

under: the Resource Management Act 1991

in the matter of: Direct referral of notices of requirement to alter designations and applications for resource consents for activities associated with the State Highway 1 / State Highway 29 Intersection Upgrade Project

between: **Waka Kotahi NZ Transport Agency**
Requiring Authority / Applicant

and: **Waikato Regional Council**
Consent Authority

and: **Matamata-Piako District Council**
Territorial Authority

and: **South Waikato District Council**
Territorial Authority

and: **Thistlehurst Dairy Limited**
Section 274 Party

and: **John Hansen**
Section 274 Party

Statement of Rebuttal Evidence of **Tanya Running** (planning) for Waka Kotahi NZ Transport Agency

Dated: 25 August 2022

Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
Hadleigh Pedler (hadleigh.pedler@chapmantripp.com)

STATEMENT OF REBUTTAL EVIDENCE OF TANYA RUNNING FOR WAKA KOTAHI NZ TRANSPORT AGENCY

INTRODUCTION

- 1 My full name is Tanya Maree Running.
- 2 I have the qualifications and experience set out at paragraphs 2 to 4 of my statement of evidence in chief (*EIC*) dated 6 July 2022. I repeat confirmation given in my *EIC* regarding the Code of Conduct for Expert Evidence.
- 3 My rebuttal evidence is given in support of Waka Kotahi NZ Transport Agency's (*Waka Kotahi*) notices of requirement and applications for resource consents (*the Applications*), for the construction, operation and maintenance of the State Highway 1 / State Highway 29 Intersection Upgrade Project (*the Project*).
- 4 In this statement, I respond to the evidence of Mr Serjeant on behalf of Thistlehurst Dairy Limited (*TDL*), and Mr Parsonson on behalf of Waikato Regional Council, Matamata-Piako District Council and South Waikato District Council (*the Councils*).
- 5 In providing this rebuttal evidence, I am reliant on the evidence of Ms Harrison and Mr Innes on transportation and alternatives, respectively. I have identified the respective references within my evidence when drawing on those opinions.
- 6 The fact this rebuttal statement does not respond to every matter raised in the evidence of Mr Serjeant within my area of expertise should not be taken as acceptance of the matters raised. Rather, I rely on my *EIC*, and this rebuttal statement to set out my opinion on what I consider to be the key planning related matters for this hearing.

EVIDENCE OF MR SERJEANT ON BEHALF OF TDL

- 7 In my view, the key issues raised in the evidence of Mr Serjeant can be summarised into the following topics:
 - 7.1 That the assessment and consideration of this project should not occur in isolation of the Cambridge to Piarere Long-term Improvement Project (*C2P*);
 - 7.2 That the Assessment of Environmental Effects (*AEE*) should (171(1)) include *C2P* and a consideration of "productivity";
 - 7.3 The Project is inconsistent with the Waikato Regional Policy Statement (*WRPS*);

- 7.4 The consideration of alternatives is not adequate, as it relies on assessments for C2P and does not give consideration to other options (171(1)(b)); and
- 7.5 The Project and designations are not reasonably necessary for achieving the objectives as there is no urgent safety need (171(1)(c)).

The Cambridge to Piarere project

- 8 Mr Serjeant's overarching opinion is that the assessment and consideration of the Project should not occur in isolation of C2P. As such, many of Mr Serjeant's conclusions rely on the premise that the Project is unavoidably linked with matters relating to C2P and this premise is interwoven in his evidence.
- 9 As outlined in the evidence of Ms Wilton,¹ funding has not yet been allocated for the implementation of C2P. There is not enough allocation in the National Land Transport Programme to prioritise C2P for funding before the 2027-2030 period. Accordingly, C2P is unlikely to be operational until 2034 at the earliest – 12 years from now.
- 10 If the Project was delayed, as suggested by Mr Serjeant, so as to proceed simultaneously with C2P, then the safety benefits enabled by the Project, would also be delayed for 12 years. In contrast, the Project is funded, and Waka Kotahi aims to commence construction as soon as the appropriate consents are secured, and the necessary property acquired.
- 11 From a planning perspective, I consider the Project is justified as a standalone project, and the Applications do not need to consider potential effects from C2P. My reasons for this view are:
- 11.1 Based upon the evidence of Ms Harrison there is an immediate need to upgrade this intersection to improve safety at this location to prevent deaths and serious injuries.
- 11.2 While the new roundabout will provide a connection point for C2P, it does not depend on C2P or any future extension of the Waikato Expressway to proceed.
- 11.3 The Project was identified by NZUP as a project required to improve safety and has funding for construction.
- 11.4 The Applications have been tested through the section 88 lodgement and section 92 processes and found to be complete and acceptable by the Councils.
12. It is my opinion that the Project satisfies the requirements of sections 171 and 104, without any consideration needing to be

¹ Evidence of Joanne Wilton, dated 6 July 2022, at paragraph 31.

given to C2P. The Project is consistent with the relevant planning provisions, Mr Innes and I consider an adequate consideration of alternatives has taken place, effects (both during construction and operation) are able to be appropriately avoided, remedied or mitigated, and the Project is reasonably necessary to achieve the Project objectives.

- 12 The Applications before the Court relate solely to the Project, and on that basis, I do not respond to Mr Serjeant's evidence on C2P matters that are not the subject of the Applications.

The AEE does not and should not assess the effects of C2P

- 13 In relation to the effects on the environment, Mr Serjeant states "I conclude that the assessments are generally acceptable".² Mr Serjeant also states³ "I do not accept the conclusion from the assessment of environmental effects prepared in support of the NoR", but then concludes (at paragraph 48 of his evidence) "therefore, while the conclusions of assessment of effects of just the Intersection Upgrade is generally acceptable, they do not go far enough."
- 14 I conclude from Mr Serjeant's evidence that he considers the Project AEE to be acceptable, except for the fact that it does not assess the effects of C2P. I agree the AEE for the Project is appropriate, but, as noted above, I do not consider the AEE needs to consider potential effects from C2P as C2P is not part of the Project, and is not covered by the Applications.

The consideration of productivity in the AEE

- 15 Mr Serjeant's evidence suggests there would be productivity dis-benefits for the Rockridge Farm, due to effects on soils and farm operations.⁴ Further, he disagrees with one of the conclusions of the Councils' Report⁵ namely:

Directs impacts on the productivity and revenue of Thistlehurst farm are beyond the scope of the RPS provisions.

- 16 Mr Parsonson's evidence states that the productive value of the soil within the designation boundaries will be a contributing factor in land acquisition. It is my opinion that the effects on the productivity and revenue of the Rockridge Farm (the farm that TDL owns and operates) is beyond the scope of the RMA process.

² Evidence of David Serjeant, dated 5 August 2022, at paragraph 44.

³ Evidence of David Serjeant, dated 5 August 2022, at paragraph 47.

⁴ Evidence of David Serjeant, dated 5 August 2022, at paragraph 85.

⁵ Evidence of David Serjeant, dated 5 August 2022, at paragraph 80, referencing Councils' 87F and 198D Report, section 7.1.3(v), page 50.

- 17 I also note that the rebuttal evidence of Mr Innes (paragraph 31) states that it appears the farm assessment criteria in the alternatives assessment capture elements of productivity.
- 18 In any case, I consider it unlikely that effects on the productivity of Rockridge Farm could be considered significant. The evidence of Mr Gregory states that Rockridge Farms is 297 hectares. The Project seeks to designate 11 hectares of that farm, which equates to 3.7% of the farm. I further note that TDL has not provided any evidence to illustrate the effects of the Project on the productivity of the farm nor on high class soils.
- 19 The effects of the Project on high class soils were assessed in Councils' Report⁶ by Mr Taylor (a soils and land scientist with WRC) where he concludes that the impact of the Project on this resource is not significant on a regional basis.
- 20 Accordingly, I consider that as the effects of the Project on the productivity and revenue of the TDL farm will be addressed through the land acquisition process and, in any case, the information I have reviewed (from Mr Taylor) suggests that effects on productivity and high class soils are not significant.

The relevant provisions of the Waikato Regional Policy Statement

- 21 Paragraphs 81 to 97 of my EIC and section 11 of the AEE provides an assessment of the Project under the relevant provisions of the WRPS, where I conclude that the Project is consistent with these provisions. The EIC⁷ of Mr Parsonson agrees:

I agree with Ms Running's overall analysis and retain my conclusion that the Project is consistent with the relevant provisions of those documents.

- 22 Mr Serjeant also agrees (at para 57 of his evidence):

*Mr Parsonson's and Ms Running's analysis of the WRPS are limited to just the intersection upgrade and I generally agree with their conclusions that the effects of the Intersection Upgrade **do not compromise the outcomes sought by many of the WRPS objectives and policies.** (emphasis added)*

- 23 However, at paragraph 73 of his evidence, Mr Serjeant states:

in an overall sense, the Project is inconsistent with the policy framework of the regional planning documents.

- 24 Given these conflicting statements, I am confused by Mr Serjeant's position, but note that at paragraph 57 the reference is to the 'WRPS' and at paragraph 73 the reference is to the 'regional planning documents.'

⁶ Councils' 87F and 198D Report, section 6.2.2, page 28.

⁷ Evidence of Michael Parsonson, dated 5 August 2022, at paragraph 82.

- 25 At paragraph 61 of Mr Serjeant’s evidence he states that Objectives 3.1 and 3.2 and associated Policies 4.1 and 4.4 and Policy 14.2 are the most relevant to address Issue 1.4. I agree that those policies are relevant to consideration of the Project, but I do not agree that they are the most relevant.
- 26 Objectives 3.1 and 3.2 were considered in detail in the AEE.⁸ In that assessment I acknowledged that the Project would remove an area of farmland used for primary production. However, when managing the built environment, the WRPS directs (at Policy 6.6) that particular regard be given to the protection of the effectiveness and efficiency of regionally significant infrastructure and that particular regard should also be given to the benefits that can be gained from the development and use of regionally significant infrastructure.
- 27 Policy 4.4 and 14.2 were not specifically identified in the WRPS assessment in the AEE.
- 28 Policy 4.4 requires that the management of natural and physical resource provides for the continued operation of regionally significant industry and primary production activities by:
- a. *recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;*
 - b. *recognising the value and long term benefits of primary production activities which support regionally significant industry;*
 - c. *ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;*
 - d. *co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;*
 - e. *maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;*
 - f. *avoiding or minimising the potential for reverse sensitivity; and*
 - g. *promoting positive environmental outcomes.*
- 29 The Project will provide for the continued operation of the natural resource (being the land) and will maintain access to the land during construction and the operation of the Project. The Project will also provide safety and improved reliability for freight movements

⁸ State Highway 1 and State Highway 29 Intersection Upgrade, Assessment of Effects on the Environment, 26 November 2021 (AEE), Volume 2, Section 11.2.1.2.

resulting in economic benefits for the primary production industry. Overall, I consider the Project is not contrary to Policy 4.4.

30 Policy 14.2 High class soils states:

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

31 As the Project will result in a decline (albeit a small decline) in the availability of high class soils it is not consistent with this policy. However, the prevalence of high class soils around the existing intersection means any safety upgrade at the SH1/29 intersection is unlikely to be able to avoid high class soils entirely. However, as stated above I consider the effects of the Project on high class soils to be minor.

32 Regardless, Policy 14.2 does not stand in isolation, it is one of several provisions in the WRPS that are relevant to the consideration of the Applications.

33 The WRPS recognises that regionally significant infrastructure supports the wellbeing of the Waikato Region. For example, the explanation to "Policy 6.6 Significant infrastructure and energy resources" states:

*Regionally significant infrastructure and energy resources support the wellbeing of the regional community. Much of this infrastructure and energy is also very important for New Zealand as a whole, such as energy **and transport infrastructure that connects areas to the north, east and south of the Waikato Region.** (emphasis added)*

It is therefore very important that development of the built environment does not compromise the functioning of this infrastructure. Methods 6.6.1, 6.6.3, 6.6.4 and 6.6.5 are provided for this purpose.

34 The WRPS includes strong direction to provide for existing and future regionally significant infrastructure and its maintenance, continued operation, and upgrading. Specifically in respect of regionally significant infrastructure the WRPS requires:

34.1 Development of the built environment (including transport) to enable positive environmental, social, cultural and economic outcomes (Objective 3.12);

34.2 Recognition and protection of regionally significant infrastructure (Objective 3.12(e));

34.3 Allowance for future infrastructure needs, including maintenance and upgrading (Policy 6.1 and 6A Development Principles, General development principle (d));

34.4 Protection and enhancement of the efficient functioning of existing and planned regionally significant infrastructure

- including multi-modal transport links and connectivity,
(Implementation method 6.1.8(c));
- 34.5 Protection of the effective and efficient operation of existing and planned regionally significant infrastructure (Policy 6.6(a) and Implementation Method 6.6.1(f)(iii));
- 34.6 The benefits that can be gained from the development and use of regionally significant infrastructure (Policy 6.6(b));
- 34.7 Co-ordination of the development of infrastructure and the built environment (Policy 6.3);
- 34.8 Optimisation of the efficient and affordable provision of infrastructure and development (Policy 6.3(a)(i));
- 34.9 Maintenance or enhancement of the operational effectiveness and viability of existing and planned infrastructure (Policy 6.3(a)(ii));
- 34.10 Protection of investment in existing infrastructure (Policy 6.3(a)(iii));
- 34.11 Particular regard to be given to the benefits that can be gained from the development and use of regionally significant infrastructure (Policy 6.6(b)); and
- 34.12 Maintenance and improvement of the resilience of regionally significant infrastructure (Implementation Method 6.6.6).
- 35 Also, the Project aligns positively with Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River, and Objectives 3.4 and, 3.14 of the WRPS by improving the quality of the stormwater discharges that reach the river.
- 36 Another strongly positive policy response of the Project is with respect to tangata whenua and their relationship with the environment (te taiao) which is detailed in Objectives 3.1(e), 3.9 and 3.14 and Policy 4.3 of the WRPS. The Project has sought to give priority to restoring freshwater, in particular the Waikato River and its tributaries. Tangata whenua have provided support for the Project as detailed in the "Tangata Whenua Statement and Engagement Report".⁹
- 37 As such, I remain of the opinion that the Project is consistent with the relevant provision of the WRPS.

⁹ AEE, Volume 2.

The adequacy of the consideration of alternatives

- 38 Mr Serjeant¹⁰ is of the opinion that the alternatives assessment is not adequate, as it relies on assessments for C2P, does not give consideration to other options such as a seagull intersection, and a single lane roundabout would better meet the Project objectives. I have read the rebuttal evidence of Mr Innes and remain of the opinion that adequate consideration has been given to alternative sites, routes or methods for undertaking the work.

The Project and designations are reasonably necessary

Safety

- 39 Mr Serjeant acknowledges in his evidence that the Project will contribute to Waka Kotahi's first objective for the Project and agreed in the JWS that:¹¹

The objective is to improve safety for motorists and active mode users on the intersection. The project does achieve this.

- 40 Mr Serjeant considers¹² that while there is always a need to improve safety, and a new intersection will contribute to that objective, the Project is no longer 'reasonably necessary' in the manner promoted by Waka Kotahi.

- 41 Mr Serjeant's view is based on his interpretation that (i) the 'need for urgency' is implicitly added to the Project objectives, and (ii) the evidence of Mr Edwards has demonstrated that the urgency is no longer present.¹³ While there is a clear need for the Project, I do not agree that 'urgency' is an implied term to the Project objectives, neither do I agree with Mr Edwards that there is no pressing need for the Project, instead I prefer the evidence of Ms Harrison.

- 42 Ms Harrison's evidence in relation to safety considers the Project works are necessary to achieve the Project objectives.

- 43 I remain of the view that the "work", being the two-lane roundabout, is reasonably necessary for achieving the Project objectives, as the Project will increase the safety of the intersection by reducing the number of DSIs.

Future Expressway connection and actives modes

- 44 Mr Serjeant considers Waka Kotahi has not provided sufficient evidence to show that the Project is 'reasonably necessary'. Mr Serjeant is particularly concerned with respect to the second Project objective, which is to 'accommodate' any future extension of

¹⁰ Evidence of David Serjeant, dated 5 August 2022, at paragraph 86.

¹¹ Joint Witness Statement – Planning, dated 18 August 2022, Issue 2a.

¹² Evidence of David Serjeant, dated 5 August 2022, at paragraph 88.

¹³ Evidence of David Serjeant, dated 5 August 2022, at paragraph 88.

the Waikato Expressway, and future walking and cycling connections.

- 45 Mr Serjeant correctly notes that this Project was part of the project known as C2P. The development of the Project, and its separation from C2P, is detailed in the evidence of Ms Wilton.¹⁴ At paragraph 28 of her evidence, Ms Wilton states that in 2020 the Project was included in NZUP and as such was decoupled from the 'on hold' C2P project.
- 46 The Project roundabout has been designed with a spur for a future fourth leg. Ms Wilton's evidence¹⁵ states that this means "*the orientation of the four exits (including the potential C2P connection) are more equally distributed around the roundabout, which has geometry, traffic flow and safety advantages.*"
- 47 It is my opinion based on the evidence of Ms Wilton, that the Project and designations are reasonably necessary to achieve the second objective because they would accommodate any future expressway alignment with minimal future disruption to the network and the spur could be removed if C2P does not proceed. The cycle and pedestrian underpasses are reasonably necessary to safely accommodate crossing the state highways, as set out in the evidence and rebuttal evidence of Ms Harrison.
- 48 Overall, with regard to section 171(1) of the RMA, I remain of the opinion that the Project is consistent with the relevant provisions of the RMA planning documents, that adequate consideration has been given to alternative sites, routes, or methods of undertaking the work and the designation and proposed works are reasonably necessary to achieve Waka Kotahi's Project objectives.

EVIDENCE OF MICHAEL PARSONSON FOR THE COUNCILS

- 49 I have read and agree with the evidence of Mr Parsonson¹⁶ on behalf of the Councils. He considers the Project is consistent with the relevant planning provisions, is reasonably necessary for achieving the objectives, adequate consideration has been given to alternatives and approving the Applications would represent sustainable management of natural and physical resources.
- 50 There are no substantive matters within his evidence that require my comment.
- 51 In relation to paragraph 69 of Mr Parsonson's evidence, I note for completeness that the archaeological authority obtained Waka Kotahi from Heritage NZ Pouhere Taonga to cover accidental

¹⁴ Evidence of Joanne Wilton, dated 6 July 2022, at paragraphs 25-28.

¹⁵ Evidence of Joanne Wilton, dated 6 July 2022, at paragraph 36.

¹⁶ Evidence of Michael Parsonson, dated 5 August 2022.

discovery during geotechnical investigations does not cover TDL land, as it was anticipated that TDL would not provide landowner approval. A separate authority for TDL land will be obtained prior to geotechnical investigations in due course.

CONDITIONS

- 52 Waka Kotahi accepts the amended conditions as attached to the evidence of Mr Parsonson for the Councils, with the exception of further minor changes to conditions as shown in **Appendix A**.

CONCLUSION

- 53 The Project aims to reduce both the amount and seriousness of crashes at this intersection by upgrading the intersection to a roundabout. The Project will improve the effectiveness, efficiency and safety of this intersection and support users to move safely and efficiently. No significant adverse effects are anticipated from the works and any effects identified will be managed or avoided.
- 54 I confirm that the conclusions in my AEE and in my EIC remain unchanged. That is, I remain of the view that overall, the Project meets the sustainable management purpose of the RMA with the mitigation proposed.

Tanya Running
25 August 2022

APPENDIX A - CONDITIONS

Resource consent conditions	
Earthworks consent:	
Vegetation Management Plan	
<p>25. At least 3049 working days prior to the Start of Construction, the Consent Holder must submit a Vegetation Management Plan (VMP) to WRC for certification that it satisfies the requirements of Condition 26 of this consent. The purpose of the VMP is to outline the details of planting required to mitigate the removal of habitat for long-tailed bats, lizards and birds.</p> <p>26. The VMP required by Condition 25 of this consent must be prepared in consultation with Ngāti Koroki Kahukura Trust, Ngāti Hauā Trust and Raukawa Settlement Trust and must include, but not be limited to, the following matters:</p> <ol style="list-style-type: none"> a) Details of any mechanisms implemented to protect any mitigating planting required by these conditions; b) Details of riparian planting enhancement for the length of the property at 1896 State Highway 1 (Record of Title SA32A/615) where it abuts the unnamed river; c) The removal or disturbance of vegetation from the construction of the access track and stormwater discharge structure within the property at 1896 State Highway 1 (Record of Title SA32A/615) requires restorative planting and weed control at a ratio of 1:1; d) Measures to protect the trees and or shrubs that are to remain, including delineation and protection of root zones, avoidance of works in root zones; e) Details of timing, species, source of planting material, size of plants, extent, location, stabilisation methods, and ongoing maintenance requirements; f) The nature of any weed and/or pest plant control for a period of no less than five years after initial planting in general accordance with the document "NZTA P39 Standard Specification for Highway Landscape Treatments (2013)"; and g) Maintenance must occur for a period of no less than five years after initial planting or until 80% canopy coverage of the ground has been achieved which is in general accordance with the document "NZTA P39 Standard Specification for Highway Landscape Treatments (2013)". <p>27. Vegetation clearance must not commence until the VMP has been certified by WRC.</p>	<p>Commented [WK1]: The base text is Council's version of conditions submitted with M Parsonson's evidence 5 August 2022. The tracked amendments are further amendments proposed by Waka Kotahi.</p> <p>Commented [WK2]: Waka Kotahi propose a 30 working day submission date.</p>
Bat Management Plan	
<p>28. At least 3049 working days prior to the Start of Construction, the Consent Holder must submit a Bat Management Plan (BMP) (including a Vegetation Removal Protocol) to WRC for Certification that it satisfies its purpose and the requirements of Condition 29 of this consent. The purpose of the BMP is to detail the measures that will be implemented during the Construction Works to avoid, or otherwise minimise, mitigate, offset and / or compensate impacts on long-tailed bats such that the overall ecological effect on those bats is Low, based on the EIANZ 2018 assessment methodology. The BMP shall must be prepared by a <u>Suitably Qualified Person experienced in bat management</u> <u>Ecologist who has a Department of Conservation bat competency level 3:1 High Risk Activities, and Class 2.1 Handling long-tailed bats.</u></p> <p>Advice Note 1: The EIANZ 2018 guideline is not a planning assessment and it merely provides a framework to convert ecological information into a RMA interpretation. Reference: Roper, Lindsay, J., Fuller, S.A., Hooson, S., Sanders, M.D., Ussher, G.T. 2018. Ecological impact assessment. EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems. 2nd edition.</p> <p>29. The BMP required by Condition 28 of this consent must be prepared in accordance with the draft BMP included with the documents listed in Condition 1 of Schedule 1 and include measures to offset and/or compensate for the loss of potential and / or confirmed bat roost trees if such trees are identified and require removal. Such measures must include:</p> <ol style="list-style-type: none"> a) Steps to investigate any options to avoid the tree(s). b) A proposed planting ratio commensurate to the type of roost tree required to be removed based in the following scenarios: 	<p>Commented [WK3]: Waka Kotahi propose a 30 working day submission date.</p> <p>Commented [WK4]: An ecologist with DOC bat competency may not have the appropriate experience to prepare a bat management plan. Amended to require a suitably qualified person experienced in bat management to prepare the plan instead. Implementation of the bat management plan (where DOC competency is required) is provided for in condition 30 below.</p> <p>Commented [WK5]: Amended to reflect the defined term in Schedule 1 of the consents.</p>

Roost type lost	Planting
Potential Roost Tree	
Low / no roosting suitability	1:1 planting
Moderate roosting suitability	1:4 planting
High roosting suitability	1:8 planting
Confirmed roost tree (solitary, communal or maternal)	
1 bat	Planting of 4 trees
2-5 bats	Planting of 8 trees
> 5 bats	Investigate options to avoid the tree altogether. If avoidance is not possible, mitigation as agreed between the Consent Holder, DOC and WRC.

- c) Assessment of a suitable offset or compensation measure to address the loss of a confirmed roost tree (or a tree with 'High' roosting suitability), which for this Project (offered on an *Augier* basis) will include a compensation measure, which requires the Consent Holder to pay funds to a conservation group or organisation operating within the bats' home range, to address both the loss of the roost tree from the landscape and the period until the mitigation trees become functional roost habitat. The compensation measure (for this Project) will be based on the following scenarios:

Roost type lost	Compensation
Potential Roost Tree	
Low/no roosting suitability	N/A
Moderate roosting suitability	N/A
High roosting suitability	Cost equivalent to 1 roost box (25-year maintenance). Based on the assumption that the tree is used as a roost on occasion.
Confirmed roost tree (solitary, communal or maternal)	
1 bat	Cost equivalent to 1 roost box (25 years' maintenance)
2-5 bats	Cost equivalent to 2 roost box (25 years' maintenance)
> 5 bats	Investigate options to avoid the tree altogether. If avoidance is not possible, mitigation as agreed between the Consent Holder, DOC and WRC.

- d) In the event more than 5 bats are found to be occupying any given roost tree, a meeting between Waka Kotahi, the Department of Conservation and WRC will be held to discuss the

implications of removing the roost tree (if all options to avoid the tree are exhausted) and potential options to address or compensate for the loss of the roost.

- e) A requirement of a post-felling tree clearance report providing details of the exact number and roosting value of the trees that were removed. This report must include a final calculation of the necessary planting and/or compensation to be provided based on the scenarios provided in the BMP and the vegetation that was removed. The post felling report will be submitted to council for review.
- f) Evidence of consultation with the Department of Conservation, including the outcomes of that consultation.
- g) Vegetation removal protocols (VRP) that are to be implemented to avoid direct mortality to bats during tree clearance.
- h) Confirmation of lighting specification that will comply with Condition 29A.
- i) A map that identifies key bat habitats on which compliance with Condition 29A(ii) must comply.
- j) Protocols to avoid noise and vibration disturbance during construction in the event an active bat roost is identified.

29A. All permanent lighting that is installed and operated at the intersection and its approaches must meet the following thresholds:

- (i) LED colour temperature must not exceed 2700 Kelvins; and
- (ii) Light levels must not exceed 0.3 lux at the boundary of key bat habitats. ~~These habitats are to be identified on a map within the BMP.~~

Commented [WK6]: Covered by 29(i) above.

30. At least 5 working days prior to vegetation clearance required by the Construction Works, the Consent Holder must provide to WRC the name and contact details of the nominated Project Ecologist, who must have a Department of Conservation bat competency level 3.1 High Risk Activities, and Class 2.1 Handling long-tailed bats, to oversee vegetation clearance and ensure compliance with the Vegetation Removal Protocols in Appendix A of the certified BMP, ~~and to implement the BMP.~~

Commented [WK7]: Amended to ensure those implementing the BMP have the required DOC competency level.

31. Vegetation clearance must not commence until the BMP has been certified by WRC.

Lizard Management Plan

32. At least ~~3049~~ working days prior to the Start of Construction Works, the Consent Holder must submit a **Lizard Management Plan (LMP)** to WRC for Certification that it satisfies the requirements of Condition 33 of this consent. -The purpose of the LMP is to minimise injury or mortality of indigenous lizards potentially present within the construction footprint of the Project and minimise the loss of potential lizard habitat through passive management by a Suitably Qualified Person.

Commented [WK8]: Waka Kotahi propose a 30 working day submission date.

33. The LMP required by Condition 32 of this consent must consider, but will not be limited to the following matters:

- a) A description of lizard habitat, lizard species potentially present, legal requirements, disease management, survey timing and recovery and translocation methods, reporting requirements, mitigation commensurate with the number and species of lizards rescued, and incidental kill and harm minimisation protocols.
- b) A description of the methodology for incidental capture of native lizard species including but not limited to: handling protocols, relocation protocols, reporting protocols, potential relocation sites, and protocols for dealing with injured or dead lizards encountered during the works.
- c) If indigenous lizards are found; based on number of lizards and the species conservation status, particular trigger levels will outline requirements for lizard habitat creation and improvement methodology within the proposed translocation site; including discussion of:
 - i. appropriate plant species to be planted;
 - ii. appropriate location/s for habitat creation or improvement;
 - iii. methods for provision of providing additional refugia, e.g. depositing salvaged logs, wood or debris;

- iv. any protection mechanisms (if required) to ensure the relocation site is maintained (e.g. covenants, consent notices etc); and
- v. any weed and pest management to ensure the created and/or improved lizard habitat site/s are maintained as appropriate habitat.

Advice Note 2: Authorisations under the Wildlife Act 1953 may be required, separate to the Resource Management Act 1991 process. The purpose of this condition is to ensure consistency between any authorisation and the content of the Management Plans.”

34. Vegetation clearance must not commence until the LMP has been certified by WRC.

Culvert consent


Activity authorised: Placement of a culvert within an ephemeral watercourse, associated with the construction and operation of the roundabout at the intersection of State Highway 1 and State Highway 29.

Location: Intersection of SH1/SH29, Piarere

Map reference: NZTM 2744699 E 6358798 N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire 1 December 2057.

Commented [WK9]: Waka Kotahi accepts these changes.

Designation conditions	
Transport Design and Operation	
11A	<p>As part of the Outline Plan of Works, the Requiring Authority must include a report that records the Requiring Authority decisions in relation to the following and show describe how the following matters have been addressed:</p> <ul style="list-style-type: none"> (a) Indicative safe stopping locations for school buses on the roads approaching the SH1/29 intersection during Construction Works and following Completion of Construction; (b) Arrangements for farm vehicle access including milk tankers. (c) Oversize vehicle manoeuvring; (d) Monitoring and response mMeasures to prevent public use of slip roads and private property access as short cuts (i.e. during peak traffic)
11B	<p>Following detailed design, and prior to the start of Construction Works, the Requiring Authority submit to the Council for information an independent road safety audit completed in accordance with Waka Kotahi Road safety audit procedures for projects (Guidelines, Interim release May 2013).</p> <p>Advice Note:</p> <p><i>The <u>Requiring Authority expects the</u> independent road safety audit <u>will</u>must include specific assessment of:</i></p> <ul style="list-style-type: none"> (a) <i>Truck stability</i> (b) <i>Oversize vehicles</i> (c) <i>Provision of infrastructure to assist in the management of special event traffic</i> (d) <i>Farm vehicle and tanker access</i> (e) <i>School buses.</i>
Lighting	
27	<p>Lighting of the intersection must meet the following thresholds:</p> <ul style="list-style-type: none"> (i) LED colour temperature must not exceed 2700 Kelvins; and (ii) Light levels must not exceed 0.3 lux at the boundary of key bat habitats shown in as a white line in . These habitats are to be identified on a mapFigure 1 below, within the Bat Management Plan prepare in accordance with Condition 29A of Resource Consent AUTH143644.01.01  <p>Figure 1: Boundary of bat habitats</p>

Commented [CT10]: Amended for clarity.

Commented [CT11]: Amended to reflect the nature of an advice note.

Commented [CT12]: Amended to act as a standalone condition without connection to a separate document.