

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*

Statement of rebuttal evidence of Andrea Judith Rickard (Planning) for the NZ Transport Agency and Porirua City Council

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Dated: 20 January 2012

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REFERENCE: John Hassan (john.hassan@chapmantripp.com)  
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**STATEMENT OF REBUTTAL EVIDENCE OF ANDREA JUDITH RICKARD FOR THE NZ TRANSPORT AGENCY AND PORIRUA CITY COUNCIL**

**INTRODUCTION**

- 1 My full name is Andrea Judith Rickard.
- 2 I have the qualifications and experience set out at paragraphs 1-5 of my first statement of evidence in chief, dated 16 November 2011 (*EIC*).
- 3 I repeat the confirmation given in my EIC that I have read, and agree to comply with, the Code of Conduct for Expert Witnesses (Consolidated Practice Note 2011).
- 4 In this statement of rebuttal evidence, I:
  - 4.1 Respond to the evidence of:
    - (a) Ms Thomson on behalf of Kapiti Coast District Council;
    - (b) Dr Solly, Mr Handyside and Ms Kettles on behalf of the Director General of Conservation (*DOC*);
    - (c) Ms Grant and Ms Hayes on behalf of the Greater Wellington Regional Council;
    - (d) Ms Walters on behalf of the Historic Places Trust;
    - (e) Ms Grinlinton-Hancock on behalf of Mrs Senadeera;
    - (f) Ms McPherson on behalf of PowerCo; and
    - (g) Mr Gywnn on behalf of the Mana Cycle group.
  - 4.2 Respond to the section 42A report dated November 2011, provided by Mr Kyle of Mitchell Partnerships (*Section 42A Report*).
  - 4.3 Respond to issues raised through expert conferencing and meetings with Council officers regarding the form of conditions.
  - 4.4 Collate a tabulated "track changes" set of consent and designation conditions (attached to my evidence as **Appendix B**) taking into account comments from:
    - (a) Other technical experts appearing for the NZTA and PCC;

- (b) Agreements made with submitters;
- (c) Experts appearing for submitters who have prepared evidence; and
- (d) Conferencing statements.

I have captured the reasons for changes that have been made to the draft conditions in a third (right hand) column. Where I do not agree with suggestions made by others, or where there have been conflicting comments on conditions, I have captured these in the right hand column of the table.

- 5 The fact that this rebuttal statement does not respond to every matter raised in the evidence of submitter witnesses within my area of expertise should not be taken as acceptance of the matters raised. Rather, I rely on my EIC and this rebuttal statement to set out my opinion on what I consider to be the key planning matters for this hearing.
- 6 For the purposes of this evidence, I will refer to the NZ Transport Agency (*the NZTA*) Project<sup>1</sup> and the Porirua City Council (*PCC*) Project<sup>2</sup> collectively as the "Transmission Gully Project" (and hereafter, *the TGP* or *the Project*).

### **SUMMARY OF EVIDENCE**

- 7 I have read all of the statements of evidence provided by submitters and the Section 42A Report . I have been involved in conferencing sessions with other expert planning witnesses and in meetings about form and enforceability of conditions with Council officers.
- 8 The evidence prepared by the submitters and the Section 42A Report has not caused me to depart from the opinions expressed in my EIC and I confirm the broad conclusions reached in my EIC. In particular, I confirm that my statutory planning assessment and the conclusions reached in it have not changed. I have provided a short update on the progress of the NZTA's Plan Change to the Regional Fresh Water Plan, and responded to matters raised in the evidence of others.

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<sup>1</sup> The 'NZTA Project' refers to the construction, operation and maintenance of the Main Alignment and the Kenepuru Link Road by the NZTA.

<sup>2</sup> The 'PCC Project' refers to the construction, operation and maintenance of the Porirua Link Roads (being the Whitby Link Road and the Waitangirua Link Road) by PCC.

- 9 However, as a result of being involved in conferencing and meetings with Council officers, reading submitter evidence and the Section 42A Report, along with the conferencing statements prepared by other technical experts, I do recommend changes to the proposed designation and resource consent conditions. I have attached a "track changes" set of conditions to my evidence.
- 10 I note also that the conditions have been the key focus of activities since I wrote my EIC and consequently conditions are the main focus of my evidence. Instead of writing about the proposed changes to the conditions in my rebuttal evidence, I have chosen to comment in the third column of the attached tables as I consider this will be easier to read by eliminating the need to flick between two documents.

### **PLAN CHANGE**

- 11 Since I wrote my EIC, the High Court appeal on the Plan Change has been heard, a decision issued, and the Greater Wellington Regional Council committee has met to confirm the adoption of the Plan Change. I understand that the Plan Change will become operative on 25 January 2012.

### **SECTION 42A REPORT**

#### **The use of management plans**

- 12 The report author discusses the use of management plans as a tool for managing effects at a number of locations throughout his evidence. Management plans were also discussed at length in the planner conferencing and the Council officer sessions. I note that I provided evidence in my EIC (Second Statement, Paragraph 81 and following) about my experience with management plans in practical site-based examples.
- 13 Through discussions with submitters' planning experts and with Council officers, it became apparent that a "wiring diagram" showing the relationship of all the management plans to each other, and to an Outline Plan (or Plans) under Section 176A of the Act would be useful. I attach this to my evidence as **Appendix A**.
- 14 It was agreed at the planner conferencing that management plans are an appropriate tool for managing effects. The following points have been included in the track changes set of conditions to enhance clarity and I believe these changes will address comments in both the Section 42A report and those raised by other planning experts:
- 14.1 For those management plans where a "draft" was submitted with the applications, I have added a statement confirming

that that draft is to be used as the basis for updating and finalising that management plan.

- 14.2 I have added a clarification statement setting out the purpose / objectives (i.e. the intent of what the plan is trying to achieve) for each management plan where it was not already stated.
- 14.3 I have rearranged the SSEMP and EMMP conditions to relate to the streamworks permits and not just the earthworks permits (i.e. also the "S" and "WS" suites of conditions<sup>3</sup>). I have done this by relocating these conditions so that they are one of the "G" conditions for those permits.

- 15 The Section 42A Report author discusses and seeks clarification (page 75) on the role of the SSEMPs in the conditions. This was also a matter discussed in planner conferencing, and I propose to add the following statement to the conditions to help clarify them:

*The purpose of the SSEMP is to integrate design elements with environmental management and monitoring methods into a single plan for each stage or sub-stage area, in order to define how the project will be practically implemented on site.*

- 16 Further to this, the "wiring diagram" attached to my evidence in **Appendix A** also demonstrates the relationship of the SSEMPs to the other management plans.
- 17 The author seeks clarification (page 75) between the SSEMPs (on regional consents) and the SSTMPs (traffic matters on designations). I can confirm that the SSTMPs are specifically required under the designation to be prepared as separate standalone documents as they fulfil a dual purpose role in liaison with the territorial authorities. As well as their RMA function (i.e. to demonstrate compliance with designation conditions), SSTMPs are also required to be submitted to the local roading authority and it is appropriate, in my experience, to prepare SSTMPs separately and through a separate process.

#### **General comments on conditions**

- 18 At pages 73-81 of the report the author provides comments on the proposed conditions, whether the desired outcomes can ultimately be delivered, and whether particular mitigation should be provided in conditions.

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<sup>3</sup> G = General Conditions that apply to all regional consents; E = earthworks conditions; S = temporary works in streams; WS = permanent works in streams.

- 19 A common theme I have detected through reading the Section 42A Report (esp. pages 75 and 76), being involved in expert conferencing myself, and reviewing the conferencing statements of others, is the need to strike a balance between including text setting out details of the Project specifically within conditions, and referencing the lodgement documents. Condition 1 of both the designation and consent conditions requires that the Project be constructed in general accordance with the lodged documents. I have now added a list of the lodged documents to Condition 1 (as a "track change") so that it is clear what the lodged documents are.
- 20 I have observed in a number of locations (the Section 42A Report author and others) requests for details to be included within conditions that are already clearly set out in application documents (and which must be complied with under Condition 1). As I said earlier, a balance needs to be struck and I have sought to achieve that.
- 21 Examples of this are:
- 21.1 At pages 46, 79 and 80 the S.42A report suggests that the conditions should include a requirement to install noise bunds and barriers for specified lengths and in specified locations. In this example, the required process for locating noise bunds and barriers is clearly described in the report of **Dr Chiles**, their intended locations are shown on the plan set, and the noise levels required to be achieved are specified in conditions. Hence, there is no need to repeat this information in another location.
- 21.2 Another example is at page 76 where the author queries whether specific methods should be specified in conditions for translocation of fish. Again, this is something that is clearly dealt with both in the EMMP submitted with the application, and in conditions, already. **Dr Keesing** suggested some additional conditions in his evidence in chief which have been included in the "track changes" version attached.
- 21.3 On page 78 the author suggests that the landscape and ecological treatment of Lanes Flat should be specifically dealt with in conditions. Again, there is discussion in both the ecological and landscape and visual assessments about the development of Lanes Flat, and the proposed treatment of the area is clearly shown on the application plan). Further detail is required to be developed through the LUDMP conditions and this will go through a formal Outline Plan process with the relevant Council.
- 22 There are similar comments in the conferencing statements for other topic areas. An example of this is in the terrestrial ecology

statement (16 December 2011) at points 22, 23, 24, 25, and 26, which all repeat matters that are already included within the EMMP and which is required to be complied with anyway.

- 23 There are some instances where key issues need to be highlighted that are a fundamental part of managing the effects of the Project and which flow through all the technical disciplines. An example of this is "open areas" of earthworks which are specified in Conditions E.1. and E.2. In my opinion, it is not necessary to continually repeat matters throughout the consent conditions that are already well covered in the lodged management plans.
- 24 I note that there is general agreement that retaining flexibility within conditions is desirable (rather than restricting the consents down to specific construction methodologies), and that this approach was agreed at the planner expert conferencing session (Para 9).
- 25 Regarding the utility providers (referred to on page 79 of the Section 42A Report), I am of the opinion that the NUMP is a good way to collate all the utility related matters into one set of conditions. This was supported by PowerCo in its submission, and I note that a number of minor "track changes" have been made in response to its submission.

**Designation as part of existing environment**

- 26 At page 18 the author queries whether the existing designation has been relied on as forming part of the existing environment. I can confirm that the existing designation has only been relied on insofar that, in my opinion, it clearly indicates that the general Transmission Gully corridor is intended as a transport corridor. The existing designation is also one of a number of factors that were considered in the further refinement of the design that has occurred.
- 27 One option for "consenting" the Project that I considered, was an alteration to the existing designation. However, whilst this is a legitimate option, I consider that the alignment is quite different in some locations, and that a new designation would be a tidier process.
- 28 I also used the existing designation conditions as one of my sources to guide development of the proposed suite of conditions. Thinking on consent and designation conditions has moved on significantly in the nearly 15 years since the existing designation was confirmed, and consequently many of the old conditions are of little relevance. Further, there is a much greater detail of design for the current designation process than there was for the previous process, and the conditions are able to be a lot more targeted at specific actual and potential effects.

- 29 However, I confirm that I do not consider that the designation can be treated as part of a "permitted baseline" assessment (i.e. Section 104(2)). This is because, in the absence of a complementary set of regional consent conditions, it is not able to be constructed using just the designation.

#### **Groundwater**

- 30 The author (page 23 and 24) queries whether groundwater will be diverted, whether users will be affected, whether any dewatering is required and whether the applicants are relying on the permitted activity rule with respect to effects on groundwater.
- 31 Based on the evidence of **Mr Brabhaharan**, and the information gathered from field work thus far, I consider that permitted activity status may apply, and hence no resource consent is sought at this time. **Mr Brabhaharan** discusses effects on groundwater in his rebuttal evidence, and his discussion supports my conclusion regarding activity status. However, if, after further detailed design is undertaken and further fieldwork has been carried out, it is determined that a consent is required for groundwater matters, then I would not consider that to be a significant issue. It is quite normal in my experience for additional consents to be required closer to construction commencing on a project of this scale.

#### **Stormwater treatment conditions**

- 32 The author (pages 34 and 76) queries whether it is necessary (or possible) to include conditions which specify requirements to implement operational stormwater treatment solutions, and which set out the post-treatment water quality standards to be achieved. I note that a similar matter was raised in the terrestrial ecology conferencing (16 December 2011 statement para 30 and 31).
- 33 The control of construction of operational stormwater treatment ponds is covered through the earthworks consent.
- 34 The application is relying on stormwater discharges meeting permitted activity standards set out in the Regional Freshwater Plan, and therefore the detailed design of the stormwater management devices will be required to meet those standards. I do not consider it necessary to include any conditions for an activity that is a permitted activity, and which is covered by standards in a Plan. Further, there is no consent application to attach conditions to.

#### **Ecology "Offsetting" conditions**

- 35 The author queries (page 38) whether the intent of the freshwater ecology offsetting works is achieved in the conditions.
- 36 There has been a substantial amount of discussion about offsetting in the expert conferencing sessions – both in the freshwater and terrestrial ecology groups. **Dr Keesing** and **Mr Fuller** both discuss



it in their rebuttal evidence. Both conclude that the amount of mitigation proposed is appropriate. Both also recommend conditions be added to require mitigation success monitoring.

- 37 In consultation with them both, I have developed a condition that requires the consent holder to consult with iwi, DOC and Greater Wellington Regional Council to consult on a programme for monitoring the success of mitigation – particularly the land retirement and revegetation planting and associated stream mitigation. The condition sets out the principles for the monitoring, with the methods to be developed later. I consider this an appropriate approach to ensure that there is both involvement from key stakeholders, along with a flexible approach to ensure the appropriate values are monitored and actions taken where they are needed.
- 38 As discussed above, I have made significant changes and additions to the proposed conditions, and I consider these will address the concerns raised about offsetting.

#### **Fill site locations**

- 39 The author makes a number of queries about fill sites (page 78) including whether consent is sought for them. It was confirmed in a further information response (dated 24 November 2011) that consent is sought for the fill sites, and that the small watercourses running through them have been assessed by the ecology specialists.
- 40 The size, form, shape and final landscaping of the fill sites will be addressed through the normal Outline Plan process, and I consider this is the appropriate forum.

#### **Heritage**

- 41 The author makes a number of comments (e.g. page 57 and page 58) that relate to the two identified built heritage features on the site – St Joseph’s Church and the brick fuel tank. In response to a submission made by the NZ Historic Places Trust (*HPT*), I developed a condition (in consultation with Trust staff), requiring the development of a heritage management plan. This condition sets out the matters that would be included in the management plan and includes dust effects on the Church. In addition, two new Conservation Plan conditions are proposed.
- 42 Ms Walters of the HPT has helpfully confirmed her support of these items in her evidence. I note also that it appears that she has shared the correspondence on this matter with Ms Thomson at KCDC (para 9.27) who has elected to suggest even further changes to the agreed conditions.

- 43 The author (at pages 78 and 79) queries whether the protection of heritage and archaeological features can be achieved through targeted conditions rather than through a management plan. For the reasons I discuss above and in my EIC (second statement, from paragraph 81), I consider management plans to be the most appropriate approach.

### **EVIDENCE OF SUBMITTERS**

- 44 I have read all the evidence prepared by the various submitters as lodged with the EPA on 22 December 2012. I will comment on the evidence that is relevant to my planning assessments as lodged by these submitters (in no particular order), and make some general comments as well.

#### **General comments**

- 45 Many of the experts who have prepared evidence representing submitters focus on the consent and designation conditions. Many suggest changes to the conditions. All the planning experts discuss and suggest conditions.
- 46 Of those submitters' witnesses who have made comments about proposed consent and designation conditions, there is a consistent theme through their evidence, of concern about how the applicants will be "made" to comply with the consent conditions and management plans, the overall purpose of the management plans, and that the conditions are not strong enough to deal with the effects identified. I feel that there is a general tone of suspicion that the applicants will either not comply or will need to be made to comply, despite there being compliance monitoring and enforcement options and penalties already well set out in the Act.
- 47 Further, there seems to be a fixation on duplicating conditions on all consents and the designations. I consider this to be completely unnecessary as all consents are needed and generally cannot be given effect to without all the other associated consents and designations. The exception is the concrete batching plant, and this is the reason why I suggested a separate management plan for it.
- 48 An alternative "format" that I considered for the conditions was to simply prepare a single set of conditions. This was the approach used by my colleagues for the Western Ring Route project (Waterview in Auckland) whereby there was one set of conditions for the designations and the consents. However, I discussed this option with Ms Grant at GW and she was happy with the general format that I used primarily because it will make it easier to collate the paperwork later, and it is also clear what is a Regional Council issue (of course, the Auckland Council is a unitary authority, so division of processing and enforcement functions is less important.)

- 49 I refer back to my EIC which explains my experience with working on large scale construction projects in planning and environmental management roles. My experience is that the NZTA takes its social and environmental responsibilities seriously, and that it has a good record of achieving good social and environmental outcomes on large projects like this. I note that Mr Handyside states in his evidence (para 26) for DOC that his experience with NZTA projects is similar in this regard.
- 50 Most of the submitters have focussed on the NZTA applications when they are discussing consent and designation conditions – and do not refer to the PCC applications. In order to maintain consistency in my responses to the submitters, I tend to refer to the NZTA conditions as well. However I note that there will be some consequential amendments needed to the PCC suite of conditions as well, and this is reflected in **Appendix B**.

#### **Kapiti Coast District Council**

- 51 My evidence focuses mainly on the evidence of Ms Thomson – though I note that she bases a number of her conclusions on the evidence of others.
- 52 Ms Thomson makes a comment about the planning expert conferencing statement that I wish to comment on:
- 52.1 She states (para 6.2) that *"All planners agreed that the effects of the NZTA activities will be more than minor. Therefore it is my opinion that the conditions need to be carefully and in some cases strongly worded to ensure that sustainable management of natural and physical resources is achieved..."*. This is not correct. The correct statement of agreement was (in our discussion of Section 104D), at para 23 of the conferencing statement, and it states that *"...the project has potential adverse effects that are more than minor (with respect to the first "gateway test")"*. This is an important distinction in my view. I provide further discussion about distinct areas where adverse effects may be more than minor in para. 17.3 of my evidence in chief (brief #2). I also discuss positive effects, of which I am of the opinion that there are a number.
- 53 Ms Thomson makes a number of comments on conditions, that I wish to comment on:
- 53.1 She expresses her disappointment (para 8.9) that the applicants' evidence does not address all the requests to amend conditions that were made by the KCDC. This is true, and in a number of instances I do not agree with the proposed changes. I have addressed these in the attached table, and below in my evidence.

- 53.2 Ms Thomson seems particularly concerned to ensure that there is a clear purpose for all of the management plans. I agree that this would be helpful in some instances, and this was agreed in planner conferencing. I have made changes to the conditions to reflect this better, and I consider that the "wiring diagram" of how the conditions fit together will also help this.
- 53.3 However, I disagree with her comment (para 9.27) that there needs to be a specific purpose spelt out for the proposed Heritage Management Plan Condition (which she has received from another source). I consider that the purpose of the condition is clearly spelt out in the listed items to be covered by the management plan, and to state a generic purpose in the opening line of the condition would be confusing. The same principle applies for others, for example, the CTMP is clearly to manage construction traffic effects, and there is no need to re-state this.
- 53.4 Ms Thomson (para 9.19 and 9.20) suggests that the management plans need to be certified before they are submitted as part of the OP process. I disagree with her and I make the following points about this:
- (a) I have already clarified in my EIC that the CEMP does not form part of the OP – primarily because it needs certification from GW as well – and have deleted it from Condition NZTA.6. in the track changes conditions.
  - (b) There is a formal process in the RMA for Outline Plans, and the information requirements for Outline Plans include both traffic matters (S 176A(3)(d)) and landscaping (S 176A(3)(e)). The other matters listed in S176A(3) will likely also have some cross-over relevance to traffic and landscape issues.
  - (c) I consider the matters that are and will be covered in the CTMP and the LUDMP to be a comprehensive range of matters that will be suitable to meet the requirements of Section 176A(3)(d) and (e) of the Act as part of the OP process. I therefore consider the OP process to be the correct forum for their submission to Council. Requiring a separate process of certification as well as the OP process as Ms Thomson suggests, could lead to confusion regarding the order in which plans must be finalised, and which body is responsible for their processing and enforcement.

- 53.5 In para 9.30 Ms Thomson suggests removing the term “as far as practicable” because it makes approval more complicated for the Council. I don’t understand this comment. As I have set out in my EIC, practicability is a well understood RMA concept, and is included in the definition of Best Practicable Option in the Act.
- 53.6 Ms Thomson’s suggestion in paragraph 9.31 duplicates a condition that is already present in Conditions NZTA.41 and NZTA.42.
- 53.7 Ms Thomson’s suggestion in paragraph 9.35 duplicates what is already provided for in Condition NZTA.36.
- 53.8 Ms Thomson’s suggestion in paragraph 9.37 duplicates what is already provided for in Condition NZTA.35. I note that there is already a suggestion (made in the meetings with District Council officers) which I agree with, for a longer SSTMP approval period.
- 53.9 Some of Ms Thomson’s suggestions about road condition surveys (para 9.41) I agree with. However I disagree that it is necessary for the requiring authority to jointly carry out pre-construction condition surveys of the roads with the road controlling authority. This would place an unnecessary burden on the road controlling authority.
- 53.10 Ms Thomson’s (para 9.47) suggestions to insert a number of changes to the LUDMP I partially agree with. However I disagree with her suggested purpose and that “road furniture” (for example) needs to be separately listed. I agree that road furniture is something that can benefit from being integrated into design, but note that road furniture is generally a safety requirement and it will be provided where required to ensure public health and safety. **Mr Lister** discusses guidelines for the suite of highway furniture in his evidence, and I have reflected his comments in the conditions.
- 53.11 I disagree with her last sentence that would require certification of the LUDMP prior to inclusion in an Outline Plan. As I discuss above, there is a formal process in the RMA for Outline Plans, and the information requirements for Outline Plans include landscaping (S 176A(3)(e)). This would also be counter to the aim of integrating landscape and urban design matters into the overall project design, because it would effectively require approval of these matters before the overall design.
- 53.12 I find Ms Thomson’s suggestion (para 9.49) that “*The LMP shall be certified by the Manager if it demonstrates...*”

puzzling. Further, I disagree that another sign off process is necessary. I disagree with all her other suggestions in this Clause of her evidence and disagree that policy support for her changes is found in Policy 4.2.33A of the Regional Freshwater Plan. The Plan Change was about ecological effects which is quite distinct from landscape and visual effects.

53.13 She suggests animal pest management (para 9.51), and this will be included in the regional consent conditions through the EMMP in relation to retirement and revegetation measures.

53.14 I disagree with her comments (para 9.54-9.56) about the need for conditions to require the NZTA to consider a new local road bypass around Paekakariki – as also discussed in the evidence of Mr Wignall. **Mr Nicholson** discusses this in his evidence and I rely on his comments about the need for this bypass and the discussions that have been undertaken with the KCDC. The evidence of **Mr Brabhakaran**, which is about geotechnical and geological matters and route security, demonstrates that the TG route will better provide for route security which is one of the Project objectives. **Mr Kelly** discusses the suggested conditions of Mr Wignall in his evidence, and I rely on **Mr Kelly** in this regard. I do not consider that addition of the local road as is proposed by Mr Wignall is needed in order to meet the Project objectives.

53.15 I agree with Ms Thomson (para 9.57-9.58) that the mitigation areas need to be legally secured. I have recommended a condition to address this (in the regional consent conditions, in order to relate the mitigation areas clearly to their function as ecological mitigation). I note that the majority of the land that is required for mitigation planting areas will be owned by the NZTA or the Wellington Regional Council. However, by suggesting ongoing (in perpetuity) pest management she appears to be suggesting “betterment” rather than mitigation, and accordingly, I disagree with that.

53.16 I agree that (her para 9.59) that the works should not adversely impact on the Paekakariki water supply (and **Mr Brabhakaran** confirms that there will be continuity of supply). However I disagree that the NZTA should provide for future expansion of the water supply beyond that which is currently already planned.

53.17 I disagree with most of Ms Thomson’s suggested changes to the Network Utilities Management Plan conditions (para 9.61). These are conditions that have been viewed by and discussed with other utility providers. Her suggested

deletions would remove matters that are of particular importance to other providers and I disagree with that.

53.18 Ms Thomson makes a number of suggested changes to regional consent conditions. Because these are proposed to change substantially as a result of discussions with other parties, I will not comment on these specifically here.

54 Ms Thomson also appears to disagree with me (and **Mr Nicholson**) with respect to the amount of consultation undertaken (para 8.10 to 8.15). **Mr Nicholson** attached the Technical Engagement Protocol (*TEP*) to his EIC, and this sets out the arrangements for the RATAG group. Regardless of what Ms Thomson appears to think occurred at the RATAG meetings (which she did not attend), and what the RATAG Project Manager or the EPA may or may not have advised, the *TEP* is, in my view, the agreed basis for engagement between the five Councils and the applicants in relation to the TG Project.

55 In my opinion, the NZTA has undertaken consultation with a number of stakeholders (including Councils) in accordance with good practice.

**Director General of Conservation**

56 I have reviewed all the DOC evidence submitted, and confine my comments to the planning evidence of Dr Solly, albeit recognising that he draws on the expertise of other technical experts to make conclusions.

57 Dr Solly (para 11) states that the scope of his evidence "is focussed on matters relating to the resource consents required for the TGP, rather than the notices of requirement". From a resource management planning perspective, I consider that this approach of limiting consideration of a project to a sub-set of what has been applied for, and then to specific matters only, can lead to a very narrow consideration of the potentially broad range of planning issues that relate to any project, and can lead to a limited consideration of the Project as a whole. I consider that this has occurred with Dr Solly's evidence. The notices of requirement that address the District and land use aspects of the Project receive no consideration by him. This means that the applications as a whole do not receive an overall balanced planning consideration by him because he has only focussed on some of the natural environment aspects of the Project, and omits consideration of the key reasons for undertaking the Project in the first place (i.e. transportation related matters including route security).

- 58 I wish to make a number of comments about Dr Solly's statutory assessments:
- 58.1 In his statutory analysis, Dr Solly notes that he has considered all the statutory planning documents and focuses on the ones that are either omitted from my assessment or where our assessment differs. However it remains unclear as to whether he has in fact considered all documents, especially the District Plans. He states (para 46) that he focuses on those that are relevant to the management of freshwater resources and the Pauatahanui Inlet. He does not appear to make much assessment of those that have a wider applicability, nor provide an integrated assessment of all aspects of the Project. For example, he does not include any consideration of the District Plans in his statutory planning assessments.
- 58.2 Following on from his narrow focus on the regional consents (at paragraph 46 he suggests his focus is even more narrow – on freshwater and the Pauatahanui Inlet), he has selectively chosen to focus on certain particular objectives and policies that he considers the proposal would not be consistent with within the confined areas of effects on freshwater and the Inlet.
- 58.3 Dr Solly has taken the approach of stating where the Project is inconsistent with provisions, and does not generally make comments on whether the proposal will be consistent with the relevant objectives and policies, or whether on balance, the proposal will (or will not) be contrary to the overall policy framework that is applicable. He does state that he considers the Project meets the second "gateway test" of the Act under Section 104D. He makes a brief comment (para 160) suggesting that the Project may contribute to reducing contaminant loads reaching the Harbour, but does not give this much attention in his overall assessment. He makes almost no comment about Part 2 of the Act – with the exception of a fairly extensive discussion of what constitutes the coastal environment (I discuss this further below) – which I assume relates to Section 6(a) of the Act.
- 58.4 Despite saying that he considers that the Project meets the second "gateway test" of Section 104D, Dr Solly then goes on to list and discuss a number of policies that the Project would not "comply with". In this regard he appears to be applying the policies in the planning documents as though they are rules to be complied with, rather than assessing the Project against them. The Act is clear that objectives and policies are not rules to be complied with – the test is about consistency. Under Sections 104 and 171 of the Act, the Plan provisions



are merely one of the matters to have regard to. There is no "test", except in Section 104D for non-complying activities.

- 58.5 In relation to "other matters" under Section 104(1)(c), Dr Solly has chosen a limited number of documents as being relevant (para 28), and the areas he has chosen relate to his arguments about freshwater and the Inlet. He does not refer to all the documents<sup>4</sup> that I and others (including **Ms Lawler**, **Mr McCombs** and **Ms Hayes**) have identified as being relevant. I note that he does make a short comment about the Government Policy Statement (at para 37) and the Regional Land Transport Strategy (at para 37 and 82) and acknowledges that the TGP is mentioned in those documents.
- 58.6 I disagree with his statement (para 82) that Policy 38 of the PRPS "*...appears to focus on protecting regionally significant infrastructure from incompatible land uses rather than promoting its development.*". Policy 38 is entitled "*Recognising the benefits from regional significant infrastructure and renewable energy – consideration*". It then states that when considering an application for a resource consent, or notice of requirement, that particular regard shall be had to "*the social, economic, cultural and environmental benefits of regionally significant infrastructure and/or energy generated from renewable energy resources...*". Dr Solly does not appear to have been considering these benefits in his limited statutory assessment.
- 58.7 Dr Solly appears to have misinterpreted Policy 38 of the PRPS believing it to be only relevant to the protection from incompatible land use (i.e. the NoRs) and not the regional consents or the construction of the Project. In my view, the wording of Policy 38 is clear that it also relates to the consideration of the resource consents. I consider the separation made by Dr Solly to be artificial and unhelpful in the integrated consideration of all aspects of the Project.
- 58.8 He states that he acknowledges that the Project is identified as having both national and regional significance under Section 142 of the Act. However he goes on to state that while the policy supports the intent of the notices of requirement, policy 38 does not necessarily support the construction of the TGP. I strongly disagree with this statement. It makes no sense to suggest that an agency would spend a considerable amount of money on designating/consenting a proposal and then not build it.

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<sup>4</sup> Refer to Clause 32.15 of the AEE.

- 58.9 Dr Solly and Ms Kettles (along with Ms Grant) raise concerns that the Project will not be consistent with the Draft Porirua Harbour and Catchment Strategy and Action Plan (*PHCSAP*) because the Project will increase sedimentation rates (para 158). Consistent with the baseline studies undertaken for the TG Project, the PHCSAP recognises that there is already a significant amount of sediment reaching the Porirua Harbour from surrounding land uses. The TG Project will generate a percentage of additional sediment during construction, but will not continue to do so in the longer term (as Ms Kettles suggests in her paragraph 97), and may in fact result in a decrease in the longer term as a result of land retirement and revegetation. My reading of the PHCSAP is that it has an overarching aim to reduce the amount of sediment generally, rather than to target individual projects. The PHCSAP (rightly in my view) takes an holistic view of the whole catchment that affects the Harbour and seeks to achieve an integrated approach to sediment management. I agree with Dr Solly that the aim is to reduce sediment, but I do not agree that the Project will be inconsistent with the objective and interim target.
- 58.10 Dr Solly (para 39(i)) suggests that the landward extent of the coastal environment for the purposes of the TGP is "*...at the proposed state highway 58 interchange/Lanes flat, and in the vicinity of MacKays crossing.*". I agree with Dr Solly that consideration of effects on the coastal environment is relevant under Section 6(a) of the Act (and I have considered this in my original planning assessment in the AEE), but I disagree with his statement suggesting that the physical extent of the Project is within the coastal environment.
- 58.11 While the RMA does not define the coastal environment, Policy 1 of the NZCPS sets out a series of criteria for determining the landward extent of the coastal environment, and Policy 37 of the PRPS also sets out criteria which are similar. Having regard to these policies, I make the following comments:
- (a) The Regional Coastal Plan places the mouth of the Pauatahanui stream at the margin of the wildlife reserve at R27 708 095 which is about 1.2km downstream of the Project footprint. I understand that there may be some tidal influence upstream of this, but am advised that it is unlikely that there would any tidal influence further than the roundabout, and therefore not as far as the boundary of the site, meaning that the landform is unlikely to be affected by coastal processes (NZCPS Policy 1(2)(c) and PRPS Policy 37(b)).

- (b) There is no coastal vegetation or habitat present (Policy 1(2)(e) and Policy 37(a)) or known habitat of indigenous coastal species (Policy 1(2)(e)).
- (c) Coastal water is not a dominant part of the vista from the area of Lanes Flat that is within the proposed designation boundary, nor from Mackays Crossing. There are glimpses of sea from some locations on the elevated St Joseph's Church site (Policy 1(2)(f) and Policy 37(c)).

58.12 Given this, and whilst I agree that the NZCPS is relevant to the Project, I do not agree that the amount of weight that Dr Solly appears to give to it (in comparison to other statutory documents, including the many that he has omitted referring to) is appropriate. Further, I disagree with Ms Kettles' assessment (paragraphs 76-95) and her overall conclusion in paragraph 124 that the application is inconsistent with the policies of the NZCPS.

- 59 Dr Solly also points out several errors and omissions in my statutory assessment (Technical Report 21) at his para 39(iv) and I acknowledge that there are some and that this is unfortunate. As stated in my EIC, I have re-reviewed the application and my assessment in light of errors or omissions that have been identified by others (including again in light of Dr Solly's evidence), and again I confirm that my overall conclusions do not change.
- 60 I consider that a balanced approach to considering all the relevant objectives and policies is sound planning practice, and that any assessment should weigh up a project against all the relevant objectives and policies of all the statutory planning documents (in an integrated manner) that are relevant. I therefore consider that his assessment does not provide an overall balanced planning assessment of the relevant policy framework.
- 61 Dr Solly states in a number of places (e.g. para 52-58) that there are inconsistencies and conflicting information in relation to streamworks. He is correct about this and this is acknowledged in the evidence of **Dr Keesing**. It is unfortunate that this happened. However, as **Dr Keesing** states, he has used the highest number (i.e. the worst case) to develop his assessment of effects and the associated mitigation packages. Thus I consider this error to be of no significance to the outcome.
- 62 Dr Solly states (para 161) that there are a number of deficiencies in conditions and management plans. He does not acknowledge that the management plans submitted are drafts (all are clearly marked as drafts) and that they will need to be reviewed and updated as part of the pre-construction phase of the Project. In short, the

management plans as lodged are not intended to be complete. They must be updated once the contractor is appointed, and the method of construction has been decided. This was clearly set out in my diagram on page 460 of the AEE (there is a box stating "develop final management plans"). I have also undertaken to clarify this in the conditions and I have done so.

- 63 Dr Solly makes a number of comments on conditions. I discuss the proposed "track changes" to conditions in the attached tables. I make the following comments about his comments on conditions:
- 63.1 Dr Solly appears to be concerned (para 166(iv)) that there is not the same number of conditions on the "WS" group of conditions as the "S" group. I am concerned at this comment because I do not consider conditions to be a "numbers game". There is no "right" number of conditions for any one type of resource consent, the key consideration is that effects are appropriately managed. The "G" suite of conditions applies to all the consents, and in any case all the conditions are interlinked with each other. The streamworks consents cannot occur without the land use (earthworks) consents, and the designations.
- 63.2 As stated above, there seems to be a real concern (including from Dr Solly) that conditions need to be duplicated across all the consents to ensure they are implemented (e.g. the EMMP). Whilst I am willing to make adjustments to the conditions in order to reach agreement with others, I consider it to be completely unnecessary if the purpose is simply to ensure that they are implemented.
- 63.3 Dr Solly recommends that the SSEMPs should be a requirement of the designations as well (i.e. duplicate the SSEMP conditions on the designations). He uses as his reasoning, that the Waitangirua SSEMP includes details of, for example, noise barriers – which is a designation issue. I am clear that the intent of the SSEMPs is to manage the effects related to the regional consents. The Outline Plan process will bring together the designation matters. Adding an additional process to the compliance with designation conditions would require more paperwork and add potential for confusion. Adding an additional process would also not mitigate any effect that would not otherwise be mitigated, nor would it establish a better management of effects regime (for adaptive management purposes). For these reasons, I consider the formal process as set out in the RMA to be appropriate for the designations.
- 64 Whilst Mr Handyside's evidence is largely about erosion and sediment control matters, there are some issues that I wish to

comment on. He raises a number of concerns about the level of detail (e.g. para 27) in the application documents and compares them to the Waterview example that he was recently involved in. I consider that this is not a fair comparison given that:

- 64.1 RMA applications for Waterview were made with the knowledge that construction would be starting almost straight away after consents were granted, not 3-4 years as in the case of the TGP;
- 64.2 Further, the Waterview project had completed management plans lodged with the applications, in other words, they are not drafts to be updated and finalised like the TGP ones are;
- 64.3 The Waterview project included application for an Outline Plan waiver, meaning that no further detailed plans were to be submitted.

65 In short, each project needs to be considered on its own merits, and one size does not necessarily fit all.

66 There are a number of comments that Mr Handyside makes about consent conditions and related matters which I consider to be useful. For the most part, I consider that **Mr Gough** covers these in his rebuttal evidence, but I note the following additional points:

- 66.1 Mr Handyside's suggestion (para 27 and 62) that area limits should be placed on bare land for individual catchments, and using a similar condition format to the ALPURT B2 (Northern Gateway) project sounds sensible to me (and I am familiar with the format and content of that condition). Given that further discussions about the sediment management issues are to be continued after I finalise this brief of evidence, I have left conditions E.1 and E.2 the same for now with the expectation that they will be modified after those discussions are held.
- 66.2 I acknowledge his comment (para 61) that there will inevitably be changes to the erosion and sediment control methods during construction, and that there needs to be a process for quick turn around by the consent authority. This is reflected in the revised conditions, and is part of the adaptive management approach proposed.
- 66.3 On pages 13-14 of his review report (attached to his evidence) he discusses "approval" vs. "certification" of management plans. I have no preference over which term is used, and note that various witnesses use these interchangeably. Regardless of which term is used, I do not expect the submission of the plans to be a simple rubber

stamping exercise, but rather that there will be a robust review and discussion of the contents between the consent holder and the Council.

### **Greater Wellington Regional Council**

- 67 Overall, I find Ms Grant's evidence to be well set out and useful in targeting key matters of importance. Ms Grant provides several comments on the consents required / applied for which I wish to comment on:
- 67.1 I agree that there are some instances where some water discharging from the site may not be chemically treated (her para 14) and that the description of the permit can be modified. This is reflected in the "track changes" version attached. I note that the term "chemically treated" was originally added to the description of this consent at the request of Ms Grant.
- 67.2 I can confirm (her para 19) that there will be piping and reclamation associated with the fill sites and that this has been considered in the technical assessments (e.g. **Dr Keesing**).
- 67.3 **Mr Martell** provides information about the storage of water upstream from culverts, and whether these culverts are dams (her para 22-25). The subject of dams is also discussed in the NZTA and PCC's further information response (dated 24 November 2011). Correspondence received from the Council<sup>5</sup> suggests that it is now confident that damming consents are not required for the Project. I understand this issue will also be addressed in legal submissions.
- 67.4 I acknowledge Ms Grant's comments about groundwater consents (I have also commented above in response to the Section 42A Report). She notes that technical detail (para 34) around the location of any groundwater diversion is needed to determine if permitted activity standards are met, and this is consistent with my discussion above.
- 67.5 Ms Grant correctly notes that **Mr Edwards'** evidence states that the works may require water of 1.2M litres per day. No consents have been applied for for water takes, and this is deliberate. There is an option for water to be trucked on to site, and this is the current assumption. However, if a contractor were to decide that abstraction on site was required, then consent(s) would need to be sought.

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<sup>5</sup> Email from Alistair Cross to Greg Lee 1:11pm 11 January 2012.

- 67.6 I acknowledge that there will be some permanent stream crossing consents that will be required when the final design is completed and the location and form of the crossings is known. Dr Solly and the Section 42A Report also mention this matter. I have amended the "S" suite of conditions to better reflect this.
- 68 Ms Grant has provided helpful inputs to consent conditions prior to the lodgement of the applications, and after lodgement. Many of her comments have been incorporated into the conditions. She makes a number of comments in her evidence that I agree with and I have noted these in the track changes version. There are some points about conditions which I wish to specifically respond to either because I consider them to be particularly important, or where they are a key area of disagreement between us:
- 68.1 She suggests a new consent condition requiring a "Forestry Harvest Plan" (para 55) – and I have incorporated this into the track changes consent conditions, and consider this is best placed on the land use consent for earthworks. This new plan is also included in the wiring diagram in **Appendix A**.
- 68.2 Ms Grant expresses reservations about the concrete batching plant consent and suggests further conditions, and that existing ones are clarified. I have addressed her comments about conditions in the attached table, and **Mr Edwards** discusses the operational matters in his EIC.
- 68.3 Ms Grant makes similar comments to other witnesses, and to the Section 42A Report, who are concerned about legal protection of areas provided for mitigation (para 69). I have prepared a consent condition to ensure that long-term legal arrangements are in place to obtain access to all necessary land, undertake the actions required to meet consent conditions, and to ensure the maintenance and retention of the required mitigation areas, in particular those that are located outside the designation. As discussed above, I propose this as a condition on the regional consents.
- 68.4 Ms Grant rightly points out (para 80) that effective communication between the consent holder's contractor and the Council is essential in order to effectively implement any resource consents of this scale. Changes have been proposed to the consent conditions in the attached track changes version that address this. I note that there is a Communications Plan/Strategy required to be prepared for the Project, and this would include methods to communicate with the Councils.

- 68.5 She also discusses the use of a Project website (para 80) and other means (para 86.1 and 86.2) as a tool to disseminate information, and I am familiar with other instances where such a tool has been effective. I have reflected the use of electronic means to share information in the conditions (i.e. acknowledging that there are alternatives to providing information other than "in writing").
- 68.6 Ms Grant also (para 81) notes that the management plan approval process remains unclear. I hope that the suggested changes to the conditions will help assist to clarify this. The CEMP condition has been amended to clarify its purpose, and a wiring diagram provided (para 84.1 and 84.2).
- 68.7 Ms Grant suggests that some of the points in Condition E5 could be moved to the CEMP – I have reflected this in the track changes.
- 69 Putting the above matters aside, there are two key areas of disagreement between Ms Grant and myself about conditions:
- 69.1 Ms Grant raises concerns about the "objectives" conditions in Condition E3 (all her points under para 87). She considers these should be consent conditions in their own right. My intention in drafting these conditions was that these were the objectives for the erosion and sediment control plan – i.e. they set out what the plan must achieve. These conditions use an adaptive management approach that has been accepted by the Environment Court in the North Bank Tunnel Concept case. Ms Grant and others (incl. Ms Thomson and Dr Solly) raise concerns that the management plans do not have a clear purpose. My view is that Condition E3 sets out a very clear purpose for the erosion and sediment control conditions that follow.
- 69.2 Whilst I do not agree that Condition E3 needs to be changed so that each of the points are separate conditions, I have proposed modifications by adding a new Condition E3.A setting out criteria that the ESCP shall meet and both relocating points from Condition E3 as well as adding points as recommended in the evidence of others. More discussion about this can be found in **Appendix B**. I consider this goes some way towards addressing Ms Grant's concern about making some of the points in E3 into a separate condition.
- 69.3 Ms Grant and I also disagree on the need for a consent condition restricting bulk earthworks in winter. "Winter works" restrictions is something that I am familiar with in the Auckland environment, but am not aware of it being as common a requirement in Wellington. I believe this is likely



to be because there is less of a difference in rainfall between summer and winter in Wellington, and understand from **Mr Martell**, that there are commonly large rainfall events in summer, just as there are in winter. I also note that the summers in Auckland are generally hotter, leading to potentially quicker drying time for wet ground, than Wellington.

- 69.4 In the case of this Project, the Regional Council is required to certify staging plans under Conditions G8 and G9, and there is an opportunity here to review concerns about winter works with the consent holder and contractor if required.
- 69.5 In paragraph 95.1 and 95.2, Ms Grant recommends a condition regarding a "mixing zone" for stormwater discharges. I have not proposed to accept this condition as it appears to duplicate both Section 107 of the Act, and the erosion and sediment control conditions. I am also unclear as to whether it is intended to apply to construction or operational discharges.
- 70 Ms Grant makes a number of comments about statutory planning matters which I wish to comment on:
- 70.1 She does not consider that there is sufficient information to be able to assess whether the proposal will meet the objectives of the PHCSAP, particularly objectives surrounding reduction of sedimentation and ecological restoration (para 74). I discuss this above in my response to a similar comment made by Dr Solly.
- 70.2 I discuss the PHCSAP in my response to Dr Solly.
- 71 I note that Ms Grant (at para 8 and 9) acknowledges involvement in the RATAG – and also notes involvement in other workshops for the development of the SSEMPs. This is consistent with my statement responding to concerns raised by Ms Thomson about KCDCs involvement.
- 72 Ms Hayes' evidence for GW makes a useful assessment of the RLTS and her evidence is consistent with my view on the RLTS. It is also consistent with the evidence of **Mr McCombs** and **Mr Nicholson**.
- Mrs Senadeera**
- 73 Ms Grinlinton-Hancock acknowledges in her evidence that there have been discussions and correspondence between the NZTA and Mrs Senadeera since she made her submission. There are suggested "track changes" conditions included in her evidence, with additional track changes suggested. I have included the track changes that I consider appropriate in the attached version of

conditions – and acknowledge Ms Grinlinton Hancock’s comment that this does not completely reflect what the submitter is seeking.

- 74 I understand that Mrs Senadeera still has some concerns about the Project. However, as reflected in the agreed planning conferencing statement and her evidence, I believe that Ms Grinlinton-Hancock and I are in general agreement with wording on conditions from a broad planning perspective.

#### **Historic Places Trust**

- 75 The evidence of Ms Walters confirms that there have been discussions and correspondence since the lodgement of the Trust’s submission. I have been to two meetings with the witness since receipt of the Trust submission, and have been the primary author of the proposed conditions NZTA.9, NZTA.9A, and NZTA.9B.
- 76 I understand that the NZTA is happy with the conditions as drafted, and am pleased that this matter has been resolved with the Trust. I note that Ms Thomson suggests further changes, but I prefer to stick to the conditions that have already been agreed with the Trust.
- 77 I note that there are some minor “tweaks” to the wording of the conditions after discussions with the HPT. These arise from my amalgamating points within the existing proposed conditions with these new proposed conditions. I do not consider these to have any material effect.

#### **PowerCo**

- 78 The evidence of Ms McPherson confirms that there has been discussions and correspondence since the lodgement of PowerCo’s submission. I have been to one meeting with Ms McPherson and her client since receipt of their submission, and have helped draft the NZTA’s correspondence with her and her client (i.e. drafting of proposed amendments conditions).
- 79 On the basis of her evidence I consider that the matters relating to drafting of conditions can be resolved. However, I understand that there are some matters that are unresolved with PowerCo, but that these may be addressed through a separate MoU. **Mr Nicholson** addresses these unresolved matters in his evidence, and I understand these to be related to cost sharing arrangements and security of access to future services. I do not consider either of these matters to be of direct relevance to the RMA considerations.

#### **Mana Cycle**

- 80 Mr Gywnn of Mana Cycle Group suggests that mountain biking groups should be involved in the design (and sign off of design) of the mountain biking tracks. Whilst I don’t agree that it is appropriate to have a third party involved with a sign off process, I suggest that the group be named in the conditions as a party to be

specifically consulted, and have added it into the designation LUDMP conditions.

### **OTHER SUBMITTERS**

- 81 I met with the six residents of Rangatira Road jointly on the evening of 22 November 2011, along with **Mr Lister, Mr Edwards, Mr Chiles** and **Mr Nicholson**. Agreement has been reached with these residents on new consent conditions which are reflected in the attachment to my evidence. As a result, these six submitters have not lodged evidence.
- 82 The users of the regional parks – such as the Battle Hill Eventing Club – have not lodged evidence. NZTA staff members have been continuing to work with the Regional Council staff on managing effects on park users. I consider it appropriate to add a condition to the NZTA's designation in the PCC Plan requiring that the communications plan incorporate liaison with park users to ensure their views are incorporated.

### **CONDITIONS**

- 83 Through discussions with submitters and with Council officers, it became apparent that a "wiring diagram" showing the relationship of all the management plans to each other, and to an Outline Plan (or Plans) under section 176A of the Act would be useful. I attach this to my evidence as **Appendix A** and intend that this be referenced in Condition 1 of both the designation and the regional consents. I have retained numbering of original conditions so that they can be tracked as they progress. Where new ones have been inserted I have used capital letters A, B, C etc.
- 84 Because the conditions have been prepared primarily by me in response to matters raised by other technical experts, I have continued to "own" these as part of my evidence. In preparing this table of conditions and attaching these to my evidence, I consider them as part of my evidence. However there are a number of conditions that I do not necessarily agree are required, but that the applicants propose to offer anyway. I note this in the third column.
- 85 There are some instances where there are conditions proposed by members of the applicants' consultant team that I either do not agree are necessary when I apply the balancing of all the effects from an overall planning perspective, or which I consider need to be altered in order for the complete suite of conditions to make sense. Again, I have noted this in the third column.
- 86 Of course there are a number of instances where there are conflicting recommendations between experts, and I have had to make a judgement call from an overall planning perspective, as to

how the condition should read. I have also attempted to capture where there is disagreement between myself and other witnesses appearing for submitters or separate agreements that have been made.

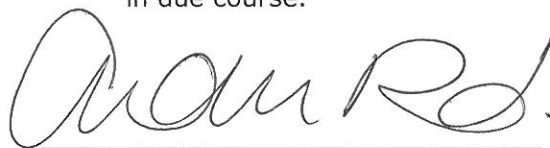
- 87 Recognising that the track changes set of conditions is complex given that it requires inputs from multiple parties, I hope that the notes in the third column of the table clearly demonstrate how and why the proposed changes have been made, and where there are disagreements. Collating all the comments has been a very complex process.

### **DESIGNATION CONDITIONS**

- 88 There was concern raised in the officer meetings (which were directed by the Board) that there needed to be separate Outline Plans for the site yards including the concrete batching plant. There was a similar concern raised in the Section 42A Report. I am clear that the RMA specifies a process for Outline Plans in S.176A, and that all works within the designation are required to go through an Outline Plan process. There is no need for specific conditions to be imposed on the designation requiring specific areas within the designation to have their own special Outline Plan as this is covered by S.176A.

### **CONSENT CONDITIONS**

- 89 There was a significant amount of discussion in planner conferencing about where the EMMP and SSEMP conditions should "sit" within the framework of conditions. It was agreed that these conditions were relevant to all the regional consents (except the concrete batching plant) and I have therefore altered the references to them.
- 90 Regardless of this, I still consider it completely unnecessary to duplicate conditions across multiple consents if the sole reason is simply to ensure that they are given effect to.
- 91 The NZTA resource consent conditions have been attached to my evidence with proposed track changes. I understand that there is the potential for further changes to be made to these, and therefore have not made the similar and consequential changes that would be required to be made to the PCC conditions. These will be addressed in due course.



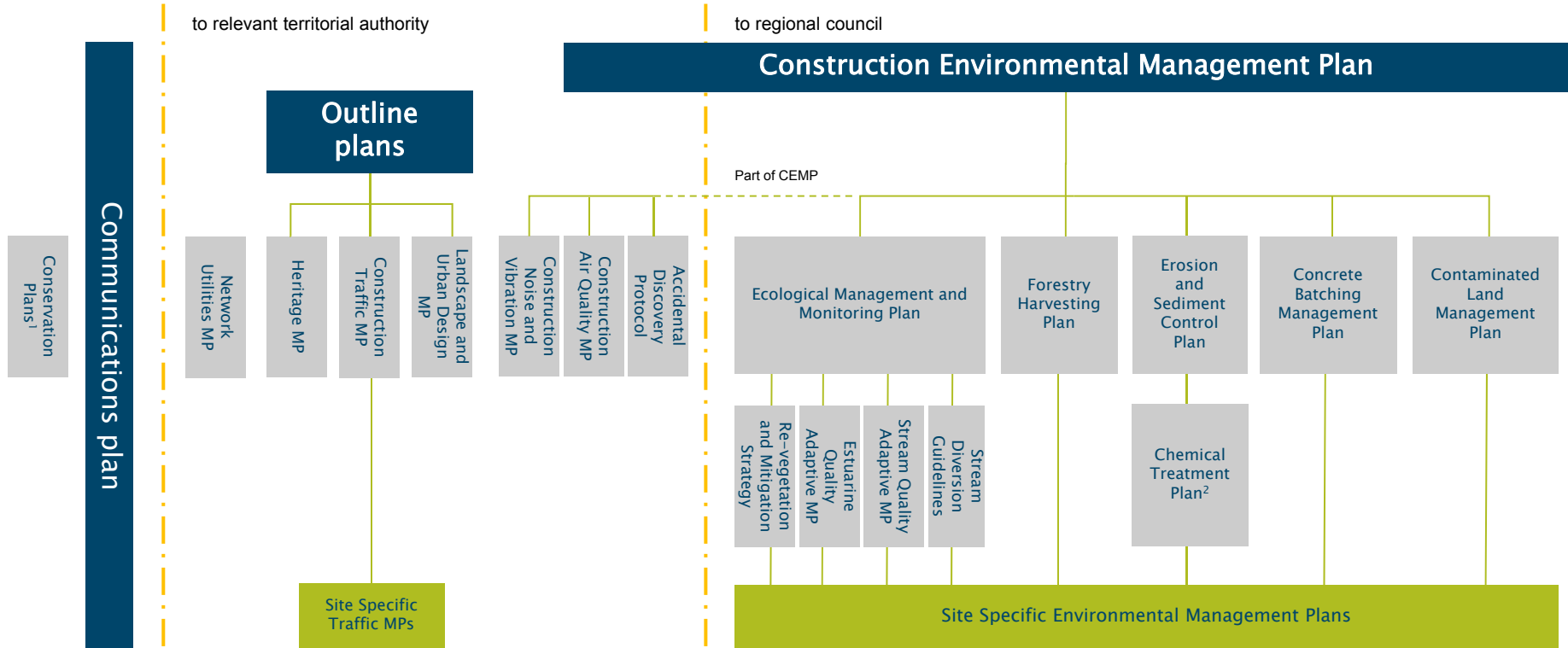
Andrea Judith Rickard  
20 January 2012

**APPENDIX A**

**WIRING DIAGRAM FOR MANAGEMENT PLANS**

**Appendix A**

**Andrea Judith Rickard rebuttal evidence  
19th January 2012**



**NOTES**

1. To be prepared for the Brick Fuel Tank and for St. Joseph's Church
2. Including Spill Contingency Plan and Performance Monitoring Plan

**APPENDIX B**

- B1 Track changes NZTA designation conditions**
- B2 Track changes PCC designation conditions**
- B3 Track changes NZTA consent conditions**

**Appendix B1**

**Andrea Judith Rickard rebuttal evidence**

**Schedule of proposed designation conditions NZ Transport Agency**

**TRACK CHANGES 20th January 2012**

Deletions shown in ~~strikethrough~~

Additions shown in underline

Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<b>General conditions and administration</b>	
NZTA.1.	<p>Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated <u>17 August 2011</u> <del>[insert date]</del> and supporting documents being:</p> <ol style="list-style-type: none"> <li>a. <u>Assessment of Environmental Effects report, dated 8 August 2011</u></li> <li>b. <u>Plan sets:</u> <ol style="list-style-type: none"> <li>a. <u>LR00-20: Land requirement plans</u></li> <li>b. <u>GM01-21: Road layout plans</u></li> <li>c. <u>GM22-84: Longitudinal sections and cross sections</u></li> <li>d. <u>DR01-21: Drainage layout plans</u></li> <li>e. <u>SO1-29: Structures plans</u></li> <li>f. <u>LA01-21: Landscape plans</u></li> <li>g. <u>AC01-21: Construction access plans</u></li> </ol> </li> </ol> <p>For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the Project following construction such as changes to street furniture or signage over time. Depending upon the nature of such works, OPs or OP waivers may be required for any such works.</p> <p><u>Where there is conflict between the documents listed above and these conditions, these conditions shall prevail.</u></p>	<p>The list of documents to be referred to in Condition 1 is now provided – as requested in planner conferencing.</p> <p>I have clarified that where there is conflict between documents as lodged and the conditions, that the conditions shall prevail. This was also discussed in planner conferencing.</p> <p>I note that Ms Thomson (para 9.16) suggests adding the management plans to this condition. However, because they are submitted as drafts that need to be reviewed and updated and then submitted for certification, I consider it appropriate to amend Condition NZTA.7. I consider this meets the intent of what Ms Thomson seeks to achieve as explained in her para 9.17. Her request that the works be carried out in accordance with the certified management plans (para 9.16) is also accommodated in NZTA.7.</p>
NZTA.2.	<p>As soon as practicable following completion of construction of the Project, the Requiring Authority shall:</p> <ol style="list-style-type: none"> <li>a. Review the width of the area designated for the Project;</li> <li>b. Identify any areas of designated land that are no longer necessary for the ongoing operation, or maintenance of the Project or for ongoing mitigation measures; and</li> <li>c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in NZTA.2(b) above.</li> </ol>	
NZTA.3.	<p>The designation shall lapse if not given effect to within 15 years from the date on which it is included in the District Plan under Section 175 of the RMA.</p>	
	<b>Outline plans</b>	
NZTA.4.	<p>Subject to Condition NZTA.5 below, the Requiring Authority shall submit an Outline Plan (OP) to the Council for the part of the Project located within the District or for each Project stage within the District, in accordance with Section 176A of the RMA.</p>	

**Schedule of proposed designation conditions NZ Transport Agency**

**TRACK CHANGES 20th January 2012**



Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
NZTA.5.	An OP need not be submitted if the Council has waived the requirement for an OP for the Project or for the relevant Project stage located within the District in accordance with Section 176A(2)(c) of the RMA.	
NZTA.6.	The OP(s) shall include the following Management Plans for the relevant stage(s) of the Project: a. <del>Archaeological Management Plan (ArchMP)</del> Heritage Management Plan (HMP); b. <del>Construction Environmental Management Plan (CEMP);</del> c. Construction Traffic Management Plan (CTMP); and d. Landscape and Urban Design Management Plan (LUDMP).	I have altered the title of ArchMP to Heritage Management Plan – to reflect that the definition of “historic heritage” in the RMA includes both archaeology and built heritage (along with other items) – given that the plan will address both topics. I have altered the title of the LMP to recognise urban design content. I have removed the CEMP from the OP process, and this is discussed in my evidence in chief.  Ms Thomson (para 9.19) seeks a change to this condition to add two explanatory notes regarding consultation and certification of management plans before Outline Plans. I disagree with her suggestion as set out in my rebuttal evidence, and reiterate my view that the Outline Plan process is the correct planning process under which to consider traffic and landscape matters.
	<b>Management plans</b>	
NZTA.7.	All works shall be carried out in general accordance with any of the management plans required by these conditions.  <u>The Draft Management Plans lodged with the application (and listed below in this condition) shall be updated and finalised by the Requiring Authority and submitted to the Manager for certification at least 20 working days prior to the commencement of construction of the relevant stage or stages:</u> a. <u>Draft Construction Environmental Management Plan</u> b. <u>Draft Construction Noise and Vibration Management Plan</u> c. <u>Draft Construction Air Quality Management Plan</u>	This change has been made as per agreement in officer conferencing (15 <sup>th</sup> Dec para 20).  Ms Thomson suggests listing condition cross reference (para 9.22) in this condition. Instead I have chosen to clearly list the plans that are not part of the OP process in this condition. This addresses Ms Thomson’s suggestion in part – though I acknowledge our difference of opinion about the appropriateness of the OP process in relation to traffic and landscape matters (refer above to the discussion under Condition NZTA 6).  Regardless of this, Ms Thomson’s concern that the applicant be “made” to comply with the management plans does not, in my opinion, require the conditions to be strengthened. This issue is addressed through the enforcement procedures already set out in the Act.
NZTA.8.	The <del>consent holder</del> Requiring Authority may request amendments to any of the management plans required by these conditions by submitting the amendments in writing to the Manager for <del>approval</del> certification at least 20 working days prior to any changes taking effect. <u>Any changes to management plans shall remain consistent with the overall intent of the relevant management plan.</u>	I have added a timeframe of 20 working days for the Manager to respond as agreed during planner conferencing and in meetings with the Council officers.
NZTA.8.A	<u>The following management plans shall be made available for public viewing at at least one of the Project site offices:</u> a. <u>Construction Environmental Management Plan (CEMP);</u> b. <u>Construction Noise and Vibration Management Plan (CNVMP);</u> c. <u>Construction Air Quality Management Plan (CAQMP);</u> d. <u>Heritage Management Plan (HMP);</u> e. <u>Construction Traffic Management Plan (CTMP); and</u> f. <u>Landscape and Urban Design Management Plan (LUDMP).</u>  <u>Where practicable, electronic copies of the management plans shall be made available upon request.</u>	This condition has been added in response to submissions from Rangatira Rd residents. I note that hard copies of management plans would not generally be expected to be provided as they are intended to be “living” documents that may change over time.
	<b>Archaeology and heritage</b>	

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
NZTA.9.	<p>The Requiring Authority shall, prior to the commencement of construction of the part of the Project located within the District, or prior to the commencement of construction of any Project stage within the District, prepare <del>an Archaeological Management Plan (ArchMP)</del> <u>a HMP</u> in consultation with Te Runanga o Toa Rangitira Inc and the New Zealand Historic Places Trust. The <del>ArchMP</del> <u>HMP</u> shall include:</p> <p><del>a. Methods to avoid noise, vibration and dust effects on St Joseph's Church building;</del>  <del>b. Methods to avoid adverse vibration and other construction effects on the brick fuel containment structure at approximate chainage 2500</del>  c. <u>A map showing the scope of the area covered by the HMP;</u>  d. <u>The location of the brick fuel containment structure, clearly marked on the map (Note: applies to KCDC designation only);</u>  dd. <u>The location of St Joseph's Church and other associated features within the Church site grounds, clearly marked on the map (Note: applies to PCC designation only);</u>  e. <u>All other known archaeological sites and features located within 500 metres of the designation boundary marked on the map;</u>  f. <u>Methodology for accurately locating the brick fuel containment structure in relation to the extent of the proposed construction works, physically pegging out and/or fencing an exclusion zone around it and managing effects on it during construction (Note: applies to KCDC designation only);</u>  g. <u>All methods that will be used to manage effects of the project on St Joseph's Church during construction including specific measures to be applied in the event of damage or likelihood of damage to the glacier windows (Note: applies to PCC designation only);</u>  h. <u>The results of an up to date condition survey of St Joseph's Church undertaken not more than one month prior to commencement of construction, and a post construction condition survey not more than one month after completion of construction, so that the effects of construction can be accurately monitored;</u>  i. <u>Any heritage monitoring requirements;</u>  j. <u>Methods for reporting monitoring results to the relevant Council, New Zealand Historic Places Trust and Ngati Toa;</u>  k. <u>Procedures, stand down periods and dispute resolution processes to be applied in the event of an archaeological discovery; and</u>  l. <u>Methods for transferring any relevant information to Council and the New Zealand Historic Places Trust upon completion of works.</u></p> <p>and shall be consistent with any conditions imposed on any relevant New Zealand Historic Places Trust authority.  <del>Note: Condition NZTA.9(a) applies to the Porirua District Plan designation only.</del>  <del>Note: Condition NZTA.9(b) applies to the Kapiti Coast District Plan designation only.</del>  <b>Explanatory note:</b> An authority under Section 12 of the Historic Places Act will be sought prior to the commencement of construction and is also likely to require the preparation of an <del>ArchMP</del> <u>HMP</u>.</p>	<p>I have altered the name of the ArchMP to Heritage Management Plan – to reflect that the definition of “historic heritage” in the RMA includes both archaeology and built heritage (along with other items) – and given that the plan will address both topics.</p> <p>I have also added the text of a condition that has been discussed separately with the Trust – noting that I have merged it with existing Condition NZTA.9.</p> <p>This addresses the separate agreement made with the Historic Places Trust as discussed in the evidence of Ms Walters. I note that Ms Thomson suggests further changes to the condition (para 9.26) that I do not support, and I have discussed the reasons for this in my rebuttal evidence.</p> <p>The condition differs slightly to the conditions agreed with HPT because:</p> <ul style="list-style-type: none"> <li>• Mr Bowman also recommends that there be a post-construction condition survey of St Joseph's Church in his evidence in chief, and I have added this requirement to point (g); and</li> <li>• Merging the old and new conditions required wordsmithing.</li> </ul>
NZTA.9.A	<p><u>The existing Conservation Plan for St Joseph's Church shall be updated at least one month prior to construction.</u>  <b>(Note: applies to PCC designation only)</b></p>	<p>I have included the requirement for an updated Conservation Plan for St Josephs Church as discussed in Mr Bowman's evidence and as supported by the Historic Places Trust in the evidence of Ms Walters.</p>
NZTA.9.B	<p><u>A Conservation Plan for the brick fuel containment structure shall be prepared at least one month prior to the commencement of construction between chainage 2000 and 3000 which shall include: an assessment of how public access to the structure could be achieved whilst maintaining public safety and managing the potential for adverse effects on the structure (e.g. vandalism); and the inclusion of amenity planting, tidying up after completion of construction and weed removal around the structure.</u>  <b>(Note: applies to KCDC designation only)</b></p>	<p>I have included the requirement for a Conservation Plan for the brick fuel tank as discussed in Mr Bowman's evidence and as supported by the Historic Places Trust in the evidence of Ms Walters.</p> <p>Mr Lister also recommends planting around the structure in his EIC, along with making good any edges and gaps around the structure left by construction (para 153.3).</p>

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
NZTA.10.	<p>The Requiring Authority, in consultation with, Te Runanga o Toa Rangatira Inc and the New Zealand Historic Places Trust, shall prepare an accidental discovery protocol to be implemented in the event of accidental discovery of cultural or archaeological artefacts or features during the construction of the Project. This protocol shall be submitted to the Manager at least 20 working days prior to any construction or enabling Work commencing under this <del>consent</del> <u>designation</u> on any part of the Project within the District. The protocol shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>a) Training procedures for all contractors regarding the possible presence of cultural or archaeological sites or material, what these sites or material may look like, and the relevant provisions of the Historic Places Act 1993 if any sites or material are discovered;</li> <li>b) Parties to be notified in the event of an accidental discovery shall include, but need not be limited to Te Runanga o Toa Rangatira Inc, the New Zealand Historic Places Trust, the GWRC, the relevant District or City Council and the New Zealand Police (if koiwi are discovered);</li> <li>c) Procedures to be undertaken in the event of an accidental discovery (these shall include immediate ceasing of all physical works in the vicinity of the discovery); and</li> <li>d) Procedures to be undertaken before Work under this <del>consent</del> <u>designation</u> may recommence in the vicinity of the discovery. These shall include allowance for appropriate tikanga (protocols), recording of sites and material, recovery of any artefacts, and consulting with Te Runanga o Toa Rangatira Inc and the New Zealand Historic Places Trust prior to recommencing works in the vicinity of the discovery.</li> </ul>	
	<p><b>Construction Environmental Management Plan</b></p>	
NZTA.11.	<p><del>An OP for the part of the Project located within the District or for any Project stage located within the District shall include a Construction Environmental Management Plan or Plans (CEMP) for the relevant part of the Project. Among other things, a <u>Not less than 20 working days prior to commencement of any stage or stages of construction or enabling works for the Project, the Requiring Authority shall submit a Construction Environmental Management Plan (CEMP) to the Manager for certification.</u></del></p> <p><b>Advice note</b>  <u>The CEMP shall confirm that the proposed construction methodology for the relevant part of the Project complies with General Condition 1 of this designation. It will also <del>and to</del> demonstrate how other conditions of this designation have been or will be complied with during the construction of the relevant part of the Project.</u></p>	<p>Changes have been made to reflect a recommendation from my EIC that the CEMP is not submitted as part of the OP or OPs. This was confirmed in officer conferencing (officer conferencing statement para 21.1(a)).</p> <p>The Advice Note clarifies the purpose of the management plan as discussed in planner conferencing.</p>
NZTA.12.	<p><del>The purpose of the</del> <u>The CEMP is intended to confirm final project details, staging of Work, and detailed engineering design to seek to ensure that the Project remains within the limits and standards approved under this consent and that the construction and operation activities avoid, remedy or mitigate adverse effects on the environment in accordance with the conditions of this consent. The <u>draft CEMP submitted with the application (dated July 2011) shall be updated and finalised, and shall provide details of the responsibilities, reporting frameworks, coordination and management required for project quality assurance; final detailed design; construction methodologies; timeframes and monitoring processes and procedures. Works shall not commence on a Stage until the consent holder Requiring Authority has received the Manager's <del>written approval</del> certification for the CEMP(s) for that Stage.</u></u></p> <p>A CEMP shall include but need not be limited to:</p> <p><i>(1) Quality Assurance</i>  A Quality Assurance section which shall include management frameworks, systems and procedures for quality management of all on-site activities and compliance with the conditions of this designation. Among other matters this section shall provide details of the following:</p> <ul style="list-style-type: none"> <li>a. Name, qualifications, relevant experience and contact details of an appropriately qualified and experienced project manager, who shall be responsible for overseeing compliance with the CEMP;</li> <li>b. Names, qualifications, relevant experience, and methods for contacting principal staff employed on the relevant part of</li> </ul>	<p>Changes to reflect officer conferencing (officer conferencing statement para 21.1(b)).</p> <p>I have split out the text of the CNVMP and CAQMP conditions into separate conditions 12A and 12B respectively. I am of the opinion that this clarifies the "form" better, and makes the condition easier to read – as raised in officer conferencing</p> <p>I have deleted the CLMP condition as the new National Environmental Standard will require that a consent be obtained and have moved the requirements to regional consents. This is addressed in my evidence in chief.</p> <p>A wiring diagram has been prepared (Appendix A) to clarify the relationships between the plans.</p> <p>I have added a construction lighting clause to limit lightspill from compounds. This was discussed in officer conferencing, and is addressed in my evidence in</p>

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p>the Project, along with details of their roles and responsibilities;</p> <ul style="list-style-type: none"> <li>c. Methods and systems to inform and train all persons working on site of potential environmental issues and how to comply with conditions of the consent;</li> <li>d. Systems and processes whereby the public are informed of contact details of the project manager and principal staff identified above;</li> <li>e. Liaison procedures with the Council; and</li> <li>f. Communication protocols.</li> </ul> <p><i>(2) Site Management</i></p> <p>The Site Management section of the CEMP shall detail procedures to manage the relevant part of the Project throughout the entire construction process in a safe manner. This section shall provide details of the following (and may include other matters):</p> <ul style="list-style-type: none"> <li>a. Details of the site access for all Work associated with construction of the part of the Project;</li> <li>b. Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;</li> <li>c. Location of workers' conveniences (e.g. portaloos);</li> <li>d. Procedures for controlling sediment run-off into the watercourses/streams, dust and the removal of soil, debris and construction materials from the watercourses/streams and riparian margins, and onto public roads or places (including identifying the location of wheel wash facilities);</li> <li>e. A contingency plan in the event that there is any unconsented discharge to watercourses/streams;</li> <li>f. Details of the storage of fuels and lubricants (which shall require that storage be bunded or contained in such a manner so as to prevent the discharge of contaminants from spillages);</li> <li>g. Details of the proposed maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants;</li> <li>h. Location of vehicle and construction machinery access and storage during the period of site works;</li> <li>i. Procedures for thoroughly cleaning all machinery of unwanted vegetation (e.g. weeds), seeds or contaminants prior to entering the site;</li> <li>j. Methods for the clear identification and marking of the construction zones including those which extend into watercourses;</li> <li>k. A methodology that prescribes the extent to which machinery can operate in the vicinity of watercourses so as to minimise disruption and damage to the watercourses and associated vegetation;</li> <li>l. Methods to manage public health and safety during the construction works, and notification to the public of temporary access restrictions to the immediate works area during the staged construction;</li> <li>m. Confirmation that no equipment or machinery will be cleaned, or refuelled in any part of any watercourses/streams, except as otherwise specifically provided for in the CEMP or an SEMP;</li> <li>n. Procedures for removing all contaminants (e.g. fuel, hydraulic oils, lubricants etc) from the site at the end of the construction period, except for those required for ongoing maintenance of the road and operational activities; <del>and</del></li> <li>o. Procedures for making any repairs to the adjacent road network required where any damage occurs as a direct result of the Project; <u>and</u></li> <li>p. <u>Procedures to manage lightspill to residential properties from any night lighting that is required on the site.</u></li> </ul> <p><i>(3) Construction Programme and Methodology</i></p> <p>A Construction Programme which shall include a programme of works that seeks to enable the relevant part of the Project to be constructed in a manner that is timely, adequately co-ordinated and manages the adverse effects of construction on the environment. This section shall, among other matters, provide details on the following:</p> <ul style="list-style-type: none"> <li>a. A detailed staging programme and anticipated timetable for construction works during the relevant part of the Project; and</li> </ul>	<p>chief.</p> <p>Ms Thomson (para 9.28) suggests changes to the CEMP condition (sub condition (4)) that I do not agree with. As discussed above, I consider the landscape and traffic conditions need to be part of the OP process and should not be part of a separate (additional) "sign off" process. She also suggests that the EMMP become part of the designation conditions - which I also disagree with.</p> <p>Ms Thomson (also para 9.28) suggest changes to sub-condition (5). I have accepted some of her suggestions. Regardless of this, layout drawings would also be part of an Outline Plan process, so Ms Thomson can be sure that the Council will receive plans through this formal process. I consider her request for a staging plan is well covered by the regional consent conditions and Condition NZTA.11.</p>

Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p>b. A methodology to identify how earthworks will be staged during the relevant part of the Project to manage the effects of the Project on the Pauatahanui Inlet.</p> <p><i>(4) Environmental Management Plans</i> The following environmental management plans shall be included in the appendices to any CEMP:</p> <p>a. <b>Construction Noise and Vibration Management Plan (CNVMP)</b> (<u>refer to Condition NZTA.12.A</u>);</p> <p><del>b. Contaminated Land Management Plan (CLMP); and</del></p> <p>c. <b>Construction Air Quality Management Plan (CAQMP)</b> (<u>refer to Condition NZTA.12.B</u>).</p> <p><del>B. The CLMP shall include information regarding:</del></p> <p><del>a. The measures to be undertaken in the handling, storage and disposal of all contaminated material excavated during the construction works including the appointment of a suitably qualified contractor to supervise the removal of any contaminated soil;</del></p> <p><del>b. The soil validation testing that will be undertaken;</del></p> <p><del>c. The soil verification testing that will be undertaken to determine the nature of any contamination in excavated spoil and the potential reuse or disposal options for contaminated spoil;</del></p> <p><del>d. Measures to be undertaken in the event of unexpected contamination being identified during construction activities, including measures to:</del></p> <ul style="list-style-type: none"> <li><del>• Assist with identification of unknown contaminated material;</del></li> <li><del>• Stop work or isolate the area (as necessary) once any such material is identified;</del></li> </ul> <p><del>e. The measures to be undertaken to:</del></p> <ul style="list-style-type: none"> <li><del>• Protect the health and safety of workers and the public from the potential effects of contaminated soil;</del></li> <li><del>• Control stormwater runoff and runoff to and from areas of contaminated soil;</del></li> <li><del>• Remove or manage any contaminated soil; and</del></li> </ul> <p><del>f. The measures to be undertaken to:</del></p> <ul style="list-style-type: none"> <li><del>• Identify any suspected asbestos;</del></li> <li><del>• Identify the type of asbestos and confirm the appropriate means by which it shall be removed;</del></li> <li><del>• Handle material containing asbestos, particularly in buildings built prior to 1980;</del></li> <li><del>• Implement appropriate health and safety measures to ensure the safety of workers and the public from the potential effects of asbestos; and</del></li> <li><del>• Remove the asbestos and dispose of it to an appropriately licensed facility.</del></li> </ul> <p><del>The Requiring Authority shall ensure a suitably qualified contaminated land specialist is available to:</del></p> <p><del>a. supervise excavation works for the Project which are in the vicinity of any contaminated soils;</del></p> <p><del>b. supervise any removal of contaminated soil required for the Project</del></p> <p><del>c. ensure that an appropriately qualified contractor identifies and handles asbestos in accordance with the CLMP when demolishing any buildings built prior to 1980; and</del></p> <p><del>d. advise the Manager in writing of this contractor, prior to such demolition occurring.</del></p> <p><del>These measures shall include appointment of a suitably qualified contractor to implement the asbestos identification and handling measures identified in the CLMP; and the appointment of a suitably qualified contaminated land specialist to supervise excavation works for the Project which are in the vicinity of any contaminated soils, and notification of these appointments to the Manager prior to any relevant demolition works or soil removal being undertaken.</del></p>	

Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons																																											
	<p><i>(5) Layout Drawings</i>            Drawings showing the proposed layout of the <u>carriageway design and footprint</u>, construction yards <u>and compounds</u>, including associated buildings, fencing and site accesses. The layout drawings shall, as far as practicable, incorporate the following:</p> <ol style="list-style-type: none"> <li>The main access to the construction yards to be located as far as practicable from residential dwellings;</li> <li>Noisy construction activities to be located as far as practicable from residential dwellings;</li> <li>Temporary acoustic fences and visual barriers.</li> </ol>																																												
<p><u>NZTA.12.A</u></p>	<p>The <u>draft CNVMP submitted with the application (dated 26 July 2011) shall be updated and finalised and shall:</u></p> <ol style="list-style-type: none"> <li>Be prepared by a suitably qualified acoustics specialist;</li> <li>Include specific details relating to methods for the control of noise associated with all relevant Project works, which shall be formulated to, as far as practicable, comply with the following criteria in accordance with NZS 6803:1999:</li> </ol> <table border="1" data-bbox="543 722 1249 1407"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L<sub>Aeq(15 min)</sub></th> <th>L<sub>AFmax</sub></th> </tr> </thead> <tbody> <tr> <td rowspan="4">Weekdays</td> <td>0630h - 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>65 dB</td> <td>80 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Saturday</td> <td>0630h - 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Sundays and public holidays</td> <td>0630h - 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>55 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> </tbody> </table> <ol style="list-style-type: none"> <li>Address the following aspects with regard to construction noise:           <ul style="list-style-type: none"> <li>Noise sources, including machinery, equipment and construction techniques to be used;</li> <li>Predicted construction noise levels;</li> <li>Hours of operation, including times and days when noisy construction work and blasting would occur;</li> <li>The identification of activities and locations where structural noise mitigation measures such as temporary barriers or enclosures may be used;</li> <li>Details of which road-traffic noise mitigation options will be implemented early to also mitigate construction noise;</li> <li>The measures that will be undertaken by the Requiring Authority to communicate noise management measures to affected stakeholders;</li> </ul> </li> </ol>	Day	Time	L <sub>Aeq(15 min)</sub>	L <sub>AFmax</sub>	Weekdays	0630h - 0730h	55 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	65 dB	80 dB	2000h - 0630h	45 dB	75 dB	Saturday	0630h - 0730h	45 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Sundays and public holidays	0630h - 0730h	45 dB	75 dB	0730h - 1800h	55 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	<p>Apart from the underlined text, the balance of the text of condition remains the same – it has just been relocated from Condition NZTA.12 for clarity. It was agreed in officer conferencing that NZTA.12 is too long.</p> <p>The minor change has been made to make it clear that the CNVMP as submitted must be updated and finalised.</p>
Day	Time	L <sub>Aeq(15 min)</sub>	L <sub>AFmax</sub>																																										
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	<ul style="list-style-type: none"> <li>• Mitigation options, including alternative strategies where full compliance with the noise criteria cannot practicably be achieved;</li> <li>• Schedules containing site specific information;</li> <li>• Methods for monitoring and reporting on construction noise; and</li> </ul> <p>d. Include specific details relating to methods for the control of vibration and airblast associated with all relevant Project works, which shall be formulated to, as far as practicable, comply with the Category A criteria in the following table, measured in accordance with ISO 4866:2010 and AS 2187-2:2006:</p> <table border="1" data-bbox="480 548 1362 1052"> <thead> <tr> <th>Receiver</th> <th>Details</th> <th>Category A</th> <th>Category B</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied dwellings</td> <td>Night-time 2000h - 0630h (transient vibration)</td> <td>0.3 mm/s ppv</td> <td>1 mm/s ppv</td> </tr> <tr> <td>Daytime 0630h - 2000h</td> <td>1 mm/s ppv</td> <td>5 mm/s ppv</td> </tr> <tr> <td rowspan="2">All occupied buildings</td> <td>Daytime blasting – vibration</td> <td>5 mm/s ppv</td> <td>10 mm/s ppv</td> </tr> <tr> <td>– airblast</td> <td>120 dB L<sub>Zpeak</sub></td> <td>-</td> </tr> <tr> <td rowspan="3">All buildings</td> <td>Vibration - transient (including blasting)</td> <td rowspan="2">5 mm/s ppv</td> <td>BS 5228-2 Table B.2</td> </tr> <tr> <td>Vibration - continuous</td> <td>BS 5228-2 50% of Table B.2 values</td> </tr> <tr> <td>Airblast</td> <td>-</td> <td>133 dB L<sub>Zpeak</sub></td> </tr> </tbody> </table> <p>e. Describe the measures to be adopted in relation to construction vibration including:</p> <ul style="list-style-type: none"> <li>• Vibration sources, including machinery, equipment and construction techniques to be used;</li> <li>• Procedures for building condition surveys at locations close to activities generating significant vibration, prior to and after completion of the works (including all buildings predicted to experience vibration which exceeds the Category A vibration criteria);</li> <li>• Procedures for management of vibration by a suitably qualified expert, if measured or predicted vibration and airblast levels exceed the Category A criteria;</li> <li>• Procedures for approval by the Council and continuous monitoring of vibration levels and effects by suitably qualified experts if measured or predicted vibration and airblast levels exceed the Category B criteria; and</li> <li>• The measures that will be undertaken by the Requiring Authority to communicate vibration management measures to affected stakeholders.</li> </ul>	Receiver	Details	Category A	Category B	Occupied dwellings	Night-time 2000h - 0630h (transient vibration)	0.3 mm/s ppv	1 mm/s ppv	Daytime 0630h - 2000h	1 mm/s ppv	5 mm/s ppv	All occupied buildings	Daytime blasting – vibration	5 mm/s ppv	10 mm/s ppv	– airblast	120 dB L <sub>Zpeak</sub>	-	All buildings	Vibration - transient (including blasting)	5 mm/s ppv	BS 5228-2 Table B.2	Vibration - continuous	BS 5228-2 50% of Table B.2 values	Airblast	-	133 dB L <sub>Zpeak</sub>	
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NZTA.12.B	<p>The <u>draft CAQMP submitted with the application (dated 3 March 2011) shall be updated and finalised and</u> shall provide a methodology for managing the effects of dust from the site, and shall, as a minimum include:</p> <ol style="list-style-type: none"> <li>a. Identification and implementation of dust suppression measures appropriate to the environment in which the works are located, and the sensitivity of nearby receptors; and</li> <li>b. Identification of contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as: <ol style="list-style-type: none"> <li>i. Cleaning of water tanks and replenishment of water supplies;</li> </ol> </li> </ol>	<p>Apart from the underlined text, the balance of the text of condition remains the same – relocated from NZTA.12 for clarity (it was agreed in officer conferencing that NZTA.12 is too long)</p>																											

Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<ul style="list-style-type: none"> <li>ii. Cleaning of houses; and</li> <li>iii. Cleaning of other buildings and infrastructure.</li> </ul>	
NZTA.12.C	<p><u>For works within 200 m of the following properties:</u></p> <ul style="list-style-type: none"> <li>• <u>4 Rangatira Road</u></li> <li>• <u>17 Rangatira Road</u></li> <li>• <u>19 Rangatira Road</u></li> <li>• <u>21 Rangatira Road</u></li> <li>• <u>23 Rangatira Road</u></li> <li>• <u>25 Rangatira Road</u></li> <li>• <u>55 Collins Ave</u></li> </ul> <p><u>schedules to the CNVMP required under condition NZTA.12.A (that are relevant to each property) shall be informed by consultation with the owners and occupiers of those properties.</u></p> <p><u>The CNVMP shall set out how any issues raised in consultation with the owners and occupiers of the properties listed above have been incorporated, and where they have not, the reasons why.</u></p>	Agreement has been reached with submitters (6 x Rangatira Rd residents and resident of 55 Collins Ave) – to add a new condition requiring consultation on the preparation of the schedules to the CNVMP.
NZTA.12.D	<p><u>At least 5 working days prior to commencement of the works (as set out in Clause (a) and (b) conditions below) the Requiring Authority shall ensure that</u></p> <p>(a) <u>the owners and occupiers of the properties listed in Condition NZTA.12.C are each provided with a copy of the schedule of construction activities required by Condition NZTA.13. where works are occurring within close proximity to these properties; and</u></p> <p>(b) <u>These property owners shall be provided with clear information setting out when works are proposed to occur at night (that is, between the hours of 2000h and 0630h) and shall explain the nature and reason for the proposed night works;</u></p>	Agreement has been reached with submitters (6 x Rangatira Rd residents and resident of 55 Collins Ave) – to add a new condition requiring provision of a schedule of construction activities.
NZTA.13.	The Requiring Authority shall provide the Manager with an updated schedule of construction activities at monthly intervals during the construction of any part of the Project or any Project Stage within the District.	
	<b>Communications and public liaison</b>	
NZTA.14.	A liaison person shall be appointed by the Requiring Authority for the duration of the construction phase of the Project to be the main and readily accessible point of contact <u>at all times</u> for persons affected by the construction work. The Requiring Authority shall take appropriate steps to seek to advise all affected parties of the liaison person's name and contact details. <del>This person must be reasonably available for on-going consultation on all matters of concern to affected persons arising from the construction of the Project.</del> If the liaison person will not be available for any reason, an alternative contact person shall be nominated, to seek to ensure that a project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the Project.	Minor change discussed in officer conferencing
NZTA.15.	<p>Prior to the commencement of construction and/or enabling works, the Requiring Authority shall prepare and implement, a <b>Communications Plan</b> that sets out procedures detailing how the public will be communicated with throughout the construction period. As a minimum, the Communications Plan shall include:</p> <ul style="list-style-type: none"> <li>a. Details of a contact person available on site at all times during works. Contact details shall be prominently displayed at the entrance to the site(s) so that they are clearly visible to the public at all times.</li> <li>b. Methods to consult on and to communicate the proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to surrounding residential communities, and methods to deal with concerns raised about such hours.</li> <li>c. Methods to record concerns raised about hours of construction activities and, where practicable, methods to <del>so far as is practicable</del>, avoid particular times of day which have been identified as being particularly sensitive for neighbours.</li> </ul>	Typo – word duplicated

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p>d. Details of communications activities proposed including:</p> <p>i. Publication of a newsletter, or similar, and its proposed delivery area.</p> <p>ii. Newspaper advertising</p> <p>iii. Notification and consultation with individual property owners and occupiers with dwellings within 20 metres of construction activities.</p> <p>The Communications Plan shall also include linkages and cross-references to methods set out in other management plans where relevant.</p>	
NZTA.15.A	<p>The <b>Communications Plan</b> required by Condition NZTA.15. shall be prepared in consultation with the owners and occupiers of the following properties:</p> <ul style="list-style-type: none"> <li>• <u>4 Rangatira Road</u></li> <li>• <u>17 Rangatira Road</u></li> <li>• <u>19 Rangatira Road</u></li> <li>• <u>21 Rangatira Road</u></li> <li>• <u>23 Rangatira Road</u></li> <li>• <u>25 Rangatira Road</u></li> <li>• <u>55 Collins Ave</u></li> </ul> <p>The Communications Plan shall set out how any issues raised in consultation with these owners and occupiers have been incorporated, or if they have not been incorporated, the reasons why.</p>	Agreement has been reached with submitters (6 x Rangatira Rd residents and resident of 55 Collins Ave) – to add a new condition requiring preparation of the consultation plan in consultation with the submitters
	<b>Complaints</b>	
NZTA.16.	<p>During construction Work, the <del>consent holder</del> <u>Requiring Authority</u> shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this consent. The record shall include:</p> <p>a) the name and address (as far as practicable) of the complainant;</p> <p>b) identification of the nature of the complaint;</p> <p>c) location, date and time of the complaint and of the alleged event;</p> <p>d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality.</p> <p>e) the outcome of the <del>consent holder</del> <u>Requiring Authority's</u> investigation into the complaint;</p> <p>f) measures taken to <u>respond to the complaint</u> <del>seek to ensure that such a complaint does not occur again</del>; and</p> <p>g) Any other activities in the area, unrelated to the project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally.</p> <p>The <del>consent holder</del> <u>Requiring Authority</u> shall also keep a record of any remedial actions undertaken.</p> <p>This record shall be maintained on site and shall be made available to the Manager, upon request. The <del>consent holder</del> <u>Requiring Authority</u> shall notify the Manager in writing of any such complaint within 5 working days of the complaint being brought to the attention of the <del>consent holder</del> <u>Requiring Authority</u>.</p>	Minor changes discussed in officer conferencing
	<b>Existing network utilities</b>	
NZTA.17.	The Requiring Authority shall prepare and implement a <b>Network Utilities Management Plan</b> (NUMP) so that enabling works, design and construction of the Project adequately take account of, and include measures to address, the safety, integrity, protection or, where necessary, relocation of, existing network utilities.	
NZTA.18.	A copy of the NUMP shall be <del>provided</del> <u>submitted to and certified by</u> <del>to</del> the Manager at least 10 working days prior to the commencement of any enabling or construction works on any part of the Project located within the District.	This change has been made as suggested by Ms Macpherson in her evidence for PowerCo.
NZTA.19.	The NUMP shall include, but need not be limited to, the following matters:	This change has been made as a result of discussions with PowerCo. Ms

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p>a. The methods the Requiring Authority will use to liaise with all infrastructure providers who have existing network utilities that are directly affected by, or located in close proximity to, the part of the Project in the District.</p> <p>b. The methods the Requiring Authority will use to enable infrastructure providers to access existing network utilities for maintenance at all reasonable times, and to access existing network utilities for emergency works at all times, whilst construction activities associated with the Project are occurring.</p> <p>c. The methods the Requiring Authority will use to seek to ensure that all construction personnel, including contractors, are aware of the presence and location of the various existing network utilities which traverse, or are in close proximity to, the part of the Project in the District, and the restrictions in place in relation to those existing network utilities. This shall include plans identifying the locations of the existing network utilities and appropriate physical indicators on the ground showing specific surveyed locations.</p> <p>d. <u>How the Requiring Authority will meet the costs of any Project-related works that are required in order to protect, relocate and/or reinstate existing network utilities. Such methods shall be consistent with the provisions of the Gas Act 1992, the Electricity Act 1992 and the Telecommunications Act 2001.</u></p>	<p>Macpherson makes an additional addition in Para 5.21 of her evidence.</p>
NZTA.20.	<p>The NUMP shall be prepared in consultation with the relevant infrastructure providers who have existing network utilities that are directly affected by the Project and, in addition to the matters listed in Condition NZTA.19, shall include:</p> <p>a. Measures to be used to accurately identify the location of existing network utilities,</p> <p>b. Measures for the protection, relocation and/or reinstatement of existing network utilities;</p> <p><u>bb. Measures to seek to ensure the continued operation and supply of infrastructure services which may include, but not be limited to, any new or relocated gas pipes being made operational prior to the termination of existing gas lines;</u></p> <p>c. Measures to provide for the safe operation of plant and equipment, and the safety of workers, in proximity to live existing network utilities;</p> <p>d. Measures to manage potential induction hazards to existing network utilities;</p> <p>e. Earthworks management (including depth and extent of earthworks), for earthworks in close proximity to existing network utility;</p> <p>f. Vibration management for works in close proximity to existing network utility; <del>and</del></p> <p>g. Emergency management procedures in the event of any emergency involving existing network utilities. <u>and</u></p> <p><u>h. As built drawings showing the relationship of the relocated utility to the TGM shall be provided to utility owners within three months of completion of the utility relocation; and</u></p> <p><u>i. Provision, both physical and legal, shall be made for future maintenance access to utilities to a standard at least equivalent to that currently existing.</u></p>	<p>The change adding clause (bb) has been made as a result of discussions with PowerCo.</p> <p>The change adding clauses (h) and (i) has been made to address comments in Mr McCarthy's evidence (para 15) as discussed in Mr Nicholson's rebuttal (para 49).</p>
NZTA.20A	<p><u>Prior to the commencement of construction, the Requiring Authority shall, as part of the NUMP, seek to ensure that the operation and maintenance of the Project does not unduly constrain access to existing and/or relocated network utilities for maintenance purposes on an ongoing basis.</u></p>	<p>This condition is proposed to respond to matters raised by PowerCo.</p>
NZTA.20B	<p><u>Prior to the commencement of construction, the Requiring Authority shall, accurately locate the assets of PowerCo on the following properties and, if requested by PowerCo, physically peg out the extent of the designation boundary on these individually affected properties:</u></p> <p><u>Site B: Road reserve at the southern end of Ribbonwood Terrace adjacent to Lot 4 DP 78422</u></p> <p><u>Site C: Road reserve at Kenepuru Drive adjacent to 34 Kenepuru Drive (Sec 1 SO 36948)</u></p> <p><u>Site D: Lot 1 DP 82381</u></p> <p><u>Site E: Collins Avenue motorway overbridge</u></p>	<p>This condition is proposed to respond to matters raised by PowerCo.</p>
NZTA.20C	<p><u>The requiring authority shall seek to ensure that the construction and operation of the Transmission Gully highway and any enabling</u></p>	<p>This condition is proposed to address a condition suggested by Mr Wood and</p>

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	<p><u>works do not adversely impact on the safe and efficient operation, and planned upgrading including the currently proposed expansion of the public potable water supply for Paekakariki.</u></p> <p><i>Note: This condition applies to the KCDC designation only</i></p>	discussed by Mr Nicholson in his rebuttal evidence (para 44).
	<b>Operational noise</b>	
NZTA.21.	<p>For the purposes of Conditions NZTA.21– NZTA.31 the following terms will have the following meanings:</p> <p>a. Acoustics Assessment – means the Acoustics Assessment report submitted as part of the AEE for this designation.</p> <p>b. BPO – means Best Practicable Option.</p> <p>c. Building–Modification Mitigation – has the same meaning as in NZS 6806:2010.</p> <p>d. Habitable space – has the same meaning as in NZS 6806:2010.</p> <p>e. Noise Criteria Categories – means the groups of preference for time–averaged sound levels established in accordance with NZS 6806:2010 when determining the BPO mitigation option, ie Category A – primary noise criterion, Category B – secondary noise criterion and Category C – internal noise criterion.</p> <p>f. NZS 6806:2010 – means NZS 6806:2010 Acoustics – Road–traffic noise – New and altered roads.</p> <p>g. PPFs – means only the premises and facilities identified in green, yellow or red in the Acoustics Assessment.</p> <p>Structural Mitigation – has the same meaning as in NZS 6806:2010.</p>	
NZTA.22.	The Requiring Authority shall implement the road–traffic noise mitigation measures identified as the “Selected Options” in the Acoustics Assessment as part of the Project, in order to achieve the Noise Criteria Categories indicated in the Acoustics Assessment (“Identified Categories”), where practicable, subject to Conditions NZTA.23– NZTA.31 below.	
NZTA.23.	<p>The detailed design of the Structural Mitigation measures in the “Selected Options” (the “Detailed Mitigation Options”) shall be undertaken by a suitably qualified acoustics specialist prior to commencement of construction of the Project, and, subject to Condition NZTA.24, shall include, as a minimum, the following:</p> <p>a. Noise barriers with the location, length and height in general accordance with Table 5–2 <u>12–22</u> of the Acoustics Assessment; and</p> <p>b. Open graded porous asphalt or equivalent low–noise road surfaces in general accordance with Table 5–1 <u>12.21</u> of the Acoustics Assessment.</p>	Correcting a typographical error
NZTA.24.	<p>Where the design of the Detailed Mitigation Options identifies that it is not practicable to implement a particular Structural Mitigation measure in the location or of the length or height included in the “Selected Options” either:</p> <p>a. if the design of the Structural Mitigation measure could be changed and the measure would still achieve the same Identified Category or Category B at all relevant PPFs, and a suitably qualified or experienced planner approved by the Council certifies to the Council that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806:2010, the Detailed Mitigation Options may include the changed mitigation measure; or</p> <p>b. if the changed design of the Structural Mitigation measure would change the Noise Criteria Category at any relevant PPF from Category A or B to Category C, but the Council confirms that the changed Structural Mitigation measure would be consistent with adopting BPO in accordance with NZS 6806:2010, the Detailed Mitigation Options may include the changed mitigation measure.</p>	
NZTA.25.	The Detailed Mitigation Options shall be implemented prior to completion of construction of the Project, with the exception of any low–noise road surfaces, which shall be implemented within 12 months of completion of construction of the Project.	
NZTA.26.	Prior to construction of the Project, a suitably qualified acoustics specialist shall identify those PPFs which following implementation of all the Structural Mitigation measures included in the Detailed Mitigation Options are not in Noise Criteria Categories A or B and where Building–Modification Mitigation may be required to achieve 40 dB LAeq(24h) inside habitable spaces (“Category C Buildings”).	

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	<p>a. Prior to commencement of construction of the Project in the vicinity of a Category C Building, the Requiring Authority shall write to the owner of each Category C Building seeking access to such building for the purpose of measuring internal noise levels and assessing the existing building envelope in relation to noise reduction performance.</p> <p>b. If the owner of the Category C Building consents to the Requiring Authority request for access to the property within 12 months of the date of the Requiring Authority's letter (sent pursuant to Condition NZTA.26(a)), then no more than six months prior to commencement of construction of the Project, the Requiring Authority shall instruct a suitably qualified acoustics specialist to visit the building to measure internal noise levels and assess the existing building envelope in relation to noise reduction performance.</p>	
NZTA.27.	<p>Where a Category C Building is identified, the Requiring Authority shall be deemed to have complied with Condition NZTA.26 above where:</p> <p>a. The Requiring Authority (through its acoustics specialist) has visited the building; or</p> <p>b. The owner of the Category C Building consented to the Requiring Authority's request for access, but the Requiring Authority could not gain entry for some reason (such as entry being denied by a tenant); or</p> <p>c. The owner of the Category C Building did not approve the Requiring Authority's access to the property within the time period set out in Condition NZTA.27(b) (including where the owner(s) did not respond to the Requiring Authority's letter (sent pursuant to Condition NZTA.26(a) within that period)); or</p> <p>d. The owner of the Category C Building cannot, after reasonable enquiry, be found prior to completion of construction of the Project.</p> <p>If any of (b) to (d) above apply to a particular Category C Building, the Requiring Authority shall not be required to implement any Building-Modification Mitigation at that Category C Building.</p>	
NZTA.28.	<p>Subject to Condition NZTA.27, no more than six months after the assessment required under Condition NZTA.26(b), the Requiring Authority shall give written notice to the owner of each Category C Building:</p> <p>a. Advising of the options available for Building-Modification Mitigation to the building; and</p> <p>b. Advising that the owner has three months within which to decide and advise the Requiring Authority whether to accept Building-Modification Mitigation for the building, and if the Requiring Authority has advised the owner that more than one option for Building-Modification Mitigation is available, to advise the Requiring Authority which of those options the owner prefers.</p>	
NZTA.29.	<p>Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of an affected building, the mitigation shall be implemented in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.</p>	
NZTA.30.	<p>Subject to Condition NZTA.27, where Building-Modification Mitigation is required, the Requiring Authority shall be deemed to have complied with Condition NZTA.29 above where:</p> <p>a. The Requiring Authority has completed Building-Modification Mitigation to the Category C Building; or</p> <p>b. The owner of the Category C Building did not accept the Requiring Authority's offer to implement Building-Modification Mitigation prior to the expiry of the timeframe stated in Condition NZTA.28(b) above (including where the owner did not respond to the Requiring Authority within that period); or</p> <p>c. The owner of the Category C Building cannot, after reasonable enquiry, be found prior to completion of construction of the Project.</p>	
NZTA.31.	<p>The Requiring Authority shall manage and maintain the Detailed Mitigation Options to ensure that, to the extent practicable, those mitigation works retain their noise reduction performance.</p>	
	<p><b>Roading and traffic management</b></p>	
NZTA.32.	<p><del>A general</del> <u>The draft Construction Traffic Management Plan (CTMP) submitted with the application (prepared by SKM and dated May</u></p>	<p>I have added a statement to confirm that the lodged CTMP is to be updated and</p>

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	<p>2011) shall be updated, finalised and submitted to the Manager prior to the commencement of construction <del>and prepared for the Project</del>. This CTMP shall address the following:</p> <ol style="list-style-type: none"> <li>The staging of the works, including details of any proposals to work on multiple sections of the Project route concurrently;</li> <li>A general methodology for selecting detour routes; and</li> <li>The potential effects on the detour routes selected and how these will be managed to seek to ensure safety for all road users.</li> </ol>	<p>finalised in order to achieve compliance with this condition. As discussed above, this responds to a concern raised in planner conferencing</p> <p>I disagree with the suggested change to this condition by Ms Thomson (para 9.31 – adapted from a suggestion by Mr Wignall) that this condition needs to address effects on pavement this is already addressed in Condition NZTA.40 and NZTA.41.</p>
NZTA.32.A	<p><u>The CTMP required by Condition NZTA.32. shall be prepared in consultation with the owners and occupiers of the following properties:</u></p> <ul style="list-style-type: none"> <li><u>4 Rangatira Road</u></li> <li><u>17 Rangatira Road</u></li> <li><u>19 Rangatira Road</u></li> <li><u>21 Rangatira Road</u></li> <li><u>23 Rangatira Road</u></li> <li><u>25 Rangatira Road</u></li> </ul> <p><u>The CTMP shall set out how any issues raised in consultation with these owners and occupiers have been incorporated, or if they have not been incorporated, the reasons why.</u></p>	<p>This condition reflects agreement with submitters (6 x Rangatira Rd residents) – requiring that the CTMP is prepared in consultation with these residents.</p>
NZTA.32.B	<p><u>As far as practicable, the CTMP required by Condition NZTA.32. and any associated Site Specific Traffic Management Plans required by Condition NZTA.35. shall seek to minimise the use of Rangatira Road for staff or construction related carparking, and as a construction access route, and shall prohibit heavy vehicles from using Rangatira Road to access the site.</u></p>	<p>This condition reflects agreement with submitters (6 x Rangatira Rd residents) requiring minimising use of Rangatira Rd as an access route.</p>
NZTA.33.	<p>The CTMP shall be provided to the Road Asset Manager <u>for certification at least 20 working days</u> <del>one month</del> prior to commencement of construction of any part of the Project within the District.</p>	<p>I have changed this condition to 20 working days to be consistent with other conditions which use working days (rather than months), and reflect a change proposed by Ms Thomson (para 9.33) for certification of the CTMP.</p>
NZTA.34.	<p>The CTMP shall contain a section setting out methods to manage the construction traffic effects of the harvesting of plantation forestry as part of the enabling works for the Project. These methods shall include but not be limited to:</p> <ol style="list-style-type: none"> <li>Traffic and access considerations;</li> <li>Methods to manage effects on the amenity of surrounding residential neighbourhoods including hours of operation, and number of heavy vehicle movements per day;</li> <li>The areas to be cleared at any one time; and</li> <li>Methods to maintain the quality of local roads used as access routes.</li> </ol>	
NZTA.35.	<p>Site Specific Traffic Management Plans (SSTMPs) shall be <u>prepared in consultation with the Council and provided to the</u> <del>provided to the road controlling authority</del> <u>Manager</u> at least <u>5</u> <del>3</del> working days <u>for a “minor” SSTMP and at least 10 working days for a “major” SSTMP</u> prior to the commencement of work in that area, and shall describe the measures that will be taken to manage the traffic effects associated with the construction of specific parts of the Project prior to construction of the relevant part(s) of the Project commencing. In particular SSTMP(s) shall describe:</p> <ol style="list-style-type: none"> <li>Temporary traffic management measures required to manage impacts on road users during proposed working hours;</li> <li>Delay calculations associated with the proposed closure/s and detour routes;</li> <li>The capacity of any proposed detour route(s) and their ability to carry the additional traffic volumes and any known safety issues associated with the detour route, including any mitigation measures the Requiring Authority proposes to put in place to address any identified safety issues;</li> <li>Individual traffic management plans for intersections of the proposed Project with arterial roads;</li> <li>Measures to maintain, where practicable, existing vehicle access to adjacent properties and businesses;</li> <li>Measures to maintain, where practicable, safe and clearly identified pedestrian and cyclist access on roads and footpaths</li> </ol>	<p>I have modified this condition to reflect discussions in officer conferencing. The “turn around” timeframe for a SSTMP was too short, and therefore the condition has been amended to reflect this – with the addition of a separate process for “minor” and “major” SSTMPs.</p> <p>Ms Thomson suggests (para 9.35) that SSTMPs be prepared in consultation with the Councils and I agree with this. She also suggests (para 9.37) a much longer timeframe for SSTMPs than was discussed in officer conferencing (see above).</p>

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	<p>adjacent to the construction works. Where detours are necessary to provide such access the Requiring Authority shall provide for the shortest and most convenient detours, which it is reasonably practicable to provide, having regard to safety;</p> <p>g. Any proposed temporary changes in speed limit;</p> <p>h. Provision for safe and efficient access of construction vehicles to and from construction site(s); and</p> <p>i. The measures that will be undertaken by the Requiring Authority to communicate traffic management measures to affected road users and stakeholders.</p> <p><u>For the purposes of this condition, a “minor” SSTMP shall be defined as involving works of 5 or less days in duration, and a “major” SSTMP shall be defined as involving works of more than 5 days in duration.</u></p>	
NZTA.36.	<p>SSTMP(s) shall be prepared following consultation with the following key stakeholders:</p> <p>a. The Council;</p> <p>b. Emergency services (police, fire and ambulance).</p> <p>c. Schools and childcare centres with frontage or access to roads within which works in relation to the relevant part of the Project will take place.</p>	
NZTA.37.	<p>The CTMP and SSTMP(s) shall be consistent with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the CTMP or the relevant SSTMP is prepared.</p>	
NZTA.38.	<p>The CTMP and SSTMP(s) shall undergo an independent safety and traffic operational review, by a suitably qualified independent party, prior to being submitted to the Council <u>for certification</u>.</p>	<p>Minor change – ref. para 9.39 of Ms Thomson’s evidence.</p>
NZTA.39.	<p>The Requiring Authority shall carry out random auditing of temporary road closure/s in accordance with COPTTM at regular intervals throughout the construction of the Project. The intervals shall be stated in the generic CTMP.</p>	
NZTA.40.	<p>Prior to the commencement of any part of the Project, or any enabling works within the District, the Requiring Authority shall undertake a pre-construction condition survey of the carriageway/s along those local roads affected by the Project for which the Council is the road controlling authority and submit it to the Manager and the Roading Asset Manager. The condition survey shall consist of a photographic or video record of the carriageway, <u>and shall include roughness, rutting defects and surface condition</u>.</p>	<p>Ms Thomson suggests a number of changes to this condition (para 9.41) that I agree in part with. However, I note that her concerns about condition surveys of local roads are unlikely to be a significant issue in Kapiti District given that construction traffic will access the site via the existing State Highway.</p>
NZTA.41.	<p>The Requiring Authority shall, <del>at</del> carry out regular inspections of the road networks affected by the Project during construction, to seek to ensure that all potholes and other damage resulting from the construction of the Project are repaired as soon as practicable.</p>	<p>Minor change correcting a typographical error.</p> <p>Ms Thomson Suggests a change to replace “road networks” (para 9.43) with an alternative wording. I haven’t reflected her suggestion because I consider it inconsequential and wordier.</p>
NZTA.42.	<p>As soon as practicable following completion of construction of the Project the Requiring Authority shall, at its expense, conduct a post-construction condition survey of the road network affected by the Project. The results of the pre and post construction surveys will be compared and where necessary, the Requiring Authority shall <u>at its expense</u> arrange for <del>the Council’s road maintenance contractor to</del> repair <u>of</u> any damage to the carriageways and footpaths (and associated road components), for which the Council is the road controlling authority, where that damage has resulted from the impacts of construction of the Project.</p>	<p>Minor change reflecting a suggestion by Ms Thomson (para 9.45).</p>
	<p><b><del>Site specific contamination matters</del></b></p>	
NZTA.43.	<p><del>The Requiring Authority shall, in consultation with the New Zealand Police and New Zealand Defence Force update the protocol that has been prepared detailing the procedures to manage the risk of unexpectedly discovering an unexploded ordnance (UXO). The protocol shall include:</del></p> <p><del>a. Arrangements for intrusive investigation of any potential UXO in the MacKays Crossing area where the potential UXO could be disturbed by construction activities prior to commencement of any enabling or construction works in the MacKays Crossing area;</del></p> <p><del>and</del></p> <p><del>b. Measures to seek to ensure the safety of workers and the public from the potential effects of the UXO.</del></p>	<p>This condition has been deleted as stated in my EIC and in Ms Maize’s evidence (footnote 20).</p>

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<del>Note: This condition applies to the Kapiti Coast District Plan designation only.</del>	
NZTA.44.	<p>The Requiring Authority shall prepare a specific remedial action plan (RAP) for the Porirua Gun Club site and provide this to the Manager at least 20 working days prior to undertaking either remedial action or earthworks at the Porirua Gun Club site. The RAP shall include:</p> <p>a. A soil excavation plan;</p> <p>b. A soil disposal plan;</p> <p>c. A validation sampling plan; and</p> <p>d. Reporting requirements.</p> <p>The Requiring Authority shall implement the RAP.</p> <p><del>Note: This condition applies to the Porirua District Plan designation only</del></p>	This condition has been deleted as stated in my EIC and in Ms Maize's evidence (footnote 16).
	<b>Lighting</b>	
NZTA.45.	<p>Lighting shall be designed and screened to minimise the amount of lighting overspill and illumination of residential areas, and shall demonstrate that:</p> <p>a. All motorway lighting shall be designed in accordance with "Road lighting Standard AS/NZS1158"; and</p> <p>b. All other lighting shall be designed in accordance with the rules of the relevant District Plan (if any).</p>	
	<b>Landscape management and urban design</b>	Mr Lister recommends a number of specific changes to conditions to address concerns raised by individual submitters that are reflected through these following conditions.
NZTA.46.	<p>An OP for the construction of any part of the Project located within the District or for the construction of any Project stage within the District shall include a Landscape and Urban Design Management Plan (LUDMP) for the relevant part of the Project. <u>The purpose of the LUDMP is to integrate the Project's permanent works into the surrounding landscape and urban design context. The LUDMP shall be prepared by a suitably qualified landscape architect and urban designer (or similar appropriate person(s)), and shall be prepared in accordance with:</u></p> <p>a. Transit New Zealand's Guidelines for Highway Landscaping (dated September 2002);</p> <p>b. Transit New Zealand's "Urban Design Implementation Principles (2006)";</p> <p>and shall be consistent with:</p> <p>a. <u>the Landscape plans submitted with the applications numbered LA01-LA21 and the revegetation mitigation plans in Technical Report 11;</u></p> <p><del>a.b.</del> <u>the Transmission Gully Urban and Landscape Design Framework (Beca et al, 2011) and in particular the design principles set out in this document; and</u></p> <p><del>b.c.</del> <u>the Ecological Management and Monitoring Plan (Boffa Miskell, August 2011).</u></p>	<p>I have renamed the LMP to Landscape and Urban Design Management Plan to recognise urban design content as stated in Ms Hancock's EIC (para 118). I have also included specific references to the ULDF design principles to be embedded in conditions as discussed in Ms Hancock's evidence.</p> <p>Specific references to the Landscape plans LA01-LA21 (Isthmus 2011) have been added into the conditions as discussed by Mr Lister in his EIC.</p> <p>I have accepted in part Ms Thomson's suggested wording (para 9.47 of her evidence). For the reasons set out in my rebuttal evidence, I disagree with her suggestion that the LUDMP should be certified by the Manager before inclusion in the OP.</p> <p>I note that Ms Hancock disagrees in her rebuttal evidence that the purpose of the LUDMP needs spelling out in this condition (para 34 of her rebuttal).</p>
NZTA.47.	<p>All <u>LUDMP(s) shall provide for integration of the Project's permanent works into the surrounding landscape including:</u></p> <p><del>a. Input to earthworks contouring;</del></p> <p><del>b. The integration of the Project's permanent works into the surrounding landscape;</del></p> <p><del>c. Landscape works within land acquired for the Project which mitigate the effects of the Project on properties in the vicinity of the alignment;</del></p> <p><del>d. Retention or relocation of significant existing trees, where practicable; and</del></p> <p><del>e. Replacement planting for loss of existing trees, where appropriate and practicable.</del></p>	<p>Ms Thomson suggests (para 9.49) changes to this condition that I find puzzling, as discussed in my rebuttal evidence. For the reasons in my rebuttal evidence I do not accept the changes she proposes.</p> <p>Mr Lister's evidence in chief (para 16.4) suggests a replacement condition which I have adopted.</p> <p>Condition E.17 (from the NZTA regional consent conditions) was agreed in officer</p>

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p>a. <u>Input to earthworks contouring including cut and fill batters, benching, and spoil disposal sites;</u></p> <p>b. <u>Input to the appearance of all major structures, including bridges, RSE batters, MSE walls, noise barriers, drainage structures;</u></p> <p>c. <u>Guidelines for the suite of highway furniture such as barriers, gantries, sign posts, lighting standards, etc..</u></p> <p>d. <u>Input to the appearance of stream diversions and permanent stormwater control ponds;</u></p> <p>e. <u>Landscape mitigation planting;</u></p> <p>f. <u>Visual mitigation planting within the land acquired for the Project which mitigate the effects of the Project on properties in the vicinity of the alignment; and</u></p> <p>g. <u>Coordination of landscape works with ecology works.</u></p>	<p>conferencing and planner conferencing as being a designation matter rather than a regional consenting matter. It was agreed in conferencing that it should be moved to the designation. However an alternative approach, which I consider will achieve a good outcome is proposed. Instead, Mr Lister recommends changes to the ULDF be made to reflect the principles in this condition, and the principles are required to be adhered to in Condition NZTA 48(aa) below. Condition 47 is also relevant in this regard.</p>
<p><del>E.27</del> NZTA.47.A</p>	<p><u>In order to minimise the extent of effects on any valued Natural Areas located within the designation, the Requiring Authority shall engage a suitably qualified ecologist to confirm the extent of any valued Natural Areas as specified in the Wellington Conservation Management Strategy 1996, RPS, Regional or District Plans prior to the commencement of works. These areas shall include</u></p> <p>(a) <u>MacKays Crossing Wetland (K106) in the Wainui Catchment.</u></p> <p>(b) <u>Rowans Bush (K139) in the Wainui Catchment.</u></p> <p>(c) <u>The various coastal kohekohe remnants in the Te Puka Catchment (KCDC Ecosites K223-229)</u></p> <p>(d) <u>The Akatarawa – Whakatikei Regional Forest Park</u></p> <p>(e) <u>Sphagnum Juncus wetland in the Horokiri Valley</u></p> <p>(f) <u>TG Riparian Area (PCC Ecosite 199).</u></p> <p>(g) <u>Tawa remnants within Cannons Creek Bush (PP12) in the vicinity of the Cannons Creek Bridge</u></p> <p>(h) <u>Porirua Park Bush (PCC76)</u></p> <p><u>The detailed design shall be developed to avoid these areas as far as practicable. Any protection mechanisms for these areas (such as fencing or other demarcation) shall be set out in the CEMP and the relevant LUDMP.</u></p>	<p>This condition is relocated from the regional consent conditions (Condition E.27) and has been substantially modified. There is also a reference to this in the planner conferencing statement (para 32.21).</p> <p>In response to planner conferencing and as discussed in the evidence of Mr Fuller, I have modified the original text of this condition to clarify that the purpose is to seek to minimise impacts on these areas if possible and that this must be a consideration during detailed design and construction. I consider this is a key part of the design process, rather than being a part of the construction management, which was the inference in its previous location.</p>
<p>NZTA.47.B</p>	<p><u>As part of the detailed design, the Requiring Authority shall engage an suitably qualified ecologist to ensure that, where practicable, seral scrub and forest (kanuka scrub and forest, mahoe dominated scrub and low forest) is avoided. This includes:</u></p> <p>(a) <u>Gullies crossed by the Main Alignment on the western slopes of Te Puka and Horokiri catchments.</u></p> <p>(b) <u>Scoresby Grove Kanuka (PCC Ecosite 196).</u></p> <p>(c) <u>Cannons Creek Bush (PCC 12).</u></p> <p>(d) <u>Roberts Bush (PCC88).</u></p> <p><u>Where this vegetation can be avoided and/or effects on them minimised, fencing shall be established to demarcate them, any contractors working in these areas shall be advised that the fence demarcates work boundaries that shall not be affected by construction work.</u></p> <p><u>Where this vegetation cannot be avoided, all practicable steps shall be taken to minimise the areas of this vegetation that are removed.</u></p> <p><u>Where mature native trees are required to be removed a suitably qualified ecologist shall be engaged to ensure that appropriate procedures are followed to manage effects on lizards, avifauna and bats (if present).</u></p>	<p>Similar rationale for this condition applies as for Condition NZTA.47.A above.</p>
<p>NZTA.48.</p>	<p>The <u>LUDMP(s) shall be prepared in consultation with Te Runanga o Toa Rangatira Inc, the Greater Wellington Regional Council where works are within or directly adjacent to Belmont Regional Park or Battle Hill Farm Forest Park, Mana Cycle Group and the Council</u> <del>[insert relevant Council here]</del> <u>and shall include but not be limited to the following:</u></p> <p>aa. <u>Demonstration of how the design principles in the ULDF have been adhered to in the development of the design concepts, including (but not limited to) principles for noise walls, boundary walls and structures (including bridges underpasses and</u></p>	<p>I have made the following changes to this condition:</p> <ul style="list-style-type: none"> <li>• Include consultation with the Regional Council as discussed in Mr Lister's evidence in chief (para 148).</li> <li>• Include consultation with the Mana Cycle group to respond to the concerns in Mr Gywnn's evidence.</li> </ul>

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Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p><u>associated retaining walls) which are identified in the ULDF as being in highly sensitive locations;</u></p> <p>aaa. <u>Demonstration of an engineer, ecologist and landscape architect working together to design the final shape and re-vegetation for batters, earthworks and rock cuts and their associated works during the detailed design process;</u></p> <p>a. A Concept Plan/Report – this shall depict the overall landscape and urban design concept, and provide a framework for the design intent, layout and mitigation proposals.</p> <p>b. Landscape Design Details – these shall include the following details:</p> <p>i. <u>Identification of vegetation to be retained, including retention of as many as practicable of the stand of pine trees at the southern boundary of the Linden construction site yard, and the plantation on the northern side of the yard;</u></p> <p><u>i(a) Identification and protection measures for vegetation to be retained, and make good planting along cleared edges;</u></p> <p>ii. <u>Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods including trials;</u></p> <p>iii. <u>Planting programme – the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within each planting season following completion of works in each stage of the Project;</u></p> <p>iv. Detailed specifications relating to (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>• Vegetation protection (for desirable vegetation to be retained);</li> <li>• Weed control and clearance;</li> <li>• <u>Pest animal management;</u></li> <li>• Ground preparation (topsoiling and decompaction to provide for rapid plant establishment and ongoing vigour);</li> <li>• Mulching; and</li> <li>• Plant supply and planting, <u>including hydroseeding and grassing</u> – which shall require: <ol style="list-style-type: none"> <li>1. Any planting to reflect the natural plant associations of the area;</li> <li>2. Where practicable, the use of mixes of plant which are of a suitable richness and diversity to encourage self-sustainability once established; and</li> <li>3. Any native plants to, so far as practicable, be genetically sourced from the relevant Ecological District;</li> </ol> </li> </ul> <p>v. A maintenance regime including monitoring and reporting requirements, which is to apply for the three years following that planting being undertaken;</p> <p>vi. Landscape treatment for noise barriers;</p> <p>vii. Landscape treatment for any pedestrian and cycle facilities;</p> <p>viii. Consideration of:</p> <ul style="list-style-type: none"> <li>• The landscape character of the area;</li> <li>• The <u>relationship integration</u> of the works into the natural environment, including streams;</li> <li>• The potential for a joint pedestrian and cycle path under the SH58 interchange; and</li> <li>• Crime Prevention Through Environmental Design (CPTED) principles in urban areas.</li> </ul> <p>c. <u>Specific landscape design details for the Linden site compound. These shall include the following:</u></p> <p><u>i. Protection of the row of trees on the south east boundary of the Linden site compound (on the uphill side);</u></p> <p><u>ii. Riparian planting along the watercourse adjacent to the Linden site compound to help soften/screen the culvert and embankment;</u></p> <p><u>iii. Reinstatement of planting in the vicinity of the Linden site compound following completion of construction, including new and replacement planting adjacent to alignment. (Note: applies to WCC designation only)</u></p> <p>d. <u>Specific landscape design details for the SH58 site compound shall include details of early planting to be undertaken for the purpose of screening the compound during construction; (Note: applies to PCC designation only)</u></p> <p>e. <u>The merge (where the Main Alignment meets State Highway 1) at Linden shall be designed to, as far as practicable, maximise</u></p>	<ul style="list-style-type: none"> <li>• Include reference to the design principles in the ULDF as discussed in Ms Hancock’s evidence in chief (para 117).</li> <li>• Reflect separate agreement with submitters (6 x Rangatira Rd residents) – as discussed in my rebuttal evidence and in Mr Lister’s evidence in chief (para 150).</li> <li>• Add retention of a portion of a stand of pine trees at the southern boundary of the construction site and the plantation on the northern side of the site near the Kenepuru Interchange – responding to a concern raised by residents and addressed by Mr Lister.</li> <li>• Consultation with specific property owners on development of LUDMPs as described by Mr Lister in his evidence in chief (para 155).</li> <li>• A change to reflect comments in paragraphs 12–14 in Mr Lister’s rebuttal evidence requiring inputs from a variety of technical specialists working together.</li> <li>• Reflect separate agreements made with the submitters from 55 Collins Ave.</li> </ul> <p>I note that there is a difference of opinion between Mr Lister and Ms Peake and Ms Thomson (representing KCDC) in relation to a landscape maintenance period. Mr Lister considers 3 years to be a suitable period before switching over to an on-going operational maintenance regime (para 137 of his EIC). Some of the changes recommended by Ms Thomson (para 9.51) are accepted.</p>

Reference	Wording of proposed condition including changes suggested	Changes suggested and reasons
	<p><u>the distance between the Collins Ave bridge and residential properties on Little Collins St (including 55 Collins Ave) and to try to avoid the need to realign the carriageway of Little Collins St (except as provided below). This may be achieved by reducing the width of the Little Collins Bridge (including by shifting the location of the merge lanes of SH1 with Transmission Gully Main Alignment further to the north) but in so doing shall not seek to shift the western extent of the works any further to the west than shown on the application drawings; (Note: applies to WCC designation only)</u></p> <p>f. <u>The owners and occupiers of all properties in Little Collins St (including 55 Collins Ave) shall be consulted prior to finalising the design (of the alignment in this location). The design shall have regard to: (Note: applies to WCC designation only)</u></p> <p>i. <u>provision of landscaping within/along Little Collins St adjacent to SH1 to provide visual screening and to minimise opportunities for graffiti</u></p> <p>ii. <u>realignment of Little Collins St as part of the Collins Ave bridge works, to provide better opportunities for landscape planting on Little Collins St; and</u></p> <p>iii. <u>noise barriers on the bridge abutments that seek to reduce visual effects of the project.</u></p> <p>g. <u>All planting works shall be undertaken in accordance with accepted horticultural practice.</u></p>	
NZTA.48.A	<p><u>The detailed design of the planting (in the vicinity of the project stages that are relevant to these landowners) shall be finalised in consultation with the owners and occupiers of the following properties:</u></p> <ul style="list-style-type: none"> <li>• <u>4 Rangatira Road</u></li> <li>• <u>17 Rangatira Road</u></li> <li>• <u>19 Rangatira Road</u></li> <li>• <u>21 Rangatira Road</u></li> <li>• <u>23 Rangatira Road</u></li> <li>• <u>25 Rangatira Road</u></li> <li>• <u>55 Collins Ave</u></li> <li>• <u>247B Flightys Road</u></li> <li>• <u>462, 436A and 504 Paekakariki Hill Road</u></li> </ul> <p><u>The LUDMP shall set out how any issues raised in consultation with these owners and occupiers have been incorporated, or if they have not been incorporated, the reasons why.</u></p>	Recommended by Mr Lister in response to submissions
NZTA.48.B	<p><u>In the event of the removal of any of the dwellings located on the following properties:</u></p> <ul style="list-style-type: none"> <li>• <u>16 Tremewan Street (Lot 89 DP 9069)</u></li> <li>• <u>12 Tremewan Street (Lot 91 DP 9069)</u></li> <li>• <u>10 Tremewan Street (Lot 1 DP 63321)</u></li> <li>• <u>8 Tremewan Street (Lot 2 DP 63321)</u></li> <li>• <u>6 Tremewan Street (Lot 3 DP 63321)</u></li> <li>• <u>4 Tremewan Street (Lot 4 DP 63321)</u></li> <li>• <u>2 Tremewan Street (Lot 5 DP 63321)</u></li> </ul> <p><u>then the visual mitigation planting shown on Landscape Plan LA20 shall be extended further south, and designed in consultation with the owner and occupier of the property at 23 Tremewan Street.</u></p>	Recommended by Mr Lister in response to submissions
NZTA.49.	<p>Prior to the Requiring Authority undertaking any planting provided for in the <del>LMP</del> <u>LUDMP</u> and throughout the ensuing landscaping maintenance period, all weed species declared as plant pests <u>and animal pests, including stock</u>, in the Wellington region by the Wellington Regional Pest Management Strategy shall be controlled and removed from the site of any planting undertaken pursuant to the <del>LMP</del> <u>LUDMP</u> which is located on:</p> <p>a. Land declared to be motorway or limited access road;</p> <p>b. Any Crown land held for roading or motorway purposes for the Project and which the NZTA administers; or</p>	I have added in animal pest management including stock in response to planner conferencing.

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	Any other land, e.g. private land and local authority owned land, in relation to which the NZTA has appropriate property rights which allow it to lawfully undertake such weed removal.	
NZTA.50.	The planting identified in a <del>LMP</del> <u>LUDMP</u> shall be implemented in accordance with the <del>LMP</del> <u>LUDMP</u> within the first planting season following the completion of the construction works to which the <del>LMP</del> <u>LUDMP</u> relates, or where an <del>LMP</del> <u>LUDMP</u> relates to a number of Project stages, within the first planting season following completion of construction of the Project stage to which the planting relates, providing climatic conditions are suitable; otherwise at the first practicable opportunity thereafter.	

**Appendix B2**

**Andrea Judith Rickard rebuttal evidence**

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Deletions shown in ~~strikethrough~~

Additions shown in underline

Reference	Wording of proposed condition	Changes suggested and reasons
	<b>General conditions and administration</b>	
PCC.1.	<p>Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated <u>17 August 2011</u> <del>[insert date]</del> and supporting documents being:</p> <ul style="list-style-type: none"> <li>a. <u>Assessment of Environmental Effects report, dated 8 August 2011</u></li> <li>b. <u>Plans:</u> <ul style="list-style-type: none"> <li>a. <u>LR17 and LR20: Land requirement plans</u></li> <li>b. <u>GM14-15: Road layout plans</u></li> <li>c. <u>GM23 and GM33: Longitudinal sections and cross sections</u></li> <li>d. <u>DR14-15: Drainage layout plans</u></li> <li>e. <u>S29: Structures plans</u></li> <li>f. <u>LA14-15: Landscape plans</u></li> </ul> </li> </ul> <p>For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the Project following construction such as changes to street furniture or signage over time. Depending upon the nature of such works, OPs or OP waivers may be required for any such works.</p> <p><u>Where there is conflict between the documents listed above and these conditions, these conditions shall prevail.</u></p>	<p>The list of documents to be referred to in Condition 1 is now provided – as requested in planner conferencing.</p> <p>I have clarified that where there is conflict between documents as lodged and the conditions, that the conditions shall prevail. This was also discussed in planner conferencing.</p>
PCC.2.	<p>As soon as practicable following completion of construction of the Project, the Requiring Authority shall:</p> <ul style="list-style-type: none"> <li>a. Review the width of the area designated for the Project;</li> <li>b. Identify any areas of designated land that are no longer necessary for the ongoing operation and maintenance of the Project or for ongoing mitigation measures; and</li> <li>c. Give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in PCC.2b above.</li> </ul>	
PCC.3.	<p>The designation shall lapse if not given effect to within 15 years from the date on which it is included in the District Plan under Section 175 of the RMA.</p>	
	<b>Outline plan</b>	
PCC.4.	<p>Subject to Condition PCC.5 below, the Requiring Authority shall submit an Outline Plan (OP) to the Council for the part of the Project <del>located within the District</del> or for each Project stage <del>within the District</del>, in accordance with Section 176A of the RMA.</p>	<p>Typographical error – the link roads are entirely within one district.</p>

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Reference	Wording of proposed condition	Changes suggested and reasons
PCC.5.	An OP need not be submitted if the Council has waived the requirement for an OP for the Project or for the relevant Project stage in accordance with Section 176A (2) (c) of the RMA.	
PCC.6.	The OP(s) shall include the following Management Plans for the relevant stage(s) of the Project: a. <del>Construction Environmental Management Plan (CEMP);</del> b. Construction Traffic Management Plan (CTMP); and c. <del>Landscape and Urban Design Management Plan (LUDMP).</del>	In my evidence in chief I recommend removing the CEMP from the OP process. This is because it is a document that also requires certification from the Regional Council. The new title for the LUDMP reflects comments in Ms Hancock's evidence.
	<b>Management plans</b>	
PCC.7.	All works shall be carried out in general accordance with any of the management plans required by these conditions.	
PCC.8.	The <del>consent holder</del> <u>Requiring Authority</u> may request amendments to any of the management plans required by these conditions by submitting the amendments in writing to the Manager for <del>approval</del> <u>certification at least 20 working days</u> prior to any changes taking effect. <u>Any changes to management plans shall remain consistent with the overall intent of the relevant management plan.</u>	I have added a timeframe of 20 working days for the Manager to respond as agreed during planner conferencing and in meetings with the Council officers.
	<b>Archaeology and heritage</b>	
PCC.9.	The Requiring Authority, in consultation with, Te Runanga o Toa Rangatira Inc and the New Zealand Historic Places Trust, shall prepare an accidental discovery protocol to be implemented in the event of accidental discovery of cultural or archaeological artefacts or features during the construction of the Project. This protocol shall be submitted to the Manager at least 20 working days prior to any construction or enabling Work commencing under this <del>consent</del> <u>designation</u> on any part of the Project within the District. The protocol shall include, but not be limited to: a. Training procedures for all contractors regarding the possible presence of cultural or archaeological sites or material, what these sites or material may look like, and the relevant provisions of the Historic Places Act 1993 if any sites or material are discovered; b. Parties to be notified in the event of an accidental discovery shall include, but need not be limited to Te Runanga o Toa Rangatira Inc, the New Zealand Historic Places Trust, the GWRC, <del>the relevant District or</del> <u>Porirua</u> City Council and the New Zealand Police (if koiwi are discovered); c. Procedures to be undertaken in the event of an accidental discovery (these shall include immediate ceasing of all physical works in the vicinity of the discovery); and d. Procedures to be undertaken before Work under this <del>consent</del> <u>designation</u> may recommence in the vicinity of the discovery. These shall include allowance for appropriate tikanga (protocols), recording of sites and material, recovery of any artefacts, and consulting with Te Runanga o Toa Rangatira Inc and the New Zealand Historic Places Trust prior to recommencing works in the vicinity of the discovery.	Typographical error – the link roads are entirely within one district.
	<b>Construction Environmental Management Plan</b>	
PCC.10.	<del>An OP for the part of the Project located within the District or for any Project stage located within the District shall include a Construction Environmental Management Plan or Plans (CEMP) for the relevant part of the Project. Among other things, a Not less than 20 working days prior to commencement of any stage or stages of construction or enabling works for the Project, the Requiring Authority shall submit a Construction Environmental Management Plan (CEMP) to the Manager for certification.</del>  <u>Advice note</u> The CEMP shall confirm that the proposed construction methodology for the relevant part of the Project complies with General Condition 1 of this designation. <u>It will also and to demonstrate how other conditions of this designation have been or will be complied with during the construction of the relevant part of the Project.</u>	Changes have been made to reflect a recommendation from my EIC that the CEMP is not submitted as part of the OP or OPs. This was confirmed in officer conferencing (officer conferencing statement para 21.1(a)).  The Advice Note clarifies the purpose of the management plan as discussed in planner conferencing.
PCC.11.	<del>The purpose of the</del> <u>The CEMP is intended to confirm final project details, staging of Work, and detailed engineering design to seek to</u>	I have added a minor point to the CEMP to bring construction lighting in to the

## Schedule of proposed designation conditions Porirua City Council

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Reference	Wording of proposed condition	Changes suggested and reasons
	<p>ensure that the Project remains within the limits and standards approved under this <del>consent</del> <u>designation</u> and that the construction and operation activities avoid, remedy or mitigate adverse effects on the environment in accordance with the conditions of this <del>consent</del> <u>designation</u>. The <u>draft CEMP submitted with the application (dated July 2011) shall be updated and finalised, and shall provide details of the responsibilities, reporting frameworks, coordination and management required for project quality assurance; final detailed design; construction methodologies; timeframes and monitoring processes and procedures.</u></p> <p>A CEMP shall include but need not be limited to:</p> <p><i>(A) Quality Assurance</i></p> <p>A Quality Assurance section which shall include management frameworks, systems and procedures for quality management of all on-site activities and compliance with the conditions of this designation. Among other matters this section shall provide details of the following:</p> <ol style="list-style-type: none"> <li>a. Name, qualifications, relevant experience and contact details of an appropriately qualified and experienced project manager, who shall be responsible for overseeing compliance with the CEMP;</li> <li>b. Names, qualifications, relevant experience, and methods for contacting principal staff employed on the relevant part of the Project, along with details of their roles and responsibilities;</li> <li>c. Methods and systems to inform and train all persons working on site of potential environmental issues and how to avoid, remedy or mitigate any potential adverse construction effects;</li> <li>d. Systems and processes whereby the public are informed of contact details of the project manager and person or persons identified above;</li> <li>e. Liaison procedures with the Council; and</li> <li>f. Communication protocols.</li> </ol> <p><i>(B) Site Management</i></p> <p>The Site Management section of the CEMP shall detail procedures to manage the relevant part of the Project throughout the entire construction process in a safe manner. This section shall provide details of the following (and may include other matters):</p> <ol style="list-style-type: none"> <li>a. Details of the site access for all works associated with construction of the part of the Project;</li> <li>b. Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;</li> <li>c. Location of workers' conveniences (e.g. portaloos);</li> <li>d. Procedures for controlling sediment run-off into the watercourses/streams, dust and the removal of soil, debris and construction materials from the watercourses/streams and riparian margins, and onto public roads or places (including identifying the location of wheel wash facilities);</li> <li>e. A contingency plan in the event that there is any unconsented discharge to watercourses/streams;</li> <li>f. Details of the storage of fuels and lubricants (which shall require that storage be bunded or contained in such a manner so as to prevent the discharge of contaminants from spillages);</li> <li>g. Details of the proposed maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants;</li> <li>h. Location of vehicle and construction machinery access and storage during the period of site works;</li> <li>i. Procedures for thoroughly cleaning all machinery of unwanted vegetation (e.g. weeds), seeds or contaminants prior to entering the site;</li> </ol>	<p>CEMP – with a consequential change later in the conditions regarding operational lighting. This was raised in officer conferencing.</p> <p>Noise and air quality conditions have been split into separate conditions to enhance readability as suggested in officer conferencing.</p> <p>Note that I have used Italics instead of underlines for the headings in this condition for clarity.</p>

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	<p>j. Methods for the clear identification and marking of the construction zones including those which extend into watercourses;</p> <p>k. A methodology that prescribes the extent to which machinery can operate in the vicinity of watercourses so as to minimise disruption and damage to the watercourses and associated vegetation;</p> <p>l. Methods to ensure public health and safety during the construction works, and notification to the public of temporary access restrictions to the immediate works area during the staged construction;</p> <p>m. Confirmation that no equipment or machinery will be cleaned, or refuelled in any part of any watercourses/streams, except as otherwise specifically provided for in the CEMP or an SSEMP;</p> <p>n. Procedures for removing all contaminants (e.g. fuel, hydraulic oils, lubricants etc) from the site at the end of the construction period, except for those required for ongoing maintenance of the road and operational activities; <del>and</del></p> <p>o. Procedures for making any repairs to the adjacent road network required where any damage occurs as a direct result of the Project. <u>and</u></p> <p>p. <u>Procedures to manage light spill onto residential properties from any night lighting that is required on the site.</u></p> <p><i>(C) Construction Programme and Methodology</i></p> <p>A Construction Programme which shall include a programme of works that seeks to enable the relevant part of the Project to be constructed in a manner that is timely, adequately co-ordinated and manages the adverse effects of construction on the environment. This section shall, among other matters, provide details on the following:</p> <p>a. A detailed staging programme and anticipated timetable for construction works during the relevant part of the Project; and</p> <p>b. A methodology to identify how earthworks will be staged during the relevant part of the Project to manage the effects of the Project on the Pauatahanui Inlet.</p> <p><i>(D) Environmental Management Plans</i></p> <p>The following environmental management plans shall be included in the appendices to any CEMP:</p> <p>a. <b>Construction Noise and Vibration Management Plan (CNVMP);</b> and</p> <p>b. <b>Construction Air Quality Management Plan (CAQMP).</b></p> <p>A. <del>The CNVMP shall:</del></p> <p><del>a. Be prepared by a suitably qualified acoustics specialist;</del></p> <p><del>b. Include specific details relating to methods for the control of noise associated with all relevant Project works, which shall be formulated to, as far as practicable, comply with the following criteria in accordance with NZS 6803:1999:</del></p> <table border="1" data-bbox="341 1539 1050 1749"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L<sub>Aeq(15 min)</sub></th> <th>L<sub>AFmax</sub></th> </tr> </thead> <tbody> <tr> <td rowspan="3">Weekdays</td> <td>0630h–0730h</td> <td>65 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h–1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h–2000h</td> <td>65 dB</td> <td>80 dB</td> </tr> </tbody> </table>	Day	Time	L <sub>Aeq(15 min)</sub>	L <sub>AFmax</sub>	Weekdays	0630h–0730h	65 dB	75 dB	0730h–1800h	70 dB	85 dB	1800h–2000h	65 dB	80 dB	
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		2000h–0630h	45 dB	75 dB																			
	Saturday	0630h–0730h	45 dB	75 dB																			
		0730h–1800h	70 dB	85 dB																			
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	<p>c. <del>Address the following aspects with regard to construction noise:</del></p> <ul style="list-style-type: none"> <li><del>i. Noise sources, including machinery, equipment and construction techniques to be used;</del></li> <li><del>ii. Predicted construction noise levels;</del></li> <li><del>iii. Hours of operation, including times and days when noisy construction work and blasting would occur;</del></li> <li><del>iv. The identification of activities and locations where structural noise mitigation measures such as temporary barriers or enclosures may be used;</del></li> <li><del>v. Details of which road traffic noise mitigation options will be implemented early to also mitigate construction noise;</del></li> <li><del>vi. The measures that will be undertaken by the Requiring Authority to communicate noise management measures to affected stakeholders;</del></li> <li><del>vii. Mitigation options, including alternative strategies where full compliance with the noise criteria cannot practicably be achieved;</del></li> <li><del>viii. Schedules containing site specific information;</del></li> <li><del>ix. Methods for monitoring and reporting on construction noise; and</del></li> </ul> <p>d. <del>Include specific details relating to methods for the control of vibration and airblast associated with all relevant Project works, which shall be formulated to, as far as practicable, comply with the Category A criteria in the following table, measured in accordance with ISO 4866:2010 and AS 2187-2:2006:</del></p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Details</th> <th>Category A</th> <th>Category B</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied dwellings</td> <td>Night time 2000h–0630h (transient vibration)</td> <td>0.3 mm/s ppv</td> <td>1 mm/s ppv</td> </tr> <tr> <td>Daytime 0630h–2000h</td> <td>1 mm/s ppv</td> <td>5 mm/s ppv</td> </tr> <tr> <td rowspan="2">All occupied buildings</td> <td>Daytime blasting — vibration</td> <td>5 mm/s ppv</td> <td>10 mm/s ppv</td> </tr> <tr> <td>————— airblast</td> <td>120 dB L<sub>Zpeak</sub></td> <td>-</td> </tr> </tbody> </table>					Receiver	Details	Category A	Category B	Occupied dwellings	Night time 2000h–0630h (transient vibration)	0.3 mm/s ppv	1 mm/s ppv	Daytime 0630h–2000h	1 mm/s ppv	5 mm/s ppv	All occupied buildings	Daytime blasting — vibration	5 mm/s ppv	10 mm/s ppv	————— airblast	120 dB L <sub>Zpeak</sub>	-
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Reference	Wording of proposed condition				Changes suggested and reasons								
	All buildings	Vibration – transient (including blasting)	5 mm/sppv	BS 5228-2 Table B.2									
Vibration – continuous	BS 5228-2 50% of Table B.2 values												
Airblast	-	133 dB L <sub>Zpeak</sub>	<p>e. Describe the measures to be adopted in relation to construction vibration including:</p> <ul style="list-style-type: none"> <li>i. Vibration sources, including machinery, equipment and construction techniques to be used;</li> <li>ii. Procedures for building condition surveys at locations close to activities generating significant vibration, prior to and after completion of the works (including all buildings predicted to experience vibration which exceeds the Category A vibration criteria);</li> <li>iii. Procedures for management of vibration by a suitably qualified expert, if measured or predicted vibration and airblast levels exceed the Category A criteria;</li> <li>iv. Procedures for approval by the Council and continuous monitoring of vibration levels and effects by suitably qualified experts if measured or predicted vibration and airblast levels exceed the Category B criteria; and</li> <li>v. The measures that will be undertaken by the Requiring Authority to communicate vibration management measures to affected stakeholders.</li> </ul> <p>B. The CAQMP shall provide a methodology for managing the effects of dust from the site, and shall, as a minimum include:</p> <ul style="list-style-type: none"> <li>a. Identification and implementation of dust suppression measures appropriate to the environment in which the works are located, and the sensitivity of nearby receptors; and</li> <li>b. Identification of contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as cleaning houses and buildings.</li> </ul> <p>(E) Layout Drawings</p> <p>Drawings showing the proposed layout of the construction yards, including associated buildings, fencing and site access. The layout drawings shall, as far as practicable, incorporate the following:</p> <ul style="list-style-type: none"> <li>a. The main access to the construction yards to be located as far as practicable from residential dwellings;</li> <li>b. Noisy construction activities shall be located as far as practicable from residential dwellings;</li> <li>c. Temporary acoustic fences and visual barriers.</li> </ul>										
PCC.11A	<p>The CNVMP shall:</p> <ul style="list-style-type: none"> <li>a. Be prepared by a suitably qualified acoustics specialist;</li> <li>b. Include specific details relating to methods for the control of noise associated with all relevant Project works, which shall be formulated to, as far as practicable, comply with the following criteria in accordance with NZS 6803:1999:</li> </ul> <table border="1" data-bbox="338 1724 1050 1770"> <thead> <tr> <th data-bbox="338 1724 537 1770">Day</th> <th data-bbox="546 1724 706 1770">Time</th> <th data-bbox="715 1724 875 1770">L<sub>Aeq(15 min)</sub></th> <th data-bbox="884 1724 1050 1770">L<sub>A Fmax</sub></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				Day	Time	L <sub>Aeq(15 min)</sub>	L <sub>A Fmax</sub>					Condition relocated from above for clarity. Text remains the same.
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	Saturday	0630h - 0730h	45 dB	75 dB		
		0730h - 1800h	70 dB	85 dB		
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		2000h - 0630h	45 dB	75 dB		
	Sundays and public holidays	0630h - 0730h	45 dB	75 dB		
		0730h - 1800h	55 dB	85 dB		
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		2000h - 0630h	45 dB	75 dB		
	<p>c. Address the following aspects with regard to construction noise:</p> <p>i. Noise sources, including machinery, equipment and construction techniques to be used;</p> <p>ii. Predicted construction noise levels;</p> <p>iii. Hours of operation, including times and days when noisy construction work and blasting would occur;</p> <p>iv. The identification of activities and locations where structural noise mitigation measures such as temporary barriers or enclosures may be used;</p> <p>v. Details of which road-traffic noise mitigation options will be implemented early to also mitigate construction noise;</p> <p>vi. The measures that will be undertaken by the Requiring Authority to communicate noise management measures to affected stakeholders;</p> <p>vii. Mitigation options, including alternative strategies where full compliance with the noise criteria cannot practicably be achieved;</p> <p>viii. Schedules containing site specific information;</p> <p>ix. Methods for monitoring and reporting on construction noise; and</p> <p>x. Include specific details relating to methods for the control of vibration and airblast associated with all relevant Project works, which shall be formulated to, as far as practicable, comply with the Category A criteria in the following table, measured in accordance with ISO 4866:2010 and AS 2187-2:2006:</p>					
	Receiver	Details	Category A	Category B		
	Occupied dwellings	Night-time 2000h - 0630h	0.3 mm/s ppv	1 mm/s ppv		

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<u>PCC.11B.</u>	<p>The CAQMP shall provide a methodology for managing the effects of dust from the site, and shall, as a minimum include:</p> <ol style="list-style-type: none"> <li>Identification and implementation of dust suppression measures appropriate to the environment in which the works are located, and the sensitivity of nearby receptors; and</li> <li>Identification of contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as cleaning houses and buildings.</li> </ol>	Condition relocated from above for clarity. Text remains the same.																									
PCC.12.	The Requiring Authority shall provide the Manager with an updated schedule of construction activities at monthly intervals during the construction of any part of the Project.																										
	<b>Communications and public liaison</b>																										
PCC.13.	<p>A liaison person shall be appointed by the Requiring Authority for the duration of the construction phase of the Project to be the main and readily accessible point of contact <u>at all times</u> for persons affected by the construction work. The Requiring Authority shall take appropriate steps to seek to advise all affected parties of the liaison person's name and contact details. <del>This person must be reasonably available for on-going consultation on all matters of concern to affected persons arising from the construction of the Project.</del> If the liaison person will not be available for any reason, an alternative contact person shall be nominated, to seek to ensure that a project contact person is available by telephone 24 hours per day/seven days per week during the construction phase of the</p>	This wording reflects a minor change discussed in officer conferencing.																									

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PCC.14.	<p>Project.</p> <p>Prior to the commencement of construction and/or enabling works, the <del>R</del>requiring <del>A</del>uthority shall prepare and implement, a <b>Communications Plan</b> that sets out procedures detailing how the public will be communicated with throughout the construction period. As a minimum, the Communications Plan shall include:</p> <ol style="list-style-type: none"> <li>a. Details of a contact person available on site at all times during works. Contact details shall be prominently displayed at the entrance to the site(s) so that they are clearly visible to the public at all times.</li> <li>b. Methods to consult on and to communicate the proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to surrounding residential communities, and methods to deal with concerns raised about such hours.</li> <li>c. Methods to record concerns raised about hours of construction activities and, where practicable, methods to so far as is practicable, avoid particular times of day which have been identified as being particularly sensitive for neighbours.</li> <li>d. Details of communications activities proposed including: <ol style="list-style-type: none"> <li>i. Publication of a newsletter, or similar, and its proposed delivery area.</li> <li>ii. Newspaper advertising</li> <li>iii. Notification and consultation with individual property owners and occupiers with dwellings within 20 metres of construction activities.</li> </ol> </li> </ol> <p>The Communications Plan shall also include linkages and cross-references to methods set out in other management plans where relevant.</p>	Typographical error.
PCC.15.	<p><b>Incidents / public complaints</b></p> <p>During construction Work, the <del>consent holder</del> <u>Requiring Authority</u> shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this <del>consent</del> <u>designation</u>. The record shall include:</p> <ol style="list-style-type: none"> <li>a) the name and address (as far as practicable) of the complainant;</li> <li>b) identification of the nature of the complaint;</li> <li>c) location, date and time of the complaint and of the alleged event;</li> <li>d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality.</li> <li>e) the outcome of the <del>consent holders</del> <u>Requiring Authority's</u> investigation into the complaint;</li> <li>f) measures taken to <u>respond to the complaint</u> <del>seek to ensure that such a complaint does not occur again</del>; and</li> <li>g) Any other activities in the area, unrelated to the project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally.</li> </ol> <p>The <del>consent holder</del> <u>Requiring Authority</u> shall also keep a record of any remedial actions undertaken.</p> <p>This record shall be maintained on site and shall be made available to the Manager, upon request. The <del>consent holder</del> <u>Requiring Authority</u> shall notify the Manager in writing of any such complaint within 5 working days of the complaint being brought to the attention of the <del>consent holder</del> <u>Requiring Authority</u>.</p>	<p>This wording reflects a minor change discussed in officer conferencing.</p> <p>Typographical error amending consent holder to Requiring Authority.</p>
PCC.16.	<p><b>Existing network utilities</b></p> <p>The Requiring Authority shall prepare and implement a <b>Network Utilities Management Plan (NUMP)</b> so that enabling works, design and construction of the Project adequately take account of, and include measures to address, the safety, integrity, protection or, where necessary, relocation of, existing network utilities.</p>	

Reference	Wording of proposed condition	Changes suggested and reasons
PCC.17.	A copy of the NUMP shall be <del>provided</del> <u>submitted to and certified by</u> <del>to</del> the Manager at least 10 working days prior to the commencement of any enabling or construction works on any part of the Project <del>located within the District.</del>	This change has been made as suggested by Ms Macpherson in her evidence for PowerCo.
PCC.18.	The NUMP shall include, but need not be limited to, the following matters: a. The methods the Requiring Authority will use to liaise with all infrastructure providers who have existing network utilities that are directly affected by, or located in close proximity to <del>the part of the Project in the District.</del> b. The methods the Requiring Authority will use to enable infrastructure providers to access existing network utilities for maintenance at all reasonable times, and to access existing network utilities for emergency works at all times, whilst construction activities associated with the Project are occurring. c. The methods the Requiring Authority will use to seek to ensure that all construction personnel, including contractors, are aware of the presence and location of the various existing network utilities which traverse, or are in close proximity to <del>the part of the Project in the District,</del> and the restrictions in place in relation to those existing network utilities. This shall include plans identifying the locations of the existing network utilities and appropriate physical indicators on the ground showing specific surveyed locations. d. <u>How the Requiring Authority will meet the costs of any Project-related works that are required in order to protect, relocate and/or reinstate existing network utilities. Such methods shall be consistent with the provisions of the Gas Act 1992, the Electricity Act 1992 and the Telecommunications Act 2001.</u>	This change has been made as a result of discussions with PowerCo. Ms Macpherson makes an additional addition in Para 5.21 of her evidence.  Also, typographical error – only one District is affected.
PCC.19.	The NUMP shall be prepared in consultation with the relevant infrastructure providers who have existing network utilities that are directly affected by the Project and, in addition to the matters listed in Condition NZTA.19, shall include: a. Measures to be used to accurately identify the location of existing network utilities, b. Measures for the protection, relocation and/or reinstatement of existing network utilities; <u>bb. Measures to seek to ensure the continued operation and supply of infrastructure services which may include, but not be limited to, any new or relocated gas pipes being made operational prior to the termination of existing gas lines;</u> c. Measures to provide for the safe operation of plant and equipment, and the safety of workers, in proximity to live existing network utilities; d. Measures to manage potential induction hazards to existing network utilities; e. Earthworks management (including depth and extent of earthworks), for earthworks in close proximity to existing network utilities; f. Vibration management for works in close proximity to existing network utilities; and Emergency management procedures in the event of any emergency involving existing network utilities.	This change has been made as a result of discussions with PowerCo.
<u>PCC.19A</u>	<u>Prior to the commencement of construction, the Requiring Authority shall, as part of the NUMP, seek to ensure that the operation and maintenance of the Project does not unduly constrain access to existing and/or relocated network utilities for maintenance purposes on an ongoing basis.</u>	This condition is proposed to respond to matters raised by PowerCo.
<u>PCC.19B</u>	<u>Prior to the commencement of construction, the Requiring Authority shall, accurately locate the assets of PowerCo on the following property and, if requested by PowerCo, physically peg out the extent of the designation boundary .</u>  <u>Site A: Road reserve at the intersection of Warspite Avenue and Niagara Street</u>	This condition is proposed to respond to matters raised by PowerCo. I note that only one of the five sites mentioned by Ms MacPherson is reflected in this condition because only one is affected by the link roads.
	<b>Roading and traffic management</b>	

**Schedule of proposed designation conditions Porirua City Council**

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Reference	Wording of proposed condition	Changes suggested and reasons
PCC.20.	<p><del>A general</del> <u>The draft</u> Construction Traffic Management Plan (CTMP) <u>submitted with the application (prepared by SKM and dated May 2011) shall be updated, finalised and submitted for certification by the Manager prior to the commencement of construction and prepared for the Project.</u> This CTMP shall address the following:</p> <ol style="list-style-type: none"> <li>The staging of the works, including details of any proposals to work on multiple sections of the Project route concurrently;</li> <li>A general methodology for selecting detour routes; and</li> <li>The potential effects on the detour routes selected and how these will be managed to seek to ensure safety for all road users.</li> </ol>	I have added a statement to confirm that the lodged CTMP is to be updated and finalised in order to achieve compliance with this condition. As discussed above, this responds to a concern raised in planner conferencing
PCC.21.	The CTMP shall be provided to the Road Asset Manager <u>for certification at least 20 working days</u> <del>one month</del> prior to commencement of construction of any part of the Project <del>within the District.</del>	I have changed this condition to 20 working days to be consistent with other conditions which use working days (rather than months).
PCC.22.	<p>Site Specific Traffic Management Plans (SSTMPs) shall be <u>prepared in consultation with the Council and provided to the</u> <del>provided to the road controlling authority</del> <u>Manager at least 5 3 working days for a "minor" SSTMP and at least 10 working days for a "major" SSTMP</u> prior to the commencement of work in that area, and shall describe the measures that will be taken to manage the traffic effects associated with the construction of specific parts of the Project prior to construction of the relevant part(s) of the Project commencing. In particular SSTMP(s) shall describe:</p> <ol style="list-style-type: none"> <li>Temporary traffic management measures required to manage impacts on road users during proposed working hours;</li> <li>Delay calculations associated with the proposed closure/s and detour routes;</li> <li>The capacity of any proposed detour route(s) and their ability to carry the additional traffic volumes and any known safety issues associated with the detour route, including any mitigation measures the Requiring Authority proposes to put in place to address any identified safety issues;</li> <li>Individual traffic management plans for intersections of the proposed Project with arterial roads;</li> <li>Measures to maintain, where practicable, existing vehicle access to adjacent properties and businesses;</li> <li>Measures to maintain, where practicable, safe and clearly identified pedestrian and cyclist access on roads and footpaths adjacent to the construction works. Where detours are necessary to provide such access the Requiring Authority shall provide for the shortest and most convenient detours, which it is reasonably practicable to provide, having regard to safety;</li> <li>Any proposed temporary changes in speed limit;</li> <li>Provision for safe and efficient access of construction vehicles to and from construction site(s); and</li> <li>The measures that will be undertaken by the Requiring Authority to communicate traffic management measures to affected road users and stakeholders.</li> </ol> <p><u>For the purposes of this condition, a "minor" SSTMP shall be defined as involving works of 5 or less days in duration, and a "major" SSTMP shall be defined as involving works of more than 5 days in duration.</u></p>	I have modified this condition to reflect discussions in officer conferencing. The "turn around" timeframe for a SSTMP was too short, and therefore the condition has been amended to reflect this – with the addition of a separate process for "minor" and "major" SSTMPs.
PCC.23.	<p>SSTMP(s) shall be prepared following consultation with the following key stakeholders:</p> <ol style="list-style-type: none"> <li>The Council;</li> <li>Emergency services (police, fire and ambulance).</li> <li>Schools and childcare centres with frontage or access to roads within which works in relation to the relevant part of the Project will take place.</li> </ol>	
PCC.24.	The CTMP and SSTMP(s) shall be consistent with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the CTMP or the relevant SSTMP is prepared.	
PCC.25.	The Requiring Authority shall, <del>at</del> carry out regular inspections of the road networks affected by the Project during construction, to seek to ensure that all potholes and other damage resulting from the construction of the Project are repaired as soon as practicable.	Minor change correcting a typographical error.

## Schedule of proposed designation conditions Porirua City Council

### TRACK CHANGES 19th January 2012

Reference	Wording of proposed condition	Changes suggested and reasons
PCC.26.	As soon as practicable following completion of construction of the Project the Requiring Authority shall, at its expense, conduct a post-construction condition survey of the road network affected by the Project. The results of the pre and post construction surveys will be compared and where necessary, the Requiring Authority shall <u>at its expense</u> arrange for <del>the Council's road maintenance contractor to</del> repair <u>of any</u> damage to the carriageways and footpaths (and associated road components), for which the Council is the road controlling authority, where that damage has resulted from the impacts of construction of the Project.	Minor change similar to that proposed in the NZTA designation conditions.
	<b>Lighting</b>	
PCC.27.	<del>Any lighting used during construction shall be designed and screened to minimise the amount of lighting overspill and illumination of residential areas.</del> <u>Lighting shall be designed and screened to minimise the amount of lighting overspill and illumination of residential areas, and shall be designed in accordance with the rules of the relevant District Plan (if any).</u>	I have made this change to reflect that the purpose of this condition is to manage operational lighting – in response to officer conferencing
	<b>Landscape management and urban design</b>	
PCC.28.	An OP for the construction of any part of the Project <del>located within the District or for the construction of any Project stage within the District</del> shall include a Landscape <u>and Urban Design</u> Management Plan (LUDMP) for the relevant part of the Project. <u>The purpose of the LUDMP is to integrate the Project's permanent works into the surrounding landscape and urban design context. The LUDMP shall be prepared by a suitably qualified landscape architect and urban designer (or similar appropriate personnel person(s)), and shall be prepared in accordance with:</u> <del>a. Transit New Zealand's Guidelines for Highway Landscaping (dated September 2002);</del> <del>b. Transit New Zealand's "Urban Design Implementation Principles (2006)";</del> and shall be consistent with: a. <u>the Landscape plans submitted with the applications numbered LA14-15 and the revegetation mitigation plans in Technical Report 11;</u> <del>a-b.</del> <u>the Transmission Gully Urban and Landscape Design Framework (Beca et al, 2011) and in particular the design principles set out in this document;</u> and <del>b-c.</del> <u>the Ecological Management and Monitoring Plan (Boffa Miskell, August 2011).</u>	I have renamed the LMP to Landscape and Urban Design Management Plan to recognise urban design content as stated in Ms Hancock's EIC (para 118). I have also included specific references to the ULDF design principles to be embedded in conditions as discussed in Ms Hancock's evidence.  Specific references to the Landscape plans LA01-LA21 (Isthmus 2011) have been added into the conditions as discussed by Mr Lister in his EIC.  Typographical error – reference to Transit standards is not relevant to local roads. Ms Hancock accepts that Council standards rather than NZTA requirements will apply.
PCC.29.	All LUDMP(s) shall provide for: a. Input to earthworks contouring; b. The integration of the Project's permanent works into the surrounding landscape; c. Landscape works within land acquired for the Project which mitigate the effects of the Project on properties in the vicinity of the alignment; d. Retention or relocation of significant existing trees, where practicable; and e. Replacement planting for loss of existing trees, where appropriate and practicable.	
PCC.29.A.	<u>As part of the detailed design, the requiring authority shall engage an suitably qualified ecologist to ensure that, where practicable, seral scrub and forest (kanuka scrub and forest, mahoe dominated scrub and low forest) is avoided. This includes:</u> (a) <u>James Cook Drive Bush (PCC Ecosite 33).</u> (b) <u>Whitby Bush (PCC Ecosite 155b).</u> (c) <u>Exploration Drive Kanuka (PCC 190).</u> <u>Where this vegetation can be avoided and/or effects on them minimised, fencing shall be established to demarcate them, any contractors working in these areas shall be advised that the fence demarcates work boundaries that shall not be affected by construction work.</u>	This condition requires the identification of significant areas of vegetation and for these to be avoided if possible. This is recommended by Mr Fuller in his evidence, and those within the Porirua District are listed.



Reference	Wording of proposed condition	Changes suggested and reasons
	<p><u>Where this vegetation cannot be avoided, all practicable steps shall be taken to minimise the areas of this vegetation that are removed.</u></p>	
PCC.30.	<p>The <u>LUDMP(s)</u> shall be prepared in consultation with Te Runanga o Toa Rangatira Inc, PCC (as asset owner), <u>Waitangirua Community Park Design Team, Cannons' Creek Residents' and Ratepayers Association, Whitby Residents' Association, Maraeroa Marae Executive, and Tokelauan Christian Church</u> and the shall include <u>but not be limited to</u> the following:</p> <p><u>aa. Demonstration of how the design principles in the ULDF have been adhered to in the development of the design concepts, including (but not limited to) principles for noise walls, boundary walls and structures (including bridges underpasses and associated retaining walls) which are identified in the ULDF as being in highly sensitive locations;</u></p> <p>a. A Concept Plan/Report – this shall depict the overall landscape and urban design concept, and provide a framework for the design intent, layout and mitigation proposals.</p> <p>b. Landscape Design Details – these shall include the following details:</p> <p>i. Identification of vegetation to be retained;</p> <p><u>i(a) Identification and protection measures for vegetation to be retained, and make good planting along cleared edges;</u></p> <p>ii. Proposed planting including plant species, <u>plant/grass</u> mixes, spacing/densities, sizes (at the time of planting) and layout <u>and planting methods including trials;</u></p> <p>iii. Planting programme – the staging of planting in relation to the construction programme <u>which shall, as far as practicable, include provision for planting within each planting season following completion of works in each stage of the Project;</u></p> <p>iv. Detailed specifications relating to (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>• Vegetation protection (for desirable vegetation to be retained);</li> <li>• Weed control and clearance;</li> <li>• Ground preparation (topsoiling and decompaction to provide for rapid plant establishment and ongoing vigour);</li> <li>• Mulching; and</li> <li>• Plant supply and planting, <u>including hydroseeding and grassing</u> – which shall require: <ol style="list-style-type: none"> <li>1. Any planting to reflect the natural plant associations of the area;</li> <li>2. Where practicable, the use of mixes of plant which are of a suitable richness and diversity to encourage self-sustainability once established; and</li> <li>3. Any native plants to, so far as practicable, be genetically sourced from the relevant Ecological District;</li> </ol> </li> </ul> <p>v. A maintenance regime including monitoring and reporting requirements, which is to apply for the three years following that planting being undertaken;</p> <p><u>vi. Waitangirua Entrance feature</u></p> <p><del>vi.</del> <u>vii. Landscape treatment for noise barriers (for Waitangirua Link Road);</u></p> <p><del>vii.</del> <u>viii. Landscape treatment for any pedestrian and cycle facilities;</u></p> <p><del>viii.</del> <u>ix. Consideration of:</u></p> <ul style="list-style-type: none"> <li>• The landscape character of the area;</li> <li>• The <del>relationship</del> <u>integration</u> of the works <u>into</u> the natural environment, including streams;</li> <li>• <del>The potential for a joint pedestrian and cycle path under the SH58 interchange;</del> and</li> </ul>	<p>I have made the following changes to this condition:</p> <ul style="list-style-type: none"> <li>• Include consultation with community-based submitters.</li> <li>• Include reference to the design principles in the ULDF as discussed in Ms Hancock's evidence in chief (para 117).</li> </ul> <p>Other changes have been made in response to submitter evidence, similar to those made in the draft NZTA conditions.</p>



Reference	Wording of proposed condition	Changes suggested and reasons
	<ul style="list-style-type: none"> <li>• Crime Prevention Through Environmental Design (CPTED) principles in urban areas.</li> </ul> <p>c. <u>All planting works shall be undertaken in accordance with accepted horticultural practice.</u></p>	
PCC.31.	Prior to the Requiring Authority undertaking any planting provided for in the <del>LMP</del> <u>LUDMP</u> and throughout the ensuing landscaping maintenance period, all weed species declared as plant pests, in the Wellington region by the Wellington Regional Pest Management Strategy shall be controlled and removed from the site of any planting undertaken pursuant to the <del>LMP</del> <u>LUDMP</u> .	
PCC.32.	The planting identified in a <del>LMP</del> <u>LUDMP</u> shall be implemented in accordance with the <del>LMP</del> <u>LUDMP</u> within the first planting season following the completion of the construction works to which the <del>LMP</del> <u>LUDMP</u> relates, or where an <del>LMP</del> <u>LUDMP</u> relates to a number of Project stages, within the first planting season following completion of construction of the Project stage to which the planting relates, providing climatic conditions are suitable; otherwise at the first practicable opportunity thereafter.	

**Appendix B3**

**Andrea Judith Rickard rebuttal evidence**

**Schedule of proposed resource consent conditions NZ Transport Agency**

**TRACK CHANGES 20th January 2012**

Deletions shown in ~~strikethrough~~

Additions shown in underline

Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
G.1.	<p>The Project shall be undertaken in general accordance with the plans and information submitted with the application as documented as consent numbers <del>[INSERT GWRC REFERENCE NUMBERS HERE]</del>, subject to such amendments as may be required by the following conditions of consent.</p> <p>The plans and information include:</p> <p>(i) <del>Consent applications dated [INSERT DATES HERE]</del></p> <p>(ii) <del>Documents [INSERT DATES HERE]</del></p> <p>(iii) <del>Plans [INSERT FINAL PLAN REFERENCES HERE]</del></p> <p>a. <u>Assessment of Environmental Effects report, dated 8 August 2011</u></p> <p>b. <u>Plan sets:</u></p> <p>a. <u>LR00-20: Land requirement plans</u></p> <p>b. <u>GM01-21: Road layout plans</u></p> <p>c. <u>GM22-84: Longitudinal sections and cross sections</u></p> <p>d. <u>DR01-21: Drainage layout plans</u></p> <p>e. <u>SO1-29: Structures plans</u></p> <p>f. <u>LA01-21: Landscape plans</u></p> <p>g. <u>AC01-21: Construction access plans</u></p> <p><u>Where there is conflict between the documents lodged and the conditions, the conditions shall prevail.</u></p>	<p>I have added a statement in response to a discussion in planner conferencing to confirm that the conditions prevail where there is conflict between the conditions and the technical reports. This is because some of the conditions have been written in response to matters raised by others after completion of technical reports and consideration of matters raised.</p>
G.2.	<p>Subject to the consent holder holding or obtaining appropriate property rights to enable it to do so, the consent holder shall permit the servants or agents of the GWRC to have access to relevant parts of the respective properties at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.</p>	
	<p><b>Pre-construction administration conditions</b></p>	
G.3.	<p>At least <del>20</del> <u>10</u> working days prior to commencement of any Stage the consent holder shall arrange a pre-construction site meeting between the GWRC and any other relevant party nominated by the GWRC, including the primary contractor.</p> <p>In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.</p>	<p>I agree that this condition should be amended to provide for a meeting 10 working days prior to commencement of construction as discussed in meetings with Ms Grant at GW. This was also discussed in planner conferencing (para 32.2).</p>

**Schedule of proposed resource consent conditions NZ Transport Agency**

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Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
G.4.	<p><del>Prior to the commencement of construction Work, the consent holder and the GWRC (and or their agreed representative(s) who have authority to make decisions regarding consent compliance), shall meet and decide upon a suitably qualified or experienced person or persons who shall fulfil the role of compliance officer for the Project.</del></p> <p><del>The agreed person's responsibilities shall include:</del></p> <p><del>a) Pre commencement site meeting(s) with contractors;</del></p> <p><del>b) Regular scheduled compliance inspections to meet the requirements of regional consents [INSERT GWRC REFERENCE NUMBERS HERE];</del></p> <p><del>c) Spot compliance checks before and/or after forecast extreme weather events;</del></p> <p><del>d) Collection, collation and filing of any required monitoring and compliance reports; and</del></p> <p><del>e) Enforcement action under the provisions of the RMA in the event of a non-compliance.</del></p> <p><del>This person may be a Council employee, or may be an independent person agreed between the consent holder and the GWRC as an Independent Professional Advisor.</del></p> <p><del>The actual and reasonable costs of this person exercising these responsibilities shall be recoverable from the consent holder (refer to Condition G.5).</del></p>	<p>As agreed at planner conferencing (para 32.3) I have deleted this condition as it duplicates requirements under the Act – in other words, the Council is already entitled to carry out compliance and the Manager may well delegate these tasks to an independent expert.</p>
G.5.	<p><del>The GWRC shall be entitled to recover from the consent holder the actual and reasonable costs of the conduct of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.</del></p>	<p>As agreed at planner conferencing I have deleted this condition as it duplicates requirements in the Act.</p>
G.6.	<p>The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any GWRC officer on request.</p>	<p>I note that there has been some discussion between myself and Ms Grant as to what might be defined as "site". From my experience, I consider a pragmatic approach would be taken, and that having a copy in the site project office would constitute compliance with this condition.</p>
	<p><b>Review condition</b></p>	
G.7.	<p>The Manager may review any or all conditions of this consent by giving notice of their intention to do so pursuant to Section 128 of the Resource Management Act 1991, at any time within six months of the first, third and fifth anniversaries of the date of commencement of <u>the works authorised by this consent</u> for any of the following purposes:</p> <p>a) To deal with any adverse effects on the environment, which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage; and</p> <p>b) To review the adequacy of any monitoring plans proposed and/or monitoring requirements so as to incorporate into the consent any monitoring or other requirements which may become necessary to deal with any adverse effects on the environment arising from the exercise of this consent.</p>	<p>Minor clarification.</p>
	<p><b>Staging and programme conditions</b></p>	
G.8.	<p><del>If the Work is to be staged, the consent holder shall prepare a staging plan prior to the commencement of that Work, and shall provide written notification of the commencement of the Work in each Stage to the GWRC, at least ten working days prior to that Work commencing in each area.</del></p> <p><u>At least 20 working days prior to the commencement of any Work authorised by this consent, the consent holder shall prepare an overall staging plan for the whole project for certification by the Manager. The staging plan shall demonstrate how the project will be staged, and the proposed total construction period.</u></p>	<p>From discussions with GW and planner conferencing, this condition has been changed to clarify that there needs to be an overall "high level" programme for the whole project to demonstrate how it will be staged. Staging plans will then follow for each of the individual stages, and these are required to be provided with more specific details through the CEMP and ESCP at later dates. This is also reflected in Condition G9 below.</p>

**Schedule of proposed resource consent conditions NZ Transport Agency**

**TRACK CHANGES 20th January 2012**

Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
		I also recommend that the staging plans be certified by the Manager. This condition is related to the Management Plan condition following below (G.10A) that requires the staging plan to be certified before the CEMP and the ESCP if they are to be staged.
G.8A.	<u>The consent holder shall ensure that the staging plan required under Condition G.8 above, is certified by the Manager prior to the submission of the CEMP (or staged CEMPs) required under Condition G.12, and the first of the ESCPs as required under Condition E.5.</u>	This condition requires the consent holder to be clear on the staging proposed for the overall Project, and for the Manager to have certified the staging plan, prior to the first stage CEMP or ESCP being submitted.  This addresses a concern raised in the evidence of Mr Gough, that the quantity of information to be certified through the ESCPs may be substantial. This process would provide forewarning to the Manager.
G.9.	The consent holder shall provide the Manager with an updated schedule of construction activities for the Project at monthly intervals throughout the construction phase of the Project and each monthly update schedule shall demonstrate how it fits into the overall staging plan required by Condition G.8.	Changes have been made for the same reasons as above for G8.  I note that Ms Grant also suggests monthly reporting for the purpose of advising the Council of works that are intended to occur over the next month, and the likely timeframe of future works. She notes that this would assist the Regional Council in overall compliance monitoring and allocation of resources (for approving plans etc.) (para 96.1 of her evidence). I agree with her recommendation.
	<b>Management plans</b>	
G.10.	All works shall be carried out in general accordance with the management plans required by these conditions.	
G.11.	The consent holder may request amendments to any of the management plans required by these conditions by submitting the amendments in writing to the Manager for approval certification at least 20 working days prior to any changes taking effect. <u>Any changes to management plans shall remain consistent with the overall intent of the relevant management plan.</u>	This reflects changes also made to the designation conditions, and adds a timeframe for manager's "sign off" of any changes to management plans.
G.11A	<u>Where a management plan is required to be prepared in consultation with any third party, the management plan shall demonstrate how the views of that party (or parties) have been incorporated, and where they have not, the reasons why.</u>	I have added in this condition in response to discussions in terrestrial ecology conferencing in order to address concerns raised about communication with key stakeholders during preparation of management plans. There are a number of instances where the conditions require consultation with third parties.
	<b>Construction Environmental Management Plan</b>	
G.12.	Prior to the commencement of any Stage which involves activities authorised by this consent, the consent holder shall submit a Construction Environmental Management Plan or Plans ("CEMP") to the Manager for review and certification. Among other things, the CEMP(s) is to confirm that the proposed construction methodology for the Stage complies with Condition G.1 of this consent and to demonstrate how other conditions of this consent have been or will be complied with. The CEMP(s) shall be prepared in relation to the relevant Stage.  <del>The purpose of the</del> <u>The CEMP is intended</u> to confirm final project details, staging of Work, and detailed engineering design to seek to ensure that the Project remains within the limits and standards approved under this consent and that the construction <del>and operation</del> activities avoid, remedy or mitigate adverse effects on the environment in accordance with the conditions of this consent. The <u>draft</u>	Minor changes have been made to this condition to reflect discussions in planner conferencing, to clarify the intention of the CEMP, and to confirm that the CEMP document as lodged is a draft that will need to be updated by the appointed contractor (i.e. it must be used as a basis for the final CEMP, not a completely separate document).  The accidental discovery protocol has been added to this condition.

**Schedule of proposed resource consent conditions NZ Transport Agency**

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Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<p>CEMP <u>submitted with the application (dated July 2011) shall be updated and finalised, and shall</u> provide details of the responsibilities, reporting frameworks, coordination and management required for project quality assurance; final detailed design; construction methodologies; timeframes and monitoring processes and procedures. Works shall not commence on a Stage until the consent holder has received the Manager's written <u>approval certification</u> for the CEMP(s) for that Stage.</p> <p>A CEMP shall include but need not be limited to:</p> <p><i>(1) Quality Assurance</i></p> <p>A Quality Assurance section which shall include management frameworks, systems and procedures for quality management of all on-site activities and compliance with the conditions of this designation. Among other matters this section shall provide details of the following:</p> <ol style="list-style-type: none"> <li>Name, qualifications, relevant experience and contact details of an appropriately qualified and experienced project manager, who shall be responsible for overseeing compliance with the CEMP;</li> <li>Names, qualifications, relevant experience, and methods for contacting principal staff employed on the relevant part of the Project, along with details of their roles and responsibilities;</li> <li>Methods and systems to inform and train all persons working on site of potential environmental issues, <u>the accidental discovery protocol</u>, and how to comply with conditions of the consent;</li> <li>Systems and processes whereby the public are informed of contact details of the project manager and principal staff identified above;</li> <li>Liaison procedures with the Council; and</li> <li>Communication protocols.</li> </ol> <p><i>(2) Site Management</i></p> <p>The Site Management section of the CEMP shall detail procedures to manage the relevant part of the Project throughout the entire construction process in a safe manner. This section shall provide details of the following (and may include other matters):</p> <ol style="list-style-type: none"> <li>Details of the site access for all Work associated with construction of the part of the Project;</li> <li>Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;</li> <li>Location of workers' conveniences (e.g. portaloos);</li> <li>Procedures for controlling sediment run-off into the watercourses/streams, dust and the removal of soil, debris and construction materials from the watercourses/streams and riparian margins, and onto public roads or places (including identifying the location of wheel wash facilities);</li> <li>A contingency plan in the event that there is any unconsented discharge to watercourses/streams;</li> <li>Details of the storage of fuels and lubricants (which shall require that storage be bunded or contained in such a manner so as to prevent the discharge of contaminants from spillages);</li> <li>Details of the proposed maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants;</li> <li>Location of vehicle and construction machinery access and storage during the period of site works;</li> <li>Procedures for thoroughly cleaning all machinery of unwanted vegetation (e.g. weeds), seeds or contaminants prior to</li> </ol>	<p>The lighting condition has been added for consistency with the designation conditions.</p> <p>I note that (as per planner conferencing statement para 31.3) the CEMP condition was to be reviewed against the "standard" GW condition. Ms Grant has not mentioned a concern with the current wording specifically in her evidence, and it is anticipated that if this remains a concern to her, then it could be reviewed again.</p> <p><b>Point to Note:</b> I have changed the Underlined headings within this condition to Italicised headings so that they are not confused with the track changes.</p>

Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<p>entering the site;</p> <ul style="list-style-type: none"> <li>j) Methods for the clear identification and marking of the construction zones including those which extend into watercourses;</li> <li>k) A methodology that prescribes the extent to which machinery can operate in the vicinity of watercourses so as to minimise disruption and damage to the watercourses and associated vegetation;</li> <li>l) Methods to manage public health and safety during the construction works, and notification to the public of temporary access restrictions to the immediate works area during the staged construction;</li> <li>m) Confirmation that no equipment or machinery will be cleaned, or refuelled in any part of any watercourses/streams, except as otherwise specifically provided for in the CEMP or an SSEMP;</li> <li>n) Procedures for removing all contaminants (e.g. fuel, hydraulic oils, lubricants etc) from the site at the end of the construction period, except for those required for ongoing maintenance of the road and operational activities; <del>and</del></li> <li>o) Procedures for making any repairs to the adjacent road network required where any damage occurs as a direct result of the Project; <u>and</u></li> <li>p) <u>Procedures to manage lightspill onto residential properties from any night lighting that is required on the site.</u></li> </ul> <p><i>(3) Construction Programme and Methodology</i></p> <p>Notwithstanding Conditions G.8 and G.9 above, a Construction Programme which shall include a programme of works that seeks to enable the relevant part of the Project to be constructed in a manner that is timely, adequately co-ordinated and manages the adverse effects of construction on the environment in accordance with the conditions of this consent. This section shall, among other matters, provide details <del>of</del> the following:</p> <ul style="list-style-type: none"> <li>a) A detailed staging programme and anticipated timetable for construction works during the relevant part of the Project; and</li> <li>b) A methodology to identify how earthworks will be staged during the relevant part of the Project to manage the effects of the Project on the Pauatahanui Inlet in accordance with this consent</li> </ul>	

Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<b>Staff Training</b>	
G.12A	<p><u>At least one week prior to the commencement of any earthworks or earthworks stage, contractors responsible for supervising site staff shall be briefed as followed:</u></p> <p>a) <u>For those contractors likely to be involved in the construction and maintenance of erosion and sediment control devices, the consent holder shall engage a suitably qualified and experienced person approved by the Manager to deliver a practical on-site training session. The training session shall be for the purpose of explaining the performance standards required by these consent conditions to be achieved by the erosion and sediment control devices; and</u></p> <p>b) <u>For those contractors likely to be involved in the construction of any stream diversions or other in-stream works, they shall be briefed on the values of the stream, the objectives of stream design, the requirements of native fish for fish passage, and the sensitivity of the receiving environment to sediment discharge.</u></p> <p><u>The consent holder shall to the satisfaction of the Manager, establish a process and programme for training of new staff members joining the project team after the initial training is delivered for the duration of the Works.</u></p>	<p>I have added a condition requiring staff training for those contractor staff members whose teams are likely to be responsible for carrying out construction and maintenance of erosion and sediment control devices, and the construction of in-stream works. The purpose of this condition is to ensure that there is practical awareness by site staff of the importance of these key environmental management measures. I understand this was a matter discussed in erosion and sediment control conferencing.</p> <p>I note that the EMMP already specifies training for those staff who will be involved with construction of stream diversions, and given the attention that erosion and sediment control has received through the water quality conferencing sessions, I recommend a similar condition for this topic area.</p>
	<b>Environmental management plans</b>	
G.13.	<p>The management of key environmental effects associated with the construction phase of the Project shall be detailed within environmental management plans that are included in the appendices to the CEMP. This suite of management plans shall include:</p> <p>a) <del>Construction Air Quality Management Plan (CAQMP) – Condition G.14;</del></p> <p>b) Contaminated Land Management Plan (CLMP) – Condition G.15;</p> <p>c) Erosion and Sediment Control Plan (ESCP) – Condition E.4 and E.5;</p> <p>d) Chemical Treatment Plan (CTP) (i.e. flocculation) <u>(and the associated Performance Monitoring Plan)</u> – Condition E.19 <u>(and E19(f))</u>;</p> <p>e) Ecological Management and Monitoring Plan (EMMP) – <u>Condition G.15F</u>;</p> <p>f) Concrete Batching Plant Management Plan (CBMP) – Condition CBP.2.</p> <p>g) <u>Forestry Harvesting Plan – FHP – Condition E.34A</u></p>	<p>The CAQMP has been deleted from the resource consent conditions after discussions with GW because this is considered to be a designation matter (the condition remains on the designations).</p> <p>Ms Grant suggests a Forestry Harvesting Plan be added to the suite of conditions to manage removal of plantation forestry. I agree with this suggestion and have proposed an additional condition (refer below) based on her wording (para 55 of her evidence).</p> <p>Mr Handyside also mentions forestry as a sediment generating activity in his evidence. He also mentions the flocculation performance monitoring plan in his evidence and I have reflected this in the</p>
G.14.	<p><del>The CEMP shall include an updated version of the <b>Construction Air Quality Management Plan</b> which shall provide a methodology for managing the effects of dust generated by activities on site, and shall, as a minimum include:</del></p> <p>a) <del>Identification and implementation of dust suppression measures appropriate to the environment in which the Work is located, and the sensitivity of nearby receptors; and</del></p> <p>b) <del>Identification of contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as:</del></p> <ul style="list-style-type: none"> <li><del>• Cleaning of water tanks and replenishment of water supplies;</del></li> <li><del>• Cleaning of houses</del></li> <li><del>• Cleaning of other buildings and infrastructure.</del></li> </ul>	<p>This condition has been deleted after discussions with Ms Grant because this is a designation matter. The condition remains in the proposed designation conditions.</p>
G.15.	<p>The CEMP shall include a <b>Contaminated Land Management Plan</b> which shall include information regarding:</p> <p>a) The measures to be undertaken in the handling, storage and disposal of all contaminated material excavated during the construction works;</p>	<p>I discuss the CLMP in my EIC, and note that Ms Grant agrees with me that this condition should remain on the regional consent conditions.</p>

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Reference	Wording of proposed condition including "track changes"	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<p>b) The soil validation testing that will be undertaken;</p> <p>c) The soil verification testing that will be undertaken to determine the nature of any contamination in excavated spoil and the potential reuse or disposal options for that spoil;</p> <p>d) Measures to be undertaken in the event of unexpected contamination being identified during construction activities, including measures to:</p> <ul style="list-style-type: none"> <li>• Assist with identification of unknown contaminated material;</li> <li>• Stop work or isolate the area once any such material is identified;</li> </ul> <p>e) The measures to be undertaken to:</p> <ul style="list-style-type: none"> <li>• Protect the health and safety of workers and the public;</li> <li>• Control stormwater runoff and runoff;</li> <li>• Remove or manage any contaminated soil; and</li> </ul> <p>f) <u>Measures – which shall be developed in consultation with the New Zealand Police and the New Zealand Defence Force – to be undertaken to manage the risk of unexpectedly discovering an unexploded ordnance (UXO); and</u></p> <p>g) <u>The measures to be undertaken to:</u></p> <ul style="list-style-type: none"> <li>• Identify any suspected asbestos;</li> <li>• Identify the type of asbestos and confirm the appropriate means by which it shall be removed;</li> <li>• Handle asbestos containing material.</li> <li>• Implement appropriate health and safety measures to maintain the safety of workers and the public; and</li> <li>• Remove the asbestos and dispose of it to an appropriately licensed facility.</li> </ul> <p>These measures shall include appointment of a suitably qualified contractor to implement the <del>asbestos identification and handling measures</del> identified in the CLMP.</p>	<p>I have added a reference to the potential for discovery of unexploded ordnance – as discussed in the evidence in chief of Ms Maize. I note also that Ms Maize wishes this condition to apply wider than just asbestos and this is reflected in the <del>strikeout</del> in the last clause.</p>
G.16.	<p><del>Should a heavy rainfall event occur or advance notice of an impending event be received the consent holder may undertake contingency measures not set out in any management plan, but only subject to the following conditions:</del></p> <p>a) <del>The measures must be for the express purposes of managing non-stabilised areas of earthworks or improving erosion and sediment controls in the catchments that drain to the Porirua Harbour;</del></p> <p>b) <del>Unless impracticable to do so, the consent holder must secure prior (oral or written) approval from the Manager for undertaking the measures;</del></p> <p>c) <del>As soon as practicable following the undertaking of the measures, the consent holder must provide to the Manager written notice of the measures undertaken and amend the relevant Management plan(s) as may be appropriate to take account of the measures undertaken and submit the amended Management plan to the Manager for approval under Condition G.11.</del></p>	<p>This condition has been deleted after discussions with Ms Grant GW and in planner conferencing. It was agreed that these matters (i.e. contingency) must be covered by the ESCP.</p>
	<p><b>Insert relocated EMMP and SSEMP conditions renumbered and edited as G.15A. that apply to all consents except RC16 and RC16 for the concrete batching plant</b></p>	<p>I have added a note to identify that I propose to relocate EMMP and SSEMP condition into the "G" suite of conditions and that these shall apply to all the regional resource consents with the exception of the Concrete Batching Plant.</p>
	<p><b>Archaeology</b></p>	
G.17.	<p><del>The Requiring Authority Consent Holder</del>, in consultation with, Te Runanga o Toa Rangatira Inc and the New Zealand Historic Places Trust, shall prepare an accidental discovery protocol to be implemented in the event of accidental discovery of cultural or</p>	<p>Typographical error</p>

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Reference	Wording of proposed condition including “track changes”	Reasons for “track changes” suggested, and the reasons the changes have been made.
	<p>archaeological artefacts or features during the construction of the Project. This protocol shall be submitted to the Manager at least 20 working days prior to any construction or enabling Work commencing under this consent on any part of the Project within the District. The protocol shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>a) Training procedures for all contractors regarding the possible presence of cultural or archaeological sites or material, what these sites or material may look like, and the relevant provisions of the Historic Places Act 1993 if any sites or material are discovered;</li> <li>b) Parties to be notified in the event of an accidental discovery shall include, but need not be limited to Te Runanga o Toa Rangatira Inc, the New Zealand Historic Places Trust, the GWRC, the relevant District or City Council and the New Zealand Police (if koiwi are discovered);</li> <li>c) Procedures to be undertaken in the event of an accidental discovery (these shall include immediate ceasing of all physical works in the vicinity of the discovery); and</li> <li>d) Procedures to be undertaken before Work under this consent may recommence in the vicinity of the discovery. These shall include allowance for appropriate tikanga (protocols), recording of sites and material, recovery of any artefacts, and consulting with Te Runanga o Toa Rangatira Inc and the New Zealand Historic Places Trust prior to recommencing works in the vicinity of the discovery.</li> </ul>	
	<b>Complaints</b>	
G.18.	<p>During construction Work, the consent holder shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this consent. The record shall include:</p> <ul style="list-style-type: none"> <li>a) the name and address (as far as practicable) of the complainant;</li> <li>b) identification of the nature of the complaint;</li> <li>c) location, date and time of the complaint and of the alleged event;</li> <li>d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality.</li> <li>e) the outcome of the consent holders investigation into the complaint;</li> <li>f) measures taken to <u>respond to the complaint</u> <del>seek to ensure that such a complaint does not occur again</del>; and</li> <li>g) Any other activities in the area, unrelated to the project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally.</li> </ul> <p>The consent holder shall also keep a record of any remedial actions undertaken.</p> <p>This record shall be maintained on site and shall be made available to the Manager, upon request. The consent holder shall notify the Manager <del>within 5 working days of the complaint being brought to the attention of the consent holder.</del> <u>of any such complaints as soon as practicable after the complaint is received by the consent holder, or any representatives. This notification shall be either by telephone or email, or via an alternative electronic method as agreed with the Manager.</u></p>	<p>I have made a change to acknowledge the preference of quick electronic service of notice of complaints. This was discussed with Ms Grant at GW and the District Council officers also agreed that this would be useful. I have slightly modified Ms Grant’s suggested wording (her para 86.1) to reflect that there is potential for other methods of notification other than phone and email. There is also a reference to this in the planner conferencing statement (para 32.7).</p>
	<b><u>Incidents</u></b>	<p>I have added an additional title for clarity to confirm Condition G.19 is not a ‘complaints’ condition.</p>
G.19.	<p>The consent holder shall immediately notify the Manager if any contaminants (including sediment) or material are released in the undertaking of the Work and enters any watercourse due to any of the following:</p> <ul style="list-style-type: none"> <li>a) discharges from non-stabilised areas that are not treated by erosion and sediment control measures required under this consent; and/or</li> </ul>	<p>Change to acknowledge preference of quick electronic service of notice of incidents as for Condition G.18.</p> <p>There is also a reference to this in the planner conferencing statement (para</p>

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Reference	Wording of proposed condition including “track changes”	Reasons for “track changes” suggested, and the reasons the changes have been made.
	<p>b) failure of any erosion and sediment control measures; and/or</p> <p>c) any other incident which either directly or indirectly causes, or is likely to cause, adverse ecological effects in any watercourse that is not authorised by a resource consent held by the consent holder.</p> <p>If any of these events occur, the consent holder shall <u>notify the Manager of any such incidents as soon as practicable after the incident being identified, and shall:</u></p> <p>a) establish control measures where these have failed or have not been implemented in accordance with the CEMP as soon as practicable;</p> <p>b) liaise with the Manager to establish what remediation or rehabilitation is required and whether such remediation or rehabilitation is practical to implement;</p> <p>c) carry out any remedial action as required by and to the satisfaction of the Manager; and</p> <p>d) maintain a permanent record of the incident at the site, which shall include the date and time of the incident, the nature, manner and cause of the release of the contaminants, weather conditions at the time of the incident and the steps taken to contain any further release and to remedy any adverse ecological effects on the watercourse.</p> <p><del>A copy of this record shall be provided to the Manager within 5 working days of the incident being brought to the attention of the consent holder. This notification shall be either by telephone or email, or via an alternative electronic method as agreed with the Manager.</del></p>	32.7).
	<b>Consent lapse and expiry</b>	
G.20.	Pursuant to section 125(1) of the Act, the consents referenced <b>[INSERT GWRC REFERENCE NUMBERS HERE]</b> shall lapse 15 years from the date of their commencement (pursuant to Section 116(5) of the Act) unless it has been given effect, surrendered or been cancelled at an earlier date.	
G.21.	Pursuant to section 123(c) of the Act, the consents referenced <b>[INSERT GWRC REFERENCE DISCHARGE PERMIT AND WATER PERMIT NUMBERS HERE]</b> shall expire 35 years from the date of their commencement (pursuant to Section 116(5) of the Act).	
	<b>Annual Report</b>	
G.22.	<p><u>The consent holder shall provide to the Greater Wellington Regional Council an annual report by the 30th of June each year, or as otherwise agreed with the Manager. As a minimum this report shall include:</u></p> <p><u>(i) all monitoring data required in accordance with the conditions of this consent;</u></p> <p><u>(ii) any reasons for non-compliance or difficulties in achieving compliance with the conditions of these resource consents;</u></p> <p><u>(iii) any works that have been undertaken to improve the environmental performance of the site or that are proposed to be undertaken in the up-coming year;</u></p> <p><u>(iv) The marine benthic habitat monitoring results as required by Conditions M.3. M.4. and M.5. ;</u></p> <p><u>(v) recommendations on alterations to the monitoring required; and</u></p> <p><u>(vi) any other issues considered important by the consent holder.</u></p>	<p>Planner conferencing suggested an annual report on all the monitoring required by these consents. Whilst I consider there is already a significant amount of reporting required on a monthly basis, an annual report may be useful and I have suggested this condition.</p> <p>I note that the 30<sup>th</sup> June is a suggested date, and there may be a more appropriate date that better reflects a key milestone such as the start of construction.</p>

The following conditions apply to RC1-RC12 and RC14 inclusive. They have largely been relocated from the “E” suite of conditions in order to address concerns raised by Dr Solly and Ms Thomson that SSEMPs and the EMMP should apply to the streamworks consents as well.

Where I have relocated these conditions from the “E” suite of conditions, I have only shown as underline and ~~strikethrough~~ where the text of the condition(s) has changed.

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	<b>Site Specific Environmental Management Plans (SSEMPs)</b>	
	<i><u>Explanatory Note: The intent of the SSEMP is to integrate design elements with environmental management and monitoring methods into a single plan for each stage, in order to define how the project will be practically implemented on site.</u></i>	
E.20. G.15A	<p>The consent holder shall prepare, submit and implement a Site Specific Environmental Management Plan (SSEMP) for each stage or sub stage area set out in the staging plan required under the CEMP. The SSEMP shall be submitted to the Manager, for certification at least 20 working days prior to works commencing in each plan area. Suitably qualified environmental specialist(s) shall assist in the preparation of the SSEMPs <u>and they shall be generally consistent with the EMMP.</u></p> <p>(a) Each SSEMP <del>shall as far as practicable meet the objectives in Condition E.3 and shall</del> be in general accordance with the CEMP and shall include, but need not be limited to:</p> <ol style="list-style-type: none"> <li>i. a detailed design and construction methodology for all works within the area covered by the SSEMP;</li> <li>ii. details of any contractor appointed to carry out the works authorised by this consent, including the contractor's company, address, named representative and their contact details;</li> <li>iii. a detailed schedule of construction activities including the expected commencement date and duration of works in each location within the area covered by the SSEMP;</li> <li>iv. a staging of works to demonstrate that the area of disturbance will be kept to the minimum practicable; and</li> <li>v. evidence that a suitably qualified engineer has been appointed to carry out the overall design, supervision and certification of earthworks (including cut/fill batter stability and construction of all erosion and sediment controls).</li> </ol> <p>(b) In respect of erosion and sediment control, the SSEMP shall be prepared in general accordance with the NZTA's <i>Draft Erosion and Sediment Control Standard for State Highway Infrastructure</i> and <i>Draft Field Guide for Contractors</i> and shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>i. detailed design specifications of all earthworks within the SSEMP area, including disposal sites, and all erosion and sediment control measures to be implemented, including supporting calculations where appropriate;</li> <li>ii. the expected commencement dates for the implementation of erosion and sediment controls measures in the SSEMP area;</li> <li>iii. information regarding chemical treatment of the proposed sediment retention ponds and devices;</li> <li>iv. identification of innovative treatments for erosion control that are to be used;</li> <li>v. monitoring and maintenance schedules for all erosion and sediment control measures on a set frequency (at least weekly), or within 24 hours of each trigger rain event that is likely to impair the function or performance of the control measures;</li> <li>vi. a site plan showing contours at suitable intervals, cut and fill operations, the specific location of all sediment and erosion control measures, and catchment boundaries for the sediment controls; <del>and</del></li> <li>vii. locating temporary stockpiles of excavated material at least 50m away from any ephemeral stream or permanent watercourse unless there is appropriate treatment of stormwater (which may include discharging to vegetated land).</li> <li>viii <u>the confirmation of the type of rain gauge that will be used for each pond, and its location; and</u></li> <li>ix <u>demonstration of how the objectives in Condition E.3 will be met.</u></li> </ol> <p>(c) In respect of revegetation and rehabilitation activities, the SSEMP shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>i. identification of soil resource to be used for rehabilitation within the SSEMP area;</li> <li>ii. identification of the vegetation types to be used on a plan or schedule;</li> <li>iii. a programme for revegetation and maintenance activities for a period of up to the 3 years (maintenance activities may include the exclusion of pest browsers and stock and the removal of weeds, and fencing that might be required for the exclusion of stock);</li> </ol>	<p>I have added an explanatory note to clarify that the SSEMP is about bringing design and environmental management measures together into a simple format that can be used on site to inform site staff.</p> <p>With the relocation of the condition, consequential wording changes are required to make the condition make sense. Reference to Condition E.3. has been moved to the erosion and sediment control section of the condition because Condition E.3. relates to erosion and sediment control.</p> <p>There is a reference to the SSEMPs being relevant to the streamworks as well as the earthworks in the planner conferencing statement (para 32.19). I have amalgamated Condition S2 in to this Condition – refer to sub-clause (d).</p> <p>I have also responded to the statement in the freshwater ecology conferencing statement (para 18) that suggests specific design aspects for the Te Puka stream.</p>

	<p>iv. the desired percentage of surface cover to be achieved to reduce the adverse effects from sediment-laden stormwater run-off; <u>and</u></p> <p>v. identification of any innovative treatments of exposed rock cuttings that are to be used; <u>and</u></p> <p><del>vi. information demonstrating that as far as practicable the objectives in Condition E.3 are met.</del></p> <p>(d) <u>In respect of stream realignment, the SSEMP shall include, but not be limited to:</u></p> <p>i. <u>measures/methods to seek to ensure that fish passage is maintained during and on completion of construction works along the stretches of stream affected by the exercise of this consent;</u></p> <p>ii. <u>details of culvert inlet/outlet protection structures e.g. pre-cast wing walls or rock rip-rap;</u></p> <p>iii. <u>appropriate sizing of culverts and allowances for secondary flow paths during high flows; and</u></p> <p>iv. <u>any other measures or details as appropriate to achieve compliance with all conditions of this consent.</u></p>	
<del>S.3.</del> <u>G.15B</u>	Works shall not commence until the <u>SSEMPs detailed design plans and construction methodology</u> required by <u>Condition G.15A.</u> <del>Condition S2.</del> of this consent have been certified by the Manager <del>CWRC as being in general accordance with consent application plans.</del>	This condition has been relocated from the "S" suite of conditions in order to be relevant to all stream works - including the "WS" suite of conditions.
<del>E.21.</del> <u>G.15C</u>	The consent holder may request amendments to any SSEMP by submitting the amendments in writing to the Manager for <del>approval,</del> <u>certification at least 10 working days</u> prior to any changes taking effect.	Mr Handyside notes in his evidence (para 61) that a mechanism for on the spot changes and a quick turnaround is desirable. I have reflected a relatively quick turnaround time in this condition.
<del>S.8.</del> <u>G.15D</u>	The consent holder shall take all practicable steps to minimise sedimentation and disturbance of streams during the construction and implementation of the Work, including: <p>(a) completing all Work in the minimum time practicable;</p> <p>(b) minimising the area of disturbance at all times;</p> <p>(c) avoiding placement of excavated material in the wetted channel;</p> <p>(d) separating construction activities from the wetted channel;</p> <p>(e) minimising time spent by machinery in the wetted channel, including the number of vehicle crossings;</p> <p>(f) immediately removing any excess material from the bed and banks of the stream on completion of the Work; and</p> <p>(g) where practicable, using material from the old dry channel for subsequent new channels.</p>	
	<b>Ecological Management and Monitoring Plan (EMMP)</b>	
<del>E.24.</del> <u>G.15E</u>	The consent holder shall, in consultation with the Director-General of Conservation, <u>Te Runanga o Toa Rangatira Inc and the Greater Wellington Regional Council,</u> <p>(a) update and finalise the Draft Ecological Management and Monitoring Plan dated July 2011 to: <p>i. include performance measures, actions, methods, trigger levels and monitoring programmes designed to achieve the objectives <u>and criteria specified in Conditions E.22 and E.23 E.15F and E.15G below</u> <del>above</del>;</p> <p>ii. provide for the continual review and monitoring of the effects of construction activities, including the inspection of all erosion and sediment control devices after all <del>heavy rainfall</del> <u>stabilisation</u> trigger events, and the upgrading of devices where necessary to achieve the most efficient and effective treatment; and</p> <p><del>(b) The consent holder shall submit this the EMMP to the Manager, for approval certification</del> <u>at least 20 working days</u> prior to works commencing on any part of the Project.</p> </p>	Mr Fuller recommends (para 166 of his EIC) that this condition specifies the need for monitoring for the success of mitigation activities.  Ms DeLuca recommends that point (a)(ii) would be better placed on the ESCP. This is also reflected in a condition proposed by her and inserted into the "E" suite of conditions.
<del>E.22.</del> <u>G.15F</u>	<u>As part of the EMMP, and during</u> <del>During</del> construction of the Project, the consent holder must achieve the following objectives as far as reasonably practicable:	Mr Fuller (para 184.1 of his EIC) recommends that four specific areas of vegetation are listed in conditions for identification and protection.

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	<p>(a) Re-establish affected lizard habitat and minimise lizard mortality resulting from construction of the Project;</p> <p>(b) Re-establish affected peripatus habitat and minimise peripatus mortality resulting from construction of the Project;</p> <p>(c) Minimise disturbance of breeding kaka and falcon;</p> <p>(d) Minimise effects on fish during streamworks;</p> <p><del>(e) Mitigate stream loss and modification by:</del></p> <p style="padding-left: 20px;"><del>i. Enriching riparian habitat; and</del></p> <p style="padding-left: 20px;"><del>ii. Enhancing fish passage;</del></p> <p>(f) Reduce construction effects on <del>the aquatic freshwater and the Porirua Harbour</del> marine environments; <del>and</del></p> <p>(g) Avoid the destruction of valued vegetation, <del>in particular riparian vegetation</del>, where practicable</p> <p><del>(h) Establish habitat that is suitable for <i>leptinella tenella</i> when existing habitat is lost; and</del></p> <p><del>(i) Use locally sourced plants where they are available.</del></p>	<p>Point (i) has been relocated from Condition S.5.</p> <p>I also propose a new condition – and take a similar approach to erosion and sediment management – setting criteria for ecological mitigation to complement the ecological management objectives (Condition 15.G).</p>
G.15G	<p><u>The consent holder shall achieve a combined total of at least 426ha of active or passive vegetation restoration and management which shall be comprised of the following components:</u></p> <p>(a) <u>Approximately half of that area comprising land retired from farming and protected (refer to Condition G.15.H);</u></p> <p>(b) <u>Approximately one fifth of that area comprising pioneer shrubland that will be retired, protected and undergo enrichment planting;</u></p> <p>(c) <u>Approximately one third of that area comprising revegetated for terrestrial, freshwater, landscape or stormwater purposes; and</u></p> <p><u>Within the above areas, at least 26,000 linear metres of stream mitigation including enriching riparian habitat and enhancing fish passage shall be achieved.</u></p>	<p>Mr Fuller recommends (para 167 of his EIC) that a specific area to be protected/revegetated (in ha) is written into a condition. Consequently, I propose this condition.</p> <p>Dr Keesing has suggested additions to emphasise the length of mitigation proposed, and I agree that this is a suitable addition to the ecological management objectives in order to address concerns about the amount of mitigation to be carried out (as raised by DOC and KCDC).</p>
G.15H	<p><u>Prior to the commencement of operation of the road, the consent holder shall implement measures, which may include a protective covenant or similar mechanism, that seeks to ensure that, regardless of any future ownership/tenure changes, the land required for mitigation of the effects of the Project is protected in a manner that achieves at least the area of land retirement and revegetation planting specified in Condition G.15G. in perpetuity. For the purposes of this condition, land that is designated shall be deemed to be protected.</u></p>	<p>I have written this condition to provide for permanent protection of the mitigation areas – in particular those that are located outside of the designation. This was raised in planner conferencing and by a number of the ecology expert witnesses.</p>
E.23.	<p><del>During the operational life of the Project, the consent holder must achieve the following objectives as far as reasonably practicable:</del></p> <p><del>(a) Minimise bat mortality (if any) resulting from operation of the Project;</del></p> <p><del>(b) Maintain habitat for <i>leptinella tenella</i>, and ensure the long term retention of that habitat;</del></p> <p><del>(c) Protect against future land uses which could adversely effect stream ecology, through ensuring the long term retirement of regenerating land;</del></p> <p><del>(d) Mitigate the loss of indigenous forest, by revegetating indigenous forest, and ensuring the long term retention of that forest; and</del></p> <p><del>Reduce sediment generation and discharge, by ensuring the long term retention of riparian habitat enriched during construction.</del></p>	<p>This condition has been deleted and amalgamated into other conditions to address an issue raised in planner and ecology conferencing which queried the methods to be used for the permanent protection of the mitigation areas – in particular those that are located outside of the designation.</p> <p>The planners also discussed where the conditions to minimise bat mortality and maintain habitat for <i>leptinella tenella</i> were best placed, as Ms Grant does not consider these to be appropriate regional consenting issues. Bats are also mentioned in the evidence of Ms Myers, Ms Adams and Dr Baber.</p> <p>I recommend that all the ecological management conditions are “kept together” and that they remain on the regional resource consents. I have amalgamated these requirements into the overall ecological management conditions package.</p>
E.25.	<p><del>The consent shall implement the actions, methods, and monitoring programmes specified in the Ecological Management and Monitoring Plan.</del></p>	<p>I have deleted this condition as it is duplicated by the General management plan condition G10 above.</p>

		I note that Dr Keesing recommends additions to this condition or the addition of a separate condition requiring monitoring of the success of mitigation improvements. I have drafted a condition (below) to address this including redrafting of Condition E.26 (previous numbering).
G.15I	<p>As part of the EMMP, the consent holder shall engage a suitably qualified ecologist to carry out the following:</p> <p>(a) <u>At least one year prior to the commencement of construction of the route, the consent holder shall carry out a study to determine whether there are bats present at any location along the alignment where they or their habitats may be affected by operation; and</u></p> <p>(b) <u>If bats are present, the consent holder shall undertake a more detailed study to determine population, habitat use, range and to identify roosts; and</u></p> <p>(c) <u>If bats are present, the consent holder shall prepare a management plan to assess potential impacts of the project on bat populations, and shall include monitoring for operational effects on bats for one year after operation commences, and to assess the effectiveness of any mitigation.</u></p>	As discussed in the evidence of Mr Fuller (and responded to in the evidence of Ms Adams para 18), it is acknowledged by him that further work is required to determine the presence, or otherwise, of bats.
<del>E.26.</del> G.15J	<p><del>The consent holder shall seek to ensure that:</del></p> <p>(a) All ecological monitoring <u>required under the EMMP is shall be undertaken or supervised</u> by a suitably qualified <del>person and experienced ecologist;</del></p> <p>(b) The results of all monitoring carried out pursuant to the Ecological Management and Monitoring Plan <del>are</del><u>shall be:</u></p> <p>i. recorded in a log of each monitoring site visit which shall be held on-site;</p> <p>ii. available for inspection during normal office hours;</p> <p>iii. submitted to the Manager and to the Director-General of Conservation at quarterly intervals <u>for their information.</u></p> <p>iv. <u>summarised and submitted as part of the annual report required under Condition G.22.</u></p> <p>(c) Records <del>are</del> <u>shall be kept</u> to show where monitoring is not possible due to dry conditions or where no sediment retention pond inflow or outflow exists.</p>	<p>I have reworked this condition to:</p> <p>(a) Address matters raised in planner conferencing (para 32.20) , which sought to include the sub-conditions as stand alone conditions, and to delete the phrase <i>"The consent holder shall seek to ensure that:"</i></p> <p>(b) Address the points in Dr Keesing's evidence requiring a monitoring plan that measures the success of the mitigation measures that have been carried out (see 15K below).</p> <p>I note that there is a proposed new condition requiring an annual report (Condition G.22) of monitoring results (all monitoring that is required by the full suite of consent conditions) and that this will result in some duplication of provision of monitoring data to the Regional Council.</p>
G.15K	<p><u>As part of the EMMP and for any part of the Project which has the potential to cause a barrier to fish passage, the consent holder shall engage a suitably qualified ecologist to:</u></p> <p>(a) <u>capture native fish within the upper reaches of the stream as far as practicable and relocate them upstream or downstream (as relevant) of the proposed works prior to the commencement of the works; and</u></p> <p>(b) <u>capture and relocate any fish found to be stranded after works have commenced and for the full duration of works until that part of the Project that has caused the barrier is completed and the stream channel is reopened.</u></p>	This condition replaces conditions S.9 and S.10 – becoming General conditions.
G.15L <del>S.11.</del>	<p><u>The EMMP shall require that, for any works that will occur within the wetted channel of any stream outside of the period from 1st March to 31st July, the consent holder shall, in consultation with the Manager, develop a specific programme and methodology to manage migration of native fishes. The programme and methodology shall be developed with reference to the <i>Freshwater Fish Spawning and Migration Calendar (Hamer 2007).</i></u></p> <p><del>During whitebait migration season (between 1 September to 30 November inclusive) and/or the adult fish spawning season (between 1 April to 31 July inclusive), Work within the wetted channel of the stream is only permitted:</del></p>	<p>This condition has been reworded and is complementary to the condition above that address fish passage. I note that Miria Pomare (para 95) discusses managing fish passage during seasonal migration times.</p> <p>My understanding from Dr Keesing is that migration of native fishes is generally absent or at its lowest between March and July though eel species may migrate</p>



	<p>(a) <del>with the prior approval of the Manager; and</del>  (b) <del>in any case, will be limited to 1 day out of 7 and no more than 2 days in any 30 days.</del></p> <p><del><b>Explanatory Note:</b> This condition excludes works as permitted by Rule 22 of the Regional Freshwater Plan for the Wellington Region.</del></p>	<p>most of the year. Dr Keesing recommends that a targeted programme is developed for works in the wetted channel with reference to the <i>Freshwater Fish Spawning and Migration Calendar (Hamer 2007)</i> and that this is certified by the Manager (prior to Works commencing in the wetted channel). Dr Keesing advises that this will provide for a better outcome, rather than specifying dates which may or may not be relevant to all the species present in the different watercourses traversing the Project.</p>
	<p><b><i>Explanatory Note: The purpose of the Mitigation Success monitoring is:</i></b></p> <ul style="list-style-type: none"> <li>• <i>to determine whether aquatic habitat and stream functions within the diversion and mitigation reaches have improved; and</i></li> <li>• <i>confirm establishment of revegetation planting and land retirement areas;</i></li> <li>• <i>to meet the mitigation requirements established by the analysis in the Ecological Impact Assessment dated August 2011, prepared by BML.</i></li> </ul>	
<p><b>G.15M</b></p>	<p><u>As part of the EMMP and at least two years prior to the commencement of operation of the road, the consent holder shall develop Mitigation Success Monitoring measures which shall set out principles and parameters for monitoring and an action plan to remedy unsuccessful mitigation.</u></p> <p><u>The measures shall be determined in consultation with Te Runanga o Toa Rangatira Inc, Director General of Conservation and Greater Wellington Regional Council.</u></p> <p><u>The principles shall include, but not be limited to:</u></p> <ul style="list-style-type: none"> <li>(a) <u>Recording the habitat and biodiversity values found prior to commencement of construction in a form that will provide a basis for comparison later;</u></li> <li>(b) <u>Using those values (in (a) above) as a baseline for the monitoring programme;</u></li> <li>(c) <u>Measureable outcomes desired for species abundance and habitat abundance;</u></li> <li>(d) <u>Achieving an comparable position to the existing situation for both habitat and biodiversity, with equal or better numbers of species, and equal or better localities of habitat; and</u></li> <li>(e) <u>Clear options for addressing mitigation measures that are demonstrated to be unsuccessful.</u></li> </ul>	<p>Dr Keesing and Dr Fuller both recommend that mitigation success monitoring is required. They recommend a measurement programme and plan needs to be set out, that specifies parameters that are to be measured, in consultation with the consent authority. I therefore recommend that DOC and iwi, be consulted on the monitoring.</p> <p>I note that the EMMP already contains recommendations for maintenance and monitoring, and because the EMMP is required to be complied with, these principles will apply. Mr Fuller refers to this in his rebuttal evidence in response to concerns raised by Ms Myers, and notes for example, that maintenance and monitoring is required for up to 10 years in some instances.</p> <p>I consider this provides a good method by which a detailed monitoring plan, along with remedial actions for addressing unsuccessful mitigation measures can be developed.</p>
	<p><b>The following "M" conditions were agreed between Ms Kettles and Dr De Luca in expert conferencing. Upon finalising the conditions, these conditions would be re-numbered as "G" conditions.</b></p>	<p>I note that some changes have been made to the text of the following conditions from the conferencing statement. I also note the following:</p> <ul style="list-style-type: none"> <li>• Recommended Condition M.1. has been amalgamated into Condition G.15E (which was previously E.24) which requires the EMMP to be updated and finalised. The five listed items in Condition M.1. are, in my opinion, already adequately covered by other conditions and management plans such as CEMP, proposed new training Condition G.12A, and the EMMP itself. As discussed in my rebuttal evidence, I am keen to strike a balance between listing numerous specific items in conditions and having them embedded in management plans</li> <li>• Recommended Conditions M.8. has been amalgamated into Condition G.22 which requires an annual report.</li> <li>• Recommended Condition M.9. is amalgamated into the erosion and</li> </ul>

		sediment control objectives.
M.3	<p><u>As part of the EMMP, a marine benthic habitat monitoring programme shall be undertaken 6-monthly, with sample collection occurring in summer (1 December–1 March inclusive) and winter (1 June–1 September inclusive) as follows:</u></p> <p>(a) <u>Two summer and two winter baseline survey shall be undertaken prior to the commencement of construction works in the Porirua Harbour watersheds, in order to provide two summer and two winter baseline data sets;</u></p> <p>(b) <u>Whilst construction is occurring within the Porirua Harbour watersheds; and</u></p> <p>(c) <u>Two summer and two winter post-construction surveys shall be undertaken following completion of works in the Porirua Harbour watershed.</u></p>	<p>Dr DeLuca and Ms Kettles recommend that marine benthic monitoring is needed for following completion of the Project for the purpose of identifying effects. I have slightly modified this condition to recognise that it relates to works within the Porirua Harbour watersheds.</p> <p>I note that Dr DeLuca and Ms Kettles both recommended (their condition M2) that the monitoring is done by a suitably qualified person. I consider this is covered in Condition G.15J.</p>
M.4	<p><u>The intertidal marine benthic habitat monitoring programme required under Condition M.3. shall be undertaken in accordance with the details set out in the EMMP at the locations specified in Condition M.5. and include:</u></p> <p>(a) <u>Analysis of the intertidal marine invertebrate community composition (at each sampling location collecting at least 15 sediment cores (13 cm diameter) to a depth of approximately 15 cm);</u></p> <p>(b) <u>Analysis of the intertidal and subtidal sediment surface (top 2 cm) for sediment grain size;</u></p> <p>(c) <u>Analysis of the intertidal and subtidal sediment surface (top 2 cm) for sediment quality (analysis of the concentration of copper, lead, zinc and polycyclic aromatic hydrocarbons, in both total sediment and &lt;63µm fraction).</u></p>	
M.5	<p><u>The intertidal marine benthic habitat monitoring shall be undertaken within sampling grids broadly established at the following locations as a minimum:</u></p> <p>(a) <u>Seven intertidal locations within the Pauatahanui Inlet;</u></p> <p>(b) <u>Seven subtidal locations within the Pauatahanui Inlet;</u></p> <p>(c) <u>Three intertidal locations within the Onepoto Arm;</u></p> <p>(d) <u>Three subtidal locations within the Onepoto Arm;</u></p> <p><u>Specific locations and experimental design shall be detailed in the EMMP, and the design of the monitoring programme will be based on the Estuarine Environmental Assessment and Monitoring: A National Protocol (Cawthron 2002).</u></p>	<p>Whilst the marine ecologists recommended it, monitoring at the Wainui and Whareroa Stream mouths is not proposed. These stream mouths have not been identified in the applications as being a sensitive environment as has the Porirua Harbour.</p>
M.6	<p><u>The consent holder shall undertake additional marine habitat monitoring in the event of a 'trigger event' for marine ecology habitats.</u></p> <p><i><u>Explanatory note: Trigger events include discharges from erosion and sediment control devices that do not meet specific discharge quality criteria, obvious failure of erosion and sediment control devices, accidental discharge of contaminants, the detection of sediment discharged to the marine environment that in the opinion of the Manager can be attributed to the Project. For the purposes of this consent, a 'trigger event' for marine ecology habitats is defined in the EMMP.</u></i></p>	<p>I have split the recommended condition into a condition and an explanatory note.</p>
M.7	<p><u>The consent holder shall review the marine benthic habitat monitoring results (pursuant to Conditions M.3 to M.6) and in the event that adverse effects are identified that can be attributed to the Project, the consent holder shall develop and implement appropriate contingency plans and/or remedial measures.</u></p>	
	<p><b><u>Duck Creek Culvert replacement</u></b></p> <p><b><u>Replacement of existing culverts</u></b></p>	<p>Title changed to reflect that there is a new recommendation to replace a culvert on the Wainui Stream.</p>
E.28. G.15N	<p><u>The replacement of the eight identified perched culverts within Duck Creek shall be completed within two years of the commencement of construction of any part of the new road between chainage 19000 and 23500 on the Main Alignment.</u></p> <p><u>Replacement culverts shall be designed so as to provide fish passage for native migratory fish species, and shall be of a similar size</u></p>	<p>I have moved this condition to be a "General" condition in response to planner conferencing. I had initially proposed to include this condition as one of the earthworks conditions to ensure that there was an early trigger for implementation</p>



	<p><u>and capacity to the existing culverts unless otherwise agreed with the Manager.</u></p>	<p>of the Duck Creek culvert replacements which is a part of the overall mitigation package. This created some confusion and I needed to explain the rationale for this condition being located where it was. For better clarity, I suggest it becomes a "General" condition.</p> <p>I have also clarified that the works need to be being carried out in conjunction with works within the Duck Creek catchment. This is because the condition may create a requirement for the culverts to be installed well before work begins in the catchment, and necessitate associated disturbance of land unnecessarily.</p>
<p><u>G.150</u></p>	<p><u>The consent holder shall replace the existing perched culvert on the Wainui Stream where it passes underneath State Highway 1 (approx. grid reference NZTM N 5461389 E 1765567) with a new culvert that provides for fish passage for native migratory fish, within two years of commencement of construction Works in any part of the route north of the Wainui Saddle (chainage 5000).</u></p>	<p>I propose this condition in relation to Dr Keesing's evidence where he recommends that the existing perched culvert underneath State Highway 1 on the Wainui Stream be replaced.</p> <p>I note that there is provision for some existing culverts to be undertaken as a permitted activity under Rule 22 of the Regional Freshwater Plan, and that this work may be able to be undertaken as a permitted activity. Detailed design of the replacement culvert and its associated structures would be required in order to determine the activity status.</p> <p>Whilst I do not consider it to be good practice to recommend a consent condition that may require an applicant to seek another consent, I consider this would likely be a fairly straightforward consent to apply for.</p>

**RC1 Land Use Consent – Earthworks**

For approximately 6 million cubic metres of earthworks for the purpose of road construction over an area of approximately 170 hectares between Linden and MacKays Crossing including five fill sites, construction laydown areas and site compounds, and erosion and sediment control devices; and the associated removal of vegetation including plantation forestry.

**RC2 Discharge Permit**

To authorise the discharge of sediment laden stormwater and chemically treated (which would include flocculant and similar products) sediment laden water to land that may enter water

**RC3 Discharge Permit**

To authorise the discharge of sediment laden stormwater and chemically treated (which would include flocculant and similar products) sediment laden water to water

**Schedule of proposed resource consent conditions NZ Transport Agency**

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Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
	<b>Earthworks limit conditions</b>	
E.1.	Non-stabilised areas of earthworks authorised by this consent (whether of themselves or in combination with non-stabilised areas of earthworks authorised <del>or</del> by the consent granted to the PCC for earthworks [insert consent reference]) within the Pauatahanui Inlet watershed, shall be limited to not more than 40ha in total at any one time, and shall be further limited within the Duck Creek catchment, to not more than 14.25ha at any one time, unless otherwise agreed in writing with the Manager.	This condition has been the subject of a lot of discussion in planner conferencing and in conferencing between erosion and sediment control experts. Ms Grant has stated that she supports the concept and general format of this condition, and that the numbers specified should be determined by the experts.  At the time of preparing this version of track changes conditions, the erosion and sediment control specialists were continuing to carry out expert conferencing. It is anticipated that any changes to Conditions E.1. and E.2. will be addressed upon receipt of further information from them.
E.2.	Non-stabilised areas of earthworks within the Onepoto Arm watershed shall be limited to not more than 17.25ha in total at any one time, unless otherwise agreed in writing with the Manager.	At the time of preparing this version of track changes conditions, the erosion and sediment control specialists were continuing to carry out expert conferencing. It is anticipated that any changes to Conditions E.1. and E.2. will be addressed upon receipt of further information from them.
E.2A.	<u>For the purposes of Conditions E.1. and E.2. earthworks areas shall be deemed to be “stabilised” when a visual inspection by the Manager has confirmed that at least 75% effective stabilisation has been achieved.</u>	This condition is recommended (para 56 of EIC) by Mr Gough.
	<b>Erosion and Sediment Control</b>	
	<b>Erosion and sediment control objectives</b>	
E.3.	<u>For the preparation of the Erosion and Sediment Control Plans that will be implemented d</u> During construction of the Project, the consent holder must achieve the following objectives as far as reasonably practicable: (a) Minimise the overall non-stabilised earthworks footprint; (b) Use BPO to minimise non-stabilised earthworks <del>in the areas where highly erodible colluvium is found in the Duck Creek, Upper Horokiri and Te Puka Stream catchments;</del> ( <del>c</del> ) <del>Use a staged construction programme to minimise areas of earthworks that are non-stabilised at any one time;</del> (d) <u>Progressively s</u> tabilise completed areas of earthworks as soon as practicable and within one month of completion or ceasing Work in that area; (e) Divert clean run off away from non-stabilised earthworks areas; (f) Use BPO to design and install a variety of perimeter controls for the management of flows of water and sediment and sediment retention; ( <del>g</del> ) <del>Achieve TSS removal efficiencies of at least 70% for all storm events with a less than 10 year ARI, as demonstrated by an agreed monitoring programme;</del> ( <del>h</del> ) <del>Design all emergency spillways to accommodate at least a 50 year ARI storm event peak flow;</del> ( <del>i</del> ) <del>Design all emergency spillways that are programmed to be in operation for more than one year to accommodate a 100 year ARI storm event peak flow;</del> (j) Use dry and wet weather forecasting, monitoring and reporting, to ensure all practicable erosion and sediment control measures are put in place if a <u>heavy rainfall stabilisation trigger</u> event is forecast and manage the effects of weather on the erosion and	I have suggested moving the title for erosion and sediment control so that it is clearer that Condition E3 is related to all the conditions that follow.  I have been involved in a lot of debate about Condition E3. MS Grant, Dr Solly, Mr Gough all discuss it in their evidence, and it was the subject of discussions at planner conferencing. I acknowledge that this condition remains a key area of difference between myself and Ms Grant. We are, for the most part, well aligned on other matters relating to conditions.  Mr Gough recommends a number of changes in his evidence, and I have used his recommendations to draft additional objectives (esp. his para 56). I note that Ms Grant states (para 97 of her evidence) that she supports Mr Gough’s statement that an extra condition should be added that restricts the total catchment open at any one time over the entire project. Mr Gough suggests 25% open (para 56 of his EIC). I have reworked this to incorporate progressive stabilisation as an objective.  Ms Grant mentions this condition extensively (para 87) in her evidence and suggests that some of the points should be conditions in their own right. She also questions its enforceability.  I disagree that this condition should be altered to become separate conditions

Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
	sediment control measures; (k) Prepare for and manage environmental risks from <del>heavy rainfall</del> <u>stabilisation trigger</u> events; and (l) Use adaptive management principles to review and refine the erosion and sediment control and treatment measures used.	<p>overall. These erosion and sediment control objectives are deliberately meant to be objectives for sediment control using an adaptive management approach. I note the comments in legal submissions and am familiar with the case where the Environment Court has accepted this concept through the North Bank Tunnel Project. The same applies to the objectives proposed for the EMMP. I have copied the wording from the North Bank Tunnel project conditions as closely as I can (making sure they are relevant to this Project). However, I have recommended that some of the points become design criteria for erosion and sediment control measures – refer to proposed new Condition E.3A. below.</p> <p>Mr Gough recommends changes to E3(b) reflect the desire to use the Best Practicable Option (for erosion and sediment control) on the whole project, rather than just where highly erodible materials are found. I agree with this.</p> <p>I propose to delete (c) because staging is already specified in CEMP and in separate General conditions.</p>
E.3A.	<p><u>Unless otherwise agreed with the Manager, the consent holder shall design all erosion and sediment control devices to achieve the following design criteria:</u></p> <p>(a) <u>Sediment retention devices shall be sized for at least 3% of their catchment area with a depth of at least 1m where they form a final discharge point for a catchment;</u></p> <p>(b) <u>During construction of the project (including enabling works), the consent holder shall achieve TSS efficiencies of at least 70% removal for all storm events with a less than 10 year ARI;</u></p> <p>(c) <u>All emergency spillways to accommodate at least a 50 year ARI storm event peak flow; and</u></p> <p>(d) <u>All emergency spillways that are programmed to be in operation for more than one year to accommodate a 100 year ARI storm event peak flow.</u></p>	<p>I have proposed this condition in order to address concerns raised in planner conferencing and by erosion and sediment control experts. The use of specific performance criteria in conditions was suggested by Ms Grant, Mr Gough, and Mr Handyside in their evidence in chief.</p> <p>I have also recognised Ms Grant’s preference for a 70% TSS efficiency – and this is discussed in the rebuttal evidence of Mr Gough.</p>
	<b>Erosion and Sediment Control Plan and measures</b>	Title relocated as discussed above
E.4.	For each Stage of Work, an <b>Erosion and Sediment Control Plan</b> (ESCP) shall be prepared and submitted a minimum of 20 working days prior to earthworks of the Stage commencing, for the certification of the Manager. Certification <u>of the ESCP</u> shall be obtained <u>from the Manager</u> prior to earthworks of the stage commencing.	Minor clarifications
E.5.	The ESCPs shall <del>as far as practicable</del> meet the objectives in Condition E.3 and include, but not be limited to: <ul style="list-style-type: none"> <li>(a) Contour information at suitable intervals;</li> <li>(b) Erosion and sediment control measures including specific pond design (including calculations supporting pond sizing)</li> <li>(c) Catchment boundaries for the erosion and sediment control measures;</li> <li>(d) Location of the Work, and cut and fill operations;</li> <li>(e) Details of construction methods to be employed, including timing and duration;</li> <li>(f) Design details including:               <ul style="list-style-type: none"> <li>i. Contributing catchment area;</li> </ul> </li> </ul>	<p>Mr Gough recommends the deletion of the words ‘as far as practicable’ from this condition. I agree that it is appropriate in this instance given that Mr Gough states that there is no reason why the ESCPs should not meet the objectives in Condition E3.</p> <p>I acknowledge Ms Grant’s support of the establishment of a sediment control team (Condition (k))</p> <p>I note that Ms Grant suggests the insertion (para 94) of a condition requiring</p>

Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
	<ul style="list-style-type: none"> <li>ii. Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);</li> <li>iii. Shape of structure (dimensions of structure);</li> <li>iv. Location of flood waters</li> <li>v. Safety and access</li> <li>vi. Position of inlets/outlets</li> <li>vii. Stabilisation of the structure; and</li> <li>viii. Maintenance.</li> </ul> <p>(g) A programme for managing non-stabilised areas of earthworks, including progressive stabilisation considerations;</p> <p>(h) The identification of appropriately qualified and experienced staff to manage the environmental issues onsite;</p> <p>(i) The identification of staff who have clearly defined roles and responsibilities to monitor compliance with the Consent Conditions and ESCP;</p> <p>(j) Provision of details of a chain of responsibility for managing environmental issues and details of responsible personnel;</p> <p>(k) The establishment of a sediment control team (including representatives from the contractor, GWRC and the Consent Holder) to meet and review erosion and sediment control measures on a weekly basis, or at intervals as otherwise agreed;</p> <p>(l) Approach and procedures for ensuring advance warning of a <del>heavy rainfall</del> <u>stabilisation trigger</u> event and for the management of such an event including systems of advance warning, arrangements for communications with the GWRC and other relevant authorities, and for the monitoring and treatment of non-stabilised areas of earthworks and erosion and sediment control measures, and for reporting to GWRC following any such event; and</p> <p>(m) Methods and procedures to be undertaken for decommissioning of erosion and sediment control measures.</p>	<p>additional information to be provided where earthworks are to be carried out in winter seasons. “Winter works” restrictions is something that I am familiar with in the Auckland environment, but am not aware of it being as common a requirement in Wellington. I believe this is likely to be because there is less of a difference in rainfall between summer and winter in Wellington, and understand from Mr Martell, that there are commonly large rainfall events in summer, just as there are in winter. I also note that the summers in Auckland are generally hotter, leading to potentially quicker drying time for wet ground, than Wellington.</p> <p>In this case, the Regional Council is required to certify staging plans under Conditions G8 and G9, and there is an opportunity here to review concerns about winter works with the consent holder and contractor if required.</p> <p>Whilst I have accepted that “winter works” conditions can be appropriate for some Auckland projects, I remain unconvinced that a similar condition is necessary for this Project. I therefore have not added changes as recommended by Ms Grant.</p>
E.6.	<p>Erosion and sediment control measures shall be constructed and maintained in accordance with the NZTA’s <i>Draft Erosion and Sediment Control Standard for State Highway Infrastructure and Draft Field Guide for Contractors</i>-(and any <u>subsequent</u> amendments to that document <u>that occur after this consent is granted and prior to the commencement of construction</u>), except where a higher standard is detailed in the ESCP referred to in Condition E.5 above, in which case the higher standard shall apply.</p>	<p>Ms Grant (para 89) has requested that the condition refer to the Greater Wellington document rather than the NZTA’s document. The NZTAs document has been referred to in all the technical reports. I am also advised that it has more stringent standards than the GW document. By using a consistent document around NZ, the NZTA then uses a consistent approach to managing erosion and sediment control. I can understand this view, and it is particularly useful if projects cross different jurisdictions. In short, I personally have no preference between the two documents. I have therefore left the reference the same as proposed in the conditions submitted as this is preference of the NZTA.</p> <p>Ms Grant also requests that if there were a new standard adopted prior to the commencement of construction, that the new standard would be applied. I note that this also addresses an issue raised by interest groups PICT and GOPI. There is also a reference to this in the planner conferencing statement (para 32.13).</p>
E.7.	<p>Prior to any earthworks commencing, a certificate signed by an appropriately qualified and chartered professional engineer shall be submitted to GWRC to certify that the erosion and sediment control measures have been constructed in accordance with the ESCP as specified in Condition E.5 of this consent.</p>	
E.8.	<p>A copy of the “as-built(s)” and the certified ESCPs shall be kept on site, and all erosion and sediment control measures (including staging boundaries and particularly the extent of exposed areas) shall be updated as soon as practicable as changes are made. As-</p>	<p>This amendment is proposed by Mr Gough and supported by Ms Grant.</p>

**Schedule of proposed resource consent conditions NZ Transport Agency**

**TRACK CHANGES 20th January 2012**

Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
	built plans shall be <u>prepared by a suitably qualified person and shall be accompanied</u> by text detailing the relevant earthworks methodology, constraints and likely progressions, and shall (in general accordance with the ESCPs) be revised as required to enable clear interpretation as to the day to day operation and management of erosion and sediment control measures.	
E.9.	All necessary perimeter controls shall be operational before earthworks (or relevant stage of earthworks) begin. <u>The diversion channels shall have surface lining or protection to avoid surface erosion.</u>	Mr Gough recommends this addition (para 60) and Ms Grant supports this.
E.10.	<del>The consent holder shall seek to ensure that procedures are adopted to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site where such material is liable to cause a nuisance or hazard. Should the exercise of this Consent result in material being deposited on the road that causes or is liable to cause a nuisance or hazard, that material shall be removed immediately to the satisfaction of the Manager.</del>	This condition has been relocated to designations as agreed at planner conferencing - it is a designation issue (para 32.14).
E.11.	No sediment retention ponds, chemical treatment systems or perimeter controls shall be removed or decommissioned before the entire area is stabilised, unless such removal and decommissioning is in accordance with the CEMP or a SSEMP, <u>and the Manager has been informed in writing not less than 10 working days prior.</u>	Addition of notification of the Manager prior to the removal of ponds is discussed in the planner conferencing statement (para 32.15).
E.12.	All 'cleanwater' runoff from stabilised surfaces, including catchment areas above the site, shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion.	
	<b>Incidents</b>	
E.13.	<del>During construction Work, the consent holder shall maintain a permanent record of any incidents alleging adverse effects from, or related to, the exercise of this consent. The record shall include: (a) identification of the nature of the incident; (b) location, date and time of the incident; (c) weather conditions at the time of the incident (as far as practicable); (d) the outcome of the consent holders investigation into the incident; (e) measures taken to seek to ensure that such an incident does not occur again; and (f) Any other activities occurring in the area that are unrelated to the project and that may have contributed to the incident. This record shall be maintained on site and shall be made available to the Manager, upon request. The consent holder shall notify the Manager in writing of any such complaint within 5 working days of the complaint being brought to the attention of the consent holder.</del>	It was agreed in planner conferencing that this condition should be deleted as it is covered by G18
	<b>Erosion and sediment control monitoring</b>	
E.14.	The Consent Holder shall carry out monitoring in accordance with the approved ESCP and shall maintain records detailing: (a) The location of the monitoring undertaken; (b) The time and date the monitoring was undertaken; (c) The weather conditions at the time of monitoring; (d) The performance criteria measured (e) The erosion and sediment controls that required maintenance; (f) The maintenance actions which were completed; and (g) The time when the maintenance was completed; and (h) Areas of non-compliance with the ESCP and the Chemical Treatment performance monitoring plan (if any), the reasons for the	

Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
	<p>non-compliance and any action taken to remedy the non-compliance (if any). This information shall be made available to the GWRC upon request.</p>	
E.15.	<p>The Consent Holder shall carry out Sediment Retention Device monitoring during <del>heavy rainfall</del> <u>stabilisation trigger</u> events in accordance with the approved ESCP and agreed performance criteria <u>and</u>, shall maintain records detailing:</p> <ul style="list-style-type: none"> <li>(a) The location of the Sediment Retention Device;</li> <li>(b) The time and date the monitoring was undertaken;</li> <li>(c) The weather conditions at the time of monitoring, <u>including the start and finish dates and the ARI of rainfall events monitored</u>;</li> <li>(d) The event based performance criteria measured; including but not limited to; <ul style="list-style-type: none"> <li>i. Inlet turbidity; flow; particle size, pH</li> <li>ii. Outlet turbidity; flow; particle size, pH</li> <li>iii. pH of pond</li> <li>iv. Free Aluminium (Al<sup>3+</sup>)</li> </ul> </li> <li>(e) The performance of the sediment retention devices with agreed event based performance criteria;</li> <li>(f) The maintenance actions which were completed; <del>and</del></li> <li>(g) The time when the maintenance was completed; and</li> <li>(h) Areas of non-compliance with the ESCP and the Chemical Treatment Plan (as relevant) and the reasons for the non-compliance.</li> </ul> <p>This information shall be made available to the GWRC upon request.</p>	<p>I have added this text to respond to comments by Mr Gough (para 66 of his EIC) which specifies collecting more detail about the weather conditions at the time of monitoring.</p>
E.16.	<p>The Consent Holder shall carry out Erosion Control Device monitoring in accordance with the approved ESCP and agreed performance criteria, shall maintain records detailing:</p> <p><u>(aa) Continuous monitoring of erosion and sediment control device discharge quality, where the discharge enters a perennial or intermittent freshwater body or wetland.</u></p> <ul style="list-style-type: none"> <li>(a) The location of the Erosion Control Device;</li> <li>(b) The time and date the monitoring was undertaken;</li> <li>(c) The weather conditions at the time of monitoring;</li> <li>(d) The performance criteria measured; including but not limited to; <ul style="list-style-type: none"> <li>i. Loss of cover material</li> <li>ii. Erosion across protected slopes</li> </ul> </li> <li>(e) The performance of the Erosion Control Devices with agreed performance criteria;</li> <li>(f) The maintenance actions which were completed; and</li> <li>(g) The time when the maintenance was completed; and</li> <li>(h) Areas of non-compliance with the ESCP and the Chemical Treatment Plan (as relevant) and the reasons for the non-compliance.</li> </ul> <p>This information shall be made available to the GWRC upon request.</p>	<p>This amendment is a variation on a condition recommended by Dr DeLuca and Ms Kettles in expert conferencing on marine ecology - refer also to the amendments in Condition NZTA.16A below.</p>
E.16A	<p><u>Where discharge quality breaches trigger levels set out in the ESCP, a suitably qualified ecologist(s) shall be notified within 24 hours, and then inspect the relevant area and monitor the ecological values where and when appropriate, as per the EMMP.</u></p>	<p>This is a variation on a condition recommended by Dr DeLuca and Ms Kettles in expert conferencing on marine ecology - refer also to the amendments in Condition NZTA16 above.</p>



Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
E.16B	<u>In the event of a failure of erosion and sediment control devices, where the discharge is to a perennial or intermittent freshwater body, wetland or estuarine/marine environment, a suitably qualified ecologist(s) shall be notified within 24 hours, and then inspect the relevant area and monitoring the ecological values where and when appropriate, as per the EMMP.</u>	This is a condition recommended by Dr DeLuca and Ms Kettles in expert conferencing on marine ecology.
E16C	<u>The consent holder shall carry out weekly inspections of all site haul roads in order to ensure they are well maintained and that erosion and sediment control devices remain effective.</u>	This is a condition recommended by Mr Gough in his rebuttal evidence in response to an issue raised by Mr Handyside.
	<b>Construction Environmental Management Plan – additional requirements</b>	
E.17.	<p><del>In addition to the requirements in the General Conditions, the CEMP shall have regard to the following rehabilitation principles:</del></p> <p><del>(a) To identify and give particular attention to high cuts that will be visible from dwellings and public open space in order to quickly reduce any visual effects.</del></p> <p><del>(b) For the engineer, ecologist and landscape architect to work together to design the final shape of, and re-vegetation proposals for, earthworks and rock cuts as part of the detailed design process.</del></p> <p><del>(c) To shape the finished cuts to emulate natural rock features and reduce where appropriate the creation of uniform linear features. This may include rolling back the top, ripping sections to create shaped corners, creating gully like features and scree-like slopes, etc.</del></p> <p><del>(d) To shape the finished cuts to provide areas of fractured rock that will provide microhabitats for native grasses, ferns and shrubs.</del></p> <p><del>(e) To shape the finished cuts to allow the deposition of soil in key areas so that tall shrubs can rapidly establish helping to break up the face. This can include benching, and bunding the toe of the cut when access track construction has been completed.</del></p> <p><del>(f) To vegetate cuts with plants equivalent to the slopes above and below the cut.</del></p> <p><b>Explanatory Note:</b></p> <p><del>The CEMP provides an umbrella document that identifies the management processes and techniques to seek to ensure appropriate environmental management of the site. The preparation of and approval processes for the SSEMP's are undertaken in general accordance with the procedures outlined in the CEMP.</del></p>	It was agreed in planner conferencing that this condition is a designation matter. I have revised other conditions in the designation, and I note that it is a matter related to landscape and urban design issues. I also note that Mr Lister has recommended alternative changes in his rebuttal evidence, which I have reflected in the designation conditions.
	<b>Chemical treatment (Flocculation)</b>	
E.18.	All sediment retention ponds and devices shall be chemically treated in accordance with the CTP required under Condition E.19 of this consent.	
E.19.	<p>Prior to the commissioning of chemical treatments for sediment management purposes, the Consent Holder shall provide GWRC with a <b>Chemical Treatment Plan</b> (CTP) for each stage of the works, or in association with a SSEMP, for confirmation by the Manager that it will achieve the standards set out in the ESCP required under Condition E.5.</p> <p>Each CTP shall be submitted to the Manager, for <del>approval</del> <u>certification</u> at least 20 working days prior to any flocculation works commencing within the relevant SSEMP.</p> <p>Each CTP shall include, but need not be limited to:</p> <p>(a) Specific design details of the chemical treatment system;</p> <p>(b) Monitoring, maintenance (including post-storm) and contingency programme (including a Record Sheet);</p> <p>(c) Details of optimum dosage (including catchment specific soil analysis and assumptions);</p> <p>(d) Procedures for carrying out an initial treatment trial;</p> <p>(e) A spill contingency plan;</p>	Minor change to address a matter raised by Mr Gough (para 65 EIC).

Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
	<p>(f) A performance monitoring plan for device performance for sediment treatment <u>including during stabilisation trigger events</u>; and</p> <p>(g) Details of the person or bodies that will hold responsibility for long-term maintenance of the chemical treatment system and the organisational structure which will support the system.</p>	
	<p><b>Site Specific Environmental Management Plans (SSEMPs)</b></p>	
E.20.	<p>The consent holder shall prepare, submit and implement a Site Specific Environmental Management Plan (SSEMP) for each stage or sub-stage area set out in the staging plan required under the CEMP. The SSEMP shall be submitted to the Manager, for certification at least 20 working days prior to works commencing in each plan area. Suitably qualified environmental specialist(s) shall assist in the preparation of the SSEMPs.</p> <p><del>(e) Each SSEMP as far as practicable meet the objectives in Condition E.3 and shall be in general accordance with the CEMP and shall include, but need not be limited to:</del></p> <ul style="list-style-type: none"> <li><del>vi. a detailed design and construction methodology for all works within the area covered by the SSEMP;</del></li> <li><del>vii. details of any contractor appointed to carry out the works authorised by this consent, including the contractor's company, address, named representative and their contact details;</del></li> <li><del>viii. a detailed schedule of construction activities including the expected commencement date and duration of works in each location within the area covered by the SSEMP;</del></li> <li><del>ix. a staging of works to demonstrate that the area of disturbance will be kept to the minimum practicable; and</del></li> <li><del>x. evidence that a suitably qualified engineer has been appointed to carry out the overall design, supervision and certification of earthworks (including cut/fill batter stability and construction of all erosion and sediment controls).</del></li> </ul> <p><del>(f) In respect of erosion and sediment control, the SSEMP shall be prepared in general accordance with the NZTA's <i>Draft Erosion and Sediment Control Standard for State Highway Infrastructure</i> and <i>Draft Field Guide for Contractors</i> and shall include, but not be limited to:</del></p> <ul style="list-style-type: none"> <li><del>viii. detailed design specifications of all earthworks within the SSEMP area, including disposal sites, and all erosion and sediment control measures to be implemented, including supporting calculations where appropriate;</del></li> <li><del>ix. the expected commencement dates for the implementation of erosion and sediment controls measures in the SSEMP area;</del></li> <li><del>x. information regarding chemical treatment of the proposed sediment retention ponds and devices;</del></li> <li><del>xi. identification of innovative treatments for erosion control that are to be used;</del></li> <li><del>xii. monitoring and maintenance schedules for all erosion and sediment control measures on a set frequency (at least weekly), or within 24 hours of each trigger rain event that is likely to impair the function or performance of the control measures;</del></li> <li><del>xiii. a site plan showing contours at suitable intervals, cut and fill operations, the specific location of all sediment and erosion control measures, and catchment boundaries for the sediment controls; and</del></li> <li><del>xiv. locating temporary stockpiles of excavated material at least 50m away from any ephemeral stream or permanent watercourse unless there is appropriate treatment of stormwater (which may include discharging to vegetated land).</del></li> </ul> <p><del>(g) In respect of revegetation and rehabilitation activities, the SSEMP shall include, but not be limited to:</del></p> <ul style="list-style-type: none"> <li><del>i. identification of soil resource to be used for rehabilitation within the SSEMP area;</del></li> <li><del>ii. identification of the vegetation types to be used on a plan or schedule;</del></li> <li><del>iii. a programme for revegetation and maintenance activities for a period of up to the 3 years (maintenance activities may include the exclusion of pest browsers and stock and the removal of weeds, and fencing that might be required for the</del></li> </ul>	



Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<p>exclusion of stock);</p> <p>iv. <del>the desired percentage of surface cover to be achieved to reduce the adverse effects from sediment laden stormwater run-off;</del></p> <p>v. <del>identification of any innovative treatments of exposed rock cuttings that are to be used; and</del></p> <p>vi. <del>information demonstrating that as far as practicable the objectives in Condition E.3 are met.</del></p>	
E.21.	<p>The consent holder may request amendments to any SSEMP by submitting the amendments in writing to the Manager for approval, prior to any changes taking effect.</p>	
	<p><b>Ecological management objectives</b></p>	
E.22.	<p>During construction of the Project, the consent holder must achieve the following objectives as far as reasonably practicable:</p> <p>(a) <del>Re-establish affected lizard habitat and minimise lizard mortality resulting from construction of the Project;</del></p> <p>(b) <del>Re-establish affected peripatus habitat and minimise peripatus mortality resulting from construction of the Project;</del></p> <p>(c) <del>Minimise disturbance of breeding kaka and falcon;</del></p> <p>(d) <del>Minimise effects on fish during streamworks;</del></p> <p>(e) <del>Mitigate stream loss and modification by:</del></p> <p style="padding-left: 20px;">i. <del>Enriching riparian habitat; and</del></p> <p style="padding-left: 20px;">ii. <del>Enhancing fish passage;</del></p> <p>(f) <del>Reduce construction effects on the aquatic and Porirua Harbour marine environments; and</del></p> <p>(g) <del>Avoid the destruction of valued vegetation, where practicable.</del></p>	
E.23.	<p>During the operational life of the Project, the consent holder must achieve the following objectives as far as reasonably practicable:</p> <p>(e) <del>Minimise bat mortality (if any) resulting from operation of the Project;</del></p> <p>(f) <del>Maintain habitat for <i>leptinella tenella</i>, and ensure the long term retention of that habitat;</del></p> <p>(g) <del>Protect against future land uses which could adversely effect stream ecology, through ensuring the long term retirement of regenerating land;</del></p> <p>(h) <del>Mitigate the loss of indigenous forest, by revegetating indigenous forest, and ensuring the long term retention of that forest; and</del></p> <p>(i) <del>Reduce sediment generation and discharge, by ensuring the long term retention of riparian habitat enriched during construction.</del></p>	
	<p><b>Ecological management and monitoring</b></p>	
E.24.	<p>The consent holder shall, in consultation with the Director General of Conservation,</p> <p>(b) <del>update and finalise the Draft Ecological Management and Monitoring Plan dated July 2011 to:</del></p> <p style="padding-left: 20px;">iii. <del>include performance measures, actions, methods, trigger levels and monitoring programmes designed to achieve the objectives specified in Conditions E.22 and E.23 above;</del></p> <p style="padding-left: 20px;">iv. <del>provide for the continual review and monitoring of the effects of construction activities, including the inspection of all erosion and sediment control devices after all heavy rainfall trigger events, and the upgrading of devices where necessary to achieve the most efficient and effective treatment; and</del></p> <p>(c) <del>submit this to the Manager, for approval at least 20 working days prior to works commencing on any part of the Project.</del></p>	

Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
E.25.	The consent shall implement the actions, methods, and monitoring programmes specified in the Ecological Management and Monitoring Plan.	
E.26.	The consent holder shall seek to ensure that: (a) all ecological monitoring is undertaken or supervised by a suitably qualified person; (b) the results of all monitoring carried out pursuant to the Ecological Management and Monitoring Plan are: i. recorded in a log on site; ii. available for inspection during normal office hours; iii. submitted to the Manager and to the Director General of Conservation at quarterly intervals; (c) records are kept to show where monitoring is not possible due to dry conditions or where no sediment retention pond inflow or outflow exists.	
E.27.	The consent holder shall engage a suitably qualified person to confirm the extent of any valued Natural Areas as specified in the Wellington Conservation Management Strategy 1996, RPS, Regional or District Plans prior to the commencement of works and shall develop the detailed design to avoid these areas as far as practicable. Any protection mechanisms for these areas shall be set out in the CEMP.	This condition is relocated from the regional consent conditions to the designation conditions, in response to planner conferencing.
E.28.	The replacement of the eight identified perched culverts within Duck Creek shall be completed within two years of the commencement of construction of any part of the new road. Replacement culverts shall be designed so as to provide fish passage for native migratory fish species, and shall be of a similar size and capacity to the existing culverts unless otherwise agreed with the Manager.	Relocated to "General" conditions.
E.29.	As far as practicable, measures shall be employed to minimise adverse effects on fish during construction of stream diversions and culvert installation.	This condition has been deleted as it is duplicated by the relocated ecological objectives and EMMP which are now General conditions that apply to all streamworks and earthworks permits. There is a reference to this Condition in the planner conferencing statement (para 32.23).
	<b>Fill standards</b>	
E.30.	All fill material used on site shall: (a) Be restricted to natural material, such as clay, soil and rock and other inert materials as detailed in the definition of cleanfill material in section 2.2 of the Ministry for the Environment publication 'A guide to the Management of Cleanfills, 2002', and (b) Be restricted to those materials listed as acceptable in table 4.1 of the Ministry for the Environment publication 'A guide to the Management of Cleanfills, 2002'.	
	<b>Progressive stabilisation and staging of earthworks</b>	
E.31.	The consent holder shall commence trials to assess the suitability of revegetation techniques and treatments of exposed rock cuttings within at least one year prior to the commencement of construction.	This is discussed in the planner conferencing statement (para 32.24).
E.32.	A report of the results of the revegetation trials, and rock treatments shall identify: (a) which techniques and treatments are generally suitable for different areas and works within the project site; and (b) how each suitable technique or treatment (if any) will be incorporated into the completed Project. This report shall be submitted to the Manager at least one month prior to the commencement of construction.	This is discussed in the planner conferencing statement (para 32.24).

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Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
E.33.	<del>The consent holder shall progressively stabilise exposed areas on completion of an area of cut or fill. Areas where future buildings or paved areas are proposed shall be temporarily stabilised with basecourse, grass, or other such material to the satisfaction of the Manager.</del>	
	<b>Forestry removal/logging conditions</b>	
E.34.	<del>The GWRC's Regional Soil Conservator shall be notified in writing at least 20 working days prior to the commencement of forestry removal. This notification shall include: (a) details of the site location; and (b) timing and staging.</del>	I have deleted the forestry and logging conditions and replaced these with a Forestry Harvesting Plan (Condition E.34A). The Forestry Harvesting plan is suggested by Ms Grant in her evidence and I agree that this is a sensible condition. The Plan will be required to be submitted to, and certified by, the Manager - whereas the current Conditions E34-E38 would not require any involvement from the Manager under the current wording.
E.35.	<del>Prior to the commencement of forestry/logging and any associated vegetation removal, construction of access tracks or other related enabling works, the consent holder shall ensure that an approved CEMP and ESCP containing measures specific to this activity, are in place and have been given effect to in accordance with Conditions G.12 and E.5.</del>	
E.36.	<del>As soon as practicable, following logging in any area, all parts of the area affected by forestry logging shall be re-established in vegetation in accordance with an approved landscape plan.</del>	
E.37.	<del>Best management practices as described in the New Zealand Forest Code of Practice (LIRO 1990, revised 1993) shall be adopted.</del>	
E.38.	<del>No vegetation or slash with a diameter of greater than 100 mm shall be allowed to remain in any watercourse and, when removed, shall be placed in a position where that material cannot enter any watercourse.</del>	
E.34A	<u>Prior to the commencement of removal of any plantation pine forestry for the purpose of construction activities, including enabling works, the consent holder shall prepare a Forestry Harvesting Plan (FHP). The FHP shall be submitted to the Manager for certification at least 20 working days prior to the commencement of removal of any plantation forestry. The FHP shall include:</u> a) <u>timing and staging of logging activities;</u> b) <u>details of the location of new access tracks, existing tracks to be upgraded, skid sites and hauler sites;</u> c) <u>details of all stream crossing points;</u> d) <u>a description of the methods of extraction of logs and direction of hauling;</u> e) <u>detailed design of erosion and sediment control methods that are consistent with the methods set out in Condition E5; and</u> f) <u>the location of the initial processing site.</u>	I have drafted this condition in response to evidence produced by Ms Grant (para 55 of her evidence). Mr Edwards' rebuttal evidence supports Ms Grant in this regard.

RC4 Land use consents and water permits for Wainui Stream

RC5 Land use consents and water permits for Te Puka Stream

RC6 Land use consents and water permits for Horokiri Stream

RC7 Land use consents and water permits for Ration Stream

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RC8 Land use consents and water permits for Collins Stream

RC9 Land use consents and water permits for Pauatahanui Stream

RC10 Land use consents and water permits for Duck Creek

RC11 Land use consents and water permits for Kenepuru Stream

RC12 Land use consents and water permits for Porirua Stream

For each Stream the following consents and permits are sought:

- Land Use Consent and Water Permit – to permanently realign (divert and reclaim) the beds of streams, being pipe culverts, bridges and associated erosion protection control structures and stormwater outlet structures (refer to Schedule 1); and
- Land use consent to undertake permanent works in the beds streams and associated tributaries, including the construction, use and maintenance of culverts and fords; the construction and maintenance of gabion baskets and rock rip-rap erosion protection structures; and associated channel realignment and disturbance of the beds of those streams (refer to Schedules A–C).
- Water permit to divert water as part of the reclamation of the bed of a stream and associated tributaries (*Note: does not apply to Collins Stream*).

**Explanatory Notes:** refer to Schedules A-C – table of reclamations and diversions – which sets out the length of stream affected and the numbers and length of structures, reclamations and diversions.

Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
WS.1.	The consent holder shall use natural rock and soil material, where practicable, to reclaim the stream bed. All fill material shall be placed and compacted so as to minimise any erosion and/or instability so far as is practicable.	
WS.2.	The consent holder shall seek to ensure that all works authorised by this permit to be undertaken in the dry bed of the stream, are completed before the flow of the stream is diverted back into the stream bed.	Ms Grant suggests deleting the words “seek to” (para 98) of her evidence. I disagree that this stronger wording is required in this instance.
WS.3.	The consent holder shall, <del>as far as practicable</del> , design all diversions in a manner <del>than</del> <u>that</u> seeks to maintain stream flows (both volume and velocity) in a similar state to its natural state at the time of commencement of Work.	Ms Grant recommends removing the words “as far as practicable”. I agree in this instance.
WS.4.	The works shall remain the responsibility of the consent holder and shall be regularly inspected and maintained by <u>a suitably qualified ecologist appointed by</u> the consent holder so that: (a) the waterway within or over the culverts and fords remains substantively clear of debris; (b) any erosion of the stream banks or bed that is attributable to, and is within 20m up or downstream of, the stream works authorised by this consent are remedied as soon as practicable by the consent holder; and (c) fish passage through the culverts and fords is not impeded.  <i>Explanatory Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the stream bed) following completion of the construction works as proposed in the application, may require further resource consents.</i>	Dr Keesing suggested additions to address concerns by DOC that the works need to be undertaken by a suitably qualified ecologist.
		Ms Grant suggests the addition of conditions similar to S2, S3 and S4, and Dr

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Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
		<p>Solly supported this in his evidence. I do not agree that these conditions are necessary as the design of permanent stream diversions will comprise part of the overall road design anyway through the SSEMPs. As a result of conferencing, the SSEMP conditions are now included in the General suite of conditions, and therefore apply to these permits. With the relocation of the SSEMP conditions, I also consider it to be appropriate that Conditions S2, S3 and S4 are deleted and amalgamated into the SSEMP conditions.</p> <p>From a drafting perspective I consider this to be appropriate and neater in order to avoid duplication.</p> <p>The conferencing statement of Dr Keesing and Dr Ogilvie on freshwater ecology (para 18) refers to a list of design aspects that need to be taken into account for the for the Te Puka Stream. Whilst their statement only refers to the Te Puka Stream, I consider it appropriate, and that the outcome they are seeking would be achieved, if their suggestions are amalgamated as part of the SSEMP conditions.</p>

**RC13 Land Use Consent – To undertake works in, on, over or under the beds of Duck Creek for the purpose of removing existing perched culverts in eight locations, and replacing them with culverts that allow fish passage**

Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
Duck.1.	<p>The consent holder shall prepare and submit <b>detailed design plans and construction methodology</b>, including proposed duration and timing for the removal and replacement of existing culverts authorised by this consent, to the Manager for <del>approval</del> <u>certification</u> at least 20 working days prior to works commencing.</p> <p>The detailed design plans and construction methodology shall include:</p> <p>(a) measures/methods to <del>seek to ensure that fish passage is maintained</del> <u>maintain fish passage</u> on completion of construction of the replacement culverts;</p> <p>(b) details of culvert inlet/outlet protection structures e.g. pre-cast wing walls or rock rip-rap; and</p> <p>(c) appropriate sizing of culverts and allowances for secondary flow paths during high flows.</p>	<p>Change made in response to Ms Grant’s evidence (para 102) and this is also discussed in planner conferencing (para 32.25). I note that the NZTA is currently negotiating with GW over land ownership upon completion of construction, and that GW would also be happy (should they become the landowner) to maintain fish passage.</p>
<del>Duck.2.</del>	<del>The replacement of all eight culverts shall be completed within two years of the commencement of construction of any part of the Project.</del>	Duplication – this is now a general requirement.

**RC14 Land Use Consent for use, placement and erection of structures (refer to Schedule C:Temporary Culverts) – To undertake works in, on, over or under the beds of streams and associated tributaries including the construction, use and maintenance of bridges, culverts and fords, and water permit for any associated temporary diversion and disturbance of the beds of those streams**

**Explanatory note:** this is a global consent for construction works in streams along the entire route.

Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
S.1.	<p>Unless any modifications are required to comply with any of the conditions of this consent, the location, design, implementation and operation of the works shall be in general accordance with the:</p> <p>(a) consent application and its associated plans and documents lodged with the GWRC [INSERT DATES AND NUMBERS HERE]; and</p> <p>(b) information to be prepared and submitted to the GWRC in accordance within the CEMP conditions of this consent.</p>	This condition is covered by Condition G1 and therefore is not required.
	<b>Pre-construction conditions</b>	
S.2.	<p>The consent holder shall prepare and submit <del>detailed design plans and construction methodology</del>, including proposed duration and timing for all required structures and stream works authorised by this consent, to the Manager for approval at least 20 working days prior to works commencing.</p> <p>The detailed design plans and construction methodology shall include:</p> <p>(a) <del>measures/methods to seek to ensure that fish passage is maintained during and on completion of construction works along the stretches of stream affected by the exercise of this consent;</del></p> <p>(b) <del>details of culvert inlet/outlet protection structures e.g. pre-cast wing walls or rock rip-rap;</del></p> <p>(c) <del>appropriate sizing of culverts and allowances for secondary flow paths during high flows; and</del></p> <p>(d) <del>any other measures or details as appropriate to achieve compliance with all conditions of this consent.</del></p>	<p>As stated above (with respect to the "WS" conditions) With the relocation of the SSEMP conditions, I also consider it to be appropriate that Conditions S2, and S3 are amalgamated into the SSEMP conditions. From a drafting perspective I consider this to be appropriate to avoid duplication.</p> <p>With the rearrangement of conditions, I consider Condition S.4. becomes superfluous and is covered by the revised General conditions.</p>
S.3.	Works shall not commence until the detailed design plans and construction methodology required by Condition S2. of this consent have been certified by the Manager GWRC as being in general accordance with consent application plans.	
S.4.	<p>The Manager, shall be given a minimum of 20 working days notice in writing, prior to Work commencing in each location (including any maintenance Work).</p> <p><b>Explanatory Note:</b> This condition excludes Work permitted by the Regional Freshwater Plan for the Wellington Region.</p>	
S.5.	<p>The consent holder shall prepare and implement a <b>revegetation and mitigation strategy</b> for the stream modifications and structures authorised by this consent. The strategy shall be submitted to the Manager, at least 20 working days prior to any Work commencing. The revegetation and mitigation strategy shall include, but not be limited to:</p> <p>(a) details, methods, timing and responsibilities for revegetation of all exposed areas of stream bank or dewatered channel or culvert fill slopes as a result of this consent, including the methods for the protection of such areas;</p> <p>(b) planting plan and schedules;</p> <p>(c) monitoring and maintenance processes and procedures, including for replacement of dead plants, for a period of three years from completion of construction.</p> <p><b>Explanatory Note:</b> the plant species used to revegetate areas shall be consistent with the species in the immediate vicinity of the exposed areas ("like with like"), with native species suitable for stream side and spawning habitats preferred at all times.</p>	<p>It is noted that Dr Keesing recommends additional measures to manage the freshwater ecological effects of temporary culverts, and also discusses potential for additional monitoring and trigger levels to be embedded in conditions - a response to matters raised in submissions, Dr Keesing recommends that further consultation is undertaken with the submitters who have raised these issues in order to further discuss trigger levels and monitoring. I have addressed this through other "General" conditions.</p> <p>Ms Grant also states that this condition should be reviewed (para 103). I* consider this is addressed through the rearranged ecology objectives and criteria.</p> <p>The explanatory note has been deleted as it has no additional effect.</p>
S.6.	At least 20 working days prior to the commencement of construction of any temporary stream crossing, the consent holder shall submit detailed design plans of the crossing to the Manager for certification, and construct the crossing in accordance with the certified plans.	Duplication of S2 and S3 - delete as agreed in planner conferencing (para 32.26).
	<b>During construction conditions</b>	
S.7.	All work involving construction of new structures within streams, including post construction clean up and reinstatement, shall be completed within 20 working days of completion of Work, to the satisfaction of the Manager.	This condition has been deleted in response to a query by Ms Grant.

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Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
S.8.	<p><del>The consent holder shall take all practicable steps to minimise sedimentation and disturbance of streams during the construction and implementation of the Work, including:</del></p> <ul style="list-style-type: none"> <li><del>(h) completing all Work in the minimum time practicable;</del></li> <li><del>(i) minimising the area of disturbance at all times;</del></li> <li><del>(j) avoiding placement of excavated material in the wetted channel;</del></li> <li><del>(k) separating construction activities from the wetted channel;</del></li> <li><del>(l) minimising time spent by machinery in the wetted channel, including the number of vehicle crossings;</del></li> <li><del>(m) immediately removing any excess material from the bed and banks of the stream on completion of the Work; and</del></li> <li><del>(n) where practicable, using material from the old dry channel for subsequent new channels.</del></li> </ul>	I have relocated this to "general conditions".
S.9.	<p><del>Except for construction Work in the Te Puka Stream catchment, the consent holder shall maintain fish passage at all times during and on completion of the construction Work along the stretches of stream affected by the exercise of this consent. Any fish stranded or trapped by the construction works as authorised by this consent shall as soon as practicable be relocated upstream or downstream (as relevant) to clear water.</del></p>	Ms Grant suggests a change to this condition (para 104) noting that fish passage can often be impeded by installation of culverts and diversion channels. Dr Joy recommends fishing prior to commencement of works, and Dr Keesing supports this. I have therefore rewritten Conditions S.9 and S.10 (as a General Condition) to reflect this.
S.10.	<p><del>For Work within the Te Puka Stream catchment, the consent holder shall capture any fish stranded or trapped by the construction Work as authorised by this consent and relocate upstream or downstream (as relevant) to clear water.</del></p>	
S.11.	<p><del>During whitebait migration season (between 1 September to 30 November inclusive) and/or the adult fish spawning season (between 1 April to 31 July inclusive), Work within the wetted channel of the stream is only permitted:</del></p> <ul style="list-style-type: none"> <li><del>(c) with the prior approval of the Manager; and</del></li> <li><del>(d) in any case, will be limited to 1 day out of 7 and no more than 2 days in any 30 days.</del></li> </ul> <p><del><b>Explanatory Note:</b> This condition excludes works as permitted by Rule 22 of the Regional Freshwater Plan for the Wellington Region..</del></p>	This condition has been moved as a General condition and revised based on De Keesing's evidence. I note that Ms Pomare (para 95) discusses managing fish passage during seasonal migration times.
	<p><del><b>Post-construction and maintenance conditions</b></del></p>	
S.12.	<p><del>Unless otherwise agreed in writing with the Manager, all temporary stream crossings shall be removed within not more than two years of their installation.</del></p>	
S.13.	<p><del>Unless otherwise agreed in writing with the Manager, Upon removal of any temporary crossing, the consent holder shall either:</del></p> <ul style="list-style-type: none"> <li><del>(a) replace the crossing with a permanent ford crossing; or</del></li> <li><del>(b) reinstate the stream bed to, as far as practicable, a natural state to closely match the upstream and downstream riparian and instream habitats and visual appearance.</del></li> </ul> <p><del>At least 20 working days prior to the commencement of construction of any fords, the consent holder shall submit detailed design plans to the Manager for certification.</del></p>	This condition has been amended in recognition of discussions in planner conferencing (para 32.27) about the potential for consents to be needed to authorise permanent stream crossings (where they do not meet permitted standards). Ms Grant notes this in her evidence (para 106). The changes to the condition restrict the condition to address temporary crossings only.
S.14.	<p>The structures erected as part of the Work shall remain the responsibility of the consent holder and shall be regularly inspected and maintained by <u>a suitably qualified ecologist appointed by</u> the consent holder so that:</p> <ul style="list-style-type: none"> <li>(a) the waterway within or over the culverts and fords remains substantively clear of debris;</li> <li>(b) any erosion of the stream banks or bed that is attributable to the stream works authorised by this consent are remedied as soon as practicable by the consent holder; and</li> <li>(c) fish passage through the culverts <del>and fords</del> is not impeded.</li> </ul>	<p>Dr Keesing suggested additions to address concerns by DOC that the works need to be undertaken by a suitably qualified ecologist.</p> <p>The explanatory note has been removed in recognition of discussions in planner conferencing about the potential for consents to be needed to authorise permanent stream crossings (where they do not meet permitted standards).</p>



Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<del>Explanatory Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the stream bed) following completion of the construction works as proposed in the application, may require further resource consents.</del>	

**RC 15 Discharge Permit for Concrete Batching Plant: Discharge contaminants to air after bag filtration resulting from the mixing of cement powder with other materials to manufacture concrete or concrete products; and**

**RC16 Discharge Permit for Concrete Batching Plant: Discharge contaminants to stormwater from an industrial or trade process.**

Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<b>Pre-construction administration</b>	
CBP.1.	The location, design and operation of the concrete batching plant shall be in general accordance with: <b>[Insert reference to plans, date and legal description(s)]</b>	
CBP.2.	The consent holder shall prepare a <b>Concrete Batching Plant Management Plan (CBMP)</b> . The Consent Holder shall provide the CBMP to the Manager for certification <u>at least 20 working days</u> prior to the commencement of operation of the batching plant.	Amendment made to address the evidence of Ms Grant (para 109). The works are required to be carried out in accordance with the CBMP under Condition G.10.
CBP.3.	The CBMP shall include, but not be limited to, details of:  <u>General</u> (a) The final site layout including buildings and storage yard(s) and other storage facilities; (b) An operation and maintenance manual detailing regular monitoring to be undertaken, including visual checks and maintenance of all plant machinery and equipment to mitigate against accidental discharges; (c) A contingency plan for discharges to the environment from the plant; (d) Complaints investigation, monitoring and reporting; (e) The identification of staff and contractors' responsibilities.  <u>Air Quality Management Measures</u> (a) Procedures for responding to process malfunctions and accidental dust discharges; (b) Procedures to seek to ensure that sand and aggregate (and other potentially dusty materials) are handled and stored so as to minimise dust emissions; (c) Mitigation measures to be implemented during the operation of the plant, including the installation of a water sprinkler system to minimise dust emissions; (d) Criteria, including consideration of weather conditions and procedures for use of water sprays on stockpiles and operational areas of the site; (e) Daily visual monitoring of dust emissions.  <u>Stormwater Quality Management Measures</u>	



Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
	(a) Methods to separate clean stormwater and divert it away from dirty areas of the site; (b) Methods to capture and treat stormwater from dirty areas of the site; (c) Collection and storage of rubbish in appropriate receptacles to avoid contamination with rainwater; and (d) Methods for collection and re-use of water onsite.	
CBP.4.	Operation of the plant shall not commence until the CBMP, detailed design plans and methodology required by Conditions CBP.1, CBP.2 and CBP.3 of this permit have been certified by the Manager.	
CBP.5.	The consent holder shall review and (if necessary) update the CBMP within two months of the date of commencement of operation of the concrete batching plant, and at least once every year thereafter and also in the event that potential and actual adverse emissions to air are identified by an enforcement officer; or for the purpose of reviewing the stormwater management systems on-site.  In any such event, the Best Practicable Option shall be used to prevent such emissions. Any proposed changes to the CBMP shall be submitted to the Manager for review within one month of the consent holder’s review.	
CBP.6.	The Manager, shall be given a minimum of 48 hours notice prior to the operation of the concrete batching plant commencing.	
	<b>Limit conditions</b>	
CBP.7.	The Consent Holder shall at all times operate, maintain, supervise, monitor and control all processes on site so that air emissions authorised by this consent are maintained at the minimum practicable level.	
CBP.8.	There shall be no discharges to air resulting from the exercise of this permit which are, in the opinion of an enforcement officer, noxious, dangerous, offensive, or objectionable at or beyond a 20 metre wide buffer zone around the physical boundary of the plant.	
CBP.9.	No discharges from any activity on site shall give rise to visible emissions to an extent which, in the opinion of an enforcement officer, is noxious, dangerous, offensive or objectionable.	
CBP.10.	Beyond the boundary of the site there shall be no hazardous air pollutants caused by discharges from the site, which are present at a concentration that causes, or is likely to cause adverse effects to human health, the environment or property.	
	<b>Operation and process conditions</b>	
CBP.11.	As far as practicable, all process water shall be captured and reused on site.	
CBP.12.	The site shall be kept clean and tidy and appropriate measures taken to minimise dust emissions from wind and vehicle movements, including ensuring that within site boundaries all vehicle speeds are kept below 10 kilometres per hour, in accordance with the CBMP required by Condition CBP.2.	
CBP.13.	If a significant discharge of dust into air occurs from any part of either a cement silo or associated equipment during the delivery of cement into that silo, all deliveries into that silo shall cease immediately and shall not be resumed until the dust source has been located and remedied.	
CBP.14.	Each silo on site shall be fitted with a pulse-jet type bagfilter unit that shall be adequately maintained and be operating whenever bulk cement is being transferred into that silo and that air displaced from cement silos during silo filling shall be vented to atmosphere via the bagfilter unit fitted to that silo.	
CBP.15.	Each silo on site shall be fitted with a high level fill alarm that shall be adequately maintained and be operating whenever bulk cement is being transferred into that silo, and that in the event of the alarm operating, filling into the silo shall cease immediately and shall not be resumed until the cause has been located and remedied.	
CBP.16.	Air displaced from the cement weigh hopper during weighing shall be vented to atmosphere via a bagfilter.	

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Reference	Wording of proposed condition	Reasons for “track changes” suggested, and the reasons the changes have been made.
CBP.17.	Air extracted from the mixer drum during batching of concrete shall be vented to atmosphere via a pulse-jet type bagfilter unit that shall be operating whenever the batching of concrete is being undertaken.	
CBP.18.	That all ducting and emission control equipment shall be maintained in good condition and as far as practicable be free from leaks to prevent fugitive emissions.	
CBP.19.	Aggregate shall be handled in such a way as to minimise dust emissions, including appropriate storage and the minimisation of drop heights when unloading. Appropriate storage means storage only in the enclosed high-level bins or in ground-level storage bays. Minimisation of drop heights is specified in the CBMP required by Condition CBP.2.	
CBP.20.	The maximum height of any stockpiles of sand, aggregate or any other potentially dusty material in ground-level storage bays shall not exceed the height of the side and rear walls of that bay.	
CBP.21.	Water sprays shall be available on each ground-level storage bay used for sand, aggregate or any other potentially dusty material, and shall be used when necessary for dust suppression.	
CBP.22.	The aggregate conveyors shall be enclosed at least on one side and above or fitted with close fitting covers and fitted with return scrapers to adequately minimise dust emissions.	
	<b>Monitoring and site management conditions</b>	
CBP.23.	Regular maintenance of the concrete batching process, including weekly visual inspections of the equipment prior to use, shall be carried out by an appropriately trained operator. Records of maintenance and visual inspections shall be kept and made available to the Manager on request.	
CBP.24.	The consent holder shall keep a record of all deliveries of bulk materials to, and dispatches of concrete from, the plant. These records shall be made available to the GWRC on request.	
CBP.25.	Regular maintenance of the concrete batching process, including weekly visual inspections of the equipment prior to use, shall be carried out by an appropriately trained operator. Records of maintenance and visual inspections shall be kept and made available to the Manager on request.	
CBP.26.	The consent holder shall undertake regular visual monitoring of dust emissions from each delivery of bulk cement to the site, as specified in the CBMP required by Condition CBP.2.	
CBP.27.	The consent holder shall require bulk tanker drivers to remain in the immediate vicinity of the tanker delivery controls throughout each delivery of bulk cement to the site, and to continuously monitor each such delivery for spills and/or discharges to air.	
CBP.28.	The filter units, high level alarms and pressure relief valves fitted to each silo shall be inspected for correct operation and damage at least once each month.	
CBP.29.	The filter unit fitted to the concrete mixer unit shall be inspected for correct operation and damage at least once every six months.	
CBP.30.	A continuous turbidity and pH meter shall be located at the discharge point from the Concrete Batching Plant dirty water treatment system. Discharges from the concrete batching plant shall meet a turbidity and pH discharge standard – initially set at: <ul style="list-style-type: none"> <li>• Turbidity 50 NTU; and</li> <li>• pH between 6–9.</li> </ul> Where the turbidity level is exceeded, or pH is greater than 9, further treatment shall be required via chemical treatment and/or pH management prior to discharge. Alternatively this stormwater shall be discharged to the reticulated sewer.	
CBP.31.	The stormwater treatment devices used on this site shall be designed in accordance with the standards set out in the NZTA's <i>Draft</i>	

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Reference	Wording of proposed condition	Reasons for "track changes" suggested, and the reasons the changes have been made.
	<i>Erosion and Sediment Control Standard for State Highway Infrastructure and Draft Field Guide for Contractors.</i>	
	<b>Logging and reporting conditions</b>	
CBP.32.	The consent holder shall keep a record of all deliveries of bulk materials to, and dispatches of concrete from, the plant. These records shall be made available to the GWRC on request.	
CBP.33.	A log shall be maintained of the results of all daily, weekly and monthly inspections and visual assessments of all emissions control equipment and of any dust emissions from the site or processes.	
CBP.34.	All records, logs, monitoring and test results that are required by the conditions of this consent shall be made available on request, during operating hours, to an enforcement officer and shall be kept for a minimum period of 12 months from the date of each entry.	
CBP.35.	The consent holder shall notify an enforcement officer as soon as practicable in the event of any significant discharge of contaminants into air, which may result in adverse effects on the environment.	
CBP.36.	Details of any complaint received shall be provided to the Manager within 7 days of receipt of the complaint/s.	
	<b>Review condition</b>	
CBP.37.	<p>The conditions of this consent may be reviewed by the Manager pursuant to section 128 of the RMA, by the giving of notice pursuant to section 129 of the Act, in within two months of commencement of operation of the concrete batching plant, and annually thereafter in order:</p> <p>(a) To deal with any significant adverse effect on the environment arising from the exercise of the consent which was not foreseen at the time the application was considered and which is appropriate to deal with at the time of the review.</p> <p>(b) To consider the adequacy of conditions which prevent nuisance beyond the boundary of the site, particularly if regular or frequent complaints have been received and validated by an enforcement officer.</p> <p>(c) To consider developments in control technology and management practices that would enable practical reductions in the discharge of contaminants to air.</p> <p>(d) Alter the monitoring requirements, including requiring further monitoring, or increasing or reducing the frequency of monitoring.</p>	
	<b>Expiry</b>	
CBP.38.	This consent relating to the discharge of contaminants to air from a concrete batching plant shall expire 15 years from the date of its commencement unless it has lapsed, been surrendered or been cancelled at an earlier date.	