

Before Hearing Commissioners

under: the Resource Management Act 1991 (the *RMA*)

in the matter of: Notices of Requirement by the NZ Transport Agency to the Waipa District Council and the Waikato District Council to alter existing designations under section 181 of the RMA for the Cambridge Section of the Waikato Expressway

and:

in the matter of: resource consent applications by the NZ Transport Agency to the Waikato Regional Council under section 88 of the RMA for the Cambridge Section of the Waikato Expressway

Statement of evidence of Brad Moore (Consultation) on behalf of the
NZ Transport Agency

Dated: 27 June 2011

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STATEMENT OF EVIDENCE OF BRAD MOORE ON BEHALF OF THE NZ TRANSPORT AGENCY

INTRODUCTION

- 1 My full name is Brad McLeod Moore.
- 2 I hold the position of Senior Resource Planner at the Hamilton Regional Office of the NZ Transport Agency (*NZTA*). My current role requires me to represent the NZTA in a planning capacity as a member on all project teams associated with sections of the Waikato Expressway.
- 3 I hold a Bachelors Degree in Resource Studies (Planning) from Lincoln University. I have approximately 11 years' experience in the field of development planning, predominantly, but not solely, with UK Local Authorities. My recent experience extends to involvement in the overview of the Waikato Expressway.
- 4 My evidence is given in support of notices of requirement for alterations to designation (*NORs*) and applications for resource consents lodged by the NZTA on 22 December 2010 in relation to the Cambridge Section of the Waikato Expressway (*Project*).
- 5 Throughout the last eighteen months I have been directly involved in consultation with submitters and the wider community conducting meetings with submitters and attending the information days. For consultation that occurred prior to my involvement in the Project, I rely on the Cambridge Bypass Project Investigation Report (*PIR*).
- 6 I am familiar with the area in which the Project is located, and the State highway and roading networks in the vicinity of the Project.

SCOPE OF EVIDENCE

- 7 My evidence will address the following:
 - 7.1 A summary of my evidence;
 - 7.2 Stakeholder and community consultation undertaken prior to lodgement of the *NORs* and resource consent applications;
 - 7.3 Consultation post-lodgement of the *NORs* and resource consent applications; and
 - 7.4 My conclusions.

SUMMARY OF EVIDENCE

- 8 The consultation methodology for engaging with affected parties for the Project has been thorough and considered. Consultation undertaken with respect to the Project has been extensive and consultation in regard to the existing designation has spanned more than 35 years, with initial consultation commencing as part of the original designation in the early 1970s. The Project's consultation objectives have, in my view, enabled the Project team to capture and understand both the views of the community directly affected by the Project and stakeholders with a wider interest in the outcomes and delivery of the Project.
- 9 The success of the comprehensive and thorough consultation process is evidenced by the reasonably low number of submissions received on a project of this scale.
- 10 Notwithstanding this, a number of directly and indirectly affected parties have identified matters that will require the NZTA to continue discussions as the Project develops through the next design phase and into construction. The NZTA is committed to providing clear and early communication to all stakeholders as the Project progresses.

CONSULTATION PRIOR TO LODGEMENT

- 11 Consultation with directly affected parties, key stakeholders and the community of interest has been, and will continue to be, an integral part of the Project. Despite the absence of any statutory requirement to consult, the NZTA required its consultant, Opus, to undertake consultation as part of the Project development.
- 12 Consultation undertaken prior to lodging the NORs and resource consent applications was designed to cast the net widely to ensure that as many parties as possible with an identifiable interest in the Project were provided with information about the Project and had the opportunity to provide feedback.
- 13 Whilst consultation has occurred since the early 1970s, my evidence relates to two distinct stages of the more recent development of the Project. This includes consultation between 1989-1991, in which the route of the original designation was re-evaluated (Initial Consultation), and more recent consultation between 2007 and 2011 (Latest phase of consultation).
- Initial Consultation: 1989 - 1991**
- 14 Extensive consultation on the Project was undertaken from 1989 through to the completion of the PIR in July 1991. This stage of consultation was undertaken by Mr Barry Dowsett of the NZTA and

Works Consultancy Services (Opus' predecessor). That initial consultation is described in Part 7 of the PIR and included:

- 14.1 Publication of a discussion paper in the Cambridge Edition and Cambridge Independent newspapers in June 1989;
- 14.2 A public meeting held on 8 August 1989, which was attended by approximately 200 people;
- 14.3 Receipt of 103 verbal and written comments, and further discussions with interested parties, which were recorded in the Cambridge Bypass Scoping Report (May 1990);
- 14.4 Publication of an Information Update in the Cambridge Independent newspaper, meetings with directly affected landowners and other interested parties, receipt of more than 80 further written or oral submissions, and a public meeting held in Hautapu Hall on 1 July 1990, attended by 150 people; and
- 14.5 The establishment of a Community Consultation Group comprising members of the Cambridge Community Board, a representative of the Waikato District Council and senior engineering and planning staff of the Waipa District Council, which participated in the evaluation of route options and endorsed the recommendation of the PIR that the Designated External Route (being the current Cambridge Bypass designation) be adopted as the future State Highway 1 Bypass for Cambridge.

Latest phase of consultation: 2007 - 2011

- 15 The latest phase of consultation was undertaken between 2007 and 2011, in association with the secondary investigation of the Project. As noted earlier in my evidence, I have been directly involved throughout the last eighteen months with all aspects of consultation. Prior to this, my colleague Mr Ben Tobias was involved. Details around all aspects of consultation undertaken in association with the secondary investigation for the Project, is summarised in Section 8 of the Assessment of Environmental Effects (AEE) and outlined in more detail in the Waikato Expressway – Cambridge Section: Consultation Report (*Consultation Report*) (Appendix 1 to the AEE).
- 16 The NZTA's objectives for the Project have informed the consultation undertaken in the latest phase of the Project development. During the latest phase of consultation, the information provided to stakeholders and the community focussed on:¹
 - 16.1 Maximising the use of the existing designated corridor;

¹ Consultation Report, paragraph 2.

16.2 The configuration of intersections with local roads;

16.3 The extent of any additional land required; and

16.4 Measures to avoid, remedy or mitigate any adverse environmental effects arising from the Project.

Consultation Plan

- 17 Opus prepared a Consultation Plan in 2007, in accordance with the NZTA's requirements, which was and approved by the NZTA. The Consultation Plan is described in the Consultation Report (at paragraph 4) and provides details of the consultation the NZTA required to be undertaken for the Project.

Consultation Objectives

- 18 A number of Project consultation objectives were identified in the Consultation Plan as follows:²

18.1 To increase the likelihood of mutually acceptable outcomes and better decisions;

18.2 To build relationships and trust with all of the stakeholders and the public, through the consultation process to deliver the key message;

18.3 To obtain stakeholder and public feedback on the information provided, and to generate dialogue about the Project;

18.4 To understand other people's and organisations' views on the Project;

18.5 To acknowledge that it is important to engage the local community as their knowledge may assist in reducing potential environment effects and enhance the positive effects of the Project; and

18.6 To communicate effectively, and be proactive and positive.

Consultation methods, activities, tools and techniques

- 19 A variety of methods were identified in the Consultation Plan to achieve the consultation objectives. These included:³

19.1 Actively seeking participation from a broad range of stakeholder groups;

19.2 Illustrating how decisions have been impacted by stakeholder information, where possible; and

² Consultation Report, paragraph 4.3.

³ Consultation Report, paragraph 4.4.

- 19.3 Presenting messages in simple concise language and using simple, visual tools (images, maps, diagrams, models) where possible.
- 20 Importantly, an identified method in the Consultation Plan was to use a range of communication and consultation options to maximise the information 'reach'. The NZTA has used the following general tools and techniques in order to achieve this:⁴
- 20.1 Information days on 26 March 2008 and 11 August 2010, and ongoing meetings with stakeholders;
- 20.2 Individual letters and emails to individual recipients (being individual residents, key stakeholders or other stakeholders), and common newsletters, letters and emails to the wider community;
- 20.3 Media releases and the maintenance of a website for public use;
- 20.4 Face-to-face meetings; and
- 20.5 Recording community and stakeholder feedback.

Parties Consulted

- 21 In order to ensure that consultation was undertaken with as many potentially affected parties as possible, a broad range of parties were consulted about the Project, including the following groups:⁵
- 21.1 Key Stakeholders. Key stakeholders were identified as those who may have a strong interest in, or who could be directly affected by, the Project and its integration within the districts and the region. The key stakeholders included:
- (a) Waipa District Council;
 - (b) Waikato District Council;
 - (c) Environment Waikato;
 - (d) Tangata Whenua;
 - (e) Directly affected landowners, being the owners of land required for construction of the Project; and
 - (f) The New Zealand Historic Places Trust.

⁴ Consultation Report, paragraph 4.6.

⁵ See Consultation Report, paragraph 4.7 for the full list of parties consulted.

21.2 Other Stakeholders. Other stakeholders identified were those who may have an interest in the Project in the event that their organisation is directly or indirectly affected by the Project. These included:

- (a) Local schools;
- (b) Department of Conservation;
- (c) Waikato Regional Land Transport Committee;
- (d) Cambridge Community Board; and
- (e) The wider public.

22 The NZTA also undertook extra steps to consult with the equine industry in the Project area. This consultation was primarily directed through contact with the established Cambridge Jockey Club. As well as providing an organised forum for contact with the wider equine industry, the Club also owns a significant training complex on Racecourse Road, which includes land adjacent to the existing designation. The Cambridge Jockey Club received personally addressed copies of all Project newsletters, invites to Information Days (including invitations to meet prior to the Information Days), and Project team phone call requests for meetings. The NZTA received no feedback from these attempts to consult.

The Consultation Process

23 As set out in the Consultation Plan, the latest round of consultation employed two phases of consultation prior to commencing the lodgement of the NOR and resource consent applications.

Phase 1 of Consultation

24 Phase 1 informed a wide range of interested and affected parties about the Project and sought their inputs into the secondary investigation. Project newsletters were distributed in June 2007 and March 2008, which provided Project updates and information about the information days, and invited people to contact the NZTA or Opus at any stage for further information.⁶

25 The first information day was held at the Cambridge Town Hall on 26 March 2008 and was attended by representatives from the NZTA, Opus and Waipa District Council to talk to the community and answer questions about the Project.⁷ Following the first information

⁶ See Appendix 3 of the Consultation Report for newsletters.

⁷ Appendix 1 of the Consultation Report shows the materials displayed at the first information day.

day, Opus/the NZTA received 113 feedback forms, which identified issues and concerns held by the public.⁸

- 26 After the first information day, one-on-one meetings were held with the key stakeholders (as listed in paragraph 20), the NZ Police and community groups to discuss specific issues. These meetings were attended by representatives from the NZTA along with the relevant experts who advised on specific issues.

Phase 2 of Consultation

- 27 Phase 2 reported on Project developments, the outcomes of the first phase of consultation, and the investigations undertaken as a result of consultation. A Project newsletter was distributed to the community in July 2010, and this was followed up with the second information day held at the Cambridge Town Hall on 11 August 2010.
- 28 Again, representatives from the NZTA (including myself), Opus and Waipa District Council attended the information day. The second information day was attended by over 500 people, and 55 feedback forms were received following the event.

Issues raised pre-lodgement

- 29 The issues raised during consultation prior to the lodgement of the NORs and resource consent applications, and the NZTA's responses to them, are set out in Table 5.1 of the Consultation Report.
- 30 The feedback received was positive overall, with 94 percent of feedback forms from the second information day indicating support for the Project. Several respondents commented that the Project should be constructed as soon as possible.
- 31 The issues raised at the second information day were generally those that were already known to the Project Team, and in most cases had already been addressed. There were only two issues that arose that the NZTA considered required further consideration, namely:⁹
- 31.1 Determining whether the interchanges should be designed to accommodate the new 52 tonne truck and trailer units; and
- 31.2 Consulting the Cambridge Tree Trust regarding its planning objectives within Cambridge in order to identify opportunities to integrate the Expressway planting with town planning.

⁸ A copy of the feedback form used is in Appendix 1 of the Project AEE.

⁹ Consultation Report, paragraph 5.5 outlines the outcomes of the Second Information Day.

- 32 The NZTA determined these issues were more appropriately dealt with at the detailed design stage. In my opinion, the fact that there were only two new issues raised at the second information day reflects the comprehensive nature of the NZTA's previous consultation and the investigations undertaken for the Project.

Iwi consultation prior to lodgement

- 33 Consultation with iwi on the Project has been extensive and has, in my opinion, fulfilled the NZTA's obligation under section 18G of the LTMA to separately consult Maori affected by any activity proposed by the NZTA that affects or is likely to affect Maori historical, cultural or spiritual interests.
- 34 Consultation with iwi is summarised in section 8.6 of the AEE and described in more detail in Section 5.7 of the Consultation Report. A detailed schedule of the consultation engagements with iwi is provided as Appendix 4 to the Consultation Report.
- 35 The consultation process identified Ngati Koroki Kahukura Trust and Te Whakaminenga o Haua as the organisations that represent or hold mana whenua over the Project area. The Waikato Raupatu Lands Trust represents the wider Waikato-Tainui interests in the 1995 Raupatu Settlement and the Waikato River.
- 36 The iwi consultation process included the following:
- 36.1 Face-to-face meetings with the various iwi groups;
 - 36.2 Visits to the pa site beside the Karapiro Stream, and the main borrow pit adjoining Swayne Road;
 - 36.3 Preparation of the Cultural Effects Report Cambridge Bypass (Appendix 6 to the AEE);
 - 36.4 Assessment of the route by Mr Sonny Anderson, a spiritual advisor, and review of selected sections of the Cambridge Bypass Design Philosophy Statement by Mr Puturangi (Rowan) Robinson. Both of these specialists were nominated by Ngati Koroki Kahukura Trust and Te Whakaminenga o Haua;
 - 36.5 Development of a Memorandum of Understanding between the NZTA, Ngati Koroki Kahukura Trust and Te Whakaminenga o Haua dated 6 October 2010 (*MoU*).¹⁰ The MoU records the agreements reached between the parties in relation to the Project and outlines the protocols for collaborative action and agreed works; and

¹⁰ Appendix 5 to the Consultation Report.

36.6 On 21 December 2010, just prior to lodgement of the NORs and resource consent applications, Mr Gibbons and Mr Ryan met with representatives of Ngati Koroki Kahukura Trust and Te Whakaminenga o Haua to update them on progress and to go through the posters that were presented at the second information day.

CONSULTATION POST-LODGEEMENT

- 37 Consultation post-lodgement has focussed on those parties who made submissions on the Project. Submissions to the NORs and resource consent applications closed on 6 April 2011 and a total of 35 submissions were received (with 6 of those submissions being concurrently lodged with both District Councils).
- 38 Once the submissions had been reviewed by the NZTA and its Project team, either I or, where appropriate, counsel for the NZTA, contacted all submitters by telephone.
- 39 This initial contact was to offer all submitters the opportunity to meet with the NZTA and relevant NZTA experts to discuss the issues raised in individual submissions.
- 40 Over the past few months, the NZTA has met with numerous submitters to gain a better understanding of the issues raised in their submissions, to explain the rationale behind the NZTA's Project design and to discuss any potential ways forward. At the time of writing this evidence, I have attended meetings with the following submitters:
- 40.1 Albert Wilson;
 - 40.2 Paul and Deidre Robinson;
 - 40.3 Bruce and Annette Lasenby;
 - 40.4 Susan Jackson;
 - 40.5 Malcolm and Steven Wallace;
 - 40.6 Owen Haskell;
 - 40.7 Mike Smith on behalf of Emanen Trust; and Granchester Farms Ltd;
 - 40.8 Kiwi Lane Ltd;
 - 40.9 Murlyn Trust;

- 40.10 J.E. Mark, Proprietor of Alys Antiques and J.E. Mark & Cooney Trustees Ltd;
- 40.11 Lyndon Sim and Marama Lynch, (by telephone);
- 40.12 Ele Duncan-Sittlington;
- 40.13 Cambridge Community Board (Noelene Barr and John Bishop);
- 40.14 ABC Land & Properties Ltd;
- 40.15 Transland Group & Terry Came (Kevin Howiss);
- 40.16 E.B & J.C. Horner; and
- 40.17 Director General of Conservation.
- 41 Further meetings have been scheduled, or are proposed with the following submitters:
- 41.1 Andrew Jones;
- 41.2 The New Zealand Historic Places Trust;
- 41.3 Waikato District Council, (Ian Gooden); and
- 41.4 Bunnings Ltd.
- 42 I will now outline those meetings where an agreement was reached with submitters regarding aspects of their submissions.
- Owen Haskell*
- 43 On 8 June 2011, Mr Rajagopal, Mr Gibbons and I met with Mr Haskell at his property. We discussed his concerns, which relate particularly to the entrance/exit way to his property and the future use of the adjoining property.
- 44 Mr Haskell's property has two drive-ways onto Thornton Road at present, which allow vehicles to avoid having to turn around on his property in order to exit. One of these entrances will be required to be closed as a result of the Project given the proximity to the Thornton Road overbridge and because the guardrail associated with the overbridge will extend past the western-most driveway. We discussed the realignment of the entrance/exits and it was agreed that the NZTA would continue a dialogue with Mr Haskell to determine what his preferences would be and what the appropriate options would be for realignment. It was agreed that Mr Gibbons would undertake design planning to reflect Mr Haskell's preference, taking into account the restrictions provided by the Project.

45 The property adjoining Mr Haskell's property is currently unoccupied, and is the only property between Mr Haskell and the Project boundary. The adjoining property is intended to be used during construction of the Project by the NZTA, and Mr Haskell queried what it would be used for after construction was completed. Although we were unable to provide any guarantees in this regard, we discussed planting options to provide a visual buffer between Mr Haskell's property and the Project and the potential for a strip of the adjacent block to be set aside as road reserve (with planting) after construction was completed.

46 In consideration of Mr Haskell's request for a visual buffer, Mr Morton has amended his Preliminary Landscape Drawings (refer to his evidence) to provide landscape planting adjacent to the Expressway alignment, which is able to be retained within the Project's road reserve, if parts of the designation are uplifted following construction.

47 We agreed that we would arrange a follow up meeting with Mr Haskell to provide information related to the driveway options and report on proposed amendments to the landscape planting. At the time of writing this evidence, we have yet to meet again with Mr Haskell.

Ele Duncan-Sittlington

48 On 12 May 2011, I met with Ms Duncan-Sittlington and her mother at the NZTA offices. Also present at the meeting were Mr Gibbons, Mr Morton, Mr Burke and Mr Rajagopal.

49 Ms Duncan-Sittlington lodged a submission largely related to drainage and overland flows. Her primary concerns were that the Project would prevent overland flows and the Expressway would act like a dam, impacting on her property.

50 As a result of Ms Duncan-Sittlington's submission, the NZTA became aware that the flow direction of the drain along Forrest Road shown on Sheet 81 RD of the lodged document was incorrect. The drawings have since been updated with the correct flow direction, and an additional culvert has been included in the design to maintain flow beneath the Project and along the Forrest Road drain.¹¹ This culvert will prevent run-off from the Expressway onto Ms Duncan-Sittlington's property. We discussed this change with Ms Duncan-Sittlington at our meeting and pointed out that the addition of this culvert will ensure that existing overland flow paths are maintained, alleviating a large number of points that Ms Duncan-Sittlington raised in her submission. It appeared that Ms

¹¹ Attachment C to the Section 92 response to Environment Waikato dated 13 May 2011, and Annexure C to Ed Burke's Statement of Evidence.

Duncan-Sittlington was comforted by this acknowledgement and the addition of the referred culvert.

Transpower New Zealand Limited

- 51 Transpower New Zealand Limited (*Transpower*) lodged a submission with the Waikato District Council requesting that specific consideration be given to its electricity infrastructure in the Project area, and that conditions be included in the designation to address its specific concerns.
- 52 On 15 June 2011, Transpower notified the Waikato District Council that it would not be attending the Project hearing.
- 53 Also on 15 June, the NZTA wrote to Transpower confirming that it proposed to include a condition in the designation requiring that an Electrical Infrastructure Site Development and Construction Management Plan be prepared and implemented. The Plan, as proposed, includes the measures set out in Transpower's proposed conditions. The NZTA requested that Transpower confirm whether the proposed condition addressed its concerns (and I note that this condition is included in the conditions recommended in the Waipa and Waikato District Councils' Officer's Report). To date, the NZTA has not received a formal response to its letter.

COMMENTS ON OFFICERS' REPORTS AND RECOMMENDED CONDITIONS

- 54 I have read the Officer's Reports prepared by Mr Dawson on behalf of Waipa and Waikato District Councils dated 10 June 2011 and by Mr Roberts on behalf of the Waikato Regional Council dated 9 June 2011.
- 55 The Waipa and Waikato District Councils' Officer's Report notes that "a significant amount of consultation has been undertaken prior to lodging of the NoRs."¹²
- 56 It should also be noted that Mr Dawson concludes that the NZTA's extensive consultation with iwi has met the intent of section 6(e) of the RMA,¹³ and that on the basis of this consultation and the resulting MOU, "...that the principles of the Treaty of Waitangi are not compromised by the NoRs in any respect."¹⁴

¹² Waikato and Waikato District Councils' Officer's Report, paragraph 5.1.

¹³ Waikato and Waikato District Councils' Officer's Report, paragraph 9.2.2. Section 6(e) RMA requires the Councils to recognise and provide for "The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga" as a matter of national importance.

¹⁴ Waikato and Waikato District Councils' Officer's Report. Section 8 RMA requires the Councils when exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi.

- 57 The Waipa and Waikato District Councils' Officer's Report's recommended designation Condition 8 requires a Stakeholder Communications Plan (SCP) to be implemented as a sub-plan of the Construction Management Plan. The SCP will ensure that communication with stakeholders will be ongoing throughout the construction of the Project. I support the requirement for a SCP in the recommend designation conditions.
- 58 The Waikato Regional Council Officer's Report references the consultation undertaken with iwi and comments that "Consultation for this project extends over a considerable period of time..."¹⁵ and the Officer notes that the consultation undertaken with local iwi meets the requirements of 2.1.5 of the Regional Policy Statement.¹⁶

CONCLUSIONS

- 59 In my opinion, the NZTA's consultation strategy for this Project has been comprehensive, effective and robust, and meets the NZTA's consultation objectives. All parties directly affected or having an interest in the Project have been informed about the Project through various means, and have had an opportunity to provide feedback, whether during pre-lodgement consultation or following the formal submission process.
- 60 The NZTA has continually received feedback and has considered and responded to issues and concerns raised during consultation and reported these responses in publicly released documents. In many instances, the NZTA has altered the design of the Project in order to avoid, remedy or mitigate potential effects raised during consultation.
- 61 Meetings and correspondence have been ongoing with the majority of submitters and a number of issues have been worked through.
- 62 The outcome of consultation has shown that, provided certain minimal issues are resolved prior to construction, there is widespread support for the Project. The NZTA is committed to continuing to work with affected parties and the wider community as the Project progresses.

Brad Moore
27 June 2011

¹⁵ Waikato Regional Council Officer's Report, paragraphs 5.1 and 5.2.

¹⁶ Waikato Regional Council Officer's Report, paragraphs 6.3.1, page 327 of the Agenda.