

**BEFORE THE PALMERSTON NORTH CITY, MANAWATŪ DISTRICT (MDC)
AND TARARUA DISTRICT COUNCILS**

IN THE MATTER of the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER NOTICES OF REQUIREMENT by NZTA under s168 of the Act for the construction, operation, maintenance and improvement of approximately 11.5km of new State Highway between Ashurst and Woodville to replace the closed section of SH3 through the Manawatū Gorge and associated works, known as the Te Ahu a Turanga, Manawatū Tararua Highway Project (“the Project”)

Michael James Briggs

**ADDENDUM TO EVIDENCE ON BEHALF OF THE DIRECTOR-GENERAL OF
CONSERVATION
(Planning)**

Dated: 4 April 2019

COUNSEL:
SARAH ONGLEY
Barrister
Phone: (06) 7699400
Fax: (06) 7699425
Email: sarah@ongley.co.nz
PO Box 8213
New Plymouth 4342

1. INTRODUCTION

- 1.1. My full name is Michael James Briggs.
- 1.2. I submitted a statement of evidence on planning (**EIC**) on behalf of the Director-General of Conservation on 15 March 2019.
- 1.3. I have the qualifications and experience set out in my EIC.
- 1.4. I repeat the confirmation given in my EIC that I have read the Code of Conduct for Expert Witnesses (2014) and that my evidence has been prepared in compliance with that Code.
- 1.5. In this Addendum I comment on proposed designation conditions. I do not comment on conditions addressing broader ecology matters but refer to the evidence of the Director-General's ecology experts. I provide a brief comment on proposed condition 17b.

2. EFFECTS ON USERS OF THE MANAWATU GORGE SCENIC RESERVE CAR PARK AND VISITOR AREA

- 2.1. The Hearing Panel needs to determine whether the potential effects on the users of the Manawatu Gorge Scenic Reserve (**MGSR**) car park and visitor area are appropriately avoided, remedied or mitigated by the Project.
- 2.2. Ms Linzey acknowledges the importance of the MGSR car park and visitor area as a community facility for the local and wider communities¹. Ms Linzey² considers that the proposed conditions are sufficient to address the "*potential adverse social impacts*" on the MGSR car park and visitor area. This is because Condition PN2 requires the MGSR Car Park Plan to provide sufficient car parks to cater for visitor numbers at 31 October 2018 and the Community Liaison Group (**CLG**) under Condition 8 will make recommendations on the wider suite of management plans.
- 2.3. I consider that the proposed conditions do not adequately avoid, remedy or mitigate the potential adverse impacts on the MGSR car park and visitor area. While consultation, construction and ecological management plans are common in designations and resource consent

¹ NOR, Volume 3.3 (Social Assessment) at [157].

² Linzey Addendum at [8 and 9].

conditions, the proposed management plan for the MGSR car park and visitor area is unique and the proposed condition should clearly identify the outcomes anticipated to manage the effects. In the absence of a draft MGSR Car Park Plan, I consider that proposed Condition PN2 should include specific requirements to enable Palmerston North City Council (**PNCC**) to assess at the outline plan stage.

2.4. I recommended separate plans in my EIC³ to enable construction to start prior to the reinstatement plan being finalised (e.g. within one year of works starting). As identified by Ms McLeod⁴, I have been liaising with her in relation to the proposed MGSR conditions. I acknowledge that Ms McLeod has now proposed separate MGSR Car Park Plans (“Construction” and “Re-instatement”).

3. CONSTRUCTION AND OPERATIONAL NOISE

3.1. I consider that Mr Chiles has taken an overly simplistic view of the MGSR car park and visitor area. As identified above, Ms Linzey considers the area to be an important community facility. The area is the gateway to access the walking tracks of the MGSR.

3.2. I agree with Mr Chiles that the conditions should not restrict construction noise below levels allowed under NZS 6803, but I understand that the standard only recommends upper noise limits in relation to dwellings in rural areas⁵.

3.3. Mr Chiles⁶ identifies in paragraph 12 of his addendum that the “*sound levels in a reconfigured information (and picnic) area should be significantly lower than the situation before the Gorge closed*”, while in paragraph 13, he identifies that “*depending on the final design, the reconfigured car parking area may be exposed to higher sound levels than the reconfigured information and picnic area*”

3.4. While the construction noise affects will be temporary, I still consider that potential operational noise at the MGSR car park and visitor area needs to be appropriately avoided, remedied or mitigated by the proposed conditions.

³ Briggs EIC at [9.6].

⁴ McLeod Addendum at [36].

⁵ NZS6803 Table 2.

⁶ Chiles Addendum at [12 and 13].

4. PEST MANAGEMENT ALONG THE CURRENT STATE HIGHWAY ALIGNMENT

- 4.1. The NZTA's State Highway Control Manual⁷ identifies that the NZTA "must take a pro-active stance in respect of its involvement in pest management" and "mitigate the adverse effects of road infrastructure maintenance and improvements".
- 4.2. In addition, the State Highway Control Manual⁸ identifies that where an adjacent landowner is undertaking plant pest management, the NZTA will undertake plant pest control on the State Highway reserve upon advice from the "management agency", and that the detail of the management is to be agreed with NZTA regional offices.
- 4.3. Having regard to Dr Martin's evidence on this matter,⁹ I suggest the following condition to ensure that the potential pest plant effects are adequately mitigated:

No earlier than six months after the commencement of the Project and no later than 12 months from that date the Requiring Authority shall, in consultation with the Department of Conservation, prepare a pest plant management plan for the existing SH3 alignment within 500 meters of the Manawatu Gorge Scenic Reserve that includes:

- (a) Compliance with NZTA State Highway Control Manual SM012 dated February 2011, in particular plant pest control under clause 1.6.5.H2(f), for as long as the road remains State Highway;
- (b) Measures to monitor and control weeds on the State Highway reserve on a six-monthly basis so that environmental pest plant species are controlled prior to maturity and seeding. The results of this monitoring and all pest plant management undertaken from time to time by the Requiring Authority shall be reported to the Department of Conservation
- (d) Should the road be closed, or State Highway status revoked, consultation with the Department of Conservation

⁷ NZTA State Highway Control Manual SM012 dated February 2011 at [1.6.5.H1].

⁸ NZTA State Highway Control Manual SM012 dated February 2011 at [1.6.5.H2(f)].

⁹ Martin EIC [9.9] – [9.12].

on ongoing pest plant management measures, and reporting on the outcomes of that consultation to the Manawatu-Whanganui Regional Council and the territorial authorities in whose districts the road is to be closed/State Highway status revoked.

5. PROPOSED CONDITION 17b.

- 5.1. As stated in my EIC, I consider that the Hearing Panel needs to determine whether the Project has adequately implemented the mitigation hierarchy of the Regional Plan and provides certainty that a net indigenous biological gain will be achieved.
- 5.2. I do not consider it appropriate to rely on proposed Condition 17b, the consultation and outline plan process or the future regional consents to achieve a net indigenous biological gain. In relation to the functions retained by the territorial authorities in this process, I rely on the legal submissions of Ms Ongley.
- 5.3. While Ms McLeod identifies the risk of not meeting the proposed conditions is a matter for NZTA¹⁰, the Project has potential to have adverse effects on matters of national importance and territorial authorities must have particular regard to regional policy statements and plans (including Objective 6-1 of the Region Plan) under Section 171(1) of the Resource Management Act 1991 (RMA).

Michael James Briggs

4 April 2019

¹⁰ McLeod Addendum at [43] - [45].