

Before the Board of Inquiry
Waterview Connection Project

in the matter of: the Resource Management Act 1991

and

in the matter of: a Board of Inquiry appointed under s 149J of the Resource Management Act 1991 to decide notices of requirement and resource consent applications by the NZ Transport Agency for the Waterview Connection Project

Rebuttal evidence of **Cedric Owen Burn (Resource Consents)** on behalf of the **NZ Transport Agency**

Dated: 3 February 2011

Hearing start date: 7 February 2011

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INDEX

INTRODUCTION	3
PURPOSE OF EVIDENCE.....	3
RESPONSE TO EVIDENCE OF DR ANDREA JULIAN	3
RESPONSE TO EVIDENCE OF ANDREW BEER.....	5
RESPONSE TO EVIDENCE OF MS BARBARA CUTHBERT	6
RESPONSE TO EVIDENCE OF MS WENDY JOHN	9
EVIDENCE OF VIVIEN DOSTINE, GEOFFREY WOOD AND BERNADETTE MCBRIDE	9
COMMENT ON SECTION 42A REPORT(S).....	10
CONSENTS FOR ADDITIONAL CONTAMINATED SITES	15
ANNEXURE A – CONSTRUCTION YARD 1A PLAN.....	16
ANNEXURE B – PROPOSED OPERATIONAL TRAFFIC CONDITION	17

REBUTTAL EVIDENCE OF OWEN BURN ON BEHALF OF THE NZ TRANSPORT AGENCY

INTRODUCTION

- 1 My full name is Cedric Owen Burn. I refer the Board of Inquiry to the statement of my qualifications and experience set out in my evidence in chief (*EIC*) (dated November 2010).
- 2 I repeat the confirmation given in that statement that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court.

PURPOSE OF EVIDENCE

- 3 The purpose of this rebuttal evidence is to respond to certain aspects of the evidence lodged by submitters. Specifically, my evidence will respond to the evidence of:
 - 3.1 Dr Andrea Julian for Auckland Council.¹
 - 3.2 Mr Andrew Beer for Auckland Council.²
 - 3.3 Ms Barbara Cuthbert for Cycle Action Auckland.³
 - 3.4 Ms Wendy John for Friends of Oakley Creek.⁴
 - 3.5 Ms Vivian Dostine for NZ Horse and Recreation⁵, Mr Geoffrey Wood for the West Auckland Pony Club⁶, and Ms Bernadette McBride for the Te Atatu Pony Club.⁷
- 4 In addition, I will comment on relevant aspects of the Section 42A Report prepared by Environmental Management Services (*EMS*) dated 7 December 2010 (*s42A Report*) and the Section 42A Addendum Report prepared by EMS dated 20 December 2010 (*s42A Addendum Report*).

RESPONSE TO EVIDENCE OF DR ANDREA JULIAN

- 5 In her evidence on behalf of Auckland Council, Dr Julian refers to a number of matters relating to the status of Pollen Island and

¹ Evidence No. 111-12.

² Evidence No. 111-9.

³ Evidence No. 79-1.

⁴ Evidence No. 179-1.

⁵ Evidence No. 174-1.

⁶ Evidence No. 105-1.

⁷ Evidence No. 64-1.

Traherne Island in the relevant regional and district planning instruments.

- 6 Dr Julian states "*The Pollen and Traherne Island Area is listed in Appendix B (Schedule of Significant Natural Heritage Areas and Values) of the Auckland Regional Policy Statement as an area of national importance. It is also noted that the mangroves and salt marshes in the Whau River are worthy of protection.*"⁸
- 7 Dr Julian appears to suggest⁹ that Traherne Island should be provided with additional legal protection beyond that available under the existing district and regional planning instruments. Dr Julian also suggests that ongoing maintenance be required as part of that protection.
- 8 With respect to Pollen Island, Appendix B of the Auckland Regional Policy Statement (ARPS) states:
- "The Pollen Island locality is a proposed marine reserve and is considered to be of national importance".*¹⁰
- 9 Pollen Island is surrounded by the Motu Manawa Marine Reserve. This island is classified as a scientific reserve and is administered by the Department of Conservation (DoC). Traherne Island is also surrounded by the Motu Manawa Marine Reserve and is administered by the NZ Transport Agency (NZTA).
- 10 Both Pollen and Traherne Islands are identified as Significant Natural Environment Features in Annexure 2 of the Operative Auckland City Isthmus District Plan (*Auckland District Plan*) and within the Open Space 1 Zone of that plan. The Auckland District Plan objective for this Zone is:
- "To provide for the conservation and protection of areas of particular scenic, heritage, natural or habitat value."*¹¹
- 11 This objective is supported by policies¹² which include the following:
- *By protecting and conserving areas of scenic, ecological, heritage, natural or habitat value.*
 - *By providing for activities which will have the least modification to and the least impact on the natural environment and features of value.*

⁸ Julian Evidence, paragraph 4.3.

⁹ Julian Evidence, paragraph 7.

¹⁰ Annotation 105, Appendix B, ARPS.

¹¹ Section 9.6.1.1 of the Auckland District Plan.

¹² Section 9.6.1.1 of the Auckland District Plan.

- 12 These policies are given effect to by rules which require resource consents for any activities on Traherne Island, apart from maintenance of trees, restoration planting using plant species indigenous to the subject ecosystem, plant and pest control.
- 13 In my view the status of Traherne Island under the planning instruments I have referred to is sufficient to secure the ecological values of the island in the long term. In this regard, I also note that NZTA in conjunction with the DoC has prepared and is currently undertaking a Traherne Island Natural Heritage Restoration Plan 2009-2029¹³ (*Traherne Island Restoration Plan*), which Mr Slaven refers to in his rebuttal evidence.
- 14 Given the existing status of Traherne Island in the relevant planning instruments and the commitment to the future enhancement of its ecological values, I find it difficult to see how a change in this status as suggested by Dr Julian could offer greater protection than the suite of plan provisions that are currently in place.
- 15 With respect to ongoing maintenance, I note that NZTA and Auckland Council are both parties (with DoC) to the Traherne Island Restoration Plan, which addresses weed management. As Mr Slaven observes¹⁴ the Council as a party to the Restoration Plan has direct input into the preparation of the Plan, and as a member of the Traherne Island Restoration Technical Working Group should be in a position to influence any additional weed control works it considers necessary by amendment to the Restoration Plan.

RESPONSE TO EVIDENCE OF ANDREW BEER

- 16 In relation to the NZTA's proposal to seek resource consent to enable it to rotate construction yard 1 as a means of mitigating effects on the Te Atatu Pony Club, Mr Beer states "*As it is not certain if NZTA will obtain the required resource consent, I consider that modifying the designation boundary to match the 'rotated' configuration as shown on the attached plan is an option to reduce the effect of construction yard 1...*"¹⁵
- 17 This matter is also referred to in the s42A report.¹⁶
- 18 I can advise that following consultation with representatives of the Te Atatu Pony Club, a resource consent application was lodged with Auckland Council on 24 December 2010 by the NZTA for a new area of land adjacent to Te Atatu Road to be used as a construction yard.

¹³ Attached to the Rebuttal Evidence of Mr David Slaven as Annexure D.

¹⁴ Slaven Rebuttal Evidence, paragraphs 38 to 42.

¹⁵ Beer Evidence, paragraph 6.18.

¹⁶ Paragraph 10.2.30 of s42A Report.

I have attached the plan of this area to my evidence as **Annexure A**.

- 19 This plan reflects a possible solution to the concerns of the Te Atatu Pony Club and was suggested during the consultation process. By effectively 'rotating' the proposed construction yard, it allows for the reduction in size of the construction yard shown on the Notice of Requirement plans¹⁷ and would allow access from the land to the south currently leased by the Te Atatu Pony Club to the balance of the Park.
- 20 If the land area subject of this application was included in the designation as a result of the Board's decision as Mr Beer suggests, the eastern extent of Construction Yard 1 could be reduced by an equivalent area. This would create the "rotated" configuration suggested by Mr Beer. I consider that, while it would not normally be appropriate to extend a designation boundary in this manner, in this case the extension does not adversely affect any parties,¹⁸ and the proposed boundary designation could be appropriately altered.

RESPONSE TO EVIDENCE OF MS BARBARA CUTHBERT

- 21 Ms Cuthbert in her evidence on behalf of Cycle Action Auckland (CAA) refers to a number of specific cycle related mitigation measures proposed in that organisation's submission.¹⁹ These measures were canvassed in a meeting on 24 November 2010 attended by Mr Paul Glucina of NZTA, Ms Cuthbert and Mr Robitzsch of CAA and me.
- 22 In that meeting the detailed matters raised in the CAA submission (which are reiterated in a general manner in Ms Cuthbert's evidence) were canvassed. In this part of my rebuttal evidence I will now address the manner in which it is proposed that these matters are addressed in the Project.²⁰
- 23 Before I do this I note that the CAA's submission and Ms Cuthbert's evidence refer to the lack of a cycling connection in sector 8 of the Project as a "core concern". The evidence of Mr Tommy Parker and Mr Andrew Murray have addressed this matter in some detail and I will not revisit this issue.

¹⁷ Part F.00 of the Assessment of Environmental Effects.

¹⁸ I note that the nearest neighbouring residential properties will be removed by the Project if it proceeds.

¹⁹ See Submission EPA# 79.

²⁰ While the CAA issues are not strictly related to consents planning issues, I am addressing the CAA submissions (rather than Ms Linzey) because, I personally attended the CAA discussions.

Better connectivity from adjacent roads

- 24 In her evidence Ms Cuthbert raised the need for better connectivity to the walk and cycle ways from adjacent roads.²¹
- 24.1 At the meeting with CAA access to Marewa St, McCormick Road and Alwyn Avenue within Sector 1²² were discussed.
- 24.2 CAA were advised that the designation over the property at Marewa Street is required because the rear yard of this property would be affected by construction works. It would not be possible to determine, until detailed design was undertaken, whether it would be necessary to remove the dwelling on the property. If the removal of the dwelling were not necessary the designation would be removed after construction and the property disposed of. In this circumstance cycle access could not be provided
- 24.3 I can confirm that the existing access to McCormick Rd will remain unchanged.
- 24.4 CAA were advised that the possibility of achieving access to Alwyn Avenue would be investigated. This would require a path to be formed over the proposed noise bund and gap to be created in the noise wall proposed for the top of the bund. At the time of preparation of this rebuttal evidence this suggestion was the subject of further investigation to determine whether penetration of the noise wall could be achieved without reducing its effectiveness for noise attenuation and whether the existing topography and design gradients were appropriate.
- 24.5 Further discussion on this point centred on achieving suitable access between local roads and the proposed cycleway within Sector 9. These include a widened (3m) link to Barrymore Street, connections at Bollard Avenue and Hendon Avenue. I understand that a connection at Methuen Road is not practicable given the gradient on this path (which will remain a pedestrian path).
- 24.6 I understand that the NZTA has confirmed that access suitable for recreational cycling can be provided for at these locations and that appropriate details are incorporated into the integrated transport plans that have now been provided to the Board of Inquiry.²³

²¹ Cuthbert Evidence, paragraph 5(b).

²² CAA Submission, paragraph 4.1.

²³ Plan Set 20.1.11-3-D-N-903-100 PT and Active Mode Transport Points.

Better connectivity over Interchanges²⁴

- 25 CAA sought the provision of greater connectivity for cyclists at the Te Atatu Interchange²⁵, Great North Road interchange²⁶ and Carrington Road.²⁷
- 25.1 Mr Andrew Murray has addressed the issue of cycle movements at Te Atatu in his rebuttal.²⁸
- 25.2 The CAA was advised at the meeting that a grade separated cycle crossing at Te Atatu was not viable. A dedicated cycle way bridge was considered, however the cost of an overhead structure was found to be prohibitive. Engineering issues also ruled out a viable underground solution due to clearance heights.
- 25.3 CAA considered that the proposed narrowing of the cycleway near the Rosebank Interchange (Patiki Road) to 2.0m over a length of 100m was a significant concern²⁹. I am advised that the clearance through this area will be increased to 2.4m.
- 25.4 CAA has sought that the proposed paths and bridge through the proposed Oakley Inlet Heritage Precinct to the southwest of the Great North Road Interchange be designed to allow for cycling access. I am advised by NZTA's urban design expert Ms Lynne Hancock³⁰ that the design of the winding paths through this area is intended to allow pedestrians to meander and appreciate the heritage site. While it is not intended to preclude cyclists walking their bikes through this site, widening and realignment of the paths is not considered to be consistent with the protection of heritage values of this precinct and would create pedestrian-cycle conflict. I understand that during open space caucusing it was agreed that these should remain pedestrian paths.
- 25.5 At the Great North Road Interchange the CAA submission³¹ sought the provision of cycle "aspects" (cycle signal lights) and the section of footpath along Great North road between Herdman Street and the Great North Road Interchange to be reinstated be designed to a "shared path" standard. NZTA has confirmed that these will be included in the detailed design and can be specified in the Network Integration Plan. A

²⁴ Cuthbert Evidence, paragraph 5(b).

²⁵ CAA Submission, paragraph 4.1.

²⁶ CAA Submission, paragraph 4.5.

²⁷ CAA Submission, paragraph 4.6.

²⁸ See Rebuttal Evidence of Mr Andrew Murray, paragraph 111 to 113.

²⁹ CAA Submission, paragraph 4.3.

³⁰ See Rebuttal Evidence of Ms Lynne Hancock.

³¹ CAA Submission, paragraph 4.5.

suggested addition to that Plan is included in proposed condition OT.1.³²

25.6 Further, I am advised that the open space expert caucusing has resulted in agreement that the NZTA will provide a shared path from Great North Road towards Eric Armishaw Park (to the extent of the designation). If possible (depending on grade), shared path connections will also be made to Montrose, Alberta and Berridge Streets.

RESPONSE TO EVIDENCE OF MS WENDY JOHN

- 26 Ms John's evidence refers to basalt columns along Oakley Creek. Ms John's states that "*these columns are an important heritage feature of the Creek in this area.*"³³
- 27 Ms John goes on to state that "*FOOC considers that the removal of this feature should be avoided or mitigated accordingly through recreation of this feature in the stream realignment works.*"³⁴
- 28 I note however that these columns are not identified in the ARPS as a significant natural heritage area³⁵ or in the Auckland District Plan³⁶ as a Scheduled Archaeological or Geological Feature or Significant Ecological Site.
- 29 The removal of these columns could therefore be undertaken as a permitted activity.
- 30 I note that other rebuttal evidence addresses this matter with respect to the value of the basalt columns³⁷ and that Mr Fisher notes that one good example can be retained in the proposed stream rehabilitation.

EVIDENCE OF VIVIEN DOSTINE, GEOFFREY WOOD AND BERNADETTE MCBRIDE

- 31 Ms Dostine, Mr Wood and Ms McBride all provide evidence in support of the Te Atatu Pony Club and its continued occupation of Harbourview-Orangihina Park. Their evidence seeks that the proposed construction yard be amended to accommodate the activities of the Pony Club.

³² Amendments to proposed Condition OT.1 are contained in **Annexure B**.

³³ John Evidence, paragraph 11.10.

³⁴ John Evidence, paragraph 11.11.

³⁵ Appendix b of the ARPS.

³⁶ Part 5C of the Auckland District Plan.

³⁷ See Paragraph 50 and 51 of Rebuttal Evidence of Dr Tim Fisher, Paragraph 21 and 22 of Rebuttal Evidence of Mr Rod Clough and Paragraph 24 to 26 of Rebuttal Evidence of Ms Ann Williams.

- 32 I have explained NZTA's proposal (subsequent to discussions with the submitters) to rotate the Construction Yard, in my response to Mr Beer's evidence above. I consider that this measure along with the noise walls proposed by Ms Wilkenning³⁸ will address the concerns raised by these parties.

COMMENT ON SECTION 42A REPORT(S)

Permitted Baseline

- 33 The s42A Report records in paragraph 6.1.1 and 6.1.2 that:

"6.1.1 Section 149G of the RMA requires the EPA to commission each local authority to prepare a report on the key issues that includes:

(a) Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, and a plan or proposed plan;

(b) A statement on whether all required resource consents in relation to the proposal to which the matter relates have been applied for; and

(c) If applicable the activity status of all proposed activities in relation to the matter.

6.1.2 In addition each of these reports have commented on what any permitted baseline might be for different parts of the Project. The ARC Report notes that with respect to the suite of regional resource consents the Project's scale, geographical extent and construction footprint is significant as to dwarf the stated permitted thresholds. The permitted baseline therefore should not apply in these circumstances."

- 34 In the assessment of the s149G report prepared by the ARC³⁹, the authors of s42A Report record their agreement with this assessment.
- 35 I do not agree with these statements with respect to the application of the permitted baseline. In my view the scale and extent of the project is not relevant to consideration of the permitted baseline when assessing its effects. Rather it is the scale and nature of **effects**, irrespective of the scale of the Project, which are relevant.
- 36 To my mind the relevance of the permitted baseline is important particularly where all applications for resource consent are "bundled" and assessed in terms of the tests for non-complying activities. In this circumstance I consider that the permitted baseline becomes important because it provides a measurable "benchmark" against which to determine whether effects may be considered to be minor in terms of sections 104D and 104(2) of the RMA.

³⁸ See Rebuttal Evidence of Ms Siiri Wilkenning on construction noise, paragraphs 78 to 81.

³⁹ Section 6.4.2 of s42A Report.

37 In my view therefore it is necessary that the assessments undertaken for the s42A report do consider the permitted baselines established by the relevant regional and district planning instruments where these are relevant, even if these have only limited application to consideration of the suite of consents required for the project.

38 In my view the permitted baseline also has relevance when considering measures to address the effects of the proposal. In my view measures that seek a reduction of effects to the point where they are less than those created by permitted effects must be recognised as seeking a level of environmental enhancement that is over and above mitigation.

Cultural Impacts

39 The s42A Report addresses "cultural impacts"⁴⁰ and notes that a cultural assessment has not been completed by mana whenua at the time of lodging consents. I note that none of the relevant district or regional planning instruments require that such an assessment be undertaken.

40 Consultation with both Ngati Whatua o Orakei and Te Kawerau A Maki as iwi having manu whenua over the Project area has taken place prior to and during the preparation of the AEE for the Project. This consultation is recorded in the AEE and both of these iwi have submitted on the Project.

41 Ngati Whatua has provided cultural heritage reports and these were submitted with the AEE for the Project.

42 It was agreed with Te Kawerau A Maki during the consultation process that their concerns would be set out in their submission and that further consultation would take place on these matters.

43 Consultation with Ngati Whatua o Orakei and Te Kawerau a Maki is continuing and is focussed on the preparation of formal mechanisms for iwi input into the detailed design and construction phases of the Project.

Extension of the Marine Reserve

44 Section 7.6.5 of the s149G report deals with effects on marine ecology⁴¹. In this section the authors make reference to the Ryder Consulting report⁴² which suggests further mitigation for the offsetting of loss of part of the Motu Manawa Marine Reserve (MMMR) and in particular the notion expressed in the Ryder report that:

⁴⁰ Section 7.4 of s42A Report.

⁴¹ Section 7.6.5 of s42A Report.

⁴² Appendix 1 of the s42A Report.

further mitigation be explored; specifically the expansion of the marine reserve to compensate for land lost:

45 This paragraph of the s 42A report goes on to note that:

Expansion of the marine reserve by way of a designation condition is, we think, beyond the Board's jurisdiction. However those determining the Marine Reserve Act consent will be able to consider this specific matter as part of their jurisdiction.

46 Further to this, the S42A report suggests that:

*The applicant should inform the Board whether there are other measures to provide off-set mitigation (by way of land transfer of Traherne Island to form part of the marine reserve, funding to support ecological enhancement of the reserve or other means) that may be appropriate.*⁴³

47 This suggestion is reiterated in several other paragraphs within the s42A report.⁴⁴

48 Both Traherne Island and Pollen Island are surrounded by but are not part of the MMMR. It is not possible therefore to include either of these Islands within the MMMR. Section 5(1)(a) of the Marine Reserves Act 1971 (MRA) lists the entities that can seek a declaration of a Marine Reserve. NZTA is not identified in that section of the MRA and therefore cannot make an application.

49 I also note that Dr De Luca, in her rebuttal evidence addresses the suggestions that additional mitigation is required to address the ecological effects of the reclamation and occupation of the CMA that is required by the Project.⁴⁵ I note that Dr De Luca confirms the view expressed in her evidence in chief that no additional mitigation is necessary beyond that proposed in the application.⁴⁶ Dr De Luca is of the opinion that the package of offset mitigation measures already proposed as part of the Project is sufficient to address the Project impact's on the marine environment.⁴⁷

50 The s42A report also suggests that the "Motu Manawa Marine Reserve environmental off-set compensation strategy"⁴⁸ is an issue that could benefit from options, caucusing and condition setting.

⁴³ Section 7.6.6 of s42A Report.

⁴⁴ Section 9.44, Section 9.10.9, Section 10.3.15, Section 10.5.19, Section 10.5.20, Section 15.9 – s42A Report.

⁴⁵ De Luca Rebuttal Evidence, paragraph 61.

⁴⁶ De Luca Rebuttal Evidence, footnote 86.

⁴⁷ De Luca Rebuttal Evidence, paragraph 43.

⁴⁸ Section 16.3 of s42A Report.

- 51 An application to undertake works within the Marine Reserve is currently being prepared pursuant to section 4(3) of the Marine Reserves Act 1971.
- 52 As part of that process consultation is currently taking place with officers of the Department of Conservation and with iwi. I can advise that a range of additional mitigation and environmental enhancement measures are being considered to be included in this application which are intended to address the relevant requirements of the Marine Reserves Act.

Proposed Te Atatu Marae

- 53 The s42A Report states that,

*"The Applicant and relevant submissions reviewed are silent on whether there are any effects on the marae proposed for the Harbourview-Orangihina Park."*⁴⁹

- 54 The marae referred to in the s42A Report is an area of open space land zoned "Marae Special Area"⁵⁰ within the Harbourview-Orangihina Park. This zoning came about by way a Plan Change notified by Waitakere City Council in June 2003 and confirmed through a decision of the Environment Court (Decision No. W041/2007)⁵¹ in May 2007 on appeals against this zoning.
- 55 The provisions of the Waitakere District Plan that result from this decision require that a limited discretionary resource consent for a Comprehensive Development Plan is required prior to the establishment of any buildings or development within the Marae Special Area (Te Atatu).⁵²
- 56 To date no application has been lodged in accordance with these provisions to establish a marae development on the land.

Definition of reclamation and occupation

- 57 The s42A Report states that *"it would be useful for the Board to understand the distinction between the terms "total reclamation" and "permanent occupation" of the CMA"*.⁵³
- 58 In terms of Section 2 of the RMA occupy is defined as:

*" the activity of occupying any part of the coastal marine area—
(a) where the occupation is reasonably necessary for another activity; and*

⁴⁹ Section 10.2.15 of s42A Report

⁵⁰ Operative Waitakere District Plan (*Waitakere District Plan*)

⁵¹ A copy of the Environment Court Decision No. W041/2007 is attached as Annexure E

⁵² Rule 31.2 of Waitakere District Plan

⁵³ Section 10.5.3 of s42A Report

(b) where it is to the exclusion of all or any class of persons who are not expressly allowed to occupy that part of the coastal marine area by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent; and

(c) for a period of time and in a way that, but for a rule in the regional coastal plan and in any relevant proposed regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense.⁵⁴

59 Reclamation is defined in the ARPC as:

"Any permanent filling of an area previously inundated by coastal water either at or above mean high water spring mark, whether or not it is contiguous with the land, so that the filled surface is raised above the natural level of MHWS, and thus creates dry land, removed from the ebb and flow of the tide."⁵⁵

60 The distinction between reclamation and permanent occupation is thus that the reclamation relates only to **land** created above MHWS, whereas consent to permanent occupation of the CMA is necessary for all structures that are located within, on or over the CMA. Accordingly elements of the Project that require consent for permanent occupation of the CMA include the batters of the enlarged causeway that are below MHWS and structures such as piers or bridges that are located in or over the CMA.

Trial Embankment Resource Consents

61 The s42 Addendum Report notes that it is unclear whether the trial embankment will require additional resource consents.⁵⁶

62 I can confirm that the design of the trial embankment has been undertaken such that it can be constructed within the envelope of the resource consents lodged with the application and that the erosion and sediment control measures proposed for the construction of the full embankment will also apply to the trial embankment.

Section 42A Air Quality

63 Mr Gavin Fisher⁵⁷ has addressed in some detail in his rebuttal evidence the s42A Air Quality Report prepared by Ms Jayne Metcalfe and Rachael Nicoll. Ms Linzey⁵⁸ also addresses this report in the context of the designations sought for the Project.

⁵⁴ Section 2 Interpretations Resource Management Act 1991.

⁵⁵ Definitions Chapter – ARPC.

⁵⁶ Section 2.5(3) of s42A Addendum Report.

⁵⁷ See Rebuttal Evidence of Mr Gavin Fisher.

⁵⁸ See Planning Rebuttal Evidence of Ms Amelia Linzey.

- 64 With respect to air discharge issues raised in this s42A report that relate to mobile sources such as motor vehicles I note that Rule 4.5.3 of the ALW provides for:

"The discharge of contaminants into air created by motor vehicle, aircraft, train, vessel and lawnmower engines including those located on industrial or trade premises is a permitted activity"⁵⁹

- 65 Given that such discharges are permitted by the ALW I do not consider that there is justification for the suggestion in the s42A report for mitigation of emissions from vehicles using SH16.

CONSENTS FOR ADDITIONAL CONTAMINATED SITES

- 66 The Rebuttal Evidence of Mr Terry Widdowson⁶⁰ explains that land investigations have been completed at 25 Valonia Street. These investigations have identified isolated contamination of soils at this location.
- 67 I have reviewed the consents sought for the discharge of contaminants to land or water from contaminated land (that is undergoing disturbance or remediation under Rule 5.5.44A of the ALW).⁶¹
- 68 That application has been made in respect of all contaminated sites within the Project footprint. Accordingly I consider that the site identified by Mr Widdowson is within the ambit of this consent application.



Owen Burn
February 2011

⁵⁹ Rule 4.5.3 of ALW.

⁶⁰ See Rebuttal Evidence of Mr Terry Widdowson, paragraph 18 and 19.

⁶¹ See Consent Application Reference EPA 10/2.021 (ARC: 36474).

ANNEXURE A – CONSTRUCTION YARD 1A PLAN



LEGEND

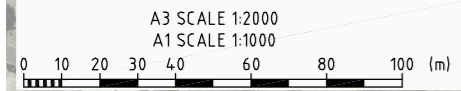
- BOUNDARY OF TE ATATU INTERCHANGE CONSTRUCTION YARD 1A
- PROPOSED FENCE
- SEDIMENT RETENTION POND (SIZE AND LOCATION INDICATIVE)

ZONE	PROPOSED ACTIVITIES
1	ALL ACTIVITIES
2	ALL ACTIVITIES EXCEPT WASTE MANAGEMENT
3	ALL ACTIVITIES EXCEPT WASTE MANAGEMENT, AGGREGATE STOCKPILES.
4	STORMWATER TREATMENT, PARKING, OFFICES, ACCESSWAYS, GATED ENTRANCE, WHEEL WASH.
5	CONSTRUCTION YARD ACCESS ONLY

NOTE: ZONING OF CONSTRUCTION YARD IS INDICATIVE ONLY.



TE ATATU INTERCHANGE CONSTRUCTION YARD 1A (ORANGAHINA)



DRAFT
CONCEPT SKETCH

Base Level: MSL AUCK. VERT. DATUM 1946
Grid Reference: Mt Eden 2000

No.	Revision	By	Chk	Appd	Date
F	DRAFT	LR	--	--	10.12.10
E	DRAFT	LR	--	--	08.12.10
D	DRAFT	LR	--	--	07.12.10
C	DRAFT	LR	--	--	02.12.10
B	DRAFT	LR	--	--	29.11.10

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Original Scale (A1)	1:1000	Design Engineer	
Reduced Scale (A3)	1:2000	Review Engineer	
		Drafting Checked	
		Consultant Approval	

NZ TRANSPORT AGENCY
 WAKA KOTAHĪ

Project: **WATERVIEW CONNECTION PROJECT**
 SH16 / SH20

Title: **TE ATATU INTERCHANGE CONSTRUCTION YARD 1A (ORANGAHINA) - SHEET A**

Originator No.	
Project No.	20111-3-D-C-150-275
Rev.	F

ANNEXURE B – PROPOSED OPERATIONAL TRAFFIC CONDITION

Changes made at evidence in chief are underlined. Changes made in rebuttal evidence are **bold**.

Proposed Operational Traffic (OT) Conditions

	<p>Integration with Local Road Network</p>
OT.1	<p>The NZTA shall prepare in <u>collaboration consultation</u> with Auckland Transport <u>agencies</u> a Network Integration Plan (NIP) to demonstrate how the Project integrates with the existing local road network and with future improvements (identified in the Western Ring Route (Northwest) Network Plan) planned by the Auckland Council. The NIP shall include details of completed proposed physical works at the interface between the State highway and the local road network, and shall address such matters as pedestrian/ cycle ways, lane configuration, traffic signal co-ordination, signage and provision for buses</p> <p><u>In addition, the NIP will consider and identify:</u></p> <ul style="list-style-type: none"> (a) <u>Opportunities to progress bus priority measures and pedestrian way on Great North Road between Oakley Avenue and the Great North Road Interchange (northbound) and to the existing pedestrian/cycle bridge over Great North Road (where these can be achieved in the existing designation).</u> (b) <u>Opportunities to provide a 2m footpath on Richardson Road Bridge, subject to confirming appropriate bus stop locations; and</u> (c) Integration of the works proposed on Te Atatu Road to appropriately transition between the Waterview Connection Project and any projects being progressed by Auckland Transport; (d) <u>Opportunities to review traffic signal timings at the Te Atatu Interchange with a view to minimising delays to all users, including cyclists on the SH16 cycleway; and</u> (e) <u>Provision of cycle “aspects” (cycle signal lights) at Great North Road Interchange.</u> <p><u>The NIP, for either the Project or relevant Project stage, shall be submitted for review to the Manager, Auckland Transport/Auckland Council.</u></p>

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	Tunnel Traffic <u>Operation Management</u> Plan
OT.2	<p>The NZTA shall prepare a Tunnel Traffic <u>Operation Management</u> Plan in consultation with the {Auckland Council} <u>Auckland Transport</u>. The plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) Procedures for maintenance requirements. (b) Procedures for managing traffic to avoid or minimise potential congestion within the tunnel, particularly during peak periods. (c) Procedures for the management of traffic during incidents. <u>d) Procedures for the operation of tunnel fans and the management of portal emissions.</u> <p><u>The Tunnel Traffic Operation Plan shall be completed within 3 months of practicable completion of SH20 and provided to Auckland Transport.</u></p>