

PROPOSED DESIGNATION CONDITIONS TO BE AMENDED (28 MARCH 2019)

The following sets out designation conditions (and associated definitions) that have been 'signalled' for amendment in response to evidence heard to the end of 28 March 2019.

Definitions and Abbreviations

ABBREVIATION/TERM/ACCRONYM	TERM/DEFINITION FOR AMENDMENT
Construction activities	Consideration is being given to the inclusion of a new definition of 'construction activities' and/or 'construction' for clarity and in order to distinguish these activities from 'enabling works'. This may result in consequential amendments to the definition of 'enabling works' and associated conditions.
Tangata whenua/iwi	Consideration is being given to merits of a defined term to reflect the Transport Agency's iwi partners.

Construction Conditions (common to all jurisdictions)

REF	CONDITIONS FOR AMENDMENT
General and Administration	
1.	General Amendment may be necessary to (a)(ii) to update reference to the CEDF to reflect revisions to Condition 11.
2.	Post-construction review of designation width No further amendments required.
3.	Post-construction removal of conditions Mr Carlyon has suggested that the CEDF should be an enduring document. While matters of Mātaranga Māori recorded in the CEDF will also underpin the partnerships between iwi and the Transport Agency, this suggestion does not reflect the purpose of the CEDF as a framework to guide the design of the Project (rather than its ongoing operation) and as such the CEDF fulfils its purpose once the design and construction are complete. On this basis, no further amendments are proposed.
4.	Lapse period No further amendments required.
Outline Plan or Outline Plans	
5A.	Outline plan or outline plans (enabling works) An amendment is to be made to include selected relevant CEMP matters to remedy or mitigate potential effects of enabling works.
5.	Outline plan or outline plans (permanent works) Amend clause (e)(i) to require that construction works minimise, as far as practicable, the disturbance or physical modification of the identified streams.

REF	CONDITIONS FOR AMENDMENT
	It is possible that clause (e)(iv) will require further amendment as a result of the further investigations to be undertaken by Dr Horne and Mr Whaley.
Engagement and Participation	
6.	Community Liaison Person No further amendments required.
7.	Communications Plan No further amendments required.
8.	Community Liaison Group Consideration will be given to the meaning of 'majority' in clause (c) and the merits of providing for a specified percentage.
9.	Complaints management No further amendments required.
Construction Management	
10.	Construction Environmental Management Plan Amend clause (a) to replace 'manage' with 'remedy or mitigate'. Amend clause (c)(vii) to include a requirement for outcomes of monitoring, environmental reporting and environmental auditing to be provided to the Councils. Mr Carlyon has suggested that the CEDF could form part of the CEMP. The designers and constructors will work closely with the Transport Agency's iwi partners as the detailed design of the Project and the documents are developed, but the change sought is not considered necessary on the basis that the CEDF is a document that guides design and informs construction methods that is separately embedded through Conditions 1 and 5 directly (alongside the CEMP). Therefore, no further amendment is proposed in this regard.
Landscape, Visual Amenity and Natural Character	
11.	Cultural and Environmental Design Framework It is anticipated that this Condition will be updated to reflect a revised version of the CEDF in response to the following: <ul style="list-style-type: none"> • The revised version is likely to reflect an agreed, or near agreed, position with the Councils (S42A) and outcomes of further meetings with representatives of Kahungunu ki Tāmaki Nui-a-Rua Trust and Ngāti Raukawa. It is hoped that direct reference to values expressed by Mr Black and Mr Kendrick can be included. • An approach to 'locking-in' the CEDF will be considered (including an approach similar to that suggested in the Transport Agency's response to Councils' request for further information under section 92 of the RMA (and an updated Condition 12). • Mr Carlyon seeks that his clients 'agree' the content of the CEDF following several months of developing content, while Mr Bentley considers that the level of detail is sufficient and equivalent to similar Projects. While a condition requiring a third party agreement will not be proposed as part of this Condition, the content of the CEDF is being worked through urgently by the Transport Agency with its iwi partners.
12.	Landscape Management Plan Amendments may be required as a consequence of a final position in respect of the CEDF and Condition 11. Consideration will be given to what is meant by 'scale' in clause (f)(iii). It is anticipated this will be clarified by a further amendment to this clause.

REF	CONDITIONS FOR AMENDMENT
Terrestrial Ecology	
13.	Replacement and offset planting As for Condition 12, consideration will be given to what is meant by 'scale' in clause (f)(iii). It is anticipated this will be clarified by a further amendment to this clause.
14.	Lizards Amend to replace 'manage' with 'avoid, remedy or mitigate'.
15.	Bats Amend to clause (b) to replace 'manage' with 'avoid, remedy or mitigate'.
16.	Avifauna Amend to replace 'manage' with 'avoid, remedy or mitigate'.
16A.	Terrestrial Invertebrates Ms Lynch-Karaitiana indicated that further amendments are necessary to provide tangata whenua consultation in respect of survey methodologies. Having further reviewed the Condition with Ms Lynch-Karaitiana, it is now confirmed that clause (b) sufficiently addresses her concerns and no further amendment is required in this regard. Amend to clause (c) to replace 'manage' with 'avoid, remedy or mitigate'.
17.	Ecological Management Plan Consideration will be given to providing for funding of work set out in the biodiversity plan referred to by the Te Āpiti Manawatū Gorge Governance Group as part of a mitigation (including compensation and offsetting) package. Mr Carlyon seeks that iwi 'agree' to any measures necessary to achieve a net indigenous biological diversity gain. While a condition requiring third-party agreement is not proposed as part of this Condition, consideration is being given to amendments or alternative approaches that address the views expressed by Mr Carlyon. At the Panel's request, Dr Forbes has confirmed that he is comfortable that the recommendations he makes in his evidence (including his addendum) are appropriately addressed in the current version of the conditions.
18.	At risk or threatened flora and fauna discovery protocol Amend clause (a) to replace 'and/or' with 'and'.
Construction Noise and Vibration	
19.	Measurement and assessment – construction noise No further amendments required.
20.	Measurement and assessment – construction vibration No further amendments required.
21.	Construction Noise and Vibration Management Plan Amend clauses (d)(ix) and (x) to replace 'manage' with 'remedy and mitigate'. Confirmation that this amendment remains appropriate is sought from Transpower and Meridian respectively.
Construction Traffic	
22.	Construction Traffic Management Plan The term 'manage' in clauses (e) and (f) will be replaced by an appropriate term/s.

REF	CONDITIONS FOR AMENDMENT
Tangata Whenua Values	
23.	<p>Tangata whenua values monitoring and management</p> <p>Consideration is being given to amendments to reflect matters raised by Mr Black and Mr Tamihana in respect of site inductions.</p> <p>Consideration will be given to what ‘cultural offsetting’ sought by Mr Carlyon might include and how it may be incorporated in this Condition.</p> <p>Consequential amendments may be required as a result of possible amendments suggested in respect of Condition 24.</p>
Archaeology and Historic Heritage	
24.	<p>Accidental discovery protocol</p> <p>Proposed amendments have been requested from tangata whenua witnesses. The current condition is agreed with Heritage New Zealand Pouhere Toanga. The Transport Agency will liaise with HNZPT in respect of any potential amendments.</p>
Network Utilities	
25.	<p>Electrical clearances</p> <p>No further amendments required.</p>
26.	<p>Network Integration</p> <p>No further amendments required.</p>
26A.	<p>National Code of Practice for Network Utility Operators’ Access to Transport Corridors</p> <p>No further amendments required.</p>

Construction Conditions (Palmerston North City only)

REF	DRAFT CONDITIONS
Parahaki Island	
PN1.	<p>Outline plan – Parahaki Island</p> <p>No further amendments required.</p>
Recreation and Open Space	
PN2.	<p>Manawatū Gorge Scenic Reserve car park</p> <p>No further amendments are currently required. It is anticipated that witnesses for the Director General of Conservation will propose further amendments that will be considered in due course.</p>

Construction Conditions (Manawatū District only)

REF	DRAFT CONDITIONS
Network Utilities	
M1.	<p>Outline plan – Tararua High Pressure Gas Transmission Pipeline</p> <p>No further amendments required.</p>

REF	DRAFT CONDITIONS
M2.	<p>Outline plan – Palmerston North to Gisborne Rail Corridor</p> <p>Consideration will be given to replacing the term ‘manage’ with an appropriate term/s. The current condition is agreed with KiwiRail. The Transport Agency will liaise with KiwiRail in respect of any potential amendments.</p>

Construction Conditions (Tararua District only)

REF	DRAFT CONDITIONS
Network Utilities and Infrastructure	
T1.	<p>Te Āpiti Wind Farm</p> <p>Consideration will be given to any further amendments suggested in the evidence presented by Meridian witnesses and including a maximum number of turbines that could be removed as promoted by Mr Tapper.</p> <p>Consideration will be given to replacing the term ‘manage’ in the opening paragraph with an appropriate term.</p>
T2.	<p>Outline plan – Mangamaire – Woodville A 110kV National Grid transmission line</p> <p>No further amendments required.</p>
Ballantrae Hill Country Research Station	
T3.	<p>Ballantrae Hill Country Research Station</p> <p>It is anticipated that this Condition will require review as a result of the further investigations to be undertaken by Dr Horne and Mr Whaley.</p> <p>Consideration will be given to any further amendments suggested in the evidence presented by AgResearch witnesses.</p> <p>‘Manage’ in the opening paragraph will be replaced with ‘avoid, remedy or mitigate’.</p>
QEII National Trust Open Space Covenants	
T4.	<p>Outline plan – QEII National Trust open space covenants</p> <p>No further amendments required, with the exception of the correction of a typographical error identified by Mr Whaley.</p>

Operational Conditions (common to all jurisdictions)

REF	DRAFT CONDITIONS
Noise and property	
27.	<p>Road surfacing</p> <p>No further amendments required.</p>
28.	<p>Traffic separation</p> <p>No further amendments required.</p>
29.	<p>49807 State Highway 3 and 75 Hope Road, Woodville</p> <p>No further amendments required.</p>

REF	DRAFT CONDITIONS
29A.	Lot 2 DP 351133 No further amendments required.
29B.	Post-construction review No further amendments required.
Lighting	
30.	Operational lighting No further amendments required.
Landscape, Natural Character and Ecology	
31.	Landscape, replacement and offset planting maintenance No further amendments required.
Network Utilities and Infrastructure	
32.	Written consent under section 176 of the RMA - Te Āpiti Wind Farm No further amendments required, with the exception of the correction two typographical errors.