

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council reply on Tautapa Designations (District Council)
by consultant planner Garry Blay on behalf of
Waimakariri District Council as Territorial Authority**

Date: 6 May 2024

INTRODUCTION

- 1 My full name is Garry John Blay. I am employed as a Contract Planner for Waimakariri District Council as Territorial Authority. I am the Reporting Officer for the *Tautapa Designations (District Council)* topic and prepared the related Section 42A Report.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the s42A Report on District Council Designations.
- 3 I have prepared this reply on behalf of the District Council (as Territorial Authority) in respect of matters raised through Hearing Stream 11.
- 4 Specifically, this reply relates to the matters in the s42A Report relating to recommended conditions on the District Council designation requirement WDC-47 Rangiora East Road Connection.
- 5 I am authorised to provide this evidence on behalf of the District Council as Territorial Authority.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 Appendix C of my s42A report sets out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 11 held on 15 April 2024. Minute 23 from the Hearing Panel dated 19 April 2024 requires s42A report authors from Hearing Stream 11 to submit a written reply to questions from the Panel with respect to District Council designations no later than 4pm Monday 6 May 2024.
- 9 The main topics addressed in this reply include:
 - Answers to questions posed by the Panel;
 - Any other matters remaining in contention; and
 - Changes to recommendations in my s42A report.

- 10 Appendix 1 of this report has recommended amendments to Proposed District Plan (PDP) provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.

Answers to questions posed by the Panel

- 11 Appendix 1 of Minute 23 contains one question from the Panel in regard to District Council designation requirement WDC-47 Rangiora East Road Connection. The Panel question is:

‘Please revisit and readdress the appropriateness of conditions 16, 22, 23 and 24 in light of your recommendation to delete conditions 11 to 13 and the words “of the waterways and in stream fauna” from condition 14, taking into account that it is the Panel’s understanding that a regional council would generally be responsible for controlling the use of land for the purpose of the maintenance and enhancement of water quality and aquatic ecosystems.’

- 12 My response in regard to each of these recommended conditions is as follows.

- 13 Condition 16 – This condition refers to the engagement of a freshwater ecologist during the detailed design phase and when developing construction methodology. I consider this condition appropriate as the design and location of stormwater management areas and the path of the road are critical components of ensuring adverse ecological effects do not occur. These are matters that will be considered by the District Council during the Outline Plan approval process, with input from a freshwater ecologist being an integral component of the information required to make a fully informed recommendation on the Outline Plan application.

- 14 Condition 22 – I now consider that this condition is not appropriate within the designation conditions as it refers specifically to methods to be used during construction to avoid fish mortality, which is a Regional Council function. This requirement is therefore more appropriate as a condition on Regional Council consents as it is an instream effect rather

than a land use matter. Consequently, I now wish to change my original recommendation and now recommend this condition be deleted.

15 Condition 23 – I consider this condition appropriate on the designation as it directly controls the timing of a land use activity (construction works) within the riparian margin which may have an adverse effect on indigenous biodiversity. The wording is similar to condition wording that appears on numerous land use consent approvals I have been involved with and therefore is considered to sit within the function of the District Council.

16 Condition 24 - I consider this condition appropriate as it manages a land use activity (machinery required for construction works) within the riparian margin which may have an adverse effect on indigenous biodiversity. The wording is similar to condition wording that appears on numerous land use consent approvals I have been involved with and therefore is considered to sit within the function of the District Council.

Date: 6/5/2024



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Garry Blay

Appendix 1 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from this report in response to the Panel’s question are shown in blue text (with underline and ~~strike-out~~ as appropriate).

WDC-47 Rangiora East Road Connection conditions

Archaeology

1. Prior to any ground investigation works or construction activity commencing, an assessment shall be undertaken of:

- the potential historic archaeological risk areas identified in “Waimakariri District Council: Rangiora Eastern Road Connection, Technical Assessment – Desktop Archaeological”, prepared by WSP and referenced as 6-DHLHH.01
- any sites of cultural importance that might be affected by the construction of the road, identified by consultation with iwi.

Note: Where the assessment required under this condition identifies evidence of pre-1900 activity, an archaeological authority will be required from Heritage New Zealand Pouhere Taonga prior to any ground investigation works or construction activity.

2. Prior to any ground investigation works or construction activity commencing, an Archaeological Management Plan shall be prepared to manage archaeological work within risk areas identified in “Waimakariri District Council: Rangiora Eastern Road Connection, Technical Assessment – Desktop Archaeological”, prepared by WSP and referenced as 6-

DHLHH.01, and to set out accidental discovery protocols along the rest of the Corridor.

Operational Noise

3. Within 6 months of the designation being confirmed, the requiring authority will collate a list of the Protected Premises and Facilities (as defined in NZS 6806:2010, Acoustics – Road-traffic noise – New and altered roads) that exist, or that hold building consent, on the confirmation date of the designation.
4. Prior to the construction of the road, a noise assessment shall be undertaken of the proposed road design, following NZS 6806:2010, Acoustics – Road-traffic noise – New and altered roads.
5. Structural mitigation found by the NZS 6806 assessment to be the best practicable option shall be included in any outline plan.

Severance of landholdings

6. Any outline plan submitted for works under this designation shall include any measures proposed to avoid, remedy or mitigate the effects of the road severing any landholding, including, but not limited to, stock movement, irrigation systems and farm drainage.

Construction Phase matters

7. Construction noise shall be managed and assessed under NZS 6803:1999.
8. A construction management plan shall be prepared and included in any outline plan submitted for works under this designation, and adhered to throughout the construction process. This should include, but is not limited to:
 - days and hours for undertaking construction works;
 - traffic management, including access to properties;
 - dust control measures;
 - noise (including vibration) mitigation;

- erosion and sediment control measures;
- accidental discovery protocols;
- accidental or unexpected contamination discovery protocols; and
- a complaints management process.

Stormwater and Flooding

9. The design of the road shall comply with the Waimakariri District Council's Engineering Code of Practice (as current at the time of construction).
10. Prior to the construction of the road, a report shall be prepared and included in any outline plan submitted for works under this designation, to assess the potential impact of the road corridor on flood risk, including an Ashley River break-out event (if still considered feasible). The report shall identify any potential adverse effects and proposed mitigation measures that are incorporated into the road design.

Ecology

~~11. Avoiding stream loss (e.g. reclamation, loss of flow permanence, culvert installation, piping) is an explicit requirement of the National Policy Statement for Freshwater Management 2020 (Policy 7). Where this is not practicable, a clear approach, using the effects management hierarchy, to managing the adverse effects on the ecology shall be utilised.~~

~~12. Installation of culverts in streams shall be avoided where possible.~~

~~13. Where avoidance of culverts or infilling of streams is not possible, mitigation for stream loss shall be provided. This may include permanent diversions or enhancement of adjacent sections of waterway.~~

~~14. Specialist ecological surveys, including of the waterways and in-stream fauna, lizard and bird species, shall be provided prior to construction beginning. These surveys shall confirm ecological values present, identify the magnitude and level of effects of proposed construction and operational activity on these ecological values and provide~~

recommendations on the effects management hierarchy including measures to avoid, remedy and mitigate adverse effects.

15. If construction is to occur during the New Zealand pipit breeding season (start of August until the end of March), a pre-construction survey shall be undertaken by a suitably qualified and experienced ornithologist and the following actions taken.

- If no breeding pipit are found, grass within the area to be impacted on by construction activities shall be kept grazed or mown to reduce the potential availability of pipit nesting habitat until the commencement of earthworks.

- If breeding pipit are found, advice from a suitably qualified and experienced ornithologist on management options shall be sought to provide management recommendations, which may include establishing exclusion zones around nest/s or delaying construction works until the end of the breeding season.

16. A suitably qualified and experienced freshwater ecologist shall be engaged to provide advice during the detailed design stage and when developing the construction methodology. The ecologist shall provide advice to improve ecological outcomes where possible or avoid or minimise effects on the ecology where improvements are not possible or practical. The ecologist's advice shall be adopted in designs or construction methodology.

17. Stormwater treatment systems shall be included in the design to receive and treat the runoff from the Rangiora Eastern road corridor, to avoid adverse ecological effects on the receiving environment.

18. Lighting adjacent to the waterways shall be avoided. Where new lighting is needed, it shall be designed to avoid light spill onto and over the waterways and riparian vegetation (i.e. using angled mounting and rear shielding). The use of blue LEDs shall be avoided where possible.

19. Erosion and sediment control measures shall be installed for the duration of the works and shall be designed in accordance with Environment Canterbury's Erosion and Sediment Control Guidelines (ECan 2007), or national best practice guidelines. No sediment or other contaminants shall be discharged to water prior to treatment to a standard that will not result in adverse effects to water and habitat quality that are any more than minor.
20. During construction the total area of exposed soil shall be minimised, with exposed areas stabilised as soon as possible.
21. Refuelling of machinery shall not be done within 50 metres of any waterbody.
- ~~22. A suitably qualified and experienced freshwater ecologist shall be engaged to advise on appropriate and best practice methods to be used during construction to ensure fish mortality is avoided or minimised.~~
23. Construction works near waterways shall be timed to avoid critical spawning or migration periods for fish species present.
24. Any machinery used in and near waterways shall be inspected to ensure it is free of aquatic pests.
25. Replanting riparian areas with ecologically suitable, indigenous species that provide shading to the river and habitat for terrestrial fauna shall be provided following construction.

Operational Traffic

26. The operational traffic effectiveness and efficiency of the overall proposed route, including intersections and in particular the connection with State Highway 71 / Lineside Road, and effect on the wider road network, be further demonstrated and evaluated through an updated Transportation Assessment to form part of an Outline Plan for the works.

National Grid – construction and operation phase

27. The construction, operation and maintenance of the Rangiora East Road Connection must comply at all times with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”).
28. The design, construction, operation and maintenance of the Rangiora East Road Connection must not necessitate the relocation or removal of any National Grid support structure.
29. The construction, operation and maintenance of the Rangiora East Road Connection must not cause or exacerbate flooding in the vicinity of any National Grid support structure.
30. Physical access to National Grid support structures, including reasonable and emergency access during construction of the Rangiora East Road Connection, must be maintained at all times.
31. Prior to any construction works, or enabling works, being undertaken within fifty (50) metres of a National Grid support structure or the centre line of a National Grid transmission line, the Requiring Authority must prepare a National Grid Management Plan.
32. Where a National Grid Management Plan is required by Condition 31, any outline plan must include a National Grid Management Plan that is prepared and, as necessary, revised in accordance with Condition 33.
33. The objective of the National Grid Management Plan is to avoid, remedy or mitigate the potential effects of the Project on the operation and maintenance of the National Grid by describing safe and appropriate management procedures and construction methods. The National Grid Management Plan must, as a minimum:
- a. be prepared by a suitably qualified person;
 - b. be prepared in consultation with Transpower New Zealand Limited;

- c. include details of the consultation undertaken, including measures taken by the Requiring Authority to respond to Transpower New Zealand Limited's comments and feedback;
- d. demonstrate how the construction, operation and maintenance of the Rangiora East Road Connection achieves compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP 34:2001");
- e. establish a specific height for clearance over Rangiora East Road Connection, if necessary;
- f. include drawings showing proposed works in the vicinity of, or directly affecting, the National Grid;
- g. describe the details of the on-going access arrangements as required by Condition 30;
- h. identify areas to be delineated as out of bounds during construction and areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a Transpower observer may be required;
- i. describe measures to control induced and transferred voltages and earth potential rise where conductive material is within 8 metres of a transmission line support structure;
- j. confirm timing for any outage that may be necessary;
- k. describe how any changes to drainage patterns, runoff characteristics and stormwater are managed to avoid adverse effects on foundations of any transmission line support structure;
- l. confirm measures to manage the effects of dust and construction vibration so that there is no material damage the National Grid transmission lines beyond normal wear and tear; and
- m. set out the roles and responsibilities of site personnel and confirm details of site personnel training, including Transpower New Zealand

Limited's involvement in that training, for those working within 8 metres of the transmission line support structures or within the maximum extent of conductor swing (at maximum operating temperature).