

**Before a Board of Inquiry  
Northern Corridor Improvements Project**

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Under the Resource Management Act 1991 ('the Act')

In the matter of a Board of Inquiry appointed under section 149J of the Act to consider notices of requirement for designations and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Improvements Project

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**Statement of evidence of Deepak Rama on behalf of the New Zealand Transport Agency (Iwi Consultation)**

Dated 20 April 2017

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**KENSINGTON SWAN**

18 Viaduct Harbour Avenue Ph +64 9 379 4196  
Private Bag 92101 Fax +64 9 309 4276  
Auckland 1142 DX CP22001

Solicitor: C M Sheard/N McIndoe  
christina.sheard@kingtonswan.com/nicky.mcindoe@kingtonswan.com

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## STATEMENT OF EVIDENCE OF DEEPAK RAMA FOR THE NEW ZEALAND TRANSPORT AGENCY

### 1 Qualifications and experience

- 1.1 My full name is Deepak Rama.
- 1.2 I hold the position of Principal Resource Planner in the Highways and Network Operations team at the Auckland Regional Office of the New Zealand Transport Agency (**'Transport Agency'**).
- 1.3 I hold a Bachelor of Science degree, and Bachelor Planning (Hons) degree, both from the University of Auckland. I am a full member of the New Zealand Planning Institute. My work experience includes over 16 years in planning positions in consultancy, local and central government agencies in New Zealand and abroad.
- 1.4 I joined the Transport Agency in July 2006. My key responsibilities include influencing the land transport activities of the Transport Agency's partners to develop an effective, efficient and safe land transport system, and promoting sound solutions to regional transportation issues by integrating land use and transport. This involves working with the Transport Agency's local government and other partners on Long Term Plans, Regional Land Transport Strategies and Programmes, Regional Policy Statements and Plan Reviews, District Plan Reviews and resource consent applications.
- 1.5 I am also involved in the delivery of the Transport Agency's capital projects through the statutory consenting process. This involves preparing consenting strategies and reviewing notices of requirements and resource consent applications.
- 1.6 My evidence relates to notices of requirement (**'NoR'**) and resource consent applications lodged by the Transport Agency with the Environmental Protection Authority (**'EPA'**) on 14 December 2016 for the Northern Corridor Improvements Project (**'Project'**).
- 1.7 I am authorised on behalf of the Transport Agency to give this evidence.

## **2 Involvement with the Project**

- 2.1 I have been part of the Project Team since January 2016. My responsibilities include being involved in the planning workstream for the Project and engaging with stakeholders including Auckland Council, Auckland Transport, the EPA and iwi. I have led the iwi consultation undertaken for the Project. I am familiar with the area that the Project covers and the State highway and local roading network in the vicinity of the Project, having visited the Project area on numerous occasions over the past two years.
- 2.2 I was the Transport Agency reviewer of the *Assessment of Environmental Effects* ('**AEE**') lodged in support of the Project. Accordingly, I have reviewed Chapter 8 of the Consultation and Communication of the AEE, including section 8.7.6 which addresses iwi consultation. I confirm that the information within that section provides an accurate summary of the iwi consultation undertaken.

## **3 Scope of evidence**

- 3.1 This evidence addresses the following matters:
- a A summary of my evidence;
  - b Iwi consultation undertaken;
  - c Feedback received and response;
  - d Comments on submissions lodged in relation to the Project; and
  - e Conclusions.

## **4 Executive summary**

- 4.1 Consultation with Mana Whenua has primarily occurred through the Central-Northern Iwi Integration Group ('**IIG**'). This consultation commenced in August 2015 and has involved updating the IIG on the Project at monthly hui and receiving feedback through that forum.

- 4.2 Since July 2016, Project specific hui have been held on a monthly basis with a working group from the IIG. A broad range of matters have been discussed at those hui including:
- a Input into the urban design for the Project;
  - b Earthworks methodologies;
  - c Stormwater treatment (including the Rook Reserve and Bluebird Reserve options);
  - d Vegetation removal, replanting and effects on bird and lizards; and
  - e Potential impacts on biodiversity.
- 4.3 A Cultural Values Assessments was also prepared by Ngāti Te Akitai Waiohua and Ngai Tai Ki Tamaki, and a Cultural Impact Assessment from Ngāti Manuhiri in June 2016.<sup>1</sup> These documents were used extensively in the preparation of the draft Urban Design and Landscape Framework. In addition, they were used, along with feedback at Project hui, to inform the Project design.
- 4.4 Key changes made to the Project (and the draft conditions) in response to Mana Whenua concerns relate to the following areas:
- a Avoidance of effects on Lucas Creek;
  - b Use of organic flocculants where practicable;
  - c Iwi input into the Urban Design and Landscape Plans and Construction Environmental Management Plans prior to submission to the Council; and
  - d The inclusion of an additional structural stormwater treatment device for the Rook Reserve stormwater management pond option.
- 4.5 I am satisfied that consultation undertaken with Mana Whenua has provided an effective forum for feedback and that the feedback received

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<sup>1</sup> Appendix F of the AEE.

has assisted in shaping the design and ongoing engagement through the construction phase of the Project.

## 5 Iwi consultation undertaken

- 5.1 In June 2015 the Transport Agency established the IIG as a forum for engagement with iwi in relation to Transport Agency projects being undertaken in the Central, West and Northern parts of Auckland.<sup>2</sup> The IIG membership includes Ngai Tai ki Tamaki, Ngāti Manuhiri, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Te Ata Waiohua, Ngāti Whatua o Orakei, Te Ākitai Waiohua and Te Kawerau a Maki. The Terms of Reference for the IIG are attached to this evidence as **Annexure A**.
- 5.2 Since August 2015, the IIG has been the primary forum for the Transport Agency's engagement for the Project. The IIG meets on a monthly basis. Regular updates have been provided to the IIG at those monthly meetings. Prior to the establishment of the IIG, the Transport Agency met with iwi on an individual basis that were identified by the Transport Agency as having interest in the Project area.
- 5.3 On 29 January 2016, the first IIG hui for the pre-implementation (i.e. design and consenting) phase of the Project was held and subsequent hui have taken place on a monthly basis. At this hui, the Project Team was introduced. Various workstreams relating to the Project, and other related workstreams (such as the proposed Spencer Road Bridge and the Hockey relocation) were discussed.
- 5.4 In addition to the monthly IIG hui, Project specific hui (**'Project hui'**) were held from 3 June 2016 with a smaller working group of representatives from the IIG.<sup>3</sup> The first Project hui provided an overview of the process leading to the Board of Inquiries (**'BoI'**), and the key Project design elements including the stormwater management philosophy and the urban design principles for the Project. Copies of the draft Urban Design and Landscape Framework (**'UDLF'**) were distributed for Mana Whenua's

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<sup>2</sup> The IIG membership includes Ngai Tai ki Tamaki, Ngāti Manuhiri, Ngāti Maru, Ngāti Paoa, Ngāti Tamaoho, Ngāti Te Ata Waiohua, Ngāti Whatua o Orakei, Te Ākitai Waiohua and Te Kawerau a Maki.

<sup>3</sup> Ngāti Tamaoho and Te Kawerau a Maki were invited to participate in these Project hui, however they advised that the Project Area was outside their rohe.

feedback and cultural input. In addition, the following matters were discussed and outlined for future hui discussions:

- a Earthworks;
- b Stormwater treatment;
- c Vegetation removal, replanting and effects on bird and lizards;
- d Potential impacts on biodiversity; and
- e Mana Whenua involvement with the design.

5.5 On 7 July 2016, the Project Team sought feedback from Mana Whenua in relation to the results of the baseline assessments on archaeology, stormwater, water quality, freshwater and terrestrial ecology, land contamination, the Rosedale Landfill, noise, and landscape and visual effects. Electronic copies of baseline assessment reports were subsequently distributed to each iwi.

5.6 The third Project hui on 4 August 2016 provided an update in relation to the Project design elements which had been identified as being of particular interest to Mana Whenua. Project Team experts presented on stormwater management, the Rosedale Landfill and the UDLF. Key matters of concern expressed by Mana Whenua included:

- a Identification of Lucas Creek as a culturally significant location;
- b Proposed methods of stormwater management and treatment;
- c Opportunities to improve water quality within existing streams with the affected catchments;
- d Potential effects of cutting into the Rosedale Closed Landfill and causing leachate and gas migration and possible effects of these;
- e Proposed stormwater management detention and treatment methods; and

- f The inclusion of a Cultural Values Framework and 'Cultural Responsiveness' into the planning, consenting and construction phase of the Project through the ULDF and contract documentation.
- 5.7 At the Project hui on 30 August 2016, updated General Arrangement plans and an overview of key design developments were presented, together with any key design developments that had occurred. The UDLF and design opportunities for input from Mana Whenua were discussed and agreed upon, including input into the design of retaining walls along the Project corridor and the proposed planting strategy.
- 5.8 Design changes were presented at the 23 September 2016 Project hui, which focused on the design of stormwater treatment over the Project footprint and key treatment devices (water quality pond and wetlands). The following Project hui on 11 October 2016 focused on built elements of the Project, where it was agreed that an iwi artist would provide input on the detailed design, in accordance with the UDLF principles.
- 5.9 At the IIG hui on 28 October 2016, Mana Whenua were provided with electronic copies of all AEE material to be provided to the EPA for pre-lodgement completeness checks.
- 5.10 The Project hui on 4 and 18 November 2016 addressed the design of alternatives for water quality wetlands to be established in either the Rook or Bluebird reserves and covered the draft conditions of consent.
- 5.11 The IIG has also participated in multi-criteria analysis ('MCA') in relation to the following topics:
- a Landfill;
  - b Design of alternatives for water quality wetlands in either Rook or Bluebird Reserves; and
  - c The shared use path on SH18 and the Alexandra Creek underpass.
- 5.12 The MCA process undertaken has been addressed in detail in the evidence of **Mr Schofield**.

## 6 Feedback received and response

6.1 Formal feedback was provided via Cultural Values Assessments prepared by Ngāti Te Akitai Waiohua and Ngai Tai Ki Tamaki, and a Cultural Impact Assessment from Ngāti Manuhiri in June 2016.<sup>4</sup> These documents, along with feedback at Project hui, helped progress the Project design to address the matters of concern for Mana Whenua.

### *Project design*

6.2 Mana Whenua feedback from the first Project hui focused on avoiding effects on natural areas and waterways such as the Oteha Valley. Other matters such as earthworks, stormwater treatment, vegetation removal, and potential impacts on biodiversity were also discussed and identified as matters for discussion at future Project hui.

6.3 During early the hui meetings, Mana Whenua sought opportunities to input into the Project design. The design opportunities identified included Mana Whenua input into the design of retaining walls along the Project corridor, and the proposed planting strategy. Mana Whenua feedback on the draft conditions included a request to see specific reference to native planting and use of native grasses.

6.4 It was also agreed that an iwi artist would provide input on the detailed design, in accordance with the UDLF principles. The involvement of an iwi artist in the detailed design is set out in the UDLF and requires development of a cultural narrative.<sup>5</sup> In addition, condition UDL.9 provides that the Urban Design and Landscape Plans ('**UDLP**') shall be prepared in partnership with the IIG. Any comments and inputs received from the IIG shall be clearly documented within the UDLP along with a clear explanation of where any comments have not been incorporated and why.

6.5 Identification of Lucas Creek as a culturally significant location was also raised as a matter of concern by Mana Whenua. In response to this concern, the Transport Agency has avoided any work within the Lucas Creek itself. A new proposed outfall on the eastern site of the motorway will discharge to Lucas Creek. Minimal works will be required on the edge

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<sup>4</sup> Appendix F of the AEE.

<sup>5</sup> Section 5.3 of the revised UDLF, page 32.

of the Creek to install the outfall and the erosion and sediment management procedures to be implemented are set out in **Mr Ridley's** evidence. Additional planting is proposed within the Lucas Creek area as shown in the Landscape Mitigation and Enhancement Plans.

#### *Stormwater*

- 6.6 Mana Whenua expressed concerns about the proposed methods of stormwater management and treatment, including the location and design of stormwater pond and wetlands. No opposition was voiced in relation to the specific devices proposed or their general configuration. However, Mana Whenua requested treatment of stormwater and construction water to higher standards than those provided for in TP10 and TP90 and an amendment to the conditions to require compliance with this requirement. As set out in **Mr Hughes'** and **Mr Ridley's** evidence, treatment of the stormwater and construction water is in accordance with TP10 and TP90 and treating to a higher standard is not practicable in this constrained urban environment.
- 6.7 Mana Whenua were also consulted regarding the alternative options for the stormwater management pond for State Highway 18 within Rook and Bluebird Reserves. They preferred an option involving the use of both Rook and Bluebird Reserves. However, using both reserves is not supported by Auckland Council Parks and is not feasible. On this basis, Mana Whenua preferred the Rook Reserve option but with an additional structural treatment device. The use of a structural treatment device was further investigated by the Stormwater Team and has been included as part of the design.

#### *Ecology*

- 6.8 Opportunities to improve water quality within existing streams with the affected catchments, and avoiding adverse effects on indigenous bird species and lizards were some of the key matters of concern expressed by Mana Whenua in relation to ecology.
- 6.9 Mana Whenua sought to include additional conditions or amend conditions to address iwi participation in native lizard and fish recovery,

and preventing dotterels from nesting in construction sites rather than disposal where practicable. The Transport Agency confirmed to Mana Whenua that there are likely to be opportunities to be involved in these processes.

#### *Earthworks*

- 6.10 Mana Whenua expressed concern about the potential effects of cutting into the Rosedale Landfill and causing leachate and gas migration. As set out in **Mr Amputch's** evidence, a specific methodology will be put in place to ensure that all leachate is captured and disposed of to trade waste. Similarly, protection measures, such as a gas interception trench, will be put in place to ensure that any adverse effects of Landfill gas are avoided. These requirements are set out in conditions LW.1 to LW.8.
- 6.11 Mana Whenua also sought the use of organic materials in the treatment of suspended sediment from earthworks, and suggested the use of organic flocculants, where practicable. Condition EW.6(i)(iii) requires the use of organic flocculants where practicable, provided that the most effective flocculant in terms of sediment removal will be used.
- 6.12 Mana Whenua also suggested addressing the remediation of material from contaminated sites by amending conditions. Any contaminated material will be disposed of at an approved facility. Condition CL.2 requires the Contaminated Sites Management Plan to specify the methods for contaminated material disposal. This may include some remediation of contamination once disposed where practicable.

#### *Input into management plans*

- 6.13 Mana Whenua sought the inclusion of a Cultural Values Framework and 'Cultural Responsiveness' into the planning, consenting and construction phases of the Project through the UDLF and contract documentation. Cultural inductions for contractors, identification of cultural indicators, and cultural monitoring were raised as matters of particular interest in response to the draft conditions.
- 6.14 Mana Whenua input into management plans is specifically provided for in the following conditions:

- a UDL.9 – UDLPs; and
- b CEMP.5 – the Construction Environmental Management Plan.

6.15 In addition, the IIG is specifically recognised in condition SCP.3(b) as one of the parties which will receive communications about the Project via the Stakeholder and Communications Plan.

## **7 Response to submissions**

7.1 No submissions were received from Mana Whenua.

## **8 Conclusion**

8.1 As set out above, the consultation with Mana Whenua for this Project has spanned several years and has been structured around monthly hui with the IIG and a working group from the IIG. This process has provided the opportunity for Mana Whenua to have meaningful input into the Project. This feedback has informed the design of the Project and influenced the proposed conditions. Furthermore, through the construction phase of the Project the successful tenderer is required to engage with Mana Whenua to ensure the aforementioned matters raised by iwi during the design and consenting phase are implemented.



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**Deepak Rama**

20 April 2017

**Annexure A – Iwi Integration Group (IIG) Terms of Reference**

# Auckland Iwi Integration Group (IIG)

## Terms of Reference

### 1. Background

New Zealand's state highway network has a vital role as the strategic road network for the country – enabling people to get to and from work quickly and efficiently, providing a convenient and robust route for freight and connecting communities. Keeping the network safe, reliable and resilient is a top priority for the Transport Agency. The Transport Agency recognizes that it has a significant responsibility to its partners throughout New Zealand, to work closely with people and communities affected by our work to ensure clear lines of communication and participation in our decision making processes.

Mana whenua, Te Tiriti o Waitangi partner, play a critical role in the development, maintenance and strategic planning of the Auckland's state highway network. These Terms of Reference (TOR) define relationship principles, as well as the scope of IIG's involvement across Transport Agency projects in Auckland.

These TOR are to be applied across Iwi Integration Groups in the Auckland region. Individual project commitments between the Transport Agency, its consultants/contractors and manawhenua are attached as an addendum to these terms of reference (ToR).

### 2. Working Together

The Transport Agency has two established Iwi Integration Groups (IIG) in the Auckland region which includes IIG Southern and IIG Central/North/West. The intent of the groups is to provide for consistent engagement with Auckland manawhenua in the planning and delivery of Transport Agency projects. The IIG will work with the Transport Agency, its project managers and various contractors/third parties to achieve this outcome.

The IIG and Transport Agency will endeavor to work collaboratively in the planning and delivery of capital works and maintenance projects in the Auckland region, a record of project commitments and agreements are included in the addendum.

In addition to the IIG the Transport Agency in coordination with Auckland Transport are working together to establish a Manawhenua Transport Governance Forum. This forum will meet separate to the IIG and address strategic transport issues across the Auckland region.

### 3. Objectives

- To actively engage with Mana whenua in the delivery of Transport Agency projects through an operationally robust relationship;
- To apply a consistent approach across the Transport Agency capital works and maintenance projects in the Auckland region and transparency in decision-making;
- To develop a collaborative and structured process to ensure project outcomes are met;
- To ensure that Mana whenua are satisfied with its relationship with the Transport Agency.

## 4. Purpose and Scope

The IIG's intended purpose is to discuss and consider how matters such as natural heritage, cultural heritage, and social impacts (including design integration) are accounted for in project development and delivery.

The scope of the IIG is to engage and provide advice on matters relating to one or more of the following:

- Provision of Cultural Values Assessments pre-consent lodgment upon agreement;
- Water discharges (stream to coast), coastal works, vegetation planting and management, contamination, pest management;
- Archaeological assessments, monitoring and HNZ authority issues, management of waahi tapu and waahi taonga through joint agreement of protocols;
- Effects of noise, vibration and air quality;
- Urban Design and Landscape Plans and Open Space Restoration Plans;
- Responses to art design, artist selection, procurement and implementation;
- Cultural monitoring;
  - Consistency ( as appropriate ) in approaches to art design;
    - Design selection;
    - Procurement scoping;
    - Interpretive work for signage;
    - Implementation.
- Negotiations for commercial arrangements, plant supply, landscaping, maintenance etc including procurement arrangements ensuring cultural competencies.
- The IIG will also advise on matters that recognise and provide for Mana Whenua tikanga principles as and when necessary such as opening ceremonies, etc.

The Transport Agency will where appropriate provide all necessary information and staff resources as required by Mana Whenua to fulfill its engagement on projects as are occurring concurrently and therefore potentially impacting on capacity.

## 5. Schedule of Meetings

Iwi Integration Group (IIG) meetings will be held monthly and meetings will be scheduled for duration of no less than 4 hours unless otherwise agreed.

## 6. Venue of Meetings

The venue of the Iwi Integration Group (IIG) meetings will be determined by manawhenua in coordination with the Transport Agency. IIG Southern will generally meet in the southern region i.e. BNZ Highbrook whereas IIG central/north/west is likely to be in a central location. The Transport Agency will endeavor to provide details of locations, and timings for meetings at least 2 months ahead.

From time to time project teams will arrange site visits and hui for specific input into their projects but these will be done on alternate days to the IIG.

## **7. Format of Meetings**

Meetings will be run in accordance with a set agenda that will be drafted by the IIG meeting convener. A draft agenda will be circulated to iwi representatives one week before the meeting for input and feedback.

The convener will be responsible for the circulation of meeting minutes and follow up on action points. The approval of minutes from the previous meeting and an update on deliverables to be actioned will be held at subsequent IIG Hui.

## **8. Membership of the Iwi Integration Steering Group (IIG)**

The Transport Agency refers to Auckland Council's Mana whenua list pursuant to section 35A of the Local Government Act 2002 to determine membership of IIG's.

From time to time manawhenua will form working groups to take a lead on coordinating with project teams i.e. Manawhenua Working Group (MWG) Pahurehure Inlet Resilience Project. The composition of MWG will be determined by Ahi Kaa to represent the interests of the wider manawhenua collective. MWG will provide feedback on progress etc at monthly IIG meetings.

The Transport Agency recognizes the principles of Ahi Kaa and the right for manawhenua to determine processes for representation and mandate across projects.

Mana whenua: (List Mana Whenua)

## **9. Third party relationships**

It is acknowledged by Mana whenua that NZTA work in close association with other parties in the delivery of the New Zealand Transport Agency's Auckland Projects:

- BECA;
- Fletcher;
- Aecom;
- Aurecom;
- Leighton Contractors;
- HEB;
- Fulton Hogan;
- Boffa Miskell Ltd
- Auckland Motorway Alliance (AMA).

NZTA through specific performance indicators within procurement documents will encourage the working together of all third parties with Iwi.

## **10. Maintenance**

Mana whenua will be provided the opportunity to explore with the Transport Agency and the Auckland Motorway Alliance (AMA) opportunities for continued involvement in projects post implementation. Auckland Motorway Alliance will continue to be invited to attend IIG monthly meetings.

## **11. Fees**

The Transport Agency will remunerate one Mana whenua representative for each mana whenua organisation for attendance at the IIG at a rate of \$100 an hour. This hourly rate will also be charged to the Agency for site visits or participation in Manawhenua working groups (MWG).

Where other experts are required for Iwi input these will also be charged to at an agreed rate with project managers.

The Transport Agency will also pay for travel @ .77 per Km

Cultural Monitoring -The New Zealand Transport Agency has a standard rate of \$50.00 including GST per hour for cultural monitoring.

Invoices are to be emailed to the Transport Agency's account's team on [apinvoices@nzta.govt.nz](mailto:apinvoices@nzta.govt.nz) (within 10 days of each hui for payment by the 20th of the following month).

Please note that invoices are to include a purchase order number which will be provided by the IIG meeting convener. If there are more than one project the IIG Hui time will be split evenly between the numbers of projects in the IIG. You will also need to include the different PO numbers on your invoice.

## 12. Contracts for Service

### **Cultural Impact Assessments/ Maori Values Assessments:**

The Transport Agency will when required contract manawhenua to prepare a Cultural Impact Assessment (CIA) or Maori Values Assessment (MVA) for new capital works projects or maintenance activities requiring consents. The cost and timeframes for delivery will be negotiated on a case by case basis.

### **Cultural Monitoring:**

Taonga Tuku Iho - archaeology and cultural heritage

The Transport Agency provides for cultural monitoring where there is a recorded archaeological site, a scheduled cultural site (ref: PAUP) or 'reasonable cause to suspect' the presence of cultural material within the vicinity of construction works. The Transport Agency will consult with Ahi Kaa to establish the rationale for the requirement for monitoring and a methodology and schedule for how it is to be delivered. Costs associated with cultural monitoring will be met by the Transport Agency at a rate of \$50 an hour.

Te Taiao - environmental

The Transport Agency may when required provide for monitoring of effects of a project upon the health of water bodies or sites of environmental/ecological importance i.e. mahinga kai. Requirements for monitoring will be negotiated on a case by case basis between the Transport Agency and iwi or directly between iwi and contractors delivering a project on behalf of the Transport Agency. The rationale for the requirement for monitoring must be established as well as a methodology and schedule for how it is to be delivered. Costs associated with cultural monitoring will be met by the Transport Agency at a rate of \$50 an hour.

## 13. Responsibilities

### **NZ Transport Agency:**

Meeting convener and facilitators      Eynon Delamare/Amos Kamo/Jim Sephton/Kevin Stevens

Administrative support                      Janet Weir

### **Transport Agency Technical Support:**

Mieszko Iwaskow, Patrick Kelly, Deepak Rama, Sarah Ho, David Greig.

### **Auckland Motorway Alliance (AMA):**

Steve Mutton

**Project: Pahurehure Inlet Resilience Project**

**Introduction:**

**Objectives:**

**Project Managers:**

**Third Party Relationships:**

**Agreed Actions:**

**Purchase Order Number (PO):**

**PROJECT: SH20A**

**Introduction:**

**Objectives:**

**Project Managers:**

**Third Party Relationships:**

**Agreed Actions:**

**Purchase Order Number (PO):**

**PROJECT: Southern Corridor Improvements**

**Introduction:**

**Objectives:**

**Project Managers:**

**Third Party Relationships:**

**Agreed Actions:**

**Purchase Order Number (PO):**

**PROJECT: East West Connections**

**Introduction:**

**Objectives:**

**Project Managers:**

**Third Party Relationships:**

**Agreed Actions:**

**Purchase Order Number (PO):**

**PROJECT:**

**Introduction:**

**Objectives:**

**Project Managers:**

**Third Party Relationships:**

**Agreed Actions:**

**Purchase Order Number (PO):**