

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Notices of requirement for designations under section 168 of the Act, in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project

BY

NEW ZEALAND TRANSPORT AGENCY
Requiring Authority

**ADDENDUM TO STATEMENT OF EVIDENCE OF AINSLEY JEAN MCLEOD
(PLANNING AND CONDITIONS) ON BEHALF OF THE NEW ZEALAND
TRANSPORT AGENCY**

26 March 2019

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INTRODUCTION

1. My name is **Ainsley Jean McLeod**.
2. I submitted a statement of expert evidence on **Planning and Conditions ("EIC")** on behalf of the New Zealand Transport Agency ("**Transport Agency**") dated 8 March 2019.
3. I have the qualifications and experience set out in my EIC.
4. I repeat the confirmation given in my EIC that I have read the 'Code of Conduct' for expert witnesses and that my evidence has been prepared in compliance with that Code.
5. In this addendum I use the same defined terms as in my EIC.
6. In this addendum to my EIC:
 - (a) I provide an update in respect of matters raised in submissions;
 - (b) I respond to points made in the expert evidence of:
 - (i) Christine Bridget Robson on behalf of AgResearch Limited;
 - (ii) Lindsay John Daysh on behalf of Meridian Energy Limited ("**Meridian**");
 - (iii) Christopher Simon Jones on behalf of Meridian;
 - (iv) Paul Cedric Botha on behalf of Meridian;
 - (v) Tony Glenn Keyte on behalf of Meridian;
 - (vi) Kelvin Michael Lloyd on behalf of the Director General of Conservation;
 - (vii) Michael James Briggs on behalf of the Director General of Conservation; and
 - (viii) David Richard Murphy on behalf of Palmerston North City Council.

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- (c) I set out further proposed amendments to conditions, including amendments that respond to matters that have been agreed as part of expert witness conferencing and recorded in the following:
- (i) Joint Statement of Ecology Experts (Terrestrial Ecology), dated 18 March 2019;
 - (ii) Joint Statement of Transport and Social Experts, dated 21 March 2019; and
 - (iii) Joint Statement of Planning and Conditions Experts, dated 21 March 2019.
7. I have prepared an amended set of proposed conditions that were to be appended as Attachment A, and have now been separately provided to the Hearing Panel. The conditions also include amendments proposed in my response to the Hearing Panel questions included in the Fifth Minute of the Hearing Panel.

MATTERS RAISED IN SUBMISSIONS

Murray Ramage (submission number 170)

8. As signalled in my EIC,¹ I have had further discussions with Mr Ramage in respect of possible conditions to address the matters raised in his submission. An outcome of these discussions is two further amendments to the proposed conditions to:
- (a) extend the low-noise road surface required by Condition 29(a) a further 500 metres, to 2 kilometres west of the eastern roundabout;
 - (b) provide for post-construction planting to screen views of the new road (new Condition 29A).
9. These amendments are included in the revised conditions set. Mr Ramage has indicated that the proposed conditions “*are an improvement*”.
10. As part of my discussions with Mr Ramage, he has also indicated that he is open to discussing the use of part of his property for ecological mitigation planting.

Queen Elizabeth the Second National Trust (submission number 314)

¹ Paragraphs 245 to 247.

11. Since my EIC was finalised, a representative of the Queen Elizabeth the Second National Trust (“**QEII Trust**”) has, without prejudice to the QEII Trust’s position that it cannot support the Project crossing covenanted areas, provided suggested amendments to Condition T4.
12. I support the amendments proposed on the basis that they provide greater clarity with respect to the management of works within the areas subject to open space covenants and, subject to limited format or editing refinements, include the amendments in Condition T4 in the revised condition set.
13. The QEII Trust has been provided with the version of Condition T4 and have agreed the wording (again, without prejudice to the Trust’s overall position).

RESPONSE TO EXPERT EVIDENCE

Response to evidence of Christine Bridget Robson

14. While I agree that the Ballantrae grazing trial is important,² I understand Ms Robson’s evidence to conclude that the Ballantrae grazing trial site is an “out of spec” matter of national importance under section 6 of the RMA, most closely aligned to section 6(f). In my opinion it is unorthodox to understand section 6 to being able to encompass further matters that are “uncommon” or an “odddity” (the terms that Ms Robson uses to describe the trial site).
15. Ms Robson goes on to consider whether the One Plan, in expressing section 6(f) of the RMA, provides any guidance in respect of the trial site. Her conclusion is that other regional policy statements do, but the One Plan does not. In my opinion, the more appropriate ‘home’ in the One Plan to reflect importance in this way would be in Policy 3-1(b) that requires Horizons and the territorial authorities to recognise specifically listed facilities and assets as being physical resources of regional or national importance. This list is an exclusive list and does not include the trial site. In this regard I note that AgResearch’s submission on the One Plan does not seek recognition of the trial site as a section 6(f) matter or a matter of national or regional importance in Policy 3-1(b).³

² Joint Statement of Planning and Conditions Experts dated 21 March 2019.

³ Based on my review of the published summary of submissions.

16. In all, it is my conclusion that there is no RMA or planning document support for identifying the trial site as nationally important.
17. Ms Robson concludes that Condition T3 (as notified) is inadequate to mitigate the adverse effects of the Project on the trial site. I agree with Ms Robson and propose an 'effects envelope' type condition (5(e)(iv)) alongside replacement Condition T3 that requires a management plan to particularly address effects on Ballantrae Station and the trial site. Condition 5(e)(iv) establishes a maximum footprint for physical works that equates to the areas considered by Dr Horne in his EIC. Condition T3 sets out the content of a management plan for the site than embeds the mitigations proposed by Mr Morton. Ms Robson's evidence does not consider the mitigation that is proposed by Mr Morton.
18. I acknowledge the Joint Statement of Experts on Effects of the AgResearch Ballantrae Site (dated 22 March 2019) does not record agreement in respect of the potential effects of the Project on the grazing trial and the degree to which such effects can be limited or mitigated. However, my understanding of the Joint Statement is that all experts did agree that there is agribusiness research value in the parts of the site that remain. It is also on this basis, with reference to the EIC of **Mr Morton** and **Dr Horne**, that I have amended the conditions 5(e) and T3.

Response to evidence of Lindsay John Daysh⁴

19. Mr Daysh disagrees with the view I express in my EIC, where I do not support the inclusion of a 160 metre 'buffer' zone to reflect the 'turbine contingency zone' that is permitted by the 2003 resource consent for the Te Āpiti wind farm. One of the reasons I did not support the 'buffer' was because a significant restriction on the activities of the Transport Agency within the buffer could inappropriately prevent the Project. This is based on Meridian's submission that seeks:

*"That a 160 metre radii be included around each originally consented wind turbine location as an area that should be **excluded from highway development.**"*

⁴ I note that, as set out in the Joint Witness Statement of Planning and Conditions Experts, Mr Daysh and I agree that Conditions 12(f) and 13(d) appropriately manage the potential adverse effects of vegetation planting on the power output of turbines and I do not address this further.

20. Mr Daysh, now confirms that the 160 metre buffer is not a 'no-go' zone, but an area within which detailed engineering design should consider the location of any replacement turbine in direct discussion with Meridian.⁵
21. In my view this is quite a different proposition and, having reviewed the evidence of Mr Daysh and Mr Botha, I agree with Mr Daysh's conclusion (for the same, or similar reasons) and support management plan approach,⁶ including requiring technical and engineering advice within a 'buffer' area. I have drafted a replacement Condition T1 to achieve this and have preferred direct reference to the consented turbine location to 'pick-up' the nuances of the resource consent for the wind farm. That is, the resource consent provides for, amongst other matters, turbines to be located within 100m of a location shown on a specified plan (except in the case of three turbines, where this 100m radii is restricted by the requirement for these turbines to not be located any closer to Ashhurst).⁷
22. Mr Daysh notes that the only other area where our opinions diverge is in respect of conditions⁸ and I comment as follows:
- (a) I agree that Condition T1 should be replaced by a new condition requiring a Wind Farm Management Plan ("WFMP") that, in turn, forms part of the CEMP.⁹ I also agree that the WFMP should be the primary tool in conditions to manage effects on the wind farm with limited exceptions, such as the management of vegetation within the wind farm site.
 - (b) Mr Daysh is of the view that management plans should be required for enabling works on the basis that the management of the works within the Te Āpiti wind farm is essential. My opinion is that management plans are not required for enabling works as a whole, for the reasons set out in my EIC.¹⁰ That said, I understand that the Transport Agency is developing an agreement with Meridian to manage all works within the wind farm (including enabling works) and to reflect this I have similarly drafted Condition T1 to apply to enabling works.
 - (c) In respect of the management of construction traffic, the provision of on-going access and the protection of underground services, these are

⁵ Paragraph 58.

⁶ Confirmed in the Joint Witness Statement of Planning and Conditions experts.

⁷ Condition 2 (the resource consent is appended to the statement of evidence of Paul Botha.

⁸ Paragraph 109 and 113.

⁹ Recorded in the Joint Witness Statement of Planning and Conditions Experts.

¹⁰ Paragraphs 355 and 356.

all matters that are addressed by the replacement Condition T1 (and in conjunction with Conditions 5(e)(ix) and (x)).

23. I have provided Condition T1 to Meridian and Mr Daysh and I anticipate that we will discuss the need for any further amendments over the coming week.

Response to evidence of Christopher Simon Jones

24. In his evidence, Mr Jones notes that some enabling works (insofar as the works relate to the Te Āpiti wind farm) may not be able to be undertaken as early as might be implied. He seeks that the proposed enabling works definition be amended to refer to the agreement of Meridian.¹¹ My understanding is that Mr Jones is correct and all enabling works within the Wind Farm site may not be completed prior to construction commencing as the enabling work will fit construction staging. However, my understanding is that the Transport Agency intends to undertake enabling and construction works so as to avoid or reduce any business disruption to Meridian.
25. In my opinion, the proposed conditions do not compel the Transport Agency to undertake all, or any, of the works that are within the definition of 'enabling works' at any particular time. Rather, the approach in the conditions provides a pathway to establishing the construction site, without the need for design to be completed. Further, I also understand that no works can occur in respect of Meridian assets without the permission of Meridian. On this basis I do not consider the amendment suggested is necessary. That said, if Councils' proposed condition T1B were to be imposed, I consider a 'Meridian agreement' clause would be necessary.
26. Mr Jones' evidence describes in detail the potential effects of the Project on wind farm infrastructure. Replacement Condition T1 provides an approach to the management of these effects (as I have set out earlier in respect of Mr Daysh's evidence) with one exception. Mr Jones identifies the potential for construction vibration to impact on turbines.¹² With reference to Dr Chiles' addendum evidence, I have addressed this through the inclusion of a further clause in Condition 21.

¹¹ Paragraph 80.

¹² Paragraph 43.

Response to evidence of Paul Cedric Botha

27. In his evidence, Mr Botha agrees with the conditions proposed by Mr Daysh. I have addressed these conditions in the context of Mr Daysh's evidence.
28. In addition, Mr Botha supports Meridian's view that the designation boundary be minimised after construction and that the ability for turbine blades to overhang the designation boundary is provided. This is achieved through Condition 2 (post-construction review of designation width) and Condition 32 (written consent under section 176 of the RMA – Te Āpiti wind farm).
29. Mr Botha sets out the potential impacts of vegetation planting of the wind environment, and therefore power output of turbines. Conditions 12(f) and 13(d) have been drafted and, as I understand it, agreed with Meridian. These conditions limit landscape and ecological mitigation within part of the wind farm site.

Response to evidence of Tony Glenn Keyte

30. Like Mr Botha, Mr Keyte agrees with the conditions proposed by Mr Daysh and includes detailed recommendations in respect of the conditions to address site access, the protection of infrastructure, consultation with Meridian, turbine 'buffer' areas and the geometric alignment of access roads. The matters are addressed by the required content of the WFMP, including the necessary consultation with Meridian, as set out in replacement Condition T1, along with Conditions 5(e)(ix), 5(e)(x) and 22(l).
31. Mr Keyte's evidence details a number of potential impacts of the Project on the Te Āpiti wind farm from a civil engineering perspective. He makes a number of detailed recommendations in respect of civil engineering design and construction management matters. These are addressed by **Mr Whaley** in his addendum to his EIC. It is my understanding that Mr Keyte is of the opinion that the resolution of these detailed matters can be accommodated with the proposed WFMP condition framework, alongside the development of the detailed design of the Project. This is on the basis that the matters of detail are not recommended to be included in conditions. I agree with this position.

Response to evidence of Kelvin Michael Lloyd

32. In his evidence, Dr Lloyd considers the Project in relation to Regional Plan Policy 13-4 of the One Plan and concludes that “*Dr Forbes has not reasonably demonstrated that a net gain will be achieved*”.¹³ In reaching this conclusion, it is not clear if:

- (a) Dr Lloyd’s policy analysis includes a consideration of Policy 3-3(c) that sets out a pathway managing the effects of new infrastructure of national or regional importance, including offsetting; or
- (b) Dr Lloyd has considered the proposed conditions, and particularly Condition 17(b) that requires a net indigenous biological diversity gain to be achieved with direct reference to Policy 13-4.

33. In this regard, I confirm my view that Condition 17(b) has the effect of embedding a net indigenous biodiversity gain as a legal obligation such that a net gain must be assured in order for the Project to proceed.

Response to evidence of Michael James Briggs

34. In his evidence, Mr Briggs concludes that the Condition PN2, relating to the MGSR Car Park Management and Reinstatement Plan, and a number of other conditions, requires further amendment to appropriately manage effects on the MGSR car park, including the ‘splitting’ of the Plan into separate management and reinstatement plans.¹⁴ Mr Briggs does not set out how the separate plans will better manage potential adverse effects.

35. In this regard, I agree with the conclusion reached by **Ms Linzey**¹⁵ and consider that Condition PN2 (as included in the revised condition set), appropriately manages construction effects on the car park and provides for reinstatement of all existing facilities in an integrated manner.

36. That said, I have provided Condition PN2, including the most recent amendments, to Mr Briggs and I anticipate that we will discuss the merits of further refinements over the course of the Hearing.

37. Mr Briggs’ supports the alignment of the Project with Policy 13-4 of the One Plan (Regional Plan) through the requirement to achieve a net indigenous

¹³ Paragraphs 7.1 to 7.4.

¹⁴ Paragraph 10.31.

¹⁵ A Linzey, Addendum to statement of evidence, paragraph 8.

biological diversity gain,¹⁶ but goes on to conclude that, based on Dr Lloyd's opinion that the proposed "positive actions" are environmental compensation rather than offsetting, the Transport Agency must differentiate offsetting and compensation.¹⁷

38. In forming this view, it is not clear whether Mr Briggs' consideration of Policy 3-3(c) of the One Plan (Regional Policy), which relates specifically to new infrastructure of national or regional importance, has contemplated how offsetting is referenced in clause (iv) as follows:

*"iv. whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately **offset, including through the use of financial contributions.**"* [my emphasis]

39. In my opinion Policy 3-3(c)(iv) suggests that the One Plan takes a broader approach to understanding what might be considered offsetting and is of direct relevance to understanding the net indigenous biological diversity gain defined by Policy 13-4 as it relates to this Project (being new infrastructure of regional or national importance).

40. At paragraph 10.8, Mr Briggs also concludes that the Transport Agency needs to review the package of positive effects to "*ensure that the package demonstrates a net indigenous biological [diversity] gain*". In my opinion and aside from the ultimate outcomes embedded in Condition 17(b), this review is achieved through:

- (a) the consultative process for the development of the package of measures proposed to achieve net gain;
- (b) the outline plan process; and
- (c) future resource consents.

41. In his evidence, Mr Briggs expresses concern about outcomes in respect of the protection of significant indigenous vegetation and significant habitats of indigenous fauna on the basis that the Transport Agency:

¹⁶ Paragraph 10.1.

¹⁷ Paragraphs 10.7 and 10.8.

- (a) may not be able to access the land necessary to implement the measures necessary to achieve a net indigenous biological diversity gain;
 - (b) may be unable to protect the mitigation, offset and compensation areas required (in perpetuity).
42. In terms of gaining adequate access to the land necessary to comply with the 'net gain' requirement in Condition 17, I consider that this is a matter of risk for the Transport Agency. If Condition 17 cannot be achieved, the Project cannot proceed. In this regard I note that the Ecological Mitigation Workshop (held on 15 February 2019) identified a number of possible opportunities, or alternative approaches, that could contribute to a package of positive effects and **Mr Dalzell** has confirmed a number of positive discussions with neighbouring landowners.¹⁸
43. In respect of protection, I note that Policy 13-4 is less absolute than suggested by Mr Briggs¹⁹ and directs that offsetting must "*have a significant likelihood of being achieved **and maintained in the long term and preferably in perpetuity***" [my emphasis]. Again, this is a matter that the Transport Agency is required to achieve.
44. Mr Briggs appears to see advantages in designating all offset/compensation sites. I agree that there are advantages in respect of understanding the location of offset sites and also in respect of the protection of the sites, however as set out in my EIC, the Requiring Authority is not compelled or obliged to seek a designation to accommodate all works.²⁰ Further, a larger designation for this purpose runs counter to the approach that has been taken to avoiding effects on highly valued areas by refining the designation corridor and limiting the extent of works enabled by the designation. For instance the narrower corridor where the designation traverses the areas subject to the QEII Trust open space covenants.
45. Mr Briggs goes on to express concerns about a scenario where the Transport Agency "*gives effect to the designation following a difference of opinion [regarding] whether the requirements of condition 17 are met, during consultation with DOC and/or in the context of the Outline Plan procedure*".²¹ In my opinion this is a matter of compliance, as with any

¹⁸ Response to the question in the Fifth Minute of the Hearing Panel.

¹⁹ He says "in perpetuity".

²⁰ Paragraph 347.

²¹ Paragraph 10.14.

condition. The Transport Agency is required to comply with conditions, including through the provision of and outline plan or plans, and a local authority has the ability to ensure that this is the case, through section 176A (and associated appeal rights), and the general monitoring and enforcement measures available through the RMA. I do not consider that this scenario is a matter that should weigh against the appropriateness of the Transport Agency's approach to achieve a net indigenous biological diversity gain.

46. In respect of freshwater ecology, Mr Briggs is of the view that there are overlaps in relation to freshwater effects because these effects are governed by district plans.²² In this regard, I note that the NoRs do not seek to, and cannot, authorise the discharge of contaminants or water to freshwater. For this reason, I do not agree with Mr Briggs' conclusion that sediment and erosion control, stormwater management and fauna salvage²³ be address through conditions. Mr Briggs also suggests that 'certification' is required. No rationale is given for the need of a further approvals process beyond that outline plan process provided by the RMA.
47. That said, I acknowledge that the effects on freshwater ecology values are relevant to considering effects on the natural character of streams, rivers and their margins. **Mr Miller**, in his EIC, confirms the scope of his assessment for this purpose.

Response to evidence of David Richard Murphy

48. Mr Murphy disagrees with my conclusion in Volume 2, Part I of the NoR documentation that the Project provides "*greater access for all road users*". The conclusion quoted is one part of a broader conclusion in respect of the strategic priorities set out in the GPS. The GPS includes access as one of the strategic priorities and defines access as "*people's ability to connect with people, goods, services and opportunities and thereby engage in economic and social activity*". It is my opinion that, when compared to the existing situation, the only reasonable conclusion is that the Project delivers greater access for all users, including for pedestrians and cyclists. My conclusions in this regard are summarised in the Joint Statement of Planning and Conditions Experts.

²² Paragraph 10.24.

²³ Presumably freshwater species.

49. Mr Murphy goes on to state that the NoR documentation makes no mention of how a separated walking and cycling facility could add to the liveability of Palmerston North City, despite the Manawatū River network, including Te Āpiti, being identified as one of the three top 'city shaping' moves in the PNCC Long Term Plan and Spatial Plan.
50. I accept that, in assessing the effects of the Project, I did not consider the PNCC Long Term Plan and Spatial Plan.²⁴ I have now considered the Spatial Plan and conclude that the Project is consistent with, and contributes to the delivery of, the Spatial Plan aspirations by providing pedestrian and cycling facilities:
- (a) on the State Highway 3 Ashhurst bridge;²⁵
 - (b) between the Ashhurst bridge and the new Manawatū River bridge via the Manawatū Gorge Scenic Reserve Car Park;
 - (c) connecting to the northern bank of the Manawatū River (pedestrian facility and 2 metre shoulder) to provide a connection to future recreational and tourism facilities that may be developed on the northern side of the Gorge.
51. The Long Term Plan and Spatial Plan make no reference to walking and cycling connections over the Ruahine Ranges.
52. Mr Murphy also references the Accelerate 25 Regional Economic Development Programme action plan that identifies the Manawatū Gorge Cycle Trail as a priority tourism and visitor opportunity.²⁶ I acknowledge this and confirm that developing a business case for the cycle trail is listed as to be undertaken by Horizons and MBIE in 2016/2017. I do not know whether this has occurred. In my opinion, it is likely that the Project will provide supporting connections to this cycle trail (including through the facilities listed above). I do not consider that the Project has an adverse effect on the ability for local authorities to deliver the cycle trail (and realise the opportunities Mr Murphy refers to), instead the new facilities I have referred to earlier align to these opportunities.

²⁴ Included as Appendix A to Mr Murphy's evidence

²⁵ As set out by Ms Downs, this is a separately funded project that is now delivered as part of this Project. This facility will connect to the network provided by PNCC.

²⁶ Paragraph 5.8.

53. Mr Murphy describes two further strategy documents that recognise the significance of the Te Āpiti/Manawatū Gorge and Manawatū River.²⁷ I accept the significance of the area. I also accept that there are on-going efforts to realise the opportunities afforded by Te Āpiti and the Manawatū River. Where my opinion differs to that of Mr Murphy is in respect of assessing the response of the Project to the various strategy documents. My conclusion is that the Project does not preclude the achievement of, or adversely impact on, the ability to achieve these opportunities. Insofar as the Project provides for improved cycling and walking facilities, the Project contributes to the achievement of opportunities. I understand that Mr Murphy has concluded that the Project must go further, and should actually realise these opportunities in order to be consistent with the relevant strategy documents.
54. Mr Murphy confirms that the Te Āpiti Masterplan is yet to be finalised and notes that it “*signals a strong desire by the region to exploit the unique opportunities on offer at Te Āpiti*”.²⁸ I agree that this is the strong direction of the current initial draft version of the Masterplan. However, for the reasons set out in my EIC, I consider that the Masterplan can be afforded little to no weight.²⁹ Mr Murphy agrees to the extent that the draft status limits the weight that can be given to it.
55. In his evidence, Mr Murphy lists plan (and policy statement) provisions that relate to walking and cycling and suggests that the Project does not achieve these provisions. In my opinion, Mr Murphy overstates the direction give in these provisions and I do not consider that the provisions compel the provision of a separate shared path as part of the Project. By way of example:
- (a) PNCC District Plan City View Objective 24 requires that all forms of transport are “adequately provided for”. In the case of this Project (and noting the projections set out in **Mr Kennett’s** EIC) adequate provision can be achieved by the enhanced facilities at either end of the Project and a shoulder over the Ruahine Ranges.
 - (b) PNCC District Plan Transportation Section Policy 1.6 references encouraging non-vehicular modes of transport “throughout the City” and TDC District Plan Transport Policy g refers to encouraging cycling

²⁷ PNCC Creative and Liveable Strategy, Manawatū River Strategy.

²⁸ Paragraph 5.23.

²⁹ Paragraphs 92 to 96.

and pedestrian facilities “particularly in town centres”. I consider that these Policies do not give specific encouragement to pedestrian and cycle facilities between urban areas or in the rural environment, rather they relate to the urban areas within each district plan’s jurisdiction.

56. I note that, in reaching a conclusion on the policy direction in respect to walking and cycling, Mr Murphy has not considered the potential effects of providing a separated cycling and walking facilities, nor has he weighed his conclusion against the broader policy framework, including policies in respect of matters of national importance. In this regard, I note that a separate facility may result in greater impacts on, for instance, the Te Āpiti wind farm, Ballantrae grazing trial and the areas subject to a QEII Trust open space covenant.
57. In his evidence, Mr Murphy states that the business case process has not been fully tested and concludes that the consideration of the effects of allowing the requirement in respect of section 171(1)(b) is the opportunity to do so.³⁰ In this regard, I reiterate my understanding (as a planner) that this consideration is confined to the adequacy of the process of considering alternatives, as opposed to the ultimate choice of a preferred alternative.³¹
58. Mr Murphy disagrees with my conclusion that Objectives 4 and 6 of the RLTP should be given little to no weight on the basis that the Objectives are broad outcomes and it is incorrect to “*start at the end of the RLTP and work backwards*”.³²
59. To clarify, my understanding is that the RLTP includes seven Regional Issues. These Issues are addressed by six Objectives. Table 1 of the RLTP sets out which Objectives address which Issues (that is, not all Objectives address all Issues). The RLTP Objectives are supported by five strategic priorities that are the focus of the future work programme to achieve the objectives and address the issues. The Project is included in Strategic Priority 5.2 (‘Improve connectivity, resilience and the safety of strategic routes to and from key destinations linking north-south and east-west, while factoring in demographic changes and impacts on land use’).

³⁰ Paragraph 6.1.

³¹ Paragraph 58.

³² Paragraphs 9.19 and 9.20.

60. The RLTP includes the following table³³ that indicates the Objectives that Strategic Priority 5.2 will deliver:

	This strategic priority will deliver on the following objectives:
An optimised road, rail and public transport network that provides efficient, reliable access and movement for people and freight to and from key destinations, within and outside the region.	√
Maximise the strategic advantage of central New Zealand through efficient and well-serviced hubbing and freight distribution activities, including better utilisation of rail corridors.	√
A safe land transport system increasingly free of death and serious injury.	√
A resilient transport network with secure inter- and intra-regional routes that can perform following an unplanned event.	√

61. This table clearly identifies Objective 1, 2, 3 and 5 as relevant and does not suggest that there is a need to for an identified Strategic Priority to achieve all Objectives.

PROPOSED CONDITIONS

62. In addition to the amendments to the conditions that have been made in response to the evidence filed by submitters and further discussions with submitters, the following summarises the further amendments I have made to the proposed conditions in response to agreement reached between experts and recorded in the various joint witness statements that have been prepared since I completed my evidence in chief.

Joint statement of transport and social experts

63. The transport experts agree, in respect of the use of Hope Road for construction access, that construction traffic should be prevented from accessing Saddle Road from Hope Road, and that the Woodlands Road 'linkage' needs to be upgraded if a Hope Road construction access is used. I have discussed this matter with Mr Dunlop and understand that the potential effect is in respect of Hope Road (as opposed to the intersections

³³ RLTP, page 29.

at either end of the road). The effects of construction traffic on Hope Road are managed by:

- (a) the Construction Traffic Management Plan at Condition 22 that includes a general requirement to manage the numbers, frequencies, timing and routes used by construction traffic and a specific requirement to manage heavy vehicles on Hope Road; and
- (b) the Transport Agency's mandatory Code of Practice for Temporary Traffic Management.

- 64. The transport experts agree that the performance of the State Highway 2 and State Highway 3 intersection at Woodville deteriorates in the future, with or without the Project and that something needs to be done to improve intersection performance, with a number of options identified. I understand that the performance of this intersection is a concern irrespective of the Project and addressing this falls within the ambit of the Transport Agency's network maintenance responsibilities (as opposed to being addressed as part of the Project).
- 65. The transport witnesses agree that a separate shared space (active mode) two-way facility should be provided between Ashhurst Bridge and the western roundabout. This is achieved through Conditions 26(b) and PN2, including the requirement to consult with a range of parties in respect of the design of the facility.
- 66. The transport experts agree that a facility on the new Manawatū River bridge for pedestrians must be physically separated from the traffic lanes. The requirement for such a facility is included in Condition 5(e). The design of the bridge is a matter for detailed design (and subject to the relevant safety standards).
- 67. The transport experts agree that separate facilities for walking and cycling should be provided on each of the roundabouts. This is achieved by the design requirements embedded in Condition 26(b) that specifically require such facilities.
- 68. The witnesses agree that the MGSR Car Park Plan should include the design of walking and cycling facilities that connect to the car park. I have amended Condition PN2 to provide for this. The social experts also agree that the MGSR Car Park Plan include details of any future recreation walkway on the northern side of the Manawatū River. I have not

recommended the inclusion of a future amendment to Condition PN2 on the basis that the future facilities are not being provided by the Transport Agency. In my opinion reference to the connection of the new pedestrian facility over the Manawatū River to “*any future public recreation access or path to the Manawatū Gorge Scenic Reserve*” in Condition 5(e)(viii) is sufficient.

69. Mr Dunlop and Ms Fraser agree that construction traffic access points must meet relevant stated standards or ‘*alternate forms of safe provision*’. As set out in my EIC, construction access formation is not addressed in conditions because the accesses are generally not within the designation. That said, ‘safe provision’ is achieved through the need to comply with the access standards in the relevant District Plan, for instance, the provisions of section 5.3.3 of the Tararua District Plan.³⁴
70. The social experts agree that the Community Liaison Group (“**CLG**”) has a role in the matters listed in Condition 26(b) and the conditions should reflect this. I have amended Conditions 8 and 26 to require consultation with the CLG in the preparation of the Network Integration Plan (“**NIP**”), and the details of that consultation to be reflected in the NIP.
71. The social experts agree that conditions require targeted engagement with directly affected landowners where landscaping, noise and construction traffic has the potential to affect them. Along with the specific management plans for Te Āpiti wind farm and Ballantrae Station, this targeted engagement is achieved through Conditions 7(c)(iv)(D), 12(e)(iv), 12(e)(v), 12(e)(vi), and (vi), 22(e)(ii), PN2(c)(v), 29A and 29B(b).
72. The social experts agree that Condition 8 is not clear in respect of the CLG’s role in the preparation of various management plans. I have included a new clause in Condition 8 to provide greater clarity.
73. The social experts agree that a further clause in Condition 8 should be included to require the Project team to record and respond to issues raised by the CLG. I have drafted an additional clause in Condition 8 to achieve this.

³⁴ Paragraph 333, page 83.

Joint statement of ecology experts (terrestrial ecology)

74. The witnesses agree that Condition 13A(a)(xii) of the conditions that accompany the Councils' response to Hearings Panel questions should be reworded to more generally required the plan to manage offset planting to meet to principles of offsetting and demonstrate the attainment of net biodiversity gain.
75. This is achieved by Condition 17 that directly requires offsetting to be developed with reference to Policy 13-4 of the Horizons One Plan and to be implemented, protected and managed in accordance with an Ecological Management Plan.
76. The witnesses agree that the conditions include a review clause for the bat, avifauna and invertebrate management plans. This is achieved by Condition 5(d) or through the submission of a further outline plan where the review results in a materially different outcome.
77. The witnesses agree that the Transport Agency is to consider the wording of Condition 16A, which requires the preparation of a Terrestrial Invertebrates Management Plan. A proposed Condition 16A was included in my response to the questions in the Fifth Minute of the Hearing Panel. This condition now includes further limited amendments to provide greater certainty in respect of where monitoring activities may occur.
78. The witnesses note that there is duplication between Condition 13A and 17 (Councils' version). This is because Condition 17 (both versions), amongst other matters, implements, protects and manages replacement and offset planting and Condition 13A (council version) does the same. This duplication is the reason that I do not consider that Condition 13A is necessary.³⁵
79. The remaining matters that are agreed between ecology experts in respect of conditions relate to the deletion of amendments suggested only in the Councils' version and the updating of the Councils' version to reflect the Conditions included in Attachment B to my EIC. As such, no further amendments to the Conditions are necessary.

³⁵ A McLeod, EIC, Attachment D.

Joint statement of planning experts

80. The witnesses agree that Condition T1 should require a management plan developed in cooperation with Meridian. As set out earlier, a replacement Condition T1 is proposed.
81. The witnesses agree that Condition T3 does not adequately address the effects on the AgResearch trial site. As foreshadowed in my response to the questions in the Fifth Minute of the Hearing Panel, a replacement Condition T3 is proposed.

Ainsley Jean McLeod

25 March 2019

ATTACHMENT A: UPDATED PROPOSED DESIGNATION CONDITIONS

[Tabled at the hearing on Day 1 (25 March 2019)]