

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 JOANNA HART ON BEHALF OF AUCKLAND
COUNCIL
PLANNING EVIDENCE**

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1. INTRODUCTION AND EXPERIENCE

1.1 My name is Joanna Hart. I am a Principal Planner in the Planning North/West and Islands Unit employed by Auckland Council (**Council**). I have been asked by the Council to provide planning evidence in support of the Council's submission on the proposed Northern Corridor Improvement (**Proposal**). I hold a Bachelor of Science and a Masters of Planning Practice (Hons) from the University of Auckland. I am an associate member of the New Zealand Planning Institute.

1.2 I have 10 years of planning experience, including employment as a planner in the Strategy and Policy Department of the former North Shore City Council from February 2007 to October 2010, and Auckland Council from November 2010 to present. My key responsibilities in my role as a principal planner include processing and reporting on notices of requirement and contributing to area spatial plans. I also wrote evidence and appeared at the Independent Hearing Panel hearings for the Auckland Unitary Plan on the Hobsonville Corridor and Hobsonville Point precincts.

1.3 I was not involved in the writing of Auckland Council's submission on the Proposal. However, I have read the documentation for the NoRs, including the AEE and associated designation plans and the Council's submission. I have been briefed on the submission points and attended subsequent meetings with representatives from the New Zealand Transport Agency's (**NZTA**) consultant 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. EXECUTIVE SUMMARY

3.1 My evidence is given in support of the Council's submission on the applications by the NZTA relating to the Proposal, specifically the Notice of Requirements to designate to construct, operate and maintain the Proposal.

3.2 This statement of evidence should be read in conjunction with the evidence of **Mr Jack Turner** which focuses on the regional resource consent applications. In addition, I rely on other technical expert evidence submitted on behalf of Auckland Council to inform my assessment and evidence – including **Mr Rhys Hegley** in relation to operational noise and vibration effects, **Mr Duncan Tindall** for operational traffic effects, **Mr Stephen Brown**, in relation to urban design, landscape and visual effects and **Mrs Maylene Barrett**, in relation to the effects on public reserves.

3.3 The key conclusions of my evidence are:

- (a) The Proposal is consistent with the relevant objectives and policies of the relevant policy and planning documents including the AUP;
- (b) There has been adequate consideration of alternatives;
- (c) The work and designation are reasonably necessary to achieve NZTA's objectives including the facilitating of interregional travel between Auckland and Northland by completing the Western Ring Route; improving the capacity and connectivity of SH1 and SH18; extending the Northern Busway; and improving walking and cycling through the provision of Shared Use Pathways;
- (d) The Council's submission identified a number of areas where the adverse effects of the Project are not appropriately avoided, remedied or mitigated. Conditions and/or design modifications have been recommended accordingly for operational traffic effects, operational noise effects, urban design/landscape/amenity effects and effects on public reserves (including social effects) to address these matters.
- (e) The Proposal, subject to recommended amendments to conditions which address issues raised in Council's evidence, is consistent with Part 2 of the RMA.

4. DESCRIPTION OF PROPOSAL

- 4.1 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.
- 4.2 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.
- 4.3 Accordingly the NZTA has sought the following approvals under the RMA to authorize the Proposal:
- (a) Notices of Requirement (**NoRs**) for alterations to existing designations, 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 the new Shared Use Path (SH1).
 - (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.
- (d) 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)).

5. THE EXISTING ENVIRONMENT / SETTING

- 5.1** 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. Whilst I agree with the description of the existing environment there are land uses in locations along the route which are of particular relevance to Auckland Council's submission. I highlight these below.
- 5.2** An area within the Proposal's proposed alteration to the designation which is of relevance to Auckland Council's submission is from Oteha Valley Road to Greville Road on the eastern side of State Highway 1 (NZTA General Arrangement Plan Sheets 1-3). Land use within this area is residential with areas of new housing developments, in various stages of construction, to the south of Oteha Valley Road with access off Medallion Drive, to the south of McClymonts Road SH1 overbridge, and between the western end of Spencer Road and Greville Road. The proposed designation boundary directly abuts properties with established housing at Masons Road and McClymonts Road, the new terraced housing development to the south of McClymonts Road SH1 overbridge and the new housing development between Spencer Road and Greville Road.
- 5.3** The Auckland Unitary Plan Operative in part (**AUP**) zone within this location is predominantly Residential - Mixed Housing Suburban with an area of Residential – Mixed Housing Urban within the area bounded by the southern end of Masons Road, Medallion Drive, McClymonts Road, Fernhill Way and Spencer Road.

- 5.4** The Rosedale Closed Landfill at 62 Greville Road, Albany is a location of relevance to Auckland Council's submission (NZTA General Arrangement Plan Sheets 3 and 4). The site is designated in the AUP (Designation 417 – Refuse disposal) with an underlying zone of Open Space – Sport and Active Recreation Zone. The Proposal's proposed designation boundary crosses the corner of the Rosedale Closed Landfill at the intersection of State Highway 1 and Greville Road and traverses the property inside the western boundary for its full length. A stormwater pond is also located on the north-western corner at the intersection of Greville Road and the onramp to SH1.
- 5.5** The Proposal's proposed alteration to the designation boundary traverses an area of land and the treatment ponds within the Rosedale Wastewater Treatment Plant (**RWWTP**) on both sides of SH1 (NZTA General Arrangement Plan Sheets 5, 6 and 8). The RWTP is operated by Watercare Services Limited. The RWWTP was commissioned in 1962 and there has been a series of comprehensive upgrades since 1993. The land area is approximately 108 hectares and contains the treatment plant buildings, treatment tanks and two treatment ponds, with WSL Pond 1 on the western side of SH1 and WSL Pond 2 on the eastern side.
- 5.6** There are 3 stormwater management ponds within Watercare's land which are managed and maintained by Auckland Council; the ARC Refuse Pond, the Moro Pond and the Constellation Pond. The Moro Pond is located to the north of Pond 2, in an area of land adjacent to the east of SH1; the ARC Refuse Pond is located to the south of Pond 2, east of SH1; and Constellation Pond is located to the north of SH18 UHH, in Constellation Reserve as shown in the evidence of **Mr KC Lee** (Attachment 2 Figure SW.1 Location Plan of Issues).
- 5.7** The RWWTP site is designated in the AUP (Designation 9311 – Wastewater purposes – wastewater treatment plant and underground route of outfall to Mairangi Bay) with an underlying zone of Business – Light Industry Zone. An area of land around the RWWTP site is also designated as odour buffer (Designation 9310 – Wastewater Purposes – Wastewater treatment plant odour buffer area). WSL Pond 1 and Pond 2 are also subject to the Significant Ecological Area overlay (SEA_T_8364 and SEA_T_8365) within the AUP.

- 5.8** Constellation Reserve, consisting off an area of land from the intersection of Upper Harbour Highway and the northern on-ramp at SH1 and between the RWWTP land and SH18, which is accessed off Paul Matthews Road, is relevant to Auckland Council's submission (NZTA General Arrangement Plan Sheets 6 and 8). A portion of the reserve, at the south-eastern corner, is currently unused for recreation and is grass-covered paddocks with a row of trees on the southern boundary of the RWWTP. The North Harbour Hockey Stadium is located to the west and contains three hockey turfs, a clubhouse with uncovered seating, ancillary buildings with covered seating for players and supporters, car parking and a football field. The Proposal's alteration to the designation boundary traverses across the majority of the unused portion adjacent to the intersection of UHH and the SH1 and part of the most south-eastern hockey turf (known as Miller 3) adjacent to the SH18.
- 5.9** Constellation Reserve is zoned Open Space – Sport and Active Recreation zone in the AUP. Transpower New Zealand Limited and Vector Limited have a shared electricity transmission line corridor which is subject to two designations; Transpower's (Designation 8519) for the two 220kV underground electricity transmission lines and Vector's (Designation 8842) for the 110kV underground electricity transmission line. The electricity transmission corridor extends from Bass Road, Albany located to the north-west, through Rosedale North Park on the eastern boundary adjacent to, and in part crosses into, Watercare's designation for the RWWTP (Designation 9310), and then down towards the SH18 where it then runs east to SH1. Watercare's designation for the odour buffer also covers these two reserves and is the primary designation.
- 5.10** Land use within the Proposal area on the southern side of the SH18 Upper Harbour Highway from SH1 to Albany Highway is predominantly residential, zoned Residential – Mixed Housing Suburban in the AUP. A petrol station, at 159 Upper Harbour Highway and a small shopping centre at 1 Greenwich Way are zoned Business – Neighbourhood Centre zone. A parcel of land, at 125 Unsworth Drive, contains a Metlifecare retirement village which is accessed from Greenwich Way with its northern boundary abutting SH18 Upper Harbour Highway. There are two properties at 147 and 153 Albany Highway, adjacent to the off-ramp, which are zoned Residential Terrace Housing and Apartment Block zone. The land use on the northern side of SH18 Upper Harbour

Highway is predominantly office/warehouse type activities, with the buildings backing onto SH18, and is zoned Business – Light Industry zone in the AUP. There are some retail activities occurring within this area and at the intersection of SH18 Upper Harbour Highway and Paul Matthews Road (NZTA General Arrangement Plan Sheets 8, 9 and 10).

- 5.11** Four public reserves are located on the southern side of SH18 Upper Harbour Highway within the Proposal area; Meadowood Reserve, Rook Reserve, Alexandra Stream Reserve and Bluebird Reserve. Meadowood Reserve contains a community house, creche, BBQ area, skateboard park, playground and an area of mown grass (NZTA General Arrangement Plan Sheet 8). The proposed designation boundary encroaches up to 3 metres along the western boundary of the reserve. Meadowood Reserve is zoned Open Space – Informal Recreation in the AUP.
- 5.12** Rook Reserve is approximately 2.4 hectares in area, grassed with a pathway from the end of Rook Place which continues north to Paul Matthews Road via an underpass under SH18 (NZTA General Arrangement Plan Sheet 9). Rook Reserve is zoned Open Space – Informal Recreation zone in the AUP. A natural unmodified watercourse, known as the Alexander Stream, runs through the western portion of Rooks Reserve and this area is zoned Open Space – Conservation. The proposed designation boundary covers a large area of the reserve extending from SH18 up to the southern boundary, along the eastern boundary and adjacent to the pedestrian path to the west. A permanent stormwater management device is proposed in the north-western section of the reserve.
- 5.13** Bluebird Reserve is accessed off Bluebird Crescent and is approximately 1.2 hectares in area (NZTA General Arrangement Plan Sheet 9). The reserve contains a path and playground to the south with a mown grass area extending from the playground area to a row of trees adjacent to SH18 Upper Harbour Highway. The western portion of Bluebird Reserve is bush covered. The proposed designation boundary covers the majority of the reserve apart from the playground area. Bluebird Reserve is zoned Open Space – Informal Recreation in the AUP.

6. COMMENT ON UNITARY PLAN STATUS

- 6.1 The status of the AUP zones is operative in relation to the land through which the Proposal will be constructed. There was one appeal which related to Waste Management New Zealand Limited's property at 117 Rosedale Road, Pinehill (CIV-2016-404-2347). However, this appeal has been resolved in the High Court through consent order to rezone the property from Business – General Business zone to Light Industry zone and the AUP map for the site has been updated accordingly.
- 6.2 The AUP overlay for the Significant Ecological Areas located within the Proposal area, being SEA_T_8364, SEA T_8365 (Pond 1 and Pond 2, RWWTP), and SEA_T_8084 (Alexandra Stream, north of SH18 UHH) is operative. SEA_T_8297 (Oteha Valley Road bush escarpment adjacent to SH1 northbound onramp) is subject to an appeal from Royal New Zealand Forest and Bird (CIV-2016-404-2343), who are seeking to reinstate part of the SEA that was spatially modified to that shown in the notified version of the AUP.
- 6.3 The status of the AUP map layers for the Macroinvertebrate Community Index Control and Stormwater Management Area Control, being Flow 1 (north of Spencer Road) and Flow 2 (south of Spencer Road), are both operative within the area of the Proposal.
- 6.4 The following designations have been confirmed, with the exceptions of Watercare's NoR for the North Harbour 2 Watermain and Auckland Transport's NoR for Local Roding Network, in the AUP:
- (a) NZTA:
- (i) Designation 6751 – Proposed Motorway (Auckland/Waiwera Motorway SH1)
 - (ii) Designation 6570 – Auckland to Waiwera Motorway (SH1)
 - (iii) Designation 6756 – State Highway 18
 - (iv) Designation 6758 – Constellation Bus Station
 - (v) Designation 6753 – State Highway 18 – the control, management and improvement of the State Highway

- (vi) Designation 6757 – The North Shore Busway
- (b) Auckland Council:
- (i) Designation 417 – Rosedale Landfill
- (c) Auckland Transport:
- (i) Designation 1421 – Albany Bus Station
 - (ii) Designation 1428 – Constellation Drive Station
 - (iii) Designation 1420 – Constellation Bus Station
 - (iv) NoR for Local Roothing Network (lodged but yet to be notified)
- (d) Watercare Services Limited:
- (i) Designation 9310 – Wastewater purposes – wastewater treatment plan odour buffer control
 - (ii) Designation 9311 – Wastewater purposes – wastewater treatment plant and underground route to outfall at Mairangi Bay; and
 - (iii) NoR2 North Harbour 2 Watermain – (no reference – NoR shown on AUP maps as modification) – currently in appeal period as a decision has been received from WSL and notified to submitters and landowners/occupiers affected by the decision.
- (e) Transpower New Zealand Limited:
- (i) Designation 8519 – Electricity Transmission – the installation, maintenance, replacement, renewal and upgrading of a 220kV switchyard, transmission lines and ancillary facilities

- (f) Vector Limited:
 - (i) Designation 8842 – The installation, maintenance, replacement, inspection and operation of one 110kV underground electricity transmission line.

- (g) New Zealand Defence Force:
 - (i) Designation 4311 – Defence purposes – protection of approach and departure paths (Whenuapai Airbase)

6.5 There are a number of other relevant Auckland wide objectives, policies and rules. These are discussed in Section 11 of this evidence, with comments provided where these are subject to appeal.

7. STRATEGIC PLANNING

7.1 The Auckland Plan, adopted by the Council in March 2012, was prepared in accordance with the Local Government (Auckland Council) Act 2009 which required the preparation and adoption of a spatial plan for Auckland. The purpose of the Auckland Plan is to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20 to 30 year) strategy for Auckland's growth and development.

The Auckland Plan

- 7.2** The Auckland Plan:
- (a) Sets a strategic direction for Auckland and its communities that integrates social, economic, environmental and cultural objectives; and
 - (b) Outlines a high-level development strategy that will achieve the direction and those objectives; and
 - (c) Enables coherent and coordinated decision making by the Council (as the spatial planning agency) and other parties to determine the future location and timing of critical infrastructure, services, and investment within Auckland in accordance with the strategy; and

(d) Provides a basis for aligning the implementation plans, regulatory plans, and funding programmes of the Council.

7.3 The Proposal is identified in Map 13.2 of the Auckland Plan as a priority transport project, within the first decade (2011 to 2020), for improvements to the regional arterial road network and selected state highway improvements¹. This project, along with a number of other projects, including the Western Ring Route, forms a multi-modal package which supports the planned growth and economic development in Auckland for the period to 2040. All the projects, whilst taking different forms, are designed to move people, goods and services around, into and out of the region efficiently, without compromising the liveability of Auckland, or reducing its environmental quality.

7.4 Chapters 12 and 13 of the Auckland Plan have been identified in Chapter 2 of NZTA's AEE as being relevant to the Proposal and I agree with the assessment. However, I also consider there is an additional following strategic direction and directive which is also relevant to the Proposal.

7.5 Chapter 5 of the Auckland Plan is concerned with the provision of, and access to, recreation and sport facilities for Auckland's communities, whether informal or formal. Directive 5.3 directs Council to ensure that recreation and sport facilities keep up with the needs of a growing population². I consider that this is relevant as there are a number of reserves, Meadowood Reserve, Rook Reserve, Bluebird Reserve, and Constellation Reserve, and the facilities within these reserves, such as the Hockey facility, which are affected by the Proposal. There is increasing pressure on existing sports fields and facilities³ and it is important to ensure that there is sufficient land in which to provide for the recreational needs required with a growing population.

The Auckland Unitary Plan Operative in part

7.6 The AUP gives effect to the Auckland Plan. Chapter A Introduction sets out the three key roles of the AUP as follows:

¹ Auckland Plan, Map 13.2 Auckland's Priority Transport Projects (2012-2042), p. 331

² Auckland Plan, Directive 5.3 p, 145

³ Auckland Plan, p.145

- (a) It describes how the people and communities of the Auckland region will manage Auckland's natural and physical resources while enabling growth and development and protecting the things people and communities value;
- (b) It provides the statutory framework to help make Auckland a quality place to live, attractive to people and businesses and a place where environmental standards are respected and upheld;
- (c) It is a principal statutory document for Auckland, alongside the Auckland Plan, the Auckland Long-Term Plan and the Auckland Regional Land Transport Plan.

7.7 Whilst the Auckland Plan is the overarching guiding document for Auckland, the AUP is the primary statutory planning document setting out, through objectives, policies and rules, how development is to occur and growth is to be managed within the Auckland region. The chapters of the AUP which are relevant to the Proposal are discussed further in paragraphs 11.4 to 11.19 of this evidence.

Upper Harbour Local Board Plan 2014-2017

7.8 The Upper Harbour Local Board Plan sets out the Board's vision and outcomes to work towards creating the world's most liveable city at the local level, and takes into account the outcomes sought in the Auckland Plan. The local board plan provides the framework that guides the decision-making and actions of the local board over a three year period. Outcomes sought by the local board plan, which relate to Chapters 5, 12 and 13 of the Auckland Plan, include:

- *A healthy, active community that values its sport and recreation facilities – we have well-maintained, high-quality sports and recreation facilities at Rosedale and the QBE Stadium. Our facilities provide us with opportunities to participate in a range of activities to keep us active and healthy.*
- *A protected natural environment – we have easy access to safe and beautiful reserves parks and beaches, where we can relax and enjoy ourselves*
- *A well-connected and accessible Upper Harbour – we have a well-designed road network with connected bus services, walkways and*

cycleways across the North Shore. We are well connected to Westgate in the west and our central city, giving us choices as to where we work, stud and play.

- 7.9** In its vision, on page 6 of the local board plan, there is a statement that recognises that the Upper Harbour Highway upgrades will help the local community to move around its neighbourhoods; that there will be better transport links; and an improved ability to walk and cycle to work, school and the local businesses. The UHH upgrade is also listed as a key initiative, in collaboration with NZTA, in achieving an improved road network and access to walkways and cycleways. It is also recognised that this is to be done in a way which minimises the effects on the surrounding businesses and residents.

8. STATUTORY FRAMEWORK AND ASSESSMENT

- 8.1** As noted above, the NZTA lodged notices of requirement (including alterations to existing designations) to designate land for the Proposal and associated applications for resource consents on 14 December 2016. Designations are commonly used as mechanism under the RMA to strategically plan for future public works by identifying the land needed for such works within the relevant district plan and to provide authorisation for the land use activities described. The NoR indicates the nature and extent of the proposed designation. Once confirmed the designation will protect the land and enable the works (the subject of the designation) to be given effect to. Any conditions on the future designation will be required to control the effects of the activities authorised by the designation.
- 8.2** The NZTA has also applied for a suite of related resource consents. In the paragraphs below, I have focused on the matters set out in sections 171 and 104(1) in particular, and the key overarching themes of the Act to provide an overview of the statutory planning issues that I consider are relevant to this project. I have provided a brief overview of key provisions of the relevant statutory planning documents.

9. RESOURCE MANAGEMENT ACT

9.1 The RMA provisions of relevance to the NoR are set out in Part 2 (Purpose and Principles) and Part 8 (Designations). The provisions relevant to resource consents are set out in Part 2 and Part 6. Specifically, sections 171(1) and 104(1) set out the considerations decision makers must have regard to when carrying out statutory assessments for NoRs and resource consents respectively. The following sections of my evidence cover:

- (a) Effects on the environment of allowing the requirement or activity for which consent is sought — section 171(1);
- (b) Relevant policy statements and plans — section 171(1)(a);
- (c) Adequate consideration of alternatives — section 171(1)(b);
- (d) Whether the Project and designation are reasonably necessary to achieve the Project objectives — section 171(1)(c);
- (e) Any other matters — section 171(1)(d);
- (f) Part 2 (section 104 and 171 are both subject to Part 2).

9.2 For completeness, I note that any actual and potential effects of allowing the activity are considered in the assessment of effects section of my evidence (Section 171(1)). Those related to the resource consents, and the associated statutory framework, are addressed through the evidence of Mr Turner.

10. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (SECTION 171(1))

10.1 The actual and potential adverse environmental effects associated with this proposal relate to a range of amenity effects and temporary construction related nuisance effects. More specifically, these were identified in the original assessment of effects as including:

- (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) Stormwater effects;
- (h) Effects of encroachment on Rosedale Landfill;
- (i) Cultural heritage and Tangata Whenua Values effects;
- (j) Archaeology and Historic Heritage effects;
- (k) Construction Water effects;
- (l) Land contamination effects;
- (m) Freshwater ecological effects;
- (n) Terrestrial ecological effects;
- (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 Council. These broadly addressed the effects encompassed above through (a)-(h). My evidence focusses on those matters raised in the Council's original submission, primarily those effects associated with the NoRs. **Mr Turner's** evidence addresses the effects in relation to the regional resource consents. Specifically, my assessment and evidence focusses on operational noise and vibration effects, operational traffic effects, landscape and visual effects, effects on public reserves (including social effects). For completeness, I note that although my evidence focuses on the effects associated with the NoRs, it does not address construction noise and vibration effects, or construction traffic effects. Although I consider these to be matters to properly be effects arising from the NoR, these are dealt with in **Mr Turner's** evidence because NZTA has included these conditions with the regional consents.

Positive Effects

10.3 The Proposal will, in my view, have the following positive effects:

- (a) Provide greater resilience in the transport network by providing an alternative route, through the completion of the Western Ring Route, which reduces dependency on State Highway 1;
- (b) Support economic growth by improving trip reliability and improving regional access;
- (c) An enhanced public transport system through the extension of the Northern Busway from the Constellation Bus Station to the Albany Bus Station;
- (d) Enhanced connectivity to local roads and surrounding areas, including reserves, which provide for alternative travel modes such as cycling and walking through the provision of the SUP along the full extent of the Proposal;
- (e) Improved water quality of stormwater discharges through enabling stormwater treatment from previously untreated existing high use roads; and
- (f) Contribute to reinforcing the North West wild life corridor through the significant areas of proposed native planting.

Traffic and transport (operational) effects

10.4 Mr Tindall's evidence is that the Project will deliver significant net traffic and transportation benefits. In particular, it will increase network resilience, reduce congestion and crash risk on the local road network, and extend the highly successful Northern Busway. It will also provide a SUP which in his view will provide a safe and convenient route for pedestrians and cyclists to travel between Oteha Valley Road and Constellation Station. Mr Tindall proposes amendments to the Proposal and/or conditions to ensure effects are appropriately managed, as follows:

- (a) That the design of the intersection at McClymonts Road and Elliot Rose include further facilities to support the movement of cycles (to be designed in conjunction with AT);
- (b) That the Proposal is modified to provide a connection from the SH18 SUP to Cabello Place;
- (c) The Proposal is amended to deliver an improved connection for pedestrians and cyclists at Rook Reserve;

- (d) The design of the Paul Matthews Drive interchange be required to ensure that queues do not extend to upstream intersections and all movements are forecast to achieve a Level of Service of 'E' in the design year;
- (e) SH1 Weaving – an additional condition that the spacing between the SH18 on ramps and Greville Road interchange ramps is not reduced from that shown and that 5 lanes are provided as shown on NZTA's General Arrangement Plans;
- (f) Conditions on futureproofing do not preclude Public Transport upgrades including the extension of the Busway north of Albany or the upgrading of the busway alignment to facilitate a MRT system; and
- (g) That conditions are amended to include the changes as proposed by AT.

10.5 Based on the evidence of **Mr Tindall** and the proposed conditions, including my suggested amendments to the conditions outlined in **Annexure A** of this evidence, it is my opinion that the actual and potential effects can be appropriately avoided or mitigated. The final wording of any such conditions may be determined during expert conferencing where further information from NZTA may resolve the above matters.

Noise and Vibration (operational) effects

10.6 **Mr Hegley's** evidence concludes that:

- (a) In relation to operational noise from the Proposal, he agrees with Ms Wilkening that the Proposal will result in an increase in operational noise of up to 4dB, which will range from "unnoticeable to just perceptible", and that people and amenity values of residential zones will be projected from unreasonable noise arising from the Project. However, he considers that there is the potential for these effects to be reduced further through an application of the Best Practicable Option under section 16; and

- (b) He agrees with Ms Wilkening that traffic vibration once the Proposal is operational will have no adverse effects on nearby residents.⁴

Urban Design, Landscape and Visual effects

10.7 Mr Brown's evidence addresses the effects of the Proposal in relation to landscape and urban design, including connectivity, amenity values and the physical landscape. He states, in paragraph 10, that number of changes have been made to the original scheme, some of which address both points raised in his review and concerns raised by the Council's Urban Design Panel. However, a number of matters remain unresolved by the proposed changes. These matters include:

- (a) The redevelopment of the Rook Reserve to Alexandra Stream underpass
- (b) The location of the SUP alongside SH18
- (c) Connections – the potential for a short cycleway/walkway connection from Paul Matthews Drive interchange to Rook Reserve; a third point of connection from near the end of Unsworth Height Drive to the opposite end of William Pickering Drive; a connection within the Rosedale Landfill site and around Pond 2 of WSL's land extending through to Constellation Drive.
- (d) Design narrative – limited detail in relation to proposed planting
- (e) Lack of photomontages/simulations to help inform the community of the effects and implications of the Proposal on them and their communities.

10.8 Mr Brown, recommends that above matters should be addressed as they directly pertain to the longer term functionality of SH18 in relation to use by pedestrians and cyclists. The proposed SUP should enhance connectivity and the efficiency of second tier transport routes. It should be noted that the evidence of **Mr Tindall** and **Mrs Barrett** also raise similar concerns.

10.9 Mr Brown is satisfied, after reading Mr Burn's evidence that the opportunity for consultation and review by Council are sufficient in relation to the Urban

⁴ Paragraphs 7.4 and 7.5 of his evidence.

Design Management Plan and that it should achieve high quality and appropriate design outcomes.

- 10.10** Based on the evidence of **Mr Brown** and the proposed conditions, including my suggested amendments in Annexure A of this evidence, it is my opinion that the actual and potential effects can be appropriately avoided or mitigated. The final wording of conditions may be determined through the process of expert conferencing as NZTA may provide further information which could resolve the outstanding matters.

Effects on public reserves (including social effects)

- 10.11** **Mrs Maylene Barrett's** evidence addresses the physical effects upon parks, reserves and green assets managed by Council, the social effects on Auckland Council parks and open space users and existing leaseholders, safety and CPTED considerations and connectivity of the parks and open space network. She concludes that the Proposal will result in a permanent loss of public open space land at Constellation Reserve, Rosedale Park South, Rook Reserve and a number of smaller reserves. While NZTA has shown a commitment to relocate the HHCT facility, the proposal is currently not proposing to replace the loss of Council open space land. In her opinion, the proposal has not been designed to mitigate the loss of recreational function and values inherent to the large reserves that are currently leased or have future potential uses for recreation.⁵ In relation to the following specific matters she considers that:

- (a) Harbour Hockey Community Trust
- (i) the planned 2017 upgrade of the Harbour Hockey Community Trust (HHCT) facility on Council leased land to an International facility is directly impacted by the proposal where two turfs are impacted.
 - (ii) that the relocation of the HHCT facility should be provided for by NZTA to provide a new International facility, with 4-5 pitches, a pavilion, carparking, village green, floodlighting,

⁵ Paragraph 8.1 of her evidence.

permanent spectator seating, grandstand and ancillary facilities. Constellation Reserve land;

(b) Constellation Reserve land

- (i) The 9ha land bank on the corner of State Highway 1 (SH1) and the State Highway 18 (SH18) known as Constellation Reserve is directly affected by the proposal and is the location of the motorway flyovers. Any residual land would be of no use to Council for recreation purposes.
- (ii) That this land be replaced at an alternative location, and as mitigation for the overall project and the opportunity cost loss of reserve land in the Albany area, that the NZTA should construct sports fields at an alternative location within the immediate area for public use and benefit as soon as practicable.

(c) Alexandra Reserve Underpass

The existing Alexandra Reserve underpass will provide an important connection to the proposed shared path alongside the Upper Harbour Motorway, and is also part of a 2km off road greenways link from Unsworth Reserve to Rosedale Park. This underpass is substandard when measured against the NZTA urban design guidelines and should be replaced as part of the project.

(d) Location of the shared path alongside State Highway 18 (SH18)

The shared path alongside the SH18 is in the wrong location and should be located to the south of the motorway to provide connectivity to the Unsworth Heights residents. This would provide the opportunity to provide additional connections at Spoonbill Place, Bluebird Reserve, and Unsworth Drive. If the shared path remains on the north side then the Alexandra Reserve Underpass must be replaced as this will be an important connection.

(e) Location of the shared path alongside State Highway 18 (SH18)

The shared path alongside the SH18 is in the wrong location and should be located to the south of the motorway to provide connectivity to the Unsworth Heights residents. This would provide the opportunity

to provide additional connections at Spoonbill Place, Bluebird Reserve, and Unsworth Drive. If the shared path remains on the north side then the Alexandra Reserve Underpass must be replaced as this will be an important connection.

(f) William Pickering to Unsworth Drive shared path connection

The greenway link connection between Omega Reserve and Paul Matthews Road suffers from poor surveillance and is located within a riparian reserve that connects to the existing underpass. A safer way to cross SH18 would be a connection between William Pickering Drive and Bluebird Reserve or similar. This could be an alternative underpass or overbridge location to the Alexandra Underpass.

(g) Shared path connections

The approaches to the shared path shall be upgraded as part of the project where they are outside the scope of the project as offsite mitigation. This would include upgrades to:

- (i) Albany Highway between Sunset Road and the SH18 shared path entrance;
- (ii) upgrades to the Caribbean Road interchange to include safe shared pedestrian footpaths/cycleways/refuges to access the SUP on Paul Matthews Road;
- (iii) upgrades to the Greville Road interchange to the future open space at the former landfill.
- (iv) A future proofed stub connection shall be provided at Centorian Reserve.
- (v) A future proofed stub connection shall be provided where the MSE wall changes from above grade to below grade (at grade) at the Rosedale landfill

(h) Rook Reserve

- (i) A significant area of the currently passive Rook Reserve is proposed to be used during construction for stormwater detention ponds for the SH18 portion of the project, and following completion the permanent loss of a significant portion of it to a stormwater/wetland quality treatment pond.

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- (ii) That mitigation for construction effects and temporary closure for some months the underpass should be mitigated by the upgrading of the balance of the reserve following completion of the project with boardwalks, walkways, seating, viewing platforms, naturalised retaining to create and maximize a flat area for a 'kick around' space, and a basketball half-court. The existing fitness equipment on Rook Reserve shall be replaced by new fitness equipment on the adjacent Barbados Reserve.

10.12 Based on the evidence of **Mrs Barrett** and the proposed conditions, including my suggested amendments in Annexure A of this evidence, it is my opinion that the actual and potential effects can be appropriately avoided or mitigated. The final wording of conditions may be determined through the process of expert conferencing as NZTA may provide further information which could resolve the outstanding matters.

Outline Plan – Section 176A

10.13 Once a designation is confirmed in the district plan the RMA (s176A) provides for an outline plan to be submitted to Council in relation to any work to be carried out under the designation. The NZTA, as the requiring authority in this case, would provide an outline plan to the Auckland Council before construction commences. The outline plan would include details of the works authorised under the designation.

10.14 The process provides the Council with the mechanism to review the detail of the works that are proposed, and to request any changes before construction is commenced. It is a means by which Council can determine that the works proposed are in accordance with the designation and comply with any conditions that may be attached to it. The proposed conditions set out specific matters that will need to be included with the outline plan such as a requirement for a requiring authority to submit an Urban Design and Landscape Plan (UDLP).

- 10.15** NZTA has not sought to waive the requirement for an outline plan, and therefore will be submitting further detail with the future outline plan of works for the Proposal.

Conditions

- 10.16** I consider that the imposition of conditions on the proposed designations, and the regional resource consents, is important in ensuring that the actual and potential adverse effects of the proposed works are avoided, remedied or mitigated. 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 be able undertake the works for the purpose of the designation.
- 10.17** NZTA submitted draft conditions with the original application. Proposed amendments to the draft conditions have been discussed within NZTA's statements of evidence of **Mr Burns** and **Mr McGahan**. The separation of the conditions between the notices of requirement and the regional resource consents has also been discussed in relation to both AC's submission point 2.1.1⁶ and in response to the EPA's Section 149G(3) key issues report⁷.
- 10.18** Mr Burns explains, in paragraph 15.21, that 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 to be the temporary construction effects. The justification for this approach is that the construction conditions will fall away on completion of the works whereas the conditions of the designation will continue to apply. Mr Burns 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.⁸
- 10.19** Whilst NZTA has proposed conditions for the Proposal as a whole which go some way to addressing the effects of relevance to Council's submission, with the addition of further amendments recommended within this evidence and

⁶ Auckland Council Submission, p. 6

⁷ C Burns EIC (NZTA) para 15.21 and Section 17

⁸ C Burns EIC (NZTA) para 15.22

that of Mr Turner's, I do not support NZTA's approach for separating the conditions. In my view, if the condition relates to a district council function for the use or development of land, such as construction management, noise and vibration, construction traffic, design of open space or stakeholder communications, then the condition should be attached to the designation. Conditions relating to effects that are a regional council function, such as the diversion and discharge of stormwater or discharges of contaminants, should be attached to the regional resource consents.

10.20 I also note that it not clear how the proposed designation conditions apply to the individual notices of requirement for the shared use path, the busway and the state highways as they appear to have been applied to the Proposal as a whole. However, due to time constraints I have not gone through the process to separate the conditions into those that relate to the designations and those that relate to the resource consents. In addition, whilst it is tidier to alter a designation to remove construction conditions which are no longer relevant once construction is complete, there is no residual effect on the designation by not removing them.

10.21 I have proposed changes to the conditions to address the various matters of concern raised in the evidence of Council's specialist witnesses. These are **attached** to my evidence as **Annexure A**, and includes the reasons for each of the changes. The final wording of conditions may be determined through the process of expert conferencing where further information from NZTA may resolve the outstanding matters. Amendments to NZTA's proposed resource consent conditions are attached as **Appendix A** to **Mr Turner's** evidence.

11. RELEVANT POLICY STATEMENTS & PLANS — SECTION 171(1)(A)

11.1 Decision-makers under the RMA must have regard to national statutory planning documents when assessing resource consent applications and particular regard to statutory planning documents in NoR assessments. 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 Assessment of Environmental Effects submitted with the NoRs and resource consent applications. An

updated list was provided to the EPA by NZTA in its Memorandum of counsel, dated 1 May 2017, for the New Zealand Transport Agency 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 additional AUP objectives and policies, in addition to those in the AEE and Memorandum of Counsel that are also relevant to the Proposal. These are as follows and discussed further below in paragraphs 11.4 to 11.18:

- (a) Objective B3.2.1(7)
- (b) Objective B7.5.1(1) (Note that Objectives (3) and (4) were subject to an appeal and subsequently removed)
- (c) Objective B10.2.1(1) and (2)
- (d) Policy D9.2.2
- (e) Policy D9.3(8)
- (f) Policy E3.3(1)(d)
- (g) Policies E11.3(3) and (6)

Auckland Unitary Plan Operative in Part

11.4 The role of the AUP is described in paragraphs 7.6 and 7.7 of this evidence. In summary the AUP is the primary statutory planning document which gives

effect to the Auckland Plan and provides the statutory framework for the growth and development of the Auckland region.

- 11.5** 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 within this evidence. However, I consider, as stated above in paragraph 11.3, that the following objectives and policies of the AUP, in addition to those discussed in the AEE and listed in the Memo of Counsel are also relevant to the Proposal.

Chapter B3 Infrastructure, transport and energy

- 11.6** Chapter B3, which sits within the regional plan framework of the AUP, relates to infrastructure, transport and energy. I consider that Objective B3.2.1(7) is relevant. B3.2.1(7) requires that *'the national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance and upgrading are enabled'*.

- 11.7** As stated in paragraphs 5.9 and 6.4(e) and (f) above, Transpower and Vector have designations within an electricity transmission corridor that traverses through Rosedale North Park on the eastern boundary adjacent to, and in part, crosses into, Watercare's designation for the RWWTP and then down towards the SH18 UHH, through Constellation Reserve, where it then runs east to SH1. The AEE, in Section 5.8.4, recognises and addresses this issue and the relocation of the existing cables will be avoided due to the significant costs and procurement lead times. NZTA are proposing that the road is bridged over the Transpower cable using culverts. NZTA has also proposed a condition (NU.1 Network Utilities) which requires that the construction work does not adversely impact the safe and efficient operation of network utilities and any necessary relocation or protection works will be developed and agreed on between NZTA and network utility providers. Therefore, I consider that the Proposal is consistent with Objective B3.2.1(7).

Chapter B7 Natural Resources

- 11.8** Chapter B7, which sits within the regional framework of the AUP, relates to the management of natural resources which includes indigenous biodiversity, freshwater systems, and air. Objectives B7.5.1(1) and (3) states:

"(1) The discharge of contaminants to air from use and development is managed to improve region-wide air quality, enhance amenity values in urban areas and to maintain air quality at appropriate levels in rural and coastal areas."

11.9 In my view, the objective is relevant as there is the potential for dust during earthworks from within the designation which has the potential to affect areas outside the designation boundary. Section 9.20 of the AEE addresses effects on air quality and NZTA has identified that the main discharge into air arising from the proposed construction activities is particulate matter (dust). Whilst this effect is not an issue of concern in Auckland Council's submission, I consider, for completeness of the assessment of the AUP provisions, that Objective B7.5.1(1) is relevant to the Proposal.

11.10 NZTA has provided mitigation through proposed conditions DMP.1 to DMP.4 which requires NZTA to prepare a Dust Management Plan to be submitted to Council with the CEMP. The DMP is to include a description of the methods that will be adopted to reduce dust arising as a result of the Proposal at any point beyond the designation boundary that borders a highly sensitive receiver. The DMP also needs to include the methods for monitoring the state of air quality during construction and to record, and respond to, any complaints. Therefore, I consider that the Proposal is consistent with Objectives B7.5.1(1) and (3) in that NZTA's proposed conditions will avoid, remedy or mitigate adverse effects from discharges of contaminants to the air.

Chapter B10 Environmental Risk

11.11 Chapter B10, which sits within the regional framework of the AUP, relates to the location of infrastructure in areas which are potentially subject to natural hazards or where there is the potential for contaminated land. I consider that Objectives B10.2.1(1) and (2) are relevant to the Proposal. These objectives are as follows:

- "(1) Communities are more resilient to natural hazards and the effects of climate change.*
- (2) The risks to people, property, infrastructure and the environment from natural hazards are not increased in existing developed areas".*

11.12 Mr Turner, in paragraph 10.8 of his evidence, discusses the relevance of these objectives to the Proposal. I agree with his assessment and provide no further comment.

D9 Significant Ecological Areas Overlay

11.13 Chapter D9 relates to the Significant Areas Overlay in the AUP maps and spatially identifies, for the purpose of protecting and providing for the better management of, areas that contribute significantly to Auckland's biodiversity. I consider that Policy 9.3.8 is also relevant to the Proposal. Policy 9.3.8 states:

“Manage the adverse effects from the use, maintenance, upgrade and development of infrastructure in accordance with the policies above, recognising that it is not always practicable to locate and design infrastructure to avoid significant ecological areas”.

11.14 As discussed above in paragraph 6.2 the SEA overlay in the AUP applies to 4 areas within the Proposal. Policy 9.3.8 requires that the adverse effects of infrastructure are managed but also recognises that there it may not be practicable to avoid areas of SEA. In this instance, NZTA is proposing upgrades to its infrastructure, alongside SH1 with the extension to the Northern Busway and the construction of a SUP, in the vicinity of the RWWTP ponds (over which two SEA's apply). The Proposal recognises that there are SEA's and provides for this through mitigation as proposed conditions, including the requirement to submit an Avifauna Management Plan (AMP) with the Construction Environmental Management Plan (CEMP), to manage the potential effects of construction on nesting native birds within the RWWTP. For those reasons, I consider that the Proposal is generally consistent with Policy 9.3.8.

E3 Lakes, rivers, streams and wetlands

11.15 Chapter E3, which sits within the region-wide objectives, policies and rules, relates to the management of the beds of lakes, rivers, streams and wetlands. For the reasons discussed above in paragraphs 6.2 and 11.12 to 11.14, I consider that Policy 3.3(1)(d) is also relevant to the Proposal. Policy 3.3(1)(d) states:

"(1) Avoid significant adverse effects, and avoid where practicable or otherwise remedy or mitigate other adverse effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands within the following overlays:

...

(d) Significant Ecological Areas Overlay; ...".

11.16 As discussed above in paragraphs 6.2, 11.13 and 11.14 the SEA overlay applies to 4 areas within the Proposal. I consider that the Proposal is generally consistent with Policy 3.3(1)(d).

E11 Land Disturbance – Regional

11.17 E11, which sits within the region-wide objectives, policies and rules, relates to the management of the adverse effects of land disturbance, such as the amount of sediment generated through erosion and discharged into water bodies during earthworks. The management of land disturbance during earthworks extends to the impact on Mana Whenua cultural heritage. Whilst this effect is not an issue of concern in Auckland Council's submission, I consider, for completeness of the assessment of the AUP provisions that Policy 11.3(3) is also relevant to the Proposal. This policy is as follows:

"(3) Manage the impact on Mana Whenua cultural heritage that are discovered undertaking land disturbance by:

- (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;*
- (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and*
- (c) undertaking appropriate measures to avoid adverse effects. Where adverse effects cannot be avoided, effects are remedied or mitigated."*

11.18 While there are no sites and places of significance to Mana Whenua identified in the AUP and the area within the Proposal is highly modified, there is still the possibility of accidental discovery of kōiwi, archaeology or artefacts of Māori origin. NZTA has addressed archaeology and historic heritage effects, in Section 9.12 of the AEE, and provided mitigation through proposed conditions

(ARC.1 to ARC.5). Condition ARC.1 requires NZTA to appoint a suitably qualified archaeologist to oversee the earthworks required for the Proposal. Condition ARC.2 requires a contractor's briefing by the Project Archaeologist which needs to include the appropriate procedures to follow if archaeological or historic heritage materials are uncovered when the Project Archaeologist is not on site to safeguard the materials. I consider that the Proposal is generally consistent with Policy 11.3(3).

12. ADEQUATE CONSIDERATION OF ALTERNATIVES – SECTION 171(1)(B)

12.1 The RMA requires the Board to have "particular regard to" whether adequate consideration has been given to alternative sites, routes and methods for undertaking the work when considering a NoR if either:

- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work*
- or*
- (ii) *it is likely that the work will have a significant adverse effect on the environment.*

12.2 I understand that the issue for the Board is whether the NZTA has adequately considered alternatives, and not whether the "best" option has been chosen or that all possible alternatives have been considered. It is my understanding that NZTA must establish an appropriate range of alternatives and given them proper consideration. An assessment of the alternatives is discussed in Section 7 of NZTA's AEE and in the evidence of **Mr Schofield**. I consider that the approach taken by NZTA to focus the assessment of alternatives on the connections, including alignment and siting options, rather than selection of a route as a whole, is appropriate given the existing infrastructure of SH1 and SH18.

12.3 In my opinion, adequate consideration has been given to the process of the assessment of alternative routes, sites and methods. For each stage of the Proposal, from the Initial Business Case (IBC) through to the final project design stage, there has been a process of identifying and evaluating a range of alternatives of the connections based on the level of design detail at each particular stage. The assessment of alternatives also includes other elements

of the Proposal, such as selecting a preferred site for a stormwater management pond at either Rook Reserve or Bluebird Reserve and in the alignment of the SUP and Busway extension to the east of SH1 and in particular where this traverses through the Rosedale landfill. Multi-criteria assessments of the alternatives, undertaken at key stages of the Proposal with input from the relevant technical experts, included assessment against the objectives of the Proposal, transport benefits, and social and environmental outcomes. Feedback from consultation, undertaken by NZTA, with stakeholders (including Auckland Council), the community, mana whenua, and owners of directly affected properties has been taken into consideration in the assessment.

- 12.4** Section 171(1)(b)(ii) requires an assessment of alternatives, whether a requiring authority has an interest in the land or not, if there are going to be significant effects arising from the designation. NZTA recognises, in Sections 9 and 12 of its AEE, that there will be a range of effects as a result of the proposed works and has included a set of proposed conditions to be attached to the altered and new designations. The amendments proposed in NZTA's evidence, in particular the statement of evidence from **Mr Burn** and **Mr McGahan**, along with proposed amendments to address Auckland submission, will ensure that the potential adverse effects of the proposed works will be avoided, remedied or mitigated. In addition, under Section 17(1)(b) of the RMA there is an ongoing statutory duty to avoid, remedy or mitigate any adverse effects on the environment, whether or not the works are being carried out in accordance with a designation.

13. REASONABLY NECESSARY TO ACHIEVE PROJECT OBJECTIVES – SECTION 171(1)(C)

- 13.1** Section 171(1)(c) of the RMA provides that when considering a notice of requirement the consent authority must have particular regard to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
- 13.2** My understanding is that the words 'reasonably necessary' in section 171(1)(c) indicates that something less than absolute necessity or being essential is contemplated. I also understand that it applies to whether the works and designation are reasonably necessary rather than to challenge the necessity

of NZTA's objectives. It is NZTA's priority as the requiring authority to determine how it will meet its obligations for operating, maintaining and upgrading its wider network.

13.3 Necessity of Project:

(a) NZTA has stated that the objectives of the Proposal are:

- To help facilitate interregional travel between Auckland and Northland by completing the Western Ring Route to motorway standard
- To improve connectivity of the SH1 and SH18 interchange
- To improve safety, efficiency, reliability and capacity of:
 - SH1 between SH18 and Albany; and
 - SH18 between SH1 and Albany Highway
- To provide safe walking and cycling facilities adjacent to SH1 and SH18 and connections to local networks
- To extend the Busway from Constellation Bus Station to the Albany Bus Station.

(b) In my opinion the Proposal is reasonably necessary to achieve NZTA's objectives for the following reasons:

- (i) The upgrade of SH18 to motorway standard and the construction of the connections between SH1 and SH18 will complete the Western Ring Route which will provide for interregional travel and improve the safety, reliability and capacity of SH18 between SH1 and Albany Highway
- (ii) The connectivity of SH1 to SH18 will be improved through the construction of the interchange and ramps which provide a direct north-south route between the two state highways
- (iii) The upgrade of SH1, with the inclusion of additional lanes between SH18 and Greville Road, will improve the safety, efficiency, reliability and capacity of SH1 itself and SH1 between SH18 and Albany

- (iv) The construction of a separate shared use pathway for walking and cycling will provide connections to existing walkways and cycling routes, both within the local road network and within local reserves and provide a safer environment for these activities.
- (v) The construction of the Northern Busway extension from Constellation Bus Station to Albany Bus Station, in a separate corridor to SH1, will also improve the reliability of the busway as there will be a direct route north and south. Currently buses are required to merge with traffic southbound, before reaching the dedicated bus lane in the shoulder, or travel northbound within the traffic flow which can lead to longer journey times in peak hours.

13.4 NZTA is also required to show that the area to be designated is reasonably necessary in achieving the objectives of the Proposal. NZTA's General Arrangement Plans Sheets 1 to 9 show the boundaries of the existing designations and the proposed boundaries of both the new designations and alterations to existing designations where additional land is required.

13.5 Section 3.7 of NZTA's AEE states that once the Proposal has been constructed and is operational, the area of land required for the on-going operation and maintenance of the Proposal is likely to reduce. Some of the designated land will be surplus to requirements once the construction phase of the Proposal is completed. At that stage, NZTA will review the designations and give notice to remove any part(s) of the designation(s) that are no longer required. NZTA has proposed a condition (Condition DC.54) which requires them to, as soon as practicably following completion of construction of the Proposal, give notice in accordance with Section 182 of the RMA for the removal of those parts of the designation that are no longer required for the long term operation, maintenance and mitigation of effects.

13.6 However, the designation has an effect, on land which NZTA does not own, that requires landowners to seek written consent to do anything in relation to the land that may prevent or hinder a public work, project or works to which the designation relates. The Proposal is affecting land owned by Auckland Council or Watercare Services Limited which contain assets that are operated,

maintained and upgraded by Auckland Council. NZTA has advised, at a meeting with Council planners on 5 May 2017, that there is a process which allows network utility operators, including Auckland Council (Healthy Waters and Parks), to be able to undertake certain works without seeking written consent under sections 176(b) and 178(2) of the RMA. This is known as a Works Access Notice and allows for works such as operation, maintenance, minor renewal works to existing facilities for the ongoing provision of security of supply, and upgrade and replacement of existing network utilities within the same location with the same or similar effects as the existing utility. A Works Access Notice is not required for emergency works to be undertaken.

13.7 I consider that a condition is required as it is important to provide certainty that that Auckland Council is able to operate and maintain its assets.

13.8 Necessity of designation:

- (a) In my opinion, the use of the designation process is reasonably necessary for achieving NZTA's objectives and the appropriate method for undertaking the proposed works. SH1 and SH18 are existing designations within the AUP. An alteration to the designation is commonly used method to alter the boundary and apply conditions to the altered designation.
- (b) I also consider the designation process is appropriate for the SUP and extension to the Northern Busway. The designation process provides certainty to NZTA that the land can be used for the purpose of the designation while accurately specifying the boundaries of the land within which construction of the proposed works will be undertaken and to where the proposed designation conditions apply
- (c) In my view, the designation process is preferable to alternative consenting methods as it provides more certainty to NZTA and Council that the proposed works can be undertaken in an integrated way to achieve the objectives of the Proposal. Using a resource consent process by itself, where there are multiple landowners across multiple zones, has the potential for the process to be lengthier and more costly. The outline plan of works process also allows for greater

flexibility into the future by allowing some of the details of the project or works to be left until this stage. This allows NZTA to amend its design to include new technology or to alter the alignment within the boundary of the designation if required without having to apply for a variation to a resource consent.

14. ANY OTHER MATTERS – SECTION 171(D)

14.1 The consent authority can have particular regard (or regard, for a resource consent), to any other matters that it considers relevant and reasonably necessary

14.2 Section 12.3.1.1 of the AEE, on page 257, discusses the matters that NZTA considers of relevance to the Proposal. This includes that a substantial portion of the proposed works will occur within the boundaries of, and be authorised under, the existing designations for the purpose of State Highway. While I consider this to be of some relevance, the NoRs for new designations, such as the extension of the Northern Busway and the SUP (SH1), and the alterations to the State Highway designations to provide for the connections from SH1, across Constellation Reserve to SH18, require additional land which is not covered by the existing designations and affect 67 properties (some of which have been, or are to be partially, acquired by NZTA).

14.3 **Mr Burns**, in Section 13 of his evidence, considers that Auckland Plan, along with a number of other non-statutory strategic documents listed in Section 2.3 of the AEE, are of relevance to the Proposal. These include:

- (a) State Highway Strategy 2007
- (b) Roads of National Significance (2009)
- (c) Accelerated Auckland Transport Projects Package (2013)
- (d) New Zealand Infrastructure Plan (2015)
- (e) Government Policy Statement on Land Transport Funding 2015/16-2024/25
- (f) National Land Transport Programme 2015-18
- (g) Draft State Highway Plan 2016/17
- (h) New Zealand Transport Agency Statement of Intent 2015-2019 (SOI)

14.4 I have read Section 2.3 of the AEE and I agree that the documents are relevant to the Proposal. I have discussed the relevance of the Auckland Plan above in paragraphs 7.1 to 7.5 of this evidence.

15. ASSESSMENT OF DESIGNATIONS IN LIGHT OF PART 2

15.1 The purpose of the RMA is to promote the sustainable management of natural and physical resources. I assess the NoR against the purpose and principles of the Act in Part 2 below.

15.2 Section 12.3.3 of the AEE and section 14 of the planning evidence of Mr Burns provide assessments of the extent to which the Proposal is considered to be consistent with 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 within my evidence, and the evidence of the various AC's topic experts, are important in achieving the purpose and principles of the Act. At the time of writing this evidence, some of the unresolved issues in relation to Constellation Reserve and the location of the Hockey facilities and the loss of future sports fields have been partially addressed. The Upper Harbour Local Board has approved the relocation of the Hockey facilities. Public notification of the leases for the new relocations is still required and this creates some uncertainty as the outcomes of this process are unknown. I consider that amendments to the conditions attached to the designations are required to ensure that the social needs, including recreational needs and amenity within the natural and physical environment, of future generations are met.

15.4 In my view, the Proposal is consistent, with the inclusion of further amendments to the conditions, with Section 5 of the RMA for the following reasons:

- (a) It promotes the efficient use of land through the use of existing infrastructure of SH1 and S18
- (b) It provides for the social and economic well-being of people and communities by improving accessibility, connectivity and resilience both to the transport network and to walking and cycling networks
- (c) It supports alternative forms of transport, through the construction of the SUPs and extension of the Northern Busway, such as walking, cycling and public transport.
- (d) It contributes to the health and safety of motorist, pedestrians and cyclists through providing alternative modes of travel and through the separation of traffic from walking and cycling
- (e) It increases the capacity of the various networks (road, walking and cycling) to meet the foreseeable local and regional needs of future generations
- (f) It safeguards the life supporting capacity of water, soil and ecosystems through the proposed mitigation measures, such as the improvement of the treatment of stormwater runoff from existing and new state highway impervious areas and proposed areas of planting.

Section 6 Matters of National Importance

15.5 Section 6 lists matters of national importance which are to be recognised and provided for in the use and development of natural and physical resources. In my view, the Proposal is consistent, with the inclusion of further amendments to the proposed conditions, with Section 6 for the following reasons:

- (a) It does not affect the coastal environment and mitigation is proposed where streams are located within the Proposal area
- (b) There are no outstanding natural features or landscapes identified in the AUP
- (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, and in particular the SEA that covers the RWWTP ponds. Proposed conditions include an Avifauna Management Plan (AMP) to manage the potential effects of construction on nesting native birds within the RWWTP.
- (d) Whilst 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 which need to be given particular regard in managing the use, development and protection of natural and physical resources. I agree with Mr Burns as to the matters which are relevant 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 which is the primary forum of engagement for iwi with an interest in the Proposal, which enforces and recognises their role as kaitiakitanga
- (b) It contributes towards the efficient use and development of physical resources through the use 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 amendment to the conditions will go further in ensuring that amenity values and the quality of the environment are maintained and enhanced.

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 the managing the use, development, and protection of natural and physical resources. In my view, the Proposal is consistent with Section 8 of the Act. Whilst 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 opinion, for the reasons above and subject to further amendments to the conditions to address the issues raised in the Council's submission and evidence, the Proposal is consistent with the purpose and principles of Part 2 of the Act.

16. PROPOSED CONDITIONS

16.1 As discussed in paragraph 10.21 I have included amendments to NZTA's proposed conditions in **Annexure A** of this evidence, in response to the matters raised by the specialist witnesses giving evidence on behalf of the Council. The reasons for these amendments to the conditions are set out in the specialist evidence, and I will not repeat those reasons here.

16.2 One outstanding matter which I do wish to emphasize is in relation to the proposed conditions is to address Council's submission point 2.1.4 – Communication⁹ which seeks the establishment of a Community Liaison Group with representation from a broad range of community interests. Council is seeking a new or amended condition which requires that:

- (a) A Community Liaison Group is established prior to the works commencing which will meet regularly during the detailed design and construction phases in order to:
- Monitor effects
 - Provide feedback on management and consultation plans
 - Propose potential joint initiatives with NZTA.
- (b) Has a possible membership which includes, but is not limited to:
- Representatives from the Upper Harbour Local Board
 - Iwi
 - Recreation groups
 - Council representatives as assets owners and Council Controlled Organisations (CCOs) and input from relevant specialists as required

⁹ Auckland Council Submission p.9

- Business associations (including North Harbour Business Association).

16.3 In response, NZTA proposes to amend SCP.3 to require a series of consultation processes in line with current NZTA direction, for key stakeholders, and interested individual and organisations to provide input in detailed design elements such as management plans.¹⁰

16.4 Whilst the amendments partially address Council's submission point, my view is still that a Community Liaison Group should be established with a clear purpose so that there is meaningful input into the process. The wording of the proposed amendment to Condition SPC.3(c), as attached to the evidence of **D McGahan** as Annexure A, provides '*the opportunity for the community to have input into the NCI Project and construction impact strategies*' but it is not clear what this is expected to be, which management plans the community or stakeholders will be able to have input into, or how the input will be used by NZTA. For the reasons discussed in paragraph 10.31, I also consider that this condition should be attached to the designations rather than the regional resource consents and I have provided some suggested wording in Annexure A. I note that NZTA's East-West Link and Waterview Projects had such conditions and consider that a condition similar to that in the East-West Link with amendments to include the management plans that the community and stakeholders could have input in to would be sufficient to address Council's submission.

17. CONCLUSION

17.1 The Council lodged a submission on the Proposal indicating its support for this Project due to the benefits it will have on the transport network. 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.

¹⁰ D McGahan, EIC para 14.26

- 17.2** 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.
- 17.3** Overall, I consider that the Proposal is consistent with the policy direction for the relevant planning documents, including the Auckland Plan and the AUP. The Proposal will provide benefits to the community, including enhanced public transport with the extension of the Busway, and walking and cycling routes through the construction of SUPs. However, it is my opinion that amendments are required to the design and/or proposed conditions to mitigate 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.



Joanna Hart
25 May 2017

Annexure A

Annexure A to the evidence-in-chief of Jo Hart

Note that these conditions and the recommended amendments are subject to change through expert conferencing and subsequent hearing process.

NOR CONDITIONS

General Conditions

- DC.1 Except as modified by the conditions below, and subject to final design, the Northern Corridor Improvements Project ('**NCI Project**') shall be carried out in general accordance with the General Arrangements Sheets 1 – 10 (250310-3PRE-3DES-DRG-0201-G). [\[Note that the Council seeks various modifications to these plans, as set out in the Council's evidence\]](#)
- DC.2 Where there is inconsistency between the General Arrangements referred to in Condition DC.1 above and these conditions, these conditions shall prevail.
- DC.32 For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the NCI Project following construction such as changes to street furniture or signage over time. Depending on the nature of such works, outline plans or outline plan waivers may be required for such works.
- DC.43 The designation shall lapse if not given effect to within seven years from the date on which it is included in the Auckland Unitary Plan ('**AUP**').
- DC.54 As soon as practicable following completion of the construction of the NCI Project, the Requiring Authority shall give notice in accordance with Section 182 of the Resource Management Act 1991 to the ~~Manager Regional and Local Planning, Auckland Council~~ (~~Manager~~ [Regional and Local Planning Plans and Places](#)), for the removal of those parts of the designation that are not required for the long term operation, maintenance and mitigation of effects of the NCI Project including from land within the Watercare Services Ltd Designations 9310 and 9311, the Rosedale Closed Landfill and other areas where infrastructure owned and operated by other organisations is located.

Traffic noise (operation) ~~(ON)~~

- ON.1 For the purposes of conditions ON.2 to ON.14:
- a. BPO – means the Best Practicable Option;
 - b. Building-Modification Mitigation – has the same meaning as in NZS 6806:2010 *Acoustics – Road-traffic noise – New and altered roads*;
 - c. Habitable Space – has the same meaning as in NZS 6806;
 - d. Noise Assessment – Means the *Traffic Noise and Vibration Assessment Report* submitted with the NoR;
 - e. Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the BPO for noise mitigation (i.e. Categories A, B and C);

- f. NZS 6806 – means New Zealand Standard NZS 6806:2010 *Acoustics – Road-traffic noise – New and altered roads*;
- g. P40 – means the NZ Transport Agency’s NZTA *P40:2014 Specification for noise mitigation*;
- h. PPFs – means only the premises and facilities identified in green, orange or red in the Noise Assessment; and
- i. Structural Mitigation – has the same meaning as in NZS 6806.

Structural mitigation

- ON.2 The road-traffic noise mitigation measures identified as the ‘Preferred Traffic Noise Mitigation’ in Chapter 6 of the *Noise Assessment* must be implemented to achieve the Noise Criteria Categories indicated in the *Noise Assessment* (**‘Identified Categories’**), where practicable and subject to conditions ON.3 to ON.14.
- ON.3 Prior to construction of the Project, a suitably qualified acoustics specialist must undertake the detailed design of the Structural Mitigation measures in the Noise Assessment (the ‘Detailed Mitigation Options’), which, subject to Condition ON.4, must include at least:
- a. Noise barriers with location, length and height in general accordance with the Noise Assessment; and
 - b. Low-noise road surfaces with location in general accordance with the Noise Assessment.
- ON.4 If it is not practicable to implement a particular Structural Mitigation measure in the location or the length or height included in the Noise Assessment, a changed design can be included in the Detailed Mitigation Options if either:
- a. ~~†~~The changed design would result in the same Identified Category at all PPFs, and a suitably qualified person certifies to the Council (Team Leader Northern Monitoring) that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806; or
 - b. ~~†~~The changed design would result in the Identified Category changing to a less stringent Category, e.g. from Category A to B or Category B to C at any PPF, and the Council (Team Leader Northern Monitoring) confirms that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806.
- ON.5 Prior to construction of the Project, a **Noise Mitigation Plan** prepared in accordance with NZ Transport Agency’s *P40 Specification for Noise Mitigation 2014* must be provided to the Council (Team Leader Northern Monitoring).
- The purpose of the Noise Mitigation Plan is to confirm that the Detailed Mitigation Options meet the requirements of ON.2-ON.4. The Noise Mitigation Plan shall include confirmation that consultation has been undertaken with affected property owners for site specific design requirements and the implementation programme.
- ON.6 The Detailed Mitigation Options must be implemented prior to completion of construction of the Project.
- ON.7 Within twelve months of completion of construction of the Project, a post-construction review report written in accordance with NZ Transport Agency *P40 Specification for Noise Mitigation 2014* must be provided to the Council (Team Leader Northern Monitoring).
- The review shall include field measurements at a minimum of six representative PPFs within the Project. Monitoring shall be in accordance with the requirements of NZS

6806:2010 “Acoustics – Road-traffic noise – New and altered roads”.

- ON.8 The Detailed Mitigation Options must be maintained so they retain their noise reduction performance as far as practicable.

Building-Modification Mitigation

- ON.9 Prior to construction of the NCI Project, a suitably qualified acoustics specialist must identify those PPFs which, following implementation of all the Detailed Mitigation Options, will receive noise levels above Noise Criteria Category B and where Building-Modification Mitigation might be required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces (**Category C Buildings**).
- ON.10 Prior to construction of the NCI Project in the vicinity of each Category C Building, the Requiring Authority must write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within twelve months of the date of the Requiring Authority’s letter, the Requiring Authority must instruct a suitably qualified acoustics specialist to visit the building and assess the noise reduction performance of the existing building envelope.
- ON.11 For each Category C Building identified, the Requiring Authority is deemed to have complied with condition ON.10 if:
- The Requiring Authority’s acoustics specialist has visited the building; or
 - The building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or
 - The building owner did not agree to entry within twelve months of the date of the Requiring Authority’s letter sent in accordance with condition ON.10 (including where the owner did not respond within that period); or
 - The building owner cannot, after reasonable enquiry, be found prior to completion of construction of the NCI Project.

If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.

- ON.12 Subject to condition ON.11, within six months of the assessment required by condition ON.10, the Requiring Authority must write to the owner of each Category C Building advising:
- If Building-Modification Mitigation is required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces; and
 - The proposal for Building-Modification Mitigation to the building, if required; and
 - That the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.
- ON.13 Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation must be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.
- ON.14 Subject to condition ON.11, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with condition ON.13 if:

- a. The Requiring Authority has completed Building-Modification Mitigation to the building; or
- b. An alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or
- c. The building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with condition ON.12 (including where the owner did not respond within that period); or
- d. The building owner cannot, after reasonable enquiry, be found prior to completion of construction of the NCL Project.

Future Public Transport Upgrades

FPT1 The Requiring Authority shall submit to the Council (Team Leader Northern Monitoring) as part of the Outline Plan required under section 176A plans showing the final design for the extension of the Northern Busway, from the Constellation Bus Station to the Albany Bus Station, does not preclude future public transport upgrades, including the extension of the Busway north Albany, or the upgrading of the busway alignment to facilitate a Mass Rapid Transport system. -

International Hockey Facility

IHF1 Prior to any works commencing at Constellation reserve the Requiring Authority shall, in consultation with Harbour Hockey Community Trust relocate the North Harbour Hockey facility in general accordance with Condition 2, to the satisfaction of the Auckland Council

IHF2 The Requiring Authority shall construct a new hockey facility (with the final plans and design details being subject to the approval of the Harbour Hockey Charitable Trust, Upper Harbour Local Board and Auckland Council) which shall include;

- a) four to five new water-based artificial hockey turfs;
- b) one of the turfs being designed and constructed to meet international competition standard;
- c) a two-storey pavilion building of approximately 20,000m² and 12 metres high that provides clubrooms, function rooms, changing rooms, showers, toilets, office space, outdoor lighting (suitable for televising events), sound system and other amenities;
- d) an approximately 10 metre high permanent grandstand building next to the pavilion building that provides capacity for seating 5,000 people;
- e) an approximately 18 metre high grandstand for special/temporary events that can provide to seat 10,000 people;
- f) eight flood-lighting towers per turf ranging in height from 16.5m to 25m to meet different playing requirements (the lighting height for each turf to be agreed with Harbour Hockey Charitable Trust);

- g) two parking areas comprised of one main carpark (including a drop off area) and one smaller carpark that provide for an overall total of 370 car parks, including 9 mobility parks, 2 loading spaces and 16 cycle parks.
- h) a 'village green' or communal-use space that can be used as a warm-up and training area;
- i) ancillary facilities, including team dugouts, video towers, a toilet block, water storage tanks and irrigation pump room; and
- j) footpaths to connect the hockey turf, car-parking area and the pavilion building.

Mitigation for loss of Sports fields at Constellation Reserve

CR1 To address the loss of 9 hectares of land zoned Open Space – Sports and Active Recreation the Requiring Authority shall provide 9 hectares of open space suitable for the development of future sports fields and in a location agreed with the General Manager, Community and Social Policy and subject to a Memorandum of Understanding, such land;

- a) as a first preference being suitable land within the immediate catchment area of Rosedale;
- b) if no suitable land can be found in the Rosedale catchment, then replacement with suitable land in the wider area, including Albany, Paremoremo, Coatesville and Whenuapai; or
- c) if no suitable land can be found within the areas referred to in a) or b) then suitable land shall be found within an area agreed to by the Council.

CR2 If CR1 c) is the outcome, the Requiring Authority shall, at an agreed location within the immediate Albany Field Review area (Unsworth Heights, Glenfield Marlborough, Greenhithe, Albany or Paremoremo) develop or upgrade existing;

- a) sports fields that can provide for 68 hours of capacity per week to the specification and satisfaction of the Auckland Council; and
- b) all necessary supporting infrastructure including access, car parking, changing rooms, toilets and flood lighting.

Urban Design and Landscape

UDL.1 ~~The Transport Agency~~ Requiring Authority shall submit an Urban Design and Landscape Plan (UDLP) to the Council (Team Leader Northern Monitoring) as part of the outline plan required under section 176A of the Resource Management Act 1991.

UDL.2 The purpose of the UDLP is to outline:

- a. The methods and measures to avoid, remedy and mitigate adverse effects on landscape amenity during the construction phase of the NCI Project;

- b. The requirements for the NCI Project's permanent [urban design and](#) landscape mitigation works; and
 - c. The maintenance and monitoring requirements.
- UDL.3 The UDLP shall be prepared in accordance with:
- a. The NZ Transport Agency's Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; and
 - b. The NZ Transport Agency's P39 Standard Specification for Highway Landscape Treatments, 2013.
- UDL.4 The ~~Corridor Requirements~~ Outcomes Sought set out in ~~Chapter 5~~ Chapters 5 and 6 of the draft Urban Design and Landscape Framework ('UDLF') [\[this needs to refer to the current version as described in Shannon Bray's evidence, and approved in Stephen Brown's evidence\]](#) shall be given effect to through the UDLP in relation to the following matters:
- ~~a. Earthworks contouring including cut and fill batters, benching, and spoil disposal sites, median treatment and roadside treatment;~~
 - a.b. Architectural Urban design and landscape treatment of all major structures, including bridges, underpasses, retaining walls and noise walls and barriers;
 - ~~b.e. Architectural Urban design~~ and landscape treatment of the new structures at Constellation and Albany Bus Stations;
 - ~~c.d. Integrated Landscape~~ treatment of permanent stormwater management ponds, wetlands and swales; ~~and~~
 - ~~d.e. Pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses; and-~~
 - e. Design and treatment options on or adjacent the following properties:
 - i. The western most residences at 60B Masons Road that overlook the proposed Albany Busway overbridge;
 - ii. Lots 25, 26, 27 and 28 in Colliston Rise, directly adjacent to the proposed retaining walls; and
 - iii. 33, 35, 37, 39, 41B, 43, 45 and 47 Barbados Drive, directly adjacent to the proposed Paul Matthews Road overbridge.
- UDL.5 The UDLP shall include mitigation planting in general accordance with the requirements of ~~Section 6~~ Sections 5 and 6 of the draft UDLF and shall include the following planting details:
- a. Identification of vegetation to be retained, protection measures, and planting to be established along cleared edges;
 - b. Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods;
 - c. The staging of planting in relation to the construction programme shall, as far as practicable, include provision for planting within each planting season following completion of works in each stage of the NCI Project and detailed specifications relating to (but not limited to) the following:
 - iv. Weed control and clearance;
 - v. Pest animal management;
 - vi. Ground preparation (topsoiling and decompaction);
 - vii. Mulching;
 - viii. Plant sourcing and planting, including hydroseeding and grassing; and
 - ix. A maintenance regime including monitoring and reporting requirements, which is to apply for a minimum 2 year period following that planting being undertaken.

UDL.6 The UDLP shall include a Reserve Reinstatement Plan for the following reserves (or parts thereof) directly impacted by the construction works:

- a. Rook Reserve;
- b. Bluebird Reserve;
- c. Arrenway Reserve; and
- d. Meadowood Reserve.

The Reserve Reinstatement Plans shall be prepared in consultation with Auckland Council Parks and shall include the following details (as appropriate to the subject reserve):

- a. Removal of structures, plant and materials associated with construction;
- b. Replacement of boundary fences to the same or similar type to that removed;
- c. Reinstatement of grassed areas to a similar condition as existed prior to construction;
- d. Replacement of trees and other planting removed for construction on a one-for-one basis (or as otherwise agreed with Auckland Council Parks); and
- e. Details of way finding interpretation signage within and adjacent to the reserve.

In addition, in relation to the Rook Reserve the reinstatement plan shall include:

- a) naturalised retaining and planting around the new stormwater pond;
- b) play elements constructed adjacent to the stormwater pond, including a basketball half-court;
- c) re-contouring and landscaping of the remainder of the reserve and including recreational features such as boardwalks, walkways, seating, and viewing platforms; and
- d) for the existing fitness equipment in Rook Reserve to be removed and replaced with new equipment in Barbados Reserve.
- e) a new underpass that meets the standards of the UDLF section 5.6 requirements for underpass; or
- f) that as an alternative a pedestrian over-bridge be provided; or
- g) in the event that the above two options are not feasible because of engineering or other significant reasons, then an alternative underpass or over-bridge be provided between Bluebird Reserve and William Pickering Drive that meets the UDLF section 5.6 requirements.

[Note: the Council's preferred position as set out in its submission and evidence is that the SUP be relocated to the southern side of State Highway 18. However, if this does not occur, then the Council seeks the improved connections outlined in (e) to (g) above.

In addition to the Reserve Reinstatement Plans above, the UDLP shall in relation to the Rosedale Closed Landfill provide boundary fencing, replace any trees and landscaping equivalent to those removed or affected by the construction of the retaining wall and sightlines for the new motorway.

UDL.7 A draft of the UDLP shall be submitted to the Council Urban Design Advisory Panel for comment before finalisation and submission with any outline plan in accordance with Condition UDL.1. Any comments from the Advisory Panel must be submitted with the draft UDLP.

UDL.86 All work shall be carried out in accordance with the UDLP.

UDL.97 For the purpose of staging works, the Transport Agency Requiring Authority may prepare staged or site specific UDLPs. The Transport Agency Requiring Authority shall consult with the Council (Team Leader Northern Monitoring) about the need and timing for any site-specific or staged UDLPs.

UDL.108 The Transport Agency Requiring Authority may submit amendments to the UDLP to the Council (Team Leader Northern Monitoring). Any works in accordance with the amended UDLP shall not commence until the process under section 176A of the Resource Management Act 1991 has been completed in relation to those aspects of the UDLP that are being amended.

UDL.119 The UDLPs shall be prepared in partnership with the NZ Transport Agency Central Northern Iwi Integration Group. This consultation shall commence at least 30 working days prior to submission of each UDLP to Council (Team Leader Northern Monitoring). Any comments and inputs received from the Central Northern Iwi Integration Group shall be clearly documented within the UDLP, along with a clear explanation of where any comments or suggestions have not been incorporated and the reasons why.

UDL.12 Any UDLP that includes land within the Watercare Services Ltd Designations 9310 and 9311 shall be prepared in consultation with Watercare Services Ltd.

Upgraded connections to shared use paths

SUP1 The Requiring Authority shall submit to the Council (Team Leader Northern Monitoring) as part of the Outline Plan required under section 176A plans showing the final design of the shared use path, with this including:

- a) a formed shared use path connection 'stub', suitable for Auckland Council to connect and develop future shared use paths at Centorian Reserve and at Greville Road (into the presently Rosedale Closed Landfill);
- b) pedestrian footpath and cycle way connections at Albany Highway between Sunset Road and the Upper Harbour Highway;
- c) upgrades to the pedestrian and cycle lanes to the same standard as the new shared use pathways, on Caribbean Drive at the intersection with the new shared use path; and
- d) a shared use path crossing between Bluebird reserve and William Pickering Drive.

Community Liaison Group

CLG.1

a) The Requiring Authority shall establish and co-ordinate a Community Liaison Group (CLG) at least 2 months prior to the commencement of construction.

The purpose of the CLG is to provide for a means for:

- i. sharing information on design, construction works and programme;
- ii. Providing opportunities to review and comment on the shared information in a(i)
- iii. reporting and responding to concerns and issues raised in relation to the Construction works;
- iv. monitoring the effects on the community arising from the Construction Works

b) The Requiring Authority shall assist the CLG to hold regular meetings (at least once every 3 months) throughout the construction period. The CLG shall continue until six months after completion of construction so that on-going monitoring information can continue to be shared, discussed and responded to. The frequency and duration of meetings can be reduced where the majority of the members of the group agree.

c) In addition to the Community Liaison Manager and representative(s) of the Requiring Authority and its principal construction contractor, membership of the CLG shall be open to all interested parties within the Project Area including, but not limited to, representatives of the following groups:

- i. Auckland Council. Auckland Transport, Watercare Services Limited
- ii. The Upper Harbour Local Board
- iii. Mana Whenua
- iv. Community/Environmental groups
- v. Business groups including the North Harbour Business Association
- vi. Recreation groups
- vii. Road user groups

d) The Requiring Authority shall prepare an agenda for each meeting and prepare minutes recording actions. A copy of the minutes shall be provided to the meeting invitees within a reasonable time following the meeting.

e) The Requiring Authority shall be responsible for all reasonable costs associated with the resourcing of the CLG.

Section 176 Approval (Auckland Council (Healthy Waters – Infrastructure and Environmental Services))

AC.1 The requiring authority grants its requiring authority approval under s176(1)(b) of the Resource Management Act 1991 for Auckland Council (Healthy Waters Department) to undertake maintenance, urgent repair works and minor renewal works on Auckland Council's existing stormwater assets located within the designation boundary.

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