

**BEFORE THE ENVIRONMENT COURT**  
**I MUA I TE KOOTI TAIAO O AOTEAROA**

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of a direct referral application under section 87G of the RMA for resource consents for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

**BETWEEN** **PANUKU DEVELOPMENT AUCKLAND LIMITED**

(ENV-2018-AKL-000078)

Applicant

**AND** **AUCKLAND COUNCIL**

Regulatory Authority

---

**STATEMENT OF REBUTTAL EVIDENCE OF BRONWYN ANNE COOMER-SMIT  
ON BEHALF OF THE AUCKLAND COUNCIL**

**(TRAFFIC EFFECTS)**

**Dated 4 September 2018**

---

---

**BROOKFIELDS  
LAWYERS**

M C Allan

Telephone No. 09 979 2128

Fax No. 09 379 3224

P O Box 240

DX CP24134

**AUCKLAND**

## 1. INTRODUCTION

- 1.1. My full name is Bronwyn Anne Coomer-Smit.
- 1.2. My evidence is given on behalf of the Auckland Council (the **Council**) in its regulatory capacity in relation to the direct referral application filed by Panuku Development Auckland Limited (**Applicant**) seeking resource consents for the America's Cup (the **Application**).
- 1.3. My statement of rebuttal evidence should be read alongside my evidence in chief (**EIC**) for the Council on traffic matters dated 21 August 2018<sup>1</sup>.
- 1.4. This statement of rebuttal evidence responds to changes to the proposed conditions of consent and matters raised in the following section 274 parties' EIC:
  - a) The corporate evidence of Angela Bull for Viaduct Harbour Holdings Limited (**VHHL**) and the traffic evidence of John Parlane for VHHL concerning the existing loading bay on the western side of Lower Hobson Street;
  - b) The corporate evidence of Lester McGrath for the Auckland Theatre Company (**ATC**), and the traffic evidence of John Parlane for ATC, in both cases concerning carparking and the proposed reduction in carparks available to visitors to the theatre.
- 1.5. I also provide a brief update in response to the amended conditions circulated by the Applicant on 24 August 2018.

## 2. QUALIFICATIONS AND EXPERIENCE

- 2.1. Details of my qualifications and relevant experience are set out in my EIC.

## 3. CODE OF CONDUCT

- 3.1. I acknowledge that I have read the Code of Conduct for Expert Witnesses (**Code**) outlined in the Environment Court's Consolidated Practice Note 2014 and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Court. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the

---

<sup>1</sup> E52, my EIC, page 1657 onwards.

evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

#### **4. RESPONSE TO VHHL'S EVIDENCE**

4.1. Angela Bull and John Parlane both comment in their EIC on stage 3 of Auckland Transport's Nelson Street Cycleway, and its impact on the existing loading bay on Lower Hobson Street.

4.2. I am aware that VHHL is satisfied that recently agreed amendments to the proposed conditions of consent appropriately address the matters raised, however it may assist the Court to respond briefly to that evidence and comment on the conditions in question.

#### **Background concerning the Nelson Street Cycleway**

4.3. The Nelson Street Cycleway project forms part of Auckland Transport's urban cycleway programme. Construction of stages 1 and 2 of the project was completed in December 2017. Public consultation on stage 3 of the Nelson Street Cycleway project occurred between 4 September and 1 October 2017, and this stage of the project is currently being designed. The delivery of the final stage will complete Auckland's city cycle loop. The Nelson Street Cycleway is an integral part of the Auckland cycling network, connecting to the Northwestern cycle route and Grafton Gully route, creating a walking and cycling spine along the western side of the CBD.

#### **VHHL's Evidence**

4.4. Angela Bull notes in paragraph 7.4(c) of her EIC<sup>2</sup> that Auckland Transport plans to construct a cycleway in a location that would "*effectively remove (and not replace) the existing loading bay on the western side of Lower Hobson Street*".

4.5. Similarly, in paragraph 34 of his EIC<sup>3</sup>, Mr Parlane states that Auckland Transport has been consulting on a proposal to "*remove all of the Lower Hobson Street on-street loading*" so that the proposed cycleway can be installed. He acknowledges that this is outside the scope of the Panuku application, but he is concerned that this will have major issues for the operation of adjacent businesses prior to and throughout the Americas Cup Event, particularly during times (Scenario 1 and 1+

---

<sup>2</sup> E64, evidence of A Bull, page 2013.

<sup>3</sup> E65, evidence of J Parlane, page 2030.

events) when Quay Street will be closed between Lower Hobson Street and Commerce Street, with vehicle marshalling at the northern end of Lower Hobson Street (where it meets Quay Street).

### **Response**

- 4.6. The statements to the effect that the loading bay on Lower Hobson Street is to be removed, and not replaced, are inaccurate based on my review of Auckland Transport's proposals as described on their website and from discussions with Auckland Transport officers.<sup>4</sup> I consider it is more accurate to say that the loading bays on Lower Hobson Street would be rearranged as part of the cycleway project.
- 4.7. Presently, the currently marked 21 m long loading zone on the western side of Lower Hobson Street is for loading/unloading between 8 am and 6 pm, and is a taxi stand between 6 pm and 8 am. The loading facilities proposed by Auckland Transport as part of the cycleway project (a separate project from the subject application) involve converting seven of the existing car park spaces beneath the flyover to five small vehicle loading spaces beneath the flyover, a new 20.5 m long new loading bay on the east side of Lower Hobson Street, loading and taxi zones adjacent to the new cycleway on the west side of Lower Hobson Street for use between 7 pm and 7 am and a new 41 m long loading zone on Customs Street West, west of Lower Hobson Street. Combined, the new loading zones will provide for loading bays some 60 m long available all-day, some 40 m long available 7 pm to 7 am and five small vehicle loading spaces. Accordingly, prior to and outside Scenario 1 and 1+ events, if the cycleway project has been implemented, loading facilities in the Lower Hobson Street area will not have reduced in size.
- 4.8. During Scenario 1 and 1+ events, when Quay Street is closed between Lower Hobson Street and Commerce Street it may be difficult to access the existing loading zone on Lower Hobson Street (available 8 am to 6 pm) and the proposed loading zones on Lower Hobson Street. However, as noted in the application, marshalling of vehicles will take place at the intersection of Lower Hobson Street and Quay Street, which may provide the opportunity for loading vehicles to egress from Lower Hobson Street, although this may be restricted to certain times (when Quay Street is less busy). Alternatively, a temporary loading facility could potentially be provided on Customs Street West (westbound direction, west of Lower Hobson Street).

---

<sup>4</sup> <https://at.govt.nz/projects-roadworks/nelson-street-cycleway/> as accessed on 28 August 2018 (Refer Phase 3: Nelson Street to Quay Street)

4.9. Changes to the Applicant's Revised Conditions (24 August 2018) include changes agreed between the Applicant and VHHL regarding the provision of access to any on-street loading zones and in my view, this will enable access to existing, or appropriate alternative loading zones to be identified and provided. The requirements are stated in the objectives listed in relation to Construction Traffic Management Plans (CTMPs), an Event Management Plan (EMP) and Traffic and Parking Management Measures (TPMM). The objectives, as changed, are listed below:

a) Objective in 104(b) is in relation to CTMPs:

*Ensure maintenance of access at all times for all modes of transport to / from properties in Wynyard Precinct and Viaduct Harbour Precinct and any on street loading zones in or adjacent to those Precincts;*

b) Objective in 181(g) is in relation to an EMP:

*Ensure maintenance of access at all times for all modes of transport to and from properties in Wynyard Precinct and Viaduct Harbour Precinct (including fishing industry berthage areas, to the extent any such areas remain in use by the fishing industry) and any on street loading zones in or adjacent to those Precincts, noting that managed access may be required for safety or operational reasons;*

c) Objective in 183F(b) is in relation to TPMM:

*Ensure maintenance of access at all times for all modes of transport to and from properties in Wynyard Precinct and Viaduct Harbour Precinct and any on street loading zones in or adjacent to those Precincts, noting that managed access may be required for safety or operational reasons;*

4.10. I understand that the Applicant is content to take these on as objectives. I have seen the Memorandum of Counsel for Panuku dated 24 August 2018 responding to the Court's Minute on Conditions, which states at paragraph 6.12:

As an example, while it is appropriate to have an objective of the Construction Traffic Management Plan (condition 104(b)) to "ensure maintenance of access at all times for all modes of transport to / from properties in Wynyard Precinct and Viaduct Harbour Precinct and any on street loading zones in or adjacent to those Precincts" in our submission it is not appropriate, as a requirement on the consent holder, to state that "the consent holder shall "ensure maintenance of access at all times for all modes of transport to / from properties". While this is appropriate as an objective with a management plan to demonstrate how this will be achieved, framing this as a requirement on the consent holder is not appropriate as in reality it may not be possible to achieve this at all times.

- 4.11. I agree with the above, and specifically that it may not be possible to achieve maintenance of access “at all times”. I also observe that loading zones may change from time to time over the life of the consent, as may happen with the current loading bay on Lower Hobson Street. The framing of these conditions as objectives with management plans to demonstrate how they will be achieved is acceptable from my perspective. I consider these objectives appropriate to address any concerns about the accessibility of loading bays, and (again) I understand that VHHL supports them.

## **5. RESPONSE TO ATC’S EVIDENCE**

### **Lester McGrath**

- 5.1. Mr McGrath notes in paragraph 2.3 of his EIC<sup>5</sup> that ATC’s outstanding concern relates to the proposed reduction of the current carparks available to visitors of the Theatre. In paragraph 3.6 he explains that ATC currently has access to 150 car park spaces outside office hours, located in the private carpark between Hamer Street and Brigham Street, currently leased to ASB by Panuku, as well as to three car parks leased in the Eastern Viaduct for staff and drop offs. He notes (paragraph 4.5 of his EIC) that ATC has been advised by ASB that it will be able to access 50 car park spaces located at the proposed new ASB carpark at Site 18 (for which a separate application for resource consent has been made).
- 5.2. My understanding is that the removal and any relocation of parking leased by Panuku to ASB and by ASB to ATC is primarily a matter for those parties.
- 5.3. Mr McGrath notes that public car parking availability in close proximity to the theatre is already at capacity and that ATC is concerned about the implications in any reduction in availability, as would occur if public spaces in the Jellicoe Street carpark are reduced, and with the reduction in on-street parking. In section 4 of his EIC, Mr McGrath discusses the reduction in available nearby public parking resulting from the America’s Cup Event, including loss of on-street parking and parking within the Jellicoe Street carpark.
- 5.4. In relation to the reduction in ATC’s leased parking as well as public parking, I note that ATC’s website identifies parking opportunities in the surrounding area to include the Downtown carpark and Fanshawe Street carpark, with a combined parking supply of some 2,430 spaces.

---

<sup>5</sup> E62, evidence of L McGrath.

Figure 1: Extract from ATC Website “Driving to the theatre”<sup>6</sup>



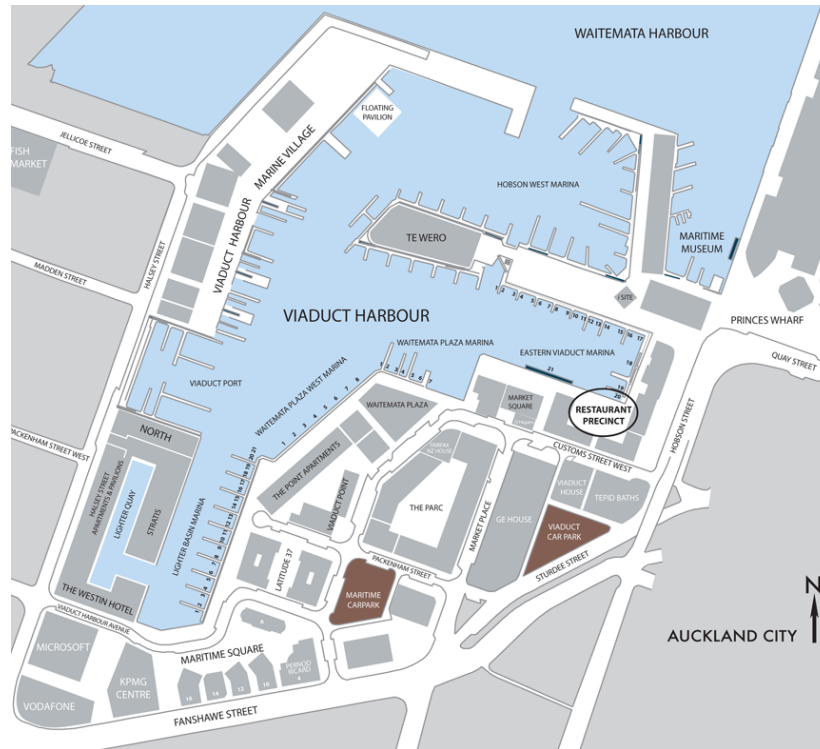
- 5.5. While the Downtown and Fanshawe Street car parks are a longer walk than the currently available Jellicoe Street and Hamer Street car parks, they are still within a reasonable walking distance from the theatre. I am also mindful that the Jellicoe Street and Hamer Street car parks are temporary facilities located on future development sites. Given the short term duration of most of the restrictions in parking availability, I consider that there is sufficient parking available in the car parks identified on ATC’s website.
- 5.6. Other nearby car parks that ATC could identify on its website include the Viaduct car park<sup>7</sup> on Sturdee Street, with 350 parking spaces and the Maritime car park<sup>8</sup> on Pakenham Street East with 400 parking spaces, both within a 10 minute typical walk of the theatre.

<sup>6</sup> <https://www.asbwaterfronttheatre.co.nz/your-visit/> accessed 29 August 2018

<sup>7</sup> <http://www.viaductcarpark.co.nz/>

<sup>8</sup> <http://www.maritimecarpark.co.nz/>

**Figure 2: Extract from Viaduct Carpark Website<sup>9</sup>**



- 5.7. In addition, Tournament Parking's Nelson Street Carpark (at 17-19 Nelson Street) is 24/7 and I understand has 80 carparks available for the public to use. While it is located across Fanshawe Street, which may discourage some parkers, it is located a similar walking distance away from the theatre as the Downtown carpark (approximately a 12 minute walk).
- 5.8. I agree with Mr McGrath that facilities for access to the site by mobility impaired cardholders needs to be maintained and I consider that this can be achieved through the CTMPs, EMP and TPMM. The following from the Applicant's Revised Conditions (24 August 2019) are relevant in this regard: 104 b), 181 g), 182 f), 183F b), and 183G.

**John Parlane**

- 5.9. Mr Parlane considers that the removal of parking from the Hamer Street carpark will have significant adverse effects on the patrons of the theatre, which should be mitigated (paragraph 4.5 of his EIC<sup>10</sup>). I understand that ASB has offered to lease 50 spaces to ATC in a proposed new carpark area at Site 18 (as per my paragraph 5.1 above), which will obviously assist the ATC, although any agreements between

<sup>9</sup> <http://viaductcarpark.co.nz/sites/default/files/Car-Park-Map-900.gif>, accessed 29 August 2017.  
<sup>10</sup> E63, evidence of J Parlane.



ASB and ATC with regard to the removal and any relocation of parking is primarily a matter for those parties.

- 5.10. Mr Parlane notes that the Jellicoe Street carpark will be closed during the Event (paragraph 5.1 of his EIC) and that this will affect those visiting the area, including ATC patrons.
- 5.11. As I have noted above, there are several carparks within an 11 minute typical walk of the theatre, including the Downtown carpark, Fanshawe Street carpark, Viaduct carpark and Maritime carpark. Combined, these have some 3,180 parking spaces. With the Event occurring over a six month period, I do not consider that the adverse effects of parking spaces not being available within the Jellicoe Street carpark are significant. I consider that any adverse effects would be of a minor nature.

## **6. GENERAL UPDATE IN RELATION TO CONDITIONS / DRAFT MANAGEMENT PLANS**

- 6.1. I have reviewed the changes to the conditions as documented in the Applicant's Revised Conditions 24 August 2018, with regard to transport matters. I agree with the proposed changes and consider that the proposed management plan objectives are appropriate.
- 6.2. In relation to my concerns expressed in my EIC (paragraphs 7.4 and 7.13 to 7.16) regarding the definition of "infrastructure" and the apparent consequence that CTMPs and CSTPs would not be required for base construction, I note that condition 103 has been amended to make it clear that CTMPs will be required for the construction of each base on Wynyard Point, while new conditions 135C-E will require a CTMP for Base B. Following further discussions with the Applicant, I understand that the construction of the bases will be undertaken by the syndicates leasing each base, and that the bases will be relatively small scale, therefore requiring minimal construction staff. It was also noted that condition 105 requires that any CTMPs include restricted parking for workers on construction sites (condition 105(j)). Accordingly, it was agreed that CSTPs would not be required for the construction of the bases and I accept that position.
- 6.3. I provide an update below on the other matters relating to the proposed conditions and draft management plans as summarised in paragraphs 8.2, 8.5 and 9.8 of my EIC, indicating the matters that have been or I understand are being addressed:

- a) In relation to the definition of “infrastructure”<sup>11</sup> – conditions 135C-E require a CTMP for Base B, while condition 103 has been amended so that CTMPs are required for the construction of each base. CTSPs are not required for the construction of each base, which as noted I accept. The CLG only needs to be consulted in relation to CTMPs relating to infrastructure and the CTMP for Base B and not the CTMPS for the bases on Wynyard Point. For the reasons I discussed in paragraph 6.2 above, I accept this change.
- b) The addition of the proposed monitoring condition 105 z)<sup>12</sup>. This has been included in the revised conditions.
- c) The inclusion of a reference to Figure 5-1<sup>13</sup>. This was not included in the revised conditions circulated on 24 August 2018 but I understand is to be specifically referenced in an amended condition 183, that the “the [ETMP] shall be in general accordance with the Draft Event Transport Management Plan as referenced in Annexure B, including in particular Figure 5-1 ...”.
- d) The addition of the matters agreed to in the JWS relating to the ETMP and in condition 183G<sup>14</sup>. Most of the matters have now been appropriately addressed in the revised conditions. However the following matters would benefit from further brief comment:
- (i) No full road closure of Beaumont Street and Hamer Street<sup>15</sup>;
  - (ii) Unless monitoring shows otherwise, the only full road closure that could be necessary is Jellicoe Street between Halsey Street and Beaumont Street<sup>16</sup>.

The above matters appear to be addressed through Figure 5-1 in the draft ETMP<sup>17</sup>, which as noted will be specifically referenced in condition 183. For instance, the notes in Figure 5-1 refer to the potential full road closure for Jellicoe Street between Halsey and Beaumont Streets, depending on the outcome of further modelling, and otherwise show managed access (e.g. for existing businesses) being maintained. It would also be useful for these matters to be reflected in the main body of the text of the draft ETMP (the draft

<sup>11</sup> E42, my EIC, page 1676, paragraph 9.8(a).

<sup>12</sup> E42, my EIC, page 1676, paragraph 9.8(b).

<sup>13</sup> E42, my EIC, page 1676, paragraph 9.8(c).

<sup>14</sup> E42, my EIC, page 1673, paragraph 8.5.

<sup>15</sup> E23, Traffic and Transport JWS, page 1297, paragraph 5.2.4

<sup>16</sup> E23, Traffic and Transport JWS, page 1298, paragraph 5.2.7

<sup>17</sup> E10, evidence of J Phillips, page 0666.

ETMP presently refers to potential closure of Jellicoe between Beaumont and Daldy<sup>18</sup>). Having regard to the general objective in condition 181(j) to “Avoid Full Road Closures and minimise any Partial and/or Managed Closures” (which is also an objective for the ETMP: see condition 183A), and subject to the main text of the ETMP being updated to reflect items (i) and (ii) above, I am satisfied that no further changes to condition 183G are required.

- e) I understand that updates to the Draft CTMP, Draft CTSP and Draft ETMP are being undertaken, including to reflect the revised conditions (although I note that further updates may be required if additional changes are made to the conditions).

## **7. CONCLUSION**

- 7.1. In conclusion, subject to my suggested amendments to the Draft CTMP, Draft CTSP and Draft ETMP noted in my EIC, and the matters noted in paragraph 6.3(d) above, I consider that the transport effects of the Application will be satisfactorily managed and mitigated.

**Bronwyn Coomer-Smit**

**4 September 2018**

---

<sup>18</sup> E10, evidence of J Phillips, page 0668.