

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

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 Peter Arnold Bailey (PCC Link Roads) on behalf of the Porirua City Council

Dated: 18 January 2012

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

STATEMENT OF REBUTTAL EVIDENCE OF PETER ARNOLD BAILEY ON BEHALF OF THE PORIRUA CITY COUNCIL

INTRODUCTION

- 1 My full name is Peter Arnold Bailey.
- 2 I have the qualifications and experience set out at paragraphs 1 to 3 of my statement of evidence in chief, dated 15 November 2011 (*EIC*). I am authorised to give this evidence on behalf of the Porirua City Council (*Council*).
- 3 In this statement of rebuttal evidence I:
 - 3.1 Provide an update on consultation with two submitters following preparation of my *EIC*; and
 - 3.2 Comment on matters raised in John Kyle's November 2011 Section 42A Report.

SUBMISSION 14 - CHRISTOPHER ALLEN GREEN

- 4 As stated in my *EIC* (para 58), this submitter is concerned about access to their property from the Waitangirua Link and possible environmental impacts during construction and operation.
- 5 A meeting was held on 28 November 2011 between representatives of the Council and a representative of Mr Green (Ms Jenny Grimmett of Cardno). Council representatives confirmed that access would be available and also responded to the other matters raised in the submission. Ms Grimmett indicated her satisfaction with the information provided.
- 6 An exchange of letters (dated 30 November and 2 December) took place documenting the discussions, and these are attached as **Appendix A**. Ms Grimmett then sent copies to the Environmental Protection Authority (*EPA*) with a covering letter (dated 2 December) stating "... we are able to confirm that the concerns raised in the submission ... have been resolved, and that we no longer wish to be heard at the forthcoming hearing for the project."

SUBMISSION 70 – MIKE SWEENEY

- 7 Mr Sweeney's submission (number 0070) was received after my *EIC* was finalised.
- 8 Mr Sweeney is concerned about the impact of the Waitangirua Link on the site of family placenta which is buried close to the future noise fence beside the Maraeroa Marae. While the submission was made after my *EIC* was submitted, the matter was known to the

Council as it had been raised by Mr Sweeney in March 2010 at a meeting between Council representatives and the Marae Executive. At that meeting it was agreed that this would be addressed in the various detailed design matters that would be decided by the Council after discussions with the local community closer to the date of construction. The Marae Executive agreed to be a party to these discussions and it was anticipated that Mr Sweeney would be directly involved at that time. The agreement was not formally documented, but proposed condition PCC.30 does require the Maraeroa Marae Executive to be consulted on preparation of a Concept Plan and Landscape Management Plan.

- 9 A meeting was held on 20 December 2011 between Council representatives and Mr Sweeney to discuss his concerns. Various possible ways that the placenta could be marked were explored and it was agreed that Council would further explore the options with him at a later date. Mr Sweeney advised that he did not support the suggestion that the placenta be exhumed as was suggested in the SSEMP, as he did not expect that the remains could be identified.
- 10 I wrote to Mr Sweeney on 28 December to document the meeting and the agreements reached at it, and Mr Sweeney has responded by email dated 5 January 2012. This correspondence is attached as **Appendix B**. Mr Sweeney stated that he and his family found the results of the meeting to be most satisfactory and that he was now not intending to attend the Hearing. A copy of this email was sent to the EPA by Mr Sweeney.

SECTION 42A REPORT

Kenepuru Drive

- 11 Page 26 of the Section 42A Report states that:
- We consider that monitoring of traffic volumes and delay times along this section of [Kenepuru Drive] will be necessary to identify potential adverse effects along this stretch of road, and that measures should be put in place to facilitate an alternative intersection design should this be required.
- 12 As **Mr Kelly** notes in his rebuttal evidence¹, the Council is satisfied that sufficient scope exists to identify a solution in this area without the necessity to design a specific package at this stage. Kenepuru Drive is an Arterial Road in the Council's roading hierarchy and traffic flows are monitored as part of an established programme. The projected increase in traffic from the project will not increase the flow to levels above those which are being accommodated now on similar roads in the City. The road reserve is adequate for future provision of four traffic lanes when this is necessary. There is

¹ Paragraph 99.

also adequate space at the intersection with Raiha Street for this intersection to be signalised to accommodate future additional traffic demands.

Traffic calming measures

- 13 At page 54 of the Section 42A Report, the author asks the Council to clarify whether it supports implementation of traffic calming measures which are recommended in the urban design and landscape framework report.
- 14 The Council supports the design principles outlined in Technical Report 23 and will apply these as required. In particular it supports the inclusion of a "gateway" at the Warspite Avenue end of the Waitangirua Link as shown in the Waitangirua SSEMP, to be designed with input from the local community. The changes in traffic flow on existing local roads are not expected to be great and specific traffic calming devices are unlikely to be required.

Stormwater and flooding mitigation

- 15 Pages 76 and 77 of the Section 42A Report state: *"We also note that stormwater networks in Waitangirua are under capacity to accept the additional flows arising from the surface of the PCC link roads. In order to mitigate this effect an upgrade of the existing stormwater system is required before or during construction. The application indicates that this will be achieved via a detailed design condition attached to the PCC designation. We have not been able to derive from the conditions sufficient assurance that this upgrade will occur and therefore that the effect in question will be appropriately mitigated."*
- 16 The Council accepts that the existing Porirua City stormwater network has a limited capacity. Its general policy is not to upgrade the network but rather to require new developments to avoid increases in flow concentration due to new areas of hard surface. In urban areas this is usually done by using retention devices. After further consideration I have concluded that the effects of stormwater generated by the Waitangirua Link Road can be effectively avoided in this manner and therefore that a condition requiring a system upgrade is not needed.



Peter Arnold Bailey
18 January 2012

**APPENDIX A – CORRESPONDENCE REGARDING
CHRISTOPHER GREEN**

In reply please quote: TRM/14/04
For enquiries please contact: Peter Bailey
Email: pbailey@pcc.govt.nz
Direct Dial: (04) 237 1412



30 November 2011

Jenny Grimmett
NZ Planning Manager
Cardno (NZ) Ltd
PO Box 131342
WELLINGTON 6440

RECEIVED

2 - DEC 2011

Cardno TCB

Dear Ms Grimmett

TRANSMISSION GULLY PROJECT - SUBMISSION NO 14 CHRISTOPHER ALAN GREEN

Following the meeting at the Council's offices on 28 November 2011 to discuss the matters raised in the submission you have lodged on behalf of Mr Green I am pleased to confirm the following details of the project.

1. **Property Access**

The design of the proposed Waitangirua Link Road includes provision for future two way vehicle access to Mr Green's property Lot 25 DP 341339 at or near the location shown on your Plan W08274-CP02. We are aware that such an access is desired to allow for possible future residential subdivision of parts of the property. The access will be suitable for such a development but separate application to the Council will be required for subdivision. The construction of this access would be the responsibility of the property owner Mr Green and its exact location would be determined as part of the detailed design of the Link Road, following future discussion with Mr Green.

2. **Designation Boundary**

You suggest a small amendment to the proposed designation boundary. We have considered your suggestion and decided not to make any change as we are confident that there will be adequate space for the construction of the necessary Link Road within the present proposed boundaries. We understand that you are happy with that as you comment in the submission that the current proposal would be acceptable to your client Mr Green.

3. **Compensation for Land Required**

You ask for an assurance that "adequate compensation is made to Mr Green for the land taken". I assure you that Council will seek to work with land owners on this matter in accordance with the relevant statutory provisions.

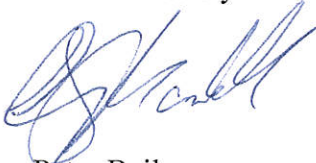
4. **Consent Conditions and Designation Requirements**

Proposed consent conditions and designation requirements for the Project are set out in Part H of the AEE. These provide for the preparation of Management Plans to address any possible adverse environmental effects on land adjoining the proposed

PCC - #726918-v1

Waitangirua Link Road. I understand that you are in agreement with this approach to the issues you have raised.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Bailey', written in a cursive style.

Gov

Peter Bailey

GENERAL MANAGER ASSET MANAGEMENT AND OPERATIONS

Asset Management & Operations

Our Ref: H:\W08274\Correspondence\NZ0108274-Transmission Gully Exchange of Letters-EPA Cover-Dec 2011.docx

Contact Jenny Grimmett

2 December 2011

Transmission Gully Project
Environmental Protection Authority
PO Box 10720
WELLINGTON 6143

And by email: transmissiongully@epa.govt.nz

Dear Sir/Madam

**TRANSMISSION GULLY PROJECT – WAITANGIRUA LINK ROAD
SUBMISSION NO. 14 - CHRISTOPHER ALAN GREEN
LOT 25 DP 341339 (53A CLEAT STREET)**

Please find attached copies of letters exchanged between ourselves (on behalf of Submitter Mr Chris Green) and Porirua City Council. These set out details of the Transmission Gully project that were of concern to our client Mr Green (under the headings Property Access, Designation Boundary, Compensation for Land Required and Consent Conditions and Designation Requirements), and Council's response to these.

On this basis, we are able to confirm that the concerns raised in the submission we prepared on behalf of Mr Green have been resolved, and that we no longer wish to be heard at the forthcoming hearing for the project.

Please do not hesitate to contact the writer on 478-0342 if you require any further information or clarification.

Yours faithfully



Jenny Grimmett
NZ Planning Manager
for **Cardno**

CC: Mr Peter Bailey, General Manager Asset Management & Operations, Porirua City Council,
PO Box 50218, PORIRUA CITY 5240

Greg Lee, NZ Transport Agency, PO Box 5084, WELLINGTON 6145 / greg.lee@nzta.govt.nz

Mr C Green, C/- 65 Crowther Road, RD1, Wainuiomata, LOWER HUTT 5373 / chris.a.green@xtra.co.nz

Andrea Rickard by email Andrea.Rickard@beca.com

Cardno

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Email: wqtn@cardno.co.nz

Web: www.cardno.co.nz

New Zealand Offices

Wellington

Hawkes Bay

Taupo

Christchurch



Our Ref: H:\W08274\Correspondence\NZ0108274-Transmission Gully Exchange of Letters-PCC-Dec 2011.docx

Contact Jenny Grimmett

2 December 2011

Mr Peter Bailey
General Manager Asset Management & Operations
Porirua City Council
Cobham Court
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PORIRUA CITY 5240

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Dear Mr Bailey

**TRANSMISSION GULLY PROJECT – WAITANGIRUA LINK ROAD
SUBMISSION NO. 14 - CHRISTOPHER ALAN GREEN
LOT 25 DP 341339 (53A CLEAT STREET)**

New Zealand Offices

Wellington

Hawkes Bay

Taupo

Christchurch

We refer to your letter dated 30 November (received today) recording our meeting with Geoff Marshall and Council's Consultant Brian Hasell on 28 November 2011. Your letter sets out and confirms Council's response to details of the Transmission Gully project that were of concern to our client Mr Green (under the headings Property Access, Designation Boundary, Compensation for Land Required and Consent Conditions and Designation Requirements), and which we had raised in the submission we prepared on his behalf.

We are therefore able to confirm that Mr Green's concerns have been resolved and that we no longer wish to be heard at the forthcoming hearing for the project.

We will forward a copy of this letter to the EPA with an appropriate covering letter confirming the same.

Thank you and your staff for the pragmatic and sensible approach to addressing the project to date. We look forward to further contact in due course when the Council commences discussions with landowners on the separate land acquisition process and matters of compensation. We will remain acting as agents for Mr Green in respect of the Transmission Gully project unless otherwise advised.

Yours faithfully



Jenny Grimmett
NZ Planning Manager
for **Cardno**



CC: Transmission Gully Project, Environmental Protection Authority, PO Box 10720, WELLINGTON 6143
transmissiongully@epa.govt.nz



Greg Lee, NZ Transport Agency, PO Box 5084, Lambton Quay, WELLINGTON 6145 / greg.lee@nzta.govt.nz

Mr C Green, C/- 65 Crowther Road, RD1, Wainuiomata, LOWER HUTT 5373 / chris.a.green@xtra.co.nz

APPENDIX B – CORRESPONDENCE WITH MIKE SWEENEY

TRM/14/04
Geoff Marshall
gmarshall@pcc.govt.nz
(04) 237 1479

28 December 2011

Mr Mike Sweeny
mike.sweeny@corrections.govt.nz
106 Gear Street
PORIRUA CITY

Dear Mr Sweeny

TRANSMISSION GULLY PROJECT

Thank you for meeting with Geoff Marshall and Brian Hasell on 20 December 2011 to discuss your submission on the Transmission Gully Project. That submission is in relation to the proposed Waitangirua Link Road and its possible effect on a site adjacent to the Marae where you have buried five placentae and also planted trees as a memorial.

You first made the Council aware of the placenta at a meeting we had with the Marae Executive in March 2010. Following that meeting we have had further discussions with community representatives about the design of the road and intersection at Warspite Avenue, noise walling and the creation of appropriate landscaping and other features. A preliminary layout is shown in the Indicative Site Specific Environmental Management Plan (SSEMP) for the Waitangirua Focus Area which has been included in Volume 5 of the Application for the Project. It has been agreed by the Council that there will be further discussions with the Marae Executive and other land owners and community representatives closer to the time of construction to ensure that the eventual design meets both the traffic and the community objectives. You have the Council's assurance that you, as the representative of your whanau, will be included in the discussions at that time.

At our meeting we discussed various possible ways that the site of the placentae could be treated. These were: retaining one of the trees you have planted if that proves to be possible once the detailed road design is prepared, shift a tree clear of the road or plant a new tree grafted from an original tree. Another option is to place a plaque close to the location as you suggested in your submission. The Council is happy to explore each of these options with you at a later date.

You advised that you were not aware of the suggestion in the SSEMP that the placentae should be disinterred and shifted, and that you did not support that suggestion.

I would be grateful if you could respond to this letter to confirm the details of our meeting.

Yours faithfully

Peter Bailey
GENERAL MANAGER ASSET MANAGEMENT AND OPERATIONS
PCC - #732673-v1

From: SWEENEY, Mike (RIMUPP) [Mike.SWEENEY@CORRECTIONS.GOV.T.NZ]
Sent: Thursday, 5 January 2012 3:09 p.m.
To: Peter Bailey
Cc: Geoff Marshall; hasellconsulting@snap.net.nz; Veronica Hoeberechts; Maora Sweeney

Mr. Peter Bailey
General Manager Asset Management & Operations
Terrace
PCC - # 732673 - v1

Mike Sweeney
106 Gear
Porirua 5024

Dear Sir

Transmission Gulley Project

Thank you for your letter dated 28 December 2011 relating to my meeting with Geoff Marshall and Brian Hasell on 20 December 2011.

At the meeting we had discussed various possible ways to reconcile my families concerns over the site of buried placentae at Maraeroa Marae and the potential affect of the proposed link road would have on that site. The options discussed were;

- Retaining one of the trees we had planted at the site if that proves possible, once the detailed road design is prepared
- Shift a tree clear of the road that has been planted
- Or plant a new tree that has been grafted from an original tree
- Or place a plaque close to the location' as suggested in my original submission (August 2010)

It is my families and my understanding that the council is happy to explore each of these options with us at a later date.

This email is to confirm that I have discussed this with my family and we are very happy to confirm the details of the meeting had on 20

December 2011 as being most satisfactory. I presume that with this in mind there will now be no need for me to speak to these matters in person at

the upcoming EPA public hearings in this new year.

To this effect I have looped in Veronica Hoeberechts EPA ADVISER, NATIONALLY SIGNIFICANT PROPOSALS to this email and expect that

the PCC will also inform the EPA of the latest developments.

My family and I wish to thank both you and your staff - as well as Veronica Hoeberechts for the assistance and considerations you have afforded

us in working toward options that will help us resolve our concerns.

Huri rau patu tuara nga pikautanga.

Nga mihi mahana / Mike Sweeney / Area Advisor Maori / Southern Region / Department of Corrections T (04)
529 0865 | X 8465 / M 021 2446923

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