

Laura Bowman

From: official information
Sent: Thursday, 10 February 2022 1:59 pm
To: [REDACTED]
Cc: official information
Subject: Final Response: LGOIMA 21408 - [REDACTED] - Environment Court Decision Nov 10 2021
Attachments: Attachment 1 - Affidavit of Grant Robert Eccles.pdf; Attachment 3 - Affidavit of Alasdair David Angus Gray.pdf; Attachment 2 - Supplementary Affidavit of Grant Robert Eccles.pdf

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

Your Request:

Please provide the following information

1. The cost of all roading and bridges to cross the Mangatotukutuku Stream gully. This needs to be broken down into separate areas like bridge, roading, stormwater etc as this is now the option now being agreed to.
2. All documents that considered the alternative options as referred to in 30 (b).
3. All documents that considered 30 (b) vi including any peer review.
4. All documents that were considered under 99 (MCA).
5. The evidence referred to in 101 by Mr Gray.

Our Response:

Please note – all documents referred to in this response that are not already attached, can be accessed via this link: [LGOIMA 21408](#). These documents are too large to be sent via email.

1. The transport estimates are in the Southern Links Scheme Assessment which you can access via the link above (see Document 1)
2. The alternative options are explained in the affidavits of Mr Eccles – please see Attachment 1.
The key documents that considered the alternative options as referred to in 30 (b) are the Southern Links Scheme Assessment and Notice of Requirement which you can access via the link above (see Documents 1 and 2a – 2d).
The Commissioners' Decision on the Southern Links Notice of Requirement can be accessed via the link above (see Document 3).
3. The original estimates are in the Southern Links Scheme Assessment above as Document 1. These were subject to a parallel estimate review which you can access via the link above (see Document 4).
Please refer to [Housing Infrastructure Fund - Detailed Business Case - Peacocks - Appendices](#) for the most recent estimates that were peer reviewed by MBIE as part of the Housing Infrastructure Fund application review and approval.
HCC does not have a copy of the MBIE peer review.
4. Supplementary Affidavit of Grant Eccles – please see Attachment 2.
5. Evidence referred to is the Affidavit of Alasdair Gray – please see Attachment 3.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

Official Information Team

Legal Services & Risk | People and Organisational Performance

Email: officialinformation@hcc.govt.nz

From: [REDACTED]
Sent: Tuesday, 14 December 2021 5:13 pm
To: official information <officialinformation@hcc.govt.nz>
Subject: Southern Links/Magakotukutuku Stream / Shaws Bird Park

Good afternoon, the Environment Court has given their decision 10 Nov 2021.

This requests relate to matters in that decision.

30 (b) The environmental and financial consequences of constructing crossings over the Mangatotukutuku Stream gully we're assessed as part of the evaluation of alternative alignments. The environmental and financial consequences of the east /west arterial alignments which includes construction crossings over the Mangatotukutuku Stream gully, are rreasonable and acceptable and compare favorably against all reasonable alternative considered.

30 (b) iv. Costs were considered as part of the option development and selection of the preferred option. The southern Links cost estimates were independently peer reviewed using a parallel estimated process. The economic evaluation for southern links was also independently peer reviewed.

99. In preparation for the committee meeting, an expert group undertook an evaluation of the proposed alignments using a multi criteria analysis process (MCA) for consistency both MCA processes were facilitated by Mr. Eccles as an independent consultant.

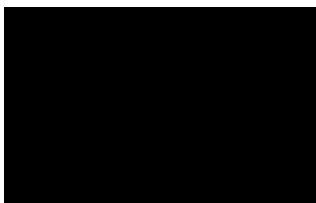
101. Mr. Gray the only expert traffic engineer giving evidence did not consider Mr. Shaw's suggested alternative alignment to be suitable for the function of the east West minor arterial. Even if it where suitable he consider that the additional uncertainty cost, and delay to actually see and developers and other land owners from undermining a robust and effective designation would outweigh any potential cost savings or benefits.

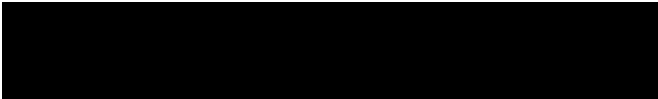
Please provide the following information

- (1) the cost of all roading and bridges to cross the Mangatotukutuku Stream gully. This needs to be broken down into separate areas like bridge, roading, stormwater etc as this is now the option now being agreed to.
- (2) all documents that considered the alternative options as referred to in 30 (b)
- (3) all documents that considered 30 (b) vi including any peer review.
- (4) all documents that were considered under 99 (MCA)
- (5) The evidence referred to in 101 by Mr Gray.

Many thanks

Kind Regards





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**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2019-AKL-000316

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Public Works Act 1981

AND

IN THE MATTER of an objection against a Notice of Intention to take land legally described as 0.707 hectares being part of Lot 515 Deposited Plan 495213 shown marked section 2 on Survey Office Plan 539766 pages T1 and T3; and 1.2093 hectares being part of Lot 515 Deposited Plan 495213 shown marked section 8 on Survey Office Plan 539766

BETWEEN **MURRAY NELSON SHAW and MARGARET EVELYN SHAW**
Objectors

AND **HAMILTON CITY COUNCIL**
Respondent

AFFIDAVIT OF GRANT ROBERT ECCLES
Affirmed this 24th day of April 2020

TOMPKINS WAKE

Solicitor: Kate Cornegé
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Counsel: Lachlan Muldowney
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AFFIDAVIT OF GRANT ROBERT ECCLES

I, Grant Robert Eccles of Hamilton, Planner, affirm:

1. My full name is Grant Robert Eccles.
2. I hold the qualification of a Bachelor of Resource and Environmental Planning from Massey University and I am a principal planner for Tonkin and Taylor Ltd (T+T) based in Hamilton. I have 25 years' professional planning experience and have been a planning consultant based in Hamilton for the last 23 years. I was admitted as a Member of the New Zealand Planning Institute in 2001.
3. I have given expert planning evidence at local authority hearings, Environment Court, District Court, and Board of Inquiry hearings. I have provided planning assistance to the Boards of Inquiry established to hear the applications for the Te Mihi and Tauhara II Geothermal developments near Taupo, and the King Salmon plan change and consent applications in the Marlborough Sounds.
4. I am familiar with the existing and proposed road network near the site, and the background to the project development and designation. I have the following specific experience with respect to the matters currently before the Court:
 - a) Consultation and Planning Manager for the joint Hamilton City Council (HCC)/New Zealand Transport Agency (NZTA) Hamilton Southern Links designation project from initiation in late 2010 through the Scoping, Scheme Assessment and Notice of Requirement (NOR) phases leading to the designation being confirmed and included in the Hamilton Operative District Plan in March 2016. As part of this role, I coordinated all of the landowner, community and stakeholder consultation for the project and oversaw the route

selection process, preparation of the NOR and associated Assessment of Environmental Effects (AEE) that supported it, as well as presenting expert planning evidence at the hearing for the NOR;

- b) Planning adviser for the current Peacocke Network Infrastructure projects, comprising a roundabout at SH3 Ohaupo Road, a bridge over the Waikato River and associated new roads and upgrades, the Peacocke Strategic Wastewater pump stations and transfer mains, property acquisition and the Peacocke East-West Minor Arterial, being the part of the designated works that directly affects the subject property (**Shaw property**).
5. I am familiar with the transport and planning issues arising in and around Hamilton, having provided advice to HCC, Waipa and Waikato District Councils and other local authorities, Waikato Regional Council (**WRC**), NZTA, and developers on projects in the area over the past 23 years.

Expert code of conduct

6. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in the preparation of this evidence. I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.
7. I have the following relationships with the parties to the hearing. None of these are material to the outcome of the hearing and my role in relation to the object does not conflict with these relationships:

- a) I and the company I work for, T+T, regularly provide expert planning advice to HCC. This includes advice to HCC as regulatory authority and as road controlling/requiring authority. Prior to my involvement as planning adviser, T+T assisted HCC with a preliminary engineering assessment of the detention devices in the Mangakotukutuku Stream in and near the Shaw property. There are no other matters which I or T+T are providing advice on which conflict with the advice I have provided in relation to the objection by Mr and Mrs Shaw (**Shaws**).
- b) I am the planning adviser engaged by HCC for the Peacocke network infrastructure project. This includes provision of the bridge, road, and wastewater connections. My engagement is to assist with planning aspects of the detailed design and consenting of the project works and extends to the start of construction. This engagement was confirmed on 10 December 2018. While the delivery of this infrastructure is relevant to the objection by the Shaws, my role in its delivery is not in conflict with the opinions I have provided in my evidence.

Scope of evidence

- 8. The purpose of this evidence is to address matters raised in in the Objection relating to the process leading to the selection of the route for which the NOR for Designation was successfully sought by HCC, and explain the planning, ecological assessment, consultation and hearing processes involving HCC, NZTA and the Shaws. Mr Alasdair Gray's evidence will explain the more detailed transportation engineering design matters that are relevant to the route selection process and the final designation.

Summary of evidence

9. The Project Investigation, Scheme Assessment and NOR processes demonstrate adequate consideration of alternative sites, routes and methods, including 12 corridor options, three route network options and three route options in the vicinity of the Shaw property. The process took into account engineering, economic, archaeological, cultural and environmental factors, including ecology with specific consideration of the gully crossing at the Shaws and the ponds.
10. A number of interdependent factors influenced the final location of the designation as it affects the Shaw property.
11. Given the interdependencies of the range of constraints present in the locality of the East-West Minor Arterial, moving the designation to be further to the south away from the Shaw dwelling would result in multiple other issues arising and a transfer of effects from the Shaw property to others.
12. The practical and technical requirements of the public work necessarily had to be recognised during the route development phase.
13. Alternatives to designation were considered by HCC (as Requiring Authority), however designation of the entire network was ranked the most effective and rational option for protection of the entire Southern Links network route in the long term.
14. The width of the designation as it affects the Shaw property is the practicable minimum required to construct and operate the public work.
15. The Shaws were consulted individually and as part of wider public engagement during the route development phase. This led to the Shaws lodging a neutral submission to the NOR issued by HCC (as Requiring

Authority). The Commissioners' decision to confirm the NOR was not appealed by the Shaws.

Nature of the Project

16. The nature of the Peacocke Southern Links Project (**Project**) was summarised in HCC's notice of reply dated 24 January 2020¹. I endorse that summary and highlight that the 2.3km East-West Minor Arterial provides minor arterial connections in a 32km strategic network comprising urban and rural arterials including connections between the city's strategic transport network and national and regional state highways as shown in Figure 1 below.
17. HCC's objectives for the Project as set out in the NOR AEE are as follows (**Project Objectives**):²
 - a) Facilitate the achievement of HCC's strategic objectives for integrated land use planning, urban growth, infrastructure provision and economic development;
 - b) Protect the Southern Links transport corridor to facilitate the provision of an integrated transport network which supports the future urban development of the Peacocke Structure Plan Area;
 - c) Protect the Southern Links transport corridor in the Peacocke Structure Plan Area in light of the risk of build-out along the preferred route;

¹ Paragraph 5.

² Southern Links NOR – AEE and Supporting Information, prepared by AECOM New Zealand Ltd for NZTA and HCC, dated 05 August 2013.

- d) Provide for growth needs in the south of Hamilton City through the protection of the long-term function of state highway and key arterial, collector and local road networks;
- e) Provide connectivity between the Peacocke Structure Plan Area and the existing Hamilton City infrastructure network, hospital, airport and state highway network;
- f) Improve the amenity and safety of key arterial, collector and local road networks in Hamilton City;
- g) Provide new transport routes to redistribute freight and regional trips to Hamilton on to appropriate corridors that will relieve congestion and make existing networks operate more efficiently;
- h) Provide opportunities for passenger transport and alternative transport modes which will not preclude the potential development of rail transport in the long term;
- i) Improve residential, industrial and retail environments in Hamilton City, in particular in Hillcrest, Melville and Hamilton East through the provision of an integrated transport network which will, in turn, reduce travel trips and demand on existing transport networks; and
- j) Provide an appropriate road corridor to accommodate network utilities and services to provide for growth in the south of Hamilton City.

BP G.R.E.

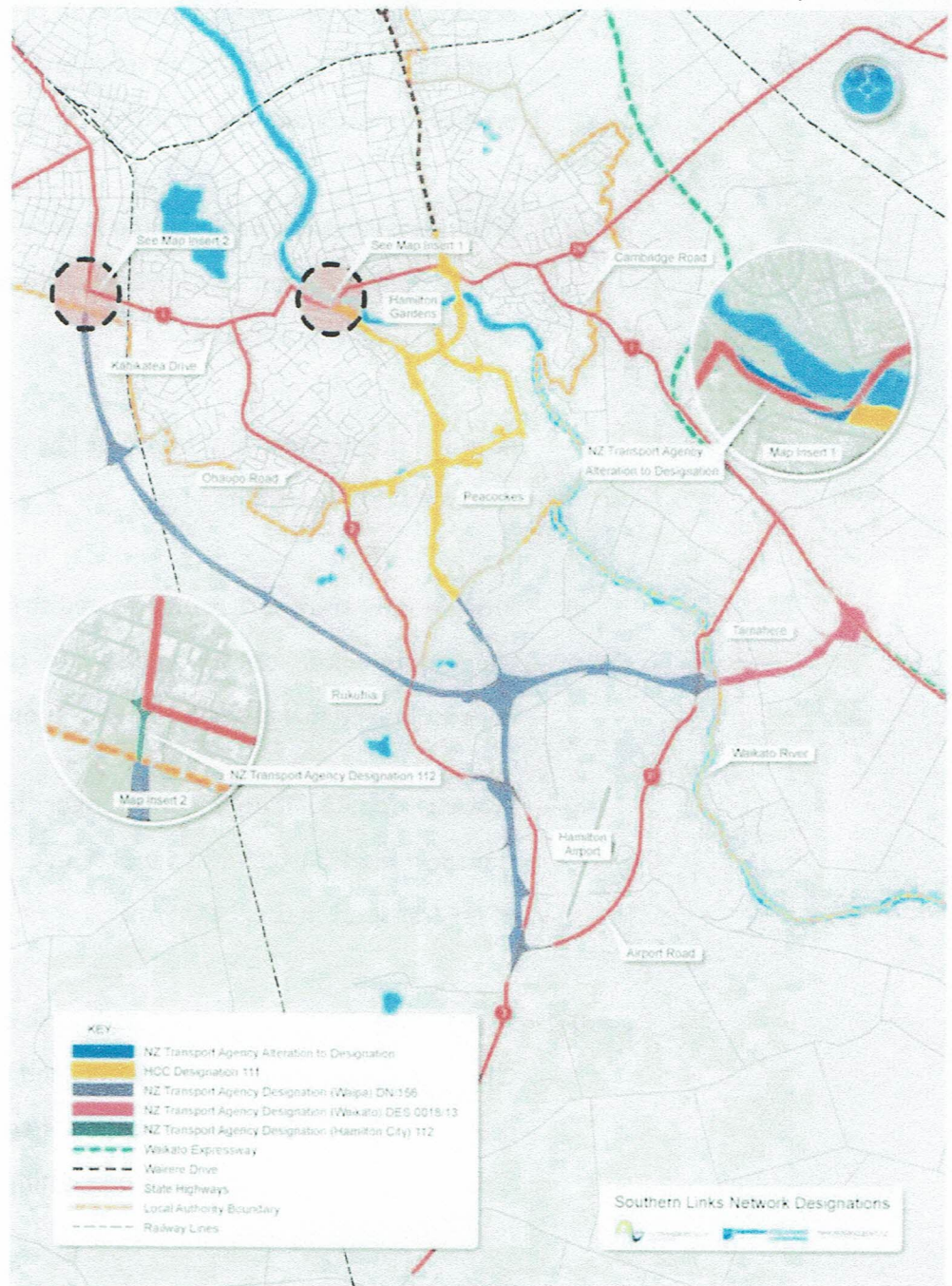


Figure 1. East-West Minor Arterial in context of Southern Links designations

Description and function of the proposed East-West Minor Arterial

18. The Peacocke East-West Minor Arterial will be a two-lane minor arterial road with a likely speed limit of 50km/h. The concept design is illustrated below in Figure 2 and will be refined through the detailed design process. Depending on safety at intersections, cuttings/embankments, urban

design, and landscaping, it is possible that houses could front the road boundary, some with direct property access to the road.

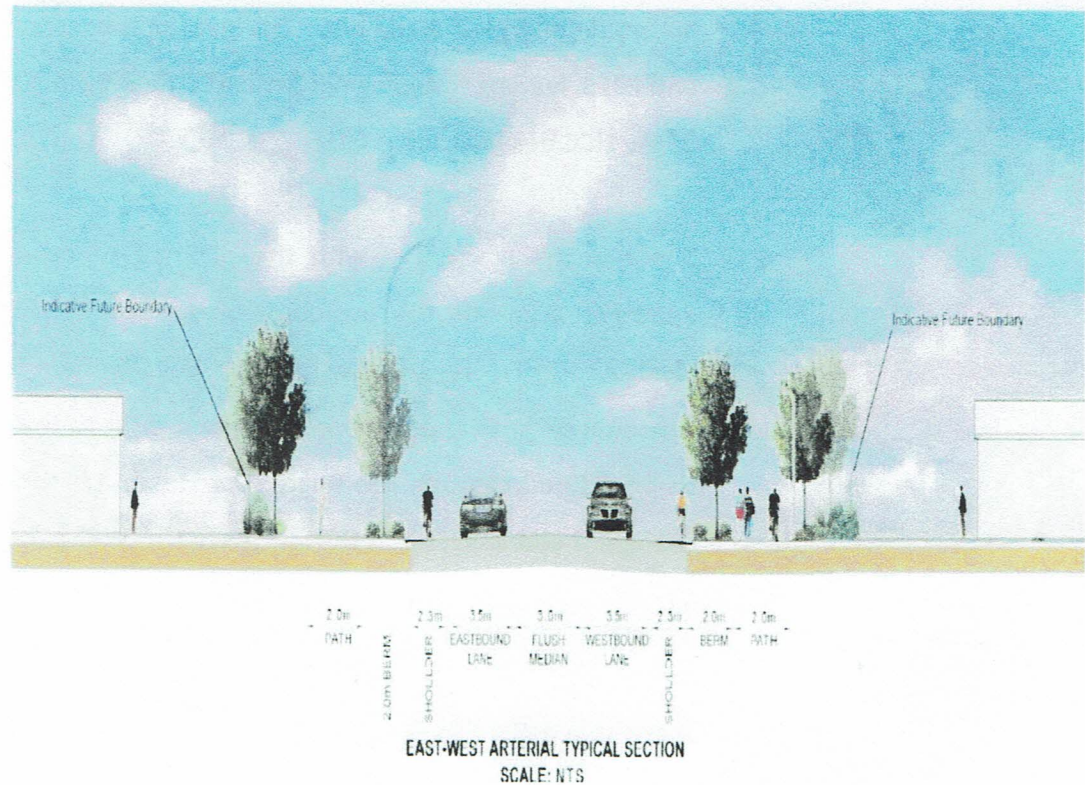


Figure 2. Cross section (concept only)

19. The purpose of a minor arterial road is described in the Hamilton Operative District Plan as follows:³

A 'minor arterial' transport corridor's principal function is the movement of high levels of goods and people between parts of the City. Heavy freight distributing goods to parts of the City may use these corridors. Through-traffic moving between parts of the City may use these corridors. Property access is managed. Intra-city passenger transport services are likely to use these routes.

20. The parts of the city that the East-West Minor Arterial interlinks are Peacocke and its suburban centre at the eastern end, the city's strategic network via the Peacocke north-south arterial and Glenview via Ohaupo Road/SH3.

³ Appendix 15, 15-4 Transport Corridor Hierarchy Plan and Definitions.

Assessment of alternatives

21. The Project was developed following the joint Hamilton Southern Links Investigation by NZTA and HCC. The investigation took place between 2011 and 2013, leading to a joint WRC and HCC hearing in 2014 and confirmation of the HCC designation in 2016.
22. The timeline associated with the planned urban development of the Peacocke area and the evolution of the Southern Links Designation is illustrated in Figure 3 below. Option development included community consultation and landowner engagement prior to the NOR and continued to be refined through the hearing process with submitters that sought change. I address later in this evidence the Shaws' neutral submission to the NOR issued by HCC once it was publicly notified, and other process related matters.

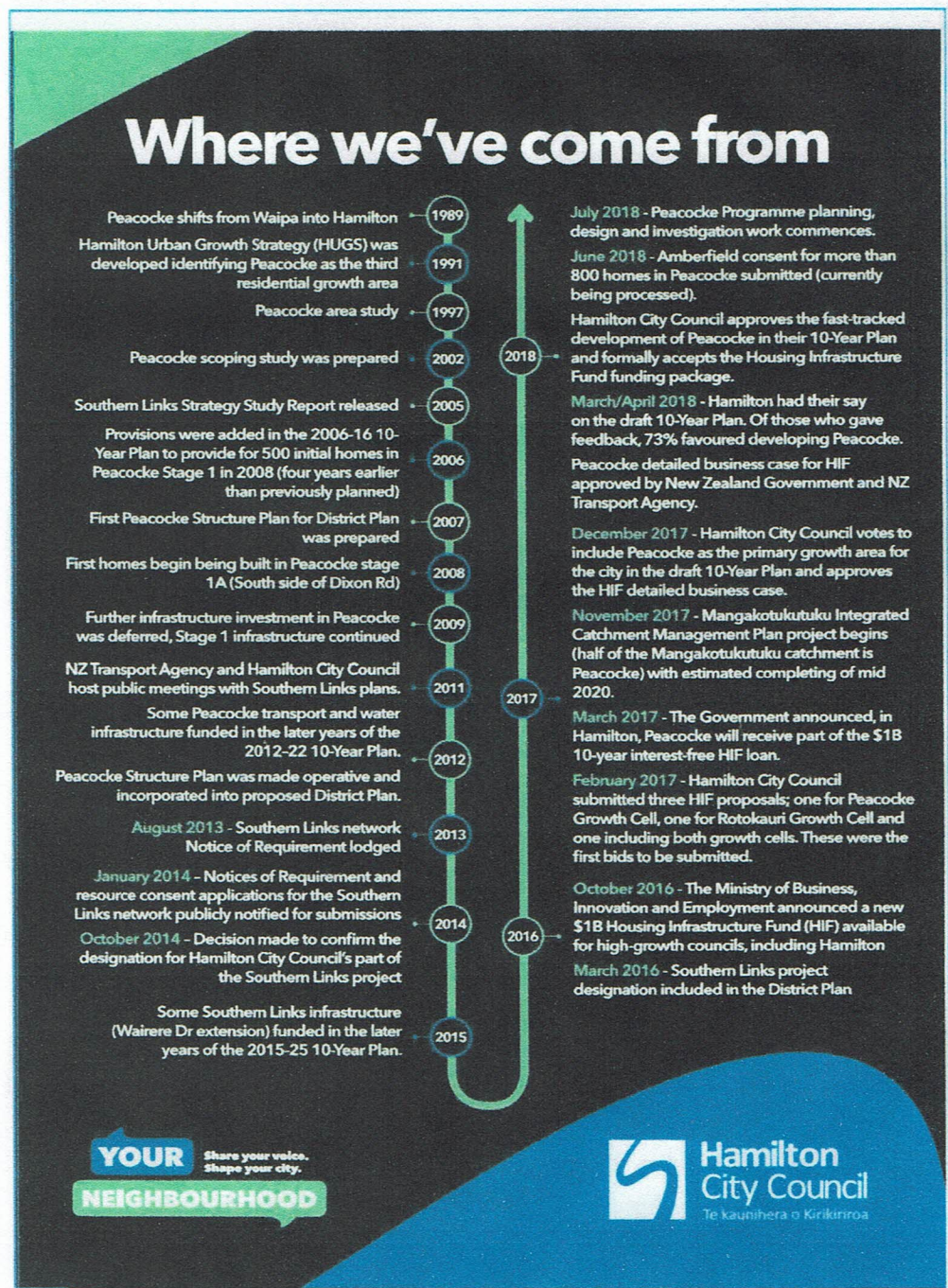
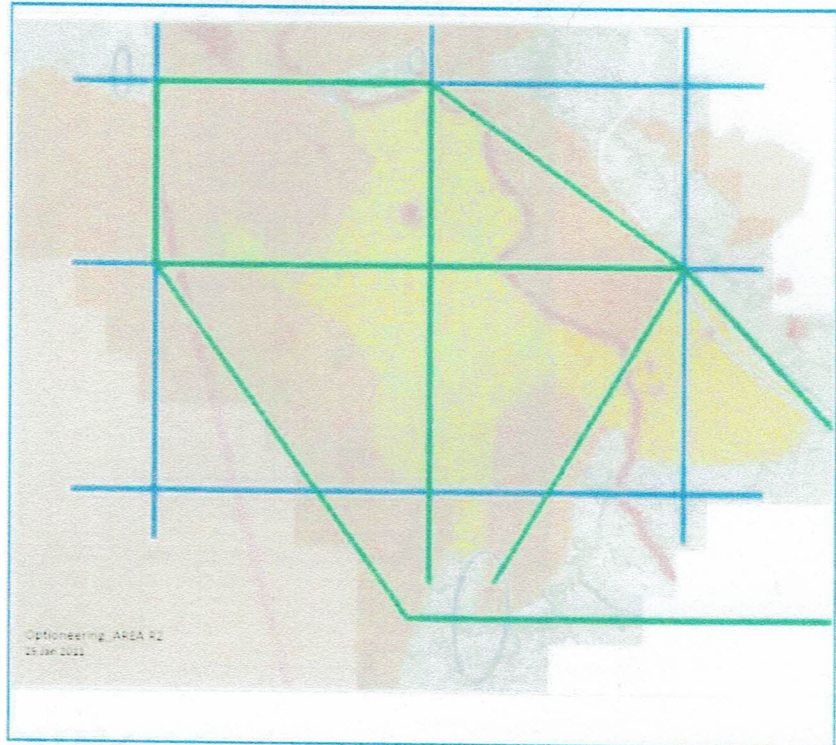


Figure 3. Peacocke and Southern Links Timeline

23. The investigation of the network followed the ACRE process using a multi-criteria assessment (MCA) methodology, as follows:⁴

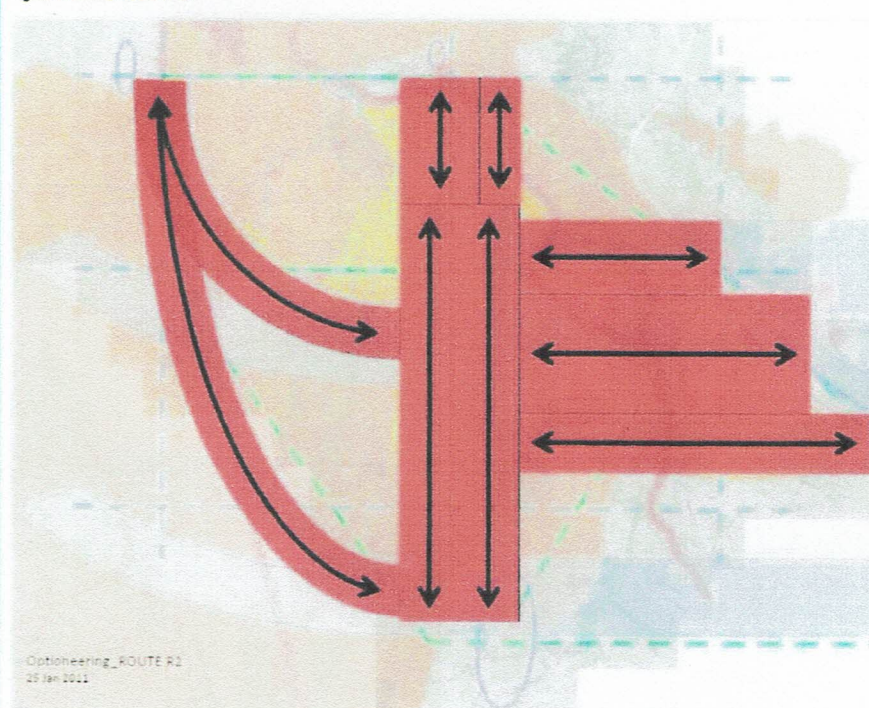
⁴ All figures set out in summation of the ACRE process are sourced from the Hamilton Southern Links Investigation – ACRE Assessment, prepared by AECOM New Zealand Ltd for NZTA and HCC, dated 24 September 2012.

- A Area – Feasible area for investigation and constraint mapping. This was mainly defined by the desired connections to the existing road network and extended south of Hamilton across SH3 Ohaupo Road to SH1 Cambridge Road and south of Hamilton Airport.



- C Corridor – This stage identified potential corridors between multiple locations taking into account constraints, including sensitive ecological areas and heritage sites. The corridors were assessed against the Project Objectives to remove those that were not consistent. The nine remaining corridors were used to develop 12 corridor networks for further assessment.

Figure 7: ACRE Route Plan



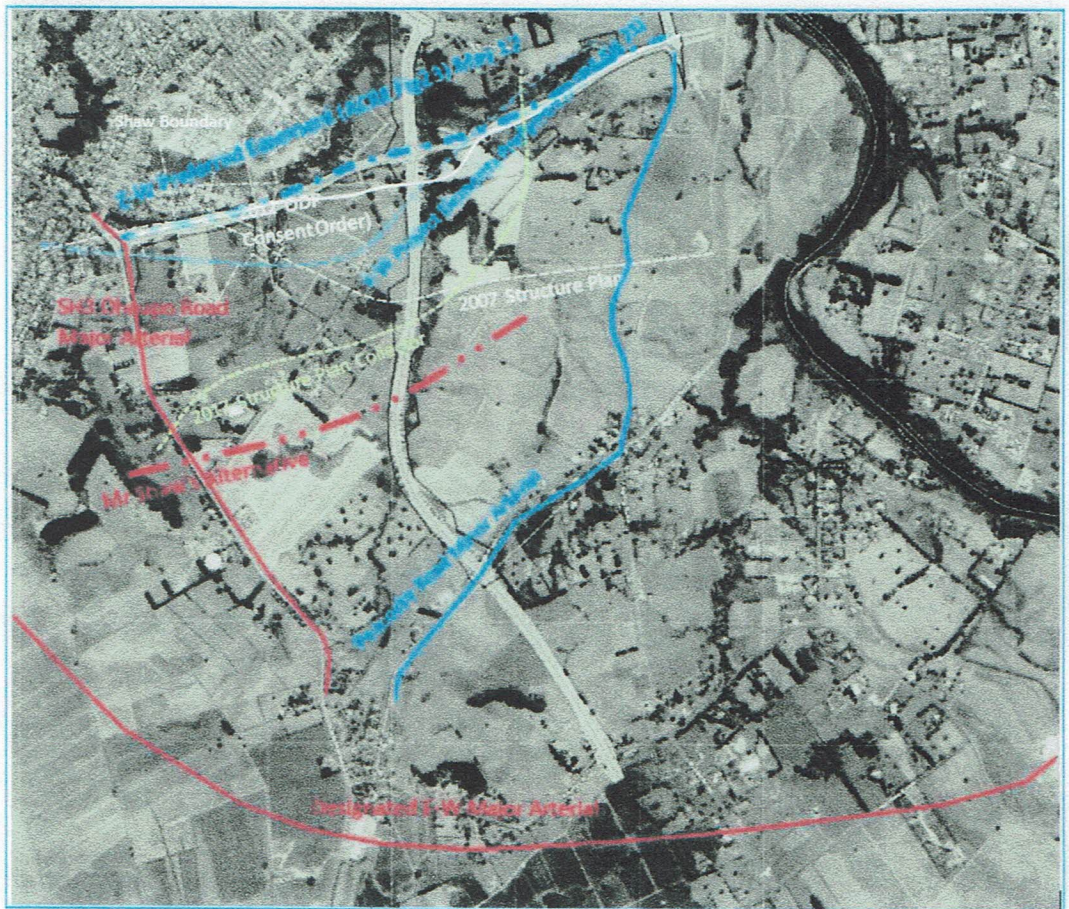
Twelve network options were developed for assessment using the MCA process (described below). An example network option is shown in **Figure 8**. All of the network options are presented in the MCA minutes shown as Attachment A.

- R Route – This stage identified and assessed route options, typically around 400m wide, connecting key locations in the preferred corridor network. This resulted in three route networks, assessed to identify a preferred route network.

Figure 9: Sample Alignments with resulting Envelope area.



- E Easement - This stage refined the links in the preferred route network to an approximate designation option, nominally around 100m wide. Typically, two or three options were considered for each link in the network and the preferred network.



Consideration of the Shaw ponds during route selection process

25. Ecological matters were one of the criteria considered during the MCA. The main stem of the Mangakotukutuku Stream was identified as a constraint given its high ecological values and largely unmodified state.
26. While the Shaw property contains a tributary of the Mangakotukutuku Stream it was noted that the reach of the tributary stream within the Shaw property, and the adjoining Colchis property, was highly modified and the ponds are artificially created. Thus, the ecological values of the tributary in that reach were rated lower than the remainder of the tributary and the main stem of the Mangakotukutuku Stream. The habitat around the ponds

itself was also not identified as being conducive to long-tailed bat presence, which was another important ecological factor.

27. As a result, any route that crossed the Shaw property and the ponds was not scored as a "fatal flaw" on ecological grounds during the MCA process. It was recognised however that the presence of the ponds, and the amenity they provide, meant that in order for a future route to cross them, an embankment and culvert structure with associated environmental mitigation would most likely be required. This was factored into engineering and cost criteria.
28. The unconsented status of the dam structures was recognised by the Shaws who, as part of a now withdrawn subdivision consent application for their property, proposed a consent condition (in consultation with WRC) that required retrospective resource consents to be gained for the various dam structures and impoundments within the Shaw property prior to s224c certification for the subdivision. If retrospective resource consent could not be obtained, the dam structures would need to be removed and the stream reach returned to its natural state.

Factors influencing location of the East-West Minor Arterial

29. A number of interdependent factors influenced the final location of the designation as it affects the Shaw property. These include:
 - a) The topographical and property constraints associated with the wider East-West Minor Arterial alignment and its origin/termination points at the Dixon Road/Ohaupo Road intersection and the location of the Peacocke Suburban Centre as shown on the Peacocke Structure Plan. In this regard, it should be noted that the location of the Peacocke Suburban Centre as it originally was at the start of the Southern Links route selection process moved further north during the latter stages of the process. This was as a result of the resolution

of appeals to a District Plan variation process for the Peacocke area that was running in parallel to the Southern Links process⁵. The decision to move the suburban centre further north made a more northerly location for the East-West Minor Arterial intersection with the North-South Major Arterial a better alternative than the more southerly location previously identified.

- b) The desirability of avoiding major earthworks at the Dixon/Ohaupo junction by routing the designation around the base of the "Northview" hill.
 - c) The location of a suitable point for the designation to cross the impounded portions of the Mangakotukutuku Stream tributary that has resulted from the detention structures installed by the Shaws – crossings over wider portions of the waterway were considered inferior to the selected point which has a narrower water width and already features a formed crossing.
 - d) The suitability of the Letford property to the east of the Shaw property across Hall Road in topographical and cadastral terms to house the large diameter roundabout necessary to form the junction of the East-West Minor Arterial and the North-South Major Arterial, while allowing for the approaches on either side of the roundabout to achieve satisfactory geometrics while avoiding as far as practicable environmental constraints such as gully heads and vegetation.
30. The Options Analysis demonstrates that alternative alignments were considered that saw the designation located further away from the Shaw

⁵ It should also be noted that during the route selection process the general arrangement of the Structure Plan arterial roading network (for example, the need for an East-West Arterial originating generally at the Dixon Road-Ohaupo Road SH3 intersection) became appeal free and was thus adopted by the Southern Links project. The more detailed alignments of the major and minor arterials were by necessity left to be informed by the Southern Links route selection process.

dwelling. However, given the interdependencies of the range of constraints present in the locality of the East-West Minor Arterial, moving the designation to be further to the south away from the Shaw dwelling would result in multiple other issues arising and a transfer of effects from the Shaw property to others.

31. Allied to the above point, I note that throughout the route development phase of the Project, the practical and technical requirements of the public work needed to be recognised. In the case of the HCC Southern Links designation, the public work is an urban arterial standard transport network that will also include network utility infrastructure. Such a network has fundamental geometric and design standards associated with it that must be achieved to ensure that vehicles of all types can safely and efficiently use the network. Thus, while on paper it is possible to draw a route that largely avoids every identified constraint and joins the "best" alignments in different sectors of the network, such a route may not function in practice.
32. I also reflect on challenges made to the Southern Links at the time of the hearing in 2014 that the route selection process had not adequately taken into account the views of those consulted during the process. Through evidence at that time (which was accepted by the Hearings Commissioners), I made the point that consultation should not be perceived as an obligation by a project proponent to either achieve consensus or adopt every suggestion or request received from those being consulted – especially in the case of the Southern Links network where hundreds of landowners were involved.
33. In my experience on projects, feedback is evaluated and where amendments can be appropriately made to a project (mindful of the technical and functional requirements of the public work), they are. The fact that the suggestions or ideas of someone being consulted are not incorporated into a public work project does not indicate a failure of the

consultation process. In my view, this is a theme that underlies the objection brought forward by the Shaws and is one that cannot be sustained.

Alternatives to designating

34. NZTA and HCC actively considered methods other than designation for achieving the desired protection for the Southern Links network. Following finalisation of the network route, and prior to the preparation of the NORs and AEE, a workshop was held on 21 November 2012 to assess other route protection options.
35. A report was produced from that workshop that assessed the costs/benefits, and risks/advantages of the other options.
36. The other route protection options considered were:
 - a) Do nothing; and
 - b) Route recognition via indicative network alignments into the relevant District Plans, by way of plan change or variation.
37. The workshop also considered various options with regards to timing of designation of the network. Because these options all involved designating the network, they were not considered to be alternative methods.
38. Designation of the entire network was ranked the most effective and rational option for protection of the entire network route in the long term for the following reasons:
 - a) Designating provides route protection for key infrastructure required to serve the planned urban growth of the Peacocke area.

- b) Not designating would result in investigation costs having to be repeated in the future that could reach 50% of the short term land costs for the proposed Southern Links network, would result in higher future process and construction costs, and/or potentially lower and/or deferred benefits.
- c) Not designating creates a risk of the Project becoming compromised as a result of loss of optimum network locations through interim landuse and subdivision development.

Width of the designation

- 39. The width of the designation sought by HCC was deliberately restricted to the minimum necessary within which the public work could be constructed to achieve the Project Objectives. This was because the Peacocke Growth Area is identified for future urban development, and HCC was concerned to ensure that as little land as possible was used for the transport/utility network.
- 40. As a result, the width of the designation as it affects the Shaw property is approximately 40m, which is the minimum possible to accommodate the East-West Minor Arterial. Of the 40m designation width, around 23m is taken up by transport components (eg road carriageway and drainage), leaving 17m of width for landscaping, embankments, and walking/cycling facilities. This general arrangement is shown on the Concept Design Plan shown in Figure 4 below. Following construction, the road boundary will be resurveyed and minimised where practicable.

BP G.R.E.

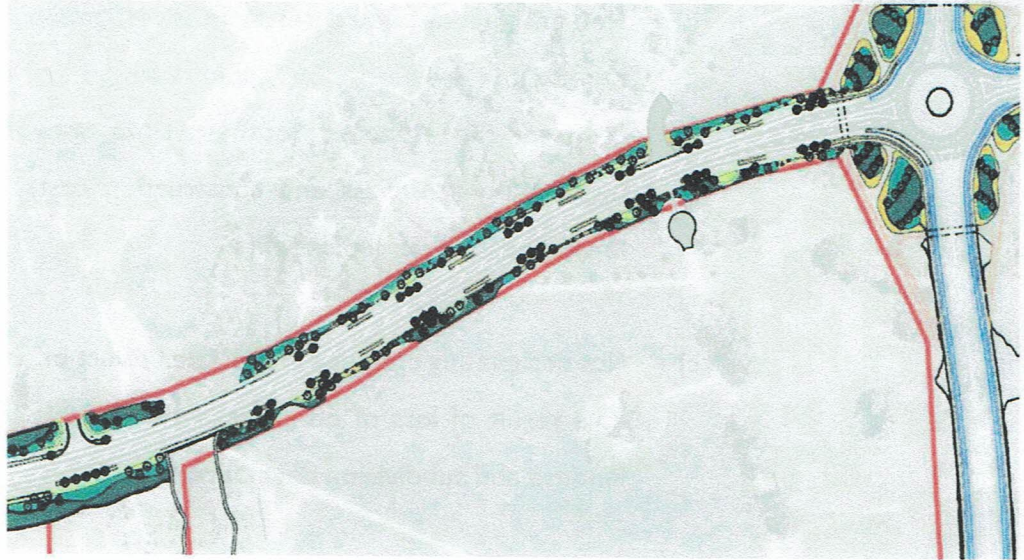


Figure 4 - Concept Plan (Intersections and property access subject to detailed design)

Consultation with the Shaws

41. On two occasions during the route selection phase of the Project, I met the Shaws in person at their property on Hall Road. On both occasions, I was accompanied by personnel from The Property Group (TPG), the property consultants engaged by HCC to assist with the property related aspect of the Project.
42. The first of these meetings was on 19 January 2011. I was accompanied by Mr Dan Gerring from TPG. The purpose of the meeting was principally to introduce the overall project to the Shaws and to ask for their permission to undertake testing of ground conditions on their property. This meeting was during the formative scoping phase of the route consideration and selection process for the wider Hamilton Southern Links process. At that point the Project team was endeavouring to gain as much information as possible about constraints (including ground conditions) in the overall Project area so that those constraints could be factored into the route selection process.

43. The Shaw property was selected for ground condition testing because at that early stage it was apparent that it was more likely than not that the Shaw property could be affected. This was because, since 2007, the Peacocke Structure Plan provisions had identified the need for an arterial route running east-west across Peacocke in the vicinity of the Shaw property. The waterbodies on the Shaw property were also identified early on as a potential constraint and it was important that the team was informed as to the ground conditions around them so as to adjudge the complexity of any potential crossing that may be required. Testing for preliminary design is followed by more detailed investigations during detailed design.
44. The second meeting I had with the Shaws in person was at their home on 17 May 2012⁶. I was accompanied by Mr Jeremy Ball from TPG. The purpose of the meeting was to introduce the final preferred route to the Shaws and seek their feedback on it.
45. My notes from the 17 May 2012 meeting record that the Shaws were not in favour of the alignment, given its close proximity to their house and its effect on the viability of some of the lots in a future subdivision that was planned for the Shaw property. The Shaws said that the alignment should be moved further south and indicated that they would be opposing the alignment once the NOR was notified and they could submit on it.
46. The date of 17 May 2012 puts this meeting around the time of the final round of Southern Links Information Days. Those final information days, and the one on one meetings held with affected landowners, were aimed at finding out whether there were any local micro-siting issues or constraints that the designation alignment needed to take into account

⁶ I also have notes of meetings with several other directly affected landowners on Hall Road around that time (Letford, James, Toy etc).

prior to the land requirement plans being finalised and NORs being prepared.

47. Meeting in person with affected landowners was only one of a range of consultation and engagement measures undertaken during the route consideration and selection phase (2010-2013) of the Southern Links designation project. Other measures included a series of Public Information Days (nine held in total – including three at the Glenview Club), regular newsletters to those that subscribed to an email update service (several hundred people), and maintenance of a Project website.
48. All of the above builds a sequential picture that:
 - a) The Shaws were aware of the project and its likelihood of directly affecting their property from at least January 2011 when they granted access for geotechnical investigations.
 - b) The Shaws were met with individually in May 2012 where details of the designation route including proximity to their dwelling were made clear.
 - c) In the intervening period two rounds of Public Information Days were held (in both rounds Information Days were held at the Glenview Club) and the Shaws would have had direct notice of the Information Days via letterbox drop notices.
 - d) Immediately after the May 2012 meeting a further round of Public Information Days were held with further direct notice to the Shaws.
 - e) Immediately prior to the issuing of the NOR in August 2013, the Shaws along with all other directly affected landowners were sent a

letter and land requirement plan advising of the land requirement from the property.

- f) The formal Resource Management Act 1991 notification process and procedures then took over in early 2014, the culmination of which allowed the Shaws to make a submission on the NOR and be heard in support of their submission.

The Shaw submission on the NOR

- 49. The NOR(s) for the Southern Links network were issued in August 2013 and publicly notified on 29 January 2014. Submissions closed in March 2014. The Shaws lodged a neutral⁷ submission on the NOR affecting their property. A copy of the Shaw submission dated 27 February 2014 is attached as **Exhibit GE-1**.
- 50. The submission records that the Shaws were not opposed to the Southern Links network and supported the forward thinking of HCC in this regard. It set out, at a high level, the efforts the Shaws had made to improve the property from the condition it was in when they purchased it, what their future intentions were for further development of the property, and their concerns that the future development of the site would be jeopardised by the establishment of the "motorway" through it.
- 51. The decision sought by the Shaws with regards to HCC's NOR was:⁸

That we are compensated for the work and dreams we have created in our retirement and that an underpass be built between the two parks.
- 52. The hearing for the NOR(s) began in June 2014 and formally concluded in September 2014. Mr Shaw appeared at the hearing and spoke on behalf of himself and Mrs Shaw to their joint submission.

⁷ ie neither in support of or in opposition to the NOR.

⁸ Page 2.

53. Along with the Shaws, the Commissioners heard from a number of landowners affected by the Southern Links network who had undertaken varying degrees and types of restoration planting on their properties. The Commissioners had this to say about the efforts of the people they heard from:⁹

We were surprised and impressed with the number of people who, entirely on their own initiative, have been undertaking ecological enhancements on their own properties. Understandably, they are now concerned about the effects of Southern Links on those enhancements and the incentives to continue with them. Some examples are the initiatives being planned by the MSCG and the initiatives undertaken by the Keytes, James, Shaws and Bevans. We think it important the ecological mitigation undertaken for Southern Links appropriately recognises the existence of those enhancements and attempts to integrate with them.

54. The Commissioners' decision to confirm the HCC Southern Links NOR, subject to conditions, was issued on 24 October 2014.
55. In line with their comments above, the Commissioners approved designation conditions requiring:
- a) The Ecological Management and Monitoring Plan (**EMMP**) to consider opportunities to integrate project restoration and offset plantings with plantings already undertaken on the Shaw property (amongst others); and
 - b) The Landscape Management Plan (**LMP**) planting proposals to integrate with the EMMP and be developed in consultation with directly affected landowners.
56. The designation conditions attached to the Commissioners' decision largely arose from a set of conditions put forward at the end of the hearing by HCC (as Requiring Authority) which responded to matters discussed at

⁹ Decision on the NOR, p 53.

the hearing with submitters, the s42A reporting team, and the Hearings Commissioners through questioning.

57. The point I make here is that the work that the Shaws have put into their property was recognised by HCC (as Requiring Authority), and given enough weight to warrant specific reference as a matter to be specifically taken into account in the preparation of both the EMMP and the LMP¹⁰.
58. I also note that the set of conditions put forward at the end of the hearing by HCC (as Requiring Authority) also included conditions committing HCC (as Requiring Authority) to the completion of acquisition of specified properties no later than six months prior to the commencement of construction. A further condition to the same effect was included as a result of a mediated settlement of the sole appeal to the Commissioners' decision to confirm the HCC Southern Links designation as set out below. Those conditions provided certainty to the relevant landowners and were included following requests from the landowners. The Shaws did not make a similar request. The Commissioners did not elect to impose a condition requiring an underpass as requested by the Shaws in their submission.
59. The Shaws did not appeal the Commissioners' decision to confirm the HCC Southern Links designation. One appeal was received from a directly affected landowner (who were not affected by the East-West Minor Arterial alignment that affects the Shaw property) on a site-specific severance matter. That appeal was resolved through mediation and a consent order.

¹⁰ The EMMP has since been prepared and certified by HCC (as Territorial Authority) as meeting the requirements of the relevant designation conditions. The LMP for the East-West Arterial route is yet to be prepared.

BP G.R.E

60. The HCC Southern Links NOR was then finally confirmed and included in the Hamilton City District Plan (Proposed and Operative) as designation reference A106 in March 2016, with a 20-year lapse period.

Signature of Deponent:



Grant Robert Eccles

AFFIRMED by the abovenamed Grant Robert Eccles at Hamilton
this 24th day of April 2020 before me:



A Solicitor of the High Court of New Zealand

SUBMISSION ON PUBLICLY NOTIFIED NOTICES OF REQUIREMENT FROM THE NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL – HAMILTON SOUTHERN LINKS DESIGNATIONS AND ALTERATION TO THE EXISTING DESIGNATION FOR STATE HIGHWAY 1

Sections 95A(2)(b), 168, 168A and 181 of the Resource Management Act 1991 (Form 21)

To (hard copy or post):

- Waikato District Council
- Waipa District Council
- Hamilton City Council
- All: C/- Rice Resources Limited, PO Box 431, Waikato Mail Centre, Hamilton 3240 Attn: Steve Rice

Or email this submission to any of the Councils at: info@riceres.co.nz

Or fax this submission to any of the Councils at: (07) 846 5269

Submissions Close at 5pm on Friday 28 February 2014

****Please note all sections of the following form need to be completed****

NAME OF SUBMITTER:

Full Name: Margaret E Mulvey Shaw
 Postal Address For Service: 143 Hall Road
1212 200 Hamilton
 Phone: 07 8434 888 Email: phoenixdowns@yahoo.co.nz
 Fax:
 Contact Person: Mulvey Shaw 0274 967275

THE SPECIFIC NOTICES OF REQUIREMENT FOR THE HAMILTON SOUTHERN LINKS ROADING NETWORK THAT MY SUBMISSION RELATES TO ARE: (give details)

Hamilton City Council Notice of Requirement in Hamilton City ☒
 NZ Transport Agency Notice of Requirement in Waipa District ☐
 NZ Transport Agency Notice of Requirement in Waikato District ☐
 NZ Transport Agency Notice of Requirement in Hamilton City ☐
 NZ Transport Agency Notice of Requirement (alteration) in Hamilton City ☐

MY SUBMISSION IS (include reasons for your submission):

Support ☐ Oppose ☐ Neutral ☒
As per attachment.

Exhibit Note

This is the annexure marked "GE-1" referred to within the affidavit of Grant Robert Eccles and sworn at Hamilton this 24th day of April 2020 before me

Signature

Blairford

I SEEK THE FOLLOWING RECOMMENDATION FROM THE COUNCILS ON THE NZ TRANSPORT AGENCY'S NOTICES OF REQUIREMENT:

(give precise details, including the parts of the Notices of Requirement you wish to have amended and the general nature of any conditions sought)

Has an canal + transit NZ remove in all case
20 year old kauris when we have to apply to
consent on trees we have to apply planted

I SEEK THE FOLLOWING DECISION FROM THE HAMILTON CITY COUNCIL ON HAMILTON CITY COUNCIL'S NOTICE OF REQUIREMENT:

(give precise details, including the parts of the Notice of Requirement you wish to have amended and the general nature of any conditions sought)

that we are compensated for the work
and dreams we have created in
our retirement; and that an underpass
be built between the two parks.

ARE YOU ATTACHING FURTHER PAGES?

Yes ☒ No ☐ (please tick)

If so, how many: ... 24

HEARING

I do wish to speak at the hearing in support of my submission ☒

I do not wish to speak at the hearing in support of my submission (this means that you will not be advised of the date of the hearing and will not speak at the hearing) ☐

If others make a similar submission I will consider presenting a joint case with them at the hearing ☐

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing

I have served a copy of my submission on the NZ Transport Agency and/or Hamilton City Council (this is required under s96(6)(b) of the RMA) ☐

SIGNATURE:

To be signed by submitter or person authorised to sign on behalf of submitter.

(NB. A signature is not required if you make your submission by electronic means).

Signed: 

Date: 27.2.2014

Notes to submitter:

- You must serve your submission on the requiring authorities, the NZ Transport Agency and/or Hamilton City Council, as soon as reasonably practicable after you have served your submission on the Councils. The address for service for the requiring authorities is: AECOM, PO Box 434, Waikato Mail Centre, Hamilton 3240 Attn: Grant Eccles
- Your submission is public information and will be subject to release under the Official Information Act 1982.
- For more information on making a submission refer to www.mfe.govt.nz

Privacy information

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Councils, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Councils will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Councils.

MN & ME Shaw

143 Hall Road

R.D.2

HAMILTON

Ph: 0274 967275

Email: phoenixdowns@yahoo.co.nz

Hamilton City Council

Private Bag 3010

Hamilton

Dear Hamilton City Council,

I'm not apposing to the southern links system, in fact I congratulate the council for their forward thinking.

When I brought this property some 20 years ago the gully was covered in gorse, blackberry and crack willow with rats, possums and other pests.

This gully was also used as a large land fill by the local contractors and council, it is filled of concrete steel, timber and rubbish as well as soot from the Te Rapa Dairy Factory which still leaches into the waterways.

In time and dedication this has been transformed into ponds and beautiful trees.

The dump has been planted over except for one small area which grows nothing at all.

Now we have up to 30 tui's in the spring, native dab chick breeding in the ponds, california quail are coming back in large numbers, we want to be compensated for what we have created here.

As long as we are compensated for our dreams and hard work, in our case we have built a park and ponds with thousands of trees some are native and exotic.

We have built a retirement cottage on one of the ponds which the motorway will cause noise pollution.

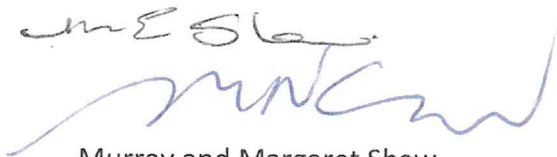
The motorway will divide the park into 2 areas, so perhaps an underpass could be created for the public to pass though.

My dream was to build a venue and have wedding and other functions here, so the park can be well utilised by the public.

I don't now know whether this will be possible with the motorway running through the property.

I look forward to coming to the hearing in support of my submission

Thanking You

A handwritten signature in blue ink, appearing to read 'Murray and Margaret Shaw', with a stylized flourish extending from the end.

Murray and Margaret Shaw



Full of life: New plants and trees have flourished since this pond was created by Margaret and Murray Shaw on their Hamilton property.

Photos: DONNA WALSH.

From a landfill to this

Hamilton couple Margaret and Murray Shaw have transformed a weed-infested landfill into ponds now breathing new life and fresh air on their property, Janet Leggett reports.

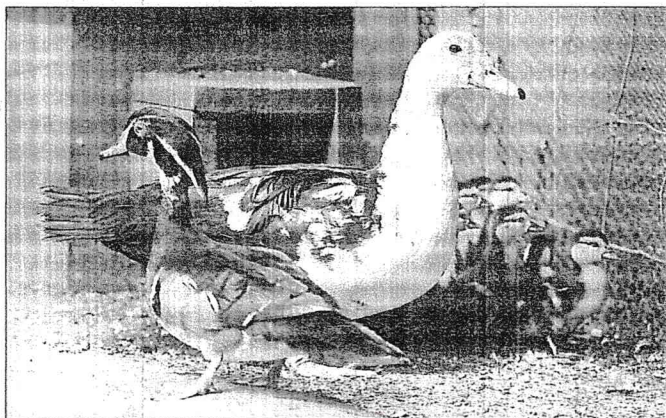
It takes a leap of the imagination to see Margaret and Murray Shaw's property as the weed-infested former Hamilton landfill site that it was less than eight years ago.

Turning their gully into its present incarnation has been hard work but a labour of love that they see the results of every time they look out of the picture window walls of their living room.

Their house and surrounding garden sit above the two largest and deepest ponds. The windows provide a panoramic view of the ponds, surrounded by mixed exotic and native tree planting, tree ferns, flaxes and woodland shrubs. Although Glenview and Hamilton's southwest suburbs are only a short distance away over a hill, their watery country haven is tucked away at the end of a no exit road. Only a few neighbouring properties are able to catch glimpses of it. However, it's not only the Shaw family and the tenants of their two rental houses who enjoy the environment they've created. The view over the ponds usually includes grey teal ducks on the wing or the water. They are one of several types of duck that Murray breeds, along with a variety of geese and pheasant breeds, Californian quail and guinea fowl.

The resident Kingfishers are seldom out of sight or hearing. A bank above one of the ponds is covered in their nest holes. The ponds came before the birdlife, Murray explains.

"We didn't have a plan... we got the ponds done and thought they looked a bit dead so away we went (with breeding the ducks)." Margaret clearly recalls the day – the end of Easter 2001 – that Murray began the pond development and planting.



Big brood: These ducks have also thrived on the property.

"I came home after being away over Easter to find that Murray had got a big digger and created all the pond dams." They had bought the property – two adjoining lifestyle blocks sitting just inside the city boundary – in 1990 and built their first house a short distance from their current home, also on the edge of the gully. It was shortly after the gully had been closed as a landfill site. Years of dumping broken concrete, tyres and other rubbish had filled one side of the gully. Regular dumping of ash from the Te Rapa dairy factory chimneys was still evident. The gully is at the end of one of the many arms of the Mangakotukutuku stream and gully system, which extends south to

there from Melville and Glenview. The gully bottom was willow-choked swamp that filled to a shallow pond during the wettest parts of the year. Blackberry and the usual array of noxious weeds covered the gully sides.

The Shaws built their present house, sited with a better view north up to the end of the gully, prompting Murray to let loose with the digger and turn it into ponds. He used the digger to remove most of the willows and began the long job of removing the weeds by hand and replacing both with two to three-year-old trees and shrubs. Nearly eight years later some kanuka on one side of the gully – estimated to be about 150 years old – and

The water is the dark red-brown colour typical of Waikato peat lake water. Water lilies and islands of phormium are flourishing – evidence of the good water quality, occasionally effected by leaching of the dairy factory ash on one bank.

a few of the willows are now all that remain of what grew in the gully. Kauri, rimu, cabbage trees, lancewood, lacebarks and karaka are among the native trees that sit among liquid ambers, oaks, golden elms, ash and waterside swamp cypress. The part shade is light with the huge white and pale blue mop-top flower heads of hydrangeas. Tangerine-red flowers on purple calla lilies fill a sunny bank with colour. In parts the two biggest ponds are now two to three metres deep. Culverts in the dam banks are able to be opened to avoid the winter flooding that would otherwise occur when spring water and run-off from the surrounding farms and properties pour in.

The water is the dark red-brown colour typical of Waikato peat lake water. Water lilies and islands of phormium are flourishing – evidence of the good water quality, occasionally effected by leaching of the dairy factory ash on one bank.

An old pump and two working water wheels provide points of interest along the

Continued Page L11.



Overflow: Rainwater from the house is sent to the water wheel and pond.

City couple stay vigilant against pests, weeds

From Page L10

pond-side path that circumnavigates the four hectare area.

Rain water from the house is diverted down the hill to turn the water wheels.

The nesting boxes scattered around the main pond are home for several pairs of Grey Teal ducks.

The Shaws collect their eggs – along with those laid in pest proof fenced and covered nesting areas by Carolina Wood ducks – to be raised by chickens in individual portable hutches on the lawn around the house.

The Carolinas are a popular choice for small block owners – Murray sells the ducklings in autumn when he's able to distinguish the males – with their red colouring – from the females.

Both breeds will usually produce two or three clutches of eggs each breeding season.

Left to raise their own young both breeds would be unlikely to have one or two ducklings reach adulthood.

"Rats, cats, stoats or hawks would get the eggs if we didn't give them to the chickens to raise."



Berthed: A row boat is tied up to a sidewalk at one of the ponds.

Photos:
DONNA
WALSH

At this time of the year Murray checks the dozen rat traps and gets a least one and up to four a day out of them.

He's also vigilant to keep the weeds at bay. Pond grass would gradually encroach on the ponds if it wasn't regularly removed and blackberry creeps back in if permitted.

"The view out over the water is always changing with the weather and the seasons."

The Shaws' photo albums proudly show off the gully transformation and the wonderful autumn foliage colour that follows the summer greens.

It's a scene that is likely to see another change over the coming couple of years. The housing subdivision planned for the hillside opposite is due to begin in the next 18 months.

Nesting: Kingfishers have dug a new hole to nest in each year, nearly filling this bank above one pond.



GARDENING

A lake dream

Certificate Concerning Administration of Oath or Declaration

I Bhavin Nitin Parshottam, enrolled barrister and solicitor, of Auckland certify as follows:

1. On Friday 24 April 2020 at 2:45pm I was asked by a person who identified themselves to me as **GRANT ROBERT ECCLES** ("the deponent") to administer that person's affirmation on a document described to me as Affidavit of Grant Robert Eccles (Environment Court, Auckland Registry, ENV-2019-AKL-00316).
2. Because of the mandatory isolation requirements and restrictions on movement resulting from the government's Covid-19 virus Alert Level 4, and the consequences of the Epidemic Preparedness (Covid-19) Notice 2020 issued by the Prime Minister on 25 March 2020, I was not present with the deponent when I was asked to administer that person's oath.
3. I attended to a form of attestation adopting the following procedure:
 - (a) The deponent and I met by audio-visual link at 2:45pm on Friday 24 April. The audio-visual link system we used was Zoom.
 - (b) I asked the deponent to identify himself to me by name and to hold up to the camera his photograph and personal identification page from his driver's licence. I observed the driver's licence and satisfied myself that the person in the photograph was the person meeting with me by Zoom.
 - (c) I asked the deponent to expose to the camera the document intended to be attested including the affidavit and itself and the exhibit. I observed the document to be the unsigned Affidavit of Grant Robert Eccles (Environment Court, Auckland Registry, ENV-2019-AKL-00316).
 - (d) I then watched the deponent place the document down on a desk in view of the camera and I witnessed the deponent signing the jurat page and initialling each preceding page. The deponent held each page of the signed or initialled document up to the camera. I then asked the deponent to scan the document and send it to me. I received it at 3:36pm and 8:05pm on Friday 24 April 2020.
 - (e) I was satisfied that this was the same document that I had seen the deponent sign, as far as it was possible for me to do so by following these procedures. I attested a copy of the scanned document and then sent it back to the deponent.
4. I am unaware of any circumstances to show either that:
 - (a) The deponent was not the person identified to me; or
 - (b) The signature on the document was not the deponent's signature.

Signed: Bhavin Nitin Parshottam Barrister and Solicitor

Dated: 24 April 2020

BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY

ENV-2019-AKL-000316

I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE

IN THE MATTER of the Public Works Act 1981

AND

IN THE MATTER of an objection against a Notice of Intention to take land legally described as 0.707 hectares being part of Lot 515 Deposited Plan 495213 shown marked section 2 on Survey Office Plan 539766 pages T1 and T3; and 1.2093 hectares being part of Lot 515 Deposited Plan 495213 shown marked section 8 on Survey Office Plan 539766

BETWEEN MURRAY NELSON SHAW and MARGARET EVELYN SHAW

Objectors

AND HAMILTON CITY COUNCIL

Respondent

SUPPLEMENTARY AFFIDAVIT OF GRANT ROBERT ECCLES

Affirmed this 6th day of May 2021

TOMPKINS | WAKE

Solicitor: Kate Cornegé
Kate.cornege@tompkinswake.co.nz

Counsel: Lachlan Muldowney
lachlan@muldowney.co.nz

Westpac House
430 Victoria Street
PO Box 258
DX GP 20031
Hamilton 3240
New Zealand
Ph: (07) 839 4771
Fax: (07) 839 4913
tompkinswake.co.nz

AFFIDAVIT OF GRANT ROBERT ECCLES

I, Grant Robert Eccles of Hamilton, Planner, affirm that:

1. My qualifications, experience and relationship to the parties to the hearing are as set out in my affidavit dated 24 April 2020.

Expert code of conduct

2. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in the preparation of this evidence. I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.
3. I have the following relationships with the parties to the hearing. None of these are material to the outcome of the hearing and my role in relation to the object does not conflict with these relationships:
 - (a) I and the company I work for, T+T, regularly provide expert planning advice to HCC. This includes advice to HCC as regulatory authority and as road controlling/requiring authority. Prior to my involvement as planning adviser, T+T assisted HCC with a preliminary engineering assessment of the detention devices in the Mangakotukutuku Stream in and near the Shaw property. There are no other matters which I or T+T are providing advice on which conflict with the advice I have provided in relation to the Objection by Mr and Mrs Shaw (**Shaws**).

- (b) I am the planning adviser engaged by HCC for the Peacocke network infrastructure project. This includes provision of the bridge, road, and wastewater connections. My engagement is to assist with planning aspects of the detailed design and consenting of the project works and extends to the start of construction. This engagement was confirmed on 10 December 2018. While the delivery of this infrastructure is relevant to the objection by the Shaws, my role in its delivery is not in conflict with the opinions I have provided in my evidence.

Scope of evidence

4. The purpose of this affidavit is to address matters raised and work undertaken by HCC since filing of affidavits in April 2020 to further consider the alternative route proposed by Mr Shaw.

2020 Assessment of Shaw alternative

5. Since lodging the objection Mr Shaw has continued to promote an alternative alignment for the east-west minor arterial road in Peacocke, being one which does not affect the Shaw property. In response to this HCC undertook an evaluation of this proposed alignment approximately 600m to the south of the designated route alignment for the east-west minor arterial in Peacocke.
6. The consideration of this alternative was undertaken using a Multi-Criteria Analysis ("MCA") process. I was the facilitator for the original MCA process completed in 2011/12 as part of the Hamilton Southern Links investigation. In order to provide both consistency with the processes undertaken in the original evaluation, and independence from the current East-West Arterial project design team,¹ I was appointed to

¹ Led by BBO Ltd.

facilitate the 2020 alternatives consideration process (**2020 MCA**) which looked closely at Mr Shaw's proposed alignment.

7. To ensure the 2020 MCA was consistent with the original MCA used in the alternatives consideration process in 2011/12 that gave rise to the designated route for the east-west minor arterial, the 2020 MCA categories and criteria used aligned with those used in the original MCA.
8. The process undertaken in 2020 and the outcomes of it are comprehensively set out in the consultant memorandum provided as **GE-2** to this evidence. The memorandum was put before the Strategic Growth Committee in a public-excluded meeting. Richard Briggs, Chief Executive of Hamilton City Council has approved release of this information and the document for the sole purpose of these proceedings on the basis that HCC will seek confidentiality directions from the Court.
9. I have italicised the text relating to this process and enclosed it in square brackets to show that it is confidential.
10. *[One significant point I want to mention at the outset is that, for the alternative alignment to be comparable to the designated alignment, the MCA team needed to assume that a collector road (following roughly the designation alignment) would be in place.*
11. *The scoring shows that in all (summarised) categories the alternative alignment scored negatively when compared against the designated alignment. However, some of the individual criteria were scored positively when compared to the existing alignment, such as construction cost and archaeology. These outcomes are summarised as follows:*
 - (a) *Economics – the alternative alignment may be slightly cheaper in terms of physical construction costs but worse in terms of road user benefits, staging of the network, and economic development criteria.*

- (b) *Environmental – the alternative alignment may be slightly more positive in terms of ecological matters given it is further away from areas of higher ecological value and has less gully crossings, and slightly more positive in terms of noise given that there are fewer existing dwellings in the vicinity of that alignment. However the alternative alignment was scored as significantly worse in terms of urban design opportunities and slightly worse in terms of landscape and visual effects. The alternative alignment ranked the same as the designated alternative in all other environmental criteria.*
 - (c) *Social – the alternative alignment was scored as significantly worse than the designated alternative in two criteria (community and lifestyle) and equal in the third criteria (amenity).*
 - (d) *Cultural – the alternative alignment was scored as slightly more positive than the designated alignment given that it is located further away from recorded sites of both pre-European and European cultural significance.*
12. *Sensitivity testing of the overall scored outcome was undertaken to gauge what extent of changes to scoring would be required to change the overall result. This demonstrated that even removing each of the categories in turn resulted in no change to the overall MCA result (i.e. the alternative alignment continued to score negatively against the designated alignment).*
 13. *To ensure a complete evaluation which took into account all up to date information, with the Shaws' approval, four additional matters were also considered in addition to the MCA criteria (**Additional Matters**). The Additional Matters were:*

- (a) *Planning Implications (such as effects on established subdivision and development plans, practicality of strategic servicing, and implementation sequencing and control);*
 - (b) *Council's current financial commitments, including the progress of agreements with other relevant landowners and funding implications;*
 - (c) *Council's existing designation and land acquisition arrangements;*
 - (d) *Council's existing arrangement with NZTA and other affected parties.*
14. *The additional matters were considered outside of the MCA structure because they did not lend themselves well to being scored as MCA matters, and to ensure that they were given sufficient weight in their own right as matters that might cause the outcome of the MCA to be set aside in the final overall decision as to whether to prefer the alternative alignment over the designated alternative.*
15. *In the consideration of all of the additional matters, the alternative alignment was assessed as inferior when compared against the designated alternative.*
16. *The alternative alignment did not compare favourably against the designated alignment through both the MCA scoring and when considered against the Additional Matters agreed between the parties. The Shaws also presented their views to Council before Council resolved to accept the findings of the 2020 MCA and continue to pursue the designated route.]*

Giving effect to the Hamilton Southern Links Designation

17. Since my affidavit dated 24 April 2020, Hamilton City Council has given partial effect to the designation it holds for the Southern Links infrastructure corridor in the Peacocke Growth Cell.
18. The designation has been given partial effect by the following:
 - (a) Obtaining all necessary consents, permits, authorities and approvals from (variously) Waikato Regional Council, Hamilton City Council (as Territorial Authority), Heritage New Zealand Pouhere Taonga, and the Department of Conservation for the physical works and associated activity necessary to form the parts of the network (shown on the plan attached to Mr Parson's further affidavit);
 - (b) Fulfilling the requirements of the Hamilton Southern Links designation conditions that relate to preparation and certification of a range of management plans, including preparation and obtaining certification of the Hamilton Southern Links Environmental Monitoring and Management Plan ("EMMP") at significant financial cost;
 - (c) Acquiring the majority of the land necessary for the works (as set out in greater detail in the affidavit of Mr Parsons);
 - (d) Finalising detailed engineering designs of the infrastructure;
 - (e) Tendering and letting construction contracts;
 - (f) Initiating and progressing physical construction works;

- (g) Acquiring land necessary to allow HCC (as Requiring Authority) to comply with its obligations under Southern Links designation conditions for off-set planting and gully restoration and the provision of dedicated lizard habitat, and the implementation of the first tranche of off-set planting and gully restoration and lizard habitat provision.

Developments relying on Peacocke infrastructure decisions/provision

19. Several significant land development and subdivision proposals that rely on Peacocke infrastructure investment decisions made by Council and the provision of infrastructure authorised by HCC's Southern Links designation have been and are being progressed in the Peacocke Growth Cell.
20. These include:
 - (a) Consenting and formation of the "Northview" subdivision (approximately 250 lots) adjacent to the corner of Dixon Road and SH3/Ohaupo Road – the formation of this subdivision relied on the construction of a new roundabout (under the authorisation of the Southern Links designation) and a short portion of the designated east-west arterial route that further to the east (i.e. past the extent of east-west arterial formation required for the subdivision) traverses the Shaw property; and
 - (b) Consenting of the "Amberfield" subdivision (1000+ lots) adjacent to Peacocke Road and the Waikato River, which relies on the provision of the new Waikato River bridge –this application is currently in the final stages of lengthy appeal proceedings with the parties finalising agreed conditions; and
 - (c) Consenting of the "Broadwater" retirement village application (approximately 230+ units) adjacent to Weston Lea Drive and the

Waikato River - this application is currently being processed by HCC (as territorial authority).

21. In addition to the above private sector developments, HCC (as Requiring Authority) has issued a Notice of Requirement ("NOR") for a designation of a large parcel of land fronting Peacockes Road for the purpose of establishing a sports park, while the Ministry of Education have had discussions with HCC (as Territorial Authority) about their intention to issue a NOR for a new school on a parcel of land adjacent to the sports park site.

Conclusion

22. HCC (as Requiring Authority) is committed to a substantial programme of land acquisition and public works that has to date given partial effect to the Southern Links designation, part of which traverses the Shaw property.
23. Significant private and public sector investment decisions have been and are being made on the basis of the public works authorised by the Southern Links designation being implemented.
24. HCC (as Requiring Authority) has considered an alternative route for the east-west arterial using methodology and criteria consistent with that used at the time of the original route selection in 2011/12, and the additional criteria required to ensure an up to date assessment was carried out. The Shaws actively participated in that process, including presenting to Council before it determined to accept the recommendations in the 2020 MCA. That process has found the alternative route proposed by Mr Shaw to be inferior to the designated route.

25. On the basis of all the above, there is no justification in resource management terms to depart from the designated alignment for the east-west arterial route that in part traverses the Shaw property.

Signature of Deponent:



Grant Robert Eccles

AFFIRMED by the abovenamed Grant Robert Eccles at Hamilton
this 6th day of May 2021 before me:



A Solicitor of the High Court of New Zealand

Maddison Ashleigh Kingma
Solicitor
Hamilton

Memo

To Alasdair Gray – Hamilton City Council
From Jeremy Gibbons – Team Leader PSP 18251: Peacocke East-West Arterial
Date 28 July 2020
Job No. 146000
Job name Peacocke East-West Arterial
Subject Evaluation of alternative alignment for Peacocke East-West Arterial

1. Introduction and Summary

This report sets out the process used to evaluate an alignment for the east-west minor arterial in Peacocke that is an alternative to the currently designated alignment that crosses Hall Road near its northern termination point. In undertaking the evaluation, the evaluation team were guided by the requirements of [REDACTED]. The findings of the evaluation process are summarised and a conclusion reached that determined the alternative alignment does not compare favourably to the designated alignment.

In summary, the alternative alignment does not compare favourably against the designated alignment through the MCA scoring and when considered against the Additional Matters for Consideration as required by the mediation agreement. This is because the minor environmental, construction cost, and cultural advantages are offset by a greater number (and more significant) disadvantages in economic, social and urban design outcomes, as well as adverse sunk costs, programme and funding consequences.

Summarised MCA scoring

Category	Designated Alignment (Basis for comparative evaluation)	Alternative Alignment
Economic	0	-0.4
Environmental	0	-0.2
Transport	0	0
Social	0	-0.8
Cultural	0	+0.2
OVERALL	0	-1.2

EXHIBIT NOTE

This is the document marked with the letter GE-2" referred to in the affidavit of GRANT ROBERT ECCLES sworn at Hamilton this 6th day of May 2021, before me:

Signature: 
A Solicitor of the High Court of New Zealand

Maddison Ashleigh Kingma
Solicitor
Hamilton



2. Workshops

A workshop¹ was held on 8 July 2020 to develop a feasible alignment for comparison purposes based on the alternative provided by Mr and Mrs Shaw of Hall Road as part of mediation proceedings. The core evaluation team (traffic engineer, road designer, planner, landscape architect) developed an alternative alignment in the general corridor location shown within the Shaw sketch. However, the alignment to be used as the basis for assessment was developed with due diligence to minimise (where practicable) known constraints so that the alignment did not necessarily get penalised if a reasonable adjustment could be made to avoid/minimise effects.

This was necessary to ensure a robust consideration of alternatives, given that the alternative alignment concept originally sketched had a number of “major issues” from an engineering sense (for example, location of the intersection with Ohaupo Road/SH3 at the existing Hall Road intersection). As such, further consideration of that alternative without modification to achieve reasonable technical standards would have rendered the evaluation process unfair and meaningless (i.e. unfairly penalised the evaluation for the alternative alignment).

In developing the alternative alignment a range of existing/known constraints were considered. Once a general alignment had been established (aligned to follow a path of least resistance within the constrained areas), it was checked based on geometric standards suitable for a Minor Arterial corridor, and to optimise construction needs (e.g. cut/fill balancing where possible).

The developed alternative alignment attached as **Appendix Two** was then taken forward into the subsequent Multi-Criteria Analysis (“MCA”) process, where it was scored in relation to the designated alignment that formed the baseline for comparison.

The MCA scoring workshop was held on 14 July 2020. Each of the core evaluation team presented their scores for their assigned criteria at the workshop and explained the rationale for their scoring. Other members of the evaluation team had the opportunity to discuss and challenge each ranking, however the final recorded ranking for each criteria remained the view of the team member assigned to it.

3. Multi Criteria Analysis

MCA is widely used as a tool to assist with decision-making on options for public work projects. Decisions are guided by rating the alternative solutions; in this case the different alignment options. This is achieved by assigning ratings based on qualitative or quantitative assessments by specialists to a set of chosen criteria or attributes for each option.

For consistency, the Categories and Criteria used in the MCA were selected to directly match those used in the consideration of the alignment alternatives process for the wider Hamilton Southern Links project. The MCA categories and criteria for Hamilton Southern Links were developed to allow a robust assessment of alternatives for a much larger transport network that spanned three different districts and connected to the Waikato Expressway. This meant that some of the criteria were not directly relevant to the consideration of the Shaw alternative against the designated alignment (for example, consideration of ease of connection to the Waikato Expressway). In those cases, both alternatives were ranked as neutral so as not to skew the final outcome.

Each of the five MCA categories were weighted equally. The individual criteria in each category were scored using a six-point system, as set out below:

¹ See workshop minutes attached as **Appendix One**

Table No. 1

Multi-Criteria Analysis scoring system		
Scoring		Description
Fatal Flaw	-3	Significantly adverse and cannot be mitigated
Negative effect	-2	Significantly adverse but can be mitigated
Slight negative	-1	Minor adverse, mitigation possible but may not be required
Neutral / No Change	0	No difference
Slight positive	1	Minor positive
Positive effect	2	Significant positive

The negative scoring scale has one additional level ("Fatal Flaw") to the positive scale, to recognise that in considering negative aspects there may be individual matters that are so problematic to an alternative that in their own right they would cause it to fail, and need to be scored accordingly. It should be noted that no "fatal flaw" matters applied to the developed alternative alignment.

4. MCA Outcomes

The MCA workshop for this assessment was facilitated by Grant Eccles (Tonkin + Taylor). Grant was the facilitator for the MCA processes completed as part of the original Southern Links investigations. Grant's involvement in this assessment provides both independence from the current (BBO-led) East-West Arterial project team and provides consistency with the processes undertaken in the original evaluation.

The MCA scoring table is attached in **Appendix Three**.

The scoring shows that in most (summarised) categories the alternative alignment scored negatively when compared against the designated alignment (as shown in Table 2 below). However, some of the individual criteria were scored positively when compared to the existing alignment, such as construction cost and archaeology. These outcomes are summarised as follows:

- Economics – alternative alignment slightly cheaper in terms of physical construction costs but worse in terms of road user benefits, staging of the network, and economic development criteria.
- Environmental – alternative alignment slightly more positive in terms of ecological matters given it is further away from areas of higher ecological value and has less gully crossings, and slightly more positive in terms of noise given that there are fewer existing dwellings in the vicinity of that alignment. However the alternative alignment was scored as significantly worse in terms of urban design opportunities and slightly worse in terms of landscape and visual effects. Ranked same as designated alternative in all other environmental criteria.
- Transport – alternative alignment is slightly worse for walking and cycling outcomes due to the more rolling terrain and de-centralised position within the urban development. This is offset by the alternative alignment providing a slightly more positive route security outcome due to lesser number of major (susceptible) structures. On balance, this category had an overall neutral rating between respective options.
- Social – alternative alignment was scored as significantly worse than the designated alternative in two criteria (community and lifestyle) and equal in the third criteria (amenity).

- Cultural – alternative alignment was scored as slightly more positive than the designated alignment given that it is located further away from recorded sites of both pre-European and European cultural significance.

Table No. 2

Summarised MCA scoring		
Category	Designated Alignment (Basis for comparative evaluation)	Alternative Alignment
Economic	0	-0.4
Environmental	0	-0.2
Transport	0	0
Social	0	-0.8
Cultural	0	+0.2
OVERALL	0	-1.2

It is important to note that the scoring of the alternative alignment assumed that if it was to be developed, a collector road would be required to be installed by developers roughly in the location of the existing designated alignment, to ensure that an efficient local road network was provided to service that part of Peacocke. The collector road would not necessarily directly follow the designated alignment, but would be required in the general vicinity to serve the overall transport and community connection needs for the Peacocke Development area. Overall, the consensus view of the experts was that the assumed inclusion of a collector road (in the general vicinity of the existing alignment) avoids excessively penalising the alternative alignment within the MCA evaluation. To test this, a sensitivity MCA assessment was undertaken that confirmed that the alternative alignment option without a collector road still did not compare favourably with the designated option and overall scored worse than the alternative option with the collector road.

Sensitivity testing of the overall scored outcome was undertaken to gauge what extent of changes to scoring would be required to change the overall result. Removing each of the categories in turn resulted in no change to the overall result (i.e. the alternative alignment scores negatively against the designated alignment).

5. Additional Matters for Consideration

five additional matters were considered in addition to the MCA criteria. The additional matters were considered outside of the MCA structure because they did not lend themselves well to being scored as MCA matters, and to ensure that they were given sufficient weight in their own right as matters that might cause the outcome of the MCA to be set aside in the final overall decision as to whether to prefer the alternative alignment over the designated alternative.

The table recording the assessment of additional matters for both the designated alignment and the alternative alignment is attached in **Appendix Four**. For all of the additional matters, the alternative alignment was problematic when compared against the designated alternative.

The reasons for this can be summarised as:

- Alternative alignment has negative urban design and town planning implications in that it does not connect directly to the Peacocke Town Centre and would require a realignment of the existing Peacocke Road at its connection point, along with an interim realignment of Hall Road to ensure connectivity to avoid a significant delay to the provision of the alternative alignment being practicable.

- ii. Council has significant sunk costs (in the order of \$15-20 million) in terms of construction of part of the designated alternative, and in the acquisition of necessary interests in land for the designated alternative apart from the Shaw property. Should the alternative alignment be preferred then an equivalent amount of funding to match that spent to date on the designated alternative would need to be sourced, and an alternative HIF funding business case would need to be prepared meaning ongoing HIF funding would not be guaranteed.
- iii. A new designation and land acquisition process would be required for the alternative alignment, and assuming a designation was confirmed, new environmental assessments and condition compliance work would be required with attendant financial and time costs.
- iv. The existing HCC funding agreement with NZTA would be superseded and, given changes in funding criteria and the lack of any certainty around the likelihood of ongoing HIF funding, this would mean that the development of the alternative alignment would probably need to be 100% HCC funded. In addition, new consultation and collaboration with stakeholders would be required for the alternative alignment raising the potential for the stakeholders to have different views/positions on the alternative alignment and withdraw their support for the project.

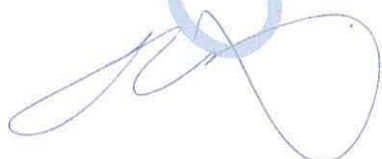
As can be seen from the above summary and from closer reference to **Appendix Four**, nothing in the Additional Matters for Consideration would cause the alternative alignment to be preferred to the designated alternative.

6. Conclusion

The alternative alignment does not compare favourably against the designated alignment through the MCA scoring and when considered against the Additional Matters for Consideration as required by the mediation agreement. This is because the minor environmental, construction cost, and cultural advantages are offset by a greater number (and more significant) disadvantages in economic, social and urban design outcomes, as well as adverse sunk costs, programme and funding consequences.

Yours sincerely

Bloxam Burnett & Olliver



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Endorsed by:

Grant Eccles – Tonkin + Taylor – Evaluation Process Facilitator

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Appendix One – Minutes of 8 July 2020 Workshop

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Minutes

Peacocks East West Arterial

146000

Shaw Mediation Assessment Meeting

8 July 2020

2.30pm

BBO Office, Hamilton



Invitees	Organisation	Attendance
Jeremy Gibbons, (JG)	BBO	
Steve Bigwood, (SB)	BBO	
Caleb McCarthy, (CM)	BBO	
Aidan Kirkby-McLeod, (AKM)	BBO	
Adrian Morton (AM)	Landscape Architects	
Grant Eccles (GE)	Tonkin & Taylor – Evaluation Process Facilitator	
Fiona McKay (FM) – Minute Taker	BBO	

Item	Discussion	Action	Date
1	Conflict of Interest/Impartiality Statement		
1.1	GE declared that both himself and Alasdair Gray (who will attend the MCA workshop in an observation and information provision capacity) held roles on the Hamilton Southern Links Project that examined a large number of route alternatives and ultimately gave rise to the currently designated route through the Shaw property. GE expressed the view that these prior roles did not represent a conflict of interest nor create any difficulty for either himself or Mr Gray in terms of participating in an impartial and unbiased manner in the current process that considers an alternative to the designated route. GE explained that the other participants should promptly raise any concerns in this regard to himself or Mr Gray at any time throughout the process.		
2	Introduction (by JG)		
2.1	<ul style="list-style-type: none"> 1 Develop and consider an “alternative southern corridor”, as [REDACTED] and; 2 Develop two revisions of the existing East/West alignment, including an alignment as far south as possible within the existing designation, and a second option based on an assumption of the “Northview pond” being shifted, and access to the “leased block” were available. This workshop (and these records) covers Item 1 only. In developing the alternative southern route we will focus on the general location shown within the Shaw sketch. However, 		

Item	Discussion	Action	Date
	<p>the actual alignment will be developed with due diligence to minimise (where practicable) known constraints so that the alignment does not necessarily get penalised if a reasonable adjustment can be made to avoid/minimise effects.</p> <ul style="list-style-type: none"> • We will give consideration of known/expected constraints based on previous and latest information. • We will seek to follow the alignment as close as possible to the sketch, and record reasons why alignment has departed from the general location (e.g. avoiding the Transpower sub-station). • All workshop participants shall be encouraged to identify known (or likely) constraints based on the best of our abilities. • Once a general alignment has been established (aligned to follow a path of least resistance within the constrained areas), CM will check final alignment (of the corridor to be assessed) based on geometric standards suitable for an Minor Arterial corridor, and to optimise construction needs (e.g. cut/fill balancing where possible). 		
3	Constraint Identification		
3.1	<p>Intersections – start and end position:</p> <ul style="list-style-type: none"> • Existing SH3/Hall Road intersection is not ideal from a geometric/safety perspective. Alternative (preferred) locations are further south (near the vertical apex), or further north (on the straight section and part way down the hill). • Tie-in with Peacockes Road – general location is in proximity of poor/sub-standard rural alignment. Assume that deficient portion of Peacockes Road would be realigned to suitable standard for purposes of a new connection. Therefore, not limited to a defined position for tie-in with Peacockes Road. 		
3.2	Gully system – extensive network of gullies was recorded as potential constraints. These gullies are identified as potential SNA's so should be avoided where practicable.		
3.3	Steep terrain – areas of existing “steep” terrain were identified and noted as being a potential constraint (or at least requiring a point of discussion). Nothing was deemed impossible from an engineering perspective, but should be avoided where practicable as alignment affecting steep locations are prone to having greater adverse effects, and potential increased construction costs.		
3.4	Known facilities – The Transpower and Hamilton City Water Reservoirs were identified as potential constraints (i.e. avoid if practicable) to minimise effects.		
3.5	Archaeological – no known archaeological sites within the general location of the sketched alternative alignment. Higher archaeological risk in the vicinity of waterways/gully systems, which are already identified as potential constraints.		
3.6	Landscape/landform – no specific constraints identified. Typically these types of constraint are associated with other reported limitations.		

Item	Discussion	Action	Date
3.7	Property/landowners/sensitive receivers – no specific constraint identified (i.e. eventual alignment could be refined to minimise impacts and would be tested through AEE process). Coordination of an alignment with existing land boundaries would be a consideration to think about during alignment refinement, opposed to specific constraint in this instance.		
3.8	North-South Arterial – we understand that a connection between East-West Arterial and North-South Arterial is a minimum requirement (i.e. a potential constraint that needs consideration).		
3.9	Summary – A range of constraints have been identified and (hand) mapped onto an A2 plan. A copy of this constraint plan is attached in Appendix A.		
4	Path with Least Constraints Options Discussion		
4.1	<ul style="list-style-type: none"> • Some base assumptions were made in establishing an alignment, including: <ul style="list-style-type: none"> ○ Crossing of gullies/intersections to be kept perpendicular wherever practicable. ○ Geometric alignment to be based on requirements for a Minor Arterial Road (including vertical and horizontal constraints) ○ New intersections to be positioned in “safe” locations, that don’t unnecessarily require significant engineering works to form suitable intersections (i.e. safe location with minimal works), For this purpose the existing SH3/Hall Road intersection has been deemed inappropriate. ○ The original designation process established designated corridors based on preferred networks. The potential change in the location of the East-West Arterial could potentially impact the preference for where (and how) the North-South Arterial designation is established. This process is not intended to revisit the location of the North-South Arterial, therefore some assumptions have been made around the North-South alignment to suit this purpose. These include: <ul style="list-style-type: none"> ▪ Existing North-South Arterial (in the vicinity of this alternative (East-West) alignment is located very low within the existing gully system. This makes it challenging to create a new East-West/North-South intersection. ▪ The North-South Arterial includes grade-separation of existing Peacockes Road, immediately south of the study area (for purposes of this assessment). This retains Peacockes Road at a similar line/level, with North-South Arterial being built beneath Peacockes Road. We understand that this arrangement was based on convenience of existing topography (that made grade 		

Item	Discussion	Action	Date
	<p>separation readily achievable) as opposed to a requirement that Peacockes Road connectivity is maintained. In order to facilitate an East-West/North-South Arterial intersection in the "new location" we have assumed that Peacockes Road connectivity can be broken (if needed) with existing connections directed to the alternative East-West alignment. This provides flexibility in how the East-West/North-South intersection can be formed and therefore removes what would otherwise be a particular constraint.</p> <ul style="list-style-type: none"> • A generalised alignment was established (by hand) that minimised interaction with identified constraints, where possible. This hand-drawn alignment was deemed (by the workshop group) to be a fair representation of the "alternative southern alignment" and one that provides a path of least resistance. • Confirmation of the hand-drawn alignment, through application of some horizontal and vertical geometric standards, needs to be applied. This will be undertaken by CM and circulated to other team members. • This alternative alignment is deemed to be of a general corridor width, with acceptance that further refinement of the alignment could be undertaken if it is deemed preferred by HCC through subsequent MCA evaluation. 		
4.2	Summary – An agreed "alternative southern alignment" has been established in a workshop forum, that seek to follow the location of the sketch provided by Mr and Mrs Shaw, whilst allowing for some adjustment to provide a path of least resistance (avoidance of constraints where practicable). This alignment (for purposes of this assessment) is attached in Appendix B.		
5	Alignment Discussion		
5.1	<ul style="list-style-type: none"> • Workshop members noted that the alignment is approximately 1km south of the current designation. This is opposed to anecdotal references that the "Shaw alignment" is 600m south of current designation. It is unclear where the 600m reference has come from, and we are instead comfortable that the established "alternative alignment" is comparable to the sketch presented in the Mediation Notes. 		
6	MCA Criteria		
6.1	<ul style="list-style-type: none"> • [REDACTED] must be considered in the evaluation, including: <ul style="list-style-type: none"> ○ Transportation efficiency and safety ○ Ecological effects ○ Access, landscaping and logistical issues ○ Construction implications/methodology ○ Planning implications 		

Item	Discussion	Action	Date
	<ul style="list-style-type: none"> ○ Council's current financial commitments, including the progress of agreements with other relevant landowners and funding implications ○ Council's existing designation and land acquisition arrangements ○ Council's existing arrangement with NZTA and other affected parties. • To provide a level of consistency with the original MCA assessment (completed as part of the Southern Links project), we propose to use the original MCA criteria in addition to the above (new) criteria. In doing so, we will remove items that were already included (possibly indirectly) in the original criteria in order to remove potential for double-counting. The last four of the specific criteria set out above do not lend themselves to forming effective MCA criteria, and thus will be considered as matters additional to the MCA. In summary, the following lists the criteria to be assessed, and record the nominated criteria owner (for evaluation) including notes where the new criteria are covered: 		
6.2	<ul style="list-style-type: none"> • Project cost (to include access and logistical issues, and construction implications/methodology) • Road user benefits (to include transportation efficiency and safety) • Economic development • Staging • Environmental/Noise • Vibration • Air quality • Ecology • Archaeology and Heritage • Stormwater Management • Urban design • Landscape visual • Cultural Sites and Areas • Walking and cycling • Cars – local v long distance • Public transport • Route Security • Community/Recreational/Severance/Connectivity <p>MCA Facilitator</p>	<p>JG</p> <p>JG</p> <p>JG</p> <p>JG</p> <p>SB</p> <p>SB</p> <p>SB</p> <p>AM</p> <p>SB</p> <p>CM</p> <p>AM</p> <p>AM</p> <p>SB</p> <p>CM</p> <p>CM</p> <p>CM</p> <p>CM</p> <p>SB</p> <p>GE</p>	
6.3	<ul style="list-style-type: none"> • GE will prepare an MCA evaluation spreadsheet that includes the above criteria in order to compare the designated (EastWest Arterial) alignment with the established southern alternative alignment. • We note that the existing designated alignment will be considered the baseline for purposes of comparison. 	GE	

Item	Discussion	Action	Date
7	MCA Timeframe		
7.1	<ul style="list-style-type: none"> The report, which documents the outcomes of this process (including MCA evaluation) will be presented to the HCC committee meeting on 20th August. As such this evaluation, and any associated reporting needs to be prepared by the end July 2020. 		
8	Reporting Back Process		
8.1	<ul style="list-style-type: none"> CM to take hand-marked alignment and apply some generalised geometric design in order to prepare and circulate a base alignment for consideration. 	CM	
8.2	<ul style="list-style-type: none"> GE to report back to HCC on process undertaken to date. Opportunity for HCC counsel to report on progress to appellants and any necessary clarifications to be sought. 	GE	
9	Next Meeting		
9.1	<ul style="list-style-type: none"> Schedule Shaw Alternative Alignment MCA evaluation workshop/meeting on 14/07/20, 1-3pm. Pre-circulate criteria and scale (and criteria "owner"). Circulate the "agreed" alignment. Come to workshop with pre-completed scoring, for population (into GE's MCA evaluation spreadsheet), and internal "challenge", at evaluation workshop. 	JG GE CM/SB All	

Appendix A – Constraints Plan

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Appendix B – Alternative Southern Alignment

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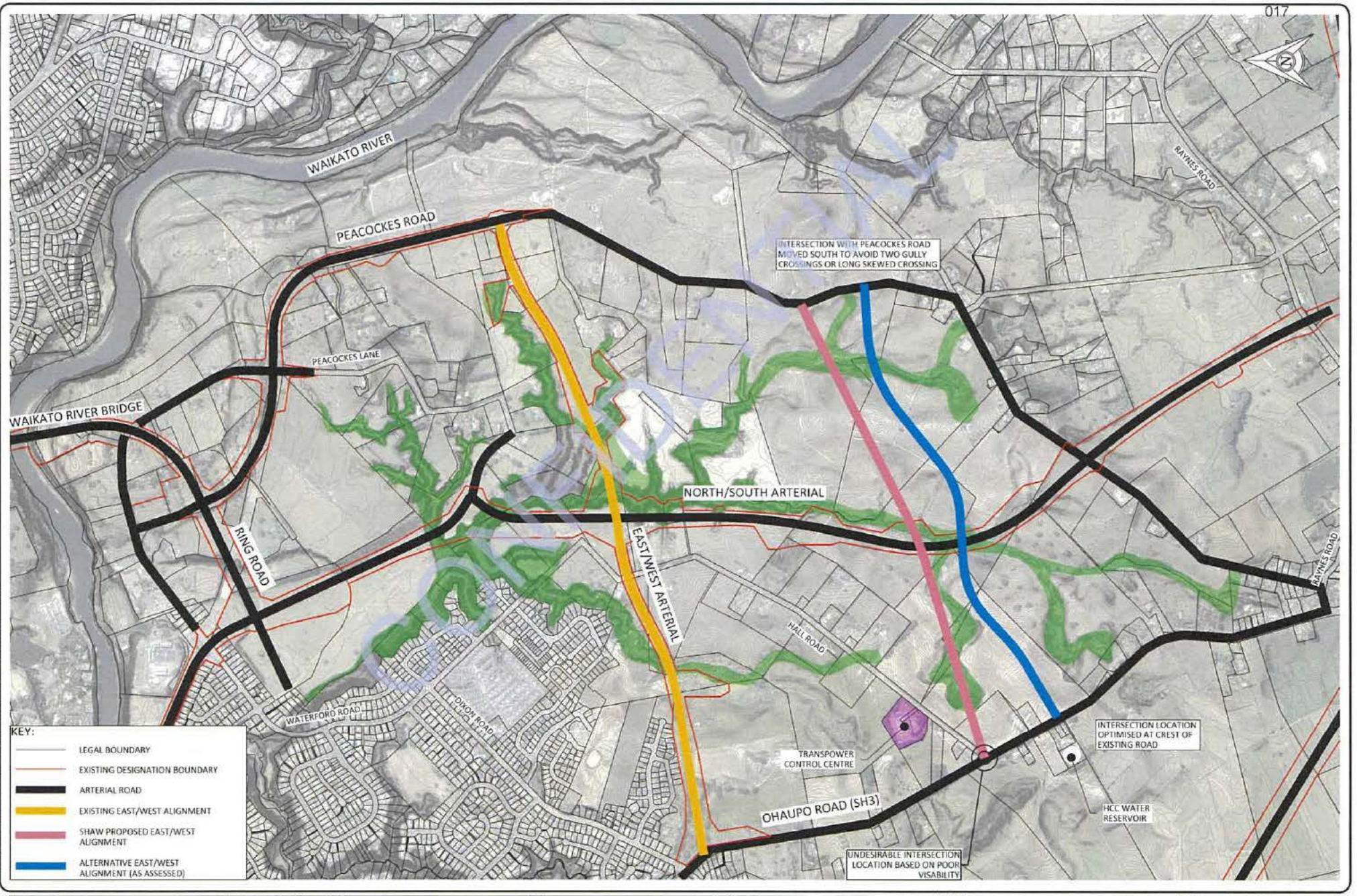
Sam

SOUTHERN LINKS

LAKE COCKE AREA

Trim No.
D-1873991





KEY:

	LEGAL BOUNDARY
	EXISTING DESIGNATION BOUNDARY
	ARTERIAL ROAD
	EXISTING EAST/WEST ALIGNMENT
	SHAW PROPOSED EAST/WEST ALIGNMENT
	ALTERNATIVE EAST/WEST ALIGNMENT (AS ASSESSED)

DATE	BY	FOR	REVISION
18/07/2020	CMC	JG	1
14/07/2020	CMC	JG	2
14/07/2020	CMC	JG	3
14/07/2020	CMC	JG	4
14/07/2020	CMC	JG	5
14/07/2020	CMC	JG	6
14/07/2020	CMC	JG	7
14/07/2020	CMC	JG	8
14/07/2020	CMC	JG	9
14/07/2020	CMC	JG	10



PEACOCKE EAST/WEST LINK

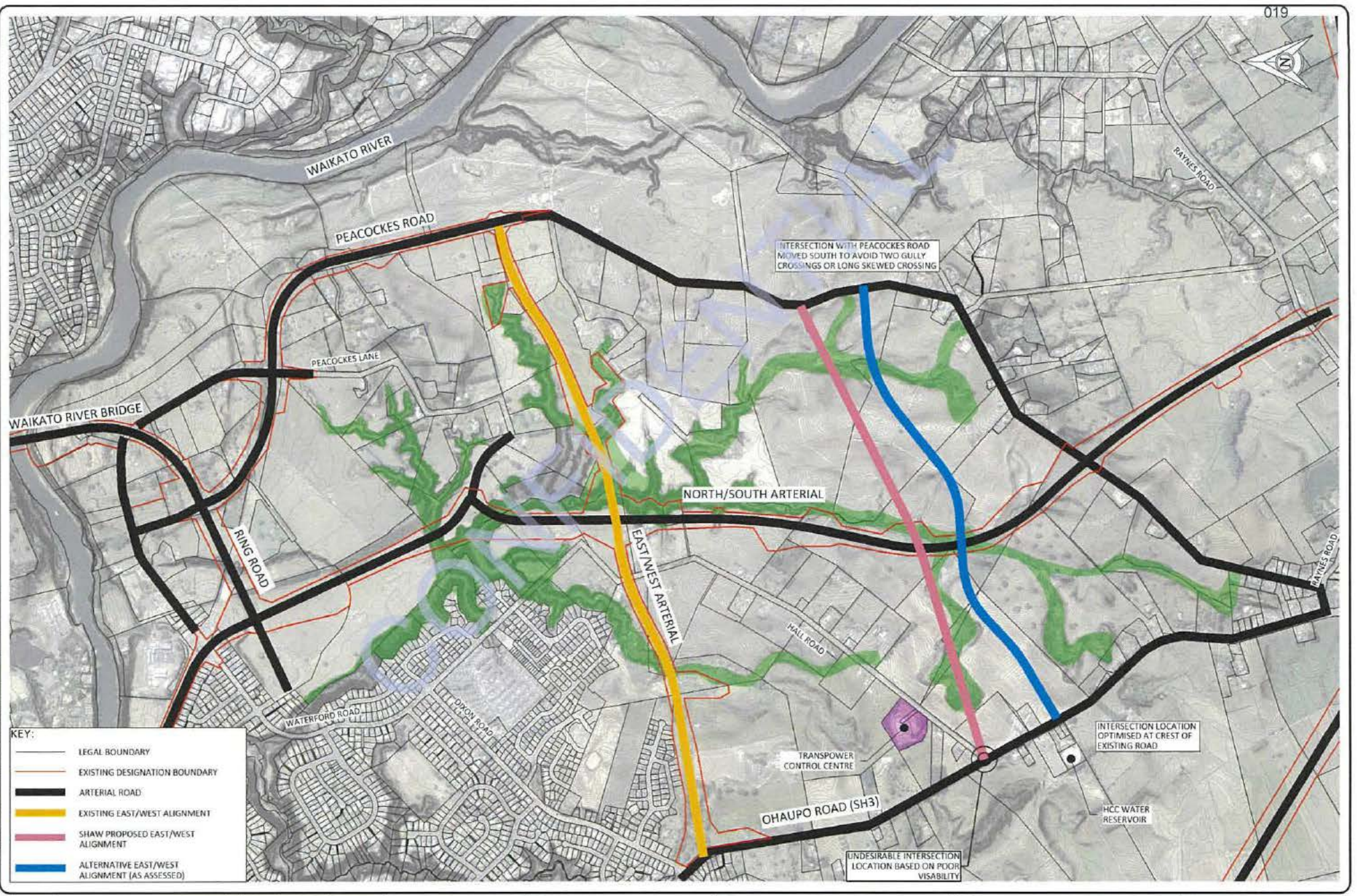
PEACOCKE EAST/WEST ARTERIAL ALTERNATIVE ALIGNMENT OVERVIEW PLAN

FOR INFORMATION	
DATE	SCALE (DRAWING NOT A1)
17.07.2020	1:2000
PROJECT NUMBER	REVISION
146000-002A-0211	B

Appendix Two – Developed Alternative Alignment

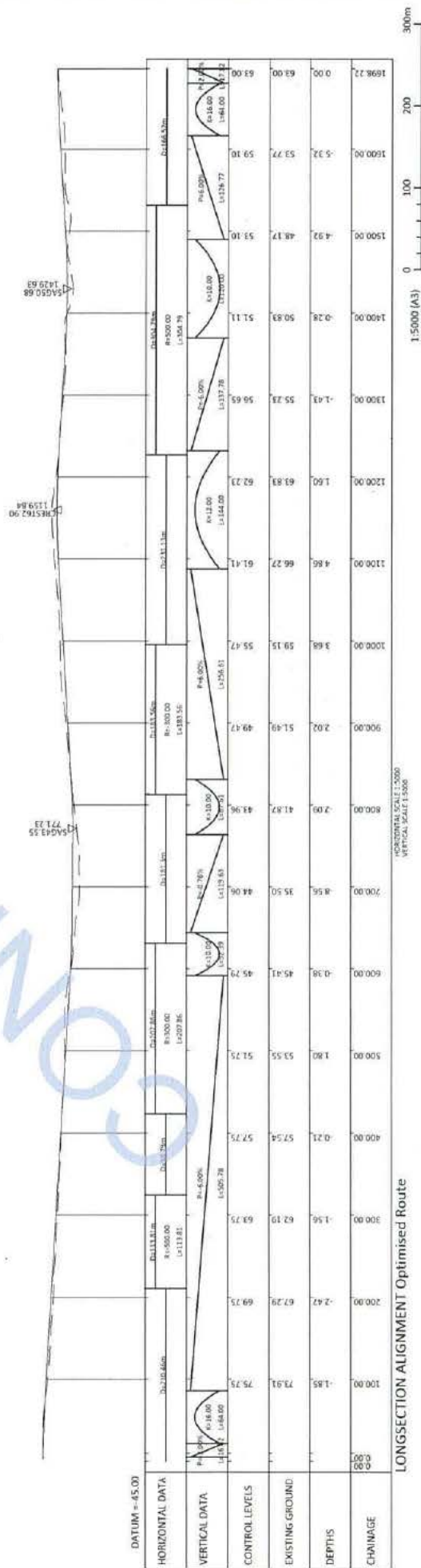
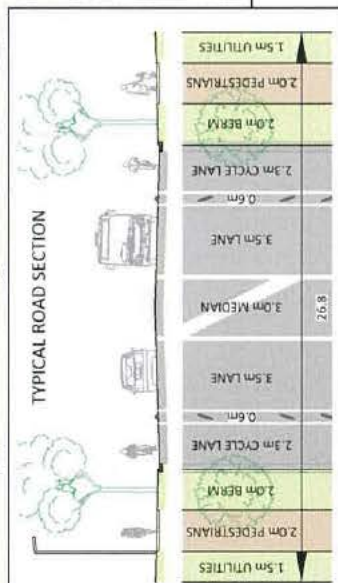
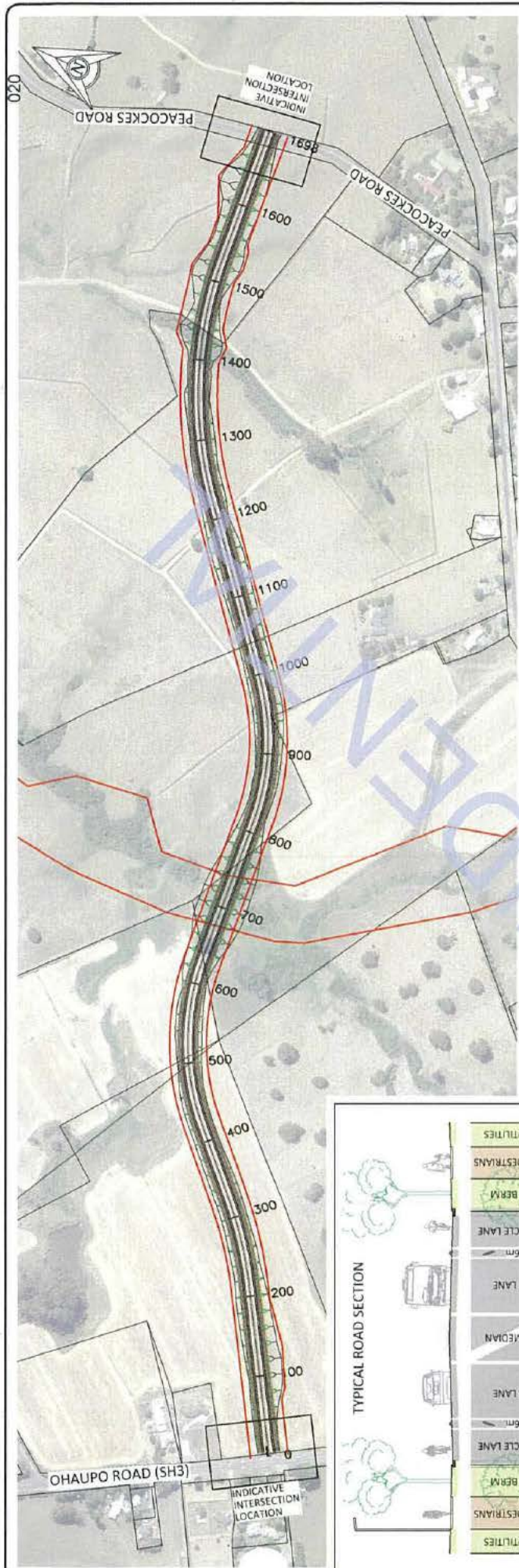
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- KEY:**
- LEGAL BOUNDARY
 - EXISTING DESIGNATION BOUNDARY
 - ARTERIAL ROAD
 - EXISTING EAST/WEST ALIGNMENT
 - SHAW PROPOSED EAST/WEST ALIGNMENT
 - ALTERNATIVE EAST/WEST ALIGNMENT (AS ASSESSED)

										DESIGNED CMC			CHECKED JG			 SLOKAM BURNETT & OLIVER			 Hamilton City Council Te Kaitiaki o Kaitiaki			PROJECT PEACOCKE EAST/ WEST LINK			PROPOSAL PEACOCKE EAST/WEST ARTERIAL ALTERNATIVE ALIGNMENT OVERVIEW PLAN			FOR INFORMATION DATE 17.07.2020 SCALE (GRAPHIC NOT A1) 1:2000 DRAWING NUMBER 146000-002A-0211 REVISION B			
										DRAWN AA			APPROVED JG																		
E 30/07/2020 UPDATED NOTES										AA	CMC	JG	FOR REVISION																		
A 24/07/2020 INITIAL ISSUE FOR INFORMATION										AA	CMC	JG	FOR REVISION																		
Version 0.0 - March 2020										BB	CMC	JG	FOR REVISION																		



PROJECT

PEACOCKE EAST/WEST ARTERIAL
ALTERNATIVE ALIGNMENT
PLAN AND LONGSECTION

CLIENT

Hamilton City Council
In partnership with

CONSULTANT

bbo
BECAM BURNETT & OLLIVER

DATE

17.07.2020

SCALE

1:5000

PROJECT NUMBER

146000-002A-0010

STATUS

PRELIMINARY

Appendix Three – Multi-Criteria Analysis Scoring Table

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Table 1: Evaluation Matrix				Name:	Designated Route	Alternative Alignment
				Rank:	1	2
				Score:	0	-1.2
Category	Criteria	Weight	Notes			
Economics		20%		Weighted Sum:	0	-0.4
	Project Cost		Structures, geotech, constructability, cut fill balance, property, drainage	Neutral / No Change		Slight positive
	Road user benefits		TT, VOC, Crashes. Objective #1 & 8	Neutral / No Change		Slight negative
	Economic Development		Refer to objective #s 2, 3 & 4 including land use planning	Neutral / No Change		Slight negative
	Staging		Objective #1 Objective #6	Neutral / No Change		Slight negative
Environmental Objective #1 Objective #10		20%		Weighted Sum:	0	-0.2
	Noise			Neutral / No Change		Slight positive
	Vibration		Rail	Neutral / No Change		Neutral / No Change
	Air Quality		CO2 emissions, location specific and project wide	Neutral / No Change		Neutral / No Change
	Ecology		Biodiversity, aquatic, terrestrial, inc river	Neutral / No Change		Slight positive
	Stormwater management		Water quality, quantity control,	Neutral / No Change		Neutral / No Change
	Urban design		Urban boundary, connectivity. Objective #s 1 & 9. Peacocks.	Neutral / No Change		Negative effect
	Landscape visual		Visual amenity	Neutral / No Change		Slight negative
Transport		20%		Weighted Sum:	0	0
	Walking & Cycling		Objective #s 1 & 7	Neutral / No Change		Slight negative
	Cars - local vs long distance		Qualitative assessment	Neutral / No Change		Neutral / No Change
	Freight movements		Qualitative assessment, rail links to the airport	Neutral / No Change		Neutral / No Change
	Public Transport		Objective #7	Neutral / No Change		Neutral / No Change
	Route Security		Objective #11, bridges not all in one place etc	Neutral / No Change		Slight positive
	Waikato Expressway		Objective #5, compliments Expressway	Neutral / No Change		Neutral / No Change
Social Objective #10		20%		Weighted Sum:	0	-0.8
	Community		Relief of congestion, include recreational	Neutral / No Change		Negative effect
	Lifestyle		Severance and connectivity	Neutral / No Change		Negative effect
Cultural		20%		Weighted Sum:	0	0.2
	Archaeology & Heritage		Redoubt	Neutral / No Change		Neutral / No Change
	Known Cultural Sites		Pa site, objective #10	Neutral / No Change		Slight positive
100%						
Scoring						
Fatal Flaw	-3					
Negative effect	-2					
Slight negative	-1					
Neutral / No Change	0					
Slight positive	1					
Positive effect	2					

Appendix Four – Additional Matters for Consideration

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Additional Matters for Consideration

Key:

	Preferred/Less problematic
	Neutral/No difference
	Not preferred/More problematic

Matter	Designated Alignment	Alternative alignment based on concept presented by Mr and Mrs Shaw	Conclusion
Planning Implications (such as effects on established subdivision and development plans, practicality of strategic servicing, and implementation sequencing and control)	<ul style="list-style-type: none"> Landowners in Peacocke Structure Plan Area have planned significant developments (eg Amberfield – 800 lots) in reliance on the designated alignment Connects directly to Peacocke Town Centre No realignment of Peacocke Road at connection point required. 	<ul style="list-style-type: none"> Does not connect directly to Peacocke Town Centre Realignment of Peacocke Road at connection point will be required which will remove land from development Hall Road realignment required as an interim, or Shaw alternative delayed Strategic service 	<ul style="list-style-type: none"> Delays/disruption to development mean alternative alignment not preferred.
Council's current financial commitments, including the progress of agreements with other relevant landowners and funding implications	<ul style="list-style-type: none"> Sunk costs: \$15 million committed at Dixon/Ohaupo roundabout for service diversions, stormwater (development and road), East-West arterial Stage 1 section of road. \$ 1 million investigation and design fees \$ 250,000 spent to date on professional fees to support land acquisition processes 	<ul style="list-style-type: none"> Equivalent \$15 million will need to be found and allocated again New investigation and design fees Alternative HIF business case required for designation and construction of new route HIF funding at risk – new road build not justified – may be taken out of HIF and into HCC growth funded projects 	<ul style="list-style-type: none"> Significant adverse financial impact making the alternative alignment highly unattractive and potentially worth rejecting as a stand-alone consideration.
Council's existing designation and land acquisition arrangements	<ul style="list-style-type: none"> Designation in place Majority of land acquired Significant work completed on compliance with conditions of designation (Management Plans, Environmental Assessments etc) 	<ul style="list-style-type: none"> New designation will be required – risk of delay compromising HIF funding (non-notified minor alteration would have low risk but significant change would be notified and could result in delays of two to five years) New land acquisition processes will need to be initiated Once new designation confirmed, new environmental assessments and condition compliance work will be required Financial and time costs associated with all the above likely to be millions of dollars and potentially up to five years 	<ul style="list-style-type: none"> Significant adverse financial impacts and delays making the alternative alignment highly unattractive and potentially worth rejecting as a stand-alone consideration.
Council's existing arrangement with NZTA and other affected parties	<ul style="list-style-type: none"> Extensive consultation and collaboration with stakeholders over last decade – agreements reached as to mitigation etc NZ Govt and NZTA Board approval of funding based on existing designation and macroscope. 	<ul style="list-style-type: none"> NZTA agreement for financial assistance in place predicated on funding assessment criteria that is no longer in EGM – would no longer get NZTA funding – would need to be 100% HCC funded. New consultation and collaboration with stakeholders will be required – stakeholders may have different views/position on this alignment and withdraw support 	<ul style="list-style-type: none"> Increased uncertainty for stakeholders (landowners, developers, infrastructure planning and funding partners) means alternative alignment not preferred.

BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY

ENV-2019-AKL-000316

I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE

IN THE MATTER of the Public Works Act 1981

AND

IN THE MATTER of an objection against a Notice of Intention to take land legally described as 0.707 hectares being part of Lot 515 Deposited Plan 495213 shown marked section 2 on Survey Office Plan 539766 pages T1 and T3; and 1.2093 hectares being part of Lot 515 Deposited Plan 495213 shown marked section 8 on Survey Office Plan 539766

BETWEEN MURRAY NELSON SHAW and MARGARET EVELYN SHAW

Objectors

AND HAMILTON CITY COUNCIL

Respondent

AFFIDAVIT OF ALASDAIR DAVID ANGUS GRAY
Affirmed this 24th day of April 2020

TOMPKINS WAKE

Solicitors: Kate Corrigan
kate.corrigan@tompkinswake.co.nz

Counsel: Lachlan Muldowney
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AFFIDAVIT OF ALASDAIR DAVID ANGUS GRAY

I, Alasdair David Angus Gray of Hamilton, Traffic Engineer, affirm:

1. My full name is Alasdair David Angus Gray. I am an independent traffic engineer and have been retained by Hamilton City Council (HCC) as the project manager for the implementation of the Peacocke network infrastructure, including strategic transport and wastewater packages with HCC arterial and State Highway links and local roads, including the East-West Minor Arterial road affecting the Shaw property.

Qualifications and experience

2. I hold a Bachelor of Science degree (Civil Engineering, 1986) from the University of Aberdeen. I am a Corporate Member of Engineering New Zealand. I hold a Ministry for the Environment Making Good Decisions certificate.
3. I have worked in the transportation field as a civil/transportation engineer for more than 30 years and have been involved at a senior level in the investigation and development of projects in Hamilton City and the Waikato region for more than 20 years. I am based in Hamilton and established my own consultancy, Gray Matter Ltd, in January 2006. For five years prior to that I was Group Engineer, Asset Development, with Opus International Consultants Ltd in Hamilton, managing approximately 30 technical staff in a range of road projects. For the previous five years, I was a senior civil/transportation engineer with AECOM's predecessor in Hamilton.
4. I am familiar with the existing and proposed road network near the site, and the background to the project development and designation. I have the following specific experience with respect to the subject matter of this proceeding:

- a) I was appointed transportation engineer and project manager for the joint HCC/New Zealand Transport Agency (NZTA) Hamilton Southern Links project (**Project**) from assisting with funding applications in 2008, through procurement and project management of professional services of the Scheme Assessment and Notice of Requirement (**NOR**) phases leading to the designation being confirmed in 2014;
 - b) I was appointed transportation/civil engineer assisting HCC with the Indicative and Detailed Business Cases for Peacocke Housing Infrastructure to support applications resulting in funding for the current projects.
5. In addition to these previous engagements, my ongoing work in relation to the Project is as follows:
- a) My consultancy, Gray Matter Ltd, has been engaged by HCC/NZTA as a joint commission to provide project management advice for the Southern Links Project, and for design of related works including the SH3 Ohaupo Road/East-West Arterial roundabout and the Bader Street safety works.
 - b) I have been appointed transportation engineer and project manager for HCC for the current Peacocke Network Infrastructure projects comprising a roundabout at SH3 Ohaupo Road, a bridge over the Waikato River and associated new roads and upgrade, the Peacocke Strategic Wastewater pump stations and transfer mains, property acquisition, and the Peacocke East-West Minor Arterial that affects the Shaw property.

Expert code of conduct

6. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in the preparation of this evidence. I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

Scope of evidence

7. The purpose of this affidavit is to address certain transportation related matters raised in this Objection proceeding. Mr Grant Eccles' provides evidence concerning the investigation, option selection, consultation and hearing processes involving HCC, NZTA and Mr and Mrs Shaw (**Shaws**). Mr Andrew Parsons and Mr Kevin O'Brien provide evidence concerning HCC's approach to property acquisition and engagement with the Shaws. Based on my extensive involvement, I consider the descriptions of the Project and processes in the HCC Notice of Reply dated 24 January 2020, and Mr Eccles', Mr Parsons', and Mr O'Brien's affidavits to be accurate accounts. I rely on them to reduce the repetition of similar information in my affidavit.
8. My evidence covers:
- a) The Objection and evidence of Mr Murray Shaw dated 16 December 2019 and 19 and 26 March 2020;
 - b) A summary of the nature of the Project;

- c) A description of the proposed East-West Minor Arterial and its function;
- d) A summary of HCC project commitments and progress to date;
- e) An explanation of the assessment of alternatives and option selection from an engineering perspective;
- f) Mr Shaw's suggested alternative route;
- g) Options for access to the balance of the land; and
- h) My conclusion.

Summary of evidence

- 9. I agree with Mr Eccles that the Project Investigation, Scheme Assessment and NOR processes demonstrate adequate consideration of alternative sites, routes, and methods.
- 10. I consider that the selected corridor and preliminary design remain appropriate and the land is necessary to achieve the Project's objectives, in particular the primary objective of delivering the Southern Links transport network.
- 11. Construction costs have increased since the Scheme Assessment, but relative cost was considered in option selection, so general cost increases would not change the outcome. Detailed design will refine the proposal for construction.
- 12. Mr Shaw's proposed alternative route may be feasible, but it does not provide the desired minor arterial connectivity between the Peacocke

Suburban Centre and the Glenview area. The Peacocke Structure Plan shows a collector road on an alignment roughly equivalent to Mr Shaw's proposed alternative route.

Objection and the evidence of Mr Shaw

13. I have read the Notice of Objection dated 12 December 2020, Mr Shaw's affidavits of 16 December 2019 and 19 March 2020, and his statement of evidence dated 26 March 2020. The key points in Mr Shaw's Objection and evidence relate to:
- a) The fairness of property negotiations and valuations;
 - b) Inadequate consideration of adverse effects on the Mangakotukuku gully;
 - c) Inadequate consideration of alternative sites, routes, and methods, including an alternative alignment proposed by Mr Shaw;
 - d) The need for the land to achieve the Project objectives;
 - e) The extent of acquisition and access to the balance of the land.
14. I support Mr Eccles' conclusion that HCC's consideration of alternative sites, routes, and methods, and adverse effects on the Mangakotukuku gully was comprehensive and robust.
15. I consider that the land is necessary to achieve the Project objectives which are set out in detail at paragraph 17 of the affidavit of Mr Eccles (**Project Objectives**). The designation width in the relevant area is necessary for construction of the East-West Minor Arterial. Following construction, there may be opportunities to reduce the width slightly.

16. I do not consider Mr Shaw's suggested alternative alignment to be suitable for the function of the East-West Minor Arterial. Even if it were suitable, I consider that the additional uncertainty, cost, and delay to HCC and developers and other landowners from undermining a robust and effective designation would outweigh any potential cost saving or benefits. I support Mr Eccles' conclusion that there was adequate consideration of alternatives. I comment on Mr Shaw's proposal later in this affidavit.
17. I consider that access to the balance of the land could be resolved either through acquisition of the balance, or by agreement were the Shaws willing to engage with the Project team on the designated option (even if they continue to oppose it through other means). To the south, my understanding is that the Shaw landholding extends from Hall Road to the gully. To the east, the balance land has a Hall Road frontage. To the north, the area was subject to subdivision applications from the Shaws and another developer, which included road access from the north linking to Dixon Road. I also considered options for connectivity across the designation and comment later.

Nature of the Project

18. The nature of the Project was summarised in HCC's Notice of Reply dated 24 January 2020 and is discussed in detail in the affidavit of Mr Eccles from paragraph 16.
19. The 2.3km East-West Minor Arterial provides minor arterial connections in a 32km strategic network. This comprises urban and rural major arterials, including connections between the city's strategic transport network and national and regional state highways as shown in Figure 1 below. Establishing this network and, within it, the East-West Minor Arterial, is the primary objective of the Project.

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Description and function of the proposed East-West Minor Arterial

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design, and landscaping, I anticipate houses fronting the road boundary, some with direct property access.

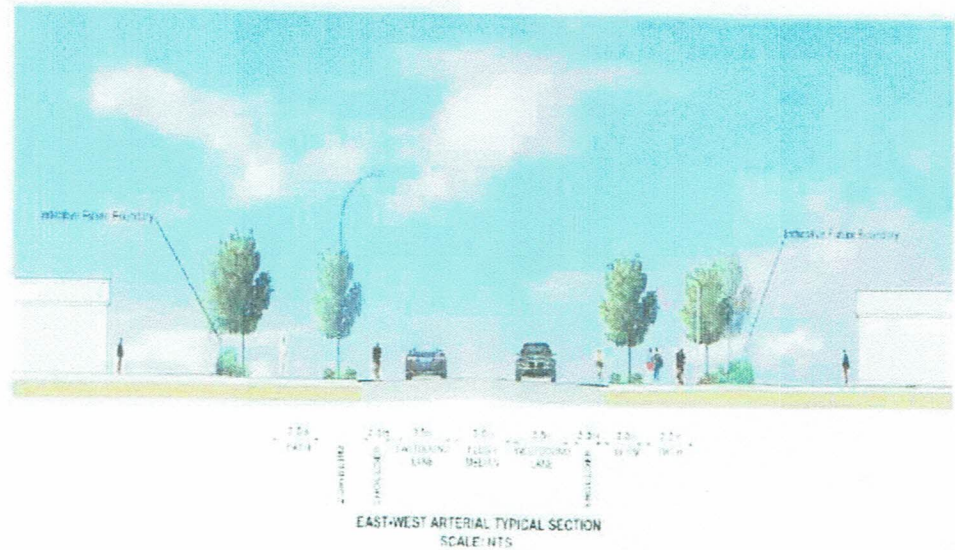


Figure 2. Cross section (concept only)

21. The total width for the transport components shown is around 23m, leaving 17m in width for landscaping, embankments, wider walking/cycling facilities, etc., within the 40m designation.

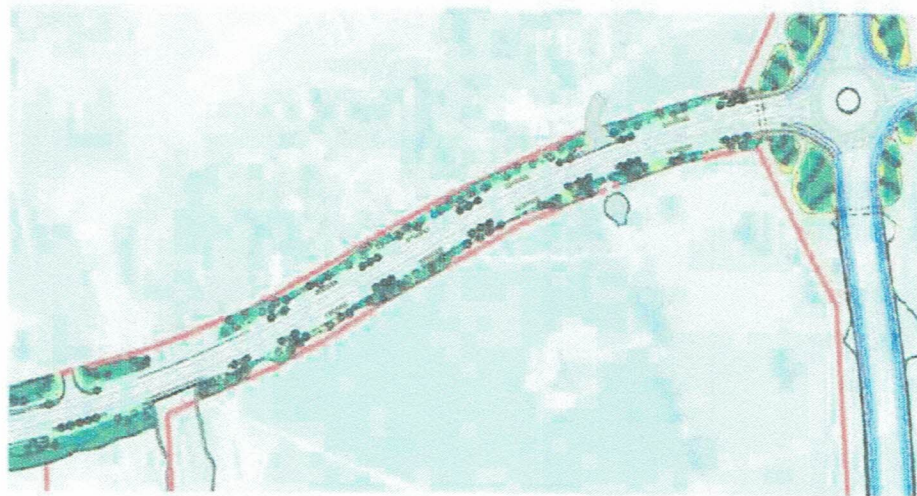


Figure 3. Concept Plan (Intersections and property access part of detailed design)

22. Typically, an investigation would commence based on a nominal 100m corridor width being desirable for a designation. The scope of services for the Southern Links required:¹

.....sufficient investigation and design detail to be able to demonstrate the designation widths:

- o Are adequate for the construction and operation and maintenance of the ultimate entity, be it road/intersection/interchange bridge etc., including for functions such as cycleways, footpaths, passenger transport priority and trunk services.
- o Provide a reasonable contingency in the setting of the width having due regard to the adjoining land use:
 - In areas where the adjoining land use is likely to be urban, or a similar high value use, then the designation width needs to be limited to that actually needed, for construction, operation and maintenance, plus a modest contingency allowance, and the investigations and design detail inputs need to be adequate to support that width being set.
 - In rural areas a more generous approach to the contingency provision can generally be adopted, and the investigation and design detail inputs adjusted accordingly.

23. The Southern Links designation for the East-West Minor Arterial is approximately 40m wide. This is the necessary width for construction. Once construction is complete, the road boundary will be resurveyed and minimised where practicable.

24. The purpose of a minor arterial road is described in the Hamilton Operative District Plan (**District Plan**). It states:²

A 'minor arterial' transport corridor's principal function is the movement of high levels of goods and people between parts of the City. Heavy freight distributing goods to parts of the City may use these corridors. Through-traffic moving between parts of the City may use these corridors. Property access is managed. Intra-city passenger transport services are likely to use these routes.

25. Chapter 3 'Structure Plans' of the District Plan sets out guiding principles specific to the Peacocke Structure Plan area, including (relevantly):³

¹ Hamilton Southern Links Investigation - Contract Number: NZTA 2/09-019/501 (NZTA, 2010)

² Appendix 15, 15-4 Transport Corridor Hierarchy Plan and Definitions.

³ District Plan, Chapter 3 'Structure Plans', 3.4 c).

Accessibility and Connectivity: Ensure that the movement network within the area is legible, permits ease of movement and avoids severing neighbourhoods by ensuring an integrated street network that provides an appropriate block layout that is well connected and integrated with the wider environment.

26. The District Plan objectives and policies for the Peacocke Built Environment include:

3.4.1.4 Integrate movement routes with surrounding neighbourhoods.

3.4.1.4a Extend existing primary movement routes into the growth cell and use new routes to 'stitch' these together. Use these routes to orientate the secondary street network.

3.4.1.4b Create a high degree of connectivity both within and out of the Structure Plan area.

27. Figure 4 below is Figure 3.4.4a from Chapter 3 of the District Plan which shows the key features of the 'Proposed Transport Corridors' for the Peacocke Structure Plan area. It describes the East-West Minor Arterial (numbered (5) in Figure 4 below) as:

5. Minor arterial network that provides a link between the western and eastern sides of the growth cell, and the main north-south corridor for the eastern part of the growth cell [sic].

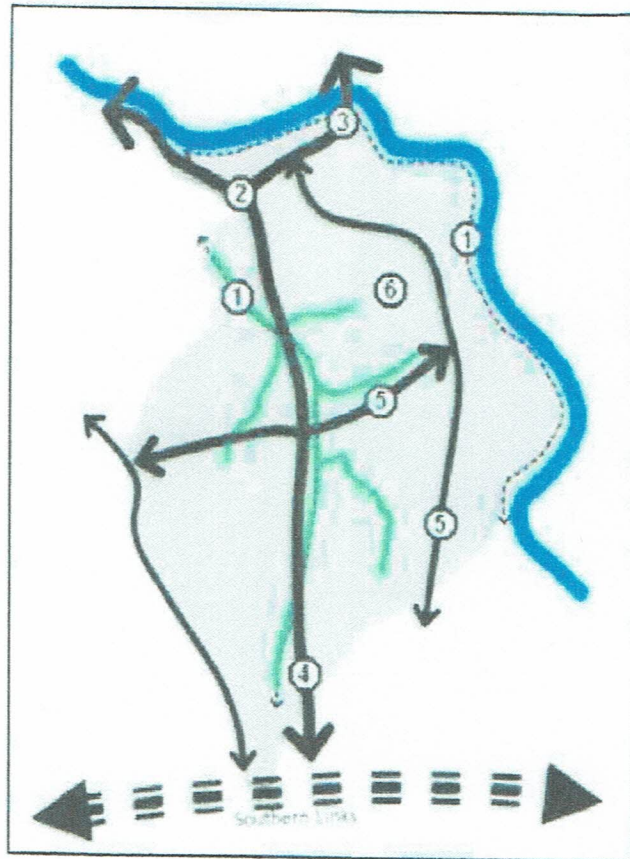


Figure 4. District Plan Figure 3.4.4a: Proposed Transport Corridors

28. The parts of the city that the East-West Minor Arterial provides a link for are the Peacocke residential land and its suburban centre to the east, and the city's strategic network via the centrally located north-south arterial, and Glenview via SH3 to the west. Notably, the final location of the Peacocke Suburban Centre was a key consideration in the location of the East-West Minor Arterial. Its location changed from the 2007 Structure Plan alignment to the alignment within the current Structure Plan, which is consistent with the Southern Links designation (Figure 5⁴ below).
29. Another key consideration in the location of the East-West Minor Arterial was that SH3 destinations other than Glenview to the north and south are more likely to be via Peacocke Road or the north-south arterial. That makes

⁴ Hamilton Operative District Plan, Peacocke Structure Plan, Figure 2-1.

it desirable for the SH3 intersection to be as far north as practicable. I describe other transportation design factors relevant to the route selection and final designation later in my evidence.

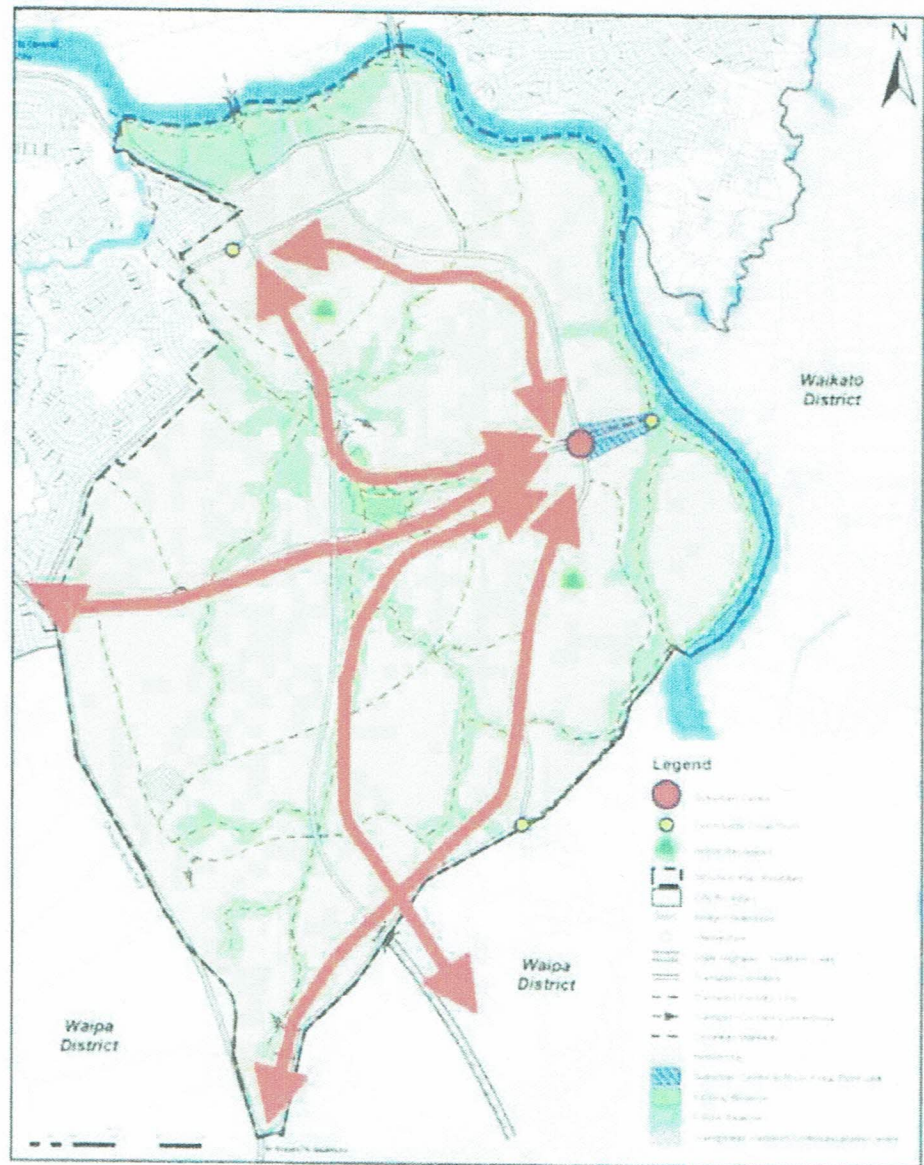


Figure 5. Annotated Structure Plan showing connectivity

30. Traffic modelling for Southern Links estimated the East-West Minor Arterial annual average daily traffic volume to be 13,400 vehicles per day

in 2041⁵. This compares to other Hamilton minor arterial roads⁶ such as Fifth Avenue (13,400vpd), Clyde Street (13,600vpd), Grey Street (13,300vpd – away from shops), Heaphy Terrace (12,500vpd) and Peachgrove Road (14,900vpd). The East-West Minor Arterial is not a motorway and will have better amenity than many Hamilton roads carrying significantly higher traffic flows.

Assessment of alternatives and option selection

31. Mr Eccles describes the process to select the preferred option that informed the NOR and the Southern Links Designation in his evidence.
32. In preparing the scope for the professional services, I required a background report to review and update the conclusions from preceding investigations, testing of their validity, and the carrying out of such investigations and consultation as are necessary to support the proposed form and location of each element of Southern Links sufficient to satisfy the relevant tests in the Resource Management Act 1991. This was to ensure that the assessment of alternatives completed as part of the Southern Links Investigation was a comprehensive process which included challenging previous investigations.
33. The Project Objectives driving corridor selection relate to major arterial road connectivity, with objectives such as urban growth and an appropriate road hierarchy readily satisfied for most network options⁷. Development of the East-West Minor Arterial connection followed from consideration of major arterial network options. The minor arterial route selection was secondary to the major arterial connectivity objectives at the Area and Corridor stages, and was considered in more detail at the Route and

⁵ AEE Appendix O: Traffic modelling report - Table 34.

⁶ 2018 traffic flows - https://www.hamilton.govt.nz/our-services/transport/maintainingimproving/Documents/2018_Traffic_Flow_Map.pdf (18/4/20).

⁷ Note that some networks were eliminated early. E.g. Major arterials alongside the river corridor.

Easement stages, noting that the original Structure Plan (2007) was developed prior to the Southern Links Investigation and provided a basic network previously accepted for the Structure Plan area.

34. Figure 6 below illustrates the approximate alignments for road corridors from the Southern Links option development relative to the Shaw property shown in dashed white line. The preferred option is shown in dashed blue line. Mr Shaw's proposed alternative alignment is shown in dashed red line. The options shown in yellow line were eliminated at the preliminary network and corridor stage. The options shown in green dashed line were considered as network options that then fed into route options. The alignment shown in dashed white line is shown in Figure 21 of the NOR Appendix C ACRE report.



Figure 6. Sketch illustrating approximate alignments for East-West corridors

35. During the Southern Links Investigation (2010 – 2013), appeals against the Peacocke Structure Plan were resolved. This resulted in the suburban centre moving north and the East-West Minor Arterial alignment also shifting north.

36. Figure 7 below illustrates the approximate alignments for road corridors from the Peacocke Structure Plan relative to the Shaw property which is marked by a dashed white line. The preferred option is shown by the dashed blue line, with SH3 and the Southern Links major arterials (E-W connections) shown in solid red line. The current 2017 Structure Plan collector road is shown in green dashed line. Superseded Structure Plan alignments are shown in white line (2012 solid, 2007 dashed).

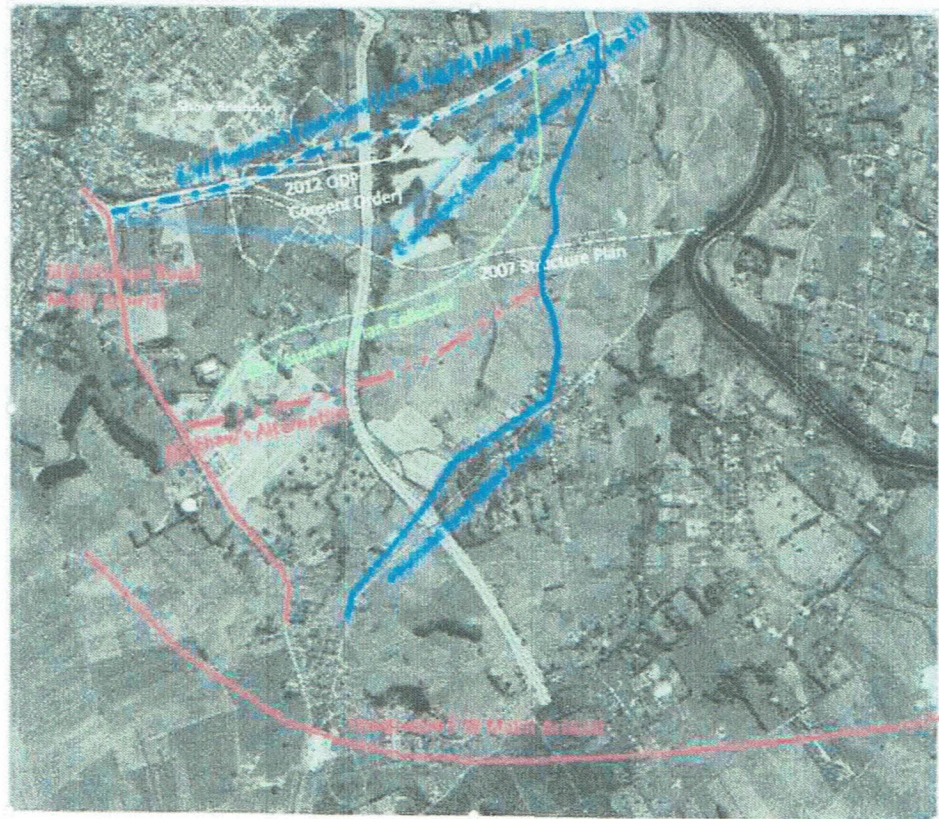


Figure 7. Structure Plan roads (reflecting hierarchy)

37. In September 2011, during Multi-Criteria Analysis workshops, the Southern Links Investigation team concluded that the network could be accepted, and Southern Links would connect to the refined Structure Plan. The

easement refinement therefore reflected the route as depicted in the operative Structure Plan (See Figure 8 below)⁸.

38. Once this route was selected, further refinement was required. As shown in Figure 8 below, the easement in red was preferred because it followed existing boundaries, had least impact on developable land and avoided the existing "wetland" area. This red easement became the final selected option.

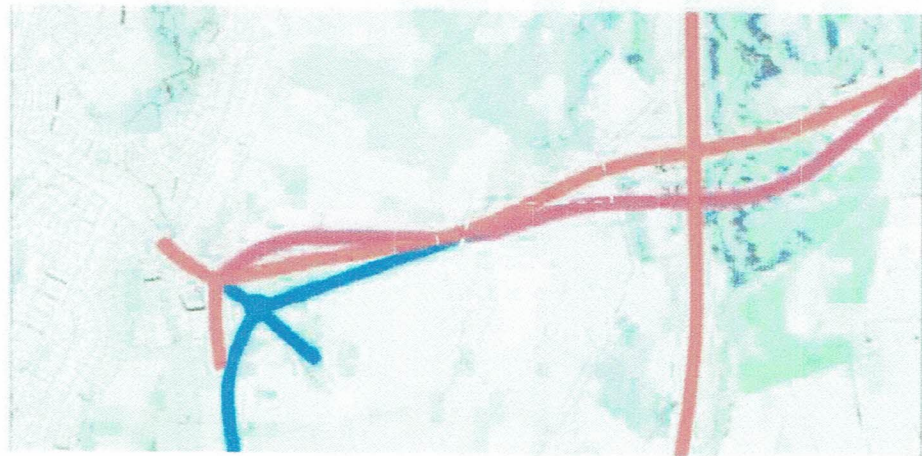


Figure 8. Easement options (Shaws' boundary (approx.) shown in white dash)

Mr Shaw's suggested alternative route

39. The following design factors are relevant to the route selection and final designation for the East-West Minor Arterial:
- a) Function within the network and land use, places, and routes to connect, and the purpose of the connections;
 - b) Intersection safety and layout (e.g. SH3 connection – top or bottom of hill - part way is unsafe and costly; N-S/E-W intersection needs level space); and

⁸ NOR Appendix D – Link Option Analysis.

- c) Topography – e.g. gully crossings are desirably perpendicular to reduce costs and impacts, intersections on slopes can be difficult to design for safety.
40. The East-West Minor Arterial will become part of an extensive urban road network connecting to urban and rural major and minor arterials, and accommodating access and utility services to support urban development. It is part of a network and cannot be considered in isolation from other roads in the network and the transport function it has in connecting places. As explained earlier, the places the East-West Minor Arterial links to are the Peacocke suburban centre at Peacocke Road and Glenview via SH3 Ohaupo Road. Moving the alignment further south would increase the distance to travel and make the road less effective in supporting the project and Structure Plan objectives and guiding principles.
41. If the East-West Minor Arterial were to be realigned far enough south, it would make another east-west connection desirable to provide a utility corridor, connect local roads, and support passenger transport in an appropriate road hierarchy. This is illustrated in the Structure Plan, where there are two collector roads between the East-West Minor Arterial and Peacockes Road/Raynes Road approximately 2km to the south.
42. Mr Shaw proposes an alternative route approximately 600m to the south as shown in Figure 9 below. The location of Mr Shaw's alternative route is similar to that of a collector road in the Structure Plan. Mr Shaw's route is a plausible route for a road, but not one that delivers the network connectivity and efficiencies that the East-West Minor Arterial will deliver.

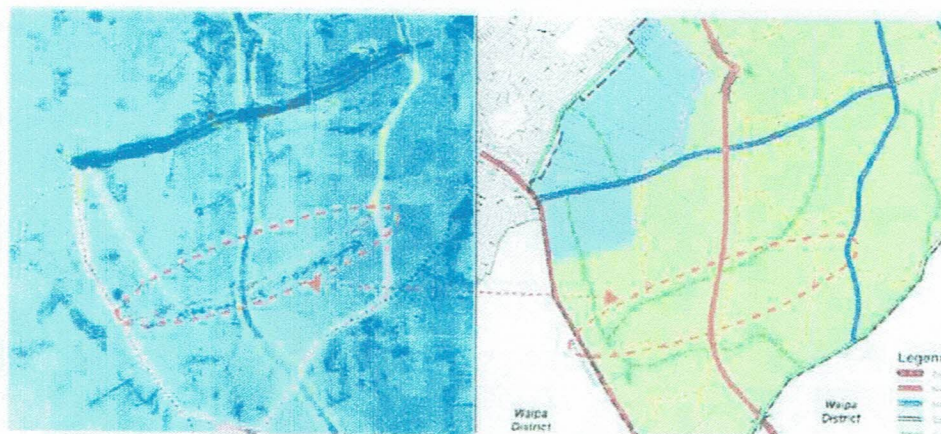


Figure 9. Mr Shaw's alternative route compared to Structure Plan

43. In support of his proposed route, Mr Shaw's reasoning includes that the alternative road would cost less.
44. Route option selection was based on relative cost so general cost increases would not change the outcome. Independent peer reviews arranged by MBIE for Cabinet decisions on the Housing Infrastructure Funding confirmed our estimates as reasonable. Construction costs have increased since the Scheme Assessment as a result of changes in technical, construction safety and environmental standards, and construction industry responses to risk, inflation and now Covid-19.
45. In addition, it is likely that an equivalent (likely a collector road), would be required somewhere in the vicinity of the designated alignment.
46. The cost to change the designation would be many millions of dollars in fees alone, reintroducing uncertainty to many landowners and undermining the investment already made by landowners and developers based on the approved designation.
47. I do not support Mr Shaw's proposed alternative and oppose any significant changes to the designated alignment.

Access to the balance of the land

48. Options for access to the land are shown in Figure 10 and Figure 11 (to show references) below. Access options to the north west (B9b) include Dixon Road and recent subdivision roads, as well as from the East-West Minor Arterial. Access options to the north east (B9b) south of the gully and B9e) include the East-West Minor Arterial and Hall Road. South of the East-West Minor Arterial at the west (B9a) can be accessed off Hall Road. This shows that access to the land to the north and west is feasible and would make sense from a network perspective. The Shaw property to the south (B9d) is accessible from Hall Road. South of the road on the east bank of the gully (B9c) is separated from the land to the north (B9B) by the road but appears to rely on access via the neighbouring property. Physical access could be achieved via the neighbouring Shaw property at 109 Hall Road.



Figure 10. Aerial Photograph and Possible Access Options

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50. The designation allows for a 4m x 2m culvert. The preliminary alignment from the current investigation suggests a road alignment up to 3.5m above the existing ground level where it crosses the gully (Figure 12 below).
51. We have not progressed the gully crossing investigations beyond the background report which considers bridge and culvert options. To progress the gully crossing option, access for survey and geotechnical investigation is required. Once that access is made available, HCC will be able to complete that assessment.

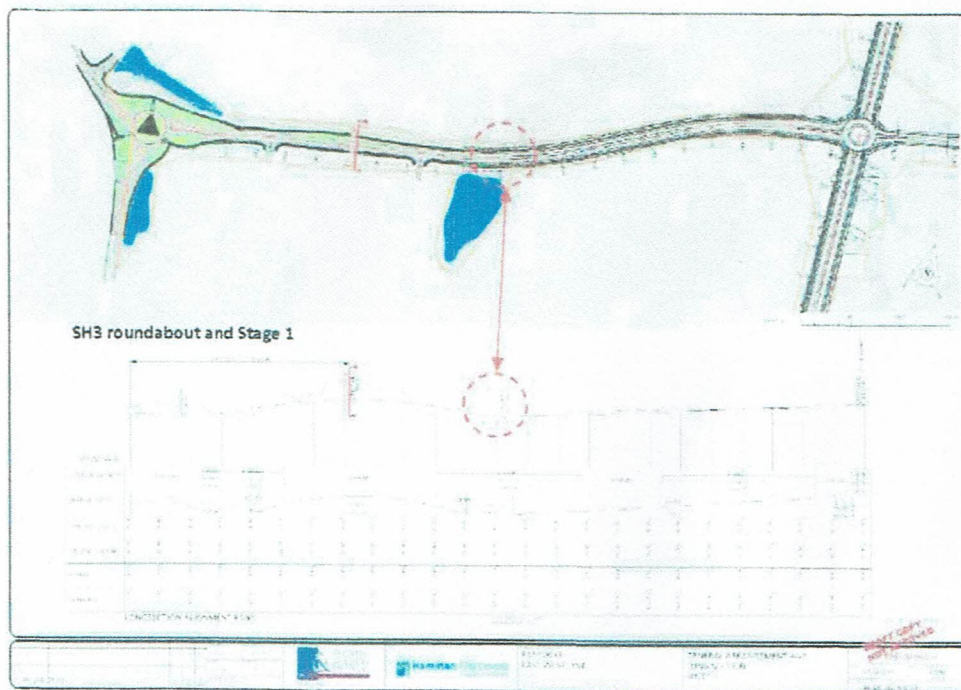


Figure 12. Preliminary alignment showing road at gully crossing (circled red)

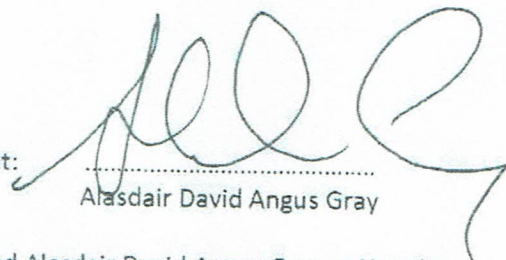
Conclusion

52. I consider that the Project Investigation, Scheme Assessment and NOR processes demonstrate a high level of consideration of alternative sites, routes, and methods, including consideration of effects on the Mangakotutuku gully.

BP AG

53. I consider that the selected corridor and preliminary design remains appropriate and the land is necessary for HCC to complete this essential part of the Southern Links transportation network.
54. I do not support Mr Shaw's proposed realignment. While it would serve a useful collector road purpose it would not replace the need for the current alignment of the East-West Minor Arterial.
55. Changes at this stage as a result of not securing the designated land would have a significant economic impact. It would delay development in the local area and potentially make the remainder of the Southern Links network designation less certain, undermining property agreements and committed investments and creating uncertainty for the community.
56. While the detailed design will refine the proposal for construction, the alignment and impacts on the Shaw property will not alter in any significant manner as a consequence.

Signature of Deponent:



Alasdair David Angus Gray

AFFIRMED by the abovenamed Alasdair David Angus Gray at Hamilton
this 24th day of April 2020 before me:



A Solicitor of the High Court of New Zealand

Certificate Concerning Administration of Oath or Declaration

I Bhavin Nitin Parshottam, enrolled barrister and solicitor, of Auckland certify as follows:

1. On Friday 24 April 2020 at 2.45pm I was asked by a person who identified themselves to me as **ALASDAIR DAVID ANGUS GRAY** ("the deponent") to administer that person's affirmation on a document described to me as Affidavit of Alasdair David Angus Gray (Environment Court, Auckland Registry, ENV-2019-AKL-000316).
2. Because of the mandatory isolation requirements and restrictions on movement resulting from the government's Covid-19 virus Alert Level 4, and the consequences of the Epidemic Preparedness (Covid-19) Notice 2020 issued by the Prime Minister on 25 March 2020, I was not present with the deponent when I was asked to administer that person's oath.
3. I attended to a form of attestation adopting the following procedure:
 - (a) The deponent and I met by audio-visual link at 2:45pm and 3pm on Friday 24 April 2020. The audio-visual link system we used was Zoom.
 - (b) I asked the deponent to identify himself to me by name and to hold up to the camera his photograph and personal identification page from his driver's licence. I observed the driver's licence and satisfied myself that the person in the photograph was the person meeting with me by Zoom.
 - (c) I asked the deponent to expose to the camera the document intended to be attested including the affidavit itself. I observed the document to be the unsigned Affidavit of Alasdair David Angus Gray (Environment Court, Auckland Registry, ENV-2019-AKL-000316).
 - (d) I then watched the deponent place the document down on a desk in view of the camera and I witnessed the deponent signing the jurat page and initialling each preceding page. The deponent held each page of the signed or initialled document up to the camera. I then asked the deponent to scan the document and send it to me. I received it at 4:10pm on Friday 24 April 2020.
 - (e) I was satisfied that this was the same document that I had seen the deponent sign, as far as it was possible for me to do so by following these procedures. I attested a copy of the scanned document and then sent it back to the deponent.
4. I am unaware of any circumstances to show either that:
 - (a) The deponent was not the person identified to me; or
 - (b) The signature on the document was not the deponent's signature.

Signed:  Barrister and Solicitor

Dated: 24 April 2020