

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Notices of Requirement by
AUCKLAND TRANSPORT pursuant to
section 168 of the Act to the Auckland
Council relating to the proposed City Rail
Link in Auckland.

**STATEMENT OF EVIDENCE OF JOHN MICHAEL BURGESS
ON BEHALF OF FOODSTUFFS (AUCKLAND) LTD**

1 INTRODUCTION

- 1.1 My name is John Michael Burgess and I have been a director of Traffic Planning Consultants Ltd, a company which I founded, for the past 25 years. For 13 years I was an Associate and Senior Traffic Planner with Beca Carter Hollings & Ferner Ltd, Consulting Engineers in Auckland, and was responsible for traffic planning work undertaken by the company. Prior to that I gained six years experience as a traffic engineer in local government in the UK. I have a Bachelor of Engineering degree, and I am a Chartered Engineer, a member of the Institution of Civil Engineers and a member of the Institute of Professional Engineers of New Zealand.
- 1.2 I appear on behalf of Foodstuffs (Auckland) Ltd (Foodstuffs) in support of its submission to the Notices of Requirement by Auckland Transport to the Auckland Council in relation to the proposed Auckland City Rail Link.
- 1.3 I confirm that, in preparing this statement of evidence, I have read the Environment Court's Code of Conduct for Expert Witnesses and agree to comply with it. I also confirm that I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed in my evidence, and that the issues I address are within my area of expertise.

- 1.4 I have read the Integrated Transport Assessment prepared by Flow Transportation Specialists Ltd, the Review Report prepared by MWH Ltd on behalf of the Auckland Council, and the Supplementary Report prepared by Flow to address the effects of alternative construction scenarios. I have also read the evidence of Ian Clark on behalf of Auckland Transport.
- 1.5 As described in the evidence of Angela Bull, Foodstuffs operates a New World Metro supermarket at 125 Queen Street. From an operational point of view, high standards of pedestrian access for customers and vehicle access for suppliers are key requirements of the supermarket to ensure its continuing viability, and the need to protect that high standard of access forms the basis of Foodstuffs' particular concerns in relation to the works that are proposed along the Albert Street corridor.

2 PROPERTY ACCESS ISSUES

- 2.1 The supermarket is located specifically to serve a combination of inner city residents, workers and other visitors present in the CBD. Whilst the main pedestrian entrance to the store is located on Queen Street, it is clearly important to provide and maintain at all times safe and convenient pedestrian access from all directions, including the areas to the west via Swanson Street.
- 2.2 All delivery activity is focused on the southern end of Mills Lane, which is accessed from Albert Street via the northern end of Mills Lane and through the intersection of Albert Street and Swanson Street. Clearly any disruption to this access would have serious implications in terms of the operation of the supermarket, and Foodstuffs is particularly concerned to ensure the continuing ability to provide uninterrupted vehicle access for delivery vehicles to the service area on Mills Lane.
- 2.3 The need to maintain access to properties throughout the proposed works is acknowledged throughout the various reports and evidence. The Executive Summary of the Supplementary Report prepared by Flow noted the following:

The ITA noted the various local access points along Albert Street, and the construction phasing will need to demonstrate how local access is to be retained. Consideration needs to be given, at the time of the Construction Environmental Management Plan is being prepared, to these matters. This should include in particular the retention of access for traffic with origins/destinations in the Durham Street area, and those properties with access to Albert Street between Victoria Street and Wellesley Street.

- 2.4 Mr Clark acknowledges (para 72 of his evidence) that his "Figures 4 to 13 are intended to demonstrate at a conceptual level the ability for traffic to get in and out of all sites along Albert Street", and (para 73) "Figures 4 to 13 indicate the key access challenges arising from the potential full closure of certain intersections".
- 2.5 I fully understand the role of a Construction Traffic Management Plan (CTMP), which in this case will be part of a Construction Environmental Management Plan, and on

many occasions I have supported the simple inclusion of a requirement for a CTMP as a condition of consent. The reason is that construction methodologies, staging and timing can be refined as a project proceeds, and it is not always feasible or necessary to try and deal with all of the details at the Resource Consent stages. However, in my experience, this approach is acceptable for the normal everyday project (even larger development projects) where the decisions that will be made in the future CTMP are not so serious as to potentially disrupt or prevent full access to surrounding activities, and are normally seeking ways to minimise or mitigate relatively minor potential effects. If a development is likely to have significant impacts on the surrounding area including neighbouring properties, mitigation methods normally have to be fully identified and agreed at the resource consent stage to enable consent to be granted.

- 2.6 In this case, the project is clearly a major one that can (and will) have significant effects on a range of aspects relating to the functioning of the CBD. In that context, I am not convinced that it is acceptable to leave to a CTMP the details of how such a fundamental issue as delivery and customer access to a CBD business will be addressed and solved. The statement that “consideration needs to be given” leaves an operator such as Foodstuffs in a situation of not knowing what effects the project will have on its business and being unable (until the project is approved and at the CTMP stage) to formalise plans for any necessary contingencies to ensure its business can continue and survive.
- 2.7 The evidence of Bill Newns includes a plan that indicates how left turn access can be provided from Albert Street via Mills Lane and Swanson Street. Provided this is clearly defined as a definitive requirement to maintain access to the Foodstuffs site and imposed by way of a condition, I believe that the concerns of Foodstuffs with regard to deliveries would to some extent be allayed. However, any proposal to leave such a decision to a future CTMP would in my opinion not be acceptable.
- 2.8 The works along Albert Street will clearly have a major impact on the east-west movement of pedestrians, which will include Foodstuffs customers visiting the supermarket. Draft condition 17(e) in Attachment 2 of Fiona Blight’s evidence states that the proposed CEMP will need to determine

“How disruption to pedestrians and cyclists requiring the ability to cross from east to west (and vice versa) across Albert Street between Victoria Street and Customs Street can be mitigated through:

- *Providing, where practicable, safe pedestrian and cyclist passageways across the construction works in Albert Street;*
- *At a minimum one safe crossing passageway between Victoria Street and Customs Street needs to be provided throughout the construction works in this area of Albert Street.*

- 2.9 The distance between Victoria Street and Customs Street is about 500 metres over five blocks, and limiting crossing places to a single crossing “at minimum” will have a serious effect on the pedestrian connectivity between Queen Street and areas to the west of Albert Street. I believe that greater certainty and provision is required in the

conditions to reduce the impact on pedestrian circulation in this part of the CBD, by providing at all times pedestrian and cyclist crossing passageways across the works in Albert Street in more than a single location, preferably one in each block.

3 WIDER TRANSPORT ISSUES

3.1 My concerns about leaving matters to be determined in a future CTMP apply also to the wider issue of the effects of road and intersection closures on general traffic movement and accessibility within and around the CBD. Quite clearly there will be a significant impact on the traffic environment for a relatively long period of time (maybe 3 years or more), and Ian Clark acknowledges in his evidence (para 38) that “there is the potential for significant adverse traffic and transport effects during construction of the CRL”.

3.2 Much of the impact on the CBD appears to arise from the cut and cover method that is proposed along Albert Street, and Mr Clarke notes the following:

Much of the project is to be built underground, significantly reducing the extent of temporary adverse effects. However, underground construction is not practical at a number of locations, particularly along Albert Street, between the Downtown Shopping Centre and Wellesley Street, where cut and cover is proposed. The main transport effects during construction will therefore be along Albert Street.

3.3 These conclusions presumably stem from the results of the traffic modelling work that has been undertaken by Flow. What this modelling has done is to test the effects of a very wide range of scenarios in terms of which road links and intersections may or may not be closed, predicting the likely increases in congestion, journey times and delays for traffic trying to access and move around the CBD. Initially the model assumed that some degree of traffic movement would always be possible at all major intersections, but the latest round of modelling as reported in the Supplementary Report has now considered the potential effects of complete closure of key intersections. The fact that at this stage we have so many options being tested with details of the construction methodology and mitigation measures left to be finalised through future CTMPs means that it is difficult for Foodstuffs to have any certainty in terms of the likely expected effect on its business within the CBD.

3.4 I do not propose to go through or comment on the detailed results of the modelling as I have not had any involvement in that work, but it is clear that different scenarios have different degrees of effect in terms of congestion and delays. Mr Clark summarises in his evidence some general conclusions including the following:

- Closure of the Albert Street/Wellesley Street intersection (12 months) – delays increase along Victoria Street by 3-7 minutes in the peak periods and along Customs Street, Nelson Street and Hobson Street by 2-3 minutes.

- Closure of the Albert Street/Victoria Street intersection (16-18 months) – delays increase in both directions along Queen Street by 4-5 minutes in the peak periods, along Wellesley Street by 2-3 minutes and along Hobson Street by 4 minutes.
- Closure of the Albert Street/Customs Street intersection (6-9 months) – delays increase along Queen Street and Victoria Street by up to 6 minutes in the peak periods, along Quay Street by 5-6 minutes, and along Nelson Street by 3 minutes.

3.5 These are predicted average delays that will be experienced on each of the various streets identified and, for any motorist who is driving a route that includes more than one of these streets, the additional delays will be compounded. These are not insignificant consequences in terms of congestion and delays, particularly in the context of the transport environment of a major CBD area and the extended periods (up to 3 years or more) over which these various effects are to be experienced to varying degrees, and it seems to me that the effects on businesses in the CBD are unlikely to be less than minor. The wide array of possible scenarios and the presentation of an extensive amount of modelling information makes it very difficult for a company such as Foodstuffs to determine what the possible impacts will be on its business.

3.6 Consequently, I believe that more definitive proposals need to be formulated at an earlier stage than might often be the case, and that leaving decisions and flexibility on specific mitigation measures for such a significant project until future CTMPs does not enable the full effects of the proposed works to be fully realised and dealt with.

John Burgess
26 July 2013