

**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 Damien Ryan McGahan for the New Zealand Transport Agency (Planning – Resource consents)

Dated 10 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 DAMIEN RYAN MCGAHAN 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 and my rebuttal evidence, dated 15 June 2017. It also includes updates to my evidence as a result of conferencing and as a result of further discussions since the conferencing sessions.

2 Summary of evidence in chief¹

2.1 The purpose of my EIC is to provide an overview of the resource consents required for the Project, assess the effects of the Project that are particularly relevant to the resource consents, provide an assessment of the effects in terms of the relevant statutory matters and present the proposed conditions. **Mr Burn's** evidence considers matters relevant to the notices of requirements, including relevant conditions. My assessment is based on the technical assessments provided with the applications, the evidence of other Transport Agency witnesses and my own planning analysis.

2.2 The resource consents required have non-complying activity status under the provisions of the Auckland Unitary Plan Operative in Part as of 15 November 2016 ('**AUP**'). All of the resource consents required are controlled, restricted discretionary or discretionary activities, except for the filling of a very small section of artificial drainage channel within the Rosedale Wastewater Treatment Plant ('**RWWTP**') which triggers the need for a non-complying activity resource consent. This channel is considered by Auckland Council ('**AC**') to be a 'stream'. Given that all the consents are integrally linked, I have taken the approach of bundling the applications.

¹ EIC, section 5.

- 2.3 The Project is the critical final connection in the Western Ring Route, a Road of National Significance ('**RoNs**'), which will offer an alternative north-south motorway route to the current State Highway 1 ('**SH1**') route through the Auckland Region. Located within a tightly constrained urban environment, it will provide a more effective, more reliable and safer transport system including reduced travel times to the Upper Harbour and North Shore communities and to the wider Auckland Region.
- 2.4 Alongside the transportation and economic benefits, I consider that the Project will deliver a wide range of social and environmental benefits for the Upper Harbour and North Shore communities and the wider region, through various environmental enhancements, including extensive enhancement and riparian planting around stormwater management ponds.
- 2.5 The construction of the Project will also give rise to potential adverse environmental effects. The potential construction related effects for this Project are typical of large construction projects and include dust, noise, sediment, landscape, visual, social and construction traffic effects. In my opinion, the use of standard and project specific construction management and mitigation measures through conditions and a range of management plans will ensure that these potential effects are appropriately avoided or mitigated.
- 2.6 Based on my own assessment and the evidence of the Transport Agency's witnesses, I am of the opinion that the Project is consistent with, and not contrary to, the relevant objectives and policies and any actual and potential adverse effects can be appropriately avoided, remedied or mitigated.
- 2.7 I conclude in my EIC that the Project will deliver a number of positive effects for the local area and the wider Auckland Region. The potential adverse effects of the Project on the environment are either avoided, or where they are not avoided, will be appropriately remedied or mitigated.

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 I also addressed other matters relating to the proposed resource consent conditions.²

3.3 My evidence remained that the Project will be consistent with relevant objectives and policies, and any actual and potential adverse effects can be appropriately avoided, remedied or mitigated.³

3.4 I conclude in my rebuttal that:⁴

a I consider that the matters raised in the evidence of submitters relevant to the resource consents have been appropriately addressed in evidence and this is reflected in the amended conditions of consent; and

b I consider the proposed approach in terms of the separation of conditions between the resource consents and designation to be appropriate and sets a sound framework for the integrated management of actual and potential effects associated with the Project.

3.5 Appended to my rebuttal evidence was a set of updated resource consent conditions.

4 Changes to evidence as a result of conferencing

4.1 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.

² Rebuttal evidence, section 10.

³ Rebuttal evidence, paragraph 11.1.

⁴ Rebuttal evidence, section 11.

- 4.2 Aside from amendments to conditions (and the structure of conditions) which I cover below, my evidence has not changed as a result of conferencing outcomes.
- 4.3 The Joint Witness Statement ('**JWS**): Planning⁵ contains at Annexure 3, resource consent 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.
- 4.4 Additional amendments have been made to the resource consent conditions following the noise and vibration conferencing on 18 and 19 July post conclusion of the planning conferencing sessions. These conditions are attached to the noise and vibration JWS. Subsequent amendments to those conditions are detailed below.
- 4.5 I understand that the only differences of opinion which remain between me and the other expert planning witnesses are:
- a I consider that reclamation consents are required for 17.4 metres of stream, whereas Mr Turner considers reclamation consents are required for 560 metres;⁶
 - b Ms Brabant (for Waste Management New Zealand Limited) considers the Project may not necessarily be consistent with RPS objectives B3.2.1.1 to B3.2.1.8.⁷
- 4.6 In relation to the stream reclamation issue, prior to lodging the resource consent application I did not consider the watercourses at issue to be streams because of their artificial nature. However, discussions with Council staff (who at the time were coming to grips with the AUP decisions) indicated that the Council considered reclamation consents were required. Accordingly, resource consent was sought to reclaim 560 metres. After the resource consent application were lodged, Council's Healthy Waters team drew my attention to its interpretation of the AUP

⁵ Dated 30 June and 3-6 July 2017.

⁶ JWS: Planning, 6 July 2017, page 22.

⁷ JWS: Planning, 6 July 2017, page 21.

provisions, being that streams within a consented stormwater management device are no longer 'streams'. It was this interpretation which lead to my conclusion that consent was required to reclaim only 17.4 metres (rather than 560 metres).

- 4.7 I have reviewed the definition of 'artificial watercourse' in the AUP, and consider that the watercourses at issue fall within this definition because they contain no natural portions. However, given the difficulty applying the definition to the facts in this case, and that the Transport Agency has applied to reclaim the larger 560 metres, I would support the Board considering the resource consent applications for the larger area, as applied for.
- 4.8 I understand Ms Brabant's evidence regarding consistency with the RPS objectives has now been withdrawn.

5 Conditions

- 5.1 On 4 August 2017, I filed a supplementary statement of evidence which describes discussions which have taken place with other parties regarding conditions, following the conclusion of expert conferencing. This supplementary evidence also appends revised conditions and a table explaining the reasons for changes.
- 5.2 The key changes made to conditions after expert witness conferencing are:
- a The Construction Traffic Management Plan ('**CTMP**'), Construction Noise and Vibration ('**CNV**') and Stakeholder and Communications Plan ('**SCP**') condition sets have been transferred to sit solely on the designation condition set;
 - b Tables CNV.A and CNV.B now explicitly state time periods instead of general time periods such as 'weekdays' and 'weekends'. These changes have been agreed to by **Mr Styles** and **Ms Wilkening**;

- c With the transfer of the CNV conditions to the designation, the certification of the Construction Noise and Vibration Management Plans is no longer required, as these plans will be submitted with the outline plan(s) instead;
- d The term 'compelling construction circumstances' in CTMP.4(d)(v) has been replaced by specific circumstances where night time or weekend closures of Rosedale Road may be required;
- e Five new conditions are proposed to address remediation of damage to local roads (CTMP.6-CTMP.6D);
- f DMP.3(f) now requires dust deposits from the Project to be remedied by cleaning affected buildings, driveways, ventilation systems or local sealed roads;
- g The DMP conditions have also been restructured in response to concerns by counsel assisting the Board, and further discussions with **Mr Bluett** (regarding continuous monitoring);
- h The Lizard Management Plan has been replaced with specific lizard management conditions;
- i Condition AMP.3(d) has been removed from the condition set as it doubles up with the vegetation clearance requirements at the RWWTP detailed in AMP.5. It is more appropriate for this requirement to sit outside of AMP.3, which details the content of the Avifauna Management Plan;
- j An additional condition (GW.2) has been provided should Albany Conglomerate be encountered during excavation. This is in response to the groundwater assessment provided to the Board on 4 August 2017 as part of the further information;
- k Changes are proposed to EW.6 to clarify the monitoring parameters required for analysis at the water quality baseline monitoring sites (turbidity, total suspended solids, pH and aluminium). Trigger levels for the parameters are to be set as part of the Construction Erosion

and Sediment Control Plan. Changes to EW.6 also include potential responses to exceedances of the trigger levels;

- l Landfill gas trigger levels have been deleted, as suggested by **Mr Amputch**. Instead, a condition requiring a Landfill Risk Assessment (LW.5(a)) as part of the Landfill Reinstatement Works Plan is proposed;
 - m The ecology conditions have been reviewed and restructured after discussions with **Ms Barnett** to make them more legible, robust and enforceable;
 - n The SCP conditions have been removed from the resource consents and now lie solely on the designation conditions. Changes are proposed to these conditions to improve the feedback loop and clarity surrounding the consultation processes;
 - o Additional text has been included in ARC.1 to explicitly outline the role and responsibilities of the Project Archaeologist throughout the duration of the Project to add clarity;
 - p Changes have been made post expert conferencing in regards to the Watercare condition NU.8 (now NU.9). Three additional conditions are proposed (NU.9A - NU.9C) which cover works prior to construction, during construction and near the completion of construction in relation to the Watercare sites.
- 5.3 In my experience of both developing and implementing conditions and management plans on major construction projects, I am confident that the proposed resource consent and designation conditions, together with the proposed management plans and other controls, will appropriately manage effects on the environment from the Project.

6 Conclusion

- 6.1 I note that the Transport Agency is now in agreement with Watercare, Auckland Transport and Auckland Council in respect of conditions.
- 6.2 I remain of the opinion that the Project is consistent with the relevant objectives and policies, and any potential adverse effects can be appropriately avoided, remedied or mitigated through the proposed conditions, as amended.



Damien Ryan McGahan

10 August 2017