

IN THE MATTER OF

The Resource Management Act 1991

And

The South Taranaki District Plan

And

Notices of Requirement for designation and alteration of designation for the extension of Nukumarū Station Road lodged pursuant to sections 168 and 168A of the Act

STDC Reference RMD17002

WDC Reference DES17/001 and DES17/002

DECISION & RECOMMENDATION OF INDEPENDENT COMMISSIONER

Requiring Authority:	South Taranaki District Council (Engineering Services)
Site:	Land located between State Highway 3 (SH3) and Waiinu Beach Road that generally follows the local authority boundary between South Taranaki District Council and Whanganui District Council and includes part of the existing Nukumarū Station Road.
Proposal:	To provide for the construction, operation, maintenance and protection of an extension to Nukumarū Station Road, between State Highway 3 and Waiinu Beach Road.
Underlying District Plan Zoning:	There are three relevant District Plans: the operative Whanganui District Plan, the operative South Taranaki District Plan and the proposed South Taranaki District Plan (as amended by decisions on submissions). Under both the operative and proposed South Taranaki District Plans, the land affected by the proposed road extension is zoned <i>Rural</i> and part of it is within the <i>Coastal Protection Area</i> . The land within Whanganui District is zoned <i>Rural Production</i> and <i>Rural General</i> under the Whanganui District Plan.

SUMMARY OF DECISION

The notice of requirement lodged with South Taranaki District Council (RMD17002) is confirmed, subject to the conditions detailed in Attachment 1 to this decision. My recommendation to the Requiring Authority is that notices of requirement DES17/001 and DES17/002 be confirmed, subject to the conditions detailed in Attachment 1. My reasons are summarised in Parts 19 and 20 of this decision.

Written Approvals:	The requiring authority obtained written approvals from numerous parties, including some owners and occupiers of land affected by the notices of requirement. Details of the written approvals were contained in Appendix 13 of the May 2017 notices of requirement. I note that some of the written approvals were expressed as being conditional on certain outcomes being achieved. In addition, the requiring authority has been engaging with KiwiRail and the New Zealand Transport Agency and has reached broad agreement about the location and form of intersections with (respectively) their rail and SH3 assets.
Limited Notification:	The notices of requirement dated May 2017 were limited notified on 17 May 2017. A second, supplementary, notice of requirement pertaining to land within Whanganui District (DES17/002 dated June 2017) was limited notified on 8 June 2017. The details of persons and organisations served notice are contained in sections 2.5 and 2.6 of the section 42A report (prepared by Mrs Brenda O'Shaughnessy, the consent authorities' consultant planner).
Submissions:	Four submissions were received in respect of the May 2017 notices of requirement (RMD17002 and DES17/001). Three supported the proposal and one was opposed. Two submissions were received in response to limited notification of the supplementary notice of requirement (DES17/002): one in support and one opposed to the proposal.
Independent Commissioner:	Independent Commissioner Christine Foster was appointed by South Taranaki District Council on 15 May 2017 with full delegated authority to hear and decide, on behalf of the consent authorities, whether to confirm requirement RMD17002, impose conditions, modify or withdraw the requirement pursuant to section 168A of the Act. The Commissioner was appointed by Whanganui District Council with delegated authority, effective from 12 May 2017, to recommend to the requiring authority whether to confirm, impose conditions on, modify or withdraw requirements DES17/001 and DES17/002.
Hearing Details:	The joint hearing was held in the Whanganui District Council No. 2 Committee Room, 101 Guyton Street, Whanganui, on Monday 7 August 2017 commencing at 10.00 am. Attachment 2 details the persons who attended the hearing. The hearing was adjourned at 5 pm 7 August 2017 to allow the requiring authority and a submitter to supply to the Commissioner further factual material referred to during the hearing and to allow further refinement of draft conditions. The requiring authority presented a partial oral reply on 7 August 2017 and provided a further statement of its position in respect of draft conditions by email dated 23 August 2017. Further correspondence followed thereafter from one submitter and the requiring authority's agent confirmed, by email dated 5 September 2017 that it had nothing further to say by way of reply.
Nomenclature:	The South Taranaki District Council (<i>STDC</i>) is both the requiring authority and one of the consent authorities in this case. For

clarity, I refer in the following text to the STDC in its role as requiring authority as '*the requiring authority*' and to its consent authority role as '*STDC*'. I refer to Whanganui District Council as '*WDC*'.

Table of Contents

1	Context	4
2	Project Objective	4
3	The Proposed Road Widening and Extension.....	5
4	Relevant RMA Provisions	6
5	Matters Raised in Submissions.....	8
6	Principal Issues in Contention	10
7	Risks to Organic Certification	10
8	Impact on Landscape Values	13
9	Impacts on Moturunga Farm Amenity Values.....	14
10	Management of Closed Section of Nukumaru Station Road	16
11	Adequacy of Consideration of Alternatives	16
12	Effects on Raupo Wetland.....	17
13	Potential Impact on Other Ecological Values	18
14	Natural Character of the Coastal Environment	18
15	Management of Natural Hazards	18
16	RMA Sections 6 (e) and 8	18
17	Necessity of the Work and Designation.....	19
18	Relevant Policy Considerations	20
19	Overall Conclusion.....	20
20	Conditions	20
21	Confirmation Of Designation Subject To Conditions	22

1 Context

- 1.1 Waiinu Beach is a small coastal settlement on the west coast of South Taranaki District. Road access to the settlement is via the no exit Waiinu Beach Road which extends from SH3 at Waitotara. For most of its route, Waiinu Beach Road is west of the Waitotara River. The road crosses the Waitotara River at 'Limeworks Bridge', slightly south of the railway line and immediately north of a Silver Fern Farms abattoir. Since its construction in 1989, the 'Limeworks Bridge' has experienced four occasions of extended closure caused by flood damage. The closures have endured for periods between 1 and several weeks due to the extent of repairs required.
- 1.2 Recent investigations by the requiring authority have concluded that the existing bridge will not sustain further severe flooding due to its insecure foundations and deep silt deposits at the bridge foundations. In addition, as a result of flooding in 2015, there are three areas along Waiinu Beach Road where the Waitotara River has moved significantly towards the road. Two of these areas are at locations where there is some space available for the road to retreat to some extent. However, the space available is finite. The third area has less flexibility for road relocation, being limited by the location of the 'Limeworks Bridge'.
- 1.3 Mr Brent Manning is the requiring authority's Group Manager – Engineering Services. Mr Manning explained in evidence that the Local Government Act obliges territorial authorities to provide road connection to settlements such as Waiinu Beach and the other properties on the southern side of the Waitotara River. He stated that, although there are formed and unformed roads extending southwards from SH3, there are no existing formed or unformed roads providing access for the full distance between SH3 and Waiinu Beach Road. For example, Jackson Road extends for approximately 3 kilometres south of SH3 but ends approximately 1 kilometre short of Waiinu Beach Road. It is relatively close to Waitotara River at one point. Any extension of Jackson Road would likely be within the river's floodplain and would be vulnerable to flood damage. It would also require a new rail crossing. Paetaia Road extends between SH3 and the railway line but would bisect a farming property and would require a rail crossing that Mr Manning described as being not favoured by KiwiRail. Nukumarū Station Road also extends southwards from SH3 and is formed as a narrow gravel road as far as the railway line.
- 1.4 As a result of its investigations, the requiring authority has determined that an alternative route connecting SH3 to Waiinu Beach Road is necessary.

2 Project Objective

- 2.1 The requiring authority's project objective is to enable the construction, operation, maintenance and protection of an extended and upgraded road from SH3 to Waiinu Beach Road which will:
 - (a) Ensure safe, reliable and secure access for the community of Waiinu Beach and land south of the 'Limeworks Bridge', including major businesses such as Silver Fern Farms, Alexander Quarry and farming operations. These businesses are local drivers of the economy of this rural area.
 - (b) A safe and resilient road network for road users.
 - (c) Route security to allow major service providers to take advantage of the new corridor and provide a resilient network to the community and road users.

- 2.2 Mr Manning explained in evidence to the hearing that the requiring authority has considered a number of alternative routes for access between SH3 and Waiinu Beach, including:
- (a) Full repair of Waiinu Beach Road, including the 'Limeworks Bridge', to a standard to withstand future flooding;
 - (b) Creating a new road through Longview Farms to the south of, and entirely clear of, the Waitotara River;
 - (c) Widening and extending Nukumarū Station Road;
 - (d) Widening and extending Jackson Road or Paetaia Road;
 - (e) Replacement of the 'Limeworks Bridge' at a downstream location;
 - (f) Doing nothing or minimum;
 - (g) Variations of the above options, including widening and use of parts of the existing formed section of Nukumarū Station Road together with a road extension south of the railway line to Waiinu Beach Road.
- 2.3 The requiring authority's conclusion is that widening and extending Nukumarū Station Road is the preferred option to meet the project objective. The primary reasons are the cost, avoidance of flood hazard, minimisation of impact on landholdings and because it involves an existing rail crossing that can be adapted to meet KiwiRail's and the requiring authority's safety requirements.

3 The Proposed Road Widening and Extension

- 3.1 The proposed road route, width and geometry and the land corridor required to protect the road route were described in full in Section 5.2 and Appendix 1 of the May 2017 notices of requirement and in Section 3.0 and Appendix 1 of the June 2017 supplementary notice of requirement. In summary, it involves:
- (a) Construction of a new 700-metre section of road, extending south from a new intersection with SH3, along the easternmost boundary of Moturunga Farm owned by Miss Diana Handley;
 - (b) Closure of the existing intersection of SH3 and Nukumarū Station Road;
 - (c) Widening of the existing Nukumarū Station Road between approximate chainage 700m to the railway line, requiring the taking of strips of land along both sides of the existing road corridor owned variously by Miss Handley and the Goble, Hopkins/Powell, Sewell/Stewart, Millward/Reid and Corliss families;
 - (d) Modification of the existing railway crossing at the southern end of Nukumarū Station Road to meet safety standards;
 - (e) Construction of a section of new road, broadly parallel with the railway line, along the northern boundary of land owned by the Millward/Reid and Reid/Ross families;
 - (f) Thereafter, construction of a new road along the outer boundary of the Longview Farm property, and through the Nukumarū Domain near the Longview Farm boundary, extending to a new intersection with Waiinu Beach Road located approximately 700 metres north of Waiinu Beach settlement;
 - (g) Sealed road carriageway generally 7 metres wide, with additional unsealed shoulder and road-edge drain, within a typically 20-metre road corridor although the formed width and corridor width will be greater at the intersections and approaching the rail crossing and at corners.

- 3.2 The June 2017 supplementary notice of requirement amended the original notice by proposing a slight shift of the new Nukumarū Station Road centreline, within a wider road corridor along the eastern boundary of Miss Handley's property. The original notice proposed a corridor between 20 metres and 65 metres wide. The supplementary notice proposed a corridor between 50 metres and 65 metres wide. According to Mr Manning, this will provide for a safer SH3 intersection design and was proposed following receipt of a safety audit report and discussion with NZTA.
- 3.3 The corridor width shown on the plans does not necessarily represent the final road corridor width. Mr Kobus van der Merwe is a Civil Engineer employed by the requiring authority as Projects Manager. Mr van der Merwe clarified in evidence to the hearing that the road project will be constructed as a 'design and construct' project. Therefore, at this time, the detailed design of the road geometry cannot be specified with absolute certainty. Mr Manning and Mr Hamish Wesney (the requiring authority's Consultant Planner) confirmed in evidence that the corridor width has been set to provide sufficient space to allow for design to overcome issues identified on closer investigation and to allow space for construction. Following completion of construction, the road will corridor is to be confirmed and surveyed. Mr van der Merwe expects it will be generally 20 metres wide (the standard throughout South Taranaki District). Any surplus land will be returned to adjoining owners. Mr van der Merwe also stated that construction is expected to proceed in three phases between February and July 2018 (enabling works, earthworks and drainage, road construction and sealing).

4 Relevant RMA Provisions

- 4.1 The notices of requirement and submissions have to be determined pursuant to the provisions of Part 8 of the Act. Section 168A is the relevant provision in relation to a notice of requirement lodged by a territorial authority for work within its own district. Section 171 is relevant for the notices of requirement lodged with WDC. Sections 168A (4) and 171 (2) are similar. In the case of the South Taranaki District Plan designation, I may *decide* and in the case of the Whanganui District Plan designation I may *recommend* on behalf of the Council to the requiring authority whether to:
- (a) Confirm the requirement;
 - (b) Modify the requirement;
 - (c) Impose conditions; or
 - (d) Withdraw the requirement.
- 4.2 Sections 168A (3) and 171 (1) require that, in exercising my delegated authority in considering the requirement and any submissions received, I must (subject to Part 2) '*consider the effects on the environment of allowing the requirement, having particular regard to:*
- (a) *any relevant provisions of –*
 - (i) *a national policy statement;*

- (ii) a New Zealand coastal policy statement;
- (iii) a regional policy statement or proposed regional policy statement;
- (iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –

- (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
- (ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.’

4.3 For the purposes of subsection (a) above, the relevant provisions of the applicable statutory instruments were detailed in the assessment of environmental effects (**AEE**) accompanying the May 2017 notices of requirement and in Ms O’Shaughnessy’s report. In summary, the applicable instruments are the NZ Coastal Policy Statement 2010 (relevant to the section of new road that extends through the coastal environment), the regional policy statement provisions of the Horizons One Plan, the Taranaki Regional Policy Statement, the operative and proposed South Taranaki District Plans and the Whanganui District Plan. I record that I have read the relevant provisions of those statutory instruments and have given them particular regard in determining my decision and recommendation on the notices of requirement.

4.4 In terms of subsection (b) above, the requiring authority does not have a sufficient interest in the land to enable it to undertake the work. I discuss in Section 11 of this decision the adequacy of the requiring authority’s consideration of alternatives. I also address subsection (c), the reasonable necessity for the work and designation, in Section 17 of this decision.

4.5 It is a material fact that Miss Handley’s farm is an organic dairy farm. Miss Handley’s organic farming status, the farm’s organic management plan and the requirements of Asure Quality (the farm’s third party organic certifier) and of the United States Department of Agriculture National Organics Programme are also relevant matters for my decision on the notices of requirement.

4.6 It is notable that my consideration of the relevant matters is *subject to Part 2* which means that:

- i. my decision and recommendation must recognise and provide for the matters of national importance set out in section 6 – and in this case subsections (a), (c), (e) and (h) are potentially relevant:

- (a) the preservation of the natural character of the coastal environment and protection of it from inappropriate use and development;
 - (c) the protection of areas of significant indigenous vegetation;
 - (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and
 - (h) the management of significant risks from natural hazards; and
- ii. I must have particular regard to the matters listed in section 7 – and in this case subsections (a), (aa), (c), (d) and (f) are potentially relevant:
- (a) kaitiakitanga and (aa) the ethic of stewardship;
 - (c) the maintenance and enhancement of amenity values;
 - (d) the intrinsic values of ecosystems (in relation to the sensitive dune environment); and
 - (f) the maintenance and enhancement of the quality of the environment.
- 4.7 My decision and recommendation are subject to the overall broad judgement required by section 5 as to whether the proposed work and designation will promote the sustainable management of natural and physical resources.
- 4.8 I am also required by section 8 to take into account the principles of the Treaty of Waitangi.

5 Matters Raised in Submissions

- 5.1 The submissions by Longview Limited and David Pearce (a Director of Longview Limited) supported the notices. The submissions by NZTA supported the notices in part. The submissions by Miss Handley opposed the notices. Mr Pearce and Miss Handley presented evidence to the hearing.
- 5.2 Mr Pearce urged the Councils, and me, to progress the road extension as quickly as possible so as to facilitate secure road access for the farming and forestry businesses, Silver Fern Farms abattoir and the community of Waiinu Beach. Mr Pearce explained in evidence that Longview Limited has previously granted temporary access through Longview Farm during times when the 'Limeworks Bridge' has been closed due to damage. Mr Pearce stated that it is unsustainable for Longview Limited to continue to provide temporary access, along unsuitable farm tracks, because it disrupts farm operations. However, Mr Pearce confirmed that Longview Limited is supportive of a route that acquires land from part of the perimeter of the farm for a permanent, properly-constructed and secure road.
- 5.3 The submissions by NZTA acknowledged the importance of determining a secure local road network and requested the imposition of conditions to ensure NZTA's involvement to achieve appropriate design of the planned SH3 intersection.
- 5.4 Miss Handley's primary concern is that the construction, operation and long-term maintenance of the proposed road extension will present a risk to the organic management and organic certification of her farm. The proposed route will also reduce the productive area of her farm which will reduce its ability to support the current herd

size. Miss Handley estimated the loss of land that would result from the widened corridor shown in the supplementary notice (DES17/002) to be in the order of 5% of usable farm area. Mr Manning clarified that, once the constructed road is confirmed, the corridor should slim down somewhat so that the loss of land would be less. However, as shown on the designation plans and in the Schedules of affected land attached to the notices of requirement, the loss of land would be:

Parcel	Parcel Area	Area Proposed to be Taken	Area Taken as a Proportion of Total Parcel Area
Lot 1 DP 76402	28.8860 ha	28,650m ² plus 9,400m ² (the widened supplementary corridor) = 38,050m ²	approximately 13%
Lot 1 DP 25065	45.7446 ha	11,920m ²	approximately 2%

- 5.5 Miss Handley also raised concerns about the loss of amenity values from her farm, associated with higher volumes of traffic using the extended Nukumarū Station Road. Miss Handley is also concerned about the impact that removing established vegetation from the road edge of the existing Nukumarū Station Road, near the railway crossing, will have on the 'country lane' amenity of the road. Miss Handley's Consultant Landscape Architect, Ms Di Lucas, explained in evidence to the hearing that Miss Handley is also concerned about the potential loss of raupo wetland from Lot 1 DP 25065. Miss Handley also questioned whether a sufficient number of alternatives have been considered by the requiring authority in sufficient detail and suggested a new alternative ('Option 3') for consideration. Ms Lucas explained that 'Option 3' involves opening a new SH3 intersection east of the proposed new intersection (where Ms Lucas considers visibility is better and safety enhanced). 'Option 3' would extend along the eastern boundary of the Hopkins/Powell property to the railway line and would then turn west and follow the railway line to the existing crossing at Nukumarū Station Road. There, it would continue along the alignment proposed by the requiring authority to Waiinu Beach Road. It was Ms Lucas' view that this alternative route would have a safer SH3 intersection and would avoid the amenity effects identified for the Nukumarū Station Road vicinity and for the Handley farm.

6 Principal Issues in Contention

6.1 The principal issues that were in contention at the hearing were:

- (a) The nature and significance of risks to the Handley organic dairy farm from the construction, operation and maintenance of the proposed road extension and from the closure of the existing formed section of Nukumarū Station Road;
- (b) The impact of the proposed road on landscape values;
- (c) The impact of use of the proposed road on the amenity values enjoyed within Moturunga Farm;
- (d) The management of the closed section of Nukumarū Station Road; and
- (e) The adequacy of consideration of alternatives.

6.2 I discuss these issues, and my findings in relation to each, in the following sections. There was no dispute by any submitter that a secure road route serving Waiinu Beach needs to be determined. No issue was raised with the requiring authority's project objective.

7 Risks to Organic Certification

7.1 Miss Handley explained in evidence that any adverse impact on the organic certification of her farm would not be isolated to that farm. That is because milk from the Handley organic farm is transported by tanker along with milk from other organic farms locally. Any real or perceived risk to the organic quality of farm product would potentially affect the entire supply catchment. This means, according to Miss Handley, that her farm is particularly sensitive to potential adverse effects on organic certification and that any adverse effects on the farm's organic certification would have implications beyond the farm. It was therefore important to understand exactly what those risks would be. During the adjournment, Miss Handley provided a written statement from an organic farming specialist (Mr Bill Quinn) summarising the particular risks to the Handley organic farm. Mr Quinn's assessment is that there are risks associated with:

- (a) Construction activities, including site parking and storage of materials, extending onto the organically farmed land;
- (b) The use of tanalised fence posts in any replacement boundary fencing;
- (c) Operation of the road and increased use by vehicles, although Mr Quinn made the observation that the proposal would mean the organic farm would have only one boundary with Nukumarū Station Road, rather than two as at present. Mr Quinn concluded that the risk would be similar to or less than currently and no greater than associated with the vehicle volume along SH3 adjoining the organic farm);
- (d) The potential for chemical spray drift from road-side maintenance (although Mr Quinn noted that this is currently managed by Council's register of no-spray areas, which could continue);

- (e) Road waste runoff, including stormwater and stock effluent from additional passing stock trucks, discharging onto the organically farmed land or into drains passing through the organic farm; and
- (f) Stock wandering from the organic farm onto the road (and Mr Quinn recommended that new boundary fencing should be established to avoid this risk).

7.2 In addition, Mr Quinn noted that the soil within the areas to be taken for road has organic certification and, therefore, value for use in farm contouring or for converting the existing formed section of Nukumar Station Road for organic farming. Mr Quinn suggested that these soils would meet organic certification requirements for use within the Handley organic farm, provided the machinery used to remove this soil is clean and organic-approved and the soil is stored only on organic-certified land. However, Miss Handley was adamant at the hearing that she did not want to assume responsibility for the redundant section of Nukumar Station Road, once closed, or absorb the closed road within the farm regardless of how useful that land might be in continuing the access function that it currently provides for the farm.

7.3 During the hearing adjournment, Miss Handley and the requiring authority met and agreed that the following additional matters are potential risks to the organic farm and organic farming status:

- (g) Chemicals or materials drifting from road construction onto the Handley property; and
- (h) Access to the organic farm property by contractors or members of the public.

7.4 The requiring authority's response to these risks was communicated by Mr Wesney by emails dated 18 and 23 August 2017. The requiring authority's written advice is that:

- (a) Containment of construction: construction activities will be prevented from extending onto the organic farm by fencing which will be installed prior to the commencement of construction. Construction personnel will be required to sign contracts specifying that no person or equipment is permitted to cross the boundary with the organic farm without the prior permission of the landowner.
- (b) Fencing materials: no tanalised fence posts are to be used in any replacement boundary fencing. The requiring authority is proposing to use only materials pre-approved by Asure Quality.
- (c) Operation of the road and use by vehicles: the requiring authority's position mirrors Mr Quinn's observation that the organic farm already adjoins roads including SH3 and the risk profile will be unchanged.
- (d) The potential for chemical spray drift from road-side maintenance: the requiring authority will ensure that its 'no-spray' register continues to include the road-side adjoining the Handley organic farm and will ensure that spray contractors do not use chemical weed spray on that road-side.
- (e) Road waste runoff: the requiring authority proposes to construct roadside swales and channels to collect stormwater, to utilise existing natural drainage channels, and to design for the anticipated level of vehicle movements so that

road surface runoff drains away from and does not enter the Handley property *where practicable*.

- (f) Stock wandering: the risk of stock wandering from the organic farm onto the road will be managed by establishing stock-proof boundary fences prior to the commencement of construction and maintaining those at all times during construction.
- (g) Chemical spray drift: the risk of chemicals or materials drifting onto the Handley land during construction will be managed by requiring contractors to use appropriate application methods which result in no cross-boundary contamination. Material which could result in airborne particles crossing the boundary will be required to be applied only when the wind is blowing away from the Handley property.
- (h) Unauthorised access to the organic farm property by contractors or members of the public: As already noted above, construction personnel will be contractually required to not access the Handley property without the prior permission of the owner. The requiring authority's view is that the risk of access by members of the public exists currently and will be no different with the road extension in place.

Finding: Risks to Organic Certification

- 7.5 I agree that the requiring authority's proposed response is appropriate and necessary to address the potential risks to the Handley farm organic certification. Mr Quinn's observation is valid: the Handley farm currently has multiple boundaries with public roads and is exposed to an element of risk of public entry, diffuse contamination and stormwater runoff. In this respect, I find that Miss Handley's and Ms Lucas' assessment of the additional risk presented by the proposed road extension is not supported by specialist assessment and was somewhat overstated.
- 7.6 It will not currently be possible to contain all stormwater flows within the road corridor. Mr Manning clarified that extreme rainfall events will, now, overtop the roadside channels and potentially inundate the adjoining land and stormwater runoff will flow via natural channels from the road through the Handley property.
- 7.7 It is not practicable or reasonable, in my view, to require that all future stormwater is managed to avoid any discharge onto or through the Handley property. In my view, the requiring authority's road design should be required to ensure that the risk of stormwater inundation of the Handley property, alongside Lot 1 DP25065, is no worse than currently. For the new section of road along the eastern boundary of Lot 1 DP76402, and bearing in mind that this parcel is already potentially affected by stormwater runoff from roads on three boundaries, I consider that it is important to avoid adverse cumulative stormwater effects that could be caused by stormwater from the road extension. My view is that an appropriately conservative approach, to avoid adverse cumulative effects, is to require the post-development stormwater discharge from the proposed section of new road to match the stormwater discharge capacity of the existing drainage channels draining SH3. I have included in my recommendation on behalf of WDC a condition specifying this requirement.

8 Impact on Landscape Values

- 8.1 Evidence addressing impacts on landscape values was presented by Ms Bron Faulkner, a Consultant Landscape Architect advising the requiring authority, and Ms Lucas advising Miss Handley. Ms Faulkner had undertaken the assessment of landscape values and landscape impacts accompanying the May 2017 notices of requirement. That assessment examined the wider landscape as well as individual component areas. In her evidence to the hearing, Ms Lucas focused on the landscape character and potential effects on the Nukumarū Station Road vicinity of and near the Handley farm. In this respect, I found Ms Faulkner's assessment provided a more comprehensive description of landscape values and a more balanced assessment of potential landscape impact.
- 8.2 Ms Faulkner's conclusion was that, generally, the landscape is able to absorb the proposed road due to its relatively easy terrain and isolation from residences and other sensitive locations. Ms Faulkner identified potential adverse impacts created for the natural dune formations associated with a new linear road through the coastal environment. Ms Faulkner made recommendations about the finished form of cuts and fills to address these potential effects. Her recommendations were adopted in the requiring authority's draft conditions. Ms Faulkner also identified the loss of mature shelterbelt vegetation, caused by the road alignment, as a potentially material adverse landscape change. Ms Faulkner recommended that, wherever practicable, the removal of vegetation from within the existing Nukumarū Station Road corridor should be minimised and that the existing shelterbelts adjacent to the proposed road corridor (at chainage 0 – 700m adjoining the Handley property near SH3 and between chainage 6550-7550 adjoining Longview Farm). Ms Lucas agreed that the mature shelterbelts are an important element of the landscape and should, wherever practicable, be retained. Ms Lucas also pointed out the important landscape value of the under-storey of mostly colonising indigenous species such as *Kawakawa*, *Taupata* and *Karamu* beneath the tall shelterbelts along the road edge of Nukumarū Station Road.
- 8.3 The requiring authority proposed a condition (no. 10) requiring the establishment of a permanent planted screen along the boundary between the proposed road extension and Lot 1 DP76402. It also proposed a condition (no. 9) requiring that the removal of shelterbelts and other woody vegetation between chainage 700m – 1400m be minimised. It appears that some vegetation removal will be unavoidable but the proposed condition recommends that the options of pruning or trimming be investigated as alternatives to wholesale removal. The shelterbelt between approximate chainage 1400m and the railway line is within, rather than adjacent to, the road corridor. Mr Manning's opinion was that it will be difficult to retain this without widening the corridor further into the Handley, Sewell/Stewart and Corliss properties on the western side of the road. Discussion at the hearing confirmed that the mature shelterbelts along the perimeter of the Longview Farm are typically within the Longview Farm property and should not be affected by road construction.
- 8.4 Miss Handley confirmed in evidence that strong winds have in recent years destroyed many mature shelterbelt plantings in the Nukumarū area (and this was evident on my site visit). Mature shelterbelt planting is not a permanent feature of this landscape although the presence of shelterbelts is a strong and recurring feature.
- 8.5 Ms Lucas disagreed with Ms Faulkner's assessment that the visual effects of widening the existing section of Nukumarū Station Road, between approximately chainage 700m and the railway line, would be low. Ms Lucas assessed this vicinity as being a sensitive visual location by reason of the narrowness of the road and the presence of attractive established indigenous vegetation along both sides. It was her opinion that this

vegetation creates a rare human scale within the road corridor and creates an attractive 'country lane'. Her assessment was that the proposed road widening, with concomitant loss of vegetation, and more intensive use of the road including greater truck volumes would completely change the 'country lane' feel of this part of the landscape and create a significant (although localised) adverse landscape effect.

- 8.6 Ms Faulkner did not agree. Ms Faulkner acknowledged that the presence of the road-side vegetation through this short section of road created an attractive corridor. However, she did not consider that the removal of this vegetation could be assessed as a significant adverse effect, given the road purpose of the corridor within which it occurs. Mr Wesley and Ms O'Shaughnessy confirmed that the vegetation is not identified in the District Plans as having any particular landscape or ecological significance. The District Plan provisions would permit removal of the vegetation without consent.

Finding: Impact on Landscape Values

- 8.7 Parallel with and north of the railway line, the proposed alignment is modified by farming and linear fence lines. Between the railway line and Waiinu Beach Road, the landscape is less modified and characterised by natural dune landforms. I agree with Ms Faulkner that, assuming the mitigation measures she proposed are implemented, the landscape will be able to absorb the proposed road.
- 8.8 I also consider that Ms Faulkner's conclusion of low impact resulting from the proposed changes to the existing Nukumarū Station Road corridor is well reasoned. The corridor is designated for road purposes. The District Plans permit the changes described by Ms Lucas. On that basis, it would not be reasonable for me to conclude that they are unacceptably adverse or unanticipated. My conclusion is that development of this part of the road alignment as proposed will serve the sustainable management purpose of the RMA. In particular, by providing for the community's social and economic well-being and health and safety. Preventing the development of this part of the alignment, for the reasons advanced by Ms Lucas, would not serve the sustainable management purpose of the RMA.
- 8.9 With one exception, I am satisfied that the conditions proposed by the requiring authority are appropriate to avoid and mitigate the potential adverse landscape effects identified by Ms Faulkner. The exception is that I consider that the condition requiring retention, as far as practicable, of shelterbelt planting should specifically mention the importance of retaining the under-storey of indigenous vegetation. I am satisfied that the proposed conditions go far enough in seeking to avoid and mitigate potential loss of tall shelterbelts in the context of this dynamic landscape.

9 Impacts on Moturunga Farm Amenity Values

- 9.1 Ms Lucas and Miss Handley described the attributes of quietness, pleasant outlook, privacy and low density rural character enjoyed within and around Moturunga Farm. Ms Lucas' assessment was that use of the upgraded and extended road would significantly adversely affect these amenity values. Miss Handley was particularly concerned that road construction noise and the noise associated with the movement of increased volumes of vehicles along the road would disturb the sleep of shift workers within dwellings on her farm property.
- 9.2 The requiring authority proposes that construction activities be subject to the New Zealand standard for construction noise. Miss Handley requested the imposition of an additional requirement that construction noise be limited to the maximum permitted

6.30am noise limit between the hours of 11 and 1 pm to protect sleeping shift workers. Mr van der Merwe clarified in evidence to the hearing that construction of the section of road between SH3 and the railway line would take approximately 2 months, depending on the sequencing and approach determined by the successful contractor.

- 9.3 Ms Faulkner did not agree with Ms Lucas' assessment of significant adverse effects on the amenity values of Moturunga Farm. It was her view that, once the new road is established and the existing 1.25-kilometre section of Nukumar Station Road is decommissioned, there is potential for enhanced visual amenity of this farm property, due largely to the removal of traffic that currently passes through the centre of the farm. Ms Faulkner made the observation that the proposed road extension would involve a shorter length of road than the existing section of Nukumar Station Road and would traverse the eastern perimeter of the farm, rather than bisecting it as the existing road does. It was her opinion that these changes would shift adverse noise, night light and amenity disturbance effects further from farm residences and would allow the farm to be managed without having to interact with traffic on a public road. Also, the requiring authority intends to provide a planted screen buffer along the ultimate easternmost boundary of Lot 1 DP 76402.

Finding: Moturunga Farm Amenity Values

- 9.4 The evidence is that the proposed road extension will carry more traffic than the current Nukumar Station Road, including more trucks. However, it is also the case that the road will be straight, will be shorter and will not involve the two 90-degree corners of the existing road or the associated deceleration and acceleration noise at these sharp corners. The SH3 intersection will be slightly further away from the dwellings on the Handley farm than the existing intersection. The proposed screen planting along the future boundary between the new section of road and Lot 1 DP76402 will contribute important visual amenity. The proposed road will also mean, as Ms Faulkner observed, that the Handley farm can be managed without having to interact with traffic on a public road separating the two farm land parcels. The farm also adjoins SH3 so is now, and will continue to be, subject to some traffic noise disturbance from that source.
- 9.5 My conclusion is that the proposed road changes, including the increased traffic volumes, will not significantly adversely affect the amenity values enjoyed on Moturunga Farm. The potential effects of the proposed construction and use of the road will also not be contrary to the relevant objectives and policies of the District Plans that seek to maintain rural character and amenity values.
- 9.6 Miss Handley did not present any specific evidence in support of her request to impose an additional construction noise restriction (that 6.30 am noise limits apply during the period 11.00 am to 1.00pm). The duration of construction of the section of road nearest the Handley dwellings is short (two months). I do not expect that, for that short period, construction noise will present an unacceptable adverse effect for people needing sleep within the Handley property dwellings. I note that the requiring authority proposes to prepare and lodge with STDC a construction management plan which is to include details of the management of noise. It would be helpful, in my view, if the construction management plan includes the proposed construction sequence and timetable and that this management plan should be made available to Miss Handley and any other neighbour on request. That will allow those neighbours to anticipate and plan for the construction activities that have the potential to disturb their households or their farming activities.

10 Management of Closed Section of Nukumarū Station Road

10.1 Mr Manning explained in evidence to the hearing that, usually, any road that is no longer required would be legally closed and offered to the adjoining owner(s), subject to the usual Public Works Act requirements. Miss Handley stated that she does not wish to acquire the redundant section of road that severs Moturunga Farm. Her reasons were, at least in part, that inclusion of the former road could adversely affect the farm's organic certification and that conversion of the road to organic-certified land would be a long and involved process. Mr Manning explained that, where unused road is not transferred to an adjoining owner, it will likely remain fenced but unused and would likely not be maintained and simply revert to long grass and weeds. Miss Handley requested, in amendments to the draft conditions exchanged during the hearing adjournment, that the east-west section of dis-used road be retained as a no-exit road and be sealed (it is currently gravel). STDC does not agree to this request and advised that there is a separate legal process STDC must follow for stopping the road. Any specific arrangements will be negotiated separately, through that process, and should not be prescribed by conditions of the designation.

Finding: Management of Closed Road

10.2 My view is that, unless there is agreement between the relevant adjoining owner and the road controlling authority about the ownership and management of closed road, it is not necessary or appropriate for these matters to be prescribed in conditions of a designation for new road. There is no agreement in this case but there is a separate statutory process for resolving the outstanding matters. I would simply observe that, notwithstanding the potential organic certification implications, the redundant road would seem to have potential utility for the operation of Moturunga Farm and the requiring authority appeared at the hearing to be open to suggestions. A sanguine adjoining owner might take the opportunity to negotiate in those circumstances.

11 Adequacy of Consideration of Alternatives

11.1 Ms Lucas advanced 'Option 3' on the basis of her assumption that the requiring authority had not given any consideration to other alternatives that did not involve Nukumarū Station Road. However, Ms Lucas' assumption was incorrect, as confirmed by Mr Manning's evidence. Ms Lucas found support for her argument for consideration of other alternatives in her conclusion that the proposed road extension and widening would have a significantly adverse effect on the amenity values, landscape character and organic certification of Moturunga Farm. My finding is that, moderated by the conditions proposed by the requiring authority, the proposed road will not have the significant adverse effects Ms Lucas asserted. However, environmental effects are not the only reason why proper consideration of alternatives is required by the RMA. Consideration of alternatives is also required where the requiring authority does not have a sufficient interest in the land affected by the proposed designation. That is the case here. The requiring authority does not own all of the land required for the road.

11.2 Mr Manning provided a full explanation of all of the alternatives considered, which included extension of roads other than Nukumarū Station Road between SH3 and Waiinu Beach Road. He also explained the iterative process by which the requiring authority considered those alternatives. Mr Manning also observed that 'Option 3' would involve a longer road extension and, therefore, additional cost compared with the preferred alignment and that it would require the acquisition of more private land than the preferred alignment. Also, it would introduce new traffic and adverse amenity effects

to an area that currently has no existing local road. It was his evidence that it would not be prudent of the requiring authority to prefer 'Option 3' over the Nukumarū Station Road alignment on this basis. Mr Wesley's opinion was that the requiring authority has generated a sufficient range of alternatives, and has considered them in sufficient detail, in the context of the project objectives and the likely adverse effects of the preferred alignment.

Finding: Adequacy of Alternatives

- 11.3 A requiring authority is not required to exhaust all conceivable alternatives or even to demonstrate that its preferred alignment is the 'best' alternative. The test set by the RMA is *'whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work'*. In this case, the requiring authority has given genuine consideration to a range of alternative routes. It has also modified its proposal to incorporate alternative methods of undertaking the work (for example, moderating the impact on dune landforms and shelterbelt planting).
- 11.4 It cannot be said that the requiring authority has disregarded alternatives or given them only cursory consideration. Also, Mr Manning makes a valid point about Ms Lucas' 'Option 3': it does not compare well with the preferred alignment in terms of road length, land required, cost and potential environmental effects. A requiring authority cannot be compelled to consider additional alternatives and 'Option 3' is not one that I would commend to the requiring authority in any event.
- 11.5 I am satisfied that the requiring authority has given adequate consideration to alternative sites, routes and methods of undertaking the proposed work.

12 Effects on Raupo Wetland

- 12.1 Although it was not a particular focus of dispute at the hearing, Miss Handley's submission raised concern about the potential impact of the proposed work on a raupo wetland within Lot 1 DP 25065. The raupo wetland is close to the existing Nukumarū Station Road corridor and is affected by part of the designation for road widening. The ecological assessment prepared by Boffa Miskell Ltd that accompanied the original notices of requirement identified the raupo wetland amongst other wetlands along and adjacent to the proposed alignment. Boffa Miskell Ltd recommended that adverse effects on this wetland be minimised by minimising the road and construction footprint. The requiring authority proposed a condition (14 (b)) that any removal of wetland vegetation is to be replanted with *Carex* and that any damaged wetland edges are not exposed further to weed invasion. In addition, proposed Condition 14 (d) proposes quarterly monitoring by the requiring authority of exposed wetland edge areas to check for weed invasion. That monitoring is to be undertaken by the requiring authority until the edge vegetation is sufficiently developed, to the satisfaction of the STDC Planning Manager. Miss Handley indicated, in draft conditions exchanged during the hearing adjournment, that she did not oppose those suggested conditions.
- 12.2 The protection of areas of significant indigenous vegetation is a section 6 matter of national importance. The raupo wetland was not identified by any party as being an area of significant indigenous vegetation. However, I consider that every effort should be made to minimise and mitigate potential adverse effects on that wetland, as

recommended by Boffa Miskell Ltd. I am satisfied that the proposed conditions are sufficient to protect the ecological values of the raupo wetland.

13 Potential Impact on Other Ecological Values

13.1 The ecological assessment that accompanied the May 2017 notices of requirement identified a number of natural wetlands that are ecologically significant. It also identified areas suitable as skink habitat and shag nesting trees. The assessment recommended a suite of conditions to avoid Lake Waikato and to protect the identified habitats. Those conditions were included in the requiring authority's draft conditions presented to the hearing by Mr Wesley. I am satisfied that they are sufficient to protect indigenous vegetation and habitats of indigenous fauna.

14 Natural Character of the Coastal Environment

14.1 As earlier noted, Ms Faulkner identified the dune formations within the Nukumar Domain section of the route as contributing important natural character. Her recommendations to minimise the impact of cuts and fills on these dune formations were included in the requiring authority's draft conditions and I am satisfied that they are sufficient to protect the natural character of this part of the coastal environment.

15 Management of Natural Hazards

15.1 Section 6 (h) was included in the RMA by the 2017 Amendment Act and requires that I must recognise and provide for the management of significant risks from natural hazards as a matter of national importance. This topic was not explicitly canvassed in evidence but I note that one of the reasons the requiring authority is seeking to secure an alternative route to Waiinu Beach is to avoid the risks of damage associated with flooding of the Waitotara River. The preferred alignment avoids this flood hazard and I simply note that the requiring authority's management approach is prudent in this respect.

16 RMA Sections 6 (e) and 8

16.1 Section 6 (e) requires that I must recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Section 8 requires me to take into account the principles of Te Tiriti o Waitangi.

16.2 The requiring authority commissioned a cultural impact assessment, prepared by Tauranga Ika Marae Trustees, which accompanied the notice. The cultural impact assessment included 12 recommendations. The assessment report records that a hui was held at Tauranga Ika Marae between Ngaa Rauru Kiihahi and representatives of STDC. Mr Wesley advised that, as a result of the hui, the requiring authority has entered into a memorandum of understanding with the relevant hapu and agreed to the establishment of an Advisory Group, comprising representatives of Ngaa Rauru Kiihahi, to assist implement the 12 recommendations for this project. Ngaa Rauru Kiihahi were served notice of the notices of requirement and did not lodge any submissions.

16.3 I am satisfied that the requiring authority has given effect to important principle of Te Tiriti o Waitangi (the principles of engaging in meaningful dialogue, acting in good faith and active protection). The proposed advisory group is a requirement of the conditions

proposed by the requiring authority and is, in my view, an appropriate mechanism for recognising and providing for the relationship of tangata whenua māori with their culture, traditions and ancestral lands, water, sites, waahi tapu and other taonga in this case.

17 Necessity of the Work and Designation

- 17.1 Section 4.2 of the AEE accompanying the May 2017 notices of requirement sets out the reasons why the requiring authority considers the proposed designation is necessary. Those include the following:

'The designation provides for the road alignment and designation footprint to be established in the District plan which would enable its construction and ongoing operation and maintenance. The designation also protects the land from any land use that would hinder a road being built. A standard five year lapse period is applied for, thereby avoiding unnecessary uncertainty for directly affected parties.

The designation also allows for detailed design to be worked through and submitted in an Outline Plan. The alternative process under the Resource Management Act 1991 is to apply for land use consents under the South Taranaki and Whanganui District Plans. The designation process is considered to be a more effective and efficient process for a joint consideration by these two authorities. Furthermore, the resource consents would not protect the road alignment from other inappropriate land uses which could hinder the road from being built.

On this basis, the project objectives would be achieved by the construction of the upgraded and extended road and confirmation of the designation.'

- 17.2 At the hearing, I questioned whether the requiring authority had made the case for widening the designated corridor for the section of new road along the eastern boundary of Lot 1 DP 76402 as shown on the plans accompanying the June 2017 notice of requirement (DES17/002) lodged with Whanganui District Council. In essence, the requiring authority's answer was that the slimmer corridor there would provide for a centreline and intersection that would meet the project objectives and all relevant safety standards but that the wider corridor would provide for a centreline and intersection that would *better* meet the project objectives. The notice lodged in June 2017 explains in section 1.0 (Introduction) that since the original (May 2017) notices were lodged, the requiring authority received the results of a preliminary safety audit of the new intersection with SH3. The notice states that *'this safety audit raised a few matters regarding the design of the new intersection with SH3'* and that, in response, the requiring authority identified that additional land may be needed along the first 500m of the new Nukumarū Station Road alignment.
- 17.3 I asked for, and was provided with the *'Concept Design Stage Road Safety Audit Report'* prepared by Traffic Design Group and dated June 2017. The safety audit report does not raise any concerns about the position of the proposed Nukumarū Station Road centreline or the position of the intersection. It does, however, raise questions about the adequacy of the length of the SH3 right turn bay, the SH3 left turn lane design and the seal width associated with the 'throat island' within Nukumarū Station Road approaching SH3. The report recommends a consistent lane width and taper to the 'throat island' in the detailed design. Although it wasn't explicitly explained at the hearing, it appears that this 'throat island' is the reason why additional corridor width is required from the Handley property. On that basis, I can accept that the designation of the additional land is reasonably necessary to achieve the project objective.

18 Relevant Policy Considerations

18.1 Commentary on the relevant policies of the NZ Coastal Policy Statement, One Plan and District Plan were included in the AEE accompanying the May 2017 notices of requirement and in Mrs O'Shaughnessy's section 42A report. I have reviewed the relevant provisions referred to and agree with the analysis presented. My conclusion is that the proposed work and designation will give effect to and not be contrary to the relevant policy provisions.

19 Overall Conclusion

19.1 There is an urgent need to provide a secure road connection between SH3 and the Waiinu Beach community and the businesses located on the southern side of the Waitotara River. I am satisfied that the proposed road extension will promote the sustainable management purpose of the RMA and will enable the communities of this part of South Taranaki to provide for their economic, social and cultural wellbeing and for their health and safety as envisaged by section 5 of the RMA. I am satisfied that all of the material adverse environmental effects of the proposed road extension can be mitigated by the methods proposed in the notices of requirement and by the conditions I propose. All requirements of sections 168A and 171 are addressed. My conclusion is that the proposed designations merit confirmation subject to conditions.

20 Conditions

20.1 Section 12.0 of the AEE accompanying the May 2017 notices of requirement included a list of proposed conditions. These were further developed in the statements of evidence of Ms O'Shaughnessy and Mr Wesley. Miss Handley met with the requiring authority's representatives during the adjournment which resulted in further refinements by the requiring authority and further requests for amendment by Miss Handley. Not all of Miss Handley's requests were accepted by the requiring authority and I comment below on the reasons for adopting the wording of conditions that I have chosen:

20.2 **Condition 1: Designation Corridor width:** I understand that the requiring authority intends to take no more land from Lot 1 DP 76402 and I have inserted words capturing that intention.

20.3 **Condition 7: Construction Management Plan:** I consider the management plan should include the planned construction sequence and approximate time frame for construction. Once lodged with the consent authority, the management plan should be made available to any adjoining landowner or occupier on request. I have included sub-clause (d) but, rather than reference a separate document and aware that there was no final agreement about all of the detailed wording of the document '*Identification of Risks to Handley Organic Dairy Farm*', I have included the specific matters that were agreed needed to be addressed in the construction management plan.

20.4 **Condition 10: Buffer Planting:** the condition requires the buffer planting species to be confirmed with Miss Handley as agreed by the requiring authority. Given that the road will create a new boundary impinging on the Handley organic dairy farm, I consider that it is reasonable that the materials used to mulch and maintain the planting should be organic-approved by Asure Quality.

20.5 **Condition 17: Weed Monitoring:** I have included this condition on an '*Augier*' basis. It was proposed by the requiring authority and agreed with Miss Handley. There was

no evidence presented to the hearing that roadside weeds along the existing formed sections of Nukumarū Station Road are a problem and I would have no basis for imposing such a condition other than on an ‘Augier’ basis. However, I have made one amendment and that is to require reporting of the monitoring only to the owner. There doesn’t seem to be any need for the requiring authority to report to both the owner and owner’s agent.

- 20.6 **Condition 20: Fencing:** The condition does not make the requiring authority solely responsible for maintaining the fence in perpetuity as Miss Handley proposed. There is separate legislation which sets out the responsibilities of landowners for fence maintenance and it is not necessary or appropriate for these designation conditions to override those beyond the completion of construction.
- 20.7 **Condition 22: Stormwater Management:** I have specified that stormwater systems within the road adjoining Lot 1 DP25065 are to be designed to match current (pre-development) capacity. I have also included a requirement (for the recommendation on behalf of WDC) that the stormwater systems within the road adjoining Lot 1 DP 76402 are to be designed to match the current capacity of the SH3 roadside drains.
- 20.8 **Conditions 24 to 28: Additional Conditions Requested by Miss Handley:** I have not imposed the additional requirements requested by Miss Handley for the following reasons:
- (a) **Intersection Lighting:** The requiring authority has no control over NZTA’s requirements for lighting of intersections and the existing Nukumarū Station Road intersection could be lit without reference to Miss Handley. I do not anticipate any adverse effects even if the proposed intersection has NZTA lighting installed.
 - (b) **Calf Shed:** Miss Handley’s request to relocate the farm’s calf shed does not relate to any environmental effect and is not for a legitimate resource management purpose. The requiring authority opposes it. I cannot reasonably impose that requirement as a condition.
 - (c) **Road Stock Movement:** There is no need for me to impose a condition enabling stock movement on Nukumarū Station Road. The requiring authority’s advice is that the STDC stock movement Bylaw provides for that already.
 - (d) **Guarantee of Access Onto SH3:** Neither the requiring authority nor I am free to authorise, let alone require, access onto SH3.
 - (e) **Informing Miss Handley of Construction Programme:** I have included a requirement that the construction management plan (including construction programme) be made available to adjoining owners on request. In my view, that is sufficient to inform people about they reasonably need to know. The condition proposed by Miss Handley and the requiring authority is open-ended and is, in my view, not capable of enforcement.
 - (f) **Liability for Costs:** The request to make the requiring authority liable for all costs, including time costs, of monitoring implementation of the consent is not reasonable or necessary. The consent authority has responsibility for monitoring and ensuring

compliance. If Miss Handley has any concern during the implementation of the proposed road, she should contact STDC or WDC.

21 Confirmation of Designations Subject to Conditions

- 21.1 In accordance with the authority delegated to me by the South Taranaki District Council and pursuant to section 168A of the Resource Management Act 1991, **I confirm the designation proposed by notice of requirement RMD17002 and impose the conditions detailed in Attachment 1**, to enable the construction, operation, maintenance and protection of an extended and upgraded Nukumarū Station Road between State Highway 3 and Waiinu Beach Road. The reasons for this decision are summarised in Parts 19 and 20 of this decision; and
- 21.2 In accordance with the authority delegated to me by the Whanganui District Council and pursuant to section 171 of the Resource Management Act 1991, **I recommend that designation proposed by notices of requirement DES17/001 and DES17/002 be confirmed subject to the conditions detailed in Attachment 1**, to enable the construction, operation, maintenance and protection of an extended and upgraded Nukumarū Station Road between State Highway 3 and Waiinu Beach Road. The reasons for this decision are summarised in Parts 19 and 20 of this decision.



Christine Foster

(Independent Commissioner)

13 September 2017

ATTACHMENT 1**CONDITIONS OF DESIGNATION RMD17002
(South Taranaki District Plan)****and****CONDITIONS OF DESIGNATIONS DES17/001 & DES17/002
(Whanganui District Plan)****General**

1. All works shall be in general accordance with the notices of requirement submitted 3 May 2017 (DES17/001 and RMD17002) and as amended by supplementary notice of requirement DES17/002 submitted 16 June 2017 and stamped as approved. Width of land required for a road corridor between State Highway 3 and approximate chainage 700m shall be the minimum necessary to provide for a 7-metre-wide sealed carriageway, drainage and safe State Highway 3 intersection, to minimise the area of land required to be taken from Lot 1 DP 76402.
2. As soon as reasonably practicable following the completion of construction of the road, the Requiring Authority shall:
 - (a) Review the width of the area to be designated for the Project;
 - (b) Identify any areas of designated land that are no longer necessary for the on-going operation or maintenance of the project or for on-going mitigation measures;
 - (c) Give notice in accordance with sections 181 or 182 of the RMA seeking the alteration or removal of those parts of the designation identified in b) above.
3. Each designation shall lapse if not given effect to within five years from the date on which it is included in the District Plan under section 175 of the RMA.

Cultural Values and Relationship with Ngaa Rauru Kiitahi

4. Prior to construction, a workshop is to be held for the purpose of sharing knowledge on the cultural values of the area by Ngaa Rauru Kiitahi with STDC Engineering Services staff supervising the road extension contract and the selected design and build contractor. The outcome of the workshop is to establish lines of communication and protocols to follow, to be built into the construction methodology of the road.
5. The Requiring Authority shall establish an Advisory Group to facilitate regular liaison with Ngaa Rauru Kiitahi for the duration of the detailed design and construction phases of the project. The Advisory Group shall:
 - (a) Be established within two months of the date of confirmation of designation RMD17002;
 - (b) Include at least one member to represent each of Ngaa Rauru Kiitahi, the

- Requiring Authority and the contractor (once appointed);
- (c) Identify opportunities for Iwi to exercise kaitiakitanga over the area, and participation in the detailed design phase prior to confirmation of such design and construction details, including the construction management plan, and monitoring of any earthworks during construction as deemed appropriate by the Group;
 - (d) Assist with implementation of the Heritage New Zealand Accidental Discovery Protocol in relation to monitoring earthworks and discovery of any potential archaeological items within the designation;
 - (e) Assist with providing guidance to the contractor involved in earthworks activities on Ngati Ruaiti Kawa and Tikanga, as well as how to apply the Heritage New Zealand Accidental Discovery Protocol in the event that archaeological items are unearthed; and
 - (f) The Advisory Group may provide written advice to the Requiring Authority in relation to any of the above matters. The Requiring Authority must consider this advice and the means by which any suggestions may be incorporated in the project.
6. A programme of on-site monitoring of earthworks shall be established, in liaison with a qualified archaeologist and the Advisory Group, and shall provide for timely monitoring by a qualified archaeologist and representatives from the Ngaa Rauru Kiiitahi Iwi, and:
- (a) Once a monitoring programme is confirmed with the Advisory Group and archaeologist, the Requiring Authority shall provide a copy to the STDC and WDC Planning Managers, prior to commencement of any land disturbance on-site; and
 - (b) The Requiring Authority shall give the STDC and WDC Planning Managers, the qualified archaeologist and the Advisory Group members at least five (5) working days advance notice of requirements to attend the site to monitor earthworks. Giving of such notice in accordance with this condition shall be deemed to satisfy this condition.

Construction Effects

7. The Requiring Authority shall submit a construction management plan to the STDC and WDC Planning Managers. The construction management plan shall be submitted with the Outline Plan and as a minimum include details covering:
- (a) the planned construction sequence and approximate timeframe for construction;
 - (b) management of dust;
 - (c) management of noise;
 - (d) management of construction traffic; and
 - (e) the manner by which the following risks to the Handley organic farm will be addressed to achieve the mitigation outcome specified in the right-hand column below:

Risk	Risk Factor	Potential Mitigation Measure
Organic land and stock contamination	Stormwater runoff and stock truck effluent discharge onto farm, from the road.	Construct roadside swales and channels to collect stormwater and utilise natural drainage channels to current regulation, and design for the anticipated level of vehicle movements, with road surface runoff to drain away from and not enter the Handley land where practicable.
	Inappropriate new fence materials used.	All materials to be used along any boundary with the Handley Organic Farm (Lot 1 DP 76402 and Lot 1 DP 25065) must be pre-approved byASURE Quality as approved for use on organic farms.
	Chemical spray drift from roadside maintenance	Continue STDC 'No Spray' regime for roadside berms.
	Chemical or materials drift from road corridor during construction	Appropriate application method is used which results in no cross-boundary application. Application of materials which could result in airborne particles to cross the boundary by winds to be applied only when the correct winds prevail.
	Access to property by contractors or members of the public.	Contractors who are awarded work on the project will sign conditions agreement which outlines this requirement, and makes clear that no person or equipment is to cross the legal road boundary without the prior permission of the landowner. No change to the existing risk the land is currently exposed to in relation to access by the public (perimeter fences will be maintained).
Organic stock wandering from the Organic Land	Inadequate fencing	Construct new fences on the new road boundary prior to construction works commencing. Maintain stock proof fences at all times during construction phase.

Once submitted to the Planning Managers, the construction management plan shall be made available to the owners and occupiers of adjoining land on request.

8. All construction work shall be designed, managed and conducted to ensure that construction noise received beyond the boundaries of the designated area does not exceed the limits in NZS6803: 1999 Acoustics - Construction Noise as far as practicable.

Rural Amenity

9. The final design and construction methodology of the road shall minimise the removal of existing shelterbelts and other woody vegetation along Nukumarū Station Road (700m - 1,400m, including the largely indigenous under-storey vegetation beneath the shelterbelts), investigating options to prune or trim existing trees rather than removing them. Details of the vegetation to be retained, pruned or removed are to be included in the Outline Plan.

10. The final design shall include a permanent planted buffer screen along the confirmed western boundary of the new section of road adjoining Lot 1 DP 76402 between chainage 50m and 680m. The width and plant species are to be confirmed with the owner of the adjoining Lot 1 DP 76402. The details of the proposed planted buffer screen are to be included in the Outline Plan. The requiring authority shall implement the planting shown on the Outline Plan within the next planting season (autumn) and shall maintain the planting for a minimum of 12 months following planting.

Landscape

11. The final design of the road and batters shall integrate cuts and fills with the existing topography in a natural way and be finished with rounded surfaces to reflect the dune landforms and avoid sharp edges or flat slope faces, where the road traverses the 'high' (chainage 3000m - 4400m) and 'low' (chainage 4400m - 6600m) dune areas. Such details shall be included in the Outline Plan.

Ecological - Habitats

12. The final road alignment and associated construction works are to be set back as far as possible from Lake Waikato to the satisfaction of both the STDC and WDC Planning Managers.
13. The construction methodology shall ensure that:
 - (a) Prior to construction, an ecologist shall carry out a pre-works survey for the speckled \ skink in the area marked as 'Potential Skink Habitat' within the alignment between chainage 5900m and 7300m, as shown on "*Figure 1: Sensitive Ecological and Landscape Areas, dated February 2017*" found in Appendix 7 of the NoR application. If speckled skinks are found to be present as recorded by the survey, a rescue I salvage operation shall be organised and implemented prior to any works that could adversely affect the survival of the lizard.
 - (b) Prior to the New Zealand Pipit breeding season (August to February) all 'rough pasture areas' shall be regularly mown between March to August or otherwise kept short to discourage the New Zealand Pipit in the area of the works
 - (c) Prior to any felling of the large trees along the alignment, an ecologist or suitably qualified or experienced person to the satisfaction of the STDC Planning Manager shall confirm little black shag or black shag are not present.

Ecological - Wetlands

14. The construction methodology shall ensure that:
 - (a) The final road alignment (and associated construction works) avoid, or minimises, the removal of vegetation from the existing *Carex* wetland to the east at approximately chainage 800m.
 - (b) Any removal of wetland vegetation is to be replanted with *Carex* and ensure

the damaged edges are not exposed further to weed invasion.

- (c) Any new planting shall be maintained by the Requiring Authority for a minimum of 12 months following planting.
- (d) Quarterly monitoring of exposed areas for any increased weed invasion is carried out and the results are provided to the South Taranaki District Council's and Whanganui District Council's Planning Managers each quarter. Such monitoring shall occur until the damaged-edge vegetation is sufficiently developed to the satisfaction of the Planning Managers.

SH3 Safety and Efficiency

- 15. Erosion and sediment control measures shall be developed, implemented and maintained throughout the duration of any construction works associated with State Highway 3, in accordance with the NZTA Erosion and Sediment Control Guidelines for State Highway infrastructure.
- 16. The existing Nukumaru Station Road intersection shall be physically removed and the State Highway shoulders and road markings reconstructed. This shall be followed by the legal road stopping under the Local Government Act 2002 and the appropriate legalisation of the new alignment.

Handley Organic Farm

- 17. The Requiring Authority shall monitor weeds on the roadside and disturbed lands adjacent to Lot 1 DP 76402 and Lot 1 DP 25065 on a quarterly basis from October to April inclusive each year. Weeds shall be removed prior to flowering. The results of this monitoring shall be reported to the owner of Lot 1 DP 76402 and Lot 1 DP 25065.
- 18. The Requiring Authority shall erect a new stock-proof fence along an adjusted western legal boundary to Lot 1 DP 76402 and where necessary to Lot 1 DP 25065 prior to commencement of the road works for the new section of Nukumaru Station Road.
- 19. The fencing materials used shall be in accordance withASURE Quality's specifications for UDSA NOP certified organic farms.
- 20. The Requiring Authority shall then maintain stock proof fencing and closed gates at all times during the construction and for a subsequent period of 12 months along the boundaries between the proposed Nukumaru Station Road work and Lot 1 DP 76402 and Lot 1 DP 25065.
- 21. Following adjustment of the legal boundary to Lot 1 DP 76402 and Lot 1 DP 25065, construction activities shall be carried out within the existing and proposed road corridor and will not encroach onto Lot 1 DP 76402 or Lot 1 DP 25065.
- 22. The Requiring Authority shall design and construct roadside swales and channels to utilise natural drainage channels. The capacity of the new or changed roadside drainage swales along Nukumaru Station Road adjoining Lot 1 DP 76402, between State Highway 3 and approximate chainage 700m, shall be no less than the capacity of the existing (pre-construction) State Highway 3 roadside drains. The capacity of

the new or changed roadside drainage swales along Nukumarū Station Road adjoining Lot 1 DP 25065 shall be no less than the capacity of the existing (pre-construction) roadside drains. All drains within Nukumarū Station Road shall comply with NZ4404:2010 Land Development and Subdivision Infrastructure.

23. The Requiring Authority shall ensure application of materials occurs only during appropriate weather conditions to avoid any materials encroaching onto Lot 1 DP 76402 and Lot 1 DP 25065.

ATTACHMENT 2

LIST OF PERSONS WHO ATTENDED THE HEARING

Representing the Requiring Authority:

- Mr Korbus van der Merwe (Civil Engineer and Projects Manager, STDC)
- Mr Brent Manning (Group Manager – Engineering Services STDC)
- Ms Bron Faulkner (Consultant Landscape Architect employed by Boffa Miskell Ltd)
- Mr Hamish Wesley (Consultant Resource Management Planner employed by Boffa Miskell Ltd)

Submitters:

- Mr David Pearce (Director of Longview Limited)
- Miss Diana Handley
- Ms Di Lucas

Reporting Officer for the Consent Authorities:

- Mrs Brenda O'Shaughnessy (Consultant Resource Management Planner employed by Opus International Consultants Limited)