

**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 2 – Friday 11 February 2011**

COURT RESUMES ON FRIDAY 11 FEBRUARY 2011 AT 9.30 AM**THE COURT: JUDGE NEWHOOK**

Now let's make a start on the next stage of the hearing. I think there might be one or two matters of housekeeping before we get underway with witnesses. Ms Janissen, you've presented an application for leave to file and serve supplementary evidence by Ms Linzey and we've read that, and I directed that the draft supplementary statement of Ms Linzey be circulated to the parties so that they knew what it was that was sought to be introduced, and so we'll be able to invite input from them. Is there anything you wish to add to your application? I think we understand fairly clearly what it is –

MS JANISSEN:

Yes, nothing further sir.

THE COURT: JUDGE NEWHOOK

- that you wish to lodge. Do any parties wish to comment on the application for the lodgement of the supplementary statement by Ms Linzey, which would have been circulated to you? Mr Allan you have a comment?

MR ALLAN:

I'm happy to sir, and from my client's perspective there's no problem at all with that evidence coming in and I think it assists your assessment, and indeed it assists our assessment.

THE COURT: JUDGE NEWHOOK

Thank you. Any other comments about it? No. It appears to us that it extends the thinking that is developed in other statements of rebuttal evidence which finished on, perhaps on inadequate notice, the study of the options around those buildings and stacks and it seems entirely appropriate that we should be informed by the statements, so it is admitted. I have a matter that I wish to mention which will probably emerge in writing immediately after the weekend because we probably haven't got all active parties here in the room, although it's a fairly full house so I imagine we've got a fair percentage of

them. There's a matter of law that it occurs to us as a Board might be worth considering as a preliminary matter and having input from the parties, because it seems to us that there may be an answer to it. We think there is an answer to it, we think we've got the answer to it, but we want to see whether people agree with us, that may assist the extent of enquiry that people wish us to engage in into modifications to requirements and alternatives to various physical pieces of infrastructure. I'll tell you a little bit about it now and then you'll see a minute from us immediately after the weekend, when we'll call for responses. A useful statement of the law about the extent of which consent authorities can modify requirements for designations is to be found in the case called *Auckland Volcanic Cones Society v Transport New Zealand*, a decision of the Environment Court, and a general indication by the late Judge Treadwell. And there's some pithy statements of the law in this area, as what the Judge's want, about the extent to which their territorial authority could recommend to require an authority that modification be made to a designation. It's – and it is to the effect that there is essentially no jurisdiction. It's a crisp statement of the law in that area. There are some other decisions, of which there's a bit more of an explanation about it, and the explanations really are based in natural justice and the extent to which once the requirement for a designation has been publicly notified the consent authority can modify it and potentially create environmental effects beyond those which were known or likely to be flowing from the requirement as notified. To give you an example, if we were minded to modify a portion of the designation, say to move a ramp out beyond the edge of the footprint of the currently indicated works, it might take out a new row of houses that wasn't anticipated and then there might be another effect beyond that, because there might be yet another row of houses suddenly exposed to the works that were previously going to be screened by the first row of houses. And it's those sorts of things that we, in my view of the law, anticipates can't start occurring while a consent authority like us is considering what to do in connection with requests to modify. And so there are quite strict limits in our view, usefully stated in the cases. It's my view that section 149P of the amendment, which is what we operate under, is in essence no difference from section 172 and that we can't do anything more in connection with the

modification requirement than, say, the Auckland City Council could have or the Auckland Council could have if it had been the territorial authority considering the matter under the standard provisions of the Act. So we'll set out our thoughts. You'll see it early next week. We'll invite responses in fairly short order so that we can perhaps, all of us, include you in this, the parties, be economical in our approach to the sorts of issues in the way that I understand some parties has been in recent times during the caucusing, and the like, over summary issues. But there are some that I think we just need to get some more focus on. Now does anybody have any other preliminary matters before we move to the question of witnesses? I will comment about how that should occur in a moment, but any other preliminary matters? Ms Janissen first.

MS JANISSEN:

Yes sir. Just briefly, in addition to the rebuttal evidence yesterday the Agency lodged a memorandum in relation to conditions contained in the joint expert caucusing reports. I understand that they have been now circulated as well and this morning what we could also do now is table the updated set of conditions. There's a set of six for the Board there and there's a whole box for members of the public. So these, this now is a set of conditions as of yesterday that incorporates all of the conditions that the Agency has accepted from the caucusing.

THE COURT: JUDGE NEWHOOK

Yes, and so different methods of highlighting have been employed I suppose.

MS JANISSEN:

Most of – in terms of this, the red highlighting shows the changes to the conditions from the originally lodged applications, the later one in November. The blue highlighting is the changes as of the day that rebuttal evidence was exchanged, plus the more recent ones, because essentially the Agency had merely incorporated all of the conditions from caucusing already. So in terms of avoiding a third colour, the blue is now the current and up to date and includes all the caucusing matters as well.

THE COURT: JUDGE NEWHOOK

I think that'll probably suffice for now. We may get to a stage when another iteration emerges that we're going to want to be able to see some differentiation between recent layers for some purpose. One that occurs to me as perhaps a candidate in the next iteration is to have – or it might be done by way of annotation or footnote – is examples of changed conditions agreed amongst the experts in caucusing that the Agency, your client, hasn't accepted. Are those excluded from this document?

MS JANISSSEN:

Yes sir and, but they are specified very clearly in the memorandum.

THE COURT: JUDGE NEWHOOK

Yes they are.

MS JANISSSEN:

And in the memorandum in, I think, the tables we tried to make that as clear as possible, so we indicated – all of the ticks are all the conditions that were accepted, and the only time that a condition is not accepted is where there's a cross and then there's an explanation in this particular memorandum, and it's quite brief.

THE COURT: JUDGE NEWHOOK

Yes well I – yes, I found that reasonably easy to follow, but it occurs to me that the next iteration, seeing we have to date about some of the conditions, might usefully employ footnotes or –

MS JANISSSEN:

Certainly.

THE COURT: JUDGE NEWHOOK

- some other structure within this document, conditions document, so we've got it all at our fingertips and not darting around the place.

MS JANISSSEN:

Certainly. This is a preliminary matter. There was a set of the PT active mode transport routes that have been circulated to the Board and all the parties. We notice that the legend on the top needed to be corrected and we've just provided a new set for the Board and all parties, which should be at the desk. So part of the legend was not quite correct. The plans themselves are correct, but the legend wasn't so we made it a bit more difficult for people.
0940

THE COURT: JUDGE NEWHOOK

Yes we thought we were struggling with the legend a bit when we were out on our inspections.

MS JANISSSEN:

Correct. I apologise for that, yes. But that's available now today.

THE COURT: JUDGE NEWHOOK

Yes the obvious shortcomings were that there were quite a lot of dashed and dotted coloured lines appearing –

MS JANISSSEN:

Correct.

THE COURT: JUDGE NEWHOOK

Appearing on aerial photographs which didn't show up at all in the legend, so hopefully that's fixed.

MS JANISSSEN:

Yes sir that's corrected. And that's all for now thank you sir.

THE COURT: JUDGE NEWHOOK

Now as each person comes to the microphone to address, if they could just identify themselves for the record. We know many of you but not all of you. There was an enquiry here?

MS BALL:

Yes Your Honour, Georgina Ball from Radio New Zealand. I'd like to lodge an application to record in Court. I'm aware that it's late, I'm just hoping that you will let us record today. I have a letter here I'd like to give to you, the clerks wouldn't hand up. Can I bring it to you?

THE COURT: JUDGE NEWHOOK

No you hand it to the registrar she'll bring it to us, she does all the running around in the courtroom.

MS BALL:

She wouldn't give it to you before when I asked her to, thank you. But essentially we'd just like to record some of the hearing, cross-examination particularly by the NZTA.

THE COURT: JUDGE NEWHOOK

All right well we'll discuss this amongst ourselves in a moment. I would have preferred that this sort of thing happened well in advance of the hearing. You people should probably be familiar with for instance the Environment Court's media guidelines, which are very, very similar to the District Court and High Court media guidelines because they are all developed together and actually require you people to approach us 10 working days ahead, not on the morning of the hearing and take up our hearing time.

MS BALL:

Yes, no I understand that Your Honour, apologies for that.

THE COURT: JUDGE NEWHOOK

What equipment would you anticipate using.

MS BALL:

It would be an extension cord into an audio plug, into the audio system that would reach the different mics. I haven't been in this courtroom when it's up

and running, so essentially it would be a microphone and a recording, small recording device I have in my bag.

THE COURT: JUDGE NEWHOOK

So the bugs have been planted already have they?

MS BALL:

No they haven't because I was waiting for permission but I can plant them quite swiftly.

THE COURT: JUDGE NEWHOOK

Well look I can't have you running around the room planting bugs. I'm not trying to be disparaging, I'm just trying to be funny, during the course of the hearing you'll to do it if we grant you consent at the morning break, which we will be taking at about 11 o'clock today. But I need to consult with my fellow Board members about this, which is – which we're not able to do until the morning break, so we'll deal with all those things then. Any other preliminary matters, Mr Allan?

MR ALLAN:

Yes sir I think there is one issue that in part comes out of your earlier comments regarding mitigation versus alterations. But it also comes out predominantly from the extensive rebuttal evidence we've got including Ms Linzey's that we received yesterday. And I think from my perspective I would like to clarify for you and for NZTA and for the other parties the position that my clients have reached in terms of the key issues for them, very briefly.

THE COURT: JUDGE NEWHOOK

Thank you, yes that would be helpful.

MR ALLAN:

There are three areas of the physical works that were alluded to in the evidence of particular significance. There are also things like connections and bridges and all those other matters of relevant detail. But the first was the

proposal put forward in Sir Harold Marshall's evidence should there be connections to and from State Highway 20 at Waterview/Pt Chevalier. There's been a lot of work obviously carried out on that issue in the rebuttal and notwithstanding –

THE COURT: JUDGE NEWHOOK

And at the caucusing too.

MR ALLAN:

And in caucusing too, absolutely. But I think from Mr Parlane's perspective he's had a chance now to review the rebuttal evidence, had the material that was alluded to in caucusing but he just didn't have the time to look at whilst he was in caucusing. Notwithstanding Sir Harold's – got a couple of niggles in terms of matters of detail, it's quite apparent from that material that NZTA is not entertaining the possibility and it's got some clear engineering rationale for that. And the most concerning aspect from Sir Harold's perspective is that the analysis NZTA has done suggest that in order to put those ramps in you'd have to move the northern portal further south, along Great North Road, and from his perspective the northern most point of the portal it trumps the extra entrances any day. So that's not a matter we'll be pursuing and that obviously affects the evidence for that party and we'll need to look at that when we close to the hearing time, in terms of – for them. But in terms of cross-examination I don't think I'm going to need to cross-examine the traffic experts at all. There's a couple of questions I'll probably put to Mr Parker at a very generic level in terms of the implications of that, but other than that that issue is not one that we're going to pursue. The second of the three issues related to the northern portal and in particular the stack. And there are some proposals, sorry some options that have been considered and are set out in annexure E of Mr Walter's evidence for relocating the stack and the clear view from my clients is that putting the stack on the eastern side of Great North Road, in other words just a bit further south of the BP site and as close to the BP site as you can get is very clearly preferred. Of the two options that Mr Walter suggested for that side of the road, one of them was right next to the BP station and in the BP land and therefore outside the designation area. The

other was further south, but rather strangely it seems to me to straddle the boundary between the BP and the designated land. From our clients' perspective clearly the one that's further, the BP site option 2 would be better, but option 1, which is the one that amended so is within the designation, is one that we say you have an ability to address through this process and is one that we would pursue.

THE COURT: JUDGE NEWHOOK

But did you just say a moment ago that it actually straddles the boundary, so it's not entirely within the footprint.

MR ALLAN:

His version as I read it straddles it, but I can't imagine it's going to take too much to move it, the 10 or so metres further to the south to get it off the straddling of the boundary and make it clear within the designation site. I'm not quite sure why it's marked that way. It may be I'm misreading the plans.

THE COURT: JUDGE NEWHOOK

Are you, like me, a skilled bulldozer driver Mr Allan?

MR ALLAN:

(inaudible 9:47:30). So the option in terms of those suggestions put forward in annexure E, a diversion of alternative vent stack 1 that it's moved into the designated land.

THE COURT: JUDGE NEWHOOK

So you're confining your case essentially to advocating for option 1 in relation to the northern building stack?

MR ALLAN:

Clearly there's some obviously mitigation work around what happens when it goes into that area because it is an open space and it does need to be dealt with for trees, but that's a matter that we're confident NZTA could do.

THE COURT: JUDGE NEWHOOK

And the other thing you're signalling I think, at least by implication is that options 2 and 3 are off the table so far as your clients are concerned. Somebody else may still advocate for them but –

MR ALLAN:

Option 2 is the most desirable but it's just not possible in terms of your jurisdiction. Option 3 has other problems in terms of having to remove a large, I think it's an oak tree at the corner of the school and it doesn't solve some of the issues that are raised. So the clear preference, the one that my clients would like to ask for is option 1 that's within the designation.

THE COURT: JUDGE NEWHOOK

All right, I think we understand that. Thank you for that explanation.

MR ALLAN:

Sir, and the third issue is of course that southern building and stack, the complex of buildings at the southern portal. And again Mr Walter has some very detailed plans. I think they're G, I and J, annexures G, I and J of his evidence. Of those there is a clear and resounding preference for option 3, which is annexure J. And sir, just to clarify, that's the one that's also given rather more ticks in Ms Linzey's evidence that was exchanged yesterday. So that is an option that to my clients is acceptable and indeed is a vast improvement on the current proposal. So that is what we will be putting to you.

THE COURT: JUDGE NEWHOOK

And so you're pursuing that to the exclusion of the other two options?

MR ALLAN:

Absolutely. And sir I won't address it now in any detail, but simply to say I'm confident that both of those options, in terms of the northern and the southern portals, are within your jurisdiction. They are resolving concerns, addressing them and they're not going to lead to anybody being adversely affected who

isn't here, or it can be anybody, any significance being adversely affected to a greater extent than they are now.

THE COURT: JUDGE NEWHOOK

Yes, all right well we'll see what others say about that of course. All right, thank you for that clarification, that should help focus their enquiry a bit. Thank you. Any other preliminary matters before we hear from our first witness? Now let me just offer some general observations about the questioning and the answers from these witnesses. We have an expectation as a Board that the questions will be focused, that they will be relevant, that they will be focused, with any party asking any particular question will be entitled to do so having been a submitter on the particular topic, and that the questions will be as crisp and as clear and as narrow and focused and as direct as you can possibly make them. Likewise, Ms Janissen if you will inform your team that we are looking for crisp, clear, direct, focused, short or succinct answers from witnesses. And I'll give an example of something we don't want, it is easier to do that than give an example of something we do want, and it's this: if a witness, particularly somebody not skilled and asking questions in Court, happens to ask a big open question we don't want the witness to take the opportunity to offer us an entire chapter out of a textbook which, and/or to underline their evidence-in-chief and reinforces the (inaudible 9:51:53) about it. We are looking for a short statement that "in my evidence-in-chief I said it was X and I stand by that." Just as an example. Or if another witness is better equipped to deal with the issue to say, "No I think Ms Linzey will be the person that should answer that for you, but I happen to agree with what she said in her rebuttal." Just by way of example, so if we can play by those rules it should assist us in moving reasonably crisply through the business that we now face us for several days and weeks. Ms Janissen would you like to call your first witness.

MS JANISSSEN CALLS

TOMMY PARKER (SWORN)

Q. Is your full name Tommy Parker?

A. Yes.

Q. Have you prepared evidence-in-chief dated the 13th of November 2010?

A. Yes.

Q. And have you also prepared rebuttal evidence dated the 3rd of November 2011?

A. Yes.

Q. Are your qualifications as set out in your evidence-in-chief?

A. That's correct

Q. Do you have anything in your evidence-in-chief or rebuttal that you wish to correct at this stage?

A. There was just one small error in my rebuttal evidence at paragraph 41 when we –

THE COURT: JUDGE NEWHOOK

Just pause for a moment please. Yes.

EXAMINATION CONTINUES: MS JANISSEN

A. When we're talking about the assessment profile at chapter 41.

THE COURT: JUDGE NEWHOOK

Q. You've got your Hs and your Ms mixed up.

A. Indeed. You can see it is indeed H, HM so high, high medium and so the, it should read "high for effectiveness" and not "medium for effectiveness".

Q. So in the last, that's at the last sentence you're correcting the word "medium" to "high"?

A. Correct, yes.

Q. And in the previous line the H and the H and the M stay the same?

A. They stay the same.

Q. Yes we'd wondered about that.

EXAMINATION CONTINUES: MS JANISSEN

Q. Subject to that correction, do you confirm that the contents of your evidence-in-chief and rebuttal are true and correct?

A. I do.

CROSS-EXAMINATION: MS HARTLEY

- Q. In your evidence-in-chief you indicate that the Western Ring Route of which the Waterview Connection Project is the final link will be the largest roading project ever undertaken in New Zealand, and there appears to be general recognition by the Agency and its experts that a connection project of this magnitude will inevitably generate more than minor effects.
- A. (no audible answer 9:55:39).
- Q. It would be fair –

THE COURT: JUDGE NEWHOOK

Witness nods for the record, he said yes.

CROSS-EXAMINATION CONTINUES: MS HARTLEY

- A. Yes.
- Q. It would be fair to say, wouldn't it Mr Parker, in light of, particularly in light of Ms Janissen's submissions on Monday that cost is an important factor for the Agency in deciding whether any proposed mitigation of those effects should be provided?
- A. That's correct, cost is always an issue for the Agency. We are the custodians of taxpayers' money and therefore we need to make sure that any money we spend represents good value for money.
- Q. Now in terms of the overall costs of the project, you've stated in your evidence that the NZTA Board has approved funding for up to \$2 billion for the project?
- A. That's correct, yes.
- Q. Are you able to tell us whether the Agency has a contingency fund allocated to the project or built into that \$2 billion figure?
- A. It's a very useful question and I mean it might sort of be able to help the Board on – when we are putting together these large programmes with these now huge projects, we obviously have cost estimations for the likely size of these projects across the country, but those estimates are the start - fairly wide with large areas of contingency and risk included, and obviously as the projects develop we get more certainty over how

much projects cost and then we can manage the programme more responsibly. The reporting that the team does to the Board is in a range of cost, likely cost estimates so with - costings generally have a normal distribution so we report a fifth percentile cost of a fiftieth percentile likelihood of cost and then a ninety fifth percentile likelihood of cost. And we are funded at the fiftieth percentile so the \$2 billion that has been allocated for the Western Ring Route – and I would point out that it's for the projects covered by this application and some others so the Maioro Street works, which you will have seen underway, and Lincoln Road – at the fiftieth percent cost estimate we're covered underneath that \$2 billion amount. Now obviously, if the projects come in over the fiftieth percentile cost there will be further draw on the fund. If it comes in under the fiftieth percentile cost estimate then we're inside our budget. On saying that, although the theory is that 50% of them should come in under my experience is that generally they come in over that fiftieth percentile cost because of the escalating cost of goods and materials through the time it takes to do that. So the situation as we stand, and you'll be aware that we're currently running a tender process for the tunnel and the interchange, which is by far the biggest component, is that we were trying to make that process – which I'm happy to talk about in more detail if necessary – but we're trying to maximise the competitive tender so that we get a very sharp price, and we hope that that price will be towards the fiftieth percentile value and if possibly underneath it, but my current advice to the Board is that the projects are trending above that fiftieth percentile cost and so at the – to deliver all the projects in the funding application we will probably need a further draw on the funds, but the market will decide. Does that answer your question?

Q. Yes, thank you.

A. So the answer to your question, we don't have a contingency. I don't have a set amount of money to move around for this particular project. We tender the project, we get the tightest price possible, anything extra

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THE COURT: JUDGE NEWHOOK

We've got the message. Please try and keep your answers crisp.

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CROSS-EXAMINATION CONTINUES: MS HARTLEY

Q. Mr Parker, would it be fair to say that if this Board determined that further mitigation, which involved a cost was required, that wouldn't necessarily mean that the project would not proceed?

A. That's true, the consequence would be that other projects and other priorities for the transport fund would be cancelled or deferred.

Q. I'd just like to refer you to paragraph 49 of your rebuttal statement of evidence. Now you've indicated there that the Agency agrees to implement bus lane markings along any portion of Great North Road that will require reinstatement of part of the project. Do you agree that that commitment should be clearly reflected in the conditions applying to the designation?

A. No, I believe that with the relationship that we have with Auckland Transport, we should be able to agree. There were, there are benefits and economies that can be implemented that we should be able to do that in a – through our normal working relationship.

Q. Are you able to clarify that at this point it is NZTA's intention to provide those bus lanes where possible?

A. It is our intention where possible.

Q. Turning now to another issue, the issue of the cycleways. In your evidence you've expressed the view that you don't think a cycleway from sector 8 connecting the existing State Highway 20 and State Highway 16 cycleways should be part of the project zone. Now one of the reasons that you've given is that in that sector the road will be, the road that you're building will be within the tunnel and no surface motorway designation has been sought in that area. Do you accept that there would be no impediment to a cycleway being provided if the relevant landowners, such as Auckland Council agreed to it crossing their land?

- A. I think the way forward on the cycleway issue is very clear and very simple. Where a state highway, a state highway designation exists, we as the state highway part of the NZTA do provide high quality walking and cycling infrastructure to compliment that. But where we've gone below ground and are not affecting the surface, I believe that the cycleway that will connect, which nobody doubts would have benefits, is the responsibility and accountability of the road controlling authority for those roads, in this case Auckland Transport. The Board should be aware that the NZTA is now broader than just the previous Transit part, who were looking after the state highways, we also have a role in planning and funding of all the transport infrastructure. And through that part of the NZTA we fund all cycle routes around the region. So NZTA is happy to fund the cycle route but what we don't believe is it is part of the state highway project because the state highway's via ground. So, but I do know through discussions with Auckland Transport that they're keen and ready to talk to us and develop a way forward for this project.
- Q. Just coming back to my question. If landowner consent was provided, it could be done as part of this project couldn't it?
- A. Well the cycleways could be provided through local authorities and they are often in conjunction with the NZTA. Sorry I'm not sure of the other significance of the land ownership.
- Q. Do you accept that the provision of a cycleway in sector 8 would have transport benefits?
- A. Yes I would note that there's no approved route as yet, so obviously that route would need to be refined and designed. But in principle, yes cycle routes are of benefit.
- Q. And do you accept that a cycleway link would have open space connection benefits?
- A. Depends on how it was designed. A cycleway could have connection benefits, yes.
- Q. Would you agree –
- A. Are you –
- Q. Sorry.
- A. Go on.

- Q. Would you agree that the completion of the cycleway link across sector 8 would enable the full benefits of the investment that's gone into constructing cycleways on State Highway 16 and State Highway 20 to be realised?
- A. There is a regional cycle network across the whole region, with many missing links in it. Obviously wherever you connect up links it's one step further towards completing that network, which is when you realise the ultimate benefits of cycling in the region, and this is no different where you connect them up. My point is, that having paid the premium to take the state highway underground, the treatment at the surface is not part of that project but there are other more appropriate avenues for delivering this infrastructure.
- Q. Just now touching on this issue of there having been ongoing discussions with Auckland Transport. Would you agree that at present there's no actual agreement to provide that cycleway in the future?
- A. That's – unfortunately that is the case, there's no actual agreement on the route for this cycleway, unfortunately.
- Q. But having said that, you would agree that a route was shown on the urban and landscape design framework produced by the NZTA in advance of the project?
- A. That's right, that was an urban design exercise, not a transport planning or cycle planning exercise but it was used as an indicative indication of what was possible. But I noticed – I would refer you to Mr Murray's evidence where he shows quite clearly that that route is not the optimal route and that was agreed by all experts in caucusing.
- Q. So you'd agree at this stage, there is no certainty for the Waterview and Owairaka communities that a cycleway will ever be built linking the existing State Highway 16 and State Highway 20 cycleways?
- A. I would agree that that's the case but I would say that there is good intent by the – all agencies involved to implement a cycle route, but no, you're correct at the moment it doesn't and that is unfortunate, we would have liked to have been in a position where we had an agreed position but I think largely as a result of some of the changes at the council we

haven't had the traction in the development of this as we would have liked.

Q. Turning now to the issue of open space. In paragraphs 65 and 66 of the rebuttal evidence, you discuss the open space replacement issue. Now as you'll be aware, the council has suggested an alternative open space proposal to that suggested by the NZTA. Would a fair interpretation of paragraph 66 of your rebuttal evidence, be that the NZTA recognises the need to provide open space replacement that will meet the council's operational and maintenance needs as well as the needs of the community?

A. I think to – I mean obviously the NZTA accepts that there's a responsibility to replace open space and in a form that is no worse than the existing open space. We've also got a good track record of where possible to maximise opportunities to improve open space. So I think that's our obligation.

Q. And again at this stage, no agreement's been reached with the council and the community about this issue?

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A. No, no again unfortunately, as I say, I wish we'd have been able to get the traction and the negotiations that we've had with some of the others, for example, the school and the kindergarten, where we have had good success. Unfortunately, at the moment there isn't an agreed position on the replacement open space.

THE COURT: JUDGE NEWHOOK

Now the Onehunga Enhancement Society sought leave late to question this witness. We agreed that that questioning can take place, but we are slightly concerned about the relevance of the questions that have been indicated as likely to be put, because our preliminary view is that we don't, in the context of the applications before us, have the power to direct precisely where NZTA might dispose of its spoil. Now is the representative of the society present?

MR JACKSON:

Yes, Jim Jackson presently is.

THE COURT: JUDGE NEWHOOK

Sorry, your name is?

MR JACKSON:

Jim Jackson.

THE COURT: JUDGE NEWHOOK

Mr Jackson, yes. All right now I'll allow you to proceed with your questions, but I'd like you to keep them pretty crisp and the answers need to be pretty crisp because – unless you can persuade us that we have some power to direct that the spoil go down to Onehunga instead of to Three Kings Quarry and/or the reclamation on State Highway 16. I'm not sure that we're going to be able to help you.

MR JACKSON:

I guess there's a question in terms of – a series of questions we'll find out how advanced they are in terms of the process where they're going to extract the material and where it's going to be deposited because there's various comments within the community as to where that material's going to go. And I guess we're saying there's a solution there that could be considered. We appreciate it's early yet, but it should be raised.

THE COURT: JUDGE NEWHOOK

All right, well my take on what you've just said is that you're hoping that the answers might help you with your negotiations with NZTA. I don't want a lot of time taken up with that, in view of the concern that I've expressed about what our powers might be, but let's start into it and see where we get.

CROSS-EXAMINATION: MR JACKSON

- Q. What is the extent of volume of material to be expected from the Waterview site Mr Parker?

A. Mr Jackson I – we only have rough order values at the moment which I will probably defer to Mr Walter to provide, but as you'll be, I think you're aware, the exact methodology –

THE COURT: JUDGE NEWHOOK

Let's stop there. Let's not take time if there's a better placed witness. It sounds to me, and certainly from what I know of having read the evidence of these people Mr Jackson, that question would better directed to Mr Walter.

MS JANISSEN:

Sir if I could assist, (inaudible 10:12:58) very helpfully sent in their specific questions.

THE COURT: JUDGE NEWHOOK

They did.

MS JANISSEN:

And Mr Andre Walter would be the best person to address each of those, perhaps.

THE COURT: JUDGE NEWHOOK

Yes. So Mr Jackson if you'd – would you like to put your questions to Mr Walter perhaps rather than to Mr Parker.

MR JACKSON:

Yes I'll put my questions to Mr Walter, thank you.

THE COURT: JUDGE NEWHOOK

Forest & Bird, representative from Forest & Bird. Mr...?

MR MCNATTY:

Thank you Your Honour. Bill McNatty from Forest & Bird.

CROSS-EXAMINATION: MR MCNATTY

- Q. You're probably aware that Forest & Bird's concern is to do with and related to Motu Manawa Marine Reserve. Can you indicate for us at what stage in the preferred route decision did potential adverse effects on the marine reserve influence or have weight?
- A. The effects on the reserve have had weight throughout all the development of the options that I've been involved with so, and that's the last five, five and a half years.
- Q. At what stage was the Agency aware that there was discharged contaminants from State Highway 16 motorway without the relevant consents? Ms Janissen pointed out or referred to four consents that were, enabled for that (inaudible 10:14:21) to sector 5, but I'm aware that there are...
- A. Yeah, I'm not the best witness to talk specifically about resource consents. I understand there is some confusion about those, the existing consents. All I can say sir is that this project will upgrade any stormwater discharge and will be to the highest possible standard.
- Q. In your rebuttal evidence you attached an SAH report on roads of national significance. In which extent of the analysis – I think figure 41 and 42 – extend the analysis out to 2053, 44 years of cost benefit analysis. Has the rest of the project been correlated to that?
- A. I'm sorry, you mean the rest of the project?
- Q. Has the Waterview – this was related to all of the roads of national significance. Has the Water – was the Waterview project itself run up to that 44 years lifetime?
- A. The SAHA report was a report done for the Ministry of Transport at a very macro national level to look at the roads of national significance and their effect across the country, so that's why it takes a very long term view. Different elements of the Waterview project have been analysed to different timelines, depending on the standard practice in that area of expertise. But all the analyses covers, has followed standard procedure.
- Q. On that basis there was the cost of a clean up of the Waterview Basin ever included in, as a cost benefit modelling analysis?

- A. I'm not aware that it was, no.
- Q. If I go back into items 37 and 38 of your rebuttal evidence sir, the cost (inaudible 10:16:34) bit of an analysis, or it indicates that this application is based on ARC's ART2 modelling, but there's a note that since 2000 – April 2010 ART3 has been available. And looking at Mr Murray's evidence I find that there's a substantial reliance on ART3. Has his application actually got a defunct model or is it a model in transition?
- A. Again, in terms of the traffic modelling and the project economic assessment I can clarify the situation. The economic evaluation is obviously a tool that is undertaken when the Board considers a funding of a project. At the time that it was reported to the Board the model used was the Auckland ART2 model because that was the most robust model at the time, but also was consistent with all the other funding applications that they had made for the Western Ring Route. We have since done testing with the ART3 model which is the regional model, which is updated, and there are some different assumptions that have gone into that model so you get a different output out and we would question, NZTA have questioned some of the inputs in that model. Nevertheless, the worst case scenario, the lowest end of the range is 1.2 and I can confirm that at that level the Board still would have chosen to fund this project. It was not a significant - as I say, so that's the reason for the BCR as a tool in comparison, in comparing funding. So I don't accept that we have a defunct model. There were two – there was an existing model that used as the best at the time, and there's now been an upgrade and we've done a test against that upgrade and we've reported the results.
- Q. Okay, going on from that, would a correlation be available for us interested parties? I mean from Forest & Birds' point of view we're interested in a –

THE COURT: JUDGE NEWHOOK

Just pause, just pause Mr McNatty. This is all very interesting Mr McNatty, but I'm not sure how helpful it is. Question for you from me, did Forest & Bird put forward criticism of this sort of material in its submission?

MR MCNATTY:

No sir. Our interest in this is specifically related to the volume of traffic and that's where this comes from. So if the modelling is consistent to the recognised traffic volumes then we are very comfortable with it. If it's based on assumptions that have not been tested then we have some concerns.

THE COURT: JUDGE NEWHOOK

Yes, and where in your submission did you raise this issue?

MR MCNATTY:

It's purely to do with the evidence on emissions.

THE COURT: JUDGE NEWHOOK

On emissions?

MR MCNATTY:

Traffic emissions is where we're coming from. We're not interested in where the cost benefit analysis occurs, per se, we are interested in the number of vehicles per lane that create a certain amount of emissions.

THE COURT: JUDGE NEWHOOK

Yes well Mr McNatty, I am really struggling to understand where the crossover might be between your extensive questions for this witness about modelling and the air emissions, but assuming for the moment that air emissions is a matter in your submission and I'm not sure whether it was?

1020

MR MCNATTY:

No sir, it was vehicle emissions in general.

THE COURT: JUDGE NEWHOOK

Were vehicle emissions the subject of material in your submission?

MR MCNATTY:

It is in relation to the discharge of contaminants on the road service sir.

THE COURT: JUDGE NEWHOOK

All right, well presently not satisfied with your explanation, such as it is as to the correlation between the modelling that you're questioning this witness about and air emissions and I think you should move to another topic that is relevant to your case.

MR MCNATTY:

That was the final point sir.

THE COURT: JUDGE NEWHOOK

Eden Albert Local Board.

CROSS-EXAMINATION: MS DEVINE

Q. I'll start with cycleways, my learned counsel was speaking with you about. I understand that NZTA is quite happy to work with landowners to deliver cycleways, particularly council landowners, given your funding mechanism that's available, is that right?

A. That's correct, yes.

Q. And NZTA has the technical expertise to deliver cycleways hasn't it?

A. Indeed it has. I would point out that Auckland Transport does too.

Q. You mentioned in questions to Ms Hartley that NZTA would like to have been in a position to have had an agreed cycleway route before lodging the notice of requirement. It is still possible to agree a location now, or to agree to provide cycleways, but agree the location later isn't it?

A. Sorry could you repeat the question?

Q. There's two parts to that. The second part is, it's possible to agree the location of the cycleways – agree to provide cycleways but agree the location of the cycleways later?

A. I would have thought the logical progression would be that we would plan the cycleway and get an approved route, then we would know how much it would cost and then we could work on cost share and other

issues like that. I would have thought that – otherwise it sounds like we're putting the cart before the horse really, if I've read you right.

Q. Mr Parker I understand you to say you need to understand the costs before you're willing to accept whether you can provide a cycleway route is that right?

A. The point that I'm making is that the agency that will be responsible for the cycleway ultimately, will be Auckland Transport and they will maintain it and own it and operate it. Therefore it is for them to plan it and agree where it goes and what it is. We can assist and if there's any benefits that this project can assist with we will, but it's not part of this project, there is other better methods for delivering that pathway. So I'm not quite sure where your question's taking.

Q. Thank you Mr Parker. You're clearly saying that you're not prepared to accept cycleways as part of this project?

A. That's correct.

Q. But you're prepared to accept them as funding and talk about locations as part of a separate exercise?

A. Absolutely.

Q. The experts in relation to the caucusing on – in one of the caucusing statements all agreed that providing the missing link between State Highway 20 and 16 would be beneficial for provision to access open space and the transporting caucus as well as the open space caucus also agreed that the cycleway would advance the project's objectives. Do you rely on your experts in relation to their evidence Mr Parker?

A. With regard to providing access to open space, I think this is an interesting one, an interesting point that you're making. Because at those points, the open space that they're talking about, the state highway is below ground, so whilst there may be benefits I still make the point that it is not a benefit or a mitigation that is directly related to the state highway, which is why we put it underground. In terms of meeting the objectives I am comfortable and very confident that the provision of cycleways and pedestrian access that we're providing across the rest of

the project, it's far more than just the tunnel, more than comfortably meets our project objectives.

Q. I understand you're saying that there are different parts of cycleways as part of this project that have been discussed here. Some of them relate to the missing link between State Highway 16 and 20 and some relate to connections over bridges for example which can open up access to public open space. And your experts made statements in relation to both attributes and my question was initially, do you rely on your experts in terms of their evidence on open space and transport?

A. Yes, but there's a difference between an expert opinion on a point and the accountability for that piece of infrastructure. I'll point out that it's not only when you cross the network, the cycle network, different road controlling authorities own different part of that network in the same way that you're saying this one would be no different.

Q. We'll move away from cycleways for the moment. Let's talk a little bit further about open space. Are you familiar with the Onehunga Foreshore Project?

A. Onehunga foreshore project, yes.

Q. Are there bridges, old bridges, new bridges et cetera open that are available as part of that project which provided for pedestrian access?

A. To date the two pedestrian bridges – no sorry, the two pedestrian bridges that were provided as part of the Manukau Harbour Crossing Project and those were replacement for existing ones, as part of the, I understand as part of the Onehunga Foreshore Project there is proposal for a pedestrian overbridge as part of that, but that's not consented yet, but going through the process.

Q. And that pedestrian bridge that's provided as – the latter one that you'd referred to as part of the foreshore project, will provide restoration and joining of the communities with open space won't it?

A. I believe it will, yes.

Q. Moving to the project more broadly. You're not seeking a notice of requirement for a surface level state highway for sector 8 are you?

A. No.

- Q. So the tunnel in sector 8 isn't mitigation of this project is it, it's part of the project?
- A. No I believe that it certainly – no one can claim it's not mitigating the effects on the surface.
- Q. The project that you are seeking a designation for, is a underground, under surface tunnel in sector 8 isn't it Mr Parker?
- A. That's right, I mean maybe I can, I mean I've been fortunate enough to be at a lot of the Board meetings where the project has developed over the years. I mean there's no doubt at the Transit Board meeting where the first tunnel was considered and right up to more recent ones that putting the road into tunnel – you'd be aware that we did previously look at surface options, but that putting the road into a tunnel was to mitigate the effects or to reduce the effects on the surface. So in that respect it is clearly mitigation.

THE COURT: JUDGE NEWHOOK

Now we have a sound production problem. We have quite sophisticated equipment here but the microphones that we use are rather directional. Mr Parker you're fading in and out in the system, you're going to need to keep your mouth near your microphone please and perhaps just raise your voice a little as well.

CROSS-EXAMINATION CONTINUES: MS DEVINE

- A. Do I need to repeat that last answer?
- Q. No I heard Mr Parker, you say that the Board thought about the projects that are put before this Board of Inquiry and decided to proceed with under tunnelling under sector 8, is that correct?
- A. That's correct.
- Q. I think everyone is aware of the history of this project and how it has got to this particular design of the proposal that's before the Board. But you would accept, as project manager for this project that it is for the Board to consider the project before it, not the historical apparitions of concepts discussed in public, isn't that correct?

- A. Yes, but I thought, I mean I thought it would be helpful for the Board to understand some of the decision making that had led to the project as we stand today.
- Q. Mr Parker, when you were answering questions of Ms Hartley, I followed your discussion about funding and the percentiles slightly but I was unclear whether the fiftieth percentile was including within the \$2 million budget or where that fitted in.

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THE COURT: JUDGE NEWHOOK

Two billion Ms Devine, not two million. It's quite a difference

CROSS-EXAMINATION CONTINUES: MS DEVINE

- Q. Sorry \$2 billion budget?
- A. The suite of projects for the Western Ring Route, so for all the packages including the tunnel, at its median level, was funded at \$2 billion.
- Q. And two billion is the fiftieth percentile that you discussed?
- A. That is as reported to the Board, yes.
- Q. Mr Parker, do you accept that many of the adverse effects of this project are borne by locals?
- A. Many, yes.
- Q. And those effects are, on the locals, are many and varied, from visual, noise, construction, during construction and operation, the loss of housing stock, open space, the years of uncertainty leading up to this project and then dealing with the construction when it occurs, is that right?
- A. Yes, yep.
- Q. The projects benefits are mainly regional aren't they, there's some national benefits but the evidence from Mr Copeland suggest that they're mainly regional benefits, mainly for those outside of Waterview and Owairaka, aren't they?
- A. I think there are benefits, yes mainly at regional and national level.
- Q. There are some instances where there is little that NZTA can do to avoid remedy or mitigate a specific effect in this project aren't there?

- A. There are not many of those but there are some.
- Q. For example, Mr Foster's rebuttal evidence, he says, "There's always some adverse effects that are unavoidable," do you accept that?
- A. Yes.
- Q. An example of this could be that where the noise levels at night for residence affect by construction over the years that the project will be taking to complete, will have to put up with 60 decibels and the noise experts there couldn't find any solution other than to give notice to the neighbours of – the recipients of that noise. That would be one example of where it's difficult to do much when you're trying to undertake a project of this scale, is that right?
- A. That's right.
- Q. Also it's difficult to return open space to the local community where it's already a built environment and you've got limited opportunities to put that back locally in the near vicinity for those communities, isn't it?
- A. Well yes, except we've managed it in this instance with a slight increase in the amount of open space in the net total.
- Q. We've got some questions to your experts on that point. In terms of the scale of the stacks and the dominance and those issues that we'll discuss with the landscape and urban design people, there is an impression from your experts that the hope is that – the expectation of NZTA is that the local community will have to learn to live and will accept over time the scale of dominance of those stacks. And that is another example of where NZTA can't do very much to avoid that kind of effect, isn't it?
- A. We can't, when obviously that part of the scheme has been by Ms Janissen's subs. If you do go for an undergrounding option, which was the most popular option, those are one of the consequences. So no, we can't get rid of the stacks and the vent buildings completely. I would disagree with you when you say there's nothing that we can do. I think the progression of evidence that's been seen and will be seen will show that there are huge strides in the levels of design to improve the appearance of those buildings and to make them more acceptable in

those locations. So there's not – like we can't do nothing, we can remove them completely, that's your point.

Q. Sorry, Mr Parker, Ms Linzey's recently filed a statement of evidence as Ms Janissen referred to this morning and in that evidence for the southern building, she recommends option 3 I think it is and suggests that there's everything except for cost that points towards electing that option?

A. Yes but as I've said in an earlier answer, cost is an important factor and not just cost it's the value for money. So it's the value that is received for that expenditure needs to be carefully scrutinised. We would be negligent if we didn't.

Q. Mr Parker, in terms of asking you a question on that point. The evidence that Ms Linzey presents is that all the factors point to option 3 for the southern building and you're saying that the cost will be a determinant factor for NZTA but it would not take into consideration the other assets, the environmental effects in relation to assessing what is the best option for the southern building, is that correct?

A. No that's not correct. You're correct in that the cost is a significant factor, it's a significant cost and it has to be scrutinised and looked at in the context of the benefits that it brings and really that is the question that this Board will have to answer is to whether the requests that the community are making represent good value for money. For me, in the case of the southern building, I'm struggling to see that the benefits of that particular measure are worth the cost that's paid, when you consider the opportunity cost of what else could be funded for that amount of money. And also you're talking about the concepts in the area, also my belief that you know this will not be the only change in Waterview in the coming decades there will be increasing changes in that area, it's part of a growing city and it's part of – there'll be a number of changes there. So these buildings will become part of the urban form and part of the urban fabric. I mean not least of all we have a rail designation going down there as well. At some stage in the future there'll be a rail line. So I think it's – you know you've got to take it in the broader context of the changing transition of the urban form there.

But what the NZTA can do and what the NZTA do do, is to have high quality design and to make sure that these buildings, where they impact on the community are well designed. We always employ the best architects and we've got a great record of high quality design. I'd remind the Board, if they aren't aware that one of our bridges on the Northern Motorway won the top architectural award of New Zealand a couple of years ago. So I think the solution sir, if I may say so, in understanding these buildings in my view, is they're not something that can be hidden or tucked away without considerable cost, but with good design and following good principles, which the NZTA has a good record in, they can become part of the urban fabric.

THE COURT: JUDGE NEWHOOK

Just pause there for a moment please Ms Devine. One of my fellow members, I think in the context of this questioning. There's something we need to place in front of you Ms Janissen. Ms Devine we had a time estimate from you of 10 minutes. How are we going through your list?

MS DEVINE:

We're almost there sir.

THE COURT:

Ms Hartley's was shorter than she'd estimated so they've cut you a bit of slack Ms Devine but see how quickly you can get through it.

CROSS-EXAMINATION CONTINUES: MS DEVINE

- Q. Just to wrap up the comment there in terms of Ms Linzey's evidence this morning, you have referred to the expertise of all of the best architects you can get and the landscapers that you can get and experts for this hearing presumably. Ms Linzey's evidence suggests that it is their collective view and certainly her personal view that option 3 is preferred from a social perspective, to have all – including landscape, visual, amenity, land use, community and open space, but cost is the only factor against it. So while you'll take into account your

experts views on all of those other matters, when it comes to costs it overrides those expert views, is that right Mr Parker?

- A. Look sir, I can see same as everybody else that option 3 is a nice option and a good option in those circumstances, in that situation. What I'm saying to you sir is that it comes with a cost of up to \$14 million and that is not a small cost and I ask you to consider as to whether that represents the benefits that that option will achieve. I will also undertake that we – the costings and the costs that we're working with at the moment are the best that we can do. Some of you'll appreciate that some of these options are only a few weeks old, having come out of caucusing, and there is still a lot of development going forward and we still have a long way to run in terms of our project construction and our project design. We know from experience that sometimes opportunities arise where costs come down, and I'd cite the – no, if I could just make the point that should that happen we are aware of the community's view and we would, we will be seeking to optimise those opportunities should they present themselves.

THE COURT: JUDGE NEWHOOK

Ms Devine quite –

MS DEVINE:

I only have two more questions sir.

THE COURT: JUDGE NEWHOOK

Quite a long answer, I'm just to say for the record, for your benefit as much as anybody's, that I interpreted the answer to your question as a qualified yes.

CROSS-EXAMINATION CONTINUES: MS DEVINE

- Q. Just to slightly change tack Mr Parker. In terms of the locals and the effects that are significantly imposed on those near the portals and in the vicinity of the construction works, regardless of mitigation in that term of ART that is mitigation, New Zealand Transport Agency can offer

environmental compensation to benefit locals, can't it? Cycleways, open space for example?

A. Where a value proposition exists, yes.

Q. And NZTA has chosen not to offer environmental compensation to locals for the significant adverse effects that they will experience as a result of this project, isn't that right?

A. Again, because we've not seen a value for money return for the taxpayers' money.

CROSS-EXAMINATION: MR ALLAN

Q. In response to a question from my friend Ms Devine you talked about the transit - the NZTA Board's view that the \$500 million odd that it's spending on tunnelling the motorway rather than putting it (inaudible 10:42:34) was viewed by – as a form of litigation. Is the NZTA's response to the possibility of spending more money on litigation determined in part by its view that it's already spending that 500 million and that's a lot?

A. The answer (inaudible 10:43:00), the, that is the view of the Board. In terms – it is a lot and we believe it litigates a lot of the points, but the mitigation proposals that we've been working through are being looked on on a case by case basis and have been thoroughly scrutinised as to whether they present value for money for the taxpayers' dollar. So, I guess yes, the undergrounding certainly sets the context. We believe we have removed a large impact on the community, subject to the previous options, but whether we are still looking at mitigation, they're looked on a case by case basis.

Q. And is the NZTA Board assuming that if it came to this Board of Inquiry with a overground version it would get its designations?

A. Well, I know this is a debate that's been heard around the place. Yes, I mean there was, we were previously – it wasn't that many years ago – looking at surface options, and there are surface motorways in every other suburb around Auckland so I think there was a view that a surface motorway was possible.

- Q. So are you seeing the surface motorway, if you like, as the permitted baseline against which we, a Board needs to assess, a tunnelled version with an extra \$500 million in litigation?
- A. I wouldn't say that, use your term, "permitted baseline". I just wanted the Board to understand the context in which the decision was made. The Board and the NZTA do, we see the tunnel as being the right option, but primarily because it mitigates the effects on the community.
- Q. And you'd accept, wouldn't you, that the Board of Inquiry's able to look at your proposal and identify areas where further mitigation is proposed –
- A. Of course.
- Q. – what is required, and to impose conditions upon them?
- A. Of course.
- Q. And if it does that I'm hearing from you that that's a decision that the Board of the NZTA will just simply need to accept and respond to in terms of its funding decisions elsewhere in the city?

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- A. That's correct, yes.
- Q. It's not as if you're saying to the Board, "This is as much as we can spend, anything beyond that's going to kill the project"?
- A. No, no we have the flexibility, but as I've tried to explain to the Board there will be a direct impact on the other activities that the NZTA funds.

MR ALLAN:

I hope you're able to hear me sir. I've just realised I had my microphone going in the wrong direction.

THE COURT: JUDGE NEWHOOK

No we haven't had quite the problems that we were earlier having with Mr Parker's voice fading away, but he's actually got on top of that problem for himself too.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Now by tunnelling, NZTA does indeed address some of those effects that an above ground proposal would create, but you'd accept, wouldn't you, that you are also, by doing that, focusing attention on either end of that tunnel where you by necessity have to put in place your stacks, your buildings for extracting the air and a control building?

A. Yes.

Q. So those are aspects of the proposal that you'd accept the Board of Inquiry should give particular attention to because they do focus adverse affects?

A. Yes.

Q. Now NZTA has very helpfully undertaken a great deal of additional work on options, with respect to both the northern and the southern portal buildings. Did you undertake that work simply to be able to reject alternatives or did you do it to see what improvements could be implemented and to consider those?

A. No and actually in the answer to my final question to the last speaker, as I said, if opportunities present themselves where those costs are not of the magnitude then we will be looking to implement them. So if we can find cost effective solutions that we believe represent value for money we will certainly implement them.

Q. Can I look at the southern building. What would the additional cost have to be before you'd conclude it is worthwhile doing?

A. Well that's a difficult one, a very good point, but I think in the end you have to take an objective look at it in the round and take a view and that's what the Board will be asked to do. I can, I mean we are living in a constrained fiscal environment all the time and we're consciously making these choices between projects around the country. And I have, for example, some other alternative costs of what other projects which might just assist the Board, if this is useful?

THE COURT: JUDGE NEWHOOK

Q. No, I think we'll just rest Mr Parker with the answers that you've been given to the effect that if more is required to be spent on this project by

way of mitigation that this Board directs, that there will be a negative impact on other projects elsewhere in Auckland and/or New Zealand?

A. That's correct

Q. You've clearly signalled that, you've been asked that two or three times, that's been your answer, you're quite consistent about that. I don't think we now need to have a catalogue of what those other projects are. We know, we're familiar with the list of the roles, the roads of national significance, and some of your other projects too from the evidence that we've been reading. So no I don't think we need –

A. Okay.

Q. – any further help, thank you.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Mr Parker, have you had a chance to see the supplementary rebuttal evidence that Ms Linzey has prepared and it was exchanged yesterday?

A. Yes I've read it, yes.

Q. Have you reviewed your position since seeing that evidence?

A. No I still believe that in, on balance – you're talking with rel - to the southern building?

Q. Yes, and I'm asking you if you've gone back and looked at your view and said, "Is that still a reasonable view to hold?" In other words you could still have the same view after –

A. Yep, no –

Q. – I'm just asking about the process. Have you asked yourself the question?

A. Yeah, I mean obviously we have just prior to Ms Linzey completing – we've had numbers of discussions about it as the whole options have evolved, and I'm still of the view that it doesn't represent good value for money.

Q. Notwithstanding the additional evidence that she's put about the benefits of option 3?

A. That's correct

Q. Has the NZTA Board had a chance to review its position in light of that evidence?

- A. No.
- Q. When did it last look at these issues?
- A. We – I have been delegated to look at these issues and to make that call.
- Q. Do you have a delegation or an ability to say, “Yes,” if for example your view was “I think it’s a good idea, I think we should run with it”, do you have that ability to do that without going back to the Board?

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- A. Up to a certain amount I have delegation, beyond that my manager, who’s a general manager, has greater delegation in terms of sums of money.
- Q. So are we in fact in a position where for NZTA to accept either the movement of the stack at the northern end or, what I would call, the improvement in option 3 to the building at the southern end you would need to go back to the Board?
- A. My view is the southern building we would not be required to go to the Board, I would make that decision with my general manager. However, I think that the stack location, because of the broader importance of that and perhaps precedent, we would probably seek guidance from the Board on something of that significance.

THE COURT: JUDGE NEWHOOK

- Q. Which Board?
- A. The –
- Q. Us, us or your Board?
- A. The NZTA Board.
- Q. Too many Boards.
- A. Because I think that was the question?

CROSS-EXAMINATION CONTINUES: MR ALLAN

- Q. Yes that answers the question sir. Thank you for your clarification. Now both the southern building and the stack will be here for a very long time if you build them in the proposed locations, won’t they?
- A. Yes.

- Q. You're not going to go back and shift the stack if you've got it wrong?
- A. No.
- Q. And you're not going to go and rebuild the southern building if that's wrong?
- A. No.
- Q. So you'd accept that those are fundamental decisions, in terms of the impact that this proposal will have, on the local communities?
- A. Absolutely.
- Q. Can I take you please to Mr Brown's viewpoint 7 in his rebuttal evidence – sorry, it's in his original evidence.

WITNESS REFERRED TO EVIDENCE OF MR BROWN

- Q. That's evidence 28 in the evidence-in-chief and it's quite a long way in. It's in annexure B once people have found that. Number 28, annexure B. I'm told it might be coming on the screen. I'm looking at viewpoint 7, R16. Now that's – have you got that in front of you Mr Parker?
- A. I have, yes.
- Q. That's a viewpoint from the Oakley Avenue/Great North Road intersection and I suspect taken from there rather than in the lane of Great North Road, for personal safety reasons, understandable. But would you accept that as one is driving down Great North Road towards the site of the portal the, in that picture, 25 metre high stack is going to be the dominant feature at determination of the view?
- A. Yes.
- Q. And no matter what changes there are to Waterview over the next hundred years, it's probably still going to be a pretty dominant feature in that view?
- A. I believe so, we can't predict what's going to happen to the future Waterview. I suspect there will be an awful lot going on there, but I would agree with your –
- Q. And –
- A. – probably will be prominent.
- Q. Would you accept that that effectively becomes the symbol of Waterview to the passing public?

A. Well I think that's a very strange question. I'm not – want to comment about symbols or not.

Q. It's certainly not a shrinking violet in terms of its public (inaudible 10:54:44) is it?

A. No. It's a big building and in the context of that current urban form, yes.

Q. Do you understand and appreciate the reasons why people from that community, whom I represent, would like to see the stack shifted to the other side of the road so it's removed from the residential area and put amongst trees which can...

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A. Well this is where I'm a bit uncertain, sir. I – from my reading of, certainly of the caucusing, and other things there, there – you can move the stack to a number of different places but there are still, there are still impacts, there's no escaping that. And I'd noticed that, I mean some of the experts did not favour the option that you are proposing, so I mean it seems to me very simple so that wherever you put the stack it is going to be a big building and it is going to have impact. As I said in my earlier answer, the solution I believe is quality design and form and these sorts of buildings aren't going to be increasingly part of the urban form around Auckland. I don't see that there's any escaping. I know there will always be a difference of opinion as to where the best location is, but at the moment there does not appear to be a consensus.

Q. And I'm asking you whether you understand the view of the people who live there as opposed to the experts who don't?

A. Well I understand –

Q. Why they might like to see on the other side?

A. Again, if you're telling me that there is a total consensus on the view of the position of that I would be surprised. I suspect that wherever you put it, it will – some people will be in support and some people will be opposed. There doesn't appear to me to be any overriding consensus on the location.

Q. Can I ask you a little, a few questions about the history of the design of the northern buildings because in the notified version of the designation there was a very large structure in this location wasn't there, and then

with the exchange of your evidence-in-chief we had the version that's shown graphically on, in front of you which it involves a number of smaller buildings. My reading of the evidence is that it was only in September 2010 when Mr Gibbs, the architect, was instructed and that the work on redesigning the building happened then. Am I right in that?

A. Ah, sounds about right, yes.

Q. Why did it take so long for NZTA to trigger to the fact that it had a problem with a big industrial building in that location?

A. Well I think that's a – (inaudible 10:57:17), we, obviously we know that a stack of this size is going to cause issues and we wanted to make sure that, you know, we had a suitable brief for any architect that's (inaudible 10:57:28) but going forward I mean there are still plenty of refinement, there's still plenty of opportunity for innovation and design improvements. The design shown on this is not necessarily the final design and obviously out of caucusing last week we had some more developments about the possibility of this stack reducing in height, which again is exciting developments and things that we would look to optimise.

Q. Were you caught by surprise by the response to the building proposal that you had in your notified designation?

A. Not at all.

Q. You'd under – you expected that to be an issue?

A. Oh, absolutely.

Q. And do you have any understanding as to where – I can't ask, I don't think you're in a position to answer that question. There's one issue which is traffic-related and I think you're going to be in a position to answer. It's a very general question. You've accepted, I think, that the benefits of this project are largely regional and the costs –

A. Yep.

Q. – necessarily are going to be largely local, I'm going to put it to you that in fact for the people in pretty much all of Pt Chevalier, Waterview, much of Mt Albert, much of Avondale, Kelston, Glen Eden, those – if I can approach this plan over here, the band within the area that's affected

directly by the tunnel, or at least has the tunnel underneath it, and out through here –

A. Out –

Q. – people who would come –

A. Out to the west?

Q. Mmm?

A. To the west?

Q. To the west but in that sort of band, this proposal – they're probably hardly ever going to use the motorway are they, the new stretch of motorway. They're going to continue to go on at Maioro, if they're going to the south east. They'll continue to go on at Waterview if they're going west or into the city. Do you accept that?

A. Yes, tho – those are the – retaining the exis – there are, would be significant benefits from the, or there would be benefits in some parts from reductions in traffic that are now using the new motorway clearly.

Q. The other question I've got for you is are you aware and has NZTA been aware that the Auckland City's originally, and now Auckland council's proposal for intensification involve intensifying further at Pt Chevalier and more work at the node at Mt Albert?

A. Yes we're totally aware about that.

Q. And this proposal isn't going to be able to assist those people directly although, as you say, it may have indirect benefits?

A. I think the, yeah the, the reassigned traffic that we're seeing in the traffic model will be of benefit to, to surrounding areas.

COURT ADJOURNS: 11.01 AM

COURT RESUMES: 11.18 AM

THE COURT: JUDGE NEWHOOK

Now just for everybody's edification, I'm advised that the Radio New Zealand equipment is now installed and so there's the potential not only for our ears to hear questions and answers but the customers of Radio New Zealand as well. Please, Radio New Zealand, in the future if you would play things by the media guidelines and then we won't have the surprise and the inconvenience.

MR MCKENZIE:

Excuse me sir, my name's Will McKenzie, I'm a submitter. I was under the misunderstanding that I'd be reading my submissions and maybe asked questions about it. As it happens my submission related directly to Mr Tommy Parker and I was wondering if I could seek leave to ask two quick questions (inaudible 11:19:16) speakers.

THE COURT: JUDGE NEWHOOK

What I suggest you do is when we take the break, if you will approach the registrar with a copy of your questions and we'll see what that's all about. We're trying to run an efficient ship and avoid having people popping up willy nilly asking questions, we're trying to plan for a lengthy and complex hearing.

MR MCKENZIE:

My apologies, they are (inaudible 11:19:45) questions.

THE COURT: JUDGE NEWHOOK

Well I'm not giving leave just yet. You provide the questions to the registrar and we'll think about it at lunch time. All right now, Star Mills, who is representing Star Mills, Mr McCurdy?

MR MCCURDY:

Peter McCurdy from the Star Mills Preservation Group. I have to say the time allocated will be nothing like up to an hour. Most of the questions I wish to ask have been very well covered by Mr Allan and previous questioners.

THE COURT: JUDGE NEWHOOK

And I suspect perhaps that some of the answers coming out of caucusing might also have started to address some of Star Mills concerns too?

MR MCCURDY:

Yes indeed.

CROSS-EXAMINATION: MR MCCURDY:

- Q. One of the questions remaining in fact arises from one of your answers before Mr Parker. I believe you implied that if the construction costs eventually, or perhaps earlier, if the tender prices coming through your project alignments were less than expected, then there would be more to put into the community for mitigation?
- A. No that's not what I said. The – so the money, all the money comes out of the Land Transport Fund and so if there was more money from the project – if the prices came out less than were anticipated, the money would go back into the Transport Fund to fund the projects, the safety projects and the other projects around the world. I have no set bucket of money to distribute for this project and for its mitigation. And each section of mitigation, as I said, needs to stand the value test.
- Q. Perhaps I've just understood, I thought you used the word "communities" in conjunction with possible reduced costs in construction. (inaudible 11:21:37) to that, I think it has been covered but I'd like clarity. If the construction costs are much higher than expected, would you then be seeking to reduce the mitigation in this area?
- A. I understand that all the mitigation will be determined by this Board and that will be prior to us awarding the contract, so the contract will include any mitigation that this Board has included within the project's scope.

THE COURT: JUDGE NEWHOOK

But obviously Mr McCurdy, I agree with that last answer. It's in our hands as to what mitigation is required in our decision if we grant the consents there will be a book of conditions that's at least as thick as this.

CROSS-EXAMINATION CONTINUES: MR MCCURDY

- Q. Just one general, in relation to the benefits of the project. There was a figure of 800 million regional benefits per annum. In the light of that and in the light of answers to previous cross-examiners, I'm wondering why you seem so reluctant to put what are relatively small sums into mitigation, given that the regional benefit, they would be advertised in a very short period on the basis of that regional benefit figure?
- A. Well you say that they are "small sums", they maybe small in the context of the scale of this project but a million dollars of taxpayers' money is still a million dollars and as responsible custodians, we have to make sure that is well spent. That's why we are testing all mitigation and costs that are before this hearing.
- Q. Certainly, I understand the need for testing, but there does seem to be a reluctance beyond that. I'm sure you would agree that the figures being talked about, if a regional benefit was really going to be \$800 million per annum, then it's advertised really quite quickly, even if it is direct cost to the taxpayer at the beginning?
- A. I'm sorry I don't see the correlation between the benefits and the mitigation. If the mitigation is required and is good value for money then that is what we will include into the project. Yes, the project does have significant benefits for the wider region but there's not a relationship between those two.

THE COURT: JUDGE NEWHOOK

Now my practice Ms Janissen, as you might recall, is before re-examination to have the Board ask its questions of the witness, so then you have the ability to re-examine on the basis of our questions as well as those of the parties. So start with member Dorman.

MR DORMAN:

Ms Janissen my question is not really of Mr Parker but it arises from something he said in his evidence. And I'd be grateful if you could turn to Mr Parker's evidence-in-chief Ms Janissen, at paragraphs 26, et cetera. And I appreciate, as Mr Parker says there, in para 27 that the Act, the Land Transport Management Act requires NZTA to give effect to Government policy statements. So there is a clear linkage between the Government policy statement and what NZTA is required to do and what is binding upon NZTA. But as I understand it, there is no similar binding quality in terms of this Board's obligation to give effect to a Government policy statement.

MS JANISSSEN:

That's correct sir.

MR DORMAN:

And therefore at some convenient time I'd be grateful for your submissions on the weight we should give a GPS issued under the Land Transport Management Act. Clearly it lacks the status of a national policy statement under the RMA for example, what weight do we give it?

MS JANISSSEN:

Yes sir.

MR DORMAN:

And I imagine Ms Janissen that it's not, Mr Parker's not the witness to whom I should direct detailed questions about various conditions?

MS JANISSSEN:

Sir, it might depend on which the conditions are.

MR DORMAN:

First of all there appears to be, on my quick read through of your book of conditions, no reference to the conditions which I thought were volunteered

earlier in evidence about relocation of students at the hostel near Unitec in the event that the proposal were to be approved.

MS JANISSEN:

If I can just check. Yes sir I'm advised that the provisions are within the construction and environment management plan and there's a separate agreement with Unitec itself, or there will be a separate agreement with Unitec itself that covers that particular issue.

MR DORMAN:

But that building's not owned by Unitec.

MS JANISSEN:

Sir, would it be easier if Ms Linzey addresses that directly.

MR DORMAN:

Of course.

MS LINZEY:

Thank you, Amelia Linzey. The building is owned privately but the tenants in it are – it's leased through Unitec and they are responsible for the tenants that are in that building so they have the custodial responsibility I suppose for those tenants as I understand it.

MR DORMAN:

The lease expires in a year or two doesn't it?

MS LINZEY:

Yes, now some of that I would defer to Unitec themselves, but my understanding is that there is renewal, a lease renewal process that goes through on that building.

MR DORMAN:

It's probably appropriate I question you, when you come to give evidence on that. And then Ms Janissen in proposed noise and vibration conditions there's references to construction noise shall as far as practicable comply with the following criteria. And my interest is in those words, "as far as practicable." I imagine that's something I should take up with Mr Foster.

MS JANISSEN:

Sir, I think probably the best person would be Ms Wilkening herself, the construction noise expert, who can explain how that would be interpreted and how that would be applied, in the field so to speak.

MR DORMAN:

But I might also take it up with Mr Foster.

MS JANISSEN:

Yes absolutely, yes, yes sir.

QUESTIONS FROM THE BOARD: MR DORMER

Q. And apart from that there was just one lithe point for Mr Parker. It's a nit-picking point I think Mr Parker, but could you turn to paragraph 125 of your evidence-in-chief? And 125.2 in particular. I imagine you would agree that it's the case that there are many, many properties affected by the surface road, other than those which NZTA has acquired?

A. Sorry sir, by the surface road?

Q. There are many, many properties which are affected by the project –

A. Yes.

Q. – other than those which NZTA has acquired?

A. Yes.

Q. So would it be appropriate to change that word "affected" in the first line at 125.2 to "required for" rather than "affected by"?

A. I see. Required by.

Q. You'd be content with that?

A. Yes I think – yep.

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP – NIL

QUESTIONS FROM THE BOARD: MS JACKSON

Q. Mr Parker, just by way of clarification, you mentioned in your evidence about construction yard 1 and its effect on the Te Atatu Pony Club, to whom would questions best be asked about that?

A. Either Mr Walter or...

THE COURT: JUDGE NEWHOOK

Ms Janissen, you could assist too if you have personal thoughts.

MS JANISSEN:

Yes perhaps if I could – it may depend on what the nature of the question is. Mr Walter would be in the actual construction sequence and what not. There might be noise-related or bird-related, I'm not exactly sure. But...

MS JACKSON:

Yes it's about the effects and the compensation.

MS JANISSEN:

It's probably Ms Linzey I would expect.

MS JACKSON:

Okay, thank you.

QUESTIONS FROM THE BOARD: MS HARDIE

Q. I've just got one question. You mention in your rebuttal evidence that NZTA has a successful track record for implementing similar projects, I was just wondering, in terms of the alliances that you're in discussion with, have you got a track record with them?

A. Yes both – obviously there are – the alliances are made up of different members and both of the alliances that are currently tendering do have new players that we haven't worked with before, particularly in tunnel expertise, but the main players and the main members of those

alliances have both run successful alliance contracts in New Zealand previously.

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QUESTIONS FROM THE COURT: JUDGE NEWHOOK

- Q. Mr Parker, you were asked some questions mainly by Ms Hartley and Mr Allan about the cycleway in sector 8 and provision of it. Would you consider the following for me please. Would you accept for yourself, never mind whether ultimately it would be your personal decision under delegation or not, but in your senior position and as a witness before us speaking on behalf of NZTA at a high level, would you accept that even if the proposed road is underground, that is it's tunnelled, that nevertheless in the context of the whole project if this Board, our Board, were to find a shortfall in open space mitigation, either qualitatively or quantitatively or both, that we could perhaps consider directing that funding might be made available by NZTA to an appropriate level, subject to the likes of Auckland Council and Auckland Transport, and any other land owners, perhaps including Unitec, agreeing to provide the land for the cycleway? Do you accept that broad proposition as a possibility?
- A. I understand it, obviously it is a possibility. I think where there's a number of, a wide area on or issues on that I think one of the things we're looking to establish is, you know, we've got a long term working relationship with Auckland Transport and we're going to be providing a number of projects together, and we all acknowledge the benefits of this cycleway and what I'm trying to do as a senior member of NZTA is to form the appropriate way forward that gives, delivers the infrastructure in a partnership way. So for me to have this as a requirement from a Board is not the ideal way of delivering that cycleway as we've got processes and it seems to me that this cycleway is just a – has got held up as, partly because of the process of changing over the councils and we've just got caught in a little bit of a lag. There seems to me no reason why – I mean Auckland Transport are now the same size as the

NZTA, they have capability and we can work together and we can deliver that.

Q. We haven't formed a view at this early stage of the hearing as to whether there is a quantitative end or a qualitative shortfall of mitigation around open space and/or (inaudible 11:38:13) activity.

A. Sure.

Q. But there is evidence about that and we'll be listening to that evidence being tested during the course of the hearing. So it's just a hypothetical situation at the moment, but I think you're accepting that if we were to find that there was a shortfall, never mind that .8 of a hectare surplus in quantitative terms might appear to be on the table, that we could possibly consider working in that direction, that is directing some money be paid. The only reason I raise it is that while you say there's maybe some disorganisation on the part of the council and Auckland Transport, from where we sit, reading all the evidence, there appear to be three very senior players talking past each other on this one and we may just have some ability, if we find a quantitative and/or qualitative shortfall for mitigation, to help the parties to break through that. So that was behind my question. I just thought you should understand where my thinking was coming from. Now next question, and you can get some help from Ms Janissen and/or Ms Linzey or the other two members as necessary on this. Who on your team do you think might be best placed to provide us with some assistance in the calculation or costings of the formation of a cycleway through the sort of open ground that we see in the relevant reserves in sector 8 and/or Unitec property?

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MS JANISSEN:

I think Mr Walter by the sounds, Andre Walter.

THE COURT: JUDGE NEWHOOK

It'll be fresh in our minds then won't it because he's the next witness. Well we'll see how far he can help us and if we run out of assistance from him we'll keep asking the question until we get there.

RE-EXAMINATION: MS JANISSSEN

- Q. Yes sir, just a couple of questions and it flows on directly from Your Honour's questions. Mr Parker, with respect to the cycleway, I think you indicated that there's, as between the parties there's not yet a clearly identified route, is that correct?
- A. That's correct and that's reflected in the caucusing report.
- Q. With respect to any landowner issues, even if those landowner issues could be resolved, is it your understanding that installation of that cycleway route would be a permitted activity along the entire route?
- A. Irrespective of land issues well yes I'm sure –
- Q. No, sorry my question is whether or not any resource consents would be required –
- A. Oh sorry, no resource –
- Q. – quite aside from land ownership?
- A. Yes no resource consent – my understanding is that consent, additional consents would be required.

THE COURT: JUDGE NEWHOOK

- Q. I missed the answer to that.
- A. Sorry my understanding is that additional consents would be required.
- Q. Would be?
- A. Would be.

MS JANISSSEN:

Would be. Yes, sir, it's not just an issue as to whether or not land ownership can be sorted. It's clearly outside the designation and in some particular areas it would clearly require resource consents in certain parts.

THE COURT: JUDGE NEWHOOK

Mr Parker, just on that last point, and thank you for raising it, Ms Janissen, I'm sure that just in the, as in the issue of calculation of cost, which I imagine could be done on a per metre basis if the precise route of a cycleway were to be known at this point, so equally – and just as one could express any condition to be subject to landowner co-operation, so also one could, I have

no doubt, expressive condition making this funding direction, if there were to be one, subject to necessary resource consents. I don't think it would be beyond the planners on your team to draft something up Ms Janissen. If we get to that, we've got a long way to go.

MS JANISSEN:

Yes sir.

WITNESS EXCUSED

MS JANISSSEN CALLS

ANDRE BRIAN WALTER (SWORN)

Q. Is your full name Andre Brian Walter?

A. Yes it is.

Q. And have you prepared evidence-in-chief dated the 13th of November?

A. I have.

Q. And have you prepared rebuttal evidence dated the 3rd of February 2011?

A. Yes I have.

Q. Are your qualifications as set out in your evidence-in-chief at paragraph 2?

A. Yes they are.

Q. Do you have anything in your evidence, either rebuttal or evidence-in-chief, that you wish to correct?

A. Yes I do.

Q. In my rebuttal evidence, paragraph 53.8 I'd like to amend that number to 15.2 which follows on from –

THE COURT: JUDGE NEWHOOK

Q. Pause. That's paragraph?

A. 53.8.

Q. Yes?

A. To 15.2 million, it just follows on from some further work we've been doing. Then paragraph 57.6, to change the amount to 12.9. And then in paragraph 60 again to change the 25.2 to 15.2. And this all relates to the submission, supplementary rebuttal by Ms Linzey.

MS JANISSSEN:

Sir specifically if I could refer the Board to annexure G, so that's the costings that have come out from Bond Construction Management, and they show those updated figures.

THE COURT: JUDGE NEWHOOK

Annexure G to Ms Linzey's –

MS JANISSEN:

Yes, rebuttal evidence.

THE COURT: JUDGE NEWHOOK

- supplementary rebuttal, yes.

MS JANISSEN:

Yes. So the very last page shows on the bottom line what the costings are of the undergrounding options.

EXAMINATION CONTINUES: MS JANISSEN

Q. Mr Walter, subject to those corrections do you confirm that the contents of your evidence-in-chief and rebuttal evidence are true and correct?

A. Yes I do.

CROSS-EXAMINATION: MS HARTLEY

Q. I've just got a few questions mainly around points of clarification. Now in your evidence you've discussed – particularly in your primary evidence – in some detail, the construction yards and site compounds. Can you confirm that construction yards 8, 9 and 10 will be located on the Alan Wood Reserve?

A. They will be.

Q. Can you also confirm that some of those construction yards will need to be operated 24 hours a day?

A. That is quite correct.

Q. Are you able to advise us how long each of those construction yards will be required to be in place?

A. All those constructions yards would need to be in place during the period of for constructing the tunnel, which at this stage is estimated to be between four and a half and five years, as they would be used primarily by the tunnel contractor and the mechanical electrical contractor to construct the tunnel works from the southern end.

- Q. So during that four and a half to five year period there'll be no public access to the areas of the reserve covered by the yards, will there?
- A. I would not use the word "no", we have designed the yards in such a way that there would be a possibility of providing restrictive access or access into areas along the reserve, but essentially a big part of the reserve would not be available.
- Q. Yes, and the yards themselves will be fenced off?
- A. Oh yes, people and big machines don't go together.
- Q. So would you agree that during that time it's likely to be quite a busy and noisy sort of environment?
- A. I think it would be a busy environment, particularly during the day shift when a lot of activity will be going on. And during the night it would be not that busy because most of the work is happening underground within the tunnelling exercise and excavation that's going on, but during the day it would be a normal construction site, similar to what you would see down at Vic Park tunnel. There's a lot of activity going on.
- Q. Now as I understand it the concrete batching plant is proposed to be located in yard 10?
- A. That's correct
- Q. And in your opinion, you've said in your evidence that needs to be able to operate 24 hours a day?
- A. That's correct.
- Q. And you've also agreed in your rebuttal evidence with the recommendation that a condition be included that requires the batching plant to be fully enclosed?
- A. That's correct, it can be done.
- Q. Are you able to confirm whether at this point there's any design details available for what such an enclosure might look like?
- A. No there are no design details. I understand that the batch plant is not a particularly big one. It's a plant which would be able to – needs to have the capacity of producing at least 30 cubic metres per hour, which doesn't mean it will be working for an hour producing 30 cubic metres, but that's the speed at which we need to be able to mix the concrete and get it in underground. And a standard steel building of, would just

be able to go over the top of that and whether it required insulation inside to deal with the noise and with appropriate noise curtains on the doors to deal with any noise lost through the doors. It's no real specific standard structure. Just could not be any steel standard structure which would go across. It's not a big batch plant. Total square meterage I would estimate something probably in the order of about 10 by seven square met – 70 odd square metres.

- Q. So we're not in a position at the moment of having specific details on the height involved with the enclosure?
- A. No. No that would be worked out by the alliance contractor during the detailed design.

CROSS-EXAMINATION: MR JACKSON

- Q. Just to clarify the situation regarding the relevance of our questions where the standard is not for this hearing or for this Board to direct or to find the location of material. However, from our perspective it's the only opportunity we have to seek fact information regarding the volume and method of disposal, so that's what it was about. So Mr Walter the question is that what is the expected volume to be excavated from the Waterview site?
- A. It's an estimated 1.4 million cubic metres.
- Q. In terms of the type of machinery which you'll be using to do that, will that be a TBM, a roadheader, or how will you be doing that?
- A. We've assessed the effects and at the moment in terms of using, making use of a roadheader or a tunnel excavator.
- Q. Will tunnelling occur from both ends or just one end?
- A. The tunnelling will be done from both ends and both tubes as well at the same time, so there will actually be four pieces of equipment down the tunnel and at the stage which you would start the cross passages, probably another two pieces of equipment would be brought in to deal with cross passages.
- Q. In terms of the proposed excavation timetable, is that going to be, like you said before, five years, but I'm sure the tunnelling will be a lot shorter than that?

A. The tunnelling, roadheader, mechanical excavation tunnelling is a very slow and tedious process. Our excavated progress is in the order of three metres per day, one and a half metres per shift. So it's pretty slow, it's not fast going. So the timeframe is really based on that the length of tunnel is known, we know how long we're going to take on average, and that really determines the time. Excavation time is in the order of about three and a half years, (inaudible 11:53:02) us getting any unforeseen ground conditions down there.

Q. What is the proposed volume and disposal site (inaudible 11:53:10) your disposal of contaminated fill if you find it?

A. We, from the investigations we've done to date all the landfill sites that we would be – contaminated sites that we would be working in, are really builders' rubble and primarily they're around Alan Wood Reserve. We don't expect any contaminated material underground.

Q. In terms of removing material from the site or an excavated fill how would that be transported to the proposed fill site?

A. Each of the portals the material – from the tunnel face, material would most likely be conveyed to the tunnel portal. At the tunnel portal it'd be loaded into street trucks and both north and south, southern ends and the project's designed such that on the southern end they'd be able to access, down the works onto Maioro Street straight onto State Highway 20 and the northern end would be through the cut and cover tunnel and again straight onto State Highway 16. So it would be with road trucks and then onto the state highway network.

Q. So there's really limited trucks passing through residential streets, which is a positive thing?

A. Yes.

CROSS-EXAMINATION: MS DEVINE

Q. Now you've said that the movement of the north ventilation stack is technically possible in your rebuttal evidence haven't you?

A. The northern ventilation stack, yes that is.

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- Q. And that the three options of the undergrounding of the southern building are also technically possible?
- A. They technically are possible, yes.
- Q. And at paragraph 60 of your rebuttal evidence, you say that the options, all of them, to underground the southern ventilation building are not value for money don't you?
- A. That's correct, yes.
- Q. You're relying on the evidence of others about the impact of the building on the community aren't you?
- A. Totally. I'm an engineer I'm afraid.
- Q. Not purporting to be an economist?
- A. No.
- Q. Or a valuer, you're not purporting to value the intangible costs of the impact to the community from the dominance of the building are you?
- A. No.
- Q. Just to turn to a slightly different issue and thinking about noise barriers. Noise barriers I understand can come in different forms?
- A. That's correct.
- Q. They can be concrete or even transparent I understand, is that correct?
- A. That's correct
- Q. Have you explored the possibility of transparent noise barriers for this project?
- A. Yes we have and experience around the world has shown that generally they are not a good idea, they do require a high level of maintenance to be able to maintain that transparency and unfortunately society today they are open for tagging, being shot at, rocks being thrown at and they are very high maintenance.
- Q. Are you familiar with the Victoria Park Tunnel Project?
- A. I have some knowledge, very limited but I do have some knowledge.
- Q. Are you aware that in relation to the St Marys Bay community, there are noise, transparent noise barriers and the proposal to erect a pedestrian link there?
- A. I have heard that but I don't have any particular details on that.

Q. Assuming that were to be the case, besides this community that is affected by this project, being a lower socio-economic community, are you aware of any additional reasons why that might be considered in that project and not in this project?

A. From an engineering and operational point of view I've highlighted what I see as being the operational problems from an engineering perspective, completely, totally feasible and I would rely on the other experts, particularly Mr Dave Little to give his expert opinion in terms of what the landscape and the visual effects of that would be.

CROSS-EXAMINATION: MR ALLAN

Q. Mr Walter I wonder if you could please turn to annexure E of your rebuttal statement, which has two plans in it relating to alternative locations for vents at the northern end of the tunnel?

A. Yes.

Q. Let's go with the one on the screen sir, I think they both do the same thing.

THE COURT: JUDGE NEWHOOK

Mr Allan, I wonder if we could first on this plan identify the present location of the proposed stack.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Mr Walter, would you be able to identify on that plan the present location of the stack, proposed location?

A. That drawing does not actually show it. It's to explain it to you –

THE COURT: JUDGE NEWHOOK

Q. Can you tell us by reference to some feature that is shown there?

A. If you look at the carpark, which is shown just north of the four gantry building, it's at that corner Your Honour.

Q. Some words do appear there, it says, "proposed stack"?

A. Ah, yes, it's just sort of just below where the words are "proposed stack."

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. And I wonder if we switched to the other plan in your annexure E. I think there's a symbol there which looks to me a little like the same symbol –

A. That is the, that's the existing stack, yes.

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Q. So if the cursor could be moved to that location please?

A. That's correct, that's it there.

Q. My first question is also on clarifying things. I'm wondering if you can show us please, on the plan, the location of the designation boundary, which I understand to be running along the edge of the title for the BP land?

A. It does run, it does run along the title to there.

Q. And then moving towards the –

A. And then moves up towards – yes.

Q. So am I right in thinking that you're alternative vent stack 1 straddles the designation boundary?

A. Where it is currently shown it does.

Q. Would it be feasible to shift alternative vent stack 1 a few metres to the south so that it doesn't straddle the boundary and it is located entirely within the designated area?

A. I think my ventilation designers would not prefer that, but yes it would be possible.

Q. Now you address, in your paragraph 32 some issues that are raised by those various alternatives. And if we can concentrate on alternative vent stack 1, for the reasons I explained to the Court when we started this morning, that would be helpful. Did you say in paragraph 32 of your rebuttal, "First, to reach the eastern side of Great North Road, alternatives 1 and 2, the concrete ducting would need to be constructed underneath the cut and cover tunnel section of the project, due to there being insufficient clearance above the tunnel and Great North Road"?

A. That's correct.

Q. That's a statement isn't it, which really reinforces the need to get this right now, because if we don't get it right, we can never really get the

stack to the other side of the road. Once the tunnel's in place we're stuck with it?

A. I would – you could tunnel through underneath Great North Road at a later stage, underneath the cut and cover tunnel. Wouldn't be easy, be quite hard but it could get done and it has been done before.

Q. And it's likely to be more expensive at that stage?

A. Substantially more expensive.

Q. You go on to say, "These options may also result in additional disruptions to traffic on Great North Road and relocation of additional services such as the low voltage electrical cables and low pressure gas lines on the eastern side of Great North." Now beginning with the first of those issues, what's the duration of the current disruption to traffic on Great North Road in terms of the proposal?

A. It's estimated expected to be in the order of 18 months.

Q. And do you have a sense of how much longer that disruption might take with option 1 to be put in place?

A. An additional six months. The reason being is a substantial amount of additional deep diaphragm walls would need to be constructed and the duct going underneath Great North Road would effectively have to be on a bridge structure, so you'd been required to build a bridge underground, across that duct in materials which is fine silty clay and with some pretty substantial piles that would need to go in. So estimate more of about another six months.

Q. And the level of disruption would be pretty similar to what would be in place for the rest of the project though, in terms of the physical changes?

A. Yes, yeah no change, be the same, the same deviations would be in place.

Q. The second point you raise in 32.1 is the relocation of additional services and I presume you've mentioned them because they're things that you have to deal with in an engineering sense, but they're not things that are insurmountable?

A. No, not at all.

- Q. You go on to say, “Locating,” in 32.2, “Locating the ventilation stack adjacent to the BP filling station would place the stack within a low lying area.” And you then talk about that, that’s not an issue that’s raised in terms of alternative 1 though is it?
- A. Alternative 1 is slightly lower than Great North Road, but it’s a metre or two, it’s nothing substantial.
- Q. And then 32.3, you say, “Due to the natural fall of the ground adjacent to the BP filling station, the stack base would be some five metres lower than that proposed.” And I presume that means that the stack itself would have to be five metres higher in terms of the – it has to have reached the same height?
- A. I couldn’t qualify that, Gavin Fisher would be the person who would have to be able to give you that answer.
- Q. But again, that’s a manageable issue from an engineering perspective?
- A. Yes.
- Q. In your rebuttal at paragraph 35, you talk about some additional operational costs. You say, “The additional underground ducting ventilation tunnel would also increase operational costs of the project as the ducts will need to be cleaned to regularly ensure they remain functional and meet the design requirements”. I presume we’re having to clean some ducts, in terms of the current proposal there’s just quite a bit more to clean? Is that the essence?
- A. It’s a bit more to clean, but it’s a different type of cleaning. You would need to undertake this cleaning probably with a high pressure water truck to get in to just wash down the walls and stuff, whereas within the building it’s a lot easier to just clean them so, and it’s a bit, so it’s a bit more hassle in terms of costs in cleaning it.
- Q. And from a practical perspective would you expect that to happen perhaps during the early hours of the morning when the –
- A. It would have to happen –
- Q. – fans aren’t being used?
- A. – at stages which the operator has got the consents for actually allowing emissions, or very low traffic volumes and may require the tunnel to be

closed. Because you could not operate the ventilation fans while you're undertaking that cleaning operation.

Q. But if there are times during the operation of the tunnel when the fans are not needed –

A. Yes.

Q. – that would logically be when you would do the work?

A. No, because although the fans may not be operated this still would be a path where the air naturally would flow out of the tunnel.

Q. Again it's something –

A. It may not be forced, but it will naturally flow.

Q. Again it's something, from an engineering perspective, one could manage and cope with?

A. It's an operational constriction and one just has to deal with it from an operator's point of view.

THE COURT: JUDGE NEWHOOK

Q. Can I just ask a subsidiary question there. How often would that cleaning have to occur Mr Walter? Once a year, once –

A. My experience –

Q. – a fortnight?

A. – around the world is in the first five years of this project, probably once a year, and as the traffic volumes ramp up through the tunnel you'd probably find will be about every six months.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Can I turn then to your annexure J which is the plan for the southern option 3 as I will call it.

WITNESS REFERRED TO ANNEXURE J

Q. And as you've heard this is the one that's getting rather more accolades than the others. Just so we understand it, am I right in thinking that the gantry building above ground on this option 3 is a pretty similar sort of structure with a similar purpose to the gantry building that's shown on the northern portal?

- A. Yes, quite correct. Except that we have two, the northern portal we only have the one for dealing with the vent fans. Yeah we have a second one to deal with the heavy electrical equipment which is also underground.
- Q. But in terms of the appearance or the height of those structures they're probably going to be pretty much on a similar scale?
- A. They are, the vent fans are normally a bit bigger so the long building across with a four tonne gantry in would be in the order of about 10 metres high to be able to deal with the ventilation fans, which are expected to be in the order of about three, three and a half metre diameter. Transformers, high voltage transformers, not that big so the 10 tonne gantry would probably be somewhere between six and a half and eight metres high.
- Q. And that second gantry is the one that's additional to this –
- A. Yes, that's right.
- Q. (inaudible 12:08:45).
- A. That one's a big 10 tonne gantry to deal with the transformers.
- Q. And again if I can take you to where you discuss those options, I think it's paragraph 57 of your rebuttal. You say, "In my opinion this option, being option 3, could work but the following impacts should be considered"?
- A. That's right.
- Q. "The first is complex operations are required for removal and replacement of equipment within the building and the gantry cranes and the risk associated therewith as mentioned previously". But that's something that your comfortable can be managed?
- A. Can be done. Not preferred, but can be done.
- Q. And similar technique in terms of the use of the gantry cranes to what you're doing on the northern building –
- A. Yeah.
- Q. – anyway? "Secondly, placing the building wholly underground within the deep cut prior to the driven tunnel portal would require special design considerations to deal with the building which is partially constructed within basalt, (inaudible 12:09:45) East Coast Bays, with

Waitemata sandstones and Tauranga Group materials". Again, that's just an engineering challenge, but it's manageable?

A. Slightly bigger structural elements.

Q. And the same sort of analysis, I guess, would apply to 57(3) which talks about special consideration with regard to seismic events. You just design for that?

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A. Yes.

Q. Ditto, 57.4?

A. Yep.

Q. In terms of the protection from the basalt aquifer.

A. (no audible answer 12:10:14).

Q. 57.5, is the relocation of the stack a further 70 metres southeast into Alan Wood Reserve. That doesn't have an engineering implication to it, it has –

A. That's fact.

Q. – other issues?

A. Yes.

Q. Now in 57.6 you referred earlier, you started your evidence to a change in the figures from 13 and a half million to 12.9, is that a result of the refined analysis or some of the refined analysis in terms of costing that you talk about in that paragraph?

A. Yes, yeah we haven't stopped working on this so we've been doing some work on it.

Q. And am I right in thinking that making those costs analyses you've taken into account some fort of consideration of the additional costs that might come from 57.2, 57.3 and 57.4?

A. Yes there have been.

Q. You've got a contingency in there?

A. Yes.

Q. And you speak in 59 of some additional operational maintenance maintaining costs in the order of \$250,000 annually?

A. That's quite correct.

Q. And in the context of the operational costs of the project as a whole, I take it that's not a significant change, it would be a change but not significant?

A. By .25%.

THE COURT: JUDGE NEWHOOK

Q. Sorry what was that figure please?

A. .25%.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Now in paragraph 60 you say, "I do not consider that the additional cost of providing the southern ventilation building underground with costs ranging from approximately 10 to 15 million, represents value for money." Am I right in thinking that is really an engineering analysis in terms of your expertise and experience?

A. Yes you're quite right, yeah.

CROSS-EXAMINATION: MR MCCURDY

Q. Mr Walter, a question on the matter of the Star Mills and Star Tannery in the Waterview Interchange. I note that the layout now largely avoids these sites of the flyovers and ramps, which is a big improvement on earlier versions. I'd like to ask, just a very brief answer on how, although they're protected after the motorway's built how will they be protected during the construction?

A. What we've – within the construction operation, construction plans submitted, we've defined a working area along there and we've identified areas which are "no-go" for the contractor. So we would expect the contractor to ring-fence those areas and protect those works. We would expect that to be protected and the areas that we've shown as being working area within the construction scheme plans, have also been agreed with HPT, Historic Places Trust, in terms of the amount of protection that we provide.

Q. And can I ask the same question in relation to the historic trees that are in that area?

- A. We've identified, we've had an arborist who did a token analysis of all the trees, we've identified the trees that need protected. We indicate, shown on drawings and we would expect the contractor to ring-fence those and where they can't because of the works we would expect them to pick them up and relocate them.
- Q. I'm not sure that these particular trees are listed in that schedule. Is there any way we can take that further to make sure they are?
- A. I would believe that is so, but I think you'd need to ask one of the planners regarding that who would understand process far better than what I do.

THE COURT: JUDGE NEWHOOK

Just in relation to that last question, it may be Ms Janissen, that one of your other witnesses could find a plan if it's not already in evidence or identify something if it is, that shows the historic trees that it is intended should be protected and one of the planners could also point out to us where there may be a condition in relation to the protection of them or if there isn't something there already offer a draft.

1215

MR WALKER:

Your Honour, if I may, I think a lot of those drawings have been indicated on the construction layout, the construction yard drawings and that may be a good starting point just for that. We've identified a lot of them within those construction yard drawings, which affect most of the works.

THE COURT: JUDGE NEWHOOK

Yes, it sounds a little bit from what I'm hearing that drawings showing the historic trees that ought to be protected may not necessarily be within the graphic, the extensive graphic materials that we already have. But the impression that I'm getting from your questions Mr McCurdy under your answers given in a very honest fashion by Mr Walter, are that they should possibly be produced and enter the record and a condition, an appropriate condition be drafted around them to ensure protection. So we may be taking some steps forward, thank you Mr McCurdy. So somebody on the team will

come back to us about that by the sound of it Mr Walter. Mr Janissen will see to that. Now there was a submitter, Mr McKenzie, was it Mr McKenzie who wanted to ask a couple of questions of this witness. Sorry I've got the name wrong.

MS JANISSEN:

I have his written questions sir and it was for the previous witness.

THE COURT: JUDGE NEWHOOK

What was his name?

MS JANISSEN:

It was Will McKenzie.

THE COURT:

Yes, there's another McKenzie, Mr Duncan McKenzie.

MR DUNCAN McKENZIE:

Your Honour he's not here, I just know him.

THE COURT:

Oh well, if he's not here he can't ask the questions, can he.

MS JANISSEN:

I think the questions were directed at Mr Parker were they?

THE COURT:

Was it for Mr Parker and we – yes he's probably, Mr McKenzie's probably left disappointed because I didn't come back to him.

MS JANISSEN:

I do have his contact details sir if you'd like them.

THE COURT: JUDGE NEWHOOK

Yes somebody could get in touch with him. Look it may very well be that if he's got a couple of questions that he wants put to Mr Parker, they can be put to him through Ms Janissen in writing. There could be a discussion between somebody on your team Ms Janissen with Mr McKenzie. See if some agreement could be reached, there may even be some agreed version of the questions and the answers that could be put to us in writing by consent.

MS JANISSEN:

Thank you sir, yes I'm fine with that.

QUESTIONS FROM THE BOARD: MS JACKSON

- Q. Mr Walter, that 1.4 million cubic metres of material to be removed from the tunnels, does that include a bulking factor?
- A. That includes a bulking factor.
- Q. Of what, what is a bulking factor for rock as opposed to soil?
- A. What we're excavating is it's Waitemata sandstones, so although New Zealanders like to call it rock, in actual fact it's just sand, so it's got a bulking factor. It's only got a bulking factor of 10, it's very small.
- Q. How many crushers are there?
- A. There's one and that is to do with, we have to dig out some 70,000 cubic metres of basalt for the southern portal and it's to be able to deal with the basalt, get it into more transportable size and also to get that for reuse on State Highway 16 for the basalt (inaudible 12:18:57) which is required along State Highway 16.
- Q. So the conveyor is at the northern end of the tunnel?
- A. Both ends, both ends because we would be excavating from both ends of the tunnel. There'd be conveyors at both conveying the material to both portals.
- Q. So you only need one crusher to handle the material from both conveyors?
- A. Only the basalt and the basalt's only found at the southern end.
- Q. Thank you for that. Is that basalt, once it's crushed going to be recycled and used on the project predominantly?

- A. Yes, that would go to State Highway 16 for the causeway (inaudible 12:19:37).
- Q. So some of it will be quite big to use for riprap on the side of the causeway?
- A. Yeah, that's right.
- Q. Moving onto the tunnel operation. You've said here that the tunnel construction is required 24/7?
- A. That's correct.
- Q. Then you say, "The tunnel operations are undertaken on a 5.5 day working week, with the remainder of the week used for equipment and plant maintenance"?

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- A. That's correct
- Q. So why does the crusher have to operate, or the batch plant, have to operate seven days when you're only tunnelling five and a half?
- A. During the period of maintenance within the tunnel, a normal tunnel operation cycle would run for five and a half days. The normal shift would sort of start Monday morning 7 o'clock and would probably run through to Saturday evening, and then Sunday, Saturday night and throughout Sunday the, they would be doing prep work for the next week's tunnelling. Now you may need, depending on what the geology is, you may need to put down concrete floors, some blinding level within the tunnel floor to be able to - trucks and equipment to be able to be moving in and out of the tunnel, because we do expect the tunnel to have some water in it so you need to put down a blinding layer and that would need to happen. And that would be during the day shift, wouldn't happen at night. And also while there's general other maintenance works going on, really in preparation for the next week's tunnelling. But the main batch plant operation would really be on the five and a half day week because it's really critical that once you've done the first one and a half metre cut you've got about 50 minutes in which you really need to place the shotcrete otherwise you could start to get tunnel face defacement, roof defacement and a collapse may occur, which could be quite catastrophic.

- Q. So are these men working eight – sorry, eight hour shifts?
- A. Yes.
- Q. So the hours for your construction yards are Monday to Saturday, 6.00 am to 7.00 pm, Sunday 8.00 am to 3.00 pm?
- A. That's right.
- Q. What about public holidays?
- A. If it's a non – if it's not a working public holiday they would not work. So if it's a public holiday generally contractors would close. They wouldn't be working.
- Q. So there'd be no work on public holidays?
- A. They generally would not work on public holidays.
- Q. I didn't see anywhere about trucking out houses that have been purchased for removal. Where are they going? Where are you – how – I assume you're going to take these houses on a truck and drive them to a holding yard. Where are they going?
- A. We don't expect that any of, any – the purchasing of, the demolition of houses primarily around Waterview Park is being dealt with as a separate process. That'll be a contractor and he will go and identify which houses are, can be potentially relocated and which will have to just be demolished, and it would be up to that contractor to deal with relocating that house. It's not going to be stored to come back to the area, so it will be relocated to a new permanent home somewhere in New Zealand or the North Island.
- Q. So have those vehicle movements been considered in the construction traffic?
- A. Because they're prior to the start of this construction they haven't been included within that.
- Q. Final question, yard 1 layout, this is the one that affects the pony club, is there room to have storage of materials and quieter operations like the office in different locations on that yard to minimise effects on the ponies?
- A. I think so and Ms Wilkening has already proposed that we put sound walls, 90 millimetre ply, around the yard to suitable height. So we've already identified that and yes, a contractor would be able to

accommodate providing facilities and taking into account the activities adjacent to the construction yard.

Q. Because a sound wall doesn't really work for a pony because if you drop a casing or something behind it and there's a kid walking a pony past.

A. Yeah, he'll bolt.

Q. So it doesn't really work. Thank you.

A. I think the other, what needs to just, just a point of clarity on that. Construction yard 1 has iden – primarily been identified for use by the contractor constructing Te Atatu bridge and doing the widening there. I would not expect real big dumping of materials. The contractors don't like to double handle things, that costs him money. So generally all types of material would really be off-loaded directly into the site area and Te Atatu Interchange is quite large, so there's enough space for him to really be storing his materials in that area. So I don't expect – it will really be more maintenance yard and office yard than real construction work.

QUESTIONS FROM THE BOARD: MS HARDIE

Q. Mr Walter, with regards to the bridges which were on the causeway, you've noted that some of them will be reduced in height, in the soffit height. It appears that the general design is based on duplicating what is there already?

A. That's Court.

Q. Has there been any consideration to a design which would allow for the depth of the bridges to be less, to reduce that impact on soffit height?

A. We did consider that in some of the option assessment, we looked at that. The implications of elevated the causeway or to that – from extent and the additional loading, which it would have placed on the bridges, really just did not make economic sense. The loss in height is in the order of a couple of hundred millimetres that's been lost and that's simply because of the camber of the road which is there. So it was felt that really to go and repile and have some quite serious disruption, because we wouldn't – have great difficulty then in maintaining the traffic flow along the state highway. You really would have to close one

of the lanes down to be able to do the bridge works, whereas at the moment we've been able to design the work such that we can always maintain the three lanes in both directions along State Highway 16 and that essentially the bridge widening works is done offline, without directly affecting any of the traffic.

Q. I possibly wasn't very clear in my question. I was meaning in terms of the add-ons, has there been consideration into a reduction just for those, which seems to be the only place where changing the soffit levels

–

A. You'd need to have a re-look at the – no, you really couldn't do it, just simply trying to deal with the camber of the road. You've got the slimmest structural elements in the bridge already that is possible and one really couldn't go any slimmer on those structural elements at all.

Q. I've got a question with regards to the redevelopment of 1145 and – it might be 1149 Great North Road. I understand that's to be redeveloped as units. Do you have any knowledge on the proposed construction?

A. That's our construction yard 5. We've identified that as an area where we need to put the stormwater pond for that yard and then we would only be taking that portion of the land, the remainder would be up to the owner and he could develop that property.

Q. These are the two sites which are at the end of the northern portal, as a proposal for it to go back to the owner and for them to redevelop?

A. Then we're not talking about the same properties I'm afraid.

MS JANISSEN:

No, you're talking about the two properties at the northern vent stack location that could become available if the redesign and the construct drawings, or something similar to that was constructed and that would leave two properties open. I think those on the corner of Oakley and –

QUESTIONS FROM THE BOARD CONTINUES: MS HARDIE

A. Sorry, sorry misunderstanding. That's the properties on the corner of Oakley Avenue and Great North Road, yes. We'd need those properties for dealing with the works and during construction and

temporary deviation and once the works are finished we'd put those properties back into the market and they could get redeveloped.

- Q. There's been a question with regards to the Rosebank Culvert. I see that the proposal is to decommission it. Are there any construction issues in terms of redeveloping it?
- A. From a construction point of view there probably isn't, it could be done. I think – but the ecological effects of that would probably be best dealt with by our experts Sharon De Luca and Rob Bell.

1230

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP

- Q. Mr Walter I'll start with a statement of fact. Once upon a time in Auckland we used to have an organisation called the Auckland Electric Power Board, which you may or may not be familiar with, and it found it necessary from time to time to construct rather large substations or transformer sites in residential areas, and they sought mitigate the effect of those by treating the substations, or the other equipment, with a degree of what I call domestic architecture. We're on the same wavelength?
- A. Yep.
- Q. Is there any engineering reason why a similar approach couldn't be taken to the treatment of the proposed ventilation buildings for this project, and particular I'm thinking of the northern ventilation site where some people might consider some progress has been made by breaking the proposed structure into a number of smaller entities, which are anomalous with the scale of house in the neighbourhood. Now without wishing to offer any pejorative comment on constructs work do you think there might be some treatment, some scope to further enhance the design in the direction that I've described to you?
- A. I believe there is. The primary requirement in terms of the electrical power rooms is really one of ventilation. Transformers that, specially HV transformers, do get very hot. So as long as the building can deal with that and provide the required cooling to make sure that thing doesn't go pop, yes it can be done.

- Q. Can we turn to paragraph 87 of your rebuttal please. There you set out what social condition SO6 is said to deal with. Now I must be at some sort of disadvantage here because when I turn to SO6 in its current iteration at page 54 of the document that Ms Janissen handed up this morning that seems to deal with the Working Liaison Group and –
- A. Oops we've got some numbers, changes.
- Q. Am I on the wrong page because page – numbers are easily fixed Mr Walter, it's substance we're concerned with.
- A. That's right. That SO6 has no doubt got a new number.

MS JANISSEN:

Sir if I may assist, we came across this problem, it should be read "The open space condition OS9". I think you'll find it there. Page 50. Looks like it's OS8 as well sir. It's pages 49 and 50 on the new set.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

- Q. It actually deals with the matter that I had in mind. But at least we're in the right area now. Mr Walter, you need to correct me if I'm wrong, but at 87.2 and 87.3, where you refer to enhancements to the Saxon Reserve and breaking out from the Howlett Reserve in a different position. I'm not sure whether the land potentially affected is subject to the designation, and if it's not subject to the designation, can you tell me how the Agency would propose delivering those parts of the project, in the event that they were to prove "practicable", to use your words?
- A. Right, I think probably the best person to deal with it would be Ms Linzey in her evidence, as she deals with it. Yeah, I'd rather leave it up to her than give you an engineer's take on it.

MS JANISSEN:

Sir, would you like Ms Linzey to answer that now before we lose track of it or not, or we could just defer.

THE COURT: COMMISSIONER DUNLOP

Well I'm in His Honour's hands. For myself, there would seem to be considerable efficiency gains in that, rather than me having to remember it and regurgitate it.

THE COURT: JUDGE NEWHOOK

Yes, it's a few days perhaps until we hear from Ms Linzey, so perhaps she could approach a microphone and I assume that she's on an oath and give us her answer.

MS LINZEY:

It's correct that both of those titles, both of those reserve opportunities are outside the designation. The NZTA is currently seeking to purchase and has purchased two of the land titles joining Saxon Reserve and is seeking to purchase two remaining ones on the corner, so that would get the full site for that reserve. In the case of the Howlett Reserve, the purchaser's, so that's on the Oakley Ave side, to connect Howlett Reserve through. That's on a willing-seller, willing-buyer basis at the moment. The first option that was identified in the lodgement documents, those owners have identified that they don't wish to sell, so we have identified three further options with Auckland Council and NZTA is approaching those landowners now, so that process is still going through.

THE COURT: COMMISSIONER DUNLOP

In terms of mitigation then, the project definition, those components may or may not be delivered in the fulfilment of time?

MS LINZEY:

Yes certainly, they do have a time implication to them in terms of ability to deliver and we'd require I suppose ultimately another party to come in to designate, if that was the only tool left, yes.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. Mr Walter, when we turn the page in your paragraph 87, there's and 87.5, which refers to a pedestrian connection to Eric Armshaw Reserve, again, where practicable. Now in the bundle of plans that the Agency helped get put together for the Board and others, which are entitled "PT and active mode transport routes", there is a sheet 109, which covers the main body of sector 5. You have it open there do you, or you're coming to it, here it comes?

A. Here it comes.

Q. On the Great North Road, in the sort of north eastern quadrant there, there's a purple line which someone's helpfully tracing out there. Am I to understand that that is now a part of the proposal that the Agency is putting up?

A. Yes, yes.

Q. So we can strike out the words, "where practicable", that will be delivered?

A. Yes, you can.

MS JANISSEN:

Sir, I'm just advised by Ms Linzey that that requires some land from Auckland Council I believe.

MS LINZEY:

There is still an extension to connect that to the pedestrian paths that are in the Eric Armshaw Reserve that would be on council's land. So while the connection within the designation is provided as part of the project, the arrow, rather indicatively indicatively indicates that there is a small section of connection that is not – that requires to cross council land beyond the designation footprint.

THE COURT: COMMISSIONER DUNLOP

Is that council land gazetted as a reserve under the Reserves Act or is it held in fee simple?

MS LINZEY:

I'll have to get back to you on that, I think it actually might be road that is used as reserve, but I would need to confirm that.

1240

THE COURT: JUDGE NEWHOOK

It occurs to me that the words, "where practicable" could probably be replaced by something relating to availability of the land from the council.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. Mr Walter, again in your rebuttal paragraph 102.3, and here you're commenting on changes that have been made to the project?

A. That's correct.

Q. And point 3, you set out changes to various things, various matters. At least one of which may potentially be of interest to Mr McCurdy, the esplanade reserve width along the Oakley Creek. Does the Board have a plan which shows those changes to the project Mr Walters? It's something that you might reasonably expect me to know, but there are some more than modest materials in this case and I haven't got a track of everything?

A. I think that relates back down again to the – overall on this perhaps needs some just assistance from Ms Janissen.

MS JANISSEN:

Yes sir I think it may be in the schedule of plans that's attached as annexure B2, "The Agency's response to the minute from the Board concerning important matters." And that sets out all of the plans and it indicates where the revisions are and we understand this may be in the landscape and urban design plans. So there's a document, the memorandum's dated the 6th of February, annexure B is the schedule of plans, which might be useful if you took off the back of that.

THE COURT: COMMISSIONER DUNLOP

So have that open.

MS JANISSSEN:

That will be F16, “urban design and landscape plans.”

THE COURT: COMMISSIONER DUNLOP

So I’ll mark it that the answer to that is at F16.

MS JANISSSEN:

And we’ll check sir, Your Honour as well.

QUESTIONS FROM THE COURT CONTINUES: COMMISSIONER DUNLOP

Q. Mr Walter, rising out of my reading of the caucus of experts on stormwater and stream works, there is a matter raised by a Ms Rind, concerning the relocation of wastewater mains in the area where it’s proposed to relocate or realign the Oakley Creek. I think you might have been present at that caucus?

A. Yes.

Q. Have you, or one of your team, had the opportunity to formulate a considered response to that point, and you have, how might it ultimately be dealt with through project documentation in order to secure some appropriate provision?

A. It’s a system which belongs to Watercare, it’s part of their network, and I’ve been in a lot of discussions with Watercare in terms of relocating all their services. And they accept that dependent on final design and what’s going to happen as to where that is. So that relocation work would be undertaken with agreement with Watercare, it’s ultimately their service. So if our contractor does it they’d have to do it and get it signed off by Watercare. Alternatively, Watercare may actually undertake to do the works themselves. Watercare are also looking at perhaps upgrading that service, so we would do that again in conjunction with

Watercare, in terms of dealing with it. So it's really their service and we do the work in accordance with their rules and regulations of.

Q. So although Ms Rind raised a specific part of the Watercare network, am I correct in understanding a relocation of that service and indeed all reticulated services is dealt with appropriately in their project documentation?

A. That's right.

Q. For example the construction environment and management plan?

A. Yeah, that's correct.

MR DORMER:

Perhaps a point of clarification from you Ms Janissen first of all. The notices of requirement in my recollection showed the specific proposed location of the stacks, is that right?

MS JANISSSEN:

In the drawings, I would expect so, yes.

MR DORMER:

Can someone –

MS JANISSSEN:

I don't have them in front me but they would have shown them on that occasion, yes.

MR WALTER:

You should be able to pull them up.

QUESTIONS FROM THE BOARD: MR DORMER

Q. On the basis they did, my question can then flow. So we'll assume for the sake of discussion that they did. My questions will all relate to your supplementary, to your rebuttal evidence Mr Walter. And starting at paragraph 6 on page 5, you discuss possible undergroundings in northern ventilation building?

- A. Correct.
- Q. And then starting on page 7 you outline three options in that regard. As regards to the first option you refer in paragraph 19.8 to NZTA would require an area of 30 x 60. Is that additional land over and above that presently proposed to be designated?
- A. That would be within the designation, so it would be land which could not go back as reserve passive or active.
- Q. And it's presently proposed to go back as reserve?
- A. As reserve.
- Q. Then you look at option 2 for the location of the relocation of the northern ventilation building, and at paragraph 24.3, you say further land-take would be required. Is that for option 1 and option 2?
- A. Yes.
- Q. Then you discuss the relocation of the northern stack. No it's probably not a question to ask an engineer, but I wonder Ms Janissen whether you could ask one of your landscape, architects or planners, if they haven't already, to address for me in what respects the impacts would be different were the stack moved. I'm cautious of His Honour's suggestion this morning that our powers to modify a requirement are, or may well be, limited and it may be that if we were to relocate the stack it would be visible from different places.

MS JANISSEN:

Yes sir, that's addressed.

QUESTIONS FROM THE BOARD CONTINUES: MR DORMER

- Q. Now 49.6 of your rebuttal Mr Walter you refer to relocating the stack a further 70 metres south-east into the Alan Wood Reserve, and that's by reference to appendix G I think is it?
- A. That would be correct.
- Q. Now if you turn to appendix G for me and give me some help.

WITNESS REFERRED TO APPENDIX G

- Q. Look at drawing DWG001 and the stack is shown at the right-hand end there isn't it?

- A. That's correct, yeah.
- Q. So when you say "70 metres further back", which, where would it go?
- A. The stack actually was at the edge of the ventilation building which is shown in red there. So to relocate it across to where it is now being shown is the distance that the stack would be further down into the portal.
- Q. So where it says "stack", at the right-hand end of the plan –
- A. Yeah.
- Q. – that's the proposed relocated stack?
- A. Relocated stack.
- Q. The present proposed position is?
- A. Right of the – the start of what of – right at that nib of the building is where – there, that's where –
- Q. Just there?
- A. That's right.

MR DORMER:

So Ms Janissen, whoever looks at that issue I raised with you before if we move the stack 70 metres away from houses 71, 73, 75 et cetera, they might well be quite pleased, but if we put it somewhere down by house number 89 they might be less pleased, it occurs to me.

MS JANISSEN:

Yes sir, and if I could specifically refer you, that has just recently been addressed in the supplementary rebuttal evidence. That's got the detailed evaluation matrix of the impact of any of those, of the changes of the southern ventilation building done by the Multidisciplinary Group. So that should be, but I'll check that it's in there.

MR DORMER:

If you might be so kind as to point me to which witness' rebuttal evidence, because I haven't read it all.

MS JANISSSEN:

It'll be –

MR DORMER:

Is that the one that came it –

MS JANISSSEN:

It's the one from Ms Linzey that came in yesterday, annexure F.

QUESTIONS FROM THE BOARD CONTINUES: MR DORMER

Q. Right my next couple of questions relate to an entirely different matter and largely were covered by one of my colleagues, but in paragraph 127 you say the batching plants – batching plant must be able to operate 24 hours a day, but in fact there are two batching plants proposed aren't there?

A. Yes.

Q. Could you help me as to why both of them have to be able to operate 24/7. Couldn't your middle of the night demands be met by one of them and the other one be kept closed?

1255

A. That would be possible. You would have to truck the concrete around on the local roads to the other side, if you kept the one at the southern end or the northern end, you'd have to put it into a mixer and truck it around to the other end on the local road network. But yes, that would be possible.

Q. So it's a sort of balancing isn't it? Someone's going to get the noise from the 24 plant and someone else is going to get the noise of the trucks?

A. Yes sir, what I've tried to explain in my evidence is, that batch plant because it's being used at night primarily to produce shotcrete and not really concrete, it would need to start up, a mixing time for the shotcrete, probably be in all about 10 minutes for the shotcrete. So they would get the message from underground in the tunnel, "In another half an hour we're going to require shotcrete." They'd then start to prep and they

would run the mixer, the amount of quantity that would go on and that's what they would mix and the plant would shut down. So it would really be for that, possibly about an hour, at some stage during the night that the plant would really run. There's no need for it to be running otherwise, it's really just to produce that shotcrete, to get in, get the face stable, once they've got the rock bolts in and then that's it, there's no other concrete requirement except for that. So it wouldn't be something which would really be running 24 hours a day, that somebody would hear the motors.

Q. But you need a 24 hour day consent?

A. I need a 24 hour day consent because if I'm finished tunnelling and doing that cut at half past three in the morning, I need to get the shotcrete onto that material. So I need to be able to fire up the plant and run it for the half an hour to do the mix of shotcrete and get it down the tunnel and get it placed. And it's not necessarily always going to half past three in the morning.

Q. No, sometimes it's only half past five?

A. That's right.

Q. You're going to be shipping in some of the concrete from batching plants elsewhere aren't you?

A. The big bulk concrete, yes this batch plant it's not going to be big enough. So to do the actual lining of the tunnel, the final concrete lining which would happen behind the excavated face, that would be shipped in because that would be quite big volumes. I would anticipate the contractors be doing that in 20 metre sections or even longer, 50 metre sections, so that would be a long pour and you'd need a lot of trucks, you'd need a big batch plant set-up to be able to generate that volume and this really could not come out of this batch –

Q. Oh, so these two batching plants, pretty small, just for the shotcrete work?

A. Yeah.

Q. I hadn't understood that?

A. Yeah. I mean to pour the concrete, permanent concrete lining you've got to be placing 35 to 40 cubic metres in sort of every half an hour to

be able to get that as a continuous pour, otherwise your concrete starts to go off too quickly. So that you would have to have a continuous supply, be really premix trucks coming in from a commercial batch plant where they're capable of producing 60, 80 cubic metres and hour. You just couldn't do that out of a small – this purely is really just shotcrete and it relates specifically around safety of the work force and to be able to let the works carry on.

THE COURT: JUDGE NEWHOOK

We've got to 1 o'clock, I've got a few minutes worth and there may be some re-examination, so I think we'll take the break until 2.15 pm.

COURT ADJOURNS: 12.59 PM

COURT RESUMES: 2.18 PM**QUESTIONS FROM THE COURT: JUDGE NEWHOOK**

- Q. Mr Walter, Member Jackson asked you about the construction in yard number 1 by the pony club and you offered the thought in fairly general terms that there mightn't be a lot of need for the storage of materials on that site, that you thought there might be reasonably sufficient room for quite a bit of that kind of activity around the Te Atatu interchange?
- A. That's correct
- Q. Is there anything that you can refer us to in the draft conditions that controls the activities on that storage yard?
- A. We have within the construction layout drawings, yard drawings defined what the various activities are that we expect that should be occurring within that yard. So perhaps our technician could just get the drawing up onto the screen.
- Q. Is that one that's in our materials already?
- A. Yes.
- Q. Could I just be refreshed by seeing that. And then my question is, is that tied in by way of any draft condition?
- A. We've related this all to the management plans, in terms of dealing with it. So what we have identified there is specific areas where we feel that certain activities should occur and then we've really just highlighted what we typically expect there to be in – it's really contractors' offices, maintenance facilities, that's the type of activities which we would be expecting to occur on that site.
- Q. Just read into the record will you, or somebody, the reference to that particular plan and the condition number and management plan of detail if that's available to you.

MS LINZEY:

It's specific plan – sorry, Amelia Linzey on behalf of the NZTA. It's in the drawing series F, it is plan 913-101 of drawing series F3. I'm just going to get

that confirmed from – F6 sorry. And the general designation condition is condition 1, DC1, in accordance with the plans and drawings.

QUESTIONS FROM THE COURT CONTINUES: JUDGE NEWHOOK

Q. Now I'm looking at paragraph 19.8 of your rebuttal statement Mr Walter, which is part of the discussion about option 1 north building vent and it refers to the Oakley Glades Reserve. I'm not sure that I've actually seen a lot of reference to that as the name of a reserve elsewhere, and of course we need to scurry around a bit, but I am of course looking at your annexure C which is referred to in paragraph 18 and on through 19. I can see clearly where that is, it's across the other side of Great North Road. I think I'm right about that.

A. That's correct

Q. Because that's where I see the possible ramp position showing up. Now in the time that I had looking at this aspect I didn't however get the time to compare that with a plan that shows the footprint of the work, or the requirement, for designation in comparison to this piece of reserve. Can you help me with that?

A. In relation, it bears relation to a question earlier on in terms of the vent stack option located on that side and move it. The portion where, which is shown as point A, that is actually on the BP property. So that would require some discussions with BP and purchasing of land and...

Q. Does the footprint – we can find an actual plan later perhaps to compare them – but is it your understanding that footprint follows that faint, looks like a cadastral line to me –

A. It follows –

Q. – east of Great North Road?

A. Yeah.

Q. It cuts through the middle of that ramp?

A. That's correct

Q. In design and engineering terms would it be possible in your view to shift that ramp back within the footprint?

A. Yes one could.

Q. Yes, probably if you re-angle the –

- A. You cou –
- Q. – tunnel under Great North Road or something?
- A. You could re-angle the tunnel under Great North Road and get that in.
- Q. And we've got a plan kindly shown on the screen –
- A. Which shows the designation.
- Q. Shows the designation boundary, which indeed follows that cadastral line –
- A. That's right.
- Q. – that we're looking at on this aerial photograph.

RE-EXAMINATION: MS JANIŠSEN – NIL

WITNESS EXCUSED

MS JANISSEN CALLS

MICHAEL JOHN FOSTER (SWORN)

Q. Is your full name Michael John Foster?

A. It is.

Q. And have you prepared rebuttal evidence dated the 3rd of February 2011?

A. I did.

Q. Are your qualifications as set out in your rebuttal evidence?

A. They are.

Q. Is there anything in your rebuttal evidence that you wish to correct?

A. No.

Q. Do you confirm then that the contents of your rebuttal are true and correct?

A. I do.

CROSS-EXAMINATION: MS HARTLEY

Q. Now you state in paragraph 29 of your evidence, and I think there's been reference to this before, that no major roading project has less than minor effects. And in your view the challenge has been and will always be to reasonably minimise the adverse effects in the knowledge that some adverse effects are always unavoidable?

A. That's correct.

THE COURT: JUDGE NEWHOOK

Q. Can't make omelettes without breaking eggs can we?

A. No Your Honour, not in my experience.

CROSS-EXAMINATION CONTINUES: MS HARTLEY

Q. Now in relation to mitigating effects, have you read the expert caucusing statement on open space?

A. Yes I have.

Q. So you'll be aware that there was agreement that the quality of passive open space in Alan Wood Reserve is not fully negated?

- A. that's the expert view of those who participated in that caucus yes. It doesn't mean to say that I necessarily agree with that conclusion.
- Q. And there was also agreement amongst the experts who took part in that caucus, that there will be mitigated impacts on passive open space in Alan Wood during the construction phase?
- A. You said "mitigated impacts", I think you mean "unmitigated impacts."
- Q. Unmitigated?
- A. Yes, I agree.
- Q. And you were also here I understand when Mr Walter indicated that those effects would be probably in the range of four and a half to five years?
- A. Yes.
- Q. Now if the Board reaches the view that the current level of mitigation being proposed by the Agency to offset the effects of the project is not sufficient, Would you accept that the enhanced open space proposal and the cycleway link, suggested by Auckland Council and Auckland Transport, would provide additional offset mitigation?
- A. I don't believe the project in its current form requires that degree of mitigation. It's not for me to pre-judge or pre-empt the Board's decision. I've made it quite clear that I'm satisfied with the level of mitigation that's currently proposed.
- Q. But you'd accept wouldn't you that enhanced open space and a pedestrian and cycle link would fall in the category of offset mitigation?
- A. For this project, no it's not required.
- Q. My question wasn't so much whether it was required, but whether it could be perceived as being offset mitigation?
- A. Yes it could be perceived as offset mitigation.
- Q. Thank you.
- A. I didn't finish my answer. It could be perceived as being offset mitigation. There's numerous instances throughout the time I've been in planning where you get decisions of Courts and Boards that you don't necessarily agree with professionally, that happens.

THE COURT: JUDGE NEWHOOK

Q. As sure as God made little apples Mr Foster?

A. Yes sir.

Q. Some more than others.

A. Some more surprising than others as well.

CROSS-EXAMINATION: MS DEVINE – NIL**CROSS-EXAMINATION: MR ALLAN**

Q. Mr Foster, in response to a question from my friend, Ms Hartley, you said you acknowledged that the caucusing on open spaces had reached a specific view in terms of mitigation for the Alan Wood loss of amenity, loss of space?

A. Yes.

Q. You wouldn't necessarily agree with that?

A. That's what I said in answer to –

Q. Have you carried out a full assessment –

THE COURT:

Q. Pause I don't think he'd finished. Had you finished Mr Foster?

A. Yes I had.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Have you carried out a full assessment of those issues in terms of your brief for NZTA on this matter?

A. I've used my professional judgement, having reviewed the statements of evidence from Auckland Council and the Agency's witnesses. And in my professional planning opinion, that additional open space mitigation's not required.

Q. Now in paragraph 30 of your statement, you ask a series of questions that you say the S42A report would have been more robust, had it followed. The first of those, 30.1, is, "Would a surface motorway be acceptable." And in 31, paragraph 31, you answer that question by saying, "In my view, if these aren't questions that have been asked in a

transparent way, the answer to the first question would be an outright no”?

A. Yes.

Q. Now you were here for my questioning of Mr Parker this morning?

A. Yes.

Q. You heard his response to my questions regarding the basis upon which the NZTA Board and he have viewed the tunnelling exercise, as opposed to an at grade motorway?

A. Yes.

Q. You'd agree wouldn't you, that it's for the Board of Inquiry to assess the proposal before it and the effects it generates and that it would be appropriate for it to disregard any issues in terms of a potential uncovered route for the area?

A. An uncovered route is not the subject of this hearing. The reality though is that over a long period of time, a wide range of options had been evaluated and early on in the piece we seriously gave consideration to a surface route on the basis that a significant portion of that route could be rebuilt over to make it acceptable. The reality though was that the Agency's not a house builder and the mechanisms required to put in place air space regimes that would allow the air space to be built on, were deemed to be too complex and too difficult. The other major problem with a surface designation is that the social displacement was very, very significant, and that was a reason why the study team recommended to the Board that a tunnel/surface combination option be considered and I consider that the Transit Board then, and then subsequently the NZTA Board made the right decision, given the nature of the community that is affected by this project and so it's quite legitimate to view the tunnel portion, being the difference between the cost of the surface and an underground, as being mitigation for effects of the project.

Q. That answer, the last sentence is where it starts to cause me some difficulty. How can the tunnel be mitigation if it's an inherent part of the proposal?

A. The Agency had a choice between a tunnel and a surface motorway. All of Auckland's existing motorways are surface. It wanted to complete a motorway. It is common practice with roading projects to consider the mechanisms and the manner in which those projects should be delivered, and that's a situation that took place with Victoria Park Tunnel. A similar situation is currently taking place with the potential third harbour crossing. The choices have to be made between what is the most, well, over the most acceptable way of delivering a project that reasonably mitigates its effects.

Q. There's a decision making process for NZTA as to what it seeks, correct?

A. Yes.

1435

Q. There's a separate decision making process for this Board of Inquiry as to what it does with, or how it responds to, the proposal for which consents and designations are sought?

A. That's correct, and this Board's role, as I understand it, is to determine whether the form of this project together with the mitigation package that goes with it is sufficient to warrant the Board approving it.

Q. And are you saying that in your opinion the mitigation package that goes with it includes the fact that it's a tunnel through some of (inaudible 14:35:34)?

A. Yes.

Q. You're not saying an at grade version of the motorway would be a permitted baseline are you?

A. No.

Q. And you're not saying that an at grade proposal would necessarily get resource consent and designations upheld?

A. No I'm not saying that either, but I would venture to suggest it would be extremely difficult but not impossible.

Q. But as you say in paragraph 31, "If somebody had asked would a surface motorway be acceptable the answer to that question would be an outright no"?

- A. Yes and that's from the perspective of the widest range of effects of the proposal.
- Q. Now by selecting a proposal that involved the tunnel would you accept that NZTA has necessarily directed attention to, in particular, to parts of the route where the adverse effects are going to be greater than if one didn't have a tunnel, namely those affected by the stacks and the major buildings at the ends of the portals?
- A. Yes and I've said that in my evidence.
- Q. So that's an issue that you would accept that the Board should have particular attention to?
- A. Most definitely.
- Q. Now have you had a chance to read the evidence of Amelia Linzey, the supplementary rebuttal statement?
- A. Yes.
- Q. It was exchanged yesterday?
- A. Yes I have.
- Q. And you've gone through, have you, the chart at the end of that evidence, annexure E, "Comparative Evaluation of Southern Ventilation Building Options"?
- A. Yes, my role on this project is to peer review and overview that sort of assessment.
- Q. And is that an assessment that you think is fair and reasonable –
- A. Yes it is.
- Q. – and appropriate? Now having had a chance to see that evidence, have you reviewed your view on whether option 3 at the southern end is an appropriate and preferable solution to the one that's being proposed by NZTA?
- A. Yes I have and I'm still of the view that while option 3 would be highly desirable, all things being equal, that the current option, the subject of this hearing, well this current form of the surface ventilation building the subject of this hearing, is still consentable. The question to my mind is whether 13 and a half million for this option actually delivers the most benefits to the project. I mean is it the best – if you were going to – sorry I'll start again. Leaving aside the value for money view that was

put to you this morning, my approach is to ask myself the question, “Well if you have another 13 and a half million to spend on the project is this the place to best spend that 13 and a half million?” A question could be, “Well hang on a minute, maybe it would be better to devote that 13 and a half million to open space improvements,” in some form or another. So the question, in my view, the Board, I hope, will look at option 3 and ask itself, “Well okay if we had another 13 and a half million to spend where would that best deliver further mitigation of effects if they are deemed to be necessary?”

Q. Are you saying that’s the test you think that applies –

A. That’s the test –

Q. – for its assessment –

A. – that I would like to see applied.

Q. Do you think that’s a test that applies under the Act?

A. I – I’m not too concerned about what you might interpret the test under the Act to be. I’m saying from a mitigation of effects perspective, that has to be the test you ask yourself.

Q. Would you accept that if the Board decided the effects were mitigated adequately it might be in a position where it simply has to decline consents to the proposal?

A. That hypothetically I suppose that’s a possibility. I think that’s exceedingly unlikely.

1440

THE COURT:

Q. You’ll just have to leave that to us I think.

A. I’m happy to speculate further if you wish.

CROSS-EXAMINATION CONTINUES: MR ALLAN

Q. Are you saying, that in terms of mitigation expenditure, there’s an envelope for the Board to sprinkle around as it thinks best, but it’s not in a position where it can ask for more mitigation beyond that envelope?

A. No, that’s not what I’m saying. What I’ve said in my evidence is that I consider the mitigation measures that have been proposed as part of

this project are sufficient to satisfy the requirements under the relevant provisions of the Resource Management Act. If additional mitigation is deemed to be required, then that's for the Board to decide. All I'm saying, with respect to option 3, is in my view there should be a question posed as to whether expenditure of 13 and a half million is the best use of that money.

Q. Isn't it for the Board to look at the effects of the proposal in certain areas on a very lengthy proposal route, identify whether those effects have been mitigated appropriately, and if they haven't, seek to impose some sort of conditions which might allow that to occur?

A. Yes.

Q. Regardless of whether you're better off spending the money in some other part?

A. Yes, the Board is charged with doing that, yes.

Q. And the Board might then look at the other areas where there might be insufficient mitigation and ask NZTA to do a bit more work there as well?

A. Yes it could.

QUESTIONS FROM THE COURT - NIL – COMMISSIONER DUNLOP

QUESTIONS FROM THE BOARD – NIL – MS HARDIE

QUESTIONS FROM THE BOARD – NIL – MS JACKSON

MR DORMER:

I know you were asking the questions Mr Allan, but I wonder if you could help me, and not necessarily now. But I wonder if you could help me. Mr Foster I understand views the tunnel as in itself a mitigation exercise and there are two competing ways in which one might approach this. One is that mitigation could be viewed in terms of a project to achieve NZTA's objectives and they are convenient to be found at paragraph 35 of Mr Parker's original evidence. So is the mitigation to be viewed in terms of NZTA's objectives, or is the mitigation to be viewed in terms of a particular proposal to achieve those objectives. Now if it's the latter, Mr Foster's view is untenable. If it's the

former, his view is quite tenable. So it seems to me for you to advance the point you're making with Mr Foster, you'll have to satisfy us that mitigation should be viewed in terms of the particular design proposal, not in terms of the objectives behind it. I don't know what the answer is, I'd be grateful for your thought on it.

QUESTIONS FROM THE BOARD: MR DORMER

Q. Mr Foster, I take your evidence to be to the effect that it's desirable that there be a degree of – I'm only concerned for the moment with the issue about flexibility, which I think you've addressed in your evidence. And I take it that your evidence is that you accept that it's desirable that there be a degree of flexibility so far as the details of the proposal are concerned?

A. That's correct.

1445

Q. Would you also accept that so far as affected folk are concerned it's desirable that they have a good level of confidence as to the limits of the adverse effects which they'll be exposed?

A. Yes, and that's why I used the envelope of effects terminology, for that very reason.

Q. So there's inherent tension between these two desirable qualities isn't there?

A. Yes there is.

Q. And so when we see that a proposed condition, which is designed to protect folk, says, "The construction noise shall comply with the criteria as far as practicable..."

A. Yes.

Q. Do you think that gives folk a good level of confidence as to the deliverance of the adverse effects to which they'll be exposed?

A. Yes I do, because the exceptions and non-compliances, as I understand the situation, are not that often and there may be a particular reason for it. It's a particular form of construction required at a particular point in time where it's simply impossible to comply with those construction standards. Now the construction noise management plan envisages

circumstances like that, and that's why there's reference to the possibility of re-accommodating people during a period like that. Where practicable is intended to provide a degree of flexibility within reason to the contractor during construction that doesn't – that avoids a situation where they're straightjacketed.

Q. But there's no cross-reference in those words from the condition to the management plan, because the condition is, just boldly says, "Construction noise as far as practicable shall comply". Now if there are indeed specified times and specified circumstances when compliance can't be secured, wouldn't one expect to see those times and circumstances specified?

A. I'm probably not the right person to answer that question. I think you're better asking that question of Siiri Wilkening because Siiri's designed the management plan, the construction noise management plan component in conjunction with taking account of the standards that you would apply.

Q. But would I be unfair if I were to conclude that on its face something that says that the Agency has to comply only as far as practicable, doesn't give people a good level of confidence as to the limits of the adverse effects which they'll be exposed? The operative words of my question are "on its face" Mr Foster?

A. On its face it might. There may be some merit in the Agency's team giving further thoughts as to what the words "as far as practicable" are intended to mean, in terms of this particular condition.

Q. Good.

A. But it's not an unusual wording for us to use for construction projects, because as I say there will be instances where it's simply impossible to meet the construction standard, that noise standard applies in isolated situations.

Q. And you can anticipate what many of those are from your experience?

A. Yes and no. One of the key factors that could affect the ability to comply with the construction noise standards is the extent to which the basalt rock is present. Now the team have a fairly good idea what its extent is, but there might be isolated pockets of it that no one knew

about. I mean the alignment's been drilled like a bit of a Swiss cheese, but you don't necessarily get every specific isolated point. The intent here is to avoid a straightjacket regime, within reason.

- Q. On its face it doesn't seem – sorry, I think you agreed with me that on its face it didn't seem that it achieved the other desirable objective of giving affected people a good level of confidence as to the limits of the adverse effects to which they'll be exposed?

1450

- A. On its face it may not do that, but in my experience this wording has never been a problem. This is the same wording as applied to VPT.

- Q. Victoria Park Tunnel?

- A. Yes.

THE COURT: JUDGE NEWHOOK

- Q. Just because I signed that off by way of a consent order Mr Foster, it's not necessarily – that I'll do the same again.

- A. I think you did Your Honour, yes.

QUESTIONS FROM THE BOARD CONTINUES: MR DORMER

- Q. Well because people have been able to achieve advantages in the past, doesn't necessarily mean they should continue to expect to achieve them does it?

- A. That implies that the Agency has achieved advantages in the past, and I don't accept that. My understanding is that's not the case. If anything the Agency has an exemplary record in terms of compliance on a whole range of things. Certainly since, and probably the benchmark was set with Alpur, which was probably the first project where there was really significant attention given to stormwater treatment and discharge for example. And in the B2 area of that area, we were carving our way through regenerating native forest, and the reinstatement regimes went on in that area there without (inaudible 14:51:57).

- Q. I fear you may have taken my comment, or I may have expressed my comment a little too absolutely. Just because things have been done a

certain way in the past doesn't necessarily mean that it's the perfect way of expressing them?

A. With the use of the English language, yes I would agree with that.

THE COURT: JUDGE NEWHOOK

Two comments, rather than a question. First comment is that the applicants' team might just like to take on board the flavour of the questions that Member Dormer has put to this witness. Essentially, bearing in mind the thinking of us all, we have significant concerns in that area and anticipate that there should be tightening up against outcomes, use of management plans, rather than open-ended language such as Member Dormer has quoted in focusing on just one condition but a number of them. The second comment was that I was concerned to note from paragraph 35 of the witness' evidence that he was disturbed. I have no further questions for him.

MR FOSTER:

The first version of that Your Honour, was the wording was somewhat different.

THE COURT: JUDGE NEWHOOK

I'm pleased we didn't see that version Mr Foster. I suspect counsel might have had a bit of a hand in that.

RE-EXAMINATION: MS JANISSSEN

Q. Just on one issue, and this is with respect to the tunnel being regarded as mitigation for the project. Mr Foster, you've been involved in working on the Waterview Connection Project for some eight or so years?

A. Since the year 2001, which is 10 years.

Q. You're familiar with the options and the route and alignment assessments that have been done by the team within that period of time?

A. Yes, I've reviewed them all.

Q. With respect to, and I think it's easiest to refer to the figure behind you which shows exactly what the Waterview connection is, it's fair to say that sector 8 is just one part of the Waterview connection?

A. Yes it is.

Q. So is it also correct that the Agency in the last eight or nine years has looked at a huge variety of routes and alignments and options in considering the project before it was finally lodged?

A. Yes that's correct.

Q. And with respect to the section through sector 8, specifically from Maioro Interchange through to the Great North Interchange, there were a number of iterations in the project with respect to looking how best to mitigate the impacts of the whole Waterview Connection Project?

1455

A. Yes it would – the exercise we did looked, focused specifically on how could we minimise, at worst, the removal of 450 houses. And the answer to that, in the end, was to put in a tunnel.

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

Now the EPA has kindly put together a draft programme for the calling of witnesses through the next three weeks, I think you've seen that Ms Janissen?

MS JANISSEN:

Yes.

THE COURT: JUDGE NEWHOOK

And by agreement with me they noted the note at the end of each day "Next party or witness to be available if required". Actually I asked for that to be made "witnesses". And so looking at the list for Monday if you can have them available we could hear this afternoon from Mr Murray either Mr Copeland and/or Mr...

MS JANISSEN:

Leersnyder.

THE COURT: JUDGE NEWHOOK

We said Mr Murray and/or Mr Copeland.

MS JANISSEN:

Sir we have available today Mr Murray, and we also had available Mr Mason. For some reason he fell off the EPA's list. He's actually next in order and he's available in the courtroom today. Mr Copeland is not here, he's based in Wellington and he was due to come up Monday, and Mr Leersnyder was not expected to come today and he's in Hamilton, but we can certainly proceed through Mr Murray and Mr Mason. And I unders –

THE COURT: JUDGE NEWHOOK

Let's hear Mr Murray next and then take stock.

MS JANISSSEN:

Yes sir, and if I could please just add before we start with Mr Murray, three of, at least three, if not four, of the questions from Mr McKenzie, I think he might be still the submitter, should rightly be put to Mr Murray rather than Mr Parker. So perhaps once you have an opportunity later on we can put these questions to Mr Murray as well.

THE COURT: JUDGE NEWHOOK

Yes. Now Mr McKenzie, the submitter who was wanting to question Mr Parker, has he gone again?

MS JANISSSEN:

Because I think they're best for Mr Murray.

THE COURT: JUDGE NEWHOOK

So you've discussed with him that Mr Murray's the person –

MS JANISSSEN:

Well I haven't had a chance to talk to him about it yet, no.

THE COURT: JUDGE NEWHOOK

Oh well, we'll see if he can be found. In the meantime let's swear Mr Murray in.

MR ALLAN:

Sir, just before –

THE COURT: JUDGE NEWHOOK

Yes, Mr Allan.

MR ALLAN:

I am of course listed as cross-examining Mr Murray and Mr Mason, but as I said this morning I don't need to do that any more. Mr Parker's dealt with the issues I wanted to deal with and so I come off the list there, and I don't need

to be here until I think, I've got Tim Fisher, which will be very brief, or Amelia Linzey, which is some time on the list. So I'd like to seek leave to come and go as I need to Your Honour. I'll get reports from –

THE COURT: JUDGE NEWHOOK

Yes, well he's not the defendant's office, it's what I call the John Burns' Memorial come and go as you please order. He was quite proud of it actually I think. So yes, you can have that leave. Just before you depart then I will raise a matter with the parties, two matters. We're making good progress against time estimates and that's pleasing and I'm fairly keen for that to continue because the first guess that the EPA members and I applied to hearing timetable based on requests to cross-examine showed that our six hearing weeks were going to be jam packed. I did express the view however that I thought that things would speed up as we were going along and/or that I had noted that the estimates of time provided by those requests and need to cross-examine expressly recorded that they hadn't factored in agreements reached in caucusing and even in some cases rebuttal, rebuttal having been read by those. So perhaps I was a bit keen with the timing of the direction for application for leave to cross-examine. So I believe good progress is being made and will continue to be made, judging by today's business. The second thing is, we still have, a number of us, a mountain of reading of rebuttal and caucus statements to do. People have been very busy at our direction and we thank everybody for that, but it's certainly provided us with a lot of work and we like to read with great care and cross-reference piles of other documents and get our heads around the issues in detail. So it in fact is our proposal that we will not sit on Monday, but will take that as another reading day for ourselves and that the hearing will resume on Tuesday, at the point that we leave off this afternoon. So Mr Allan if you'd like to factor that into your coming and going, that would be good.

MR ALLAN:

And sir, I wondered before I do stop off at afternoon tea, whether it's worthwhile, those of us here now, a chance to have a look at the rebuttal and the other documentation perhaps, regarding proceedings, the staff, and let

them know where we're up to in our timings. I think it is going to be a lot less than I had anticipated. The rebuttal's answered a lot of questions and just, it opened up a few quite restricted areas.

THE COURT: JUDGE NEWHOOK

That's a most helpful suggestion, thank you. Yes, if you would do that. You might like to do it by way of just a bit of careful consideration back at your desk and email to Kim Morgan, and in fact I think I'll have her send out a direction because of course not all parties are here this afternoon. I think I'll have her send out a direction seeking re-estimation of estimates of time for cross-examination, based on people now having been able to read the rebuttal and see the caucus statements. I suspect we might see some interesting changes. Yes Ms Devine?

MS DEVINE:

Sir, if we could, in addition to providing updates on estimates, provide updates on the witnesses we may wish to cross-examine or not. Because the names on the list we may increase or decrease.

THE COURT: JUDGE NEWHOOK

Well you can apply. You had to apply in the first place, you're applying this time too.

MS DEVINE:

Certainly.

MS JANISSEN:

Sir, just one point while we're on the issue, as a point of clarification. Where there are witnesses listed who no one has currently indicated to cross-examine, I assume that they still will be appearing to present, they're sworn in and answer questions from the Board, because I've got about four of those or five.

THE COURT: JUDGE NEWHOOK

Yes that's right, good question, I meant to mention that. And if we're able, in advance of them turning up to say to you we don't need them either, we'll signal that.

MS JANISSEN:

Certainly, thank you.

MR ALLAN:

My final point.

THE COURT:

Yes Mr Allan.

MR ALLAN:

I'm not sure that NZTA is listed as cross-examining anybody. I'm assuming that they're going to.

THE COURT:

I gave Ms Janissen leave to file her notice in the middle of next week, because at the time that we were doing all this, she was probably working 24/7 preparing rebuttal and dealing with the outcomes of witness caucusing. So that's that to was next Wednesday, wasn't it I think Ms Janissen?

MS JANISSEN:

Yes it is sir, yes.

THE COURT: JUDGE NEWHOOK

If you can do it earlier that would be good but I think next Wednesday will be adequate because we are going to consume at least two weeks of hearing time I think. Maybe not, but probably, with the question of her witnesses.

1505

MS JANISSSEN CALLS**ANDREW PETER MURRAY (SWORN)**

- Q. Is your full name Peter – sorry, Andrew Peter Murray?
- A. Yes.
- Q. And have you prepared evidence-in-chief dated the 12th of November 2010?
- A. Yes.
- Q. And have you prepared rebuttal evidence dated the 2nd of February 2011?
- A. Yes.
- Q. Are your qualifications as set out in paragraph 2 of your evidence-in-chief?
- A. Yes that's correct.
- Q. Is there anything in either statement of evidence that you wish to correct?
- A. No.
- Q. Do you then confirm that the contents of your evidence-in-chief and rebuttal evidence are true and correct?
- A. I do.

CROSS-EXAMINATION: MS HARTLEY

- Q. Do you agree that completing a link between the existing State Highway 16 and State Highway 20 cycleways is likely to attract more people to cycleways?
- A. Yes if it's designed and appropriate, yes.
- Q. Would you agree that the project's objectives are better achieved if there is a complete link between the State Highway 16 and State Highway 20 cycleways?
- A. Again, yes if it's designed appropriately, but yes I do agree with that, and it's also reflected in the joint witness statement.
- Q. Would you agree that one of the benefits of providing a cycleway is that it's likely to provide a safer environment for cyclists than the road?
- A. That is generally believed to be the case, but again it's very dependent on the design.

- Q. And you'd agree, wouldn't you, that a cycleway link in this case would provide better open space from activity?
- A. I'm not really sure I can comment on open space sorry.
- Q. What I'm getting at Mr Murray is that a cycleway is more likely to provide links between open spaces, such as perhaps Harbutt Reserve and Phyllis Reserve?
- A. If a, an improved facility that pedestrians and cyclists could use is better than what's there now then absolutely.
- Q. Now you've raised an issue in your rebuttal evidence about the people who are likely to use the cycleway in terms of which directions they may well be coming from. Do you accept that people are more likely to use a cycleway than cycle on the road, even if it's a slightly longer route?
- A. As I've indicated in my evidence there will be different ranges of cyclists using the facility and they all have different drivers, I guess you could say, as what they find attractive, and I would suggest that the main commuter route, commuter cyclists, really value straight direct routes. The more recreational – these are stereotypes I guess - but the more recreational types would prefer to use something more off road, even if it was more meandering.
- Q. But if people were concerned about safety they're probably more likely to want to use the cycleway than use the road aren't they?
- A. Well it depends what safety you're referring to. If you're only talking about the safety of being hit by a car then being off the road you're going to be more safe, but there are other elements of safety associated, sometimes associated with cycleways about being not visible et cetera.

1510

CROSS-EXAMINATION: MR MCNATTY

- Q. Bearing in mind the directions I received this morning, I'm going to refrain from modelling discussions because I think – but Forest & Bird has an interest in vehicles in as far as that they can be the base source of contaminant on the motorway and then we (inaudible 15:10:31) with a little bit of rain they become stormwater discharge. In the Assessment

Of Transport Effects, G18, page 65, you give an indication of vehicles per day in the Great North to Rosebank of approximately 104,000 through to the Patiki to Te Atatu Road of 105,400. Have they been, I'm going to use the word "calibrated" to 2010 transport levels?

A. The base models that were created were built, were calibrated to 2006, because they were built a couple years ago. So yes, they were calibrated 2006 but not specifically 2010.

Q. You give projections through to 2026, approximately 15 years of lifetime. Is there any reason that the projections didn't go beyond that?

A. The – I've mentioned this in my evidence-in-chief, why the years we used were used, that we've selected. And the two years we selected were 2016 and 2026, to look at both, I guess effects opening year, or around opening year and then 10 years post-opening. One of the requirements for that come from the people who rely on the traffic forecast like noise and emissions, they're looking for that kind of opening year and then 10 year post. So those were the reasons why we selected those years.

Q. In that same report that I sort of started off, in that you give an indication, and maybe I'm reading it wrong, there that daily traffic flows on State Highway 16 are anticipated to increase by no more than 10 to 11% on the section east of Te Atatu Road, and this is because the eastern end of State Highway 16 at, or approaching capacity in 2006. But have we got a physical limit with the carriageway on State Highway 16, and I'm talking between Te Atatu Bridge and the Waterview Interchange, as actually reaching a capacity limit?

A. We can and do calculate a limit on an hourly level. It gets much more difficult to calculate a physical limit of traffic at a daily level, because it depends on your mix of traffic, how long your peaks last. It would be I guess nonsensical to say that the peak maximum in an hour would apply for 24 hours a day. But we can do it on an hourly level and in those peaks, yes we are running up to those levels. At the daily level there's broad relationships between the peak and the daily and that indicates when the daily start to reach capacity, but it's not always easy to pin exactly what that point is at a daily level.

Q. And I do have one more question and it's probably of an educated guess. Is there a guesstimate of time when the proposal requires another set of lanes?

A. We have not considered going beyond what's proposed in this project.

Q. So the 2026 projection?

A. That's correct.

THE COURT: JUDGE NEWHOOK

Mr Mehaffy, did you wish to question this witness?

MR MEHAFFY:

Yes please.

THE COURT: JUDGE NEWHOOK

Would you move to be close to a microphone, perhaps come up to the front desk here.

1515

CROSS-EXAMINATION: MR MEHAFFY

Q. Mr Murray, in your – this is your evidence. On page 12, clause 48. You talk in that clause of needing to put in or have put in pl – or recommend a tunnel management plan or strategy be considered, to manage the northbound traffic on State Highway 20 through the tunnel during any affected period. I've tried to imagine what that could be, but could you give me any more guidance as to what you were thinking about in that statement. What do you think this management plan would be for the tunnel?

A. I think it is referred to in the condition OT.1, proposed condition OT.2 sorry, which gives a little bit more detail of what's proposed there.

MS JANISSEN:

It's page 23 of the conditions sir.

CROSS-EXAMINATION CONTINUES: MR MEHAFFY

Q. O22?

A. OT.2 on page 23.

THE COURT: JUDGE NEWHOOK

The page numbering's at the bottom right corner, page 23, see condition OT dot 2, which occupies the top half of that page. Have you seen that before Mr Mehaffy?

MR MEHAFFY:

No, this is the first time I've seen this.

THE COURT: JUDGE NEWHOOK

Well take a moment to have a read through it. It may or perhaps may not answer some questions for you.

CROSS-EXAMINATION CONTINUES: MR MEHAFFY

Q. So what I imagined you were thinking of then, would be you would have a warning when the tunnel capacity getting near its maximum, there would be warnings telling the traffic at a suitable off-ramp that there would be time delays in the tunnel. Is that the sort of thing that would be put in place?

A. I'll just point out, my expertise doesn't go into tunnel management, but we have been providing some assistance from a traffic management point of view of the kind of things that would be looked at. And the things that have been looked at to date have been around incidents in the tunnel, how you evacuate them, how long it would take, how fast the vehicles would be moving through there, what could you do in those sort of incident scenarios of closing entry lanes or reducing the entry lanes into the tunnel so that you had less traffic in the tunnel. We also would expect the management plan to look at, in the case of these severe incidents, how you would get traffic out the other end if say State Highway 16 is congested. How would you, and you really needed

to get traffic out of the tunnel quicker, how would you go about doing that. So those are the kind of things that had been looked at.

Q. In my evidence, and I haven't had anybody tell me different, I've made the suggestion that in the tunnel, if its speed limit is 80 kilometres an hour, that you can then take that figure .8 and look at each lane in the tunnel as being .8 of an ordinary traffic lane, would that be a reasonable approximation?

A. I think this is where you might have referred to your evidence about 100 kilometres per hour is 100% efficient and 80 is only 80, is that what you're referring to?

Q. Yes.

A. In terms of efficiency, how much traffic you can get through a tunnel or on any motorway system and the performance or speed in which that is, is not directly correlated to the speed. I mean there's good examples around the rest of the world where they put management plans on the motorway of lowering the speeds during congestion to get more consistent traffic flow and then you get more traffic through. So 100 kilometres an hour is not necessarily the most efficient way to run a motorway all the time, when you're in those conditions.

Q. The 80 kilometres an hour maximum speed in the tunnel, it would have a bearing on the amount of traffic that will get through the tunnel in each lane?

A. In this scenario it would have a small influence, but in the most congested conditions, and you're referring to my evidence talking about potential queuing, it actually comes from constraints on State Highway 16, not from the capacity of the tunnel itself.

1520

Q. State Highway 16, that's – why are you talking then about this management on the tunnel itself? Why do you want to manage that if you're worried about State Highway 16?

A. The management plan is to manage the tunnel, but we recognise that the performance and the traffic in the tunnel is influenced by what's coming up from State Highway 20 further south, if we're talking about northbound, and also the conditions on State Highway 20 getting out the

other end. So the performance on the traffic and congestion in the tunnel, if there is any, is directly related to those feeder roads either side, coming in on one side and going out the other side. So you can't just manage the tunnel just looking at the tunnel in isolation.

Q. So my approximation saying that each lane would be .8 of a lane, that's not true?

A. I'm not sure in what context you're referring to that each lane would be .8 of a –

Q. Well .8 of an effective motorway lane?

A. No, no dropping from 100 kilometres per hour down to 80 kilometres per hour would not reflect a 20% reduction in capacity, which is what I think you're suggesting.

Q. Yes it is.

A. No that's not the case.

Q. To help me, what sort of effect would it have on the capacity in the tunnel? Can you estimate that or –

A. The effect of having 80 kilometres per hour?

Q. Yes.

A. Compared to what? The effect of having 80 compared to, what, a hundred?

Q. A hundred.

A. I think the need for a tunnel – sorry, 80 kilometres per hour here is more to do with the site, geometrics site visibility et cetera, going through the tunnel. So a hundred kilometres per hour isn't really deemed appropriate, it's not a real option that we're considering.

Q. No it's not –

A. So we haven't considered the difference between –

Q. It's not – I'm not wanting –

A. – a hundred and 80.

Q. – to change the speed in the tunnel. I'm trying to understand what that, those lanes at 80 ks are going to do to the amount of traffic that's going through, and trying to understand just what this management plan is going to be, and I think I must have taken far too much out of this.

- A. I think, if you're suggesting what effect, what – how much capacity has been lost by going from a hundred down to 80 then I would suggest none, because as I said in the real peaks, you're talking about 2026 and the pm peak for example, the capacity going through here is not to do with the speed limit, it's about levels of congestion elsewhere in the network. So having – they wouldn't be doing a hundred anyway so it wouldn't matter if they're a hundred or 80 k speed limit. So off, outside those peaks, going from a hundred down to 80 people would go a little bit slower than they would about a hundred, but you wouldn't lose capacity. You wouldn't have any less vehicles being able to get through the system.
- Q. Well then a whole lot of my argument just doesn't apply. The tunnel, if it is restricted, obviously the traffic that was going to go through the tunnel would want to deviate elsewhere?
- A. If there was an incident that required reducing the number of lanes or closing the tunnel completely then that traffic, yes, would have to divert.
- Q. But the amount of traffic that – the management plan that you're looking at on the tunnel is elsewhere to make sure that everything just keeps flowing smoothly, that's its main objective? Not, it's not a restriction on the actual tunnel capacity?
- A. No I wouldn't suggest that the tunnel management plan is to help manage the rest of the network running smoothly. It's specifically targeted at the operation of the tunnel, and as per that suggested condition, it's about the maintenance, dealing with incidents. I mean there'll be situations where they'll have to get in and maintain the infrastructure within the tunnel and that will require managing lanes, managing how much traffic can get in and out. That's what the management plan is for, not specifically to look at managing the flow all around the network.
- Q. Well that traffic then that is going to be looking elsewhere, it's going to actually have to find its way through Avondale and through the streets you've mentioned through Avondale, the routes you've outlined? It will – they will go elsewhere to carry on their journey won't they?

- A. Yeah I mean it'll be similar to any road closure or restriction on the motorway you see during, now for maintenance or road construction. Often at night they put in place these restrictions and traffic has to normally sometimes have to divert. Depends on the level of work being undertaken, whether they close it or just slow it down but, so yes, if there's something happening in the tunnel that requires closing lanes then the traffic who are travelling at that time would have to find an alternative route.
- Q. The traffic that is going to be having to find its way on the routes that you've outlined here in your rebuttal evidence, annexed F, and the figures F2, F3 on page 39 and F4 on page 40, the traffic that you show there on those routes, the width of the line is the volume of traffic that's going to be on those roads from this isn't it?
- A. Just as a point of clarification, in this kind of information extracted from the model, yes the width of the line reflects the proportion of traffic, but these particular plots in annexure F are not to do with diversion because of effects in the tunnel. Those were specifically looking at how would people from the communities of Waterview, Pt Chev, Carrington access State Highway 20 heading south, the kind of routes they would take. So it wasn't those, annexure is not regard – related to that diversion.
- Q. I've changed my line of thought. I can see that I've actually been (inaudible 15:27:38) an error in how I assessed how well the tunnel would perform, but in those, the three diagrams you have there you talk about the various starting points and you show routes with the amount of traffic going through the local roads. Now those three routes, the traffic that show each of those, is that dependant on where they've come from or is that just the traffic that the people from those areas will use to get through Avondale? In other words, do you take those three diagrams and add them all together to get the actual effect on the local roads, or are they all the same vehicles?
- A. No these plots shown here are only a subset of all the traffic on the network. So even if you added them all up it wouldn't reflect all the traffic on the network. These are just very specifically looking at traffic, for example, in F2 coming out of the Waterview area heading down to

State Highway 20, so it doesn't include any other traffic. So even if you added the three together there's still a lot of other traffic from other communities who are passing through that is not included in those diagrams.

Q. But these are not – they are cumulative of the amount of traffic that's there? So that the traffic that would be on the local streets is the sum of all these diagrams?

A. No.

Q. No?

A. No that's what I just tried to explain.

THE COURT: JUDGE NEWHOOK

Mr Mehaffy he just answered that. He just told you what this traffic was and what it didn't include. But I've let you run, I don't want to close you down unfairly, but my concern is this, that your questions of this witness have in the main so far been questions that appear to me to be designed for your education, not ours. We're the ones that need to be educated. We're the ones that have read all the evidence, including yours, which I've got open in front of me and you're right, as a questioner, is to test the evidence, to put to the witness anything that you think he is wrong in and see if you can establish that you're right and he's wrong. Now that's not how I'm perceiving that this session of you questioning him is proceeding. I just want you to think about that. It's time for the afternoon break. We're going to take the afternoon break for 15 minutes. I just want you to think about what it is you're setting out to achieve and then when we come back if you could just give me an indication of how long you think you might be wanting to continue questioning, I want a time estimate from you. Because at the moment it's just not achieving what you would perhaps have wanted it to achieve, it's not cutting it. Would you think about those things and we'll just pick up on this conversation when we come back in 15 minutes. I don't want to be unfair, I just want to keep our focus, keep the focus of this business going.

MR MEHAFFY:

Yes.

COURT ADJOURNS: 3.31 PM

COURT RESUMES: 3.47 PM

THE COURT: JUDGE NEWHOOK

Mr Mehaffy, how long do you think you might be wishing to question?

MR MEHAFFY:

I think I've misunderstood the information that's in the drawings or in the – what's put there and I've gone along with a line of reasoning from a false premise, so I think I have to apologise and leave.

THE COURT: JUDGE NEWHOOK

We're not going to make you leave at all, but thank you for your honest acknowledgement that you might have been up a gum tree.

MR MEHAFFY:

I think I'm well up the gum tree. I am concerned with this motorway, with the lack of access to the motorway and the existing motorway doesn't serve Auckland particularly well and this new piece has – is – the locals are going to be served even less, but I don't think that the traffic man is the right person to try to bolster my case on that.

THE COURT: JUDGE NEWHOOK

Well look Mr Mehaffy, as you may be aware, the traffic experts who are giving evidence in the case had a caucus meeting, like other groups of experts did and they had a very close look at this issue of access to and from this piece of motorway and its interchanges at each end and the like, and in particular of Great North Road. Sir Harold Marshall was another party who was interested in these issues and he retained a very good traffic engineer expert, John Parlane, and the witnesses had a very thorough look at these issues and we've got a very well constructed statement from those experts to guide us about these issues. I might invite you to let us move on to –

MR MEHAFFY:

To somebody that –

THE COURT: JUDGE NEWHOOK

To making the best use that we can, of the outputs from that conclave.

MR MEHAFFY:

Yes.

THE COURT: JUDGE NEWHOOK

Thank you Mr Mehaffy.

CROSS-EXAMINATION: MS DEVINE

Q. I have a range of questions for you on a couple of different topics, so if you bear with me we'll just pass through them. Now, your experience that you've listed in your evidence-in-chief shows that you've got experience of other large projects like this doesn't it?

A. That's correct.

Q. And you've got skills in traffic engineering and transport planning and those skills extend to cycleways and pedestrian links as well as the roads themselves, doesn't it?

A. I'd put that this way. Similar with the traffic, I do mostly the traffic transport sort of planning. I'm not an expert in traffic design, I design standards of geometrics and similarly with cycleways, I'm not an expert on the design standards and gradients and things of a cycleway. But in terms of sort of transport planning policy, engineering of these things, I do have – feel comfortable answering those questions.

Q. And you have experience in projects that involve both roads and pedestrian links and cycleways. Whether you were involved in the design or otherwise, you're familiar with projects in the list that you've given in your evidence-in-chief that may have cycleways from time to time, and pedestrians?

A. Yes.

- Q. If we could start with a very interesting question I hope. In your experience, why do people generally cross to the other side of the bridge?
- A. Cross to the other side of "a" bridge?
- Q. Of a cycle or pedestrian bridge?
- A. Sorry, a cycle or pedestrian bridge. I'm sorry you'll have to give me more context than that, I mean it might be for the view, it could be anything, I mean that's a bit generic I'm sorry.
- Q. There's quite a number of possible answers isn't there. Perhaps it's to use the facilities on the other side?
- A. Sure.
- Q. To get to libraries?
- A. Maybe.
- Q. To get to shops perhaps?
- A. Yes.
- Q. Parks?
- A. Possibly.
- Q. Sports grounds?
- A. Maybe.
- Q. And bridges and pedestrian and cycleway links can be used to provide those without access to open space facilities to access such facilities can't they? For example Waterview community not having open space access, they might be able to cross a bridge –
- A. Look sorry, I'm not an expert on open space, I can't comment on whether they have or do not have access to open space.
- Q. I'm not asking you to comment on whether they have access to open space?
- A. I think it was in your question.
- Q. I'm asking you if you can provide comment that a bridge could provide access to people who want to get to the other side of the bridge where there is open space?
- A. Yes, a bridge would presumably be provided for a reason that people would want to cross from one side to the other.

- Q. Now Ms Hartley addressed some questions to you around features of a good cycleway. I just wanted to expand on that slightly, appreciating you don't design cycleways yourself, but you're experienced in transport policy and planning and have an idea of when cycleways are used. Would you say it's a feature of a good cycleway to include a direct route to whatever the facility is that's been sought?
- A. Yes.
- Q. One with good lighting?
- A. Yes.
- Q. Something that provides a sense of safety, whether it's lighting or surveillance or some means?
- A. Yes.
- Q. Perhaps not hidden in a bush?
- A. Correct.
- Q. One that has adequate space to manoeuvre your cycling bikes past each other?
- A. Yes.
- Q. Perhaps one with few traffic light interchanges to move smoothly along?
- 1555
- A. I mean that depends on the facility. Not everyone on a cycleway's all going from exactly the same origin to the same destination. Intersections aren't always just an impediment, they action intersection of roads where people want to go to, so getting to that location people will be going to different destinations. So, and sometimes traffic signals can provide that multi direction facility quite safely.
- Q. And a feature of a good cycleway might be to have a bit of space with the road, have a dedicated cycleway line – lane?
- A. Sorry of a cycleway?
- Q. Cycleway lane, so is separate from being actually on the road itself?
- A. So you're talking about a cycle lane on road?
- Q. Or beside a road or near a road, separate from a road? Be more desirable to be separate from the road than on the road for a cycle path?

- A. Generally speaking, but it depends on how many driveways, what other impediments you've got, yes.
- Q. And speaking of impediments it would be a good feature of a cycleway to be away from impediments like lots of parked cars or driveways, as you suggest?
- A. Generally yes.
- Q. And I think you said to Ms Hartley, and just to check for confirmation, the more attractive a link, a pedestrian link or a cycleway link, is to a person the more likely it is that it will be used, is that a fair comment?
- A. That's, that would be a fair comment.
- Q. And if it is attractive then you can potentially see a swap from other modes of transport towards the use of the link? So you might not take your car if it's quicker to actually –
- A. That's correct
- Q. – cross? I want to ask you a few specific questions now on a range of different issues, and a couple of them will be just separate from each other. In your experience do cyclists – now this is your experience of transport planning generally – do cyclists use bike parks? So you come off a cycle area and you use some sort of bike parks where you might have ramps to play with or, you know, cycle on?
- A. Are you talking about like a recreational bike parks or where you physically park your bike? You talking about –
- Q. The former.
- A. – like a –
- Q. The former.
- A. – skatepark type thing?
- Q. Yes, like a skatepark, but a bike park yes.
- A. Yes, I've observed many cyclists using those facilities.
- Q. And they're handy to have near cycleway paths?
- A. I'm not an expert in recreational facilities so I really can't comment on that.
- Q. You're familiar with the Great North Road interchange underpass that goes –
- A. The overbridge, the pedestrian bridge that goes over?

- Q. No just generally, the, there's a large interchange or overpass –
- A. The interchange, yes –
- Q. – (inaudible 15:58:04).
- A. I'm familiar with the interchange.
- Q. There's an underpass there. I'm going to come back to that, but in terms of enabling north-south traffic on the pedestrian – actually we'll just touch on it now. In the integrated maps S, if you'd like to find that, that was the maps that were handed up with the key this morning.

THE COURT: JUDGE NEWHOOK

We only got the key this morning. We only got the one single page today. I'll share with Member Dunlop.

MS DEVINE:

I don't need the key, I need the actual plans. They're called "PT An Active Mode" –

THE COURT: JUDGE NEWHOOK

Yes, I've not got mine in the courtroom, but I'll look over Member Dunlop's shoulder.

CROSS-EXAMINATION CONTINUES: MS DEVINE

WITNESS REFERRED TO MAP S

- Q. It's also shown on the screen. And this map shows us, if I'm correct, the thick purple line, the bottom, the southern end of the page shows a shared path for walking and cycling, which comes up Great North Road by Cowley Reserve there on the left. It goes under the underpass, it comes up –
- A. Sorry it goes under the motorway underpass, are you talking about the pedestrian bridge? It goes, it does go under the pedestrian bridge.
- Q. Just along sorry, the pedestrian path carries on along Great North Road under...
- A. So this is where it converts to the orange line, is that what you're referring to?

Q. That's right, that's what I'm referring to. So no, no where it's – can we go – perhaps you can follow the purple line at the bottom of the southern part of this map and then cast your eye towards the top half of this map where the thick purple line comes out. And you can see there's a shared path that crosses a on or off ramp there?

A. Yes.

1600

Q. And goes across the top of the map towards the arrow off to the left of the map?

A. Yep.

Q. That is a pathway that is used, would be expected to be used for pedestrians and cyclists who go from Waterview through to Pt Chev, is that right?

A. I would suggest that they would be the ones from Waterview to just the sort of the western edge of Pt Chev, especially the sort of beach, recreational area, the Eric Armishaw Park. There's much more direct routes up into the main part of Pt Chev.

Q. How many crossings of the on and off-ramps are there in this path?

A. Starting from the bottom on the westbound on-ramp there's one there. Then there's the crossing of Great North Road, that's two and then you cross Great North Road back again and then the off-ramp, so that would be four.

Q. Thank you for that, I'll come back to Eric Armishaw very shortly, but I would like to take you through the bridges. Are you familiar with Ms Watson's evidence for the Albert Eden Local Board and the request of the local Boards for a number of bridges, pedestrian, cycleways crossing at different points?

A. I have read that evidence, yes.

Q. I'm going to take you through, not entirely with reference to Ms Watson's plans, but we may need to pull that out because there are some better plans provided by NZTA. But I'm going to take you through the five bridges referred to in her evidence, and I'd like to start with Alfred, two known as Alfred and Phyllis. Now if we look at these maps again of the PT active mode of transport map routes and we look at the one that

is numbered sheet 14, or 114 in the right-hand corner. Now there's a couple of things to step out here so we get our common bearings on the page. You're familiar with this area aren't you Mr Murray?

A. Yes.

Q. Now can you see the left-hand, on the left-hand side there is a dotted number of arrows, one going north, one going south. Can you see that Mr Murray?

A. The yellow one, the darker yellow –

Q. The yellow line?

A. – yes, the yellowy orange, I can see.

THE COURT: JUDGE NEWHOOK

Pale yellow.

MS DEVINE:

Pale yellow.

THE COURT: JUDGE NEWHOOK

Yes, it still doesn't feature on the key.

MS DEVINE:

I can't fix that Your Honour.

THE COURT: JUDGE NEWHOOK

I know. The comment was addressed to the NZTA team. We were told that the key that repaired these omissions, it's picked up the dashed gold or bold yellow line, but the pale yellow dashed line still isn't described to us and I don't know what that is. So if you just pause for a moment Ms Devine, we'll have advice from the witness perhaps or somebody on the NZTA team.

MR MURRAY:

I can't comment on the legend, but I interpreted that to be the existing pathways through the Oakley Creek area.

CROSS-EXAMINATION CONTINUES: MS DEVINE

Q. Thank you Mr Murray, that was where my question was going Your Honour. Currently there's limited ability to cross Oakley Creek isn't there Mr Murray, and we can step through the different options. There's a – where we're talking about here, this yellow dotted line going towards the north is this form of gully, which is near Fir Street and by the Oakley waterfall and there's something like 80 steps, which step down this gully across –

A. Yes, I'm familiar with the route, I didn't count the steps though sorry.

Q. You can't cycle that particular route can you, with the steps and the steepness of the site?

A. It's not a cycling route, it's got steps but physically it's not impossible, I've done it myself, you bounce down the steps. I mean there is a gutter beside it, but the mountain biking fraternity would probably enjoy it, but it's not a normal cycling facility that recreation or commuter cyclists would use, no.

Q. Not for all cyclists?

A. Not for all cyclists, no.

Q. And there's also access from a private road called Waterview Downs. Now I believe that if you look to the right of where our yellow dotted lines are, or pale yellow, there is a road which is – tends towards the right, it's a cul-de-sac.

1605

A. Yes.

Q. And it's just beneath where the tunnel is expected to occur. Can you see that?

A. Yeah I think it's, it's not shown but I believe it's where the chainage 3400 is shown on the diagram.

Q. That's right. That's the end of Waterview Downs isn't that?

A. Yep, yeah there's a crossing there, yes.

Q. And currently if you want – if you go down the Waterdown Downs there's currently a smaller bridge that crosses, there's a very small bridge which crosses where the tunnel is indicated, is that right?

A. That's correct

- Q. And now just to place on the map the two references to the Alfred Street, Alfred Bridge and the Phyllis Bridge, to the far left of the page there is a little white box that says “Oakley Creek Esplanade Reserve” and below that there’s a dotted line which says “Join line sheet 11, 113”?
- A. Mhm.
- Q. To the north of that dotted line if you were to carry it on through the yellow hashed area, I believe that is the area that’s indicated to the Alfred Bridge? Is that your understanding, it’s a –
- A. I understand it’s given, only given a very rough approximation where it is, there’s no definitive location, but it’s broadly in that area I understand.
- Q. Broadly between, near Alfred Street and Oakley Avenue from the other side, and it goes (inaudible 16:06:34). And just to bring us back to Phyllis Bridge, which is on the far right-hand side, if we look at the map towards the Great North Road, dipping down towards the bottom right-hand side of the page, just before the page disappears off it shows Blockhouse Bay, et cetera, there’s an area of green space to the north of Great North Road. Equally, in line with the joined line sheet 115, the dotted hash line?
- A. Yes there’s a pathway there, yes.
- Q. And there’s – so there’s a pathway there and if you just sort of look where the bush area is there, that’s where Phyllis Bridge is expected to be, or has been mentioned as being an appropriate place to put it, is that right?
- A. Yes, I believe so.
- Q. Thank you for bearing with me on that, that’s a lot of things to put on that map. Now I just want to talk about the features and benefits of the Alfred Bridge and the Phyllis Bridge, and we will talk about the other bridges as briefly as we can. The Alfred Bridge, there’s a few things to discuss. So if there was a bridge between, in this place it would enable access for Waterview residents to a publicly available open space grounds and to Unitec wouldn’t it?

- A. I don't – I mean it wouldn't enable it because it's already there. It would, might marginally improve the access, but the access is already there as you've pointed out, so it wouldn't enable the access.
- Q. So it would increase the ability for pedestrians and cyclists to more easily access the Unitec grounds, is that fair to say?
- A. That would be fair to say.
- Q. And once across those grounds then the public could take advantage of access to the Unitec's sports stadium there, there's public membership allowed in the gym there, is that right?
- A. I don't know about their ownership of those sports fields, no.
- Q. Are you aware that there's a (inaudible 16:08:42) marae there that you can take free Te Reo lessons?
- A. I'm not aware of that, no.
- Q. If I put it to you that there was a marae there that you could do that, it would, this bridge would enable you to, put the public to get access otherwise they would have to go round to the Carrington Road side of the Unitec to access?
- A. No, as I said that connection's already there, and specifically the one near Alfred has already got lighting and I understand from the Unitec evidence it's also got CCTV on it. So again it's not enabling it, and if you want to get from Waterview across to this marae they wouldn't have to go all the way round Carrington, they can go through that connection. A bridge might make that a slightly improved connection, but it doesn't enable it and it doesn't stop them having, it doesn't stop them having to go the long way round because they don't have to go the long way round.
- Q. Particularly for a pedestrian, a little bit harder to use that yellow shaded line area if it's a cyclist?
- A. No I think the pedestrians find it much easier to use the stairs than the cyclists.
- Q. There's also a playcentre and a kindergarten to the south of the Unitec site isn't there?
- A. I'll take your word on that, I'm not aware of it.

1610

- Q. In terms of the Phyllis Bridge, were there a bridge here, where we've talked and discussed exactly where it is, then you could access this Phyllis Street Reserve more readily from the road couldn't you, if you were a pedestrian and a cyclist?
- A. From which road?
- Q. From Great North Road?
- A. From Great North Road to get across there, yes an appropriately designed bridge would probably be an easier route than the stairs down through that existing connection, but that connection does exist.
- Q. And if we have a look at, and it's useful to look through these because they are of great interest to the local Board and its community. If we could turn next to, I'll have to take you to Ms Watson's evidence she's submitted, 252 and she has annexure to her evidence, annexure 1?
- A. Yeah I have that.
- Q. And there's a number 4, might be number 4, where that rail is there, there's an indication of the Soljack Bridge, which is a bridge between Soljack Place and Harbutt Reserve, over a railway. Can you see that?
- A. I can see the mark she's made on there called the "Soljack Bridge", yes.
- Q. And she's written in some (inaudible 16:11:43). It's a little hard to see on one of those screens. If there were a bridge there that would provide access to passive open spaces in Alan Wood Reserve wouldn't it?
- A. From?
- Q. One side of the bridge to the other?
- A. I mean those reserves already have some access, so you're talking about –
- Q. Further access?
- A. From areas to the south?
- Q. Yes.
- A. That would give more direct access to that area from the south, yes.
- Q. Across the railway?
- A. Correct.
- Q. And it would also provide access to passive open spaces in Harbutt Reserve wouldn't it?

A. Again, from that direction from the south, yes it would give more direct access.

Q. And someone travelling along that route could also carry on up the path, the open space area there towards the Metro Sports Club?

A. Yes.

Q. And that would facilitate a continuous north/south cycleway in that area?

A. It could do, if designed appropriately.

Q. I'd like to turn now to the other maps – come back to the NZTA maps and look at sheet 17, or 117, the far right-hand corner and talk about the – you might also want to have shortly after this we'll talk about Hendon Bridge, which is 118, the page behind that. In terms, just to get our bearings on page 117, this shows the undergrounding of the tunnel, with the green lines there and you can see where the current portal would be?

A. Yes.

Q. And if the proposed portal in option 3 were to be realised, that green line actually would shift to the right somewhat short of the 1700 figures on the page there, would that be fair to say?

A. I'm not familiar with the different options looked at the portal tunnels, but I'll take your word on that.

Q. So that's orienting the portal and the proposed portal. In terms of the pink line there towards the south of the page there. I put it to you that the Albert Eden Local Board has sought a bridge which is straight, a straight line up from that pink back and forth line and that's the Albert Bridge. Is that your understanding of Ms Watson's evidence? Sorry the Olympus Bridge?

A. Ah, yes I understand there was reference to a Methuen to Olympus link.

Q. That's right. You can see Methuen Road there to the bottom of the page, it's a circular road?

A. Yes.

1615

Q. Beneath the pink line. Now this would provide a bridge directly across the motorway, the Olympus Bridge proposal, which would give access to the Murray Halberg Park to the north, is that right?

- A. Again, if you're talking about from Methuen –
- Q. Mhm.
- A. – it would give slightly more direct access from Methuen to Olympus Park than using the red line.
- Q. And that would increase access to open space wouldn't it, Murray Halberg Park being open space?
- A. (no audible answer 16:15:52).
- Q. Now –
- A. It would marginally improve it, as I said.
- Q. Just turn briefly to look at Hendon, Hendon Bridge is the bridge on page 118 that's proposed by NZTA, for completeness. That, are you familiar with that bridge?
- A. Yes.
- Q. The red line there is the, indicates the pedestrian cycleway that's proposed, is that right?
- A. Yes, I believe so.
- Q. It's a long, thin tunnel of open space area in that space, isn't it?
- A. Sorry I'm not an expert on open space.
- Q. To the south of the area is New Windsor, there is – it is more difficult for residents from New Windsor to access that area than others coming in from the red proposed lines that are indicated there, isn't it?
- A. To access which area?
- Q. To access the Hendon Park?
- A. It's more difficult, at the moment it's – you can't really access it, but in this scheme there are - those yellow pedestrian connections provided from Valonia Street into that park, which you can't currently do I believe.
- Q. So 17 - 117 and 118 join together effectively to demonstrate where Alan Wood Reserve joins up with Hendon Park and Valonia Reserve, isn't that right?
- A. Yes.
- Q. If you overlaid them together, I put a tender if option 3 were exercised and that portal was shifted to the right a further 70 metres in accordance with option 3 that the Olympus Bridge would not be necessary as providing those extra attributes that I described to you earlier?

A. From a transport perspective I don't consider that the Methuen/Olympic link is necessary anyway, so whether you shift the portal it wouldn't make it any less unnecessary, or more unnecessary.

Q. I'd like to take you to the Eric Armishaw Bridge and have a discussion about that bridge. We have to go back to the sector plan for that one, which is in Ms Watson's – no it's not. It's just the general one that's on the wall behind you might be easiest to reference Mr Murray.

A. Mhm.

Q. So you can see the proposal there is to have a bridge from the esplanade strip around the northern end of Waterview Reserve across to, across the motorway to Eric Armishaw Park, isn't that correct?

A. That's the purple line in this PT cycle network drawing, is that right, you're referring to?

Q. No I'm referring to the plan – I don't have a line to demonstrate to you, I'm describing Eric Armishaw Park proposed bridge by the local Board, which is demonstrated in Ms Watson's evidence, if I need to go there.

A. This PT drawing you showed me before, me talking about the purple lines, does have that link to the Eric Armishaw Park. I presume that's the one you're referring to. I can't quite see that diagram sorry, that's all.

1620

Q. No sorry Mr Murray, that's the NZTA proposed link. I'm trying to put to you the Local Areas Board's proposal for a bridge which goes from the northern aspect of the Waterview Reserve Esplanade directly across the water and the motorway, the causeway there and across to Pt Chev's Eric Armishaw Park. Are you –

A. That's, is that the one shown in Margie Watson's annexure 1?

Q. That's correct Now if there were a bridge – that bridge is in the Auckland City aspirational plans that were released last year, isn't it?

A. I'm not aware that it is, I'm not sure.

Q. Traffic – transport planning and policy is an area that you're an expert in isn't it Mr Murray? Are you not familiar with the Auckland City Council's proposals for its 20/50 year plan for links in this area?

A. I'm not aware of a proposal to put in that bridge for Auckland Council, no.

Q. It's not a proposal so much as a framework plan Mr Murray, and it's an aspirational proposal having been put forward by Auckland City Council before the amalgamation that was last year, and parties here will be conscious that there's been amalgamation since then, there will be a spacial plan so it's not clear how that will be addressed in due course so I just thought it might be a matter that you would be aware of that previous experts in this area have identified as an area for future development in that way.

THE COURT: JUDGE NEWHOOK

Ms Devine, does this aspirational plan, or whatever it's called, exist amongst the mountains of –

MS DEVINE:

It's not documented before us –

THE COURT: JUDGE NEWHOOK

- paper that we have?

MS DEVINE:

- sir, no.

THE COURT: JUDGE NEWHOOK

So your client hasn't put it before us?

MS DEVINE:

No sir, I can arrange for that to happen. Auckland Council might also be able to arrange for that to happen.

THE COURT: JUDGE NEWHOOK

Well how about you talk with Ms Hartley after we rise and see whether somebody can find this document. At the moment the witness doesn't appear

to know about it, it doesn't appear to have been raised in your client's material and it's a ghost, as far as we're concerned right now.

MS DEVINE:

Certainly sir, I can address that and I can table that before the Board and the witness if we – if he's still available after you rise and we recommence. On the – and council is aware of this document – in terms of the submission that the Albert Area Local Board has made to the Eric Armishaw Bridge is a very well and (inaudible 16:23:12) described submission in that the Local Area Board wishes to seek a connection there.

CROSS-EXAMINATION CONTINUES: MS DEVINE

Q. If I turn to the benefits of such a connection I put it to you that if there were a bridge there between Waterview towards Pt Chevalier, that would increase access to a number of facilities Mr Murray, is that fair to say?

A. Yeah I can agree that from the western, north-western part of Waterview to the south-western part of Pt Chev, that such a connection would be more direct than using the other routes, yes.

Q. And there are a number of facilities in Pt Chevalier that that could provide a more direct access to isn't there Mr Murray?

A. No, I think that that would be from a very small catchment in the north-western part of Pt Chev to the south-western recreational parts of Pt Chev – sorry, from north-western part of Waterview to the south-western parts of Pt Chev, it would be my, it's my opinion that the more direct route to the main parts of Pt Chev would be via the existing cycleway, over Great North Road and up through the edge of Unitec.

MS JANISSEN:

Sir perhaps if I could just make a comment. I've let this go on for quite some time, with respect to my learned friend these questions are much better answered by the experts in the area, and they address it very specifically in their evidence. Mr Little in particular and Ms Linzey have a huge amount of

evidence in relation to these connections, the cycleways, the bridges, and these connection points so I appreciate –

THE COURT: JUDGE NEWHOOK

All right, well Ms Devine I think that that is valid and for myself I'm going to say that the question that I'm not hearing coming from you, which I would have expected could be put to this witness and which, if nobody else had, I was going to. So I'll do it now.

1625

THE COURT: JUDGE NEWHOOK

Q. This idea for an Eric Armishaw Bridge. Do you consider that that would mitigate effects of this project that's before us for consent now or is it an existing gap in the (inaudible 16:25:39) activity in this area, or is it something else?

A. I did specifically address this point in rebuttal and it was discussed in witness caucusing. It is my opinion that this project, from a transport point of view, does not create an adverse effect of the connections between Waterview and Pt Chev, in which case this bridge is not required to mitigate the effects.

Q. Yes, I thought I'd read that but I just wanted that out there for Ms Devine, because while it's very interesting to hear what particular facilities and which side of motorways, as I sit here right now I'll tell you, I see differences between virgin territory where a new road, a new motorway is proposed to be run through on the surface, as opposed to an existing motorway that's been there for 50 years. In terms of mitigation of effects.

MS DEVINE:

Sir, I appreciate that feedback and I think I have a follow-up question for Your Honour's question in terms of Mr Murray's involvement in the caucusing statement in relation to transport.

CROSS-EXAMINATION CONTINUES: MS DEVINE

- Q. Isn't it the case that the transport experts thought that this might be something that would be better addressed by the open space experts who they might have thought that the bridges would benefit access to open space.
- A. We did make a comment in the transport expert statement that if anything to do with the open space would be dealt with by the open space people, so we didn't make a comment on whether it would have benefits for open space or not we just recognised that as their expertise that they should comment on it.
- Q. Let me move on. Are you familiar with the pedestrian planning and design guide that NZTA has?
- A. Not intimately.
- Q. That's because you're not a design expert. If I suggest that there's NZTA's desires pedestrian walkways to be pleasant, safe, connected, comfortable and convenient and secure, would you accept that that's consistent with NZTA's approach?
- A. I believe so.
- Q. The walkway that we've reviewed, in terms of the lengthy purple line that goes around the interchange versus the direct connection to Eric Armishaw, has different abilities to meet those attributes doesn't it Mr Murray?
- A. Yes, it's a different facility, so yes it would meet them differently.
- Q. Just to move completely in a different direction. On the subject of congestion. In your evidence-in-chief at paragraph 48, I'll just take you there. Do you have that Mr Murray?
- A. Yes I have that, 48 yes.
- Q. It notes that in 2026, 10 years after opening, we are looking at some potential for increased travel times and you recommend that a tunnel management plan or strategy be considered to manage the northbound traffic flows on State Highway 20 through the tunnel during any affected periods. Now that is reflected in the conditions that's presented by NZTA as OT2, is that correct?

- A. Yes that one particular reference is I guess most relevant to OT2 clause B.
- Q. Can you describe for the benefit of all of us, what types of congestion is anticipated at that stage?
- A. Where on the network are you talking about, on State Highway 16?
1630
- Q. Well you recommending that a tunnel management plan or strategy be put in place to manage, to respond to the situation in 2026. What are you – what effects are you responding to at that time, in terms of –
- A. The effects that we're responding to there was the possibility of queuing on State Highway 16 in the evening peak for traffic heading west, coming back from the Te Atatu area, back towards the tunnel. And there was a chance that that could go into the tunnel.
- Q. And the procedures that you're anticipating in the tunnel/traffic plan, would you be able to indicate broadly what those kind of things might be?
- A. I believe I covered most of them in the evidence of Mr Mehaffy earlier, but I haven't developed that plan, but in the kind of tests that were done to assist initial thinking on that plan they included reducing lanes coming in or closing the Mayoral on ramp under certain – this was more to do with incidents – and trying to minimise the traffic coming in from the south through the ramp signalling system on State Highway 20.
- Q. Sorry, are you commenting totally in relation to incidents or the congestion predicted in 2026?
- A. It's a range of both. I mean if – you would start off, if it was just regular congestion you would try to manage it through traffic coming in and in the best way you can get traffic out on State Highway 16. If you're talking about specific incidents then you need a more active management plan, like closing lanes.
- Q. Might there be a future proposal from NZTA to add extra lanes to State Highway 16?
- A. Not that I'm aware of in this location.

QUESTIONS FROM THE BOARD: MS JACKSON

- Q. Mr Murray, in your evidence you referred to measures to be taken when you're moving lanes around during construction and you talk about reducing the speed limit and narrowing the lanes, in particular reducing the speed limit to 80 kilometres an hour. I saw that done recently on the southern motorway at Manukau and I'm yet to remain convinced how effective it is and the difficulty seems to be compliance. How do you enforce compliance and how effective are those measures?
- A. The reference in that to my evidence was what we did in the traffic modelling and traffic assessment to see the potential effect of that. That information was provided to the people developing those traffic management plans and I believe that question would be better put to the witness who looked at, directly into those issues.
- Q. Oh okay, that's fine. I can do that. Okay then moving on to traffic flows, daily traffic volumes. When you project, for example, what the traffic volume will be in 2006, 2016, 2026, once 2006 arrives how often do you go back and actually check the accuracy of future estimations?
- A. It is, in New Zealand it's very rare, and in fact internationally as well, to go back and check forecasts. But I guess we had the luxury, I suppose it might have been called, in the middle of our building our models in 2009 and they were built on a 2006 calibration to reflect what was there in 2006. The Mt Roskill extension was just coming online so we have subsequent to building that model, we have tested what 2009 would suggest in those models. We have done a test. Just prior to it opening we were asked by NZTA to give a initial suggestion of what the value might be, and it was preliminary and we said somewhere in the mid-40,000 a day on there, it may be increasing to 50,000. I think recessionary effects have slowed traffic down a bit, but we have gone back and run the model and we were, what we found we're within about 5% of what was actually occurred on that road.
- Q. Yes I read that you'd done it, but I'm sorry I didn't realise that it was an exception rather than the rule. I thought, I automatically assumed that you would go back and check, but that is the exception?

1635

- A. Broadly speaking it's not often done to go back there. Sometimes a project we'll have an audit maybe and go back and check, but it's not a regular standard occurrence to go back and check forecasts.

THE COURT: JUDGE NEWHOOK

Now just before I move to questions from other Board members, I've been reminded that a Mr McKenzie asked a question of Mr Parker earlier in the day. It's been suggested Mr McKenzie, by Ms Janissen, that your questions might be more relevant for this witness rather than Mr Parker. Do you accept that this might be an appropriate witness for you –

MR MCKENZIE:

Yes I do.

THE COURT: JUDGE NEWHOOK

- to question? So you've got a couple of questions there that you want to put to him have you?

MR MCKENZIE:

Yes I do.

THE COURT: JUDGE NEWHOOK

What was your submitter number?

MR MCKENZIE:

I'm sorry I don't know sir.

THE COURT: JUDGE NEWHOOK

It's all right I'll get –

MS JANISSEN:

244 sir.

THE COURT: JUDGE NEWHOOK

And would you like to come up near a microphone and ask your questions.

CROSS-EXAMINATION: MR MCKENZIE

Q. Just before I start if I could just clarify a point that I think Mr Mehaffy was confused about, about the capacity of a motorway lane. It's the case, I understand, that cars generally keep about two seconds apart therefore there's about 60 cars per minute or about 1800 cars per hour on most motorway lanes?

A. I think it's suggested that not all of us keep two seconds apart, it's very rarely – especially on Auckland motorways and peak periods, very rarely is that adhered to.

Q. What would be your ballpark figure then for a motorway lane?

A. In terms of how many vehicles an hour on it?

Q. Yeah.

A. The motorway lane typically is about, around the 2000 per hour per lane.

Q. And as you said before it's not particularly speed dependent, within a reasonable limit?

A. There is a relationship, when you're at 2000 vehicles an hour you won't be doing 100 kilometres an hour, you would have slowed down, probably to around 50 or 60, something like that.

Q. Question is, is it the case that the links between motorways in Auckland e.g. at Spaghetti Junction, are generally either one lane lengths or two lane lengths with traffic lights?

A. I believe that's the case.

Q. And the purpose of these traffic lights is to reduce the flow of traffic through the link to less than one lane, in general?

A. The ones specifically in central motorway junction, or Spaghetti Junction, I understand they're specifically – while the Victoria Park Tunnel Project is being developed, so the work south of that, that would finish through there three, four years ago provided more connections coming in and not enough going out, until that Victoria Park project is done. So there is a need to meter the traffic getting through there.

- Q. Generally a one lane link has a higher capacity than a two lane link with lights, is that generally the case? Or are they about the same?
- A. It – if there – depends on your upstream, downstream impediments. If there's no downstream impediments then one lane with no traffic lights would be a lot more capacity than two lanes there with having to stop them, absolutely.
- Q. Just back to these links between the motorways and Spaghetti Junction and other places, do these links, do the capacity of these links ever restrict the flow of traffic through them into the motorway ahead? Is it ever the case that it's the capacity of the link that restricts the flow and not the congestion on the motorway that you're going into?
- A. Yes there are circumstances when it's the link itself that is the constraint.
- Q. Can you give us an example of that?
- A. I think an example was it's possibly the State Highway 16 to State Highway 1 southbound link. It's not 100% clear to tell exactly what the constraint is, but that is a single lane link. It has historically got up to about 1900 a lane, which is about the maximum that kind of lane could carry. Sometimes it gets less than that through it because of downstream congestion and weaving, but that would be an example where the link itself, being only one lane, is constraining the traffic that can get through it.
- Q. Would you accept that it may well be the downstream constriction rather than that one lane link?
- A. Yes, as I said, there are circumstances when it is the downstream that's the constraint.
- Q. Given that that's one example, that's probably the only one where it's even a possibility in Auckland, given that, if you were directed, if the NZTA was directed to only have two lane tunnels in these links that we're talking about at Waterview, are you confident that the resulting \$200 million saving that would result, would not come at the cost of insufficient capacity?
- A. Which ramps are you referring to should only be made one lane?
- Q. We're talking about two, three lane tunnels is the plan, in the tunnel?

- A. In the tunnel itself, not in the connections to 16?
- Q. No, the actual tunnels?
- A. In the middle of the tunnel?
- Q. Yes, yes. If that was two lanes each way, do you think that would provide sufficient capacity?
- A. No, the analysis we did indicated that we felt with only two lanes by 2026 it would be approaching that capacity of the tunnel itself and so that left no capacity for any growth beyond that point.
- Q. So those links would be constrained the same way that every connection on Spaghetti Junction is constrained?
- A. I'm not sure about every connection. As I said, in Spaghetti Junction it's very complex. There are some situations due to downstream problems and there are some situations which are due to the single lane link itself. So I'm not sure what your question was, could you repeat it please?
- Q. We discussed before how the links at Spaghetti Junction are one lane or two lanes with lights and that with one exception those links do not constrain traffic flow?
- A. I didn't agree there was only the one exception, I just gave one example.
- Q. Is there another example you can think of?
- A. Not off the top of my head.

THE COURT: JUDGE NEWHOOK

Now Mr McKenzie, you heard, did you hear comments I directed to Mr Mehaffy?

MR MCKENZIE:

Indeed, I'm just about to finish.

THE COURT: JUDGE NEWHOOK

Well I will let you finish, but I'm none the wiser at this moment about what it is that you want us to know from this witness in answer to your questions. We're the audience, we're the ones who are conducting the inquiry, not you. And while all of this is very interesting, it doesn't seem to me to have tested any of

the theories that have been put forward by this witness and you haven't filed any evidence yourself –

MR MCKENZIE:

Yes I have.

THE COURT: JUDGE NEWHOOK

Have you?

MR MCKENZIE:

Yes.

THE COURT: JUDGE NEWHOOK

Well it doesn't appear in my folder so I'll need to ask the EPA what it knows about it. I was hoping to be able to look at that and see what you'd said and then that was going to perhaps guide me as to what it is you were driving for from this witness.

MR MCKENZIE:

If I could perhaps clarify, what I'm suggesting is that if these tunnels were two lanes each way, that they would be the same capacity as the links in Spaghetti Junction, and that therefore they would be adequate in the context of the Auckland motorway system. And that if two lane tunnels were built instead of three lane tunnels, it would save approximately 200 to \$250 million. That's my point sir.

THE COURT: JUDGE NEWHOOK

Yes I see. Did Bill English send you?

MR MCKENZIE:

Yes.

THE COURT: JUDGE NEWHOOK

It's not intended to be a flippant question, but you're speaking as a taxpayer?

MR MCKENZIE:

I am indeed and that \$250 million saving could be allocated towards lengthening the length of the bored tunnels which would reduce environmental impacts and help ameliorate the negative impacts.

THE COURT: JUDGE NEWHOOK

Yes well we've had the experts caucusing quite considerably about those sorts of ideas. Now –

MR MCKENZIE:

That's my finish, thank you.

THE COURT: JUDGE NEWHOOK

Well let's just get an answer to what I now understand your question to be from Mr Murray. Two tunnels each way instead of three?

MR MCKENZIE:

Two lanes each way sir.

THE COURT: JUDGE NEWHOOK

Q. Sorry, two lanes each way instead of three through the tunnels. What's that do for capacity at relevant times in the future, and please try and keep your answer succinct because I'm fairly sure you've written quite a lot about it already?

A. I think it would – my view is that at that point in 2026 those mid-block sections of tunnel would become the capacity constraint and no further accommodation of any future growth. I don't believe it's able to be directly compared to the capacity of CMJ because there's so many different links with so many different capacities, that I can't see how you can compare them.

Q. What's CMJ?

A. Sorry it's Spaghetti Junction, Central Motorway Junction sorry.

MR MCKENZIE:

If I could ask Your Honours to further look at that point because I believe it could save \$250 million.

THE COURT: JUDGE NEWHOOK

Yes, and we will find and read your evidence too Mr McKenzie, promise you. Now members of the Board, Member Hardie, do you have any questions for Mr Murray?

1645

QUESTIONS FROM THE BOARD: MS HARDIE

Q. I've just got one question Mr Murray. With regards to the proposed conditions, OT1, it talks about the network integration plan will consider and identify various opportunities in collaboration with Auckland Transport. Can you just tell me how far is that considering and identifying going to go? Is it simply a design phase?

A. Design phase. I think it depends on the particular facility. Some of the examples in those specific measures, in the clauses, one of them relates to putting – like (e) for example, putting up cycle aspects. I think that would be right through to the provision of those, that facility.

Q. I'm more referring to the ones, they've just said "to consider and identify the opportunities" as opposed to the ones like (e) that's a little bit more specific.

A. Well I think (a), which is again quite specific, and that's covered in a number of evidence and caucusing, is quite specific that the opportunity is there and that is, can be provided within the designation, then that will be provided as part of the project.

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

Q. Mr Murray are you the man to ask questions about concerning the calculation of (inaudible 16:47:05) cost ratios?

A. On the calculations of it, yes.

- Q. Sorry?
- A. On the calculations, yes.
- Q. When you're calculating the costs do you build in an allowance for the costs of delays caused during the construction of the proposed work?
- A. The calculations that we do follow quite detailed guidelines provided by NZTA, and on this topic they suggest that if you can identify that there will be significant effects during construction and that's likely to affect the benefits by about more than 10% then you have to assess them in detail. If it's, if you don't think that's going to occur then you need not assess them, and our assessment here is that we did not think it would affect the benefits by that level, so it was not needed to be calculated. But it was considered in that sense and not deemed to be, have a large impact.
- Q. That's just what I wanted to be sure of. And it's a shame Mr Allan's not here, but paragraph 61 of your rebuttal evidence that graph that you're referring to there, is that the ramp that Mr Allan said this morning that his client was no longer pursuing?
- A. I believe that's correct.
- Q. So it may make my next question irrelevant, but we'll see, just in case we're wrong. Could that ramp be provided within the footprint of the existing designation?
- A. The actual design of the ramp and the constraints that it had to fit in, including the designation, were covered specifically by the next witness, Mr Rob Mason. So I'm not, I haven't looked particularly at whether it fits in the designation, only at the transport effects of it.
- Q. I think he says it can't, but I...
- A. Okay.
- Q. I'm not too sure.
- A. I would suggest you'd –
- Q. That he was referring to the same ramp.
- A. – need to ask him, yeah.
- Q. Leave it to him shall I?
- A. Yes please.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK - NIL

RE-EXAMINATION: MS JANISSEN – NIL

WITNESS EXCUSED

MS JANISSSEN:

Sir in relation to Mr Mason he is next on the list, he is here and while three parties had initially indicated they wanted to cross-examine him, I understand

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THE COURT: JUDGE NEWHOOK

Mr Allan's taken himself off that list.

1650

MS JANISSSEN:

Yes and I understand the other parties have as well, council and waiting to confirm Albert Eden Local Board. So no one wants to cross-examine Mr Mason. He is available if the Board would like to deal with him today.

THE COURT: JUDGE NEWHOOK

Just have a look and see whether we have questions for him. I can see that Member Dormer does from his last questions.

MS JANISSEN CALLS**ROBERT MASON (AFFIRMED)**

- Q. Is your full name Robert Mason?
- A. Yes.
- Q. And have you prepared rebuttal evidence dated the 2nd of February 2011?
- A. Yes.
- Q. And are your qualifications as set out in paragraph 2 of your rebuttal evidence?
- A. Yes.
- Q. Are there any aspects of your evidence you'd like to correct?
- A. No.
- Q. Do you confirm that the contents of your rebuttal evidence are true and correct?
- A. Yes.

QUESTIONS FROM THE BOARD: MS JACKSON

- Q. Mr Mason, I asked Mr Murray a question about reducing speed limits and narrowing down lanes and my question was, because so few seem to take any notice of these reduced speed limits at all, I know I do and a couple of others maybe, how effective are those measures and why isn't there more compliance?
- A. From my road safety background I do a lot on speed limits. The – obviously compliance is linked directly to enforcement and the levy you do, so it's a method of enforcing. I understand there's situations at the moment, from a temporary traffic management perspective, where they're looking at options for average travel time surveys which I think might be getting covered off by John Gottler, who is the temporary traffic expert who'll be coming later. I think he's looked at what we'll actually be doing for this project. I haven't been familiar with that.
- Q. Sorry, what was his name?
- A. John Gottler.
- Q. So I should wait for him?
- A. Yes, he's dealing with temporary traffic management.

MS JANISSSEN:

He'll be witness number 9.

QUESTIONS FROM THE BOARD: MR DORMER

Q. I'm not too sure, in the light of Mr Douglas Allan's concessions this morning. Were you here when he made them?

A. Yes I was.

1655

Q. So was he referring to the northbound and southbound ramps that you're referring to at paragraph... Paragraph 54. Is that one he's discontinued his support for?

A. That's my understanding, yes.

Q. And similarly the southbound ramp referred to at para 44.7, is that one he's also discontinued?

A. 44.7, yes I believe so.

QUESTIONS FROM THE COURT: JUDGE NEWHOOK – NIL

QUESTIONS FROM THE COURT: COMMISSIONER DUNLOP - NIL

RE-EXAMINATION: MS JANISSSEN – NIL

WITNESS EXCUSED

THE COURT: JUDGE NEWHOOK

That will bring us to the close of business for today, we've made good progress. Congratulate everybody in that regard. I will endeavour to issue a minute on Monday morning about a legal question that I posed at the beginning of the day and unless there are any other matters that people wish to raise with us before we rise we'll adjourn. I'm going to ask that you clear the room promptly please because some of us want to come back in here and do some things. So if you have your conversations outside rather than in here and clear the room promptly that would be much appreciated. Thank you all.

COURT ADJOURNS: 4.58 PM