

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

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

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

Dated 11 August 2017

KENSINGTON SWAN

18 Viaduct Harbour Avenue Ph +64 9 379 4196
Private Bag 92101 Fax +64 9 309 4276
Auckland 1142 DX CP22001

Solicitor: C M Sheard/N McIndoe
christina.sheard@kensingtonswan.com/
nicky.mcindoe@kensingtonswan.com/

SUMMARY STATEMENT OF CEDRIC OWEN BURN FOR THE NEW ZEALAND TRANSPORT AGENCY

1 Introduction

1.1 This summary statement provides a summary of my Evidence in Chief ('**EIC**'), dated 20 April 2017, my rebuttal evidence, dated 15 June 2017, and my supplementary statement of evidence, dated 28 June 2017. It also includes updates as a result of conferencing and as a result of further discussions since the conferencing sessions.

2 Summary of evidence in chief¹

- 2.1 I have undertaken an assessment of the NCI Project in accordance with the matters outlined in section 171(1) of the Act and conclude that:
- a A comprehensive assessment of the effects of the Project has been undertaken by the Project Team's experts. The benefits of the Project will be significant and the adverse effects of the Project can be appropriately managed by conditions that avoid or mitigate potential adverse effects.
 - b The Project is consistent with the relevant objectives and policies of the relevant policy and planning documents including the Auckland Unitary Plan (operative in part) ('**AUP**').
 - c A robust and comprehensive assessment of alternatives has been undertaken for the Project.
 - d The work and designation are reasonably necessary to achieve the Project objectives which include facilitating the interregional travel between Auckland and Northland by completing the Western Ring Route, improving the capacity and connectivity of SH1 and SH18, extending the busway and improving walking and cycling.
 - e The Project is consistent with Part 2 of the Act and will achieve the purpose of the RMA as it is an appropriate development of a physical resource that provides for the social and economic wellbeing of the

¹ EIC, section 5.

local, regional and inter-regional community and their health and safety, while avoiding, remedying or mitigating the adverse effects of the on the environment.

f The Project aligns with the other policy and strategic documents outlined in section 10 of my evidence.

2.2 I have considered the submissions received, the Key Issues Report and the evidence of the other Transport Agency experts and conclude that there is nothing in that material that would alter the conclusions reached in my evidence. However, I have recommended some additions and amendments to the proposed designation conditions that address matters raised as outlined below.

3 Summary of rebuttal evidence

3.1 In my rebuttal evidence, I addressed matters raised in the evidence of the other expert planning witnesses, as well as those submitter witnesses whose evidence commented on conditions.

3.2 My evidence remained that the Project is consistent with the relevant statutory policy framework and will have positive effects on the environment.²

3.3 I concluded that I consider that the matters raised in the evidence of submitters relevant to the designation have been appropriately addressed in evidence and that the amended conditions will ensure that any adverse effects are appropriately avoided or mitigated.³

3.4 Appended to my rebuttal evidence was a set of updated designation conditions.

4 Summary of supplementary evidence

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

² Rebuttal evidence, paragraph 9.1.

³ Rebuttal evidence, section 9.

- 4.2 I concluded that,⁴ 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.
- 4.3 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.

5 Changes to evidence as a result of conferencing

- 5.1 I took part in the following expert conferencing sessions:
- a Planning on 30 June and 3 - 6 July 2017; and
 - b Planning: noise and vibration on 18 and 19 July 2017.
- 5.2 My evidence has not changed due to this (subject to the amendments made to the designation conditions). The Joint Witness Statement ('**JWS**'): Planning⁵ contains at Annexure 3, designation conditions which have been amended as a result of conferencing. However, at the time of finalising the JWS, the JWS on the noise and vibration conferencing session had not been finalised. Therefore, the noise and vibration conditions appended to the JWS had not been amended at that time.
- 5.3 Additional amendments have been made to the conditions relating to noise and vibration following the noise and vibration conferencing on 18 and 19 July. These conditions are attached to the noise and vibration JWS.
- 5.4 Subsequent amendments to conditions were made following further discussions on 26 and 27 July. I have outlined these below and the

⁴ Supplementary evidence, section 6.

⁵ Dated 30 June and 3-6 July 2017.

conditions as amended are attached to the supplementary statement of evidence of **Mr McGahan**.⁶

6 Update on Conditions

- 6.1 Following the conclusion of expert conferencing further discussion took place regarding the allocation of conditions to either the designations or resource consents and amendments to the wording of certain conditions. I attended these discussions as recorded in **Mr McGahan's** supplementary statement of evidence.⁷
- 6.2 I concur with Mr McGahan's view as stated in section 5 of his supplementary statement that the following conditions could be transferred from the resource consents to the designations:
- a the Stakeholder and Communication (SCP) condition;
 - b the Construction Noise and Vibration (CNV) condition; and
 - c the Construction Traffic (CTMP) conditions which include the conditions requiring the Public Transport Traffic Management Plan.
- 6.3 I also concur with the view expressed by Mr McGahan in his statement that the allocation of these conditions to the designation will remove the possibility of conditions that address potential effects from activities that may be the subject of district land use consents being attached to regional consents.
- 6.4 Further, I consider that the tying of these conditions to outline plans as proposed is consistent with the view I expressed at joint expert witnessing and recorded in paragraph 7.4.3 (c) of the planners' JWS, and accordingly I support the re-allocation of conditions as described above.
- 6.5 The nature of construction activities is that some, such as vegetation clearance and earthworks, could be categorised as being the subject of both regional and district planning controls. I share Mr McGahan's opinion that to impose such conditions on both the designations and resource

⁶ Supplementary evidence of Mr McGahan, 4 August 2017.

⁷ Supplementary evidence of Mr McGahan, 4 August 2017, section 3.

consents would be a pointless exercise, and create a whimsical conflation of the Council's functions as these relate to resource consents and outline plans.

- 6.6 As recorded at paragraph 7.4.7(b) of the JWS, Mr McGahan and I have allocated conditions to the respective NORs and RCs as appropriate. This is reflected in the latest version of the conditions as appended to Mr McGahan's supplementary evidence. This latest version includes amendments as a result of conferencing and further amendments by the Transport Agency as foreshadowed in the Opening Submissions for the Transport Agency, section 7, and outlined in Mr McGahan's summary statement.

7 Kiwi Self Storage Signage

- 7.1 I understand that the Board wishes to understand the nature of approvals that would be required to establish additional or new signage on the Kiwi Self Storage ('**KSS**') facility at 12 Holder Place.
- 7.2 Since the AUP was declared operative in part, signage which is not part of a comprehensive development application or a billboard (advertising goods not related to the site) is controlled by the Council Signage Bylaw 2015 (the bylaw) rather than by way of the resource consent process.⁸
- 7.3 The Bylaw applies to publicly visible signage which is defined as signage on or visible from a road (excluding motorways) or public place.⁹ The open space adjacent to the KSS facility falls under the definition of 'public place' as it is open to the public, and it is likely that the shared use path is covered by the definition of 'road'.
- 7.4 Part 2 of the Bylaw (clauses 6 to 13) sets out the requirements applying to all publicly visible signage. These requirements include prohibiting a person from adding a structure to the roof, extending a structure above the architectural top of a building, or extending a structure above the outline or profile of a building for the sole purpose of displaying public

⁸ See paragraph headed 'Relationship to signage bylaws' under E23.4 of the AUP.

⁹ Under the Bylaw, signage and sign means an advertisement, message or notice conveyed using any visual medium, which advertises a product, business, service, or event or acts to inform or warn any person, and includes advertisements, messages or notices affixed to, on, or incorporated within the design of a building; and advertisements, messages or notices placed on, or affixed to, or painted or stencilled onto a window, a fence, a hoarding, street furniture, utility infrastructure, road or building.

visible signage.¹⁰ Clause 9 of the Bylaw specifically addresses matters of traffic safety, including a requirement that publicly visible signage must not be such that it is directed at a person driving a vehicle on a road and cannot be read safely by such a person travelling at the legal speed limit of that road.¹¹

- 7.5 The existing signs on the KSS facility, if these do not currently have consent, and any further signage not complying with the Bylaw would require the granting of an exemption under clause 28. Exemptions may be granted or refused having taken into account criteria in clauses 28(4) and 29. These criteria include visual amenity, impacts on traffic safety and public safety.



Cedric Owen Burn

11 August 2017

¹⁰ Clause 7(1)(a) of the Bylaw.

¹¹ Clause 9(1)(f) of the Bylaw.