

HEARING SUMMARY – LESLEY HOPKINS – EFFECTS AND CONDITIONS

Role

1. My role has been to undertake the assessment of effects on the environment and preparation of the designation and resource consent conditions accompanying the Notices of Requirement and applications for resource consents for the Project.
2. I am part of the about one third of Beca employees (roughly 1,200 people) who hold shares in the Beca Group. I do not receive any additional direct financial benefit if approvals for this Project are obtained; or lose anything if not. My shareholding does not affect my ability to comply with the expert code of conduct.

Corrections

3. I have the following correction to make to my evidence in chief:
 - (a) On Page 10, Paragraph 7.5(c), I set out the geological features within the Project area. There I identify that the lava flows at Te Hōpua a Rangi at Onehunga, within Anns Creek Estuary and in Anns Creek West and East are recognised as Outstanding Natural Features (ONF) in the Auckland Unitary Plan. While I have included the remnant lava flows at Victoria Street and Pikes Point in the list it should be noted that they are not recognised as ONFs in the Auckland Unitary Plan.
4. I have the following corrections to my rebuttal:
 - (a) On Page 2, Paragraph 3.1, I list the evidence that I respond to in my rebuttal statement. I missed off Mr Nick Grala (Planning) for Mercury Energy however I confirm that I address the evidence of Mr Grala starting at Paragraph 6.100 of my rebuttal statement.

Overview of the conditions framework

5. On Page 45 of my evidence in chief I show the project delivery framework for the Project. I have attached this figure to this summary and have annotated which conditions apply to the various delivery mechanisms.

Outcome of further work/discussions since rebuttal

6. At Paragraph 11.12 of my Evidence in Chief I summarise the parties that were consulted during the preparation of the conditions accompanying the applications. These included: the Project Mana Whenua Group; Auckland Council; Auckland Transport; Heritage New Zealand, Transpower and Watercare. Since then I have continued discussions with a number of parties including those I have just listed, network utility operators and other submitters with a view to narrowing remaining issues on conditions. In regards to input from Mana Whenua, I have attended three hui where the Project Mana Whenua Group provided feedback on the draft conditions¹. As I state in my evidence ², I welcome further comment from Mana Whenua on the wording of conditions.
7. I have also considered opportunities to respond where appropriate to questions from the Board put to other Transport Agency witnesses.

¹ 15 December 2016, 25 January 2016 and 7 March 2017.

² Paragraph 15.27.

8. I have prepared an updated set of conditions incorporating changes that I recommend. These were circulated to the Board and submitters last Wednesday (19 July). The latest changes are shown in green strike through and underline. Previous changes are in purple text (Rebuttal) and blue text (Evidence in Chief).
9. **Auckland Council:** I have liaised with Mr Gouge for Auckland Council regarding a number of changes to conditions to address matters of concern for Auckland Council. The matters that have been resolved are:
- (a) Further detail around the Aotea Sea Scout Hall Conservation Management Plan in Condition HH.7A including a requirement to consult with the landowner(s), building owner, Heritage New Zealand and Auckland Council's Heritage Unit regarding recommendations of the updated conservation plan;
 - (b) Including Interpretive signage as part of the Urban and Landscape Design Master Plans for the EWL Trench & EWL Land Bridge and the Waikaraka Cemetery & Waikaraka Park South in Conditions LV.5C(f) and LV.5F(iv). While this was already covered more generally, specific references are now included;
 - (c) Acoustic mitigation for operational noise as part of the edge treatment at Waikaraka Cemetery. The Transport Agency and Council noise experts have been in further discussion regarding acoustic mitigation for the Waikaraka Cemetery. I have recommended an amendment to Condition LV.5F(a)(v) to require that the Urban and Landscape Master Plan for the cemetery area include measures to mitigate operational noise effects from traffic on the EWL Main Alignment on visitors to the Cemetery with a target to achieve 50 dB LAeq when measured within the boundary unless impractical to do so in which case achieve Best Practicable Option. This may require further discussion but I accept it is a reasonable target based on Auckland Unitary Plan noise level requirements for cemeteries.
 - (d) Removing the reference to tree height and girth in TR.1 and TR.2. The effect being that all trees within parks, reserves and local roads will be surveyed and relocated or replaced;
 - (e) Various changes to the construction noise and vibration conditions to reflect ongoing discussions between the Transport Agency and Council noise experts. This includes:
 - (i) amending Condition CNV.1 to reflect the purpose of the Construction Noise and Vibration Management Plan and expanding the list of matters to be addressed in the CNVMP;
 - (ii) amending Condition CNV.5(a) to require engagement with the affected receivers where construction vibration exceeds the specified criteria; and
 - (iii) amending Condition CNV.7A to require an assessment of buildings and pipework to determine susceptibility to damage from vibration and a pre-construction survey of buildings;

Further refinement of these conditions may be warranted to reflect ongoing discussion with the Council.

- (f) Amending Condition CL.9 to provide further detail on the relocation of existing Auckland Council landfill groundwater monitoring bores and the responsibilities for monitoring of these bores during construction;
 - (g) New Condition CL.10 setting out the design considerations for the EWL Embankment along the Māngere Inlet foreshore;
 - (h) New Condition CL.11 setting out the desired outcomes for the design of the replacement leachate interception drain.
 - (i) New Condition CL.12 has been added to address monitoring of leachate for waste encapsulated within the embankment and therefore not intercepted by the Pikes Point Closed Landfill interception drain. This outcome was agreed during the Closed Landfill expert conferencing³.
 - (j) Amendments to Condition C.1C to give the ECOMP equal prominence with the other matters listed in the condition and to also include integration with the design of the stormwater treatment system in the list of matters to be covered; and
 - (k) Amending Condition C.1F to require that the detailed design of the stormwater treatment system include the ability to treat leachate from the Pikes Point Closed Landfill interception drain.
10. Auckland Council and the Transport Agency are continuing to discuss the specific wording of some conditions. This includes the wording of dredging conditions to respond to some matters discussed between Council and Transport Agency experts at a meeting after the expert conferencing.
11. **Auckland Transport:** Following further discussion with Mr Winter for Auckland Transport, I have recommended changes to Construction Traffic Condition CT.2(i) which covers closures of the existing shared path facility along the Māngere Inlet. Mr Winter has agreed with these changes. No other issues remain.
12. **Sanford Limited:** Responding to questions to the Board during the opening legal submission from Sanford Limited, I have recommended changes to Condition CT.4(e)(vii) to provide for access to the Onehunga Wharf during construction. I have liaised with Mr Sadler, Counsel for Sanford Limited, and understand that we are in agreement regarding the wording of this condition. A memorandum recording Sanford's agreement has now been filed.
13. **Ports of Auckland:** In response to the legal submissions from Ports of Auckland (and also similar issues raised by T&G Global) I have reviewed the approval process for Site Specific Traffic Management Plans in the conditions. I have recommended changes to Condition CT.4 to provide an approval process which involves:
- (a) The preparation of the Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management or the Auckland Transport Auckland Transport Code of Practice (as specified in Condition CT.5);
 - (b) Consultation with key stakeholders (as set out in Condition CT.6);

³ Paragraph 8.2, of the Joint Witness Statement dated 25 May 2017

- (c) Review of the site specific Traffic Management Plan by an engineer with appropriate traffic management qualifications; and
 - (d) Providing the Traffic Management Plan to the Road Controlling Authority for approval.
14. I have liaised with Mr Winter for Auckland Transport in relation to these changes and he has confirmed that Auckland Transport are happy with the proposed approval process. I understand that Mr Arbuthnot for Ports of Auckland Limited also agrees with the proposed changes.
15. **Mercury Limited:** At the request of Mercury, specific conditions have been included to address their areas of concern. These are:
- (a) Condition DC.14A included in the rebuttal conditions sets out the matters to be included in the Outline Plan prepared under Section 176A of the RMA for the area of the Southdown Site covered by the proposed designation, and in particular, risk management and site access/clearance requirements. I understand as a result of the risk expert conferencing there is further work presently underway which means that this condition is likely to be revised. I therefore have not recommended any changes to this condition at this point as I have not had the opportunity to consider the outcomes of that work.
 - (b) In response to the opening legal submissions from Mercury I have included new Condition DC.14C requiring that the Transport Agency shall not commence any Enabling Works or Construction Works on the Southdown Site until agreement has been reached with Mercury on details of design, any resource consents for works on the Southdown Site have been granted and variations to existing consents have been granted.
 - (c) During the cross examination of Mr Nancekivell⁴ by Mercury Limited, Mr Nancekivell was questioned as to whether the viaduct structures shown on the Road Alignment Plans could shift within the designation. I have recommended new Condition DC.14B to specify that the viaduct structures shall not shift any further to the north on Mercury's site within the designation. This would mean that the structures could shift to the south but not north.
 - (d) I also understood that Mercury were concerned about the extent of the designation on the site. I have spoken with Mr Nancekivell and understand that the designation extent for construction purposes was at Mercury's request so that the cooling towers could be removed during construction. However, if Mercury's preference is for a reduced extent then the Transport Agency can shift the boundary as shown in the attached plan and minimise the construction footprint required.
16. **Fonterra Brands (Tip Top) Limited:** Fonterra have sought a condition requiring security fencing at the Tip Top site. I have included a new clause in Condition RC.11 requiring that the Construction Environmental Management Plan include details of proposed temporary or permanent fencing along the boundary of the designation. Fonterra also sought that the German DIN Standard is used (rather than the British Standard) for the construction vibration criteria. I understand that the noise experts have agreed that the DIN Standard should be used for the measurement of construction vibration and I have amended Table CNV.2 to reflect this.

⁴ Hearing Day 8.

17. **Auckland Heliport Limited Partnership:** A proposed condition is currently before the Board for consideration.
18. **Stratex Group Limited:** I have recommended new condition G.1A to require the installation of a borehole on the site at 19-21 Sylvia Park Road to confirm the nature of the fill and the depth to groundwater. This was discussed by Ms Williams when she gave evidence.
19. Responding to the cross examination of Mr Paykel by Stratex Group Limited, I have recommended a change to Condition CNV.7B (Site Specific Construction Vibration Management Plan) so that the identification of vibration sensitive activities includes consideration of the nature of building materials and for example, asbestos.

Comments/Changes in response to queries from the Board

20. To provide greater certainty around the long term ownership of the Onehunga Wharf, I have recommended a change to Condition DC.5(b) to specifically identify the designated land at the wharf as land no longer required following construction and therefore to be reviewed under section 182 of the Resource Management Act.
21. I have recommended strengthening the requirement for Mana Whenua consultation for the Te Hōpua a Rangi artwork. This was already included in the conditions generally however I have added specific wording into Condition MW.2(a)(i) and LV.5B(a)(ii) to more clearly set out this requirement.
22. Commissioner Tepania asked a question of Dr De Luca regarding consultation with Mana Whenua on the details of ecological mitigation. I confirm that Condition MW.2(d) provides for consultation with the Mana Whenua Group on the development of the Ecological Management Plan.
23. During the appearance of Mr Lister (Landscape and Visual), a query arose regarding the number of existing trees located opposite the Aotea Sea Scout Hall building on Orpheus Drive that will need to be removed for the construction of the Project. I confirm that based on the current design, it is likely that the first row of the trees (approximately 4) will need to be removed, but the next row (approximately 8) could be retained depending on the final construction methodology for the overbridge.
24. During the opening legal submission for the Onehunga Enhancement Society, a query was raised regarding the removal of the trees at Gloucester Park North. The Tree (TR) conditions require a survey of all trees within open space and relocation of trees (where agreed with Auckland Council). The Reinstatement Plans under Condition ROS.4 require that any trees removed are replaced. At this location the planting of trees along the boundary with SH20 will likely be informed by the sportfield configuration and the location of the high pressure gas pipeline.
25. Several of the stormwater witnesses were asked questions about the certainty of design outcomes for the foreshore treatment wetlands. In particular whether the wetlands will achieve 75% removal of Total Suspended Solids (TSS). Ngāti Whātua Ōrākei and Te Kawerau Iwi Tribal Authority have implied through cross examination that the Transport Agency is resiling from a commitment to treat stormwater in the foreshore treatment wetlands to 75% TSS because the "Total Out of Project catchment area to be treated" column was deleted from the

table in Condition SW.2. This column was included in error in the discharge consent for the road surfaces and was removed in the April version of the conditions. I provide an explanation of why at Paragraph 6.81 of my Rebuttal evidence. To be very clear, the Transport Agency requires a resource consent for the diversion and discharge of stormwater runoff from the road (Resource Consent 20) and for the development of an impervious surface for a high use road (Resource Consent 21). The discharge of stormwater from the wider catchment is already authorised by approvals held by Auckland Council. This is confirmed by Mr Sunich at Paragraph 7.4 of his evidence. The Transport Agency is treating the catchment stormwater within the foreshore stormwater treatment wetlands, but it does not require a stormwater discharge consent for this activity. The Transport Agency is committing to treating this stormwater to 75% TSS through the design submitted and the conditions accompanying the coastal permits requiring that the design be constructed as part of the coastal works.

26. In any event, Condition C.1F has now been amended to clearly specify that the stormwater treatment wetlands are to be designed to achieve 75% TSS removal. A new condition, Condition C.1H, requires monitoring of TSS for a period of 5 years to confirm that the stormwater treatment system is performing to this design efficiency. The current condition may require further refinement to ensure that the monitoring parameters are clear.
27. During the cross examination of Mr Smith (Geological Heritage), Mr Smith identified that there would be value in a geologist providing guidance during the removal of rubbish from the coastal Outstanding Natural Feature at Orpheus Drive. I have amended Condition C.4.(a) to provide for this.
28. As stated by Dr De Luca, I have been working with the Project ecologists to provide greater specificity in the Ecological Management conditions. The substantial changes that I recommend are:
 - (a) Adding reference to a plan showing the 10ha of pest plant and animal management in Condition EM.2B(a);
 - (b) Removing reference to “opportunities” in Condition EM.2B(c);
 - (c) Adding a purpose statement to the conditions covering creation of raupo wetland habitat (Condition EM.2B(o)) and habitat enhancement at Ngarango Otainui Island (Condition EM.2B(p);
 - (d) Additional detail in Condition EM.2C(e) on the research investigating opportunities to increase scientific knowledge on recolonisation of intertidal soft and hard shore food sources;
 - (e) Requiring six monthly pest plant control, release of plantings, and replacement of defective or dead stock for ecological planting in Condition EM.2C(c);
 - (f) Further details of the salt marsh restoration trial within Anns Creek Estuary in Condition EM.2C(d);
 - (g) Further details of the research investigating opportunities to increase scientific knowledge on recolonisation of intertidal soft and hard shore food sources for foraging birds in the Māngere Inlet in Condition EM.2E;

- (h) A new clause in Condition EM.2C(f) requiring monitoring of benthic ecology in subtidal dredge areas, commencing within 6 months of completion of the dredging, to provide information on initial successional processes of benthic organisms annually over a five year period.
 - (i) New Condition EM.2D setting out the success measures for vegetation restoration and pest plant management;
 - (j) Amendments to Condition EM.8 providing further detail of salt marsh creation including monitoring and maintenance and what should happen if the salt marsh trials are not successful;
 - (k) Amendment to Condition EM.13 for Ngarango Otainui Island requiring annual management and monitoring;
 - (l) Amendment to Condition EM.14 to include the details of the contribution to the management programmes at South Island breeding sites along braided rivers. I have also noticed an error in this condition. Rather than specifying that the pest control should continue for the entire construction period, this should be for the construction period of the reclamation plus five years.
29. During the hearing, the Board has queried the appropriateness of the proposed designation of private land at Anns Creek East for mitigation purposes. This is not unique to the EWL Project and I am aware of a number of other recent Projects where private land has been designated to provide for mitigation. These include:
- (a) Waterview Connection – to provide sports fields for social mitigation;
 - (b) Christchurch Southern Motorway – to provide lizard habitat;
 - (c) PekaPeka to Otaki – to provide for ecological mitigation; and
 - (d) Mackays to PekaPeka – to provide for ecological mitigation alongside stormwater treatment.
30. In response to a query from Commissioner Parsonson regarding the ability to stage the preparation and submission of the management plans, I have included new Condition RC.9A which provides that the management plans can be submitted in parts or stages to reflect the staged implementation of the Project. I have also made a change to Site Specific Erosion and Sediment Control conditions E.3 and E.4 to clarify that not all the information listed in the condition is appropriate for every plan. The staged approach for the management plans associated with the resource consents reflects a similar approach to management plans forming part of the Outline Plans which is provided in Condition DC.8.
31. In response to the cross examination of Mr Felgate, I have added information days, open days or other mechanisms to facilitate community engagement to the list of communication activities in Condition CS.2 (Communications Plan).
32. During the evidence of Mr Wu, the Board queried whether heavy trucks associated with construction could be restricted from using some local roads in the Onehunga area. A condition could be drafted to address this matter and I would be happy to prepare some wording.

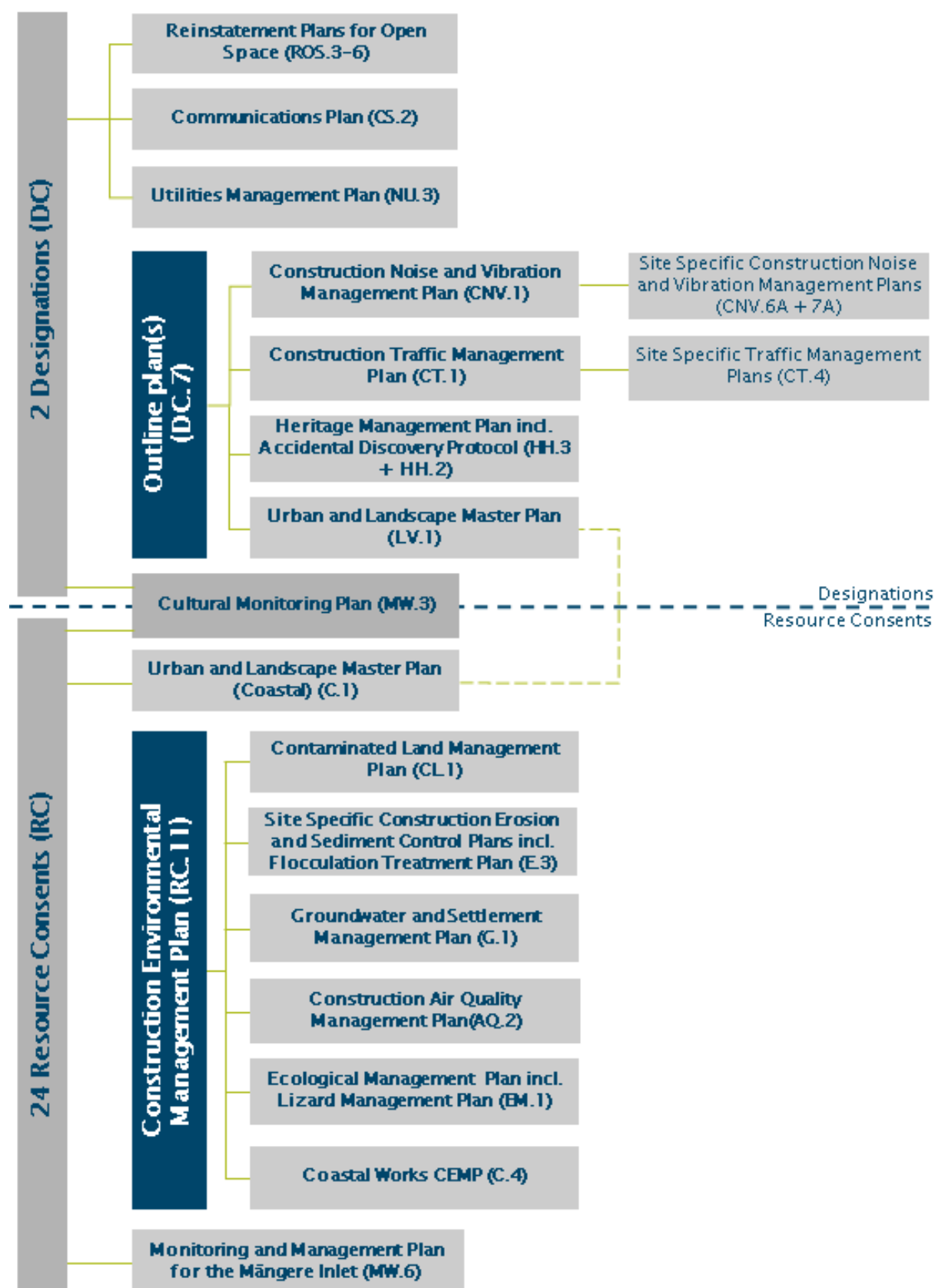
Other changes I recommend

33. I have removed Hill Street Stream from the list of streams in Condition WW.1 (Works in a Watercourse) as its inclusion was an error. This is not a stream as defined by the Unitary Plan because it is not freshwater.
34. I have recommended a number of other minor changes to conditions to assist with readability or to correct typographical errors.

Conclusion

35. The conditions provided to the Board incorporate the changes that I have set out in this summary statement. I anticipate that changes will continue to be made to the conditions to respond to issues during the hearing. I would be happy to provide a further update to the Board at an appropriate time.

Attachment A – Project Delivery Framework during construction



Attachment B – Proposed Designation Boundary at the Southdown Site

