

Before Hearing Commissioners

under: the Resource Management Act 1991

in the matter of: notices of requirement and resource consent applications by the NZ Transport Agency and Hamilton City Council for the Southern Links Project

Rebuttal evidence of Grant Eccles (Consideration of Alternatives) on behalf of the **NZ Transport Agency and Hamilton City Council**

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**REBUTTAL EVIDENCE OF GRANT ECCLES ON BEHALF OF THE
NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL**

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REBUTTAL EVIDENCE OF GRANT ECCLES ON BEHALF OF THE NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL

INTRODUCTION

- 1 My full name is Grant Robert Eccles.
- 2 I have the qualifications and experience set out in paragraphs 2 to 4 of my statement of evidence-in-chief (*EIC*) dated 12 June 2014.
- 3 My rebuttal evidence is given in support of notices of requirement (*NORs*) and applications for resource consents lodged by the NZ Transport Agency (*the Transport Agency*) and Hamilton City Council (*HCC*) on 9 August 2013 in relation to the construction, operation and maintenance of the Southern Links Project (*Project*).
- 4 I repeat the confirmation given in my *EIC* that I have read and agree to comply with the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Practice Note 2011.
- 5 In this statement of rebuttal evidence, I respond to the relevant sections of evidence of the following:
 - 5.1 Peter Skilton (consideration of alternatives) on behalf of Shona and Grant Mackintosh (27); and
 - 5.2 Rex Hannam (61).
- 6 The fact that this rebuttal statement does not respond to every matter raised in the evidence of submitter witnesses within my area of expertise should not be taken as acceptance of the matters raised. Rather, I rely on the Assessment of Environmental Effects (*AEE*) that supports the *NORs* for the Southern Links Project, my *EIC* and this rebuttal statement to set out my opinion on what I consider to be the key consideration of alternatives matters for this hearing.

RESPONSE TO EXPERT EVIDENCE OF SUBMITTERS

Peter Skilton (Shona and Grant Mackintosh)

- 7 In section 6 of his evidence, Mr Skilton asserts that *HCC* has not adequately considered an alternative alignment through the Mackintosh property that would see the Weston Lea Drive link to the Peacocke Road Minor Arterial moved further to the west. This would move the designation further away from the dwelling on the Mackintosh property and create greater opportunity for mitigation measures on the dwelling.
- 8 I disagree with Mr Skilton. Before issuing the *NOR*, *HCC* considered options for how to connect Weston Lea Drive to the Peacocke Minor Arterial, in a manner that would also cater for the Peacockes Lane intersection on the opposite side of the Minor Arterial. The only

realistic option was the provision of a roundabout. Traffic volumes were too low on Weston Lea Drive and Peacockes Lane to warrant the provision of traffic signals, while a standard priority T-intersection on either side of the Minor Arterial was not advisable on safety grounds.

- 9 Once the provision of a roundabout was selected, the most appropriate location for it was designed. The finalised location, which formed the basis for the NOR as lodged, worked best from a geometric point of view, as it provides efficient alignment for the four legs of the roundabout.
- 10 At the time of lodging its NOR, HCC recognised that the designation boundary produced by the roundabout location in its current position is very close to the dwelling on the Mackintosh property, and that the designation significantly affects the dwelling. That has informed HCC's view that the entirety of the Mackintosh property will need to be acquired by HCC. That intention has been clearly set out at paragraph 50.3 in Mr Denton's evidence-in-chief.
- 11 As noted at paragraph 6.1.10 of Mr Skilton's evidence, HCC investigated an alternative alignment through the Mackintosh property following a meeting with the landowner in February 2014.
- 12 The alternative alignment, while moving the roundabout and the local road approach to it further away from the Mackintosh dwelling, does not alter the overall effect of the HCC NOR on the Mackintosh property to any meaningful degree. Total acquisition of the property would still be required. To move the roundabout and its approaches sufficiently so that a total acquisition was not justified on the Mackintosh property would mean increasing the property effect on other landowners with no corresponding benefit to the Project.
- 13 HCC continues to pursue the NOR for the publicly notified alignment. This is its right as a Requiring Authority. In my view, sufficient consideration has been given to the alternative alignments through the Mackintosh property, which is already verging on subjecting the NOR to a degree of exhaustive "micro-siting" alternatives analysis that is unnecessary.
- 14 As Mr Skilton has set out in his evidence, the timeframe for property acquisition by HCC is very important to Mr and Mrs Mackintosh. At paragraph 7.0.6, he requests that the Commissioners make a decision requiring purchase of the property within 4 to 5 years. I respect and acknowledge the age and position of Mr and Mrs Mackintosh, and indeed all the other landowners in the Weston Lea Drive area with regards to their future plans. However, I am unaware of any provision in the RMA that allows a condition to be imposed on a designation that directs a Requiring Authority to purchase land. In any event, that process is governed by the Public

Works Act 1981 and is not a matter to be addressed in these RMA proceedings.

Rex Hannam

- 15 At paragraph 6 of his evidence, Mr Hannam notes that the Chinaman's Hill designation will "apparently be abandoned" by the NZ Transport Agency as it is superseded by the Southern Links proposal. Mr Dowsett's rebuttal evidence confirms that parts of the Chinaman's Hill designation will be uplifted.
- 16 Accordingly, a new condition is now proposed (to apply to the NZ Transport Agency designation in Waipa District) requiring the Transport Agency to provide notice pursuant to s182(1) of the RMA of those parts of the Chinaman's Hill designation it no longer requires, within 12 months of the Southern Links designation being confirmed.
- 17 At paragraphs 27 to 31 of his evidence, Mr Hannam acknowledges that extensive investigation of alternatives for the overall network around southern Hamilton has been undertaken and that the major corridors as proposed in the NOR are not in question. However, he challenges the consideration of alternatives that has been undertaken in the north-east sector of Peacocke that is affected by the HCC Major Arterial Link to the Hamilton Ring Road junction with Cobham Drive (SH1).
- 18 In summary, with regards to the north-east Peacocke sector, Mr Hannam asserts that:
- 18.1 No detailed assessment of alternatives has been undertaken in the north-east Peacocke sector in the manner to which it has been undertaken in other project areas (eg Tamahere);
- 18.2 The cost of acquiring land in the Weston Lea Drive area affected by the HCC NOR is considerably more expensive than if the route traversed farmland in the area; and
- 18.3 Apart from the upgrading of the existing Peacocke Road, no alternatives appear to have been considered for the Wairere Drive/Ring Road connection route (Mr Hannam suggests four alternatives).¹
- 19 I disagree with Mr Hannam, and I respond as follows in corresponding order to that set out above:
- 19.1 The potential location of the Southern Links connection point to the Waikato Expressway was undefined at the start of the Project and the options covered a wide geographical area, both in terms of where the connection point could be and how the network approached it. This is in sharp contrast to the

¹ Paragraph 29, Rex Hannam evidence.

situation with regards to the HCC Major Arterial link to the Hamilton Ring Road junction with Cobham Drive, the location of which was established in the late 1960's. There was therefore a greater range of options and alternatives to consider for connection to the Waikato Expressway when compared to the HCC Major Arterial Ring Road link.

- 19.2 The four route options put forward by Mr Hannam, which utilise ex-motorway alignment land, some of which is still Crown owned, may well be cheaper in a property sense. Property costs were not, however, the sole factor that dictated network alignment, and it is the prerogative of the Requiring Authority to issue a NOR for a route that is more financially expensive than others, if it deems it appropriate on the basis of a number of relevant criteria. In any event, an analysis of the property acquisition costs for the preferred network was undertaken, as well as for other alternatives. The preferred network achieves a positive cost/benefit ratio with property costs factored in.
- 19.3 The north-eastern Peacocke sector and the issue with regards to alternative route alignments using ex-motorway land (as raised in Mr Hannam's evidence) is specifically addressed in Section 8.13 of the Project AEE. The work that underpins that section of the AEE was generated through consultation by the Project Team; and the receipt of written feedback from Mr Hannam himself on the same alternative alignment. That feedback and associated consideration was undertaken prior to finalisation of the preferred network. The fact that the AEE specifically addresses the matter shows that alternatives involving the ex-motorway land were in fact considered by the Project Team in a manner that Mr Hannam asserts were not. Nevertheless, for completeness Mr Lion-Cachet has in his rebuttal evidence provided a further analysis of the four options put forward by Mr Hannam. In short, none of the options produce a desirable network or displace the Requiring Authorities' preferred option.

CONCLUSIONS

- 20 In conclusion, my view remains that the Project has involved an adequate consideration of alternative network routes and methods. The Requiring Authorities are not required to undertake an exhaustive consideration of every possible route or "micro-variation" thereof. I have, however, addressed those raised in submissions and submitters' expert evidence. Property effects are inevitable in a public works project such as Southern Links, and the Public Works Act 1981 provides a remedy for the directly affected landowners.

Grant Eccles
8 July 2014