

## Invitation for Comment on Te Ara Tupua – Ngauranga to Petone Shared Path at Ngauranga to Petone.

### The Te Ara Tupua – Ngauranga to Petone Shared Path is a Listed Project under the COVID-19 Recovery (Fast-track Consenting) Act 2020

<b>Application Name:</b>	Te Ara Tupua – Ngauranga to Petone Shared Path
<b>EPA Reference:</b>	FTC000001
<b>Applicant:</b>	New Zealand Transport Agency
<b>Comments due by:</b>	11 December 2020
<b>Accessing the application:</b>	The full application and supporting documents can be viewed on the EPA website, which can be accessed here: <a href="https://www.epa.govt.nz/fast-track-consenting/listed-projects/te-ara-tupua/">https://www.epa.govt.nz/fast-track-consenting/listed-projects/te-ara-tupua/</a>

An application for resource consents and notice of requirement has been made by New Zealand Transport Agency under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for Te Ara Tupua – Ngauranga to Petone shared path.

To comment on the Te Ara Tupua application and notice of requirement using the form below, please fill in the details and:

- **Email** the form to [tearatumuafasttrack@epa.govt.nz](mailto:tearatumuafasttrack@epa.govt.nz). *Please mark in the subject line: “Comments on Te Ara Tupua – Ngauranga to Petone Shared Path” (Your name/organisation) by 11 December 2020; or*
- **Post** the form to Te Ara Tupua – Ngauranga to Petone Shared Path, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140 in time for the form to be received by the 11 December 2020; or
- **Deliver in person** to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington by 11 December 2020. *Please note that due to potential changes in COVID-19 Alert Levels our reception may not be open to the public. We suggest phoning ahead to check.*

**Comments must be received by the EPA, on behalf of the Te Ara Tupua – Ngauranga to Petone Expert Consenting Panel, no later than 11 December 2020.**

If your comment is not received by the EPA by 11 December 2020 the Panel is not required to consider your comment (although it may decide to). Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 there is no right to seek a waiver of the time limit.

If you are an iwi authority you may share the consent application with hapū whose rohe is in the project area in the application, and choose to include comments from the hapū with any comments you may wish to provide.

## Important information

Your personal information will be held by the EPA and used in relation to the Te Ara Tupua – Ngauranga to Petone shared path consent application and notices of requirement process. You have the right to access and correct personal information held by the EPA.

A copy of your comments, including all personal information, will be provided to the Expert Consenting Panel and the applicant.

All comments received on the application will be available on the EPA website.

If you are a corporate entity making comments on this application, your full contact details will be publicly available. For individuals, your name will be publicly available but your contact details (phone number, address, and email) will not be publicly available.

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All information held by the EPA is subject to the Official Information Act 1982.

More information on the fast-track consenting process can be found at <https://www.epa.govt.nz/fast-track-consenting/about/>.

## Comment on the Te Ara Tupua – Ngauranga to Petone shared path Fast Track Application

### 1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

Organisation name (if relevant):	Greater Wellington Regional Council (GWRC)		
First name:*	Luke		
Last name:*	Troy		
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Email*: (A valid email address enables us to communicate efficiently with you)	<a href="mailto:Luke.Troy@gw.govt.nz">Luke.Troy@gw.govt.nz</a>		

All sections of this form with an asterisk (\*) are mandatory.

### 2. We will email you draft conditions of consent/notices of requirement for your comment.\*

- I can receive emails and my email address is correct

### 3. Please provide your comments on the Te Ara Tupua – Ngauranga to Petone shared path Application

If you need more space, please attach additional pages. Please include your name, page numbers and Te Ara Tupua Application on the additional pages

## Greater Wellington Regional Council (GWRC) comments

### Introduction

Thank you for the invitation to comment on the Te Ara Tupua – Ngauranga to Petone Shared Pathway consent application under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).

We acknowledge the purpose of the Act being to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources. We have considered the application in this context.

### Statement of support

GWRC supports the Te Ara Tupua Project and the creation of a safe, resilient walking and cycleway path. This infrastructure project is of regional importance and fills a critical missing link in the regional cycling/walking network – as acknowledged in the Regional Land Transport Plan. It will enable opportunities for significant mode shift from private vehicles to active modes in line with the policies and targets of the Regional Land Transport Plan and the Regional Mode Shift Plan. This will contribute to the goal of reducing carbon emissions from transport.

The geography of this part of the region is such that there are no practical alternative options to the location of this walkway/cycleway. The corridor is narrow and constrained, it has to accommodate the state highway network, the regional rail network, the regional walking and cycling corridors as well as key regional infrastructure such as bulk water. The only practical option to provide a safe, resilient and functional walking and cycling route is to locate this on the seaward side of the corridor. This is an important factor in assessing the project and has been taken account of in our comments.

The project will also bring other significant benefits for this critical transport corridor for the region. It will contribute materially to increasing resilience for the regional rail network and the State Highway network. There have been recent instances when the action of the sea has effectively cut the regional rail network at this point, causing widespread disruption on the wider transport network for many days and at considerable cost to repair. This is likely to occur with increased frequency due to rising sea levels related to climate change. The project will provide a significantly enhanced level of resilience to the effects of climate change for the whole transport corridor.

The project will also provide significantly enhanced resilience to other key regional infrastructure networks co-located along this corridor, including the regional bulk water network. This network supplies the whole of Wellington City and any interruption to water delivery would impact on the entire economy of the region.

GWRC has been actively involved in the development of Te Ara Tupua and has written as recently as September this year to Waka Kotahi expressing our continued support. Our current Long Term Plan (2018-28) includes a funding contribution towards project. GWRC appreciates the considerable effort that the applicant has put into consultation, development and design of the project over a long period of time. We acknowledge that the applicant has proactively engaged with GWRC and has looked into and adopted a number of GWRC's suggestions around design and mitigation. These elements are supported by GWRC.

We support a range of other positive effects from the project, as set out in the resource consent application. Positive effects are expected to result to traffic and transport, resilience of the transport corridor, economic and employment opportunities, recreation and health, social factors and improved connection and access to the coastal environment for users of the pathway. There are also benefits from the restoration and creation of new coastal habitat and overall improvement to amenity values in the area. Planting will improve the natural character of the coastal environment landward of the CMA.

**Specific issues still to be addressed**

The project will have a range of adverse effects on the environment that will need to be carefully considered by the Panel, addressed by consent conditions if approved, and managed during construction and for the life of the Project, in a way that is consistent with the Resource Management Act 1991 (RMA), National Policy Statements and regional and district plans.

Our main concern is around the loss of coastal marine habitat and indigenous biodiversity and whether the offset and compensation proposal put forward in the application is sufficient.

We acknowledge that the applicant has committed to work with GWRC to identify further options for offsetting and/or compensation. We will be happy to work with the applicant to review options for meeting this goal. We believe there are a number of options that can be pursued, and this is covered in further detail in our comments below. There may be other options identified through independent review.

**Detailed Comments**

We have provided a summary table, containing our key points on this proposal by topic and further detailed comments.

**Summary table**

Topic	Comment
<b>Ecological effects (offset and compensation package)</b>	<ul style="list-style-type: none"> <li>The project does not currently achieve no net loss for indigenous biodiversity.</li> <li>We recommend that additional offsetting and compensation measures be considered.</li> </ul>
<b>Ecological effects (oystercatchers)</b>	<ul style="list-style-type: none"> <li>Some adverse effects on oystercatchers (a <i>Nationally At Risk: Recovering</i> species) will be managed, but some likely residual effects from loss of feeding habitat will not be managed.</li> <li>Additional options should be considered to replace lost habitat as well as further offsetting or compensation.</li> </ul>
<b>Ecological effects (lizards)</b>	<ul style="list-style-type: none"> <li>Management of lizards that could need to be housed or relocated during the construction phase should be provided for.</li> </ul>
<b>Ecological effects (marine mammals)</b>	<ul style="list-style-type: none"> <li>The Noise Management Plan should consider mitigation for marine mammals.</li> </ul>
<b>Coastal Processes, Natural Hazards and Resilience</b>	<ul style="list-style-type: none"> <li>Comfortable with project effects on coastal processes, and its design in terms of infrastructural resilience and natural hazards reduction.</li> <li>Project should include further proposal for beach reconstruction and maintenance as an offsetting measure, as an additional soft engineering hazard mitigation measure and as an environmental enhancement.</li> </ul>

	<ul style="list-style-type: none"> <li>Request for three additions/changes to draft conditions (see <i>Appendix</i> for suggested wording) to provide for post-construction surveys of beaches and nearshore and gravel beach re-nourishment (if required).</li> </ul>
<b>Petone beach</b>	<ul style="list-style-type: none"> <li>Need to consider the impact of the design on Petone Beach. Structures should not cause a change in sediment transport dynamics that could result in transport of sand off the Beach.</li> </ul>
<b>Public transport</b>	<ul style="list-style-type: none"> <li>To manage potential disruption to the public transport network (eg, from temporary closure of the railway line), advance notice and opportunity for input to be given to GWRC Public Transport/Metlink (in addition to Kiwirail).</li> </ul>
<b>Navigation</b>	<ul style="list-style-type: none"> <li>For any lighting on the Project, the usual requirement for not having lights that could be confused with navigation lights needs to be applied.</li> </ul>
<b>Management Plans</b>	<ul style="list-style-type: none"> <li>Management plans will be critical for managing the effects of the Project; we look forward to working through details of the plans GWRC is responsible for certifying at the appropriate time.</li> </ul>
<b>Monitoring</b>	<ul style="list-style-type: none"> <li>The Project will require a significant amount of monitoring, both by the consent holder and regulatory authorities (including GWRC).</li> <li>The nature and extent of self-monitoring should be clarified in conditions and management plans – consider a requirement for receiving environment monitoring and periodic reporting on monitoring and compliance.</li> <li>There will be a significant compliance monitoring workload for GWRC, with associated costs and resourcing needs – we are keen to discuss how the monitoring responsibilities and costs will be broken down and apportioned.</li> </ul>
<b>Incidents condition</b>	<ul style="list-style-type: none"> <li>We recommend that the draft <i>Incidents condition</i> (EW.7) be strengthened to include requirement to report to GWRC, etc, in line with other NZTA consents (eg, Peka Peka to Otaki Expressway conditions G.10 and E.4 – see <i>Appendix</i>).</li> </ul>

## Detailed comments

### Ecological effects

- The Panel will need to consider whether the proposal is consistent with the New Zealand Coastal Policy Statement 2010. In particular, the direction to avoid adverse effects on significant biodiversity in the coastal marine area.
- The offset and compensation measures proposed are currently inadequate. Only about 1% of the anticipated residual adverse effects on significant indigenous biodiversity are proposed to be offset. We would ask the Panel to consider additional offsetting or compensation measures. Options might include:
  - Creating new mussel beds along the Project footprint and/or within Wellington Harbour more generally;
  - Positioning artificial tidal pools within the Project revetment structure;
  - Undertaking marine pest control within Wellington Harbour;
  - Amending the proposed scope of the State Highway 2 stormwater treatment proposal;
  - Restoration of nearby estuaries;

- f. Wetland and fish passage restoration; and
  - g. Scientific research and monitoring.
- The ecological assessment notes that, while shingle beaches along the alignment of the cycleway will mostly be avoided, a 3,300m<sup>2</sup> area of shingle beach will be lost under the project footprint (p. 128). It also notes that shingle beaches are an endangered (i.e., threatened) ecosystem type. We are concerned at the loss of this 3,300m<sup>2</sup> area of shingle beach and suggest that the application be amended to avoid the existing shingle beaches where possible, with only necessary maintenance and ecological enhancement of existing structures.
  - The ecological assessment notes that 11,200 m<sup>2</sup> of intertidal (including rocky reef) and 36,800m<sup>2</sup> of subtidal habitat (including rocky reef) will be lost under the project footprint. These are listed as having significant indigenous biodiversity values under PNRP Schedules F4 and F5. According to the applicant, this total loss of 48,000 m<sup>2</sup> of marine habitat constitutes a 'very high' (i.e., significant) level of adverse effect, which is not able to be avoided.
  - The applicant proposes environmental compensation measures to redress residual adverse effects that cannot be offset. These measures could provide positive, but not like-for-like, effects on indigenous biodiversity.
  - The applicant proposes measures to offset or compensate for the residual adverse effects of their proposal. The applicant has not provided a calculation of loss and gain and instead proposes to aim for overall environmental gain/betterment.
  - Two further measures are proposed to compensate for the residual adverse effects that cannot be offset. These are stormwater treatment for Ngauranga Gorge and restoration planting at Petone Beach. No calculation is provided to show how these measures might compensate for the losses incurred.
  - Consideration should be given by the Panel to whether how this matter should be assessed and whether some form of calculation is necessary.
  - We recommend that the panel consider commissioning an independent expert report to provide further analysis on the most effective offsetting and compensation package. This should consider the applicant's proposals alongside:
    - a. The proposals raised in this advice; and
    - b. Any further options raised by other commenters; and
    - c. Any further options identified by the independent expert report authors.
  - Restoration offsets aim to ensure that habitat area is not lost. In this respect the applicant proposes the installation of a small number of living seawalls. GWRC believes that further options for restoring marine habitat should be explored by the applicant.

- Another form of restoration offset that may be appropriate for this project is the positioning of artificial tidal pools between the new riprap. An example is EConcrete<sup>1</sup> whose artificial tidal pools (see image to right) have been deployed at multiple localities worldwide, including New York, Port of Rotterdam and Monaco, Hong Kong. In the New York example, tide pool units were integrated within riprap. Ecological monitoring showed that the units successfully mimicked the conditions of natural rock pools within 12 months of deployment.<sup>2</sup> This would be a localised solution for redressing the loss of rocky habitat and intertidal biodiversity attached to hard substrate that will result from the placement of additional riprap.
- The applicant could also consider the use of upstream pollution and sedimentation controls to improve the water quality entering the harbour. The applicant has already proposed this option<sup>3</sup> but considered it only for the immediate catchment. The applicant could consider the same or similar measures in another catchment/s that drain into the marine environment, and where the work is not required by others. Such a proposal would need to be accompanied by a calculation to determine what positive effect the action was anticipated to have.
- Additional compensation measures that might be considered include:
  - a. Estuary restoration (e.g., nearby Kaiwharawhara, Korokoro estuaries). Practical options may include removing concrete structures, restoring natural streambed habitat, and planting representative terrestrial vegetation to encourage the return of natural processes.
  - b. Wetland and fish passage restoration (e.g., Lake Kohangatera, Lake Kohangapiripiri). Practical options may include weed and pest control and the removal of fish passage barriers.
  - c. Scientific research and monitoring

## Ecological effects (oystercatchers and lizards)

Many of the background discussions with GWRC are reflected in design changes and proposed conditions that are managing most of the effects on the plants, lizards and birds.

While there are some plants of conservation concern in the project area we believe that the effects on vegetation will be no more than minor as these can be remedied with landscape plantings that will enhance the ecology of the area.

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<sup>1</sup> See <https://econcretetech.com/>

<sup>2</sup> Perkol-Finkel, S, Sella, I, Rella, A, Musella, R and Moriarty, D. 2019. Bringing concrete to life: Harnessing biological processes for building resilient ports and coastal infrastructure. In: *Australasian Coasts and Ports 2019 Conference: Future directions from 40 degrees S and beyond*, Hobart, 10-13 September 2019. Hobart: Engineers Australia, pp. 979-984.

<sup>3</sup> The applicant considered this measure to be a form of compensation. We think that it may be considered as a form of biodiversity offset. A recent review article published in the international journal *Conservation Letters* suggested that implementing upstream pollution and sediment controls to improve water quality for coastal ecosystems may be considered as a form of averted loss offset. See Jacob et al. 2020. Marine biodiversity offsets: pragmatic approaches toward better conservation outcomes. *Conservation Letters*, <https://conbio.onlinelibrary.wiley.com/doi/pdf/10.1111/conl.12711>, p. 4.

The lizard species are Not Threatened and are likely to benefit from the landscaping of the area. The largest concern is the potential numbers of animals that could need to be housed or relocated during the construction phase.

There are six bird species of conservation concern recognised in the Significant Bird Area in the PNRP: variable oystercatcher, red-billed gull, black shag, little black shag, pied shag and white-fronted tern. To this we can add little blue penguin which have been found to breed in the project area since the Significant Bird Area was notified. The effects on the gulls, penguins, shags and terns will be managed by the design changes and mitigations proposed including for dogs, habitat loss, lighting, litter and pests. Some of the effects on oystercatchers will also be managed, but there are likely to be residual effects from the loss of feeding habitat that will not be managed. Oystercatchers are a challenging species for coastal developments as their territorial behaviour means that loss of habitat cannot be mitigated by improvements in the condition of remaining habitat. Even if they're not nesting in an area, the maintenance of territories is important for the species maintaining dominance hierarchies and displaying natural behaviour. Without options to replace lost habitat the effects on this Nationally At Risk: Recovering species will always be more than minor. These residual effects require offsetting or compensation, but as with the loss of CMA, there are few good options.

### **Ecological effects (marine mammals) and effects on Petone Beach**

The noise management plan should consider mitigation for marine mammals.

In addition to the *offset and compensation package* issues discussed above, the applicant should also consider the impact of the design on the Petone sandy beach. Structures must not cause a change in sediment transport dynamics that could result in the transport of sand off the Petone Beach.

### **Coastal Processes, Natural Hazards and Resilience**

We have assessed the Assessment of Effects on the Environment, the Coastal Processes Assessment and the Natural Hazards and Resilience reports for the shared path consent and related plans in relation to coastal processes and hazards, climate change, sea level rise and resilience.

Overall GWRC is comfortable with the project in relation to its effects on coastal processes and the design in terms of what it offers for infrastructural resilience and natural hazards reduction. The design also takes into account the effects of climate change and sea level rise and allows for future options to upgrade due to increased impacts from sea level rise and wave forces.

The coastal processes assessment undertaken by NIWA was thorough and included assessments of:

- effects on currents and tides;
- wave reflections off the new structures;
- seabed and seawall toe scour;
- edge effects at seawall transitions and tie-in points;
- potential effects on the nearshore seabed substrate;
- potential changes to longshore sediment transport rates and how that may impact on sediment supply to the small pocket gravel beaches and;
- effects from the stormwater outlets.

The NIWA report concluded that the effects overall would be no more than minor, and GWRC agrees with this conclusion.

GWRC is also comfortable with the assessment of the impacts and hazard resilience of the design features including; the offshore roosting habitats, seawalls and revetments, edge protection, groynes, beach nourishment and stormwater outlets.

The big effect will be the scale of the encroachment into the CMA. Both reclamation and occupation together is substantial, with an average 14 m seaward movement of the shoreline covering a total of 4.8 ha. At locations where there are small gravel beaches, the plan is to install seawalls to minimise the destruction of the foreshore, but there will still be some impacts on the beaches. This is acknowledged in the AEE, but GWRC would prefer to see further beach reconstruction and maintenance as an offsetting measure for the coastal occupation, as an additional soft engineering hazard mitigation measure and as an environmental enhancement.

The plan is to restore or renourish what remains by using salvaged local material excavated as part of the seawall and revetment construction. It is unknown how much usable beach material this may yield and there is a further study to be completed (CA.6) that should provide more information on this. In lieu of this information, it would be good to see a commitment to renourishment if required, rather than leaving it to chance as to how much material may be repurposed from on site.

Pushing the beaches into deeper water may well require additional material and it would be good to see this accounted for and a commitment to top up the gravel beaches if needed as they settle into a new equilibrium. There are co-benefits from this in that it provides natural protection from wave energy by absorbing runup and lessening impact on the shore protection structures and it also provides natural habitat for birds and other marine biodiversity.

In terms of the monitoring, if we are to get any understanding of the potential effects of these works, there needs to be post-construction surveys of the beaches and nearshore to gauge what changes are occurring and if they are adverse or manageable. If GWRC is to be taking over monitoring of the consent we need to be certain that we are able to monitor potential changes and have conditions that allow for any impacts to be remedied. For example, to allow for top ups of the beaches if they require additional fill as they settle and develop a new equilibrium with the conditions.

From reading the consent conditions it was not clear if this was included and we think this should be made explicit.

Thus, we propose three recommendations/additions to the conditions:

**[1] Vary CA.6 to include a clause (c):**

**CA.6** (a) Prior to the Start of Construction, investigations shall be undertaken to identify existing shingle beach material composition (native or weathering revetment) and beach material supply rates. The purpose of the investigation is to identify an approximate portion of shingle beach material which is currently being supplied from the weathering revetment and would therefore be lost once the existing revetment is replaced.

(b) The investigations shall be used to inform the location, volume and grading of any beach material to be salvaged within the Project footprint, and when and where this material is to be placed during construction.

(c) If there is an insufficient volume of material, a suitable source of material should be sourced and used to renourish/build the beaches [or words to this effect]

**[2] CA.15 and CA. 16 needs to define that the beaches are cross-sectioned as well [in underline below]:**

**CA.15** Within three months of Completion of Construction in the CMA, a complete set of As-Built Plans shall be provided to the Manager. The As-Built Plans shall include a location plan, a plan which shows the area of coastal occupation, structure dimensions and cross-sections, including of the new/renourished beaches.

**CA.16** A survey plan shall be prepared that shows and defines the areas of land that has been reclaimed, including the location and the position of the new/renourished beaches all boundaries in accordance with the requirements of section 245 of the RMA.

**[3] Include a CA.17A that requires post-construction monitoring of the beaches for 2 years and allows for a nourishment top-up if required, after they have settled into a new equilibrium and need some additional fill to keep them topped up.**

**CA.17** The structures permitted to occupy part of the CMA by this consent shall be maintained in good and sound condition, and any repairs and reinstatements that are necessary shall be made, subject to obtaining any necessary resource consents or other approvals, if required.

**CA.17A** The beaches shall be surveyed immediately post-construction and annually for a further two years followed by an analysis by a suitably qualified coastal scientist to assess the performance and stability of the beaches and to include a recommendation on whether any nourishment top-ups are required [or words to this effect].

## Public transport

Noting the potential disruption to Metlink rail services during construction. Regarding the operation of the network and suburban services, and whether we could have a say in this to ensure that the impact on the network was minimised, or if the rail network was to be closed for the installation of the bridge at Ngauranga, we would get advanced notice and would have a say.

Appendix B to the AEE has conditions around access to the two sites and references to Kiwirail needing to be consulted. Regional Transport/Metlink should also be consulted in the case of potential railway line closures.

## Navigation

We would like to see mention of lighting and the usual requirement of not having lights that could be confused with navigation lights stands.

## Management Plans

Many of the key construction effects, and specific design details and methodologies to minimise these effects, will be set out in management plans for certification by the relevant council. The management plans themselves and the process around certification will need to be robust to provide for management of effects to the appropriate level.

The higher level management plans that GWRC would certify are the Coastal Works Construction and Environmental Management Plan, the Ecology Management Plan and the Construction Erosion and Sediment Control Plan. The key “on the ground” management plans that GWRC would certify would be the Site Specific Erosion and Sediment Control Plans. All of these plans will require a significant level of review and monitoring in order to ensure the success of the Project from an environmental perspective. We will be happy to work through further details when we review conditions and post-consenting if the consent is granted.

## Monitoring

As noted in the *Coastal Processes, Natural Hazards and Resilience* comments above, if GWRC is to be taking over monitoring of the consent, there will need to be additional certainty around monitoring requirements and conditions allowing for impacts to be remedied. In addition, other large projects in the Region have significant self-monitoring requirements; for example, ecological, receiving environment and water quality monitoring; and potentially monthly, quarterly or annual reporting on monitoring and compliance. It is not entirely clear from the application/draft conditions how this will be managed. While much of this detail may be placed in management plans, we would expect to see specific conditions around this as well.

## Incidents condition

In our experience, the “incidents or uncontrolled discharges” condition is an important one to enable notification of failures to GWRC and to provide guidance to the consent holder and GWRC in terms of the follow-up process. It is noted that the draft *Inspection, incidents and monitoring condition (EW.7)* is arguably somewhat light and does not require immediate reporting to GWRC among other things. Compare this to the Peka Peka to Otaki Expressway Project conditions G.10 and E.4 (see below), which require a much more robust response including the opportunity for GWRC input and ecological reporting if necessary. We will be keen to input to this condition when given the opportunity but would suggest that a more robust condition is submitted up front for review.

### **G.10:**

*a) The consent holder shall comply with the relevant incident requirements as specified in this condition. If an incident occurs for which there is no incident procedure set out in these conditions the process outlined below in b)-d) shall apply.*

*b) The consent holder shall notify the Manager and KCDC as soon as practicable within 1 Working Day after identifying that any contaminants (including sediment) have been released during the construction of the Project and entered any Water Body due to any of the following:*

*i) Discharges from non-stabilised areas that are not treated by erosion and sediment control measures required under this consent;*

*ii) Failure of any erosion and sediment control measures;*

*iii) Discharge of a hazardous substances, including cement, to a Water Body;*

*iv) Failure of any temporary stream diversion;*

*v) Unconsented removal, loss, or damage to vegetation or other habitats;*

*vi) Any other incident which either directly or indirectly causes, or is likely to cause, adverse ecological effects in any Water Body that are not authorised by a resource consent held by the consent holder.*

*c) If any of the incidents specified in b), or any other environmental incident occur, the consent holder shall:*

*i) Establish control measures, where these have failed or have not been implemented in accordance with the relevant management plan, as soon as practicable;*

*ii) Liaise with the Manager to establish what remediation or rehabilitation is required and whether such remediation or rehabilitation is practical to implement;*

*iii) Carry out any remedial action as required by and to the satisfaction of the Manager; and*

*iv) Maintain a permanent record of the incident at the site, which shall include the date and time of the incident, the nature, manner and cause of the release of the contaminants, weather conditions at the time of the incident, the steps taken to contain any further release, and the steps to remedy any adverse ecological effects on the Water Body.*

*d) The notification in c) shall be either by telephone or email, or via an alternative method as agreed with the Manager.*

**E.4:**

*a) In the event of either a failure of erosion and sediment control devices or where a storm event exceeds the design volume of the device, and where the discharge is to a perennial or intermittent fresh Water Body, a suitably qualified ecologist shall be notified within 24 hours, who shall then inspect the relevant area to determine whether there has been a significant adverse effect on the affected area's ecological values.*

*b) The consent holder shall prepare a report on the effects of the failure and any recommended measures that may be required to remedy the effects. The report shall be submitted to the Manager for approval within 5 Working Days of the event.*

*c) The consent holder shall ensure that after reasonable mixing no further serious impacts shall occur within the receiving environment.*

*d) The remedial measures shall be implemented within 10 Working Days of the approval of the Manager.*

Related to that, significant resourcing will be required to monitor and enforce consent compliance, with potentially significant costs to our organisation. We would be keen to discuss and understand how the compliance and monitoring responsibilities and costs will be broken down and arranged.

**Thank you for your comments**