BEFORE THE
EXPERT CONSENTING PANEL
APPOINTED BY THE
MINISTER'S PANEL CONVENOR

In the matter of	The COVID-19 Recovery (Fast Track Consenting) Act 2020
And	
In the matter of	An Application for Resource Consent by AW Holdings 2021 Limited for the Auckland Surf Park Community Project

AFFIDAVIT OF DAVID RAYMOND HAINES

26 April 2024

I, David Raymond Haines, Planner, of Auckland, swear:

Credentials and expertise

1. My full name is David Raymond Haines. I am a Chartered Town Planner, a Chartered Water and Environmental Manager and the Planning Director of CivilPlan Consultants Limited. I have held resource management positions in local and central government organisations and private consultancies, and have practised in New Zealand, England, Wales and Fiji. I have been engaged in planning and planning-related work for over 30 years.

2. I am a qualified planner, holding a Bachelor of Town Planning degree from the University of Auckland and United Kingdom planning qualifications from the University of the West of England (Bristol). I am a Fellow of the New Zealand Planning Institute and a Member of the Royal Town Planning Institute and the Chartered Institution of Water and Environmental Management. I have provided evidence in proceedings before the Court of Appeal, High Court, Environment Court and Land Valuation Tribunal.

3. Since 1989, I have practised as a consultant planner both in New Zealand and overseas. In that time, I have specialised in commercial development planning, coastal planning, environmental management projects and large-scale master planned projects. In New Zealand, this project work spans over 30 local and 14 regional authority jurisdictions and typically involves me in a lead consultant capacity. I have also had direct experience in plan preparation, as well as administration and implementation.

4. In statutory and regulatory settings, I assist strategic planning and project-level assignments by providing evidence and related documents under the Resource Management Act, Local Government Act, Land Transport Management Act, Airport Authorities Act, Public Works Act, Reserves Act, Unit Titles Act, Judicial Review Procedure Act and Covid-19 Recovery (Fast Track Consenting) Act.

Introduction

5. This affidavit relates to comments provided by Auckland Transport (AT) on the Surf Park application ("the application"), and, in particular, the absence of relevant safety comments relating to the North Shore Airport.

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6. At the same, or similar, time that AT was filing its comments with the Expert Consenting Panel, a meeting was being held between the North Shore Airport (NSA) representatives and AT's "Auckland Transport Owner interface manager", Mr Daniel Wilcocks, for the Supporting Growth Alliance. Also in attendance for Supporting Growth were Ms Kathleen Bunting (Planning Lead) and Mr Graham Norman (Project Lead).

7. The NSA representatives at the meeting were Mr John Punshon, (CEO/General Manager), Mr Darryl Gillett (Head of Operations and Chief Flying Instructor) and the writer. The meeting was held at the North Shore Airport terminal building on 12 March commencing at 4pm.

Evidence

8. While the meeting agenda related to AT's Notices of Requirement (NoR's) for the Silverdale/Dairy Flat Area, discussion also traversed related topics of interest in the area, including the Surf Park proposal.

9. At the meeting, I explained to Mr Wilcocks NSA's concern about the proposed east-west collector road in the "Silverdale West Dairy Flat Industrial Area Structure Plan". That Plan shows a proposed collector road extending from Dairy Flat Highway in the west connecting with Postman Road immediately next to the southwestern end of the NSA main runway.

10. A copy of the Structure Plan is included at **Annexure 1**, which also shows the east-west collector road adjoining the southern boundary of North Shore Airport. The Structure Plan was developed by Auckland Council's Plans and Places Team and released in April 2020. Both prior to, and after, release of the Structure Plan, NSA representatives, including myself, had informed the Structure Plan authors of the air and traffic safety issues arising from the location of the proposed east-west collector road and the formation of a new 4-way road intersection at the south western end of the main runway.

11. Unfortunately, the Structure Plan authors have continued to show the collector road, and defend its inclusion by stating that NSA will be able to make a formal submission on this safety matter when the Council progresses a Plan Change to implement the Structure Plan. This unsafe element of the Structure Plan has therefore remained "on the record" and clearly carries advisory weight on Council "policy" insofar as AT

GC

planners have now carried it forward in the AT comments on the Surf Park application.

12. When meeting with Mr Wilcocks and Mr Graham Norman, who is both SGA's Project Lead and an experienced traffic engineer, NSA again expressed its concern about the Structure Plan and alerted AT to the transportation safety risk. The purpose was to ensure that the AT submission on the Surf Park proposal did not rely on and perpetuate the same unsafe east-west road and intersection proposed in the Structure Plan.

13. NSA representatives explained the nature of the safety risk in some detail. They then confirmed that one of the reasons why NSA generally supported the Surf Park application was the applicant's proposal to terminate the east-west collector road proximate to the proposed data centre, effectively creating a cul-de-sac between Dairy Flat Highway and the data centre location.

14. At this point in the meeting, Mr Wilcocks advised that in-house AT planners were instead opposing this aspect of the Surf Park proposal and, as he understood matters, would be seeking an extension of the collector road to its intersection with Postman Road.

15. I was dismayed to hear this, so I invited Mr Norman, as an experienced traffic engineer, to provide his advice on this matter to those present in the meeting.

16. Mr Norman was very clear in his advice to Mr Wilcocks when he stated that, on safety grounds, AT should not support the proposed east-west collector road and 4-way Postman Road intersection in the location shown on the Structure Plan. This was reflected in my email dated 2 April 2024 to Mr Wilcocks as follow up to our meeting (refer **Attachment 2**).

17. The NSA representatives strongly requested Mr Wilcocks, as AT's representative in the meeting, to relay Mr Norman's safety-related advice to the AT planners who were responsible for preparing AT's comments on the Surf Park. Mr Wilcocks agreed to do this, while noting that he was not sure whether the AT comments had already been issued to the Expert Consenting Panel.

18. As matters turned out, and noting the Panel's 5pm 12 March deadline for filing submissions, it appears that any follow up by Mr Wilcocks would have been too late.

GC

19. From my recent review of the EPA website, it appears that AT has not yet sent supplementary comments to the Panel correcting and withdrawing its earlier position on the east-west road and the Postman Road intersection. Additionally, as at the date of this Affidavit, a reply to the email correspondence in Attachment 2 is still awaited from AT.

20. I have therefore set out the above matters in this Affidavit to record the traffic safety-related advice of Mr Graham Norman to the Panel's attention, again noting that Mr Norman is an experienced consultant traffic engineer with extensive knowledge of the Dairy Flat area.

Sworn at Auckland)
this 26 day of April)
2024, before me:)

David Raymond Haines

(A Solicitor/Registrar/Deputy Registrar of the High Court of New Zealand)

Ginrick Isaiah Credo
Barrister
Auckland

ANNEXURE 1

Silverdale West Dairy Flat
Industrial Area
Structure Plan

This is the exhibit marked with the letter "1" referred to in the annexed affidavit of David Raymond Haines

sworn/affirmed at Auckland

this 26 day of April 2024 before me:

.....

A Barrister/Solicitor of the High Court of New Zealand

Ginrick Isaiah Credo
Barrister
Auckland

Structure Plan

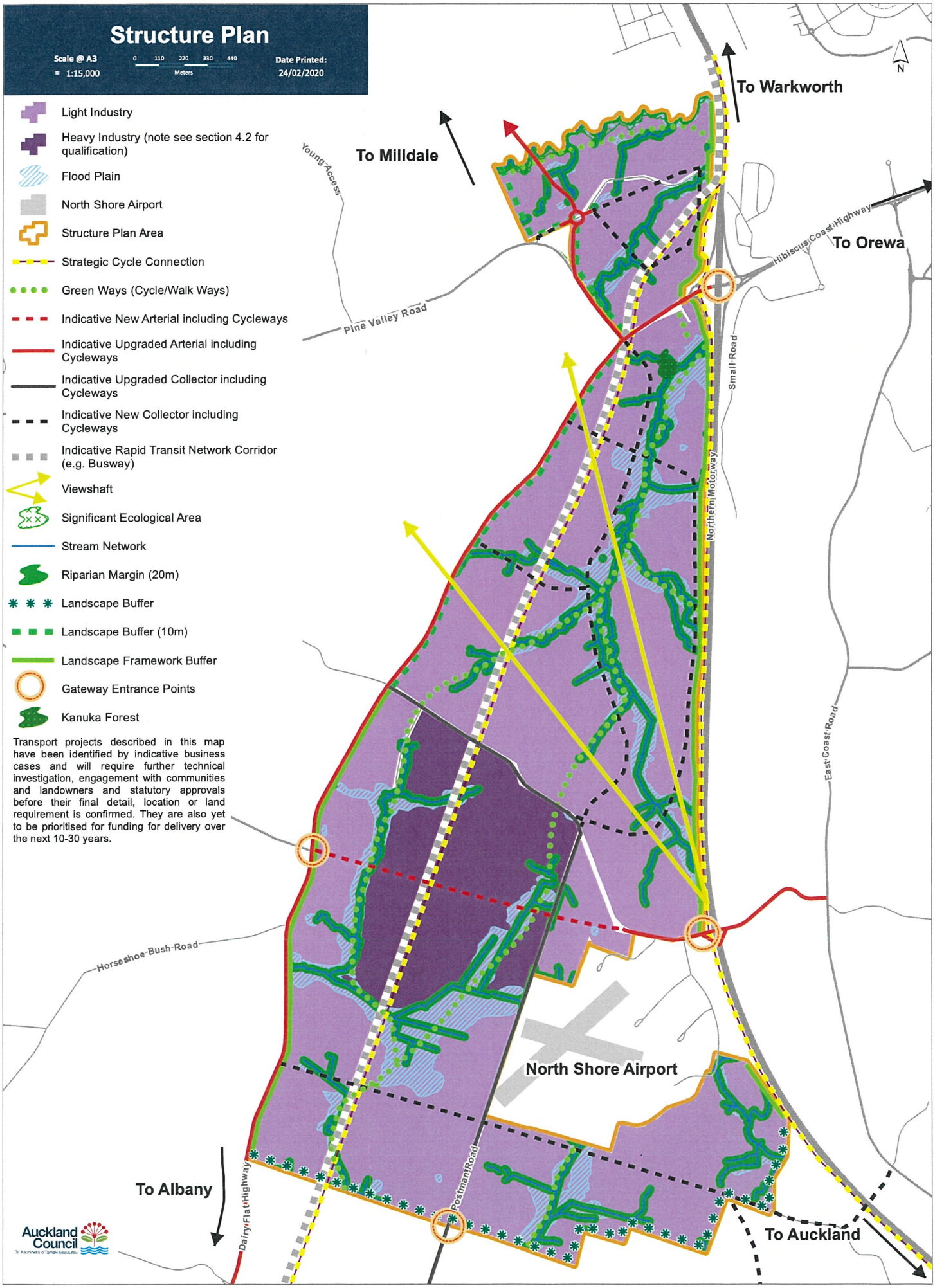
Scale @ A3 = 1:15,000

0 110 220 330 440 Meters

Date Printed: 24/02/2020

- Light Industry
- Heavy Industry (note see section 4.2 for qualification)
- Flood Plain
- North Shore Airport
- Structure Plan Area
- Strategic Cycle Connection
- Green Ways (Cycle/Walk Ways)
- Indicative New Arterial including Cycleways
- Indicative Upgraded Arterial including Cycleways
- Indicative Upgraded Collector including Cycleways
- Indicative New Collector including Cycleways
- Indicative Rapid Transit Network Corridor (e.g. Busway)
- Viewshaft
- Significant Ecological Area
- Stream Network
- Riparian Margin (20m)
- Landscape Buffer
- Landscape Buffer (10m)
- Landscape Framework Buffer
- Gateway Entrance Points
- Kanuka Forest

Transport projects described in this map have been identified by indicative business cases and will require further technical investigation, engagement with communities and landowners and statutory approvals before their final detail, location or land requirement is confirmed. They are also yet to be prioritised for funding for delivery over the next 10-30 years.



Auckland Council

ANNEXURE 2

Email Correspondence to
AT dated 2 April 2024

This is the exhibit marked with the letter "2" referred to in the annexed affidavit of David Raymond Haines

sworn/affirmed at Auckland

this 26 day of April 2024 before me:

.....

A Barrister/Solicitor of the High Court of New Zealand

Ginrick Isaiah Credo
Barrister
Auckland

David Haines

From: David Haines
Sent: Tuesday, 2 April 2024 10:57 am
To: daniel.wilcocks@at.govt.nz
Cc: john@nsac.co.nz; Daryl Gillett; Simon Berry; Craig Malone
Subject: RE: AT Comments on Fast Track Surf Park Application
Attachments: 02042024104506-0001.pdf

Daniel,

I see that Dave Paul has engaged with you in preparing his response to our separate query on the Council's Spatial Land Use Strategy (refer **attached** email).

When you reply to our below emails, please:

a. Provide a copy of the AT submission to the Surf Park Fast-track Hearing Panel.
b. Explain what went wrong in your discussions with the AT planners who were tasked with providing comments on the Surf Park application.?

At the end of our 12 March meeting at NSA, matters were left on the basis that you would check in with the AT planners to convey Graham Norman's advice about safety issues. As SGA's Project Lead and principal traffic engineer, Graham was very clear in our meeting that, for the safety reasons explained by NSA, AT should not promote an extension to the cul-de-sac Surf Park west-east road because this would create an unsafe intersection with Postman Road at the southwestern end of the Airport's main runway.

NSA representatives themselves could not have been clearer when they implored you to seek retraction of the AT planners' proposed comments on the Surf Park application after you had brought these to the Airport's attention.

We await your urgent reply please.

Kind regards,

From: David Haines
Sent: Tuesday, March 26, 2024 9:10 AM
To: daniel.wilcocks@at.govt.nz
Cc: john@nsac.co.nz; Daryl Gillett <cfi@nsac.co.nz>; Simon Berry <Simon@berrysimons.co.nz>; Craig Malone <Craig@berrysimons.co.nz>
Subject: RE: AT Submission on Fast Track Surf Park Application

Hi Daniel,

Could you please phone me today (021 677432) to update the status/timing of the AT comments we discussed on 12 March?

Kind regards,

From: David Haines
Sent: Friday, March 22, 2024 2:25 PM
To: 'daniel.wilcocks@at.govt.nz' <daniel.wilcocks@at.govt.nz>
Cc: 'john@nsac.co.nz' <john@nsac.co.nz>; 'Daryl Gillett' <cfi@nsac.co.nz>; 'Simon Berry' <Simon@berrysimons.co.nz>; 'Craig Malone' <Craig@berrysimons.co.nz>
Subject: RE: AT Submission on Fast Track Surf Park Application

Hi Daniel,

Update please?

Kind regards,

From: David Haines
Sent: Tuesday, March 19, 2024 8:51 AM
To: 'daniel.wilcocks@at.govt.nz' <daniel.wilcocks@at.govt.nz>
Cc: 'john@nsac.co.nz' <john@nsac.co.nz>; 'Daryl Gillett' <cfi@nsac.co.nz>; Simon Berry <Simon@berrysimons.co.nz>; Craig Malone <Craig@berrysimons.co.nz>
Subject: AT Submission on Fast Track Surf Park Application

Hi Daniel,

Just following up our discussion last week about the Surf Park fast track application.

Can you please confirm that AT has decided **not** to propose a new intersection at the southwestern end of the Airport's main runway?

Kind regards,

From: David Haines
Sent: Wednesday, March 6, 2024 9:27 AM
To: 'Supporting Growth Team' <info@supportinggrowth.nz>
Cc: john@nsac.co.nz; Daryl Gillett <cfi@nsac.co.nz>
Subject: RE: Te Tupu Ngātahi Supporting growth NoRs - North Shore Aero Club submission

Hi Paige,

Thank you for this confirmation.

Kind regards,

From: Supporting Growth Team <info@supportinggrowth.nz>
Sent: Wednesday, March 6, 2024 9:26 AM
To: David Haines <DavidHaines@civilplan.co.nz>
Cc: john@nsac.co.nz; Daryl Gillett <cfi@nsac.co.nz>
Subject: RE: Te Tupu Ngātahi Supporting growth NoRs - North Shore Aero Club submission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,

Yes. Attending from our side will be Daniel Wilcocks (Auckland Transport Owner Interface manager), Kathleen Bunting (Planning lead) and Graham Norman (Project lead).

Ngā mihi,

Paige Rundle | Engagement Manager | Kaiwhakahaere Pāhekoheko
Te Tupu Ngātahi Supporting Growth
Ph 0800 Grow Akl (0800 4769 255)
Email: info@supportinggrowth.nz

From: David Haines <DavidHaines@civilplan.co.nz>
Sent: Tuesday, March 5, 2024 5:21 PM
To: Supporting Growth Team <info@supportinggrowth.nz>
Cc: john@nsac.co.nz; Daryl Gillett <cfi@nsac.co.nz>
Subject: RE: Te Tupu Ngātahi Supporting growth NoRs - North Shore Aero Club submission

Thanks Paige,

4pm on 12 March will be fine.

Can you please confirm that the two key attendees (refer highlighted text below) will be attending?

Kind regards,

David Haines
Director - Planning
BTP, NZCD (Survey), Fellow MNZPI, MRTPI, MCIWEM
021 677 432
09 883 2099

CivilPlan Consultants Limited
Auckland CBD Office: Level 12, 17 Albert Street, Auckland CBD, 1010
www.civilplan.co.nz

From: Supporting Growth Team <info@supportinggrowth.nz>
Sent: Tuesday, March 5, 2024 2:09 PM
To: David Haines <DavidHaines@civilplan.co.nz>; Supporting Growth Team <info@supportinggrowth.nz>
Cc: john@nsac.co.nz; Daryl Gillett <cfi@nsac.co.nz>
Subject: RE: Te Tupu Ngātahi Supporting growth NoRs - North Shore Aero Club submission

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Hi David,

We can meet you at 300 Postman Rd on Tuesday 12th March at 4pm?

Our team will be in the area so that date would be the most suitable.

Ngā mihi,



er | Kaiwhakahaere Pāhekoheko
;)

From: David Haines <DavidHaines@civilplan.co.nz>
Sent: Friday, March 1, 2024 11:15 AM
To: Supporting Growth Team <info@supportinggrowth.nz>
Cc: john@nsac.co.nz; Daryl Gillett <cfi@nsac.co.nz>
Subject: RE: Te Tupu Ngātahi Supporting growth NoRs - North Shore Aero Club submission

Dear Paige,

Thank you for the invitation to meet with the Supporting Growth Team.

As your team will be aware, the North Shore Airport is recognised as one of Auckland's regionally significant infrastructure assets. The Airport operates as Auckland's second regional airport and is capable of that role and function being expanded into the future. It is therefore important that the Supporting Growth team and the relevant AT personnel are fully apprised of the Airport's significant role as an air-side transport provider for Auckland, with the associated positive ramifications this will have on the region's land transport network. At present, the Supporting Growth remit is found in the LTMA, which is solely focussed on land transport, so it is important for the respective Requiring Authorities to be aware of the statutory lacuna and the need for joined up strategic planning involving Auckland Transport in particular.

We therefore propose that the meeting take place at the Airport offices at 300 Postman Road, and, on behalf of the Airport operators, we invite relevant members of your team to attend accordingly. At this stage, the dates of 18, 19 and 21 are available. For the meeting to be beneficial, two key attendees will be the senior-most SG planner who is tasked with presenting evidence on the NoR and AT's Owner Interface Manager for the Project. Copied into this email are the Airport's CEO/General Manager, Mr John Punshon, and Head of Operations/Chief Flying Officer, Mr Daryl Gillett.

We await your reply and look forward to meeting.

Kind regards,

David Haines
Director - Planning
BTP, NZCD (Survey), Fellow MNZPI, MRTPI, MCIWEM
021 677 432
09 883 2099

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www.civilplan.co.nz

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From: Supporting Growth Team <info@supportinggrowth.nz>
Sent: Tuesday, February 27, 2024 4:14 PM
To: David Haines <DavidHaines@civilplan.co.nz>
Subject: Te Tupu Ngātahi Supporting growth NoRs - North Shore Aero Club submission

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Hi David,

I'm reaching out to you about North Shore Aero Club's submission on Notices of Requirement lodged last year for future transport projects in North Auckland.

Our team have been busy going through all of the submissions recieved and would like to meet with you to discuss your submission.

We can meet online or in person, happy to host at at our office 203 Queen St, Auckland. Would any of these times suit?

- Wednesday 13th march 10.30am – 11am
- Thursday 14th March, 10am-11am
- Monday 18th March, between 10.30am – 12pm or 1.30-2.30pm
- Tuesday 19th March, 10-11am or 2-3pm
- Thursday 21 March, between 9am – 11am

Ngā mihi,

er | Kaiwhakahaere Pāhekoheko

TE TUPU NGĀTAHI
SUPPORTING GROWTH ;)
WAKA KOTAHI NZ TRANSPORT AGENCY

David Haines

From: Dave Paul <Dave.Paul@aucklandcouncil.govt.nz>
Sent: Thursday, 28 March 2024 4:25 pm
To: David Haines
Cc: daniel.wilcocks@at.govt.nz
Subject: FW: Silverdale/Dairy Flat: North Shore Airport

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Hi David

Thanks for your enquiry.

I have addressed the comments that I can in red below.

Cheers
Dave

From: David Haines <DavidHaines@civilplan.co.nz>
Sent: Tuesday, March 26, 2024 12:10 PM
To: Dave Paul <Dave.Paul@aucklandcouncil.govt.nz>
Cc: daniel.wilcocks@at.govt.nz
Subject: Silverdale/Dairy Flat: North Shore Airport

Hi Dave,

Your report on the Spatial Land Use Strategy for the Dairy Flat and Silverdale FUZ land (refer attached) is an interesting read. Some matters arise as follows:

1. At paragraph 77, you state that "...the Strategy makes it very clear that more detailed planning (e.g. structure planning) will need to take place in the future..."
2. Could you please advise the implications, if any, which arise for the current Silverdale Dairy Flat Structure Plan? (Refer attached copy). There are no implications from the Strategy for the Silverdale West Industrial Area Structure Plan. The Strategy states in section 7.1.2 that "This structure plan area has not been revisited as part of this Strategy."
3. Will there be any revisions to the Structure Plan before a Council-led Plan Change is notified? No revision of the structure plan is planned at this stage. A plan change for the Stage 3 area in the structure plan which adjoins the airport, is not staged to be developed until 2048+, so a plan change is some time off.
4. What is the timeframe for notification of same? See question 3 there is no timeframe for a plan change for the industrial l and adjoining the airport.

We are also informed that Fletcher Developments and Fulton Hogan are proposing a Private Plan Change Request for the northern sector of the Structure Plan area. Could you please advise the extent of this plan change area relative to the North Shore Airport? The private plan change relates to the part of the Stage 1 area identified in the structure plan south of Dairy Flat Highway, ie does not include the Pine Valley area. We are still at the clause 23 stage in the process.

With reference to possible changes to the current Structure Plan, you will be aware that the North Shore Airport remains very concerned about the west-east indicative collector road (shown with black dashes on the attached plan), which intersects with Postman Road at the south-western end of the Airport's main runway. We have recently raised this concern with Daniel Wilcocks when NSA met with SGA representatives as part of the Airport's engagement on the NoR's for Dairy Flat.

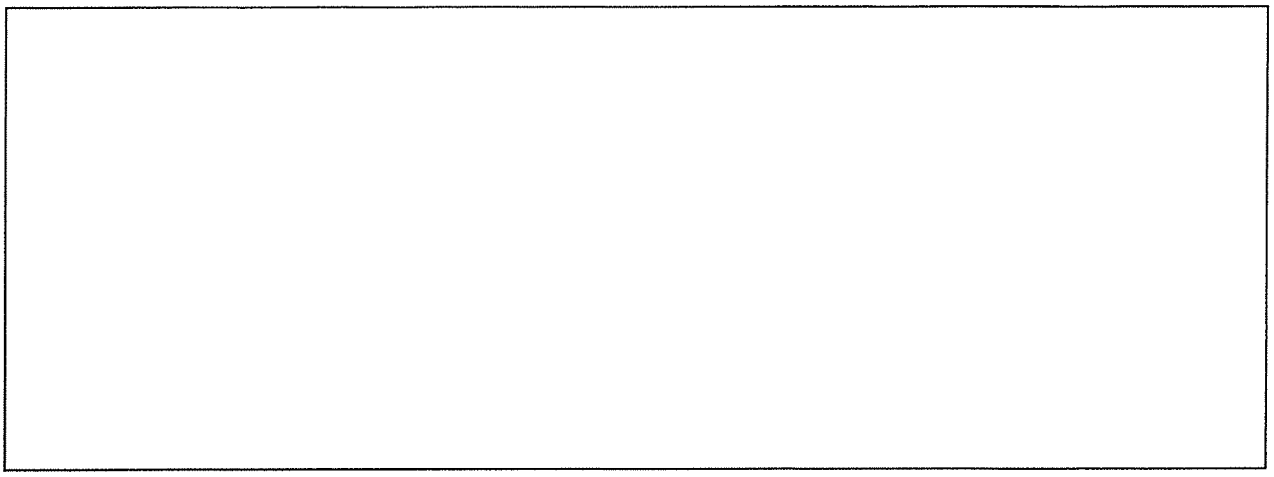
At our meeting, SGA's transportation lead (Graham Norman) confirmed to Auckland Transport that it should not support the creation of any collector road intersection in the location currently shown on the Structure Plan. This comment arose in respect of the Surf Park resource consent application, which specifically terminates the west-east collector within the Surf Park site. Based on this feature of the Surf Park application, NSA has advised its support for the proposal to the Fast Track Consenting Panel. I note that AT's comments to the Surf Park Panel support the extension of the collector road though to Postman Road. The Council's comments, in line with the adopted Structure Plan, also refer to enabling the east west connection between Dairy Flat Highway and Postman Road.

We await your response to the above matters and seek your confirmation that Plans and Places will address the Postman Road/Collector Road intersection and Airport safety concerns before progressing any Plan Change for the area. At the time that a plan change for this area is prepared the existing situation on the ground and any further transport assessment and subsequent submissions would have to be taken into account.

Kind regards,

David Haines
Director - Planning
BTP, NZCD (Survey), Fellow MNZPI, MRTPI, MCIWEM
021 677 432
09 883 2099

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