

**BEFORE COMMISSIONERS APPOINTED BY TARARUA DISTRICT COUNCIL,
PALMERSTON NORTH CITY COUNCIL, AND MANAWATŪ DISTRICT
COUNCIL**

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Notices of requirement for designations under
section 168 of the Act, in relation to Te Ahu a
Turanga; Manawatū Tararua Highway Project

BY **NEW ZEALAND TRANSPORT AGENCY**
Requiring Authority

**PRE-HEARING MEETINGS REPORT ON BEHALF OF THE
NEW ZEALAND TRANSPORT AGENCY**

1 March 2019

BUDDLEFINDLAY
Barristers and Solicitors
Wellington

Solicitors Acting: **David Randal / Thaddeus Ryan / Frances Wedde**
Email: david.randal@buddlefindlay.com
Tel 64-4-499 4242 Fax 64-4-499 4141 PO Box 2694 DX SP20201 Wellington 6140

MAY IT PLEASE THE HEARING PANEL:

INTRODUCTION

1. This report is filed on behalf of the New Zealand Transport Agency (“**Transport Agency**”).
2. It is filed in response to the Hearing Panel's request, in its first minute (dated 28 January 2019), for a report on pre-hearing meetings. Paragraph 40 of that minute stated:

"If the participants (the Section 42A reporting officers, the Agency, and submitters) calling expert witnesses, wish to hold pre-hearing meetings, they are to commence no later than Monday 18 February 2019 concluding on Friday 22 February 2019. A pre-hearing report is to be prepared and completed by Friday 1 March 2019 and circulated to all Participants at least 5 working days prior to the Hearing Date."

3. This report describes the process undertaken by the Transport Agency to communicate with participants regarding that direction.
4. More generally, the report also provides the Hearing Panel with a summary of the meetings and other discussions that have been held between the Transport Agency and participants in advance of the hearing, and reports on the outcomes of those discussions that are relevant to the Hearing Panel's consideration of the notices of requirement. In particular, the report highlights areas of agreement reached between participants, or aspects of the proposal modified by the Transport Agency in response to feedback from participants.

LETTER REGARDING PRE-HEARING MEETINGS

5. On 7 February 2019, the Hearing Administrator circulated a letter by counsel for the Transport Agency addressed to all participants – ie the Section 42A reporting officers and all submitters wishing to be heard. A copy of the letter is annexed as **Attachment A**.
6. The letter asked participants whether they intended to call expert witnesses (given that the Hearing Panel's minute contemplated pre-hearing meetings between participants calling experts) and sought an indication of participants' availability to attend pre-hearing meeting(s) with Transport Agency representatives on 18 and/or 19 February 2019.
7. The letter was intended to explore whether meetings on those dates were required, in addition to the numerous preceding or upcoming meetings between the Transport Agency and various participants (summarised below).

8. Following the circulation of this letter, a number of submitters contacted counsel for the Transport Agency to confirm their responses to the questions. Many responses noted the submitter's participation in ongoing discussions with the Transport Agency, and queried whether a separate pre-hearing meeting was required. Most of the submitters who responded noted that they did not intend to call expert witnesses.
9. By 12 February 2019, counsel had received responses from the following participants:

Participants intending to call experts

- (a) KiwiRail Holdings Limited (“**KiwiRail**”, submitter 365¹);
- (b) Cory Matthew (submitter 372);²
- (c) AgResearch Limited (“**AgResearch**”, submitter 312);
- (d) the Fertiliser Association of New Zealand Incorporated (“**Fertiliser NZ**”, submitter 361);
- (e) Meridian Energy Limited (“**Meridian**”, submitter 363);
- (f) the Department of Conservation (“**DOC**”, submitter 369);

Participants not intending to call experts (or uncertain at present)

- (a) Royal Forest and Bird Association of New Zealand (“**Forest and Bird**”, submitter 295);
- (b) Palmerston North City Council, in its capacity as a submitter (submitter 237);
- (c) Phillip Hindrup and Sarah Carswell, on behalf of the Horizons Regional Transport Committee (submitter 292);
- (d) Linda Stewart on behalf of the Central Economic Development Agency (submitter 370);
- (e) Dr Chris Teo-Sherrell (submitter 166);
- (f) Janette McHugh (submitter 238);
- (g) Rachel Keedwell (submitter 244);

¹ The submitter numbers correspond with a list of submitters provided by the Hearing Administrators.

² Mr Matthew is a submitter in his own right, but nonetheless intends to present expert evidence at the hearing.

- (h) Russell Poole (submitter 8);
 - (i) Myles Stilwell (submitter 299);
 - (j) Charleen Cudby (submitter 239);
 - (k) Nicholas Shoebridge (submitter 103);
 - (l) Barbara Cooke (submitter 105);
 - (m) William Bly (submitter 241);
 - (n) A submitter in Woodville who has asked for their contact details to be withheld (submitter 740);
 - (o) Graham Bolton (submitter 739);
 - (p) Terry Watson (submitter 102);
 - (q) Arthur Yeo (submitter 40); and
 - (r) John Bent (submitter 243).
10. No response was received on behalf of the Section 42A reporting officers.
11. In light of the responses received, the Transport Agency and participants opted not to convene separate pre-hearing meetings on 18 and/or 19 February 2019. This was because:
- (a) in terms of the participants who responded and advised that they intended to call expert witnesses, in each case the Transport Agency was actively discussing the project and the submission points raised with those participants, and a number of meetings had already taken place or were scheduled for the near future; and
 - (b) regarding the other participants who responded, who either indicated that they did not intend to call expert witnesses or were uncertain whether they would, the Transport Agency likewise had met with or contacted those participants about their submissions, or intended to do so in the following days and weeks.

MEETINGS AND DISCUSSIONS WITH PARTICIPANTS

Introduction

12. While the Transport Agency and participants opted not to not hold additional pre-hearing meetings, numerous other meetings and discussions with participants have taken place, including since the submission period closed on 13 December 2018.
13. A summary of the meetings and discussions since 13 December 2018 is set out below, including any outcomes that are relevant to the Hearing Panel's consideration of the notices of requirement. In particular, the summary highlights any areas of agreement reached between participants, and aspects of the proposal modified by the Transport Agency in response to feedback from participants.

Section 42A reporting officers

14. While no response was received to counsel's letter of 7 February 2019 on behalf of the Section 42A reporting officers, regular meetings took place between the Transport Agency and Council representatives prior to lodgement of the notices of requirement, and monthly meetings have occurred since then.
15. Formal expert conferencing as envisaged by the Hearing Panel's first minute is yet to take place between Transport Agency witnesses and Section 42A reporting officers, with one exception: the noise/vibration expert witnesses for the Transport Agency (Dr Stephen Chiles) and the Section 42A reporting team (Nigel Lloyd) have conferenced. Their joint witness statement is appended to this report as **Attachment B**.³
16. No areas of disagreement are recorded in that joint witness statement, but the Transport Agency has amended the proposed designation conditions to add further controls or clarify matters in areas discussed by the experts. These amended conditions will be put forward by the Transport Agency through the evidence of its expert planner, **Ainsley McLeod**, to be filed on 8 March 2019.

³ Conferencing has also taken place, on a limited number of ecological issues, between Dr Forbes (for the Transport Agency) and Dr Martin (for DOC), on 22 February 2019. The joint witness statement from that conferencing session is attached as **Attachment C**.

Affected landowners

17. The Transport Agency has been in discussions for some time with landowners whose land interests are directly affected by the proposed designations. These discussions have continued since the end of the submission period, including with the landowners who have made submissions, namely:
 - (a) AgResearch;
 - (b) Meridian;
 - (c) Graham Bolton; and
 - (d) Tom Shannon.
18. Recent discussions with **AgResearch** have focused on a further package of measures proposed by the Transport Agency to mitigate/offset adverse effects of the project on a long-term fertiliser trial site owned by that company (over and above those described in the Assessment of Environmental Effects accompanying the notices of requirement (“**AEE**”)).
19. An action on AgResearch following a meeting on 11 February 2019 was to advise whether it was open to having further discussions regarding mitigation options. A follow-up meeting is scheduled for today, 1 March 2019, to discuss the package of further measures, which will be described in the evidence of Transport Agency witnesses filed on 8 March 2019.
20. Separate meetings and discussions have taken place with the other submitters concerned about potential effects on the AgResearch site, namely **Beef and Lamb NZ Limited** (submitter 364; correspondence on 8 February and further information provided on 11 February), **Fertiliser NZ** (correspondence on 8 and 11 February), **Ballance Agri-Nutrients Limited** (submitter 359; correspondence on 8 February and a meeting on 11 February), **Professor Cory Matthew** (various emails exchanged from 8 February), and **Dr Louis Schipper** (submitter 171; contacted on 8 February).
21. Those submitters have also been invited to today’s meeting to discuss mitigation options.
22. The Transport Agency has held various meetings with **Meridian** since the end of the submission period, including one on 4 February 2019 where the

agenda related specifically to the points made in Meridian's submission. In response to those points, the Transport Agency:

- (a) has agreed not to carry out planting to offset or compensate for adverse effects on terrestrial ecology on the Te Āpiti Wind Farm site,⁴ and amended conditions to this effect are to be proposed. Discussions are ongoing with regard to landscape planting in the road corridor.
 - (b) is working to provide further assurance about the geometric design standards to apply to new roads to be built to allow access to wind turbines (which are written into the tender documents for the future road constructor to carry out the detailed design and build the project), and regarding staging of construction works (information in respect of which is intended to be shared with Meridian).
 - (c) continues to discuss with Meridian its request to manage development within 160-metre radii zones around existing wind turbines. These zones are understood to comprise 60-metre radii subzones around existing turbines, where specific engineering assessment and design would be required to ensure that the proposed road development does not affect the stability of turbines. Beyond the initial 60m-radii subzones, Meridian is concerned that potential future repowering of turbines may be compromised by the proposed road development; discussions about how the effect on these potential future repowering plans is managed through the Resource Management Act 1991 process and/or compensated through the Public Works Act 1981 ("**PWA**") process also continue.
 - (d) is continuing to discuss with Meridian proposed conditions as a means of addressing adverse effects arising from the project.
23. Further information about these outcomes will be provided through the evidence of Transport Agency witnesses, including the conditions evidence of **Ms McLeod**.
24. Other meetings with Meridian have focused on the methodology for valuing compensation under the PWA.

⁴ The relevant land titles / parcels are identified as WN40B/274, WN42A/533, 153849 (Lot 1, DP 337483), and 33896 (Lot 1, DP 308738).

25. Transport Agency representatives met with **Graham Bolton** on 7 February 2019, regarding the project's effects on his farming operations and to discuss the property acquisition process.
26. **Tom Shannon** (submitter 110) is an affected landowner, and the Transport Agency has met with him frequently in that context and through common involvement in meetings of the Te Āpiti Governance Group (noted below). Mr Shannon has made a submission in support of the 'Build the Path' group; the Transport Agency's meetings with 'Build the Path' representatives are summarised below.

Other infrastructure providers

27. **KiwiRail** supports the notices of requirement, and its representatives advised that no pre-hearing meeting was necessary.
28. Transport Agency representatives contacted representatives of **Transpower New Zealand Limited** (submitter 367) and **Powerco Limited** (submitter 313) with a view to addressing the concerns raised in their submissions. Amended designation conditions requiring compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the National Code of Practice for Utility Operators' Access to Transport Corridors (September 2016) are to be proposed by the Transport Agency through the evidence of **Ms McLeod**.
29. Both submitters have confirmed that the amended proposed conditions addresses their concerns.

Heritage New Zealand Pouhere Taonga

30. Transport Agency representatives met with officers of **Heritage New Zealand Pouhere Taonga** (submitter 377) on 20 February 2019. The key outcome of the meeting was that the Transport Agency is to propose an amended designation condition regarding protocols to apply in the event of a discovery of an archaeological site during construction works, which is hoped to address the concerns of this submitter.
31. The amended condition will be put forward through the evidence of **Ms McLeod**.

Landowners near to the proposed designations

32. Transport Agency representatives have had numerous discussions and/or meetings with submitters living near the proposed designations. Details of those interactions and relevant outcomes are as follows:

- (a) **John and Wendy Napier** (submitter 296) live at 75 Hope Road, Woodville, and are concerned about noise effects on their property. Following discussions with the submitters (including a face-to-face meeting in December 2018), the Transport Agency proposes, in addition to the various measures to mitigate noise effects described in the AEE, to:
- (i) implement planting, developed in consultation with the submitter, to screen views of the new road from 75 Hope Road (implemented through the proposed Landscape Management Plan condition);
 - (ii) specifically manage bulk material truck movements accessing the site at Hope Road; and
 - (iii) undertake a post-construction noise review at the property (among others) and provide further noise mitigation, if necessary, to reduce noise levels to meet the Category A criteria in NZS 6806:2010 *'Acoustics – Road-traffic noise – New and altered road'*.

The relevant amendments to the proposed designation conditions will be put forward through the evidence of **Ms McLeod**.

- (b) **Murray Ramage** (submitter 170) lives in Rotorua but is a trustee of a trust that owns bare land adjoining 75 Hope Road in Woodville. Transport Agency representatives spoke with Mr Ramage on 13 February. The proposed condition changes described above in relation to 75 Hope Road will also mitigate effects on Mr Ramage's property (as will other measures described in the AEE).
- (c) **Nick Rogers and Tiffany Wendland** (submitter 366) have a property at the junction of 1213 Fitzherbert East Road (SH57) and SH3, near the proposed roundabout at the Ashhurst end of the project. They are similarly concerned about noise effects on their property. Following discussions with the submitters, the Transport Agency proposes, in

addition to the various measures to mitigate noise effects described in the AEE, to:

- (i) implement landscape treatments, developed in consultation with the submitters, consisting of an enhanced earth bund extending along boundary of the property within the limit of the works for the purpose of noise mitigation and screening;
 - (ii) include a requirement for the design to maximise the separation of traffic lanes of the roundabout from their dwelling (subject to a number of design matters being achieved); and
 - (iii) include the property in the post-construction noise review process described above.
- (d) **Barbara Cooke** (submitter 105) and **Nicholas Shoebridge** (submitter 103) have a property near the proposed roundabout at the Woodville end of the project. They would like the Transport Agency to purchase their property, or alternatively that a bund be constructed to screen noise effects and that further noise mitigation be undertaken. The Transport Agency is prepared to implement a bund and include the property specifically in the review of operational noise following completion of construction, and will put forward amended conditions accordingly, through the evidence of **Ms McLeod**.
- (e) **Charleen Cudby** (submitter 239) lives at 4 Franklin Road in Woodville. A Transport Agency representative spoke with her on 13 February and advised, contrary to Ms Cudby's understanding, that no part of her property would be required for the project. Ms Cudby asked the Transport Agency representative to advise the Councils that her concerns had therefore been addressed.
- (f) An **anonymous submitter** (submitter 740) likewise misapprehended that her property was within the proposed designations. The Transport Agency has sought confirmation that this addresses the submitter's concerns, but such confirmation has not yet been received.
- (g) **Janette McHugh** seeks that a bypass of Woodville be incorporated into the proposed designations. Transport Agency representatives spoke with Ms McHugh on 30 January, and followed up with her on 5 February, to explain that the project does not preclude this possible future outcome.

Submitters seeking a separate cycling and walking path

33. Numerous submissions seek that the proposed designations provide for a separate cycling and walking path connecting Ashhurst with Woodville and associated infrastructure. The Transport Agency has had numerous meetings with individual submitters and representative organisations to understand better the submitters' concerns and the outcomes sought by them.
34. These have included meetings with:
- (a) **Tararua District Council** (submitter 240) and **Tararua District Road Safety Group** (submitter 376) on 1 February and 15 February;
 - (b) **Palmerston North City Council** (submitter 237) on 1 February and 15 February;
 - (c) **Horizons Regional Transport Committee** (submitter 292) on 1 February and 15 February, and **Horizons Regional Council** (submitter 371) on 1 February;
 - (d) representatives of the '**Build the Path**' group (submitter 316 and numerous other submissions), namely Ross Castle, Brent Barnett, Rachel Keedwell and Karleen Reeve, on 1 February and 15 February;⁵
 - (e) **Manawatū Mountain Bike Club** (submitter 373) on 1 February and 15 February;
 - (f) **Sport Manawatū** (submitter 300) on 1 February and 15 February;
 - (g) **Manawatū Chamber of Commerce** (submitter 375) on 5 February; and
 - (h) members of the **Te Āpiti Governance Group** (submitter 374) on 21 February, where Transport Agency representatives provided an update on the project and addressed the walking and cycling path issue.
35. The key outcomes of these processes are as follows:
- (a) The Transport Agency is committing to bring forward construction of a pedestrian and cycling facility to be added to the existing Ashhurst

⁵ Numerous telephone calls have been made and emails sent to other people who submitted in favour of a separate cycling and walking path, including Ms Keedwell (submitter 244), Steve Wrathall (submitter 358), Myles Stilwell (submitter 299) and Marsha Racey-Stilwell (submitter 298), Nick Walkley (submitter 4), Luigi Noaro (submitter 741), Gerard Hutching (submitter 368), Steve Stannard (submitter 2), Ross Castle (submitter 93), Ron Mabey of the Woodville Domain Board (submitter 738), Matthew McKenzie (submitter 247), James Jefferies (submitter 245), Janet Stirling (submitter 1), Sally Darragh (submitter 242), David Moorhouse (submitter 106), Andrew Watt (submitter 315), William Bly (submitter 241), and Harvey Jones (submitter 294).

Bridge, to 2020. A condition requiring these works to be completed prior to the new road opening is to be included among the updated set of conditions presented by **Ms McLeod**.

- (b) Further, a pedestrian and cycling facility will be provided from the Ashhurst Bridge to the Manawatū Gorge Scenic Reserve car park and the western entrance to the Scenic Reserve. An amended condition requiring network integration, including this specific outcome, is to be put forward through the evidence of **Ms McLeod**.
- (c) The Transport Agency proposes to extend an existing separate pedestrian and cycling facility (between the centre of Woodville and Hampson Street) westwards around the proposed new roundabout, thus facilitating pedestrian and cycling access to the Ferry Reserve and delivering a part of the Lindauer Arts Trail (discussed further below). This outcome, subject to land being available to achieve it, will also be specified in an amended condition.
- (d) Separate to the project, the Transport Agency is analysing potential future uses of the old road through the Manawatū Gorge. One opportunity that may be realised, subject to separate statutory processes and discussions with relevant entities, is providing recreational cycling and walking access along several kilometres of the old road to Barney's Point, at the Woodville end of the Gorge, and to the start of the walkway in the Manawatū Gorge Scenic Reserve, at the Ashhurst end of the Gorge.

Submitters seeking a separate bridle path

- 36. **Arthur Yeo** (submitter 40) and approximately 70 other people submitting through 'Build the Path' also seek the formation of a bridle path across the Ruahine Ranges as part of the project.
- 37. Transport Agency representatives met with Mr Yeo on site on 15 February 2019, and explained that the notices of requirement for the project will not preclude such an outcome in future.

Submitters raising issues regarding the future Lindauer Arts Trail

- 38. **Bruce Hutton** (submitter 297), **Robin Winter** (submitter 441), and **Woodville District Vision** (submitter 362) seek that the project accommodate the future Lindauer Arts Trail, a public tourism venture relating

to sites of significance to the artist Gottfried Lindauer, who died in Woodville in 1926.

39. Transport Agency representatives met with representatives of Woodville District Vision (and Councillor Johns from Tararua District Council) on 31 January 2019.
40. As a result of these discussions, as noted above, the Transport Agency now proposes (subject to land availability) to extend an existing separate pedestrian and cycling facility (between the centre of Woodville and Hampson Street) westwards, thus facilitating pedestrian and cycling access to the Ferry Reserve and delivering a part of the Lindauer Arts Trail. This outcome will be specified in the amended conditions.
41. Further, no aspect of the project will preclude development of remaining sections of the Lindauer Arts Trail in future.

Submitters raising ecological (and other) matters

42. A number of submitters have raised concerns regarding the ecological effects of the proposed designations. The engagement processes involving those submitters have included meetings, email correspondence and other discussions, an ecological mitigation workshop on 15 February 2019, and preliminary expert witness conferencing.
43. The Transport Agency has met with DOC on 15 February (as well as several times prior to the submission period closing), Forest and Bird on 14 February, Queen Elizabeth II Trust (submitter 314) on 14 February, and members of the Te Āpiti Governance Group on 21 February (as noted above)
44. Further, a workshop was held in Palmerston North on 15 February 2019 to discuss potential aspects of the package of measures to mitigate, offset, or compensate for adverse ecological effects of the project. The workshop was attended by representatives of Forest and Bird, Rangitāne o Manawatū, Ngāti Kahungunu ki Tāmaki nui-ā-rua, Ngāti Raukawa, the Section 42A reporting officers, Horizons Regional Council, and Manawatū River Source to Sea (submitter 360), and another submitter whose participation was 'without prejudice'. Further information about that workshop will be provided through the evidence of **Dr Adam Forbes** for the Transport Agency, to be filed on 8 March 2019.

45. Expert conferencing took place on 22 February 2019 between ecologists Dr Adam Forbes (advising the Transport Agency) and Dr Timothy Martin (advising DOC), on a discrete number of issues. Their joint witness statement is appended as **Attachment C**.
46. This was preceded by an exchange of information and written views between the ecologists advising the Transport Agency and Dr Martin's firm, Wildland Consultants, in January. This correspondence is appended as **Attachment D**.
47. Further expert ecological conferencing (and other expert conferencing) is envisaged to take place after the exchange of evidence.

CONCLUSION

48. The process of meeting with submitters has been very useful, from the Transport Agency's perspective, to gain a better understanding of the issues raised by submitters, explore potential modifications to the proposal to address their concerns, and narrow the issues for the Hearing Panel's determination. The Transport Agency is very grateful to those participants who have taken the time to engage in this way.
49. Further information about the outcomes summarised in this report will be presented through the Transport Agency's evidence, to be filed on 8 March 2019.

DATED this 1st day of March 2019



**David Randal / Thaddeus Ryan / Frances Wedde
Counsel for the New Zealand Transport Agency**