

Before a Board of Inquiry  
Transmission Gully  
Notices of Requirement and Consents

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*under:* the Resource Management Act 1991

*in the matter of:* Notices of requirement for designations and resource consent applications by the NZ Transport Agency, Porirua City Council and Transpower New Zealand Limited for the Transmission Gully Proposal

*between:* **NZ Transport Agency**  
*Requiring Authority and Applicant*

*and:* **Porirua City Council**  
*Local Authority and Applicant*

*and:* **Transpower New Zealand Limited**  
*Applicant*

First statement of evidence of Andrea Judith Rickard (Planning – NORs, resource consent applications and AEE preparation) for the NZ Transport Agency and Porirua City Council

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Dated: 16 November 2011

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REFERENCE: John Hassan (john.hassan@chapmantripp.com)  
Nicky McIndoe (nicky.mcindoe@chapmantripp.com)

**FIRST STATEMENT OF EVIDENCE OF ANDREA JUDITH RICKARD FOR THE NZ TRANSPORT AGENCY AND PORIRUA CITY COUNCIL**

**QUALIFICATIONS AND EXPERIENCE**

- 1 My full name is Andrea Judith Rickard. I am currently employed as Technical Director of Planning at Beca Carter Hollings and Ferner Limited (*Beca*). I also fulfil the role of Business Improvement Manager reporting to the Managing Director of Beca Carter Hollings and Ferner.
- 2 I have over 16 years' experience working as a planner in local government and consultancy. I have a Bachelor of Arts majoring in Geography, and a Bachelor of Planning with honours, both from the University of Auckland. I am a full member of the New Zealand Planning Institute. I was recently elected onto the National Committee of the Resource Management Law Association.
- 3 In my role as a Technical Director at Beca, I provide environmental and resource management planning advice to a variety of clients including central and local government clients, transport and infrastructure providers and industrial clients.
- 4 I have recent and relevant experience working on a wide variety of projects involving regional and district consents and structures, works and activities in streams, watercourses and the coastal marine area around New Zealand, primarily in the North Island. Examples of the recent and relevant projects that I have been involved in include:
  - 4.1 Hunua No.4 Watermain (Watercare Services): I was the lead planner overseeing the consenting phase for a new 30km water supply project. I oversaw a team preparing notices of requirement for new designations, a suite of regional consents including coastal permits, and environmental management plans. I prepared and presented evidence in the Council hearings and provided advice on appeals to the Environment Court;
  - 4.2 DART – Developing Auckland's Rail Transport (ONTRACK – now KiwiRail): I was the lead planner for consents and Outline Plans for the North Auckland Line rail duplication. This also involved working closely with construction contractors in consent implementation and preparation of management plans;
  - 4.3 The Landing – coastal permits (Hobsonville Land Company): I was planning technical reviewer, and I prepared and presented planning evidence at the Council hearing and in the

Environment Court for a new ferry terminal and wharf, marina, public beach and boardwalk, super yacht berthage and launching facilities and associated capital and maintenance dredging in the upper Waitemata Harbour, Auckland;

- 4.4 New Zealand Steel Landfill (New Zealand Steel, Glenbrook site): resource consents for a new 35 year duration landfill facility for steel-making waste. I was responsible for developing and implementing a consultation strategy, and for preparing and presenting evidence at the Council hearing. The Project required a range of land use, discharge, and water permits for construction and operation of the landfill;
- 4.5 Manukau Harbour Crossing (NZTA – then Transit): I was part of the team preparing new designations and alterations to existing designations; regional resource consents for reclamations, stormwater outfalls, boat ramp, temporary structures, including restricted coastal activities. I prepared and presented evidence at the Council hearing and advised on the Environment Court appeals. I was also involved with the implementation of the Project, including assisting the contractors with the management plans process;
- 4.6 Whitford Landfill and Quarry Extensions (Manukau City Council, Waste Management and Fulton Hogan): I was the Project Manager for the consenting phase of this Project seeking a new 35 year suite of consents for extending the existing landfill and quarry. I led the public consultation for the project, facilitated meetings, prepared the AEE and Notices of Requirement, and presented evidence at the joint Council hearing;
- 4.7 Range of replacement permits for industrial sites: I have a range of industrial clients throughout NZ for whom I work regularly on seeking replacement resource consents which have expired – including air discharge permits, and discharge permits for industrial and trade processes.
- 5 I have also, starting in late 2004, been involved almost continuously in the implementation of suites of consent conditions on a number of large road construction projects (Victoria Park Tunnel, Newmarket Viaduct Replacement Project, ALPURT B2/Northern Gateway and Manukau Harbour Crossing). As such, I have recent and relevant experience in the implementation of consent conditions and how they work in practice for large-scale roading projects in the New Zealand environment. Of relevance to the Transmission Gully Project (*TG Project* or *Project*), my practical experience also extends to the preparation and implementation of management plans on

site, whilst working closely with contractors and Council compliance staff. Examples of my site experience are:

- 5.1 Victoria Park Tunnel Alliance (NZTA): Until mid-2010 I was the Planning Approvals Manager for the Victoria Park Alliance responsible for construction of a new 4-lane tunnel and motorway widening project in Central Auckland. I led a team of planning and environmental specialists responsible for the implementation of designation and resource consent conditions; preparing a suite of environmental management plans for construction and operation of the project; seeking new resource consents; and coastal permits for stormwater outfalls and structures. I was responsible for setting up and implementing the programme of meetings with Council personnel that was required in order to maintain good communications around consent and designation compliance and getting appropriate statutory approvals in place ongoing. I was also responsible for arranging and facilitating consultation meetings with a range of stakeholders;
  - 5.2 Newmarket Viaduct (NZTA): I was on the Alliance Management Team as the Planning and Consultation Manager for the construction start-up phase of this Project – which is to replace the three-lane each way Newmarket Viaduct with new bridges of four-lanes each way. This is a challenging project in an urban environment where State Highway 1 carries in excess of 160,000 vehicles per day, and is close to residential and commercial neighbours. My role involved leading a team of planning and environmental specialists in preparing management plans, new consents and approvals, and public consultation;
  - 5.3 ALPURT B2 / Northern Gateway motorway (NZTA / Transit NZ): I had the role of Environmental Planner working on implementation of consents and designations, preparation of Outline Plans of Works, and alterations to designations, new coastal permits for temporary reclamation and construction structures, environmental management plans for the coastal environment and coastal edge. This Project is directly relevant to the TG Project as it involved working in a difficult “greenfields” environment, with sensitive ecological areas, numerous streams and sensitive coastal environments, along with close rural-residential neighbours.
- 6 On 15 August 2011 the NZTA, Porirua City Council (*PCC*) and Transpower NZ Limited (*Transpower*) lodged Notices of Requirement (*NoRs*) and applications for resource consent with the Environmental Protection Authority (*EPA*) in relation to the Transmission Gully Proposal.

- 7 The Proposal comprises three individual projects, being:
- 7.1 The 'NZTA Project', which refers to the construction, operation and maintenance of the Main Alignment and the Kenepuru Link Road by the NZTA;
  - 7.2 The 'PCC Project' which refers to the construction, operation and maintenance of the Porirua Link Roads by PCC<sup>1</sup>; and
  - 7.3 The 'Transpower Project' which refers to the relocation of parts of the PKK-TKR A 110kV electricity transmission line between MacKays Crossing and Pauatahanui Substation by Transpower.
- 8 My evidence is given in support of the NZTA and PCC Projects. It does not relate to the Transpower Project. For the purposes of my evidence the NZTA Project and PCC Project shall be collectively referred to as the TG Project.
- 9 I am familiar with the area that the TG Project covers and the State highway and local roading network in the vicinity of the TG Project.
- 10 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Consolidated Practice Note (November 2011), and I agree to comply with it as if this Inquiry were before the Environment Court. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

#### **SCOPE OF EVIDENCE**

- 11 This statement of evidence will address the following:
- 11.1 Background and role;
  - 11.2 Summary of NoRs sought;
  - 11.3 Summary of resource consents sought;
  - 11.4 Statutory considerations;
  - 11.5 Investigation process for the Assessment of Environmental Effects (*AEE*);
  - 11.6 Consideration of alternatives;
  - 11.7 Draft management plans;

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<sup>1</sup> The Porirua Link Roads are the Whitby Link Road and the Waitangirua Link Road.

11.8 Other statutory approvals required for the Project; and

11.9 Post-lodgement events.

- 12 This first statement of evidence is designed to be considered prior to the evidence of the technical specialist witnesses. My second statement of evidence assesses the effects of the Project (as explained by those technical specialists) under the relevant provisions of the Resource Management Act 1991 (*RMA*), and planning documents. My second statement also describes the NoR and resource consent conditions proposed.

### **SUMMARY OF EVIDENCE**

- 13 My evidence has been provided in two parts to assist the Board. This first part has been prepared to set out the statutory provisions relevant to the Project, the investigation and assessment process. My second statement of evidence is intended to be considered after the first statement, and after evidence from the technical specialist witnesses, and sets out my statutory assessment and my overall assessment of the effects of the proposal.
- 14 The NZTA is seeking to designate land for state highway purposes, and the PCC is seeking to designate land for local road purposes. I consider that the designation tool is an appropriate mechanism to provide for the operation and longer-term security of this important new infrastructure, and will enable the NZTA and PCC to meet their objectives for the Project.
- 15 It is my opinion that, in combination with minor amendments made in my evidence (refer to second statement of evidence), the AEE (in Part I and Technical Report 21) accurately sets out the relevant planning documents and identifies the relevant objectives and policies of these documents.
- 16 In accordance with the requirements of section 171 of the RMA, it is my opinion that the NZTA and PCC have undertaken an extensive assessment of alternatives that, subject to Part 2, has had regard to the Project objectives, the relevant planning documents and the effects of the Project on the environment.
- 17 It is my opinion that the assessment process has been robust, and that the application documentation is extensive, complete and adequate to allow consideration by the Board and submitters of all the actual and potential effects on the environment.

## **BACKGROUND AND ROLE**

- 18 My role in the TG Project is summarised thus:
- 18.1 I am the lead planner for the Project appointed to oversee preparation of documentation for applications for resource consents and NoRs, assisting with briefing technical specialists and reviewing technical reports, coordinating the inputs of engineering and environmental specialists and advising the NZTA and PCC on planning processes;
  - 18.2 I am the co-author of Part H (Mitigation, Monitoring, Management Plans, and conditions) and sole author of Part I (Statutory Planning Assessment) of the AEE report;
  - 18.3 The balance of the AEE report and the consultation summary report was prepared by a team of planners working under my supervision. I oversaw the preparation of the AEE report, including review of the complete report;
  - 18.4 I had a key role during Phase 2 in implementing the consultation strategy that was prepared for the Project prior to my appointment. I have recommended some minor changes to the consultation strategy (and they have been made). I organised and attended the Open Days and Project Expos, and a number of one-on-one meetings with tangata whenua, key stakeholders and residents;
  - 18.5 I have attended meetings on a regular basis with the Councils and the EPA over the past approximately two and a half years.

## **SUMMARY OF NORS SOUGHT**

- 19 The NZTA and PCC have lodged eight notices with the EPA under section 145(3) of the RMA.
- 20 The NZTA has lodged four (4) notices for the designation of land required for the construction, operation and maintenance of the Main Alignment in the following district plans:
- 20.1 The Kapiti Coast District Plan (NoR 1);
  - 20.2 The Upper Hutt City District Plan (NoR 2);
  - 20.3 The Porirua City District Plan (NoR 3); and
  - 20.4 The Wellington City District Plan (NoR 4).

- 21 The NZTA has also lodged two (2) notices for the designation of land required for the construction, operation and maintenance of the Kenepuru Link Road in the following district plans:
- 21.1 The Porirua City District Plan (NoR 5); and
- 21.2 The Wellington City District Plan (NoR 6).
- 22 PCC has lodged two (2) notices for the designation of land in the Porirua City District Plan for the construction, operation and maintenance of:
- 22.1 The Whitby Link Road (NoR 7); and
- 22.2 The Waitangirua Link Road (NoR 8).
- 23 I note also the existing designations in all four district plans for previous alignments of the Transmission Gully Motorway, the Kenepuru Link Road and associated local Porirua Link Roads<sup>2</sup>. I reiterate that the current NoRs lodged by the NZTA and PCC do not relate to the alteration or removal of these existing designations but their presence is merely noted for completeness and context.

#### **SUMMARY OF RESOURCE CONSENTS SOUGHT**

- 24 The NZTA and PCC have lodged 20 applications for resource consent with the EPA under section 145(1)(a) of the RMA.
- 25 These applications cover all activities reasonably anticipated at the current time to be required for construction of the Project. In my experience it is inevitable that additional resource consents will be required prior to, and during, construction. This will depend on factors such as the detailed design and exact construction methods used. These additional consents tend to be for minor activities and can be sought from the appropriate Councils in due course, as necessary.
- 26 Resource consents have been applied for in groups based on how activities are likely to be undertaken during construction. Global consents for earthworks and associated erosion and sediment control are being sought while consents for streamworks are being sought on a catchment-wide basis. I consider this approach to the grouping of applications to be appropriate because environmental effects have been identified and assessed, and the associated management approach, has also been developed on a global (i.e. Project-wide) and/or catchment-wide basis.

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<sup>2</sup> Designation D0103 in the KCDP, designation TNZ4 in the UHCDP, designations K0405, K0406 and requirement K1050 in the PCDP and designations H5 and X1 in the WCDP.



- 27 The NZTA has applied for 16 resource consents for:
- 27.1 Bulk earthworks and construction erosion and sediment control (RC 1 – RC 3);
  - 27.2 Crossing, occupation and realignment of streams, and replacement of Duck Creek culverts (RC 4 – RC 14), and;
  - 27.3 Concrete batching (RC 15 and RC 16).
- 28 PCC has applied for four (4) resource consents for:
- 28.1 Bulk earthworks and construction erosion and sediment control (RC 17 – RC 19), and;
  - 28.2 Occupation of Duck Creek (RC 20).
- 29 Table 3.3 of the AEE report (page 54) sets out the full scope and activity status of the resource consent applications. Overall:
- 29.1 The NZTA Project has status as a non-complying activity; and
  - 29.2 The PCC Project has status as a discretionary activity.
- 30 The Key Issues Report<sup>3</sup> prepared by the Wellington Regional Council questioned whether the NZTA and PCC are seeking consent for reclamations and diversions associated with the placement of pipes (i.e. culverts) in streams (including temporary culverts). The answer is yes.
- 31 I consider that Rule 47 (River Crossings)<sup>4</sup> of the Regional Fresh Water Plan (RFP) provides useful guidance as to what associated activities are anticipated and provided for in the RFP. In addition to the placement of a culvert specifically for the purposes of crossing a river, Rule 47 also specifically provides for:
- *disturbance of river bed; or*
  - *deposition on the river bed; or*
  - *diversion of water.*

Based on the associated activities specifically provided for (i.e. 'deposition on the river bed' (reclamation) and the 'diversion of water') under Rule 47 of the RFP, I do not consider that additional

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<sup>3</sup> Page 16.

<sup>4</sup> Recognising that the NZTA's and PCC's applications for stream crossings are being made under Rule 49 of the RFP.

consents specifically for the reclamation and/or diversion associated with proposed stream crossings are required under the RFWP.

- 32 Reclamations have been applied for in the applications, and have non-complying activity status for the NZTA applications where they affect Appendix 2 streams under the RFWP.
- 33 Regardless of the interpretation as to what constitutes reclamation and diversion, I note that any loss and/or modification of stream due to stream straightening (such as removal of meanders by culverts) and/or protection structures is included in the cumulative lengths for the resource consent applications for stream realignment<sup>5</sup>. For example, the proposed stream realignment length of 91m sought for the Wainui Stream catchment includes any stream loss and modification associated with the installation of culverts W1, W2, W3 and W4.
- 34 These cumulative lengths have also been used in the calculation of mitigation required for freshwater habitats and has consequently been factored in to the proposed freshwater habitat mitigation as discussed by **Dr Keesing**.

#### **STATUTORY CONSIDERATIONS**

- 35 Part B of the AEE report sets out the relevant statutory matters and considerations for the Project. Section 3.4 sets out the relevant considerations of process and procedure for a notice of requirement to designate (sections 166 to 186 of the RMA). Section 3.8 sets out the relevant considerations of process and procedure for an application for resource consent.
- 36 Chapter 4 of the AEE report identifies relevant planning documents in accordance with sections 171 and 104 of the RMA. The full text of the relevant provisions is contained in Technical Report 21.
- 37 I assess the Project against the statutory criteria of sections 171 and 104 of the RMA and the relevant provisions of the planning documents in my second statement of evidence.
- 38 In addition to the relevant policies and objectives there are a number of relevant notations in district and regional plans and I summarise these as follows.
- 39 The northern-most 5km of the Project lies in the Kapiti Coast District (NoR 1). This entire area to be designated is zoned Rural but has a number of other notations:

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<sup>5</sup> Resource consent for stream realignment is being sought in all catchments except the Collins Stream catchment.

- 39.1 Water Collection Area;
  - 39.2 Faultline;
  - 39.3 Ecological sites K111 (Wainui Stream Bush – DOC 711)<sup>6</sup>, K139 (Rowans Bush)<sup>7</sup> and E17 (Tararua Ranges - DOC 281);
  - 39.4 Outstanding Landscape;
  - 39.5 Noise Contour;
  - 39.6 Heritage feature B87 (Fuel storage tank)<sup>8</sup>; and
  - 39.7 The existing Transmission Gully designation.
- 40 A very small area of the Project lies in Upper Hutt City (NoR 2). The entirety of the area to be designated is zoned Rural. Part of the area to be designated is already designated by Wellington Regional Council for the 'Akatarawa and Whakatiki Water Catchment' (WRC6). Part is also subject to the existing TG designation.
- 41 The majority of the land required for the Project is in Porirua City (NoRs 3, 5, 7 and 8) and involves land from the northern to the southern boundary of the district. The Project requires land in the following Porirua City District Plan zones:
- 41.1 The Industrial Zone;
  - 41.2 The Suburban Zone;
  - 41.3 The Rural Zone;
  - 41.4 The Judgeford Hills Zone;
  - 41.5 The Recreation Zone; and
  - 41.6 The Public Open Space Zone
- 42 As well as being zoned, a portion of the land to be designated is also identified as being within the Whitby Landscape Protection Area.

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<sup>6</sup> No part of ecological site K111 is within the proposed designation.

<sup>7</sup> Only a very small part of ecological site K139 is within the proposed designation.

<sup>8</sup> The position of heritage feature B87 is incorrectly referenced in the KCDP. The NZTA has determined the actual position of the feature and its position is shown in plan GM02. Although it lies within the proposed designation it is outside the construction footprint of the Project.

- 43 There are two existing designations (plus the existing TG designation) in the Plan over land to be designated for the Project:
- 43.1 The Battle Hill Regional Park (K0703); and
- 43.2 The North Island Main Trunk railway line (K0703).
- 44 A small area of the Project lies in Wellington City (NoRs 4 and 6). The area to be designated is zoned either Rural or Outer Residential. A small part of the area to be designated is already designated by Transpower for the 'Takapu Road Substation' (F4).
- 45 In addition to the district plans, there are also some relevant notations in regional plans (relevant only to the resource consent applications):
- 45.1 Three of the streams affected (Horokiri, Ration and Pauatahanui Streams) are listed in Appendix 2 Part B of the Regional Freshwater Plan as being "Surface Water to be Managed for Aquatic Ecosystem Purposes";
- 45.2 While the Project does not involve works in the coastal marine area, the Regional Coastal Plan (*RCP*) is relevant, because of the catchment within which the works will take place draining into the Porirua Harbour. The RCP identifies the Pauatahanui Inlet to be an area of significant conservation value (Map 2B of the RCP); and
- 45.3 The Project is located entirely within Area 2 of the Regional Soil Plan (*RSP*) (Appendix 1 of the RSP). Part of the land required for the Project has a slope greater than 28 degrees and is therefore classified as 'erosion prone land' under the RSP.

### **INVESTIGATION PROCESS FOR THE AEE**

- 46 As discussed in Chapters 2 and 11 of the AEE report, there has been a long investigation process undertaken for the Project. For the Main Alignment, this investigation has been undertaken since the mid-1980s. As the lead planner on the Project since 2009, I have provided advice and direction in the investigation process, particularly on consultation, environmental and planning assessments.
- 47 Chapter 9 of the AEE report provides an overview of the investigation process since 2007 (the commencement of the scheme assessment phase). Drawing from this chapter, I make the following key observations regarding the investigation process:

- 47.1 Environmental issues (including social) have been scoped from the outset of the investigation process;
- 47.2 Route and alignment option development has included collaborative engineering, planning, environmental and social assessments, which have been consulted on with stakeholders and the community;
- 47.3 The potential environmental impacts of construction and design have been considered in the development of alignment and construction options; and
- 47.4 Since 2009, detailed investigations have been undertaken on the Project, which have included significant assessment of detailed design options, and confirmation of the designation footprint for construction, maintenance and operation of the Project. This work has been informed by consultation with iwi, stakeholders and the community (described in Chapter 10 of the AEE and Technical Report 23) and in the technical environmental assessments (Volume 3).
- 48 In my opinion the scope of the investigation process has been appropriate and sufficient for the consideration of the effects on the environment, the assessment of relevant provisions of planning documents, the assessment of alternatives (discussed further below) and to inform the NZTA and PCC on the degree to which the Project meets and is necessary for their respective objectives.

### **CONSIDERATION OF ALTERNATIVES**

- 49 Section 171(1)(b) of the RMA requires that the territorial authority, or in this case the Board, has particular regard to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work. In respect of the resource consents, Schedule 4 to the RMA requires alternative locations or methods of undertaking an activity to be described where it is likely that an activity will result in any significant adverse effects. Section 105 in relation to discharge permits also requires consideration of "any possible alternative methods of discharge, including discharge into any other receiving environment".
- 50 Chapter 2 of the AEE provides details of the history and development of the Project, including the selection of an Inland Route over an upgrade of the existing SH1 coastal route. This is discussed by **Mr Nicholson** in his evidence.
- 51 The assessment of alternatives undertaken in the development of the Project (since the scheme assessment phase, commencing in 2007) is described in Chapter 9 of the AEE report and discussed by **Mr Edwards** in his evidence. I was not involved in the Scheme

Assessment Report (SAR) phase of the Project but understand from **Mr Edwards'** evidence that alternatives were robustly assessed during that process.

52 After the SAR 'preferred alignment' was selected in 2009, detailed investigations and option design alternatives assessments were undertaken. These option assessments are within the 'preferred alignment' option for the Project, but identify specific design options to avoid, remedy and mitigate adverse effects on the environment (including future road users). The assessment has been undertaken where:

52.1 Potentially significant adverse effects on the environment were identified;

52.2 The land required for a design option was not designated or owned by the NZTA;

52.3 Planning documents and policy directions (relevant provisions) require that regard shall be had to alternatives;

52.4 Where the costs of the design option were potentially significant; or

52.5 Where the mitigation options had a range of subsequent environmental effects.

53 I consider that there has been an extensive assessment of alternatives that has included consideration of route options, alignment and construction methods and design alternatives. This assessment has been undertaken through a range of evaluation processes and frameworks that have had regard to the matters of Part 2 of the RMA, the objectives of the Project, the engineering and technical constraints and the potential effects (adverse and beneficial) of options on the environment. In my opinion, this process has been robust in terms of the requirements of sections 171 and 104 of the RMA.

54 Consideration has also been given to alternative "consenting" methods instead of designation. For example, the alternative of district land use consents to permit the works. This alternative was not considered appropriate for the following reasons:

54.1 The complexity of consenting requirements, particularly as the Project covers numerous separate land parcels, zones and districts;

54.2 Transparency in process, as the designations and land affected by the designations will be clearly identified on the district plan maps for others; and

54.3 Designations operate to protect strategic infrastructure such as the Project from the activities of third parties.

### **DRAFT MANAGEMENT PLANS**

- 55 As part of the engineering and environmental assessment investigations a number of draft management plans were developed. Figure 28.2 of the AEE report sets out the suite of proposed management plans. Where plans have been provided (as drafts to be finalised later), these are contained in Volume 5.
- 56 In my experience, management plans are an effective and widely used method to manage environmental effects. Three tiers of management plan are proposed:
- 56.1 An overall Construction Environmental Management Plan (*CEMP*);
- 56.2 A series of topic specific management plans (e.g. noise, air quality, traffic) as chapters to the CEMP; and
- 56.3 A series of site specific environmental management plans (*SSEMPs*) which combine the environmental management methods set out in the management plans, along with more design details.
- 57 For the consenting phase of the Project management plans provide information about how environmental effects will be managed on either a topic-specific or site-specific basis. The CEMP includes the principles and general approach to managing the environmental effects, along with setting out a methodology for delivering more detailed site specific management plans. The CEMP details the tools for the implementation of good environmental management including monitoring and review requirements of the CEMP, auditing procedures, corrective actions and management reviews of the CEMP.
- 58 The CEMP and its second tier plans are to be consistent with and complement the Project's AEE. The many technical assessment reports contained in the AEE inform the specific environmental management, monitoring and mitigation measures described within the sub-plans. A number of the witnesses will refer to topic-specific draft management plans they have prepared.
- 59 As discussed in my second statement of evidence, the purpose of the SSEMPs is to:
- 59.1 Provide more detailed design information about specific key areas along the route where there are a number of interacting discipline areas, technical challenges or particularly sensitive

receiving environments (a workshop was held specifically to debate and decide which areas to choose);

- 59.2 Prepare targeted environmental management measures to demonstrate how generic performance based construction management techniques could be applied to a tangible example across the route;
  - 59.3 Demonstrate a method for developing the design further at a later date in other areas along the Project route; and
  - 59.4 To better inform the development of performance based consent and designation conditions using the technical inputs of all the relevant technical specialists. The SSEMPs provide a more integrated consideration of the key performance standards relevant to controlling actual and potential effects on the environment.
- 60 A number of the witnesses will refer to the six draft SSEMPs to give examples of how specific types of effects are likely to be managed.
- 61 In my second statement of evidence I will discuss how the management plan framework is likely to be implemented to manage environmental effects and draw upon both the evidence of others, and my own experience on construction sites.

#### **OTHER STATUTORY APPROVALS REQUIRED FOR THE PROJECT**

- 62 A number of other approvals will also be required for the Project under various statutes. These include approvals for works to modify and destroy archaeological sites, through the Historic Places Act 1993, approvals to revoke reserve status through the Reserves Act 1977, the stopping of public roads through the Public Works Act 1981, the relocation of lizards and Peripatus or any other fauna protected under the Wildlife Act 1953, the translocation of freshwater fish under the Fisheries Act 1983 and provision of fish passage for culverts, where necessary, under the Freshwater Fisheries Regulations 1983.
- 63 I understand that the NZTA and PCC propose that the above approvals will be sought closer to the commencement of construction. I agree with this approach because it will both allow the decisions of the Board of Inquiry to be taken into account, and will ensure that those approvals are still valid at the time the relevant construction activity starts (e.g. a HPA authority is generally valid for five years, but the Project construction period is likely to be seven years).



### POST-LODGEMENT EVENTS

- 64 After the application was notified, a decision has been made on the NZTA's request for a plan change to the Regional Freshwater Plan. The final decision of the Board of Inquiry<sup>9</sup> confirmed, with modifications, the plan change. However, the Board's Decision has been appealed to the High Court by the Rational Transport Society. I understand priority is being sought for the hearing of this appeal.
- 65 In addition, discussions with Council officers have been undertaken after lodgement with respect to the proposed consent conditions offered by the NZTA and PCC. The purpose of these discussions was to identify any questions about the conditions, and any potential areas of concern. I discuss the suite of proposed conditions in my second brief of evidence, along with the process of continuing to discuss the proposed suite of conditions.
- 66 Shortly after the NZTA and PCC lodged their applications with the EPA, the draft Porirua Harbour and Catchment Strategy and Action Plan was released for consultation. This strategy will effectively replace the Pauatahanui Inlet Action Plan 2000 which was included in the statutory assessment (p.620 of the AEE report). In my second statement of evidence I will comment on the draft strategy.



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Andrea Judith Rickard  
16 November 2011

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<sup>9</sup> Final Decision and Report of the Board of Inquiry into the New Zealand Transport Agency Transmission Gully Plan Change Request, 5 October 2011.