

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 Teresa (Terre) Ann Maize (Contaminated Land) for the NZ Transport Agency, Porirua City Council and Transpower New Zealand Limited

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Dated: 13 January 2012

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

**STATEMENT OF REBUTTAL EVIDENCE OF TERESA (TERRE)  
ANN MAIZE FOR THE NZ TRANSPORT AGENCY, PORIRUA CITY  
COUNCIL AND TRANSPower NEW ZEALAND LIMITED**

**INTRODUCTION**

- 1 My full name is Teresa (Terre) Ann Maize.
- 2 I have the qualifications and experience set out at paragraphs 2 through 8 of my 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 respond to the section 42A report – Part 1, provided by Mr John Kyle (*the section 42A report*).
- 5 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**

- 6 I have read the aspects of the section 42A report which relate to my area of expertise. The section 42A report queries whether the NZTA conditions should require the preparation of an Asbestos Management Plan (*AMP*).
- 7 I consider that no further NZTA designation or resource consent condition is required which provides for the preparation of an AMP. In my view the conditions proposed in relation to asbestos management, as part of the Contaminated Land Management Plan (*CLMP*), are adequate for Resource Management Act 1991 (*RMA*) purposes.
- 8 I confirm the opinions and conclusions expressed in my EIC.

**SECTION 42A REPORT**

- 9 I understand that no evidence has been received from submitters relating to contaminated land matters. However, the section 42A report comments on the proposed NZTA conditions relating to

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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.

contaminated land. I will now discuss the relevant aspects of that report.

### **Asbestos Management Plan**

- 10 Paragraph 4.2.13 on page 50 of the section 42A Report addresses the development of an AMP. The report notes that, while the Project application documents state that an AMP will be prepared, this is not reflected in the proposed conditions. The section 42A report also suggests that aspects of the CLMP conditions appear to deal with asbestos management and that a further management plan does not appear to be required.
- 11 For the reasons explained below, I consider that an AMP will be needed in due course, however I agree with the author of the section 42A report that such a plan does not need to be the subject of separate resource consent or designation conditions.
- 12 At the time the Contaminated Land Assessment (Technical Report 16) was conducted, it was not known for certain which buildings would be disturbed or demolished during the Project's construction. It was also not known which buildings would be used as Project construction offices (for example, buildings at the former Car Haulways or Golden Coast Nurseries sites). Therefore, a very limited asbestos investigation was conducted so that building integrity would not be compromised (such as by disturbing roofing or flooring materials).
- 13 My opinion is that additional asbestos investigation is required prior to the disturbance or demolishing of any structures for the Project. Asbestos may be present in roofing and flooring materials, wallboard, insulation, mastics, plasters, exterior cladding, and other building materials.
- 14 There are various types and forms of asbestos and the management of asbestos is dependent upon the type of asbestos present and its form. The degree of risk to human health and the environment is dependent on the type and form of the asbestos and asbestos removal techniques must be appropriate for the type and form of the asbestos present.
- 15 The New Zealand Guidelines for the Management and Removal of Asbestos<sup>3</sup> (*the Asbestos Guidelines*) specify requirements for the identification, management, and removal of asbestos-containing materials. Section 6 of the Asbestos Guidelines requires the

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<sup>3</sup> New Zealand Demolition and Asbestos Association. The New Zealand Guidelines for the Management and Removal of Asbestos, 3<sup>rd</sup> Edition. March 2011. Available on New Zealand Department of Labour website: <http://www.osh.govt.nz/publications/booklets/asbestos-management-removal/guidelines.asp>

development of a plan for management and removal of asbestos. The plan must address the type and form of the asbestos and the techniques to be employed for its removal and containment.

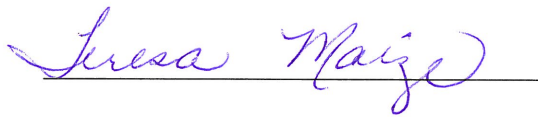
- 16 Given that there is incomplete information regarding the type, form, and extent of asbestos-containing materials present in buildings which will be disturbed or demolished during the Project's construction, I do not consider that it is appropriate to develop an AMP at this time.
- 17 Nonetheless, consistent with the Asbestos Guidelines, I recommend that an AMP be developed following a detailed asbestos investigation and prior to construction. This is specified in Technical Report 16 and in the CLMP.
- 18 I consider that asbestos investigation and management for RMA purposes is already adequately covered by the CLMP conditions. For example, NZTA resource consent condition G.15 requires that measures be taken to identify any suspected asbestos and for the handling of asbestos-containing material.
- 19 In my view, no further resource consent or designation condition is required which provides for an AMP. This is consistent with the conclusions of the section 42A report. Instead, I recommend that an AMP be prepared under the provisions of the Asbestos Guidelines.

**Other comments on conditions in section 42A report**

- 20 I note that the section 42A report states that land contamination matters are dealt with in the proposed NZTA designation conditions (paragraph 4.2.13 on page 50). As explained at paragraph 68 of my EIC, conditions relating to contaminated land are no longer proposed to be attached to the NZTA designations, but are instead proposed to be attached to the relevant regional consents.
- 21 The section 42A report goes on to record that the NZTA designation conditions require the preparation of a protocol to manage discovery of unexploded ordnances. As explained at paragraph 71.1 of my EIC, management of unexploded ordnances is now proposed to form part of the CLMP required by NZTA resource consent condition G.15.
- 22 Finally, the section 42A report records that designation condition NZTA.44 requires the preparation of a remedial action plan for the Porirua Gun Club site. As explained at paragraph 70 of my EIC, the remediation process at the Gun Club site will be dealt with as part of future consents sought under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Accordingly, designation condition NZTA.44 is proposed to be deleted.

**PCC conditions**

- 23 The conditions lodged with the Project's Assessment of Environmental Effects omitted to include contaminated land conditions on the PCC resource consents (or PCC designations). I consider it important that conditions in relation to the management of contaminated soil and asbestos (through the CLMP) are also included on the PCC resource consents, so as to ensure any contaminated soil and asbestos-containing material encountered as part of the PCC Project is appropriately managed. I understand **Ms Rickard's** rebuttal evidence and track change conditions now reflect this.



Teresa (Terre) Ann Maize  
13 January 2012