Before the Board of Inquiry
Waterview Connection Project


and

in the matter of:  a Board of Inquiry appointed under s 149J of the Resource Management Act 1991 to decide notices of requirement and resource consent applications by the NZ Transport Agency for the Waterview Connection Project

Expert Caucusing Joint Report to the Board of Inquiry – Vegetation

Dated:  28 January 2011
Due:  7 February 2011
EXPERT CAUCUSING JOINT REPORT TO THE BOARD OF INQUIRY

INTRODUCTION

1 This joint signed report is written in response to the Board of Inquiry’s Minute and Directions dated 23 December 2010. The Directions require the experts, following caucusing, to provide a report by 10am on 7 February 2011 that includes:

- Areas that have been resolved and how.
- Areas that are not resolved, and succinctly why.

2 This report relates to the caucusing topic of Vegetation.

3 Caucusing meetings were held on Thursday 27th and Friday 28th January 2011.

4 Attendees at the meetings were:

- Mr Dave Slaven – Director (Ecology) Boffa Miskell Ltd (for NZTA)
- Dr Andrea Julian – Director Natural Heritage Consulting Ltd (for Auckland Council)
- Ms Shona Myers – Auckland Manager Wildland Consultants Ltd (for Friends of Oakley Creek & Living Communities)
- Mr David Havell – Technical Support Officer (biodiversity – Flora) Department of Conservation Auckland Conservancy (for DOC)
- Mr Michael Coote – for Royal Forest & Bird Protection Society, Motu Manawa Restoration Group.

5 Mr Sides (Freshwater Ecology expert witness for NZTA) was present on January 27th in his capacity as co-author of the WRR Maloro Street Interchange and Waterview Connection: Oakley Creek Realignment and Rehabilitation Guidelines (the “Guidelines”), in order to participate in the discussion of streamside vegetation-related issues germane to freshwater ecology.

6 Permission had been sought and obtained from the Chairman of the Board of Inquiry for Mr Mark Lewis to also be in attendance on January 27 and 28th, not as an expert witness but in his capacity as principal author of the Oakley Creek Realignment and Rehabilitation Guidelines, in order to present a brief overview of the document and to answer any questions of detail.
The Vegetation caucusing strove to achieve agreed conditions of consent. In the following Joint Statement the text highlighted in **bold and underlined** identifies proposed additions to Project conditions. Deletions to any text of the draft Conditions have not been recorded.

**AREAS THAT HAVE BEEN RESOLVED**

8. In order to address concerns raised in the evidence of Dr Julian (paragraph 6.4), Ms Myers (Proposed Condition STW.20 – pages 21 & 22) and Mr Havell (paragraph 36) we recommend to the Board that Condition V.8 be amended to read as follows:

V.8. **Immediately** prior to planting, and for a period of 2 years following completion of construction, the **Project constructor(s)** shall undertake weed **control and** management of all invasive plant pests within the **portion of the Project designation outside of the tunnel as well as all other vegetation management areas associated with the Project. Following this 2 year period, on-going control and management of all invasive plant pests within these same areas shall be the responsibility of the NZTA.**

9. In order to address concerns raised in the evidence of Dr Julian (paragraph 6.2) and Ms Myers (paragraphs 5.5 and 5.6) we recommend to the Board the inclusion of a new Appendix H to the ECOMP (‘Rock Forest Provisional Concept Plan’- refer to Annexure C of Mr Slaven’s Evidence in Chief) and the inclusion of a new Condition V.14 as follows:

V.14. A rock forest restoration programme will be undertaken by the NZTA on the northern banks of the Oakley Creek Inlet in general accordance with Appendix H of the Construction Environmental Management Plan (CEMP); Ecological Management Plan (ECOMP), Appendix H ‘Rock Forest Provisional Concept Plan’. Detailed planting plans shall be submitted to Auckland Council for approval prior to implementation of the planting, with these designs to include planting specifications and management techniques. The detailed planting plan shall be integrated with cultural heritage values including, but not limited to, those shown on the plan entitled ‘Oakley Inlet Heritage Area’ (Urban Design & Landscape Plans Sheet 224 – 20.1.11-3-D-L-810-224 Rev B).”

10. All parties to the vegetation caucusing are in agreement that it is appropriate to recommend for the Board’s consideration a new Appendix I (‘Rock Armour with Saltwater Revetment Planting’ – refer to Annexure E of Mr Slaven’s Evidence in Chief) to the ECOMP and the inclusion of a new condition (V.15) in order to ensure that this revegetation method is included in the application documents:
V.15 Planting along and within the rock revetment of the widened SH16 causeway will be undertaken by the NZTA at locations in general accordance with the Urban Design and Landscape Plans, as identified in those plans under the label ‘Rock Armour with Saltwater Revetment Planting’. The planting treatments will be in general accordance with Appendix H of the Construction Environmental Management Plan (CEMP) : Ecological Management Plan (ECOMP), Appendix I ‘Conceptual Rock Revetment Planting Designs’.

11 All parties to the vegetation caucusing are in agreement that, if the Board determines that it is appropriate to undertake the proposed revegetation at Eric Armishaw Park and surrounds (either for eco-tone replacement or other mitigation purposes), we recommend inclusion of a new Appendix J (‘Eric Armishaw Park Restoration Plan’ – refer to Annexure B in Mr Slaven’s Rebuttal Evidence) to the ECOMP and the inclusion of a new condition (V.16) in order to ensure that this revegetation option is included in the application documents:

V.16 A restoration programme will be undertaken by the NZTA within the designation adjacent to Eric Armishaw Park, in general accordance with Appendix H of the Construction Environmental Management Plan (CEMP) : Ecological Management Plan (ECOMP), Appendix J ‘Eric Armishaw Park Restoration Plan’.

Advice Note: In addition to the lands within the designation at this location the NZTA shall use best endeavours to also include the land held for road purposes by Auckland Council to the immediate west, subject to permission from that Council.

12 In order to address concerns raised in the evidence of Dr Julian (paragraph 6.3) and Ms Myers (Proposed Condition STW.5 – page 21) we recommend to the Board that Condition V.10 be amended to read as follows:

“V.10 Any planting utilising native plants shall use plants genetically sourced from the Tamaki Ecological District where possible, or otherwise shall use plants that have been genetically sourced from within the Auckland Ecological Region”.

13 In order to address concerns raised in the evidence of Dr Julian (paragraphs 8.1-8.3) and in part Mr Havell (paragraph 36) we recommend to the Board that Condition V.11 be amended to read as follows:

“V.11 Prior to commencement of works adjacent to Traherne Island, the NZTA shall employ a suitably qualified and experienced plant translocation expert to uplift and protect all areas of Mimulus repens...”
on Traherne Island that will be affected by the work. The *Mimulus repens* shall be relocated to suitable and safe habitat away from the works area, or otherwise held and protected for the duration of the works in the vicinity of their original location and be replanted back at that location (or in close proximity to it) upon completion of the works. The location of the recipient sites will be determined in consultation with DOC and in general accordance with the Traherne Island Natural Heritage Restoration Plan (2009-2014). **Trials will be undertaken to identify appropriate recipient sites, with these trial sites being monitored for a period of no less than 5 years, or until their failure. Where possible, recipient sites will be located in currently weed-free areas. Where recipient sites may potentially be affected by weeds they will be subject to an on-going weed management plan. Should translocation attempts fail at all trial sites then the NZTA, in consultation with DOC, will determine an alternative appropriate form of mitigation.**

14 In order to address concerns raised in the evidence of Dr Julian (paragraph 9.1) and Ms Myers (paragraph 5.23) we recommend to the Board that Condition STW.20(d) be amended to read as follows:

"STW.20 The NZTA shall submit for review to the Auckland Council a Streamworks Environmental Management Plan (SWEMP) which shall include details of the final freshwater mitigation and environmental enhancement works associated with the Project ... shall include, but not be limited to, the following:

(d) Riparian planting programmes, including detailed planting plans and specifications relating to species mix, location, density, size and maintenance **to achieve an overall average of 70% shading of stream at maturity within those reaches where realignments or the SEV off-setting mitigation associated with the Project are proposed.**

**Advice Note: The intent is to include the SEV off-setting mitigation associated with the Maioro Interchange Project within Hendon Park and Alan Wood Reserve, and to the same shading standard as specified in Condition STW.20(d).**

15 In the process of caucusing we have identified a link that is missing between conditions SO.3 and LV.2(f)(vi)

1. Condition SO.3 refers to the preparation of open space restoration plans and refers specifically to the UDL plans. We recommend to the Board that specific reference be made in Condition SO.3 to the new sheet proposed under Condition LV.2(f)(vi).

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1 It is noted there are 2 Conditions LV.2(f)(vi) in the draft Conditions, and the caucusing experts are referencing the second one, that reads 'New Sheet: Rehabilitation of 'Waterview Glades' area (Sector 7)'.

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AREAS THAT HAVE NOT BEEN RESOLVED

16 In relation to the concerns raised in the evidence of Dr Julian (paragraphs 7.1 and 7.2), Ms Myers (paragraph 5.26) and in part Mr Havell (paragraph 36), the submitters experts agree that a condition of consent should be required that achieves comprehensive weed and animal pest management in perpetuity on Traherne Island in perpetuity. They consider that the current processes for management of Traherne Island have insufficient statutory weight, and that plant pest control required under the Regional Pest Management Strategy and, within the designation, the AMA Pest Management Plan are insufficient to achieve the maintenance of the ecological values on Traherne Island. They consider that such management should take as its basis the Traherne Island Natural Heritage Restoration Plan 2009 – 2014 (NZTA and DOC). The NZTA expert considers that the management of Traherne Island is sufficiently well addressed by other processes, such as the Traherne Island Natural Heritage Restoration Plan 2009 – 2014 (NZTA and DOC), and that sufficient mitigation for Project-related adverse effects is provided elsewhere (both within and outside the designation). The NZTA expert also considers that adequate processes exist for amendments to be made to that Plan under its existing protocols should additional target plant pest species be identified.

17 In paragraph 5.15 of her evidence, Ms Myers recommends that revegetation be undertaken in between Waterview and New North Road, which is primarily Sector 7 and Sector 8. In these areas the Project is largely underground within the twin tunnels. While acknowledging this, Ms Myers suggests that potential effects on stream hydrology and groundwater in this area (as a result of the tunnels) may result in adverse ecological effects, some of which would be mitigated by revegetation in this area. The NZTA expert does not agree, citing the findings of the relevant report (Freshwater Ecology (G.6)) that any such effects will be less than minor. The NZTA expert also considers that the restoration of the Construction Yards in these sectors will provide some degree of revegetation here (e.g. Condition LV2.(f)(vi))², and also notes that in the vicinity of Oakley Creek the Project will replace primarily exotic vegetation with native revegetation at a ratio of 1:5 (loss vs gain), as well as replacing wetlands at a ratio of 1:200 (loss vs gain). The NZTA expert considers this to be a sufficient extent of revegetation within the Oakley Creek area.

18 The evidence of Dr Julian (paragraph 7.1) and Mr Coote (paragraph 5.[d]) includes reference to the desirability of legal protection for

² It is noted there are 2 Conditions LV.2(f)(vi) in the draft Conditions, and the NZTA expert is referencing the second one, that reads 'New Sheet: Rehabilitation of 'Waterview Glades’ area (Sector 7)'.

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Traherne Island. The other submitters experts strongly agree (including the possibility of conservation or scientific reserve status). The NZTA expert considers such a process to be probably outside of the scope of the RMA and probably subject to different processes (statutory or otherwise) that are outside of the scope of the Project.

19 The evidence of Ms Myers (paragraph 6.2 and in multiple Proposed Conditions) recommends that Friends of Oakley Creek be consulted as a key stakeholder (recognising that a third party cannot be given a certifying or approving role). The NZTA expert is unsure whether the Board is able to give direction to NZTA in this regard.

20 The evidence of Ms Myers (paragraph 7.2) recommends that a comprehensive restoration plan is required for the whole of Oakley Creek which integrates community restoration work with the mitigation to be provided as part of the Project. The NZTA expert is unsure whether the Board is able to give direction to NZTA in this regard.

21 The evidence of Ms Myers (paragraphs 5.9 and 5.10) recommends that construction works in the Waterview Esplanade Reserve (Waterview Glades) area should ensure minimal impacts and loss of riparian vegetation. Ms Myers recognises that Condition LV.2(f)(vi) \(^3\) requires the preparation of a restoration plan for this area (within Construction Yard 7), and has concerns that this future plan may not achieve the goals of Friends of Oakley Creek. Accordingly Ms Myers wishes for specific reference to these plans within the Vegetation and Streamworks Conditions. The NZTA expert considers that this matter is sufficiently well addressed in the existing Landscape & Visual and Social Conditions that refer to that restoration plan.

Date: 28 January 2011

Mr Dave Slaven

Dr Andrea Julian

\(^3\) It is noted there are 2 Conditions LV.2(f)(vi) in the draft Conditions, and Ms Myers is referencing the second one, that reads 'New Sheet: Rehabilitation of 'Waterview Glades' area (Sector 7)'.