestrian than you as a cyclist, you've at
least got a piece of metal to wield.

A. Well as long as you hold your line I actually don't care where you are, as
long as you stay where you are I can get round you but it's when the
people that go like this –

30 **THE COURT: JUDGE NEWHOOK**

Thank you very much for that. We'll find out about some of these cycleway
widths. Thank you very much for your presentation, your time, your energy
and your participation in our hearing. Now Martin Roberts?

MR ROBERTS:

Yes.

THE COURT: JUDGE NEWHOOK

5 Your turn.

MR ROBERTS READS REPRESENTATION

10 I share a house with Sarah and I just wanted to talk a little bit about my
experience particularly as a cyclist. To advocate in particular on behalf of the
cycleway that is missing from sector 8 of the plan. I ride a bike basically every
day for transportation purposes, I ride to work, I ride to Pak'nSave. When I
say I ride to work, I live on Craddock Street and my work is right at the end of
15 this motorway section that we're discussing, it's within 200 metres from the
Sandringham Road onramp. And so this route would possibly, yeah, because
I'm sort of in the middle it's like living halfway between two motorway
onramps, it's unclear how I might use this particular section of motorway on a
daily basis, of cycleway, on a daily basis, if there were cycleways in that area.
I do often cycle through the infamous Alan Wood Reserve, it's much more
20 pleasant to ride on the gravel paths and increase my heart rate rather than
staying with the traffic flow. I however am concerned with the plans as I
understand they have been proposed where the cycleway kind of peters out in
the middle of the reserve. There is a route off to the side that connects onto
Hendon but then there's also an arm that sort of just peters out into the gravel
25 track, heading off towards Pak'nSave in New North Road as you're coming
from the Maioro Street end. I do wonder, in my experience as a cyclist,
whether that will diminish the number of people who use the cycle track,
particularly in wet conditions going through the gravel in the park would be
less than suitable for many cyclists. Generally though, I guess I want to
30 highlight that I feel the cycleways are useful for people going shortish
distances but in a sense, like the motorway, it's also useful for people going
slightly longer distances, the distances are different between cyclists and car
drivers generally, although what I understand a lot of short car trips. Just the

other day, on Wednesday of last week, we had a visitor at work from the United States and after lunch we got on a couple of borrowed bikes and we started out at the Sandringham Road motorway onramp, crossed the bridge to the cyclepath and were able to travel without going on the road from there
5 down through to the Onehunga Port across Old Mangere Bridge, around to Ambury Park, through the park, through the Watercare Estate, all the way down to the Stonefields, a distance of approximately 10, 12 kilometres. Our visitor was very impressed. He didn't feel that he could do such a ride even in the Colorado, which is quite a sport oriented area that he was from. I could
10 perhaps have gone the other direction and through to Te Atatu Peninsula where there's some very nice pathways, again some beach access, but in the current situation that path was sort of ruled out for me because there is no cycleway. I guess I'd like to emphasise, it seems to me a disappointment if we build the new motorway connections through and we still don't complete
15 the link of the cycleways. Simply for perhaps leisure use like that, sports use, these cycleways aren't generally sport oriented. They're wide enough that you can cycle past some other cyclists and some pedestrians and the one in the recent State Highway 20 section is very good in that regard, but I do try to discourage any cyclists I see cycling along there at 30 kilometres an hour.
20 They're not really designed for training for road racing, anything like that. What I think they would be better for is, for example, kids going to school. At the moment we don't see a lot of kids cycling to school in those areas. Parents are quite concerned about putting their kids onto the roads with the traffic. There are a number of schools along the State Highway 20 route or
25 close to it that could be connected in with short feeders. So I think that's perhaps more the kind of traffic that we would expect to see. I highlight this particularly because some of the documentation I was able to read and in the, I think the third piece of rebuttal evidence from NZTA by Mr Andrew Murray on transport and traffic, his section 54.3, he notes that the predominant
30 movement of traffic on State Highway 16 is commuter traffic to and from the CBD. He assumes there's a similar pattern in the area of the sector 8 sort of section of this motorway, cyclists going through, and thinks that it would be a long circuitous route to go from the cycleway through to Pt Chev or wherever it connects and then into the CBD, and I have to agree that if I was going to

the CBD I wouldn't use the cycleway for those purposes. I would brave the roads, either I wouldn't cycle if I wasn't confident or I would take the road, but there are other directions that people will be travelling and I see this fitting very much in as a ring route. And firstly there are some ways you can travel.

5 At the moment I can easily reach through to Onehunga from where I live. It's actually easier to get to Onehunga than through to Te Atatu and I think it would be beneficial to have those other areas opened up for cyclists. I do think over time you will see people changing their use patterns, the same way we expect car use patterns to change. People will say, "I can buy a house
10 here, there's good access for my children to get to school," things like that. So that's my one key point I'd really be keen to see; good cycle connectivity through that whole area. Thank you.

THE COURT: JUDGE NEWHOOK

Quick question, do either of you belong to Cycle Action?

15

MR ROBERTS:

I belong to Cycle Action, I'm still working on her.

MS WOODFIELD:

20 I've been told I need to be a friend, but I haven't (inaudible 15:03:56).

THE COURT: JUDGE NEWHOOK

We've had quite considerable participation in our hearing from Barbara Cuthbert and others, Barbara Cuthbert particularly on behalf of Cycle Action. If you belong to Cycle Action you may be aware that given that we are
25 a long way from being able to decide whether a cycleway should be a requirement of ours through sector 8, nevertheless other agencies are considering whether there should be cycleways through there and Cycle Action is working with Auckland Council and Auckland Transport for instance, on such issues. So I think you're probably aware of that.

30

MR ROBERTS:

I'm aware that there are a number of different priorities and it seems what – it seems no (inaudible 15:04:48) want to be the one who pays for it more than anything else. I had some questions of –

5 THE COURT: JUDGE NEWHOOK

It's often the way isn't it?

MR ROBERTS:

10 - connection, but normally we have, seem to have cycleways built alongside motorways recently as part of a transport corridor, not just a road construction and I do think that that has proven very beneficial with the State Highway 20 work and it would be a shame that the situation where we have a tunnel here meant that that connection was broken.

1505

15 QUESTIONS FROM THE BOARD: MR DORMER – NIL

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

20 It seems I have asked all the questions, thank you.

MR ROBERTS:

I think you have heard a lot about the cycleways already, is suspect.

THE COURT: JUDGE NEWHOOK

25 We have but it's, it's exactly important to us to have the person from users, not that Ms Cuthbert and the others aren't users of it themselves but it is nice to have the personal information.

MR DORMER:

Sorry Your Honour.

THE COURT: JUDGE NEWHOOK

You do have a question?

5 QUESTIONS FROM THE BOARD: MR DORMER

Q. Yes, you just made a note, you sort of slightly flippantly referred to the “infamous Alan Wood Reserve”?

A. Oh I guess because I live there, because I live in the area, I always hear people talking about it, that's what I have been hearing for years, since I
10 moved into the area, and people have been talking about the motorway and what would happen to the reserve, that is all I meant.

Q. Only used in that context?

A. Yes.

Q. From everything else we have heard it's a much used, much loved
15 community reserve?

A. Yes, I apologise, flippant remarks can be mistaken.

MS WOODFIELD:

I have to say cycling on the gravel is not the easiest thing in the world.

MR ROBERTS:

20 Yes I took her there the other day.

QUESTIONS FROM THE BOARD CONTINUES: MR DORMER

A. Yes it's a very beautiful area every time I have been there it's just been the subject of much discussion over the years.

Q. We have walked through it ourselves as a part of our wider site
25 inspection and will quite probably go again before we make our decision.

A. Yes, cool.

THE COURT: JUDGE NEWHOOK

And incidentally Mr Roberts I see that in your submission you comment in particularly about cycleway widths, be they two metres or 2.2 or even 2.5, if at all possible.

5 MR ROBERTS:

Yes, it's really good to be able, just the little extra bit of width, again I'm not – off the top off my head good at estimating the width. The section from existing State Highway 20 from Sandringham through to, sort of, Mt Roskill is very, very rideable and I don't feel – you know, like there is plenty of room for
10 passing pedestrians, even someone with a dog, you ring the bell, give them a bit of time to get the dog under control and it's very rideable.

THE COURT: JUDGE NEWHOOK

Do they still have bells on bicycles do they?

MR ROBERTS:

15 Well if you are a racer you don't have a bell because it weights 3 grams, but I strongly recommend a big friendly cheerful sounding bell.

THE COURT: JUDGE NEWHOOK

Well thank you very much indeed, both of you, thank you very much.

WITNESS EXCUSED

20

THE COURT: JUDGE NEWHOOK

Metro Mt Albert Sports Club David Parker, Mr Parker welcome to our hearing.

MR PARKER:

What I would like to do for the Board if I may, is paraphrase some of the
5 things, you have seen for the first time reading through the document that has
just been provided.

THE COURT: JUDGE NEWHOOK

Yes.

MR PARKER:

10 I would like to introduce myself and then the relationship I've got to Mt Albert
Sports Club as the initial submitters on this and explain why I am here at all
and speaking, if I may. My name is David Parker, I'm the CEO of Auckland
Football Federation, which is the regional sports body for Association Football
or soccer, as it is often referred to in New Zealand, in the area from the
15 harbour bridge down through to Clevedon in the east and Tuakau in the
south. In the reasons for direction the Minister identified that the proposed
motorway has got significant impact on open space currently used for both
active and passive recreational purposes. In the summary of submissions it
indicated the grouping of submissions and under community it listed two
20 aspects that particularly concerned submitters. First of all being the loss of
and the reduced quality of green and recreational space and secondly, the
connectivity of that open space. Our particular interest for both Metro
Mt Albert Sports Club and football, are on two sectors, as they are referred to,
sector 5, which is the Waterview Reserve, refer to loss of open space, and
25 refer to the lost or affected facilities, not only being replaced for qualitative
aspects but also – sorry, not just for quantitative aspects, but also for the
qualitative aspects, so not just providing space for space but also the quality
in terms of amenity, community value and accessibility, were the words
specifically used in the summary of submissions. Second part is sector 8,
30 which has been referred to as the infamous Alan Wood Reserve. The Phyllis

Reserve itself, which is where Metro Mt Albert is based, uses the Alan Wood Reserve in large regard. The provision of sports fields in that area for a number of recreation and particularly organised sports purposes is not always at the place in which a club might be located, there's a lot of distributed use of whatever green space is available. And as I'll show in a second, that's under pressure at the moment, and so Phyllis Reserve, it was noted has attracted submissions, particularly in stating that it could be positioned to play a significant role in meeting the needs of the whole area. So where we come to at the end of our submission is about the possible use of Phyllis Street Reserve as an amelioration measure for Alan Wood. Wilson Irons, the chair of Metro Mt Albert, alongside me here, made a submission initially for the Metro Mt Albert Sports Club and the Metro Football Club which has already been received by the Board. Although it notes in particular in the summary of submissions that there's an interest in sector 8, being the Alan Wood Reserve, we should also note that there's an interest in sector 5, because there is some use for organised sport at the existing Waterview Reserve, which is sector 5. The reason I'm here is that Metro Football Club is a club affiliated to Auckland Football and I'd just like to add, if I may, some information, both detailed and in support of their submission on their behalf. Not only to provide some general background but also specifically in support of a certain proposal. In section 2, for the Board, just a little bit about what Auckland Football is and does. We support 31 affiliated clubs and three separate affiliated organisations, together we represent about 20,000 players of football in the area I mentioned earlier on and about 75% of our playing base are youths, they're in the age, juniors and youths in the age between five and 17. So we are the largest of seven Football Federations across the whole of New Zealand, we have about just over one fifth, about 22% of the total national playing base and as an RSO within Auckland, we're actually the largest by numbers within the Auckland region. Our role is to support those 31 clubs in the associations in all their activities by organising competition leagues in which members of individual clubs play. And as such this involves programming a large amount of competition leagues in which their members play every weekend, onto the total inventory of sports park as provided by all the local authorities and allocated to football. Under the current

arrangements, the total inventory of sports park allocated to football is placed under our care at weekends. But under point 23 there I do note that we've got a large proportion of the total use across a season, is actually booked directly by the clubs and is involved on floodlit parks for midweek afternoons and on

5 into the evenings and that usage is booked directly. In section 3 I talk briefly about the relationship we've built over the past five years with local authorities. We take very seriously our role as co-managers and co-planners if you like, of the council asset that's held in sports parks. We don't just whinge and say there's not enough and it's too wet and why aren't they mown

10 and where are the white lines. You know we like to think of ourselves as having a much more proactive position with all the local authorities as were and obviously the new Auckland Council as is, in helping to plan what we've got, looking at current demand, growth and demand and future trends, to enable them as local communities in the future to enjoy leisure, recreation,

15 and through football, organised sport. We've just commenced since the inception of the new Auckland Council, developing a regional facility strategy for ourselves and our colleagues north of the bridge. So for the whole of the Auckland region, we're looking to develop a strategic view of what fields should be provided where. And it's with that background that obviously we

20 then look at things like State Highway 20 and the changes to specific fields. We've got a background in which we're doing it. The methods and quality of monitoring and recording total usage of sports parks is varied amongst the seven old councils. But the former Auckland City Council was probably the model, they produced on an annual basis, a whole range of statistics of

25 usage. And our information is basically that follows in a paragraph or two, is based on Auckland City Council's own numbers, so that's very kindly made available by the people who run the sports parks within the old Auckland Council to use this and we take those very seriously. And it's those statistics that underpin the assertions in the submission. First of all, that capacity

30 constraints are a serious issue even before we start looking at what happens to parks, with State Highway 20 proposed works. And secondly that the arrangements for short and long term measures need to be really carefully planned and staged to maintain at all times even the current capacity that we have for organised sport in the communities. The area affected by the State

Highway 20 extension, and hence the understanding of what those amelioration measures need to be during and after its construction, all fall within the old Auckland Council area and so we have got good under-pinning information that help us with those decisions. On section 4 I would just like to

5 move on to where we have been travelling over the past few years and many of you will be aware that football over the past 10 years or so has enjoyed a sustained and quite high rate of growth, for a number of reasons, the intensification of the urban area in Auckland central areas, has added to population numbers in existing communities. At the edges new developments

10 have created whole new communities for whom a full range of facilities need to be created and, throughout Auckland, as you will be aware, changes to the ethnic makeup of the community have included the growth in the number of people originating from countries for whom, as we like to say, football is the first language and, in particular, the areas that are affected by State Highway

15 20, Mt Roskill, Mt Albert, Avondale, have experienced growth in those southeast Asian, Latin American, Middle-Eastern, African, influx of people moving into those areas, and they are looking to play, a place that they can play football. The game itself has enjoyed increasing popularity and there is a huge range of factors that cover that, for instance, anybody with Sky Sport will

20 probably – who doesn't like football, will turn on and see that it is wall-to-wall at certain times of the day, for which some of us at least are grateful. Year round broadcasting of top level leagues from around the world no doubt helps its popularity. Within New Zealand the presence of a successful New Zealand team based in the Australian A League, the Wellington Phoenix, has no doubt

25 helped the growth of the game. Within the past 10 years New Zealand has played host to FIFA World Cups. The Under 17 Boys, which was the inaugural tournament, that was held in 1999, the final here in Auckland, and again in 2008 the women's under 17 World Cup, the inaugural world cup, was given to New Zealand by FIFA. I optimistically wrote, when I first did this

30 paper, that we hoped more to come but in the intervening period between writing and presenting we – New Zealand has in fact been awarded the 2015 Under 20 World Cup, so there will be more top level football from around the world coming to New Zealand. We shouldn't discount the "mum factor", a lot of people like to, a lot of the ladies like to see their children not out and out on

the rugby fields for a couple of hours while they spend a couple more hours in hospital, and certainly directing children away from the heaviest of physical contact sports is an interesting aspect to growth of our game. There has been a rapid growth in New Zealand and particularly in Auckland of girls and women's football, travelling at probably eight or 9% per year growth and that's a worldwide phenomenon, but certainly a lot of girls play football and move on into the women's ranks. And finally the growth of masses sports, as you will know from lots of other sports, means that people do stay in the game and are more active in all kinds of sports, but in football we have seen a growth of over 30s, over 35s and this year, for the first time, an over 40s league, so people staying in the game a lot longer adds to pressure of people, not giving up the game and making up the space for young people to move into. In junior and youth playing numbers, both boys and girls, we have been especially strong and Spark surveys show – school sports show that football is the largest youth sport in New Zealand. This year the 2011 numbers, which we have just got coming through now, show again eight and a half to nine percent growth in both boys and girls youth football in that five to 17 age group. In short, the pressure is not declining. Clubs in the Auckland region don't widely advertise that they have registration dates coming up, there is no regional sports body coordinated regional wide campaign to attract participants, we don't give freebies away. A number of clubs indeed have to close off their registrations they effectively cap the numbers able to play the game. So, capacity constraints in some parts of the city are already dampening participation and growth, which is a situation at odds with most of the widely accepted National Government, National Agency, Auckland Council objectives to increase active participation in sports and recreation and obviously then to obtain the benefits that accrue both to individuals and to the community as a result. So, growth in football, anticipation's not anticipated to slow, it might even be fuelled further by our participation of men's and women's teams competing at full international Olympics and FIFA World Cup competitions. We believe that a fair proportion of our 8.8% growth this year has come from the high profile All Whites participation in the full World Cup in South Africa last year for instance. Section 5, all that has led to just increasing pressure over this period for the last ten years on sports parks. It's been mapped against unfortunately, a

relatively fixed inventory of sports parks. There has not been a large increase in numbers of places to play the sport, despite growth as we've just been describing. There are few sites in the urban area to acquire or to convert to sports parks and so utilisation of the existing inventory has led to what we believe to be and what council agree with us, in some areas that are unsustainable levels. The local authorities, particularly Auckland City Council, but not alone in that, have commissioned a number of independent reports over the past ten years that highlight sports field demand and highlight pressure points, a series of reports by Julie Longdill, leading onto a sports field demand study done in the past three years, the latter end of Auckland City Council's days, replicated now in Waitakere City and in Manukau City, all point to the same thing, which is that we're running out of spaces on which to play, particularly winter codes and particularly football. As a winter sport pressure's especially high on the small portion of the inventory that has got floodlighting on which evening training's need to take place and that's a specific problem for winter codes obviously with training taking place on midweek winter evenings. So the statistics I mentioned earlier show that usage of theoretical capacity has risen from 40% in about 2000 to over 95% in 2008, so council's own calculations of how much use a field can take have been exceeded by large percentages. A fair amount of the stock of all the old Auckland City Council fields have been operating for a number of years at well over 100%, some up to 200% of the capacity as defined by council's own parks staff. Alan Wood for instance has been operating for three or four years now at 140 to 160% of what council determined to be its – what its capacity should be. During that time budgets for maintenance have been under pressure as all council budgets, and so the spend per field may have remained the same but the spend per hour of usage, the spend per person using the field has declined. And so the quality of those fields has suffered. Greater use with the same amount of budget to maintain and prepare them can only mean declining quality. We've been not helped over the past two or three years by unhelpful rainfall patterns, which have left us with very dry spells followed by very wet spells, all of which has led to problems on specific fields which may have been able to cope a little bit better in normal patterns but in the last two years, sorry the last three years, 2008 and 2010, we've had

to endure what have been described as one in 50 year rainfall events. I'm not quite sure at what point two in three becomes the norm but we've had two one in 50 year events in the last three years. And any machine that's running at the capacities I've been talking about, 150 to 200% of capacity use, when it
5 breaks it's going to break badly and what we've had over two of the last three years is of an 18 week winter season, kids particularly being asked to not play or train for five, six or even seven consecutive weeks in an 18 week season. And when they did play, they played because we had to play at some places people were asking for money back and doing all the things parents do when
10 their kids aren't around. We've had to play on very poor quality fields and so the quality of the experience of sport, winter sport, of football particularly, of the ability to learn and develop skills on those fields is extremely limited, it's almost a case of getting out there and paddling around with a football for the sake of being able to say you went out and were able to play football. So in
15 summary, State Highway 20 works, they run through a part of Auckland with a high demand for sports parks, that is general across the whole Auckland area but specifically around Alan Wood Reserve and Waterview Reserves. They provide an essential element of provision for what's an important organised sport for people that live in these communities. And we urge that all those
20 who have got the opportunity to be involved in the planning of the measures during construction works and the total inventory capacity that's left after the works, make sure that the people in these communities have continued access to, not just fields but to high quality well maintained fields that are able to cope with current and future sports field demand. Just a quick word about
25 the State Highway 20 corridor because although we've got specifically a submission from Metro Mt Albert Sports and Metro Football Club the corridor itself and the clubs that are just off to each side of it or at each end of it, are the clubs I've noted in section 6(1) there, three things united with 2000 members, (inaudible 15:25:34) New Lynn with 1200 members. Essentially
30 (inaudible 15:25:38) Mt Albert, 600 members. Mt Albert Ponsonby at Anderson Park, the smallest of those clubs with 230 members. Metro itself with 600 members. Western Springs further up and beyond the end of – over onto Meola, 1700 members. That group represents 6330 of 2010 members, that will be higher in 2011, which is almost a third of Auckland Football's

membership to be considered by works in this area. And on their own, nearly 7%, just over 7%, of the national playing base this year. So this is an important corridor for football. It may be that we look at this as a proposal that's two and a half fields at Alan Wood and one at Waterview, but actually, when you look at what's being provided for the total football community up and down this corridor and the fact that there's nowhere else for these people to go, these clubs are also on their individual fields at capacity, the people that will be displaced from Alan Wood cannot simply go and play somewhere else. The fields directly affected by the works, Alan Wood Reserve and Waterview, are therefore a part of a network of inventory that's actually currently already struggling to meet existing demand. Mt Albert Ponsonby Football and Metro Football Club in particular rely on Alan Wood and Waterview for play and for training. There is lit fields at Alan Wood, but there's no capacity on other fields for other clubs in the corridor to absorb these memberships. We have to deal with this as a problem, stand alone. So State Highway 20's to pass through this important corridor high demand for football, a limited inventory of existing sports parks already struggling to cope with existing demand and a sizeable chunk of this football community is looking to have its ability to play maintained by people looking at planning and looking at amelioration measures for these works. We have the opportunity I think not just as a, to look at this as a watershed moment, not when we're taking fields away but when we're replacing them with good quality facilities, and possibly even to leverage off it to provide good quality facilities going forward. In summary, I'd like to say that it's, in our view essential that the amelioration measures don't reduce for any period of time the total capacity available. Any new or replacement sports parks inventory, whether temporary or permanent, need to be ready to go. They need to be available and in good condition ready to accept play absolutely the second that any fields are closed down. There is no capacity available for it to move even temporarily. The planning of such temporary or permanent new capacity needs also to take into account the requirement for lit fields to handle training mid-week. I do put an important rider on that, that is that we could possibly be in a position where a substantial long term future gain is worth some short term pain, and we would need to look very seriously and consider very carefully any measures that led to

clearly a two to three year window where we might struggle even harder than we currently do, but there is a picture down the road of something that's a lot brighter and a lot better. That's the only con – that's the only place I think that we would be able to hang our hat on an amelioration measure that didn't meet those immediate demands. I think it's important that the amelioration measures too are high quality acts – facilities that are easily accessible and are an integral part of the community. It's not sufficient to just create some areas that replace square footage. I think this is about planning assets for a community for the community to be able to go and use that they feel linked to, that their access is clearly able to be made within their community. And so these amelioration measures, in my view, need to be linked very closely to the people who are – those who will be using it. The amelioration measures might include additional capacity of new reserves or they might include investment in new capacity at redesigned existing reserves. There may be an opportunity for consolidation of existing inventory on existing reserves where a current club is based. And one reason for doing that would be that bringing more players to a field with the support and the extra facilities of a clubhouse is a different provision to one where it's just two fields and maybe a port-a-loo. Certainly the extra facilities that you get by going to a club base are well worth considering as being a worthwhile investment. So Anderson Park, the home of Mt Albert Ponsonby, and particularly Phyllis Street Reserve, is it was noted in the summary of submissions may well be capable of being a place at which replacement inventory or enhanced capacity on the same field could be created, and those options should be explored. Just to explain briefly, it's not just about square foot for square foot. If the quality of what's being provided is enhanced then more utilisation hours can be created so it's not just about field for field. It's about hour for hour, in our view. Council's own numbers would show that a soil field for instance would be able to hold 10 to 12 hours of play per week. Enhance that to a sand-based field and that would double to 20 to 24 hours per week. Put an artificial field in, especially with lighting, and we're limited by only the hours at which people can turn up to play and the hours in which the lights are allowed to be left on. So certainly we'd be looking at 40 to 45 hours per week. So it's not just a simple field for field. There is an opportunity here to do enhancement of quality on the same square footage of

land. If there's is an overriding transportation need to go through the heart of this community, and I'm not qualified to say whether that's the case or not, then I think at least those of us with some thought about what needs to be provided in return for that should at least expect to be directed and provide
5 excellent facilities where members of those communities might be able to play their sport. Prior to – when we were writing this and I understand there have been some changes and some negotiations still taking place, Metro Mt Albert and Auckland Football were in support of measures which had been noted through Auckland Council Parks Recreation Heritage Forum as being the two
10 field new reserve at Valonia Reserve, although we have our own view on whether the site as designed is providing an adequate quality of field. And secondly, the investment at Phyllis Street Reserve with a new layout and extra fields and they're possibly high quality fields, so we would support, or we would have supported that as a potential amelioration measure, providing
15 good quality facilities within the community. We do not believe that a proposed replacement field at Waterview Reserve, being across the other side of State Highway 20, is necessarily a good provision of a sports field for, in essence, the old Metro site now split by the motorway and we're not of the view that the reserve, or a portion of it, being retained either permanently,
20 temporary during works is a suitable place to be asking people to turn up and play and drive through a construction zone to get there. So we're not in support of those two proposals. Thank you for the opportunity to come and do this and run on the back of Wilson Irons and Metro's original submission and we throw ourselves on your judgement and wisdom. Thank you very much.

25 **THE COURT: JUDGE NEWHOOK**

Thank you very much for your presentation Mr Parker. A couple of us sat two or three years ago concerning designation of the Mt Wellington fields, you might recall, and it's interesting to see that the pressures that were being talked about in evidence or mitigation haven't gone away. They're still
30 heading in the same direction, at the very least, if not although slightly (inaudible 15:33:51).

QUESTIONS FROM THE BOARD: MS HARDIE

Q. You mentioned that the duration of your season was 18 weeks, am I right?

A. Yes, currently.

5 Q. Currently?

A. Mmm.

Q. That's a normal season for football, or not?

A. Well yes it is. One of the things football has become over the years is unfortunately squeezed into a winter sport window. In most places
10 around the world football would be a 10 or 12 month season. We're certainly of the view that a lot of the provision of football for girls and women and for a lot of business house leagues, the football window is spreading outside that traditional council contract period, April 1st to August 31st. So where fields are available a lot of football is spilling out
15 into those shoulder periods, and then again all the way through so we are constr – the reason I (inaudible 15:34:52) is that we are constrained currently by council contracts to those periods, but a lot of places where it's possible to be played, it is played and we're not necessarily the drivers of that. That's people who are wanting to play seven a side
20 summer football in the evenings, as a difference of the social aspect of the sport.

Q. So that follows on with your comment in 7.1 that any new or replacement sports fields need to be available and in good condition, basically as soon as the existing inventory isn't available we haven't got
25 a window of – or have we got a window of opportunity there in terms of perhaps two weeks a year, 18 week season?

A. If I answered with just my Auckland Football hat on, I'd say that if we're ready to go on the first Saturday of any season, then from and Auckland Football point of view, then if the field is ready to go, replacing
30 one that was taken out of service on August the 31st the previous year, then I ought to be satisfied. But I know answering on behalf of the clubs who are running summer sevens competitions, they're running in-house and business house, they're doing their pre-season training, then I'd be doing my clubs a disservice. What we actually need are more fields that

are not dual code with other sports, so that football can be played on them all year round, but there we head into all kinds of other territory?

Q. So at the moment is Phyllis Reserve, is that used by several sports?

A. Yes, that's also shared with softball on two fields and that actually becomes a softball – the contract for summer sports ends the Saturday before the contract for winter sports begins. Unfortunately that serves neither code adequately, we end up with no football for the first month of the football season, because the fields are recovering from having softball played on them. So as I say that's the reason (inaudible 15:36:36) we'd much rather have some fields that have got softball's ability to serve its own purposes and football's ability to serve its own purpose too, that's not currently the reality though.

Q. So just in terms of Valonia Reserve, I think one of the proposals was to have the two fields, plus a cricket pitch in the middle of it?

A. Yep.

Q. Is that, does that suit?

A. Not it's – the reality is, that because of the pressure on space, if I was sitting here with my Auckland Cricket hat on, I'd be saying we need another cricket field. Now I know that the pressure on cricket fields is almost the same, I'm involved in cricket with my son, so I know that we are similarly sent to wherever there is a field available. I would be being extremely selfish if I said Valonia Reserve should be football only, I don't think I could hold that position, nor do I think council would – they'd probably berate me for saying anything else. But I think where we've got the ability to have some fields, at the moment there are very few. If we could double the number of fields where we didn't have summer sport it would allow clubs to thrive, survive, had economic impact through the course of the whole summer period as well. But Valonia Reserve with a cricket field on, the reality is, as with (inaudible 15:37:50) Road, you referred to earlier on, the reality is council need to put two fields, a cricket pitch classic sort of two fields in place. If they can do that, wherever they can do that and it would be counter to everything we'd say as co-managers of council assets, (inaudible 15:38:05).

QUESTIONS FROM THE BOARD: MS JACKSON – NIL

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

- Q. I was wondering whether Mr Irons could corroborate the submissions we've had from others about new New Zealanders playing informal football games, knock around games on the reserve.
- 5

THE COURT: JUDGE NEWHOOK

I think we're going to hear from Mr Irons shortly in addition to Mr Parker's presentation of representation, I think Auckland Council wants to question Mr Irons and then we get the opportunity to do so.

10 **THE COURT: COMMISSIONER DUNLOP**

I'll hold that question.

QUESTIONS FROM THE BOARD: MR DORMER - NIL

COURT ADJOURNS: 3.39 PM

COURT RESUMES: 3.58 PM

THE COURT: JUDGE NEWHOOK

Mr Irons, somebody's going to question you, so we'll need you to come over to the witness box.

5

WILSON IRONS (SWORN)

CROSS-EXAMINATION: MR LANNING

Q. Good afternoon Mr Irons. Firstly, have you read the evidence of Mr Gallagher on behalf of the council?

10 A. I have.

Q. And so you're familiar with Mr Gallagher's comments that there is potential to improve the capacity of the Phyllis Street Reserve facilities by reconfiguring the current facilities at Phyllis Reserve?

15 A. Yes I am. The Metro Football Club and Metro Sports Club have been in conversations, discussions with both Auckland City and NZTA for about four years about the redevelopment of Phyllis Street as one of the options.

Q. And so you're familiar then with the proposed rearrangement of those facilities as set out in annexure C of Mr Gallagher's evidence?

20 A. Yes I am.

Q. Now you're familiar with those proposals, so are you able to tell the Board of Inquiry what Metro Mt Albert Sports Club's attitude towards Mr Gallagher's proposal for the reserve is?

25 A. We are in support of the redevelopment of Phyllis Street, we believe that the redevelopment of the facilities and playing fields at Phyllis Street will be an asset to the community. A number of our members are children, we have got one of the largest primary schools in Auckland, Gladstone Primary, who is affiliated to the club and it would make commonsense for the community to have a club where the children could actually walk
30 to after school or bike to, rather than actually having to go anywhere

else. So it's about actually making a community facility or a community hub for sports within Mt Albert which isn't there at the moment.

Q. Now this may cut across Member Dormer's question. I had similar questions in mind after hearing from Mr Woolf this afternoon. Were you
5 here when Mr Woolf gave his evidence?

A. Yes I was.

Q. Mr Woolf mentioned that he observed yesterday a number of people playing sort of informal football in Alan Wood Reserve. Now he also mentioned that his observation was there seemed to be many of those
10 people were from immigrant communities. Just taking that aspect of immigrant communities, does that reflect your club's membership, are there a high, is there a high proportion of immigrant communities wanting to play football in your club?

A. Yes there are and it's growing. Over a period of time we've seen, as the
15 community in Mt Albert and particularly in Mt Roskill and Avondale have changed over a period of time. The number of new immigrant communities, particular Somali and Ethiopian children who are coming to play football is increasing all the time. If I could put a bit of a light on the subject around yesterday's games at Alan Wood –

20 Q. You're anticipating my next question.

A. Yesterday's games at Alan Wood were part of the ethnic leagues games, which is not affiliated to Auckland Football, so although they might look like they were just kick around games, they were part of an ethnic league. My team played yesterday but we couldn't get on the
25 field in Mt Albert at all, we ended up in Blockhouse Bay to play because all the fields at Mt Albert were full.

Q. So in addition to those ethnic leagues, is it your experience that there are more informal games of football organised on areas like Alan Wood, is that something that's within your experience?

30 A. Yes, yes it is and it's growing.

THE COURT: JUDGE NEWHOOK

Now it was actually Member Dunlop who was asking about these matters, so I'm going to turn to him next.

THE COURT: COMMISSIONER DUNLOP

I would just thank Mr Lanning, there's nothing more that I would want to add to it, to those two questions Your Honour, that was a satisfactory answer.

QUESTIONS FROM THE BOARD: MR DORMER – NIL**5 QUESTIONS FROM THE BOARD: MS JACKSON**

Q. Just for a point of clarification Mr Irons, I heard somebody talk about half of a football field, and to someone that doesn't play football, that doesn't seem like a hell of a lot of use to be honest. So is this the sort of field that you practice on is it?

10 A. Is more usually used for juniors, so you'll have smaller fields for juniors.

Q. A half-sized field?

A. Half field, half-sized fields for juniors.

Q. Okay, now I understand.

15 A. There are smaller fields within Mt Albert and particularly in Alan Wood, there are smaller sized fields which are used for training, so it can be a combination of both, so there are small fields as well which we use for training, we need to get any scrap of land we can to actually train on.

Q. And you could put something like that up just in an open field for kids to just play couldn't you, as an informal football field?

20 A. You could do that, yes.

1605

QUESTIONS FROM THE BOARD: MS HARDIE

25 Q. Could you just, just looking at Mr Gallagher's proposed layout for Phyllis Reserve, how big is your existing (inaudible 16:05:10) building? It looks quite substantial.

A. It can take 250 people at any one time –

Q. So it's quite a substantial –

30 A. It's quite a substantial club, but on the Saturday evening when we have our prizegiving, when we have the juniors down, it's often not big enough. We would get well over 250 turning up every Saturday night for prizegiving.

THE COURT: JUDGE NEWHOOK

Thank you very much for your evidence Mr Irons and your participation in these processes. And thank you Mr Parker for your part.

WITNESS EXCUSED

5

THE COURT: JUDGE NEWHOOK

Now Mr Black wishes to go next I think. Please come forward Mr Black. Now you're going to present some material to us that you've prepared in writing.

5 MR BLACK:

Yes sir.

THE COURT: JUDGE NEWHOOK

Would you like to go ahead and make your presentation.

10 MR BLACK:

So my name is Robert Black. I live at 9A Howlett Street in Waterview. Thank you for the Board of Inquiry for giving me the opportunity to speak and provide my representation on how the Waterview Connection Project impacts on my family and community. Thank you also to the Board for providing additional
15 information by way of the section 42A reports. It is appreciated. This has been a new and unfamiliar process for me and I apologise in advance for not following due process protocols or in covering ground or issues already resolved. I have read as much as I have physically been able to within the timeframes and commitments to my family and employment.

20 THE COURT: JUDGE NEWHOOK

We well and truly understand the situation and matters aren't presently resolved. We've got a lot of expert agreements, but that's not to say that individuals like yourself have some other things to offer us. So proceed on the basis of having that knowledge.

25

MR BLACK READS REPRESENTATION

"The information and... the school holidays."

30 It's common that when our children go back to school and they talk about their holidays, which is quite a natural thing to do, their classmates often haven't

been anywhere because they can't afford it. They are low income, and they often say that they went to the park. So that's why it's important to have really good quality parks, because they don't get the opportunities that we do.

5 MR BLACK CONTINUES READING REPRESENTATION

"The youths 13... a smooth surface."

I just wanted to highlight that youth do have different needs and infrastructure
10 needs to be targeted for them.

MR BLACK CONTINUES READING REPRESENTATION

"Families in these... moved to Pt Chev"

15

He's an example of someone who's chosen to leave of his own accord.

MR BLACK CONTINUES READING REPRESENTATION

20 "There have been... are left behind."

1615

It's often friends and neighbours and families that have to leave and it does
take its toll.

25

MR BLACK CONTINUES READING REPRESENTATION

"I do not... and reusing rubbish."

30 And I think incinerators have been gradually faded out of all schools now.

THE COURT: JUDGE NEWHOOK

Yes one remembers the time when every primary school at least had an incinerator in the corner and the school caretaker was trapping backwards and forwards lighting the thing.

5

MR BLACK:

Yeah, daily.

THE COURT: JUDGE NEWHOOK

But little thought given to where the smoke was going to go.

10

MR BLACK:

Yeah that's right. So it's a good thing, and it's a similar situation in some ways, the stack and there's pollution coming out of it.

15 MR BLACK CONTINUES READING REPRESENTATION

"I believe the... to be dispersed."

I still have concerns about the science and like I don't have qualifications or
20 ability to challenge the science and I believe modelling uses averages, but there are days when it's very still in Waterview and when we have a mist that's – you know I'm worried about the pollution that will happen on those days and it will come down, right down to our neighbourhood.

25 MR BLACK CONTINUES READING REPRESENTATION

"The health and... enjoy its benefits."

One of the things about Waterview is it's called Waterview but there aren't
30 many opportunities to view the water and the Howlett Esplanade on the walkway isn't used very much so people don't get to use it, see it.

MR BLACK CONTINUES READING REPRESENTATION

“However given its... further if required.”

1625

5 THE COURT: JUDGE NEWHOOK

Just give us a minute to peruse those two pages before you move on Mr Black, in case we do have questions. Okay.

MR BLACK:

10 I apologise I couldn't be sophisticated enough to provide a visual of where it may go.

THE COURT: JUDGE NEWHOOK

That's all right, we've got a certain amount of evidence about that concept. So now we're on page 6 I think are we, point 5.

15

MR BLACK CONTINUES READING REPRESENTATION

“Point 5 as... will be taken.”

THE COURT: JUDGE NEWHOOK

20 I'm not sure there's a lot we can do for you there Mr Black (inaudible 16:28:10). I don't think that comes within our powers.

MR BLACK CONTINUES READING REPRESENTATION

25 “Relief sought. This... expert caucusing minutes.”

THE COURT: JUDGE NEWHOOK

Yes, all right well we'll have a careful look at those and then we think about conditions. All right well thank you very much Mr Black. Mr Black would you like to go to the witness box so that you'll be sworn to tell the truth while
30 Mr McCurdy is questioning you.

ROBERT BLACK (SWORN)**CROSS-EXAMINATION: MR MCCURDY**

Q. How long have you and your family lived in Waterview?

5 A. Approximately 15 years.

Q. So you know Waterview quite well?

A. Yes, I know it very well and lots of the people in it.

Q. If this proposal is given the green light do you intend to stay in Waterview?

10 A. Yes, definitely yep. We've worked on the proposal, the project for so long and given input into it. Yeah we definitely do. We're part of the community. We know lots of the people. We've done lots of work at the school and down in the creek and all sorts of other community projects, yes.

15 Q. You've totally answered the next question. What is it about Waterview that would keep you here – there, sorry?

A. Well it's lots of things. It is the location. It's a beautiful suburb. It's got a great mix of people, ethnicities. It's very vibrant, culturally diverse community. The school's great. The kindergarten, the people have
20 been fantastic. It's been a great place to bring up our children. We started a play group prior to kindy. We used the school facilities, very supported, well supported by Mr Skeen. Yeah it's a great community and the parks are also very good and having access and just the being close to the water is fantastic. We are very privileged, yes.

25 Q. You talked about the creek in your representation and I'd like you to enlarge on some of that if you would. I understand that from your representation that you live quite closely to the creek. How do you and your family regard it, as it is now and as it could be?

A. Oh it's a fantastic resource. It's, as I said we're very lucky. I use the
30 Howlett Waterview Esplanade Reserve almost every day. I take the dog for a walk. The children often come with us. We take the kayaks up the creek and into the marine reserve and out by Pt Chev. It's not used a

great deal by a lot of other people from what I see, but it has lots of potential to be used.

5 Q. If the proposal does receive resource consent and goes through do you think the proposals that cover the protection of the creek would – or first the development as well, do you think they are adequate in their present form?

10 A. I think NZTA have done a lot of good work. They've consulted with the community as best they can at times. It's not – it hasn't always been smooth running and perfect. I'm not a hundred percent sure of all the things that are happening with the creek. I know that there's going to be four big on and off ramps going over it. That's going to have quite an impact on the creek and there will be, need to be some work done to make sure that the historic place, The Star Mills, is well looked after, the site, and some of the other historical sites on the other side. I think it
15 would be good to have a place where kayaks could be launched on the creek somewhere, possibly down where the bridge is on Waterview Reserve. And I think – I like the idea that the esplanade is going to be planted, the weeds taken out, planted and an all-weather track being put in there, I think that would be good and hopefully help people to use it
20 more and see it more.

Q. I understand that you've been finding out some of the history of Waterview and the creek and I wonder how do you think the creek compares now with how it was say in the 1940s?

25 A. Yeah, it's been quite interesting actually this whole process, and I'm not sure if the Board has seen photos pre the State Highway 16 before the causeway went in, it's quite interesting photos when you look at them. It was also when the first Housing New Zealand homes went in and that was about all that was in Waterview. But yeah before the causeway went in there was a lot more water, there was boats that had – with, just
30 on the photo and talking to some neighbours there were boats that used to come all the way up just right near the Star Mills preservation, well the Star Mills site. The neighbour next to us said that their children and all the children in the street used to learn to swim down the end, down by Howlett Street, down that end, but that's, unfortunately that's not

possible now because of the causeway it's closed up and there's lots of sediment there and you can't access that for swimming. But yeah it's very different.

5 Q. And a question, I think you've answered it already, would you like to see the creek become as useful and as pleasant as it was then for recreation for the people who live there and from further afield?

A. Yes definitely, it's an amazing resource and not enough people use it definitely in our community, so I think landscaping and design, open space design could enhance that. And I guess one of the things is
10 we've lost the use of the creek because of the causeway and that's one of the reasons why the Eric Armishaw Bridge would be beneficial to reinstate access to the waterway.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Mr Black, where do you launch your kayaks at the moment?

15 A. At the moment we drag them down the hill from the end of Howlett Street and it's quite a steep little couple of hills which go down there and then there's a little flat area where you can walk out to the mangroves and up to the creek from there.

Q. Do you put them into the creek as opposed to Waterview Bay?

20 A. Yes.

QUESTIONS FROM THE BOARD: MR DORMER

Q. I'm interested in your point of view that you'd rather have a higher stack than a shorter one. I understand you say you'd rather have it on the BP side of the main road, rather than in Waterview itself. If the stack is to
25 remain by the school, would you still rather have a higher one than a shorter one?

A. The reason I believe a higher one is more beneficial is, I guess it's my caution around some of the sites and I just believe having it higher you've got more chance of the emissions being carried away and that's
30 got to be better for the health of the community, particularly children in the school who are probably more at risk to members of the community. Does that answer your question?

Q. Yes it does, the point of view has really set me thinking.

A. I mean I've heard that there is – I've heard from the evidence that there is minimal benefits if you lower the stack but when you're talking about the health of our children in our community, any benefits should not be compromised.

5

Q. I shall go back and look at the caucusing reports with renewed interest, because the point you made that even on some few days a year, when the air is particularly still, the higher stack may work to assure dispersal better than a shorter stack. And if it's five days a year, that's important in your terms?

10

A. Yes definitely yes. Considering you know you've got a whole tunnel worth of emissions. You know if you've got a surface motorway it's dispersed as it goes past but you've got all those emissions, two and a half kilometres of it coming out one space and you know over an hour and a half, that's I don't know, did work it out at one stage, the amount of tonnes of emissions it can be.

15

Q. Now putting aside, this to one side for a minute. I understood you to say that regardless of what the science was, the popular perception would be that it's risky and unhealthy. So in those terms, your view would be that regardless of the science, the perception is important and because of the perceived beliefs, you'd still rather have the higher one?

20

A. Yeah, I guess there's a couple of answers in there. I think the perception is relevant, the science is relevant as well. I know from being on the School Board of Trustees for eight years and knowing the community's fears, that it is important to address the perceptions, and that is achieved by moving it across the road, onto the eastern side of Great North Road. And in the science – well I think a lot of people, I'm not the only one who I would say don't fully believe in the science but you know they trust the science to a certain extent. I've just been around for long enough to know that things change and mistakes happen.

25

30

Q. Things change, even in the time from when a project is first mooted before the project gets to a hearing don't they?

A. Definitely. I would have, yeah, so many different changes yeah – initially you know we were all out asking for the emissions to be filtered, but I mean we've got to the stage where you know we accept some of the science and the beliefs that it's not efficient or that effective to filter the emissions. I'm still not convinced on that but it's not something that we have strongly submitted for.

Q. That's the expert evidence that's before the Board isn't it?

A. Yes.

Q. And you can't contradict it either?

10 A. No, no. I do know that in some countries they do provide emissions filtering, so you know it's – it is hard to know sometimes.

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Mr Black, it's not just the position of the stack that's important is it, to the residents of Waterview, it's also the visual amenity, is looking at it, so I guess are you trying to say that if you move it across to the park across the road, there's a lot of great big trees there at the moment isn't there, would you think that it should be hidden in amongst the trees or have new trees planted around it? Is that your suggestion?

1645

20 A. Yes definitely. I think, you know, there is already some big trees in the proposed location. They would go some way to make it stand out less. Although the trees wouldn't be on the side of the road which they – so they wouldn't totally screen it, but they would provide some context for it I think. And if it was, yeah I guess the pictures that we have, you know, they stick out like a sore thumb. It's the colour. It's an artist's impression. Perhaps if they weren't – if it was a different colour they wouldn't stick out, it wouldn't stick out so much but yeah if it could be placed back near the trees, be a similar colour to the trees or the environment in which it stands I believe the community would be a lot happier with that kind of situation. Even if they could grow ivy or something up it, you know, would be better than how it looks now. And I'm not totally opposed to an architect's kind of doing something with it,

30

but as long as it doesn't stick out so much. I don't think our community will be celebrating it whatever it looks like.

Q. No I would doubt that too. I was going to say to you if you had the choice for your youth what would be the top of the wish list, and maybe
5 it's the skatepark. And I would suggest to you that there's going to be an awful lot of concrete places if this thing goes ahead, you know. And some of it –

A. I'm sure there will be.

Q. – won't be quite right. So if you go to the Auckland Council and arrange
10 for some boxing you just might get your skatepark, but that's just a suggestion off the record.

A. Thank you for that. As I said the council have indicated that they're not really interested in putting one in so I don't know whether they will change, but.

15 Q. Well if you're only going to ask them for boxing you'd be probably surprised at the answer, but you know.

QUESTIONS FROM THE BOARD: MS HARDIE

Q. You've said in page 5 that you're grateful and congratulate NZTA for their intention to develop Saxon Reserve. Just wondering if there's
20 been discussions in terms of the perhaps the Phyllis (inaudible 16:47:56) the original proposal for Saxon Reserve wouldn't be developed if they can't acquire a couple of sites – no have we moved on from that, I'm seeing some faces.

25 MS LINZEY:

So perhaps if I could just clarify. The distinction between – the intention is still to develop Saxon, there's just an acknowledgement that we may have to do it in two stages so the stage at which NZTA have already, has completed the acquisition, which is the current proposal or the 2000 square metres, and then
30 there's the additional 1000 of that might have to come as a second stage later, but not stepping away from doing it, just timing between before and construction starts and longer term. That's the only intent in those. I would note that, again, Auckland Council and NZTA planning and open space

people have been working to redraft those conditions to tighten that intent up following some discussions last week.

MS HARDIE:

5 I'm not sure what we're getting actually, I'm really struggling here. So –

THE COURT: JUDGE NEWHOOK

Depends somewhat on whether the acquisition can be achieved in relation to the remaining two properties, doesn't it?

10 **MS LINZEY:**

It does and at this point the only issue is timing, not – in terms of the process that's going on for acquisition it is just a timing one, it's not a lack of willingness to sell those properties from the owners, it's just a timing of when they want to sell. So that's the only obstacle that is holding that process up at
15 the moment.

MS HARDIE:

I'll retract my question. Thank you.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

20 **THE COURT: JUDGE NEWHOOK**

Thank you very much for your detail and thoughtful presentation. We're grateful for the knowledgeable local input that you've been able to bring. We're impressed with the contributions from many of the members of the community who have come to speak to us and we include you in that. Thank
25 you very much.

MR BLACK:

Thank you for hearing me.

WITNESS EXCUSED

30

THE COURT: JUDGE NEWHOOK

Now we're going to come to the school in just a moment Ms Fraser. I'm going to find out whether you're prepared to (inaudible 16:50:29) for a little while and I hear (inaudible 16:50:31) before. We do, just for the record before I forget

5 we've been provided with brief written materials from Peter Alan Banes, the National Road Carriers Inc and the Auckland Business Forum. The representatives of those parties are unable to attend this afternoon and they (inaudible 16:50:59) receive materials, which we do and they've (inaudible 16:51:02) in the record and (inaudible 16:51:07) for people to look at along

10 with everything else. Now, Ms Fraser are you happy to make your presentation on behalf of the school and the Ministry now?

MS FRASER:

I've got some very brief submissions, only six pages so I would prefer to go

15 now than –

THE COURT: JUDGE NEWHOOK

Yes, rather than come back tomorrow.

MS FRASER:

20 - tomorrow morning.

THE COURT: JUDGE NEWHOOK

I thought that might be the case. Yes that's our preference too. Now we've seen the –

MS FRASER:

25 You've seen the agreement?

THE COURT: JUDGE NEWHOOK

- agreement by the way. It looks – been entered into.

30

MS FRASER:

So I don't need to provide further copies?

THE COURT: JUDGE NEWHOOK

No, no we've got copies and we've had the opportunity to have a look at it.

5 We have been aware throughout the hearing with a lot of hard and detailed work that's going in behind the scenes on the agreement and we're pleased to see it emerge. So you –

MS FRASER:

10 It's not quite signed yet, but we hope it will be signed this week.

THE COURT: JUDGE NEWHOOK

Well we would like to have input from you and from NZTA as soon as it is, we would like to have the confirmation. If there are changes we will want the changed version, but one way or the other we need to know that there is an

15 agreement or there is not an agreement.

MS FRASER:

Actually if there are any changes they'll be quite minor. We're just waiting for the Ministry Legal Department in Wellington to take a final review, but I don't

20 imagine there'll be any significant changes.

THE COURT: JUDGE NEWHOOK

Well you just tell the Wellingtonians to get on with it.

MS FRASER READS OPENING SUBMISSIONS

25

"These legal submissions... (inaudible 16:53:45) statements."

THE COURT: JUDGE NEWHOOK

Shall we take those as read. I think some of us or probably all of us have been familiar with those.

30

MS FRASER:

With the Ministry. What about the school Board, I outline the school Board's –

THE COURT: JUDGE NEWHOOK

Yes you can take that as read too thank you.

5

MS FRASER:

Paragraph 7, you probably know where the school is?

THE COURT: JUDGE NEWHOOK

Yes we've been there, had a good look around.

10

**MS FRASER CONTINUES READING OPENING SUBMISSIONS FROM
PARAGRAPH 8**

"The Ministry and... seeking further mitigation."

15

1655

The next section I just outline the main provisions of the agreement. Would you like me to go through those?

THE COURT: JUDGE NEWHOOK

20

No, they actually can take those as read. If there's anything you particularly wish to stress by all means do so, but we've been looking at this –

MS FRASER CONTINUES READING OPENING SUBMISSIONS

"Well probably the... brand new facility."

25

There's a whole lot of other things there but that's probably the biggest thing that's happening.

MS FRASER CONTINUES READING OPENING SUBMISSIONS

30

"Just at paragraph 11(b)... of project designation."

Again those matters are actually in the agreement, if you'd like to take those as read and I'll just read 13 and 14.

THE COURT: JUDGE NEWHOOK

- 5 Yes, I think once again you stress anything you want to, but take it that we've started to get to grips with what's happening or what's intended to happen.

MS FRASER CONTINUES READING OPENING SUBMISSIONS

- 10 "So the Ministry... and future students."

And the next section I detail under paragraph 15, the current conditions of consent that we'd like to see retained. Would you like to take those –

THE COURT: JUDGE NEWHOOK

- 15 Yes (inaudible 16:57:39) one community group, we've spent quite a lot of time in the courtroom on that topic and we're pleased to see it there, noise and construction activities.

MS FRASER:

- 20 So that there were specific conditions affect the school in various ways so if the project is to go ahead without those conditions retained. Now paragraph 16 to 18.

THE COURT: JUDGE NEWHOOK

- 25 Just pause while we run our eye down and just make sure that we are in tune with these – we've been told a lot about iterations of draft conditions of consent as we've gone through the hearing, we'll just make sure that we're up to speed with what you're seeking. I think the one in particular that I felt the need to be reminded about was (i), "Provision of a wider footpath on the western side of Great North Road." Lost sight of that, useful to have these
30 things drawn to our attention again. So paragraph 16.

MS FRASER CONTINUES READING OPENING SUBMISSIONS

“The Ministry and... condition OA.2.”

5 Again, we understand that NZTA is comfortable with this proposal.

THE COURT: JUDGE NEWHOOK

I’m not reading “No” in terms of body language from the front bench, so do continue.

10 **MS FRASER CONTINUES READING OPENING SUBMISSIONS**

“The Ministry seeks... book of conditions.”

15 Just turn to that. That’s the structure of communications, there’s a diagram at page 23.

MS FRASER CONTINUES READING OPENING SUBMISSIONS

“The Ministry and... group structure.”

20

And again we understand that this was the intention of the structure from NZTA.

THE COURT: JUDGE NEWHOOK

So it’s those two boxes, if you can see that distance?

25 A. That’s right, so that could form one box.

Q. We’ll circle those, thank you.

MS FRASER CONTINUES READING OPENING SUBMISSIONS

“The Ministry and... conditions are retained.”

30

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

Q. Ms Fraser, in paragraph 9, you say the mitigation measures set out in the agreement address the Board and the Ministry's concerns with construction effects of project and then in the latter parts of your submission you identify matters, and I'm wanting to say "further matters", which your client seeks. Am I correct in thinking that they are – might fall in the operational silo as distinct from the construction silo?

A. Yes, that's correct.

Q. Right that's the scheme of it. If we go to your paragraph 15, where you set out conditions, there is a sub-paragraph (f), which reads, "Maintenance to the school buildings and playground from emissions from the project provided in the construction air quality management plan or the CMP. Could you just explain what aspect of that management plan you're referring to there?"

A. That the School Board and the Ministry are concerned about buildings and structures needing to be washed down, so that's what that condition will ensure will take place.

Q. That's what I thought was underpinning it, and it's not a question but an observation. There have been other submitters with properties in proximity who have raised the same matter, so I understand where your client's coming from.

A. It's a major expense for a school if it has to wash down its own facilities.

QUESTIONS FROM THE BOARD: MR DORMER – NIL**QUESTIONS FROM THE BOARD: MS JACKSON – NIL****25 QUESTIONS FROM THE BOARD: MS HARDIE – NIL****WITNESS EXCUSED****1705**

THE COURT: JUDGE NEWHOOK

Thank you for answering those further questions Ms Fraser. Now Mr Skeen is to give evidence, Living Communities wishes ask him some questions from NZTA or has that been overtaken Ms Janissen?

5

MS JANISSEN:

Effectively that'll be – have been overtaken from us. Yes, thank you.

MS FRASER CALLS10 **BRETT ANTHONY SKEEN (SWORN)**

Q. Is your full name Brett Anthony Skeen?

A. Yes it is.

Q. Did you provide a statement of evidence for this hearing dated 17 December –

15 A. Yes I –

Q. – 2010?

A. Yes I did.

Q. And do you have the qualifications and experience set out in paragraphs 1 to 5 of your evidence?

20 A. Yes I do.

Q. Do you have any corrections you'd like to make to your evidence?

A. No I don't.

Q. Can you confirm that your evidence is true and correct?

A. Yes it is.

25 **CROSS-EXAMINATION: MR ALLAN**

Q. Mr Skeen, there's been a little bit of correspondence between the parties regarding who's going to be able to answer the questions for the school and I'm delighted that you're here to do so. Can I just ask you if you're a member of the school Board?

30 A. Yes I am.

Q. And are you in a position where you're able to speak for the school Board?

A. Yes I am.

Q. And you're authorised to do so?

A. Yes I am.

Q. Now I've seen a copy of a draft agreement between NZTA, the Waterview Primary School Board of Trustees, the Ministry of Education.

5 Sir I'm aware that the Board has that, or at least I'm not sure if all the parties here have it. I don't know if it's been introduced as an exhibit, I suspect not, but I'd like to ask some questions about it admitting, acknowledging that it's in a draft form.

THE COURT: JUDGE NEWHOOK

10 Yes well in a technical sense that's a good point. It's already on our website. Not yet, all right, and I guess it's proper that it isn't until we have it produced as an exhibit. So Ms Fraser would you like to introduce that as an exhibit.

MS FRASER:

15 Project Agreement in respect of Waterview Connection. It's dated. Could that be exhibit number 20.

EXHIBIT 20 PRODUCED – WATERVIEW CONNECTION PROJECT AGREEMENT

THE COURT: JUDGE NEWHOOK

20 And the record will show that it's subject to it being signed by the Minister of Education.

MR ALLAN:

Indeed sir.

25 CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. I wonder if Mr Skeen, do you have a copy of that document in front of you?

A. Yes I do.

30 Q. And I take you to paragraph or clause 12.1 of exhibit 20, which is the agreement. It has the wording that's just been discussed between the Board and Ms Fraser, and it says, "The MOE and the school Board

- agree to advise the Board of Inquiry of legal submissions and as necessary through the witnesses that the mitigation measures set out in this agreement have addressed their concerns with construction effects of the project.” The implication of that statement is that there are other concerns that the education interests – if I can call them that – had with respect to the project, that they are not resolved by the agreement. Am I right in thinking that?
- 5
- A. Not that I’m aware of.
- Q. So as far as you’re concerned, all issues are resolved by this agreement?
- 10
- A. Yeah, the majority of the issues that we have are settled by the agreement.
- Q. Well, in the material that I’ve seen from the school earlier on there were some issues about the location of the stack?
- 15
- A. Correct.
- Q. Is that an issue that is resolved by this agreement, as far as you’re concerned?
- A. (inaudible 17:09:37), ah, at the beginning it was agreed that the position of the stack was not part of the agreement, location of that stack. That that would be settled by the Board of Inquiry.
- 20
- Q. So am I right in thinking therefore that the discussions that the education interests had with the NZTA focused on issues other than that locational issue?
- A. Yes.
- 25
- Q. Does the Board have a view on the preferen – on a preferred location of the northern stack?
- A. Yes it does.
- Q. And where is the Board’s preferred location for the northern stack?
- A. As far away from the school as possible.
- 30
- Q. Have you had a chance to see – and I wonder if it might be brought up on the screen here – annexure E I think it is to Mr Andre Walter’s rebuttal evidence which had a number of locations, possible locations for the northern stack. It looks like that, only with less writing on it. I think that’s the one, yes. Have you seen that drawing before Mr Skeen?

A. Yes I have, yes.

Q. And on that drawing there is some wording which shows the current location of the stack adjacent to the school?

A. Yes.

5 Q. And then there is an alternative vent stack 1 across Great North Road on the eastern side of Great North Road, another vent, alternative vent stack 2 which is closer to the BP station and then an alternative vent stack 3, which is on the left-hand side of the picture on the other side of (inaudible 17:11:35) Street. Does the school Board have a view as to
10 which of those four locations it would prefer, in terms of location of the stack?

A. No we don't. We, as I said we just prefer it was as far away from the school as possible. It's been their initial stance of the first Board and the prev – and the current Board.

15 Q. Does it have a view as to which is the least attractive of the four locations?

A. Well if I said it's far away from the school as possible, probably the one closest to the school.

20 Q. Can you explain to the Board of Inquiry why you prefer the stack to be further away from the school?

A. I think it was to do with – it goes – it was common sense. We would prefer it to be as far away as possible from the school. We're not seeking that, but that's what our thinking is.

25 Q. And what are the factors that inform your common sense judgement? What, in other words what are the problems with it being as close as NZTA's proposal?

30 A. I think there were some concerns about the visual, was one of the things. And there was problems in the past from some of our parents about perception, they'd be the two most common ones that have come up in the past.

Q. And what's the issue with respect to perception? Did they think the school is going to be affected by the stack or by what comes out of it?

A. I think it was to do with the closeness of it and the impact on our junior school and our swimming pool.

Q. Have you had a chance to see or read any of the evidence from Living Communities, the party I'm acting for, mainly the evidence by Melean Absolum and Errol Harrhoff?

A. No I haven't.

5 Q. Have you seen the evidence from any of the other parties on those issues?

A. No. I've read NZTA's evidence, scientific evidence.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP – NIL

QUESTIONS FROM THE BOARD: MR DORMER – NIL

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

QUESTIONS FROM THE BOARD: MS HARDIE – NIL

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

THE COURT: JUDGE NEWHOOK

15 We congratulate you and others involved in the exercise on the hard work that's gone into working with the NZTA on these issues. Thank you for your assistance.

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

That brings us to the end of the proceedings for today. We'll resume at 9.30 tomorrow morning.

5 MR ALLAN:

Just before we –

THE COURT: JUDGE NEWHOOK

Mr Allan?

10 MR ALLAN:

There's one point and I don't know, you may have raised this and discussed it during the day and I apologise for not being here. I have received, courtesy of Chapman Tripp and I'm grateful for it, the reviewed viewpoints from the school. I received that on Friday, I sent it across to Melean Absolum who has sent me the short note of what she thinks of it. I don't know whether the Board is in a position where it wants more evidence from anybody on that material and I can simply say that it doesn't change her mind. It's illustrative and it helps illustrate her view, but I don't know whether you want any more information or are expecting parties to deal with it in some particular way.

20 THE COURT: JUDGE NEWHOOK

Yes, let's leave it like this for the moment, and we can't leave it all that long of course because we're actually getting towards the end of the hearing, but if parties who have participated concerning that issue, that is the visual aspects of the stack and buildings, particularly wish to comment on it, on the new material that's arrived, they should seek leave to do so and equally if the Board has any questions, not just for NZTA or its advisors, witnesses, but for others such as Ms Absolum then we (inaudible 17:16:23) will signal that. At the moment we don't.

30

MR ALLAN:

Sir I don't think there's anything that's substantive that would change in terms of her evidence. I don't think I need to put anything before you. If you had questions for her obviously she's able to answer those and I could get her to
5 write something if you wished her to.

THE COURT: JUDGE NEWHOOK

Well from – no from what we've seen in those materials, albeit that we've, like you, only had them a nanosecond but nevertheless the impression is there on our part that we probably won't need to ask further questions about the
10 materials. But thank you for reminding us about that.

COURT ADJOURNS: 5.17 PM