

**Before a Board of Inquiry  
Northern Corridor Improvements Project**

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Under the Resource Management Act 1991 ('the Act')

In the matter of a Board of Inquiry appointed under section 149J of the Act to consider notices of requirement for designations and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Improvements Project

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**Supplementary statement of evidence of Cedric Owen Burn for the  
New Zealand Transport Agency (Planning - Designations)**

Dated 28 June 2017

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## **SUPPLEMENTARY EVIDENCE OF CEDRIC OWEN BURN FOR THE NEW ZEALAND TRANSPORT AGENCY**

### **1 Qualifications and experience**

- 1.1 My full name is Cedric Owen Burn. I am a director of Green Group Limited. I have the role of Planning Team Leader for the Northern Corridor Improvements Project ('**Project**') with the oversight of environmental assessments, assessment of alternatives as the design was finalised, the preparation of the Assessment of Effects ('**AEE**'), Notice of Requirements ('**NORs**') and consent applications for the Project.
- 1.2 My qualifications and experience are set out in my Evidence in Chief ('**EIC**') dated 20 April 2017.
- 1.3 I repeat the confirmation that I provided in the EIC that I have read, and agree to comply with the Code of Conduct for Expert Witnesses 2014.

### **2 Scope of evidence**

- 2.1 This supplementary evidence relates to the matters raised in Mr McGarr's memorandum dated 7 June 2017 regarding the residential subdivision at Colliston Rise.

### **3 Factual background**

- 3.1 Mr McGarr outlines the consenting history of this subdivision, the planning instruments that applied to the subdivision at the time it was granted, the planning provisions that apply today, and the consent conditions that are aimed at mitigating noise effects from the motorway on the development.
- 3.2 I generally concur with Mr McGarr's assessment with regard to these matters subject to the comments below.

### **4 Assessment of the effects on Colliston Rise**

- 4.1 I confirm that the effects of noise from the Project on the Colliston Rise development were considered during the preparation of the AEE.

4.2 The Project Team was aware of the proposed Colliston Rise development and the details of the resource consent conditions that apply to that development which require noise attenuation for those dwellings established on the lots adjacent to State Highway 1. Both the development, and the consent notices requiring noise attenuation were referred to in the section of the AEE that described the existing environment.<sup>1</sup>

4.3 The works authorised by existing resource consents form part of the existing environment. Accordingly, Ms Wilkening's noise assessment took into account the noise mitigation measures required by the existing resource consents.

## 5 Current consenting environment

5.1 Mr McGarr observes that since the granting of the consent to the Colliston Rise development, the consenting regime has changed with respect to noise standards and consenting requirements for residential subdivisions adjacent to road corridors. Specifically, the High Land Transport Noise Overlay and related provisions that were in the notified version of the Proposed Auckland Unitary Plan ('**PAUP**') at the time the consent for the Colliston Rise development was granted have not been carried through into the Auckland Unitary Plan (Operative in Part) ('**AUP**').

5.2 Mr McGarr has set out the consenting framework under the AUP for a comparable development and I agree with his analysis. As noted by Mr McGarr, consent would be required for a discretionary activity and the objectives and policies of the AUP would need to be considered under section 104 of the Resource Management Act 1991 ('**RMA**').

5.3 While Mr McGarr does not offer an opinion as to the possible outcome of an application made under the current consenting framework, it is my opinion it would not be sound resource management practice to grant such a consent unless it were subject to the same conditions as those which apply to the extant consent for the following reasons:

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<sup>1</sup> P48, Section 4.2.7, Volume 2, Northern Corridor Improvements, Assessment of Environmental Effects.

- a Firstly, the effects of noise from the existing motorway would require mitigation in order to provide for a reasonable level of amenity for the sites created by the subdivision, and to avoid issues that might arise from residents' expectations of being able to enjoy a reasonable noise environment within and around their properties.
  - b Secondly, granting an application without such mitigation would not be consistent with the subdivision objectives and policies of the AUP that seek to ensure that reverse sensitivity effects on infrastructure are avoided or mitigated.<sup>2</sup>
- 5.4 Under the current provisions of the AUP, dwellings are permitted within the Residential – Mixed Housing Suburban zone and there are no particular standards that require noise attenuation. While it is possible for an application to be made under section 221 of the RMA to cancel the consent notices on the titles for the Colliston Rise properties requiring dwellings on certain sites within the subdivision to include noise attenuation, it is difficult to comment on whether such an application would be successful.
- 5.5 In the event that any prospective or current owner of a site within this development makes such an application, they would do so in the full knowledge of the current noise environment and that which may result from the enlarged motorway subject of the alterations that are proposed as part of the Project.

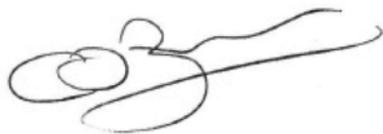
## **6 Conclusion**

- 6.1 In my opinion, the correct approach has been adopted in assessing the noise effects on the Colliston Rise subdivision. The works authorised by existing resource consents and consent notices form part of the existing environment against which the Project is to be assessed. Ms Wilkening's view is that the mitigation measures required by consent notices and consent conditions provide sufficient noise attenuation to address the noise generated by the Project.

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<sup>2</sup> See objectives and policies of Section E38 of AUP cited at pages 10 and 11 of Mr McGarr's memo.

- 6.2 Any application to cancel the current consent notices, and therefore not include the noise mitigation measures they require, would be at the election of the property owner in full knowledge of the potential effects of removing the noise attenuation measures and in the context of the existing notices of requirement for the Project.

A handwritten signature in black ink, appearing to read 'C O Burn', written over a horizontal line.

**C O Burn**

28 June 2017