

Under the **Resource Management Act 1991**

In The Matter of Notice of Requirement issued under Section 168 of the Act.

For: City Rail Link
Notice of Requirement 6 / Plan Modification 349
Lodged by Auckland Transport

Statement of Evidence by Catherine Lynda Heppelthwaite

QUALIFICATIONS AND EXPERIENCE

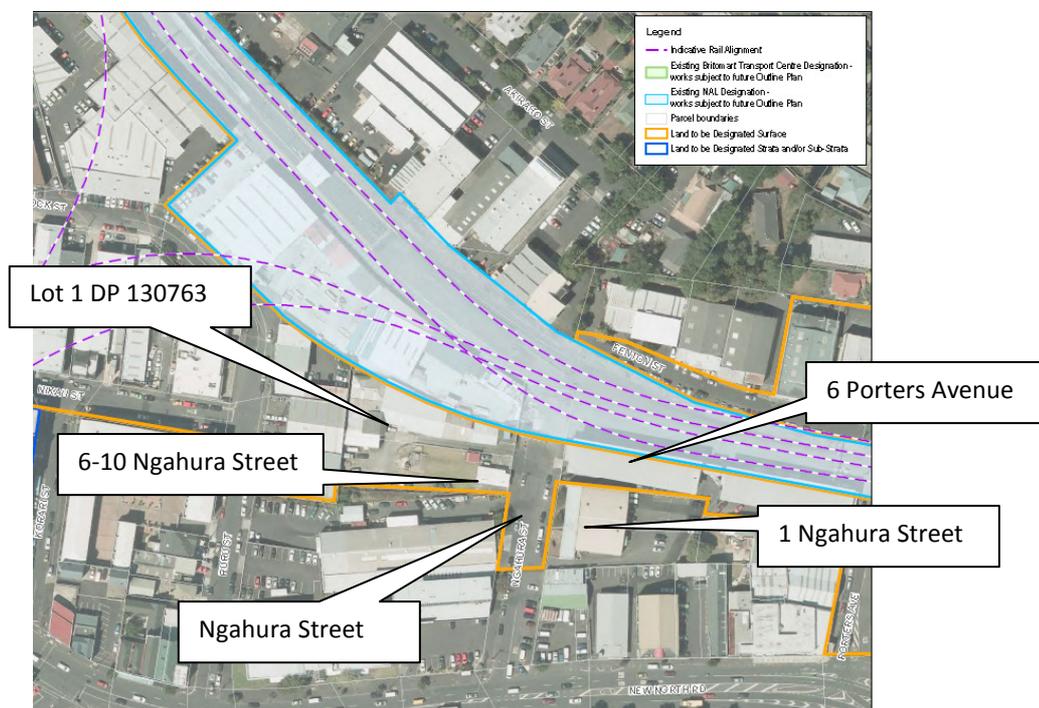
1. My name is Cath Heppelthwaite and I am a consulting resource management planner based in Auckland. I hold a Bachelors Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute and am also a member of the Resource Management Law Association and the Acoustical Society of New Zealand.
2. I have 19 years experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past twelve years.
3. I have read the code of conduct for expert witnesses in the Environment Court Practice Note 2011. I agree to comply with this Code of Conduct. This evidence is within my field of expertise except where I refer to what I have been told by another person. I have not failed to consider material facts known to me that might alter or detract from the opinions that I express.

INTRODUCTION

4. Auckland Boxing Association Incorporated (**ABA**) owns and occupies the property at 1 Ngahura Street, Mt Eden (**the site**) as contained in CT 1327/30 and CT 1312/70.
5. My evidence relates specifically to this site and potential effects / possible mitigation of those effects.

6. The site was initially included within the Notice of Requirement as 'required' but has since been removed. Properties to the immediate south (6 Porters Avenue) and east (Ngahura Street Road Reserve, 6-10 Ngahura Street and the property described as Lot 1 DP 130763) remain as 'included' within the Notice of Requirement area.

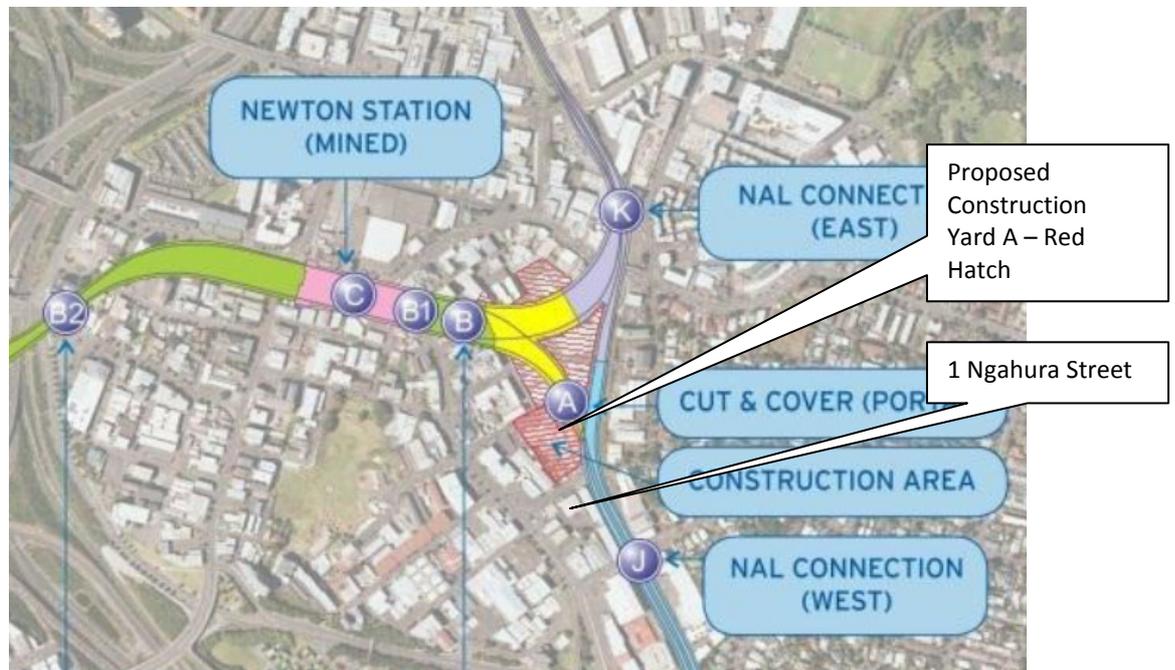
Figure 1: Location Diagram



[Base Plan taken from NOR Document Volume 2, AEE Aerials, *City Rail Link Aerial Plans Proposed Designation and Indicative Rail Alignment and Station Locations Plan 9*].

7. The site is immediately adjacent to “Area A”, a construction yard.

Figure 2: Location Diagram



8. ABA lodged a submission (Annexure 1) on Notice of Requirement 6/Plan Modification 349. The key points of the submission related to:
- Construction traffic/access
 - Consultation
 - Vibration
 - Noise
9. On 10 June 2013, representatives of Auckland Transport (Ms Blight and Ms Greenwood) met with ABA committee members (Mr Grant Arkell, and Ms Trish Howie), ABA solicitor (Ms Jane Boyce) and myself to discuss the submission. As a result of that meeting, circulation of draft Notice of Requirement conditions and subsequent email correspondence, four issues remain.

10. A review of the draft conditions as attached to Ms Blights Evidence (Attachment 2) has resolved a number of matters, particularly around ensuring there is sufficient consultation with ABA during the project works.

ASSESSMENT

Note: Draft conditions referenced below refer to those provided within Attachment 2, Ms Blights Evidence.

Vibration

11. Draft Condition 21 specifies the methods of management in regards to Noise and Vibration (via the CEMP or independent plan). Sub-clause (h), second bullet point, of this condition states:

(h) The proposed methods for monitoring construction noise and vibration to be undertaken by a suitably qualified person for the duration of construction works including:

- ...;
- The procedures for addressing construction work exceedances of the project noise and vibration criteria, including (to the extent practicable) pre and post building condition surveys and monitoring of buildings during construction shall be considered for the 56 buildings identified in Appendix x to these conditions (refer condition 39A and 41). Note that the flow charts contained in appendices B and C of Appendix J of the technical noise and vibration report provided as part of the Notice of Requirement should be used as a guide;

12. ABAs building is not included within the '*56 buildings identified in Appendix x*' therefore will not necessarily be subject to a pre and post construction building survey. I understand this is primarily because the building has not been identified by Auckland Transport as a heritage / scheduled building or a building of heritage character merit.

13. As noted in Figure 1 above, the ABA building is immediately adjacent to the proposed works and a likely key heavy vehicle access point to Construction Yard A.

14. In my view, the determining factor for undertaking a pre and post construction building survey should be based on proximity of works and the susceptibility of the building structure to vibration effects; not whether the building has heritage merit. The ABA building has a block basement with brick cladding and lightweight timber roofing. The concrete block basement is approximately 4.5m from the road (Ngahura Street) boundary.
15. A modification to Draft Condition 21 is requested to ensure potential vibration effects on the building from the construction works / traffic are mitigated. Specifically, it is requested that 1 Ngahura Street is listed as a building which will receive a pre and post construction building survey.

Pedestrian Access: Mt Eden Station/Ngahura Street

16. There is an existing level pedestrian crossing connecting Ngahura Street and Fenton Street with the Mt Eden Rail Station. This access allows for patrons of ABA (and others) to arrive at the site by train (exiting at the Mt Eden Rail with a short 170m walk to the site).
17. Draft Condition 35 relates to Notice of Requirement 6 and identifies works to be included within the Urban Design and Landscape Plan.

For this designation the Urban Design and Landscape Plan shall include restoration plans (showing how the following are to be restored following completion of the City Rail Link construction works):

- (a) The replacement of Mt Eden Road Bridge;
- (b) The area used for the grade separation of Porters Avenue; and
- (c) The area used for the grade separation of Normanby Road.

The above may be provided in one complete plan or in parts. Where in parts, plans should clearly show how the parts are holistically integrated.

18. The condition does not include the reinstatement of pedestrian access between Ngahura Street and Fenton Street with Mt Eden Station. The pedestrian access to Ngahura Street/Mt Eden Station is important for

encouraging those attending events at ABA to utilise alternative transport methods.

19. ABA is seeking that the reinstatement of the pedestrian linkage (either by level crossing or pedestrian bridge) is included within the Urban Design and Landscape Plan to improve pedestrian permeability of the area.

Review of Communications and Consultation Plan

20. Draft condition 8 provides for a Communications and Consultation Plan. The concluding paragraphs of the condition note how the Plan will be reviewed:

The Communication and Consultation Plan shall be reviewed six monthly for the duration of construction and updated if required. Any updated Communication and Consultation Plan shall be provided to the “key contacts” (see condition 5) and the Auckland Council Consent Monitoring officer for review and agreement on any further action to be undertaken. Any further action required as a result of this review shall be undertaken by the Communication and Consultation Manager for the City Rail Link and confirmation of completion provided back to the Auckland Council Consent Monitoring officer.

21. The review provisions require only that that Auckland Councils Monitoring officer and ‘key contacts’ (‘key contacts’ being defined as a representative from Auckland Transport and its contractor) are notified of changes. There is no obligation to engage with either directly affected property owners or (if appropriate) wider community interests regarding changes to the Communications and Consultation Plan (CCP).
22. ABA is concerned (given its proximity to the works) that there may be changes to the CCP (and therefore how ABA is informed/engaged) prior or during works and that ABA would not be aware of those changes.
23. A modification to the final paragraph of draft condition 8 is requested as follows (underline = text added):

The Communication and Consultation Plan shall be reviewed six monthly for the duration of construction and updated if required. Any updated Communication and Consultation Plan shall be provided to the “key contacts” (see condition 5) and the

Auckland Council Consent Monitoring officer for review and agreement on any further action to be undertaken.

Any changes which materially affect the purpose, minimum requirements, methods of communication (particularly relating to traffic/pedestrian management) of the Communication and Consultation Plan shall be communicated to those directly affected by the changes for feedback prior to the change being implemented.

Any further action required as a result of this review shall be undertaken by the Communication and Consultation Manager for the City Rail Link and confirmation of completion provided back to the Auckland Council Consent Monitoring officer.

Extent of Designation

24. During the meeting between ABA and Auckland Transport (referred to in paragraph 9 above), the extent of the designation on Ngahuru Street was discussed. It is unclear why the frontage of 1 Ngahuru Street is required to be designated (particularly considering Auckland Transport is the road controlling authority in this location). A modification to the location of the designation boundary as it affects Ngahuru Street is requested to ensure that there are no impediments to any future changes in access to the subject site. The designation boundary is requested to be relocated to the red line noted in Figure 3:

Figure 3: Proposed Relocated Designation Boundary



SUMMARY

25. Assuming that there are no material changes to the draft conditions attached to Ms Blights Evidence, ABAs submission is presently limited to three specific points relating to Notice of Requirement 6. Other matters raised earlier having been resolved by discussion with Auckland Transport representatives and modifications to the draft conditions.
26. ABA is seeking that its building be subject to a pre and post construction building survey.
27. ABA is seeking that the pedestrian linkage between Mt Eden Station and Ngahura Street is maintained/reinstated.
28. ABA is seeking that modifications which materially alter the Communications and Consultation Plan are communicated with those directly affected.
29. ABA requests the repositioning of the designation boundary to avoid the frontage of 1 Ngahura Street.
30. I am available to answer any questions from the Commissioners.

Cath Heppelthwaite

July 2013

Attachment 1: Submission

Form 21
Submission on Notice of Requirement 6/Plan Modification 349 to the Auckland Council
District Plan (Auckland Isthmus Section) Pursuant to Section 168 of the Resource
Management Act

To:

Auckland Council
Planning Technician
Business Services Central
Private Bag 92300
Auckland 1142

Submitters Name and Details:

Auckland Boxing Association Incorporated
PO Box 87146
Meadowbank
Auckland 1742
Attention: Peter Wahrstrom
Telephone: 307 0720

Address for Service:

Auckland Boxing Association Incorporated
C/o Eclipse Group Ltd
PO Box 5164
Wellesley Street
Auckland
Attention: Cath Heppelthwaite
Telephone: 377 6773 / 021 21 22 495
Email: cath.eclipse@clear.net.nz

This submission is on Notice of Requirement made by Auckland Transport for the City Rail Link.

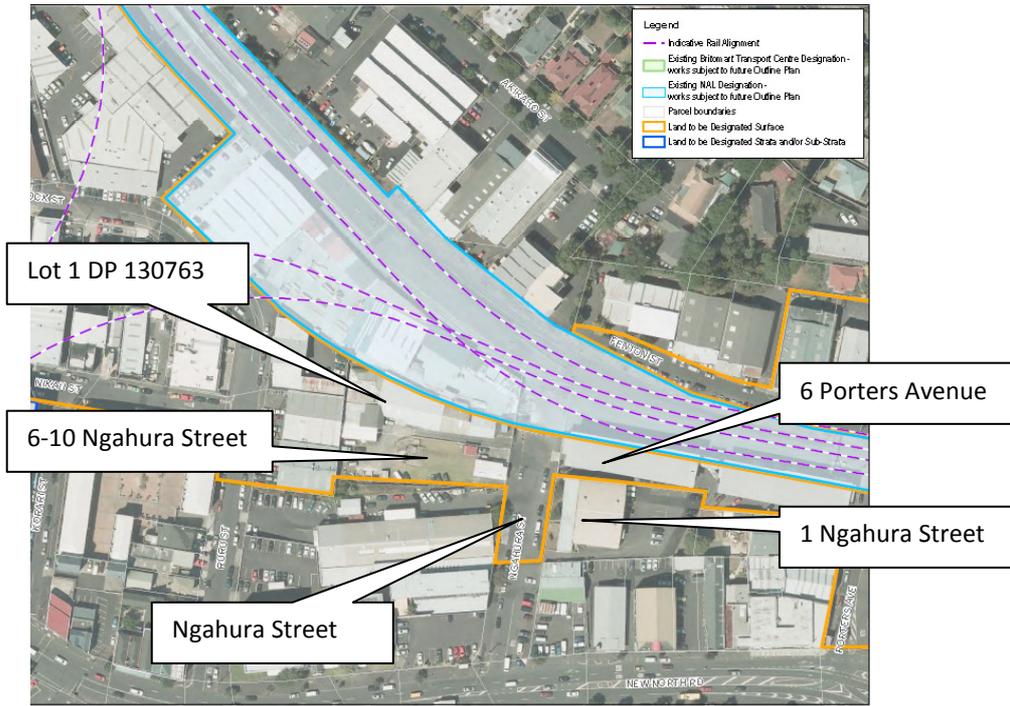
The submission is in support (in part) and opposition (in part) of the Notice of Requirement.

The specific details and reasons from the submission are:

Auckland Boxing Association (**ABA**) owns and occupies the property at 1 Ngahura Street, Mt Eden (**the site**) as contained in CT 1327/30 and CT 1312/70)

The site was initially included within the Notice of Requirement but has since been removed. Properties to the immediate south (6 Porters Avenue) and east (Ngahura Street Road

Reserve, 6-10 Ngahura Street and the property described as Lot 1 DP 130763) are included within the Notice of Requirement.



[Base Plan taken from NOR Document Volume 2, AEE Aerials, *City Rail Link Aerial Plano Proposed Designation and Indicative Rail Alignment and Station Locations Plan 9*].

The site is immediately adjacent to "Area A", a construction yard.



Construction Traffic and Access

Access points to Area A yard have not been specified but it would appear that Ngahura Street, Ruru Street or Flower Street would be the primary options. Which of these is selected/how they are managed will have a significant impact on the impacts received at the subject site.

It is noted (Traffic Impact Assessment, Page 88) that Ngahura Street is proposed to be “closed” (assumingly to the public) during construction. Section 9.5.8 of the Traffic Impact Assessment (page 83) also states that:

The closure of Ngahura Street is not expected to affect vehicular traffic, as all the properties on this cul-de-sac are understood to be required for the tunnel construction area.

This is not correct. No assessment has been made of the potential effects of access on the subject site or it appears the properties at 98-110 and 112 New North Road which both have (in addition to vehicle access from New North Road) parking and vehicle entries from Ngahura Street.

Consultation

NOR Volume 3, Environmental Management Framework (**EMF**) outlines the proposed structure under which a variety of other ‘sub-documents’ will set out methods to avoid remedy or mitigate potential effects of the proposal. Key documents within the EMF include:

- Road Network and Transportation Delivery Works Plan (**RNTWP**) which will manage traffic and transport network effects.
- Construction Environmental Management Plan (**CEMP**) managing specific construction effects.
- Construction Noise and Vibration Management (**CNVMP**) managing noise and vibration effects from construction.

It is recognised that the proposal is more of a ‘route protection’ proposal than a project where work commencement is eminent; this is reflected further in that the ‘regional’ permits are not concurrently sought, funding for the overall project is not available and that a 20 year time frame for the designation has been sought.

Provision of “plans” to manage future effects is a widely used tool to cater for specific large scale projects. However the reality remains that there is no detailed information for adjacent property owners to consider. The detailed day to day operation of the site (eg. traffic volumes, access locations to Area A, access to the subject site, perimeter fencing, parking, earthworks location and duration etc) will be critical to the operation and ongoing commercial viability of the subject site given its proximity to a key works site (Area A).

The EMF documentation preparation process provide no process for input into RNTWP, CEMP or CNVMP Plans by adjoining land owners and the OPW is not subject to notification/approval of adjoining affected land owners/occupiers.

It is noted that a Communications Plans is also proposed to disseminate information internally and externally. However there is no specific proposal to consult with directly adjoining property owners in relation to the CEMP, RTNWP or CNVMP.

Vibration

The subject building is a brick and block structure with lightweight timber framed roofing. The effects of construction traffic are currently unknown potentially significant volumes of heavy vehicles may exit Area A in close proximity to the subject site.

Noise

It is noted that the Marshall Day Acoustics Report (Appendix G, Figure 7) shows the subject site as being inside the proposed NOR area. It appears unlikely that this will alter the conclusions of the Marshall Day report but confirmation of this would be helpful.

The recommendation / decision sought from Council are:**Construction Traffic and Access**

Clarification as to the primary location to Area A is sought.

Confirmation that access to the subject site will be available at all times (especially evenings and weekends when events are hosted) is required.

Consultation

ABA requests consultation with regards to the CEMP and RTNWP (as they relate to the subject site) prior to the documents being finalised and Outline Plan of Works lodged with Council.

Vibration

ABA requests a pre-construction survey be undertaken on the building prior to works.

Noise

Confirmation that the recommendations of Marshall Day report are not altered when the correct NOR boundary is applied.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider making a joint presentation at the hearing.

Peter Wahrstrom
Auckland Boxing Association Incorporated