

Before a Board of Inquiry  
MacKays to Peka Peka Expressway Proposal

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*under:* the Resource Management Act 1991

*in the matter of:* Notice of requirement for designation and resource consent applications by the NZ Transport Agency for the MacKays to Peka Peka Expressway Proposal

*applicant:* **NZ Transport Agency**  
*Requiring Authority*

Statement of rebuttal evidence of **Andrew Quinn** (Project Manager – MacKays to Peka to Peka Expressway) on behalf of the NZ Transport Agency

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Dated: 25 October 2012

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**STATEMENT OF REBUTTAL EVIDENCE OF ANDREW QUINN FOR THE  
NZ TRANSPORT AGENCY**

- 1 My full name is Andrew Jonathan Quinn.
- 2 I have the qualifications and experience set out at paragraphs 2 – 8 of my statement of evidence in chief, dated 7 September 2012 (*EIC*).
- 3 I confirm that I am authorised to give this evidence on behalf of the NZ Transport Agency (*NZTA*).
- 4 In this statement of rebuttal evidence, I respond to the evidence of:
  - 4.1 Russell and Sandra Walker on behalf of themselves (submitter 0230);
  - 4.2 Loretta Pomare on behalf of herself (submitter 0309);
  - 4.3 Grant Birkinshaw on behalf of Brent Mackay and Tordis Flath (submitter 0654);
  - 4.4 Brian Warburton on behalf of Transpower New Zealand Limited (*Transpower*) (submitter 0178);
  - 4.5 Travis Wood on behalf of Kāpiti Coast District Council (*KCDC*) (submitter 0682);
  - 4.6 Emily Thomson on behalf of *KCDC* (submitter 0682);
  - 4.7 Mary-Jane Rivers on behalf of *KCDC* (submitter 0682);
  - 4.8 Ian Munro on behalf of *KCDC* (submitter 0682);
  - 4.9 Sharon Lee on behalf of *GWRC* (submitter 0684).
- 5 Consistent with my *EIC*, I have referred to the MacKays to Peka Peka Expressway Project as “the Project” in this rebuttal evidence.

**EXECUTIVE SUMMARY**

- 6 In my rebuttal evidence, I respond to issues raised by submitters around *NZTA*’s property acquisition programme, Alliance arrangements and relationship with *KCDC*, and network utility operators.
- 7 In my response to Travis Woods’ evidence for *KCDC*, I confirm that the *NZTA* could accept a condition that was to the effect of requiring the *NZTA* to consult with *KCDC*’s Water and Wastewater Asset Manager as to construction plans insofar as these affect *KCDC*’s water and wastewater assets. However, I do not consider Mr Woods’ proposed conditions are otherwise necessary or appropriate.

- 8 In my response to Transpower's submission, I confirm that the NZTA would be happy to accept the condition Transpower proposes, and I attach a copy of that condition.

### **EVIDENCE OF SUBMITTERS**

- 9 In the paragraphs below I have responded to matters raised in the evidence filed on behalf of submitters. Where a number of witnesses have raised the same issue I have responded to these together under a 'topic' heading.

#### **Submitters raising concerns with the Public Works Act 1981**

- 10 The evidence of Mr Russell and Mrs Sandra Walker, on behalf of Fourways Enterprises Limited (submitter 0261), and Mr Grant Birkinshaw, on behalf of Mr Brent McKay and Ms Tordis Flath (submitter 0654) relates primarily to concerns about the negotiations to purchase their property for the Project. Those concerns relate to processes under the Public Works Act 1981 (PWA). For completeness I note that Loretta Pomare (submitter 0309) requests purchase of her property.<sup>1</sup> Ms Pomare's property is not required for either the construction or operation of the Project and therefore is not required pursuant to the PWA.
- 11 As discussed in my EIC, it is the NZTA's preference to acquire the land required for construction of the Expressway by agreement under section 17 of the PWA. Through the Accredited Property Acquisition Agents (Opus International and the Property Group), the NZTA has maintained contact with all affected owners and is making progress in this regard.
- 12 For a number of properties, where negotiations have been underway since May 2011 without resolution, the NZTA has issued further notices under section 18 of the PWA.<sup>2</sup> These notices advise that the period of "good faith negotiations" will continue for a further three months and if agreement cannot be reached, it may be necessary to secure the property by compulsory purchase.
- 13 It is my understanding that negotiations under the PWA have been carried out professionally and in good faith.
- Loretta Pomare (submitter 0309)**
- 14 I note that Ms Pomare makes some observations around the relocation of the Vector Gas pipeline.<sup>3</sup> To clarify the position, the Project requires the relocation of several network utilities and these works have been included within the proposed designation and the assessment of effects.

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<sup>1</sup> Statement of Evidence of Loretta Pomare paragraphs 128 and 129.

<sup>2</sup> These notices were issued between 4 September and 9 October.

<sup>3</sup> Statement of Evidence of Loretta Pomare (paras 13, 45, 121 and 146).

15 Vector Gas owns two distribution pipelines which cross the proposed expressway corridor a number of times and need to be relayed for approximately 1.6km between Waikanae River and North of Te Moana Road.

16 In October 2011, a sum of \$10.4M was included in the Project budget of \$637M for this work, based on advice from Vector. Due to the specialist nature of this work, resource consents will be sought separately by Vector.

17 The work will be executed concurrently with the Project, minimising disturbance on neighbouring properties. The pipes themselves will be buried at a depth of approximately 2 metres below ground and once laid, will be covered so they will not be visible from neighbouring properties. Vector will carry out an assessment of effects at the time of its consent application.

**Brian Warburton on behalf of Transpower (submitter 0178)**

18 I note the evidence of Brian Warburton relating to the National Policy Statement on Electricity Transmission (NPSET), specifically Policy 2 and 10 as it relates to the Project.

19 At paragraph 7.5, Mr Warburton states that it is his view "*that it would be appropriate to impose the conditions and advice notes attached to his statement (Attachment C)*".

20 The NZTA and Transpower have discussed the imposition of these conditions previously (a letter from myself to Transpower accepting the conditions proposed by Mr Warburton is appended to his statement as Attachment D). The NZTA accepts the additional condition proposed by Mr Warburton and I have included a revised draft of the relevant condition DC.53(A) in **Annexure A** to this statement.

**Travis Wood on behalf of KCDC (submitter 0682)**

21 Mr Wood's evidence raises concerns regarding KCDC's water supply and wastewater services. Specifically, he raises concerns in relation to:

21.1 The functioning of KCDC's infrastructure;

21.2 Existing and future Council water and wastewater services;  
and

21.3 The potential effects of construction bores on the KCDC's future water supply programme.

22 In relation to the third matter, I note that KCDC's submission specifically raised this concern. As noted at paragraph 6.1 this issue has been resolved between KCDC and the NZTA following the lodgement of the submission. This matter is also addressed in the

evidence of **Ms Ann Williams**. At paragraph 5.19(f), Mr Wood seeks that a condition be added:

*“requiring that the project avoids adversely affecting the Council’s water supply bores (and the Council’s ability to service those bores).”*

23 I note that **Ms Williams** has proposed an additional condition to cover this and I confirm that NZTA is happy with the proposed condition.

24 I have addressed the other two matters below.

***Functioning of KCDC’s existing infrastructure***

25 As acknowledged by Mr Wood’s evidence,<sup>4</sup> the NZTA (through Synergine) has worked collaboratively with KCDC since January 2011 to identify potential issues with water and wastewater services. I note that the potential impact on all utilities has been lessened by the fact that the Expressway passes over most of the local connecting roads that contain services e.g. Raumati Road, Kapiti Road, Te Moana Road. This reduces the need for significant relocation and associated disruption to services.

26 I consider that these matters will be adequately provided for in the Network Utilities Management Plan (required by proposed conditions DC.52 and DC.53). Therefore, I do not consider that a condition as suggested by Mr Wood at paragraph 5.19(a) is required.

27 In response to the proposed condition suggested at paragraph 5.19(b), I can confirm that the NZTA is happy for a condition to be included which requires the NZTA to consult with KCDC’s Water and Wastewater Asset Manager about the construction plans insofar as the plans affect KCDC’s water and wastewater assets.

***KCDC’s Future Water and Wastewater Services***

28 At paragraph 5.16, Mr Wood recommends the inclusion of a condition to ensure that KCDC will *“have access to construct and maintain planned pipe assets within the planned pipe alignments”* and that the *“NZTA should consult with the Council about planning and programming and provide the Council with the opportunity, both during and after Expressway construction, to construct staged elements from each project as may be appropriate.”*

29 I do not consider that such a condition is necessary.

30 In accordance with the Utilities Access Act 2010, the NZTA will comply with the National Code of Practice for Utility Operators’ Access to Transport Corridors (November 2011) (*the Code*).<sup>5</sup> The Code requires the NZTA’s Road Corridor Manager to coordinate and

<sup>4</sup> Statement of Evidence of Travis Wood paragraph 5.3.

<sup>5</sup> Available at: <http://nzuag.org.nz/national-code/CodeNov11.pdf>.

receive notifications of proposed works within the corridor. The Code also specifies the preferred lay position for utility structures as the "back berm" i.e. the land within the designation boundary beyond the operational road space.

31 I consider that the Code provides sufficient guidance on the location of utility services so as not to require a specific condition, particularly as the Council's plans for these future services are as yet not defined.

32 NZTA acknowledges the need to liaise with KCDC over the future provision and location of new water and wastewater services along the Expressway corridor. I note that **Mr Noel Nancekivell's** evidence in chief<sup>6</sup> states that:

*"Consideration has been given to providing a common services corridor along the Expressway, following request from some Network Service providers. Capacity exists for this and could be provided within the footprint of the designation. Allowance has been made in the Waikanae River Bridge for future water mains and wastewater rising main to be installed between the super Tee beams. Similarly, allowance has been made on the proposed Ngarara Road Bridge for a water main to be installed. On the other structures smaller services can be accommodated within the double hollow core beams".*

33 I consider that this adequately provides for KCDC's water and wastewater services. Particularly given that KCDC's own plans to link existing networks between Waikanae and Paraparaumu have not reached the same design stage as the Expressway, I do not consider that it would be appropriate for a condition (as suggested by Mr Wood at paragraph 5.19(c)) to be included as part of the Project.

34 I also do not support the condition proposed at paragraph 5.19(d) to allow for a dedicated 3 metre water and wastewater services corridor. As noted above, the concept of a utility service corridor has been explored by the Project Team and I understand that, whilst there is the intention to provide a common "shared services" corridor for all utilities, further work is required at certain points along the alignment to accommodate a continuous 3 metre wide services easement corridor specifically for KCDC's new water and wastewater services as suggested by Mr Wood.

35 The NZTA understands the convenience of provision of a services corridor along the Expressway alignment. It will continue to work with KCDC and other network utility providers to try and achieve this. However, I do not consider that this is an integral part of the Project nor is it required to mitigate any adverse effects of the

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<sup>6</sup> Statement of Evidence of **Mr Nancekivell** Alliance Design Manager, paragraph 128.

Project. For these reasons, I do not consider that it would be appropriate for a condition to be imposed on the NZTA to require a services corridor.

- 36 For example, Vector Gas pipe alignment currently occupies a 12 metre wide easement corridor from Waikanae River through to Te Moana Rd and this creates a pinch point at Kauri Road, adjacent to the El Rancho holiday camp.

**Emily Thomson on behalf of KCDC (submitter 0682)**

- 37 At paragraphs 9.17, 9.19 and 9.23, Ms Thomson makes suggestions for additional conditions relating to the Network Utility Management Plan. This is discussed further in the evidence of **Mr Robert Schofield**, and for the reasons he sets out I do not support the amendments proposed by Ms Thomson.

- 38 For the reasons discussed above, I do not support the new condition proposed by Ms Thomson at paragraph 9.21.

**Mary-Jane Rivers on behalf of KCDC (submitter 0682)**

- 39 At paragraphs 6.21 and 6.22 of her evidence, Ms Rivers raises a concern relating to the ability of the Paraparaumu Medical Centre to continue to operate. The NZTA has been in extensive consultation with the owners and practice managers of the Medical Centre to find a solution to address the potential effects of construction and to enable the Medical Centre to continue to operate during the construction period.

**Ian Munro on behalf of KCDC (submitter 0682)**

- 40 At section 6 of his evidence, Mr Munro seeks that a condition be provided to restrict access for one kilometre from the Poplar Avenue and Peka Peka Road interchanges in order to ensure that there will be no 'de facto' creation of new centres at these locations.

- 41 I understand that **Mr Marc Baily** discusses this issue in his rebuttal evidence, however I wish to make some comments on behalf of the NZTA. I consider that it is important for the Board to understand that the NZTA itself does not own land. Rather, land is acquired and held by the Crown for the NZTA. I therefore understand that there would be legal impediments to the condition which Mr Munro seeks to be included as the Board could not bind the Crown through a condition imposed on the NZTA's designation. In addition I note that, as this issue relates to land use development control, the NZTA considers that the more appropriate way to constrain development in these areas would be through the District Plan.

**Sharon Lee on behalf of GWRC (submitter 0684)**

- 42 At paragraph 12 of her evidence, Ms Lee states:

*I believe to protect this important open space [Queen Elizabeth Park] on the Kapiti Coast that any impacts should be minimised and appropriately mitigated. To avoid any incremental loss of*



*open space in this important location, I hold the view that there should be no net loss of land to the Park. The current roading proposal does involve some loss of land and Greater Wellington is keen to work with NZTA to identify opportunities for appropriate and equivalent land to be added to the Park.*

- 43 The NZTA is committed to exploring options as suggested by Ms Lee, where there is suitable land owned or acquired by NZTA and that is surplus to requirements. For completeness I note that NZTA's incursion into QE park equates to approximately 10.8ha of a total park area of 535ha (2%). In addition and in mitigation for the loss of public open space, the NZTA plans to enhance the value of the existing park space by the construction of a dedicated cycleway through the Park.



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**Andrew Quinn**  
25 October 2012

**ANNEXURE A – PROPOSED DESIGNATION CONDITIONS  
REFERRED TO IN THIS REBUTTAL STATEMENT**

	<b>Network Utilities Management Plan</b>
DC.52	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.
DC.53	<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 shall include:</p> <ul style="list-style-type: none"> <li>a) Measures to be used to accurately identify the location of existing network utilities,</li> <li>b) Measures for the protection, relocation and/or reinstatement of existing network utilities;</li> <li>c) 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;</li> <li>d) Measures to provide for the safe operation of plant and equipment, and the safety of workers, in proximity to live existing network utilities;</li> <li>e) Measures to manage potential induction hazards to existing network utilities;</li> <li>f) Earthworks management (including depth and extent of earthworks), for earthworks in close proximity to existing network utility;</li> <li>g) Vibration management for works in close proximity to existing network utility; and</li> <li>h) Emergency management procedures in the event of any emergency involving existing network utilities.</li> </ul>

<p><u>New condition DC.53(A)</u></p>	<p>The NUMP shall include <u>specific consideration of means to avoid or mitigate effects on Transpower’s high voltage infrastructure, including:</u></p> <ul style="list-style-type: none"> <li>a) <u>methods and measures to ensure that the existing high voltage infrastructure can be accessed for maintenance at all reasonable times, or emergency works at all times, during and after construction activities.</u></li> <li>b) <u>methods and measures to ensure that changes to the drainage patterns and runoff characteristics do not result in adverse effects from stormwater on the foundations for any high voltage transmission line support structure.</u></li> <li>c) <u>confirmation that the vertical separation between the overhead conductors and the finished road surface will be equal to, or greater than, the following distances:</u> <ul style="list-style-type: none"> <li>i. <u>10.5 metres for the expressway; and,</u></li> <li>ii. <u>7.5 metres for any new local road.</u></li> </ul> </li> <li>d) <u>confirmation that new planting and maintenance of vegetation will:</u> <ul style="list-style-type: none"> <li>iii. <u>comply with the New Zealand Electricity (Hazard from Trees) Regulations 2003, including, but not limited to, the provisions of the Schedule (Growth Limit Zones) to those regulations;</u></li> <li>iv. <u>be setback by a horizontal distance of at least 12 metres either side (total of 24 metres) from the centre line of the high voltage transmission lines where it is able to grow higher than two metres; and,</u></li> <li>v. <u>not be able to fall within 5 metres of the said transmission lines.</u></li> </ul> </li> <li>e) <u>Sufficient detail to confirm that the works will comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), including, but not limited to, the provisions of:</u> <ul style="list-style-type: none"> <li>i. <u>Clause 2.2 with respect to excavations near overhead support structures;</u></li> <li>ii. <u>Clause 2.4 with respect to buildings near overhead support structures;</u></li> <li>iii. <u>Section 3 with respect to minimum separation between buildings and conductors;</u></li> <li>iv. <u>Section 5 with respect to minimum safe distances for the operation of mobile plant; and,</u></li> <li>v. <u>Table 4 with respect to minimum safe separation distances between the ground and the overhead conductors.</u></li> </ul> </li> </ul>
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	<p><u>Notes: Alterations or modification to the high voltage infrastructure that may be required to comply with Condition DC 53(b) and Conditions DC53(A)(c) and DC53(A)(e)(v). This work may require additional consent and as the work will relate to an existing transmission line owned and operated by Transpower the required activity must be assessed with reference to the National Environmental Standards for Electricity Transmission Activities.</u></p> <p><u>With respect to DC53(A)(e)(iii) specific consideration must be given to the height and location of temporary structures (such as project offices and other construction site facilities) and permanent structures (such as lighting poles, signage, gantries and acoustic barriers). This may require a specific electrical engineering assessment as provided for by Section 3.4 of NZECP34.</u></p>
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