

Under the Resource Management Act 1991
In the matter of Notices of Requirement to enable the construction, operation and
maintenance of the City Rail Link

Between

Auckland Transport

Requiring Authority

and

Auckland Council

Consent Authority

Statement of Evidence of Bryce Michael Tom Julyan

Qualifications and Experience

1. My full name is Bryce Michael Tom Julyan. I hold the degree of Bachelor of Town Planning from the University of Auckland, New Zealand. I obtained my degree in 1985. I have been a Full Member of the New Zealand Planning Institute (MNZPI) since 1990 and since 2008 have sat on the National Council (now the Board) of that organisation. I currently hold the position of Chair on the Board of the NZPI.
2. As well as my involvement with the NZPI, I also maintain my professional development through membership to the New Zealand Resource Management Law Association and Urban Design Forum.
3. My professional experience spans approximately 28 years in planning. I have extensive experience in leading the planning work on major transport infrastructure projects in New Zealand including undertaking assessments of effects, consulting with the public and stakeholders, and managing the preparation of planning documentation. Specifically, in relation to major transport infrastructure projects I have been involved in a planning leadership or advisory role on the following projects which have included consenting and/or compliance responsibilities:
 - a. Victoria Park Tunnel
 - b. Marsden Point Rail Link
 - c. Newmarket Viaduct
 - d. Waterview Connection
 - e. Northern Busway
4. I have included further details of my experience in Attachment 1 to this evidence.
5. I am currently employed by Beca Limited, a company within the Beca Group (Beca), and have been with the company for 17 years. Based in Auckland, I work throughout New Zealand and currently hold the position of Technical Director – Planning. Within Beca, I hold the distinction of being a Beca Fellow, one of only 14 current recipients of that title, which recognises specialist technical skills, level of expertise and competency in our respective discipline areas. I also chair Beca's Technical Discipline Group for Planning, Environmental and Architecture which provides for technical development and best practice in these disciplines across our company.

Role and responsibilities

6. In 2012 Auckland Transport (AT) commissioned me for my current role as an independent Strategic Planning Advisor on the City Rail Link (CRL) project. I report in that role to Aimee Barwick, Planning Integration manager for AT.
7. I have been involved with the "CRL" (under different project names) since 2005 when I provided planning inputs to the Auckland CBD (Central Business District) Rail Loop Peer Review Study. This study reviewed five papers related to the options for twin track underground rail connection between Britomart Transport Centre (Britomart or Britomart Station) and the North Auckland Line (NAL).
8. During 2009 and 2010 I was the Planning Leader for the Auckland CBD Rail Link Study. The Study was commissioned by New Zealand Railways Corporation (KiwiRail) and the then Auckland Regional Transport Authority (ARTA). A consortium of companies known as APB&B (comprising AECOM, Parsons Brinkerhoff and Beca) undertook the Study to identify and examine an underground rail link from Britomart to the NAL.
9. My current role on the CRL team is to provide a planning overview including direction on the Notices of Requirement (NoR) to designate land, the use of the management plan tools and the consistency of the CRL with the strategic planning policy framework. I also peer reviewed the Assessment of Environmental Effects (AEE) and documentation that Ms Blight has been largely responsible for including the draft conditions.

Introduction

10. The designation of the land required for the CRL is the first stage in providing for the project in the Auckland Council District Plan and to protect the route for its future construction, operation and maintenance. The CRL comprises of a 3.4km underground passenger railway (including two tracks and three stations underground) running between Britomart and the NAL in the vicinity of the existing Mount Eden Station, and an additional 850m of track modifications to the North Auckland Rail Line (NAL)¹.
11. For ease of reference in my evidence I refer to the stations included in the CRL NoR as Aotea Station, Karangahape Station, and Newton Station. I understand from Auckland Transport that the stations will be formally named in the future.
12. I am familiar with the Auckland CBD (or City Centre), including the CBD fringe areas of Karangahape Road and Newton. I have walked the CRL project route several times and

¹ See paragraphs 23 to 29 of my evidence for the explanation on the structure and scope the CRL NoR.

have visited the wider locality a number of times specifically in relation to the project during between 2009 and 2013.

13. I have read the Council Officer Report². I comment on the relevant parts of this report further in paragraphs 145 to 146 of my evidence, however, where it is more appropriate to make comment earlier in my evidence I have done so.
14. I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Consolidated Practice Note (2011), and I agree to comply with it as if this hearing was before the Environment Court. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

15. My evidence and that of Ms Blight's provide the planning evidence for the CRL project. I have in my brief of evidence concentrated on strategic planning framework, the structure of the NoR, and the matters to be addressed in s171(1) RMA. Ms Blight will address the effects and AEE and draft conditions. I have endeavoured to be as concise as possible in my evidence. My evidence will address the following:
 - a. Summary of evidence;
 - b. Strategic Planning Framework for CRL;
 - c. Relevant Policies and Plans (s171(1)(a))
 - d. Consideration of Alternatives (s171(1)(b))
 - e. Reasonable Necessity for Achieving Objectives (s171(1)(c))
 - f. Other Matters(s171(1)(d))
 - g. Use of Management Plan Frameworks to Manage Adverse Effects
 - h. Response to Relevant Submissions
 - i. Comment on the Council Officers Hearing Report;
 - j. Conclusion.

² Section 42A Hearing Report dated 11 June 2013 (referred to hereafter in my evidence as the "Officers Report").

Summary of Evidence

16. The designation is necessary to protect the land required for the project, its future construction, operation and maintenance. The relevant provisions of the RMA are contained in Part 2 (Purpose and Principles) and Part 8 (Designations) of the RMA.
17. There are 6 NoR divided up in relation to those proposed designations which are surface, strata or sub-strata and extend over a route from Britomart Station to the NAL. The designation authorises the works and identifies the land, in the District Plan, that is required to construct the CRL and operate and maintain it (including on-going maintenance and protection of the rail link).
18. The NoR set out the nature of any restrictions that the designation will impose and the requiring authority (in this case AT) has proposed conditions to be attached to the designation. Once a designation is confirmed in the district plan the RMA (s176A) provides for an "Outline Plan" to be submitted to Council in relation to any work to be carried out under the designation³. The Outline Plan would include details of the works authorised under the designation. An Environmental Management Framework is proposed which provides for the submission of management plans to manage effects and meet the conditions of the designation. This also provides for communications with landowners and affected parties to facilitate the management of effects, particularly traffic and access, noise and vibration and property impacts. This process provides the Council with the mechanism to review the detail of the works that are proposed, to check compliance with conditions and to request any changes before construction is commenced.
19. While a designation provides for land use under the district plan, additional resource consents are still required under the Auckland Regional Plan (from the Auckland Council) for works pursuant to sections 9, 14, and 15 of the RMA. These resource consents are not being sought in conjunction with the CRL NoR and will be applied for at a future date.
20. The AEE for the CRL accompanies the NoR and identifies, and assesses, the environmental effects of the project. In terms of the matters set out for consideration under s171(1)RMA, I have discussed the relevant policy documents, alternatives, reasonable necessity of the designation and other matters. I conclude that the CRL gives effect to the overall objectives and policies that apply; that adequate consideration has been given to the alternatives; that the designation and project are reasonably necessary to achieve AT's objectives; and I have identified and considered other relevant documents as other matters. Overall, having regard to the effects (and the evidence of Ms Blight and other experts) and

³ Subject to s176A RMA and any waiver that may be sought under this provision.

with appropriate conditions I conclude that the CRL is consistent with the purpose and principles of the RMA.

Strategic Planning Framework for CRL

21. I understand the key statutory provisions of relevance to the consideration of the CRL NoR are set out in Part 2 (Purpose and Principles) and Part 8 (Designations) of the RMA.
22. These provisions are set out in section 2.2 of the Assessment of Environmental Effects (AEE). I have attached this extract for easy reference in Attachment 2 (of this evidence).

Structure of NOR documentation & OP process

23. As a Requiring Authority, AT⁴, is able to serve NoR to designate land for public works. To designate land for the CRL in the Auckland Council District Plan, AT served six (6) NoR on Auckland Council in August 2012. I note the NoR acknowledge the CRL to be an integrated project and as such the NoR are expected to be addressed together under the RMA. However, the designations are distinguished because the works differ along the route in relation to the location, the scale and nature of the works authorised and the restrictions imposed. For instance, there are places that require sub-surface works (e.g. the bored or running tunnels), others where surface works are required for construction (e.g. 'cut and cover' works at each end); still others where a combination of surface and sub-surface works are required (e.g. stations) and some areas a protection mechanism is required to restrict activities but no works are authorised (e.g. above the bored or running tunnels). After construction AT have indicated that where the designations are no longer required these may be 'relaxed' or drawn back (subject to the operational needs of the CRL). For these reasons, the CRL NoR have been divided up in relation to those designations which are surface, strata or sub-strata:

- Surface (designation) – means designation that includes the ground surface (including air space above and land below to the centre of the earth). The surface designations are NoR 1 (Britomart – Aotea Station), NoR 4 (Karangahape Station), NoR 5 (Newton Station) and NoR 6 (NAL connection). It is noted that NoR 4 and 5 are for stations and have surface and sub-strata components (where portions of the station require subterranean land but do not need to penetrate the surface);
- Strata (designation) – means designation of a subterranean land layer starting 5 metres below the ground surface and extending to the sub-strata designation below (the tunnel envelope). The Strata designation is NoR 3 and is for the protection of the tunnels below. It restricts the use of the land but does not authorise any works;

⁴ Refer Section 167 of the RMA and Section 47(1) of the Local Government (Auckland Council) Act 2009

- Sub-strata (designation) – means designation of land starting below the strata designation to the centre of the earth. This designation provides for the rail tunnels and is NoR 2. As mentioned NoR 4 and 5 also have sub-strata components.
24. The NoR land requirement plans indicate the footprint (horizontal or plan view) of the designation and distinguish by colour between the surface, strata or sub strata designations. Within the NoR indicative cross-sections assist to interpret the designations vertically.
25. At this point I note the s42A Officers report is incorrect in its interpretation of NoR 2 and I would clarify that the proposed designation under NoR 2 (sub-strata) does indeed extend through the proposed station designations (NoR 4 and 5).
26. The different types of designation mean that some people may be affected by surface designation at ground surface, while others may only be affected by designation below the surface (at a strata and sub-strata level). The designation authorises the works and identifies the land, in the District Plan, that is required to construct the CRL and operate and maintain it (including on-going maintenance and protection of the rail link).
27. Designations are commonly used as mechanism under the RMA to strategically plan for future public works by identifying the land needed for such works within the relevant district plan and provide authorisation or consent for the land use activities described. The NoR indicates the nature and extent of the proposed designation. Once confirmed the designation will protect the land and enable the works (the subject of the designation) to be given effect to. A NoR sets out the nature of any restrictions that the designation will impose and in considering a NoR it is common practice for the requiring authority to propose conditions and for the consenting authority to request conditions be attached to the designation. In the case of the CRL, I note Ms Blight's evidence which refers to draft conditions that have been provided by the requiring authority to the Council and submitters. I discuss the necessity of the designation later in my evidence but in summary I note that it will enable AT to identify and secure the land required and undertake the construction, operation and maintenance of the CRL. Depicting the designation in the district plan provides the community and affected landowners with certainty about its location and the nature of the works.
28. Once a designation is confirmed in the district plan the RMA (s176A) provides for an "Outline Plan" to be submitted to Council in relation to any work to be carried out under the designation⁵. AT, as the Requiring Authority in this case, would provide an Outline Plan (in accordance with s176A (3)(a)-(f) of the RMA) to the Auckland Council, before construction

⁵ Subject to s176A RMA and any waiver that may be sought under this provision.

commences. The Outline Plan would include details of the works authorised under the designation. The process provides the Council with the mechanism to review the detail of the works that are proposed, and to request any changes before construction is commenced. It is a means by which Council can determine that the works proposed are in accordance with the designation and comply with any conditions that may be attached to it. The Council can also request the requiring authority to make any changes to manage effects, in accordance with the designation and conditions.

29. At either end of the CRL the rail lines will tie into the existing rail network (i.e. at Britomart and at the NAL). In both cases, the works required to connect the lines and any ancillary works are able to be undertaken under the existing designations subject to Outline Plans. For Britomart, AT is the requiring authority and for the NAL, KiwiRail is the requiring authority (and has indicated in its submission that any works within its designation will be undertaken as part of its rail network). The existing designations provide for the construction, operation and maintenance of the rail network and any works required can be undertaken under these existing designations. I note Ms Blight's evidence addresses the effects of the construction of the project.

Other Resource Consents

30. While a designation provides for land use under the district plan, additional resource consents are still required under the Auckland Regional Plan (from the Auckland Council) for works pursuant to sections 9, 14, and 15 of the RMA. These resource consents are not being sought in conjunction with the CRL NoR and will be applied for at a future date. Further information is required to inform these consent applications and this will warrant further (and thorough) investigation and design. It is appropriate, from a planning perspective, to get certainty on the project by way of confirming the designation prior to committing further resources to undertake these investigations. This will also enable property and entry agreements to be acquired to assist in obtaining this information and undertake the assessments.
31. Construction may not commence until these consents are sought and obtained. Future applications will be required to provide further detail on effects such as discharges and groundwater diversion, and affected parties will be able to participate under the RMA process in respect of those resource consents (as appropriate).

Section 171 RMA

32. Section 171(1A) and (1) of the RMA, subject to part 2, set out the matters that must be considered for a NoR:

(1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.

(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -

(a) any relevant provisions of –

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if -

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement

Relevant policies and plans

33. A number of statutory and non-statutory plans and documents include objectives and policies that are relevant to the consideration of the effects of the proposed designation. The AEE identifies the relevant objectives and policies and provides commentary on the CRL project in terms of it being consistent or compliant with those objectives and policies.
34. In the case of the CRL many of the objectives and policies in these documents are not directly relevant, and it is not necessary, in my view, for every individual policy and objective to be met but instead question is whether “in the round” the project will give effect to or is consistent with the general policy framework. Also in some instances, it may be that the outcome will be “not inconsistent” with that direction (i.e. it may not directly align with a policy area but neither is it contrary to it). The AEE adequately canvasses the relevant objectives and policies and to avoid revisiting the entire policy framework I note the S42A report generally confirms that assessment.
35. It is my view, that the CRL is consistent with these plans and policies and, as there are an extensive list of relevant policies already summarised I have focussed in this section of my evidence on what I consider are the “key” policy directions of the relevant plans. These are discussed briefly in the section below.
36. I consider the following documents are relevant to AT’s applications, as noted in the AEE:

- a. Auckland Regional Policy Statement (ARPS)
- b. Auckland Regional Growth Strategy 1999 (ARGS)
- c. Auckland Plan, May 2012
- d. The City Centre Masterplan 2012
- e. Auckland Waterfront Masterplan 2012
- f. Auckland Regional Land Transport Strategy 2010 – 2040
- g. Auckland Transport Plan 2009
- h. The Auckland Regional Public Transport Plan 2010
- i. Auckland Rail Development Plan 2006-2016
- j. Auckland's Economic Development Strategy
- k. City Centre Retail Action Plan 20012 - 2017
- l. Auckland's draft Unitary Plan March 2013

ARPS

37. The Auckland Regional Policy Statement (ARPS) 1999 outlines a strategic vision for the Auckland region and outlines objectives, policies, rules and methods for managing the region's natural and physical resources. These resources include transport resources.

38. The Strategic objectives of the ARPS include⁶:

3. To achieve a compact well designed more sustainable urban form served by an integrated multimodal (private vehicles, public transport, walking and cycling) transport system.

4. To develop and manage the region's transport system including road, rail, ferry, bus, cycling and pedestrian networks and services in a manner that supports urban development and land use intensification.

39. Objectives of the ARPS of key relevance to the CRL are as follows:

- (a) Promoting Sustainable Land Use
- (b) Promoting a Sustainable Transport System
- (c) Promoting a Sustainable Economic Future

⁶ Attachment 6 provides extracts of additional Objectives and policies from the ARPS.

(d) Promoting Environmental Sustainability

40. The Project assists in supporting the land use outcomes of the ARPS in the following ways:-
- (a) provides improved accessibility to the Region's most significant mixed use centre, the city centre;
 - (b) provides for improved frequency of rail services across the network;
 - (c) provides improved access to growth centres which facilitates increased residential densities (where appropriate) on the Rapid Transit Network (RTN) and connecting Quality Transport Network (QTN) ;
 - (d) provides improved accessibility which facilitates business development as the market recognises the value of locating close to the rail stations;
 - (e) encourages development in the growth centres well-served by passenger transport;
 - (f) Integrates land use, transport, economic and environmental outcomes.
41. The ARPS contains a number of key objectives on the location of urban growth and how urban growth and the land transport system in Auckland should be integrated. The AEE notes two key policies of Chapter 2 which give effect to the above listed objectives which are particularly relevant to the NoR:
42. Under Strategic Policies Urban Structure, Policy 2.6.5.3 states:
- “To develop a network of High Density Centres and Intensive Corridors which are linked by high quality public transport ranging from frequent local bus services supplemented by express buses to rapid transit (rail, ferry, or bus) on separate rights-of-way.”*
43. The Project is an important component for delivering high quality rapid transit public transport on separate rights-of-way that links to the broader RTN.
44. Under Strategic Policies Land Use and Transport Integration, Policy 2.6.11.2 states:
- “Land use and Transport shall be integrated within High Density Centres and Intensive Corridors (refer to Policies 2.6.5) to ensure that:*
- (i) High Density Centres and Intensive Corridors are able to be served by an efficient and effective public transport network;*
 - (ii) High Density Centres on the rail rapid transit network and on the bus rapid transit system are served by a fast, frequent and reliable public transport service;”*
45. The Project is designed to provide not only a more effective and efficient public transport network serving High Density Centres but also a RTN which allows for a significantly faster, more frequent and more reliable service thereby giving effect to the ARPS policies above.

46. Among other methods for giving effect to Policy 2.6.11.2 and of particular relevance to enabling improvements to the public transport network is Method 2.6.12.6 which states:
- “Auckland Council, ARTA, Transit New Zealand and ONTRACK in conjunction with relevant transport operators will implement improvements to the public transport network to support the development of areas listed in Schedule 1.”*
47. Schedule 1 of the ARPS lists all growth, centres, corridors and areas which have been identified for accommodating future urban growth including the city centre area.
48. Policy 4.4.1.1 promotes integrated land use and transport planning in a way which:
- “(a) seeks to reduce trip lengths and numbers and the need for private vehicles travel and encourages a significant increase in the amount of travel made by public transport, walking and cycling.”*
... and..
- “(c) recognises the need to reinforce an efficient and effective public transport system within and connecting High Density Centres and Intensive Corridors.”*
49. Policy 4.4.1.2 states that the development of the transport system will be guided in a way which (paraphrased) promotes the use of forms of transport which have fewer adverse effects on the environment and reduces environmental effects including air and water quality, reduces the need for non-renewable fuels, avoids, remedies or mitigates modification of the landscape and the adverse effects of transport on local communities.
50. The CRL promotes these policies as it will reduce the journey time for rail travellers. It offers a competitive choice for private vehicle users in terms of time savings and costs (encouraging the transfer to a more efficient mode of transport). By utilising electrified trains the CRL extends part of the public transport network that uses renewable resources. It will modify the physical urban environment, and temporarily at least this will have adverse effects as a result of construction. However these effects are not unusual in terms of major infrastructure construction and the project has been designed to avoid significant adverse effects by undergrounding much of the alignment including the stations. The significant effects are able to be remedied or mitigated and in particular can be managed through the conditions and methods proposed (and as outlined in Ms Blight’s and other evidence).
51. Policy 4.4.7.1 states;
- “Transport networks which promote the efficient movement of people, goods and services, throughout the region will be identified in the Auckland RLTS and district plans and will be required to be protected in district plans.”*
52. The ARPS directly refers to the RLTS as identifying transport networks (such as the metropolitan passenger rail network) and directs the relevant district plans to protect such

networks. One of the main components of the RLTS is the expansion of the RTN by constructing the CRL and further increasing frequency and capacity⁷. The identification of the CRL project by designation in the district plan will confer protection on the land required and give effect to this policy. The identification of the CRL in the RLTS and ARPS indicates that provision for this project in the district plan can be expected.

53. The evidence of Mr John Williamson discusses the benefits of an effective and efficient transport network and how this contributes to sustainable economies. There is a clear link between accessibility and productivity and efficiency and that good transport links in urban centres can create 'agglomeration benefits'. The ARPS recognises the importance of growing the Auckland economy and the link between key transport infrastructure and economic growth.
54. The ARPS recognises the value of the region's heritage resources and seeks to preserve and protect those of value (including buildings, and archaeological sites). Ms Blight will discuss the effects of the CRL. However I note the design of the rail alignment has sought to avoid potential adverse effects on the physical integrity of heritage and character buildings and archaeological sites, primarily by following existing road alignments. The CRL will result in the loss of part of a scheduled structure⁸ being the men's toilets (located under Albert Street) at the end of Durham Street west. This structure is accessed through the bluestone wall, another scheduled feature⁹ (which remains).
55. The CRL expands the electrified network and will promote the use and level of service experienced on that network. This will be consistent with the ARPS objectives and policies on air quality and energy. CRL supports the development of high density transit oriented developments, and enables pedestrians and cyclists to connect with the wider city environment in an energy efficient manner. It provides an effective and clean alternative transport option to either the car or buses (which are in the main diesel) in terms of air quality.
56. The ARPS seeks the direct and effective involvement of Tangata Whenua in the management of ancestral taonga. I note Ms Barwick's and Ms Blight's evidence in terms of the Cultural Values Assessment undertaken, that consultation with iwi is on-going and that no submissions have raised this as an issue.

⁷ RLTS p9 - Note this footnote has been corrected from the reference in AEE (refers to p 11)

⁸ Schedule B, Ref 005 (Cat B listing), p 31 ACDP Central Area (Appendix D of the Built Heritage Report which is Appendix 4, Vol 3 NOR suite of documents)

⁹ Refer Appendix D of the Built Heritage Report which is Appendix 4, Vol 3 NOR suite of documents

ARGS and Auckland Plan

57. Prior to Auckland's recent transition into a "Super City" under a single local governing body (the Auckland Council) the Auckland Regional Growth Strategy (ARGS) 1999, was developed as a concept for understanding possible future growth scenarios for the Auckland Region.
58. The ARGS is referenced within the ARPS and as such forms part of the Auckland strategies which address growth within the region. The ARGS contains goals and outcomes around rail stations and interchanges supporting a compact city and intensification. It also seeks to increase transport options in intensified areas and supports this being integrated with surrounding land use growth. The ARGS has 16 proposed outcomes that should be achieved by the strategy, including providing for physical and social infrastructure and access and transport efficiency. The plan aims to develop an efficient transportation system because it is considered crucial for meeting many of the other desired outcomes such as safe and healthy communities. The CRL project will enhance transportation capacity within the CBD and wider central area and will consequently contribute to the outcomes sought by the ARGS.
59. The Auckland Plan¹⁰ (2012) provides a comprehensive long-term (20- to 30-year) strategy for Auckland's growth and development. The Auckland plan is not prepared under the RMA but Local Government (Auckland Council) Act 2009 and is addressed in the AEE and I have noted it under 'other matters' later in my evidence.

District Plan

60. The objectives and policies of the Auckland Council District Plan (ACDP), comprising the Central Area and the Isthmus sections of the District Plan are outlined in the AEE (Section 8) and summarised in Tables 8.2 and 8.3 of that document, respectively relating to the Central Area and Isthmus provisions. I concur with the assessment of the project in relation to the relevant objectives and policies identified in these tables. In general I note that the CRL will be consistent with the direction given by the objectives and policies. I also observe that, notwithstanding the need to assess the effects of such a project, to give effect to the ARPS the construction and operation of the CRL (at some stage) is contemplated by the district plan objectives and policies.

¹⁰ Section 79 of the Local Government (Auckland Council) Act 2009 requires Auckland Council to prepare a spatial plan (the Auckland Plan).

61. Objective 7.2.1 of the Central Area section of the ACDP seeks to “provide for a degree of noise protection throughout the Central Area”. I note the plan and the officer’s report (p55) acknowledges that construction in the city centre is anticipated and expected to facilitate growth and development. The evidence of Ms Blight discusses the effects of construction noise and based on Mr Fitzgerald’s and Mr Whitlock’s evidence how construction noise may be managed and mitigated in accordance with the objective.
62. I do note that the Objective 10.3.1 of the Central Area section of the ACDP seeks to “... recognise and protect resources of natural, cultural and scientific heritage value”. The AEE acknowledges the potential effect on the bluestone wall and removal of the Albert Street toilets as a significant effect in terms of the policies. The evidence of Mr Petry (heritage) and his assessment indicate that the toilets are substantially modified and that the heritage values have been diminished over time. I do note that the officers (s42A) report, also observes there appears to be little surviving value in the toilets. In my view , based on this evidence, while the removal of a scheduled feature is inconsistent in principle with the policy, in the circumstances the value of that feature holds is actually diminished and the effect of removal is substantially reduced.
63. The Bluestone wall, is also a scheduled heritage structure and therefore also warrants recognition and protection. Considering the evidence of Mr Petry I note that this is a substantial structure that has also been modified over time to allow for access to services and to accommodate pedestrian and vehicle access to Albert Street above. Given its heritage values, condition and because detailed design has not yet taken place, it would be prudent to allow sufficient flexibility (in any condition attached to the designation) to allow for methods that result in the best outcome for the values of the wall. For instance protection and retention of the wall may be better provided for, if it is allowed to be strengthened and “rebuilt” rather than further altered through bracing or strapping. A proposed condition (see Ms Blight’s evidence) would be appropriate, in my view, and meet the policy direction as it would result in the best overall outcome for the wall.
64. It is worth noting at this point that the Auckland Council Unitary Plan (the Unitary Plan) is currently being prepared and will eventually replace the district, and regional plans and policies of the former city, district and regional councils. The Unitary Plan was released in “draft” for public comment in March 2013. While not holding any weight at this point the Unitary Plan is intended to implement the strategic direction of the Auckland Plan and consequently the CRL is anticipated by a number of draft objectives and policies in relation to transport and economic wellbeing. A designation for the CRL, if confirmed, will be included in any proposed plan (Unitary Plan) under s 175(2)(a) RMA.

RMA s171(1)(a) conclusion

65. In my opinion, the assessment of the Project against relevant policy statements and plans demonstrates the Project is consistent with these documents, in particular the Auckland Plan and the RLTS and consequently meets the provisions of section 171(1)(a) of the RMA and those policy documents that may be considered relevant as other matters under section 171(1)(d) RMA.

Consideration of Alternatives

66. Section 171(1)(b) of the RMA requires that when considering a NoR (and any submissions received), the territorial authority must, subject to Part 2 of the RMA, consider the effects on the environment of allowing the designation. In so doing it must have particular regard to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that the work will have a significant adverse effect on the environment.
67. The assessment of the alternatives (in accordance with s171(1)(b) of the RMA) is contained in section 8 of the AEE. I have endeavoured to provide a summary of the key points in relation to the alternatives assessment below.

Alternatives Considered pre-2009

68. My involvement in the consideration of alternatives began initially with planning inputs to the peer review in 2005 (for ARTA) of the 'Britomart West Rail Extension' Feasibility Study' undertaken for Auckland City Council in 2004. Figure 3.1 in the AEE shows the alignment variants assessed in the Britomart West Rail Extension Feasibility.
69. The Peer Review upheld the conclusions of the Feasibility Study which identified Option 2 from the 'Britomart West Rail Extension' as feasible and preferred, including proposed station locations. Although it identified potential technical constraints and issues for further consideration the review noted that the work reflected an early stage of development of the Project concept, and concluded that based on the available information the proposed alignment is acceptable and constructible.
70. In 2008 I was involved, in terms of providing planning inputs to ARTA, in respect of establishing a preferred rail alignment between Britomart and Wellesley Street, including a station ("Aotea") located under Albert Street (between Victoria and Wellesley Streets). The objective of this was to determine minimum acceptable rail geometry and operational implications in the context of the known technical and physical constraints in the area, particularly the new tower at 21 Queen St (now the Zurich Building) and the Downtown Shopping Centre (part of which was at that time being considered for redevelopment). The

preferred option, established as a result of this work was agreed at the time between ARTA and KiwiRail. The preferred alignment exited the western end of Britomart Station, under QE2S, under the Downtown Shopping Centre, before turning south under Albert Street.

Alternatives Considered in 2009 and 2010

71. In 2009 I was part of the consultant team (APB&B) commissioned by KiwiRail and ARTA to undertake the Auckland CBD (Central Business District) Rail Loop Study. Together with Ms Blight, I was a primary author of the Option Evaluation Report (Appendix 11 of the CRL NoR), produced as part of that exercise. The study developed project objectives, with the intention that in the future a NoR would be served to designate the CRL. These project objectives were included in a Project Memorandum of Understanding between KiwiRail and ARTA with the agreement of the key stakeholder organisations, being the (former) Auckland City Council and Auckland Regional Council (ARC). The Project objectives were supplemented by a set of more specific objectives, developed and agreed with stakeholders. These are the Project Objectives that have been adopted and slightly modified by AT (as discussed in section 1.7 of the AEE).
72. The aim of the 2009/2010 option evaluation work was to identify a preferred alignment and station locations for the CRL between Britomart and the NAL and to then undertake a concept design for the preferred option. The option evaluation work formed phase 1 of this work.
73. The option evaluation work was an interactive process undertaken through a series of workshops which involved KiwiRail, ARTA, and the consultant team (comprising engineers, architects, planners, urban designers, and other environmental technical experts), the then Auckland City Council and Auckland Regional Council, Ministry of Transport, and the NZ Transport Agency.
74. Technical parameters (similar to those contained in the Concept Design Report) were confirmed which allowed for the establishment of feasible alignment options to be taken through the option evaluation process. The preferred alignment established in 2008 between Britomart and Wellesley Street was used as the basis for the development of alignment options to then link the remainder of the CRL to the NAL in the vicinity of Mt Eden Rail Station. The Study Area and alignment options are shown in Attachment 3 (and in Fig 2 of the Auckland CBD Rail Link Study Options Evaluation Report).
75. A multi-criteria analysis was undertaken to evaluate the feasible alignments, general area and desirable number of stations along the route, optimal station locations within the general areas, and finally the alignments that best served the preferred station locations. The options were assessed in terms of both benefits and operational and environmental effects.

76. A weighting and sensitivity testing exercise was undertaken at key workshops to test the robustness of the evaluation process. This included applying varying weight to both criteria and categories of criteria.
77. An important constraint on any alignment was the steep climb between Britomart and the NAL, which imposed considerable restrictions on the ability to achieve “workable” gradients for trains. A maximum allowable gradient of 3.5% constrained the ability to accommodate more than three stations between Britomart and the NAL. During the evaluation process one, two and three station options were considered for the CRL. However early analysis provided no compelling reason to ‘drop’ the number of stations from three. Station locations were Newton, Karangahape Road/Symonds Street and “Aotea” areas.
78. An assessment was undertaken to identify alignments to join the potential station locations. Following a coarse screening process which assessed each alignment against the technical parameters (i.e. gradient and curvature etc.) eleven alignments were taken forward. These alignments and their subsequent station locations are shown in Figure 3.2 of the AEE.
79. Locations were analysed for each of the 3 station areas. These included:
- a) 5 options in the Newton area;
 - b) 4 options in the Karangahape Road area (including a station underneath Central Motorway Junction (CMJ)); and
 - c) 3 options in the area of Albert / Victoria / Wellesley Streets (Aotea).
80. The result of the multi-criteria analysis was a ranking of station locations in each area and a shortlist of feasible alignment options for further development. The top ranking station locations were:
- a) Newton 1 - located under the intersections of Symonds Street, Khyber Pass and Newton Road;
 - b) ‘K’ Road 1 - located under Karangahape Road, Pitt Street and Beresford Square; and
 - c) Aotea 1 - located under Albert Street between Wellesley and Victoria Streets.
81. Due to comparable scores Newton 2 and 5, Karangahape Road 2, and Aotea 2 stations were included in a further analysis and the feasible alignments taken forward into this further analysis were alignments 6, 6a and 1c.
82. Further detailed investigations were undertaken in order to confirm the preferred alignment and station locations. Alignment option 6 was identified as having potential conflicts on the

Upper Queen St Bridge piles within the CMJ. Investigations were carried out to establish the extent and risk of these issues and a refinement of this alignment was undertaken to avoid the bridge. Consequently the preferred alignment for the CRL was identified as alignment option 6c (a minor refinement of alignment 6 which avoids passing directly beneath the Upper Queen Street motorway over bridge), connecting station locations Newton 1, 'K' Road 1 and Aotea 1.

Alternatives Considered in 2012

83. As noted earlier in my evidence since early 2012 I have been part of the AT integrated project team. In terms of further examination of alternatives these have largely been refinements of the design (refer the 2012 Option Evaluation Summary Report attached to the AEE). My role in the evaluation of alternatives at this stage was to provide planning inputs to facilitate consistency in the process of evaluation and to enable the alternatives to be evaluated having regard to the purpose and principles of the RMA.
84. One of the purposes of the 2012 Option Evaluation Assessment was to confirm that the concept design for CRL provides adequately for flexibility in the long term operation of the AT rail system, and included the following:
- Consideration of flexible station forms at Karangahape Station and Newton Station, including investigating a range of indicative construction methodologies;
 - Consideration of an altered alignment to link Aotea Station to Karangahape Station and Newton Station as a result of slight location movements to the 2012 station locations that form part of the CRL NoR;
 - A review of the indicative construction methodology for Albert Street between Britomart and Aotea Station to provide for potential utility constraints;
 - Consideration of additional infrastructure required to deliver a flexible, sustainable and future proofed rail network; including configurations and possible staged development.
85. The iterations were assessed using the multi-criteria evaluation methodology developed as part of the 2010 Option Evaluation Report with some refinements as summarised in the 2012 Summary Report. The concept design iterations are addressed by Mr Newns in his evidence. I observe that while there are a number of design iterations that came out of this exercise by and large the general route alignment and station configuration which dictate the footprint of the designation, was confirmed along with the envelope of effects based on a reasonable, indicative methodology.

RMA s171(1)(b) conclusion

86. The RMA (s171(1)(b)) requires AT to demonstrate adequate consideration of other sites, routes and methods. I have been involved in the Option Evaluation Study that examined the alternative options for both stations and alignments and, in my opinion, this process has been fair and robust. In considering the reasonable alternatives the evaluation has been cognisant of the purpose and principles of the RMA. Furthermore it is my understanding that a requiring authority does not have to determine whether all possible options have been considered or whether the selected option is necessarily the 'best' solution. In this regard I note the Officers report (section 6.4, p40) which concurs with this understanding.
87. An important distinction that needs to be clear, in my experience of examining major transport projects, is that an alternative alignment, for instance, does not mean an alternative project. Consequently, it would be unreasonable for the alternatives considered to include, for example a connection between different parts of the network – that would effectively constitute a different “project”.
88. In particular the consideration of alternatives has taken into account:
- a. The physical constraints, particularly of the topography and vertical rise of the land between Britomart and the NAL.
 - b. the impact of the designation and project on private land. This has been minimised as much of the work will be undertaken within Council owned land, or road reserve under the management of AT. Where is necessary to require additional land in order to construct and operate the project and this has been, in my view, evaluated and considered carefully to reduce the impacts on private property wherever practicable.
 - c. The scale, nature and potential effects of the construction work. This has the potential to adversely impact the activities within the existing environment (although once operational the effects of the project will be substantially positive). In particular the works are likely to have significant actual or potential adverse effects on the environment where surface works are proposed. The actual and potential effects of the CRL are identified and discussed in Ms Blight's evidence.
 - d. Cultural, social and economic impacts including the impacts on heritage and cultural values and the effects on access and connectivity.
 - e. Positive effects of the CRL
89. Some submissions raise the consideration of alternatives and the officers report identifies these (at p39) and I concur with the report (p42) that the consideration of alternative has been adequate. The officer's report suggests that an outstanding matter in relation to

alternatives is the consideration of alternative construction sites other than the Downtown Shopping Centre and I discuss this later in my evidence.

Reasonable Necessity for Achieving Objectives

90. Section 171(1)(c)RMA provides that when considering a notice of requirement the consent authority must have particular regard to -
(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
91. It is important to understand the interpretation of the words reasonably necessary in RMA terms. I understand that the context in which s171(1)(c) is to be interpreted is that 'reasonably necessary' indicates something less than absolute necessity or essentiality is contemplated in application of the provision.
92. While the objectives should not be so constrained as to limit the consideration of reasonable alternatives to achieve broad objectives it is also important to acknowledge that a requiring authority may set its own priorities to establish its network, achieve its objectives or meet its obligations to implement a wider network.
93. The 2012 Project objectives are set out in the AEE/ NOR and are attached in Attachment 4. I note that as the project has evolved the objectives of each phase have been reiterated. The largely reflects the different 'owners', political responsibilities or jurisdictions rather than the fundamental shift in the project objectives, and I observe that these are all in accord with the policy direction of the broader plans (described above).
94. It is my view that the project and designation are reasonably necessary to achieve the objectives of the requiring authority for the reasons below.

Necessity of Project

95. Section 171(1)(c) RMA requires consideration of whether the work is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. I understand AT is a Council Controlled Organisation of Auckland Council, under the Local Government (Auckland Council) Act 2009 (LGACA) and is responsible for managing and controlling Auckland's transport system. I note AT's purpose as set out in section 39 of the LGACA is "to contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being". AT has set out its objectives, as noted, and, in my view these will be met by the CRL.
96. A key purpose and driver of the CRL is to make the city centre more accessible, resulting in an anticipated increase in economic performance including attracting a greater concentration and employment opportunities, and create changes in land use, development opportunities, and intensification (particularly around stations). The CRL will create a rail

network that penetrates the central city beyond the downtown area (served by Britomart) by opening new stations in the midtown (Aotea), uptown (Karangahape) and the fringe (Newton) and enables most destinations to be within a ten minute walk of a station. Direct connections to these parts of the city centre from other centres and communities on the Auckland network provide choice for people (getting to/from the city centre). Consequently the city is more attractive as a destination, and the attractiveness and viability of other centres is also improved, through improved better access and enhanced connectivity.

97. The evidence of Mr Williamson demonstrates that current Auckland rail network is not expected to meet future demand due to its limited capacity. Current growth projections indicate the existing Britomart terminus station is expected to reach capacity between now and 2024. The CRL will enable better efficiency to be extracted from the public transport services and improve the reliability of passenger services to/from the city centre. The creation of a “through station” at Britomart will build resilience in the network and offer operational flexibility by releasing the constraint the ‘dead-end’ currently creates. This is expected to almost double the capacity of the existing Auckland rail network (refer Mr Williams’ evidence).

Necessity of designation

98. Section 171(1)(c) RMA also requires consideration of whether the designation is reasonably necessary for achieving the objectives of the requiring authority. In my view, the designation mechanism under the RMA is the only reasonable mechanism to achieve the objectives of AT in terms of providing for the work. As the only reasonable measure the test of reasonable necessity or practicability is well met.
99. The designation, if confirmed will:
- (a) Protect the land from other development which would hinder or prevent the CRL being constructed or operated (tunnels, stations, and construction areas), both above and below ground;
 - (b) Provide certainty that the CRL can be constructed and operated;
 - (c) Provide certainty to affected landowners and the community as to the nature of the work and its location through inclusion in the appropriate district plans;
100. AT has proposed a designation lapse period (pursuant to s184 RMA) of 20 years¹¹ for each designation. This is an appropriate period, in my opinion, as it will:

¹¹ Note all the NoR including NoR3 (protection designation) have interim effect until confirmed and are given effect to once the works / tunnels are constructed

- (a) Provide for the necessary property acquisition and access negotiations to be undertaken prior to construction commencing;
 - (b) Provide for key tasks or works to be completed (and any pre-conditions met), prior to construction commencing, including:
 - i. Further investigations, assessments and design detail to be progressed;
 - ii. Further approvals applied for and obtained e.g. resource consents (not covered by the designation), building consents, and historic places authorities; and
 - iii. A procurement or tender process;
 - (c) Provide time to secure funding for construction (while AT has financial responsibility for the project there are a number of mechanisms that it may use to achieve an efficient funding arrangement);
 - (d) Provide sufficient time to construct the CRL. Mr News's evidence explains that construction itself is expected to take 5 to 6 years.
101. The designation is an appropriate planning mechanism, in my opinion, given the stage the project is at and considering the strategic nature of the project (i.e. it is appropriate in planning for a future project to designate ahead of the construction period in order to identify the intention of the requiring authority and to provide certainty to the community and landowners).
102. Alternative "consenting" methods (instead of designation) have been considered, including land use consents under the district plan. In my opinion these would not be practicable or appropriate because:
- a) The project covers numerous separate land parcels and District Plan zones and would result in complex array of consents;
 - b) the construction, operation and maintenance of the CRL is not a typical activity provided for by a zone in a District Plan and is therefore not generally contemplated by the Plan provisions;
 - c) approved resource consents are not shown in the District Plan, and therefore would not be visible to the community or land owners unlike a designation which is clear and apparent in the Plan providing certainty as to the location, nature and extent of the works.

RMA s171(1)(c) conclusion

103. In my opinion, the Project and the designation are reasonably necessary to achieve the objectives of the requiring authority

Other matters

104. The RMA (s171(1)(d)) also provides for the consideration of any other matters that may be relevant to the determination of the NoR.
105. I consider that there are other plans, strategies and documents (largely non statutory and outside the RMA) that are relevant, in terms of 'other matters' required to be considered under s171(1)(d). The AEE has referenced these and while I have summarised the key ones below it is fair to say these generally align with the broader framework provided by those documents assessed earlier in my evidence in terms of s171(1)(a). That framework generally recognises the importance of the passenger transport network and in most cases recognises specifically the CRL as a key component to achieving the goals of an efficient network that integrates and supports land use in accordance with the RMA plans.

Other plans

106. I have already referred to the Auckland Plan. The Auckland Plan (the spatial plan) established a long term view of Auckland to help plan future growth and development and to sustainably manage its resources. The City Rail Link is identified in the Auckland Plan.
107. The vision of the Auckland Plan is for Auckland to become the world's most liveable city and identifies the CRL as the foremost transformational project in the next decade. The Auckland Plan provisions confirm the central city area as the key employment and economic hub of Auckland, and as such recognise it needs to be well connected to the Auckland region. The construction of the CRL will assist to deliver the Auckland Plan because "*...it will mean the entire city centre would be within 10 minutes' walk of a railway station.*" This will create better connections and accessibility within Auckland and consequently the Auckland Plan states "*...the CRL is the top priority transport project for Auckland.*".
108. The City Centre Masterplan 2012 (CCM) is a 20-year vision that sets the direction for the future of the city centre. One of the nine critical assumptions made in the CCM is that the CRL will be operational by 2021. The CCM is set within the context of the wider transformation of Auckland as set out in the Auckland Plan and lists a number of key outcomes to be met by 2032 together with success indicators. Outcome 6 is that the city centre will be the hub of an integrated regional transport system with range of public transport options. In order to help achieve the outcomes of the CCM, the CRL is included as one of eight transformational moves.

109. The CRL is consistent with the goals of the Auckland Waterfront Masterplan (AWM) adopted by Auckland Council at the end of June 2012. The AWM is a 30-year plan for the delivery of projects to meet the waterfront vision and goals. A key goal of the AWM is creating a connected and accessible waterfront and notes that there are a number of major strategic transport projects, including the CRL project, which in the long-term will have a significant role in achieving this goal.
110. The Auckland Rail Development Plan 2006-2016 (ARDP) sets out how Auckland will create a high-quality, high-frequency rail service by revitalising the Auckland rail system as part of an overall world-class transport system. It acknowledges the investment that has been made in the upgrade of track stations and signalling and sets out the case for investing in the electrification of the system (now underway). An underground CBD loop is acknowledged as contributing to long-term service intensification. Britomart would become a through station rather than a terminus, and would, as a result operate more efficiently, making it possible to increase the number of services. The ARDP states that a CBD loop would “have significant benefits to commuters and encourage even more people to use passenger transport” and that “overseas experience shows that significant increased economic activities occur in CBDs with high-capacity Rapid Transit systems”.
111. The City Centre Retail Action Plan (2012 – 2017) refers to the CRL as a key access project. This Plan notes that a consequence of increasing the capacity of the rail network through the city centre is greater opportunity for retail growth and development.
112. The Auckland Council, formed in 2010, and soon after adopted the Auckland’s Economic Development Strategy (AEDS). The AEDS identifies the CRL as one of the four transport projects critical to Auckland’s future growth. The AEDS indicates completion of the CRL as a short to medium term priority (e.g. within 10 years).
113. Additional relevant documents include the Auckland Transport Plan (ATP) 2009, the Auckland Passenger Transport Network Plan 2006-2016 and the Auckland Sustainable Transport Plan 2006-2016. A key project in the ATP 2009 is route designation for the CBD rail tunnel to support future growth of the CBD and region, and optimise capacity of the existing rail network. The CRL Project is consistent with the direction provided in these policy documents, and identified as a key project in most of these plans.

RMA s171(1)(d) conclusion

114. In my opinion, the assessment of the Project against those policy documents that may be considered relevant as “other matters” under section 171(1)(d) RMA demonstrates that the project is consistent with those documents.
115. The RMA provides the designation mechanism for planning for long term projects. The CRL NoR, in common with other designations, are proposed in advance of the construction

of the works. However a concept design and indicative construction methodology have been developed as a practicable and reasonable means of determining the actual and potential adverse effects of the activities. I also note that draft conditions are also proposed to manage construction activities and mitigate the effects on affected parties.

116. The CRL, again in common with other large projects, will be required to provide environmental management plan(s) at the Outline Plan stage demonstrating the processes and methods that will be employed to manage adverse effects. For the CRL project, a prudent or conservative “envelope approach” has been adopted to identify and assess the actual and potential effects of the designation and CRL (refer Ms Blight’s evidence). This approach is commonly used for major projects where sufficient investigations and assessments have been undertaken to establish an ‘envelope’ of effects. Although based on an assessment of the concept design and indicative construction methodology, this approach is facilitated through the development of appropriate conditions to be attached to the designation once confirmed, allowing for some design flexibility, enabling innovation and efficiencies to be optimised at the time of construction.

Use of Management Plan Frameworks to Manage Adverse Effects

117. Once confirmed the effect of a designation is similar to that of a ‘spot zone’ (specifically for the designated purpose) and any conditions provide the control (in a similar way to zone rules). The designation effectively ‘permits’ the activity and such an activity must meet the conditions specified. The outline plan process is required to demonstrate compliance with those conditions (the outline plan includes any management plans). The use of management plan frameworks (sometimes referred to as adaptive management) is a system often employed for managing the effects of large projects where the nature and extent of those effects and/or the methods proposed to avoid, remedy or mitigate them is uncertain or could be variable. Adaptive management frameworks are commonly established through conditions (requiring the provision of management plans) which will manage the effects of the activities in a flexible and responsive manner.
118. From my experience and involvement in the planning, consenting and constructing of major transport projects the use of adaptive management frameworks as a tool for managing effects are common, recognised as appropriate and generally reflect good practice. They are particularly useful and a practicable approach for designation/ consenting where the construction of a project is still some time in the future. This allows for certainty in containing effects within an appropriate and reasonable envelope whilst retaining flexibility to make best use of changes in practice and innovation in design at the time of construction. Examples where this approach has been implemented include Victoria Park Tunnel, Newmarket Viaduct, and Waterview Connection.

119. Any method of managing effects under RMA needs to demonstrate it achieves the purpose of the Act (s5(2) RMA). On this basis, and in line with the above, the conditions should clearly specify the outcome that is intended from the management plans. The conditions should not unreasonably constrain the project in terms of specific construction methodologies and techniques but should allow for flexibility in methods for delivering the outcomes sought where they are demonstrated to meet the intent/purpose of the conditions. Conditions should contain clear objectives and, if necessary performance criteria, which the management plans methods must achieve. In other words, the conditions should identify the “what” and the management plans should identify the “how”. Ms Blight discusses the AEE and conditions proposed.
120. One of the issues with using a management plan technique is that the methods of meeting the conditions are not always available or cannot be confirmed at the time of the designation. The Outline Plan process is available to the requiring authorities to use under the RMA, and provides for the territorial authority to request changes to ensure any conditions are met. However the flexibility the management plan process allows means the plans when prepared need to clearly set out how the conditions will be achieved and it is appropriate in my view to have a requirement in those conditions to consult with the affected parties prior to submitting such plans, recording both discussion and any specific issues and how the conditions will be met, for example, maintaining access.
121. The Outline Plan process and conditions attached to a designation provide the framework with which the requiring authority, in giving effect to the works, demonstrates compliance with the ‘envelope’ and framework permitted by the designation. It is not a duplicate consenting process but is akin to demonstrating compliance with district plan rules.

Statutory summary

122. The CRL is in accordance with the relevant planning policy framework. Indeed it assists in giving effect to the regional policies that generally seek to improve access and connections across the region.
123. The consideration of alternatives range of evaluation processes and frameworks have had regard to the matters of Part 2 of the RMA, the objectives of the Project, the engineering and technical constraints and the potential effects (adverse and beneficial) of options on the environment. In my opinion, this process has been robust in terms of the requirements of section 171 of the RMA. Based on my knowledge of, and involvement in, the identification, evaluation and refinement of the route and alignment options for the CRL, I am of the opinion that a robust analysis was undertaken and that the selected option is appropriate in order to achieve AT’s Project objectives.

124. Furthermore the designation and works it enables are reasonably necessary for AT to achieve its objectives. Given the stage this project is currently at, it is appropriate for AT to designate the route, identifying clearly in the district plan the extent of the land required to undertake the construction, operation and on-going maintenance of the CRL. A designation is identified in a district plan and provides for the activities associated with its purpose (in this case the CRL). The designation will protect the route and put in place a framework that gives certainty to the community and landowners about its intended use. Based on the assessment of effects and the evidence of Ms Blight the effects of the CRL provided for by the designation have been avoided or remedied through design or can be adequately mitigated.
125. The actual and potential effects of the CRL are addressed by Ms Blight in her evidence. I am of the view that any significant adverse effects are largely associated with construction. This is a substantial construction project and the effects are acknowledged to be disruptive and will inconvenience neighbouring properties and activities along the route. However the environmental management framework proposed will provide for a variety of measures which are appropriate to manage the effects of construction and will mitigate these effects.
126. I note that the Project (once operational) has a number of positive effects or benefits and will give effect to, the broader policy framework of Auckland and in particular the ARPS' policies and objectives.
127. Strategically the CRL project is a transformational project for the city and is anticipated to support a wide range of significant benefits from a social, economic, public transport, and rail infrastructure perspective (as covered in evidence by Messrs Warburton, Meale and others). The positive effects or benefits of the CRL project include:
- (a) Provide for more train movements on the Auckland rail network through unlocking the capacity constraint of Britomart (by developing Britomart into a through station);
 - (b) Support the compact city model of the Auckland Plan and that espoused in the Auckland Regional Policy Statement 1999;
 - (c) Provide a catalyst for inner city re-development by creating new major transport hubs around the underground rail stations, stimulating land use intensification and regeneration of central city areas;
 - (d) Increase commuter access to the city centre which provides the opportunity to stimulate economic development;

- (e) Provide significant additional capacity to the passenger transport system, in order to meet sustainable mode share targets set by the NZTS and the Auckland RLTS 2010 – 2040;
- (f) Assist in providing additional rail network capacity to support any future extensions of the rail network to the Auckland International Airport and the North Shore, longer term objectives of the Auckland Plan, the RLTS, and the Auckland Transport Plan;
- (g) Assist in building more resilient regional infrastructure, an objective of the Auckland Plan, the RLTS, the AEDS, the Auckland Sustainability Framework, and the Auckland Transport Plan;
- (h) Assist in meeting the environmental and health objectives, notably air quality standards, sought by the Auckland Plan, the RLTS, the Regional Policy Statement and the Auckland Council Regional Plan: Air, Land and Water (ARP:ALW);
- (i) Assist in reducing regional carbon emissions stemming from the transport system, a key component of climate change, and an objective of the NZTS;
- (j) Compliment investment in Auckland's strategic road network by freeing up road space for freight and other (e.g. commercial and recreational) trips;
- (k) Enhance access to the heart of Auckland improving the ability for international and domestic tourists alike to travel within Auckland region from the city centre area.
- (l) Enhances the investment already made to establish an efficient and effective rapid transit system including the electrification of the network, the new electric powered rolling stock (EMU's) to run on this network.

128. I concur with the assessment of effects and the evidence of Ms Blight and her conclusion in terms of Part 2 RMA. The project once completed will substantially assist the people of Auckland to provide for their social, cultural and economic wellbeing by contributing to transport needs of the city into the foreseeable future. The CRL will contribute to the sustainable management of resources by utilising the investment in the electrified rail system and by utilising an efficient means of transporting people that is an alternative to cars and diesel buses.

Existing Designations By Other Requiring Authorities

129. Portions of the proposed CRL designation will apply to land already designated by other requiring authorities in the district plan. Consequently it will be a secondary designation, subservient to the primary or pre-existing ones (under s177 of the RMA). In giving effect to the CRL designation AT will need to demonstrate it will not prevent or hinder these other designated works.
130. The existing designations include the following:
- a) Britomart Transport Centre and Auckland's local roads (for which AT is also the Requiring Authority – see section 2.2.5 of the AEE);
 - b) State highways including the CMJ (for which NZ Transport Agency (NZTA) is the Requiring Authority); I note NZTA generally support the NoR in its submission¹².
 - c) A piece of the Mt Eden Prison land for which Ministry of Corrections is the Requiring Authority;
 - d) Mercury Tunnel and a sub-station (for which Vector is the Requiring Authority).
131. The CRL will also be adjacent to a number of other designated sites including the rail designation for the NAL for which KiwiRail is the Requiring Authority. As the CRL will form part of the rail network, works are required to connect it with the existing NAL. I understand from the submission of KiwiRail¹³ that where these rail connections fall within the existing KiwiRail designation it will manage the works within its designation (requiring an outline plan). Tables 6.4 and 6.5 of the AEE identify designations of other Requiring Authorities that will be directly affected by the CRL designation or in close proximity to the CRL designation. The relevant planning maps showing these designation locations are contained in Appendix 4¹⁴.
132. As noted, under the RMA, the existing designations take priority over the CRL. Approval of all affected requiring authorities will therefore be required in order for AT to proceed with the CRL. Ms Blight addresses the specific matters in her evidence

¹² Submission 86

¹³ Submission 92

¹⁴ Volume 2 of the CRL NoR suite of documents

Other Statutory Approvals Required

133. A number of other approvals will also be required for the Project under various statutes. These include approvals for works to modify and destroy archaeological sites, through the Historic Places Act 1993 (HPA), approvals to revoke reserve status through the Reserves Act 1977, the stopping of public roads through the Public Works Act 1981.
134. I understand that AT will seek these closer to the commencement of construction. I agree with this approach because it will both allow the decision on the proposed designation to be taken into account, and will mean any approvals will be still valid at the time the relevant construction activity starts. For example an authority under the HPA is generally valid for 5 years, but the Project construction period is likely to be six years. Furthermore, I understand such an authority once issued cannot be changed so it is more appropriate to seek it once the full details are confirmed.

Response to Relevant Submissions

135. As noted I have read the submissions made on the NoR and comment as follows:
136. Many of the issues raised are addressed generally in my evidence or in the evidence of others. In particular the evidence of Ms Blight addresses the proposed conditions, many of which are intended to address issues raised by submitters around the management of construction effects or communications.
137. I am aware that there are many supportive submissions including the following organisations or agencies; EDS¹⁵; NZTA¹⁶; IPENZ¹⁷; Auckland Chamber of Commerce; the University of Auckland.
138. Furthermore there are many submissions that are generally in support of the project but wish to have reassurance around control and management of the construction effects or others that raise this as a reason for opposing the project. Some of the submitters have raised the issue that the Outline Plan process will not necessarily allow for input from affected parties nor give them certainty that at the time the concerns will be met. As I have noted it is important to acknowledge the concerns of the affected parties that will be affected by the construction impacts and the management plan framework has been used in many large projects successfully to enable these effects to be managed. In my experience projects that would otherwise have the potential to cause significant disruption

¹⁵ Environmental Defence Society

¹⁶ NZ Transport Agency

¹⁷ Institute of Professional Engineers of NZ

can be adequately managed, through the provision of conditions, in a way that respects the activities that continue to function along the route.

139. A clear framework or process for communicating with neighbours and affected parties is an important element of such a framework and I note Ms Blight's evidence suggests conditions that address the details of communicating with neighbours and affected parties through the management framework.
140. The submission by BWT Investments Ltd raises the issue of consistency with the objectives and policies of the adjoining zones. I have commented on the relevant policy documents and refer to the AEE and the s42A report which concurs that the relevant policies have been identified and considered. I specifically note that the only zone in relation to the BWT site in Newton, traversed by the designation is the Mixed Use zone (Isthmus plan). I have reviewed these objectives and policies and do not find the CRL to be inconsistent with them where they are relevant.
141. I have addressed earlier in my evidence the reasons for a 20 year lapse period. This issues has been raised by a number of submitters including Five Flowers Limited, Precinct Properties, CLC trust (LIFE church), and Podium Properties. I also note the IPENZ submission supports this period. Further to my earlier evidence it is important to note that for such a significant project which is projected to take 5-6 years to construct, that it is still dependent on a number of other tasks to be completed. A desirable timeframe maybe 8 years (as indicated by the Council plans), a more moderate, possible timeframe may potentially be 13-14 years (if the tasks to be completed were undertaken consecutively. A long term timeframe could be 20 years. In my view it would be realistic to plan for a lapse period of at least 15 years, and as it is foreseeable that even 15 years may be constraining, it would be imprudent not to allow a designation for a 20 year timeframe. The effect of blighting is addressed by Ms Blight and the Property Strategy is outlined in the evidence of Ms Godinet. It is my view that proposed conditions around management of land that is designated, can mitigate effects of blighting, particularly in circumstances such as this where the requiring authority has the ability and willingness to purchase land where required and/or mitigate effects by maintaining land in an appropriate condition (before and after construction).
142. Submissions by Samson Corp and Sterling Nominees refer to the nominated depth at which NoR 3 begins. The purpose of NoR 3 is a protection mechanism - it does not authorise any works to take place (so the land is not required to be used for the CRL) and development is not precluded but is subject to demonstrating that the effects of development will not have any effect on the Rail tunnels below. I note Mr Newns will discuss the nominated depth in his evidence.

143. Several submissions raise alternatives¹⁸ alignments to the North Shore. As I have said this largely constitutes an alternative project. However, the Option Evaluation Study in 2009-2010 looked at options that do not preclude a connection to the North Shore. Consequently, a future line connecting the North Shore via Gaunt St in the Wynyard Quarter to either Britomart or Aotea Station is not precluded. Furthermore, this could continue east to connect to the network in the vicinity of Parnell (east of Britomart). This would further enable future connections potentially directly to the university (complementing Britomart and the new Aotea Station)
144. An alignment option from the earlier 'Britomart West Rail Extension' (Option 5) had been re-evaluated as part of the 2009/2010 option evaluation work. This contemplated a broader connection to the west and east of the central city, The option took a much broader loop west out of Britomart towards Hobson Street before curving back along Wellesley Street and then a further loop to head south on Symonds Street. It was technically feasible but not the preferred option at that time due to its additional length, operational constraints and deep station locations. Furthermore it did not create greater connections.
145. The submissions by Penelope Sheerin and Precinct Properties raise the question of alternative construction sites for the Downtown area, and this is picked up in the Officer's report. I have commented on this below.

Comment on the Council Officers Hearing Report

146. The Officers' report suggests that an outstanding matter in relation to alternatives is the consideration of alternative construction sites other than the Downtown Shopping Centre. I note the evidence of Mr News outlines alternatives in terms of construction. Based on his evidence, I conclude the impacts on the Downtown shopping centre (Downtown) while obviously substantial, are unavoidable at some stage. That is, due to the need to connect into Britomart the Downtown site will be affected at some point, and while alternative sites could be used this would have the consequence of affecting other property owners and increase the number of properties affected overall, with no commensurate benefit.
147. The Downtown site offers an opportunity to mitigate the effects of the construction insofar as the CRL work could coincide with redevelopment plans for the site (depending on timing). If the site was redeveloped prior to the CRL, that portion of the CRL works could proceed earlier i.e. undertaken simultaneously with the redevelopment. Regardless of the timing, the removal of the buildings will occur at some point and the utilisation of the site at that time for construction is appropriate rather than impacting on additional land. I note that

¹⁸ Pal Properties Ltd, Hoeft Partners, TJBrown, NZCID, TramLease, Precinct Properties, CJM Investments Ltd D Sherwin & J Varouhas, Mediaworks, Precinct Properties

the only need for land beyond the construction of the project through the site is the portion of Lower Albert Street in the block between Customs and Quay. This may continue to be utilised beyond the Downtown reconstruction phase to support the rest of Albert Street construction.

Conclusions

148. In my opinion, the CRL is entirely consistent with the relevant plans and policies of Auckland Council. Indeed I consider the policy framework anticipates the CRL. Furthermore it is consistent with the principles and purpose of the RMA. I acknowledge that the CRL will have temporary adverse effects as a result of construction. This is not unexpected, as it is being retrofitted into an existing urban environment, and as with any construction project in the City this will impact on its neighbours. However, appropriate conditions can provide for the management of these activities in a way that will mitigate these adverse effects. Staging of these works will reduce the effects but as with any major construction there will be some disruption and inconvenience experienced. Works in the road reserve, in particular, will impact on traffic and access and at times construction noise will be unavoidable. I consider that the potential impacts the project has been, to a large degree, been avoided by design, such as keeping the alignment within road reserve and using the bored tunnel methodology along the majority of the project. The alignment has been designed to avoid impacts on most existing heritage structures but will have an impact on some, most notably the public toilets at Albert Street (although I note the evidence of Mr Petry that these have been substantially modified). The alternatives have been thoroughly examined within the context of the project objectives, the relevant matters under Part 2 RMA including heritage, and effects of the project construction and operation. I also note the evidence that the project will have substantial positive effects or benefits. Based on Ms Blight's evidence and the evidence of other experts, it is my opinion that the adverse effects of the CRL project are avoided, remedied or mitigated with appropriate conditions, such that overall the project will be in accordance with the principles and purpose (Part 2) of the RMA.

Bryce Julyan

1 July 2013

ATTACHMENT 1 – Evidence of Bryce Michael Tom JULYAN

Statement of Experience (Full)

Project Experience Relevant to CRL NoR	
2009 - 2010	<p>City Rail Link (KiwiRail and Auckland Regional Transport Authority) Planning director on a project team that investigated options for a new inner-city rail link between Britomart Transport Centre and the western rail line, on Auckland's metropolitan passenger rail network. The link penetrates the CBD and inner city suburb of Newton, and includes 3 new stations. The Project comprised three stages - options development and evaluation; design and assessment of preferred option, development of business case; and compilation of statutory documentation for supporting Notice of Requirement(s) to designate rail link.</p>
2011	<p>Auckland City Centre Master Plan (Auckland Council) Beca Project Director overseeing team of planners and urban designers to assist Auckland Council with aspects of the City Centre Master Plan. In particular the integration of the proposed City Centre Rail Link Rail stations and surrounds into the spatial model and the sketch up modelling of the potential future development of Newton.</p>
2011	<p>Land Use Preconditions for Rapid Transit in North Auckland (Auckland Council) Project Director for Beca in joint project team (with Parsons Brinckerhoff) to deliver a high level strategic study which assessed planning for land use and rapid transit options in the North Shore, considering the anticipated growth, the existing capacity of the Northern Busway, other rapid transit options, and connections beyond the North Shore.</p>
2008 - 2010	<p>Marsden Point Rail Link (KiwiRail) Job Director and planning verifier for the project that designated and consented a new rail link from Oakleigh to Marsden Point involving coastal reclamation and substantial earthworks/cuttings. Directed planning team and advises on case strategy. Verifies investigations and statutory documentation including; alternatives investigation and evaluation of options (including tunnels); assessment of effects on selected option; consultation with public and iwi and other stakeholders. Overviewed environmental assessments to support designation and regional resource consents.</p>
2011 - present	<p>Waterview Connection Alliance (NZ Transport Agency) Consents Manager (2011-12) and Strategic Planning Advisor on stakeholder engagement, compliance, designation and consent issues as part of Alliance team delivering the Waterview Connection project, comprising twin road tunnels, between SH20 and SH16.</p>
2012	<p>Transmission Gully (NZ Transport Agency) Strategic planning advisor to project team on planning, urban design, landscape and environmental assessments for designation and regional resource consents for a new motorway alignment for the Transmission Gully project connecting Linden and McKay's Crossing north of Wellington.</p>
2002 to 2011	<p>State Highway 1 - Vic Park Tunnel (formerly Harbour Bridge to City) (NZ Transport Agency) <i>Winner of 2008 Resource Management Law Association Project Award</i> Planning and Consultation Manager on the project to upgrade the motorway</p>

	<p>between the Auckland Harbour Bridge and the Central Motorway Junction. This includes upgrading the motorway along the coast at St Mary's Bay and the investigation of options for Victoria Park Viaduct (below or above ground). Managed all aspects of the planning and consultation on the project. Provided planning and strategy advice including the consideration of alternatives. Coordinated and verified the preparation of all statutory documentation and the AEE and planning inputs on SAR. Managed the implementation of communication protocols and consultation strategies (including newsletters, open days and stakeholder meetings). Liaison with client, client's legal counsel and peer reviewers. Briefed and managed sub-consultant input to AEE. Expert witness at Commissioner Hearing and Environment Court (all appeals were subsequently resolved by mediation) and prepared evidence for Valuation Tribunal. Strategic planning advisor on Alliance to construct the project.</p>
2002 - 2009	<p>State Highway 1: Newmarket Viaduct Upgrade (NZ Transport Agency) Strategic Advisor and Lead Planner on joint Beca/Opus project to upgrade capacity of Newmarket Viaduct. Project Control advice on strategy and risk. Verification of all planning advice and documentation. Attendance at project meetings, workshops and key stakeholder meetings. Expert witness at Commissioner Hearing and Environment Court (all appeals were subsequently resolved by mediation). Continued role as strategic planning advisor on alliance to deliver the project.</p>
2010	<p>Additional Waitemata Harbour Crossing (NZ Transport Agency) Leader of a multi-disciplined team that provided the engineering and planning inputs on an investigation of options for an additional Waitemata Harbour Crossing (AWHC) for Auckland, to supplement the existing Auckland Harbour Bridge (the AHB). This involved investigation of bridge or tunnel forms (to operate in conjunction with the existing AHB and provide for multi-modal opportunities including pedestrian cycle and passenger transport). Involved an intensive programme (5 months), and required working with a number of project partners and sub-consultants.</p>
2007 - 2010	<p>New Lynn Transit Orientated Development (TOD) (Waitakere City Council) Beca Project Director for the project which involved obtaining the designation and resource consents and undertaking consultation with the community and directly affected landowners for transit-orientated re-development of New Lynn town centre. Integrated land use and passenger transport workshops for TOD involved new bridges, roads, landscape and street works, new bus station, and new underground rail station.</p>
2005 – 2008	<p>Auckland Rail Station Development: Concept Plans (Auckland Regional Transport Authority) Planning director for the preparation of concept plans for stations in the upgrade programme for the regional rail network. Facilitated and reviewed the Rail Station Policy and Specification. Bryce led the project team that facilitated the concept plans and reports, liaised with stakeholders; undertook risk management and identified opportunities for integrated design.</p>
2006 - 2008	<p>Distributed Rail Stabling (Auckland Regional Transport Authority) Planning Director overseeing the planning process for ARTA rail stabling facilities at Pukekohe, Papakura and Tamaki Drive. Reviews all consenting documents including Outline Plan of Works for the sites and provides strategic direction and planning advice.</p>
2005 - 2007	<p>North Auckland Line Stage 4 Duplication Henderson to Swanson (Auckland Regional Transport Authority) Managing the planning & environmental review for ARTA of the designated rail</p>

	corridor and statutory requirements under the as part of the double tracking of the Western (North Auckland) Line.
2005 - 2006	Auckland Passenger Network Management Plan (Auckland Regional Transport Authority) Planning & Policy analysis including reviewing and reporting on the Regional Policy Framework and relating this to the management and growth of the Auckland passenger network.
2005 - 2006	Takanini Rail Station Site Location Analysis (Papakura District Council) Job director on location analysis, coordinating and facilitating workshops for stakeholders and developing evaluation of alternatives. TOD exercise to examine new location for a new station to replace Takanini Station and serve new residential and mixed use development in area.
2005	Newmarket Station Scoping Study (Auckland Regional Transport Authority) Assisted TMG International in preparing planning and urban design inputs to scoping study for a replacement of Newmarket Station. The study looked to at upgrade capacity of Newmarket Station and gaps/opportunities for better integration of passenger transport and the surrounding land use. Strategic advice, verification, and preparation of layout sketches.
2003 - 2004	Auckland Rail Station Development Programme for ARTNL (Auckland Regional Transport Network Limited) Project manager (Station Planning) responsible for the facilitation of the rail station upgrade programme. The role involved the development of a programme, for the replacement of approximately 40 rail stations on the metropolitan Auckland rail network, for ARTNL and its shareholders (being the Auckland territorial local authorities ('ARTNL shareholders'), and in particular Auckland City Council, Waitakere City Council, Manukau City Council, and Papakura District Council) and the facilitation of engagement with other stakeholders comprising the Crown (NZ Railways Corporation and Treasury) and Auckland Regional Council. It also comprised: <ul style="list-style-type: none"> • managing the RMA processes, outline plan of works and consents applications, including approval processes in line with local authorities and regional council requirements; • managing consultation with the public, community and advocacy groups, transport operators, Councillors, Crown agencies and Council officers; • providing strategic advice on resource management and consultation matters for ARTNL and the station programme; • coordinating workshops, consultants and specialists; • risk management; • coordinating and managing the funding applications.
2011 -2012	Station Investigation - Northern Busway Extension (Auckland Transport) Strategic planning advisor for project which examined the options for new Station locations to inform the NZTA study investigating the extension of the Busway corridor on the North Shore in Auckland.
2011 -2012	Northern Busway Extension (NZ Transport Agency) Planning director providing strategy advice and document review for Scheme Assessment which evaluated options and identified an alignment for the extension of the Northern Busway, between Constellation Drive, Albany and Silverdale / Orewa.
2003 - 2007	North Shore Busway (Southern Sector and Esmonde Interchange) (NZ Transport Agency) Planning director providing review and verification of all planning deliverables

	during design and construction stage of southern sector of Busway including alterations to designation, coastal permits, earthworks and discharge consents.
2011 -2012	<p>Puhoi to Wellsford Scheme Assessment (NZ Transport Agency) Peer review of Scheme Assessment report (SAR) and Assessment of Environmental Effects (AEE) undertaken for the two portions of the State Highway 1 Puhoi to Wellsford project - (i) Puhoi to Warkworth Section and (ii) the Warkworth to Wellsford Section. Undertook comparative review of SAR and AEE and advised on project strategy including objectives, options evaluation and assessment of effects.</p>
2009 – 2010	<p>Pakuranga to Penrose (Pak-Pen) 220 kV Underground Cable Connection, (Transpower) The project was to provide for a 9km, \$100m underground transmission cable, through urban Auckland, forming part of the North Auckland and Northland (NAaN) grid upgrade (needed to reinforce the security of electricity supply into New Zealand’s largest city). Project Director responsible for the consultation and consenting including Notices of Requirement and resource consents for earthworks, works on contaminated land and within the coastal marine area.</p>
2009 – 2010	<p>Kumeu-Huapai Transportation Study (NZ Transport Agency) Planning director on study that looked at corridor management for townships earmarked for growth in the Auckland Regional Growth Strategy. Both towns are located on State Highway 16 which also serves as their main street. The study identified the issues, constraints and opportunities within the corridor and wider catchment through site based and factual analysis, including feedback from community open days, stakeholder charettes and meetings. Options were evaluated and a preferred option was taken forward for further development, prioritisation and implementation planning.</p>
2008 - 2009	<p>Auckland City Futures Framework (Auckland City Council) Beca Job Director sitting on Project Control Group of project to develop 10 Area Plans for the Auckland City Isthmus. Integrated teams of Beca staff and Council staff worked at several levels to develop methodologies to develop multi-layered Area Plans, integrating growth policy, urban design principles and spatial analysis techniques. Beca provided strategy and technical verification, team leadership and plan development, urban design, consultation, information gathering and analysis.</p>

APPENDIX 2 – Evidence of Bryce Michael Tom JULYAN

Statutory Context (extract of Section 2.2 of AEE)

2.2 Statutory Context

2.2.1 Introduction

The key statutory matters (under the RMA) of relevance to the CRL NoR are:

- the purpose and principles of the RMA (Part 2); and
- NoRs for designations (Part 8).

Purpose and principles of the RMA

The consideration of effects of the Project is subject to Part 2 of the RMA (purpose and principles). Section 5 states that:

- 1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- 2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety*

while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Matters of national importance are set out in section 6:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of recognised customary activities.

'Other matters' are set out in section 7:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(c) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

Section 8 directs that:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Notices of Requirement

AT has served six(6) NoR on Auckland Council to designate the CRL in the Auckland Council District Plan. The CRL is acknowledged to be an integrated project and as such the NoR are expected to be considered / processed together under the RMA. Section 168(2) applies to the NoR being served by AT:

A requiring authority for the purposes approved under section 167 may at any time give notice in the prescribed form to a territorial authority of its requirement for a designation

(a) for a project or work; or

(b) in respect of any land, water, subsoil, or airspace where a restriction is reasonably necessary for the safe or efficient functioning or operation of such a project or work.

The prescribed form for a NoR is set out in Form 18 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. The NoR (contained in Volume 1 CRL NoR suite of documents) have been prepared in accordance with these regulations.

The NoR will be considered by Auckland Council under section 171 (1A) and (1) of the RMA.

(1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.

(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -

- (a) any relevant provisions of -
 - (i) a national policy statement;*
 - (ii) a New Zealand coastal policy statement;*
 - (iii) a regional policy statement or proposed regional policy statement;*
 - (iv) a plan or proposed plan; and**
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if -
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and**
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement*

Part 2 and Policy Provisions

An assessment of the CRL NoR against the matters set out in Part 2 and those relevant policy statements and plans is contained in section 8 of this AEE and in Appendix 7²⁰.

Alternative sites, routes and methods

The assessment of alternative sites, routes and methods is set out in section 3 of this AEE. This is supported by the 2010 Option Evaluation Report, Appendix 11²¹, and the 2012 Option Evaluation Summary Report, Appendix 12²².

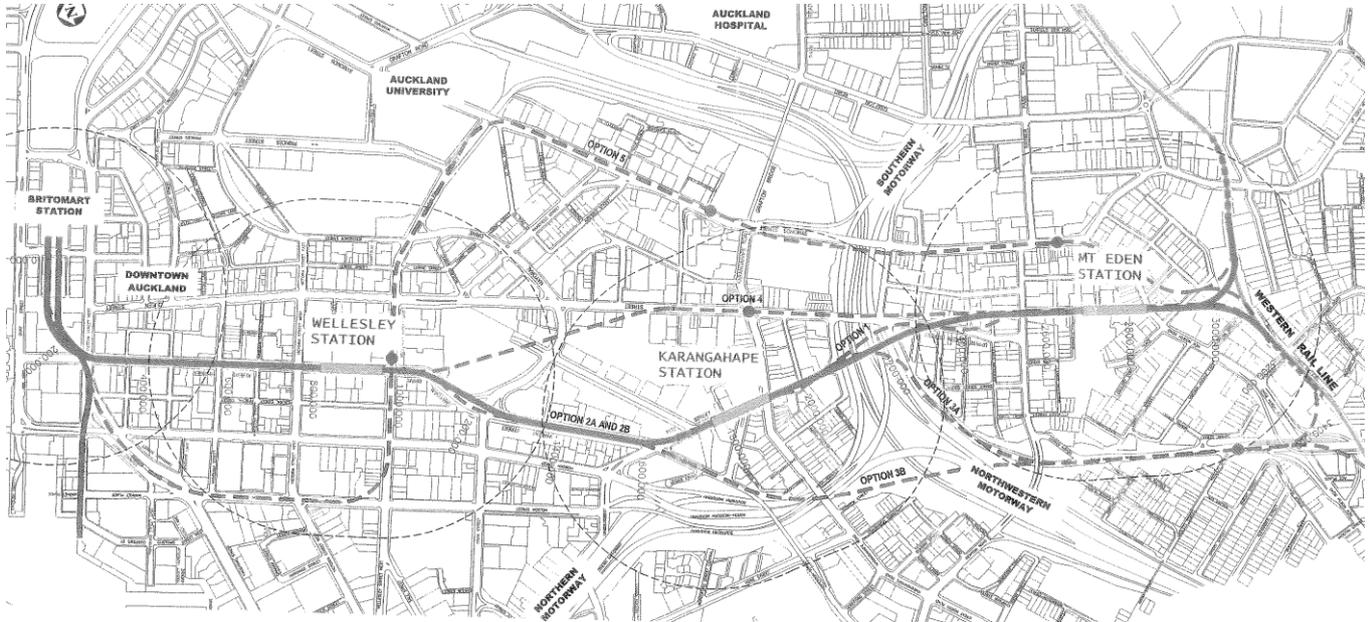
²⁰ Volume 2 CRL NoR suite of documents

²¹ Volume 3 CRL NoR suite of documents

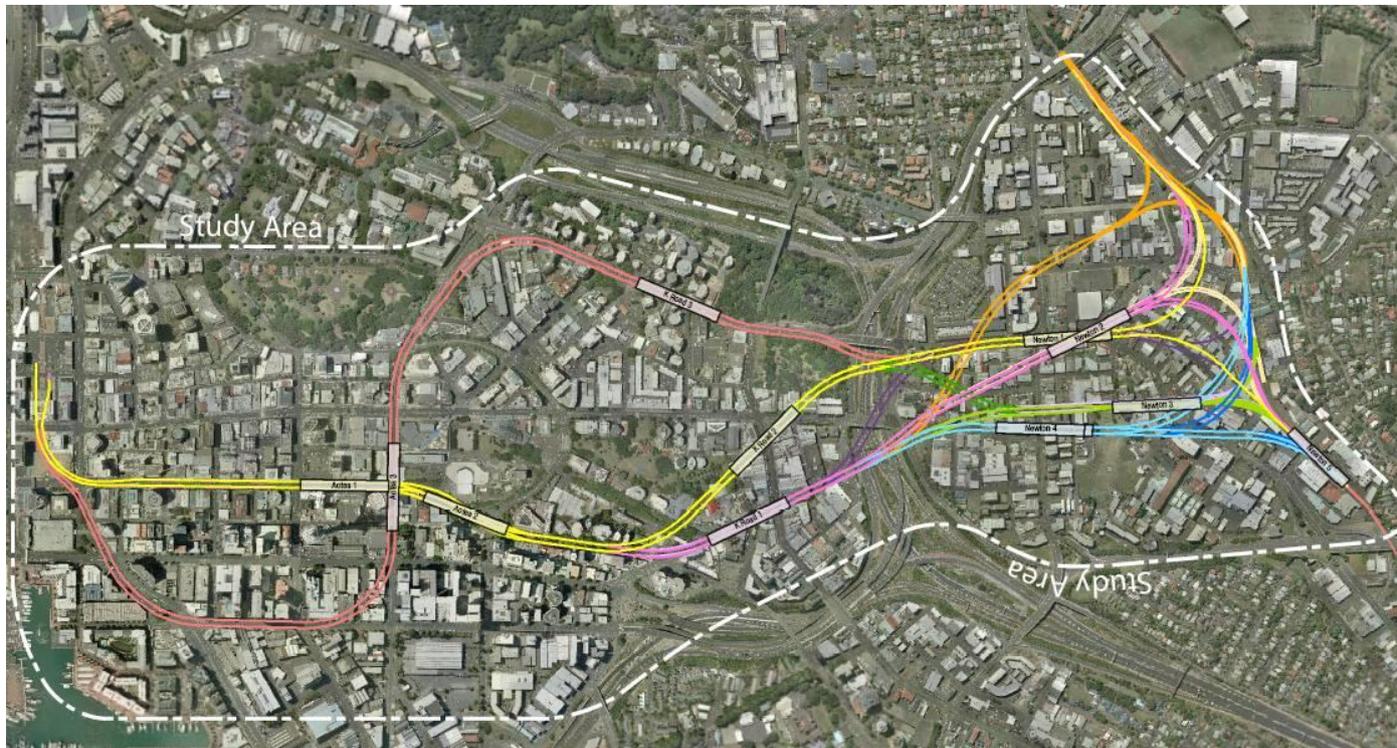
²² *ibid*

ATTACHMENT 3 – Evidence of Bryce Michael Tom JULYAN

Options in the Britomart West Rail Extension Feasibility



Study Area and alignment options of the Auckland CBD Rail Link Study



ATTACHMENT 4 – Evidence of Bryce Michael Tom JULYAN

Project Objectives

- a) Objective 1: Improve transport access into and around the city centre for a rapidly growing Auckland
- b) Objective 2: Improve the efficiency and resilience of the transport network of urban Auckland
 - i. Improve journey time, frequency and reliability of all transport modes
 - ii. Maximise the benefits of existing and proposed investment in transport
 - iii. Release the rail capacity constraint at Britomart
- c) Objective 3: Significantly contribute to lifting and shaping Auckland's economic growth
 - i. Support economic development opportunities
 - ii. Provide the greatest amount of benefit for cost
 - iii. Enable a more productive and efficient city
- d) Objective 4: Provide a sustainable transport solution that minimises environmental impacts
 - i. Limit visual, air quality and noise effects
 - ii. Contribute to the country's carbon emission targets
- e) Objective 5: Contribute positively to a liveable, vibrant and safe city
 - i. Enhance the attractiveness of the city as a place to live, work and visit
 - ii. Protect our cultural and historic heritage for future generations
 - iii. Help safeguard the city and community against rising transport costs

ATTACHMENT 5 – Evidence of Bryce Michael Tom JULYAN

Other relevant provisions of the Auckland Regional Policy Statement (extracts)

149. Issues include

Issue 2.4.1 The Region will need to accommodate continued population growth and economic development in the foreseeable future.

Issue 2.4.5 Regionally significant physical resources, including infrastructure, are essential for the community's social and economic wellbeing. The location, development and redevelopment of infrastructure is of strategic importance in its effects on the form and growth of the region. However, the long term viability of regionally significant infrastructure and physical resources can be compromised by the adverse effects, including cumulative effects, of other activities. These regionally significant resources can equally give rise to adverse effects, including cumulative effects on the environment, and on communities. They can be adversely affected by conflicts if sensitive uses are allowed to develop near them or if they are inappropriately located.

150. Strategic Policies include

2.6.14 Strategic Policies - Infrastructure

1. The operation of existing regionally significant infrastructure and the provision of new or upgraded regionally significant infrastructure shall:

(i) be consistent with the Strategic Direction of the Regional Policy Statement;

(ii) support and reinforce the Regional Growth Strategy and the proposed outcomes of that strategy; and

(iii) ensure that any adverse effects of those activities on the environment (including human health) are avoided, remedied or mitigated in a manner consistent with the relevant provisions of this RPS.

2. Provision is to be made to enable the safe and efficient operation, maintenance and development of regionally significant infrastructure which is necessary for the social and economic wellbeing of the region's people.

3. Land use change should avoid significant reverse sensitivity effects on regionally significant infrastructure. Refer also to Strategic Policies 2.6.2(2) (viii), 2.6.11(1) (n), 2.6.17(e) (i) and 2.6.17(4) (ii).

4. The provision and operation of infrastructure, including transport infrastructure should support the development of high quality urban amenity.

5. In the operation of existing regionally significant infrastructure and the provision of new infrastructure consideration and appropriate provision is to be made for the following matters:

(i) the avoidance of significant adverse effects (including cumulative adverse effects) on:

(a) the environmental values protected by defined limits to metropolitan Auckland and defined limits of rural or coastal settlements;

(b) significant and outstanding coastal and natural landscapes, vegetation and fauna areas;

(c) amenity values throughout the whole of the region and the rural character of rural areas in the Region;

(d) human health; where significant adverse effects cannot be avoided they shall be remedied or mitigated;

(ii) avoiding prematurely foreclosing, or compromising options for future urban and rural and coastal town growth including areas identified in Schedule 1;

(iii) consideration of alternative locations (including locations in urban areas) for utility service facilities which give rise to significant adverse effects on the environment;

(iv) environmental enhancement and/or remediation opportunities

151. Objectives include

4.3 Objectives

1. To develop a transport network that supports a compact sustainable urban form.

The policies which give effect to this Objective are found in Chapter 2 (2.6.11).

2. To avoid, remedy, or mitigate the adverse effects of transport on the environment and, in particular:

(i) to avoid, remedy, or mitigate the adverse effects of transport on air quality, water quality and heritage;

(ii) to reduce the need for the transport system to use non-renewable fuels;

(iii) to avoid, remedy, or mitigate the adverse effects of the transport system on community well-being and amenity.

3. To develop a transport network which provides an acceptable level of accessibility for all sections of the community within and across the region, by encouraging transport choices that are efficient, convenient or practical.

4. To develop a transport network which is as safe as is practicable and which promotes better physical health for the community.

152. Policy 4.4.1 gives effect to Objective 4.3.2.

1. Land use and transport planning will be integrated in a way which:

(i) seeks to reduce trip lengths and numbers and the need for private vehicle travel and encourages a significant increase in the amount of travel made by public transport, walking and cycling;

(ii) recognises that where access cannot yet be met conveniently, efficiently, effectively or practically by public transport, nor by viable walking or cycling, trips will continue to be made by private vehicle;

(iii) recognises the need to reinforce an efficient and effective public transport system within and connecting High Density Centres and Intensive Corridors.

2. Development of the transport system will be guided in a way which:

(i) promotes the use of forms of transport which have fewer adverse effects on the environment;

(ii) reduces the environmental effects of transport at source;

(iii) reduces the need to use non-renewable fuels;

(iv) avoids, remedies, or mitigates the adverse effects of transport on air and water quality;

(v) avoids, remedies, or mitigates the adverse effects of transport in the modification of landscape and the destruction of natural habitats and other heritage;

(vi) avoids, remedies, or mitigates the adverse effects of transport on local communities.

153. Objective 4.3.4 is given effect by Policy 4.4.7

1. Transport networks which promote the efficient movement of people, goods and services throughout the Region will be identified in the Auckland RLTS and district plans and will be required to be protected in district plans.

2. The efficiency of congested transport Corridors will be increased by:

(i) encouraging increases in person carrying capacity (i.e., by supporting public transport, car pooling and high occupancy vehicles);