

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

AND

IN THE MATTER of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider Notice of Requirements and applications for Resource Consent made by the New Zealand Transport Agency in relation to the Northern Corridor Improvements roading proposal in Auckland.

**STATEMENT OF EVIDENCE OF JOHN (JACK) ANGUS TURNER ON BEHALF OF
AUCKLAND COUNCIL
PLANNING EVIDENCE – RESOURCE CONSENTS**

CONTENTS

CLAUSE	PAGE
1. INTRODUCTION AND EXPERIENCE.....	2
2. CODE OF CONDUCT.....	3
3. SCOPE OF EVIDENCE.....	3
4. EXECUTIVE SUMMARY.....	4
5. DESCRIPTION OF PROPOSAL.....	5
6. THE EXISTING ENVIRONMENT / SETTING.....	6
7. STATUTORY FRAMEWORK AND ASSESSMENT.....	7
8. RESOURCE MANAGEMENT ACT.....	8
9. PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES – SECTION 104D.....	8
10. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (SECTION 104(1)(a))	10
11. RELEVANT POLICY STATEMENTS & PLANS — SECTION 104(1)(B).....	20
12. ANY OTHER MATTERS – SECTION 104(1)(C).....	26
13. MATTERS RELEVANT TO CERTAIN APPLICATIONS (SECTION 105) AND DISCHARGE PERMITS (SECTION 107).....	26
14. DURATION AND LAPSING OF CONSENTS (SECTION 123 AND 125).....	27
15. PART 2 ASSESSMENT.....	27
16. CONCLUSION.....	30

1. INTRODUCTION AND EXPERIENCE

- 1.1 My name is Jack Turner. I have been engaged by Auckland Council (**Council**) to provide planning evidence on resource consent matters in support of the Council's submission on the proposed Northern Corridor Improvement (**Proposal**). I hold a Bachelor of Engineering from the University of Auckland and a Masters in Resource and Environmental Planning from Massey University.
- 1.2 I am an environmental planner and engineer, and director of Tektus Consultants. I have over 10 years' professional experience across a range of construction, local government and consultancy environments, and have expertise in environmental planning and engineering. During this experience through various roles, I have been responsible for preparing, reviewing and assessing resource consent applications as well as implementing consents for a range of project scales and disciplines, both from a technical and planning perspective.
- 1.3 I have provided planning and technical support for the Council's Natural Resources and Specialist Input Unit across various disciplines since 2010, with notable appointments including various technical reviews of the Puhoi to Warkworth motorway, AMETI Phase 1 and Wainui Golf Course. I have also provided planning advice and support to Council's Healthy Waters Department for a range of stormwater infrastructure projects, including the Artillery Tunnel and Takanini Cascades. Other relevant project experience includes the preparation of an integrated catchment management plan and network discharge consent application on behalf of the Council for the Ihumatao catchment in Mangere, covering both technical feasibility and planning assessments, as well as numerous consent applications and technical designs for various residential and commercial projects in locations around New Zealand.
- 1.4 I was not involved in preparing or writing the Council's submission on the Proposal. However, I have read the documentation lodged in support of the resource consent applications, including the AEE and associated plans, as well as Council's submission and subsequent evidence from NZTA's experts. I have also been briefed on the submission points and attended subsequent meetings

with representatives from NZTA and Council's technical experts. I am familiar with the location of the Proposal.

2. CODE OF CONDUCT

2.1 My qualifications as an expert are set out above. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence. Except where I state that I am relying on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. SCOPE OF EVIDENCE

3.1 My evidence focuses on planning matters as they relate to the resource consent applications lodged for the Proposal. **Ms Joanna Hart's** evidence covers the planning matters relating to the notices of requirement (designations) for the Proposal.

3.2 I rely on other technical expert evidence submitted on behalf of the Council to inform my assessment and evidence – including **Ms Simonne Eldridge** in relation to the Rosedale Closed Landfill, **Mr KC Lee** for stormwater matters, **Mr Rhys Hegley** for noise and vibration effects, and **Mr Duncan Tindall** in relation to traffic and transport impacts. The scope of my evidence is limited to the range of matters raised through the Council's submission on the Proposal, and further, those which specifically relate to the scope of resource consents sought for the Proposal, including overarching matters, and traffic and transport, noise and vibration, landfill and stormwater concerns.

3.3 My evidence addresses the following matters.

- (a) An executive summary of my evidence;
- (b) Description of the proposal;
- (c) Description of the existing environment and setting;
- (d) Statutory framework and assessment;
- (e) Resource Management Act context and resource consents sought;

- (f) Assessment of Effects on the Environment (Section 104(1)(A));
- (g) Relevant Policy Statements & Plans — Section 104(1)(B);
- (h) Any Other Matters – Section 104(1)(C);
- (i) Assessment of Resource Consent Applications in Light of Environmental Bottom Lines;
- (j) Conclusion.

3.4 This statement of evidence should be read in conjunction with that of **Ms Joanna Hart's** which focuses on the NoRs.

4. EXECUTIVE SUMMARY

4.1 My evidence is given in support of the Council's submission on the applications by the New Zealand Transport Agency (**NZTA**) relating to the Proposal, specifically the resource consent applications to construct, operate and maintain the Proposal.

4.1 The key conclusions of my evidence are:

- (a) Subject to the amendments to consent conditions recommended in my evidence, the Proposal is generally consistent with the relevant objectives and policies of the relevant policy and planning documents, including the AUP (OP);
- (b) The Proposal is not entirely consistent with objectives and policies in the AUP (OP) which relate to stream values and natural hazards due to the proposed stream reclamation without specific mitigation and the missed but seemingly practical opportunity to reduce flood risks on Greville Road;
- (c) The Proposal is however not contrary to the objectives and policies of relevant statutory planning documents, and hence passes the section 104D(1)(b) test for non-complying activities;
- (d) The Council's submission identified a number of areas where the adverse effects of the Project are not appropriately avoided, remedied or mitigated. Further clarity and/or additional or modified consent conditions have been sought and recommended accordingly for construction noise and vibration effects, stormwater and surface water effects, and impacts on the Rosedale Closed Landfill.

- (e) The Proposal, subject to recommended amendments to conditions which address issues raised in Council's evidence, is, in my opinion, consistent with Part 2 of the RMA.

5. DESCRIPTION OF PROPOSAL

5.1 The Proposal comprises works on State Highway 1 (**SH1**) extending from Oteha Valley Road in the North to Constellation Drive in the south and on State Highway 18 (**SH18**) from the Albany Highway Interchange in the west to the SH1 connection. Key elements of the Proposal include capacity and safety improvements to SH18 and SH1 within the Project Area, including the construction of a motorway to motorway connection for northbound traffic at SH18 to SH1 interchange and additional lanes and improved connections to the local roading network. These elements of the Proposal will necessitate alterations to both the SH18 and SH1 designations to provide sufficient footprint for the proposed works.

5.2 Complementary to the above, the Proposal incorporates an extension to the Northern Busway from its current terminus at Constellation Bus Station to the Albany Bus Station. A shared pedestrian/cycleway path will also be provided along the eastern side of SH1. These elements of the Proposal will require new designations. An upgrade of the existing Constellation Bus Station is proposed which also requires an alteration to the existing bus station designation.

5.3 Accordingly, the NZTA has sought the following approvals under the RMA to authorise the Proposal:

- (a) Various Notices of Requirement (**NoRs**) for new designations and alterations to existing designations as discussed in Ms Hart's evidence, 6750 (SH1), 6751 (SH1), 6756 (SH18) and 6758 (Constellation Bus Station).
- (b) Notices of Requirement (**NoRs**) for new designations for the Northern Busway extension and Shared Use Path.
- (c) Resource consents for:
 - (i) Land use pursuant to sections 9 and 13 of the RMA;
 - (ii) The taking, using, damming and diversion of water pursuant to section 14 of the RMA; and

- (iii) Discharge permits pursuant to section 15 of the RMA.
- (iv) Resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES soil) (Regulation 11)).

6. THE EXISTING ENVIRONMENT / SETTING

6.1 A full description of the existing environment has been provided by NZTA in Section 4 of its Assessment of Environmental Effects, lodged with the NoR and resource consent documentation. I agree with the description of the existing environment, but note that there are locations along the route which are of specific relevance to Auckland Council's submission and the applications for resource consents. **Ms Hart's** evidence addresses these areas, and I add the following points to further highlight locations of importance to the resource consent applications.

6.2 The busway and Shared Use Path ('SUP') elements of the Proposal will impact the existing Greville Road interchange and encroach into the Rosedale Closed Landfill and its associated infrastructure. The latter is an Auckland Council asset which is subject to various existing resource consent requirements.

6.3 The Proposal traverses an area of land within the Rosedale Wastewater Treatment Plant (**RWWTP**) on both sides of SH1 – with 'Pond 1' on the west side of SH1, and 'Pond 2' on the east side. The RWWTP and these two ponds are operated by Watercare Services Limited, but the land includes a network of stormwater infrastructure that is operated and maintained by Auckland Council's Healthy Waters Department, including three ponds – the 'ARC Refuse Pond', the 'Moro Pond' and the 'Constellation Pond' (addressed in detail in **Mr Lee's** evidence). These ponds eventually discharge from public piped infrastructure via an outfall referred to as 'OF12,' located to the west of SH1 and north of RWWTP Pond 1. This infrastructure is also subject to existing resource consent requirements.

6.4 The Constellation Pond is a dry detention system, with a network of tributaries flowing into a controlled outlet system beneath a dam embankment. Section 6.1.1 of the AEE notes that 'these watercourses are considered to be naturally

occurring intermittent or permanent streams, despite being highly modified and predominantly located within a combination of concrete lined channels and grassed areas.' The values of this environment are addressed in further detail through Section 4.5.1.4 of the AEE, and in detail through section 3.5.1 of the Assessment of Freshwater Ecological Effects technical report (refer to **appendix 1** of my evidence for an image excerpt from this report). The latter report states that only the central concrete lined watercourse (Watercourse 2) which conveys stormwater from the Caribbean Drive catchment is considered a 'stream' under the AUP (OP). The Proposal will see this existing stream being largely reclaimed and the diversion and piping of the watercourses from Caribbean Drive to a new course. The existing watercourses are to be filled (reclaimed) to accommodate the new Paul Matthews Road connection and the proposed wetlands within the Rosedale South Reserve. This component of the application is a non-complying activity under the rule E3.4.1(A49) of the AUP (OP), and is the only non-complying element of the Proposal.

- 6.5** In paragraph 8.8 of **Mr McGahan's** evidence, he notes that post-lodgement interpretation discussions between representatives from NZTA and Auckland Council's Healthy Waters Team has clarified that any area of the 'stream' within the footprint of the full ponded extent of a dam is not considered by Council to be a 'stream'. As a result, **Mr McGahan** goes on to state that the Proposal will cause the reclamation of 17.4 metres of 'stream,' located to the north of the existing dry detention dam, thereby losing the remaining ecological value associated with this environment.

7. STATUTORY FRAMEWORK AND ASSESSMENT

- 7.1** As noted above the NZTA lodged NoRs to designate land for the Proposal together with associated applications for resource consents on 14 December 2016. In the paragraphs below, I have focused on the matters set out in section 104(1), as well as the key overarching themes of the Act to provide an overview of the statutory planning issues that I consider are relevant to this project and the associated resource consent applications. I have provided a brief overview of key provisions of the relevant statutory planning documents.

7.2 **Ms Hart's** evidence addresses both the strategic planning overview and the AUP (OP) status as it relates to the Proposal. This should be referenced for context where needed.

8. RESOURCE MANAGEMENT ACT

8.1 The RMA provisions relevant to resource consents are set out in Part 2 and Part 6. Specifically, section 104(1) sets out the considerations decision makers must have regard to when carrying out statutory assessments for resource consents. The following sections of my evidence cover:

- (a) Particular restrictions for non-complying activities — section 104D;
- (b) Effects on the environment of allowing the activity for which consent is sought — section 104(1)(a);
- (c) Relevant policy statements and plans — section 104(1)(b);
- (d) Any other matters — section 104(1)(c);
- (e) Part 2; and
- (f) Sections 105 and 107 (in relation to the discharge consents).

8.2 For completeness, I note that any actual and potential effects of allowing the activity is considered in the assessment of effects section of my evidence (Section 104(1)(a)). Those related to the NoRs and the associated statutory framework are addressed through **Ms Hart's** evidence.

9. PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES – SECTION 104D

9.1 The resource consent elements of the Proposal have been 'bundled' and it is acknowledged by NZTA that, overall, consent is required as a non-complying activity. Section 104D provides a two-part 'gateway test' for decision makers in relation to non-complying activities, summarised as follows:

- (a) The adverse effects of the activity on the environment will be minor (section 104D(1)(a)); or
- (b) The application for an activity will not be contrary to the objectives and policies of relevant plans and proposed plans (section 104D(1)(b)).

9.2 The NZTA rely on passing the second, section 104D(1)(b) gateway test as there may be more than minor adverse effects, specifically in relation to construction phase adverse noise and vibration effects. **Mr McGahan's** evidence summarises that¹:

“[His] assessment of the proposal against the objectives and policies of the relevant planning documents as set out at paragraphs 10.1 – 10.11 of [his] evidence and in Section 11 of the AEE concludes the proposal to be consistent, and not contrary, with the relevant objectives and policies.”

9.3 Based on my understanding of the project and Council's expert technical evidence addressed above, together with the proposed conditions of consent with my suggested amendments, and subject to further clarity on construction noise and vibration effects as sought by **Mr Hegley** and some form of mitigation for the proposed stream reclamation, overall, I support **Mr McGahan's** conclusion, and agree that the adverse effects from the Proposal have potential to be more than minor. On this basis, the Proposal would not pass the first, section 104D(1)(a) gateway test.

9.4 In the context of the second, section 104D(1)(b) test, I acknowledge that, in considering whether an activity is or is not contrary to the objectives and policies of relevant statutory planning documents, the decision maker should consider whether the Project is contrary to the overall purpose and scheme of those plans, rather than assessing the non-complying activity against the detailed provisions of those plans². An activity does not need to be consistent with every objective and policy.

9.5 With the above in mind, I generally support **Mr McGahan's** position that the Proposal is consistent with and not contrary to the objectives and policies of the relevant plan. However, in my view, it is important to give particular consideration to the objectives and policies with the most specific relationship to the non-complying aspects of the Proposal. In this case, these are the objectives and policies which relate to stream reclamation and effects on

¹ See paragraph 11.5 of **Mr McGahan's** evidence

² *Arrigato Investments & ors v Auckland Regional Council & ors* (2001) 7ELRNZ 193 (CA) at paragraphs [17] and [18]

freshwater ecological values. I also consider it appropriate to closely consider the wording of individual policies when assessing a proposal under section 104D. Accordingly, my view differs from **Mr McGahan** with respect to the consistency of the Proposal relative to objectives and policies that relate to the proposed stream reclamation. In this regard, Mr McGahan states that³:

“Reclamation of a small length of ‘stream’ within the RWWTP cannot be avoided due to locational and design constraints to upgrade the infrastructure, and stormwater will be directed to other watercourses and wetlands (consistent with Objective 3.2.6 of Chapter E3).”

9.6 I agree with **Mr McGahan’s** statement above, but am also of the view that the lack of specific mitigation for the loss of stream values is not consistent with AUP (OP) objectives 7.3.1(2) and 3.2(3), and policies 7.3.2(4) and 3.3(2)(a). I accept though that more general provisions, such as those enabling an efficient transport network or supporting Auckland’s economic activity, are relevant to the Proposal and should also be considered.

9.7 While this is a finely balanced matter, in my view, the Proposal does pass the test that it ‘will not be contrary to the objectives and policies of the relevant plan’. As I set out in more detail below, the relevant AUP provisions both protect environmental values and enable development. This Proposal relies on the enabling aspects to overcome its conflicts with the more protective aspects of the provisions. As the Proposal has been bundled with consents for activities other than the proposed stream reclamation, it also brings into consideration objectives and policies that are more enabling for infrastructure development than the natural resources provisions.

10. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (SECTION 104(1)(a))

10.1 The actual and potential adverse environmental effects associated with this proposal relate to a range of both short-term construction and long-term operational effects. More specifically, these were identified in the original assessment of effects as including:

³ Refer to paragraph 10.4(d) of Mr McGahan’s evidence

- (a) Transport effects – construction and operational;
- (b) Noise effects – construction and operational;
- (c) Vibrational effects – construction and operational;
- (d) Landscape and visual effects;
- (e) Effects on public reserves;
- (f) Social effects;
- (g) Cultural heritage and Tangata Whenua Values effects;
- (h) Archaeology and Historic Heritage effects;
- (i) Construction Water effects;
- (j) Land contamination effects;
- (k) Freshwater ecological effects;
- (l) Terrestrial ecological effects;
- (m) Stormwater effects;
- (n) Effects of encroachment on Rosedale Landfill;
- (o) Surface water effects; and
- (p) Air Quality effects.

10.2 I note that Auckland Council's submission was limited to a range of specific matters that were of concern to the organisation. These broadly addressed the effects encompassed above through (a)-(f) and (m)-(o). My evidence hence focusses on those matters which were identified through Council's original submission, and on more short-term construction issues associated with regional resource consents (based on the approach adopted by NZTA's experts, for consistency, and with long-term operational and NoR matters addressed by **Ms Hart's** evidence). Specifically, my assessment and evidence focusses on construction noise and vibration impacts, construction traffic impacts, stormwater and surface water effects, and impacts on the Rosedale Closed Landfill. For clarity, I regard the traffic and noise/vibration impacts to be more properly considered as land use effects under the NoRs, but I am commenting on these matters because NZTA has proposed to include conditions in relation to these matters against the resource consents. I also only focus on areas where residual concerns remain following the various relevant responses contained within NZTA's expert evidence and associated amendments to consent conditions.

Positive effects

10.3 The Proposal will, in my view, have the following positive effects relative to the range of activities that require resource consent:

- (a) Provide greater resilience in the transport network by enabling the construction of roading upgrades completing the Western Ring Route. This enables an alternative to and reduces dependency on State Highway 1;
- (b) Improvements to traffic and transport matters, including improved safety for road users and a diversion of traffic away from local roads onto the State Highway network;
- (c) Significant public transport improvements because of the busway network upgrades, in-line with overarching strategic objectives including those in the Auckland Plan, while also futureproofing the network for further upgrades;
- (d) New Shared Use Paths which would provide a safe, convenient and additional choice for pedestrians and cyclists; and
- (e) Improved water quality of stormwater discharges through enabling stormwater treatment from previously untreated existing high use roads.

General overarching effects

10.4 Auckland Council's submission points 2.1.1 and 2.1.4 sought amendments to the proposed consent conditions in relation to the proposed management plans to provide for more stakeholder input, objective performance standards, and a process for certification and/or approval by Council. In addition, point 2.1.5 sought for more practical response timeframes in relation to the various conditions that require approval / certification by Auckland Council.

10.5 In response, the NZTA proposes to amend condition SCP.3 to require a series of consultation processes, as confirmed through **Mr McGahan's** evidence in paragraph 14.26, "in line with current NZTA direction, for key stakeholders, and interested individuals and organisations to provide input into detailed design elements such as management plans." The proposed changes to response timeframes are now more in-line with Council's expectations (for example condition CEMP.2 now incorporates a 20-day response timeframe, as per Council's sought relief).

- 10.6** I do note though that the approach adopted whereby ‘no response’ from the Council is deemed to default to a positive certification and/or approval could lead to problems (see for example condition LW.6). However, this point was not specifically raised as a concern through Council’s submission, and, I understand that this was the approach taken to conditions and accepted through the Pūhoi to Warkworth BoI process. As such, I suggest that the revised timeframes and the approach to default acceptance is generally appropriate. With that said, I support Ms Eldridge’s view that the ‘default approval’ clause is not appropriate to those conditions that relate to landfill activities, as Auckland Council has a critical role in approving the landfill infrastructure designs (given that this infrastructure would be vested with Council in the future). I have not recommended specific rewording of the landfill conditions in this regard, and recommend that this is subject to further consideration through expert conferencing. I defer to **Ms Hart’s** evidence on the matter of stakeholder engagement and a Community Liaison Group.
- 10.7** Paragraphs 8.6 and 9.11 of **Mr McGahan’s** evidence, on behalf of the NZTA, is key to addressing the only non-complying activity of the Proposal (being the reclamation of some 17.4 metres of ‘stream’ – as stated in paragraph 8.8 of **Mr McGahan’s** evidence). **Mr McGahan** references ecological evidence prepared on behalf of NZTA by **Ms Treffery Barnett**, whose opinion is that that the existing stream environment downstream of the Caribbean Drive catchment is of “very poor quality and, as a result, modifications to these watercourses will not result in any significant residual adverse effects and off-setting will not be required”⁴. As I note through paragraph 6.5 of my evidence, further clarity on the nature of this existing environment and scale of potential impacts was subject to post-lodgement discussions between representatives of Council’s Healthy Waters team and NZTA in response to submissions (including Auckland Council’s submission point 2.1.2). These discussions and additional information were summarised in **Ms Barnett’s** evidence.
- 10.8** Overall, I note that the stated ecological values do not appear to acknowledge the potential value of this environment, and the position that “no off-setting is required”⁵ on the basis that no “significant residual adverse effect” will result is

⁴ Refer to paragraph 9.11 of Mr McGahan’s evidence

⁵ Refer to section 6.1 of the Assessment of Freshwater Ecological Effects technical report

arguably not consistent with relevant objectives and policies within the AUP (OP) – including policy B7.3.2(4) and E3.3(2) (refer to 10.7 and 10.11 below for further assessment).

- 10.9** I also consider that the biodiversity gain associated with the proposed stormwater wetland systems should not be viewed as mitigation for the residual loss of stream value, as proposed through the Assessment of Freshwater Ecological Effects technical report, given that these wetland systems are proposed and directly required as mitigation for stormwater-related impacts. I am hence of the opinion that the loss of value associated with the non-complying reclamation of stream habitat will not be appropriately avoided or mitigated at this point.

Noise and vibration (construction phase) effects

- 10.10** **Mr Hegley's** evidence highlights that the Proposal has potential to cause significant construction noise and vibration effects on nearby properties and infrastructure, but expresses concern that the scale of these impacts is not yet clearly understood or assessed through the application documents. **Mr Hegley** explains that discussions with NZTA's experts are ongoing, and these impacts should be clarified through rebuttal evidence (or sooner through expert conferencing). However, **Mr Hegley** remains uncertain as to whether the Proposal is technically feasible without causing significant impacts, particularly in relation to construction vibration.
- 10.11** **Mr Hegley** notes that the Proposal includes consent conditions that would require the preparation and implementation of a Construction Noise and Vibration Management Plan (**CNVMP**), and he considers this approach to be the most practicable method for managing the adverse construction effects should the Proposal be designated. However, this is on the proviso that the NZTA can provide satisfactory evidence that the effects resulting from the construction of the Project are expected to be manageable and reasonable. In **Mr Hegley's** opinion, the adoption of a CNVMP would ensure that best practice is used to manage the adverse noise and vibration effects during construction, but this would not provide assurance that these effects are reasonable.
- 10.12** Overall, **Mr Hegley** expresses concern over the lack of clarity and scale of effects in relation to construction noise and vibration (including levels expected,

their duration and extent across neighbouring and nearby properties and infrastructure), and hence the ability to mitigate these effects. However, **Mr Hegley** does agree that the proposed CNVMP approach represents current best practice. The missing link is the lack of certainty on the scale of construction noise and vibration effects that the CNVMP must manage, and the hence feasibility of mitigating these effects.

- 10.13** Based on the evidence of **Mr Hegley** and the proposed conditions of consent, I accept **Mr Hegley's** view that the actual and potential construction noise and vibration effects are not yet clearly understood, and agree that the CNVMP does represent current best practice in this regard. I note further that the Proposal does not appear to present extraordinary construction difficulties beyond other similar consented projects. Overall, subject to further certainty on the intensity, duration and scale of construction noise and vibration effects – anticipated to be clarified through the applicant's expert rebuttal evidence, these effects may be appropriately avoided or mitigated.

Traffic and transport (construction phase) effects

- 10.14** **Mr Tindall's** evidence highlights a range of positive long-term traffic and transport impacts anticipated by the Proposal. **Mr Tindall** also raises some areas of concern that are addressed in more detail through **Ms Hart's** evidence with respect to the NoRs. However, **Mr Tindall** largely defers to the Auckland Transport evidence on construction traffic and transport effects, noting the strong correlation with different transport modes and Auckland Transport's role in approving traffic management plans.
- 10.15** On behalf of the applicant, **Mr McGahan's** evidence notes that the proposed conditions CEMP.1 through to CEMP.10 require a Construction Environmental Management Plan (**CEMP**), which includes the requirement for a Construction Traffic Management Plan (**CTMP**) prepared in accordance with conditions CTMP.1 to CTMP.3. Condition CEMP.1 requires that the CEMP is submitted to Auckland Council for approval, at least 20 days prior to commencing construction works. Condition CTMP.2 then states that the purpose of the CTMP is to manage the potential impacts of the construction of the NCI Project on the surrounding transportation network during the construction period. CTMP.3 is the core condition which sets the framework of coverage for the traffic management plan, and this includes specific requirements for the plan in

the context of the Proposal, such as maintaining multi-modal traffic capacities along key routes – subject to ‘as far as reasonably practicable’ provisions (and the approval by Auckland Council).

- 10.16** In his evidence, **Mr McGahan** concludes that the proposed CEMP / CTMP framework is the most appropriate mechanism for addressing the management of construction traffic effects. **Mr Tindall** for Auckland Council and **Mr Peake** for Auckland Transport consider that changes are required to the CEMP / CTMP conditions to ensure that the conditions provide adequate protection for public transport and the local road network during the construction period.

Stormwater and surface water effects

- 10.17** **Mr Lee’s** evidence explains that the Proposal affects stormwater quantity and quality, affecting both existing and future Council infrastructure, and has implications on existing stormwater-related resource consents held by Council. Overall, **Mr Lee** considers that the Proposal has the potential to impact on Council’s ability to actively manage its stormwater network in accordance with its own resource consents.
- 10.18** **Mr Lee** makes several recommendations to address residual concerns with the Proposal. These matters are outlined through **Mr Lee’s** evidence, and I have interpreted these and suggested various changes to the NoR and consent conditions to reflect **Mr Lee’s** concerns. These changes are outlined in **paragraph 9.27** below.
- 10.19** **Mr Lee** also draws attention to existing flood risks associated with the Greville Road interchange, which are in part due to the existing alignment of SH1, and notes that the Proposal does not currently include any works to improve these existing flood risks. **Mr Lee** explains that given the availability of options to mitigate these existing risks, he considers that the NZTA should further investigate the ability to mitigate and reduce flood risk in this location. I support this position given the opportunity that this Proposal presents in this location, and the fact that the existing motorway alignment is a contributing factor to these flood risks.
- 10.20** **Mr Lee** also explains that the Proposal will have interactions with various requirements of existing resource consents held by Auckland Council, including

Network Discharge Consents and damming water permits. The latter is addressed through **Mr McGahan's** evidence at **paragraph 14.29**, where he notes that the NZTA will apply to alter the conditions of consent. **Mr Lee** explains that Auckland Council would need to apply for such a change of conditions, given that Auckland Council would currently remain as the Consent Holder. I agree with this point, and in response to these and other related matters, I suggest a 'Stormwater strategy' consent condition, similar to that which is proposed as part of the Landfill conditions. I address this further in **paragraph 9.27** below.

- 10.21** Overall, **Mr Lee's** opinion is that the impacts associated with the Proposal on stormwater quality and quantity and existing Council assets are manageable provided that further minor changes are made to the consent conditions.
- 10.22** Based on the evidence of **Mr Lee** and the proposed conditions of consent with my suggested amendments, it is my opinion that the actual and potential effects associated with stormwater impacts on Council's existing infrastructure and wider obligations can be appropriately avoided or mitigated.

Effects of encroachment on Rosedale Landfill

- 10.23** **Ms Eldridge's** evidence highlights that the Proposal involves significant disruption to waste material and existing infrastructure within the Rosedale Landfill, the latter of which is specifically provided and maintained to mitigate the potential effects the Landfill could have on the environment. **Ms Eldridge's** considers that the Proposal has the potential to impact on Council's ability to actively manage the Landfill in accordance with its own resource consents and to mitigate the potential of uncontrolled discharges to the environment.
- 10.24** **Ms Eldridge's** evidence makes several recommendations for the Proposal and conditions on the NoRs and resource consents. These include: specific provisions for access arrangements, further investigations, detailed design and location of landfill infrastructure, and modifications to the post-construction designation extents. **Ms Eldridge** notes that several of these recommendations have been addressed by the revised set of NoR and resource consent conditions presented through NZTA's expert planning evidence. However, some points remain outstanding.

10.25 Overall, **Ms Eldridge's** opinion is that the impacts associated with the Proposal on the Rosedale Closed Landfill are manageable provided that further minor changes are made to the consent conditions. These changes are outlined in detail in **Ms Eldridge's** evidence, and I have suggested additional changes to the NoR and consent conditions to reflect her residual concerns. These changes are outlined in **paragraph 10.27** below. However, I note that **Ms Eldridge** also recommends that additional conditions should be included that would require Auckland Council approval for the design of proposed landfill infrastructure. I have not included these additional conditions given their technical nature, but understand that an appropriate suite of 'design approval' conditions have been proposed for the East-West Link project, and that these could be tailored for this NCI Proposal. I understand that these can be subsequently addressed through expert conferencing.

10.26 I do however note that a key recommendation from **Ms Eldridge's** evidence states that "the consent conditions should reflect that the Applicant is responsible for all landfill consent monitoring that falls within its construction boundary, as well as noncompliance investigation and rectification, during construction of the Proposal. This change is not reflected in the resource consent conditions attached to the primary evidence of **Mr McGahan**"⁶. Proposed resource consent condition LW10, as posed through **Mr McGahan's** evidence, seeks to address the concerns raised through **Ms Eldridge's** evidence. However, the wording of this condition would maintain Auckland Council's responsibility for the risks, monitoring and liability for the existing landfill consent requirements, including for the area affected by the Proposal. In my opinion, this condition should be reworded to clarify this distinction, or at least an advice note added to draw attention to, and clarify, the Consent Holder's obligation to maintain Auckland Council's ability to comply with and implement its own resource consents beyond the works area affected by the Proposal. This would then rely on proposed condition LW1 to clarify the Consent Holder's obligations to develop its own strategy for consenting any changes to the existing landfill consents within the footprint of the Proposal.

10.27 Based on the evidence of **Ms Eldridge** and the proposed conditions of consent with minor amendments, it is my opinion that the actual and potential effects

⁶ Refer to paragraph 8.3(c) of **Ms Eldridge's** evidence

associated with the works on the Rosedale Closed Landfill can be appropriately avoided or mitigated.

Conditions

- 10.28** I consider that the imposition of conditions on the proposed resource consents is important in ensuring that the actual and potential adverse effects of the proposed works are avoided, remedied or mitigated, both short and long-term. It is important that any conditions appropriately address the level of effects that the proposed works will have on the environment while allowing NZTA to undertake the works authorised by the consents.
- 10.29** NZTA submitted draft conditions with the original application documents – contained in Appendix A to the AEE. These have since been revised by the NZTA in response to concerns raised through submissions, and presented through their expert planning evidence by **Messrs Burn** (NoRs) and **McGahan** (resource consents). The separation of the conditions between the NoRs and the resource consents has also been discussed in relation to both AC's submission and in response to the EPA's Section 149G(3) key issues report.
- 10.30** The conditions have been separated between the notices of requirement, for what are considered the ongoing operational effects of the Proposal, and the regional resource consents, for what are considered as the temporary construction effects. Justification for this approach is based on the notion that construction conditions will fall away on completion of the works, whereas the conditions of the designation will continue to apply. **Mr Burn** also states in his evidence that this approach has the additional advantage of removing the need to lodge a subsequent notice of requirement for an alteration to a designation to remove conditions which are no longer relevant once the proposed works are completed. However, in my view, it is more appropriate to separate the conditions on the basis of the effects that they are intended to control (i.e. land use vs 'regional'). I also note, that it is not necessary to alter an NoR to remove conditions that have been satisfied.
- 10.31** In my view, these conditions should be modified in order to address residual concerns raised through expert evidence prepared on Council's behalf. I agree with this concern and have attached the revised conditions to my evidence with the suggested changes and explanations (Appendix "B").
- 10.32** Conditions with additional proposed changes include:

- (a) New condition NU8 and advice note, as well as amendments to LW1(d) and SW.7 to address stormwater concerns.
- (b) DC5, LW1 including LW1(a) and LW1(f), and an advice note to LW10 to address landfill concerns.

11. RELEVANT POLICY STATEMENTS & PLANS — SECTION 104(1)(B)

11.1 Decision-makers under the RMA must have regard to national statutory planning documents when assessing resource consent applications. Regional plans are required to insert specific provisions from the national planning documents and to give effect to its provisions.

11.2 NZTA has provided an assessment of the relevant policy statements and plans in Section 3.11 and Appendix D of the application AEE. An updated list was provided to the EPA by NZTA in its Memorandum of counsel, dated 1 May 2017, for the NZTA statement of issues and lists of topics as Appendix C. The policy statements, plans and documents that NZTA considered relevant are as follows:

- (a) Hauraki Gulf Marine Park Act 2000
- (b) National Policy Statement for Freshwater Management
- (c) National Policy Statement on Electricity Transmission
- (d) National Environmental Standards for Air Quality
- (e) National Policy Statement on Urban Development Capacity
- (f) Auckland Unitary Plan – Operative in part
- (g) Auckland Council Regional Policy Statement (where the AUP provisions are still under appeal)
- (h) Auckland Council Regional Plan: Air, Land, and Water (where the AUP provisions are still under appeal).

11.3 I have reviewed both the AEE and the Memorandum of Counsel document and I agree with NZTA's assessment of the relevant provisions within the above policy statements and plans. However, I consider that there are specific AUP (OP) objectives and policies, in addition to those in the AEE and Memo of Counsel that are of relevance to the Proposal and Council's residual concerns. **Ms Hart's** evidence addresses the AUP(OP) framework more broadly in the

context of the Proposal, and I address those of specific relevance to the residual matters of concern on resource consent matters in the following paragraphs:

Auckland Unitary Plan Operative in Part

11.4 The AUP (OP) gives effect to the Auckland Plan and provides the statutory framework for the growth and development of the Auckland region. There is extensive discussion within NZTA's AEE of the relevant provisions of the AUP and description of the relevant chapters. I will not repeat that through my evidence. However, as stated above, I consider that the following objectives and policies of the AUP (OP) are of specific relevance to the residual matters of concern on resource consent matters.

11.5 Chapter B of the AUP provides the overarching Regional Policy Statement framework, and includes the following sections that are of specific relevance to my evidence:

- (a) B3 Infrastructure, transport and energy;
- (b) B7 Natural Resources; and
- (c) B10 Environmental risk.

11.6 Chapter B3 includes relevant policies B3.3.2 (6) and (7), relating to managing effects related to transport infrastructure. In terms of avoiding, remedying and mitigating adverse effects from the construction of the Proposal, I am of the view that the proposed CTMP framework will address these effects to the extent practicable and in the context of the wider improvements that the Proposal will realise.

11.7 Chapter B7 includes relevant objectives B7.3.1 (1)-(3), and policies B7.3.2 (2)-(6), all relating to the management of freshwater systems. I highlight the following elements in particular:

B7.3.1. Objectives:

(2) Loss of freshwater systems is minimised.

(3) The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated.

B7.3.2. Policies

(4) Avoid the permanent loss and significant modification or diversion of lakes, rivers, streams (excluding ephemeral streams), and wetlands and their margins, unless all of the following apply:

(a) it is necessary to provide for:

...

(iv) infrastructure;

(b) no practicable alternative exists;

(c) mitigation measures are implemented to address the adverse effects arising from the loss in freshwater system functions and values; and

(d) where adverse effects cannot be adequately mitigated, environmental benefits including on-site or off-site works are provided.

11.8 In the context of the proposed reclamation of stream, I am of the view that the Proposal is not entirely consistent with this policy framework as it does not specifically avoid, remedy or mitigate the associated loss of freshwater habitat, or offer any on or off-site offsetting works. The proposed improvements in stormwater management (in terms of water quality benefits and hydrological mitigation) are, in my view, consistent with this framework. However, I am of the view that the position outlined through the Assessment of Freshwater Ecological Effects technical report (refer to section 6.1) that the proposed stormwater wetlands provide mitigation for the stream loss is not consistent with this framework. Policy B7.3.2(4) clearly seeks to avoid the permanent loss of streams, unless all of points (a) through (d) apply. I agree that the stream loss is necessary to provide for infrastructure and that no practicable alternative exists. However, the proposed mitigation, primarily in the form of biodiversity gains within stormwater wetlands, should not be considered as mitigation for the loss in stream values as these are necessary for mitigating other elements of the Proposal (i.e. stormwater effects), and any biodiversity value will be limited due to ongoing operational and maintenance activities on the wetlands.

11.9 Chapter B10 includes relevant objectives and policies within B10.2.1 and B10.2.2 which relate to natural hazards and climate change. The Proposal includes a range of measures that I consider to be consistent with this framework, however I do highlight the existing flood risks around the Greville Road interchange that the applicant does not propose to address. This current lack of action is arguably not entirely consistent with objective B10.2.1 (1) and

policies B10.2.2 (9) and (10) (shown below), which seek to increase resilience and reduce risks.

B10.2.1. Objectives

(1) Communities are more resilient to natural hazards and the effects of climate change.

B10.2.2. Policies

(9) Encourage activities that reduce, or do not increase, the risks posed by natural hazards, including any of the following:

...

(c) replacing or modifying existing development to reduce risk without using hard protection structures;

...

(10) Encourage redevelopment on land subject to natural hazards to reduce existing risks and ensure no new risks are created by using a range of measures such as any of the following:

...

(b) managing activities to increase their resilience to hazard events; or

...

11.10 Chapter E provides the Auckland-wide framework of both regional and district-level planning controls with associated objectives and policies, and includes the following sections that are of specific relevance to my evidence:

- (a) E3 Lakes, rivers, streams and wetlands;
- (b) E13 Cleanfills, managed fills and landfills; and
- (c) E36 Natural hazards and flooding.

11.11 Chapter E3 includes relevant objectives E3.2 (1)-(6), and policies B3.3 (2), (4), (7) and (13), relating to the management of the beds of lakes, rivers, streams and wetlands. This framework arguably sets an ideal target of protecting and enhancing freshwater environments, but enables adverse effects from activities including reclamations where there is no practicable alternative and with appropriate mitigation. Key elements are included as follows:

E3.2. Objectives [rp]

...

(3) Significant residual adverse effects on lakes, rivers, streams or wetlands that cannot be avoided, remedied or mitigated are offset where this will promote the purpose of the Resource Management Act 1991.

...

(6) Reclamation and drainage of the bed of a lake, river, stream and wetland is avoided, unless there is no practicable alternative.

E3.3. Policies [rp]

...

(2) Manage the effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands outside the overlays identified in Policy E3.3(1) by:

(a) avoiding where practicable or otherwise remedying or mitigating any adverse effects on lakes, rivers, streams or wetlands; and

(b) where appropriate, restoring and enhancing the lake, river, stream or wetland.

...

(4) Restoration and enhancement actions, which may form part of an offsetting proposal, for a specific activity should:

(a) be located as close as possible to the subject site;

(b) be 'like-for-like' in terms of the type of freshwater system affected;

(c) preferably achieve no net loss or a net gain in the natural values including ecological function of lakes, rivers, streams or wetlands; and

(d) consider the use of biodiversity offsetting as outlined in Appendix 8 Biodiversity offsetting.

...

- 11.12** I agree that the proposed and arguably necessary (from the stance that the Western Ring Route is critical infrastructure and acknowledged through the Auckland Plan) interchange linkages between SH18 and SH1 do not present practicable alternatives to the loss of stream system, and accept that the existing environment does not exhibit high values. However, in my view, the Proposal does not currently include any direct mitigation for this impact, which is not consistent with policies B3.3 (2) or (4), and therefore not consistent with the objectives to restore, maintain or enhance Auckland's lakes, rivers, streams and wetlands (objective E3.2 (2)). I do accept that the stream loss may not constitute 'significant residual adverse effects,' as referenced in E3.2(3), but draw attention to policy E3.3(2)(a) which seeks to mitigate 'any adverse effects on...streams.' In my view, to be fully consistent with this framework, the loss of

stream habitat should be valued and offset through direct mitigation in-line with policy E3.3(4).

11.13 Chapter E13 includes relevant objective E13.2 (1), and policies B13.3 (1), (2), (3) and (5), relating to the management of cleanfills, managed fills and landfills. In essence, and in the context of this Proposal, these seek that the operation and management of landfills is done in accordance with industry best practice to manage impacts on human health and the environment. I am of the view that Proposal is consistent with this framework, subject to the implementation of the proposed amended conditions of consent.

11.14 Chapter E36 includes relevant objectives E36.2 (1), (2), (4), (5) and (6), and policies B36.3 (1), (14), (27), (28), (29) and (30), relating to the management of natural hazards and flooding. In the context of this Proposal, these seek to avoid significant adverse effects from natural hazards, and where practicable, reduce existing hazards – implementing the RPS Chapter B10. I am of the view that Proposal is generally consistent with this framework, subject to the implementation of the proposed amended conditions of consent. I do note though that the project includes what seems to be a practical opportunity to resolve an existing flooding hazard on Greville Road, and the lack of action is not entirely consistent with objective E36.2 (2) and policy B36.3 (4) – as follows:

E36.2. Objectives

(2) Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.

E36.3. Policies

(4) Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:

- (a) accelerating or exacerbating the natural hazard and/or its potential impacts;
- (b) exposing vulnerable activities to the adverse effects of natural hazards;
- (c) creating a risk to human life; and
- (d) increasing the natural hazard risk to neighbouring properties or infrastructure.

Summary

11.15 Overall, subject to the recommended amendments to consent conditions, I generally agree with Mr McGahan's evidence that the Proposal is consistent with the relevant objectives and policies in the AUP (OP). As outlined above, I differ from this position with respect to the proposed stream reclamation and lack of specific mitigation, as well as the missed but seemingly practical opportunity to reduce flood risks on Greville Road.

12. ANY OTHER MATTERS – SECTION 104(1)(C)

12.1 In relation to resource consents, the consent authority can have regard to any other matters that it considers relevant and reasonably necessary. Section 2.3 of the AEE provides a detailed review of other relevant matters, and specifically the strategic context of the Project relative to a range of non-statutory documents. I support the conclusion of Mr McGahan as shared by Ms Hart, and am of the view that the Proposal is consistent with the various relevant non-statutory documents.

13. MATTERS RELEVANT TO CERTAIN APPLICATIONS (SECTION 105) AND DISCHARGE PERMITS (SECTION 107)

13.1 I consider that the provisions of Section 105 have been met as there are unlikely to be any significant effects on the receiving environment. The NZTA's reasons for the proposed approach to managing construction-phase discharges and long-term discharges of stormwater are appropriate in this context, and specifically the nature of the discharge and the sensitivity of the receiving environment, and regard has been given to alternative methods and locations of discharge. I support **Mr McGahan's** summary of these matters presented through his evidence. I also consider that an esplanade reserve or esplanade strip is not appropriate or necessary in the context of the proposed stream reclamation within Coronation Reserve.

13.2 Section 107(1) of the RMA places restrictions on the granting of certain discharge permits that would contravene Sections 15 or 15A of the RMA. I also support **Mr McGahan's** evidence on these matters, and consider that the Proposal will not give rise to any of the effects listed in Section 107(1),

particularly in the context of the existing environment and current lack of stormwater mitigation measures.

14. DURATION AND LAPSING OF CONSENTS (SECTION 123 AND 125)

14.1 As outlined in section 12.3.2.6 of the AEE, the Proposal seeks a consent duration of seven (7) years for the resource consents related to land use 'construction' activities, and thirty-five (35) for 'operational' discharge and water permits. A lapse period of seven years is requested for all resource consents.

14.2 I understand the rationale for the proposed consent durations and lapse periods, as explained in section 12.3.2.6 of the AEE and supported through **Mr McGahan's** evidence on this matter, and note that the proposed duration/lapsing framework is consistent with Council's position on other projects of a similar scale. In summary, I view the proposed consent durations and lapse periods as appropriate.

15. PART 2 ASSESSMENT

15.1 The purpose of the RMA is to promote the sustainable management of natural and physical resources. I assess the resource consents being sought against the purpose and principles from Part 2 of the Act below, as they existed on the date that the applications were lodged with the EPA.

15.2 Section 12.3.3 of the AEE and section 11 of the planning evidence of **Mr McGahan** provide assessments of the Proposal in the overarching context of Part 2 of the RMA. I have read and agree with these assessments.

15.3 NZTA recognises that the Proposal will have an effect on the environment and has proposed a set of mitigation and management methods, as reflected in the updated conditions attached to the evidence of **Mr Burns** and **Mr McGahan**. While these go some way to mitigating the effects of the Proposal, I consider that the amendments recommended through my evidence, and those of the various Council topic experts, are important in achieving the purpose and principles of the Act.

Section 5 – Purpose

15.4 I am of the view, subject to the inclusion of further amendments to the consent conditions, that the Proposal is consistent with Section 5 'purpose' of the RMA for the following reasons:

- (a) It promotes the efficient use of land through the improved use of existing infrastructure of SH1 and S18;
- (b) It provides for the social and economic well-being of people and communities by improving capacity, accessibility, connectivity and existing and future resilience of multi-modal transport networks;
- (c) It safeguards the life supporting capacity of water, soil and ecosystems through the proposed mitigation measures, such as the significant improvements in stormwater treatment of runoff from existing and new state highways and proposed areas of planting;
- (d) The Proposal will avoid, remedy or mitigate adverse effects on the environment.

Section 6 – Matters of national importance

15.5 Section 6 lists matters of national importance that must be recognised and provided for by all persons exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources. In my view, with the inclusion of further amendments to the proposed conditions, the Proposal is consistent with Section 6 for the following reasons:

- (a) It will avoid, remedy or mitigate adverse effects such that the natural character of coastal environment, wetlands, and lakes and rivers and their margins will be preserved and protected from inappropriate use and development;
- (b) There are no outstanding natural features and landscapes identified in the AUP that would be affected by the Proposal;
- (c) Mitigation is proposed to protect the ecological values of identified areas of significant habitats of indigenous fauna including the significant ecological areas identified in the AUP.
- (d) Although the AUP has no scheduled heritage or archaeological sites located within the Proposal area, NZTA has set out the process for identification of archaeological/historic heritage materials and for accidental discoveries through proposed conditions.

Section 7 – Other matters

15.6 Section 7 lists other matters that must be had regard to by all persons exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources. I agree with Mr McGahan as to the matters which are of relevance to the Proposal. In my view, the Proposal is consistent with Section 7, with the inclusion of further amendments to the conditions, for the following reasons:

- (a) Consultation has been undertaken with mana whenua through the Central-Northern Iwi Integration Group – this being the primary forum of engagement for iwi with an interest in the Proposal, and which seeks to recognise and enable kaitiakitanga from members of this forum;
- (b) It contributes towards the efficient use and development of natural and physical resources through the improvement of the existing infrastructure of SH1 and SH18;
- (c) It increases the efficiency of the local and regional road network, and enhances access and improves safety for active modes of transport by providing pedestrian and cycling connections;
- (d) NZTA recognises that the Proposal will generate adverse environmental effects and has proposed mitigation through conditions. Additional amendments to the conditions will go further in ensuring that amenity values and the quality of the environment are maintained and enhanced;
- (e) The effects of climate change have been given regard to through the design of the Proposal, including new and modifications to existing stormwater management systems.

Section 8 – Treaty of Waitangi

15.7 Section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account in relation to managing the use, development, and protection of natural and physical resources. In my view, the Proposal is consistent with Section 8 of the Act. Although this is more properly answered by mana whenua with an interest in the Proposal, NZTA has actively engaged with iwi. Formal feedback has been provided via Cultural Values Assessments and a Cultural Impact Assessment. Where possible, NZTA has addressed matters raised by mana whenua in the design of the Proposal and through

proposed conditions, with ongoing involvement in the detailed design anticipated.

Part 2 – Conclusion

15.8 In my view, for the reasons above and subject to further amendments to the conditions to address the issues raised through Council's submission and evidence, the Proposal is consistent with the purpose and principles of Part 2 of the Act.

16. CONCLUSION

16.1 The Council lodged a submission on the Proposal indicating its support for this Project due to the benefits it will have on existing transport networks. These benefits arise from the completion of the western ring route, extending the highly successful northern busway and providing a SUP between Oteha Valley Road and Constellation Station. The evidence provided by the Council's specialist witnesses confirms these benefits, or proposes amendments to ensure these benefits are enhanced.

16.2 The Council's submission also identified areas where it considered amendment was required to the Proposal to ensure that effects on the local communities, and their recreational, social and amenity needs, are avoided, remedied or mitigated. The Council's specialist witnesses have in their evidence proposed various amendments to the Proposal and conditions to ensure that adverse effects of the Proposal are appropriately avoided, remedied and mitigated.

16.3 Overall, I consider that the Proposal is consistent with the policy direction for the relevant planning documents, including the Auckland Plan and the AUP. However, it is my opinion that amendments are required to the design and/or proposed conditions to manage the adverse effects of the Proposal and to fully address the matters raised in Auckland Council's submission. The Council's witnesses have proposed amendments to the Proposal and conditions to achieve this, and will continue to work with NZTA (and other submitters) through conferencing and rebuttal evidence to ensure these matters are satisfactorily addressed.



John (Jack) Angus Turner
25 May 2017

Appendix 1

Excerpt from the Assessment of Freshwater Ecological Effects (section 3.4), with the area of proposed stream reclamation highlighted with a yellow star, located on the north side of 'North Harbour Highway' and south of the wastewater treatment pond.

Figure 22 Freshwater Habitats – Rosedale Road to Constellation Drive - Stormwater Pond Location (★)



decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.