

Before the Board of Inquiry  
Waterview Connection Project

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*in the matter of:* the Resource Management Act 1991

*and*

*in the matter of:* a Board of Inquiry appointed under s 149J of the Resource Management Act 1991 to decide notices of requirement and resource consent applications by the NZ Transport Agency for the Waterview Connection Project

Expert Caucusing Joint Report to the Board of Inquiry – Freshwater Ecology

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Dated: 27 January 2011

Due: 7 February 2011

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## EXPERT CAUCUSING JOINT REPORT TO THE BOARD OF INQUIRY

### INTRODUCTION

- 1 This joint signed report is written in response to the Board of Inquiry's Minute and Directions dated 23 December 2010. The Directions require the experts, following caucusing, to provide a report by 10am on 7 February 2011 that includes:
    - Areas that have been resolved and how.
    - Areas that are not resolved, and succinctly why.
  - 2 This report relates to the caucusing topic of Freshwater Ecology.
  - 3 Caucusing meeting(s) were held on Thursday 27<sup>th</sup> January 2011.
  - 4 Expert attendees at the meetings were:
    - Mr Eddie Sides – Associate Principal Boffa Miskell Ltd (for NZTA)
    - Mr Tim Fisher – Senior Stormwater Engineer Tonkin & Taylor (for NZTA)
    - Ms Shona Myers – Auckland Manager Wildland Consultants Ltd (for Friends of Oakley Creek & Living Communities)
    - Mrs Bronwyn Rhynd – Director Stormwater Solutions Consulting Ltd (for Friends of Oakley Creek & Living Communities)
    - Dr Greg Ryder – Director Ryder Consulting Ltd (for EPA).
  - 5 Mr Slaven (Vegetation expert witness for NZTA) was present in recognition of the overlap between vegetation and freshwater / streamworks in relation to issues raised in the evidence of experts appearing for submitters. Those issues pertained to the revegetation proposals for the realignments and rehabilitation of Oakley Creek in Sector 9.
  - 6 Ms Ann Williams (Groundwater expert witness for NZTA) was present in recognition of issues raised in the submitters experts evidence relating to the need for linkages between freshwater ecology and groundwater in terms of monitoring and results interpretation.
- AREAS THAT HAVE BEEN RESOLVED**
- 7 In order to address the concerns raised in the evidence of Ms Myers in relation to Conditions F.5, G.1 and G.10 (page 20 of her

evidence) and in the s.42 report by Dr Ryder in relation to linking groundwater and freshwater monitoring :

- (a) Amend Condition G.12 as follows:

The continuous monitoring results shall be reviewed on a monthly basis to determine if there is any effect of the tunnelling on base flows in Oakley Creek. The results shall be **reviewed by a hydrologist and freshwater ecologist and** included in the 3 monthly groundwater reports, and provided to the Auckland Council.

- (b) Amend Condition F.5 to read as follows:

The NZTA shall review the freshwater monitoring results, provided from Conditions F.2 to F.4, and results in monitoring detailed in earthworks Conditions E.9, E.19 **and Groundwater Condition G.12**. In the event that potential adverse effects are identified, the NZTA shall develop and implement appropriate contingency plans and/or remedial measures in accordance with the measures set out in the ECOMP.

- 8 To address concerns raised in the evidence of Ms Myers in relation to Condition STW.1 (page 21 of her evidence), amend STW.1 to refer to the need to follow the Oakley Creek Realignment and Rehabilitation Guidelines (this has been dealt with under Stormwater caucusing). It was noted that STW.15 addresses the matter of supervision by a qualified freshwater ecologist.

- 9 In response to concerns raised in the evidence of Ms Myers (paragraph 5.24 – page 16 of her evidence), add to Condition STW.20(c) the following:

Detailed design and plans of all enhancements to the stream bed and/or stream channel, including any structures for other engineering works. **This includes replication of the existing waterfall located on the Stoddard Road tributary near the confluence with Oakley Creek in a similar position within the new realignment.**

- 10 To address concerns raised in the evidence of Ms Myers in relation to Condition F.3 (page 20 of her evidence), amend Condition F.3 (a) – (c) to read as follows:

The freshwater monitoring programme shall, as a minimum, be undertaken in accordance with the following frequency:

- (a) Prior to construction – two baseline surveys;

- (b) During construction - **twice per year** for fish, macroinvertebrates **and** cross sectional profiles, **within one month** prior to **the beginning of the earthworks season** and **within one month either side of** the end of the earthworks season;
- (c) Post construction - on an annual basis for a maximum period of three years, or less if the Auckland Council is satisfied that no adverse effects have occurred or are likely to occur from the Project.
- 11 To address concerns raised in the evidence of Ms Myers and Ms Rhynd and in the s.42 report by Dr Ryder in relation to clarification of the extent and location of the SEV off-set mitigation associated with the Project, it is proposed to include a new Condition STW.20A to read as follows:

**The realignments necessary for highway construction will be rehabilitated separately to the Project's SEV off-set mitigation requirement of 343 metres. The Project's SEV off-set mitigation requirements will be undertaken within the areas demarcated as "Oakley Creek Rehabilitation A - D" as shown on Drawing 20.1.11-3-D-D-330-211 Rev A.**

**Advice Note : The SEV off-set mitigation associated with the Maoro Interchange Project is intended to be undertaken upstream and downstream of those areas shown for Realignment and Rehabilitation on Drawing 20.1.11-3-D-D-330-211 Rev A, for the purposes of creating a coherent ecological corridor in this area.**

#### AREAS THAT HAVE NOT BEEN RESOLVED

- 12 No Freshwater Conditions are unresolved.

Date: 27 January 2011



Mr Eddie Sides

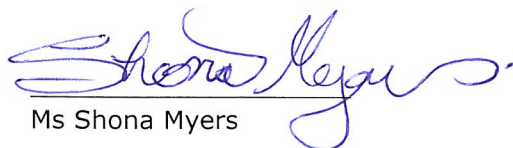


Dr Tim Fisher





Mrs Bronwyn Rhynd



Ms Shona Myers



Dr Greg Ryder



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