

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

**STATEMENT OF EVIDENCE OF AINSLEY JEAN MCLEOD (PLANNING AND
CONDITIONS) ON BEHALF OF THE NEW ZEALAND TRANSPORT AGENCY**

8 March 2019

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INTRODUCTION

1. My full name is **Ainsley Jean McLeod**.
2. I hold the qualifications of a Bachelor of Arts (Geography and Anthropology) and a Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute.
3. I am a self-employed planner, trading as Ainsley McLeod Consulting. I have over 20 years' experience in planning practice, primarily as a consultant planner based in Wellington and Christchurch, during which time I have undertaken consenting, designation, and policy planning work. I have provided professional planning advice to a range of clients including central and local government, and the private sector.
4. I have particular expertise in respect of infrastructure and network utilities, having provided advice in relation to power transmission, distribution and generation, water and waste, rail and roading, and telecommunications projects. I have acted as an expert witness on a number of occasions before hearings panels, boards of inquiry and the Environment Court.
5. More specifically, I have provided expert planning and consultation advice and review to the New Zealand Transport Agency ("**Transport Agency**") in respect of:
 - (a) the Christchurch Northern Arterial Project (alongside a similar role advising Christchurch City Council in respect of the Christchurch Northern Arterial Extension) (2013 – 2015);
 - (b) the Christchurch Southern Motorway 2 and Main South Road Four-Laning Project (2010 – 2013);
 - (c) the Christchurch Southern Motorway 1 Project (construction phase, 2009 – 2010);
 - (d) the relocation of Transpower New Zealand Limited's ("**Transpower**") transmission lines to enable the Transmission Gully Project (2010 - 2012); and
 - (e) the development of district plans, such as the Christchurch Replacement District Plan and the Dunedin Second Generation District Plan, including the preparation of submissions and expert evidence.

6. I am familiar with Manawatū, having provided planning advice in respect of projects in the Region including Mighty River Power Limited's Turitea Wind Farm Project.
7. Since June 2018, I have been engaged by the Transport Agency to provide expert planning advice in respect of Te Ahu a Turanga; Manawatū Tararua Highway Project ("**the Project**"). In this capacity I have:
 - (a) visited the site as part of a Project team site visit on 6 July 2018;
 - (b) participated in a number of workshops with the Project team and stakeholders including a design workshop on 5 July 2018, two mitigation workshops on 26 July and 14 August 2018; a pre-lodgement workshop on 4 October 2018, and an ecological mitigation workshop on 15 February 2019;
 - (c) attended public consultation events in Woodville, Ashhurst and Palmerston North;
 - (d) attended hui and meetings with tangata whenua, stakeholders, potentially affected parties, landowners and submitters; and
 - (e) prepared 'Volume Two – Assessment of Effects on the Environment and Supporting Material' that accompanies the Notices of Requirement given by the Transport Agency for the Project ("**NoRs**").

Code of Conduct

8. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code, as if it were evidence being given in Environment Court proceedings. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Purpose and scope of evidence

9. The purpose of my evidence is to present:
 - (a) an overall planning assessment of the effects on the environment of the Project;
 - (b) an assessment of the statutory planning matters relevant to the Project; and

- (c) the approach proposed to manage actual and potential adverse effects of the Project, including through conditions imposed on the designations.
10. I also respond to:
- (a) matters raised in submissions;
 - (b) questions of the Hearing Panel; and
 - (c) the 'Report pursuant to s42A Resource Management Act 1991 – S42A Technical Evidence: Planning ("**Section 42A Report**")', along with the 'Section 42A Technical Evidence' of a range of experts where it is relevant and within my area of expertise to do so.
11. My evidence addresses the following:
- (a) an overview of the Project and NoRs;
 - (b) the statutory framework for the consideration of the NoRs;
 - (c) an analysis of the Project in respect of the relevant planning documents;
 - (d) the Transport Agency's consideration of alternatives;
 - (e) the reasonable necessity of the Project to achieve the Project objectives;
 - (f) 'other matters' relevant to the consideration of the NoRs;
 - (g) the existing environment;
 - (h) the actual and potential effects of the Project on the environment;
 - (i) Part 2 of the Resource Management Act 1991 ("**RMA**");
 - (j) matters raised in submissions;
 - (k) responses to questions of the Hearing Panel;
 - (l) responses to the Section 42A Report; and
 - (m) the recommended changes to conditions proposed to be imposed on the designations.
12. In the interest of brevity, and where indicated more specifically in my evidence that follows, I rely on the information and assessment included in

the NoR documentation, as supplemented by any updates to that information included in the suite of evidence filed by the Transport Agency.

13. I have also reviewed a number of documents that are relevant to the Project. These are set out in **Attachment A**.
14. **Attachment B** to my evidence contains a set of updated designation conditions (since notification) incorporating changes that are recommended in my evidence and, as relevant:
 - (a) are supported by the conclusions reached in the evidence of other witnesses;
 - (b) respond to matters raised by submitters and, in some cases, reflect an outcome that has been agreed with submitters;
 - (c) respond to matters raised in the Section 42A Report, including various amendments in the alternative suite of conditions attached to that Report that I consider should be adopted; and
 - (d) reflect amendments suggested in the Transport Agency's response to the Councils' request for further information made under section 92 of the RMA.

EXECUTIVE SUMMARY

15. The Assessment of Effects on the Environment set out in Part G of Volume 2 of the NoR documentation, which is supported by and supplemented by technical assessments and expert evidence, identifies significant positive effects that will arise from the construction and operation of the Project. This includes positive effects that result from providing for a "reconnection" across the Ruahine Ranges that is resilient and also safer and more efficient than Saddle Road or Paihātua Track. As such, the Transport Agency's objectives for the Project are achieved.
16. The construction and operation of the Project will also result in both temporary and permanent adverse effects on the environment.
17. Having regard to the relevant provisions of policy statements and plans (along with other relevant matters), consideration has been given to measures that appropriately avoid, remedy, mitigate, offset or compensate for adverse effects as part of the consideration of alternatives, route refinement and assessment of effects of the Project.

18. A comprehensive set of conditions is proposed to be imposed on the designation to achieve the appropriate management of effects through both the establishment of an 'effects envelope' within which the Project must be designed and constructed and a suite of management plans to manage construction activities.
19. For all of these reasons, it is my conclusion that the designations should be confirmed, subject to the conditions included as **Attachment B** to my evidence being imposed on the designations.

OVERVIEW OF THE PROJECT AND NOTICES OF REQUIREMENT FOR DESIGNATIONS

Overview of the Project

20. The Project is a new State highway between Ashhurst and Woodville to replace the closed section of State Highway 3 through the Manawatū Gorge. A comprehensive description of the Project is included in Part C of Volume 2 of the NoR documentation¹ and the Project is also described by the drawings and plans included as Volume 4 of the NoR documentation. In addition, the evidence of:
 - (a) **Ms Downs** describes the overarching purpose of the Project as the re-establishment of a key strategic transport and freight link that supports the needs of people in, and the economy of, the region, Manawatū and Tararua, and beyond, and the economies of central New Zealand;
 - (b) **Mr Dalzell** summarises the programme for, and approach to, delivering the Project; and
 - (c) **Mr Whaley** describes key design elements of the Project and sets out the design parameters and construction methodology that have informed the NoRs.

Summary of matters before the Hearing Panel – Notices of Requirement

21. The Transport Agency has given three notices of requirement for designations under section 168(1) of the RMA to designate land in Palmerston North City, Manawatū District and Tararua District jurisdictions for the construction, operation, maintenance and improvement of approximately 11.5 kilometres of new State highway (including associated works), being the Project.

¹ Starting at page 29.

Regional resource consents

22. Subject to detailed design of the Project, resource consents (including land use consents, water permits and discharge permits) are likely to be required by the Horizons One Plan for the following activities from Manawatū-Whanganui Regional Council (“**Horizons**”) as follows:
- (a) large-scale land disturbance (including earthworks) and vegetation clearance, and ancillary discharge of sediment, including within ‘at-risk’ and ‘rare and threatened habitats’;
 - (b) construction phase stormwater discharge from treatment devices to land or water;
 - (c) operational stormwater discharges to land or water;
 - (d) discharge of cleanfill;
 - (e) dust generation (unless site management can achieve no offensive or objectionable odour, dust, smoke or water vapour at the boundary of any sensitive area);
 - (f) water take (including dewatering, if required);
 - (g) new drainage and stream diversions;
 - (h) work within the beds of rivers, streams and artificial watercourses;
 - (i) activities in Schedule B (Flood Control and Drainage) rivers; and
 - (j) activities in ‘rare and threatened habitats’.
23. Resource consent is also likely to be required:
- (a) by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 for the disturbance of contaminated, or potentially contaminated, land; and
 - (b) by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009, if the Project design necessitates the relocation of Transpower’s Mangamaire – Woodville A 110kV transmission line.²

² Section 43D(4) of the RMA confirms that a national environmental standard that exists when a designation is made prevails over the designation.

24. In his evidence, **Mr Dalzell** confirms that the resource consents required to enable the Project will be sought once the design of the Project has been progressed to a sufficient level of detail. He also sets out the rationale for this approach, including seeking to provide for the most efficient Project timeframe and limiting the need for additional or changed resource consents as a result of design changes. In my experience changes to earlier RMA approvals are the norm as the design of a project is completed for construction purposes, so procuring services to design, consent and construct the Project in this way has merit.
25. Further, I considering that designations are a commonly used RMA tool to strategically plan for public works by identifying the land necessary, protecting that land and enabling the land use activities for the public work.
26. I respond to matters raised in relation to the approach taken by the Transport Agency later in my evidence, where I address the Section 42A Report and respond to questions of the Hearing Panel.

Outline plan or outline plans

27. Section 176A of the RMA requires an outline plan to be submitted to the territorial authority before commencing construction of a project unless:
 - (a) the project has been otherwise approved under the RMA;
 - (b) the details of the project are incorporated into the designation; or
 - (c) the territorial waives the requirement for an outline plan.
28. In the case of this Project, the circumstances set out in (a) and (b) above do not apply and the Transport Agency is not seeking a waiver of the requirement for an outline plan. Therefore an outline plan (or more likely, outline plans) will be required to be submitted prior to the commencement of construction.
29. Section 176A(3) of the RMA also sets out the necessary content of an outline plan as follows:

“(3) Any outline plan must show—

 - (a) the height, shape, and bulk of the public work, project, or work; and*
 - (b) the location on the site of the public work, project, or work; and*

- (c) *the likely finished contour of the site; and*
- (d) *the vehicular access, circulation, and the provision for parking; and*
- (e) *the landscaping proposed; and*
- (f) *any other matters to avoid, remedy, or mitigate any adverse effects on the environment.”*

30. Within 20 working days of receiving an outline plan, a territorial authority may request changes to the outline plan. The requiring authority may accept or reject the requested changes. This process provides for consent authorities to request changes to that design and also (as directed by the condition of a designation) on-going participation of stakeholders in the development of the design.
31. In his evidence, **Mr Dalzell** confirms that outline plans will be submitted at around the same time that applications for resource consents are made.
32. An advantage of the outline plan process is that it provides a mechanism for the development of detailed design of the Project within the constraints of designation conditions alongside the continued the collaborative approach described by **Mr Dalzell**, all within a regulatory framework that allows the Councils to request changes to the Project.
33. The proposed condition framework has been deliberately crafted to respond to the subsequent outline plan process by providing explicit direction in respect of the detailed information that must be provided as part of any outline plans, including directing the content of management plans and requirements for on-going consultation.

Other statutory approvals required by the Project

34. For completeness, I note that the following statutory approvals are also required and will be sought in due course:
- (a) requiring authority consents under section 177 of the RMA from KiwiRail Holdings Limited (“**KiwiRail**”) and Tararua District Council for works that may ‘prevent or hinder’ the rail corridor (where the proposed designation crosses the rail corridor designation on the northern bank of the Manawatū River) and closed Woodville landfill respectively;

- (b) an archaeological authority sought under the Heritage New Zealand Pouhere Taonga Act 2014;³ and
- (c) an authorisation given by the Director-General of Conservation under section 53 of the Wildlife Act 1953 in relation to protected wildlife.

STATUTORY FRAMEWORK FOR CONSIDERATION OF THE NOTICES OF REQUIREMENT

35. As noted above, the Transport Agency has given three NoRs to designate land for the construction, operation, maintenance and improvement of new State highway. As noted in the evidence of **Ms Downs**, the Transport Agency is a network utility operator approved as a requiring authority under section 167(3) of the RMA.
36. The RMA provisions that are relevant to the NoRs are in Part 8 of that Act. Section 171 of the RMA directs the consideration of the NoRs and submissions and requires the Hearing Panel (in this instance), subject to Part 2, to consider the effects on the environment of allowing the requirements, having particular regard to a range of matters that can be paraphrased as:
- (a) relevant provisions of policy statements and plans;
 - (b) the adequacy of the consideration of alternative sites, routes and methods;
 - (c) whether the work, and designation, is reasonably necessary to achieve the Transport Agency's objectives for the Project; and
 - (d) other matters that are considered reasonably necessary in order to make a recommendation.
37. It is my view that 'having particular regard' to the matters listed in (a) to (d) above does not require each individual provision to be met or achieved as might be the case for a rule; rather, having particular regard requires a consideration of the way the development and operation of the Project responds to and is consistent with those provisions.
38. The more recently introduced section 171(1B)⁴ confirms that the Hearing Panel's consideration of effects may include "*positive effects ... to offset or compensate for any adverse effects ... that will or may result for the activity*

³ I understand that the application documentation for the archaeological authority is current being prepared.

⁴ Introduced by the Resource Legislation Amendment Act 2017.

enabled by the designation, as long as these effects result from measures proposed or agreed to by the requiring authority.”

39. My evidence now turns to addressing the matters listed in section 171(1).

RELEVANT POLICY STATEMENTS AND PLANS

40. In considering the effects on the environment, particular regard must be had to relevant provisions of policy statements and plans (section 171(1)(a)). Appendix One to Volume 2 of the NoR documentation includes the provisions that are considered by the Transport Agency and the Councils to be relevant to the consideration of the NoRs.

41. I authored the analysis of the identified provisions in Part I of Volume 2 of the NoR documentation and, in the interest of brevity, I adopt that analysis here and confine my evidence to situations where my opinion departs from my earlier analysis or differs to that expressed in the Section 42A Report or submissions. My further analysis is presented by key ‘topic area’ below and on occasions later in my evidence when in relation to a specific potential effect.

Renewable electricity generation

42. The relevant provisions of the National Policy Statement for Renewable Electricity Generation 2011 (“**NPSREG**”) are set out in full in Appendix One to Volume 2 of the NoR documentation. My analysis of these provisions is included in Part I of Volume 2.⁵

43. Further to that analysis, I acknowledge that the extent to which the Project has particular regard to the matters listed in Objective B Policy B is a key consideration. This Policy is as follows:

“Decision-makers shall have particular regard to the following matters:

a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and

b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have

⁵ It is noted that, in giving effect to the NPSREG (and having particular regard to sections 7(i) and 7(j) of the RMA), the Horizons One Plan RPS (Objective 3-2, Policy 3-6) and the Tararua District Plan (2.8.4.1 Objective and 2.8.4.2 Policy a) include provisions that specifically recognise the benefits of renewable electricity generation.

significant adverse effects on national, regional and local renewable electricity generation output; and

c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities."

44. The Project has the potential to impact on generation output of the existing turbines at the Te Āpiti Wind Farm through the need to remove a turbine, or turbines, and/or through any disruption of wind flow caused by changes to land form and cover, including as a result of planting and/or clearing vegetation.
45. The effects on the generation output of the existing turbines have been addressed firstly through refinement of the designation corridor, as described by **Mr Whaley**, to avoid or minimise the loss of turbines and secondly through measures embedded in conditions including:
 - (a) undertaking reconfiguration works as enabling works to minimise disruption to generation output;
 - (b) restricting offset and ecological mitigation planting to restoration planting of the areas currently subject to QEII Trust open space covenants within part of the wind farm site; and
 - (c) restricting landscape and amenity planting within the designation and within part of the wind farm site to species that have a mature height of no more than 1.5 metres except where within the areas currently subject to QEII Trust open space covenants.
46. It is my understanding that any residual effects on generation output, in terms of financial loss to Meridian, are a matter for compensation under the Public Works Act 1981 ("**PWA**").⁶
47. Based on the approaches taken to minimising the potential impacts of the Project on the generation output of the existing turbines, it is my conclusion that the Project responds to and is consistent with the Policy B requirement

⁶ I also understand from Meridian's submission that it intends to repower or replace turbines in the coming years. I am unaware whether technological advances since 2003, when consent was granted for the wind farm, mean that any replacement turbines would have a greater power output than those replaced; if so, this may raise the prospect of any relatively small losses in power output as a result of the Project being relatively short-lived.

to have particular regard to the maintenance of the generation output of the existing turbines.

Traffic and transport

48. The Section 42A Report endorses the statutory analysis included in the S42A Technical Evidence: Traffic and Transport. This assessment identifies a number of provisions in the Palmerston North City District Plan (“**PNCDP**”), Manawatū District Plan (“**MDP**”) and the Tararua District Plan (“**TDP**”) and concludes as follows:

- (a) With reference to the Transportation Objective in the PNCDP, it is *“unclear how the Project will maintain and enhance the safe and efficient functioning of the roading network, in particular through parts of Ashhurst including over the Ashhurst Bridge. Similarly, it has not been demonstrated how the Project will maintain and enhance walking and cycling as alternative modes ...”*⁷
- (b) With reference to the Transportation Objectives in the MDP and TDP, *“additional mitigation is likely to be needed to ensure the safe and efficient operation of the local road networks at each end of the Project. It is also unclear how the Project will contribute to the MDP Policies 3.3 and 3.5 and TDP Policy 2.8.3.2(g) with regard to encouraging the use of active travel modes, designing roads to recognise alternative modes including through town centres.”*⁸

49. I have considered the provisions referred to above and comment as follows:

- (a) Based on my evidence set out below, and the evidence of **Mr Dunlop**, it is my conclusion that the Project, including additional mitigation measures such as the provision of pedestrian and cycling facilities on the Ashhurst State Highway 3 bridge, is consistent with the PNCDP Transportation Objectives,⁹ including because the Project ‘maintains and develops’ the road transport network while appropriately managing effects. I note that the Objectives do not refer to “enhancing” the safe and efficient functioning of the roading network, as is suggested in the S42A Technical Evidence: Traffic and Transport report, but I

⁷ S42A Technical Evidence: Traffic and Transport, paragraph 132, page 72.

⁸ S42A Technical Evidence: Traffic and Transport, paragraph 135, page 73.

⁹ I understand these to be Objectives 1 and 2, included in the Decisions Version of Proposed Plan Change 22 A-G, dated 18 December 2018.

nonetheless consider (based on the evidence of **Mr Dunlop**) that the Project achieves that outcome as well.

- (b) MDP Policies 3.3 and 3.5 are “to support and encourage walking and cycling” and “to ensure roads are designed recognising alternative modes” respectively. As set out later in my evidence, on the basis of **Mr Dunlop’s** conclusions that the Project improves safety conditions for cyclists, it is my view that the Project is consistent with Policy 3.3 and does indeed support and encourage walking and cycling. Further, the responses made in response to an earlier safety audit demonstrates the consideration that has been given to alternative modes in the design parameter for this road in a manner that is consistent with Policy 3.5.
- (c) The TDP Policy 2.8.3.2(g) wording applies “**particularly in town centres**” [my emphasis], rather than ‘including’ as the S42A Technical Evidence analysis suggests. In my opinion, the range of measures (addressed later in my evidence) required by conditions to provide for cycling and walking connections at Ashhurst and Woodville are consistent with this Policy. For the avoidance of doubt, I do not understand this Policy to require a connection across the Ruahine Ranges (between town centres).

Natural character

- 50. The ‘S42A Technical Evidence: Landscape, Natural Character and Visual Amenity’ makes reference to not being aware of any consideration of natural character matters against Objective 6-2 of the One Plan. It is not clear to me whether consideration has been given to my analysis at Part I of Volume 2 of the NoR documentation, where I addressed RPS Objective 6-2 alongside its implementing Policies 6-8 and 6-9.
- 51. In this regard, and in addition to my analysis in Part I, I note that the S42A Technical Evidence: Landscape, Natural Character and Visual Amenity’ suggests that the clause in Objective 6-2 that reads “*avoid where they would significantly diminish the attributes and qualities of areas that have high natural character*” should be understood to mean that adverse effects are avoided if a **single** attribute or quality is significantly diminished. I do not consider there is any evidence, or guidance in the One Plan, to support this assertion. I consider it more likely that the Objective implies a broader view.

This is because a plural is used, as opposed to perhaps using “*an attribute or quality*”.

Indigenous biodiversity

52. The Section 42A Report, in its conclusions, states that “*there is a significant level of uncertainty as to the likelihood navigating a pathway through the One Plan policy (and rule) framework for indigenous biological diversity when having regard to Policy 13-4*” and goes on to state that offsetting has not been shown to be consistent with the directive outcomes set out in the relevant planning documents, particularly those that direct protection and the avoidance of adverse effects as a first priority.¹⁰

53. While not stated directly, it is my understanding that this uncertainty, as expressed in the S42A Technical Evidence: Ecology, is underpinned by questions regarding whether effects can be “*reasonably avoided*” (by reference to corridor selection) and the extent to which the One Plan – Regional Plan Policy 13-4 clause (d)(iv) applies, which states that:

“*d)An offset assessed in accordance with b(iii) or c(iv), must:*

...

iv. not be allowed where inappropriate for the ecosystem or habitat type by reason of its rarity, vulnerability or irreplaceability, and

... “

54. In this regard, and in addition to my analysis of the relevant provisions in Part I of Volume 2 of the NoR documentation, I comment as follows:

(a) While I certainly do not contend that Policy 13-4 is irrelevant to the NoRs, I note that the Policy is explicitly intended as a directive policy to assist decision-making on regional resource consents. In the case of the NoRs, I do not consider that the Policy should be applied the same directive way and effectively akin to a rule pathway, rather it is my opinion that the Policy is a tool to inform the consideration of the effects of allowing the requirements. This approach is also taken in proposed Condition 17 that references Policy 13-4 as a guide for determining net gain.

(b) As set out later in my evidence in respect of the consideration of alternative, and with reference to the evidence of **Dr Forbes**, I consider

¹⁰ Section 42A Report, paragraphs 473 and 474, page 128.

that extensive effort has been made to avoid adverse effects through both the location of the designation corridor (including through route refinement) and through an effects envelope approach. It is therefore my conclusions that the “reasonable avoidance” has been achieved; and

- (c) Policy 13-4 is not a ‘no effects’ Policy. Clauses (b)(iii) and (c)(iv) do not require offsetting of **all** residual effects, only those that are ‘more than minor’ and ‘significant’ respectively.

- 55. The Section 42A Report acknowledges that One Plan RPS Policy 3 gives direction in respect of managing the effects of new regionally or nationally important infrastructure. The Report states:

“Chapter 3 addresses infrastructure of regional or national importance, including provision of an effects hierarchy in Policy 3-3 to deal with the management of effects [associated] with establishment, operation, upgrade and maintenance of such infrastructure. The effects management hierarchy is similar to, but not as specific as the effects hierarchy for biodiversity management under Policy 13-4. In my opinion, the determination of offsetting as [appropriate] to a specific issue (such as biodiversity) should be guided by the more specific policy, being Policy 13-4.”¹¹

- 56. I do not agree with this conclusion in respect of the relative weight of Policy 3-3 for the following reasons:

- (a) It could equally be argued that the biodiversity management approach is the more generic policy on the basis that it applies to **all** activities, whereas Policy 3-3 is a policy specific to important infrastructure, with a particular approach or pathway being offered because such infrastructure has special importance (when compared to other activities). This approach is consistent with the outcome sought in RPS Policy 3-2(c) that states:

“The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance, or upgrading of infrastructure and other physical resources of regional or national

¹¹ Section 42A Report, paragraph 419, page 114.

importance, listed in (a) and (b), have regard to the benefits derived from those activities."

- (b) The Section 42A Report does not consider the relative weight of a regional policy statement policy when compared to a regional plan policy that is specifically worded to direct a regional resource consent process in the context of a NoR and considerations under section 171 of the RMA.
- (c) Policy 3-3(c) includes a range of other matters that are specific to the consideration effects arising from the development of important infrastructure and are related to the characteristics and anticipated effects (and constraints on managing those effect) that infrastructure might have. In this regard the expression in Policy 3-3 in relation to offsetting might be understood to have been crafted to similarly respond to the characteristics of infrastructure.
- (d) In this regard, it is relevant to note that Policy 3-3(c)(iv) provides that *"any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions"*. To my mind the flexibility afforded by this policy reflects the importance of enabling regionally or nationally significant infrastructure, notwithstanding the scale of residual effects following efforts to avoid, remedy, or mitigate them. This is not a policy expressly acknowledged in the Section 42A Report.

CONSIDERATION OF ALTERNATIVES

- 57. Section 171(1)(b)(i) and (ii) of the RMA require a territorial authority to have particular regard to whether the requiring authority has given adequate consideration to alternative sites, routes or methods of undertaking the relevant work, if either the requiring authority does not have an interest in the land sufficient for undertaking the work, or it is likely the work will have a significant adverse effect on the environment.
- 58. For clarity, I note that my understanding of section 171(1)(b), as a planner, is that particular regard is had to the adequacy of the process of considering alternatives, as opposed to the ultimate choice of a preferred alternative. This decision is for the requiring authority to make having carried out an adequate consideration of alternatives.

59. In his evidence, and with reference to Part E of Volume 2 of the NoR documentation, **Mr Wickman** describes the process that was put in place to identify and assess options for re-establishing the State Highway 3 connection between Ashhurst and Woodville following the indefinite closure of the Manawatū Gorge route. The process used is based on the Transport Agency's business case approach and used multi-criteria analysis ("**MCA**") to support the assessment of options.
60. The evidence of **Andrew Whaley** describes the process of identifying and developing route options, include sub-options, along with further refinement that has occurred as a result of detailed analysis by technical specialists and on-going engagement with key stakeholders.
61. Based on this evidence and Part E of Volume 2 of the NoR documentation, I understand the process of considering alternatives to be sufficiently methodical, robust and repeatable. It is therefore my opinion that, in the context of section 171(1)(b), the consideration of alternatives has been adequate.
62. The Section 42A Report does not make a conclusion as to the adequacy of the consideration alternatives in respect of Section 171(1)(b), and instead concludes that there are potentially significant adverse effects, and that these effects warrant further consideration of alternative sites, routes or methods in respect of ecology, the connection with Woodville, provision for vulnerable users, and AgResearch's Ballantrae Research Station.¹² This conclusion is made, as I understand it, with reference to:
- (a) Policy 3-3(c)(iii) of the One Plan Regional Policy Statement ("**RPS**"), which requires, in managing adverse effects of infrastructure and other physical resources of regional and national importance, territorial authorities to take into account "*whether there are any reasonably practicable alternative locations or designs*"; and
 - (b) Section 23, Policy 2.2 of the Palmerston North City District Plan ("**PNCDP**") that directs that regard be had to "*the way adverse effects have been managed through the route and site selection process.*"
63. I have considered these policies and observe the following:

¹² Section 42A Report, paragraph 746, page 200.

- (a) the policies differ in that Policy 3-3 is concerned with the substance of alternatives, whereas Policy 2.2 is more akin to the process test embedded in section 171(1)(b) of the RMA;
- (b) read as a whole, the relevant clauses of the policies are restrained or balanced by further sub-clauses as follows:
 - (i) in the case of Policy 3.3:
 - “i. the need for the infrastructure or other physical resources of regional or national importance,*
 - ii. any functional, operation operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,*
 - iii. whether there are any reasonably practicable alternative locations or designs, and*
 - iv. whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.”*
 - (ii) in the case of Policy 2.2:
 - “i. the benefit of the works;*
 - ii. any functional, technical and operational requirements and constraints; and*
 - iii. the way adverse effects have been managed through the route and site selection process.”*

64. It is not clear whether the Section 42A conclusion in respect of further consider of alternatives, has had any regard to the other matters in the policies being relied on, including the benefits of the Project, the offsetting proposed, and the functional, technical and operational needs of the Project.

65. That said, the matters suggested for further consideration are addressed in evidence as follows:

- (a) **Dr Forbes** sets out why the current option was (and is) not considered to be ‘fatally flawed’ and describes how effects on indigenous flora and

fauna have been considered through the MCA process, and in particular distinguishes the risks/constraints process that necessarily supports a MCA, as opposed to the value/magnitude approach to assessing the effects of the preferred option.

- (b) In respect of the Woodville connection, **Mr Wickman** confirms that the Transport Agency deliberately chose a connection to the existing network at Woodville, returning to the pre-existing situation for transport, social and economic reasons. **Ms Downs**, along with the Transport Agency's response to the Councils' request for further information, confirms that the Project does not preclude the development of a bypass in the future.
- (c) **Mr Wickman** confirms that the MCA process was to consider corridor options to achieve the Project objectives and **Ms Downs**, **Mr Whaley** and **Mr Dunlop** explain the Transport Agency's position in respect of the improvements that will be delivered for vulnerable users following the completion of the Project.
- (d) **Mr Wickman** clarifies that, in undertaking the MCA, the Project team was well aware of the potential impacts on the Ballantrae Research Station site and **Mr Whaley** details the process of corridor refinement as it specifically relates to this site (and **Dr David Horne** and **Jeff Morton** describe proposed measures to address effects on the site).

REASONABLE NECESSITY TO ACHIEVE PROJECT OBJECTIVES

- 66. Section 171(1)(c) of the RMA provides that, when considering a notice of requirement for a designation, the territorial authority must have particular regard to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. In this regard, it is my understanding that, in the context of section 171(1)(c), 'reasonably necessary' should be understood to be something less than an absolute necessity or essential.
- 67. The Project objectives respond to the defined 'problems' arising from the closure of the State highway route through the Manawatū Gorge and are:
 - “• *To reconnect the currently closed Manawatū Gorge State Highway 3 with a more resilient connection.*

- *To reconnect the currently closed Manawatū Gorge State Highway 3 connection with a safer connection than the Saddle Road and Pahiatua Track.*
- *To reconnect the currently closed Manawatū Gorge State Highway 3 with a more efficient connection than the Saddle Road and Pahiatua Track.”*

68. In terms of the reasonable necessity of the Project, the evidence of **Ms Downs** sets out the need for, and objectives of, the Project. The evidence of **Ms Downs** and **Mr Dunlop** clearly demonstrate that the Project achieves these objectives by:

- reducing crash risk, and therefore providing a safer connection when compared to that of Saddle Road and Pahiatua Track;
- significantly improving travel times, and therefore providing a more efficient connection when compared to Saddle Road and Pahiatua Track;
- responding better to a range of natural hazard scenarios, and therefore providing a more resilient connection.¹³

69. On this basis, it is my opinion that the Project is reasonably necessary to achieve the Transport Agency’s objectives for the Project.

70. In terms of the reasonable necessity of the use of designations to provide for the Project, I consider that that the designation tool has distinct advantages (when compared to alternative RMA approvals pathways) in respect of achieving the Project objectives and responding to the ‘problems’ arising from the closure of the Manawatū Gorge route, including:

- protecting the land from other development;
- providing certainty for on-going operation and maintenance;
- providing clarity in respect of the scope and location of the Project; and
- allowing a corridor to be secured within which detailed design can proceed and, in turn (as set out in **Mr Dalzell’s** evidence) meeting community aspirations for construction to begin as soon as possible.

¹³ Consistent with my conclusion in respect of natural hazards effects in paragraphs 205 to 207.

71. The Section 42A Report makes some comments in relation to reasonable necessity of the work and designation to achieve the Project objectives. My understanding of the Section 42A Report is that it concludes that:
- (a) in respect of the second objective, the works and designation are deficient on the basis that the safety of pedestrians and cyclists on the new route is not provided for; and
 - (b) in respect of the third objective, there are concerns as to whether the Project provides an efficient connection with the existing network at Woodville, and it is noted that the meaning of 'efficiency' is not understood (whether this is "economic efficiency and whether it takes into consideration environmental and wider community costs").¹⁴
72. In my opinion the concerns raised are more directly related to questions regarding the effects of the work, the scope of the work, and whether there are other ways to achieve the objectives, as opposed to whether the work and designation, as proposed, are reasonably necessary to achieve the objectives of the Transport Agency.
73. That is, in respect of safety (including of pedestrians and cyclists), the appropriate test, as I understand it, is whether the Project is reasonably necessary to achieve a reconnected route that is safer than Saddle Road and Pahiatua Track. This objective invites a comparison, as opposed a consideration of 'safest' or 'safe' in an absolute sense. In this way, the provision of 'safe' pedestrian and walking facilities (in the manner suggested in the S42A Technical Evidence: Traffic and Transport) is not needed for the Project to achieve its the objectives. In any event, **Mr Dunlop's** evidence is that the Project does deliver safety benefits for vulnerable users, and that the Project provides safety benefits for transport networks more broadly.
74. Again, in relation to the connection to the existing network, the question is one of comparison, and whether the Project as a whole is a more efficient connection than the Saddle Road and Pahiatua Track, rather than a standalone evaluation of the efficiency of the connection. Such an evaluation is more properly a consideration in respect of the potential effects of the Project.
75. In terms of what is meant by efficiency, I observe that efficiency is a concept often used in the context of transport planning and is common terminology in

¹⁴ Section 42A Report, paragraphs 749 and 751, pages 202 and 203.

transport-related policies and provisions, including those referenced in the S42A Technical Evidence: Traffic and Transport. I understand the term to refer to more efficient travel, in the sense of faster travel times, more reliability of (that is, less variability in) travel times, and fuel savings. In these respects, I understand from the evidence of **David Dunlop** that the Project is necessary to achieve this objective, given the sub-standard nature of the alternative connecting routes.

OTHER MATTERS

76. Section 171(1)(d) of the RMA provides that, when considering a notice of requirement for a designation, the territorial authority must have particular regard to any other matters considered reasonably necessary.
77. Table 37 in Part I, Volume 2 of the NoR documentation sets out 'other matters' that may be relevant to the Hearing Panel's consideration of the NoRs and provides a commentary in respect of those matters. In the interest of brevity, I adopt that consideration of 'other matters', subject to any expansion or clarification set out below. My evidence is therefore confined to my area of expertise and situations where my opinion departs from the analysis or differs to that expressed in the Section 42A Report.
78. The Section 42A Report agrees that the statutes listed in Table 37 are relevant¹⁵ and goes on to state that there are other policy documents that should be given further consideration.¹⁶ With the exception of 'Safer Journeys 2010-2020' and "emerging iwi environmental management plans", these policy documents have been considered in Table 37. In this regard, I am not aware of any iwi resource management plans that would be relevant to the Project, although these may be available for consideration in the later RMA processes.

Government Policy Statement on Land Transport: 2018/19 – 2027/28, National Land Transport Programme 2018 - 2021 and Safer Journeys

79. The Section 42A Report does not agree with the conclusion in the NoR documentation that the Project is directly aligned with the Government Policy Statement on Land Transport: 2018/19 – 2027/28 ("**GPS**") priorities and that the Project fails to adopt a 'Safe System' approach.¹⁷ My understanding is that the Section 42A Report concludes that the Project is "at odds" with the

¹⁵ It is not clear whether this agreement is confined to the listed statutes or the more fulsome suite of documents in Table 37.

¹⁶ Section 42A Report, paragraph 121, page 32.

¹⁷ Section 42A Report, paragraph 128, page 34.

direction in the GPS entirely on the basis that the Project does not “*provide safe, separated, accessible, integrated connection across the ranges as part of this new road for recreational cyclists, which includes tourists*”.¹⁸

80. In her evidence, **Ms Downs** describes the statutory role of the GPS and its relationship to the National Land Transport Programme (“**NLTP**”) and the National Land Transport Fund (“**NLTF**”). The NLTP must give effect to the GPS. The NLTP must contribute to the purpose of the Land Transport Management Act 2003 (“**LTMA**”) and is also required to take into account regional land transport plans.
81. The current NLTP, in giving effect to the GPS and taking into account the RLTP, identifies the Project as a key priority but does not make specific provision for pedestrians and cyclists as part of the Project. By contrast, The NLTP clearly envisages improvements for access and safety for pedestrians and cyclists in the context of the Palmerston North Integrated Transport Improvements Project.
82. In my opinion, and having regard to the framework and functions established by LTMA, the explicit inclusion of the Project in the NLTP does not support a conclusion that the Project is “at odds” with the GPS. On the contrary, because the NLTP is the statutory mechanism to give effect to the GPS, I am of the view that the inclusion of the Project in the NLTP is a direct expression of the GPS.

Horizons Regional Land Transport Plan 2015 – 2025 (2018 Review)¹⁹

83. The Section 42A Report confirms that the development of an alternative to the Manawatū Gorge route is the first priority project in the Horizons Regional Land Transport Plan 2015 – 2025 (2018 Review) (“**RLTP**”) and concludes that the Project “delivers against” Objectives 1, 2 and 5 of the RLTP (in agreement with submissions made by the Horizons Regional Transport Committee²⁰ and Horizons Regional Council²¹). The Section 42A Report also concludes that the Project fails to give appropriate attention to Objectives 3, 4 and 6 of the RLTP and “*could also do more to address strategic priorities 3, 4 and 5*” (in agreement with the submission made by Rachel Keedwell).²²

¹⁸ Section 42A Report, paragraph 299, page 83.

¹⁹ It is noted that the Section 42A Report refers to “The Horizon’s Regional Land Transport Plan 2018 – 2028”. The dates of this document differ to the ‘2015- 2025 (2018 review)’ that I have reference in my evidence, however I understand that these are the same document.

²⁰ Submission number 292.

²¹ Submission number 371.

²² Section 42A Report, paragraph 135, page 36.

Again, I understand this conclusion to be on the basis that the Project does not provide separated walking and cycling facilities along the entire route.

84. I have reviewed the RLTP and am of the view that it is important to understand the purpose of the RLTP and how the Objectives 'work together'.

85. The preamble to the Objective provides some context as to the purpose of the Objectives. That is:

"The purpose of the objectives is to identify how the seven issues, identified in Section 3 of this Plan will be addressed. Accordingly, six objectives have been developed that address the issues and reflect the strategic priorities identified in Section 5 of this Plan."²³

86. In this regard, it is my understanding that the objectives are collectively intended to address all issues. However, it is not necessarily the case that each individual objective is intended to address all of the issues.

87. The RLTP goes on to identify five strategic priorities that are the focus of the future work programme to achieve the objectives (benefits) and address the issues (problems). The strategic priorities are explicitly linked to the objectives.²⁴

88. The Project is described as falling within Strategic Priority 5.2 as follows:

"Improve connectivity, resilience and the safety of strategic routes to and from key destinations linking north-south and east-west, while factoring in demographic changes and impacts on land use."

89. The RLTP confirms that Strategic Priority 5.2 delivers Objectives 1, 2, 3 and 5.

90. Based on my understanding of the framework of the RLTP, I do not support the conclusions in the Section 42A Report that the Project is somehow deficient when considered in respect of Objectives 4 and 6 of the RLTP. In my view Objectives 4 and 6 should be given little to no weight because the issues, objectives and strategic priorities that are relevant to the Project are clearly stated in the RLTP and these do not include Objectives 4 and 6.

91. In this regard, I note that my understanding appears to be aligned with that set out in the submission made by Manawatū-Whanganui Regional Council (Horizons).²⁵

²³ RLTP, page 25.

²⁴ RLTP, page 28.

²⁵ Submission number 371.

Te Āpiti Masterplan (draft, 2019)

92. The Section 42A Report describes the guiding principles included in the Te Āpiti Masterplan (“**TAMP**”) and concludes, with reference to the Section 42A Technical Evidence: Tourism and Recreation, that the Project fails to take due consideration of the recreational opportunities and aspirations set out in this document. The Section 42A Report notes that the TAMP is in the final stages of preparation and is expected to be recommended for approval by the Manawatū Gorge Governance Group (the umbrella organisation preparing the TAMP) midway through 2019, following public engagement.²⁶
93. A draft of the TAMP (dated November 2018) was provided to the Transport Agency on 1 March 2019. This draft is included as an attachment to **Ms Downs’** evidence.
94. I have reviewed the draft TAMP and note that critical elements, including the recommendations, draft masterplan²⁷ and implementation plan are all incomplete.
95. In my opinion, the absence of key components of the TAMP, in conjunction with the fact that it is not publicly available, nor has not been subject to consultation with the public, some key stakeholders (including the Transport Agency, whose name is shown on the cover, according to **Ms Downs**) and all affected landowners, means that the masterplan can be afforded little to no weight in the consideration of the NoRs, such that the conclusions reached in this regard in the Section 42A Report and the ‘S42A Technical Evidence: Tourism and Recreation’ are unfounded.
96. That said, I acknowledge that the TAMP is likely to be completed over the life of the Project and I have therefore, in response to the submission made by the Manawatū Gorge Governance Group,²⁸ proposed conditions requiring consultation with the Governance Group as part of the development of a number of management plans so that the possible outcomes and opportunities identified in the future through the TAMP can be considered.

Queen Elizabeth the Second National Trust Act 1977

97. The Section 42A Report makes reference to the Queen Elizabeth the Second National Trust Act 1977 (“**QEII Trust Act**”) and the properties subject to QEII

²⁶ Section 42A Report, Paragraphs 139 and 140, pages 37 and 38.

²⁷ I note that the ‘masterplan’ included in Appendix 1 of the Draft TAMP provided to the Transport Agency is watermarked “image to be updated” and is dated 22 November 2018, and the same image is included at Appendix 2, with the same date, but does not include a similar watermark.

²⁸ Submission number 374.

Trust open space covenants within the designation. The Report states that “NZTA will need to ensure that necessary authorisations or interests in the land are secured through (or parallel to) this process, to enable the new road and offsetting proposals”.²⁹ In this regard I note that the need to secure an interest in the land is not peculiar to sites that are subject to a QEII Trust open space covenant and that land acquisition is quite separate to matters that are relevant under the RMA.

THE EXISTING ENVIRONMENT

98. A comprehensive description of the existing environment is set out in Part B of Volume 2 of the NoR documentation.³⁰ The various technical assessments included in Volume 3 of the NoR documentation also include more detailed descriptions of elements of the existing environment in respect of the subject matter relevant to a particular technical assessment. The Section 42A Report acknowledges the description of the existing environment in the NoR documentation.³¹
99. I do not repeat a complete description here, and rely on the information included in the NoR documentation. By way of summary, the Project is predominately set within farmed hill country at the southern end of the Ruahine Range between the townships of Ashhurst in the west and Woodville in the east. Much of the area has been modified by human activity over many years, resulting in variable land cover along the route. The Project area generally consists of rural pasture, with pockets of native forest (comprising approximately 10% of the proposed designation area) and some exotic vegetation.
100. The landscape is of deep significance to tangata whenua, including cultural connections with the Manawatū River, Te Āpiti (the Manawatū Gorge), and the wider Ruahine Range with Te Ahu a Turanga (a wāhi tapu on a hilltop near Saddle Road) being of particular importance to Rangitāne and avoided by the Project. The Project traverses areas identified as Outstanding Natural Features and Landscapes and areas identified within Schedule G (Landscapes) of the Horizons One Plan, MDP and PNCDP.
101. The Project can generally be described in sectors as follows:
- (a) bridge to bridge: from the existing State Highway 3 bridge across the Manawatū River near Ashhurst, the Project traverses a river terrace to

²⁹ Section 42A Report, paragraph 141, page 38.

³⁰ Starting at page 11.

³¹ Section 42A Report, Paragraphh 150, page 40.

the south of the Manawatū Gorge, which is largely a grazed area with exotic woodlots, shelter belts, and other trees;

- (b) Manawatū River: the Project crosses the Manawatū River on a new bridge to be built to the east of Parahaki Island, a significant cultural and historical site at the confluence of the Manawatū and Pohangina Rivers;
- (c) western slope: the Project passes through a narrow corridor between Parahaki Island and the highly valued Manawatū Gorge Scenic Reserve, crosses a river terrace featuring significant indigenous vegetation, and ascends an area of hill country, which is extensively grazed and largely in pasture, with the exception of several deep gullies and streams containing forest areas (including two which are subject to Queen Elizabeth II Trust open space covenants);
- (d) Te Āpiti wind farm and ridge: the Project traverses wide, rolling agricultural land at the crest of the Ruahine Range that contains the Te Āpiti wind farm, with turbines located both sides of the designation;
- (e) eastern slope: at the eastern extent of the crest of the Ruahine Range, the Project crosses the site of a long-term fertiliser trial on AgResearch's Ballantrae research farm, near the eastern end of Saddle Road, and descends the steep hills towards Woodville; and
- (f) Woodville gateway: at the foot of the Ruahine Range, the Project crosses an unnamed stream at the foot of the Range and traverses the agricultural plains surrounding Woodville.

102. In addition to the Te Āpiti wind farm, network utilities and infrastructure near the Project area include KiwiRail's Palmerston North to Gisborne railway, First Gas' high pressure gas pipeline, Tararua District Council's closed Woodville Landfill (located off Saddle and Morgan Roads), Transpower's Mangamaire – Woodville A 110kV transmission line, and a number of other utilities such as local electricity distribution lines, water supply pipelines, and telecommunications cables.

SUMMARY OF ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

103. I consider that the NoR documentation, including the assessment of effects in Part G, Volume 2 and the range of technical assessments included in

Volume 3 (further supplemented and confirmed by expert evidence) provides a thorough and complete assessment of the actual and potential effects on the environment of allowing the requirements. These effects are both positive and adverse, temporary (construction-related) and permanent (operational). Table 16 in Part G of Volume 2³² summarises the anticipated effects on the environment (include the assessed magnitude of effect).

104. The key positive effects of allowing the requirements are summarised in **Ms Downs'** evidence, drawing primarily on that of **Mr Dunlop** and **Ms Linzey**. The key adverse effects of allowing the requirements are well traversed in the Part G of Volume 2 of the NoR documentation and the evidence of other Transport Agency witnesses.
105. The following section of my evidence sets out my further assessment of effects on the environment. In making my assessment I rely on and supplement, rather than repeat, the assessment included in Part G of Volume 2 of the NoR documentation and the technical assessments included in Volume 3 of the NoR documents (as updated by evidence). I also refer to the conclusions and recommendations included in the Section 42A Report.
106. The following assessment is not intended to directly address all specific matters and effects that have been identified in these documents, but I confirm that I have considered these matters in developing the proposed conditions and reaching my conclusions.

Further assessment of actual and potential effects of the Project

Traffic and transport

107. In his evidence, **Mr Dunlop**:
 - (a) confirms that the Project will result in significant positive effects in respect of traffic safety and efficiency; network capacity; and the reliability and resilience of the transport network;
 - (b) describes the significant (approximately halved) travel time reductions achieved by the Project; and
 - (c) highlights the positive impact of redistributed traffic demand from existing routes on the residents, pedestrians and cyclists on the local road network, particularly in Ashhurst, on Saddle Road and on Pahiatua Track.

³² Starting at page 98.

108. The Traffic and Transport Technical Assessment concludes that the potential effects on pedestrians and cyclists are neutral, taking into account reduced demand on Saddle Road and Pahiatua Track and adverse impacts on pedestrians and cyclists using the existing State Highway 3 Ashhurst Bridge. In response to submissions, and to address these potential impacts, **Ms Downs** confirms that the Transport Agency intends to bring forward improvements to the Ashhurst Bridge. I have drafted a new clause in Condition 26 to require improvements to be in place prior to the opening of the new road.
109. Construction of the Project will result in temporary adverse effects on road users as a result of increased construction vehicles using the local road network. Construction will also disrupt access to the Manawatū Gorge Scenic Reserve ("**MGSR**") car park. The Traffic and Transport Technical Assessment sets out the potential impacts associated with construction traffic and recommends the management of these effects through a Construction Traffic Management Plan ("**CTMP**").
110. The Section 42A Report identifies the following issues as being in contention:
- (a) whether the proposed conditions adequately manage the adverse effects of construction traffic;
 - (b) whether the Project adequately mitigates effects on road users in central Woodville and whether alternatives should have been considered; and
 - (c) the extent of effects on vulnerable users (and particularly cyclists).
111. In terms of the management of construction traffic I comment as follows:
- (a) it is **Mr Dunlop's** conclusion that the additional conditions suggested are already addressed by the current conditions or by other means;
 - (b) additional conditions (reflecting agreement between acoustic experts through witness conferencing) address the management of construction-related heavy vehicles;
 - (c) improvements to the network in Ashhurst are currently being undertaken as part of a separate project; and
 - (d) construction site accesses are separately managed by district plan standards and Transport Agency's Code of Practice for Temporary Traffic Management ("**COPTTM**").

112. On this basis, it is my conclusion that the impacts of construction traffic are appropriately managed by the CTMP required by proposed condition 22 (as amended by my evidence).
113. In respect of the adverse effects of the Project on the transport network and road users at Woodville, **Mr Dunlop** concludes that the transport system in Woodville would not perform well in the future with, or without, the Project and a reduction in safety over time is not an effect of the Project that necessitates further management by conditions imposed on the designation. That said, Condition 26 provides for the extension of an existing walkway at Woodville across the eastern roundabout and the ability to tie into the future development of the Lindauer Arts Trail.
114. The question in respect of considering alternatives to the Woodville connection has been addressed earlier in my evidence with reference to **Mr Wickman's** evidence. Mr Wickman confirms that the scope of the Project specifically included a connection to the existing network at Woodville, for transport, social and economic reasons. That said, it is acknowledged that the Project does not preclude a future consideration of options to bypass Woodville (as set out in the Transport Agency's response to the Councils' request for further information under section 92 of the RMA).
115. In his evidence, **Mr Dunlop** summarises and addresses the safety concerns expressed in the Section 42A Report (including its references to the S42A Technical Evidence: Traffic and Transport) in respect of impacts on vulnerable users (and primarily cyclists).
116. In respect of safety for cycling on State Highway 3 between Ashhurst and State Highway 57, the following facilities will be in place before the completion of the Project:
- (a) pedestrian and cycling facilities between the Manawatū Gorge Scenic Reserve car park and the State Highway 3 Ashhurst Bridge (constructed as part of the Project and required by amendments to Condition 26);
 - (b) a facility for pedestrians and cyclists on or adjacent to the State Highway 3 Ashhurst Bridge (to be constructed prior to the opening of the new road and required by amendments to Condition 26);
 - (c) existing wide shoulders between Ashhurst Bridge and York Street (estimated to be a minimum width of 2.0m but generally wider); and

- (d) New connections into Ashhurst at either or both York Street and Cambridge Avenue, including appropriate crossing facilities for pedestrians and cyclists (to be constructed prior to the opening of the new road and required by amendments to Condition 26).
117. On this basis, I agree with **Mr Dunlop's** conclusion that the safety of cyclists will be improved on this section of State Highway 3 as a result of the Project.
118. In terms of the safety of the new road for cyclists, **Mr Dunlop** confirms (and with reference to **Mr Whaley's** evidence) that the Project includes sealed shoulders that will be able to be used by cyclists and that this is not a dedicated facility. He outlines how the Project has responded to an initial road safety audit, and cycling demand projections, in respect of design elements that provide for the safety of cyclists. **Mr Dunlop** concludes that the crash risk for cyclists on the new road has reduced as a result of these changes and is significantly less than other sections of the wider transport network.
119. In his evidence, **Mr Dunlop** continues to hold the view that the Project will improve safety for cyclists on Saddle Road and Pahiatua Track by removing traffic from these routes, and that this is a positive effect of the Project. In his view, Saddle Road will become the preferred route for recreational cyclists.
120. Having regard to the technical assessment and evidence prepared by **Mr Dunlop**, and my consideration of the relevant plan provisions and 'other matters' (addressed earlier in my evidence), it is my conclusion that allowing the requirements will result in significant positive effects in respect of traffic safety and efficiency; network capacity; and the reliability and resilience of the network, and deliver an outcome consistent with the relevant objectives and policies of RMA and LTMA plans.

Noise and vibration

121. In terms of the potential noise and vibration effects of the construction and operation of the Project, I note that, as an outcome of expert witness conferencing, the acoustics experts have agreed technical matters. This agreement is set out in the Joint Statement of Acoustic Experts.³³
122. I have drafted amendments to the conditions to reflect the agreed position set out in the Joint Statement of Acoustic Experts. These conditions are set out

³³ Dated 13 February 2019, and attached to the Pre-Hearing Meetings Report.

alongside the 'agreed position' in the table included as **Attachment C**. In his evidence, **Dr Chiles** confirms that these conditions are appropriate.

Recreation and tourism

123. The Section 42A Report has included 'recreation and tourism' as a further topic to address "*effects of the Project on people and communities' ability to provide for their social, economic and cultural well-being through recreation and tourism*".³⁴ These effects are addressed in the 'S42A Technical Evidence: Tourism and Recreation' and the Section 42A Report relies on the conclusions therein.
124. The Section 42A Report makes the following conclusions in respect of temporary or construction effects:
- (a) subject to further amendments, condition PN2 Manawatū Gorge Scenic Reserve Car Park Management and Reinstatement Plan ("**MGSR Car Park Plan**") is supported (many of these amendments are reflected in the Condition PN2 included as **Attachment B**);
 - (b) there will be suppressed demand for recreational cyclists and pedestrians wanting to use the State Highway 3 Ashhurst bridge during construction; and
 - (c) construction traffic on Saddle Road will further suppress recreational cyclists using the route.
125. In my opinion, the clause in Condition 22 requiring the CTMP to set out how the current provision for pedestrian and cycling activities is maintained is sufficient to address the management during construction, while allowing some flexibility in the way this is delivered (acknowledging that the Transport Agency's COPTTM will also apply). It is also noted that in the longer term, Condition 26 now requires the State Highway 3 Ashhurst bridge to be upgraded to provide improved walking and cycling access before the new road is open.
126. The Section 42A Report does not identify any adverse permanent or operational effects on tourism and recreation but goes on to recommend the inclusion of a separated, sealed, shared two-way path for walkers and cyclists as an "appropriate and proportionate response":
- (a) to give effect to policy direction;

³⁴ Section 42A Report, paragraph 263, page 73 and 74.

- (b) to recognise the importance of the Te Āpiti area for recreation as the context in which the proposed designation lies; and
- (c) ultimately to ensure sustainable management of resources, by providing for development while enabling communities to provide for their social, economic, and cultural well-being and for their health and safety.³⁵

127. I note that much of the analysis in respect of permanent or operational effects has focused on conclusions with respect to opportunities as follows:

- (a) *“the Project provides a potential catalyst for realising a more interconnected network of recreational opportunities, much earlier than could be achieved without the new road.”*
- (b) *“the lack of a dedicated walk/cycle facility to provide for safe and appealing [usage] by [this] road is a missed opportunity to facilitate and encourage [a] walk/cycle network in the area, and fails to realise the multiple benefits to the community that would arise from this opportunity.”*
- (c) *“the lack of assessment of the existing recreational environment and any consideration of options to facilitate walk/cycle provision is a considerable flaw in the NOR application, when it is evident that there are signals at all levels of governance to provide for opportunities of this nature.”*

128. It is my conclusion that the recommendation that the Project include a shared path cannot reasonably be a proportionate response to a situation where there are no adverse effects, and only positive effects have been identified. Instead, it would appear that the recommendation is a proportionate response to the identified opportunities. Conversely, it is my observation that no consideration has been given to whether the inclusion of the shared path as part of the Project would, itself, result in additional adverse effects on the environment.

129. In my opinion as a planner, section 171 of the RMA does not provide a framework for the consideration of opportunities, rather it directs a consideration of the effects on the environment of allowing the requirements. As set out in the Section 42A Report, there are no adverse effects on

³⁵ Section 42A Report, paragraph 302, page 84.

recreation and tourism and, on that basis, there is no rationale in this regard for requiring a shared path.

130. Further, and for completeness, I note that the Section 42A Report and the S42A Technical Evidence: Tourism and Recreation have concluded that the Project is “at odds” with the direction in the GPS, the RLTP and relevant provisions in the district plans. I do not agree, and have addressed these provisions and set out my opinions in this regard earlier in my evidence.

Social

131. The evidence of **Ms Linzey** presents the key finding of Technical Assessment 3: Social (included in Volume 3 of the NoR documentation), including updates that address more recent information.
132. A number of negative social impacts are identified as a result of the construction of the Project. These include the exacerbation of negative impacts that are already occurring as a result of the route through the Manawatū Gorge being closed, impacts to come as a result of the construction traffic, and associated effects on the operation of the transport network (as described by **Mr Dunlop**). **Ms Linzey** also acknowledges that there are potential economic and social benefits to people and businesses as a result of the Project’s construction.
133. Conditions are proposed to manage construction effects, include noise and traffic in Woodville and Ashhurst. **Ms Linzey** concludes that social impacts of construction activities can be appropriately mitigated by community liaison and communication/engagement mechanisms. These measures are also embedded in the Conditions included in **Attachment B**.
134. It is also **Ms Linzey’s** conclusion that the Project will have longer-term and permanent positive social effects that range in scale from moderate to high. These social benefits generally arise from the positive effects identified by **Mr Dunlop**, including the redistribution of traffic off the local roading network.
135. **Mr Dunlop** identifies positive transport outcomes for cyclists, including as a result of a range of network integration measures that are proposed. These outcomes provide a social benefit also.
136. **Ms Linzey** acknowledges that there are some residences that may experience adverse social impacts as a result of the Project. In most cases the potential impact on these properties has been managed on a one-on-one basis (noting many of the residences are owned or occupied by submitters).

This approach has allowed for the development of bespoke conditions as set out later in my evidence. I note that discussions with neighbouring landowners are on-going.

137. The Section 42A Report identifies a single key social issue that remains in contention. This is in respect of whether the community should have an opportunity to influence the detailed design.³⁶
138. In this regard, **Ms Linzey** concludes that it is not appropriate to 'require' community input into all design matters. That said, **Ms Linzey** suggests that a more appropriate approach would be to provide for the Community Liaison Group ("**CLG**") to have a role in the development of management plans. In my opinion this approach has the benefit of more clearly defining the role of the CLG, avoiding duplication in function (and possibly representation on various groups), and directing the efforts of the CLG to the management approaches to noise and traffic and thus the social impacts that directly impact the community.
139. **Ms Linzey's** evidence includes a detailed consideration of matters raised in the S42A Technical Evidence: Social. I do not repeat this analysis here.
140. Based on the assessment of potential social impacts described above, it is my conclusion that the Project gives rise to significant positive social impacts and, particularly during construction, negative social impacts as a result of construction activities. These impacts can be appropriately managed by providing for on-going community engagement and through the management of construction effects.

Landscape and visual amenity

141. In his evidence, **Mr Evans** summarises his conclusions in respect of the potential effects of the Project on landscape character values. He concludes that the Project will result in adverse landscape effects that are focused at the western part of the Project where the existing landscape values are higher. **Mr Evans** confirms his conclusion that, where adverse biophysical and landscape character effects occur, conditions imposed on the designations and measures described in the CEDF will provide effective mitigation once fully implemented.
142. In terms of visual effects, **Mr Evans** concludes that the only place where there will be a high visual effect is in environs of the new bridge across the

³⁶ Section 42A Report, paragraph 309, page 86.

Manawatū River, notably as a result of the scale of the bridge. I agree with **Mr Evans**' opinion that, while the bridge will be a significant feature, it is possible to manage effects through the design of the bridge, treatment of earthworks and mitigation planting.

143. The Section 42A Report references the 'S42A Technical Evidence: Landscape, Natural Character and Visual Amenity' and records that, in relation to landscape and visual effects, the only area of contention in respect of its findings relates to conclusions in respect of where the corridor "*crosses the grain of the steeply folded Ruahine Ridge land at right angle, conflicting with the landscape character.*"³⁷ I note that neither report arrives at a firm conclusion or makes recommendations in this regard.
144. That said, the 'S42A Technical Evidence: Landscape, Natural Character and Visual Amenity' makes frequent reference to the identified effects having not been tested against section 6 of the RMA and the relevant provisions of the One Plan (including Objective 6-2(a)). In this regard it is not clear to me whether consideration has been given to my analysis at Part I of Volume 2 of the NoR documentation, as follows:
- (a) One Plan: Objectives 6-2 and accompanying Policy 6-6 and Policy 6-7 at page 195; and
 - (b) PNCDP: Section 2: Objective 17, and Objective 18 MDP: Chapter 4, 4.3.3 Outstanding Landscapes, Objective LU 9, Policy a TDC: 2.6.4.1 Objective and 2.6.4.2 Policy a., Policy b., and Policy c at Page 199; and
 - (c) Section 6 of the RMA at page 212.
145. The Section 42A Report acknowledges proposed amendments to conditions included as an attachment to the S42A Technical Evidence: Landscape, Natural Character and Visual Amenity, but I understand these are not included in the conditions included in the Appendix 7 version, on the basis that the conditions require further refinement. I have reviewed these proposed amendments and agree that it would be premature to embed the recommendations in conditions. In this regard, I would welcome the opportunity for further dialogue in respect of:
- (a) the rationale for amendment promoted (the effect that is being managed); and

³⁷ Section 42A Report, paragraph 375, page 104.

- (b) the appropriateness of the wording and outcome sought.
146. For completeness I note that the S42A Technical Evidence: Landscape, Natural Character and Visual Amenity also proffers a number of amendments to the CEDF. **Mr Bentley** addresses these in his evidence and has adopted many of these amendments in the updated CEDF included as Attachment 1 to his evidence.

Terrestrial ecology

147. Key actual or potential effects of allowing the requirements on terrestrial indigenous vegetation and habitats of indigenous fauna are identified in the evidence of **Dr Forbes** (with reference to the evidence of **Mr Blayney**) as follows:
- (a) for terrestrial vegetation and habitats:
 - (i) clearance or modification of indigenous vegetation and habitats;
 - (ii) habitat fragmentation and isolation; and
 - (iii) edge effects on retained vegetation and habitats;
 - (b) for terrestrial fauna:
 - (i) injury or mortality during vegetation clearance and earthworks;
 - (ii) disturbance during critical nesting periods (birds);
 - (iii) permanent loss of habitats; and
 - (iv) modification of habitats in the form of increased fragmentation and isolation due to reduced habitat connectivity; creation of edge effects; and invasions and corresponding impacts of non-native plant and animal species.
148. The management of adverse effects as a result of removal of indigenous vegetation is achieved through an 'effects envelope' that establishes an absolute maximum level of effect in specific locations on High and Very High value features within which effects are assess acceptable on ecological grounds, given appropriate mitigation and offsetting measures (and measures to address edge effects and fragmentation).
149. The management of adverse effects on indigenous fauna through habitat loss is achieved through avoidance, replacement planting and

offset/compensation measures. Disturbance of indigenous fauna is addressed through a suite of management plans. In this regard I note that **Mr Blayney** agrees that a 'Terrestrial Invertebrate Management Plan should be prepared, I acknowledge that a condition will need to be drafted to reflect **Mr Blayney's** conclusions in this regard.

150. In his evidence, **Dr Forbes** describes a number of updates in respect of ecosystem types, the areas affected, and the relevant Environmental Compensation Ratios ("**ECRs**"). I understand the rationale for these changes, including as an outcome of expert witness conferencing with Dr Martin, and have updated the relevant Conditions (in **Attachment B**) accordingly.
151. The Section 42A Report makes the following conclusions (in summary) in respect of ecology effects:
 - (a) the level of alternatives analysis has not been sufficiently robust;
 - (b) there is insufficient certainty to satisfy a 'high burden of proof' in relation to effects on some habitats and areas with high and very high conservation value;
 - (c) aspects of the Project have not been accounted for, giving risk to a "significant risk" that the Project will not be able to be constructed while staying within the defined effects envelope; and
 - (d) there is a significant level of uncertainty as to the likelihood of navigating a pathway through the One Plan policy (and rule) framework for indigenous biological diversity.
152. With reference to the evidence of **Dr Forbes**, I address the adequacy of the alternatives assessment earlier in my evidence. **Dr Forbes** describes how effects on indigenous flora and fauna have been considered through the MCA process, and in particular distinguishes the risks/constraints process that necessarily supports an early MCA, as opposed to the value/magnitude approach to assessing the effects of the preferred option and potential alternatives at finer scale. He confirms the extensive efforts that have been made to avoid and minimise adverse effects.
153. In terms of 'insufficient certainty' of some effects, the Section 42A Report does not explicitly list the habitats and areas to which it is referring. That said, the evidence of **Dr Forbes** and **Mr Blayney**, along with the further information **Dr Forbes** has compiled in response to questions from Dr Martin, provides substantial further information that responds to matters raised in the

S42A Technical Evidence: Ecology. Further, I note that the proposed conditions themselves respond to any residual uncertainty through the requirement for a further consideration in respect of the direction given in Policy 13-4 to ensure that a net gain is achieved (notwithstanding any 'burden of proof').

154. In terms of the ability to deliver the Project within the defined 'effects envelope', I am of the opinion that this is a matter of risk for the Transport Agency. The task for experts has been to determine an envelope of acceptable effects. Whether these effects are as a result of an activity that has been specifically described (such as vegetation clearance) or not (such as erosion and sediment control measures yet to be designed) is immaterial, in my view.
155. I have given consideration to the relevant policy statement and plan provisions in Part I of Volume 2 of the NoR documentation and addressed these earlier in my evidence.
156. On this basis of the evidence of the ecology experts (including the Technical Assessment 6: Terrestrial Ecology included in Volume 3 to the NoR documentation, it is my conclusion that the 'envelope approach', in conjunction with a condition framework that provides for mitigation, offset and / or compensation, is an appropriate approach to the management of potential adverse effects of the Project on ecological values, having regard to the relevant policy guidance, including One Plan RPS Policy 3.1, 3.3 and 6.1 and One Plan Regional Plan Policies 13-4 and 13-5.

Natural character

157. The evidence of **Mr Evans** confirms that the assessment of the natural character of rivers and their margins, and the effects of allowing the requirement on the assessed natural character, has been undertaken by team of experts across a range of disciplines.
158. There are no areas of outstanding natural character that would be affected by the Project. The S42A Technical Evidence: Landscape, Natural Character and Visual Amenity agrees in this regard.³⁸
159. The Manawatū River through the Gorge was identified as having a high level of natural character at the broadscale (with a moderate-high level at the proposed crossing point).

³⁸ At paragraph 3, page 3.

160. Three of the streams crossed by the Project also have a high level of natural character, as follows:
- (a) the stream referred to as the 'western QEII stream', (Stem 7A) that flows from a QEII covenant down to an area of old growth alluvial forest (chainage 4000-6000);
 - (b) the stream referred to as 'eastern QEII stream' (Stems 6A, 6B, 6C) (chainage 6100-6500); and
 - (c) the stream crossed by an existing construction access track from/to Saddle Road.
161. One Plan RPS Objective 6-2(b)(ii) directs that adverse effects on the natural character of rivers and their margins are avoided where they would significantly diminish the attributes and qualities of areas that have high natural character. In that regard, a reduction in the overall level of natural character from High to Moderate (or less) is considered to constitute a significant reduction in the level of natural character.
162. **Mr Evans** concludes that at a site-specific scale natural character of parts of two streams (QEII West (chainage 4000-6000) and QEII East (chainage 6100-6400)) may be significantly reduced as a result of the Project. He goes on to consider impacts on the level of natural character at a stream-scale and concludes that the natural character of the stream/river crossings would be diminished by the Project, but the 'envelope of effects' (established by setting a maximum length of stream disturbance), in conjunction with mitigation, embedded in Conditions 11 (CEDF), 12 (Landscape Management Plan) and 17 (Ecological Management Plan) will minimise the level of effects on natural character.
163. The Section 42A Report concludes that the methodology used to determine the potential effects on natural character is not sufficiently robust, such that the Project is unlikely to be consistent with RPS Objective 6-2 and Policies 6-8 and 6-9 of the One Plan. The Report recommends that the following should occur:
- "a) That a revised natural character assessment is undertaken that resolves the issues identified with the methodology, and that revised assessment is provided to the Hearing Panel prior to a recommendation decision being made;*

b) That the designation boundaries are amended to provide for an alternative alignment that would avoid streams and wetlands and their margins that have or are likely to have high natural character.”³⁹

164. The evidence of **Messrs Evans** and **Miller** summarise and respond to criticisms of the methodology used to assess natural character in detail. I do not comment on this further except to note my agreement with **Mr Evans’** observation that determining the level of effect on natural character goes beyond a numerical calculation and requires expert judgment to apply a methodology as a tool to support assessment.
165. I address the relevant policy statement and plan provisions earlier in my evidence and conclude, having regard to the assessment undertaken by a team led by **Mr Evans**, that the natural character of rivers and their margins is protected from inappropriate development because:
- (a) the attributes and qualities of rivers and margins of high natural character are not significantly diminished; and
 - (b) the adverse effects on the natural character of other rivers and their margins are appropriately managed.
166. From a planning perspective, I am of the opinion that the recommendation that the designation boundaries be altered to provide for an alternative alignment that would avoid streams and wetlands and their margins is problematic because the recommendation:
- (a) fails to consider the mechanism to achieve this within the current process, or the ability to do so;
 - (b) gives no consideration to the extent to which this exercise has been undertaken as part of the DBC and MCA analysis described by **Mr Wickman** and later processes summarised by **Mr Whaley**;
 - (c) fails to consider, or take advice, in respect of whether an ‘alternate alignment’ is achievable (having particular regard to functional, operational or technical constraints, as required by One Plan RPS Policy 3-3); and

³⁹ Section 42A Report, paragraph 539, page 149.

- (d) fails to consider adverse effects holistically, including the extent to which an alternative alignment may result in more significant adverse effects.

167. Accordingly I do not agree with the recommendation in the S42A report; for the reasons above the proposed recommendation to alter the designation boundaries is unnecessary.

Historic heritage and archaeology

168. The evidence of **Dr Clough** confirms that the proposed designation corridor avoids all heritage sites and known archaeological sites, including Parahaki/Moutere Island, but concludes that it is possible that the Project could have an adverse effect on archaeology values through the disturbance of unrecorded archaeological sites.

169. This potential adverse effect is managed primarily by seeking (and securing) an archaeological authority. It is my understanding the Transport Agency intends to obtain an archaeology authority in the near future, and certainly prior to the commencement of earthworks activities.

170. This approach has been discussed with Heritage New Zealand Poutere Taonga ("**HNZPT**") in the context of its submission⁴⁰ and, as an outcome of these discussions, replacement Condition 24 has been agreed (as included in **Attachment B**).

171. It is my opinion that an archaeological authority, along with the accidental discovery protocol in Condition 24, will appropriately manage the potential adverse effect on unrecorded archaeological sites.

172. The Section 42A Report recommends that amendments are made to Condition 24 to address the HNZPT submission.⁴¹ The amendments to Condition 24 proposed in the Section 42A Report differ to the approach agreed with HNZPT. On the basis that the Section 42A Report recommendation is made to address HNZPT's submission I prefer the wording agreed between HNZPT and the Transport Agency.

173. In the context of archaeology and historic heritage, the Section 42A Report has also identified section 6(e) of the RMA as relevant to historic heritage values⁴² and goes on to conclude that:

⁴⁰ Submission number 377.

⁴¹ Section 42A Report, paragraphs 590, page 162.

⁴² Section 42A Report, paragraph 577, page 159.

- (a) “*as far as can be determined*” iwi appear to be broadly in agreement with Condition 24 and have contributed to the development of the CEDF;⁴³ and
- (b) minor additions should be included in the CEDF to “*ensure that the design of the new Manawatū River Bridge takes into account the archaeological significance of Parahaki Island.*”⁴⁴

174. In this regard, **Dr Clough** acknowledges that, through the CEDF, the design of the Project will consider the cultural significance of the area and **Mr Bentley** has included an amendment in the CEDF as suggested.

175. Section 6(e) matters are separately addressed later in my evidence.

Tangata whenua values

176. Part G of Volume 2 of the NoR documentation⁴⁵ describes the relationship-based approach the Transport Agency is taking to understanding cultural values and issues of significance to tangata whenua. In this regard, Rangitāne o Manawatū, Rangitāne Tamaki nui-ā-Rua), Ngāti Kahungunu ki Tāmaki Nui-a-Rua and Ngāti Raukawa have identified an interest in the Project.

177. Cultural values have now been articulated by Rangitāne, Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua and Ngāti Raukawa through the following Cultural Values Statements that are included in Volume 3 of the NoR documentation:

- (a) ‘Te Ahu a Turanga’;
- (b) ‘Statement of Kahungunu ki Tāmaki Nui-a-Rua Trust’; and
- (c) ‘Te Manawaroatanga’.

178. The Transport Agency’s initial approach to recognising and providing for identified cultural values in the context of the Project, and managing actual and potential effects of the Project on those values is described in Part G of Volume 2 of the NoR documentation, and includes:

- (a) the Cultural and Environmental Design Framework (including the Te Aranga Principles);

⁴³ Section 42A Report paragraph 588, page 161.

⁴⁴ Section 42A Report, paragraphs 590 and 591, page 162.

⁴⁵ Starting at page 148.

- (b) proposed designation conditions that provide opportunities for the on-going participation of tangata whenua in the design of the Project, particularly in relation to management plan development;
 - (c) proposed designation conditions that specifically provide for consultation with the Te Āpiti Ahu Whenua Trust as part of the preparation of any outline plan for works related to the bridging of the Manawatū River, including any piers, abutments, the northern and southern approaches and associated construction access;
 - (d) a Tangata Whenua Values Monitoring and Management Plan (“**TWVMMP**”); and
 - (e) an accidental discovery protocol.
179. Consistent with the ‘relationship-based’ approach described earlier, witnesses for Rangitāne o Manawatū, Rangitāne Tamaki nui-ā-Rua), Ngāti Kahungunu ki Tāmaki Nui-a-Rua and Ngāti Raukawa provide further evidence in respect of the way in which cultural values may be recognised and provided for in the context of this Project, and also the way in which any impacts on those values may be appropriately addressed.
180. The Section 42A Report confirms that no submissions have been received from or on behalf of tangata whenua and goes on to recommend that:
- (a) the CEDF is updated to incorporate “*further requirements or design direction that is necessary to address concerns and/or adverse effects identified by tangata whenua as part of the Hearing process*”; and
 - (b) the timing of the TWVMMP be amended so that it is prepared in advance of any outline plan.
181. I do not oppose the suggested approach of finalising the CEDF (subject to all relevant material being available, and consultation and engagement commitments being met), and I note that **Mr Bentley** sets out a number of further amendments to the CEDF that have been developed in consultation with tangata whenua and in response to Section 42A Report recommendations.
182. I do not support the proposed amended timing for the TWVMMP. My understanding is that this Plan is to embed processes, procedures and participation during construction itself and therefore can ‘sit comfortably’ within the Construction Environmental Management Plan (“**CEMP**”).

Network utilities (excluding local roads)

183. Table 33, included in Part G of Volume 2 of the NoR documentation,⁴⁶ sets out the actual or potential effects of the Project on network utilities along with the measures (and associated conditions) proposed to manage these effects.
184. Three network utility operators have made submission on the NoRs. These are KiwiRail Holdings Limited (“**KiwiRail**”), Transpower New Zealand Limited (“**Transpower**”) and Powerco Limited (“**Powerco**”). I address these submissions in further detail later in my evidence and note that, subject to a number of Conditions (including agreed amendments set out in Attachment B), I understand that there are no outstanding issues.
185. Similarly, the Section 42A Report does not identify any outstanding issues relating to network utilities⁴⁷ and recommends that that agreed Conditions be imposed on the designations.

Te Āpiti Wind Farm

186. Part G of Volume 2 of the NoR documentation sets out the potential effects of the Project on the Te Āpiti Wind Farm, and measures, including conditions, to address the potential effects.
187. Meridian Energy Limited’s (“**Meridian**”) submission⁴⁸ acknowledges on-going discussions with representatives of the Transport Agency, and identifies remaining concerns in relation to the direct effects of the NoRs on the continued operation, maintenance and future upgrading of the Te Āpiti wind farm. The effects identified are generally equivalent to those identified in Part G of Volume 2 of the NoR documentation. The submission seeks:
- (a) that highway development is excluded within a 160-metre radius of each turbine;⁴⁹
 - (b) sufficient detailed design to ensure access roads can accommodate existing a future repair, maintenance and upgrades;
 - (c) the exclusion of the wind farm site as an area for offset mitigation planting;

⁴⁶ At page 156.

⁴⁷ In this regard, I note that the Section 42A Report includes the Te Āpiti Wind Farm in its analysis of effects on network utilities. In my opinion, the wind farm itself is not a network utility (that is, an activity undertaken by a network utility operator as defined by section 166 of the RMA). I have therefore elected to separately address effects on the wind farm as a property and land use effect.

⁴⁸ Submission number 363.

⁴⁹ As part of discussions with Meridian’s representatives, I understand that the relief sought is not intended to be a blanket prohibition, and rather an area within which engineering advice is necessary.

- (d) a CEMP that requires the completion of an underpass and the access roads, prior to construction works on that section commencing; and
 - (e) the effects of the removal of any turbine and reduction in renewable energy are resolved between parties.
188. The following measures, and particularly conditions imposed on the designation, are proposed to achieve the relief sought in Meridian's submission (including further amendments, as set out in **Attachment B**):
- (a) a requirement for any outline plan that describes works within the wind farm site to:
 - (i) be prepared in consultation with Meridian (including a requirement for details of measures taken in response to consultation to be included in the outline plan);
 - (ii) include details in relation to construction access, site management and security, contractor training, compliance with NZECP 34:2001; and
 - (iii) require appropriate engineering advice where construction activities are within 60 metres of a turbine that is to be retained.
 - (b) the inclusion of the reconfiguration of the wind farm in a new definition of 'enabling works' alongside a new condition that provides for enabling works to be completed prior to the completion of design and management plans;
 - (c) the provision of permanent day-to-day 'left in, left out' vehicle access, with vehicle access within the wind farm site, and across the new State highway, being provided by an underpass and the provision of direct access from the new State highway for over-dimension vehicles;
 - (d) the provision for on-going access during construction, as far as practicable, to the wind farm and all retained turbines;
 - (e) a requirement for the Transport Agency to consult with Meridian as part of the preparation of the CEDF, LMP and EMP;
 - (f) restricting offset and ecological mitigation planting to restoration planting of the areas currently subject to QEII Trust open space covenants within part of the wind farm site; and

- (g) restricting landscape and amenity planting within the designation and within part of the wind farm site to species that have a mature height of no more than 1.5 metres, except where within the areas currently subject to QEII Trust open space covenants.

189. I note that Meridian's submission seeks a greater (160-metre) 'buffer' to apply in order to provide for the consented turbine locations (provided for by a 100-metre 'turbine contingency zone') and future 'repowering' of the wind farm. I do not support this inclusion of greater buffer areas because:

- (a) providing for future turbines goes beyond what is anticipated by Objective B Policy B of the NPSREG that explicitly refers to existing renewable generation activities;
- (b) depending on the extent of restriction that would apply, a 160-metre buffer could prevent the Project from proceeding on the basis that there would be no feasible path through the wind farm that would avoid the buffer areas;
- (c) while I am no expert in wind farm development, in a practical sense the usefulness of engineering advice to all parties may be limited where future foundation location, design and turbine specifications are unknown; and
- (d) where the Project impacts on a consented development right, it is my understanding that this is compensated under the PWA.

190. In my opinion the extent to which the measures listed above are acceptable must be determined with reference to the relevant provisions of the NPSREG. As set out earlier in my evidence (and with reference to my analysis in Part I of Volume 2 of the NoR documentation), it is my conclusion that the Project is consistent with the relevant provisions and therefore that the effects on the Te Āpiti Wind Farm are appropriately managed.

Ballantrae Farm Research Station

191. The potential effects of the Project on the Ballantrae Farm Research Station, and in particular on the site of the long-term fertiliser and grazing experiment carried out on the Research Station are described in Part G of Volume 2 of the NoR documentation and expanded on in the expert evidence of **Dr Horne** and **Mr Morton**.

192. It is noted that the submission made by AgResearch Limited, and a number of other submissions, oppose the Project and raise concerns in respect of the impact of the Project on the Ballantrae trial site.
193. As recorded in the Pre-Hearing Meetings Report, there have been a series of meetings and discussions held with these submitters. **Dr Horne** has carried out detailed analysis of the impact the Project will have on the key parameters of the Ballantrae trial site and its four individual farmlets (overall area, slope, aspect and soil types). **Mr Morton** has recommended a range of measures to address the potential effects of the Project on the Ballantrae trial site. Discussions in respect of those measures are ongoing with AgResearch and the other relevant submitters.
194. That said, I understand that the analysis of **Dr Horne** and **Mr Morton** is based on the effects of the indicative construction footprint, which effects they consider to be capable of effective mitigation. With that in mind, I have drafted proposed amendments to Condition T3 in **Attachment B** that more clearly reflect the importance of constraining the precise location of the construction footprint as it passes through the AgResearch site.

Other properties and land use

195. The Section 42A Report identifies a number of submitters who have expressed concern in respect of the potential impacts of the Project on themselves and their properties. These effects primarily relate to noise, traffic and visual amenity concerns.
196. The Pre-Hearing Meeting Report sets out the Transport Agency's approach to addressing these submissions through one-on-one conversations or meetings and details progress or bespoke mitigation measures that are proposed.
197. My evidence (below), along with the evidence of **Mr Dalzell, Dr Chiles, Ms Linzey, Mr Dunlop and Mr Evans** consider and respond to these submissions individually.

Economics

198. With reference to the 'Manawatū Gorge Alternatives – Assessment of the Wider Economic Benefits of the Short Listed Options' ("**EY Report**"),⁵⁰ the

⁵⁰ Prepared by EY to support the DBC, dated 16 March 2018.

assessment of effects in Part G of Volume 2 of the NoR documentation concludes that the Project:

- (a) will have a significant positive economic effect as a result of the benefits associated with project certainty, travel costs and agglomeration economies; and
- (b) will have a moderate positive economic effect during construction as a result of increased spending on goods and services, and the opportunity to manufacture and supply construction materials.

199. The Section 42A Report agrees that the Project has positive economic effects during construction⁵¹ and significant permanent economic benefits,⁵² but goes on to:

- (a) question whether a 100km/h design speed is necessary to achieve the economic benefits;⁵³
- (b) agree with three submitters⁵⁴ *“that there is an economic opportunity that is being lost by not investing in separate shared facilities”* and conclude that the *“recommended condition provides an appropriate response to mitigate the adverse safety effects and at the same time achieve a level of amenity such that some economic benefit may be realised through increased visitor numbers and spending. In addition, the separate path which we have conditioned will facilitate future connections and recreational or tourism development opportunities on adjoining or nearby land.”*⁵⁵
- (c) recommends that *“the economic benefits of the particular route and design speed that have been chosen suggest a closer examination should have been taken of the alternative, given the significant adverse effects that will endure on rare and irreplaceable habitats”*;⁵⁶ and
- (d) recommends that *“it may be helpful for NZTA to provide some revised analysis around the economic costs and benefits of [an] adjusted design or corridor”*.⁵⁷

⁵¹ Section 42A Report, paragraph 679, page 185.

⁵² Section 42A Report, paragraph 677, page 184.

⁵³ Section 42A Report, paragraph 676, page 184.

⁵⁴ CEDA, Manawatū Mountain Bike Club and Horizons Regional Transport Committee.

⁵⁵ Section 42A Report, paragraph 678, page 185.

⁵⁶ Section 42A Report, paragraph 680, page 185.

⁵⁷ Section 42A Report, paragraph 681, page 185.

200. My understanding of the Section 42A Report's conclusion is that, while the Project has significant positive economic effects, the Project needs to have more positive economic effects and a condition (that I assume to be Condition 26D in Appendix 7 to the Section 42A Report) is imposed to that effect.
201. I do not support this conclusion because:
- (a) in my view section 171 (and section 5) of the RMA does not place a positive obligation on the Transport Agency to maximise positive effects;
 - (b) no policy direction is identified to suggest that positive economic effects must be maximised, and in fact the One Plan RPS Policy 3-3 is specifically directed to **adverse** effects; and
 - (c) there is no suggestion that in respect of economic effects the Project, as proposed, is contrary to any plan or policy statement.
202. Further, I take a cautious view in respect of 'double-counting' of potential effects, and am of the opinion that care needs to be taking in discounting the positive effects (economic in this case) as a consequence of another 'type' of effect (for instance, effects on safety and amenity are suggested in the Section 42A Report). This is similarly the case in respect of the authors' conclusion that the economic benefits of the Project "suggest" a further consideration of alternatives should have been taken in respect of effects on terrestrial ecology. I understand this to be a matter of sensitivity testing in respect of options to address ecological effects (rather than economic effects).
203. In respect of analysis of the costs and benefits of including a walking and cycling facility across the Ranges, a preliminary market assessment undertaken by **Mr Kennett** indicates that a sealed path along or near the new road is likely to generate fewer benefits, at a greater cost, than other potential recreational options.
204. It is my conclusion, based on the EY Report, that the Project has significant positive economic effects. The recommended condition (26D) is not necessary to 'lock-in' the positive effects that will be realised by the Project and neither is it necessary to avoid, remedy or mitigate an adverse economic effect.

Natural hazards

205. Part B of Volume 2 of the NoR documentation identifies possible natural hazard risks to the Project and Part G of Volume 2⁵⁸ confirms that the Project delivers a positive effect when compared with the existing and pre-existing situation as a result of the management and minimisation of these risks through the standards included in the 'Preliminary Design Philosophy Report' and the 'Bridge and Retaining Wall Design Philosophy Report'.⁵⁹
206. The Section 42A Report generally agrees with the conclusion in Part G of Volume 2 of the NoR documentation and makes no recommendation, noting:
- (a) that the issues raised by Mr Shoebridge⁶⁰ in respect of flooding and drainage are matters for consideration as part of future resource consents; and
 - (b) that Horizons seeks no relief but highlights information in respect of natural hazards.
207. I note that this is consistent with **Mr Whaley's** conclusions in his evidence.

Waste management

208. The Section 42A Report identifies waste management as a potential adverse effect and:
- (a) supports the CEDF approach to the reuse and recycling of materials;
 - (b) supports the amendment to Condition 10(c) in respect of construction waste that was offered by the Transport Agency in its response to Councils' request for further information under section 92 of the RMA; and
 - (c) recommends a further amendment to Condition 10(c)(iii) to require the location of spoil sites to be identified in the CEMP.⁶¹
209. While not necessary to enable the Councils to "address concerns" in relation to the location of spoil sites as part of future outline plans (as suggested in the Section 42A Report),⁶² I consider that an amendment of this nature provides useful direction to the requiring authority and as such, I have included an amendment to Condition 10 in Attachment B.

⁵⁸ At page 160.

⁵⁹ Appendix 3 and Appendix 4 respectively to Volume 2 of the NoR documentation.

⁶⁰ Submission number 103.

⁶¹ Section 42A Report, paragraphs 738 to 742.

⁶² Section 42A Report, paragraph 741, page 199.

APPROACH TO MANAGING EFFECTS ON THE ENVIRONMENT

210. As noted the evidence of a number of witnesses, and particularly **Mr Wickman** and **Mr Whaley**, effects on the environment have been managed in the first instance through the option selection and refinement (MCA analysis) process, including a considered analysis of environmental and social impacts.
211. The effects of the preferred option were then further addressed through an iterative refinement process that included further effects assessments and collaborative workshops with the Councils, stakeholders and tangata whenua. A realistic worst-case of potential effects within the designation corridor was assumed. An indicative alignment was used to confirm and test the width of the designation and assumptions in respect of potential adverse effects.
212. The avoidance of adverse effects has been a key driver for the identification of the designation corridor and the subsequent shaping and refinement of the corridor. Where avoidance has not been possible, measures to remedy or mitigate significant adverse effects have been proposed.
213. The methods proposed to manage effects on the environment, including through imposing conditions on the designations and the way in which subsequent design can be carried out, are described in Part H of Volume 2 of the NoR. Key elements include:
- (a) the establishment of 'effects envelopes' that set an absolute maximum extent of acceptable effect, specific to particular effects in particular locations;
 - (b) a CEDF that establishes the key design parameters, or 'look and feel', that apply to the Project;
 - (c) a suite of management plans that provide measures, procedures, and standards to manage specific effects of construction;
 - (d) in respect of effects on terrestrial ecology, an ultimate requirement to achieve a net indigenous biological diversity;
 - (e) the realisation of positive effects, such as transport connectivity;
 - (f) requiring works to be undertaken in compliance with applicable current New Zealand standards and legislation;

- (g) bespoke conditions that address effects on individual properties and assets, including Te Āpiti wind farm, Ballantrae Farm Research Station, the National Grid, and KiwiRail's railway corridor;
- (h) the maintenance of on-going engagement with the Councils, tangata whenua, directly affected parties, other key stakeholders and the community; and
- (i) use of the outline plan process to provide for continued refinement to approaches to the management of effects and to enable on-going collaboration and engagement.

PART 2

214. The consideration of the effects of allowing the requirements is subject to Part 2 of the RMA. Part I in Volume 2 of the NoR documentation provides an assessment of the Project in respect of Part 2 of the RMA.⁶³ In this assessment it is my conclusion that the Project achieves the purpose and principles of the RMA set out in Part 2. Having now reviewed the information presented in submissions, the Section 42A Report and other evidence to be filed by the Transport Agency, I continue to support my conclusion as detailed below.

Section 5 – Purpose and principles

215. The Project is a regionally significant physical resource that will enable people and communities to provide for their social, economic and cultural well-being and for their health and safety by delivering:
- (a) economic benefits, including increased economic activity during construction and the operational benefits of certainty, productivity benefits and agglomeration benefits;
 - (b) transport benefits through improved efficiency, reliability, safety, resilience and travel times, including improved journeys for all road users from cyclists to freight operators;
 - (c) social benefits in terms of connectivity, community cohesion, reduced consequences of crashes and injuries, and particularly in terms of community outcomes in Ashhurst; and

⁶³ Section 46, beginning at page 211.

- (d) with the assistance of tangata whenua, the ability to recognise and provide for cultural effects and manage adverse effects on those values.

216. It is acknowledged that the Project will have adverse effects on the environment, particularly in the short term, during construction. These effects are appropriately managed, including by conditions that avoid, remedy, mitigate or offset adverse effects on natural and physical resources in the locality, and people and communities.

Section 6 – Matters of national importance

217. I am of the opinion that the Project recognises and provides for the matters of national importance in section 6 of the RMA and comment as follows:

- (a) The Project provides for the preservation of the natural character of streams and margins by confining stream crossings (and associated disruption) to an effects envelope as set out in the evidence of **Mssrs Evans and Miller**. The Project provides for restoration and mitigation planting that may result in the enhancement of natural character in some circumstances (section 6(a)).
- (b) **Mr Evans** confirms that the Project cannot avoid crossing two outstanding natural landscapes (Manawatū Gorge and the Ruahine ridgeline). Effects on the Ruahine ridgeline are limited by the likely location of the alignment in cut. Effects at the Manawatū River crossing are primarily mitigated by bridge design and planting (section 6(b)).
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is achieved, in part, by an effects envelope in the first instance along with replacement and offset planting measures and any other measures that are necessary such that the Project results in a net biological diversity gain as described by **Dr Forbes** (section 6(c)).
- (d) The Project will not impact on public access to or along the margins of any river (except where necessary for construction activities (section 6(d))).
- (e) The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga has been recognised and provided through embedding Māori cultural values in

the Project, including through the incorporation of Te Aranga principles in the CEDF, the requirement for a TWVMMP and the provision for involvement in the development of management plans (section 6(e)).

- (f) The protection of historic heritage has been recognised and provided for through the route selection which avoids any direct effect on scheduled heritage sites and through an accidental discovery protocol⁶⁴ as confirmed by **Dr Clough** (section 6(f)).
- (g) The Project does not impact on any recognised customary rights (section 6(g)).

218. Natural hazard risks (although not assessed as significant) are appropriately managed through the location and design parameters of the Project (section 6(h)).

Section 7 – Other matters

219. It is also my conclusion that the Project has had particular regard and appropriately responded to the matters in section 7 of the RMA, and I note that:

- (a) The kaitiakitanga of tangata whenua has been recognised through engagement at all stages of the Project, the independent preparation of cultural values statements, evidence and the requirement for a TWVMMP (section 7(a)).
- (b) The ethic of stewardship has been recognised in the engagement with and participation of community groups who have a specific interest in and exercise stewardship over particular resources (section 7(aa)).
- (c) The approach taken provides for the efficient development of the Project, as a physical resource of critical importance to the Region (as identified by the priority given to the Project in the RLTP) as described by **Ms Downs** (section 7(b)).
- (d) The significant transport benefits, identified in **Mr Dunlop's** evidence, that are realised by the Project, including reduced travel times, will deliver fuel savings and therefore greater efficiency of the end use of energy (section 7(ba)).

⁶⁴ Where an archaeological authority is not in place.

- (e) The selection of, and refinement of, the designation has sought to avoid adverse effects on existing amenity values. In many circumstances, such as in Ashhurst (when compared to the existing environment), amenity values are enhanced as a result of the Project. In other circumstances bespoke conditions are proposed to manage potential effects on individual property owners (section 7(c)). In his evidence **Dr Chiles** details measures to mitigate potential effects.
- (f) As set out by **Dr Forbes**, the impacts of the Project on significant ecosystems are managed by an effects envelope, replacement and offset planting measures and any other measures that are necessary to achieve a net biological diversity gain (section 7(d)).
- (g) The selection of the designation corridor, refinement of the corridor, and the consideration of the effects of allowing the requirements have been informed by a range of expert effects assessments, with a view to achieving an outcome that avoids and minimises adverse effects on the environment (to the extent practicable). **Mr Wickman** and **Mr Whaley** describe the process undertaken. While the Project results in a permanent change to the existing environment, this iterative evaluation process has minimised the impact of the Project while achieving the Project objectives and realising a range of benefits (section 7(f)).
- (h) In terms of finite characteristics, the Project responds to the presence of a remnant stand of threatened – nationally critical swamp maire and the nationally critical ramarama by providing for their retention (section 7(g)).
- (i) While the Project has the potential to disrupt the Te Āpiti wind farm, further mitigation measures have been proposed particularly to ensure that any planting associated with the Project does not compromise the on-going operation of, and electricity output of, the wind farm and the benefits that accrue as a result (section 7(j)).

Section 8 – Treaty of Waitangi (Te Tiriti o Waitangi)

220. In my opinion, the Transport Agency, as a Crown agency, has taken into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi by:

- (a) taking an early, on-going and enduring partnership approach as described in **Mr Dalzell's** evidence;

- (b) providing for cultural values to be identified and addressed by tangata whenua as demonstrated in 'Te Ahu a Turanga', 'Statement of Kahungunu ki Tāmaki Nui-a-Rua Trust' and 'Te Manawaroatanga' and through evidence filed by and through the Transport Agency; and
- (c) conditions that manage effects on the identified cultural values through embedding continued involvement in the development and design of the Project, including in the development and implementation of management plans and the CEDF, and specifically through the TWVMMP.

COMMENTS ON SUBMISSIONS

221. I have read and considered the submissions made on the NoRs. This includes submissions that raise issues relating to planning policy matters; those that address effects on the environment; and those that seek relief in respect of the conditions proposed to be imposed on the designations. I respond to the matters raised in submissions below, where those matters are within my area of expertise, and detail discussions I may have had with submitters.
222. I note that since submissions have closed, representatives of the Transport Agency have endeavoured to engage with submitters and in some cases I have had discussions with submitters in order to better understand and respond to the matters raised. The Pre-Hearing Meetings Report⁶⁵ details many of these discussions and records a number of matters that have been resolved or agreed with submitters.

AgResearch Limited (submission number 312)

223. The submission made by AgResearch opposes the Project where it crosses the long-term phosphorus fertiliser and sheep grazing experiment located on the AgResearch Ballantrae Research Station and seeks a number of measures to address effects on the Research Station, including its avoidance.
224. I am aware of a number of other submissions that similarly raise concerns in respect of the impact of the Project on the Ballantrae Research Station and long-term fertiliser and grazing experiment.⁶⁶

⁶⁵ Filed by the Transport Agency on 1 March 2019.

⁶⁶ These are Beef + Lamb New Zealand Limited (submission number 364), Fertiliser Association of New Zealand Inc. (submission number 361), Ballance Agri-Nutrients Limited (submission number 359), Cory Matthew (submission number 372) and Louis Schipper (submission 171).

225. As set out in the Pre-Hearing Meetings Report, the Transport Agency has had a number of meetings with these submitters that have culminated in the development of range of measures to mitigate effects on the Research Station and experiment. These measures are the subject of ongoing discussions with AgResearch and its stakeholders, and in the meantime further principles to guide minimisation of effects are embedded in proposed amendments to Condition T3.
226. The potential effects of the Project on the Ballantrae Research Station and long-term fertiliser and grazing experiment, and the efficacy of the proposed mitigation measures, are considered in the expert evidence of **Dr Horne** and **Mr Morton**.

Meridian Energy Limited (submission number 363)

227. The submission made by Meridian acknowledges on-going discussions with the with representatives of the Transport Agency and sets out concerns in respect of the effects of the NoRs on the Te Āpiti Wind Farm.
228. Earlier in my evidence, I describe the relief sought by Meridian and the measures proposed to provide for the relief sought, including conditions that minimise the impact of the Project on the generation output of the existing turbines.

KiwiRail Holdings Limited (submission number 365)

229. The submission made by KiwiRail supports the NoRs and seeks that the designation be confirmed subject to the conditions that have an influence of rail being imposed on the designation (being Conditions 5, 22 and M2).
230. The relevant conditions are retained in the revised Conditions in **Attachment B**.

Transpower New Zealand Limited (submission number 367)

231. The submission made by Transpower seeks that:
- (a) Conditions 2, 25 and T2 are imposed on the designation;
 - (b) “as far as practicable” is deleted from Condition 20; and
 - (c) New conditions are included to address the maintenance of access to National Grid assets and the control of planting near the National Grid.
232. Having discussed the relief sought with Transpower representatives, I have drafted:

- (a) an amendment to Condition 21 to address the potential impacts of construction vibration on National Grid structures; and
- (b) a new clause in Condition 25 requiring planting to be undertaken in a manner that will not result in the Electricity (Hazards from Trees) Regulations 2003 being breached.

233. Transpower has confirmed that these amendments, in addition to the retention of Conditions 2, 5(e), 25 and T2, resolve all matters raised in its submission.

Powerco Limited (submission number 313)

234. The submission made by Powerco seeks that a condition requiring a 'Network Utility Management Plan' ("**NUMP**") be imposed on the designations.

235. I have discussed the relief sought with Powerco's representative and drafted:

- (a) as for Transpower, a new clause in Condition 25 requiring planting to be undertaken in a manner that will not result in the Electricity (Hazards from Trees) Regulations 2003 being breached; and
- (b) a new Condition 26A to signal that all works must be undertaken in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors (September 2016).

236. Powerco has confirmed that amended Condition 25 and new Condition 26A (instead of a NUMP) resolve all matters raised in its submission.

Barbara Cooke (submission number 105) and Nicholas Shoebridge (submission number 103)

237. I understand that Barbara Cooke and Nicholas Shoebridge both live at a property known as 49846 Napier Road (State Highway 3). The submitters' concerns are primarily related to the proposed location of the eastern roundabout and the potential impact on their property – in respect of noise, air discharges and lighting – that they consider will impact on their enjoyment of their property and property values.

238. I have spoken to the submitters and understand that, while they do not oppose the Project, they desire that the Transport Agency purchase the property.

239. My understanding is that the Transport Agency does not intend to purchase this property. On this basis, I have set out proposed conditions that manage effects on the submitters, and are consistent with the conditions agreed to by the acoustic experts to manage potential adverse effects and the evidence of **Dr Chiles**. These include requiring:
- (a) traffic lanes of the roundabout to be more than 100 metres from dwellings;
 - (b) a low-noise road surface to be laid on Vogel Street;
 - (c) either a low-noise road surface from the roundabout extending 1.5km to the west or the provision of concrete barriers;
 - (d) lighting to comply with the relevant Standard;
 - (e) the construction of a bund along the roadside boundary of the submitters' property; and
 - (f) a post-construction review of the noise modelling, including actual measurements at the submitters' property, to determine if the applicable standard is met (and if not, require further mitigation).
240. For completeness, I record my agreement with the Section 42A Report, that concerns expressed by Mr Shoebridge in respect of drainage and flooding are matters that are properly addressed as part of future regional resource consents.

John and Wendy Napier (submission number 296)

241. John and Wendy Napier live at 75 Hope Road. Their submission expresses concern in relation to noise impacts on their property and the subsequent impact on the value of their property. The submission sets out a range of mitigation measures to address the potential impacts.
242. Along with **Dr Chiles**, I met with the submitters at their house in late November 2018 (and before submissions closed). More recently I made contact with the submitters but have not had the opportunity to discuss mitigation measures, including conditions, that respond to the concerns identified in the submission.
243. In his evidence, **Dr Chiles** comments on the mitigation measures proposed in the submission and recommends a range of measures as follows. These measures are consistent with the mitigation set out in the agreed position

reached by the acoustic experts following expert witness conferencing.

These conditions include:

- (a) requiring traffic lanes to be more than 200m from the submitters' dwelling;
- (b) requiring either a low-noise road surface laid on the main alignment from the eastern roundabout extending at least 1.5m to the west, or concrete barriers;
- (c) planting at the submitters' property to screen views;
- (d) restricting and managing the movement of heavy vehicles accessing the site from Hope Road; and
- (e) a post-construction review of the noise modelling, including actual measurements at the submitters' property and site inspections, to determine if the applicable standard is met (and if not, require further mitigation).

244. I anticipate discussing these conditions with the submitters in the coming weeks.

Murray Ramage (submission number 170)

245. The submission made by Murray Ramage expresses concern in relation to noise and visual impacts on a property (and a potential future dwelling) that the submitter owns, as a trustee, that I understand is neighbouring 75 Hope Road. The submission seeks discussions in respect of possible mitigation measures.

246. In his evidence, **Dr Chiles** confirms that the relevant noise standard does not provide the ability to consider noise effects on future houses (and it would be problematic to do so). However, he concludes that, given the proximity of the submitter's property to 75 Hope Road, it is likely that the measures proposed to address noise effects in respect of 75 Hope Road would similarly benefit the submitter's property (these are set out above).

247. I have spoken to Mr Ramage and described the measures proposed. I anticipate further dialogue over the coming weeks in respect of possible mitigation. In this regard I note that:

- (a) Mr Ramage considers that the use of Hope Road for construction access may provide improved access opportunities for the submitter's property; and
- (b) it is my understanding that the Transport Agency is open to planting to provide screens (as for 75 Hope Road).

Nick Rogers and Tiffany Wendland (submission number 366)

248. The submission made by Nick Rogers and Tiffany Wendland is concerned with noise impacts on their property at 1213 Fitzherbert East Road. The submission seeks:

- (a) independent 'before and after' noise tests;
- (b) that consideration be given to moving the roundabout;
- (c) noise mitigation bunds; and
- (d) double glazing, ventilation and noise reduction insulation.

249. **Dr Chiles** and I met with the submitters at their house in late November 2018 and I have since spoken to Mr Rogers and subsequently proposed a number of conditions to address the submitters' concerns. These conditions are consistent with **Dr Chiles'** evidence and the mitigation set out in the agreed position reached by the acoustic experts following expert witness conferencing, and are as follows:

- (a) requiring an investigation to be undertaken to maximise separation from the roundabout (in addition to a minimum separation – requiring traffic lanes of the roundabout to be more than 100m from the submitters' dwelling);
- (b) requiring extended bunds and associated landscaping along the frontage of the submitters' property; and
- (c) requiring a post-construction review of the noise modelling, including actual measurements at the submitters' property, to determine if the applicable standard is met (and if not, require further mitigation).

250. Mr Rogers has indicated that these conditions do not address his concerns.

Charleen Cudby (submission number 239)

251. The submission made by Charleen Cudby expressed concern that part of her property may be required for the Project. I spoke to Ms Cudby on 13 February 2019 and advised her that her property is not within the designation. On this basis she has confirmed that her concerns have been addressed.

Anonymous (submission number 740)

252. As with Ms Cudby, a submission made by a submitter whose details have been withheld expresses concern that their property (or part of it) is required for the Project. I am aware of the location of this property and have advised the submitter that the property is not within the designation. The submitter is yet to confirm that this advice addresses the concerns raised.

Manawatū-Whanganui Regional Council (Horizons) (submission number 371)

253. The submission made by Horizons generally supports the Project and includes a commentary in respect of the RPS provisions of the One Plan and the RLTP. The submission generally:

- (a) sets out how the Project is consistent with Objective 3-1, and its implementing Policies;
- (b) confirms that the Project is the region's top priority;
- (c) notes that the Project contributes to four of the six RLTP objectives; and
- (d) adds that the RLTP also recognises improved connectivity as a strategic priority.

254. These conclusions generally accord with my analysis included in Part I of Volume 2 of the NoR documentation.

255. The submission goes on to identify one outstanding matter that the submitter considers not to be adequately addressed, being "*the future-proofing of safe walking and cycling connections*", and notes that an integrated walking and cycling network is a strategic priority in the RLTP and contributes to Objective 3 of the RLTP.⁶⁷

256. The submission does not seek any change to the NoR, but encourages greater recognition and definition of walking and cycling provisions and opportunities.

⁶⁷ "A safe land transport system increasingly free of death and serious injury."

257. In her evidence, **Ms Downs** confirms that the Project will include the following elements that contribute to a future-proofed and connected network:

- (a) construction of a separated walking and cycling facility attached to, or alongside, the existing Ashhurst Bridge (subject to resource consents being obtained);
- (b) a walking and cycling connection from the Ashhurst Bridge to the Manawatū Gorge Scenic Reserve car park;
- (c) a separate pedestrian facility on the new bridge across the Manawatū River, to complement the road shoulders available for use by cyclists, to future-proof potential connections through or near the northern part of the Scenic Reserve (subject to design details being worked through); and
- (d) delivery of an extension to an existing walking and cycling facility to the west of Woodville, thus delivering a section of the future Lindauer Arts Trail.

258. In my opinion, these elements of the Project are consistent with the relief sought in the submission made by Horizons. I have drafted revised conditions to confirm these elements of the Project with the exception of the facility described in clause (c), this is because the necessary details are dependent on third party 'inputs' that cannot be compelled by condition.

Royal Forest and Bird Society (Inc) (submission number 295)

259. The submission made by the Royal Forest and Bird Society ("**Forest and Bird**"), amongst other matters, suggests that the measures to manage effects on the environment are unclear and insufficient.

260. I attended a meeting with representatives of Forest and Bird on 14 February 2019 to discuss matters raised in the submission. At this meeting I confirmed an amendment to Condition 16 (as suggested in the submission and addressed in **Mr Blayney's** evidence); described the way in which the condition framework manages potential adverse effects, and confirmed that matters relating to freshwater values are to be considered as part of the future regional resource consent process. The same representatives also attended the ecological mitigation workshop on 15 February 2019 where I provided the current (at that time) version of the proposed conditions relating to ecology.

261. The submission is addressed in the evidence of **Mr Blayney** and **Dr Forbes**.

Director General of Conservation (submission number 369)

262. The submission made by the Director-General of Conservation (“**Director-General**”) opposes the NoRs and seeks, in summary:

- (a) further information in relation to the assessment of impacts on indigenous vegetation, fauna and their habitats (including a revision of ecological mitigation and offset approaches);
- (b) further information in respect of effects on the Manawatū Gorge Scenic Reserve car park (“**MGSR car park**”);
- (c) that arrangements be put in place in respect of Department of Conservation (“**DOC**”) access to the northern area of the MGSR;
- (d) the provision of public access to the northern area of the MGSR and future initiatives;
- (e) the mitigation of effects of ‘abandoning’ the State highway through the Manawatū Gorge; and
- (f) consultation in respect of all management plans.

263. I have attended three meetings with representatives of the Director-General since late last year to discuss the matters raised in the submission.

264. In respect of impacts on indigenous vegetation, fauna and their habitats, I note that **Dr Forbes** has provided substantial further information in response to comments and queries made by Dr Martin (assisting DOC in respect of the Director-General’s submission). **Mr Blayney** contributed to that response. **Dr Forbes** and Dr Martin have also undertaken preliminary expert witness conferencing and their joint witness statement, along with their exchange of information, is included as Attachments C and D to the Pre-Hearing Meetings Report.

265. As an outcome of these communications, amendments have been necessary to the proposed conditions. These are set out in **Attachment B**. An earlier version of the amended proposed conditions relating to ecological matters was provided to representatives of the Director-General on 15 February 2019.

266. As a result of discussions with representatives of the Director-General relating to impacts on the MGSR Car Park and proposed Condition PN2 (that

provides for a car park management and reinstatement plan), the Transport Agency has provided an example of a similar reinstatement plan and I have suggested possible amendments to Condition PN2 to address the Director-General's concerns. I am awaiting a response from representatives of the Director-General.

267. Similarly, the Transport Agency is also awaiting further information or feedback in respect of:

- (a) DOC's access requirements in respect of the northern area of the MGSR;
- (b) DOC's request for a name change for the MGSR car park; and
- (c) confirmation in respect of whether consultation is necessary for all management plans, noting that the proposed conditions already include a number of requirements for consultation with the DOC, but there may be some management plans where DOC input is not necessary or appropriate (for instance the TWVMMP and the CNVMP).

268. In respect of the future of the State highway through the Manawatū Gorge, the evidence of **Ms Downs** confirms that it is closed, rather than 'abandoned, and sets out its current status and the steps to determine its future.

Heritage New Zealand Pouhere Taonga (submission number 377)

269. The submission made by HNZPT seeks the inclusion of an advice note in the conditions to advise of the need for an archaeological authority and amendments to proposed Condition 24.

270. As set out earlier in my evidence, HNZPT has confirmed that the inclusion of replacement Condition 24 (as set out in Attachment B) resolves all matters raised in its submission.

Manawatū River Source to Sea (submission number 360)

271. The submission made by Manawatū River Source to Sea, amongst other matters, raised concerns in respect of the level of detail about how effects on the environment will be managed and suggests that further proposal and submission phases be created.

272. In my opinion, the proposed conditions, subsequent outline plan process and applications for regional resource consents afford the type of opportunity sought by the submission. I note that a representative of Manawatū River Source to Sea attended the ecological mitigation workshop of 15 February

2019, where I provided the current version of the proposed conditions and described the way in which the condition framework manages potential adverse effects.

Manawatū Gorge Governance Group (submission number 374)

273. Manawatū Gorge Governance Group's ("the Governance Group") submission expresses general support for the Project, but opposes "*the lack of walking and cycling facilities being included as part of the application*". The Governance Group's submission seeks:

- (a) a net positive outcome for ecology and native biodiversity;
- (b) the maintenance and enhancement of access to facilities of the Te Āpiti Manawatū Gorge area during and after construction (including the maintenance and enhancement of the visitor experience);
- (c) the enhancement of walking/cycling access to and within the area; and
- (d) on-going consultation with the Governance Group.

274. In response to the Governance Group's submission:

- (a) I consider that the net positive outcome sought is embedded in the requirements of Condition 17(b). In terms of the contribution the Project may make, the purpose of a recent Ecological Mitigation Workshop⁶⁸ was to progress the process of identifying such opportunities. Members of the Governance Group participated in this workshop.
- (b) In terms of access to facilities, Condition PN2 provides for the preparation of the MGSR Car Park Plan that includes, amongst other matters, a requirement to maintain public access during construction and to reinstate the facilities.
- (c) As set out in the evidence of **Ms Downs, Mr Kennett and Mr Dunlop**, and in response to a number of submissions, the Project provides walking and cycling access at the eastern and western extents as follows:
 - (i) Condition 26(a) requires an extension of an existing walking and cycling path from Hampstead Street to west of the new

⁶⁸ Held in Palmerston North on 15 February 2019.

roundabout proposed at the intersection of Woodland Road and Vogel Street including safe and appropriate crossing facilities;

- (ii) Condition 26(b) requires the Ashhurst Bridge to be upgraded to provide improved walking and cycling access prior to the opening of the new road;
- (iii) subject to design considerations being worked through, a separate pedestrian facility will be provided on the new bridge across the Manawatū River, to complement the road shoulders available for use by cyclists, to future-proof potential connections through or near the northern part of the Scenic Reserve.

275. The proposed conditions, as notified, provide for consultation with the Governance Group in respect of the CEDF and the LMP. Having reviewed the Governance Group's submission, I consider that the Governance Group is likely to have considerable interest in the EMP and MGSR Car Park Plan also. I therefore suggest amendments to Conditions 17 and PN2 to provide for further on-going consultation with the Governance Group.

Rachel Keedwell (submission number 244)

276. The submission made by Rachel Keedwell suggests that the Project:

- (a) does not meet a range of objectives, strategic priorities and policies of the RLTP; and
- (b) fails to address numerous aspects of the GPS.

277. The submission states that the Project must include a safe, separate path for cyclists and pedestrians.

278. In respect of the GPS, in addition to my earlier evidence, I note that the statutory mechanism to give effect to the GPS is the NLTP. The NLTP is also required to take into account regional land transport plans. The current NLTP, in giving effect to the GPS and taking into account the RLTP, identifies the Project as a key priority but does not make specific provision for pedestrians and cyclists as part of the Project. By contrast, the NLTP clearly envisages improvements for access and safety for pedestrians and cyclists in the context of the Palmerston North Integrated Transport Improvements Project.

279. For these reasons, and with reference to my earlier evidence and the evidence of **Ms Downs** and **Mr Dunlop**, I do not agree with the submitter,

that a safe, separate path for pedestrians and cyclists is necessary as part of the Project in the context of the various transport planning instruments developed under the LTMA.

RESPONSE TO QUESTIONS OF THE HEARING PANEL

280. The following sets out my response to relevant questions of the Hearing Panel that are set out in the 'Third Minute of the Hearing Panel' dated 27 February 2019.

Volume 2, Page 39

"Where in the construction process outlined would mitigation and offset planting occur and how would this reflect the different establishment times for different ecological habitats?"

281. In addition to **Dr Forbes'** response to this question, I note that the clause (a)(iii)(H) in Condition 13 – Ecological Management Plan includes a requirement for all planting to be completed within three planting seasons following the completion of construction.

Volume 2, Page 152

"What in NZTA's view does "cultural monitoring activities" actually entail?

For example what will actually be monitored, by whom and at what frequency?

How will any "cultural monitoring" results be utilised by NZTA?"

282. The evidence of **Mr Dalzell** summarises discussions to date with iwi about cultural monitoring. I understand the key concepts discussed relate to active monitoring on site during earthworks and structure construction (such as bridge piles and piers) and would include ceremonial functions at key milestones. Monitoring would also relate to the design of, and implementation of, any ecological mitigation. The specific activities, locations, frequency and the identity of monitors are matters that the Transport Agency and iwi expect to develop further through the future detailed design, outline plan and resource consenting phase of the Project.

Volume 2, Page 230

"Can you please provide me with an update of the Te Āpiti Master Plan process, the contents of the Plan, and any impact it might have on our consideration of the NOR?"

283. My current understanding of the Te Āpiti Masterplan (“**TAMP**”) process and content is limited to the details included in the submission made by the Manawatū Gorge Governance Group⁶⁹ along with information included in the Section 42A Report and the S42A Technical Evidence: Tourism and Recreation.
284. These documents state that the masterplan is in the final stages of preparation and is to be ‘reported’ to the Governance Group on 24 May 2019 following a wider public engagement event that is to take place earlier this year. I do not know how the outcomes of public engagement are to be considered or captured in the TAMP. For instance, it is not clear a formal submission or feedback process is anticipated.
285. In terms of content, a November 2018 draft of the TAMP was provided to the Transport Agency on 1 March 2019 and is attached to the evidence of **Ms Downs**.
286. Having reviewed the incomplete content of the draft (as set out earlier in my evidence) and, given the lack of public or key stakeholder scrutiny, I have concluded that the document can be given little to no weight as an ‘other matter’ in respect of section 171(1)(d) of the RMA.
287. That said, I acknowledge that the TAMP is intended to be completed over the life of the Project and have therefore promoted conditions that require consultation with the Governance Group as part of the development of the CEDF, EMP, MGSR Car Park Plan and the LMP so that the outcomes and opportunities identified in the future through the TAMP may be considered.⁷⁰
288. I have further addressed the matters raised in the Governance Group’s submission earlier in my evidence.

Condition 5(e)

“Given the significance of streams, is this level of disturbance of diversion suitable or should a greater level of control be appropriate to mitigate the ecological effects?”

289. Condition 5(e)(i) establishes an ‘envelope’ of acceptable effects on the streams (and their margins) where those streams are assessed as having high natural character. The ‘envelope’ was established by the relevant team of advisors with a view to avoiding the level of adverse effect discouraged by

⁶⁹ Submission number 374.

⁷⁰ Proposed Conditions 11, 12, 17 and PN2.

Objective 6-2(b)(ii) of the One Plan. Drivers in the proposed designation conditions and CEDF are intended to incentivise further reduction of these effects, which will ultimately be tested (in light of further mitigation and offset or compensation measures proposed at that time) through the resource consenting phase of the Project.

Condition 21

“The Construction Noise and Vibration Management Plan makes no mention of mitigating noise and vibration. Please comment.”

290. As noted by **Dr Chiles**, clause (a) of Condition 21 requires the CNVMP to demonstrate how compliance with the relevant Standards is achieved (including through the implementation of mitigation and management measures).
291. Further, an amendment to Condition 21 that I have drafted to reflect agreement recorded in the ‘Joint Statement of Acoustic Experts’ now provides for the CNVMP to include a description of alternative mitigation strategies where compliance with the criteria in Condition 19 and 20 (that reflect the relevant Standards for construction noise and vibration) may not be achieved.

Condition 5(d)(ii)

“What does “materially different” mean?

Who determines the materiality?”

292. My understanding of what may constitute an amendment or change that is “materially different” is with reference to outcomes and a change that would deliver a discernibly different outcome. Condition 5(d) does not explicitly state who determines ‘materiality’ but provides for written advice to the relevant council.
293. In my experience such a condition is essential to the efficient delivery of a Project and common in the context of State highway designations. Examples of similar conditions include:
- (a) the East West Link Proposal recently determined by a Board of Inquiry includes the following designation condition:

“The CNVMP, CTMP, HMP and ULDMMP may be amended following submission of the Outline Plan(s) if necessary to reflect any changes in

design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager for information without the need for a further Outline Plan process, unless those amendments once implemented would result in a materially different outcome to that described in the original plan. ...”

- (b) the Northern Corridor Improvements Proposal, also determined by a Board of Inquiry, includes the follow as part of a designation condition:

“ ... The CNVMP, CTMP and UDLPs may be amended following the submission of the OP(s) if necessary to reflect any changes in design, construction methods, or management of effects.

Any amendments are to be discussed with and submitted to the Council for information without the need for a further OP process, unless those amendments once implemented would result in materially different effects to that described in the original CNVMP, CTMP, and UDLPs.”

294. In this regard I note that the ‘recommended conditions’ attached as Appendix 7 to the Section 42A Report amend Condition 5(d) to include a requirement for Councils’ agreement to an outline plan not being required. The Section 42A Report does not specifically address the rationale for this amendment.
295. In my opinion the amendment suggested in the Section 42A Report imposes an unnecessary administrative burden in situations where the outcome in respect of the Project, and adverse effects on the environment, do not change. In my experience, requiring a formal approval would, in practice, be tantamount to the submission of an outline plan or waiver of the requirement to submit an outline plan required by section 176A of the RMA, such that Condition 5(d) itself would become redundant.
296. While I accept that ‘materially different’ has an element of judgement in that it is a matter of fact and degree. In practice, this test is similar in respect of RMA approvals generally whereby works must be ‘in accordance with’ or ‘in general accordance with’ plans and/or other application materials. Condition 5(d) could be seen to be explicitly stating this threshold or test.

Condition 6(b)

“Is it good practice to have examples in conditions? Would it be more certain if the reasonable hours were actually be stated?”

297. Yes, it would be more certain for the reasonable hours to be stated, however, an example is used to provide an indication of what is anticipated by the Transport Agency. A better approach may be to consult with the community to determine the most useful hours of availability and I have proposed an amendment to Condition 6 to reflect this.

298. I also note that a less rigid approach has the advantage of providing the flexibility to adjust these hours depending on the duration of construction works, for instance longer or later availability when night works occur.

Condition 6(d)

“What does “appropriate steps” mean? Who determines the appropriateness of the steps?”

299. ‘Appropriate steps’ is intended to provide for the Community Liaison Person’s details to be communicated in a way that all members of the community can have access to the contact details. Condition 6, as drafted, does not stipulate who determines ‘appropriateness’. I accept that greater certainty could be provided in this regard and have proposed an amendment to the Condition or direct that the Community Liaison Group can advise as to ‘appropriateness’.

Condition 10(c)(ii)

“What does “environmental policy basis” mean?

What does “relevant performance standards” mean?

Who determines the relevance?

300. The reference to ‘environmental policy basis’ in Condition 10 is intended as a reference to the Transport Agency’s ‘Environmental and Social Responsibility Policy’ that responds to the requirements of Section 96(1)(a) of the Land Transport Management Act 2003.⁷¹ Upon reflection I acknowledge that this is not clear in Condition 10, as evidenced by an amendment promoted in the ‘recommended conditions’ included as Appendix 7 to the Section 42A Report, and I have suggested an amendment to provide greater clarity.

⁷¹ To paraphrase, section 96(1)(a) of the LTMA requires the Transport Agency, in meeting its objective and undertaking its functions exhibit a sense of social and environmental responsibility amongst other matters.

301. The reference to 'relevant performance standards' in Condition 10 is to require the CEMP to set out other standards that must be met, in addition to those embedded in conditions. These standards will not be directly relevant to the designations themselves, but are relevant to regional consent matters and works outside of the designation. For instance, where the Project does not need a resource consent because a particular activity is permitted, that permitted activity is likely to have associated standards that must be met. In this way, relevance will be determined by whether particular rules in regional or district plans apply to the works.
302. While not necessary in the context of a designation condition, I support this inclusion of reference to such standards, and have made an amendment to Condition 10 to better reflect what is intended.

Condition 11(a)

"Should all references to a "suitably qualified person" be amended to "a suitably qualified and experienced person?"

303. Yes; while implied, I have further amended all references to 'suitably qualified' in the Conditions in Attachment B to also include 'experienced'.

Condition 12

"What does "prior to commencement ..." mean and should that be expressed as a number of working days?"

304. Condition 12, and several other conditions could stipulate a set number of days before construction when various management plans must be completed. However, I do not consider doing so is necessary or of any particular benefit. This is because the requirement to include such management plans in an outline plan (as required by Condition 5) results in the management plans needing to be completed at least 20 working days prior to construction, being the timeframe for a territorial authority to request changes to an outline plan in section 176A of the RMA, in any case.

Conditions 12(iv)B and 17(a)(iii)(H)

"Should effects on the Te Āpiti wind farm be "minimised" or should they be "avoided?"

305. The clauses referred to in this question are now proposed for deletion in favour of an approach to the management of effects on the Te Āpiti Wind Farm that is more specific and aligned to the outcome sought in the

submission made by Meridian. That is, new clauses 12(f) and 13(d) restrict planting over that part of the wind farm site that contains turbines.

306. That said, I address the potential effects on the Te Āpiti Wind Farm earlier in my evidence and in the context of the NPSREG. In summary, I have concluded that the measures proposed to minimise potential adverse effects (particularly on the generation output of the existing turbines) are appropriate and consistent with the provisions of the NPSREG.

Condition 12(e)(iv)(C)

“Instead of considering “opportunities” would it be more certain for the LMP to actually identify where such planting will occur?”

307. Yes, I agree it would be more certain to identify where the planting of stream/riparian and wetland margins to restore natural character values. I have suggested an amendment to Condition 12 to achieve this.

Condition 16(e)

“Would it be more certain to require the EMP to specify where and when the clearance or mowing of rank grass will occur?”

308. Yes, I agree it would be more certain to specify where and when the mowing of rank grass could occur. However, in his evidence, **Mr Blayney** has concluded that such a requirement is unnecessarily restrictive compared to the low risk of nesting pipit being present in any area or during any time. I agree with his observation that the condition balances flexibility while providing protection for a rare circumstance.

Condition 17(a)(F)

“Would it be more certain to require to EMP to set out how, when and where the reuse of natural materials will occur?”

“Would it be more certain to require the EMP to set out when and where community participation in planting will occur?”

309. Yes, I agree it would be more certain to require the EMP to further define the reuse of natural material and opportunities for community participation. However, clause (a)(F) relates to an opportunity that the Project works afford (rather than relating direction to an adverse effect) and therefore, in my opinion, does not warrant a more stringent approach.

Condition 22(h)

“Would it be more certain to require the CTMP to set out how adverse effects through (i) and (ii) will be reduced?”

310. Yes, the CTMP could be more specific, however clause (h) (renumbered (i)) is deliberately ‘gentle’ because it reflects the identification of an opportunity to further reduce adverse effects, rather than a ‘must-have’, in **Mr Dunlop’s** technical assessment. The ability to realise the opportunity relies on access to use KiwiRail’s network in the case of clause (i), and the ability of a contractor to develop an innovative construction methodology in the case of both clause (i) and (ii).

Condition 22(i)

“What does “current position” mean?”

311. The purpose of this clause is to ensure that construction activities do not prevent or hinder the current way cyclists and pedestrians use the road network by requiring the maintenance of the same service or ability to use the road network. The Condition could be amended to define a specific date or level of service, but such an approach would not as easily respond or adapt to changing use or community feedback through the CLG.

Condition 23(a) and 24(b)(i)

“Would it be more certain to specify who the relevant tangata whenua are?”

312. Yes, specifying who the relevant tangata whenua are would be more certain, however the term ‘tangata whenua’ has been deliberately used in an inclusive sense so as to not limit consultation with respect to an area with complex and overlapping Māori interests, as indicated in ‘Te Ahu a Turanga’, ‘Statement of Kahungunu ki Tāmaki Nui-a-Rua Trust’ and ‘Te Manawaroatanga’, which are included in Volume 3 of the NoR documentation. An inclusive approach is also consistent with the Transport Agency’s commitment to engage with any iwi that identifies an interest, as set out in the evidence of Mr Dalzell. In this regard I note that the use of the term ‘tangata whenua’ in respect of consultation is consistent with the terminology of the RMA.

313. If the Hearing Panel considers the use of the term ‘tangata whenua’ to be more exclusive in nature, an alternative approach could be to reference *‘tangata whenua and iwi with an identified interest in the Project’*.

314. It is noted that it is proposed to replace Condition 24 with a new Condition in response to the submission made by Heritage New Zealand Pouhere Taonga.

Condition PN1(a)(iii)

“What should this condition say – the link is missing?”

315. The Condition should cross-reference to the *“landscape or ecological mitigation planting required by Conditions 12, 13 and 17”*. This has been corrected in the suite of conditions included as Attachment B.

Condition PN2(b)

“Would it be more certain to specify who the relevant tangata whenua and community representatives are?”

316. As set out in Paragraphs 312 and 313 above, I agree that specifying the relevant tangata whenua would be more certain and set out the reason why use of ‘tangata whenua’ is preferred.

317. Similarly, in respect of ‘community representatives’, I also agree that greater specificity is more certain. I consider that this can be achieved by directing the consultation to the Community Liaison Group, established by Condition 8 particularly to provide input to the design in respect of a range of design matters. On this basis I support a further amendment to Condition PN2 to reference the Community Liaison Group as set out in Attachment B.

Condition PN2(c)(ii)(A)

“Who is/are the landowner(s)?”

318. The Manawatū Gorge Scenic Reserve Car Park area and main facilities are located on:

- (a) private land owned by Nut Cracker Farms Limited (in which Tom Shannon, a submitter, has an interest);⁷² and
- (b) road (Napier Road – State Highway 3).⁷³

319. The Condition is drafted in this manner to address the potential effects of a situation where the post-construction permanent car park area is provided in

⁷² Shown as property reference number 3 on Plan LR-01 in Volume 4 of the NoR documentation.

⁷³ Shown as property reference number 5(b) on Plan LR-01 in Volume 4 of the NoR documentation.

a different, and possibly more favourable, location, while also allowing the existing landowner input to the ultimate use of the area.

Condition T3

“Would it be more certain to require the Outline Plan to specify how adverse effects on the Ballantrae Hill Country Research Station fertiliser trial plots will be avoided or if that cannot be avoided how they will be remedied or mitigated?”

320. Yes, I agree it would be more certain to require the outline plan to set out how effects will be avoided in the first instance and otherwise remedied or mitigated.

321. In this regard, earlier in my evidence, and with reference to the evidence of **Mr Dalzell, Dr Horne, and Mr Morton**, I acknowledge the on-going dialogue that has occurred with AgResearch and other submitters. An outcome of these discussions has been the development of a more specific requirement that is now embedded in Condition T3 (as set out in **Attachment B**).

Condition 27

“What plan is referred to here?”

322. It is not intended that Condition 27 refer to a plan. The revised conditions in Attachment B delete this reference to a plan.

Part D – Statutory Matters

“Given our role is to consider the effects on the environment of allowing the requirement, how can we adequately do so when much of the detail for this requirement is yet to be developed within and during an outline plan process.

Given many of the expert effects assessments acknowledge and refer to the outline plan process when the details of the project including location and construction matters will be resolved what weighting can we place on those expert assessments?

Are there limits on the outline process?

Is it possible for members of the public to be involved within the development of the outline plan process, and if so, how will this occur and is this outcome provide for within conditions?

Given the relevant resource consents for this project are yet to be obtained, does a section 91 issue arise, and if so, how should that issue be dealt with?”

323. As a preliminary matter I note that in part these questions raise legal issues that I anticipate will be traversed in legal submissions for the Transport Agency (including whether section 91 applies to the consideration of NoRs, which I understand it does not).
324. From my planner's perspective, I consider that the process of securing a designation is comparable, in a practical sense, to that of a plan change. Both processes have the effect of providing a clear indication of future land use by securing a 'zoning' of sorts within which a separate approvals regime applies, along with any matters within the jurisdiction of regional councils. As such, it is my view the RMA does not anticipate that either process is a 'one-stop' consideration, rather a plan change may deliver a subsequent regulatory framework and the outline plan process in section 176A of the RMA specifically provides for a further, and possibly finer-grained (by virtue of the matters listed in section 176A), consideration of any matters to avoid, remedy or mitigate any adverse effects. Further, the RMA does not provide the ability for either process to be deferred pending the application of additional consents under section 91.
325. In this way, considering the effects of a designation, and imposing conditions on that designation is akin to considering the consequences of a plan change and determining the standards or thresholds that might apply to activities (including permitted activities).
326. In my view designation conditions control effects, while the outline plan provides a process to demonstrate how those effects are to be controlled. Examples in relation to this Project are the conditions that establish maximum thresholds of indigenous vegetation removal, noise and vibration. The outline plans, and accompanying management plans, are required to demonstrate how this is achieved.
327. It is my understanding that the expert effects assessments have approached their consideration of effects in a manner that reflects the designation framework of the RMA and the role of designations and outline plans within that framework. I consider that the assessments clearly draw conclusions in respect of anticipated effects (and the way in which these are to be controlled) and go onto rely on the future outline plans to set out how this is achieved. In my opinion such an approach does not render the assessments any less thorough or robust.
328. With this in mind, and with reference to my earlier evidence, I am of the view that a consideration of effects for a designation (or plan change for that

matter) can be achieved by reference to the concept of an envelope of effects within which a Project must be designed. This provides for a realistic worst-case of acceptable effects within which subsequent outline plans must be developed.

329. An envelope of effects is thus established and confirmed through conditions that achieve the avoidance, remedying or mitigation of effects, as appropriate for particular effects and consistent with the recommendations of technical experts. It is noted that, in this regard, the Section 42A Report agrees that the *“approach adopted by the NZTA in relation to management of potential terrestrial ecological effects – the ‘effects envelope’ – is a useful concept for settling on acceptable effects parameters that provide sufficient flexibility for multiple design solutions”*.⁷⁴
330. In terms of whether the outline plan process is “limited”, I appreciate that a territorial authority cannot decline an outline plan, and neither is there a legislative requirement for the public to be involved. However, I consider that the outline plan process is a legitimate tool that is embedded in the RMA specifically to provide for works within designations undertaken by requiring authorities, reflecting the ‘special’ status that requiring authorities have under the RMA, which in turn reflects the public interest in the network utilities for which they are responsible. Conditions have been drafted to add clarity to the outline plan process by setting out particular information requirements and parameters that the detailed design, as described in outline plans, must meet.
331. Further, I note that:
- (a) while acknowledging the limitations of a 20-working day timeframe, the RMA does not prevent the councils from seeking public feedback as part of their consideration; and
 - (b) the RMA includes a firm incentive for requiring authorities to make changes requested by councils, through the ability for councils to appeal any such requiring authority decision (and I note that section 274 of the RMA applies to such appeals, so interested parties are able to be a party to any proceedings).
332. That said, and with reference to more specific questions put to **Ms Linzey** (and her responses), I have written conditions that provide for the on-going

⁷⁴ Section 42A Report, paragraph 152, page 40.

involvement of other parties in the design and construction of the Project. This includes the Conditions 6, 7, 8 and 9 that provide for general community engagement (and complaints management) and a range of conditions that necessitate engagement with directly affected parties and stakeholder organisations. Importantly, many of these conditions require the outline plans to demonstrate how feedback obtained through consulting with these parties has been incorporated in the Project design.

Transport

Are your conclusions/recommendations set out in paragraph 193, 196, 207, 209, 210, 214, 215, 216, 217 and 218 all addressed in the NOR conditions offered by NZTA?

333. The following table sets out the way in which the conclusions are addressed in conditions:

| Paragraph | Recommendation | Conditions (as amended in Attachment B) |
|-----------|--|---|
| 193 | Install right turn bays or shoulder widening at the construction accesses. | Not addressed in conditions because the accesses are generally not within the designation. Instead the formation of such accesses will need to comply with the access standards in the relevant District Plan (or be the subject of a future resource consent application). For instance, the provisions of section 5.3.3 of the Tararua District Plan. |
| 196 | Improvements to the SH3/Cambridge Ave intersection and mitigation strategies included in the CTMP. | Improvements to this intersection are part of a separate project being undertaken by the Transport Agency. My understanding is that these improvements are being implemented and as such, imposing a condition on the designations is not necessary. ⁷⁵ |
| 207 | Provision of alternative parking and walkway access at MGSR during construction and permanent replication of the original parking provision. | Condition PN2 |

⁷⁵ As confirmed in the NLTP, 'Ashhurst Traffic Mitigation Package', page 78.

| Paragraph | Recommendation | Conditions (as amended in Attachment B) |
|------------------|--|--|
| 209 | The intersection at Woodlands Road and SH3 include provision for pedestrians and cyclists. | Condition 26(a)(i) |
| 210 | Improvements to SH3/Cambridge Ave to address performance following completion of the Project. | Condition 26(b)(i) |
| 214 | CTMP to address hours for construction traffic (Ashhurst during peak traffic periods). | Condition 22(g) |
| | CTMP to address restrictions around the Woodville central area. | Condition 22(h) |
| | CTMP to address early delivery of the new Manawatū Gorge bridge. | Condition (22)(i)(B) |
| | CTMP to address early delivery of the Hope Road bridge. | |
| | CTMP to address using site access roads from either side of the Ruahine Ranges and limited construction HCV during peak flows. | Condition 22(e)(iii) |
| | CTMP to address early construction of access roads to private land. | Condition 5A and Condition 22(k) |
| | CTMP to address the use of KiwiRail's infrastructure to transport large bridge components. | Condition 22(i)(A) and Condition M2. |
| 215 | All construction site accesses are to be designed and maintained in accordance with Transport Agency's Planning and Policy Manual. | As above in relation to paragraph 193. |
| 216 | Agreement with KiwiRail to coordinate bridge construction and rail closures. | Condition M2 |
| 217 | Improvements to the SH3/Cambridge Ave intersection. | As above in relation to paragraph 196. |
| 218 | Alternative car parking and access to the MGSR is provided during construction. | Condition PN2. |

Noise and Vibration, page 34, paragraphs 133-134

“In these paragraphs, you refer to utilising porous asphalt surface as a mitigation measure. Has the use of porous asphalt been confirmed and is this use referred in proposed conditions?”

334. Condition 27 includes a requirement to use a low noise road surface in two locations. As confirmed by the evidence of **Dr Chiles**, the terminology ‘low noise road surface’ provides an ability to provide a stone mastic asphalt or asphaltic concrete surface as well, rather than only an open graded porous asphalt surface and that these surfaces offer better noise performance (lower noise emissions) as compared to normal surface treatments (4-2 chip seal) that is typically used on rural state highways.

Landscape, Natural Character and Visual Effects, page 35, paragraph 143

“What is the current status of PC65 and does its current status have any impact on your conclusions?”

335. I have contacted the Council and can confirm that Future Plan Change 65 is yet to be notified and is still being worked on. This includes in response of updates directed by the Environment Court as a result of appeals on the Plan Change 55 (District-wide Rules) decisions.

336. While I am aware that Plan Change 65 is likely to identify a new outstanding natural feature or landscape at the western end of the Manawatū Gorge, adjoining the MGSR, it is my opinion that the Plan Change should not be afforded any weight at this time.

337. That said, and as set out by **Mr Evans**, it is my understanding that the qualities, and quality, of a particular landscape is not determined by a district plan’s ‘scheduling’ process.

Landscape, Natural Character and Visual Effects, page 67, paragraph 310

“Meridian’s submission expresses concern regarding the effect of new planting on the operation of their wind turbines. Has the planting you recommend been designed to avoid any such effects?”

338. I have participated in discussions with Meridian in respect of the impacts of planting on wind conditions for turbines. It is my understanding that the following minimises any potential impact on wind conditions:

- (a) planting using species that reach a mature height of less than 1.5 metres; and
- (b) planting within narrow steep valleys.

339. On this basis, I have drafted a new clause in Condition 12 to confine landscape, natural character and amenity planting to those described in (a) and (b) above.

Terrestrial Ecology, page 33, paragraph 87(a)

“To what extent, if any, would planting in areas 2, 3, 4 and 5 in Figure 6.A.9 have an adverse effect on the operation of the Meridian wind turbines?”

340. My understanding of the possible effects of ecological mitigation planting on the operation of Meridian’s wind turbines is derived from discussions with Meridian and through reading Meridian’s submission.⁷⁶ As set out the submission, Meridian considers that *“trees planted on a wind farm site can negatively impact of wind conditions for turbines”* [sic]. The submission goes on to state that the *“only available areas for trees within the wind farm site are in narrow steep valleys where the impact of the trees on the wind available for the turbines can be minimised.”*

341. In response to the potential effect identified by Meridian, I have drafted a new clause in Condition 13 that prevents (unless Meridian gives its written approval) ecological mitigation planting over the majority of the Te Āpiti wind farm site, with the exception of restoration planting of the areas within the site currently protected by the QEII Trust open space covenants.

342. The new clause in Condition 13 will prevent ecological mitigation planting in areas 3, 4 and 5 (except in the area protected by the QEII Trust open space covenants).

Assessment of Vegetation and Habitats, page 68, Figure 6.A.9

“How is it proposed to provide mitigation planting as identified on areas outside of the NOR?”

343. In addition to the responses to this question provided by **Mr Dalzell** and **Dr Forbes**, I note from a practical planning perspective there is no need to include the mitigation planting areas in the designations for the purposes of

⁷⁶ Submission number 363.

authorising the planting, because such planting would likely not require a resource consent from any of territorial authorities in any case.⁷⁷

COMMENTS ON COUNCIL SECTION 42A REPORTS

344. For the most part my comments on the Section 42A Report have been made in the context of my evidence on the range of planning matters that are relevant to the consideration of the NoRs. In addition to these specific comments I also make the following observations of a more general nature.

Assessment context

345. The Section 42A Report states the following:

“The approach we have adopted in our evaluation is to consider the effects in relation to the relevant rules, objectives and policies of the Horizons One Plan (and associated higher order policy documents) to determine whether there is a reasonable likelihood that regional council resource consents can be granted. We consider that this is a necessary consideration in order to determine whether the corridor is sufficient to enable the works necessary to build the road.”⁷⁸

346. The Section 42A Report goes on to “identify two potentially conflicting considerations” being:

- (a) whether a design can occur within the corridor that will be able to gain regional resource consents; and
- (b) whether there are constraints that will mean that regional resource consents cannot be granted or may be compromised.⁷⁹

347. In my opinion this approach is flawed for the following reasons:

- (a) The approach goes beyond the direction for considering a requirement that is set out in section 171 of the RMA because:
 - (i) While I agree that section 171(1)(a) provides for a territorial authority to have particular regard to relevant provisions of policy statements and plan, this is confined to the consideration of the effects of **allowing the requirement**, rather than a broader consideration that may include the effects of granting a future

⁷⁷ Based on my review of the relevant operative district plans, being Palmerston North City District Plan, Manawātū District Plan, Tararua District Plan.

⁷⁸ Section 42A Report, paragraph 154, page 41.

⁷⁹ Section 42A Report, paragraph 156, page 41 and 42.

resource consent for activities that are not enabled by the requirement.

- (ii) it is my view that section 171 does not provide an ability to consider whether the area of the designation is sufficient (except perhaps in a converse situation where the reasonable necessity of a designation may be considered in respect of too great an area being 'required'). Further, there appears to be a misapprehension that a designation need accommodate all works. This is not the case, and is a decision taken by a requiring authority. If a requiring authority elects not to designate an area, this does not prevent the work, it merely means that the protections of a designation and the outline plan process are not available. Instead any activity would be subject to the rules and standards of the relevant district plan.

- (b) In the absence of a design of the Project, including the design of any mitigation measures, and any accompanying technical assessments of the potential effects of that design or efficacy of the mitigation, it is unclear how any conclusions as to the reasonable likelihood of any regional consents being granted can be determined with any certainty.

- (c) The stated preference in the Section 42A Report is that "*a wider corridor that provides for alternative road alignments would be an appropriate response to ensure sufficient design flexibility is provided, particularly in those parts of the corridor that are more sensitive (such as areas with high biodiversity values)*".⁸⁰ This fails to appreciate the approach taken to defining and refining the designation corridor, as described by **Mr Whaley**, which was to achieve precisely the opposite outcome. That is, in areas with high values, the corridor has been refined to maximise 'avoidance', by excluding these areas from the potential footprint of works allowed by the designation. An example of this is in respect of the areas subject to the QEII Trust open space covenants.

- (d) The risk and consequences of any conflict between regional consents and the designations has been overstated and fails to give consideration to the mechanisms available in the RMA, and particularly section 181 (which provides for alterations to designation), to address

⁸⁰ Section 42A Report, paragraph 158, page 42.

any conflict in the future. Further, I note (as set out in the evidence of **Mr Dalzell**) that any risk in this regard rests with the Transport Agency, rather than the Councils.

Stormwater, erosion and sediment control

348. The Section 42A Report identifies “*whether there will be significant adverse effects, including cumulative effects on freshwater values and waterbodies from land clearance, earthworks and stormwater management*” as an issue that remains in contention.⁸¹
349. In my opinion, with the exception of considerations in respect of natural character, any effects on freshwater values and waterbodies are effects that are managed as part of the functions of regional councils under section 30 of the RMA. As such, the impacts of the Project on freshwater and waterbodies will be subject to consideration as part of future resource consent processes and alongside the development of the detailed design of the Project, including the design of mitigations such as erosion and sediment control measures.
350. On this basis, and for completeness, my analysis of policy statement and plan provisions in Part I of Volume 2 of the NoR documentation similarly reflects the limited extent to which provisions that relate to water are relevant to the matters that may be addressed in the context of a designation.

Appendix 7 – Recommended revisions

351. The Section 42A Report, at Appendix 7, includes recommended revisions to the suite of proposed conditions included in Part H of Volume 2 of the NoR documentation (“**recommended revisions**”).⁸² The text below sets out my opinion in respect of key changes in the recommended revisions. I have also commented on a number of these suggested amendments earlier in my evidence and now present my consolidated response to the recommended revisions in a table included in **Attachment D**.

Certification

352. The Section 42A Report (and accompanying s42A Technical Evidence documents) make a number of recommendations for amendments to conditions to provide for a ‘certification’ process of a range of management

⁸¹ Section 42A Report, paragraph 694, page 188.

⁸² Appendix 7 also records a number of amendments that have been drafted in response to submissions and/or agreed with submitters (and subsequently provided to the Councils).

plans. The rationale for the inclusion of a further approval process appears to be on the basis that a peer review is required.

353. I consider that the inclusion of a certification requirement is unnecessary for the following reasons:

- (a) A waiver of the requirement to submit an outline plan (or plans) under section 176A(2) has not been sought in this instance and therefore an appropriate statutory process exists in section 176A for the review of the relevant management plans. The inclusion of a certification process is unnecessary duplication of this process, albeit with less clarity in respect of matters such as timeframes, the process and outcome if certification is withheld, and appeal rights. It is possible that such a process embeds an ability for a 'refusal' that is not anticipated by the RMA.
- (b) An outline plan process properly provides for peer review of management plans, including the ability to request changes.
- (c) Similarly, the proposed conditions also provide for the update to the relevant management plans, either without formality (where the change is not 'materially different') or through the submission of a further outline plan.
- (d) Where appropriate, the relevant management plans are required to be prepared in consultation with stakeholders (including Councils), including their technical experts, such that the approach taken in any management plan will have incorporated Council input prior to being formally provided to Councils as part of the outline plan process.

Enabling works

354. The Section 42A Report makes the following recommendation in respect of enabling works:

“The definition of enabling works put forward by NZTA covers a wide range of activities. In some cases, the works required will be permitted activities under the district or regional plans. The scale of works is larger than anticipated when the District Plan rules were developed. Some of the permitted activities may have impacts on freshwater values or ecology that need to be considered as part of the overall effects, and there is potential for significant adverse cumulative effects. As set out in section 10.18, we

*have therefore recommended amendments to the draft Condition 5A (for enabling works) put forward by NZTA in their s92 response.*⁸³

355. It is my opinion that this recommendation is problematic because:

- (a) it appears to be suggesting a perverse outcome such that a more stringent level of regulation be applied to Project than would apply to any other activity or any other party undertaking the same works (where there is no designation in place);
- (b) it does not give weight to the fact that a permitted activity rule in a district plan must be assumed to have been rigorously tested through the plan-making process and accompanying section 32 evaluation;
- (c) it fails to recognise that the effects mentioned (impacts on freshwater values or ecology) are effects managed by any necessary regional resource consents that may be required for such works (and including matters such as the erosion and sediment control measures that may be necessary for these works);
- (d) it does not recognise the very different character of the works and the 'drivers' for their early completion, such as to manage effects on directly affected property owners (and as set out in the submission made by Meridian⁸⁴); and
- (e) it does not consider that it may be possible for the works to be undertaken in reliance of the permitted activity rule in any case (acknowledging that this is a legal question, but in practice my advice to requiring authorities undertaking permitted activities within a designation, and for the purpose of the designation, is that a waiver of the requirement to submit an outline plan is sought).

356. For the reasons set out above, I do not agree with the conclusions in the Section 42A Report in respect of enabling works. Instead consider the approach set out in the Transport Agency's response to the Councils' request for further information under section 92 of the RMA provides an appropriate approach to the management of enabling works that is cognisant of the environmental outcomes anticipated by the relevant district plans.

⁸³ Section 42A Report, paragraph 770, pages 207 and 208.

⁸⁴ Submission number 363.

SUMMARY OF FURTHER CHANGES TO THE PROPOSED CONDITIONS

357. I have recommended a number of amendments to the proposed conditions that are included in Part H, Volume 2 of the NoR documentation (as notified). In addition to limited minor corrections, these amendments are in response to:

- (a) the relief sought in submissions;
- (b) further stakeholder engagement;
- (c) further investigations;
- (d) the Councils' request for further information under section 92 of the RMA (and the Transport Agency response to this request, now attached to the Section 42A Report as Appendix 2);
- (e) outcomes of expert witness conferencing (terrestrial ecology and acoustics); and
- (f) matters raised in the Section 42A Report, including recommended revisions to the conditions as addressed earlier in my evidence.

358. The recommended amendments to the conditions, where material, have been informed by the relevant technical expert (as addressed in evidence filed by the Transport Agency). These amended proposed conditions are attached as **Attachment B**, with amendments shown as 'track changes' and including a comment indicating the origin or rationale for the proposed change.

Ainsley Jean McLeod

8 March 2019

ATTACHMENT A – DOCUMENTS REVIEWED IN PREPARING THE EVIDENCE

- (a) National Policy Statement for Renewable Electricity Generation 2011.
- (b) National Policy Statement on Electricity Transmission 2010.
- (c) Horizons One Plan (Part 1 – Regional Policy Statement) and (Part 2 – Regional Plan).
- (d) Palmerston North City Plan (including the relevant parts of decisions on Plan Chang 22 A-G dated 18 December 2018).
- (e) Manawatū District Plan, including Plan Change 55 and Plan Change 60.
- (f) Tararua District Plan.
- (g) Government Policy Statement on Land Transport 2018/19 – 2027/28.
- (h) National Land Transport Plan 2018 – 2021.
- (i) Horizons Regional Land Transport Plan 2015 – 2025 (2018 review).
- (j) Draft Te Āpiti Masterplan dated 22 November (received 1 March 2019).
- (k) ‘S42A Technical Evidence: Planning’, and the documents listed in paragraph 5 of this document insofar as they relate to my area of expertise.
- (l) Submissions made on the Project.
- (m) Joint Statement of Acoustic Experts dated 13 February 2019.
- (n) Joint Statement of Dr Forbes and Dr Martin (Ecology Experts) dated 22 February 2019.
- (o) Pre-Hearing Meetings Report dated 1 March 2019.

ATTACHMENT B – PROPOSED DESIGNATION CONDITIONS

Provided separately

**ATTACHMENT C – SUMMARY OF CONDITIONS THAT RESPOND TO THE
AGREED POSITIONS OF THE ACOUSTIC CONSULTANTS⁸⁵**

| Agreed Position | Condition Amendment |
|---|--|
| <p>Roundabouts should be at least 100m from houses. Increasing this distance would also provide a benefit. The road environment at roundabouts needs to be designed to result in vehicles braking and accelerating gradually rather than abruptly. The landscape design process needs to integrate and maximise noise mitigation.</p> | <p>Retain the following clause in ‘Outline plan or outline plans’ Condition 5(e): <i>“iii. traffic lanes of the roundabouts must be more than 100 metres from dwellings existing on 31 October 2018; ...”</i></p> <p>Insert the following new clause in ‘Outline plan or outline plans’ Condition 5(e): <i>“v. <u>in addition to the requirement included in clause 5(e)(iii) above, the Requiring Authority must investigate options to maximise the distance between the traffic lanes of the western roundabout (State Highway 3/State Highway 57) and the dwelling at 1213 Fitzherbert East Road (existing on 31 October 2018), subject to land availability, geometric design standards, other Project requirements (including proximity to other existing dwellings) and safety audit processes;</u> ”</i></p> <p>Insert the following new clause in ‘Environmental and Cultural Design Framework’ Condition 11:⁸⁶ <i>“f) <u>include design outcomes that are specific to the area around the western and eastern roundabouts and that provide a description of landscape design for the purpose of signalling a change in speed environment and encouraging road users to accelerate and brake gradually.</u>”</i></p> |
| <p>The noise of engine braking cannot be fully mitigated. If this noise causes sleep disturbance, consideration should be given to acoustic treatment and ventilation of bedrooms at 49807 State Highway 3 and 75 Hope Road.</p> | <p>Insert the following new ‘Post-construction review’ Condition: <u>“29A. Post-construction review</u> <u>a) Within 12 months of the opening of the new road, the Requiring Authority must undertake a post-construction review in accordance with the NZ Transport Agency’s ‘Specification for Noise Mitigation’ (NZTA P40:2014) that includes:</u> <u>i. noise modelling;</u> <u>ii. site inspection of road surfaces or concrete barriers provided by Conditions 27 and 29; and</u> <u>iii. noise measurements at the PPFs located at 49807 State Highway 3, 49846 State Highway 3, 75 Hope Road, Woodville and 1213 Fitzherbert East Road, Ashhurst to verify the acoustics model, subject to access being provided.</u></p> |
| <p>A post-construction review should be undertaken in accordance with specification NZTA P40:2014. This should include sound level measurements to verify noise modelling at: 49807 Napier Road (SH3), 49846 Napier Road (SH3), 75 Hope Road and 1213 Fitzherbert East Road.</p> | <p><u>b) If the post-construction review concludes that the sound levels exceed the NZS 6806:2010 ‘Acoustics – Road-traffic noise – New and altered road’ Category A criteria for new roads (at 49807 State Highway 3 and 75 Hope Road) and altered roads (at 49846 State Highway 3 and 1213 Fitzherbert East Road, Ashhurst), the Requiring Authority must, in consultation with the respective property owners, provide further noise mitigation to reduce noise levels to meet the Category A criteria (subject to reasonable access to allow any mitigation to be implemented).”</u></p> |
| <p>A ring road around Woodville has significant potential to reduce noise through parts of the town at least.</p> | <p>Retain ‘Road surfacing’ Condition 27(b).</p> |

⁸⁵ Joint Statement of Acoustic Experts 13 February 2019.

⁸⁶ It is noted that further conditions are being developed in consultation with landowners to provide further screening in the form of bunds and/or planting.

| Agreed Position | Condition Amendment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--------------------------|--------------------|--------------------------|--------------------|----------|-----------|-------|-------|-----------|-------|-------|-----------|-------|-------|-----------|-------|-------|-----------|------------------|--------------|--------------|-----------|-------|-------|-----------------------|-------|-------|------------------|--------------|--------------|-----------------------------|------------------|--------------|--------------|-----------|-------|-------|-----------------------|-------|-------|------------------|--------------|--------------|
| <p>A low noise asphalt road surface is less effective at low speed and does not reduce heavy vehicle engine noise. However, a low noise road surface on Vogel Street represents the best practicable option for controlling noise in Woodville.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><i>The construction noise criteria in proposed condition 19 should be amended to remove “(15 min) from the column heading.</i></p> <p><i>The criteria in proposed condition 19 are the long-term values from NZS6803, but some adjoining time periods have been amalgamated. To avoid confusion these should revert to the format and time periods from NZS 6803.</i></p> <p><i>The wording in condition 19 should be amended to read “All construction work must be designed and conducted to ensure that, as far as practicable, construction noise does not exceed the limits in the following table. Sound levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise.”</i></p> | <p>Amend ‘Measurement and assessment – construction noise’ Condition 19 as follows:</p> <p>“Measurement and assessment – construction noise</p> <p><u>All construction work must be designed and conducted to ensure that, as far as practicable, construction noise does not exceed the limits in the following table. Sound levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics –Construction noise as follows (at occupied dwellings):</u></p> <table border="1" data-bbox="561 788 1465 1415"> <thead> <tr> <th>Time of Week</th> <th>Time Period</th> <th>L_{Aeq(15-min)}</th> <th>L_{Afmax}</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Weekdays</td> <td>0630-0730</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730-1800</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800-2000</td> <td>65 dB</td> <td>80 dB</td> </tr> <tr> <td>2000-0630</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td><u>0630-0730</u></td> <td><u>45 dB</u></td> <td><u>75 dB</u></td> </tr> <tr> <td>0730-1800</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td><u>1800-2000-0730</u></td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td><u>2000-0630</u></td> <td><u>45 dB</u></td> <td><u>75 dB</u></td> </tr> <tr> <td rowspan="4">Sundays and Public Holidays</td> <td><u>0630-0730</u></td> <td><u>45 dB</u></td> <td><u>75 dB</u></td> </tr> <tr> <td>0730-1800</td> <td>55 dB</td> <td>85 dB</td> </tr> <tr> <td><u>1800-2000-0730</u></td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td><u>2000-0630</u></td> <td><u>45 dB</u></td> <td><u>75 dB</u></td> </tr> </tbody> </table> <p>As a consequence amend the ‘Definitions and Abbreviations to delete definition of L_{Aeq(15min)}.</p> | Time of Week | Time Period | L _{Aeq(15-min)} | L _{Afmax} | Weekdays | 0630-0730 | 55 dB | 75 dB | 0730-1800 | 70 dB | 85 dB | 1800-2000 | 65 dB | 80 dB | 2000-0630 | 45 dB | 75 dB | Saturdays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | 0730-1800 | 70 dB | 85 dB | <u>1800-2000-0730</u> | 45 dB | 75 dB | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | Sundays and Public Holidays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | 0730-1800 | 55 dB | 85 dB | <u>1800-2000-0730</u> | 45 dB | 75 dB | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> |
| Time of Week | Time Period | L _{Aeq(15-min)} | L _{Afmax} | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Weekdays | 0630-0730 | 55 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 0730-1800 | 70 dB | 85 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 1800-2000 | 65 dB | 80 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2000-0630 | 45 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saturdays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 0730-1800 | 70 dB | 85 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>1800-2000-0730</u> | 45 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sundays and Public Holidays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 0730-1800 | 55 dB | 85 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>1800-2000-0730</u> | 45 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>The proposed designation condition 20 for construction vibration criteria should be amended to specify how Category A and B criteria apply.</p> | <p>Amend ‘Measurement and assessment – construction vibration’ Condition 20 to include the following new clause:</p> <p><u>“c) The Category A construction vibration criteria must be complied with as far as practicable. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified person must assess and manage construction vibration during those activities. If measured or predicted vibration from construction activities exceeds the Category B criteria those activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated as set out by a suitably qualified person.”</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Designation conditions should also require:</p> <ul style="list-style-type: none"> • construction to be conducted in | <p>Amend ‘Construction Environmental Management Plan’ Condition 10, clause (a), to be clear that the CEMP (that includes the CNVMP) must be implemented:</p> <p><u>“a) Prior to the commencement of construction, the Requiring Authority must prepare a Construction Environmental Management Plan</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Agreed Position | Condition Amendment |
|--|---|
| <p>accordance with the CNVMP;</p> <ul style="list-style-type: none"> • the CNVMP to establish likely construction noise emissions; • the CNVMP to set out alternative mitigation strategies where compliance with the noise/vibration limits may not be achieved. | <p><i>(“CEMP”) that sets out measures <u>that must be implemented</u> to comply with the designation conditions and to appropriately manage any adverse effects of construction activities.”</i></p> <p>Amend ‘Construction Noise and Vibration Management Plan’ Condition 21, clause (d) as follows:⁸⁷</p> <p>“d) <i>The CNVMP must include, as a minimum:</i></p> <ul style="list-style-type: none"> <i>i. a description of the construction work, anticipated equipment/processes and their scheduled durations;</i> <i>ii. <u>set out the likely construction noise emissions;</u></i> <i>iii. the hours of operation, including times and days when activities causing noise and/or vibration would occur;</i> <i>iv. the construction noise and vibration criteria for the Project;</i> <i>v. identification of affected houses and other sensitive locations where noise and vibration criteria apply;</i> <i>v. methods and frequency for monitoring and reporting on construction noise and vibration;</i> <i>vi. procedures for maintaining contact with stakeholders, notifying or proposed construction activities and handling noise and vibration complaints (consistent with the Communications Plan and complaints register);</i> <i>vii. <u>a description of alternative mitigation strategies where compliance with the criteria in Condition 19 and 20 may not be achieved. ...”</u></i> |
| <p>Designation conditions should require that construction traffic be avoided through Ashhurst and Woodville at night, other than essential movements such as continuous concrete pours and over dimension loads. Hope Road should not be used as an access for bulk haulage or regular heavy construction vehicles.</p> | <p>Amend ‘Construction Traffic Management Plan’ Condition 22 as follows:</p> <p>“e) <i>identify site access routes and access points for heavy vehicles and describe measures to:</i></p> <ul style="list-style-type: none"> <i>i. manage the movements of heavy vehicles on Saddle Road during peak times;</i> <i>ii. <u>manage the movements of heavy vehicles accessing the site from Hope Road, including by:</u></i> <ul style="list-style-type: none"> <i>A. <u>restricting vehicle movements to between the hours of 0730 and 1800;</u></i> <i>B. <u>consulting with the owners/occupiers of 29 Hope Road and 75 Hope Road to identify any further practicable measures to manage adverse effects on these properties; and</u></i> <i>iii. provide for access to the site to be gained (where possible) from both sides of the Ruahine Ranges;</i> <p>...</p> <p><i>g) describe methods to limit the movement of heavy vehicles through Ashhurst at night and peak times, <u>including limiting night-time movements to oversized loads and essential movements (such as concrete trucks for continuous pours);</u></i></p> <p><i>h) <u>describe methods to limit the movement of heavy vehicles through Woodville at night, including limiting night-time movements to oversized loads and essential movements (such as concrete trucks for continuous pours); ...”</u></i></p> |

⁸⁷ It is noted that it is proposed that clause (d) is also amended to include the following in response to the submission made by Transpower New Zealand Limited:

“viii. procedures, developed in consultation with Transpower New Zealand Limited, to manage any instances where the construction vibration criteria set out in Condition 20 might not be complied with in respect of the Mangamairi – Woodville A 110kV National Grid transmission line support structures.”

**ATTACHMENT D – SUMMARY RESPONSE TO CONDITION RECOMMENDED
REVISIONS IN THE SECTION 42A REPORT**

| Conditions in Appendix 7 | | Summary of Response (expressed as a comparison to the amended Conditions set out in Attachment B) |
|---------------------------------|--|---|
| No. | Condition/Revision | |
| 1 | General – includes further matters and material to inform the design of the Project. | The amendments are not appropriate in the context of a condition that is intended to establish the design parameters. Matters such as the statutory analysis do not inform design in this manner. Further, the approach proposed is contrary to the stated approach taken in respect of the indicative design (for assessment purposes only). |
| 1A | New condition – Compliance with outline plans and management plans | The new condition is not necessary. The condition repeats a statutory requirement that applies in any case. |
| 1B | New condition – Management plans for enabling works. | The new condition is not necessary and, for the reasons set out in my evidence, inappropriately seeks to control activities that are likely to be permitted by the relevant district plan/s. |
| 2 | Post construction review of designation width – amendments for greater clarity. | Agree, the condition could better reflect section 182 of the RMA. |
| 3 | Post construction removal of condition – advice note regarding ongoing obligations for management plans. | The advice note is not necessary. Continuity of management plans for planting is provided for by Condition 31. This is considered preferable to an advice note. |
| 4 | Lapse period | No amendments proposed. |
| 5 | Outline plan or outline plan (permanent works) – a range of amendments are proposed. | Limited amendments are made to clauses (a) and (c) in response to the Section 42A Report. Further amendments are not considered appropriate or necessary either because the matter is provided for in another condition or because the amendment proposed misunderstands the intent of the conditions. The amendments to clause (d) are not supported for the reasons set out in my evidence. |
| 5A | Outline plan or outline plans (enabling works) – amendments to require management plans. | The new condition is not necessary and, for the reasons set out in my evidence, inappropriately seeks to control activities that are likely to be permitted by the relevant district plan/s |
| 5B | New condition – Maximum length of streams able to be disturbed: relocated from Condition 5 | The new condition is not necessary, Condition 5(e)(i) is retained. |
| 5C | New condition – Maximum areas of indigenous vegetation able to be removed: relocated | The new condition is not necessary, Condition 5(e)(iii) is retained. Dr Forbes does not support proposed new clauses (c) and (d) on the basis that |

| Conditions in Appendix 7 | | Summary of Response (expressed as a comparison to the amended Conditions set out in Attachment B) |
|--------------------------|---|--|
| No. | Condition/Revision | |
| | from Conditions 5 and including of further clauses. | the matters are sufficiently addressed in Conditions 5, 13 and 17. |
| 6 | Community liaison person | No amendments proposed. |
| 7 | Communications plan: a range of amendments in respect of matters for discussion. | The amendments are not considered necessary because: <ul style="list-style-type: none"> - it is considered that full public consultation is not required in respect of detailed design; - there is significant duplication with Community Liaison Group activities; - the matters in (c)(i) are sufficiently covered elsewhere and particular in amended Condition 8. |
| 8 | Community Liaison Group: a range of amendments in respect of shared information. | A number of amendments have been made in response to the Section 42A Report and the evidence of Ms Linzey . |
| 8A | New condition - Community engagement plan | Having regard to the amendments made in respect of the role of the Community Liaison Group established under Condition 8 (and as addressed in the evidence of Ms Linzey), the new condition would result in unnecessary duplication. |
| 9 | Complaints management – new clause requiring measures taken to be recorded. | The new clause is not necessary and appears to duplicate the preceding clause. |
| 10 | Construction Environmental Management Plan – amendments primarily in respect of earthworks. | With the exception of reference to future regional consent, the amendments are not considered appropriate or necessary, either because the matter is provided for in another condition or because the amendment proposed relates to a matter that is relevant to future regional resource consents (and the reference to this process is sufficient). |
| 10A | New condition – Giving effect to the CEMP | The new condition is unnecessary. For the reasons set out in my evidence the process of certification inappropriately duplicates statutory processes. |
| 11 | Cultural and Environmental Design Framework – amendments to 'lock in' outcomes. | An amendment is made to include consultation with the Community Liaison Group, consistent with the Section 42A Report recommendations and the evidence of Ms Linzey . That said, the aspiration to 'lock in' the CEDF is not opposed subject to inputs and consultation being sufficient. |
| 12 | Landscape Management Plan – amendments to 'lock in' ECDF outcomes. | An amendment is made to include consultation with the Community Liaison Group, consistent with the Section 42A Report recommendations and the evidence of Ms Linzey . For the reasons set out above, no further amendments are supported at this time. |
| 13 | Replacement and offset planting – amendments to change wording | Amendments supported where they improve the understanding of the condition. |

| Conditions in Appendix 7 | | Summary of Response (expressed as a comparison to the amended Conditions set out in Attachment B) |
|--------------------------|---|---|
| No. | Condition/Revision | |
| 13A | New condition – Offset planting and management plan | The new condition is not necessary, the matters can be addressed through Condition 17. |
| 14 | Lizards – includes a certification process | For the reasons set out in my evidence, certification is not supported. |
| 15 | Bats – includes a certification process | For the reasons set out in my evidence, certification is not supported. |
| 16 | Avifauna | No amendment proposed. |
| 16A | New condition – Invertebrates Management Plan | It is acknowledged that a new condition is agreed by Mr Blayney , drafting is to be confirmed. |
| 17 | Ecological management plan – limited consistency amendments proposed | The amendments are supported. |
| 18 | At risk or threatened flora and fauna discovery protocol – include of significant areas of indigenous habitat. | Amendments to the condition are not supported in the evidence of Mr Forbes . |
| 19 | Measurement and assessment – Construction noise | Amendment is supported, subject to the wording provided in Attachment B. No change to the title is necessary. |
| 19A | New condition - Separation from existing dwellings | The new condition is not required because it duplicates Condition 5(e)(iv) and (v). |
| 19AB | New condition - Specified construction noise exceedance: | As set out in the evidence of Dr Chiles, the new condition is not necessary. |
| 20 | Measurement and assessment – construction vibration: amendment per acoustic expert witness conferencing. | Amendment is supported, subject to the wording provided in Attachment B. |
| 21 | Construction Noise and Vibration Management Plan: a range of amendments including per acoustic expert witness conferencing | Amendments are supported, subject to the wording provided in Attachment B, where the amendments reflect the agreed position of the acoustic experts. Certification is not supported for the reasons set out in my evidence. |
| 22 | Construction Traffic Management Plan – amendments in respect of management of heavy vehicles, cycling and pedestrian provision. | Amendments are made to restrict heavy vehicle movements. Mr Dunlop concludes that the further recommendations are adequately provided for in the condition as currently worded (noting that improvements are currently being made to the network in Ashhurst as part of a separate project). |
| 22A | New condition – Routing of heavy construction traffic | The new condition is not necessary because traffic restrictions for heavy vehicles are included in Condition 22 (in response to wording agreed by the acoustic experts through witness conferencing). |
| 22B | New condition – Construction site access. | The new condition is not supported. As set out in my evidence, the construction site accesses are generally outside of the designation and as such will be formed in a manner that is consistent with the |

| Conditions in Appendix 7 | | Summary of Response (expressed as a comparison to the amended Conditions set out in Attachment B) |
|--------------------------|---|--|
| No. | Condition/Revision | |
| | | relevant district plan standards. It is noted that the Transport Agency's Code of Practice for Temporary Traffic Management (COPTTM) ⁸⁸ will apply in any case. |
| 22C | New condition – Access to the Department of Conservation estate for maintenance and operational purposes. | The new condition may be appropriate, but its inclusion is not supported on the basis that there is insufficient information available to confirm the current access arrangements, and therefore the Transport Agency's ability to maintain them. As set out in my evidence, it is anticipated that DOC will provide this information in the coming weeks. |
| 22D | New condition – Lighting of construction site access points. | The new condition is not supported. As set out in my evidence, the construction site accesses are generally outside of the designation and as such will be formed in a manner that is consistent with the relevant district plan standards. It is noted that the COPTTM will apply in any case. |
| 23 | Tangata whenua values monitoring and management | For the reasons set out in my evidence, this amendment is not supported. |
| 24 | Accidental discovery protocol | The amendments have been superseded by the condition agreed with HNZPT. |
| 25 | Electrical clearances – consequential amendment proposed. | The consequential amendment is not necessary. |
| 25A | National Code of Practice for Network Utility Operators' Access to Transport Corridors | No amendments proposed. |
| 26 | Network integration – amendments in relation to network 'improvements' | The amendments, as proposed, are not necessary or supported in evidence. It is noted that Condition 26 is amended to reflect the intent of suggested condition 26B and 26F. |
| 26A | New condition – requires access upgrades. | The new condition is not required. Mr Dunlop concludes that the additional condition is not necessary because of the existing flush median treatment. |
| 26B | New condition – requires the State Highway 3 Ashhurst Bridge to be upgraded. | The new condition is not required because it duplicates an amendment to Condition 26. |
| 26C | New condition – provision of a shared path from Cambridge Ave to the Manawatū Gorge Scenic Reserve Car Park | For the reasons set out in the evidence of Mr Dunlop the condition is not necessary. |
| 26D | New condition – Provision of a shared path along the Project route | For the reasons set out in evidence of a number of witnesses, the condition is not supported. |

⁸⁸ manual number: SP/M/010

| Conditions in Appendix 7 | | Summary of Response (expressed as a comparison to the amended Conditions set out in Attachment B) |
|--------------------------|---|--|
| No. | Condition/Revision | |
| 26E | New condition – New Manawatū Bridge: requiring pedestrian viewing platform(s) | The condition is not supported for the reasons set out in my evidence. Ms Downs addresses the Transport Agency position in this regard. |
| 26F | New condition – vulnerable users, SH3 Woodville | The new condition is not supported in this form. However, provision for an extended pathway through to the west of the roundabout is included in Condition 26. |
| 26G | New condition – Pedestrian crossings in Woodville. | For the reasons set out in the evidence of Mr Dunlop , the condition is not necessary. |
| 26H | New condition – Safety improvement at State Highway 2 and State Highway 3 intersection at Woodville. | For the reasons set out in the evidence of Mr Dunlop and Ms Downs , the condition is not necessary. |
| PN1 | Outline plan – Parahaki Island | No amendments proposed. |
| PN2 | Manawatū Gorge Scenic Reserve Car Park | Amendments in respect of the CEDF, security (by requiring a CPTED review) and temporary parking numbers are included. Amendments in respect of design elements are, subject to the CEDF and location of the facilities, matters for consultation including (in some circumstances, with the landowner). |
| PN3 | New condition – Reinstatement of the Manawatū Gorge Scenic Reserve Car Park | The new condition is not necessary, the matters required by the condition are provided for by Condition PN2. |
| - | New condition – Public access to Manawatū Gorge Scenic Reserve | The new condition is not necessary, the matters required by the condition are provided for by Condition PN2. |
| M1 | Outline plan – Tararua High Pressure Gas Transmission Pipeline | No amendments proposed. |
| M2 | Outline plan – Palmerston North to Gisborne Rail Corridor | No amendments proposed. |
| T1 | Outline plan – Te Āpiti Wind Farm: replaces 60m buffer with 160m buffer. | For the reasons set out in evidence, the amendment is not supported. |
| T1A | New condition – Te Āpiti wind farm access. | The new condition is not necessary, the matters required by the condition are provided for by Condition 5A and 5(e)(vii). |
| T1B | New condition requiring works to alter the Te Āpiti wind farm infrastructure to be completed prior to construction. | The new condition is not necessary, the matters required by the condition are provided for by Condition 5A. |
| T2 | Outline plan – Mangamaire – Woodville A 110kV National Grid transmission line | No amendments proposed. |

| Conditions in Appendix 7 | | Summary of Response (expressed as a comparison to the amended Conditions set out in Attachment B) |
|--------------------------|--|---|
| No. | Condition/Revision | |
| T3 | Outline plan – Ballantrae Farm Research Station | No amendments proposed. |
| T4 | Outline plan – QEII National Trust open space covenants: inclusion of reference to condition 17. | The amendment is supported and the cross-reference is included in Attachment B. |
| 27 | Road surfacing | No amendments proposed. |
| 28 | Traffic separation | No amendments proposed. |
| 29 | 49807 State Highway 3 and 75 Hope Road, Woodville | No amendments proposed. |
| 29A | New condition - Operational traffic noise | The intent of the new condition is supported, subject to the wording provided in Attachment B. |
| 29B | New condition - Separation of roundabouts from dwellings | The new condition is not necessary. This condition appears to duplicate condition 28, but does not include the same separations for 49807 State Highway 3 and 75 Hope Road (that is traffic lanes generally rather than being limited to the roundabout). |
| 30 | Operational lighting | No amendments proposed. |
| 31 | Landscape, replacement and offset planting maintenance – clarifications | The amendment is supported and new wording is included in Attachment B. |
| 32 | Written consent under section 176A of the RMA – Te Āpiti Wind Farm | No amendments proposed. |

ATTACHMENT B: PROPOSED DESIGNATION CONDITIONS

The following sets out the designation conditions (and associated definitions and abbreviations) as proposed in the NoR documentation and as amended by evidence, in response to matters raised in submissions and by the NZ Transport Agency’s response to the Council’s request for further information made under section 92 of the RMA (“section 92 response”)¹. These amendments are shown in [blue](#) with the relevant reason for the amendment provided.

Definitions and Abbreviations

The following table includes a list of abbreviations and defined terms that are specifically used in the proposed designation conditions.

| ABBREVIATION/TERM/ACCRONYM | TERM/DEFINITION | REASON FOR CHANGE/EVIDENCE REF. |
|----------------------------|--|---|
| AgResearch | AgResearch Limited | |
| BS | British Standard | |
| CEDF | Te Ahu a Turanga Cultural and Environmental Design Framework | Document name amended, as an outcome of consultation. |
| CEMP | Construction Environmental Management Plan | |
| CH./Chainage | A distance measured along a straight line. For this Project, chainage is measured in metres and starts from the western extent of the Project. | |
| CNVMP | Construction Noise and Vibration Management Plan | |
| CTMP | Construction Traffic Management Plan | |
| Council/s | means Palmerston North City Council, Manawatū District Council or Tararua District Council. | |
| dB | Decibel | |

¹ The Councils request is dated 4 December 2018 and the NZ Transport Agency’s response is dated 15 January 2019.

| ABBREVIATION/TERM/ACCRONYM | TERM/DEFINITION | REASON FOR CHANGE/EVIDENCE REF. |
|--|--|---|
| District Plan | means Palmerston North City District Plan, Manawatū District Plan or Tararua District Plan. | |
| ECDF | Te Ahu a Turanga Environmental and Cultural Design Framework | Document name amended, as an outcome of consultation. |
| ECR | Environmental compensation ratio | |
| EMP | Ecological Management Plan | |
| Enabling works | means preliminary activities, including such things as pre-construction site investigations (including access for such investigations); site establishment activities; site and property access formation; ecological surveys and any necessary relocations; any necessary reconfiguration of the Te Āpiti wind farm and other utilities infrastructure; vegetation removal and vegetation protection; and the establishment of erosion and sediment control measures. | The defined term is introduced in the section 92 response. |
| First Gas | First Gas Limited | |
| ha | hectares | |
| Horizons | Manawatū Whanganui Regional Council, also known as Horizons Regional Council | |
| KiwiRail | KiwiRail Holdings Limited | |
| km | Kilometre | |
| $L_{Aeq(15min)}$ | Time-average sound level over a 15 minute hour period, measured in dB | No longer necessary as a consequence of amendments that respond to agreement recorded in the 'Joint Statement of Acoustic Experts'. |
| $L_{Aeq(24h)}$ | Time-average sound level over a twenty-four hour period, measured in dB | |

| ABBREVIATION/TERM/ ACCRONYM | TERM/DEFINITION | REASON FOR CHANGE/EVIDENCE REF. |
|--------------------------------|---|------------------------------------|
| L _{AFmax} | Maximum sound level, measured in dB | |
| LMP | Landscape Management Plan | |
| m | metres | |
| MDC | Manawatū District Council | |
| Meridian | Meridian Energy Limited | |
| MGSR | Manawatū Gorge Scenic Reserve | |
| MGSR Car Park Plan | Manawatū Gorge Scenic Reserve Car Park Management and Reinstatement Plan | |
| mm/s | Millimetres per second | |
| National Trust | QEII National Trust | |
| NESETA | Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 | |
| NES Soil | Resource Management (National Environmental Standard for Assessment and Managing Contaminations in Soil to Protect Human Health) Regulations 2011 | |
| NIP | Network Integration Plan | |
| NoRs | Notices of Requirement for a Designation | |
| NZEC 34:2001 | New Zealand Electrical Code of Practice for Electrical Safe Distances | |
| NZS | New Zealand Standard | |
| NZ Transport Agency | New Zealand Transport Agency | |
| PNCC | Palmerston North City Council | |
| PPFs | Protected premises and facilities | |
| Project | Te Ahu a Turanga; Manawatū Tararua Highway Project | |

| ABBREVIATION/TERM/ACCRONYM | TERM/DEFINITION | REASON FOR CHANGE/EVIDENCE REF. |
|----------------------------|---|---------------------------------|
| QEII Trust | Queen Elizabeth the Second National Trust, also know as the QEII National Trust. | |
| Requiring Authority | has the same meaning as section 166 of the RMA and, in the case of the NoR, is the NZ Transport Agency. | |
| RMA | Resource Management Act 1991 | |
| TDC | Tararua District Council | |
| Transpower | Transpower New Zealand Limited | |
| TVMMP | Tangata Whenua Values Monitoring and Management Plan | |

Construction Conditions (common to all jurisdictions)

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/EVIDENCE REF. |
|-----------------------------------|--|---------------------------------|
| General and Administration | | |
| 1. | <p>General</p> <p>a) Except as modified by the conditions below, and subject to detailed design and accompanying outline plan/s, the Project must be undertaken in general accordance with the following information provided in ‘Te Ahu a Turanga; Manawatū Tararua Highway Project, Notices of Requirement for Designations’, dated 31 October 2018:</p> <ul style="list-style-type: none"> i. Volume 2: Assessment of Effects on the Environment and Supporting Material Parts A to G; ii. Volume 2: Part J, Appendix Two – ‘Te Ahu a Turanga Cultural and Environmental and Cultural Design Framework (Preliminary Urban and Landscape Design Framework)’; iii. Volume 2: Part J, Appendix Three – Preliminary Design Philosophy Report; iv. Volume 2: Part J, Appendix Four – Bridge and Retaining Wall Design Philosophy Report; | |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|-----|--|--|
| | <p>v. Volume 4, Plans and Drawings:</p> <p>A. Land Requirement Plans LR-00 to LR-11;</p> <p>B. Designation Plans D-00 to D-10.</p> <p>b) Where there is inconsistency between the documents listed above and the requirements of these conditions, these conditions prevail.</p> | |
| 2. | <p>Post-construction review of designation width</p> <p>As soon as practicable following completion of construction of the Project, the Requiring Authority must:</p> <p>a) review the width of the area designated for the Project;</p> <p>b) identify any areas of designated land that are no longer necessary for the on-going operation, maintenance of the State Highway or for on-going measures to mitigate or offset adverse effects of the Project, <u>and including the Ramarama Protection Area identified on Figure B in the Statement of Evidence of Dr Adam Forbes (dated 8 March 2019)</u>; and</p> <p>c) give notice to the Council/s in accordance with section 182 of the RMA <u>that seeking the removal of</u> those parts of the designation identified in (b) above <u>are no longer wanted</u>.</p> | <p>Clause (b) is amended in response to the submission made by the Director General of Conservation² and further analysis as set out in the Statement of Evidence of Dr Forbes.</p> <p>Clause (c) is amended in response to the Section 42A Report to better reflect section 182.</p> |
| 3. | <p>Post-construction removal of conditions</p> <p>The following conditions relate to the construction of the Project and only apply to construction activities, such that, once construction of the Project is complete these conditions will no longer apply and can be removed as part of any subsequent District Plan review:</p> <p>a) Conditions 1 to 26</p> <p>b) Conditions M1 and M2,</p> <p>c) Conditions PN1 and PN2; and</p> <p>d) Conditions T1 to T4.</p> | |

² Submission number 369.

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|--------------------------------------|--|---|
| | For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the State Highway within the designation where the provisions of section 176A of the RMA apply. | |
| 4. | <p>Lapse period</p> <p>The designation shall lapse if not given effect to within 10 years from the date on which it is included in a District Plan under section 175 of the RMA.</p> | |
| Outline Plan or Outline Plans | | |
| 5A. | <p><u>Outline plan or outline plans (enabling works)</u></p> <p>a) <u>An outline plan or plans must be prepared and submitted to the relevant Council, in accordance with section 176A of the RMA, for enabling works that are not otherwise a permitted activity pursuant to the relevant District Plan (unless the requirement is waived by the territorial authority);</u></p> <p>b) <u>In addition to the matters required by section 176A of the RMA, an outline plan or plans must demonstrate how the matters listed in condition 5(e) are achieved;</u></p> <p>c) <u>The outline plan will not cover reinstatement of any non-permanent works and those details will be covered by the Outline Plan (permanent works);</u></p> <p>d) <u>the following conditions are also relevant to the content of an outline plan or plans for enabling works:</u></p> <p>i. <u>Condition PN1: Outline plan – Parahaki Island;</u></p> <p>ii. <u>Condition M1: Outline plan – Tararua High Pressure Gas Transmission Pipeline;</u></p> <p>iii. <u>Condition M2: Outline plan – Palmerston North to Gisborne Rail Corridor;</u></p> <p>iv. <u>Condition T1: Outline plan – Te Āpiti Wind Farm;</u></p> <p>v. <u>Condition T2: Outline plan – Mangamaire – Woodville A 110kV National Grid transmission line;</u></p> <p>vi. <u>Condition T3: Outline plan – Ballantrae Farm Research Station; and</u></p> <p>vii. <u>Condition T4: Outline plan – QEII National Trust open space covenants.</u></p> | The new Condition is introduced in the section 92 response. |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|-----|---|--|
| 5. | <p>Outline plan or outline plans (permanent works)</p> <p>a) An outline plan or plans must be prepared and submitted to the relevant Council in accordance <u>with</u> section 176A of the RMA.</p> <p>b) The outline plan or plans may be submitted in part or in stages to address particular design or construction aspects or stages of the Project.</p> <p>c) The following must be included in an outline plan or plans (as relevant to the particular design or construction matters being addressed):</p> <p>i. a Communications Plan prepared in accordance with Condition 7.</p> <p>ii. a Construction Environmental Management Plan (“CEMP”) prepared in accordance with Condition 10 that includes:</p> <p>A. a Construction Traffic Management Plan (“CTMP”) prepared in accordance with Condition 22;</p> <p>B. a Construction Noise and Vibration Management Plan (“CNVMP”) prepared in accordance with Condition 21;</p> <p>C. a Tangata Whenua Values Monitoring and Management Plan (“TVMMP”) prepared in accordance with Condition 23;</p> <p>D. a Ecological Management Plan (“EMP”) prepared in accordance with Condition 17 and including:</p> <ul style="list-style-type: none"> • a ‘Bat Management Plan’ (Condition 15); • a ‘Lizard Management Plan’ (Condition 14); and • an ‘Avifauna Management Plan’ (Condition 16). <p>E. a Landscape Management Plan (“LMP”) prepared in accordance with Condition 12; and</p> <p>F. a Manawatū Gorge Scenic Reserve Car Park Management and Reinstatement Plan (“MGSR Car Park Plan”) prepared in accordance with Condition PN2;</p> | <p>The heading is amended in the section 92 response as a consequence of new condition 5A.</p> <p>Limited amendments are made to clauses (a) and (c) in response to the Section 42A Report.</p> <p>Document name in clause (c)(ii) is amended, as an outcome of consultation.</p> <p>New clause (e)(ii) is included in response to the submission made by the Director General of Conservation³ and further analysis as set out in the evidence of Dr Forbes.</p> <p>Amendments to clause (e)(iii) are made in response to the submission made by the Director General of Conservation⁴ and further analysis as set out in the Statement of Evidence of Dr Forbes.</p> |

³ Submission number 369.

⁴ Submission number 369.

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. | | | | |
|--|--|-------------------------------------|-------------------|--|------|--|
| | <p>iii. the Te Ahu a Turanga Cultural and Environmental and Cultural Design Framework (“ECEDF”) prepared in accordance with Condition 11; and</p> <p>iv. a finalised accidental discovery protocol, where required by and in accordance with Condition 24 and any Archaeological Authority.</p> <p>d) The documents and plans referred to in clause (c) above may be amended to reflect changes in design, construction methods or the management of effects without the need for a further outline plan where:</p> <p>i. the amendment proposed is provided in writing to Council; and</p> <p>ii. the amendment does not result in a materially different outcome to that described in the original plan.</p> <p>e) The outline plan or plans must demonstrate how the following is achieved:</p> <p>i. the maximum length of the following streams (shown on Drawing C-10) that is permanently disturbed by diversion or other physical modifications must not exceed:</p> <p>A. QEII Trust west (stem 7A): 350m; and</p> <p>B. QEII Trust east (stems 6A, 6B and 6C): 460m.</p> <p>ii. physical works within the Ramarama Protection Area identified on Figure B in the Statement of Evidence of Dr Forbes dated 8 March 2019 are restricted to restoration planting provided for by Condition 13(d);</p> <p>iii. the maximum area of indigenous vegetation removal or exotic-dominated seepage wetlands removal must not exceed the following within the ecosystem types identified on Designation Plans D-01 to D10the plans attached as Appendix A to the Statement of Evidence of Dr Adam Forbes dated 8 March 2019:</p> <table border="1" data-bbox="414 1157 1574 1299"> <thead> <tr> <th data-bbox="414 1157 1328 1249">Ecosystem type</th> <th data-bbox="1328 1157 1574 1249">Maximum area (ha)</th> </tr> </thead> <tbody> <tr> <td data-bbox="414 1249 1328 1299">Secondary broadleaved forests with old-growth signatures</td> <td data-bbox="1328 1249 1574 1299">3.07</td> </tr> </tbody> </table> | Ecosystem type | Maximum area (ha) | Secondary broadleaved forests with old-growth signatures | 3.07 | <p>The new ‘note’ in the table in clause (e) is included by Dr Forbes in response to a question from the Hearings Panel.</p> <p>New clause (e)(vi) is included to reflect the agreement recorded in the ‘Joint Statement of Acoustic Experts’ and also addresses matters raised in the submission of Nick Rogers and Tiffany Wendland⁵.</p> |
| Ecosystem type | Maximum area (ha) | | | | | |
| Secondary broadleaved forests with old-growth signatures | 3.07 | | | | | |

⁵ Submission number 366.

| REF | DRAFT CONDITIONS | | REASON FOR CHANGE/ EVIDENCE REF. |
|-----|---|-----------------------|-------------------------------------|
| | Old-growth treelands | 0.41 | |
| | Kānuka forests (CH4000-4400) | 1.0 | |
| | Kānuka forests (elsewhere in the designation) | 3.52 0.59 | |
| | Advanced secondary broadleaved forests (CH5600-5800) | 0.5 | |
| | Advanced secondary broadleaved forests (elsewhere in the designation) | 2.43 0.48 | |
| | Secondary broadleaved forests and scrublands (CH6100-6400) | 0.86 | |
| | Secondary broadleaved forests and scrublands (elsewhere in the designation) | +6.32 15.6 | |
| | Mānuka and kānuka shrublands (CH6100-6400) | 1.22 | |
| | Mānuka and kānuka shrublands (elsewhere in the designation) | 2.82 | |
| | Mānuka, kānuka and d D ivariating shrublands | 3.47 0.33 | |
| | Old-growth forests (alluvial) | 0.15 | |
| | Old-growth forests (hill country) | 1.0 | |
| | Raupō dominated seepage wetlands (high value) | 0.13 | |
| | Indigenous-dominated seepage wetlands (moderate value) | 0.56 1.12 | |
| | Exotic-dominated seepage wetlands (low value) | 2.74 | |
| | <i>Advice note: for the area measurements listed in respect of the old-growth forests (alluvial) and raupo-dominated seepage wetlands (high value), the maximum areas specified are based on an assessment that clearance of those areas would have a less than 'Very High adverse' effect under EIANZ, 2018.</i> | | |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|-----|---|-------------------------------------|
| | <ul style="list-style-type: none"> iv. traffic lanes of the roundabouts must be more than 100 metres from dwellings existing on 31 October 2018; iv. traffic lanes must be more than 200 metres from the dwellings at 49807 State Highway 3 and 75 Hope Road, Woodville existing on 31 October 2018; vi. in addition to the requirement included in clause 5(e)(iii) above, the Requiring Authority must investigate options to maximise the distance between the traffic lanes of the western roundabout (State Highway 3/State Highway 57) and the dwelling at 1213 Fitzherbert East Road (existing on 31 October 2018), subject to land availability, geometric design standards, other Project requirements (including proximity to other existing dwellings) and safety audit processes; vii. in addition to the specific matters addressed in Conditions 26, M1, M2, T1 and T2, the scope, location and timing of works to relocate network utilities and any measures necessary to provide for the identification of, safety and protection of network utilities (in consultation with the network utility operator/Council); viii. the maintenance of permanent practical ongoing access to existing and relocated network utilities and the Te Āpiti wind farm turbines (where retained), including reasonable and emergency access during construction of the Project. <p>f) the following conditions are also relevant to the content of an outline plan or outline plans:</p> <ul style="list-style-type: none"> i. Condition PN1: Outline plan – Parahaki Island; ii. Condition M1: Outline plan – Tararua High Pressure Gas Transmission Pipeline; iii. Condition M2: Outline plan – Palmerston North to Gisborne Rail Corridor; iv. Condition T1: Outline plan - Te Āpiti Wind Farm v. Condition T2: Outline plan – Mangamaire – Woodville A 110kV National Grid transmission line; vi. Condition T3: Outline plan – Ballantrae Farm Research Station; and vii. Condition T4: Outline plan – QEII National Trust open space covenants. | |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|-------------------------------------|---|---|
| Engagement and Participation | | |
| 6. | <p>Community Liaison Person</p> <p>a) A Community Liaison Person must be appointed by the Requiring Authority as the main and readily accessible point of contact for persons affected by construction works for the duration of the construction phase of the Project.</p> <p>b) The Community Liaison Person is to be available by telephone during reasonable hours per day (for example, 6am to 10pm), seven days per week, determined in consultation with the Community Liaison Group.</p> <p>c) If the Community Liaison Person is not available for any reason, an alternative person must be nominated.</p> <p>d) In consultation with the Community Liaison Group, the Requiring Authority must take appropriate steps to advise the Community Liaison Person's name, telephone and email contact details, so that all members of the community can access the contact details.</p> | Amended in response to questions from the Hearings Panel. |
| 7. | <p>Communications Plan</p> <p>a) Prior to the commencement of construction activities, the Requiring Authority must prepare a Communications Plan that sets out procedures detailing how the public, stakeholders and residents will be communicated with throughout the construction of the Project.</p> <p>b) The Communications Plan must accompany any relevant outline plan prepared in accordance with Condition 5.</p> <p>c) As a minimum, the Communications Plan must include:</p> <ul style="list-style-type: none"> i. Details of the Project Community Liaison Person (Condition 6), including the ways in which their contact details will be found, such as on the Project website and at site access points. ii. A list of stakeholders, organisations, businesses and residents who will be communicated with. iii. Methods of consultation and matters to be discussed, including: | Minor correction. |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|-----|--|--|
| | <ul style="list-style-type: none"> A. proposed hours of construction activities where these are outside of normal working hours or on weekends or public holidays; B. methods to deal with concerns raised about such hours; C. methods to provide early notification to businesses of construction activities, particularly any such activities that will or may impact on Saddle Road (and use of Saddle Road for traffic); D. methods to communicate on any temporary traffic management measures, including disruption of, or changes to, pedestrian and cycling routes and the reinstatement of those routes disrupted by closure of State Highway 3 through Manawatū Gorge (such as the Saddle Road/Pahiatua cycleway route); and E. methods to communicate on any disruption of, or changes to, access to the Manawatū Gorge Scenic Reserve walkways (and/or the Manawatū Gorge Scenic Reserve car park during construction. <ul style="list-style-type: none"> iv. Details of communication activities proposed including: <ul style="list-style-type: none"> A. publication of newsletters, or similar, and proposed delivery areas; B. information days, open days or other mechanisms to facilitate community engagement; C. newspaper advertising; D. notification and consultation with business owners and operators and individual property owners and occupiers with premises/dwellings within 100 metres of active construction, and for all businesses in Woodville and Ashhurst. v. Details of the Project website for providing information to the public. | |
| 8. | <p>Community Liaison Group</p> <ul style="list-style-type: none"> a) The Requiring Authority must establish a Community Liaison Group at least 30 working days prior to the commencement of construction <u>or at least 30 working days prior to the completion of the CEDF (under Condition 11), a LMP (under Condition 12), a CTMP (under Condition 22) or a MGRS Car Park Plan (under Condition PN2) (to allow sufficient opportunity for consultation).</u> | <p>The amendment to Clause (d) is a clarification made in the section 92 response.</p> <p>Amendments made in response to the evidence of</p> |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|-----|---|---|
| | <p>b) The purpose of the Community Liaison Group is to:</p> <ul style="list-style-type: none"> i. share information on: <ul style="list-style-type: none"> A. detailed design, including planned landscaping, mitigation works and construction environmental management (particularly construction traffic); B. key project milestones; C. rest areas or viewing points that are integrated with the Project; D. opportunities (if any) to integrate the Project design with public access / walkway opportunities to areas such as the Manawatū Gorge; and E. opportunities (if any) for pedestrian access across the new Manawatū River bridge to provide views to the Manawatū Gorge; ii. report on and respond to concerns and issues raised in relation to construction activities, particularly in respect of the existing local roads such as Saddle Road and Pahiatua Track; and iii. provide a forum to assist the Project team to monitor any effects on the community arising from construction activities. <p>c) The Community Liaison Group must hold meetings at least once every three months throughout the construction period and until six up to twelve months after following completion of construction so that on-going monitoring information can be shared, discussed and responded to (noting that the Group may be discontinued earlier at the agreement of the majority of non-Project participants).</p> <p>d) In addition to the Project Liaison Person and representatives of the Requiring Authority and the construction contractor, the Requiring Authority will invite representatives of the following entities (at least) to be members of the Community Liaison Group:</p> <ul style="list-style-type: none"> i. Ashhurst community (at least 3) and Woodville community (at least 3), Dannevirke (1), Palmerston North (1) – noting for accessibility it may be appropriate for the groups to meet separately in Woodville and Ashhurst; | <p>Ms Linzey and the Section 42A Report.</p> |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <ul style="list-style-type: none"> ii. local schools and pre-schools, including Ashhurst School, Te Kōhanga Reo o Atawhai and Woodville School; iii. respective Councils, and including Horizons; and iv. the Department of Conservation; and v. road user group representatives, including accessibility, cycling and walking group representatives. <p>e) The Requiring Authority must prepare an agenda and record minutes for each meeting.</p> <p>f) The Requiring Authority must meet all reasonable costs associated with resourcing the Community Liaison Group.</p> | |
| 9. | <p>Complaints management</p> <ul style="list-style-type: none"> a) At all times during construction, the Requiring Authority must maintain a permanent register of any public or stakeholder complaints received in relation to adverse effects of the construction of the Project. b) The register must include: <ul style="list-style-type: none"> i. the name and contact details (if supplied) of the complainant; ii. the nature and details of the complaint; and iii. location, date and time of the complaint and the alleged event giving rise to the complaint; iv. the weather conditions at the time of the complaint (as far as practicable), including wind direction; v. other activities in the area, unrelated to the Project, that may have contributed to the complaint; vi. the outcome of the Requiring Authority’s investigation into the complaint; vii. measures taken to respond to the complaint. c) The Requiring Authority must respond to the complainant as soon as reasonably practicable, as appropriate to the urgency of the circumstances, and within 10 working days at the latest. | |

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| Construction Management | | |
| 10. | <p>Construction Environmental Management Plan</p> <p>a) Prior to the commencement of construction, the Requiring Authority must prepare a Construction Environmental Management Plan (“CEMP”) that sets out measures that must be implemented to comply with the designation conditions and to appropriately manage any adverse effects of construction activities.</p> <p>b) The CEMP must accompany any relevant outline plan prepared in accordance with Condition 5 and also include the following suite of management plans:</p> <ul style="list-style-type: none"> i. CTMP prepared in accordance with Condition 22; ii. CNVMP prepared in accordance with Condition 21; iii. TVMMP prepared in accordance with Condition 23; iv. EMP prepared in accordance with Condition 17; v. LMP prepared in accordance with Condition 12; and vi. MGSR Car Park Plan prepared in accordance with Condition PN2. <p>c) The CEMP must include (as a minimum):</p> <ul style="list-style-type: none"> i. the roles and responsibilities of staff and contractors; ii. the Requiring Authority’s ‘Environmental and Social Responsibility Policy’ environmental policy basis and relevant regional and district plan rules and associated performance standards and conditions that are achieved by the implementation of the CEMP; iii. a description of the Project including: <ul style="list-style-type: none"> A. the construction programme and staging approach; B. construction methodologies; C. a detailed site layout; D. the design and management specifications for all earthworks on-site, including disposal sites and their location; and | <p>The amendment to clause (a) is included to reflect the agreement recorded in the ‘Joint Statement of Acoustic Experts’.</p> <p>Clause (c)(ii) is amended in response to a question from the Hearings Panel.</p> <p>The amendment to clause (c)(iii)(D) is made in response to a recommendation in the Section 42A Report.</p> <p>The amendment to clause (c)(iii)(F) is made in the section 92 response.</p> |

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| | <p>E. the design of temporary lighting for construction works and construction support areas;</p> <p><u>F. the approach to the management of construction waste, taking into account the waste management hierarchy to reduce, re-use, recycle and recover, along with responsible disposal of residual waste;</u></p> <p>iv. a description of training requirements for all site personnel (including employees, sub-contractors and visitors);</p> <p>v. environmental incident and emergency management procedures;</p> <p>vi. environmental complaints management measures;</p> <p>vii. compliance monitoring, environmental reporting and environmental auditing requirements;</p> <p>viii. the details for emergency contact personnel who must be contactable 24 hours, 7 days a week;</p> <p>ix. site security arrangements;</p> <p>x. an accidental discovery protocol, where required by and in accordance with Condition 24;</p> <p>xi. a requirement for a copy of the CEMP to be held at all site offices.</p> <p>xii. methods for amending, augmenting and updating the CEMP, including, but not limited to, in response to future resource consent conditions and as provided for by Condition 5(d).</p> <p><u>d) The CEMP may be updated to incorporate any requirement of regional resource consents.</u></p> | |
| | Landscape, Visual Amenity and Natural Character | |
| 11. | <p><u>Cultural and Environmental and Cultural</u> Design Framework</p> <p>Prior to the commencement of construction, the Requiring Authority must review and update the preliminary <u>ECEDF</u>. The updated <u>ECEDF</u> must:</p> <p>a) be prepared by a suitably qualified <u>and experienced</u> person;</p> <p>b) accompany any relevant outline plan prepared in accordance with Condition 5;</p> <p>c) be prepared in accordance with the NZ Transport Agency's:</p> <p>i. 'Urban Design Guidelines: Bridging the Gap (2013)';</p> | <p>Document name in clause (c)(ii) is amended, as an outcome of consultation.</p> <p>Clause (a) is amended in response to a question from the Hearings Panel.</p> <p>The amendment to clause (d) is to correctly reflect the</p> |

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| | <ul style="list-style-type: none"> ii. 'Landscape Guidelines (Final Draft) September 2014'; and iii. 'Bridge Manual (Third Edition, 2016)'; d) take into account the outcomes of consultation with tangata whenua, the Community Liaison Group established under Condition 8, the Department of Conservation, the Councils, Horizons, the QEII National Trust, the Te Āpiti Manawatū Gorge Governance Group and Meridian; and e) demonstrate as a minimum, including through the completion of the design review template (attached as Appendix B to the preliminary ECEDF) how the 'Emerging Design Outcomes' in Chapter 3 of the preliminary ECEDF are achieved. This may be by reference to supporting design documents and management plans, including the LMP and EMP required by Condition 12 and Condition 17 respectively; <u>and</u> f) <u>include design outcomes that are specific to the area around the western and eastern roundabouts and that provide a description of landscape design for the purpose of signalling a change in speed environment and encouraging road users to accelerate and brake gradually.</u> | <p>name of the Governance Group as expressed in its submission.⁶</p> <p>New clause (f) is included to reflect the agreement recorded in the 'Joint Statement of Acoustic Experts'.</p> |
| 12. | <p>Landscape Management Plan</p> <p>Prior to the commencement of construction, the Requiring Authority must prepare a Landscape Management Plan ("LMP") to address the potential adverse effects of the Project on landscape, visual amenity and natural character values. The Landscape Management Plan forms part of the CEMP required by Condition 10 and must:</p> <ul style="list-style-type: none"> a) be prepared by a suitably qualified <u>and experienced</u> person; b) accompany any relevant outline plan prepared in accordance with Condition 5; c) be consistent with, and implement the outcomes of, the ECEDF, including as updated in accordance with Condition 11; d) take into account the outcomes of consultation with tangata whenua, the Community Liaison Group established by Condition 8, the Department of Conservation, the Councils, Horizons, the QEII National Trust, the Te Āpiti Manawatū Gorge Governance Group and Meridian; and | <p>Clause (a) is amended in response to a question from the Hearings Panel.</p> <p>The amendments to clause (d) are to correctly reflect the name of the Governance Group as expressed in its submission⁷ and as recommended in the evidence of Ms Linzey.</p> <p>New clause (e)(iii)(G) is included in response to a question from the Hearings</p> |

⁶ Submission number 374.

⁷ Submission number 374.

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| | <p>e) as a minimum:</p> <ul style="list-style-type: none"> i. describe how permanent works, such as earthworked areas, are integrated into the surrounding landscape and topography, including (but not limited to) the restoration of areas used for temporary work and construction yards; ii. describe how vegetation that is to be retained is identified and protected and retired from grazing, including by physical protection through stock exclusion and fencing; iii. with reference to the ‘Landscape Sectors and Focus Areas’ set out in Chapter 4 of the preliminary ECEDF, describe proposed planting including: <ul style="list-style-type: none"> A. plant species, plant/grass mixes, seed/plant sources and sizes (at time of planting); B. plant layout, spacing and densities; C. planting methods, including ground preparation, mulching and any trials; D. plant and animal pest management strategies; E. a planting programme that is staged with reference to the construction programme and requires planting to be completed within the three planting seasons of the completion of construction in any given Landscape Sector; and F. measures to monitor and manage all planting so that plants establish and those that fail to establish are replaced over a 5 year period or in the case of mass plantings, until 80% canopy cover is achieved; G. the nature and location of planting to stream/riparian and wetland margins to restore natural character values; iv. describe proposed planting at 75 Hope Road, developed in consultation with the owners of 75 Hope Road, to screen views of the new road; | <p>Panel. As a consequence, clause (e)(vii)(C) is deleted.</p> <p>New clause (e)(iv), (v) and (vi) are included to address matters raised in the submissions of John and Wendy Napier⁸, Nick Rogers and Tiffany Wendland⁹, Barbara Cooke¹⁰ and Nicholas Shoebridge¹¹</p> <p>New clause (f) (and the consequential deletion of clause (e)(vii)(B)) is included in response to matters raised in the submission made by Meridian Energy Limited¹².</p> |

⁸ Submission number 296.

⁹ Submission number 366.

¹⁰ Submission number 105.

¹¹ Submission number 103.

¹² Submission number 363.

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| | <p>v. <u>subject to reasonable access and land availability, describe the design and landscape treatment, developed in consultation with the owners of 1213 Fitzherbert East Road, of an enhanced earth bund extending along boundary of 1213 Fitzherbert East Road within the limit of the works for the purpose of noise mitigation and screening;</u></p> <p>vi. <u>subject to reasonable access and land availability, describe the design and landscape treatment of an earth bund (developed in consultation with the owner/s of 49846 State Highway 3, Woodville) extending along the roadside boundary of 49846 State Highway 3 for the purpose of noise mitigation and screening;</u></p> <p>vii. <u>give particular consideration to:</u></p> <p style="padding-left: 20px;">A. the integration of works required by the LMP with the replacement and offset planting required by Condition 13, and managed by Condition 17 (such that planting required by Condition 13 may also be considered to achieve the outcomes of the ECEDF and LMP;</p> <p style="padding-left: 20px;">B. minimising effects of any planting within the Te Āpiti wind farm on the wind environment, where such effects impact on the power output of a Te Āpiti wind farm turbine or turbine; and</p> <p style="padding-left: 20px;">C. opportunities for planting to stream/riparian and wetland margins to restore natural character values.</p> <p>f) <u>Planting required by the LMP within a portion of the Te Āpiti wind farm indicated by property reference numbers 9, 10, 11, and 12 on Land Requirement Plan LR-11 must be:</u></p> <p style="padding-left: 20px;"><u>i. within the designation boundary; and</u></p> <p style="padding-left: 20px;"><u>ii. must not exceed a height of 1.5 metres at maturity;</u></p> <p style="padding-left: 20px;"><u>except where:</u></p> <p style="padding-left: 20px;"><u>iii. the planting is for the restoration of areas subject to QEII Trust open space covenants at 31 October 2018 and shown on Plan C-06 (where the planting is of a similar scale and as exists on 31 October 2018 and Meridian is consulted in respect of the species proposed to be planted); or</u></p> | |

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|--|--|-------------------------------------|---------------------------------------|-----|---------------------------------------|-----------------------------|--|--|--|--|------|---|-------|----------------------|------|---|------|----------------|----------------------|---|-----------------------|--|----------------------|----------------|-----------------------|--|----------------------|---|------------------------|--|----------------------|---------------------|----------------------|---|
| | <p>iv. the requirements of clauses (i) or (ii) are not met and Meridian Energy Limited provides the Requiring Authority with its written consent to such planting.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Terrestrial Ecology | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13. | <p>Replacement and offset planting Replacement and offset planting must:</p> <p>a) be provided in accordance with the environmental compensation ratios (“ECRs”) in the following table, except that where vegetation clearance is less than the maximum area, the minimum area for replacement planting can be revised proportionately and in accordance with the environmental compensation ratios (“ECR”) applied to slope-corrected measures of affected vegetation:</p> <table border="1" data-bbox="356 692 1594 1232"> <thead> <tr> <th data-bbox="356 692 938 783">Ecosystem type</th> <th data-bbox="938 692 1117 783">Maximum area (ha)</th> <th data-bbox="1117 692 1296 783">ECR</th> <th data-bbox="1296 692 1594 783">Replacement/offset planting area (ha)</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="356 783 1594 836" style="text-align: center;">Replacement planting</td> </tr> <tr> <td data-bbox="356 836 938 927">Secondary broadleaved forests with old-growth signatures</td> <td data-bbox="938 836 1117 927">3.07</td> <td data-bbox="1117 836 1296 927">5</td> <td data-bbox="1296 836 1594 927">15.35</td> </tr> <tr> <td data-bbox="356 927 938 979">Old-growth treelands</td> <td data-bbox="938 927 1117 979">0.41</td> <td data-bbox="1117 927 1296 979">5</td> <td data-bbox="1296 927 1594 979">2.05</td> </tr> <tr> <td data-bbox="356 979 938 1032">Kānuka forests</td> <td data-bbox="938 979 1117 1032">4.521.59</td> <td data-bbox="1117 979 1296 1032">5</td> <td data-bbox="1296 979 1594 1032">22.679.95</td> </tr> <tr> <td data-bbox="356 1032 938 1085">Advanced secondary broadleaved forests</td> <td data-bbox="938 1032 1117 1085">2.930.98</td> <td data-bbox="1117 1032 1296 1085">45</td> <td data-bbox="1296 1032 1594 1085">11.724.88</td> </tr> <tr> <td data-bbox="356 1085 938 1176">Secondary broadleaved forests and scrublands</td> <td data-bbox="938 1085 1117 1176">16.324.6</td> <td data-bbox="1117 1085 1296 1176">3</td> <td data-bbox="1296 1085 1594 1176">48.9649.38</td> </tr> <tr> <td data-bbox="356 1176 938 1232">Mānuka and kānuka shrublands</td> <td data-bbox="938 1176 1117 1232">4.04</td> <td data-bbox="1117 1176 1296 1232">1.5</td> <td data-bbox="1296 1176 1594 1232">6.06</td> </tr> </tbody> </table> | Ecosystem type | Maximum area (ha) | ECR | Replacement/offset planting area (ha) | Replacement planting | | | | Secondary broadleaved forests with old-growth signatures | 3.07 | 5 | 15.35 | Old-growth treelands | 0.41 | 5 | 2.05 | Kānuka forests | 4.52 1.59 | 5 | 22.67 9.95 | Advanced secondary broadleaved forests | 2.93 0.98 | 4 5 | 11.72 4.88 | Secondary broadleaved forests and scrublands | 16.32 4.6 | 3 | 48.96 49.38 | Mānuka and kānuka shrublands | 4.04 | 1.5 | 6.06 | <p>Amendments to clause (a) and new clause (c) are in response to the submission made by the Director General of Conservation¹³ and further analysis as set out in the Statement of Evidence of Dr Forbes.</p> <p>New clause (d) is included in response to the submission made by Meridian Energy Limited.¹⁴</p> |
| Ecosystem type | Maximum area (ha) | ECR | Replacement/offset planting area (ha) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Replacement planting | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Secondary broadleaved forests with old-growth signatures | 3.07 | 5 | 15.35 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Old-growth treelands | 0.41 | 5 | 2.05 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Kānuka forests | 4.52 1.59 | 5 | 22.67 9.95 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Advanced secondary broadleaved forests | 2.93 0.98 | 4 5 | 11.72 4.88 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Secondary broadleaved forests and scrublands | 16.32 4.6 | 3 | 48.96 49.38 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mānuka and kānuka shrublands | 4.04 | 1.5 | 6.06 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

¹³ Submission number 369.

¹⁴ Submission number 363.

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| | Mānuka, kanuka and <u>divaricating</u> shrublands | 4.120.33 | 13 | 4.120.99 | |
| | Offset planting | | | | |
| | Old-growth forests (alluvial) | 0.15 | 12 | 1.8 | |
| | Old-growth forests (hill country) | 1.0 | 10 | 10 | |
| | Raupō dominated seepage wetlands (high value) | 0.13 | 4 | 0.52 | |
| | Indigenous-dominated seepage wetlands (moderate value) | 0.56 <u>1.12</u> | 23 | 1.123 <u>3.36</u> | |
| | <u>Exotic-dominated seepage wetlands (low value)</u> | <u>2.74</u> | <u>1.5</u> | <u>4.11</u> | |
| | <p>b) include the planting of swamp maire at the following rates:</p> <ul style="list-style-type: none"> i. 1:100 swamp maire must be planted where: <ul style="list-style-type: none"> A. more than 10% of live growth is pruned from a swamp maire; and B. where the extent of pruning is determined by a suitably qualified arborist; ii. 1:200 where a swamp maire inadvertently dies as a result of nearby construction activities. <p>c) <u>include the planting of ramarama at a rate of 1:100 where any ramarama greater than 15 centimetres tall located outside of the Ramarama Protection Area (shown on Figure B in the Statement of Evidence of Dr Forbes dated 8 March 2019) is removed as a result of construction activities.</u></p> <p>d) <u>not be located within a portion of the Te Āpiti wind farm indicated by property reference numbers 9, 10, 11, and 12 on Land Requirement Plan LR-11 except where:</u></p> <ul style="list-style-type: none"> i. <u>Meridian Energy Limited provides the Requiring Authority with its written consent to such planting; or</u> | | | | |

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| | <p>ii. the planting is for the restoration of areas subject to QEII Trust open space covenants at 31 October 2018 and shown on Plan C-06 (where the planting is of a similar scale and as exists on 31 October 2018 and Meridian is consulted in respect of the species proposed to be planted).</p> | |
| 14. | <p>Lizards</p> <p>Prior to the commencement of construction, the Requiring Authority must prepare a Lizard Management Plan to manage the potential adverse effects of the Project on lizards. The Lizard Management Plan must form part of the EMP required by Condition 17 and:</p> <ul style="list-style-type: none"> a) be prepared by a suitably qualified and experienced ecologist; b) take into account the outcomes of any consultation with tangata whenua and the Department of Conservation; c) describe the methodology for survey, salvage and release, including the identification of potential habitats for survey and planned and opportunistic relocations; d) identify release sites (which may include the Manawatū Gorge Scenic Reserve, subject to permission being granted by the Department of Conservation) and confirm any works necessary to protect such sites from predation or disturbance (when the sites are not in the Manawatū Gorge Scenic Reserve); and e) be updated to achieve consistency with any authorisation given by the Director-General of Conservation under section 53 of the Wildlife Act 1953. | <p>Clause (a) is amended in response to a question from the Hearings Panel.</p> |
| 15. | <p>Bats</p> <ul style="list-style-type: none"> a) Prior to the commencement of construction and between the months of November to March, the Requiring Authority must engage a suitably qualified and experienced person to undertake a bioacoustic survey. The survey methodology will be agreed with the Department of Conservation. b) Where the investigations required by clause (a) identify the presence of bats in the designation, the Requiring Authority must prepare a Bat Management Plan to manage the potential adverse effects of the Project on bats. The Bat Management Plan must form part of the EMP required by Condition 17 and: | <p>Clauses (a) and (b)(i) are amended in response to a question from the Hearings Panel.</p> |

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| | <ul style="list-style-type: none"> i. be prepared by a suitably qualified and experienced ecologist; ii. take into account the outcomes of any consultation with tangata whenua and the Department of Conservation; iii. include procedures for bat roost removal (including measures to retain and monitor any active roosting site); iv. where necessary, set out an approach to habitat replacement and pest control; and v. be updated to achieve consistency with any authorisation given by the Director-General of Conservation under section 53 of the Wildlife Act 1953. | |
| 16. | <p>Avifauna</p> <p>Prior to the commencement of construction, the Requiring Authority must prepare an Avifauna Management Plan to manage the potential adverse effects of the Project on avifauna. The Avifauna Management Plan must form part of the EMP required by Condition 17 and:</p> <ul style="list-style-type: none"> a) be prepared by a suitably qualified and experienced ecologist; b) take into account the outcomes of any consultation with tangata whenua and the Department of Conservation; c) in the Manawatū River riverbed: <ul style="list-style-type: none"> i. describe the measures necessary (prior to the July to March breeding season) to deter black-fronted dotterels and banded dotterels from nesting; ii. set out the methodology for a pre-construction survey to identify any nesting dotterels; iii. if nesting dotterels are present, in accordance with the NZ Transport Agency’s ‘Guidance in relation to New Zealand dotterels on NZTA land’ dated November 2012require either: <ul style="list-style-type: none"> A. require the establishment an exclusion area around the nesting area within which works may not be undertaken until nesting activities are completed; or and B. provide for the relocation (by herding) of the dotterels that are not actively nesting, under the supervision of a suitably qualified and experienced person; | <p>Clauses (a) and (c)(iii)(B) are amended in response to a question from the Hearings Panel.</p> <p>The amendments to clause (c)(iii) are included in response to the submission made by the Royal Forest and Bird Protection Society of New Zealand Inc.¹⁵, as set out in the evidence of Mr Blayney.</p> |

¹⁵ Submission number 295.

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| | <p>d) for any vegetation clearance between the months of September and January in the old-growth forests (alluvial) and old-growth forests (hill country), as shown on the Designation Plans D-01 to D-10:</p> <ul style="list-style-type: none"> i. set out the methodology for a pre-construction survey to identify any nesting whiteheads; ii. if nesting whiteheads are present, require the establishment of an exclusion area around the tree containing the nest and immediately adjacent trees within which works may not be undertaken until nesting activities are completed. <p>e) for any clearance or mowing of rank grass between the months of August and March:</p> <ul style="list-style-type: none"> i. set out the methodology for a pre-construction survey to identify any nesting pipit; ii. if nesting pipit are present, require the establishment of an exclusion area around the nesting area within which works may not be undertaken until nesting activities are completed. <p>f) prior to any works occurring in the raupō dominated seepage wetlands, as shown on Designation Plan D-02, set out the methodology for a pre-construction survey for cryptic bird species.</p> <p>g) consider opportunities to minimise disturbance to the freshwater ponds located between CH9200 and CH9600 in order to maintain possible habitat for Australian coot and New Zealand dabchick.</p> <p>h) be updated to achieve consistency with any authorisation given by the Director-General of Conservation under section 53 of the Wildlife Act 1953.</p> | |
| 17. | <p>Ecological Management Plan</p> <p>a) Prior to the commencement of construction, the Requiring Authority must prepare an Ecological Management Plan (“EMP”) to address the potential adverse effects of the Project on ecological and biodiversity values. The EMP forms part of the CEMP required by Condition 10 and must:</p> <ul style="list-style-type: none"> i. be prepared by a suitably qualified <u>and experienced</u> person, or persons; ii. accompany any relevant outline plan prepared in accordance with Condition 5; | <p>Clause (a)(i) is amended in response to a question from the Hearings Panel.</p> <p>The amendment to clause (a)(iii)(B) is made in response to the submission made by</p> |

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| | <p>iii. as a minimum:</p> <p>A. summarise the terrestrial ecology and biodiversity values and effects of the Project;</p> <p>B. take into account the outcomes of any consultation with tangata whenua, the Department of Conservation, the Te Āpiti Manawatū Gorge Governance Group and any other party having a direct interest in the land subject to replacement and offset planting required by Condition 13;</p> <p>C. include the bat, lizard and avifauna management plans required by Conditions 14, 15, and 16;</p> <p>D. detail how vegetation to be removed will identified on site;</p> <p>E. set out site staff induction procedures in respect of ecological requirements, including measures to prevent the introduction of pest plants;</p> <p>F. consider opportunities for:</p> <ul style="list-style-type: none"> • the reuse of natural materials and felled trees by tangata whenua; and • community participation in planting; <p>G. provide for the salvage and transfer of soils, coarse woody material or debris and leaf litter for use in areas of replacement and retirement planting;</p> <p>H. confirm the location of, and extent of, areas for replacement and offset planting required by Condition 13, and any retirement areas identified under clause (b), and set out the management of these areas, including:</p> <ul style="list-style-type: none"> • legal and physical protection (through stock exclusion and fencing) in perpetuity; • a requirement for all plants to be eco-sourced; • a requirement for all planting to be completed within 3 planting seasons following the completion of construction; | <p>the Manawatū Gorge Governance Group.¹⁶</p> <p>Reference to the terrestrial invertebrate management plan added as a consequential amendment.</p> <p>The new bullet point in clause (a)(iii)(H) is included in response to the submission made by the Director General of Conservation¹⁷ as set out in the evidence of Mr Blayney.</p> <p>The bullet point in clause (a)(iii)(H) that relates to Te Āpiti wind farm is deleted as a consequence of amendments to Condition 13.</p> |

¹⁶ Submission number 374.

¹⁷ Submission number 369.

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <ul style="list-style-type: none"> • measures to manage all planting so that plants establish and those that fail to establish are replaced; • <u>a requirement for species lists for divaricating shrubland replacement planting to include a high representation of the plant genera <i>Coprosma</i>, <i>Melicytus</i>, <i>Olearia</i>, <i>Muehlenbeckia</i>, <i>Parsonsia</i> and <i>Rubus</i>, subject to plant availability;</u> • when within the Te Āpiti wind farm, minimising effects of any planting on the wind environment, where such effects impact on the power output of a Te Āpiti wind farm turbine or turbines; • canopy gap planting in any areas that are retired in accordance with clause (b); • an animal pest management plan to manage possums and rats to achieve and maintain a 5% residual trap catch/tracking index score (or equivalent monitoring method); • a plant pest management plan targeting species that threaten replacement plantings, forest regeneration, and/or forest succession in all planting areas and the regeneration of any retirement areas; • a requirement that replacement planting, plant maintenance and plant pest management continues until 80% canopy cover is achieved in the planting and any retirement areas. <p>b) Taking into account the measures to avoid, remedy, mitigate or offset adverse ecology effects (and including the measures to be undertaken as described in the EMP), the Requiring Authority must, in consultation with the Department of Conservation and tangata whenua:</p> <ol style="list-style-type: none"> i. determine the extent of any further offsetting necessary to achieve a net indigenous biological diversity gain with reference to the direction given by Policy 13-4 of the Horizons One Plan; ii. where further offsetting is necessary, this may include (but not be limited to) the retirement of areas (where available) within the areas shown for this purpose on Figure 6.A.9 (in Appendix 6.A to Technical Assessment 6: Terrestrial Ecology), the retirement of | |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <p>additional areas in an alternative location, additional offset planting and/or additional pest management measures;</p> <p>iii. the required offsetting activities must be managed in accordance with the management framework set out in the Ecological Management Plan and Condition 31.</p> | |
| 18. | <p>At risk or threatened flora and fauna discovery protocol</p> <p>a) In the event of discovery or any ‘at risk’ or ‘threatened’ flora or fauna (as defined by the Department of Conservation’s New Zealand Threat Classification System) within the designation that is not specifically addressed by Conditions 13, 14, 15, 16 or 17, the Requiring Authority must determine a course of action:</p> <ul style="list-style-type: none"> i. based on the advice of a suitably <u>and experienced</u> qualified ecologist; ii. with reference to the EMP framework; iii. taking into account the outcomes of any consultation with tangata whenua and/or the Department of Conservation. <p>b) The Requiring Authority must provide written advice to Councils setting out the course of action determined in accordance with clause (a).</p> | <p>Clause (a)(i) is amended in response to a question from the Hearings Panel.</p> |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Construction Noise and Vibration | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19. | <p>Measurement and assessment – construction noise</p> <p><u>Construction noise must, as far as practicable, comply with the following criteria in accordance with NZS 6803:1999: All construction work must be designed and conducted to ensure that, as far as practicable, construction noise does not exceed the limits in the following table. Sound levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics –Construction noise as follows (at occupied dwellings):</u></p> <table border="1" data-bbox="293 564 1585 1262"> <thead> <tr> <th data-bbox="293 564 607 620">Time of Week</th> <th data-bbox="607 564 943 620">Time Period</th> <th data-bbox="943 564 1263 620">$L_{Aeq(15\text{-min})}$</th> <th data-bbox="1263 564 1585 620">L_{Amax}</th> </tr> </thead> <tbody> <tr> <td data-bbox="293 620 607 836" rowspan="4">Weekdays</td> <td data-bbox="607 620 943 676">0630-0730</td> <td data-bbox="943 620 1263 676">55 dB</td> <td data-bbox="1263 620 1585 676">75 dB</td> </tr> <tr> <td data-bbox="607 676 943 732">0730-1800</td> <td data-bbox="943 676 1263 732">70 dB</td> <td data-bbox="1263 676 1585 732">85 dB</td> </tr> <tr> <td data-bbox="607 732 943 788">1800-2000</td> <td data-bbox="943 732 1263 788">65 dB</td> <td data-bbox="1263 732 1585 788">80 dB</td> </tr> <tr> <td data-bbox="607 788 943 836">2000-0630</td> <td data-bbox="943 788 1263 836">45 dB</td> <td data-bbox="1263 788 1585 836">75 dB</td> </tr> <tr> <td data-bbox="293 836 607 1051" rowspan="4">Saturdays</td> <td data-bbox="607 836 943 892"><u>0630-0730</u></td> <td data-bbox="943 836 1263 892"><u>45 dB</u></td> <td data-bbox="1263 836 1585 892"><u>75 dB</u></td> </tr> <tr> <td data-bbox="607 892 943 948">0730-1800</td> <td data-bbox="943 892 1263 948">70 dB</td> <td data-bbox="1263 892 1585 948">85 dB</td> </tr> <tr> <td data-bbox="607 948 943 1003">1800-2000 <u>0730</u></td> <td data-bbox="943 948 1263 1003">45 dB</td> <td data-bbox="1263 948 1585 1003">75 dB</td> </tr> <tr> <td data-bbox="607 1003 943 1051"><u>2000-0630</u></td> <td data-bbox="943 1003 1263 1051"><u>45 dB</u></td> <td data-bbox="1263 1003 1585 1051"><u>75 dB</u></td> </tr> <tr> <td data-bbox="293 1051 607 1262" rowspan="4">Sundays and Public Holidays</td> <td data-bbox="607 1051 943 1107"><u>0630-0730</u></td> <td data-bbox="943 1051 1263 1107"><u>45 dB</u></td> <td data-bbox="1263 1051 1585 1107"><u>75 dB</u></td> </tr> <tr> <td data-bbox="607 1107 943 1163">0730-1800</td> <td data-bbox="943 1107 1263 1163">55 dB</td> <td data-bbox="1263 1107 1585 1163">85 dB</td> </tr> <tr> <td data-bbox="607 1163 943 1219">1800-2000 <u>0730</u></td> <td data-bbox="943 1163 1263 1219">45 dB</td> <td data-bbox="1263 1163 1585 1219">75 dB</td> </tr> <tr> <td data-bbox="607 1219 943 1262"><u>2000-0630</u></td> <td data-bbox="943 1219 1263 1262"><u>45 dB</u></td> <td data-bbox="1263 1219 1585 1262"><u>75 dB</u></td> </tr> </tbody> </table> | Time of Week | Time Period | $L_{Aeq(15\text{-min})}$ | L_{Amax} | Weekdays | 0630-0730 | 55 dB | 75 dB | 0730-1800 | 70 dB | 85 dB | 1800-2000 | 65 dB | 80 dB | 2000-0630 | 45 dB | 75 dB | Saturdays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | 0730-1800 | 70 dB | 85 dB | 1800-2000 <u>0730</u> | 45 dB | 75 dB | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | Sundays and Public Holidays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | 0730-1800 | 55 dB | 85 dB | 1800-2000 <u>0730</u> | 45 dB | 75 dB | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | Amendments made to reflect the agreement recorded in the 'Joint Statement of Acoustic Experts'. |
| Time of Week | Time Period | $L_{Aeq(15\text{-min})}$ | L_{Amax} | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Weekdays | 0630-0730 | 55 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 0730-1800 | 70 dB | 85 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 1800-2000 | 65 dB | 80 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2000-0630 | 45 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saturdays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sundays and Public Holidays | <u>0630-0730</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | 1800-2000 <u>0730</u> | 45 dB | 75 dB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>2000-0630</u> | <u>45 dB</u> | <u>75 dB</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| 20. | <p>Measurement and assessment – construction vibration</p> <p>Construction vibration must, as far as practicable, comply with the following criteria, where:</p> <p>a) measurement is in accordance with ISO 4866:2010 <i>Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures</i>; <u>and</u></p> <p>b) BS 5228-2 is British Standard BS 5228-2:2009 <i>Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration</i>; <u>and</u></p> <p>c) <u>The Category A construction vibration criteria must be complied with as far as practicable. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified and experienced person must assess and manage construction vibration during those activities. If measured or predicted vibration from construction activities exceeds the Category B criteria those activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated as set out by a suitably qualified and experienced person.</u></p> <table border="1" data-bbox="293 826 1594 1327"> <thead> <tr> <th>Receiver</th> <th>Location</th> <th>Details</th> <th>Category A PPV</th> <th>Category B PPV</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied PPFs</td> <td rowspan="2">Inside the building</td> <td>Night 2000h to 0630h</td> <td>0.3 mm/s</td> <td>1 mm/s</td> </tr> <tr> <td>Day 0630h to 2000h</td> <td>1 mm/s</td> <td>5 mm/s</td> </tr> <tr> <td>Other occupied buildings</td> <td>Inside the building</td> <td>Day 0630h to 2000h</td> <td>2 mm/s</td> <td>5 mm/s</td> </tr> <tr> <td rowspan="2">Unoccupied buildings</td> <td rowspan="2">Building foundation</td> <td>Vibration transient</td> <td rowspan="2">5 mm/s</td> <td>BS 5228-2 Table B.2</td> </tr> <tr> <td>Vibration continuous</td> <td>50% of BS 5228-2 Table B.2</td> </tr> </tbody> </table> | Receiver | Location | Details | Category A PPV | Category B PPV | Occupied PPFs | Inside the building | Night 2000h to 0630h | 0.3 mm/s | 1 mm/s | Day 0630h to 2000h | 1 mm/s | 5 mm/s | Other occupied buildings | Inside the building | Day 0630h to 2000h | 2 mm/s | 5 mm/s | Unoccupied buildings | Building foundation | Vibration transient | 5 mm/s | BS 5228-2 Table B.2 | Vibration continuous | 50% of BS 5228-2 Table B.2 | <p>New clause (c) is included to reflect the agreement recorded in the 'Joint Statement of Acoustic Experts'.</p> |
| Receiver | Location | Details | Category A PPV | Category B PPV | | | | | | | | | | | | | | | | | | | | | | | |
| Occupied PPFs | Inside the building | Night 2000h to 0630h | 0.3 mm/s | 1 mm/s | | | | | | | | | | | | | | | | | | | | | | | |
| | | Day 0630h to 2000h | 1 mm/s | 5 mm/s | | | | | | | | | | | | | | | | | | | | | | | |
| Other occupied buildings | Inside the building | Day 0630h to 2000h | 2 mm/s | 5 mm/s | | | | | | | | | | | | | | | | | | | | | | | |
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| 21. | <p>Construction Noise and Vibration Management Plan</p> <p>a) Prior to the commencement of construction activities, the Requiring Authority must prepare a Construction Noise and Vibration Management Plan (“CNVMP”) to demonstrate how compliance with the criteria in Conditions 19 and 20 will be achieved for the duration of construction of the Project.</p> <p>b) The CNVMP must be prepared by a suitably qualified <u>and experienced</u> person and in general accordance with the requirements of Annex E2 of NZS 6803:1999.</p> <p>c) The CNVMP forms part of the CEMP required by Condition 10 and must accompany any relevant outline plan prepared in accordance with Condition 5.</p> <p>d) The CNVMP must include, as a minimum:</p> <ul style="list-style-type: none"> i. a description of the construction work, anticipated equipment/processes and their scheduled durations; <u>ii. set out the likely construction noise emissions;</u> <u>iii. the hours of operation, including times and days when activities causing noise and/or vibration would occur;</u> <u>iv. the construction noise and vibration criteria for the Project;</u> iv. identification of affected houses and other sensitive locations where noise and vibration criteria apply; vi. methods and frequency for monitoring and reporting on construction noise and vibration; vii. procedures for maintaining contact with stakeholders, notifying or proposed construction activities and handling noise and vibration complaints (consistent with the Communications Plan and complaints register); <u>viii. a description of alternative mitigation strategies where compliance with the criteria in Condition 19 and 20 may not be achieved;</u> <u>ix. procedures, developed in consultation with Transpower New Zealand Limited, to manage any instances where the construction vibration criteria set out in Condition 20 might not</u> | <p>Clause (b) is amended in response to a question from the Hearings Panel.</p> <p>New clause (ix) is included to address matters raised in Transpower New Zealand Limited’s submission.¹⁸</p> <p>New clauses (d)(ii) and (viii) are included to reflect the agreement recorded in the ‘Joint Statement of Acoustic Experts’.</p> |

¹⁸ Submission number 367.

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| | <p>be complied with in respect of the Mangamaire – Woodville A 110kV National Grid transmission line support structures;</p> <p>vii. construction equipment operator training procedures and expected construction site behaviours; and</p> <p>viii. contact numbers for key construction staff, staff responsible for noise assessment and council officers.</p> | |
| Construction Traffic | | |
| 22. | <p>Construction Traffic Management Plan</p> <p>Prior to the commencement of construction, the Requiring Authority must prepare a Construction Traffic Management Plan (“CTMP”) to minimise adverse effects on property access, traffic safety and efficiency as a result of construction activities. The CTMP forms part of the CEMP required by Condition 10 and must, as a minimum:</p> <ul style="list-style-type: none"> a) be prepared by a suitably qualified and experienced person; b) accompany any relevant outline plan prepared in accordance with Condition 5; c) take into account the outcomes of any consultation with the Community Liaison Group established by Condition 8 and Councils; d) set out the numbers, frequencies, routes and timing of construction traffic movements; e) identify site access routes and access points for heavy vehicles and describe measures to: <ul style="list-style-type: none"> i. manage the movements of heavy vehicles on Saddle Road during peak times; ii. manage the movements of heavy vehicles accessing the site from Hope Road, including by: <ul style="list-style-type: none"> A. restricting vehicle movements to between the hours of 0730 and 1800; and B. consulting with the owners/occupiers of 29 Hope Road and 75 Hope Road to identify any further practicable measures to manage adverse effects on these properties; and iii. provide for access to the site to be gained (where possible) from both sides of the Ruahine Ranges; | <p>Clause (a) is amended in response to a question from the Hearings Panel.</p> <p>The amendment to clause (c) is recommended in the evidence of Ms Linzey.</p> <p>The amendment to clause (g) is made in the section 92 response and reflects the agreed position of acoustic experts set out in the ‘Joint Statement of Acoustic Experts’.</p> <p>New clauses (e)(ii) and (h) are included to reflect the agreement recorded in the ‘Joint Statement of Acoustic Experts’ and also address matters raised in the submission made by John</p> |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <p>f) describe methods to manage local and network wide effects of the construction of individual elements of the Project including, as a minimum, the roundabout connections at Ashhurst and Woodville including temporary traffic management measures;</p> <p>g) describe methods to limit the movement of heavy vehicles through Ashhurst at night and peak times, including limiting night-time movements to oversized loads and essential movements (such as concrete trucks for continuous pours);</p> <p>h) describe methods to limit the movement of heavy vehicles through Woodville at night, including limiting night-time movements to oversized loads and essential movements (such as concrete trucks for continuous pours);</p> <p>hi) give consideration to opportunities to reduce adverse effects though:</p> <p>iA. use of KiwiRail’s infrastructure to delivery construction materials the Manawatū River bridge site;</p> <p>iiB. accelerated construction of the Manawatū River bridge and Hope Road bridge so that these bridges may be used to access the site;</p> <p>ij) set out how the current provision for pedestrian and cycling activities is maintained;</p> <p>jk) detail measures to provide on-going vehicle access to private properties, including the Te Āpiti wind farm, and limit the adverse effects of construction and severance, including by forming any new permanent accesses at the earliest opportunity; and</p> <p>kl) confirm the management approach to loads on heavy vehicles, including covering loads of fine material and the timely removal of any material deposited or spilled on public roads.</p> | <p>and Wendy Napier¹⁹ and Murray Ramage²⁰.</p> |
| | <p>Tangata Whenua Values</p> | |
| <p>23.</p> | <p>Tangata whenua values monitoring and management</p> <p>a) Prior to the commencement of construction, the Requiring Authority must prepare a Tangata Whenua Values Monitoring and Management Plan (or Plans). The Plan (or Plans) must be prepared by a person (or persons) endorsed by tangata whenua.</p> | |

¹⁹ Submission number 296.

²⁰ Submission number 170.

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| | <p>b) The purpose of the Tangata Whenua Values Monitoring Plan (or Plans) is to recognise and provide for the tangata whenua values of the area and to develop mechanisms and processes to seek to avoid or minimise potential impacts on those values through the implementation of agreed monitoring and mitigation measures.</p> <p>c) The Tangata Whenua Values Monitoring Plan (or Plans) must include (but not be limited to):</p> <ul style="list-style-type: none"> i. setting out pre-construction activities, including site dedication; ii. establishing cultural protocols and procedures for cultural inductions; iii. describing specific monitoring activities to be undertaken; iv. confirming the roles and responsibilities of personnel in respect of clauses (i) to (iv); v. approaches to realising opportunities to reuse natural materials/trees, participation in planting, fish surveys and/or transfer, species monitoring and translocation; vi. setting out the detailed accidental discovery protocol procedures development under Condition 24; and vii. any other matters or measure to avoid or mitigate potential impacts on tangata whenua values, customs and practices. | |
| Archaeology and Historic Heritage | | |
| 24. | <p>Accidental discovery protocol</p> <p>a) Prior to the commencement of construction activities, the Requiring Authority must finalise an accidental discovery protocol to be implemented in the event of accidental discovery of cultural or archaeological artefacts during construction of the Project.</p> <p>b) The accidental discovery protocol must be prepared in consultation with the tangata whenua and must include, but not be limited to:</p> <ul style="list-style-type: none"> i. details of contractor training regarding the possible presence of cultural or archaeological sites or material; | Replacement Condition 24 is included to address matters raised in Heritage New Zealand Pouhere Taonga's submission. ²¹ |

²¹ Submission number 377.

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| | <ul style="list-style-type: none"> ii. general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wāhi tapu or wāhi taonga, including the requirement to immediately cease construction activities in the vicinity of the discovery and the requirement to notify parties; iii. specific procedures in the event that kōiwi tangata are discovered; iv. procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; v. activities that must be undertaken before construction activities in the vicinity of the discovery can recommence, including appropriate tikanga, recording, recovery of artefact and consultation; c) The accidental discovery protocol referred to in clauses (a) and (b) above does not apply, and need not be implemented in the event that: <ul style="list-style-type: none"> i. an Authority is sought under section 44(a), and granted under section 48, of the Heritage New Zealand Pouhere Taonga Act 2014; and ii. that Authority provides for an accidental discovery protocol that includes the matters listed in clauses (a) and (b); <ul style="list-style-type: none"> <u>a) Where an area of the designation is not subject to an archaeological authority (sought under section 44(a), and granted under section 48, of the Heritage New Zealand Pouhere Taonga Act 2014), an accidental discovery protocol applies to works in that area.</u> <u>b) The accidental discovery protocol must be prepared prior to the commencement of construction (including enabling works) and in consultation with tangata whenua and Heritage New Zealand Pouhere Taonga and must include, but not be limited to: <ul style="list-style-type: none"> <u>i. details of contractor training regarding the possible presence of cultural or archaeological sites or material;</u> <u>ii. general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wāhi tapu or wāhi taonga, including the requirement to immediately cease construction activities in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;</u> </u> | |

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| | <ul style="list-style-type: none"> iii. specific procedures in the event that kōiwi tangata are discovered; iv. procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and v. activities that must be undertaken before construction activities in the vicinity of the discovery can recommence, including appropriate tikanga, recording, recovery of artefacts and consultation. | |
| Network Utilities | | |
| 25. | <p>Electrical safe distances clearances</p> <ul style="list-style-type: none"> a) Construction activities and structures must be designed and undertaken to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). b) The planting required by, and managed by, Conditions 12, 13 and 17 must be selected, located and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003, including at full maturity. | New clause (b) is included to address matters raised in Transpower New Zealand Limited and Powerco Limited’s submission. ²² |
| 26. | <p>Network Integration Plan</p> <ul style="list-style-type: none"> a) Prior to the commencement of construction, the Requiring Authority must prepare a Network Integration Plan (“NIP”). The NIP must: <ul style="list-style-type: none"> i. demonstrate how the Project integrates with the existing local road network (including pedestrian and cycling facilities) and with future, planned, improvements to the network; ii. confirm that the Project design does not preclude the future development of the balance of the Lindauer Arts Trail (Woodville to Manawatū Gorge walkway) (to the extent possible, given that there is no precise plan of the Trail); and iii. The NIP must be prepared in consultation with the relevant road controlling authority and, as a minimum, include details of proposed works at the interface between the State highway and the local road network, including road surfacing, road markings and signs. b) Prior to the opening of the new road: | <p>The reference to pedestrian and cycling facilities in new clause (a) and new clause (b)(i) are included in the section 92 response.</p> <p>New clause (a)(ii) is included in response to a number of submissions as addressed in the evidence of Ms Downs and Mr Dunlop.</p> <p>New clause (b)(ii) is included in response to a number of</p> |

²² Submission numbers 367 and 313.

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| | <ul style="list-style-type: none"> i. the intersections of State Highway 3 with York Street and Cambridge Avenue must be improved to redirect traffic onto the new road; ii. the existing walkway from Hampson Street, Woodville must be extended to west of the eastern roundabout; iii. pedestrian and cycling facilities must be provided between the Manawatū Gorge Scenic Reserve car park and the State Highway 3 Ashhurst Bridge; and iv. the Ashhurst Bridge must be upgraded to provide improved walking and cycling access, subject to any necessary resource consents for the upgrade works being granted. | submissions as addressed in the evidence of Ms Downs . |
| 26A. | <p>National Code of Practice for Network Utility Operators' Access to Transport Corridors All works must be undertaken in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors (September 2016), or any approved update to the Code.</p> | New condition added to address matters raised in Powerco Limited's submission. ²³ |

Construction Conditions (Palmerston North City only)

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| Parahaki Island | | |
| PN1. | <p>Outline plan – Parahaki Island</p> <p>Where an outline plan, or plans, describes works related to the bridging of the Manawatū River, including any piers, abutments and the northern and southern approaches (and associated construction access), the Requiring Authority must:</p> <ul style="list-style-type: none"> a) consult with the Te Āpiti Ahu Whenua Trust for the purpose of recognising the values of Parahaki Island and providing for those values including by: | |

²³ Submission number 313.

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <ul style="list-style-type: none"> i. minimising, as far as practicable, any impact of the construction activities or Manawatū River bridge piers on Parahaki Island; ii. identifying opportunities to recognise the historical and cultural significance of Parahaki Island in the design of Manawatū River bridge and approaches to the bridge; iii. identifying opportunities for landscape or ecological mitigation planting required by Conditions 12, 13 and 17link to other conditions on Parahaki Island. <p>b) as a minimum, include the following in the outline plan:</p> <ul style="list-style-type: none"> i. details of the consultation undertaken with the Te Āpiti Ahu Whenua Trust, including comments made in relation to the matters listed in (a) and any measures taken by the Requiring Authority to respond to these comments. | |
| Recreation and Open Space | | |
| PN2. | <p>Manawatū Gorge Scenic Reserve car park</p> <ul style="list-style-type: none"> a) Prior to any construction works that affect access to or use of the Manawatū Gorge Scenic Reserve car park, and/or access to the Manawatū Gorge walking tracks, a ‘Manawatū Gorge Scenic Reserve Car Park Management and Reinstatement Plan’ (“MGSR Car Park Plan”) must be prepared. b) The MGSR Car Park Plan must be prepared in consultation with the Department of Conservation, Palmerston North City Council, the Te Āpiti Manawatū Gorge Governance Group, tangata whenua and the Community Liaison Group established by Condition 8 community representatives and consistent with the design principles and design outcomes in reference to the ECEDF. c) The MGSR Car Park Plan must include, as a minimum: <ul style="list-style-type: none"> i. details of how public access will be maintained over duration of construction activities and, including reinstatement works, including the provision of sufficient car parks to cater for visitor numbers at 31 October 2018; | <p>The amendments to clause (b) are made in response to the submission made by the Manawatū Gorge Governance Group²⁴ and in response to the questions included in the 3rd Minute of the Hearings Panel.</p> <p>Amendments to clause (b) and (c) are also made in response to the Section 42A Report.</p> <p>New clauses (c)(ii), (iii), (iv) and amendments to new clause (c)(vi) are in response</p> |

²⁴ Submission number 374.

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| | <p>ii. <u>the provision of at least the same number of car parks as the number that exists at 31 October 2018;</u></p> <p>iii. <u>a Crime Protection Through Environmental Design (CPTED) Safety Site Assessment;</u></p> <p>iv. <u>details of the consultation undertaken under clause (b) above, including the comments made and any measures taken by the Requiring Authority to respond to these matters;</u></p> <p>iv. details of reinstatement of land used for construction including:</p> <ul style="list-style-type: none"> A. removal of structures, plant and materials associated with construction (unless otherwise agreed with the landowner); B. replacement or reinstatement of formal parking areas, boundary fences, landscaping and information / signage; C. reinstatement of grassed areas to a similar condition as existed prior to construction; <u>and</u> D. replacement of trees and other planting removed as part of construction activities; <u>and</u> E. <p>vi. <u>In undertaking plans for reinstatement works in clause (v) above, provide details of any way finding and interpretation signs within and adjacent to the Manawatū Gorge Scenic Reserve car park (including signs to existing the walking tracks and to any potential opportunities identified for pedestrian access or viewpoints for pedestrians viewing opportunities on the new Manawatū River bridge).</u></p> | <p>to the submission made by the Director General of Conservation²⁵</p> |

²⁵ Submission number 369.

Construction Conditions (Manawatū District only)

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|--------------------------|--|-------------------------------------|
| Network Utilities | | |
| M1. | <p>Outline plan – Tararua High Pressure Gas Transmission Pipeline</p> <p>Where an outline plan, or plans, describes works that traverse the Tararua High Pressure Gas Transmission Pipeline, the Requiring Authority must:</p> <ol style="list-style-type: none"> a) Consult with First Gas in order to develop any necessary measure to ensure that no construction activities, and particularly site access, cause material damage to the pipeline. b) Include details of the consultation undertaken and any measures to protect the pipeline in the outline plan. | |
| M2. | <p>Outline plan – Palmerston North to Gisborne Rail Corridor</p> <p>Where an outline plan, or plans, describes works within or adjacent to the Palmerston North to Gisborne rail corridor, the Requiring Authority must:</p> <ol style="list-style-type: none"> a) Consult with KiwiRail for the purpose of appropriately managing any potential adverse effects of the Project (including as a result of access across the corridor) on the continued operation, maintenance and upgrading of the rail line. b) Include details of the consultation undertaken and any measures to manage potential adverse effects in the outline plan. c) Set out how any measures to manage potential adverse effects identified in accordance with clause (b) may be reviewed and updated, as necessary. <p><i>Advice Note: Written consent from KiwiRail under section 177(1)(a) of the RMA is required independent of this condition.</i></p> | |

Construction Conditions (Tararua District only)

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
|---|---|---|
| Network Utilities and Infrastructure | | |
| T1. | <p>Outline plan – Te Āpiti Wind Farm</p> <p>Where an outline plan or plans describes works within the Te Āpiti wind farm site, the Requiring Authority must:</p> <ul style="list-style-type: none"> a) consult with Meridian Energy Limited (“Meridian”) for the purpose of designing and constructing the Project to minimise, as far as practicable, impacts on the wind farm; and b) as a minimum, include the following in the outline plan: <ul style="list-style-type: none"> i. details of the consultation undertaken under clause (a); ii. details of on-going access arrangements during construction, including the management of construction traffic within the wind farm; iii. where construction activities (other than for the relocation of services and access) are within 60 metres of any turbine that is to be retained, advice from a suitably qualified <u>and experienced</u> person in relation to any potential impact on the safe and efficient operation of that turbine; iv. confirmation of compliance with NZECP 34:2001; v. details of site management and security; and vi. arrangements for site inductions and contractor training, including Meridian’s involvement in that training vii. <u>details of the consultation undertaken with Meridian and any measures taken by the Requiring Authority to respond to these comments.</u> | <p>Clause (b)(iii) is amended in response to a question from the Hearings Panel.</p> <p>New clause (b)(vii) is included to respond to matters raised in discussions with Meridian²⁶.</p> |
| T2. | <p>Outline plan – Mangamaire – Woodville A 110kV National Grid transmission line</p> <p>Where an outline plan, or plans, describes works in the vicinity of the Mangamaire – Woodville A 110kV transmission line, the Requiring Authority must:</p> | |

²⁶ Submission number 363.

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <p>a) consult with Transpower New Zealand Limited in order to:</p> <ul style="list-style-type: none"> i. demonstrate how construction works and associated activities are designed and undertaken to comply with NZECP 34:2001; ii. develop measures to control induced and transferred voltages and earth potential rise where conductive material is within 8 metres of the transmission line support structures; iii. identify areas where additional management measures are necessary such as fencing or hurdles; iv. confirm timing for any outage that may be necessary; v. confirm measures to manage the effects of dust that may damage the National Grid transmission lines; and vi. confirm details of contractor training, and Transpower’s involvement in that training, for those working within 8 metres of the transmission line support structures or within the maximum extent of conductor swing (at maximum operating temperature). <p>b) Details of the consultation undertaken and measures to achieve the matters listed in (a) must be included in the outline plan.</p> | |
| Ballantrae Hill Country Research Station | | |
| T3. | <p>Outline plan – Ballantrae Farm Research Station</p> <p>Where an outline plan, or plans, describes works within the Ballantrae Hill Country Research Station, the Requiring Authority must:</p> <ul style="list-style-type: none"> a) consult with AgResearch Limited for the purpose of designing and constructing the Project to minimise impacts, as far as practicable, on the farm operations and fertiliser trial sites at Ballantrae Farm Research Station; and b) as a minimum, the outline plan must: <ul style="list-style-type: none"> i. set out details of the consultation undertaken under clause (a); ii. demonstrate how the extent of construction works on the site (including fill areas and stormwater treatment facilities) is limited, including by reference to the total areas of | Amendments made to reflect the advice and evidence of Dr Horne and Mr Morton as to the importance of constraining works in these areas. |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | <p>each of the four farmlets that comprise the trial site as well as the slope, aspect and soil type balances of each farmlet; and</p> <p>iii. describe details of on-going farm and trial site access and stock movement arrangements during and following construction.</p> | |
| QEII National Trust Open Space Covenants | | |
| T4. | <p>Outline plan - QEII National Trust open space covenants</p> <p>Where an outline plan, or plans, describes works within the areas subject to QEII Trust open space covenants (shown on Plan C-06), the Requiring Authority must:</p> <p>a) consult with the National Trust for the purpose of designing and constructing the Project to minimise impacts, as far as practicable, on the natural environment values of the area subject to the covenant; and</p> <p>b) as a minimum, the outline plan must:</p> <p>i. set out details of the consultation undertaken under clause (a);</p> <p>ii. demonstrate how the extent of construction works on the site is limited (including by Condition 5(e)); and</p> <p>iii. describe any restoration that may be proposed (including as part of the LMP required by Condition 12 or EMP required by Condition 17).</p> | Cross-reference included in response to the Section 42A Report. |

Operational Conditions (common to all jurisdictions)

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| Noise | | |
| 27. | <p>Road surfacing</p> <p>Prior to the opening of the new road, a low noise road surface must be laid on: show on plan</p> | Deletion to correct typographic error. |

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | a) State Highway 3 Napier Road between Cambridge Avenue and the Manawatū River; and b) Vogel Street in Woodville. | |
| 28. | Traffic separation a) traffic lanes of the roundabouts must be more than 100 metres from dwellings existing on 31 October 2018; b) traffic lanes must be more than 200 metres from the dwellings at 49807 State Highway 3 and 75 Hope Road, Woodville existing on 31 October 2018. | |
| 29. | 49807 State Highway 3 and 75 Hope Road, Woodville In order to control sound levels at the dwellings at 49807 State Highway 3 and 75 Hope Road, Woodville existing on 31 October 2018, either: a) a low noise road surface must be laid on the main alignment from the eastern roundabout extending at least 1.5 kilometres to the west of the roundabout; or b) FL5 concrete barriers must be provided. | Correction because the barrier is to address potential noise impacts, rather than a traffic safety matter. |
| 29A. | <u>Post-construction review</u> a) <u>Within 12 months of the opening of the new road, the Requiring Authority must undertake a post-construction review in accordance with the NZ Transport Agency’s ‘Specification for Noise Mitigation’ (NZTA P40:2014) that includes:</u> i. <u>noise modelling;</u> ii. <u>site inspection of road surfaces or concrete barriers provided by Conditions 27 and 29; and</u> iii. <u>noise measurements at the PPFs located at 49807 State Highway 3, 49846 State Highway 3, 75 Hope Road, Woodville and 1213 Fitzherbert East Road, Ashhurst to verify the acoustics model, subject to access being provided.</u> b) <u>If the post-construction review concludes that the sound levels exceed the NZS 6806:2010 ‘Acoustics – Road-traffic noise – New and altered road’ Category A criteria for new roads (at</u> | New Condition 29A is included to reflect the agreement recorded in the ‘Joint Statement of Acoustic Experts’ and also addresses matters raised in the submissions of John and Wendy Napier ²⁷ , Nick Rogers and Tiffany Wendland ²⁸ , |

²⁷ Submission number 296.

²⁸ Submission number 366.

| REF | DRAFT CONDITIONS | REASON FOR CHANGE/ EVIDENCE REF. |
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| | 49807 State Highway 3 and 75 Hope Road) and altered roads (at 49846 State Highway 3 and 1213 Fitzherbert East Road, Ashhurst), the Requiring Authority must, in consultation with the respective property owners, provide further noise mitigation to reduce noise levels to meet the Category A criteria (subject to reasonable access to allow any mitigation to be implemented). | Barbara Cooke ²⁹ and Nicholas Shoebridge ³⁰ |
| Lighting | | |
| 30. | Operational lighting Lighting must be designed, maintained and operated to comply with <i>AS/NZS 1158 Lighting for Roads and Public Spaces</i> . | |
| Landscape, Natural Character and Ecology | | |
| 31. | Landscape, replacement and offset planting maintenance Notwithstanding Condition 3, any planting and ecological effects management measures required by, and managed by, Conditions 12, 13 and 17 must be maintained and managed in accordance with the measures set out in the LMP and EMP. | Additional wording is included for clarity in response to the Section 42A Report. |
| Network Utilities and Infrastructure | | |
| 32. | Written consent under section 176 of the RMA - Te Āpiti Wind Farm The Requiring Authority must not require Meridian to seek written consent under section 176 of the RMA for work that can occur in accordance with the resource consent for the Te Āpiti wind farm (dated 3 September 2003) where that work does not encroach on, or impact on, the construction or operational of the State highway. To the extent that written approval is required, this condition shall constitute written approval. | |

²⁹ Submission number 105.

³⁰ Submission number 103.