

BOARD OF INQUIRY

**Peka Peka to North
Ōtaki Expressway**

TRANSCRIPT OF PROCEEDINGS

BOARD OF INQUIRY

Peka Peka to North Ōtaki Expressway Proposal

HEARING at KĀPITI COAST on 2 OCTOBER 2013

BOARD OF INQUIRY:

Hon Sir Hugh Williams QC (Chairperson)
Mark Apeldoorn (Board Member)
Jeff Jones (Board Member)
Professor Roger Maaka (Board Member)
Pamela Peters (Board Member)

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[8.30 am]

CHAIRPERSON: Have a seat everybody, thanks.

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Welcome to day eight of the Peka Peka to North Ōtaki hearing.

Mr Camm, I gather from EPA that you want to submit some further material about bunding in your property?

10

MR CAMM: Yes, sir.

CHAIRPERSON: Given that it's so late and that you've given your evidence, we suggest that you put it in writing just as soon as you can, submit it to EPA for distribution for us and then ensure that it's also sent to the Council's and NZTA.

15

MR CAMM: Yes, sir. It's just things that have come to light in the last day or so which we were unaware of, but thank you for that opportunity.

20

CHAIRPERSON: All right, thank you.

Now, we've also been handed a sheet that Dr O'Sullivan for Sustainable Kāpiti submitted overnight headed comparative statistics for Wellington and Ōtaki demographic distribution, we'll add that to Dr O'Sullivan's evidence as exhibit - - -

25

MR BAILLIE: 26, sir.

30 CHAIRPERSON: Exhibit 26. Thank you.

Now, Mr Beverley?

MR BEVERLEY: Good morning, sir, Members of the Board.

35

Sir, just one administrative matter, I have conferred with my learned friends and legal counsel are all prepared to present closing submissions today if we get to that point.

40 CHAIRPERSON: That's certainly very helpful, the Board's appreciative of counsel's preparedness, even if under the spur, to do that.

MR BEVERLEY: Thank you, sir.

45

So, sir, we're ready to call Rebecca Claire Beals, unless there's any other matter?

CHAIRPERSON: Yes. No, thank you. Please do proceed.

MR BEVERLEY: I call Ms Beals please.

5

<REBECCA CLAIRE BEALS, sworn [8.32 am]

<EXAMINATION BY MR BEVERLEY [8.33 am]

10 MR BEVERLEY: Good morning, Ms Beals.

MS BEALS: Good morning.

15 MR BEVERLEY: Could you please confirm for the record that your full name
is Rebecca Claire Beals?

MS BEALS: It is.

20 MR BEVERLEY: And you have prepared a statement of evidence for these
proceedings dated 12 July 2013?

MS BEALS: I have.

25 MR BEVERLEY: And a statement of rebuttal evidence dated 6 September
2013?

MS BEALS: I have.

30 MR BEVERLEY: Could you please confirm you have the expertise and
qualifications set out in your evidence?

MS BEALS: I do.

35 MR BEVERLEY: You took part in expert conferencing in respect of planning
and conditions?

MS BEALS: I did.

40 MR BEVERLEY: And you are a signatory to a joint conferencing statement
dated 30 August 2013?

MS BEALS: I am.

45 MR BEVERLEY: Do you have any corrections or clarifications you'd like to
make in respect of your evidence?

MS BEALS: No, there are none.

MR BEVERLEY: Do you confirm that your evidence is true and correct to the best of your knowledge and belief?

5

MS BEALS: I do.

MR BEVERLEY: Now, Ms Beals, you have a document with you today, don't you?

10

MS BEALS: I do indeed.

CHAIRPERSON: She's probably got lots.

15 MR BEVERLEY: I can be more specific, do you have an updated set of conditions with you today?

MS BEALS: I do indeed, yes.

20 MR BEVERLEY: Sir, if I could just ask for that document to be produced as an exhibit and circulated to the Board and counsel. Mr Baillie, we're up to number?

MR BAILLIE: Exhibit 27.

25

MR BEVERLEY: Exhibit 27, thank you.

DR JONES: Mr Beverley, could I ask, is this different to the one that was emailed to us last night? The one that you are claiming now?

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MR BEVERLEY: Emailed last night, yes, it is, it's been a living document, Dr Jones, so it is slightly different and I'll ask Ms Beals to explain.

DR JONES: Thank you, could you put notes on the one we got last night.

35

MR BEVERLEY: Okay, so Ms Beals, I wonder if you could explain firstly for the Board the various stages that you have worked through with the conditions to get to the point that we are today?

40

[8.35 am]

MS BEALS: Sure. So the technical experts prepared their reports and identified mitigation required. We had a number of workshops looking at that mitigation that they had identified. We used the MacKays to Peka Peka and Transmission Gully conditions as MacKays were evolving at the time, they hadn't been approved by the Board, so we

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were using those as starting points and working out where our project was, what the effects were from us and what previous projects and proximity we were looking at for conditions, and then developed conditions through that process.

5

They've been through a number of iterations, been circulated to the various technical experts to make sure we had accurately captured what they were requiring, have been circulated to both Council's at the end of last year for comment and then again through the early parts of this year we've made changes to the conditions following submissions and following the conferencing that happened after evidence-in-chief was submitted as well.

10

MR BEVERLEY: So you produced a set of conditions through your evidence-in-chief?

15

MS BEALS: I did.

MR BEVERLEY: And you participated in the conferencing process?

20

MS BEALS: I did.

MR BEVERLEY: And you provided an updated set of conditions for the Board through your rebuttal evidence.

25

MS BEALS: Through my rebuttal, correct.

MR BEVERLEY: Could you explain what's happened since the set of conditions that was attached to your rebuttal evidence?

30

MS BEALS: Okay, so through the course of the hearing and the build up to the hearing there were various meetings with a number of submitters and also the Council's, and condition changes arose from those and they were made in through evidence last week and earlier this week, condition changes were made and agreed by various experts.

35

There was ecology conferencing, which I think everyone's aware of, last week which resulted in condition changes. Monday this week there was a planning meeting with John Kyle and Richard Percy, myself and Peter Coop, and we went through condition changes then, and yesterday there was a further planning meeting with Robert Schofield, Paula Warren, myself and Peter Coop on conditions.

40

MR BEVERLEY: Can you describe for the Board the position you reached with the planners on Monday in particular?

45

MS BEALS: So on Monday we addressed all of the outstanding issues that were raised by Greater Wellington and had resolved all those issues through condition changes and agreements. The matters raised in John Kyle's report, I believe, have also all been addressed. We did identify that there were two outstanding matters that had been raised through the opening submissions of counsel for Kāpiti Coast District Council and weren't able to resolve those. That was in advance of having had the meeting with Robert Schofield yesterday.

10 MR BEVERLEY: And so you met with Mr Schofield yesterday to further discuss those two outstanding items.

MS BEALS: That's correct.

15 MR BEVERLEY: So as far as you're aware, apart from those two matters as of yesterday, all of the matters with the Greater Wellington Regional Council were resolved in terms of conditions?

MS BEALS: As far as I'm aware, yes.

20

MR BEVERLEY: And there were, as you say, two outstanding matters with the Kāpiti Coast District Council?

MS BEALS: That's correct.

25

MR BEVERLEY: Could you explain for the Board the process you worked through with Ms Warren yesterday and the output from that?

MS BEALS: So, yesterday there were a number of condition changes that Ms Warren wanted that she raised that needed some technical support to them just to make sure that they didn't alter what the technical experts were seeking or asking, and we were actually able to be provided with the wording changes she'd asked for. Due to the short notice of that I was unable to contact and get agreement from all of the technical experts on those matters, so they are shown in this latest set of conditions just in the right hand column, which expresses the wording changes she'd wanted and some of the discussion points she'd raised about why she wanted those changes and they're shown shaded grey just to clarify where they have come from.

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35
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MR BEVERLEY: Thank you. In your evidence you made an overall conclusion about your view of this condition set.

MS BEALS: Yes.

45

MR BEVERLEY: Could you take the opportunity to update that conclusion for the Board after all the work that has been put in in the last few weeks since your rebuttal evidence?

5 MS BEALS: The condition set is quite a robust condition set. There's a lot of conditions there and we've worked really hard with all of the specialists from all the parties and the planners to get an outcome that addresses everything we believe we need to and in a way that meets the purpose of the RMA and the requirements that conditions need to, so,
10 yes, we think - I believe that it does everything it should do in terms of conditions to make the project able to be built and operated in a feasible way.

MR BEVERLEY: Thank you, Ms Beals, if you could just remain for any
15 questions from the Board or from counsel, thank you.

MS BEALS: Thank you.

CHAIRPERSON: Mr Gardner-Hopkins, anything you want to ask?
20

MR GARDNER-HOPKINS: No, thank you, sir.

CHAIRPERSON: Mr Conway?

25 MR CONWAY: Yes, thank you, sir.

CHAIRPERSON: Or is Ms Anderson to go first?

MS ANDERSON: Actually, I have no questions, thank you, sir.
30

CHAIRPERSON: Well, we'll let you go first on that basis.

<CROSS-EXAMINATION BY MR CONWAY [8.40 am]

35 MR CONWAY: Good morning, Ms Beals.

MS BEALS: Good morning.

MR CONWAY: Thank you for that, and I must say thank you for the work
40 you've put into these conditions. I just want to take you briefly through the remaining points of difference between NZTA and the District Council, just to clarify a few matters in relation to those.

45 If I can take you first to condition 61 of this set that you've produced this morning, page 43 of that version, Members of the Board.

Now, Ms Beals, in the right hand column the text in red sets out proposed condition 61A, and that's the condition, isn't it, that has been put forward by the District Council at the hearing on Mr Hunt's recommendation.

5

MS BEALS: That is correct.

MR CONWAY: And your version of the conditions, aside from reproducing that in the comments column, you haven't adopted that condition as part of your set, have you?

10

MS BEALS: No, we haven't.

MR CONWAY: I understand that in doing so you are relying on Dr Chiles' evidence?

15

MS BEALS: That is correct.

MR CONWAY: So just to clarify where that leaves the matter, you would accept that the Board is in a position where it has the evidence of Dr Chiles, it considers this condition not to be needed and the evidence of Mr Hunt, which is that this condition is needed and it will be for the Board to decide which of that evidence it refers. Do you accept that position?

20

MS BEALS: That's correct. Yes, I accept that.

MR CONWAY: Thank you. Over the page now, in relation to condition 62, essentially the same situation arises in relation to that condition and in the right had column we have the wording in red that the District Council seeks on the basis of Mr Hunt's recommendation.

30

MS BEALS: That's correct.

MR CONWAY: If the Board were to prefer Mr Hunt's evidence to that of Dr Chiles, then that would be the wording that would address that concern, isn't it?

35

MS BEALS: That's correct.

40

MR CONWAY: Now, turning over to page 47, and then over the page to 48 and 49, we have condition 73 and - sir, I must, if you'll forgive me, this morning is the first time I have seen this, the way this set has been structured, but I'm looking at, on page 48 in relation to additional wording to condition 73C and that's in the middle of that page in red.

45

Now, turning back over the page, Ms Beals, to condition 73C, your version of that condition requires the noise mitigation plan to include methods for post construction validation of the noise assessment.

5 MS BEALS: That's correct.

MR CONWAY: Over the page, the Council's requested amendment to that condition sets out what it considers that validation process would involve. Do you accept that's the case? That's I and II there?

10

MS BEALS: Yes, that's correct.

[8.45 am]

15 MR CONWAY: Now, are you aware that MacKays to Peka Peka condition DC 49 required post construction operational noise level monitoring, verification of the results of that monitoring against the computer noise model and then it required NZTA to make any necessary alterations required to the structural mitigation measures followed by a report to the council.

20

MS BEALS: I will believe you if that is the exact wording.

MR CONWAY: I am paraphrasing the conditions, those are four key components of that condition from the council's perspective.

25

MS BEALS: I will accept that.

MR CONWAY: And looking now at the wording seeks in (i) and (ii) that is essentially what the council's now asking for in relation to this project, isn't it?

30

MS BEALS: Essentially yes.

35 MR CONWAY: Now moving slightly further down that page in the same block of red text, there is paragraph D. "Methods to maintain the road pavement to avoid vibration effects on adjacent buildings."

40 You will be aware that MacKays to Peka Peka condition DC 37A requires NZTA to maintain the road pavement to avoid vibration effects on adjacent buildings. Are you aware that that is the case, it's a standalone condition with that effect?

MS BEALS: Sorry DC 37A, did you say?

45

MR CONWAY: Yes.

MS BEALS: Yes, I can see that wording in that condition.

5 MR CONWAY: And that is essentially what the council is seeking here, isn't it?

MS BEALS: It is.

10 MR CONWAY: Now, is your disagreement with paragraph D because you don't support road maintenance or because you don't think a condition is necessary on that front?

15 MS BEALS: I certainly do support road maintenance, it's not that at all. My understanding for the reason this is not included is twofold. One, the NZTA have an existing network maintenance contract with a contractor and provisions for that included so this would allow – this is something that happens already. Secondly, based on expert advice, there is actually no need for it to be included as a condition to ensure that it happens, as it will already happen.

20

MR CONWAY: And given that it is a condition in the MacKay to Peka Peka designation and that it would occur anyway, a condition on that level would not be offensive, would it?

25 MS BEALS: I don't think simply because something is in MacKays to Peka Peka condition, makes it suitable to be a condition in another consent application. Certainly, it's a starting point for considering where conditions could go, but I don't believe simply because it's on one project, that makes it suitable for every other project. Conditions need to reflect the specific environment of the project and the effects that

30

that project is having.

MR CONWAY: The Board wouldn't be going out on a limb if it were to impose the same condition on this project as on the MacKays project, would it?

35

MS BEALS: It is certainly a condition that's been imposed before and if the Board felt necessary to impose it, that is within their power.

40 MR CONWAY: Turning now to the red text that starts on the bottom of page 40A, would you accept that the council has requested condition 73A is identical to MacKays condition DC 48, except you probably haven't done a word for word comparison, but I can assure you I have to check whether I'm safe making that statement?

45

MS BEALS: They appear very similar, yes.

MR CONWAY: If a complaint was received about vibration, would you accept that having a clear standard for assessing that complaint and the reasonableness of that complaint would improve certainty for the council and for the NZTA and for the complainant?

[8.50 am]

MS BEALS: Having a process for complaints definitely makes it a lot clearer for all parties involved as to what happens and what's required.

MR CONWAY: And if that process included reference to a clear standard that has been adopted a bit further south as well in the same way, that would provide additional certainty that the complaint would be assessed objectively, wouldn't it?

MS BEALS: I think my comments from before apply, in relation to simply adopting a condition because it's on another project, and expert advice on this one is that, from Dr Chiles, we don't need this condition as it's worded, that complaints would be assessed using the NZTA standard methods for complaints. We have got a complaints condition which we have offered to extend from six months post-construction to 12 months and that will increase the specific amount of time that complaints are monitored, and then there is a standard NZTA complaints' monitoring procedure, which will remain in force and continue for the life of the project once its operational.

MR CONWAY: Thank you. Turning to condition 75. Now, on the bottom of page 50 there are some words in red that the Council seeks to be inserted as new condition 75C.3. And if we look to the left of that there is 75C.2 which requires the LUDP to provide to provide information on how certain outcomes will be achieved and (1) of those is mitigation of visual and amenity effects and (2) through landscape work generally within land acquired for the expressway but also on private properties where appropriate. Now, there is no requirement in there, is there, to look at mitigation on land falling outside those two categories, either land acquired for the project or outside private properties, would you accept that is the case?

MS BEALS: Yes, I accept that.

MR CONWAY: So in relation to land to the west of the designation corridor there is a gap in that consideration, namely the current State Highway 1 corridor?

MS BEALS: The condition doesn't require that experts have determined where mitigation is required to be located and our conditions reflect that determination.

5 MR CONWAY: Ms Williams' evidence for the Council is that it would be worth considering further landscape planting or locating some of perhaps the planned landscape planting on that State Highway 1 corridor once that is revoked, isn't she?

10 MS BEALS: As I understand her evidence, yes.

MR CONWAY: And she made it quite clear last week she is not seeking an avenue of trees the whole way down that but rather some well-placed clusters of trees or stands of trees in strategic places along that land if it opens up?

MS BEALS: That's my recollection of her evidence, yes.

MR CONWAY: And, looking now at the wording that the Council seeks to add, that's what that would require consideration of, wouldn't it?

MS BEALS: Yes, that is correct.

MR CONWAY: And in fact, given that that condition only requires consideration of that matter rather than forcing NZTA to carry out that planting, would you accept that it's not an onerous burden that is being suggested here?

MS BEALS: I accept that it requires consideration of that requirement for landscaping to be considered as to whether it's appropriate there and that will be part of the – the way the condition is worded, that forms part of the landscape and urban design plan, and that may not be an onerous outcome to require that to be considered.

35 MR CONWAY Thank you, no further questions.

CHAIRPERSON: Mr Beverley?

<CROSS-EXAMINATION BY MR BEVERLEY [8.56 am]

40 MR BEVERLEY: Sir, there was just one matter that I would like to raise with Ms Beals.

45 Ms Beals you are aware that the Board received a document from Nga Hapu-o-Ōtaki?

MS BEALS: Yes I am.

MR BEVERLEY: And that document, unfortunately they weren't able to attend the hearing but they made their position through that document?

5

MS BEALS: They did.

MR BEVERLEY: Could you describe to the Board whether you have made any changes to the conditions specifically to respond to some or all of that document?

10

MS BEALS: Certainly. So to respond to that, an advice note has been added at the bottom of page 4 of this set that I distributed this morning. I should have said earlier that advice note and I rechecked all the cross references again yesterday evening, will be the changes that were made to the condition set that you will have received last night from this one this morning.

15

So it is only the advice note reflecting the Nga Hapu memorandum of partnership and then just a check of cross reference changes in the condition set and they are all shown struck out and colour coded to be clear where I changed those.

20

MR BEVERLEY: Thank you, sir, no further questions.

25

CHAIRPERSON: Dr Jones?

DR JONES: Ms Beals, I have got quite a number of tags through here. Some of them are genuine questions, others are just things that sort of occurred, typos and words, and I certainly don't want to take the time of everybody going through those, but is there a mechanism that I can communicate those, just typos that I picked up and which other people may pick up, you know, a missing 'and' and that sort of thing, or do you want me to deal with them now. I can quickly deal with them, it will only a second as I go quickly through them.

30

35

CHAIRPERSON: That should be part of the evidence so you need to do them now.

DR JONES: All right, I'll get into it. Ms Beals, in the definitions, NIP, means network integration plan?

40

MS BEALS: Yes.

DR JONES: That's great because I've had when – there's another NIP defined in the application documents as the National Infrastructure Plan, so we

45

need to very clear on that but the definition here will stand alone with the conditions. Are you happy about that.

5 My notes are on a different copy but I think the pages numbers are probably the same. Condition 7A3, after the word 'social hall', the word 'and' should be there.

MS BEALS: Thank you.

10 DR JONES: Condition 7C(vii)E, I think that sentence could be – the phrases could be shifted around there to make it read better. 'The SCMP shall be provided to the manager and the community liaison group at least 15 days prior to construction.' It doesn't change the sense of it but I think it reads better.

15 MS BEALS: Thank you.

DR JONES: And then further down page 8D(vi), that's under the heading of "All interested organisations within the project area including but not limited to the following groups." And it defines 'residents' as groups, I think you need to say 'residents' organisations' otherwise you have to already (**INDISTINCT 4.24.0**) defining who the residents are.

20

25 12, condition 12, the following page 13, a bit like the changes on page 14. The paragraph following G, I felt should be written, 'The various management plans required to be certified by these conditions, shall accompany the set of plans.' - - -

[9.00 am]

30 And then the last sentence, I wondered whether it shouldn't be an advice note, it is not a condition. You stop me if you want to give me feedback on these.

35 MS BEALS: Certainly, sir.

DR JONES: 15, the condition reading on "To the manager for comment at least 20 working days prior to their lodging." It talks about management plans at the beginning and then to 'lodging the' management plan, and I think if you put 'their lodging' then you overcome the difference in parallelities.

40

MS BEALS: Certainly, sir.

45 DR JONES: The construction environment management plan on page 19, "The requiring authority shall at least 20 working days prior to

submitting the construction and environment management plan to KCDC, submit a draft for comment.’

Haven’t we already said that in 15 above which is a general statement?

5

MS BEALS: We could do, the conditions – in condition 15 where it says “the management plans as required by conditions, 28, 35, 40, 55 and 74” doesn’t reflect the construction environmental management plan which is condition 21. Though conditions 28, 35, 40, 55 and 74 relate to the management plans that are certified by KCDC, and the construction environmental management plan isn’t a certified document.

10

DR JONES: Okay, thank you. Page 19 24 (c). This is about the SSEMP’s being provided for each stage of the project, is there a possibility that an SSEMP may be required within for a specific site within a stage, and this does this not prevent this from happening. For example, is the Ōtaki River bridge, is that a stage on its own, refresh my memory on that, and I wonder if that’s part of stage, whatever it is, whether you might need a site specific environmental management plan for that specific – you know, quite discreet construction work, you may not, but should that clause not allow that to happen if necessary?

15

20

MS BEALS: I think that certainly is the intention that there will be some areas which are quite discreet and they may not be a full length stage and the Ōtaki Bridge is a perfect example of that, where an SSEMP may be prepared specifically to reflect that work.

25

30

The staging is identified in the program that goes forward to council quite a bit before construction starts, so quite a bit of work would need to be done to ensure that those stages identified in that reflected what would then be this stage for the SSEMP. However, there is certainly an option to clarify the wording there if you thought suitable, to reflect that it could be a part of a stage.

35

DR JONES: This is just a bracket in the wrong place. Page 21, on my copy, it’s 25H(iv), the bracket should be after EMP, not after consent conditions in the third last and second last line of (iv).

MS BEALS: Thank you.

40

[9.05 am]

DR JONES: 25(A) on page 23, and it appears elsewhere in the document, there is a reference to “Greater Wellington Regional Council flood protection”.

45

MS BEALS: That's correct.

DR JONES: Is that defined? Flood protection could be the willows growing
5 on the side of the river, you know, it's obviously a term that is used
loosely for the people - - -

MS BEALS: For the team at Council, correct.

DR JONES: Yes. So I wonder whether it is = = =
10

CHAIRPERSON: Sorry, you have lost us with the condition you are referring
to, Dr Jones, can you?

DR JONES: 25(A).
15

CHAIRPERSON: 25(A).

MS BEALS: So it is 25 capital A condition.

DR JONES: Capital (A) small (c) on page 23 on the copy that I have got.
20

CHAIRPERSON: All right, thank you.

DR JONES: Winstone Aggregates is a company.
25

MS BEALS: That's correct.

DR JONES: Stresscrete Wellington Ltd is a company therefore the legal
entity.
30

MS BEALS: Yes.

DR JONES: Whereas I don't believe GWRC, and it's used in a slightly
different context towards the end of the document, is a legal person by
35 either name or designation as in manager, which is referred to. So I
just wonder whether we shouldn't look at that.

MS BEALS: Certainly, sir, I can look into that.

DR JONES: You will be pleased to see I am turning over a wad of pages here.
40 Condition 78, it starts on page 50 but I am actually on page 52. 78(j),
little j. I think the words "relevant details of bridge, piers and
abutments" fits in with the clause that all those small letters follow. It's
referring to the "LUDP shall include details of urban and landscape
45 design including the following matters". And I think it is relevant
details from that point of view.

MS BEALS: That's fine.

DR JONES: They don't need to have the reinforcing details and so on.

5

MS BEALS: Yes, okay.

DR JONES: Thank you. Now, moving to the resource consent conditions.

10 G7, obviously it's probably a standard clause, but I just wonder whether there shouldn't be any reference to the fact – and it's a very serious one, G7, the review of consents – whether there needs to be a reference to the fact that, “The manager, under delegated authority from the consent authority” and I know you have got two authorities close there, but whether that's necessary to make it clear that the manager is not doing this on a whim. That he is acting specifically under delegated authority from the consent authority or under delegation from the consent authority because a review is quite a series matter.

15

20 Over the page, page 62, G10. The first line in G10(a), I would prefer to see wording like, “The consent holder shall comply with the relevant incident requirements” rather than “follow them” as a condition.

MS BEALS: Certainly.

25

DR JONES: The next page, it's G10(b), the second last line in the heading paragraph, it should be “entered”, “ed” after “enter”. And then in (c) you talk about, “If any of the incidents specified in (b) occur or any other environmental incident”, I wonder whether we need to define what an “environmental incident” is. It is a fairly general term and in a condition and I think we need to have some - and these are conditions on a consent - we need to have some precision.

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MS BEALS: Yes.

35

[9.10 am]

DR JONES: Just at least to put some edges around it. Then moving on again, typos, G13, page 65. In G13 generally there are uppercase Ws every time “work” is mentioned and there is an uppercase C in the last line which doesn't seem to need to be there.

40

And then G15 below, in the third line, “an annual monitoring report” after the bracket is not needed because it is already referred to in the first line.

45

MS BEALS: Certainly.

DR JONES: Thank you. And I do appreciate that everybody has been working on these well into the night as we did.

5

MS BEALS: Yes.

DR JONES: And that things just slip through when you are looking at bigger issues such as in these things.

10

Now, a question on G28, it starts on page 70 but the question is on page 71 and it appears in at least one other condition. And it is the reference to the “including ecologists, landscape architects and environmental engineers with reference to the site specific environmental management plans”. The word is “including” which requires at least representatives of those three professions.

15

I wonder, I am trying to recall exactly what the expert evidence was on this and I haven’t had a chance to check, but whether rather than “including but not limited to” the words “who may include” would satisfy what was intended. And I accept that “who may include” may mean that you don’t have the whole three in there for a specific.

20

Actually I withdraw that because this is the preparation of the SSEMP. There is another situation where perhaps you might need the whole three to look at it so forget about that one, sorry.

25

MS BEALS: Okay, certainly.

DR JONES: G29, G29(A) is “SSEMP shall confirm final details...’ et cetera down to the word “consent” in the third line, that’s okay. I wonder why we are quoting a section of the Act in there in a condition in that sort of very general term and that “The construction activities appropriately avoid, remedy and mitigate adverse effects on the environment in accordance with the conditions of this consent”. If they comply with the conditions of this consent I think we, as a Board of Inquiry, would have determined that they will have effectively avoided, remedied or mitigated and I wonder why we need to put that in a condition?

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MS BEALS: Certainly, sir, I can take that out.

DR JONES: Thank you. I am on page 75, A(d), no forget that one. Just go to A(f), I don’t know whether it has been fixed already, it may well have done because this a slightly earlier version, “as relevant in A(f)”, “as relevant” there’s a correct.

45

MS BEALS: Two ds.

DR JONES: Two ds, yes.

5

MS BEALS: I picked those up, sir.

DR JONES: Thank you. Over the page on page 76, G33, “The EMP shall include but not be limited to the following input” and A is information on how the following outcomes were achieved. And I think you have got “minimise loss”, should it not be “minimal loss” and all the way down those Roman numerals “minimal” rather than “minimise”. That’s the definition of the outcome rather than – is “minimal loss”, “minimal construction effects” rather than “minimise” which is an action type clause.

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15

MS BEALS: Okay, certainly.

CHAIRPERSON: “Minimise” is an aspiration.

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[9.15 am]

DR JONES: Thank you, it may be a legal term that I’m not aware of.

CHAIRPERSON: Not legal, but if you use minimal, you have a Standard, an absolute, if you use minimise, it’s an aspiration to reduce as far as possible. I would think ‘minimise’ is the more appropriate.

25

DR JONES: Thank you, sir. I withdraw that, thank you. Page 83, T42D, I just think that clause could be – it’s all okay the way it’s there but I think – I’m just a little confused as to why – the statement ‘all laboratory analysis of these samples shall include’, would be better as a separate sentence rather than sort of interspersed within the condition itself which says what standards are to be met in terms of the trigger.

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35

MS BEALS: Certainly, sir, I can move that.

DR JONES: Nearly there. WS1, it’s on my page 90. I have a difficulty with the words in the second line, “to reclaim the streambed”, and I think what it means is to re-establish any streambed disturbed or altered by the works.”

40

CHAIRPERSON: Sorry, WS1?

DR JONES: WS1 on page 90.

45

MS PETERS: 90 of the latest?

CHAIRPERSON: It's on 92 in this version.

5 DR JONES: Okay, sorry. It is WS1, okay.

CHAIRPERSON: And your question is about phrase, "to reclaim - - -

10 DR JONES: ...the streambed". And I think what is intended is whenever you re-establish any streambed disturbed or altered by the works. I've never heard that term - - -

MS BEALS: "to reclaim".

15 DR JONES: "to reclaim".

20 MS BEALS: There are some sections where if water course bed meanders and we put a culvert in in a straight line, there will be some area that was water course that won't be now, and so that will be reclaimed and that would need to be dealt with to make it not look like a watercourse or a big hole on the land. So that would be then using natural rock and soil material.

25 DR JONES: Okay, I didn't understand what that 'reclaim' was, so perhaps you could look at what that means. "Fill old stream channels", it would make it more **(INDISTINCT 3.03.1)**.

MS BEALS: We can look at the wording of that, sir.

30 DR JONES: Down the bottom, WS4A, I think rather than the word 'cemented', it should be fixed in place, because it is unlikely people would just use cement, they will either use plaster or they could you concrete, they could use epoxy resins or they could bolt something in place.

35 MS BEALS: Certainly.

DR JONES: 'fixed' I think is a better term.

40 MS BEALS: Certainly.

45 DR JONES: WS8, I know figures were bandied about by the experts which came to 2,734 lineal metres, and I notice it wasn't 2,734.5 lineal metres, and I wonder why we need that level of precision, to round it up say, to 2,750, and 'shall not exceed', instead of 'maximum', 'shall not exceed 2,750', is more realistic because I don't think anybody is

going to go out with their tape and measure to see whether somebody got 2,735, you get the picture?

MS BEALS: I do get the picture, thank you, sir.

5

DR JONES: WS9A(i), I think the word ‘installation’ is better than ‘instalment’.

WS12, I am not giving page numbers because I think that is confusing.
10 WS12, I would like to see a deletion of the words “one in two”, it is not a term that’s used these days, it’s the 50 percent AEP flood, so it’s 50 percent without the brackets.

[9.20 am]

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MS BEALS: Certainly, sir.

DR JONES: E3, E3B, “Methodologies are carried out properly.” I think we would be better to say ‘in accordance with best practice’, then we have
20 got something we can measure it against, or the people who are trying to monitor these consent conditions.

GT2l, it’s the last one before GT3. “Survey and monitoring of existing
25 groundwater users.” I think that needs to be ring fenced somehow, you know, ‘existing groundwater users’ on the whole Waitaki Plains, and I think it should be ‘within X metres or kilometres, radius, of the proposed bore or in the case of concerns about the expressway somehow affecting groundwater flows towards the sea from the centre line of the expressway. I just think it needs to be re-fenced from both
30 the applicant’s and any potential groundwater complainants’ point of view.

CHAIRPERSON: So this is GT2.

35 DR JONES: This is GT2 and the very last letter ‘l’.

CHAIRPERSON: ‘l’.

DR JONES: Just “surveying and monitoring existing groundwater uses”, say
40 within x metres or kilometres, as the case may be, radius of the proposed of the wall or expressway centreline. And re-fence it a bit.

GT4, this is the rate at which – GT4B, the rate at which water is taken
45 from water supply bores, it’s not to exceed a certain amount per year and that’s cumulatively across all bores, and a maximum pumping rate

of 35 litres per second. Is that cumulatively across all bores or 35 litres per second from each bore. I think that needs to be defined.

MS BEALS: Certainly.

5

DR JONES: Only two more. GT5, the advice note, “Where any consumptive water take for site office use”, what site office use, is this for drinking water supplies, or is it just consumptive use?

10 MS BEALS: That would be for the site office for construction works as part of the project, and so it would be its consumption water in the site office for making, tea, coffee.

DR JONES: That’s for domestic aspects of the site offices?

15

I can’t see them ever exceeding that on average over the day anyway.

20 All right. Condition SW2 has been discussed a lot. SW2(e). There is a reference to sheet 2 of drawing 5/2864/1/8504. Is that the only version that we have got of that one and if so, should there be a version **(INDISTINCT 4.10.8)** because some of these drawings have been replaced and I’m not sure whether that one has been, but we need to check.

25 MS BEALS: Certainly, sir, I can check that and update the referencing if necessary.

30 DR JONES: On the back page, SW3, and there’s that reference again in that first line to ‘WRC flood protection’. Who are they, they are not a statutory body, they are not a person by name or type and I think it would be better for all parties if it was, ‘the manager’, whatever that department happens to be or even – and define that, as you’ve defined the manager to the other documents as referred.

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[9.25 am]

MS BEALS: Certainly, sir.

40 DR JONES: And the last one refers to SW.3(b) and this is the issue of physical access up and down the Ōtaki River along the true right bank, up river on the true right bank and down river on the true left bank. I think the proviso, the provision should be qualified with the words “at least to the extent that this access was available predevelopment”. Because my observations, from our field inspection, would be that
45 during any significant flood they would not have access up river from State Highway 1 on the true right bank because it would be well

flooded and neither would Winstones or Stresscrete have access in that situation.

MS BEALS: Certainly, sir.

5

DR JONES: So really what is saying is the access you have got now, as a result of the project works, will not be altered.

MS BEALS: Certainly.

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DR JONES: I think was the intention not to provide access that they didn't have in all floods.

MS BEALS: Already.

15

DR JONES: I am not quite sure about the down river access, I think that might be along the high bank so that's not so much an issue but certainly the up river access is.

20 MS BEALS: Certainly.

DR JONES: That is all, thank you, Ms Beals.

MS BEALS: Thank you.

25

DR JONES: You will appreciate that we had little time to conference as a Board on these things - - -

MS BEALS: I do.

30

DR JONES: - - - given the way these arrived.

MS BEALS: Yes, I am aware, thank you.

35 DR JONES: Thank you, Mr Chairman.

CHAIRPERSON: Thank you. Ms Beals, I wonder if you would mind if we interpolate the submitters' evidence at this point before we continue with asking you questions?

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MS BEALS: Certainly, I am happy with that, sir.

CHAIRPERSON: All right, thank you. Is Mr Sleath here for Kāpiti Cycling?

45 <THE WITNESS WITHDREW

[9.28 am]

MR BALDWIN: No, sir, I am standing in his place, he is on his way back from an overseas trip.

CHAIRPERSON: I see, and your name?

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MR BALDWIN: John Baldwin.

CHAIRPERSON: We have got a full complement of counsel here, Mr Baldwin, I wonder if you wouldn't mind going to the witness table.

10

MR BALDWIN: I have with me Janet Macdonald too.

CHAIRPERSON: Right, we have probably got an extra seat for Ms Macdonald. Strictly you are not witnesses, you are submitters, but because your presentation will probably go beyond just submissions we are asking people either to take the oath or swear the affirmation before they give us their presentation.

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<JOHN BALDWIN, sworn [9.29 am]

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<JANET MACDONALD, sworn [9.29 am]

MR BALDWIN: Sir, as I mentioned, Mr Lynn Sleath is our secretary and he put together our original submission and unfortunately, due to a very tight timing situation, he is unavailable to be here. And we are at somewhat of a disadvantage because he had a very good grasp of the issues and he is an ex-NZTA employee, a traffic engineering background. We will do what we can.

25

CHAIRPERSON: Well, can I just tell you what we have? We have the original submission form filed on behalf of Kāpiti Cycling Incorporated and a submission, some three or four pages long, signed by Mr Sleath, sort of expanding on the submission form and now you have just circulated a submission that you want to speak to.

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MR BALDWIN: Yes, please, if we may.

CHAIRPERSON: Just for formal purposes can we just get an exhibit number? All right, Mr Baldwin or Ms Macdonald, the floor is yours.

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[9.30 am]

MR BALDWIN: Thank you very much, sir. What we'd like to do is to proceed with my submission that is before you first, and then my colleague, Janet, is an Ōtaki resident and she has a few words of

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interest in significance to say from a resident's view point in Ōtaki, particularly in regard to the Ōtaki River Bridge.

CHAIRPERSON: Certainly.

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MR BALDWIN: In a nutshell, sir, we're a local organisation affiliated to CAN, which is a national organisation for cycling advocacy, and our aspiration is to see more people cycling more often.

10

The proposal decision that we sought in our submission is outlined in the next heading, proposal decision sought, and there's some detail there which we, due to lack of time, are forced to put aside, but Mr Lynn Sleath's original submission goes into some detail about each of those points, and some of them are technical, they're to do with the expressway surfacing, audio tactile profile markings, which are hugely important to cyclists on busy roads, because we can hear the vehicles when they cross over into our shoulder from behind, and a few other matters there.

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20

Our main two significant concerns, firstly the revocation of State Highway 1 agreement between KCDC and NZTA and we appreciate that that agreement and scope of work is outside the scope of this inquiry, but because a shared off road pathway was included in the preliminary design for this particular project and shunted by NZTA off into the revocation of State Highway 1 project, we feel it is related to this project and we'd like to speak to that agreement.

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Significantly, the revocation agreement is dependent on completion of the expressway and, therefore, in our minds the terms I've already said practically related.

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Of crucial importance to cyclists, walkers and horse riders in Kāpiti is the State Highway agreement, we think this agreement is very important, but it excludes the provision of a shared pathway. As we say, this was originally included in the expressway and for reasons beyond our understanding, have been excluded from that project.

40

We are concerned, sir, that this revocation agreement between the two major project players has undermined public submissions supporting the CWP facility. We are concerned that the timing of this agreement while the Board of Inquiry is in progress may have compromised the process itself, and we wonder if there are any ramifications in this regard.

45

We ask why was it necessary for the parties to collaborate on an agreement and revocation of State Highway 1 prior to completion of

the BOI process. Is it possible that the BOI would not require the NZTA to even provide for on road cycle facilities because the adverse effects of the PP2O section of expressway were deemed to be significantly less than the M2PP expressway. Could that be the reason why KCDC signed the agreement before the BOI hearing was completed? Maybe KCDC thought it didn't agree that the district wind up with improvements in terms of sustainable transport infrastructure at all.

On examination of the agreement we find it's entirely conditional on a number of events and actions, all of which are weighted in favour of NZTA. There is no binding undertaking for NZTA to do anything at all. Astonishingly, NZTA is not even required to make a recommendation to the secretary to revoke State Highway 1 on completion of the expressway. The only exit for KCDC was non approval by the elected Council and that condition has since been met.

[9.35 am]

The dilemma we now find ourselves in is that, whereas originally the CWB pathway, cycleway, walkway and bridle way pathway was planned to run alongside the expressway, it was cut from that project by NZTA and added to the revocation project. It has since been cut from that project too so that we are left with the possibility at best of an on road cycle lane on both sides of State Highway 1 under a highly conditional agreement, presumably the best KCDC could negotiate with NZTA in the circumstances.

Under the revocation agreement provision for cyclists on State Highway 1, therefore, is entirely at the whim still of NZTA. This outcome smacks of bully boy tactics by NZTA in our view. It is completely an unacceptable outcome for active transport modes in Kāpiti and we request that a shared pathway be included in the Peka Peka to Ōtaki expressway project as originally proposed.

There are other flaws with the revocation agreement in terms of fully funded category one works, and we refer to the provision for cyclists, and we're quoting here, within the existing State Highway corridor carriageway for which the appropriate New Zealand standards for cycle ways and safety will be applied. We believe that it is physically impossible for NZTA to fulfil its obligations under this clause in respect of that part of State Highway 1 above the Ōtaki River without increasing the bridge width. NZTA has indicated it has no intention of doing such improvements.

5 The appropriate New Zealand standard is, New Zealand supplement to Austroads guide to traffic engineering practice, part 14, bicycles, and it recommends a minimum cycle lane width of 1.9 metres, between 1.6 and 2.5 where vehicle speeds are 70 km/hr and they are, sir, at this point in time on the Ōtaki Bridge.

10 Traffic lane on the bridge is 3.1 metres, say less 1,200, 400 less than the minimum recommended, and it results in a 1.9 wide traffic lane both ways on the bridge and clearly this does not comply with NZTA's road design standards. So what they have agreed to, is something that they can't carry out in any event.

15 We'd like to go on now to NZTA's survey on demand for the CWB, which NZTA are holding up as evidence that there aren't enough users to justify the construction of a cycleway, walkway, bridle way between Peka Peka and Ōtaki.

20 Mr Dunlop says that the survey was undertaken over two days in the project zone noting that 365 pedestrians were observed and not one cyclist, which we find surprising, but there we go. NZTA is holding this survey up as proof of insufficient demand to justify a cycleway, walkway, bridle way.

25 We believe the survey is rubbish. Was it carried out over the summer holidays or even spring when getting about by bicycle was more practical and popular? No, it wasn't. Such is NZTA's bias against active transport modes, it arranged to have one solitary survey carried out in the middle of winter in the middle of a week. Had NZTA held a survey on any weekend over spring and summer it would have found
30 literally dozens of cyclists riding along State Highway 1 each day.

Why NZTA is not providing a north-south off road cycleway, bridle way facility.

35 Mr Dunlop states in his evidence-in-chief that the expressway will provide an improved environment for CWB users through the reduction of traffic on State Highway 1. The expressway will produce more attractive existing State Highway 1 for CWB users as a result of underpasses with the facilities over the expressway in the North Island
40 main trunk line.

45 Clause 140, although the project will not reduce the speed of State Highway 1 there is an opportunity to do so under the revocation process, and we've already explained that that process is highly conditional. A reduction of speed along this route would further

improve the safety and amenity for non motorised users, and I go on to relationship of speed and accidents later on in my submission.

5 In his response to KCDC's request for a north-south CWB, Mr Dunlop reiterates that KCDC seeks to ensure provision is made for a shared north-south cycleway, walkway and bridle way over the length of the project as explained in my evidence above. In my view, there is very little demand for such a facility and presumably that's based on the outcome of one survey carried out in the middle of winter.

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[9.40 am]

15 Overall, the project will make it safer and more attractive for users of the existing State Highway 1 corridor - I am not quite sure how he arrives at that conclusion - and we go on to explain what a track means to cyclists later on in our submission, and therefore the project does not adversely affect north-south trips by cyclists and pedestrians, and conversely in those areas where the project could adversely affect access across the corridor, such effects are being considered and addressed through the provision of appropriate shared cycleway, walkway and bridle way facilities in short stretches I presume.

20

In my opinion the project is - - -

25 CHAIRPERSON: You don't actually need to read Mr Dunlop's evidence.

MR BALDWIN: Sorry?

30 CHAIRPERSON: Your quotation from Mr Dunlop's evidence because we've all seen that.

MR BALDWIN: Good, thank you, sir.

35 CHAIRPERSON: You might like to go onto the next subheading.

MR BALDWIN: Right, okay.

40 I am not quite sure though under clause 205, sir, what Mr Dunlop - how you would interpret that point. We have looked at it from many different directions and our response to clause 205 would be that we can see no - on completion of the MacKays to Peka Peka expressway, which has a purpose built shared pathway on it, and completion of the subject expressway, from a user's point of view we would think they would see no difference, they would be one in the same, they would be continuous and we can see no justification for not continuing that facility because NZTA has found it convenient to split the two projects.

45

And had this particular project been incorporated in the MacKays to Peka Peka project it is our view that the shared pathway would have been continued all the way along to Ōtaki.

5

So the next heading, sir, is why NZTA must provide a north-south off road cycleway facility. There are three factors in our view, we think there is demand for such a facility, we are very concerned about the safety of cyclists, walkers and horse riders in the district, and economics stacks up.

10

NZTA's survey is fundamentally flawed, as we've pointed out, being carried out as it has been in the middle of winter on a weekday, and we don't believe that NZTA has an open mind to the demand figures and, if it does, we would challenge it to carry out further surveys to demonstrate the number of cyclists that use State Highway 1. But apart from that, there is pent up demand by other less daring, more sensible cyclists who would like to travel to and from Peka Peka, Te Horo and Ōtaki, but are too frightened to do so, for either themselves or their children.

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20

Kāpiti Coast is becoming renowned as a CWB destination. The MacKays to Peka Peka shared pathway will be a fantastic facility for active transport modes and will attract visitors from Greater Wellington and further afield.

25

We note that 14,000 tourists a year visit the Ōtaki Rail Trail. The MacKays to Peka Peka CWB will, of its own accord, drive further demand in financial justification for an extension of the pathway and bridle way through to Ōtaki, why aren't we building it now in anticipation of that?

30

Our second point is safety. We strongly refute Mr Dunlop's claim that fewer vehicles on State Highway 1 will make it safer or more attractive for active transport modes.

35

We challenge Mr Dunlop to take his family on a bike ride along State Highway 1 between Peka Peka and Ōtaki on a Sunday morning when traffic volumes are well down and he will see what we mean. We doubt Mr Dunlop will rise to this challenge, and if he did it is our prediction that this will be one experience he won't want to repeat.

40

On road cyclists are, and will always be, at risk of serious harm or lethal injury from inattentive or incapacitated drivers and the timing of such serious harm or lethal injury is not a function of vehicle numbers as the disproportionately high accident rate on our low volume country

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roads in New Zealand demonstrates. Nor will reducing the speed limit from 100 km/hr to 80 km/hr help us survive horrific injury.

5 How fast was the drunk lady from Waikanae going when she rammed into the back of Frank van Kempen, crushing him to death outside the Red Barn Café in Te Horo? Frank was riding his bike well within a wide shoulder when she hit him.

[9.45 am]

10 NZTA were not driving the vehicle admittedly but, as owners of the road, it set the stage for Frank's death nonetheless. Given the history of this road and NZTA's alleged keenness to reduce road fatalities it is unbelievable that NZTA is not grabbing this opportunity to incorporate
15 an off road pathway facility for active transport modes in the subject project.

20 But then, of course, NZTA has an outstanding record for acting after the horse has bolted, implementing road safety measures years, even decades, after they are obviously required and then often only after a public outcry. For example, in our own backyard we have the notorious Centennial Highway between Pukerua Bay and Paekakariki.

25 Let us quote from an NZTA presentation to the Australasian College of Road Safety and they said, "Then in 2004 the incidents of two fatal head-on crashes reignited the community's concern. A strong public call for action was fuelled by intensive media focus. This time the response was stepped up by reducing the speed limit to 80 kilometres per hour and installing a median barrier to reduce the likelihood of high
30 severity head-on crashes. Prior to these initiatives being implemented there were 12 fatal crashes and four serious injuries over nine years. There have been none since".

35 If the New Zealand Army came up with a money making proposal to build public pathways on its rifle ranges, logically it would be safer using these pathways while shooting was in progress than using the shoulder of State Highway 1 between Peka Peka and Ōtaki for two reasons. The first is that the soldier is in control of the weapon and is a skilled operator and the second is that the soldier is fully aware of the
40 lethal capability of his weapon. The driver in possession of a car is possibly neither.

45 As cyclists on the road hearing a car approaching at speed from behind we have no idea of the competency of the driver, the concentration of the driver and whether we have been seen or not. We can assure everyone here today that this is not a pleasant experience.

5 The third reason in support of a shared pathway between Peka Peka and
 Ōtaki is the economic argument. We are at a disadvantage not having
 access to NZTA's cost estimates but, in the absence of figures, we
 would estimate that over an eight and a half kilometre length, between
 Peka Peka to Ōtaki, the cost of a basic shared pathway and a grass
 bridleway would be in the vicinity of around 2 and a half million, say
 1 percent of the estimated total project cost.

10 Had Frank been using such a pathway on Friday afternoon
 21 September 2009 he would be alive today. What would Mr Dunlop
 say to Frank's family and friends and what value does the Ministry of
 Transport place on Frank's life? According to information gleaned
 15 from the MOT's website 3.67 million at 2011 prices. The saving of
 one life on this stretch road alone equates to a financial benefit in
 excess of one and a half times the investment.

20 Clearly then there is a strong economic argument in favour, apart from
 the financial benefits it will bring the region, of a shared pathway and
 bridleway alongside the expressway. The financial benefit being
 significantly more favourable than the economic argument for the
 proposed expressway itself.

25 Our conclusion then is, for these reasons and in particular the
 arguments mounted in our submission generally, we ask that the notice
 of requirement and resource consent applications for the New Zealand
 Transport Agency for the Peka Peka to North Ōtaki expressway project
 be approved subject to conditions 1 to 7 in our original submission,
 particularly the provision for an off road shared pathway and bridleway
 30 alongside the proposed expressway between Peka Peka and the Ōtaki
 township.

35 I would like to in the closing minutes, sir, hand over to Janet
 Macdonald from Ōtaki to talk about life on the road from her
 perspective.

CHAIRPERSON: Ms Macdonald. This is exhibit 29.

40 MS MACDONALD: Thank you. I hope that our being here this morning will
 be of some benefit and have some effect.

[9.50 am]

45 If I could firstly go to the commitment to the shared pathway from
 Te Kowhai to the Ōtaki township, the submission included a request, as
 you know, that the Board provide a condition that this infrastructure

improvement actually happens. This shared pathway will be a vital, sustainable transport component for the local community.

5 As pointed out, we have been unable to have any input into the revocation process for State Highway 1 and saw the need to strenuously lobby for this facility along the PP2NO.

10 As indicated, the technical reports reflected the unsatisfactory nature of the current State Highway 1 for cyclists and suggested a four metre off road facility, 2.5 for walking and cycling and 1.5 grass bridle way, should be provided along the local arterial corridor as part of the revocation project and was also indicated in the NZTA preliminary design philosophy statement, and maybe statements because it had been that way for quite some time until very, very recently.

15 The agreement between NZTA and KCDC announced last week, which appears to have been agreed to without acknowledgement of the real issues for local users, would be of minimal benefit to cyclists, of little benefit to walkers, and I should image horse riders alike.

20 Last week NZTA/KCDC agreement makes a very clear point, and I quote, for avoidance of doubt the parties agree that the facilities will fit within the existing road carriageway with the road space being reallocated to provide the appropriate fit for purpose facilities. The fit for purpose in this agreement appears very different from the NZTA design philosophy statement.

25 The original statement was very much in keeping with the objectives and vision for the Ōtaki area, which strives to maintain a more rural perspective, and thus provides facility for the community. The fit for purpose will deny users of the local road the all embracing facility that was intended for users.

30 And the second point in our decision comments were that the upgrade of the present Ōtaki River Bridge cycleway facility by way of a clip on extension, and I might just say to you all, if you haven't stood on the Ōtaki River Bridge for five minutes I would earnestly recommend that you do so. Once done you will appreciate how vital the 2.5 clip on structure to the downstream edge of the bridge is for users.

35 The only handrail that was referred to in the submission is in fact the concrete edge of the bridge, and the clip on is an absolute necessity in terms of safety for pedestrians and cyclists alike and it would also cater for dismounted horse riders too if they happily come along the bridle way to that point.

40

45

5 The third point, horses a threat to safety of walkers and cyclists, 5.23, I think it was obvious that there was a small typographical in line three which should have read there is no provision for physical separation, and in that respect of course the need for separation to ensure the safety of all users has been raised on previous occasions and unfortunately it must be made again because you do need to have the separation to ensure safety.

10 Regarding the surface shoulders of the new expressway, which of course is within the project and all sections of the local arterial road, whether fine aggregate or asphalt concrete, 5.24, as indicated the preferred materials are fine aggregate, using grade 4/6 chip or asphaltic concrete or open graded emulsion mix. In the interests of all expressway and arterial road users this is an absolute essential.

15 The Hutt City Council seem to have found the right answer, perhaps we can follow suit.

20 Providing tactile profile markings, the rumble strips, delineating the road shoulder over the entire expressway length, also part of the project, 5.2/5. Again, this is an absolute safety essential for any road build or upgrade in the 21st Century. I have yet to be in a car or bus that does not immediately respond to such markings and correct their position on the roadway. So that really is very essential and helpful to drivers.

[9.55 am]

30 I go to the local road, linking Forest Lakes Road with Taylors Road within this project, 5.2/6. The Forest Lakes Road intersection with State Highway will be well known to NZTA, and many people in the community, as an accident prone site. Forest Lakes is a rapidly growing residential area who pay KCDC rates, and therefore on would imagine should have been included in this North Ōtaki project, but Ōtaki does seem to get left off a little bit.

40 As indicated in our submission, immediate benefit would be gained by adding a link to Taylors Road for cyclists, if it could include southbound cars from the Forest Lakes Road that would be even better, giving them a safer connection to the expressway.

45 Our last point, reduced speed limit for ex State Highway 1 local arterial to 80 km/hr, 5.2/7. The local arterial road will still carry a significant volume of traffic and it would be in the best interests of making sure that the expressway is used by the vehicles it is most intended for if the speed limit on the local road was reduced to 80 km/hr and therefore

essentially not so good to use because people want to travel at a great rate, as we know.

Thank you for your time.

5

Although I may just add a final statement, if I may, which you don't have actually, but if I could.

As the Board will readily appreciate the main focus of our submission has been somewhat turned on its head by the agreement between NZTA and KCDC. It seems once again that current thinking in some areas of NZTA believes it can ride rough shot over the expressed wishes of the community. It will not be hard for you to appreciate that when the local communities of Ōtaki, Te Horo and Peka Peka become fully aware of the agreements ramifications the public outcry at the dumbing down of active transport facilities for our area will be long and loud until parity has been restored.

10
15

Thank you.

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CHAIRPERSON: Well, thank you for that, Mr Baldwin, Ms Macdonald.

In view of the volume of new material in your submissions by comparison with the original submission and the somewhat elevated tone in which it was expressed, I consider it's only fair to invite the NZTA counsel and the lawyers for the Council's if they wish to ask you any questions, even though they haven't given formal notice of their wish to do so.

25

Mr Beverley, is there anything you want to say?

30

MR BEVERLEY: Thank you, your Honour. No specific questions, sir, just to note that the positions of the Agency are reflected in the evidence as filed, particularly in relation to the evidence filed by Mr Dunlop, and, sir, I must refute the comments made around the revocation agreement and particularly the relationship between the KCDC and the NZTA, it's a very balanced relationship, there's certainly no duress placed on the Council to enter into this relationship, and the Council specifically, in the agreement, records that it's subject to carrying out its obligations to ratepayers and residents.

35

40

So, sir, look, really just to record that the Agency refutes a number of those comments, and also to note that going forward, of course, revocation agreement reflects a future process, it is not something that is set in stone now, but it is a process that will happen in the future, and that will involve engagement with relevant members of the community

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and stakeholders, so if I could just record those statements, sir, no actual questions, but just acknowledging and thank the submitters for their time.

5 CHAIRPERSON: Thank you, Mr Beverley. Mr Gardner-Hopkins probably doesn't have questions.

MR GARDNER-HOPKINS: No questions, sir.

10 CHAIRPERSON: Ms Anderson?

MS ANDERSON: No, thank you, sir.

CHAIRPERSON: Mr Conway?

15

MR CONWAY: Thank you, sir. No questions in particular for these witnesses, but I certainly wish to acknowledge the points that they've made and the Council is well aware of the concern in the community, and if it can be in any way a reassurance to the submitters, the Council acknowledges that while the revocation agreement may be brief, it's wording is very important and it does contain requirements in there for the cycleway to be provided, as you've said in your comments today, to fit for purpose and in accordance with New Zealand standards, and that is something that the Council intends to place significant weight on and will be paying very close attention to because, as you've said, it's a very important issue for this district and the Council is aware of that.

20

25

So thank you.

30 CHAIRPERSON: Thank you, Mr Conway. Mr Apeldoorn?

MR APELDOORN: Just one question. I guess I'm getting a little bit of a mixed message about the merits of cycling on the proposed state highway. There are obviously significant risks that you have outlined in cycling in that environment.

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[10.00 am]

40 Does Kāpiti Cycling have a view about whether cycling should in fact be permitted on the proposed new state highway?

CHAIRPERSON: State highway or expressway?

MR APELDOORN: Expressway.

45

MR BALDWIN: I think we follow in behind the views of CAN and that we believe that unless we are prohibited from riding on a road we should be permitted to, and that is our right of choice.

5 I think also it might be helpful to make the observation that the term
“cyclist” embodies many different groups of cycling from recreation
cyclists, mountain bikers to everyday cyclists (like Janet and myself,
we use a bike for getting around shopping and that sort of thing) to
10 competitive high testosterone lycra clad road cyclists who seem to have
the enormous ability to travel along at speeds almost as fast as - - -

MS MACDONALD: The cup.

MR BALDWIN: - - - those yachts in the cup. So I guess the question is well,
15 if it is that dangerous, why do you do it?

We look at it from the point of view that it is a risk we are prepared to
take, it is a numbers game, and when I am cycle touring out on main
roads (which is something I try to keep away, I will go out of my way
20 to avoid the busy roads where I can because it is less straight and more
more pleasant) I am constantly looking at the rear vision mirror of my
bicycle and I am taking every measure that I can to ensure the car
coming up is towards the centre of the road and has seen me.

25 We find it hard to understand, with the focus of health and safety and
employment in New Zealand, why NZTA is not required to follow suit.
In our view it should be mandatory when an expressway is built, as it
appears to be in cities like Perth for example, that basically they go
hand and glove – you build an expressway, there is an off road
30 pathway, high quality, asphalted concrete all the way for cyclists to use.

I was over in Perth a couple of years ago and to my astonishment one
started about 60 kilometres out of the city and I thought man, is thing
going to get used? But they did it because that was the Director of the
35 Transport Association had decreed that that is going to be their policy,
they will provide for sustainable transport as well as motorised.

MS MACDONALD: I think that is the thing, is it not, it is sustainable
transport for the future. I mean, you know, I am sure most people
40 around here, when you get out on the road you see more cyclists. Now
that has to be good. It should be good, you know? And there are those
that upon cyclists as good - yes, that is less cars. But there are those
who think we are a nuisance.

45 But I mean, you are putting it on there is going to be the off road
cycleway from MacKay’s to Peka Peka so what happens when those

people arrive at Peka Peka? What are they going to have here, you know?

5 If you are progressive you need to provide the facility and a good facility, and an off road facility really, and there is room on the roadway to do so.

MR BALDWIN: I rode my bike here today alongside the railway KCDC has built. We have got a myriad of shared pathways, gravel surfaced, low cost, around Kāpiti. And I was thinking to myself, I mean, why?

15 Why is such a big deal to create a bit of gravel and a bit of grass for us to go on beside the expressway between Peka Peka to Ōtaki? Why are we making such a big deal over it? Get on and do it, it means so much to us and it will save lives over time.

MS MACDONALD: That is right, keeps us safe, it keeps us out of the cars way.

20 [10.05 am]

MR APELDOORN: In your views if a cycleway was provided would that be exclusive of the use of the state highway?

25 MR BALDWIN: No, there would still be a group - - -

MR APELDOORN: Of the expressway, sorry.

30 MR BALDWIN: - - - of the competitive road cyclists who – it is about cadence, it is about consistency of speed, and they get into the zone and it is a training mode for them. So they will be doing 30-40 kilometres per hour riding in a bunch and a shared pathway is not for them. Their speeds are too high; it is too dangerous for other users.

35 The shared pathways are for everyday cyclists and families and members of the public that are getting to the stage where they can no longer drive a car, they are not allowed to drive a car, they like to get around by bike, it is good for exercise – that sort of thing. But there will still be a component that will want to use the expressway to ride on and State Highway 1 to ride on, and they take their chances.

40 There is safety in numbers. I lost a close friend at the beginning of this year just before the previous inquiry who was a cyclist, in Ohariu Valley. He was killed in early January – just a freak accident, very experienced road cyclist.

45

5 So I guess the point there is statistically you cannot say because the traffic volumes are this high you are going to be killed. These are random acts, freak accidents, moments of inattention, a whole series of circumstances piling up to result in a fatal event, in my view – our view.

MR APELDOORN: Thank you, sir.

10 CHAIRPERSON: Ms Peters?

MS PETERS: No, I have no questions. Thank you.

CHAIRPERSON: Professor Maaka?

15 PROFESSOR MAAKA: No.

CHAIRPERSON: Dr Jones?

20 DR JONES: No thank you, sir.

CHAIRPERSON: And I have none. Thank you Mr Baldwin, thank you Ms MacDonald for your time and trouble and for coming along to share those views with us.

25 MS MACDONALD: Thank you.

MR BALDWIN: Thank you very much for hearing us.

30 <THE WITNESSES WITHDREW [10.08 am]

CHAIRPERSON: Now, is Mr Cassels present?

MR CASSELS: I am.

35 CHAIRPERSON: Mr Cassels, would you care to make your way over to the witness table? You have heard what I said to Mr Baldwin and Ms MacDonald about swearing people in or asking them to take the affirmation so if you would not mind doing that.

40 <IAN CASSELS, affirmed [10.08 am]

CHAIRPERSON: Have a seat, Mr Cassels.

45 MR CASSELS: Thank you.

CHAIRPERSON: I think I am correct that we do not have anything from you before now, but we do now.

Well, Mr Cassels, when you have - it is all over to you.

5

MR CASSELS: Okay. We own seven different properties in the Kāpiti district, most of them in Te Horo. We have been there since about 1993.

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My submission today is really about the ignorance that pervades these things. I mean a lot of people in Te Horo have got no idea that there are no on and off ramps proposed for the expressway and a lot of them would think that you could at least get on and off at Peka Peka, and that is not true either.

15

So there is this curious semi sort of luddite idea that Te Horo needs not to have access to the expressway because it will develop if it does. It seems to be the theme behind you would not put an on or an off ramp off from Wellington and on back to Wellington simply because by doing that you would encourage development.

20

That seems to be the justifications I have heard, and that justification seems to come from some consultation that KCDC seemed to have done in a school hall one day where they asked people if they wanted further development in that area and the answer was no.

25

[10.10 am]

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The whole thing is quite difficult to deal with because it's very negative and is anti the progress that as a country we should be pursuing, so I'm a major tax payer, major rate payer, pay large amounts of petrol tax but for some reason or rather, I have this wonderful expressway which is coming past my front door and I'm not permitted to get on or off it for this rather strange reason.

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If you expanded that reasoning, you would say that if it is that Te Horo doesn't want to develop, then why wouldn't you cut the roads off altogether or put potholes in the existing roads. There is no logical sensible way of justifying denying access to the people of Te Horo on and off that road.

40

And I ask you to consider that between Ōtaki and Waikane which is about – it used to be 12 miles in my early days and I suppose it's still about 20 kilometres, there is no real way of making that expressway connect with that district, so in the morning, if I leave Te Horo, I would either go back to Ōtaki which is absurd to get on the expressway, or go

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down to Waikanae and then on to Te Moana Road or go further down to Paraparaumu.

5 So the progress in this country has denied me for a number of really odd reasons and as I say, I just cannot find – I cannot find comfort in the reasons that are being proposed.

10 So, at my own expense I conducted – I asked Horizon Research, which is a respected research organisation, they get used by the Reserve Bank and various government departments, just to see what the people of Te Horo thought because some of my conversations with other Te Horo residents, are full of sort of crazy myth, I mean, the most common one is if we have and off ramps at Te Horo, KFC stores will crop up which is sort of – it has almost been deliberately put around, but the fact of the matter is that KFC isn't even in Ōtaki and could never be commercially
15 feasible at an off or on ramp at Te Horo.

I don't know, there's not a very strong or well understood approach to this whole thing in our area, and I suppose it's fatigue. I mean, we have had several iterations of where the road is going to go and after a while I think people just give up and assume that they can have confidence that the road will be sensible and look after them. But it doesn't.

20

25 So if I may just read out this executive summary page from this report and leave you with it, and that would just about finish me really.

30 So this report summarises the results of interviews of 230 Kāpiti Coast district council residents focusing on the proposed Peka Peka to Ōtaki expressway, and an issue of whether access to and from the expressway should be provided at Te Horo. The survey was conducted between the 13th and 16th of September 2013. The maximum margin of area at a 95 percent confidence level of plus or minus 6.6 percent.

35 On average, respondents travelled on the Peka Peka to Ōtaki section of State Highway 1 twice a week with just over half of the respondents travelling for shopping and just over half to visit relatives or friends. Commuters and people travelling for education were the most frequent users.

40 There was clear support for building the expressway with 71.2 percent supporting it, 42.8 percent strongly, and 11.2 percent opposed, 4.7 percent strongly. Generally those who currently exit State Highway 1 between Peka Peka and Ōtaki felt less informed than those who did not exit State Highway 1 in this area despite slightly greater
45 improvement in official public consultation on the project.

5 Only among the 12 percent of respondents who had been involved in consultation, was there majority awareness that there would be no on or off ramps for the 11 kilometres between Peka Peka and Ōtaki. It's actually Waikanae they are taking in my view.

10 63 percent of respondents overall and 64 percent of those who currently exit State Highway 1 between Peka Peka and Ōtaki, were unaware there would be no on or off ramps for the 11 kilometres between Peka Peka and Ōtaki. Half of those who currently exist State Highway 1 in the Peka Peka to Ōtaki area, have a preference for access to and from the expressway at Te Horo citing reasons of inconvenience, access to friends and family and equity. The local
15 residents deserve to have the same access as at other areas affected by this expressway, not be further inconvenienced. Only 8 percent would prefer not to be able to access the expressway at Te Horo.

20 At the close of the survey, respondents were asked again whether they would prefer the expressway to be built with off and on ramps at Te Horo. There was an overall 57 percent majority preference for on and off ramps at Te Horo.

[10.15 am]

25 As might be expected support for and off and on ramps was greater amongst those who currently exit from State Highway 1 between Peka Peka and Ōtaki but there was still majority support for the ramps from those who do not.

30 That's really all I have to say about it. I think we live in a crazy, mixed up sort of world if we can't get on and off our roads.

35 CHAIRPERSON: Thank you, Mr Cassels. Again, because there was no previously circulated material, nobody has given notice of their wish to ask you questions but it is clear, particularly in the light of your production of this research project, that I give the parties an opportunity to ask you some questions. Mr Beverley?

40 MR BEVERLEY: Thank you, sir, and thank you, Mr Cassels, for taking the time to come along and speak today. I have got not specific questions, sir, just to record that, of course, this is the first time as I am aware the NZTA has seen this report so it's a bit difficult to respond to it on the hoof, particularly we need a chance to put it to our experts or others. (

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CHAIRPERSON: Yes, the survey was only conducted between 13 and 16 September.

5 MR BEVERLEY: Yes, acknowledge that, thank you, sir, but no specific questions, thank you.

CHAIRPERSON: Mr Gardner-Hopkins?

10 MR GARDNER-HOPKINS: No, sir.

CHAIRPERSON: Ms Anderson?

MS ANDERSON: No, sir.

15 CHAIRPERSON: Mr Conway?

MR CONWAY: No, thank you, sir.

20 CHAIRPERSON: Ms Peters?

MS PETERS: No, thank you for taking the trouble to **(INDISTINCT 1.29)**

CHAIRPERSON: Professor Maaka?

25 PROFESSOR MAAKA: No, thank you.

CHAIRPERSON: Dr Jones?

30 DR JONES: No, thank you.

CHAIRPERSON: Mr Apeldoorn?

MR APELDOORN: No questions, thank you, sir.

35 CHAIRPERSON: Well, Mr Cassels, what you have said is certainly interesting, and obviously we haven't had a chance to look at the detail of the Horizon Research Project, but from the executive summary there is some thought provoking material there and thank you for providing it and taking the trouble to come along and talk to us.

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MR CASSELS: Okay, thank you very much.

<THE WITNESS WITHDREW **[10.17 am]**

45 CHAIRPERSON: Ms Beals? Where has she got to?

<REBECCA BEALS, on former oath

[10.18 am]

MR BEVERLEY: Sir, if I may just raise one matter with the Board.

5 CHAIRPERSON: Of course.

MR BEVERLEY: As the Board is probably aware the debate over the appropriate conditions for flooding has been resolved between the parties and that is reflected in the conditions that are in this latest iteration. These were being done late yesterday and my learned friend, Mr Conway, has just pointed to the particular condition and highlighted that there are a couple of words missing, and I just thought it would be helpful to point this out to the Board before the Board asks any questions in relation to that.

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CHAIRPERSON: Certainly.

MR BEVERLEY: So I am at SW.2 on page 108 and I haven't discussed this with Ms Beals but she may have a comment on it. So SW.2.(c) in the pink there it says, "Culvert and bridge waterway crossings" and these words should be included after the word "crossings", "and any additional storage".

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CHAIRPERSON: Mr Beverley, and this has been agreed by the parties?

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MR BEVERLEY: Yes, sir, it has been agreed between the experts and between the planners for the Councils. Of course my learned friends will be able to confirm that but that is the position as I understand it, sir. And there is just one cross-reference change for the Board to note over the page at (c)(iii). It starts, "Where (c)(i) or (ii) cannot be met the reports required by" and that should say "(f) below" rather than "(g)".

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Perhaps, sir, once the Board has finished with Ms Beals, I may raise a proposed approach to dealing with the very helpful matters raised by Dr Jones and other issues that are floating around, in terms of getting some response to those matters from particularly the planners for the Councils and other parties, and we have worked very collaboratively together and rather than Ms Beals giving a response on the stand if we could – I do have some ideas about how we might be able to canvass that and get the Board a view from the planners on those suggestions and also any other changes that may need to be picked up, sir.

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So I may raise that at the end if that is convenient.

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[10.20 am]

CHAIRPERSON: Thank you, Mr Beverley.

MR BEVERLEY: Thank you.

5 CHAIRPERSON: I think you had finished your questions? Yes. Mr
Apeldoorn?

MR APELDOORN: Thank you. If we just stick with SW.2 while we have
got that open and I just noticed that SW.2(d) has been struck out. Can
you just describe - - -

10 CHAIRPERSON: There is another SW there.

MR APELDOORN: Yes, the old SW.2(d) has been replaced or has been
struck out, but as far as I can see not replaced. What was the reasoning
for that?

MS BEALS: So that was part of the agreement reached with the councils and
the specialists in relation to (c) and how we worded (c). Sir, originally
(d) referenced back to an original clause in (c), so in the struck out text
underneath (c) there was a 3 which said, “defined ponding areas as
described in (d)”.

So that referenced that to the new wording in (c) has taken out the
reference to “defined ponding areas” and thereby also removes the
requirement to have that original clause (d) with those plans.

25 MR APELDOORN: Okay, thank you. And just I guess a minor point that I do
not think has been picked up in the new proposed (d), at the start there
it is “notwithstanding (a) to (d) above”. I do not believe that would be
(a) to (d) above, that might be (a) to (c).

MS BEALS: It should be (a) to (c). Sorry, that was a correction I have made
in the latest set to the cross-reference.

35 MR APELDOORN: Oh, okay.

CHAIRPERSON: Well we are not working of the latest version I think.

MR APELDOORN: I think we were given a section, a document in chambers
this morning and - - -

CHAIRPERSON: No, that is different. This one is different.

MR APELDOORN: Has again been superseded?

45 MS BEALS: Yes.

MR APELDOORN: Okay. Thanks for that.

MS BEALS: Apologies.

5

CHAIRPERSON: It is in SW (d) now. 1 (d) is deleted and substituted.

MR APELDOORN: Okay. All right, well we will move on.

10 CHAIRPERSON: Good idea.

MR APELDOORN: Are there any provisions or do you consider there a need for some planning provision within the conditions related to the issues that have been discussed around the Ōtaki motel, and in particular how that motel is serviced in terms of truck movements and how that might change with the proposal?

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MS BEALS: So servicing access to the motel would be worked through. If there was any land purchase requirements it would be part of that. The conditions themselves, I do not believe there is a need to require a condition in relation to access to the motel.

20

I am aware there are opportunities through the community liaison group for business groups to be involved and it may be that the motel gets involved – the owners get involved that way in terms of being kept abreast of information and be able to feed back in to matters through the design.

25

But the design itself, I think the expressway boundaries are there and if there is any impediment to access that is addressed through the design but also the independent Public Works Act process.

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MR APELDOORN: I suppose in most general circumstances where properties are indirectly affected there are conditions that provide some certainty and confidence about steps that will happen downstream and that is the sort of conditions that I understand you are referring to, that certain things might happen post this process.

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[10.25 am]

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Do you think from a planning perspective, that there is particular merit in providing a greater level of confidence for those properties that are directly impacted in the way that this site is?

MS BEALS: There are some specific properties referenced in condition 75 in relation to landscape and urban design where certain parameters need

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5 to be considered for those properties, so one of them is looking at the access in connection to the roundabout at the South Ōtaki interchange. And my understanding is the motel still has access, the project doesn't prevent access to the motel site, it may change the access they currently enjoy, but it doesn't mean there is no access to that site, and so any impact would be dealt with through the Public Works Act process.

10 If there was an issue it is certainly an option to consider it as we have done under this condition here, 75, that any engagement be undertaken with those parties in relation to development in that area. I'm not sure that it would necessarily alter the outcome of where the designation boundaries are, and what the impact of those boundaries are on their ability to gain access from Rahui Road.

15 MR APELDOORN: Well as I understand it, the designation will actually terminate the ability for access to and from Rahui Road, is that correct?

MS BEALS: That's how I understand it, yes.

20 MR APELDOORN: So on that basis, there is quite severe impact potentially on access to and from that site?

25 MS BEALS: As I understand it, they still gain access from the state highway, and that access isn't affected in any way by the designation boundaries or the road, that access is still there as it currently is.

CHAIRPERSON: But for the specialised nature of their custom - - -

30 MS BEALS: Exactly, so they wouldn't have - - -

CHAIRPERSON: - - - buses and big trucks, as Mr Apeldoorn said, there's quite a severe impact, isn't there, on access. There will be no access from Rahui Road?

35 MS BEALS: There will be no access from Rahui Road, that's correct.

40 MR APELDOORN: So in your view – in your view in your professional capacity, would you normally expect to see some provision or protection within a condition related to that sort of an impact?

45 MS BEALS: In relation to the impact being that the Rahui Road access is closed, no I wouldn't necessarily have expected to see a condition around that because that is simply a fact of that's what the project does, it's not something we can mitigate or design around. The designation line is where it is and the information that is available to support where

the designation is being proposed for, and what's happening, means that that access is closed.

5 So the condition would normally seek some form of mitigation be proposed so in terms of that, I'm not sure how a condition would actually achieve that and still fulfil the purpose of the designation.

MR APELDOORN: I suppose one form of condition that might provide a degree of confidence might be something along the lines that there would be continued access and servicing for the same types of vehicles that currently utilise that facility. Would you think that would be a reasonable level of protection in this case?

[10.30 am]

15 MS BEALS: There would need to be some consideration of how that was provided and what that meant, recognising that that Rahui Road access is closed. So whether that requires – what precisely it would require the NZTA to do to achieve that, on site works or upgrading to that access off the state highway.

20 There are some things – so I think it is possible, I just think it would need some clarification around exactly what that means and what would be required. It is on private land so obviously the NZTA cannot enforce something happening.

25 It would need to be clear that the condition had some recognition that it was with land owner agreement otherwise NZTA in effect could not implement their designation by virtue of things they do not control because it is all outside the designation.

30 There would have to be some understanding of exactly what that required and negotiation or discussion with the land owner to achieve that, whether that is on – there was a discussion in the evidence about on site turning and how that is provided and where that is provided for.

35 MR APELDOORN: Okay, I might just move across to the other side of the road.

40 You are aware that earlier in the proceedings I raised a question in relation to the service lane that runs along the rear of the shops. Are you able to provide any update on what provision or planning, or what progress is being made in relation to that matter?

45 MS BEALS: I am not aware of any update on that matter I am sorry.

MR BEVERLEY: Mr Apeldoorn, if I can just say, we will be addressing that in the closing submissions, that matter.

5 MR APELDOORN: You described earlier on that there had been a series of – there had been a most recent conference that had involved Ms Warren and you have captured some of Ms Warren’s comments in the right hand columns within the proposed conditions and a lot of those seem to raise questions to which there is no apparent response.

10 Can you give us some advice about what further actions are being pursued or how the agency plans to address those matters?

MS BEALS: So, given the timeframe we have not actually got the response yet but normal process would be, and what has happened with all of the other suggested changes through conditions that have arisen out of conferencing, is we have talked to the relevant experts so where the conditions have involved or the suggestions have involved a change to transport conditions we have talked to the transport engineers to just check that the wording change still fits, it is still practical, it still complies with the code of practice or the relevant guidelines that have been used.

25 With the noise and vibration conditions you go back to the experts and check that it still works, that there are no flaws in the wordings. Same with the ecology conditions, it is the process we have adopted and then there has been a lot of discussion with everybody.

30 So these comments, in order for us to respond to them in a considered manner we would need some time frames just to get that feedback from those experts.

35 The two council planners would also need to have some involvement, being the ones that are likely to enforce them, to make sure that they are all happy with it as well, with wording that is proposed.

MR APELDOORN: And is that a process that you recommend be undertaken?

40 MS BEALS: I think so, yes.

[10.35 am]

45 MR APELDOORN: So in relation to those matters that have a reference to Ms Warren’s comments do we take it that the conditions that are being proposed are still effectively a work in progress on those points?

MS BEALS: I am happy to take the Board's guidance on that matter.

5 The timing and receipt of information and then me presenting evidence today means I have not undertaken to make any changes post today. I am aware that it is likely changes will occur, particularly based on the questioning from this morning, so I am quite happy to initiate that process and keep that moving and to get some consideration of her comments and how we can best include them and address them and get that back to you if that is what the Board would like.

10 MR APELDOORN: I just want to move very briefly to conditions 64 I suppose by way of an example, 64(a), there is a reference there a term "structural mitigation" which is capitalised. I note that is not referenced in the definitions within these documents but it is a term I think that is defined in NZS6806. Is it necessary within these conditions to actually draw that connection across?

MS BEALS: Condition 61 does that already, sir.

20 MR APELDOORN: Can you - - -

MS BEALS: Clause H at the bottom of page 43 of this morning's issue says structural mitigation has the meaning of NZS6806.

25 MR APELDOORN: Thank you for that.

MS BEALS: Not a problem.

30 MR APELDOORN: Just in relation to the noise and vibration conditions you were taken through those changes that are in red by Mr Conway earlier on.

35 You made some comments that I picked up on that I just want a bit of clarity on. It is around the question that do you have a concern per se with those conditions that are proposed there or is your concern more particularly with the way in which those conditions are worded?

40 MS BEALS: The concern with the conditions is primarily based on the expert's advice that they are not required. So I understand there are different expert opinions on that from the two experts and the Board will have to make a decision based on that, and if it is that Mr Hunt's evidence is accepted that there is a need for these conditions then I think the wording would be fine. It is more that the first question is whether there is a need for them in the first place in order to address an effect.

45

MR APELDOORN: So in your capacity as a planning expert have you encountered or would you express any concern about conditions in these forms being included? Have you some experience with these sorts of conditions previously?

5

MS BEALS: I have not had experience with this level of detail in these conditions specifically previously. The advice I have had from the expert is not in relation to the wording, it is in relation to the need for the condition, and I would be reliant on them.

10

[10.40 am]

MR APELDOORN: Okay, thank you.

15 MS BEALS: Thank you.

MR APELDOORN: Thank you, sir.

CHAIRPERSON: Ms Peters?

20

MS PETERS: I think pretty long, are we happy just to go through now in terms of?

CHAIRPERSON: Are you saying you want morning tea?

25

MS PETERS: I just want to know, it's quite a long process.

CHAIRPERSON: I think we should go through all of this, then take morning tea to give counsel and the planners a chance.

30

MS PETERS: I am happy with that. Again, then, I just want to acknowledge the work that has been done between the parties in terms of the expert advice in forming these. Unfortunately for us, because of the timing, we haven't had the chance, as Dr Jones has said, to sort of group together as a Board and nut them out together. And therefore it is a bit of a slower process and some of these can be discounted, so I am looking forward to Mr Beverley's way of just blending them in, potentially, well.

35

40 So my first, I am going to go through because I made points last night and then I have got this morning's, so I am just going to look at both. Overall I want to say that through this process it is when to bring it up. I believe there is a disconnect between the management plans and the conditions at the moment and I imagine it is just fine detail, in terms of these are meant to be maybe drafts, but at the moment it comes through

45

the conditions so maybe just come with that and I will bring that out as I talk.

MS BEALS: Certainly.

5

MS PETERS: And we won't get another chance, I don't think, to have a look at the management plans that have been produced as part of the evidence. And, as far as I can see, I couldn't see another place to talk about them except now so this is when it will happen. All right.

10

Just on the very first condition, again it is just relating to just reference to the Cowley (**ph 2.11**) or Coley (**ph 2.12**) access again in terms of preference to put a site description there of some kind. And I note it is further through in the conditions, about 60 something you have got the site reference there.

15

MS BEALS: Certainly.

MS PETERS: Condition 5, and I may need to re-read or understand, but can you just put a check against condition 5 which again talks about, "These conditions relate to the construction of the project only and apply to construction activities" and therefore once the construction is complete and mitigation and monitoring is over the conditions no longer apply. Just to check that with your complaints one on 10 just to make sure you are comfortable you have got the complaints procedure going for long than that.

20

MS BEALS: Certainly.

MS PETERS: You have got complaints for 12 months and then you have got your ever after, you have got your NZTA complaint process happening.

30

Now, what is really important is condition 6 and the reason I say that is, "The community liaison person shall be appointed by the requiring authority", as you say, "should be the main and readily accessible point of contact at all times for persons affected by the construction and operation of the project".

35

So the importance of that community liaison person, I just want to hold, I am not questioning your words there, I am just saying that within the management plans you sometimes talk about the stakeholder and communications manager, there is talk of a project manager. And you may through the process, should this be approved, get a situation of someone looking at a management plan and not correlating who is the ultimate person to talk to.

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45

5 For instance, at the construction site you may have a name of someone up there as the contact point where members of the public may see, but whether that correlates with your communication liaison person and their strengths and their power to deal with technical issues is a matter that needs to be addressed.

10 And therefore that runs through to – it deals again with the same condition 7(c) and again details of contact person again at all times. Whether that is actually the community liaison person needs to be clear.

15 MS BEALS: So my understanding, I can just clarify that, the person identified in 7(c)(i) is onsite at all times whereas the community liaison person may not be onsite for the whole duration of the project, so it may actually be two independent people there.

[10.45 am]

20 MS PETERS: And I agree, it's just a matter from a public perception and an emergency situation, who does what, do they ring the community liaison person they've seen coming along to the meetings or do they ring the person on the site. Just check that through.

25 The complaints section, again, - - -

CHAIRPERSON: Condition number?

30 MS PETERS: - - - condition number 10, the complaints section you have changed and I acknowledge through this process here, but I don't think the complaints section in the regional council conditions is still 10 days with no rigour to getting back within 24 hours or within that approach. So it hasn't run through to the other conditions.

35 MS BEAL: Certainly we can pick that up.

40 MS PETERS: I notice even just in your list of how you deal with it, you don't require a date of response for instance, the date you actually got back to the person in terms of the rigour of noting that for the future, that's just in your register of complaints. You don't say in this the date of the response.

45 When we come to the condition 12 and this is really a big part in terms of your whole structure of your designation, the first sentence that you say with that is, "The requiring authority shall submit a full set of design plans to KCDC." So the first thing is you're talking design

plans which to me aren't necessarily the same as the management plans, - - -

MS BEALS: That's correct.

5

MS PETERS: - - - they go together, is that right?

MS BEALS: They are not the same as the management plans.

10 MS PETERS: So we start first, we first talk about putting the design plans in
and then I find 12 and the wording of 12, and I'm not a specialist like
you people in this room doing this for years, I find it a bit of a little bit
funny how it's put together in terms of A, B, C, D and E in terms if you
go from the height, shape and bulk of a project location of the project,
15 the likely finished contour of the site, and I didn't know what site that
was in terms of the whole site?

CHAIRPERSON: the project for each day.

20 MS PETERS: Yes.

MS BEALS: I can give you some background if you like. This condition was
altered as a result of the agreement to certify management plans with
KCDC. A lot of these matters are matters that would normally have
25 been provided to the council through that outline plan process.

MS PETERS: Yes.

30 MS BEALS: And so they are not all explicitly included in a management plan,
so this condition was a means of ensuring that whatever information
the council would have got normally through an outline plan, they still
achieved receipt of that information, recognising and the last part of
that condition recognises that some of that information may well be in a
management plan, but it may not all be, so it's just making sure the
35 council get it all.

MS PETERS: I recognise that this is a change and just whether the blend of
the paragraphs is right then because – and that's up to you people that
are drafting, it's not that any one particularly is wrong, it's just the
40 logic of it.

MS BEALS: Okay.

45 MS PETERS: I understand what you are saying because later on you have
got, you're putting – “The various management plans shall accompany
the set of plans.” So you've covered it, it's just a matter of - - -

Yes, I think Dr Jones also put a requiring certification, those particular management plans.

5 When we go to condition – no I’ll leave that, that can go – 19, we’ve got 19 here.

[10.50 am]

10 Just relating to, can you just tell me and just explain to me, does the CEMP and I’m looking at, just to clarify, does the CEMP have design elements in it, so I’m looking at condition 21, “The CEMP should be implemented and maintained throughout the construction period and updated if further design information is provided.” The CEMP above
15 looks like to me, its reporting systems, corrective action, staff and contractors responsibilities, training requirements.” Does it also as part of its package, have the design - - -

20 MS BEALS: Appended to it are the management plans, and they could be influenced by design.

MS PETERS: Thank you, yes, thank you. Condition 50. I just want to check – I was surprised, I guess, to see the property at 230 Main Road, Ōtaki, in there. I had read the heritage technical report who considered that
25 that was of potentially low value, and then I heard Dr Chiles say that it had been heavily modified, therefore, if we do mitigation, noise mitigation, it won’t be difficult to do because – I haven’t seen this building actually, but it’s whether the double hung windows are the same or whether the new adjustments to it are different sort of windows
30 or whatever - so I just wonder if that may cause a problem, I’m just questioning that. Do you have any comment on that?

MS BEALS: As far as I know, having that reference in there doesn’t cause any problems for the consent.

35 MS PETERS: And then I did notice the care that was given – just an issue for you to come back to if you need to in terms of what that might mean, I just thought it was already a modified building that you are proposing potentially to do noise mitigation on for rail or whatever, and then you
40 were going to have protection of it, that may be difficult.

Where I thought – the difficulty then with Ms McLeod’s property - - -

45 CHAIRPERSON: McLean?

MS PETERS: Was it Ms McLeod, submitter Ms McLeod which was - - -

CHAIRPERSON: Ms McLean?

5 MS PETERS: McLean, thank you, Ms McLean's property, that we were amongst the – the discussion at the hearing, it looked like you were taking particular care in moving that building back, further back on the site, and yet it wasn't listed here. I know it's outside the designation, but I think so are the former Rahui factories.

10 MS BEALS: My understanding is there aren't the heritage values with that building that there are with some of these others - - -

MS PETERS: Okay.

15 MS BEALS: that are recognised, so that's where the difference has come through.

MS PETERS: The fact that she gave us evidence on its history if it wasn't necessarily recognised by the heritage community.

20

MS BEALS: The heritage, yes.

[10.55 am]

25 MS PETERS: When we come to now condition 62, and I understand and accept the different positions as Mr Conway and yourself have set out in relation to the two expert views on these. But in relation to the left hand side of the page on condition 62 I guess I have difficulty understanding what the outcome might be, we have "reference table 7.1 and table 7.2" and then the technical report. Can you say why, in terms of just what – when I looked at those there's not a lot in that. Table 7.1 just talks about, in terms of selected options, just talks about the "open graded porous asphalt", just one method, one option road surface.

30

35 Table 7.2 is merely selected options for building modification mitigation and all that are identified is 14 Old Hautere Road, the Ōtaki Motel and 230 Main Highway. Can you tell me why we don't, you know you are expert on that, why you don't put just actual outcomes within this, is it the table can change or we want it in the management plan, just let me know?

40

MS BEALS: Yes, I think, from my experience, if I start repeating information from a technical report I could quite easily miss something out or get it wrong and so referencing back to it, as opposed to trying to repeat it, eliminates any error, potential risk, in making sure that basically what needs to be covered is covered and not me re-entering it through a

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condition, misses something out inadvertently which changes the outcome. And not being a technical expert I miss the words or get a wrong word or something like that. So, yes, it is a matter of referencing to eliminate the risk of error.

5

MS PETERS: I just thought where those things have come from, like the heritage that comes straight, those lists came straight from the heritage report and, similarly, “open graded porous asphalt” or whatever it is also we seem to be able to put that level but I take your advice and that’s your rationale.

10

MS BEALS: Yes, thank you.

MS PETERS: When we get to landscape and urban design, condition 75, again I just want to check with the memorandum of understanding that we were delivered with Ngā Hapū o Ōtaki, whether it was their view that they would also not just be involved with gateway treatments but also bridges or structures. I had a view that that might have come through and we haven’t really discussed that so it was an issue that I just question and just ask someone to look at that as opposed to – there is no mistake as such.

15

20

I have no further comments except from, as I said at the very beginning, this correlation with either complaints or the people in relation to the role of the community liaison or, for instance, incidences. So I have got no further comments within the conditions.

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[11.00 am]

30 MS BEALS: Thank you.

MS PETERS: Apart from that original comment but just go through to the management plans now and I am not sure it’s worth the Board getting the management plans out, I will just highlight them and just make some notes because it’s pretty much that within the main CMP, (**ph 0.22**) for instance, we talk about “emergency contracts and response” as a heading, which is on page 36 of the main CMP. Which I am expecting it’s “emergency contacts” but it may be “contract”, I mean you do get emergency contracts if you have a slippage and you have to do a contract, so just to clarify again.

35

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CHAIRPERSON: Do you have a large number of these?

MS PETERS: No, I don’t. It is really just the noise and vibration management plan has much more rigorous information reporting requirements than elsewhere. The air quality management plan has again that same issue, the problem with who they are going to respond to and they again

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reference things that are in the appendix C of CMP, there is not appendix C that we could see. So whether it has come from another document somewhere of another plan.

5 And with that I am just going to signal to you that just go through that folder, from my point of view that I haven't gone through everyone and picked little clauses out and checked your complaints procedure and your contact people, but it seemed to me that it was just something that hadn't been gathered up in the process of the week.

10 MS BEALS: Certainly.

MS PETERS: So that's the end of my conditions, thank you.

15 CHAIRPERSON: Professor Maaka?

PROFESSOR MAAKA: No, thank you.

20 CHAIRPERSON: And I have no questions, we will take morning tea for quarter of an hour, thank you.

ADJOURNED [11.03 am]

RESUMED [11.20 am]

25 CHAIRPERSON: Please have a seat everyone. Before we took morning tea I did not ask if counsel had any questions arising out of the Board's questions?

30 MR BEVERLEY: No thank you, sir.

CHAIRPERSON: Mr Conway?

35 MR CONWAY: No.

CHAIRPERSON: Thank you, Ms Beals.

MR BEVERLEY: Thank you.

40 <THE WITNESS WITHDREW [11.20 am]

CHAIRPERSON: Mr Beverley?

45 MR BEVERLEY: Thank you, sir. Just following up on the comment I made earlier about potential options for moving the conditions forward.

5 Sir, and I have conferred briefly with my learned friends on this matter, my sense is that there have been some very useful comments made by the Board in relation to the conditions and I mean one option is of course I put to the planners one by one as they go up – yes, I anticipated - - -

CHAIRPERSON: You can try.

10 MR BEVERLEY: No, thank you, that is not my preference, sir. What I would suggest, sir, is that the planners have an opportunity to look at those comments and suggestions and we come back to the Board. And one option to do that is through joint memorandum of counsel saying this is the position of the parties in respect of those comments.

15 CHAIRPERSON: Mm'hm.

MR BEVERLEY: Sir, the other option is of course the Board just deals with it in its draft report and we comment but my suggestion is that would be less efficient because the Board did not have the benefit of the views
20 of the planners on these final set of suggestions, so - - -

CHAIRPERSON: Well, in a sense they are only a partial set of suggestions because some of us have not been as diligent as others in scrutinising every word.

25

MR BEVERLEY: Yes, sir.

CHAIRPERSON: So, could we do both? Could we have a response from the planners to the material that has been put to Ms Beals today - - -

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MR BEVERLEY: Yes.

CHAIRPERSON: - - - and if there are further matters either we can include them in the draft report or when we get to the point where we are drafting our report and suggestions arise they could be circulated
35 maybe about the end of this month for response by the planners and by the parties in time for them to be included in our draft report?

MR BEVERLEY: Yes, sir. Look, all of those options are acceptable and
40 certainly the draft report process, as your Honour is aware, under the Act, provides for all of the parties to comment on the conditions themselves.

CHAIRPERSON: Yes, I am trying to truncate that process.

45

MR BEVERLEY: Yes.

CHAIRPERSON: If the parties become aware how do we manage it, of suggestions from the Board or any disquiet about conditions, sufficiently in advance of the draft report then there can be some
5 comment before the draft and that should reduce the necessity for wide ranging comment on the draft in that respect.

MR BEVERLEY: Yes. No, that would certainly be welcome, sir, that
10 opportunity to have input at that stage.

CHAIRPERSON: Mm'hm.

MR BEVERLEY: So, sir, if I could suggest we proceed on the basis that
15 counsel will file a joint memorandum of counsel recording the position on those suggestions around the conditions as a first step?

CHAIRPERSON: Is everyone comfortable with that approach? Mr Gardner-Hopkins?

20 MR GARDNER-HOPKINS: Yes, sir. The only observation I would make, and it is just having heard and discussed just in the break the comments on the draft report, they are limited to minor or technical matters and of course that can include minor matters with conditions. But there is a potential scope issue if people were still looking to make substantive
25 changes to the conditions at that stage.

CHAIRPERSON: Well, really with that in mind - - -

MR GARDNER-HOPKINS: So the earlier - - -
30

CHAIRPERSON: - - - that I was trying to think of a process which would include most of the – incorporate most of the suggestions from the Board and from council and the parties into the interim, the draft report.

35 MR GARDNER-HOPKINS: Yes, I would support that process (**ph 4.10**), sir, because of the potential difficulties as to when something goes beyond being a minor or technical comment and when it might trespass into a matter of substance.

40 CHAIRPERSON: So it will be when we are drafting our sections obviously where we are allocating to various members of the Board parts of the report. If we are actually doing the drafting, well, the next few weeks, suggestions perhaps for amendment or improvement or change in the conditions will occur to us. If we can circulate them, as I said, about
45 the end of October, early November, to give you a chance to respond,

that should ensure that the comments then on the draft report will be matters of detail.

[11.25 am]

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MR GARDNER-HOPKINS: Yes, I think that could be a valuable process, sir.

CHAIRPERSON: Yes, all right. Thank you. Ms Anderson?

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[11.25 am]

MS ANDERSON: Thank you, sir. Would you still like us to get our witnesses to comment on the brief each day or leave it for the meanwhile - - -

15

CHAIRPERSON: That's up to counsel. They are all here, they have all heard the comments to date, they've no doubt all taken them on board, or not, as the case maybe. For myself, I would have thought there's not a lot of point in them actually giving evidence on those issues, but there may be matters that your planners want to talk about in evidence and if so, by all means call them.

20

MS ANDERSON: Thank you, sir.

CHAIRPERSON: What do you say Mr Conway?

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MR CONWAY: Thank you, sir, I'm content with the process that Mr Beverley has suggested. If there are any matters that Mr Schofield wishes to comment on in relation to those clarifications, then I'll allow him to do that today with your leave, but I don't imagine there will be many, if any, in that category that can't simply be sorted out by my friend's process.

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CHAIRPERSON: So do you – it's up to you entirely, but do you intend to call Mr Schofield today, now?

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MR CONWAY: Sir, I understand he is still down for cross-examination by my friend Mr Beverley, so I'm content to let that proceed if that's the way the Board wishes to do so.

40

MR BEVERLEY: Yes, we do have a few questions for Mr Schofield.

CHAIRPERSON: All right, he should be called.

45

MR BEVERLEY: If I may, just one other matter on this topic, sir. It relates to the comments made by Ms Warren. Sir, just to kind of go through the history of this a bit. As the Board is aware, Ms Warren gave

evidence as a policy expert, I confirmed through cross-examination with Ms Warren, she's not a formal planning expert.

5 We have certainly sought to accommodate Ms Warren's participation
in this process. She was not able to participate in the joint conferencing
process and she explained that is because she was participating in the
ecological conferencing, so I'm certainly not levelling any criticism
about that but, sir, then when we heard the evidence – sorry, sir – as
10 your Honour is aware, through that conferencing process, there is an
extensive discussion on conditions that proceeded then right up until a
couple of days before the filing of rebuttal evidence with the planners
continuing to work intensively to get it on conditions. Rebuttal
evidence was filed by Ms Beals with a new set of conditions. Since
15 that time the planners have been conferencing through this hearing and
we are in the very fortunate position today, that we have very few
outstanding issues.

The difficulty I think the parties face here, is that Ms Warren I
20 understand, Friday, gave evidence in relation to her policy matters and
during that evidence raised a whole lot of suggestions and issues
around conditions. We then worked with Ms Warren and were able to
arrange for her to come up here yesterday, and she had a meeting
yesterday with Mr Schofield, Mr Coop and Ms Beals, I understand, to
25 outline her concerns and suggestions in relation to the conditions.

Now as Ms Beals pointed out, there was no time to deal with those
30 comments, partly because, as your Honour is aware, any condition that
touches on any technical matter must firstly be discussed with the
technical experts and then the planners need to conference on that
condition and work out whether the change is appropriate. And that is
why Ms Warren's comments are recorded but there have been no
changes made.

35 Sir, we are really seeking some direction from the Board because some
of those suggestions are quite wide ranging and I understand
Ms Warren has provided further information to the EPA today to be
provided to the Board, I've seen an email to that effect from
Ms Warren, and the process that we anticipate going forward has two
40 parts to it.

One is dealing with the comments from the Board on the conditions as
we have just discussed, but there is a question about how the parties are
45 meant to deal with these, if I may say, quite wide ranging comments
from Ms Warren. It is going to involve quite a lot of extra work
involving all the technical experts again on matters such as ecology

which have been worked through, you know, in a very intense process so that agreement could be reached.

5 And if I could respectfully submit, sir, my view is that Ms Warren's input is acknowledged in value but it is really too late and it's going to cause some reasonably significant logistical issues in trying to accommodate those matters.

10 I am simply seeking some direction from the Board on that, sir, and maybe you would like to take some time to reflect on that, but if I could just put those matters before you.

CHAIRPERSON: We were handed a four page note at morning tea time headed "Matters relating to the conditions" apparently Ms Warren
15 emailed to EPA this morning and we've suggested that it be circulated to the planners, we have decided that should not be part of the evidence at this point. We assume, but cannot be absolutely certain that what she has included in this note is probably very much the material she put during the conferencing yesterday and it is recorded in the latest draft
20 set of conditions.

[11.30 am]

25 What we had in mind was that if the planners said the comments are already included in the draft set and it is for the Board to decide to the extent that they allow her comments to influence the wording of the conditions so that is a matter for us.

30 If there is new material it is really too late and we will also take into account that expertise or her right to claim expertise in the planning arena was under challenge so when we come to consider this material, if we do, then that needs to be a caveat registered against it.

35 MR BEVERLEY: Thank you, sir that is very helpful.

CHAIRPERSON: Is that acceptable to everybody? Have you got some hard copies Mr Baillie?

40 MR BAILLIE: Yes, sir.

CHAIRPERSON: Well if you can distribute those and the planners, just to
45 make it clear our view is, if the planners look at this material and come back to us simply saying there is nothing material in here which differs from what is already recorded in the draft conditions we are content with that. If there is additional material on which the planners want to comment, it is a bit difficult to know how to accommodate that, but we

do not require the planners to go to a lot of effort to deal with it, but nor do we require further conferencing unless they feel they want to.

MR BEVERLEY: Thank you, sir that is very helpful.

5

CHAIRPERSON: All right, so Mr Coop is the next on the list, are you calling Mr Coop?

MR BEVERLEY: Yes, thank you sir, if we could call Mr Coop.

10

<PETER ALAN COOP, sworn [11.32 am]

<EXAMINATION BY MR BEVERLEY [11.32 am]

15 MR BEVERLEY: Good Morning Mr Coop.

MR COOP: Morning.

20 MR BEVERLEY: Could you please confirm for the record that your full name is Peter Alan Coop?

MR COOP: Yes.

25 MR BEVERLEY: And you prepared a statement of evidence-in-chief for these proceedings dated 12 July 2013?

MR COOP: Yes.

30 MR BEVERLEY: And a statement of rebuttal evidence dated 6 September 2013?

MR COOP: Yes.

35 MR BEVERLEY: Do you confirm that the expertise and qualifications set out in your evidence is correct?

MR COOP: Yes.

40 MR BEVERLEY: You took part in expert conferencing in respect of planning did you not?

MR COOP: Yes.

45 MR BEVERLEY: And you are a signatory to a joint conferencing statement dated 30 August 2013?

MR COOP: I am.

MR BEVERLEY: Do you have any corrections or clarifications you wish to make in respect of your evidence?

5

MR COOP: Yes, I have one and that is my evidence-in-chief, paragraph 94, and I wish to add into the paragraph the amendment after photo, it is photos plural and nine visualisations, so the sentence will read this has included the preparation of 31 photos and nine visualisations of the project.

10

MR BEVERLEY: Thank you, do you have any other clarifications to make?

MR COOP: No.

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[11.35 am]

MR BEVERLEY: Subject to that, do you confirm that your evidence is true and correct to the best of your knowledge and belief?

20

MR COOP: I do confirm.

MR BEVERLEY: Now, Mr Coop, I understand you wish to present a summary of your evidence?

25

MR COOP: Yes, I wish to highlight some of the main issues that I've raised in my executive summary.

MR BEVERLEY: Thank you, if you could do that for the Board now.

30

MR COOP: Yes. My executive summary is on page 5 of my evidence in chief, and just to confirm the purpose of my evidence is to give my assessment of the project and associated applications using the considerations contained in the applicable planning framework and the relevant sections of the RMA.

35

And the first opinion I give, is that I consider that the designations are necessary to achieve the respective objectives of the NZTA and KiwiRail in relation to the project and in making that – giving that opinion I draw on the project objectives and also the benefits of the project that are in particular set out in paragraphs 41 and 42 of my evidence.

40

It's also my opinion that there's been extensive process of the consideration of alternatives, and that's gone in fact beyond the requirement of the Act and I summarise that in paragraphs 45-51 of my

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evidence, and in particular I draw on the report prepared by Ms Allan that summarises and updates and extends the consideration of alternatives, and you would have heard the evidence of Mr Rod James as to the long history of the consideration of alternatives and options for addressing the transportation issues faced in Kāpiti.

And the consideration of alternatives has assessed both alternative corridors in a strategic sense and then alternatives within the project, and by that I mean alternatives, connections, alignments and so forth. I record my opinion that there's been extensive process of project shaping and that's been informed by the public consultation that has occurred through the project.

I then consider that there's been sufficient investigation, identification, assessment of the nature and scale of the extent of the effects, and there's only two matters that I wish to draw the Board's attention to in that long process: The first one is in paragraph 58 of my evidence, I set out or I draw on the conclusions of Mr Coulman which sets out the positive aspects of the project. And I think they're important because consideration of the positive effects leads to a well balance assessment of the project effects. There is a temptation to always focus on the adverse effects.

And then secondly in paragraph 151 I give my planning rationale for the Te Horo issue which is, should there be any form of connection or access for Te Horo residents to the expressway, that's been a significant issue that's been raised in front of the Board.

At paragraph 20 I consider that the effects of the project have been considered against the relevant policy documents, the plans, national environmental standards and regulations and all the planning experts concurred with that and that's recorded in the conference statement dated the 30th of August.

35 **[11.40 am]**

I then give my opinion as to the consistency of the project and the effects against the various plan provisions and give my opinions that while the project may not be entirely consistent with all the provisions, the adverse effects are appropriately avoided, remedied or mitigated by the set of conditions.

Turning to paragraph 22, I give my overall assessment and my opinions that the project will promote the sustainable management of natural and physical resources, and that's because the relevant matters of national importance have been recognised and provided for. Particular regard has

5 been had to the relevant matters under section 7, the principles of the Treaty of Waitangi have been taken into account and the project addresses the existing serious problems, and I list some of those under (d), and also reference those and draw on my evidence in paragraphs 197-200.

10 And as I confirmed earlier, I participated in the informal conferencing that took place following the notification of the application and then the formal conferencing that's being recorded, and that's led to the happy situation that really there is very few issues that remain at large for the Board in terms of the conditions set.

 Thank you.

15 MR BEVERLEY: Thank you Mr Coop. You've been at the hearing throughout this duration, have you not?

 MR COOP: I have.

20 MR BEVERLEY: And as I understand it you've had the opportunity to hear the evidence and representations except to the extent that you were otherwise occupied in conferencing?

 MR COOP: I have.

25 MR BEVERLEY: Could you describe for the Board whether the conclusions you have just worked through as stated in your evidence-in-chief are still your conclusions, having now sat through this hearing process?

30 MR COOP: Yes, they are still my conclusions. In the revised conditions set, in fact further strengthens my view as to the merits of the applications.

 MR BEVERLEY: Thank you Mr Coop, if you could just remain for any questions from the Board or my friends, thank you.

35 CHAIRPERSON: Ms Anderson?

 MS ANDERSON: No thank you, sir.

40 CHAIRPERSON: Mr Conway?

 MR CONWAY: Thank you, sir. I had given notice of a wish to cross-exam Mr Coop, but the matters that he had covered in his evidence related to the planning assessment rather than the conditions, and having now taken Ms Beals through those conditions I don't intend to trouble the

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Board or Mr Coop with another voyage through those conditions, so I'm content to leave it at that, sir.

CHAIRPERSON: Thank you, Mr Conway. Professor Maaka?

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PROFESSOR MAAKA: No.

CHAIRPERSON: Dr Jones?

10 DR JONES: Sir, just one suggested further correction to your evidence-in-chief, just to clarify matters. Page 14, 67, the second last sentence starting – the third last line “these have included selected bore hole drilling Piezo cone penetrations” – I think it should be “piezometer tests” because the cone penetrations are the dynamic cone penetrations referred in the last one. I've not heard of piezo cone penetration test, and if it was to do with the bore hole drilling it usually piezometer tests follow that. Okay, or have I got it wrong?

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MR COOP: I think you've got it right.

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DR JONES: Thank you. No further questions, thank you, sir.

CHAIRPERSON: Mr Apeldoorn?

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[11.45 am]

MR APELDOORN: You heard me discuss before with Ms Beals, matters relating to Ōtaki Motels, do you have a view as to the adequacy of mitigation that is being proposed in relation to that site?

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MR COOP: Yes, I do.

MR APELDOORN: Can you share that with us please?

35 MR COOP: Yes. I personally don't have any objection to a condition which would give the Board and the motels some confidence around the consultation that should occur between NZTA and the motel owners, with the purpose to explore whether there are any satisfactory alternative ways to accommodate the existing entry and exit of large trucks in a way that continues that, but in recognition of the fact that access is not going to be able to be possible to Rahui Road. And that in the event that those manoeuvres cannot be accommodated in a satisfactorily mutual way that that will then have a flow-on effect in terms of the separate process that will be followed under the Public Works Act, and that process recognises that part of the motel land is designated for the project.

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5 So if in the end those truck movements cannot be accommodated then my understanding is that that will be a matter that will then be worked through in terms of the Public Works Act and there is various scenarios that could transpire.

MR APELDOORN: It seems to me that the process like that, as you've described, predisposes that in fact an existing situation might not be able to be retained, is that a fair position for a landowner to be in?

10 MR COOP: I think it – it's the reality of the situation, and that position has been shown on the project plans and is clear from the information and the evidence that's been put forward.

15 MR APELDOORN: If we draw say a parallel to the noise situation, in effect a noise effect is being imposed on this site and there are conditions around that that then require reinstatement of, or mitigation back to some acceptable position, do you think that it's reasonable to have some similar kind of protection in relation to access and movements of the Ōtaki Motel?

20 MR COOP: I've indicated that I'm comfortable with some form of condition, but that condition in my view should not require the continued manoeuvring onsite of large vehicles. That should be the desirable outcome, but it may not be achieved. If it's not achieved, then there is recourse. The motel owners will either have recourse through the Public Works Act in terms of compensation and/or property purchase.

MR APELDOORN: That's all I have, thank you, sir.

30 CHAIRPERSON: Thank you. Ms Peters?

MS PETERS: No, no questions, thank you.

35 CHAIRPERSON: And I have none, thank you, Mr Coop. Nothing from Council arising out of that?

<THE WITNESS WITHDREW [11.50 am]

40 MR BEVERLY: Thank you, sir. That completes the evidence on behalf of the NZTA.

MS ANDERSON: Thank you, sir.

45 CHAIRPERSON: Thank you. Ms Anderson?

MS ANDERSON: Richard Percy.

<RICHARD PERCY, affirmed [11.52 am]

5 <EXAMINATION BY MS ANDERSON [11.52 am]

MS ANDERSON: Is your full name Richard Dale Percy?

MR PERCY: It is.

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MS ANDERSON: And you are a Planner at the Wellington Regional Council?

MR PERCY: That is correct.

15 MS ANDERSON: You have prepared a brief of evidence, dated 9 August this year and participated in a variety of expert conferencing?

MR PERCY: I have.

20 MS ANDERSON: And you confirm that that statement of evidence is true and correct?

MR PERCY: I do.

25 MS ANDERSON: Have you had a chance to look at exhibit 27, the new, latest set of conditions?

MR PERCY: I have.

30 MS ANDERSON: And can you just explain to the Board whether those changes now resolve the council's outstanding issues or not?

MR PERCY: Yes, in my opinion, they resolve all of Greater Wellington's outstanding issues.

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MS ANDERSON: Thank you. Did you wish to make any comment on the questions that were brought up by the Board this morning or were you happy to leave those for the Memorandum of Counsel?

40 MR PERCY: I will leave them for the Memorandum of Counsel.

MS ANDERSON: Just a couple of more administrative type matters, sir. There were a couple of documents that the Board had requested Greater Wellington provide, one being the Ōtaki Gravel Extraction Consent, which was requested by Dr Jones and I think you had asked about the full Watercourses Agreement when Ms Westlake was on the stand. The

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Watercourses' Agreement is quite a large document, but I have both and can produce those through Mr Percy for the record. The first one maybe, was the Ōtaki Gravel Consent, which is the smallest document and I think we might be up to Exhibit 31.

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MR CONWAY: 31, yes.

MS ANDERSON: And the other document, which is unfortunately quite a large one, is the Watercourses Agreement in full and maybe that could be produced through Mr Percy's exhibit 32.

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If you could remain for any questions, Mr Percy.

CHAIRPERSON: Exhibit 32. Mr Conway, do you wish to cross-examine this person?

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MR CONWAY: No, thank you, sir.

CHAIRPERSON: Mr Beverley?

MR BEVERLEY: Thank you, sir. Just briefly, I have a couple of questions.

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<CROSS-EXAMINATION BY MR BEVERLEY [11.55 am]

MR BEVERLEY: Good morning, Mr Percy.

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MR PERCY: Good morning.

MR BEVERLEY: I just have two questions for you. You have just confirmed to my learned friend that on the basis of the conditions, as produced this morning, the outstanding concerns of the Regional Council are resolved. That is correct, isn't it?

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MR PERCY: That is correct.

MR BEVERLEY: If I could just take you to paragraph 11 of your evidence, in that paragraph, Mr Percy, you state that in your opinion, the NZTA and KiwiRail have generally identified the provisions of relevant national and regional planning documents of relevance to the proposal and then you go on to say, "However, until the outstanding concerns are adequately addressed it would be premature to conclude that the proposal is entirely consistent with all of the relevant provisions in the planning and policy documents, do you not?"

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MR PERCY: That is correct.

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MR BEVERLEY: And now in light of your agreement that the outstanding issues have been addressed would you now conclude that the proposal is consistent with those planning and policy documents?

5 MR PERCY: Yes, I would.

MR BEVERLEY: Thank you, and if I just could ask you a similar question in relation to your paragraph 30, and again in that paragraph you say if the comments and suggested amendments to the draft conditions et cetera are adequately addressed and incorporated this would provide the council comfort that the proposal would not be inconsistent with part 2 of the RMA. So you agree you accept that is what that paragraph says?

15 MR PERCY: Correct.

MR BEVERLEY: And you would also agree with me, would you not, that now that you have acknowledged that those outstanding issues have been resolved that the proposal, in your view, would be consistent with part 2 of the Act?

20 MR PERCY: In my opinion it is.

MR BEVERLEY: Yes. Thank you very much, Mr Percy. Thank you, sir. No further questions.

25 CHAIRPERSON: Thank you. Dr Jones?

DR JONES: No questions, sir.

30 CHAIRPERSON: Mr Apeldoorn?

MR APELDOORN: No thank you, sir.

35 CHAIRPERSON: Ms Peters?

MS PETERS: No thank you, sir.

CHAIRPERSON: Professor Maaka?

40 PROFESSOR MAAKA: No.

CHAIRPERSON: Nor I. Thank you, Mr Percy. Thank you for your help.

45 <THE WITNESS WITHDREW [11.56 am]

CHAIRPERSON: Mr Conway, Mr Schofield?

MR CONWAY: Thank you, sir. Yes, I call Mr Schofield.

<ROBERT SCHOFIELD, affirmed **[11.57 am]**

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CHAIRPERSON: Just before we embark on this, Mr Conway, Dr Jones has pointed out that in the Administration of Water Courses agreement he appears as the catchment engineer signing off on these documents for the chief engineer, and his initials appear on a lot of documents that he

10 **(INDISTINCT 2.33)**

DR JONES: Some **(INDISTINCT 2.34)**

CHAIRPERSON: A patent conflict of interest.

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DR JONES: Mind you, Mr Chairman, at that time the Ōtaki River was not within the then Wellington Regional Water Board's jurisdiction. It was part of the Manawatu Wanganui Catchment Board.

20 CHAIRPERSON: If anybody wants to raise the conflict of interest and ask that Dr Jones be disqualified and accordingly this hearing cannot proceed further, we need to reconvene with a new Board, let him or her now declare. Mr Conway?

25 **<EXAMINATION BY MR CONWAY** **[11.59 am]**

MR CONWAY: Thank you, sir. Mr Schofield, can you please confirm for the record your full name is Robert John Schofield?

30 MR SCHOFIELD: I do.

MR CONWAY: And you have prepared a statement of evidence dated 9 August 2013 which sets out your qualifications and experience?

35 MR SCHOFIELD: I have.

MR CONWAY: Do you have any corrections to make to that statement?

MR SCHOFIELD: No, I do not.

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MR CONWAY: And you have participated in conferencing and signed a joint witness statement dated 30 August, and you have also been in several other discussions since that date in relation to conditions?

45 MR SCHOFIELD: I have, yes.

MR CONWAY: Now, in terms of the conditions as they currently stand – actually, yes, in terms of the conditions as they currently stand could I get you to briefly take the Board through the conditions in the set produced this morning that remain outstanding from your perspective and just briefly comment on each of those?

MR SCHOFIELD: Yes. The outstanding areas are in relation to noise and a minor matter in relation to the landscape and urban design plan.

If I take the Board to page 43, condition 61, as was traversed this morning, I have recommended a new condition of 61A that implements the recommendations and advice of Mr Hunt which has not been accepted by Ms Beals.

[12.00 pm]

And following that on the next page, page 44, I also recommended some additional wording to that condition, 62. That also would implement the advice and recommendations of Mr Hunt, the council's noise consultant.

And if I can take the Board forward to my page 48 and 49 in relation to condition 73 I have recommended some additional wording there to that condition in relation to post-construction operational noise monitoring.

I have made the comment there (and this was a late matter that came through I think at the planners conferencing on Monday) about the timing of such a survey if it were to be accepted in terms of the laying of the open graded asphalt, the porous asphalt, occurs about a year after I understand – a year after the road is sealed and becomes open and available, because it is quite brittle and it needs fairly firm, solid ground to be laid on or seal to be laid on.

So there is an issue whether the time of that could be sort of reflected in that condition in terms of the monitoring occurring at least within say six to 24 months of as it is known, being laid because that is one of the main noise mitigation measures that is proposed.

And further down on page 48 is the matter of vibration complaints, and the condition which (as Mr Conway has pointed out) is a direct transfer from the MacKay's conditions to deal with that issue if it arises. And again, that has not been accepted by Mr Beals.

If I could take forward again to page 50, and on the bottom of that in red is a suggested new clause to CIII, which would implement the

recommendation of Ms Williams in terms of just considering options for planting within the existing state highway. And again, that has not been accepted.

5 MR CONWAY: Thank you, Mr Schofield.

MR SCHOFIELD: That is the scope of the differences as I see it at the moment.

10 MR CONWAY: Did you wish to comment on any of the condition amendments that have been discussed this morning with Ms Beals in terms of matters raised by the Board members or are you content to leave those to post hearing?

15 MR SCHOFIELD: I am fairly content to leave it to post discussions, should I say. For instance, the idea of defining environmental incidents needs a bit of careful thought and discussion about what that might mean. So I think there needs to be an opportunity for some discussion to occur outside the hearing.

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MR CONWAY: Thank you. Would you please remain and answer any questions?

CHAIRPERSON: Mr Randal?

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<CROSS-EXAMINATION BY MR RANDAL [12.04 pm]

MR RANDAL: Thank you, sir. Good afternoon members of the Board, good afternoon Mr Schofield.

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MR SCHOFIELD: Good afternoon.

MR RANDAL: If I might begin please by taking you to paragraph 132 of your evidence.

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Just to note your conclusion there, and I will paraphrase, but my reading of it is that subject to the satisfactory conclusion of various concerns that you have raised in your evidence in your opinion the proposal is consistent with the relevant statutory provisions et cetera and consistent with the purpose and principles of the RMA in terms of promoting the sustainable management of natural and physical resources.

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I am just wondering, do you stand by that conclusion today?

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MR SCHOFIELD: I do, and it is subject to the satisfactory resolution of the concerns.

MR RANDAL: Yes.

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MR SCHOFIELD: And they would relate to, at the highest level in terms of part 2 of the Act, would be amenity values and the quality of the environment under section 7.

10 MR RANDAL: Yes.

MR SCHOFIELD: That relates again to the noise and the landscape issues I have just discussed.

15 MR RANDAL: Yes. If we focus briefly though on the matters that have been agreed and the very good work that you have done, and may I say the other planners have done, you would agree that almost all of the matters outlined in your evidence have been result, have they not?

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[12.05 pm]

MR SCHOFIELD: I would agree, yes.

25 MR RANDAL: And you would agree too, I think that the agreement between the NZTA and the District Council around certification of the various management plans, that's had a big part in the progress that's been made since that time?

30 MR SCHOFIELD: It definitely has, yes.

MR RANDAL: Very good, thank you.

35 So you've helpfully clarified this morning what the outstanding concerns are limited to, the proposed condition about planting along the existing State Highway 1 and the four conditions around noise and vibration that's right, isn't it?

MR SCHOFIELD: That's correct.

40 MR RANDAL: Again, subject to the Board imposing appropriate conditions on those matters, do you agree that approving the project would promote a sustainable management purpose of the Act?

45 MR SCHOFIELD: I would, yes.

MR RANDAL: Thank you. And again I think you've clarified this morning that in relation to those outstanding matters, largely your reliant on advice and guidance – appropriately – from the technical experts, I think you mention Mr Hunt and Ms Williams.

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MR SCHOFIELD: That is correct, yes.

MR RANDAL: Is it – you've obviously – we've seen your qualifications, you're not an acoustics expert or a landscape architect, are you?

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MR SCHOFIELD: That is correct, yes I'm not.

MR RANDAL: Thank you. A couple of brief questions about the landscape condition, please, it's this condition 75C, one which would require consideration of opportunities for planting along the existing State Highway 1. The first question is, you're aware of course that subject to the revocation process that's likely to take place in the future, that road corridor would become an asset of the District Council, you're aware of that?

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MR SCHOFIELD: That is correct, yes.

MR RANDAL: And would you agree with me as well that to impose a condition like the one you've sought, the Board would have to be satisfied that it has jurisdiction to do so, do you agree with that?

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MR SCHOFIELD: That is correct, yes.

MR RANDAL: Thank you. And beyond that I suppose a key question for the Board is whether mitigation planting along that road is necessary, that will be a key question to answer there, wouldn't it?

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MR SCHOFIELD: Well there's two components to that, but firstly, yes the idea is that planting could be made more effective to address the effects of expressway in as broader sense as I understand Ms Williams, not just the expressway per se, but the effect that it has in terms of widening that transportation corridor as such, so it's her recommendations relate sort of to a bigger picture if you like, you know the effects of the expressway.

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Secondly the revocation process, as I understand it, and I'm willing to be corrected on here, would occur after the expressway is functional/operational and itself has been designated as a State Highway, that would trigger off the revocation process if the Agency wish to pursue that.

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5 So the issue of mitigation would have been sorted out and should have been sorted out and built and implemented by that stage as I understand it, so it won't be left to the revocation process, but it will be that any mitigation that is – well might be occur within the existing State Highway area, would then be transferred to the District Council as part of its roading asset.

MR RANDAL: Well thank you for clarifying the timing there.

10 Just before we talk about that, just to confirm, essentially you're relying again on the advice of Ms Williams in respect of this condition that you're proposing?

15 MR SCHOFIELD: I am, yes.

MR RANDAL: That's right. And – yeah, the timing point is interesting because I understand from the discussions this morning that the suggestion is, not actually to provide for new additional mitigation planting in that area, rather it's a matter of relocating planting that's currently proposed in another area, perhaps to that State Highway 1 corridor that's my, my understanding is correct there, isn't it?

20 MR SCHOFIELD: That is correct, and we've – I have reworded that condition slightly from previous version just to try and clarify that is the case, it's not additional on top of what you might expect to have occurred.

MR RANDAL: Yes. Well again of course, you're aware that the current proposal locations for that planting, they're proposed as a result of expert advice from a landscape architect, you're aware - - -

30 MR SCHOFIELD: I am, yes.

MR RANDAL: Thank you. Turning to the noise and vibration conditions please, the NZTA's evidence on those matters – sorry, first of all, I think you were here last Wednesday when Dr Chiles and Mr Hunt gave evidence, weren't you?

MR SCHOFIELD: I was, yes.

40 MR RANDAL: Yes. So you'll be aware of course that the mat-, the NZTA's evidence is that the matters sought to be achieved by those proposed condition changes, either replicate processes that have already been undertaken or replicate processes that are already provided for otherwise, do you accept that?

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[12.10 pm]

MR SCHOFIELD: Accepting that I am not a noise expert, I don't know that it's replicating it, I understood that it's a revised assessment to take into account what would be the mitigation if the Transit guidelines were to apply as well.

MR RANDAL: Yes, and accepting that you are not an expert in these matters, I don't think I need to put you all of the details of the NZTA's case on this, but Dr Chiles' evidence on that point was that he had already taken into account the Transit guidelines, did you hear that?

MR SCHOFIELD: Yes, I did.

MR RANDAL: Okay. And, again, acknowledging the very high degree of accord between you all, which is to be commended of course. Reading your evidence, is it fair to say that a theme in it is that the District Council here is striving for consistency between the conditions imposed at MacKays and the conditions that are proposed for this project?

MR SCHOFIELD: It would be fair to say that the Council is striving for consistency where it thinks it is appropriate to maintain that consistency. And I would give the example of the vibration complaints issue where it sees no real reason to deviate from the standards and conditions applied to what it sees as one section of road through its district.

MR RANDAL: Yes, okay.

MR SCHOFIELD: But it has accepted a number of variations from the conditions or even absences of conditions where they are not considered suitable.

MR RANDAL: Yes. And you would agree that those departures from the MacKays approach is justified, that they are justified in the circumstances of this case?

MR SCHOFIELD: Yes, we have agreed to that.

MR RANDAL: And indeed the four conditions that we are talking about, in respect of noise and vibration, two of those changes would bring greater consistency with the MacKays conditions, wouldn't they?

MR SCHOFIELD: That is correct, yes.

MR RANDAL: Those are 73 and 73 large A I think.

MR SCHOFIELD: Yes.

5 MR RANDAL: And two of them go the other way, don't they, they would
lead to potentially less consistency between the two processes, those
are the conditions 61A and 62, would you agree with that?

10 MR SCHOFIELD: Yes, and stretching my limited knowledge about that the
rationale, as I understand it, is that the approach taken for the MacKays
to Peka Peka was based on a route that traversed quite large areas of
residential area as opposed to this which isn't. And the concern, as I
understand Mr Hunt, is that the clustering approach of the standard
might not be the best approach to deal with a road that is going through
quite a different area, a different context. So, as I understand it, that's
15 the logic behind his recommendations.

MR RANDAL: Thank you. Well, let's talk about just one example and that's
your proposed condition 73A. This condition seeks the creation of a
specific register for vibration complaints, as you have said.

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MR SCHOFIELD: That's right.

MR RANDAL: And there was a condition like that MacKays I think you have
said as well, that's designation condition 48 at MacKays?

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MR SCHOFIELD: That's correct.

MR RANDAL: And I think you have just suggested this but, to confirm, the
MacKays expressway is proposed to pass through a number of urban
30 environments, isn't it?

MR SCHOFIELD: That's correct, yes.

MR RANDAL: And there are many more sensitive receivers that are close to
35 the expressway than will be the case for this project, you would agree
with that too?

MR SCHOFIELD: That is correct, yes.

40 MR RANDAL: Thank you. Now, you were here last Wednesday, so you will
have heard both experts agree that complaints about vibration for this
project are unlikely, do you agree with that?

MR SCHOFIELD: Yes, I would agree. The risk is a lot lower here.
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MR RANDAL: Thank you. And you would have heard Dr Chiles as well speak of a recent NZTA initiative whereby there is a national customer service internet facility provided, have you heard about that?

5 MR SCHOFIELD: Yes, I have.

MR RANDAL: That initiative hadn't been undertaken at the time when your MacKays conditions were prepared, had it?

10 MR SCHOFIELD: No, as I understand, no, it hadn't.

MR RANDAL: Thank you. And in terms of the conditions around the complaints process that are proposed for this project now, this is designation condition 10 and 11, for example, you are aware of course, through your conferencing in recent days, that that process is proposed for this project to continue now for 12 months post-construction, isn't it?

MR SCHOFIELD: Yes, that is correct.

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MR RANDAL: And of course the equivalent MacKays condition just has that process lasting for six months post-construction?

MR SCHOFIELD: That is correct, yes.

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MR RANDAL: Thank you, Mr Schofield, Thank you, sir.

CHAIRPERSON: Anything arising out of that, Mr Conway?

30 MR CONWAY: No, thank you, sir.

CHAIRPERSON: Professor Maaka, I think it is, no, Mr Apeldoorn?

[12.15 pm]

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MR APELDOORN: Just want to ask you about condition 75C(III) that is proposed. You have described there that this mitigation is not additional to that otherwise required. So presumably, this mitigation – the planting that we are talking about – is necessary for the mitigation of effects arising from the proposal. Is that right?

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MR SCHOFIELD: That is correct, yes.

MR APELDOORN: So if that planting were to occur outside of the designation, what protection is there around that planting and ensuring

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that it continues in perpetuity to address the mitigation effect that it has been targeted at?

5 MR SCHOFIELD: That is a good question. The protection would remain as long as the highway was still designated by the NZTA. Subsequent to revocation, if that was to occur, it would transfer to the district councils and you are correct; then it would have that role of looking after the mitigation, but I don't think it would have the role of complying with that particular aspect, but given that it would be – the landscaping for that area would be certified by the council at a site-specific level and as well as the LUTNP level, the council would be sort of under an obligation to maintain that mitigation on an ongoing basis.

15 MR APELDOORN: I guess I am just struggling with the mechanism that transfers the responsibility to maintain a condition on a designation and how that transfers to a different organisation.

20 MR SCHOFIELD: Well, yes. As I said, the mitigation would not necessarily – the obligation to maintain that landscape wouldn't necessarily be transferred to the district council, but it would be under a sort of a general responsibility for the council to maintain their maintenance of the road, as it does for all roads within the district where there is planting and street planting and what have you involved with it.

25 MR APELDOORN: So if, for some reason, that mitigation was to fail at some point in the future, does there remain an obligation on the designation authority to ensure that it is reinstated?

30 MR SCHOFIELD: I am not sure I have a firm answer on that. I don't believe it would have that because it would be taking over the designation, but I would leave it to legal counsel to perhaps respond to.

35 MR APELDOORN: I guess you will have the same response to this question, in that in the preceding condition, which is 75C(II), there is a reference there to private properties as well. Is your response the same in relation to those protections that apply to private properties?

40 MR SCHOFIELD: That is correct, there is no obligation there for any landscape work on private properties, unless some side agreement is made for that to remain in perpetuity, but if the planting is there for the benefit of the private property owners and at some stage they decide to remove it, for instance, then that is their decision in terms of how they accept or not, the effects and the similar sort of corollary with the road as well.

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[12.20 pm]

MR APELDOORN: Yes, I can understand the situation in a private context, particularly where say a property changes hand and someone else comes in and they make that assessment in terms of their own environment and how they're affected, and there's not such a wide – well they're the only property or persons affected in effect, that doesn't apply the same in the public realm, does it?

MR SCHOFIELD: No. The responsibility of the Road Controlling Authority, such as the District Council, would be in terms of its general policies on street planting and provision of amenity within roads. So while I presume there may not be a strict liability to maintain that I would believe that it would be under the Council's policy generally in terms of street planting to maintain the fairly high quality of planting.

MR APELDOORN: Thank you. If we just move our focus now to condition 61 which is the noise and vibration.

Condition 61A does that primarily introduce planning provisions and assessments as they relate to the inclusion of rail noise?

MR SCHOFIELD: Again this was written on the advice of Mr Hunt – as I understand it, yes, as he saw it as a better way of including rail noise as part of the overall cumulative effects of noise.

MR APELDOORN: Without that condition, is there any other mechanism that exists within the base set of conditions that requires the inclusion of assessment of rail noise?

MR SCHOFIELD: That's a good question – I think Mr Chiles covered that in his response to questions on that third day hearing. As it – I'm just trying to remember what his response to that in terms of the questions for rail – I know he wasn't satisfied with the way that the rail noise – Mr Hunt wasn't satisfied with the way that the rail noise was captured in that process to date, so he's looking at a condition that would satisfy his way about how it should be captured.

MR APELDOORN: Do the conditions as they currently drafted without the additional material that you have described, do they provide in any way for the cumulative assessment of noise from both road and rail sources?

MR SCHOFIELD: As I understand they very much rely on the technical assessments done and how they address it as noise effects.

MR APELDOORN: Can you just briefly describe and help me with condition – the addition that you've proposed in condition 62, and just describe

the purpose of that condition and what additional things it provides that are not already provided for within the draft set of conditions?

5 MR SCHOFIELD: To my limited knowledge I will, but this was largely written on the basis of Mr Hunt's technical advice so he would have been better to sort of reply to that in more substance than I.

[12.25 am]

10 As I understand it, it's the new road criteria which is the important thing rather than altered road criteria, and I'm willing to be corrected on that one if I'm wrong there. It's the locational requirements about the 250 metres of what a cluster is and not, as the case may be, and that 3 dBA reduction, MEPPF.

15 So what it says that if subsequent to that that the revised noise assessment identifies the need for mitigation in relation to the transit guidelines, then those additional mitigation measures should also be implemented as part of the overall package.

20 MR APELDOORN: Can you just direct me to that last point, I know I've seen it but it's just not - - -

25 MR SCHOFIELD: All right, on page 44, at the bottom, the red text there, it says, "If additional noise mitigation measures are identified..." et cetera.

MR APELDOORN: Oh, right, so that NZTA criteria is sitting in those other conditions, 61 to 73?

30 MR SCHOFIELD: That's correct, so if anything comes out of applying those three criteria, that show that additional mitigation is required, then they should be part of the overall package of noise mitigation.

35 MR APELDOORN: So if we just took this condition piece by piece and we looked at A first, is it your understanding that there is still debate between the respective experts on whether the new or altered road criteria should be used?

40 MR SCHOFIELD: As I understand it yes, there is still some debate.

MR APELDOORN: Still debate, okay. Is there debate between the experts about the way in which the clustering assessment is to be made?

45 MR SCHOFIELD: As I understand it, yes there is still debate about that.

MR APELDOORN: Thank you, sir.

CHAIRPERSON: Ms Peters?

5 MS PETERS: Yes, thank you. Mr Schofield. Again, I think I will just also ask for some explanations around the noise and vibration management conditions again just to clarify and then I might go back to the landscape one just for a final question as well.

10 I understand – we’ve learnt I guess, a lot about these conditions with the two experts, I acknowledge that as well, in terms of getting to this point.

15 My recollection without going through my papers again, is that both experts believed that NZ6806 was the correct Standard by which the expressway noise should be modelled.

MR SCHOFIELD: As I understand it, as a base set of Standards, yes, that is correct.

20

MS PETERS: So can you tell me – and therefore I understand in terms of – can you explain then to me why on condition 61 that it is recommended to go with the Transit guidelines which would recommend significant noise mitigation in that situation?

25

MR SCHOFIELD: As I understand it, it’s to do with the clustering of sensitive activities, PPS, and the way the NZ6806 deals with them and from my recall from Mr Hunt’s reply to a question on this topic, was that given the quite different approach, he would like to see the revised assessment taking into account the Transit guidelines which are a different approach and maybe able to pick up noise mitigation that is appropriate and suitable for more isolated properties that aren’t technically clusters.

35 And he accepted that possibly, a revised assessment may show no difference in the need for mitigation but he was looking for some certainty that it had been considered in terms of what the district plan requires and the District Plan currently refers to the Transit guidelines.

40

[12.30 pm]

MS PETERS: Thank you. In condition 62 then, when the recommendation from Mr Hunt has come through here in red, “The noise mitigation options PPF (ph 0.41) shall be determined by reassessment of the BPO mitigation options”. I understand what is written there in terms of his
45 view on the new road criteria and I understand in relation to east

alignment. The only thing, in terms of my view there, was it's again 6806 is why, in that situation, the comment wasn't made about clustering as well. Oh, it is the second, "An EPPF (ph 1.24) considers part of a cluster whereas related..." so he has bridged off by – that's
5 what I just wanted to check, I didn't pick up the "cluster" in my read through.

So in both recommendations both in 61 and 62 whichever they use a Transit according to District Plan, and in 62 uses the new road, the
10 recommendation of Mr Hunt is to look at isolated residences as well as those potentially within a cluster.

MR SCHOFIELD: That's right, it's a slightly broader definition of cluster.

15 MS PETERS: That's correct, yes. I think I will leave the other questions, I took a lot of note, I guess, in terms of the two experts on that so there's not any planning questions on that any further. When it comes to the condition 75 that we talked about before, and I just didn't quite write down or understand what you said in relation to Mr Randal's questions
20 about when he pointed out – he was asking about you realised it's an asset of the District Council, are you satisfied with the jurisdiction that the Board has and is it necessary? You then answered that question in terms of - can you just take me through again, in terms of what you think is the timing, because I wrote down in my notes here that the landscaping would not be left to the timing of the revocation process, is
25 that?

MR SCHOFIELD: That's correct. The revocation process would occur once the expressway is designed and built and open and functioning and then
30 there's a separate process for revoking state highway status of that.

MS PETERS: Sure.

MR SCHOFIELD: So the expressway would have been designed, all the mitigation et cetera would have been designed and built before the
35 revocation process occurs.

MS PETERS: So you would expect to see these clusters, potentially if this went through, these clusters of landscaping along that western side
40 there and then the revocation would happen according to its own timetable accordingly?

MR SCHOFIELD: That's right, yes.

MS PETERS: And jurisdiction, in terms of a planner, I didn't pick up what you particularly said about the jurisdiction in terms of outside the designation, what is your view as a planner on that?

5 MR SCHOFIELD: Well, as I understand it, if state highway status is revoked and it becomes a local road under KCDC's control, then any planting that is in that area, the road reserve, becomes sort of the street planting asset, if you like, of the Council to maintain and look after.

10 MS PETERS: I have no further questions, so thank you.

CHAIRPERSON: Professor Maaka?

PROFESSOR MAAKA: No, thank you.

15

CHAIRPERSON: Nor do I, thank you. Mr Conway, anything arising out of the Board's questions?

MR CONWAY: No, thank you, sir.

20

CHAIRPERSON: Thank you, Mr Schofield.

MR SCHOFIELD: Thank you.

25 CHAIRPERSON: Thank you, too for your help and assistance.

<THE WITNESS WITHDREW [12.36 pm]

30 CHAIRPERSON: On the schedule that leaves Mr Kyle. Notice to cross-examine has been given by the agency and the regional council.

<JOHN KYLE, affirmed [12.36 pm]

35 CHAIRPERSON: Have a seat, Mr Kyle. Give us your full name, thank you?

MR KYLE: John Clifford Kyle.

40 CHAIRPERSON: Thank you. You are the planner appointed by the Board to assist it in this inquiry?

MR KYLE: Correct.

45 CHAIRPERSON: And you and your firm have produced the two Section 42A reports, the first addition dated 2 September 2013 and the second dated 18 September 2013?

MR KYLE: Correct, sir.

CHAIRPERSON: You have participated in the conferencing, at least recently,
and you have reported on the conferencing at an earlier stage. Is there
5 anything you want to add to your reports?

MR KYLE: I participated in the August planning conferencing and the more
recent conditions conferencing, sir.

10 CHAIRPERSON: Mm'hm.

MR KYLE: Nothing to add with respect to the reports, thank you.

CHAIRPERSON: Do you have any comments on the latest set of the
15 conditions tabled this morning and the discussion and evidence on
possible amendments to them?

MR KYLE: Certainly I have noted, sir, the ability for the planners to convene
again and deal with some of the matters of detail that have been raised
20 this morning. I think that would be a very useful process.

I tried quite carefully to track the various changes suggested. My view
is that many of them are not fundamental issues, they are more
mechanical issues, and I think we can probably work through most of
25 those issues quite quickly.

CHAIRPERSON: All right, thank you. For the Transport Agency, Mr
Beverley.

30 <CROSS-EXAMINATION BY MR BEVERLEY [12.38 pm]

MR BEVERLEY: Thank you, sir. Good afternoon, Mr Kyle.

35 MR KYLE: Good afternoon.

MR BEVERLEY: Just to acknowledge your very useful Section 42A reports,
and I just have a couple of questions to ask you about those.

40 As you are aware, matters have been moving very quickly in relation to
the issues at large in this hearing and you are aware, are you not, that
with a couple of narrow exceptions in relation to the wording of
conditions most matters have now been settled between the councils,
the NZTA and their experts. You would agree?

45 MR KYLE: Yes.

MR BEVERLEY: And you are aware in particular of the resolution of areas of disagreement such as certification?

MR KYLE: Indeed.

5

MR BEVERLEY: And ecology and flooding?

MR KYLE: Yes.

10 MR BEVERLEY: And so you would agree that there has been a significant degree of consensus in relation to those areas?

MR KYLE: Agreed.

15 MR BEVERLEY: If I could just take you to your second report, Mr Kyle – the second edition of the Section 42A report, and just briefly take you to three matters there.

20 The first on page 19, and I acknowledge that since you have written this report matters have moved on. At paragraph 3.0.4 - - -

MR KYLE: Sorry, that is on page 20 of my version.

25 MR BEVERLEY: Oh, sorry, we may have a printing – yes, maybe different printing layout, but I am referring to paragraph 3.0.4 which starts, “Having reviewed the latest ..”

MR KYLE: Yes.

30 MR BEVERLEY: Is that how your paragraph commences there?

MR KYLE: Correct, yes.

35 MR BEVERLEY: So you state in that paragraph, in the second line, that in your view the conditions form a robust suite of measures that would be effective at appropriately mitigating the adverse effects of the project’s construction and operation should the Board be minded to grant the consents. Does that remain your view?

40 MR KYLE: Yes.

45 MR BEVERLEY: If I could just turn you to paragraph 4.0.1 under the large heading of, “Statutory Evaluation”, in that paragraph you state in the second sentence that based on the evidence available at the time in the first edition report you noted it was premature for you to form a view about the projects consistency with planning documents, did you not?

[12.40 pm]

MR KYLE: Correct.

5 MR BEVERLEY: And you then undertake some further analysis in this report in relation to some outstanding matters, don't you?

MR KYLE: Yes.

10 MR BEVERLEY: And are you able to provide the Board with an overall view now in terms of your view of the consistency of the project with the relevant planning documents?

15 MR KYLE: Certainly with the continual refining of conditions and the process around achieving agreement amongst the parties, my view is that the proposal and the project is generally consistent. Most of the matters inherent in in the relevant statutory instruments including the policy statements and plans.

20 MR BEVERLEY: Thank you, and then finally, just paragraph 5.0.1 under the heading of "Part 2", and again noting the further agreements on matters such as certification, ecology, flooding, does it remain your view as stated in that paragraph, that the project generally achieves consistency with Part 2 of the RMA?

25

MR KYLE: Yes.

MR BEVERLEY: It does, thank you, Mr Kyle. Thank you, sir, no further questions.

30

CHAIRPERSON: Ms Anderson.

MS ANDERSON: **(INDISTINCT 1.37.3)**.

35 CHAIRPERSON: Ms Peters?

MS PETERS: Yes, thank you. Just a couple of points, Mr Kyle. I am just referring now to your second or latest section 42 report and just wanted again to check your views on it. If you look at your page 20 and where
40 we start talking about proposed designation criteria - - -

MR KYLE: Sorry, is that proposed designation conditions?

45 MS PETERS: Yes, sorry, did I say criteria, I beg your pardon, conditions. One of the views I think you expressed here was that you were trying to make the community liaison group deal with substantive issues and be

5 taken note of in terms of their additions to you as suggested, “Where appropriate the recommendations of the community liaison group, the community liaison group should be taken into account”, and that sentence in italics, down the bottom of that. Are you comfortable now that the conditions reflect your views that issues come up from a local sense and need to be incorporated into site specific environment and management plans?

10 MR KYLE: Yes, we made some changes to condition 8 during conferencing on Monday to address that matter specifically, and I am comfortable with the changes that were made to those conditions - - -

MS PETERS: You are comfortable with that now.

15 MR KYLE: - - - they highlighted in the pink colour on pages 10 and 11 of the document you were given this morning.

20 MS PETERS: This morning, yes, I just wanted to check with your original report, I guess, because it was a little bit more explanatory, comments as well as your condition.

25 And similarly, your view now on – now I’m on page 24 of your section 42 report and looking at your view of condition 64, where you again, made the comment at that time, you think that the insertion of, “A consultative obligation where this situation occurs at the time the categorisation change has being considered as reasonable.” Do you still agree with that comment?

30 MR KYLE: Yes, and again during conferencing on Monday, amendment was agreed to condition 64, and that amendment appears on page 45 under 64B, you’ll see there in pink text, some additional wording that has addressed that specifically.

35 MS PETERS: Thank you, no further questions.

CHAIRPERSON: Professor Maaka?

PROFESSOR MAAKA: No thank you, your Honour.

40 CHAIRPERSON: Dr Jones?

45 DR JONES: Thank you, sir. Mr Kyle, I hate to bring up a detail matter when we are so far down the track but on page 55 of your initial section 42A report, you refer to the fact that the key issue report from KCDC identifies that a small section of the project is in the coastal environment boundaries defined in their district plan. And you discuss

it and then you conclude that in the absence of any specific evidence on the extent, there is likely to be some inclination to accept the coastal boundary information.

5

[12.45 pm]

Now, throughout this hearing, unless I've been nodding off, I haven't heard any reference to the coastal marine area at all, neither do I want to, but has that matter been resolved? Is there a part of the designation within the coastal marine area or not?

10

MR KYLE: Not the designation, as I understand it, but some of the discharges inherent in the construction process could influence the coastal marine area.

15

DR JONES: I saw reference to that, yes.

MR KYLE: And that's the only reason why we've raised the issue. I don't think it's a big thing and you haven't heard a great deal of evidence on the matter at all, so that might confirm it's not a big thing.

20

DR JONES: Okay, it's just that you said a small section of the project near Peka Peka is located in the coastal marine area, I took that to mean the designated area, but that's not the case?

25

MR KYLE: The proposed district plan does define a coastal marine area, and certainly my recollection, it's been a while since I went back and looked at the relevant map, I think there is a small part in that coastal marine area as defined within the proposed district plan.

30

DR JONES: Okay. But the general consensus is we don't need to worry about it?

MR KYLE: Well, I think Mr Coop gave you some evidence around the New Zealand coastal policy statement issues and we've briefly touched upon it here. Not matters of great moment at all.

35

DR JONES: Thank you, that's all. Thank you, Mr Chairman.

CHAIRPERSON: Mr Apeldoorn?

40

MR APELDOORN: No, thank you, sir.

CHAIRPERSON: And I have no questions, thank you, Mr Kyle. Thank you for your help.

45

MR KYLE: Thank you, sir.

CHAIRPERSON: I'm sure everybody found your two 42A reports of particular assistance.

5

MR KYLE: Thank you, sir.

<THE WITNESS WITHDREW [12.47 pm]

10 CHAIRPERSON: Well, that brings us to the end of the scheduled evidence. We now have the closing submissions. Mr Conway, you're listed first. Do you want to start now or shall we break now and start in an hour?

15 MR CONWAY: I'm content either way, sir. I have my closing here, but it might be an opportune time to get the blood sugar levels up again. I'm sure we'd all probably appreciate that.

20 CHAIRPERSON: All right, well, we'll take an adjournment for an hour. We may not be able to start again at 10 to two as one Board Member has a matter that needs to be attended to at 1.30. So if we're a little late to resume, our apologies in advance.

ADJOURNED [12.48 pm]

25 **RESUMED [1.50 pm]**

30 CHAIRPERSON: Please have a seat everybody. We will invite Mr Conway to begin. May I just enquire what euphemistically be called planning purposes it is actually personal convenience if counsel can give us some estimate of the duration of their addresses? Counsel should understand that you must feel free to put your clients case exactly as you wish and feel under no time constraints at all in that regard.

35 MR CONWAY: Thank you, sir. I have nine pages of closing, some of which is conditions that will not be read through so I would not have thought more than 15 to 20 minutes at the most.

CHAIRPERSON: Thank you, that is helpful. Ms Anderson?

40 MS ANDERSON: I have one page so I will be very brief.

CHAIRPERSON: Heavens that is really condensed. Mr Gardner-Hopkins?

45 MR GARDNER-HOPKINS: Yes, sir. I have slightly more, I have five pages but I cannot imagine I will be too long.

CHAIRPERSON: Thank you, Mr Beverley?

MR BEVERLEY: Sir, I speak I should have stood up first, we have 26 pages
5 sir, but we will be moving through those I would have thought just over
an hour. There is also an attachment to our evidence we will not be
reading through so we say just over an hour.

CHAIRPERSON: Mr Conway? When you are ready Mr Conway?

10 MR CONWAY: Thank you. May it please the Board these legal submissions
will focus on the aspects of the Kāpiti Coast District Council
submission that remain outstanding at the close of the hearing?

15 Conferencing has been productive and most of the matters sought in the
Council's submission are reflected in the latest set of conditions that is
before the Board. The aspects of the Council's submission that are
outstanding and not simply minor residual issues, they relate to
certainty about whether adverse effects will be properly mitigated and
the resolution of these issues is important to the Council.

20 All of these issues are capable of resolution by way of condition
changes and these legal submissions set out the remaining conditions as
sought by the Council. As indicated earlier in the hearing the State
25 Highway One revocation agreement is due to go to the Council
tomorrow morning and just interpolating there Members of the Board I
have been asked to reassure the Board that the revocation agreement
has already been to the Corporate Business Committee of the Council
which is made up of all of the members of Council and they have
recommended to the full Council that it be accepted if that is any of
30 comfort.

35 Tomorrow morning is when it will be considered. I understand this
matter has been brought to the start of the Council meeting, certainly in
attempt to have that resolved before the conclusion of the hearing but
return to the submission there I intend to provide a copy of the
Council's resolution to the Board as soon as possible once it is
available so that the Board can have confirmation on that matter and
the related aspects of the Council's submission. In particular the
provision of a cycleway/walkway and bridleway.

40 Turning to the designation conditions there are several points where
disagreement remains in relation to the designation conditions. In most
cases these differences depend on the evidence of the parties respective
technical experts and the Board will need to decide which evidence it
45 prefers.

5 The Council's experts are very experienced in addressing expressway related matters in this district and around the country and it is submitted that the Board can have confidence in their expert opinions and recommendations. In particular Members of the Board the two areas, noise and landscape where differences remain the two experts are the same experts who were involved in the McKay's hearing so they are very familiar with issues in relation to this district, as well as around the country.

10 I will now briefly comment on the following designation conditions. I will not read through that list but instead turn to condition 61A. The Council seeks that a new condition 61A be included in the designation conditions to require a revised operational noise assessment including combined estimates of 24 hour road and rail noise and a reassessment of mitigation options based on the Transit New Zealand guidelines. 15 The requested condition wording is set out below. And I won't read that through, you will be familiar with it through the conditions you have already been presented with.

20 **[1.55 pm]**

And I just note there Ms Beals' comment this morning in relation to this and the other conditions. She indicated that the wording of those conditions the Council seeks would be fine if the Board were to accept Mr Hunt's evidence that these conditions are necessary. 25

Returning to paragraph 7. Mr Hunt's evidence is that 24 hour rail noise estimates would allow for a more meaningful assessment of the cumulative effects of road and rail noise by adding the estimates to the 24 hour expected traffic noise levels. 30

Dr Chiles indicated that he had considered both road and rail noise effects but had not quantified those effects on a 24 hour basis as recommended by Mr Hunt for consistency with best practice transportation assessments in New Zealand and overseas. The reassessment based on the Transit New Zealand guidelines would create greater consistency with the operative District Plan and with the assessment of noise from other roading projects in the district. 35

40 Dr Chiles accepted that at least eight dwellings have been identified that would require different mitigation if the Transit guidelines had been applied. Put another way, if this road was being built by anyone other than a requiring authority they would be expected to provide more noise mitigation than is being proposed here. The Council sees 45 no good reason to penalise the residents who live near this road and

seeks that the Board included condition 61A as a means of addressing this issue.

5 In terms of condition 62. The Council seeks that this condition be amended to require the reassessment of the BPO mitigation option on the basis of the new road criteria of NZS 6806 in some situations. To expand the definition of “clusters” and to include consideration of noise mitigation options that are likely to reduce noise levels by three decibels and the requested amendments are shown below.

10 The use of the new road criteria is particularly relevant for dwellings in the north of Ōtaki which have been assessed under the altered road criteria but where the noise effects on those properties will come from the expressway.

15 Dr Chiles accepted that these are the houses that he is most concerned with for this project and that these houses will receive a significant increase in noise. He also accepted that he could have made a judgement call to apply the new road criteria to them and that is what the Council is seeking.

20 If Dr Chiles is right and the noise mitigation for these properties does not change as a result of the reassessment so be it. The Council says that it is worth carrying out that assessment to give confidence that these residents are not being penalised by the assessment approach that has been adopted.

25 Similar considerations arise in relation to dwellings that are not in clusters. Dr Chiles and Mr Hunt agreed in conferencing that the definition of clusters of dwellings in NZS 6806 is a negative factor in the assessment of noise mitigation options for isolated dwellings in the rural area of the project. The Council seeks that a reassessment be carried out to ensure that those residents are not penalised by the assessment approach that has been adopted.

30 In terms of condition 73. The Council seeks that it be amended to clarify the methods for post-construction validation of the noise assessment as shown below. And I will just take you to the first line of (i) there and, as Mr Schofield indicated today, the suggestion is that – and my translation of it is that the words “route opening” in the first line be replaced with “laying of open graded porous asphalt” or OGPA to reflect the appropriate timing.

35 DR JONES: Could you just repeat that please?

40
45

MR CONWAY: So where it says, “route opening” those words would be struck through and the words inserted, “laying of open graded porous asphalt”. There might be a more refined way to express that and I would be happy for the planners to confirm that, perhaps through the memorandum of counsel, but that’s my understanding of the intent.

[2.00 pm]

The post construction validation is already included in NZTA’s proposed conditions and the council seeks more detail and rigour around how monitoring will be carried out, and an assurance that the outcome of the validation will be acted on by adjusting mitigation measures if that is shown to be necessary.

Mr Hunt’s recommended approach to assessing the operational noise post construction is not unusual, and it is important that the validation is meaningful so that the council and community can have confidence that operational noise effects have been adequately addressed. Such an amendment will also ensure consistency with MacKays.

In terms of the other part of condition 73, “Maintenance for road pavement.” The council seeks that a new paragraph D be added to condition 73 to require the noise mitigation plan to include details of methods to maintain the road pavement to avoid vibration effects on adjacent buildings. The wording of this addition, as you’ve seen, is shown below.

Dr Chiles accepted that maintaining roads in good condition is a sensible idea, and the council considers a condition of this nature to be common sense.

The MacKays designation conditions include a road pavement maintenance requirement and it would be unusual for there not to be a corresponding requirement for the present section of road.

But the NZTA’s concern is that the noise mitigation plan is not the correct place to locate a maintenance requirement, then as an alternative to D above, the council would be happy to include this requirement as a standalone condition. And there I have reproduced the relevant MacKays condition below.

In terms of condition 73A. The council seeks that a new condition be included in the designation conditions to mirror the MacKays vibration complaints requirement. This approach will provide a clear basis for NZTA and the council to deal with any complaints, and to assess the reasonableness of such complaints. New condition 73A is identical to

the MacKays condition DC48 and it is submitted that there is no good reason not to include this condition when NZTA is already required to follow this approach for the MacKays section of the expressway.

5 The requested wording is set out below.

CHAIRPERSON: And is that the wording of the MacKays' condition?

MR CONWAY: Yes, it is, sir.

10

CHAIRPERSON: Thank you.

MR CONWAY: The control of the emission of noise including vibration and the mitigation of the effects of noise, is one of the council's functions under Section 31 1D of the RMA. So in my submission, it is appropriate that the council has a role in supervising the noise and vibration effects of this project.

15

Under condition 5, sir and I'm interpolating here because it was raised this morning, it was raised in response to a question from the Board. Under 5, the existing complaints condition would disappear once construction is complete because it is one of those construction related conditions.

20

And so condition 73A would provide a mechanism for there to be a complaints process and council supervision of that process for two years following completion of construction.

25

So even then, it's not a long term condition, and in my submission, it is not onerous or unreasonable.

30

In terms of condition 75C. The council seeks an amendment to provide for greater consideration of opportunities, more effective mitigation of the visual effects of the expressway, particularly within the existing State Highway 1 designation.

35

And I have set out two possible wording options below, and the first one is the wording that council was proposing up until recently, and I've seen in the version of conditions you had this morning, that Mr Schofield has been discussing an alternate version of that that references the fact that this might actually be, rather than additional mitigation, it might be a repositioning of some of the mitigation that is already proposed, just to clarify that the council is not seeking a large number of additional plants over and above what's already going to be provided. It is more about providing the best location for those plantings.

40

45

[2.05 pm]

5 Actually sorry, I've mixed up around I think, in paragraph 3 which I've
shown there, is the wording we've been talking about, but I've also just
shown up above that in II how that could in fact fit in with the
condition that's already worded and it's really just to show that, the
location is something that is just filling that gap between what
10 condition II already requires, in other words, in the designation, in
private properties, if property owners agree, and we're just saying "Add
in that bit of land in between".

15 And as Mr McKenzie accepted when he gave his evidence last week
and this – I'm interpolating here – if there's an opportunity for effective
mitigation on that land, in between the two parts proposed by NZTA,
then it would be worth considering that, and that's precisely what this
condition seeks NZTA to do. And in terms of the question about
jurisdiction on this point, well, I suppose I'd say it's a consideration
20 that's being sought, and if NZTA's offering up a condition that
anticipates mitigation being provided on private properties with
agreement, then I'd submit there's no reason to be worried about a
condition allowing consideration of mitigation on other land that they
currently control.

25 And the other related aspect of that, it was discussed with Mr Schofield
was the question of, the on-going – viability or protection of that
mitigation, and I suppose the point that I would make in relation to that
is, if that – if the planting was on land that was then handed over to the
District Council and as Mr Schofield says, "Roadside planting is
30 something that the Council would be looking to maintain", and I would
also say that, given it's the Council that is asking for this and the
Council takes this type of planting quite seriously, I don't think it's a
matter that should trouble the Board in terms of the Council's response
to looking after that planting in the long term.

35 Returning to paragraph 21, in Ms Williams' view there is a need for
intermittent screening and vertical relief for what will otherwise be a
large wide flat corridor. The amendments sought are not onerous and
need not result in a significantly greater number of trees being planted.
40 Ms Williams made it clear that she's not seeking a row of trees along
the entire length of the road, but rather the ability for NZTA to use the
space that maybe available to plant small clusters of trees in order to
break up the scale of the transport corridor.

In my submission it would be illogical for NZTA to be required to carry out landscape planting in the designation and on private land, but not to consider planting on the land in between if that land is available.

5 Turning now to the resource consent conditions in SW2. The last outstanding consent condition issue which was resolved yesterday, relates to condition SW2 and flooding effects, this issue is an important one for the council and its agreement to the amended condition that is now before you, has been the subject of very careful consideration.

10 The Council's concerns related to the increase and flooding of private land that will be brought about by the project, and the initial lack of any clear indication in the conditions that such effects will be addressed. The Council's concerns have been met on the basis of condition SW2 as now agreed.

15 In reaching that position the Council places considerable reliance on the following: The first, which the primary goals of condition SW2 are to contain flooding within the designation or within the pre-development flood extent and to levels not more than 100 millimetres or 50 mls in relation to the Mangapouri Stream above pre-development peak levels.

20 Secondly, if there is to be any accedance (**Ph 4.43**) of that standard, NZTA must consult with the relevant landowners about the inundation effects and their options, and then have an independent peer review of the modelling, the effects, the outcomes of landowner consultation and any mitigation that is proposed.

25 [2.10 pm]

30 And third, the scope of the peer review is now set out more clearly in SW.2.(g), and that numbering might possibly have changed to (f) I think as we discussed earlier today. And the NZTA is required to implement the peer review's recommendations. And I set those out, sir, just to really clarify that has been a matter of considerable consideration and those matters that are now included are very important to the Council.

35 In conclusion, conferencing and discussions throughout the evidence and hearing process have resolved the majority of the Council's submission points. Although relatively few submission points remain outstanding, those outstanding issues are important to the Council because it will be the community that will experience the effects of the expressway for a long time to come. And the best time to address those effects is now. If the condition changes noted above are made then the

concerns raised in the Council's submission would be adequately addressed.

5 CHAIRPERSON: Thank you, Mr Conway. No questions for Mr Conway?
Ms Anderson?

10 MS ANDERSON: As was recorded in opening submissions the Regional Council's position was originally one of a neutral stance with its focus really purely focused on consent conditions. By the time we had got to the hearing those issues had been distilled down to basically outstanding issues around ecological mitigation, terrestrial ecology and details around conditions based on experts' disagreement over a variety of matters.

15 But post the conditions that were distributed yesterday and are now I think exhibit 17, and obviously also the ecologists ones in exhibits 9 and 10, I can advise the Board that the Regional Council's outstanding issues have now all been resolved. Thank you.

20 CHAIRPERSON: A very "brief" brief. Mr Gardner-Hopkins?

25 MR GARDNER-HOPKINS: Thank you, sir. My time has come very quickly. I just have a few opening comments just before I turn to the written text. The first is just to give apologies from Ms Butler, she was hoping to be here today to hear the planners and the closings but she had another commitment that she couldn't avoid.

30 Then the other thing that I did want to just stress by way of opening for my replies is that, whilst KiwiRail has taken a relatively limited and focused role in these proceedings, it still has taken its responsibilities as an applicant for a notice of requirement seriously.

35 And as part of that it has been engaging with other counsel but obviously trying to focus its interests on the outstanding matters as they were going into the hearing for rail and I think we really have seen, through the course of the hearing, there really are very limited issues arising from the KiwiRail component of this project.

40 And certainly, as I understand it, between the planning experts and the parties represented by counsel, there are no outstanding matters in respect of the KiwiRail specific conditions. And that's one reason I am able to keep my reply submissions very short.

45 I just do want to make sure I clarify that because, of course, there is condition 61A and some others that do touch on the cumulative effects issue of road and rail. But those conditions appear in the NZTA notice

of requirement and certainly, as I understand how they are set up, it really is so that the cumulative effects of the expressway overlaid on the existing rail are taken into account at the appropriate time.

5 And so whilst it was a matter that I asked Mr Hunt some questions on, and it was certainly of interest to KiwiRail to understand his position, when it comes to the conditions and it comes to, I suppose, any constraints or the like, on KiwiRail. Nobody is disputing what's put forward by way of conditions.

10

[2.15 pm]

15 And so with that in mind, I really just wanted to touch on a couple of the other matters that have been raised and really a lot of these are just by way of clarification.

20 At paragraph 1.1, I do record and just confirm what KiwiRail's specific objectives are for its notice of requirement, and those are the four objectives that were referred to in my opening submissions. There was some discrepancy between those and that which was stated in Ms Butler's evidence, and I can confirm that these are the, if you like, the formal objectives. Ms Butler had expanded on some and lifted some additional commentary from the AEE in her little section on objectives.

25

And I probably don't need to go through 1.2 to 1.4, I can just jump straight to some of the issues.

30 So turning to page 2, and we did have a couple of questions around 230 Main Highway and the particular effects on that property, and one question was the extent to which that property might need to be acquired as part of this process.

35 Attached to my submissions and mine is loose, but yours, I think, are stapled together, is a copy of the certificate of title for 230 Main Highway and on the very back is the positive plan and we've highlighted that so it's hopefully very obvious the property boundaries
- - -

40 CHAIRPERSON: Thank you for that, a big piece of land, isn't it?

45 MR GARDNER-HOPKINS: It is, it is. And you can see, if you do look closely at the plan, it's identified there, the Wellington/Foxton railway just to the, well, north-east of this page as it lies there, and so the railway line will move onto that property and some additional land will be required for construction purposes. But as I understand it, there is

the potential for that to be drawn back following construction and there is a particular condition that requires consideration to be given to that.

5 So at my paragraph 2.3, I have provided some references there to the property land plans. So the portion to be occupied by the realigned North Island main trunk given property references numbers 69 and 70, I don't think I don't need to take you to these plans but they are there for your convenience if you need them later, and so it's shown on those plans.

10 An additional area of land is to be subject to the NZTA designation, property reference numbers 68 and 71, and just the way that those plans work, as you probably do know, all those numbers do actually refer to different parts of 230 Main Highway.

15 It is understood that this land may be required for temporary construction purposes, the extent of those works and any occupation or acquisition required, cannot be confirmed at this stage, that is something that is being left until the detailed design. However, in accordance with proposed condition 2, I think that still remains the condition number, the extent of the designation over 230 Main Highway may be decreased following construction.

25 The dwelling though, is clearly outside the boundary of both the KiwiRail and the NZTA designations and it would not need to be acquired or relocated as part of the project, the dwelling itself.

30 So then turning to two of the other issues really that have been raised in respect of rail, noise and vibration and then capacity for commuter services. My 3.2.

35 It is the evidence of Dr Chiles that the vibration effects from the NIMT will be reduced as a result of the realignment of the NIMT. Vibration effects are expected to be less, therefore, than the existing levels or at a level that should not cause undue disturbance.

[2.20 pm]

40 We do also wish to clarify that contrary to Mr Cootes' submission the realigned NIMT is, and I should insert the word, is generally to the east of the existing NIMT and therefore further from or at least no closer to the majority of the Ōtaki Railway retail areas.

45 In respect of noise, Dr Chiles has identified that only two properties will be subject to increased noise levels from the KiwiRail NOR component, and those are 230 Main Highway and the Ōtaki Motel.

5 Condition 39A, and this is a condition that is specific to rail, proposes to address those issues through mitigation measures to be implemented at those properties, and no concerns have been raised in respect of the appropriateness of that condition and it is included in the agreed conditions presented by the planning witnesses.

10 So to commuter services, as confirmed by Ms Butler, capacity at the Ōtaki Station is not adversely affected by the project.

15 Further, through the project area improvements or expansion to the NIMT have been future proofed for, including by allowing for double tracking through the project area, stabling facilities for rail engines and carriages and a second platform at the Ōtaki Station, KiwiRail considers these matters to be positive outcomes resulting from the project.

20 But in terms of increasing the frequency of passenger services or reducing the price associated with those services to or from Ōtaki Station is not for KiwiRail or NZTA to determine, and that, in my submission, reflects their specific statutory roles and responsibilities, and as explained by Ms Butler it is the Greater Wellington Regional Council and not KiwiRail that is responsible for passenger services.

25 So, for the reasons outlined in our opening submissions, the application material and the expert briefs presented to the Board, it is our respectful submission that the Board should approve the KiwiRail NOR on the conditions as presented today by Ms Beals.

30 KiwiRail also maintains its support for the NZTA Notice of Requirement and its resource consents sought and, again, respectfully submits that these should be approved on the basis proposed by NZTA and its witnesses.

35 I am of course happy to answer any questions.

CHAIRPERSON: Thank you. Any questions, Dr Jones?

40 DR JONES: Just a question on your 3.2, Mr Gardner-Hopkins. I've had a look at the photo, because it didn't ring true to me, and I think it's just a bit more a plus and minus thing, isn't it, in terms of the railway line? It depends what you define the Ōtaki Railway retail area at the - it's certainly closer at the north edge and a little further away at the south edge, and it's sort of around about the centre point, so I think it's a sort of a plus or minus.

45

MR GARDNER-HOPKINS: Let me just check that, sir.

DR JONES: Sure. The hinge point is about at Arthur Street.

5 MR GARDNER-HOPKINS: Yes, I can see that now.

DR JONES: Yes.

CHAIRPERSON: That's why you put generally into your submissions.

10

DR JONES: It depends where you are in the Ōtaki retail area, whether you're closer or not.

15 MR GARDNER-HOPKINS: Yes. Well, sir, I rely on the expert evaluation in terms of the effects, but I am happy to accept that it is probably, as you say, overs and unders.

DR JONES: Yes. Thank you. Thank you, Mr Chairman.

20 CHAIRPERSON: Mr Apeldoorn? Ms Peters? Professor Maaka?

25 I'm interested to note, Mr Gardner-Hopkins, that in the - what may well be argued is the pluses of the project in relation to noise is the reduction in the number of level crossings and therefore the obligation for train drivers to sound the horn.

[2.25 pm]

30 MR GARDNER-HOPKINS: Yes, and of course, just the general safety advances from removing those level crossings, and that, certainly in my opening I did emphasise there's a benefit.

CHAIRPERSON: Yes. All right, thank you very much.

35 MR GARDNER-HOPKINS: Thank you.

CHAIRPERSON: Mr Beverley.

40 MR BEVERLEY: Thank you, sir.

I'll just have the submissions distributed, sir.

CHAIRPERSON: When you're ready, Mr Beverley.

45 MR BEVERLEY: Thank you, sir, may it please the Board.

Sir, I will be sharing again the load with my learned friend, Mr Randal as we have done throughout the hearing so Mr Randal and I might jump up and down a little bit but we'll do that in a way it doesn't disturb the Board.

5

Starting on page 2, sir, just firstly to acknowledge the construct and proactive approach taken firstly by the NZTA's co-applicants, KiwiRail, their counsel and Ms Butler who has been here at the hearing, and also the two Council's, the greater Wellington Regional Council and the Kāpiti Coast District Council, both of course have had management representation throughout the hearing and counsel as well.

10

There have been a number of issues that had not been easy to resolve, sir, but there has perseverance and a very proactive attitude which has meant that a number of issues that were live at the start of this hearing had been able to be resolved, the NZTA would just like to make that acknowledgement before I start.

15

So at paragraph 1, sir, the NZTA's position on these applications is set out in the opening submissions on behalf of the NZTA, dated the 23rd of September, to the extent possible these closing submissions rely on and refer back rather than repeat those opening submissions. Having said that, sir, where appropriate it is important for the NZTA to reiterate the care in respects of this case before the Board.

20

25

The Board has now had the opportunity to hear and consider the legal submissions from the parties, expert and other evidence and representations. The NZTA again acknowledges the issues raised by those persons who have made submissions and representations and taken time to come and appear before the Board.

30

It is respectfully submitted that on an overall assessment, the submissions, evidence and representations presented to the Board support rather than undermine the NZTA's case. As the Board is aware since the commencement of the hearing there has been continuing engagement between the parties, experts and members of the community including the effected landowners, and this has resulted in, for example, agreement on ecology matters between the Council's and the applicants, most recently agreement between the parties on appropriate conditions relating to flooding, further conferencing and a resolution of most of the outstanding issues between the planners on conditions and a number of follow-up meetings arranged this week with landowners, including with Mr Jarvis, Mr Lucinsky, Mr Camm and Ms Stone, Mr Howard and Mr and Mrs Hart.

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45

And I just set out at paragraph 5 there the structure for these submissions, sir.

5 Moving on to part B, sir, at page 3, the project had significant transport benefits. The project seeks to rectify a range of issues with the existing State Highway 1, arising from the dual function of the road. The project presents an opportunity to resolve these issues. The opening submissions for the NZTA explain the long history to the project and the work undertaken by NZTA with numerous parties, some of whom
10 have submitted on the proposal, to enhance its design and develop an effective package to provide for the transportation needs of the region.

At 8, as an integral part of the Wellington Northern Corridor RoNS, and as a standalone project that the project provides numerous transport
15 benefits, including, in my submission, significant safety improvements within the area, the separation of local traffic from State Highway traffic travelling through the district, improved roading standards due to the geometric design of the expressway and the provision of a continuous median separation of the north and south bound traffic.
20

[2.30 pm]

As your Honour has noted, the removal of five level crossings which reduces the potential for rail and road accidents. More reliable travel
25 times and reduced traffic congestion and significantly improved resilience by providing an alternative route in the event of a serious accident or natural disaster.

The revocation process for the existing State Highway 1 presents a
30 future opportunity or further opportunity to enhance the transport environment in the area including in the Ōtaki Railway Retail Area.

The NZTA and KCDC have already made significant progress in
35 agreeing to the provision of cycle facilities along the existing State Highway 1.

The transport benefits of the project outlined in the section also result in or contribute to a number of other positive effects. These flow on
40 benefits, described further in the following sections, include positive social effects due to reduced commuting times. Improvements in regional and local connectivity and a safer environment. Improved public health outcomes, due to significantly increased road safety and improved air quality, and positive economic effects due to the project's contribution to unlocking the economic potential of the Kāpiti district
45 through a more effective and efficient transport network.

So I will pass over to Mr Randal now to deal with part C, the effects on the communities and the environment.

CHAIRPERSON: Mr Randal?

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MR RANDAL: Thank you, sir. As my learned friend, Mr Beverley, has pointed out, part C of the submissions addresses the project's potential effects on communities and the environment and explains briefly how these will be managed effectively.

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I think it is important to record, sir, as I do at paragraph 12 of the submissions, that of course large scale roading infrastructure projects like this one can have adverse effects on communities and on the environment. In my submission, sir, the applicant's evidence acknowledges that too and demonstrates the care that's been taken to design the project to respond appropriately to those matters.

15

Paragraph 13, sir. In my submission perceptions that one could have taken from reading certainly some of the submissions filed in respect of the project, that a lesser standard of mitigation has been applied for this project compared to the MacKays to Peka Peka expressway to the south, have not been borne out in the evidence in my submission.

20

Very few elements of the mitigation package remain in dispute and I might add there "if any" because, in terms of landscape matters, I am interpolating here, that we have heard that really issues around mitigation might be a matter of reconfiguration rather than quantity.

25

And indeed, in respect of noise, where there might be a suggestion that further analysis could be done of mitigation options. I am not sure if there is a serious suggestion that the mitigation proposed is deficient. And going on, that the extensive suite of proposed conditions is also practically agreed as between the expert planners.

30

So looking first at urban design and landscape matters. Considerable public feedback during the preliminary stages of the expressway design task the designers with achieving efficient access for traffic to and from Ōtaki, reinstating or enhancing east to west connections across the transport corridor and locating the expressway so as to enable landscape and visual effects to be mitigated to an acceptable degree.

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And no doubt people like Mr Coulman note with some satisfaction, sir, that a very high level of consensus has been reached on these issues which, in my submission, validates the approach taken to designing the project.

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In particular the functionality of the Ōtaki interchange design, which certainly was the subject of a lot of public comment earlier on in the process as one would expect, was not really questioned in evidence before the Board.

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Paragraph 17 now, sir. Residual issues between the NZTA and KCDC about how the project will be integrated into the local road network were also resolved during the hearing through proposed changes to the network integration plan condition. That is condition 80 in the designation set.

10

Likewise there has been little criticism of the cross-corridor connections provided in the project design. Noting, sir, as I do at footnote 4, that Rahui Enterprises Ltd's submission in evidence and also that of Mrs Christie of course do take issue with proposed bridge 4. Otherwise, in my submission, there has been little criticism of those connections and, indeed, all urban design matters were agreed as between the experts.

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Paragraph 19 there, sir, I just record the conclusion of the urban design experts.

[2.35 pm]

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Over the page at paragraph 20. In respect of landscape and visual matters, the sole issue and contention as we've heard this morning between the experts, is the matter of screening views of the expressway from people driving along existing State Highway 1 between Te Horo and the Ōtaki River. That State Highway 1 corridor, of course, is beyond the boundary of expressway designation sought by the NZTA and is therefore, in my submission, outside the scope of the proposal.

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35

Just pause there. I would like to clarify that my submission there, sir, is not with certainty that the condition proposed, which of course, is just about possible consideration of plantings in these areas, I'm not saying with certainty that that's ultra vires as the Board's powers, or you know, outside the jurisdiction of the Board to make a condition like that, but my submission is that there are question marks that are posed by such a condition.

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More substantively, sir, as I go on to say in paragraph 21, a condition like that is not really needed on the evidence. Mr McKenzie's opinion certainly, is that planting along State Highway 1 is unnecessary to mitigate adverse effects of the project, and it is my submission that his evidence should be preferred to that of Ms Williams for the reasons I

set out there in points numbered A to G, which I will go through very quickly.

5 First of all, sir, drivers' awareness that they are part of a wider transport corridor and drivers ability to see vehicle lights from the expressway are not as Ms Williams suggests significant adverse effects to be considered by the Board.

10 Further, views from existing State Highway 1 of the expressway carriageway will be partly interrupted by the railway embankment as Ms Williams accepted, and mitigated by the visual separation between those two areas.

15 At C, mitigation of course is proposed through native plantings along the expressway, that is including the batter on the western side of the expressway.

20 Point D. The indicative mitigation shown on that batter is below shrub planting but condition 78F as proposed, contemplates taller species being used along Te Horo straight which could well be to the west of the expressway if that was considered appropriate, and of course, safe.

25 In my submission there is ample flexibility provided in the proposed landscape conditions for general landscape and visual matters to be discussed further between the parties included in the relevant management plans which, of course, are to be certified by the district council.

30 At point E. As part of that process, sir, my submission is that the merits of planting in that sort of general area, could be weighed against the benefits of retaining the already extensive views to the east and the Tararuas from the existing State Highway 1.

35 Point F. While Ms Williams clarified that she is not proposing an avenue or boulevard of trees, it is not clear, at least to me, from her evidence, precisely where she proposes plantings to be established. It is my point there, sir, just interpolating, is that she's asking for consideration of these matters, but on the evidence, I don't see any supporting mitigation in this area, or at least that evidence in my
40 submission is a little big vague.

45 And finally, KCDC will assume ownership of existing State Highway 1 through the revocation process and will be able to undertake any landscape enhancements on its land in that area as it considers necessary.

Otherwise, the project's design incorporates generous landscape mitigation including approximately 38 hectares of native plantings as we heard earlier, and other measures that will continue to be guided by the urban and landscape design framework.

5

The details of mitigation measures will be developed in consultation with key stakeholders including those listed at the footnote there, and the measures will be described in high level and site specific management plans which, as I say again, will be certified by the council.

10

Moving on sir, if I may, to the issue of construction traffic. The potential effects of construction traffic on local roads will be managed effectively through the conditions including a management plan, a general one and site specific management schedules. Issues between the parties coming into the hearing have been resolved through enhancements to the conditions. KCDC no longer seek a minimum level of service for local roads and intersections during construction and regard will be had to night time issues around the entrance to the Winstone Aggregate site. I should have added a condition reference, sir, that is condition 37L.

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20

In terms of construction noise. Potential issues again were agreed as between Dr Chiles and Mr Hunt and as a high degree of accord between the planners about the wording of the proposed conditions. Special provision is made in those conditions again to address potential site specific issues of night time noise near the entrance to that site, and excuse me that is the correct condition reference there, 37L sir.

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[2.40 pm]

In terms of operational noise, the remaining noise issues in contention again relate to conditions, and they are as follows: where there are advised, operational noise assessment is necessary, taking into account further analysis of cumulative road and rail noise based on an approach favoured by Mr Hunt, and whether such an assessment should be redone to take into account the old transit guidelines for assessing road noise. A further issue is about the best practicable option for noise mitigation, whether that should be reassessed, taking into account suggested modifications to the New Zealand Standard 6806 criteria.

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Point C. In the context of the proposed noise mitigation plan whether prescriptive conditions are necessary relating to firstly, post-construction validation of the noise assessment, secondly, maintenance of the road pavement to avoid vibration effects on adjacent buildings. And a final issue is whether it is necessary to require the NZTA to

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maintain a project-specific vibration complaints register for the first two years of the project's operation, as sought by KCDC.

I address each of these matters below.

5

In general terms, sir, first a couple of points. My submission is that Dr Chiles evidence demonstrated the depth of analysis and the attention to detail that went into his professional assessment of the project's potential noise effects, drawing also I should say on input from other experts in the community.

10

As well as the open and transparent process used to select BPO noise mitigation measures, taking into account a range of matters as required by the standard. Dr Chiles also explained how usual NZTA procedures will apply in the unlikely event that any vibration effects from the expressway are perceived at dwellings.

15

Sir, I'd interpolate here. An important point in my submission is that it's important to make clear that in taking issue with the changes proposed by the District Councils of these four noise and vibration conditions, the NZTA is no way shirking from an acknowledgement that the project will have noise and vibration effects, certainly noise effects, and that those will be experienced by members of the community. Nor is it shirking from its responsibility to provide appropriate mitigation for those effects.

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25

Of course there are bigger issues at play in respect of noise conditions generally for the NZTA, but the bigger point here, sir, is that there has been a robust careful assessment carried out, guided by the standard, and in that potential issues for individual receivers have been carefully considered in my submission and appropriate mitigation provided.

30

Picking up again, sir, at paragraph 30, this is in relation to proposed condition 61A, proposed by the District Council.

35

Relatively few dwellings in Ōtaki will potentially experience an increase in road and rail noise combined as a result of the project. Mr Gardiner-Hopkins mentioned the two dwellings, sir, expected to have an increase in rail noise, and I point your Honour to the page in the technical report that would assist in terms of looking at the numbers – that's page 38 in technical report 14 anyway.

40

Sorry, those two dwellings of course are the ones that have specific noise treatment in relation to rail noise.

45

5 Dr Chiles, when he appeared, explained to the Board how his assessment appropriately took into account the different characteristics of road and rail noise, those two sources, rather than averaging out the noise levels and combining them in a way that in his view does not meaningfully assess the noise received at dwellings. That is, as I am sure you recall, while road noise is of relatively steady occurrence, a passing train gives rise to a discrete, and in respect of the project area, a relatively infrequent noise event.

10 Mr Hunt accepted under cross examination from my learned friend, Mr Gardener-Hopkins, that the 24 hour LEQ measure is not ideal for describing the noise actually received by noise sensitive receivers. Moreover, Dr Chiles explained that the proposed change in assessment methodology would not have made any practical difference to the mitigation proposed, namely the low noise road surface through Ōtaki to address expressway noise and treatment of the two specific properties for rail noise.

20 Given the relative infrequency of trains, indeed this is Dr Chiles evidence that it may have in fact resulted in a lower assessed noise levels, had he adopted Mr Hunt's proposed approach, and that's at paragraph 97 of Dr Chiles – one of his statement of evidence-in-chief, the operational one.

25 **[2.45 pm]**

30 Even if, however, it had resulted in increased predicted levels, Dr Chiles observed that “I've determined traffic noise mitigation based on peoples response to the average traffic noise level, but determined rail noise mitigation based on peoples response to the railway mitigation.” And the crux of the question is: “if when I was assessing peoples' response to the average traffic noise level I bumped up the level a little bit because there was some train noise level, would I have reached a different conclusion? And the answer is a resounding no.”

35 Together the road noise surface and the specific property treatment measures will effectively address adverse noise effects through Ōtaki in my submission.

40 The second element of KCDCs proposed condition is for the BPO for noise mitigation to be reassessed, taking into account the old transit guidelines. As my learned friend, Mr Conway, noted I think, these are the guidelines referenced in the operative district plan. However, I don't believe they're referenced in the proposed district plan.

45

The condition proposed by the District Council would require this analysis where those guidelines would recommend significant noise mitigation above that recommended to achieve the New Zealand Standard 6806 criteria.

5

Dr Chiles explained that regard was indeed had to those guidelines when carrying out his assessment. In other words, the further checks and balances sought by the District Council have already been undertaken through processes in which the Council was involved, I might add.

10

I'm at 36 now. While the project does not meet the old transit criteria in every instance, Dr Chiles explained that he specifically considered any outliers and assessed effects to be acceptable.

15

All of the relevant data used for Dr Chiles' assessment are set out in technical report 14. Despite that, to telling my submission that there's no analysis or evidence before the Board that the old guidelines would in fact recommend significant noise mitigation above that recommended to achieving the New Zealand Standard criteria in any particular case, or that repeating the BPO process would lead to a different result. And I don't understand that to have been Mr Hunt's evidence specifically, he didn't undertake that assessment off his own bat.

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At 38, the condition proposed by KCDC is therefore superfluous in my submission.

30

Moving onto condition 62. Likewise, Mr Hunt sought a condition requiring the BPO to be recalculated applying criteria different from those in the standard, a standard of which he was an author of course, namely the new road criteria under the standard in a varied approach to clusters of houses.

35

The condition changes as originally proposed by the District Council were limited to area F, that's the area to the east of the expressway. In that area I think Mr Hunt accepted that the new road criteria had been applied and that a different approach to clustering would have made no difference to the mitigation proposed. Rather, Mr Hunt's focus turned to PPFs in the north of Ōtaki, and for those dwellings Dr Chiles explained the rationale for the use of the altered road criteria and the detailed process that he undertook to assess the best practical option. That process concluded that noise barriers were impractical and that a low noise surface through Ōtaki would provide appropriate mitigation for those properties, and indeed benefits for people in Ōtaki more generally.

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45

Again, there is no firm evidence before the Board that repeating the assessment would lead to a different result, there is merely a suggestion that it might.

5

On that basis, the conditions sought by KCDC again is unnecessary in my submission and would simply repeat what has already been a robust and open process.

10

Turning to condition 73. Likewise, it is not necessary or helpful for a condition to require recalculation of all measured noise levels post-construction or a full reassessment of the BPOs in light of those measurements or preparation of a full validation report.

15

While site visits, sample measurements and the preparation of three-dimensional printouts are likely to assist in validating the assessment, which it is important to remember I think is based on future predicted noise levels at 2031 in any event, a full reassessment is simply not contemplated by the New Zealand Standard or justified on the evidence.

20

Proposed condition 73D requires methods to maintain the road pavement to avoid vibration effects on adjacent buildings. As Dr Chiles explained, the NZTA standard road maintenance regime will address defects in pavement surfaces without the need for such a condition.

25

Condition 73A, while on the subject of vibration. My submission, that condition is also unnecessary. Vibration complaints are agreed by the experts to be unlikely, given that road vibration effects are not significant beyond 5 to 10 metres of the road carriageway and of course we heard that the nearest PPF is I think 18 metres away and that is the Rahui Enterprises Building.

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[2.50 pm]

To the extent however that anyone does wish to complain about road vibration this will be possible through first of all the complaints process provided under the proposed conditions which is now will be extended to last for 12 months after the project is operational one could complain through the NZTA standard mechanisms for addressing queries from members of the public including the new database we have heard about.

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Turning to surface water and flooding matters sir, the storm water. The project as we have heard is proposed to be built through various

5 catchments where flooding is an existing issue. We have heard a lot of very interesting testimony about that and flooding has been the subject of very careful consideration by the designers. While a number of matters were in dispute when the parties opened their cases and the evidence before the Board was tested during the hearing.

10 The applicants and the three Council's as we have heard have now agreed on the form of proposed condition SW2 to guide the detailed design of the project and as we have heard that process will involve further robust modelling factoring in a wide range of appropriate factors and under the supervision of a peer reviewer to test the design against the strict performance criteria.

15 That aside, the applicants evidence has shown that projects effects of flooding will be minimal and acceptable given the limited areas, depths and frequency of additional flooding and taking into the account the fact that additional flooding depth is limited to areas of pasture.

20 The Board has heard detailed evidence in representations from submitters about the existing risks of flooding at the Mangaone Stream and the complex history and inter-relationships of the various flood protection measures there.

25 In all cases the NZTA has demonstrated its willingness to continue to engage with submitters in the short term and if the project is approved proceeds to construction and operation and in my submission the information from the Te Horo community will be invaluable ensuring through the detailed design process that downstream effects on the Mangaone are carefully managed and indeed improved from the present situation through a construction of a bund along the left bank of the stream by Te Horo Beach Road.

35 It is interesting to note at paragraph 54 in my submission that the only submitters with interest in land subject to materially increased flooding depths as assessed by Dr Webby are Stresscrete and Winstone Aggregates who of course the project.

40 And very briefly sir, I will pause there just to draw the Board's attention to an appendix to these submissions which begins at page 28 and as my learned friend Mr Beverley indicated I do not propose to take the Board through these submissions unless further submissions on any aspect of flooding until recently we were in contention, the further submissions on any of those matters would assist I am very happy to take the Board through that.

45

Appendix 1 here sir is really for completeness. Until very recently there were a number of matters in dispute. Those are listed there at paragraph 3 or page 28. Just very quickly what the issues are or were. At A whether there is robust information before the Board to inform its assessment. This was a matter raised in one of Mr Kyle's reports and to be fair to him, the conferencing about flooding had not concluded at that point. Anyway there are submissions about methodology should those be of interest.

The acceptability of flooding effects is explored in greater detail in this appendix. The Public Works Act mechanisms are also explored that is the point C there. D, the merits or otherwise of conditions proposed by reference to easements or third party landowner approvals. Point E, my learned friend for the Regional Council initially raised the point about the scope that I understand is no longer pursued but there are submissions on that if they would assist and there are some comments about it, individual submissions that I will come to in the main body of these submissions in any event.

But as I say sir those submissions are there, by all means reflect on that, but if the Board would like me to take them through any of those matters I am very happy to.

CHAIRPERSON: It does not look as though we need to trouble you with the details. At this stage the appendix is there for our assistance.

MR RANDAL: Thank you, sir. If I could take the Board back to page 10 please? The heading storm water and erosion and sediment control. An altogether more straightforward matter, sir.

[2.55 pm]

Mr Bird reached full agreement with Mr McLean and Mr van Bentum in relation to stormwater management and erosion and sediment control effects, agreement was also reached between the relevant experts in relation to turbidity and monitoring in conditions proposed as a result.

56, the stormwater management design standards for the project satisfy the requirements of the Councils and the applicants, the project will result in a net improvement and the level of contaminants entering local stream and river systems, as the expressway design incorporates formal treatment of runoff which is lacking along the existing State Highway.

Potential construction related sedimentation effects will be appropriately avoided or mitigated by conditions requiring the

application of best practice sediment controls, including the approach for turbidity monitoring agreed to an expert conferencing.

5 And on that note, sir, I'll hand back to my learned senior to continue with the submissions, thank you.

CHAIRPERSON: Mr Beverley.

10 MR BEVERLEY: Thank you, sir.

Continuing at paragraph 58 in relation to contaminated land, there were no areas of disagreement between Mr Haldane and Mr Hughes in relation to contaminated land effects, and the bulk earthworks and contaminated land management plan provides a sufficiently robust framework for avoiding or addressing any contaminated land effects that arise.

15 In relation to groundwater, a number of submitters have expressed concern about the potential for adverse effects on the groundwater supplies, and the NZTA acknowledges those concerns, but the expert evidence before the Board is that any effects of construction on the groundwater regime will be localised and minor and potential adverse effects will be effectively managed through the measures provided for in the conditions including the recently agreed groundwater management plan.

20 In relation to air quality, the evidence of Mr Curtis in relation to air quality effects was unchallenged. Potential construction dust effects will be effectively addressed through the use of mitigation measures, particularly the construction air quality management plan. And at 63, in my submission, the expressway will result in an overall reduction in vehicle emissions along the route and an overall improvement in ambient air quality, particularly within the urban areas of Ōtaki and Te Horo.

35 At 64 in relation to cultural effects the NZTA enjoys a strong relationship with the tangata whenua in the project area, as evidenced by the memorandum of partnership entered into with Ngā Hapū o Ōtaki. The measures proposed for the project, including those that seek to draw on the knowledge and skill of kaitiaki and finalising and implementing the projects mitigation measures will effectively mitigate any adverse cultural effects of the project - and, members of the Board, the letter was received yesterday from Ngā Hapū, we respond to that subsequently in the submissions and particularly in relation to the matters raised in that letter from the Hapū.

40
45

5 So at 66, in relation to social effects, Ms Turvey reached full agreement with Ms Rivers on the social effects of the project. It is submitted the project will lead to a number of positive social effects, including providing a safer environment for people in the community, improvements in the regional and local connectivity, reduced commuting times to places of employment, community facilities and services and positive health benefits for pedestrians and cyclists. There will be some residual negative social effects of the project, these include the loss of private land, economic effects on businesses reliant on passing trade and temporary construction effects.

15 It's submitted at 69 that with a suite of mitigation measures proposed the positive effects will outweigh the negative effects. The proposed mitigation measures provide for on-going community involvement in the project as we've been discussing further this morning, including through a community liaison person to be appointed for the period during construction and for the first 12 months of the projects operation, a stakeholder and communications management plan to be established prior to the commencement of the projects construction phase and a community liaison group to be established prior to the commencement of construction will provide a means for monitoring the effects of the construction on the community by providing a forum for imparting information and addressing issues and concerns.

25 In relation to health evidence, Dr Black was the only public health expert to give evidence. There are a number of positive public health benefits of the project, particularly due to the safer transport environment provided by the expressway. The adverse public health effects of the project will be minor and acceptable with proposed mitigation measures in place.

[3.00 pm]

35 Turning to ecology at 73. As the Board is aware this was a matter of some contention leading into the hearing and we have made some significant progress in the first week of the hearing on this.

40 Firstly, in relation to aquatic ecology, the matters relating to aquatic ecology were resolved between Dr Larned for the NZTA and that should be Dr Boothroyd, I apologise for that, for the KCDC. Consequently those experts were excused from attending the hearing. It was agreed in the joint statement of ecology experts that, as a result of the revised Mary Crest proposal, the overall mitigation proposed, with adequate conditions and management, would meet the mitigation requirements for loss or modification of wetland and waterway habitat of the expressway.

5 Moving onto terrestrial ecology. At the expert conferencing a number of matters were agreed in relation to terrestrial ecology. For example, all ecologists agreed that the revised Mary Crest proposal would result in significant ecological benefits.

10 In his rebuttal evidence Mr Turner confirmed that he agreed with further surveys being undertaken for New Zealand Pipit and further surveys being undertaken for Banded Dotterel.

15 At 77, there has also been agreement to the provision of suitable habitat for Banded Dotterel nesting. As I have just relayed, as the Board is aware, discussions continued during the first week of the hearing between Mr Turner, Ms Myers for the District Council and Ms Marks and Dr Crisp for the Regional Council. And as a result of those discussions those experts reached agreement on the key outstanding areas of disagreement on terrestrial ecology.

20 The experts agreed to a lizard management plan, including a survey to be developed for Cottle's Bush, Hautere Bush F and Te Hapua Bush. A survey for Powelliphanta snail to be undertaken in Cottle's Bush and Hautere Bush F and if snails are found then a management plan will be prepared for the recovery and relocation of those snails, and a modified approach to the restoration of vegetation of wetland and streams arising from the project.

25 And I just discuss this further below. This, sir, was the major outstanding issue, as you will recall, and exhibits 9 and 10 were presented to the Board to outline the new agreement. What I have done there is just set those out and I attempted to do that in more layman terms but I am not sure that's been successful. But the idea, sir, is just to draw the Board's attention to a few features of this approach.

30 The first point is your Honour did raise an issue about timing, in relation to how these two options fit together, so we passed that back to the planners to think about. And what they have done is they have, in the actual condition, cross-referenced to condition G35 large B, which, sir, is the timing condition around mitigation. And essentially what that condition does is states that mitigation must be completed within either a year of construction commencing or a within a year of construction being completed in certain areas that are affected by the construction.

35 So condition G46 does not specifically include a timeframe, sir, but it has been achieved in another way by just cross-referencing back to the actual mitigation timing condition.

5 What that means in practice, sir, is that one year is not a particularly long period of time and there is going to be work undertaken. If the consents are granted and the designation is confirmed then the parties will need to get on and do that work, identify whether there is an appropriate site for option 1. And if that's not able to be identified, and I understand there is a reasonably high level of confidence that there will be able to be a site identified, then people will move onto identifying a site for option 2.

10 So just very quickly, sir, at 79A. Option 1 is that the NZTA will use its best endeavours to plant at least 1.5 hectares of edge and interplanting at an existing forest remnant. And, as I understand the evidence of the experts, that's preferable to plant in and around an existing remnant, that's going to have greater ecological gains than planting afresh.

20 The condition refers to a map and that is the map that was produced as exhibit No 10. So you may remember those yellow areas on exhibit No 10 are the existing remnants. So the first exercise will be to go out and try and determine whether it's possible to secure one of those remnants so that further planting can be done within it and around it and then fencing undertaken and protection from that.

[3.05 pm]

25 You will note that the actual condition has been amended, it did originally refer to, the words along the lines of, which are not already legally protected, and we raised that matter with planners and they looked at that some more and it now refers to areas that are not already fenced. So the condition that is before the Board as of this morning, and G46 makes that a bit clearer.

35 So if that is successful in option 1, then there are two 'ands' in this condition. In addition to that there will be a minimum of 1.1 hectares of landscape and planted indigenous wetland habitat created, and in addition to that, the revised Mary Crest proposal will apply. So there will be three parts to option 1.

40 The key difference with option 2 is if after using best endeavours option 1 cannot be achieved, so there is an inbuilt preference in this mitigation. There will be – essentially new planting of 1.5 hectares at an appropriate area to be agreed with the council, and the main difference is a creation of a minimum of 1.6 hectares rather than – you'll note in the option above, it is 1.1 hectares, it is 1.6 hectares in
45 the second option, to reflect the fact that planting new vegetation is slightly less favourable than planting - - -

CHAIRPERSON: 1.5 or 1.6?

5 MR BEVERLEY: I had 1.6, I'll just check that's consistent with the condition
itself, yes, 1.6. That's in 79B2.

CHAIRPERSON: Yes, plant a minimum of 1.5, and then to create a minimum
10 1.6. 1.5 is appropriate indigenous forest species, the other is landscape
and planted indigenous wetland.

MR BEVERLEY: Thank you. And again the revised Mary Crest proposal
goes with both, whichever option is chosen.

15 So if I may condition at paragraph 80. As a result of the matters
included in the application documentation, the matters agreed including
through conferencing and agreement during the hearing, Mr Turner's
confirmed his view that the mitigation proposal deliver significant
positive ecological outcomes and under cross-examine, Ms Myers for
the district council, Ms Marks and Dr Crisp for the regional council,
20 each confirmed that their outstanding concerns expressed in their
evidence relating to terrestrial ecology, have been resolved and the
outcome in terms of terrestrial ecology, was an appropriate or adequate
one. The witnesses each put that in a slightly different way.

25 Moving on to archaeology and built heritage. The evidence of Ms Barr
on archaeology effects was unchallenged and the project's effects on
archaeology resources within the project area are acceptable and will be
appropriately addressed by the mitigation measures.

30 And likewise, Mr Bowman was the only built heritage expert to give
evidence, and his evidence establishes that the effects of the project on
the built historic heritage will be appropriately mitigated.

35 In relation to the last matter that I'll deal with, sir, is economics.
Mr Copeland's evidence is that the project enables people and
communities to provide for their economic wellbeing, it has regard to
the efficient use and development of natural and physical resources and
will have a significant overall net positive economic benefit for the
Wellington region and especially the Kāpiti Coast district.

40 I will just note at 85, Mr Copeland's evidence was not challenged
through cross-examination, but Dr Pickford provided evidence to the
Board on economic matters and he disagreed with the conclusions of
Mr Copeland, in particular, Dr Pickford had sought a substantial
45 weighting to be given to economic matters in the Board's decision, and

he strongly urged the Board to undertake a BCR, benefit cost ratio type approach to its RMA decision.

5 At 87, one matter of particular focus for Dr Pickford was the BCR, and I just set out there again, the evidence of Mr Blackmore which is that the BCR as it is used by the NZTA is essentially a project ranking tool which then leads to the allocation of project funding.

10 At 88, the evidence of Mr Blackmore is that the latest BCR for the northern corridor RoNS is 1.55 or as I note in the footnote, 1.75 if wider economic benefits are included, and the latest BCR for the project is .8.

[3.10 pm]

15 As I noted in opening, sir, the Boards of Inquiry, both in relation to the McKays to Peka Peka and the Transmission Gully projects, both of those Boards confirmed that the proper BCR to consider is a Wellington Northern Corridor RoNS BCR, and in questions from the Board including – from Board member Apeldoorn and Board member
20 Jones, Dr Pickford acknowledged that, while there are individual project BCRs, the reality is the way that NZTA looks at this is one big project and I think as Board member Jones pointed out, it has been split up into smaller projects otherwise we would need an extremely hearing
25 room and a year to have the hearing, so that was the evidence of the NZTA that, it was broken down into bits for this process.

30 At 91 – I won't take the Board through this, but this is just a reference to the High Court decision in the project Hayes case, in that case, sir, it's a decision of Justice Fogerty, an appeal from the Environment Court where in that case the Environment Court had held that some comprehensive benefit cost analysis was required. In 116 the Court in the second line says: "It is our view that the Court went too far when it
35 decided that section 7B required a comprehensive and explicit cost benefit analysis".

40 And in the paragraph below, it simply says that: "The RMA really does not require decision makers to undertake those sorts of cost benefit processes and analyses" and in my submission these directly answer the matters raised by Dr Pickford in the approach that he promoted.

45 At 92 it is submitted that to the extent the Board considers that the BCR to be relevant, and that was a phrase from Transmission Gully and McKays to Peka Peka, where in both cases the Board said, "To the extent the BCR is relevant". In my submission it's the Wellington Northern Corridor RoNS BCR of 1.55 that the Board should consider,

and in any case the BCR is not the full picture and must be considered in that context and Dr Pickford certainly agreed with that.

5 It's further submitted in 93, the Board should accept Mr Copeland's evidence that there will be local economic benefits arising from the four year construction period. While Dr Pickford contested this view, at 'A' he undertook no specific investigations of local economic impacts and provided no evidence to support that view. And secondly, with respect, in my submission, Dr Pickford's approach that you shouldn't
10 take into account local benefits because of the project was built in Auckland or Northland, people up there would experience benefits, in my respectful submission that does not align with the proper approach and interpretation of the RMA.

15 And certainly at 94 it's my submission that the reference to people and communities in section 52, the definition of sustainable management clearly includes a consideration of local people and local communities.

20 At 95 it is submitted that Dr Pickford's evidence was strongly focused on the NZTAs approach to ranking projects for funding under the LTMA and was not framed in a manner that was directly relevant to the RMA framework, and in particular at 96 I say the Board is not being asked to make a funding or project ranking decision, nor to undertake a comparison with other potential NZTA projects.

25 Finally, it's respectfully submitted the Board should accept the evidence of Mr Copeland that the project will enable people and communities to provide for their economic wellbeing, it has regard to the efficient use and development of natural and physical resources and
30 it will have a significant overall and net positive economic benefits for the Wellington region and the Kāpiti Coast district.

I'll pass over again, sir, Mr Randal's going to deal with the individual representations that have been made to the Board.

35 CHAIRPERSON: Thank you, Mr Beverley, Mr Randal.

MR RANDAL: Thank you, sir, I'm unconscious of the time, we're making progress but we're not quite there but I'll plough ahead if that's what
40 the Board would like me to do.

CHAIRPERSON: Unless you want to take a break, you're quite happy to carry on?

45 MR RANDAL: I'll carry on, sir, if that's okay - - -

CHAIRPERSON: Certainly.

MR RANDAL: - - - we're almost there.

5 So at paragraph 98, sir, as outlined in opening, the NZTA has
undertaken an extensive process of investigation, design and
engagement, which involve successive consultation processes prior to
the applications being lodged, it involved discussions with submitters
throughout this process and indeed an on-going commitment to engage
10 with communities during further design and construction – and we've
noted already that throughout the course of the hearing the NZTA has
facilitated further discussions between the project team, experts and
affected parties.

15 **[3.15 pm]**

 This section of the submissions does not seek to respond exhaustively
to all issues raised by submitters and I add nor do we seek to downplay
the very many honestly held beliefs that the Board has heard from
20 submitters and the very broad range of issues that have been covered.
No doubt those will be considered very carefully by the Board in
reaching its decision, record that those matters are subject to the
applicants brought a suite of evidence before the Board so this section
of the evidence really just notes some of the key issues arising.

25 Dealing with the submitters one by one the people who have made
representations before the Board starting with Mr and Mrs Caughley
back on day one or two it was I think. Now the NZTA and Mr and Mrs
Caughley have worked very hard to resolve concerns in relation to their
30 property near the proposed South Ōtaki interchange roundabout. Mr
Coulman and Mr Kelly reached agreement on the general form of the
access way to the riverbank as well off that roundabout which
minimises effects on the Caughley's property and the agreed conditions
have since been reached providing for ongoing engagement with Mr
35 and Mrs Caughley about the form of that gateway zone.

 The Rational Transport Society of course appeared and there were a
number of witnesses giving evidence for the Society and of course the
Society is fundamentally opposed to the project and the applicants
40 evidence-in-chief and rebuttal responds to the matters raised in that
submission and in the evidence. 102, in summary on some of the points
raised by the Society.

45 The project enhances cycling and pedestrian journeys within the project
area in my submission and the project promotes a number of the
outcomes sought in the Wellington Regional and Transport Strategy as

well. Ms Sutton is also opposed to the project for a range of reasons that she elucidated during her appearance and those are also responded to in the applicants evidence.

5 Over the page a particular issue Ms Sutton spoke to was her concerns about noise and her request for open graded porous asphalt to be provided along the Te Horo Straight. It is Dr Chiles evidence of course that sets out the reasons why a low noise road surface for this area was considered through the best practical option process to be unnecessary. 10 Those reasons included that the area is already subject to road traffic noise, although of course he did take into account the new road criteria is this area.

15 In most locations any increases in noise due to the expressway would be slight and as due the resulting noise levels would remain within acceptable criteria.

20 Mr Lucinsky in his appearance made clear that he seeks further assurances that the expressway will not exacerbate existing flooding issues or in relation to his property and of course it is Dr Webby's evidence that the project will not exacerbate those issues as Dr Webby has recently had the chance to discuss with Mr Lucinsky in person.

25 Mr Wayne Jarvis his likewise concern about the flooding effects of the expressway on his property at 45 Gear Road, Te Horo, Dr Webby has also recently met with Mr Jarvis to discuss the project but I think as the Board Members saw from the plans when Mr Jarvis appeared flooding is not assessed to occur on the property in the one percent annual exceedance probability event either with or without the project. 30

35 Mr Wayne Stevens supports the expressway but seeks assurances relating to replacement fencing for his deer farm as part of that property will be required for the project. Effects on the property will be addressed under the PWA process which among other things will provide for replacement fencing as necessary. Mr Stevens concerns in relation to ground water and visual effects are also addressed through evidence.

40 NZTA is in the process of arranging a further site visit with Mr Stevens to explain the updated ecological proposal, especially as it relates to edge planting at the Hautere F Bush.

45 Mr Camm and Ms Stone are concerned about the effects of the project in relation to their property, 46 Te Horo Beach Road including in respect of flooding, property access, riparian planting, bore water and farm income effects.

5 These concerns are addressed in the evidence of a number of the applicants witnesses and a number of those will be worked through by way of the property acquisition process. The ones I am thinking in particular are of course around property access, the riparian planting details and farm income effects.

10 The NZTA has undertaken to continue to discuss these matters with Ms Stone and Mr Camm, including making relevant NZTA experts available to them for information purposes.

[3.20 pm]

15 Turning to Ms McLean, her primary concern relates to whether her property at 50 Rahui Road is able to be retained by moving it further back on her section away from the Rahui Road frontage.

20 The NZTA has indicated to Ms McLean that this is the intended outcome and that engineering reports now show that this can be achieved.

25 Ms McLean's other concerns relate to property access, air quality, flooding and noise. These concerns are responded to in the evidence of the witnesses for the applicants, including in Dr Webby's evidence, which shows that the project will reduce flooding risks on Ms McLean's property.

30 The NZTA will continue to work with Ms McLean, including in relation to arranging suitable access to her property. And of course, sir, there is the matter of the kowhai tree as well that needs to be borne in mind.

35 Generation Zero is of the view that the project cannot proceed until traffic projections have been remodelled to take into account low and high end climate change scenarios.

40 Mr Young's evidence is that these scenarios and increased carbon prices will lead to significant effects on global and national economies and these will in turn lead to changes in motorists' behaviour such that increases in traffic predicted by the modelling may not arise. Mr Young accepted under cross-examination, however, that such effects are difficult to predict with certainty and that quantitative estimates of them are scarce and subject to some controversy.

45 The evidence of Mr Dunlop, an expert transport planner, is that the various traffic models used provide a robust basis for the assessment of the traffic benefits of the project. A similar modelling approach was adopted for the MacKays project as well as Transmission Gully. And inputs to those models include authoritative predictions around fuel

pricing, vehicle efficiency, future land use patterns and population demographics to the extent that authoritative predictions isn't a tautology, sir.

5 At 115 now. Mr Dunlop's evidence on these matters, based on accepted available data, should be preferred over suppositions about future uncertainties and, in my submission, that is what Mr Young's evidence was.

10 In any event the evidence before the Board is that the project is needed now to address current issues with the roading network through the Kāpiti district.

15 Mr Gross is the Chair of the Automobile Association for the Wellington district, which of course supports the project but seeks that the expressway, as well as the rest of the RoNS, is legally declared as a motorway thereby excluding cyclists. With respect, the legal status of the expressway is a matter for the NZTA to consider under the Government Roding Powers Act and is not a consideration within the
20 jurisdiction of this Board.

Mr Elliot and the Lorax Partnership are opposed to the project for a range of reasons and of course the direct effects of the project on that property are acknowledged by the NZTA and will be worked through
25 as part of the Public Works Act process, which of course includes compensation for business effects.

Moving to Mr Bills. He seeks the addition of south facing ramps at the Peka Peka interchange, which is of course part of the MacKays
30 expressway to the south. While such a change is therefore outside the footprint and the scope of this project, and indeed is not supported by the rural status of land within Peka Peka and Te Horo, the interchange designation and design are both future-proofed to allow construction of those ramps if and when necessary.

35 We heard from Mr James Cootes of the Ōtaki Community Board. He confirmed that many of his Board's previous concerns have now been addressed through the process and, as the project develops into the future, the conditions provide for the Ōtaki Community Board to be consulted in the preparation of the landscape and urban design plan in
40 relation to the design of bridges. The Board will also be involved in the design of gateway signage and (c) will be invited to be part of the community liaison group.

45 Ngā Hapū o Ōtaki. As Mr Beverley said, we have recently been provided with a copy of a letter dated 30 September. Unfortunately Ngā Hapū o Ōtaki weren't able to appear before the Board but the letter was very helpful nonetheless in clarifying the matters of interest. And the NZTA's response is set out in paragraph 123.

50

First of all, it is of course acknowledged, and indeed celebrated, that the memorandum of partnership is a key document that is aimed at continuing the mutually positive relationship that has already been established between Ngā Hapū o Ōtaki and the NZTA.

5

Secondly, the proposed conditions now include an advice note, at the very beginning, sir, in prime condition, recording the existence and intent of the memorandum.

10

[3.25 pm]

In relation to discharge of stormwater, the erosion and sediment control plan will be finalised, or is certainly proposed to be finalised, in consultation with Nga Hapu, it is condition E.1(c).

15

In relation to the naming of waterways and wetlands, bearing in mind of course, that formerly that's a role held by the geographic board, this matter will be the subject of further discussions and this is addressed in condition 8(g)(iii), as well as being addressed further through the memorandum of partnership.

20

And lastly, in terms of the points raised Nga Hapu's letter. In relation to the future of existing buildings that may require relocation, this matter will also be analysed further, discussed further, through that memorandum.

25

Turning to discuss, Gyllian and Barry Hart. Their concern as we've heard, about the effects of their property, the project on their property at 43 Te Horo Beach Road, particularly in relation to flooding, of course, as well as access, riparian planting, bore water and farm income effects. Again, these matters are addressed through evidence.

30

At 125, sir, I touch on a practical solution that we've heard about which can be a very good result as a result of the project in my submission. This is partly remediating the issue of the breakout, the premature breakout of floodwaters from the Mangaone Stream under flood conditions which in the past has caused floodwaters to run down Te Horo Beach Road and cause damage to the front of the Hart's property. This solution will be implemented as part of the project which consists of the formation of a bund along the left bank of the stream near the link road to the Te Horo underpass.

35

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Otherwise Dr Webby's evidence is that there will be little change to the operation of Mangaone overflow which is the other key issue that the Harts are concerned about as a result of the project.

45

5 Nonetheless, hydrology matters will be the subject of close further scrutiny throughout the detail design process, as provided in that good old condition SW 2 and the NZTA has undertaken to continue to discuss these issues further with Mr and Mrs Hart including making relevant NZTA experts available to Dr Webby in the corner where possible.

10 Mr Howard raised similar issues drawing on his considerable experience with flooding issues associated with the stream. The solution described above about the bund, will be of particular benefit to Mr Howard as will be discussed further with him in the upcoming meetings.

15 Dr O'Sullivan opposes the expressway for a range of reasons that are responded to in the applicant's evidence, the references to which are set out in the footnote 94 there.

20 Rahui Enterprises Limited. The owners of that building, through Mr Holmes, gave evidence about a number of issues in relation to the project which in my submission have been appropriately addressed by providing for the input of the submitter into the stakeholder and communications management plan, the relevant site specific environmental management plan or plans and the landscape and urban design plan. Those buildings will be considered specifically as part of the archaeology and built heritage conditions as well and through the development of the construction air quality management plan in respect of dust effects.

30 Mr Ian Cassels, has written a submission and indeed his representation to the Board today, sought more direct access to Te Horo from the expressway and vice versa by way of an interchange, and as discussed above, in response to Mr Bills, this possibility was discounted by the project designers because it would align with the district plan.

35 Mrs Christie's representation highlighted her personal concerns with the project and of course, the NZTA acknowledges the direct adverse effects that the project will have on Mrs Christie's property and on Mrs Christie herself. A particular concern to that submitter, of course, is the proposed location of bridge 4 which she should like moved further to the south but is in the current location for the reasons set out in the rebuttal evidence of Mr Dunlop.

45 Mrs Christie's concerns about the loss of business for Ōtaki Motel will also continue to be addressed through the land acquisition process. Mr Christie also gave evidence in relation to the Ōtaki Motel expressing his concerns about the loss of motel land and access for trucks.

As noted above, the land acquisition process provides a relevant avenue for compensation and the NZTA will continue to work with the Christies on the potential practical solutions for access issues.

5

Just pausing there briefly, sir, to discuss that a bit further.

Essentially, the NZTA's case there is that there will be ongoing processes of discussion subject to giving the Christies the space that I think they indicated that they would like, the NZTA's door will be open, and in the full intention is that those processes will be worked through in due course. What those processes will do is explore potential options and solutions for the issues that have been identified.

10

15

[3.30 pm]

But in my submission, recognising that some of those potential solutions might involve land owned by third parties, neighbours, having a condition specifying the reformation, the recreation, the reinstatement of access to and from the property for trucks, would not be appropriate in my submission. And that's not because that's not a desirable aim or outcome that will be sought by all parties, rather it's not an appropriate condition in my submission because it's not necessarily achievable, it's not an outcome that can be guaranteed at this stage, and so a condition along those lines in my submission would frustrate potentially, the exercise of the consent against the best interest of the parties.

20

25

So there will be this Public Works Act process, to acquire some of the Christie's land, the motel land, and through that process, in my submission, engagement between the parties is assured, as it is of course with all the other landowners who have land within the designation that's required for the project.

30

So while of course the NZTA – we, we – certainly while it be wholly appropriate perhaps to have a condition specifying an on-going consultation obligation, with that name submitter or with any other submitter, that of course is well within the remedy of the Board in my respectful submission, one which would require that particular outcome would not be.

35

40

And perhaps I could draw the Board's attention as well to footnote 97, at the foot of this page, which discusses the related issue of the service lane immediately to the south of the abutment to that bridge number four, which of course will also be blocked at one end, at the northern end as we've heard.

45

5 At present the other access to or from that service lane is over land – is
basically over the driveway to the property at 230 Main Highway, and
therefore because the two I think or three businesses use that service
lane by grace of the owners of that property, is not a properly legalised
access. The lane of course has been observed by the Board members is
outside the proposed designation, but has been the subject of
discussions between NZTA and the District Council, which owns part
of the lane, and will need to be discussed further with the owners of
10 230 Main Highway as part of a land acquisition process.

15 And I should have noted there, the paragraph reference – don't take this
from me, your Honour – this is – these matters are discussed in Mr
Coulman's evidence in chief, this is at paragraph 95, and I do talk
about further discussions with the owners of 230 Main Highway
because I think Mr Coulman touches there on discussions that have
taken place previously - and again don't take it from me, but the
instructions are, sir, that those discussions between all those parties, the
District Council, the owners of that 230 Main Highway, the businesses
20 on the frontage there, are progressing well and a solution is certainly
envisaged.

25 Over the page, sir, if there are no questions about that, the final
submitter that I'll just like to touch on is, Kāpiti Cycling Incorporated,
we met Mr Baldwin and Ms MacDonald this morning and saw the
submission by Mr Sleath, and as I think I noted above, in respect of the
Rational Transport Societies representation, in my submission the
project will enhance journeys for cyclists, and I'll just read the project
there.

30 Unless there are any questions, sir, about those specific submitters, I
hand back to Mr Beverley.

35 CHAIRPERSON: There appear to be none, Mr Beverley.

MR RANDAL: Thank you, sir.

MR BEVERLEY: Thank you, sir.

40 Just to bring the NZTAs closing submissions to a conclusion, sir, just
before I do that I was remiss in my acknowledgements at the start of
the submissions and I did write down, but omitted to mention the EPA
staff who have been tremendous assistance to us through the hearing, as
I'm sure they have been for the Board, but it's been quite a logistical
45 exercise, I'd just like to acknowledge EPA staff and thank them for

their help and I just wanted to do that now because I'm more than likely to forget that if I leave it to the end, sir.

[3.35 pm]

5

So Part E is the statutory assessment and conclusion. As the Board Members will recall, it is noted in the opening submissions, the ultimate question for the Board is whether confirming the Notices of Requirement and granting the resource consent applications will promote the sustainable management purpose of the RMA.

10

15

The NZTA relies on the opening submissions in relation to the application of the statutory framework to the project. That, as you will recall, is dealt with in some detail in the opening submissions, in particular in relation to matters such as the assessment of alternatives, reasonable necessity to achieve the project objectives and the applications of section 6, 7 and 8. Those matters were set out in some detail there, sir, and we don't intend to traverse that same material in the closing.

20

25

At 136, one key consideration for the Board in making this decision is the proposed condition framework that has now been mostly agreed between the planning experts. The proposed conditions provide, in my submission, a robust and structured approach to managing the effects of the project, including through a detailed management plan structure, certification and input of the Council's at key stages of the project and input from Ngā Hapū o Ōtaki, the Ōtaki Community Board, affected land owners and a number of other identified interested parties, such as Mr and Mrs Caughley, Rahui Enterprises Limited and Winstone Aggregates, just to use some examples. Those parties are specifically referred to in the conditions.

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I also just draw the Board's attention to the answers in cross-examination today from each of the planning witnesses who, they also confirmed that the - well at least Mr Kyle did, that the conditions are a robust framework and are acceptable and that is also the evidence of Ms Beals and Mr Coop.

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Just on conditions, sir, there's one other matter which I'd like to raise just in relation to the dispute resolution clause that the Board helpfully provided to counsel, and, sir, that clause was provided to the planners, the planners have had a look at it, and one of the key outstanding matters in relation to the dispute resolution clause between NZTA and the Regional Council related to the lawfulness or vires of that part of the condition that said that this dispute resolution process will run before enforcement action is taken. Now that condition has been

worked on some more and we've now reached agreement with the Council's on it, certainly that there's no intention to cut across the statutory enforcement functions of the Council's and so that has been brought to a successful conclusion.

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The dispute resolution clause is a matter that we will have the planners look at again just to make sure that they are confident that the helpful suggestions made in that clause have been properly picked up in the dispute resolution clauses, so we will make sure that's part of the process going forward.

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Just returning to 138, in my submission the Board can have confidence in that management planning approach and a similar approach has been adopted in the previous two Board of Inquiry processes of the Wellington northern corridor RONS and the approach is generally agreed by the Council's and the planning experts in this case.

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At 139, in terms of section 5 and as noted in the opening submissions, in the North Shore case, and I just repeat this quote, sir, as it is central to the ultimate inquiry that the Board has to undertake, the Environment Court set out that approach to making the Board's overall broad judgement and final decision.

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At 140 I just note that, I won't read the quote, sir, but I note at 140 that the matters in sections 6-8 inform and assist the consideration of section 5 and the North Shore approach requires a comparison of conflicting considerations, positive and negative, and a weighing of the relative significance or proportion in the final outcome.

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It is, at 141, respectfully submitted that the project will achieve the sustainable management purpose of the RMA, and again I just refer the Board to the answers in cross-examination today from, well, firstly in examination of Mr Coop, the response from Mr Kyle in the positive, from Mr Percy in the positive and Mr Schofield in the positive as well, noting the qualifications around those final conditions to be resolved. All of those planning experts agreed that where this project has ultimately ended up means that it is in a shape that will achieve the sustainable management of the RMA. That is not to take away as my learned friend Mr Randal said sir, that from the fact that there are a number of matters raised in the submissions and representations that the Board will no doubt be looking at carefully.

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[3.40 pm]

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Continuing at 141 and in particular in terms of the sustainable management definition in section 52 of the Act at A the project will

introduce a safer more efficient and resilient route for State Highway One which will enable people and communities to provide for their social, cultural and economic wellbeing and for their health and safety as contemplated in section 52.

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At B the project will sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations including the need for an effective State Highway One transport route this area.

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At C the project will safeguard and in many cases enhance the life supporting capacity of air, water, soil and ecosystems in the project area, again as contemplated by section 52 and in my submission this is reinforced by the resolution of ecological matters between the experts at D while inevitably there will be some residual adverse effects. These have been the subject of extensive expert assessment in evidence before this Board are in my submission at an acceptable level and the scale and degree of such effects do not outweigh the benefits identified and the NZTA has gone to significant lengths to ensure that adverse effects on the environment will be avoided, remedied or mitigated.

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Where avoidance has not been achieved there are significant remediation or mitigation measures proposed through the conditions and the management plan framework. In a number of instances these measures will lead to positive effects on the environment.

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At 124 and again as noted in the opening submissions ultimately the project presents an opportunity to address the longstanding problem of the transport route this part of the Kāpiti District which in my submission unacceptably combine State Highway One and the local roading network. The project is an opportunity to address that problem in a responsible manner from an environmental, cultural, social and economic perspective.

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There has been a significant degree of consensus reached between the parties and the experts on the issues that arise in this case. For a project of this scale in my respectful submission there remain relatively few issues in contention or parties in opposition to it. The Board has heard representations from a number of parties who are concerned about the effects of the project on their interest and those concerns are acknowledged. It is submitted however that the proposed conditions provide a robust and acceptable means for addressing those concerns.

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Finally Members of the Board the principal submission for the NZTA is that the project subject to the modified conditions as presented to the Board will achieve the sustainable management purpose of the RMA

and for that reason the Notices of Requirement should be confirmed and a resource consent application granted.

5 Sir, unless we can assist the Board any further that concludes the closing submissions and the case for the NZTA.

CHAIRPERSON: Any questions? Well thank you very much for that Mr Beverley.

10 MR BEVERLEY: Thank you, sir.

CHAIRPERSON: As I draw this hearing to a close. First of all in terms of subsequent actions Mr Conway is going to let us have the KCDC resolution hopefully past tomorrow morning and also some material about the cycle ways, you said you would deal with that. We need to have the planners response to the various issues raised this morning. Given the time constraints I suggest we put a maximum time on that of a week but I imagine that the planners will be able to resolve issues much more readily than that.

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If there are ongoing agreements as opposed to simply descriptions of further discussions with various parties it would be helpful for us to be advised of that, that particularly applies to any agreements that might be reached with NZTA and Ngā Hapū o Ōtaki, and as a result of Dr Webby's and the others discussion with the Te Horo residents.

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[3.45 pm]

As I indicated before lunch, the Board contemplates advising the parties some time probably towards the end of this month, we obviously can't be precise in that, of suggested amendments to the conditions and the like which occur to us. Certainly if we follow that course the advice will be given to you in sufficient time for you to respond for us to hopefully incorporate those changes in the draft report and thus reduce the necessity for wide ranging comments between the draft and the final report.

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Having said that, on behalf of the Board I would like to thank counsel for all the parties involved in this, that includes the juniors who often don't get much recognition. I would also like to thank the representatives of the Councils for their cooperative approach to this matter, and especially to thank the planners, all the planners, who have been involved in this issue for their cooperative and positive approach to trying to resolve what initially were quite marked differences in the matter.

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5 Finally, I join with Mr Beverley, and I'm sure other counsel, in
thanking the EPA staff for managing the hearing and bringing it to this
point and helping all the parties. In my view the way this matter has
proceeded might well provide a template for future Board of Inquiry
and similar investigations with everybody working together towards a
common goal, though necessarily safeguarding their own particular
points of view, we have reached the position which has certainly eased
our consideration and the formulation of our decision on the
applications.

10 So thank you on behalf of the Board to everybody on that basis. I now
adjourn and you can await our reports with keen anticipation. Thank
you very much.

15 **MATTER ADJOURNED AT 3.48 PM ACCORDINGLY**