

## Appendix W Consenting Strategy

# Ashburton Second Urban Bridge Consent Strategy

PREPARED FOR THE ASHBURTON DISTRICT COUNCIL | JUNE 2022

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We design with community in mind

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# 1 Introduction

The Ashburton District Council (ADC) are developing a Detailed Business Case (DBC) in relation to the construction of a second road bridge across the Ashburton River / Hakatere and associated road connections to improve the resilience of the road network across the river, and connectivity between Tinwald and Ashburton ('the Project').

The purpose of this consenting strategy is to identify the statutory approvals likely to be required under the Resource Management Act 1991 (RMA), the consenting process risks and how they can be managed, and a potential approval pathway to support the development of the DBC and inform future design decisions. This strategy should be read in conjunction with the 'Initial Planning Assessment', dated 18 March 2022 and contained in **Appendix A**, which provides preliminary advice regarding the existing designation and potential resource consents that were anticipated to be required.

## 2 Project Location and Context

The ADC are investigating a new road bridge across the Ashburton River / Hakatere between Ashburton and Tinwald, as an alternative route to the existing State Highway One (SH1) bridge. For some time, the community have expressed concerns about the resilience of the existing bridge which became more evident with its closure for several days in June 2021 due to flood damage. Concerns have also been expressed regarding traffic volumes and safety along this part of SH1. The proposed second bridge will improve connectivity and resilience for the community.

Since 2006 the ADC have undertaken transportation studies, investigated various bridge locations, and consulted landowners and the wider community about a potential second bridge. In 2010 a preferred route was identified and technical assessments were subsequently undertaken. These included assessments of landscape effects, terrestrial ecology effects, and noise and vibration. A designation under the RMA was secured in 2014 over the preferred route.

The 2010 Ashburton District Plan review rezoned a large amount of land to the east of Tinwald to higher density Residential C and D zones to facilitate anticipated residential growth in this area. Another reason for the proposed bridge is to accommodate the additional traffic generated by this anticipated residential growth.

Figure 1 shows the proposed bridge and new road connection (shown in yellow), and the surrounding area of Ashburton and Tinwald.





Figure 1: Location of the proposed bridge and new road connection between Ashburton and Tinwald (indicated in yellow)

### 3 Description of the Proposal

The proposed second bridge across the Ashburton River / Hakatere would be located approximately 600 m to the south (downstream) of the existing SH1 bridge. It will extend from the southern end of Chalmers Avenue in Ashburton to a new road to be constructed between the river and Grove Street in Tinwald. The bridge will comprise two vehicle lanes and two pedestrian and cycle paths. The new road will be constructed through what is currently rural residential land and will intersect with Carters Terrace, Wilkin Street, Johnstone Street and Grahams Road. The new bridge and road will have a posted speed limit of 50 km/h and will be designed as an urban road providing the local community with an alternative route between Ashburton and Tinwald, with SH1 remaining primarily for heavy vehicles and through traffic.

Figure 2 and Figure 3 illustrate the alignment of the Project, according to the Notice of Requirement (NoR) that was submitted in 2013 for the designation.

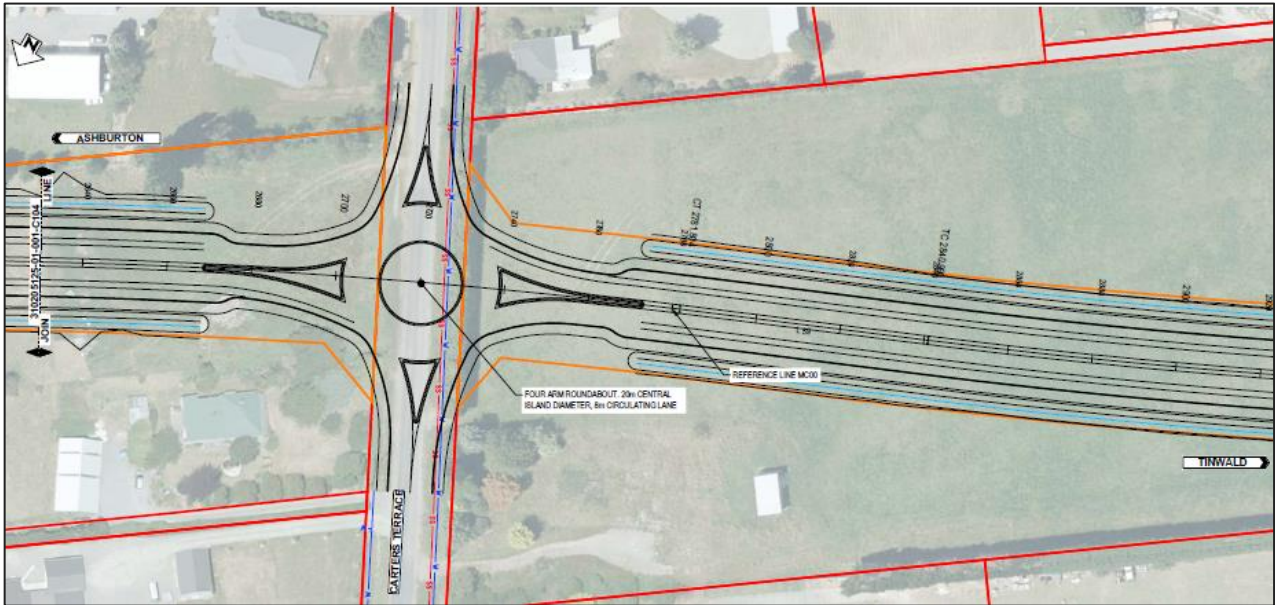


Figure 2: Alignment of proposed bridge. Source: Notice of Requirement (NoR) drawings.

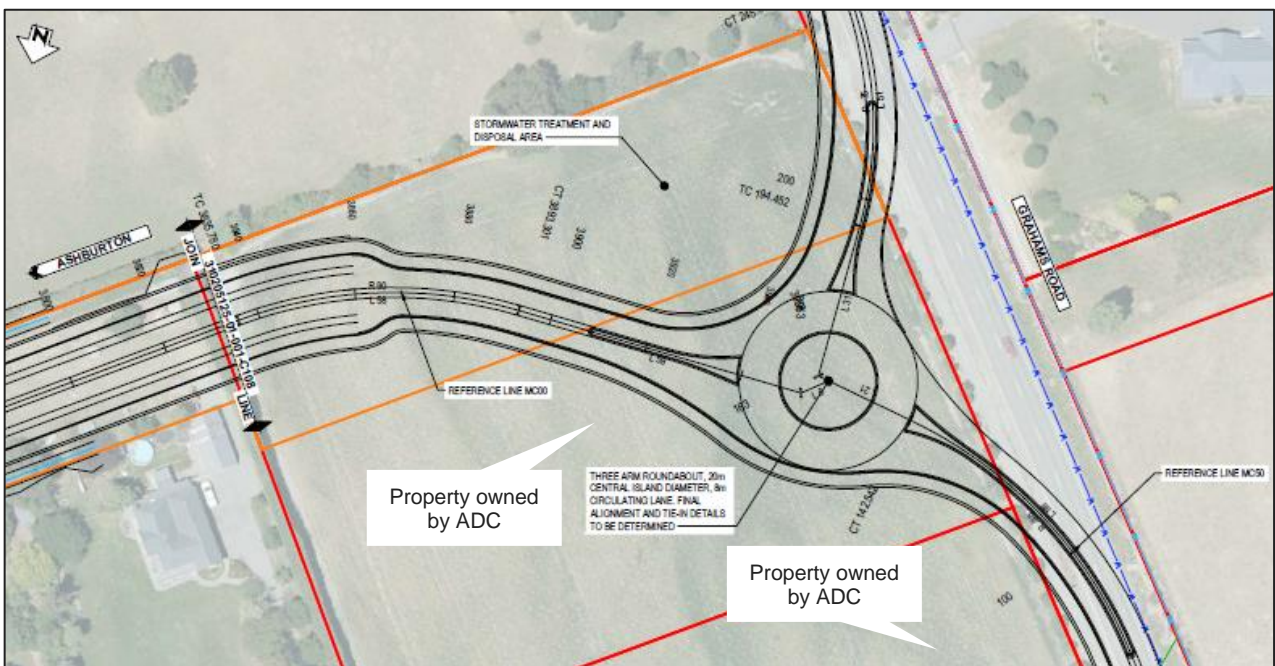


Figure 3: Alignment of new road connection. Source: NoR drawings.

Since the preparation of the Initial Planning Assessment (Appendix A), preliminary drawings of the bridge and road have been prepared. Roundabouts are now proposed at the intersections along the new road. These have been designed to fit within the designation boundaries, except at the intersection with Grahams Road. Figure 4 shows the proposed roundabout at the Carters Terrace intersection as an example. Figure 5 shows the proposed roundabout at the Grahams Road intersection which will be located outside the designation boundaries, although on land owned by ADC.



**Figure 4: Proposed roundabout at the Carters Tce intersection. Designation boundaries are shown in orange. Source: Stantec drawing 310205125-01-001-C105, Rev A, dated 22.04.2022.**



**Figure 5: Proposed roundabout at the Grahams Rd intersection. Designation boundaries are shown in orange. Source: Stantec drawing 310205125-01-001-C109, Rev A, dated 22.04.2022.**

Preliminary cross sections of the bridge and road have been prepared. There are slight differences to those prepared for the NoR, such as with lane and footpath widths. However, pedestrian, cycle and parking facilities are still accommodated along the road. Figure 6 and Figure 7 provide examples of the preliminary cross sections.



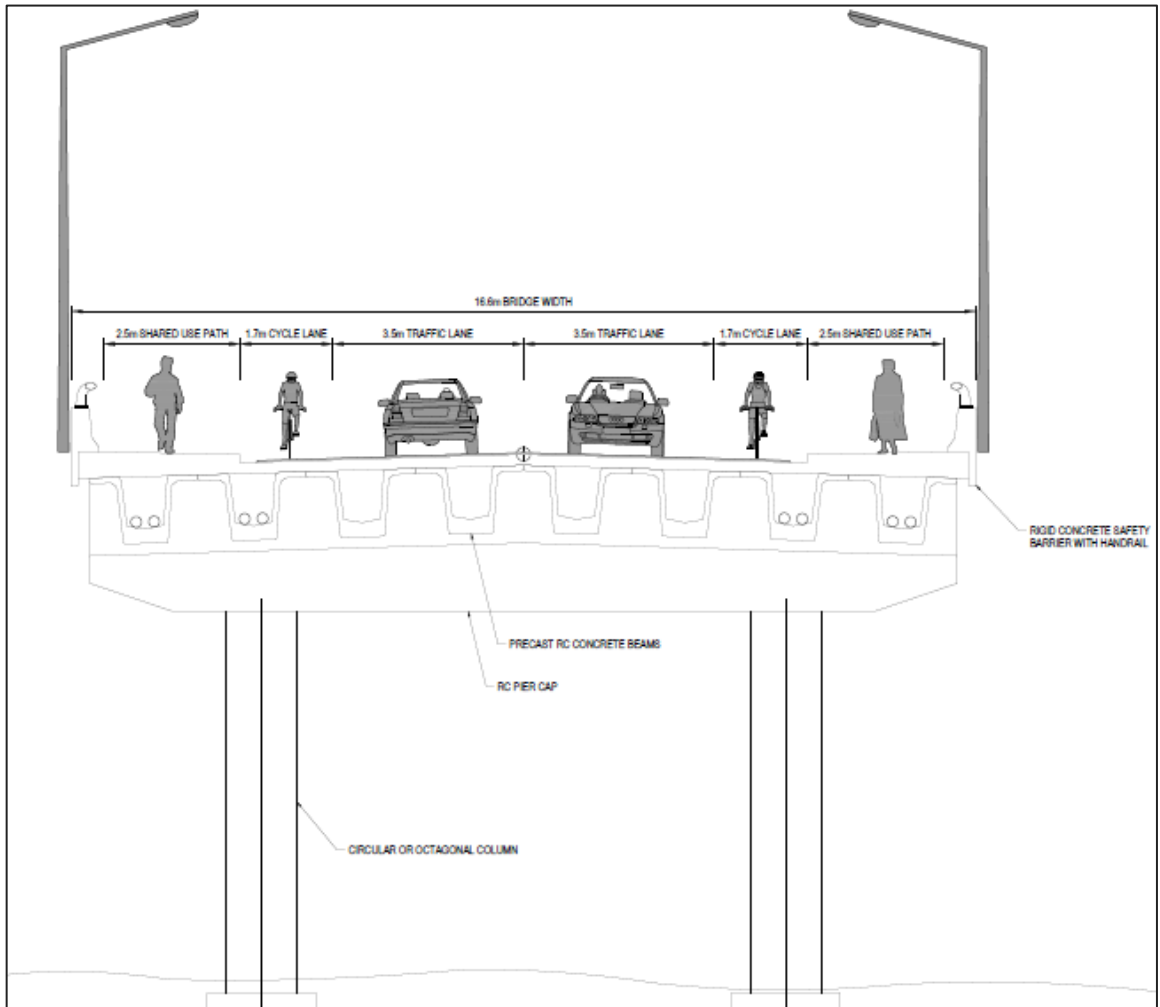


Figure 6: Typical cross section for the proposed bridge. Source: Stantec drawing 310205125-01-001-C303, Rev A, dated 3.05.2022.

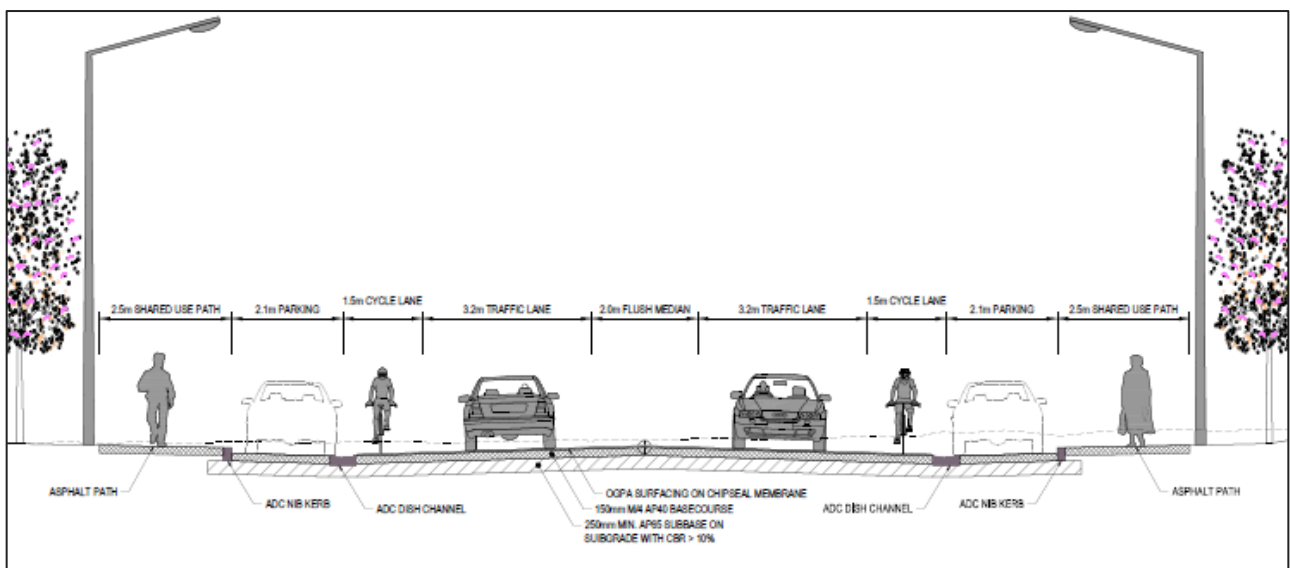


Figure 7: Typical cross section for the section of road between Carters Tce and Grahams Rd. Source: Stantec drawing 310205125-01-001-C302, Rev A, dated 3.05.2022.

Additionally, preliminary landscaping plans have been prepared. All landscaping will be within the designation boundaries except where riparian planting is proposed alongside Carters Creek and Keddies Stream.

## 3.1 Staged Option

Due to the way the Project may be funded, ADC are considering an option to split the Project into two key stages for design, consenting and / or construction. These are:

Stage One - Construct the bridge with a connection road as far as Carters Terrace.

Stage Two - Complete the connection road between Carters Terrace and Grahams Road.

These two key stages are illustrated in Figure 8.



Figure 8: Staged option with Stage One indicated in yellow, and Stage Two indicated in red.

## 4 Planning Approval Requirements

### 4.1 Designation

The designation was confirmed in 2014 and is identified as D208 in the Ashburton District Plan, with the ADC as the requiring authority. This is the first 'approval' obtained under the RMA for the Project. The designation can be thought of as a 'spot zoning' over a corridor of the land required for the proposed bridge and road. The designation was confirmed with a suite of conditions that the detailed design and construction will need to meet to be consistent with the concept submitted with the NoR for the designation.

#### 4.1.1 Designation Lapse Period

When the NoR was served, construction of the Project was not anticipated to commence until approximately 2026. Section 3.9 of the NoR explained the need for Designation D208 as:

*"the designation mechanism is used for projects that have a long lead in period where it is recognised that a project is required in years to come. The designation process is used to signal the Council's intentions and to ensure the land required for the future project is secured now in order for the project to proceed when it is required".*



Designation D208 was confirmed with a period of 15 years to be given effect to, with the lapse date being 22 May 2029. What needs to be undertaken to give effect to a designation can depend on the designation's purpose and does not necessarily mean that works need to be physically constructed and in operation. In the case of other roading-related designations in New Zealand, the acquisition of required land has been sufficient for giving effect to a designation.

Since Designation D208 was confirmed, ADC have acquired all the land required for the Project. Therefore, ADC may satisfy itself that Designation D208 has been given effect to. Section 184A of the RMA would otherwise enable ADC, within three months before the lapse date, to resolve that it has made "*substantial progress or effort towards giving effect to the designation*" and extend the lapse period.

### 4.1.2 Designation Conditions

The conditions of the designation are contained in Attachment 1 of this document. Some of the key conditions include:

- The project needs to be undertaken in general accordance with the plans that were submitted for the NoR,
- A Roothing Design Plan needs to be prepared, which amongst other matters, must detail changes required at several Chalmers Avenue intersections as a result of the change in traffic type and volumes that will use that road once the bridge is open
- A Landscape Design Plan of the project area needs to be prepared,
- Management plans for the construction-phase (e.g. noise and vibration, erosion and sediment control, traffic management) must be prepared, and
- Land disturbed by construction must occur in accordance with an Accidental Discovery Protocol which, if archaeological material is found, would involve engaging an archaeologist, consulting the local rūnanga and applying for an archaeological authority from Heritage New Zealand *Pouhere Taonga* (unless an archaeological authority is sought prior to commencing works as a precaution to avoid potential delays in the construction process).

### 4.1.3 Altering the Designation

Under s181 of the RMA, a requiring authority must give notice to the territorial authority to alter a designation. This may be for example to change the physical boundaries of the designation, the scope/purpose of the designation, or the conditions on the designation.

Figure 5 earlier shows that the proposed roundabout at the Grahams Road intersection will extend outside the designation boundaries, on land owned by ADC. It is recommended that the designation boundaries are altered to include the land required for the roundabout. As the design of the Project is further developed, it may become apparent that the designation should be altered for other reasons as well.

The content and considerations required for a NoR for an alteration to a designation are essentially the same as for a new designation. However, it is also possible to undertake a 'minor alteration' requiring substantially less detail if the criteria set out in s181(3)(a) – (c) RMA are met:

- (a) *the alteration—*
  - (i) *involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
  - (ii) *involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
- (b) *written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) *both the territorial authority and the requiring authority agree with the alteration— and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.*

The alteration required at the proposed Grahams Road roundabout can likely be undertaken as a 'minor alteration' because it would likely be viewed in the context of the entire designation as a minor adjustment, and ADC are the only owners of land that would be affected by the altered designation.

### 4.1.4 Outline Plan

Assuming that any alterations to the designation (e.g. to the boundaries to encompass the Grahams Road roundabout and to any conditions) are undertaken, an Outline Plan of Works (OPW) will need to be prepared and submitted to the territorial authority at least 20 working days before construction commences. An OPW is not an additional approval process but does allow a consent authority to request changes to a proposal to address adverse effects.

Section 176(3) of the RMA sets out what the OPW must show:

- a) *the height, shape, and bulk of the public work, project, or work; and*
- b) *the location on the site of the public work, project, or work; and*
- c) *the likely finished contour of the site; and*
- d) *the vehicular access, circulation, and the provision for parking; and*
- e) *the landscaping proposed; and*
- f) *any other matters to avoid, remedy, or mitigate any adverse effects on the environment.*





**Table 1: Potential resource consents required from ECan**

| Rule   | Comments   |
|--|--|
| <b>Operative Canterbury Land and Water Regional Plan (LWRP) and Plan Change 7<sup>1</sup> (PC7)</b>  |  |
| <b>Bridges and other structures in/over rivers and streams</b>   |  |
| <p>The installation of bridges and culverts, including the associated excavation, disturbance, and deposition of substances on, in or under the bed of a river, and, in the case of culverts, the associated take, discharge or diversion of water is a <b>permitted</b> activity, subject to conditions (Rule 5.137, changed by PC7).</p> <p>The relevant conditions are:</p> <ol style="list-style-type: none"> <li>2. <i>The activity is undertaken at a distance greater than 10 m from any...flood protection vegetation.</i></li> <li>3. <i>The works do not occur in flowing water</i></li> <li>8. <i>For any bridge:</i> <ol style="list-style-type: none"> <li>(a) <i>there are no piers within the bed.</i></li> </ol> </li> </ol> <p>If any condition is not met, consent is required as a <b>discretionary</b> activity (Rule 5.141A).</p> | <p>The construction of the bridge will not comply with all conditions set out in Rule 5.137. Consent will be required as a <b>discretionary</b> activity.</p> <p>Other bridges, culverts or structures required (e.g. at Carters Creek and Keddies Stream) may also require consent and this will need to be determined as the design is progressed.</p> |
| <b>Earthworks and vegetation clearance in riparian areas</b>   |  |
| <p>Vegetation clearance and earthworks within 5 m of the bed of a lake or river or a wetland boundary and any associated discharge of sediment or sediment-laden water is a <b>permitted</b> activity, subject to conditions (Rules 5.167 and 5.168, both changed by PC7). If any condition is not met, consent is required as a <b>restricted discretionary</b> activity (Rule 5.69).</p>   | <p>Vegetation clearance and earthworks in riparian areas is unlikely to meet all of the permitted activity conditions and will therefore require consent.</p>  |
| <b>Vegetation in riverbeds</b>   |  |
| <p>The introduction or planting of any plant, or the removal and disturbance of existing vegetation in, on or under the bed of a river and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a <b>permitted</b> activity, subject to conditions (Rule 5.163, changed by PC7). If conditions are not met, consent is required as a <b>restricted discretionary</b> activity (Rule 5.164) or as a <b>non-complying</b> activity (Rule 5.165).</p>  | <p>Any planting and/or the removal or disturbance of vegetation in riverbeds<sup>2</sup> (including the beds of Carters Creek and Keddies Stream) can likely comply with the relevant condition.</p>   |
| <b>Excavation and fill over an aquifer</b>   |  |
| <p>The excavation of land over an unconfined or semi-confined aquifer is <b>permitted</b> (Rule 5.175, changed by PC7) where:</p> <ol style="list-style-type: none"> <li>a) the volume of material excavated is less than 100 m<sup>3</sup>; or</li> <li>b) the volume of material excavated is more than 100 m<sup>3</sup> and: <ol style="list-style-type: none"> <li>i. there is more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and</li> <li>ii. the excavation does not occur within 50 m of any surface waterbody.</li> </ol> </li> </ol> <p>If compliance with the above is not achieved, then consent would be required as a <b>restricted discretionary</b> activity under Rule 5.176.</p>  | <p>The entire project area is over an unconfined or semi-confined aquifer. At least 100 m<sup>3</sup> of excavation will be required within 50 m of surface waterbodies and therefore consent will be required.</p> <p>The depth of excavations required, and groundwater levels will need to be determined as the design progresses.</p>                |
| <p>The deposition of fill of more than 50 m<sup>3</sup> over an unconfined or semi-confined aquifer where land is excavated to a depth of 5 m or deeper and groundwater is less than 5 m below ground level is a <b>controlled</b> activity if conditions are met (Rule 5.177, changed by PC7), otherwise is a <b>restricted discretionary</b> activity (Rule 5.178, changed by PC7).</p>  |  |

<sup>1</sup> PC7 was undertaken to respond to emerging resource management issues and to give effect to relevant national direction, among other reasons. PC7 has changed some of the region-wide provisions of the LWRP, which have not yet been updated in the LWRP document.

<sup>2</sup> Under the LWRP, river 'bed' means the space of land between the outward extremities of stopbanks or flood protection vegetation, or where there is no stopbanks or flood protection vegetation, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.



|  |  |
|--|--|
| <b>Stormwater discharges</b>   |  |
| The discharge of construction-phase stormwater to water or onto or into land is <b>permitted</b> subject to compliance with conditions, including that the area of disturbed land is less than two hectares and that the discharge is not from potentially contaminated land (Rule 5.94A). If any condition is not met, then consent is required as a <b>restricted discretionary</b> activity (Rule 5.94B).   | At least two hectares of land will be disturbed for the construction of the new road, and some land is potentially contaminated. Therefore, consent will be required.  |
| The discharge of operational-phase stormwater onto or into land, other than from land used for residential, educational or rural activities, requires consent as a <b>discretionary</b> activity (Rule 5.97).  | Consent will be required for the discharge of operational-phase stormwater.  |
| <b>Site dewatering – groundwater</b>   |  |
| The taking of water from groundwater for the purpose of dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use and discharge of that water is a <b>permitted</b> activity, provided conditions are met (Rule 5.119). If any condition is not met, consent is required as a <b>restricted discretionary</b> activity (Rule 5.120, changed by PC7).   | Any dewatering of groundwater will need to be assessed when the construction methodology is developed.   |
| <b>Bores for hydrological or geotechnical investigations</b>   |  |
| The installation and use of a bore for hydrological or geotechnical investigation or monitoring is a <b>permitted</b> activity, subject to conditions (Rule 5.104). If any condition is not met, consent is required as a <b>discretionary</b> activity (Rule 5.105).  | Bores may be required for investigations prior to construction. This will need to be assessed when the construction methodology is developed.  |
| <b>Canterbury Air Regional Plan (CARP)</b>   |  |
| The discharge of dust to air beyond the property of origin from land development activities is <b>permitted</b> , provided that a dust management plan, prepared in accordance with Schedule 2, is implemented where the area of unsealed or unconsolidated land is greater than 1000 m <sup>2</sup> (Rule 7.32).<br><br>Where conditions are not met, consent is required either as a <b>restricted discretionary</b> activity (Rule 7.33) or a <b>non-complying</b> activity (Rule 7.34) | A dust management plan is already required as a condition of the designation. It is anticipated that the dust management plan could also be prepared to meet Schedule 2 of the CARP, so that this would be a permitted activity. |

Rules 13.5.1 – 13.5.6 of the LWRP apply to the Ashburton Sub-region, outside the Hinds/Hekeao Plains Area, in addition to the Region-wide rules (of which the relevant ones to the Project are identified above). The rules relate to the take and use of surface water and groundwater (other than temporary dewatering covered by Rules 5.119 and 5.120) and are therefore not applicable.

## 4.4 National Environmental Standards (NES)

### 4.4.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) provides a nationally consistent set of planning controls for the management of activities that disturb contaminated and potentially contaminated land.

A Preliminary Site Investigation (PSI) has been undertaken as part of the DBC. This found that land within and adjacent to the new road alignment may be contaminated from historic or current land uses. A Detailed Site Investigation (DSI) will be required to define the nature and extent of contamination present (if any) and inform consent requirements under the NESCS.

### 4.4.2 National Environmental Standard for Freshwater Management 2020

Under the National Environmental Standard for Freshwater Management (NES-F), vegetation clearance, earthworks and damming or diversion of water associated with the construction of a new road within or between 10 – 100 m of natural wetlands requires consent as a discretionary activity (NES-F Regulation 45).

Furthermore, there are requirements relating to the installation of structures in a river which may affect fish passage. As a minimum, Regulation 70 requires information on new culverts/culvert extensions to be provided to ECan such as shape, length, slope, alignment etc., as well as an assessment of the ability to maintain or enhance fish passage



through the design of any culverts. This information needs to be provided to ECan within 20 working days of such work completing.

A desktop ecological assessment has been carried out as part of the DBC. Aerial photography does not indicate the presence of extensive wetland habitat. However, this does not preclude the presence of small areas of wetland, particularly in the project area between Grahams Road and the Ashburton River / Hakatere. Additionally, culverts may be required at Carters Creek and Keddies Stream for the new road. Both streams are located between Wilkin Street and Johnstone Street and potentially have ecological value.

The ecological assessment describes next steps, including ground truthing and mapping potential wetlands and undertaking targeted mudfish surveys in Carters Creek and Keddies Stream, which will help confirm any consents required under the NES-F.

## 4.5 Summary

The approvals that are potentially required for the Project are summarised in Table 2. While there is a lot of repetition in the types of approvals that would potentially be required if the Project were split into the two stages mentioned in Section 3.1, for completeness, they are summarised in Table 3. The potential pathways, depending on whether the Project progresses to consenting in its entirety or in a staged manner, are discussed further in Section 5.

**Table 2: Summary of approvals likely to be required.**

| Council/Authority          | Approvals potentially required  |
|----------------------------|---|
| Ashburton District Council | <ul style="list-style-type: none"> <li>• NoR - alteration to the designation to adjust the boundaries for the Grahams Road roundabout, and for any other boundary or condition changes</li> <li>• OPW (including the additional requirements set out in the designation conditions)</li> <li>• Resource consent under the NESCS for the disturbance of contaminated land, subject to the findings of a DSI</li> </ul>   |
| Environment Canterbury     | <ul style="list-style-type: none"> <li>• Resource consents under the LWRP for:               <ul style="list-style-type: none"> <li>– The construction of bridges and culverts and associated riverbed disturbance, discharges and diversion of water</li> <li>– Earthworks and vegetation clearance in riparian areas</li> <li>– Vegetation clearance or planting in riverbeds</li> <li>– Excavation and fill over an aquifer</li> <li>– Discharge of construction-phase and operational-phase stormwater to water or onto land</li> <li>– Dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use (where necessary and only if permitted activity conditions are not complied with)</li> <li>– Installation of bores for hydrological or geotechnical investigations (where necessary and only if permitted activity conditions are not complied with)</li> </ul> </li> <li>• Resource consent under the NES-F for any vegetation clearance or earthworks within 100 m of a wetland and/or any culverts, if permitted activity conditions cannot be complied with.</li> <li>• S177 written consent from ECan as the requiring authority for Designation D22 for works proposed within that designation. This could be sought in combination with an approval under the Flood Protection and Drainage Bylaw 2013.</li> </ul> |

**Table 3: Summary of approvals likely to be required for staged option**

| Council/Authority                            | Approvals potentially required  |
|--|---|
| <b>Stage One - Bridge to Carters Tce</b>     |   |
| Ashburton District Council                   | <ul style="list-style-type: none"> <li>• NoR - alteration to the designation if any boundary or condition changes are required</li> <li>• OPW (including the additional requirements set out in the designation conditions)</li> <li>• Resource consent under the NESCS for the disturbance of contaminated land, subject to the findings of a DSI</li> </ul>   |
| Environment Canterbury                       | <ul style="list-style-type: none"> <li>• Resource consents under the LWRP for: <ul style="list-style-type: none"> <li>– The construction of a bridge and associated riverbed disturbance, discharges and diversion of water (at Ashburton River / Hakatere</li> <li>– Earthworks and vegetation clearance in riparian areas</li> <li>– Vegetation clearance or planting in riverbeds</li> <li>– Excavation and fill over an aquifer</li> <li>– Discharge of construction-phase and operational-phase stormwater to water or onto land</li> <li>– Dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use (where necessary and only if permitted activity conditions are not complied with)</li> <li>– Installation of bores for hydrological or geotechnical investigations (where necessary and only if permitted activity conditions are not complied with)</li> </ul> </li> <li>• Resource consent under the NES-F for any vegetation clearance or earthworks within 100 m of a wetland, if present between the river and Carters Tce and if permitted activity conditions cannot be complied with.</li> <li>• S177 written consent from ECan as the requiring authority for Designation D22 for works proposed within that designation. This could be sought in combination with an approval under the Flood Protection and Drainage Bylaw 2013.</li> </ul> |
| <b>Stage Two - Carters Tce to Grahams Rd</b> |   |
| Ashburton District Council                   | <ul style="list-style-type: none"> <li>• NoR - alteration to the designation to adjust the boundaries for the Grahams Road roundabout, and for any other boundary or condition changes</li> <li>• OPW (including the additional requirements set out in the designation conditions)</li> <li>• Resource consent under the NESCS for the disturbance of contaminated land, subject to the findings of a DSI</li> </ul>   |
| Environment Canterbury                       | <ul style="list-style-type: none"> <li>• Resource consents under the LWRP for: <ul style="list-style-type: none"> <li>– The construction of bridges and culverts and associated riverbed disturbance, discharges and diversion of water (e.g. at Carters Creek and Keddies Stream)</li> <li>– Earthworks and vegetation clearance in riparian areas</li> <li>– Vegetation clearance or planting in riverbeds</li> <li>– Excavation and fill over an aquifer</li> <li>– Discharge of construction-phase and operational-phase stormwater to water or onto land</li> <li>– Dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use (where necessary and only if permitted activity conditions are not complied with)</li> <li>– Installation of bores for hydrological or geotechnical investigations (where necessary and only if permitted activity conditions are not complied with)</li> </ul> </li> <li>• Resource consent under the NES-F for any vegetation clearance or earthworks within 100 m of a wetland and/or any culverts, if permitted activity conditions cannot be complied with.</li> </ul>  |



# 5 Consent Packaging and Pathways

## 5.1 Packaging Approvals

There are several options for the packaging the various approvals that will be required, depending on the following considerations:

- Number and complexity of approvals required and risks to secure them
- Timeframe to construct and potential for staging
- Availability of design detail to support statutory applications
- Ability to achieve an iterative design development and effects assessment process
- Efficiency in document preparation
- Engagement with key stakeholders and the wider community; reputational and relationship implications
- Potential notification of resource consent applications
- Potential duplication of statutory process, for example seeking multiple consents for earthworks where they relate to different parts of the project instead of seeking one consent to cover all earthworks
- Potential for appeals relating to different sections of the project
- Ease of delivery (including conditions implementation e.g. how would multiple condition sets be implemented by the contractor)
- Future asset ownership and management

### 5.1.1 Un-staged Option

Based on the entire Project being designed and consented in one stage, it is recommended that the required approvals are sought in the following order:

1. **Alteration of the designation** - submit a NoR to ADC to alter the designation to adjust the boundaries for the Grahams Road roundabout, and for any other boundary or condition changes.

*Reason: Provided this can be undertaken as a 'minor alteration' (which is likely the case for the Grahams Road roundabout), this is a straightforward type of 'consent' which requires limited information and therefore could be sought and confirmed ahead of the other approvals. Alternatively, and particularly if a more substantial alteration to the designation is required, this process could be combined with the OPW process in point 4 for efficiency in document preparation.*

2. **ECan flood protection approvals** - seek s177 written consent from ECan as the requiring authority, for works within the boundary of Designation D22 in combination with an approval under the Flood Protection and Drainage Bylaw 2013.

*Reason: While these could be sought in parallel with the regional resource consents, this process will require less information (relating specifically to maintaining existing flood protection) which could also be made available earlier. Further, this process may influence the more detailed designs and technical assessments that will need to follow for the resource consent application.*

3. **Regional resource consents** - apply to ECan for all resource consents required under regional plans such as the LWRP, and the NES-F.

*Reason: Applying for all regional resource consents together will help with efficiency in document preparation and avoid duplication of statutory process. In some instances, regional resource consents can be sought in combination with the OPW where this allows for efficiency in document preparation. However, in this case it is recommended to seek these separate to the OPW due to the risks of delays and design changes associated with notification and/or appeals, and the risk of consents being declined which are potentially heightened for this Project.*

4. **OPW and land use consents** - submit to ADC:
  - a. The OPW,
  - b. The documents required by the conditions of the designation (e.g. Roading Design Plan, Landscape Design Plan, construction management plans), and
  - c. The application for land use consent under NESCS, if required.

*Reason: These will require a higher degree of detail on designs and construction methodology that may take longer to produce and could be influenced by outcomes of the regional resource consents.*



The approvals may be sought for the entire Project, even if the construction is staged. If that is the case, then consideration will need to be had to the lapse periods for the resource consents that are sought (for example, seeking a 10-year lapse period rather than the default 5 years).

## 5.1.2 Staged Option

If ADC prefers to stage consenting of the Project to align with funding, design timeframes or other factors, then it is recommended that the required approvals are sought in the order set out below. This is based on the same reasons as set out above.

### Stage One

1. **Alteration of the designation** - submit a NoR to ADC to alter the designation if any boundary or condition changes relating to the bridge to Carters Terrace section are required.
2. **ECan flood protection approvals** - seek s177 written consent from ECan as the requiring authority, for works within the boundary of Designation D22 in combination with an approval under the Flood Protection and Drainage Bylaw 2013.
3. **Regional resource consents** - apply to ECan for all resource consents required under regional plans such as the LWRP and the NES-F that relate to the bridge to the Carters Terrace section.
4. **OPW and land use consents** - submit to ADC in relation to the bridge to Carters Terrace section:
  - a. The OPW,
  - b. The documents required by the conditions of the designation (e.g. Roading Design Plan, Landscape Design Plan, construction management plans), and
  - c. The application for land use consent under NESCS, if required.

### Stage Two

5. **Alteration of the designation** - submit a NoR to ADC to alter the designation to adjust the boundaries for the Grahams Road roundabout, and for any other boundary or condition changes that relate to the Carters Terrace to Grahams Road section. This could potentially be undertaken as a 'minor alteration'.
6. **Regional resource consents** - apply to ECan for all resource consents required under regional plans such as the LWRP, and the NES-F that relate to the Carters Terrace to Grahams Road section.
7. **OPW and land use consents** - submit to ADC, in relation to the Carters Terrace to Grahams Road section:
  - a. The OPW,
  - b. The documents required by the conditions of the designation (e.g. Roading Design Plan, Landscape Design Plan, construction management plans), and
  - c. The application for land use consent under NESCS, if required.

## 5.2 Potential Pathways

### 5.2.1 Board of Inquiry or Environment Court (s145 RMA)

This consenting pathway applies to proposals of national significance. The Minister for the Environment may direct that a proposal is of national significance based on considerations such as whether the proposal (s142(3) of the RMA):

- generates widespread public concern or interest regarding the effects on the environment,
- involves significant use of resources,
- affects a structure, feature, place, or area of national significance, and
- relates to a network utility operation that extends or is proposed to extend to more than one district or region.

An application for a proposal of national significance can then be considered by either a board of inquiry or the Environment Court subject to statutory timeframes.

While the Project has local and regional significance and is anticipated to generate public interest within Ashburton, it may not be considered by the Minister for the Environment as being of national significance. The works are also within one district although the benefits will extend beyond Ashburton District. Therefore, pursuing this pathway is not recommended.

### 5.2.2 Direct Referral (s87D RMA)

Direct referral of the required applications allows applicants to request that their notified resource consent or NoR applications be decided by the Environment Court, rather than the relevant council. It is intended to streamline decision-making for more contentious, larger scale and/or complex applications that are likely to end up in the Environment Court on appeal following a council hearing, substantially increasing consenting timeframes.

With the designation for the Project already secured, the remaining approvals that are required are not expected to be highly contentious or complex enough to warrant this pathway. Therefore, pursuing this pathway is not recommended at this time.



### 5.2.3 COVID-19 Recovery (Fast-track Consenting) Act 2020

The Covid-19 Recovery (Fast-track Consenting) Act 2020 provides a fast-track consenting pathway for listed projects (which does not include the Project) that are referred by the Minister for the Environment where they meet certain criteria. The timeframe for a project to be referred is three months, although some referrals have taken longer. Once a project has been referred a NoR or resource consent application can be lodged with the Environmental Protection Authority (EPA) and it will be assessed and determined by an expert consenting panel. This Act will be repealed on 8 July 2023, although any application that has been lodged before that time will continue to be determined under the Act.

Section 19 sets out the matters that are to be considered for a project to be referred to an expert consenting panel:

***“19 Whether project helps to achieve purpose of Act***

*In considering, for the purpose of section 18(2), whether a project will help to achieve the purpose of this Act, the Minister may have regard to the following matters, assessed at whatever level of detail the Minister considers appropriate:*

- (a) the project’s economic benefits and costs for people or industries affected by COVID-19:*
- (b) the project’s effect on the social and cultural well-being of current and future generations:*
- (c) whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case:*
- (d) whether the project may result in a public benefit by, for example,—*
  - (i) generating employment:*
  - (ii) increasing housing supply:*
  - (iii) contributing to well-functioning urban environments:*
  - (iv) providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity:*
  - (v) improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:*
  - (vi) minimising waste:*
  - (vii) contributing to New Zealand’s efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand’s net emissions of greenhouse gases):*
  - (viii) promoting the protection of historic heritage:*
  - (ix) strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:*
- (e) whether there is potential for the project to have significant adverse environmental effects, including greenhouse gas emissions:*
- (f) any other matter that the Minister considers relevant.”*

Sufficient evidence that the Project would help achieve the purpose of the Act would need to be submitted to the Ministry for the Environment (MoE) in a request to be referred. If, after the approximately three-month period, the Project is referred, then the application for any necessary resource consents (being under the LWRP and potentially the NES-F and NESCS) would need to be prepared and submitted by 8 July 2023. Therefore, it is recommended that this pathway is not pursued given its constrained timeframe and the stage of the Project.

### 5.2.4 Recommendation - Standard Council Pathway

It is recommended that the required applications for the Project, regardless of how they are packaged or staged, should proceed through the standard Council consenting pathway, with the exception that independent consultants and commissioners process and decide the applications to ADC. This is common practice for projects where the Council is also the applicant to help ensure a transparent and impartial process and decision.



## 6 Statutory Approval Risks

The key statutory approval risks are summarised in Table 4.

**Table 4: Key statutory approval risks**

| Potential Risk  | Explanation and proposed risk management   |
|---|--|
| Community and stakeholder opposition                    | <p>At this stage, most of the land required has already been acquired by ADC. However, adjacent landowners, other stakeholders and parts of the wider community may be opposed to the project. Implementing the Community &amp; Stakeholder Engagement Plan prepared for the DBC may help to reduce the risk of community or stakeholder opposition affecting the RMA approval processes.</p> <p>There are other stakeholders not identified in the Community &amp; Stakeholder Engagement Plan who may be involved through the RMA approval processes, such as the Department of Conservation, Forest and Bird, and Fish and Game given the interaction between the Project and the Ashburton River / Hakatere. These stakeholders should also be engaged early.</p>  |
| Delays in progressing designs and technical assessments | <p>Technical assessments will be required to support the resource consent applications, including on (but not necessarily limited to):</p> <ul style="list-style-type: none"> <li>• Ecology</li> <li>• Hydrology and river stability</li> <li>• Stormwater management</li> <li>• Contaminated land (detailed site investigation)</li> </ul> <p>Various other designs and management plans are required in accordance with the conditions of the designation, including:</p> <ul style="list-style-type: none"> <li>• Lighting Design Plan</li> <li>• Landscape Design Plan</li> <li>• Construction Noise and Vibration Management Plan</li> <li>• Erosion, Sediment and Dust Control Management Plan</li> <li>• Hazardous Substances, Spills and Emergency Management Plan</li> <li>• Social Impact Management Plan</li> </ul> <p>Some assessments and designs are contingent on others being completed, which could result in delays. Regular design update meetings should be established as soon as possible.</p> |
| Effects on flood protection                             | <p>If not properly considered in the design, the proposed bridge and associated infrastructure could compromise the flood protection stop banks and vegetation that are located along the river. As well as being addressed through the resource consent process, this will be a relevant matter for ECan to consider when asked for their approval under s177 of the RMA (as the requiring authority for an existing designation) and under the Flood Protection and Drainage Bylaw 2013.</p> <p>Early engagement with ECan is recommended to ensure these approvals can ultimately be obtained.</p>  |

|                        |  |
|------------------------|--|
| Ecological effects     | <p>The desktop ecological assessment has found that there could be significant flora and fauna affected by the Project. The largest risks are likely to be:</p> <ul style="list-style-type: none"> <li>• The Ashburton River / Hakatere in the vicinity of the Project is used by black billed gulls and other indigenous birds, such as terns and dotterels, for nesting. These birds are threatened or at risk to varying degrees according to the New Zealand Threat Classification System, and the river is known to be a significant habitat for these species.</li> <li>• The Ashburton River / Hakatere supports indigenous fish that are identified as threatened or at risk. It is also regionally significant for recreational fishers (for trout and salmon).</li> <li>• Carters Creek and Keddies Stream have historic records of containing Canterbury mudfish, a Nationally Threatened wetland species.</li> </ul> <p>The presence of these threatened birds, fish and their habitats could raise a potentially significant project risk as resource consents for the bridge (construction and operation) and the works at Carters Creek and Keddies Stream may be very difficult to obtain if the Project's adverse effects on these species cannot be avoided or otherwise adequately mitigated.</p> <p>The recommendations of the desktop ecological assessment should be followed to better understand the potential adverse effects and to determine the mitigation that will likely be required.</p> |
| ECan resource consents | <p>While the designation for the Project has been secured this does not guarantee that the necessary resource consents will be approved. There is also a risk that the applications could be notified and/or appealed.</p> <p>As well as undertaking the recommendations listed above, a pre-application meeting should be held with ECan to gauge these risks.</p> <p>Delaying the preparation of the OPW and the various other designs and management plans that are required by the conditions of the designation until after the resource consents are granted may also be appropriate.</p>  |

## 7 Recommended Next Steps

The following next steps are recommended, based on this consenting strategy:

- Engage with ECan to request their written consent under s177 of the RMA for works within Designation D22 and under the Flood Protection and Drainage Bylaw 2013.
- Undertake a DSI which will inform the consent requirements under the NESCS.
- Undertake the recommendations set out in the desktop ecological assessment (which are generally for field surveys) to help inform the design and construction methods, and the technical assessments needed to support the resource consent applications.
- Develop the likely construction methodology to determine compliance with the conditions of the LWRP and CARP in relation to excavation, groundwater dewatering (if necessary), and dust management.
- Hold a pre-application meeting with ECan to discuss the resource consent application.
- Engage with other stakeholders not identified in the Community & Stakeholder Engagement Plan who may have a particular interest in the potential ecological effects such as the Department of Conservation, Forest and Bird, and Fish and Game.



# Appendices

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We design with community in mind



# Appendix A Initial Planning Assessment



To: Matt Soper  
Christchurch

From: Ethan Archer  
Christchurch

Project/File: Ashburton Second Urban Bridge DBC: Date: 18 March 2022  
Initial Planning Assessment

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**Reference: 310205125**

## 1 Introduction

The Ashburton District Council (ADC) are developing a Detailed Business Case (DBC) in relation to the construction of a second road bridge across the Ashburton River / Hakatere and associated road connections to improve resilience and connectivity between Tinwald and Ashburton.

The purpose of this memorandum is to set out the planning context and identify the likely approvals that will be required under the Resource Management Act 1991 (RMA), to support the development of the DBC and to inform future design decisions.

## 2 Project Location and Context

The ADC are investigating a new road bridge across the Ashburton River / Hakatere, between Ashburton and Tinwald, as an alternative route to the existing State Highway One (SH1) bridge. For some time, the local community have expressed concerns about the resilience of the existing bridge (which became more evident with its closure for several days in June 2021 due to flood damage), as well as traffic volumes and safety along SH1. The proposed second bridge will improve connectivity and resilience for the community.

Since 2006, the ADC have undertaken transportation studies, investigated various bridge locations, and consulted landowners and the wider community. In 2010, a preferred route was identified, and technical assessments were subsequently undertaken, such as on landscape effects, terrestrial ecology effects, and noise and vibration, which resulted in a designation under the RMA being secured in 2014 for the preferred route.

The 2010 Ashburton District Plan review rezoned a large amount of land to the east of Tinwald to higher density Residential C and D zones to facilitate anticipated residential growth in this area. Another reason for the proposal is to cater to the traffic associated with this anticipated residential growth.

Figure 1 shows the proposed bridge and road connection (shown in yellow), and the surrounding area of Ashburton and Tinwald.



Reference: 310205125



Figure 1: Location of the proposed bridge and road connection between Ashburton and Tinwald (indicated in yellow)

### 3 Description of the Proposal

The proposed second bridge across the Ashburton River / Hakatere is proposed approximately 600 m to the south (downstream) of the existing SH1 bridge. It will extend from the southern end of Chalmers Avenue to a new road to be constructed to the east of Grove Street in Tinwald. The bridge will comprise two vehicle lanes and pedestrian and cycle paths. The new road will be constructed through what is currently rural residential land use, and will intersect with Carters Terrace, Wilkin Street, Johnstone Street and Grahams Road. The new bridge and road will have a posted speed limit of 50 km/h and will be designed as an urban road, with the intention of providing the local community with an alternative route between Ashburton and Tinwald, while allowing SH1 to remain primarily for heavy vehicles and through traffic.

Figure 2 and Figure 3 illustrate the alignment of the proposed bridge and road connection in more detail.

Reference: 310205125



Figure 2: Alignment of proposed bridge. Source: Notice of Requirement (NoR) drawings.



Figure 3: Alignment of new road connection. Source: NoR drawings.

Reference: 310205125

The proposal is detailed to an extent in the Notice of Requirement (NoR) that was submitted in 2013 for the designation however, it is yet to go through detailed design. Given the time that has lapsed since the designation was confirmed in 2014, there are potentially different or new constraints and opportunities that may necessitate changes to the design.

## 4 Planning Approval Requirements

### 4.1 Designation

The designation was confirmed in 2014 and is identified as D208 in the Ashburton District Plan, with the ADC as the requiring authority. This is the first 'approval' obtained under the RMA for the project. The designation can be thought of as a 'spot zoning' over a corridor of the land required for the proposed bridge and road. The designation was confirmed with a suite of conditions that the detailed design and construction will need to meet to be consistent with the concept submitted with the Notice of Requirement (NoR) for the designation.

#### 4.1.1 DESIGNATION CONDITIONS

The conditions of the designation are contained in **Attachment 1** of this document. Some of the key conditions include:

- The designation will lapse if not given effect to<sup>1</sup> within 15 years (i.e. by 2029),
- The project needs to be undertaken in general accordance with the plans that were submitted for the NoR,
- A Roading Design Plan needs to be prepared, which amongst other matters, must detail changes required at several Chalmers Avenue intersections as a result of the change in traffic type and volumes that will use that road once the bridge is open
- A Landscape Design Plan of the project area needs to be prepared,
- Management plans for the construction-phase (e.g. noise and vibration, erosion and sediment control, traffic management) must be prepared, and
- Land disturbed by construction must occur in accordance with an Accidental Discovery Protocol which, if archaeological material is found, would involve engaging an archaeologist, consulting the local rūnanga and applying for an archaeological authority from Heritage New Zealand *Pouhere Taonga* (unless an archaeological authority is sought prior to commencing works as a precaution in order to avoid potential delays in the construction process).

#### 4.1.2 OUTLINE PLAN

Provided that the proposal will be undertaken in compliance with the conditions of the designation including being wholly within the designation boundaries, an Outline Plan of Works (OPW) will need to be prepared and submitted to the territorial authority.

Section 176(3) of the RMA sets out what the OPW must show:

- a) the height, shape, and bulk of the public work, project, or work; and*
- b) the location on the site of the public work, project, or work; and*

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<sup>1</sup> In the context of this designation, this means the project must be physically constructed and in operation.

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- c) *the likely finished contour of the site; and*
- d) *the vehicular access, circulation, and the provision for parking; and*
- e) *the landscaping proposed; and*
- f) *any other matters to avoid, remedy, or mitigate any adverse effects on the environment.*

The various design plans and management plans that are required to meet the designation conditions will also be submitted with the OPW to address the above requirements.

### **4.1.3 ALTERING THE DESIGNATION**

As the design of the proposal is developed it may become apparent that the designation needs to be altered. Under s181 of the RMA, a requiring authority must give notice to the territorial authority to alter a designation. This may be for example, to change the physical boundaries of the designation, the scope/purpose of the designation, or the conditions on the designation.

The content and considerations required for a NoR for an alteration to a designation are essentially the same as for a new designation. However, it is also possible to undertake a 'minor alteration' if the criteria set out in s181(3)(a) – (c) RMA are met:

- (a) *the alteration—*
  - (i) *involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
  - (ii) *involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
- (b) *written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
- (c) *both the territorial authority and the requiring authority agree with the alteration— and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.*

Obtaining written agreements from landowners could be difficult if an alteration affects many properties. Therefore, if the designation boundaries need to be altered for this proposal, it is more likely to require the 'full' alteration process given the large area covered.

### **4.1.4 OTHER DESIGNATIONS**

Environment Canterbury (ECan) are the requiring authority for Designation D22, which is for soil conservation and river control purposes and is located along the bed of the Ashburton River / Hakatere in the vicinity of the proposal. The ADC will need to obtain the written consent of ECan prior to construction of the proposed bridge commencing (s177 of the RMA), unless the location of the bridge changes to be outside Designation D22.

## **4.2 District Council Resource Consents**

For any work outside the designation that requires resource consent from the District Council, the appropriate approach may be to alter the designation as explained above (s176(1)(a) RMA sets aside the application of land use rules under s9(3) RMA so those types of consent are not required for works within a designation). An alternative is to apply for any land use consents from the district council if

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these are required for works outside the designation. This may be appropriate in some instances, such as for a laydown area on nearby land for the construction period. Further assessment against the Ashburton District Plan will be required in this circumstance and a preference determined at that time.

### 4.3 Regional Council Resource Consents

Regional resource consents from ECan will likely be required under the Canterbury Land and Water Regional Plan (LWRP) for the following activities unless provided for by a permitted activity rule, and the rule's conditions can be met:

- The construction of bridges and culverts and associated riverbed disturbance, discharges and diversion of water (Rules 5.137 and 5.141A);
- Earthworks and vegetation clearance in riparian areas (Rules 5.167 – 5.169);
- Excavation and fill over an aquifer (Rule 5.175 and PC7, and Rules 5.177 and 5.178);
- Discharge of construction-phase and operational-phase stormwater to water or onto land (Rules 5.94A, 5.94B, and 5.97);
- Dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use (Rules 5.119 and 5.120);
- Installation of bores for hydrological or geotechnical investigations (Rules 5.104 and 5.105);

Regional consent may also be required under the Canterbury Air Regional Plan (CARP), unless provided for by a permitted activity rule and the rule's conditions can be met:

- The discharge of dust to air (Rules 7.32 – 7.34).

#### 4.3.1 POTENTIAL RISKS FOR REGIONAL RESOURCE CONSENTS

A potential risk identified at this stage is that the Ashburton River / Hakatere in the vicinity of the proposal is used by black billed gulls and other indigenous birds, such as terns and dotterels, for nesting. These birds are threatened or at risk to varying degrees according to the New Zealand Threat Classification System, and the river is known to be a significant habitat for these species. The presence of these threatened birds and their habitats could raise a potentially significant project risk as regional resource consents for the bridge (construction and operation) may be very difficult to obtain if the proposal's adverse effects on the birds and their habitat cannot be avoided or otherwise adequately mitigated. An ecological assessment is being carried out for the DBC to further advise on this matter.

Another potential risk identified at this stage for obtaining regional resource consents, if not properly considered in the design, is that the proposed bridge and associated infrastructure could compromise the flood protection stop banks and vegetation that are located along the river. As well as being addressed through the resource consent process, this will be a relevant matter for ECan to consider for them to provide the necessary approvals under s177 of the RMA (as the requiring authority for an existing designation) and under the Flood Protection and Drainage Bylaw 2013.

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## 4.4 National Environmental Standards (NES)

### 4.4.1 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011

The Resource Management (*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*) Regulations 2011 (NESCS) provides a nationally consistent set of planning controls for the management of activities that disturb contaminated and potentially contaminated land. A contaminated land assessment (Preliminary Site Investigation) is being undertaken for the DBC which will inform any consents required under the NESCS.

### 4.4.2 NATIONAL ENVIRONMENTAL STANDARD FOR FRESHWATER MANAGEMENT 2020

Under the National Environmental Standard for Freshwater Management (NES-F), vegetation clearance, earthworks and damming or diversion of water associated with the construction of a new road within or between 10 – 100 m of natural wetlands requires consent as a discretionary activity (NES-F Regulation 45).

Furthermore, there are requirements relating to the installation of structures in a river which may affect fish passage. As a minimum, Regulation 70 requires information on new culverts/culvert extensions to be provided to ECan such as shape, length, slope, alignment etc., as well as an assessment of the ability to maintain or enhance fish passage through the design of any culverts. This information needs to be provided to ECan within 20 working days of such work completing.

An ecological assessment is being carried out for the DBC to determine the presence of natural wetlands in the project area, and to identify any streams which are ecologically sensitive. Requirement for culverts will also be identified. The ecological assessment will help to identify any consents required under the NES-F.

## 5 Summary

The proposal will require the following under the RMA:

- **Designation:** works within the designation will need to comply with all conditions of Designation D208 contained in the Ashburton District Plan, the designation altered, or resource consents secured.
- **OPW:** an OPW detailing the proposed works will need to be submitted to the territorial authority. The territorial authority can request changes to the OPW to address the effects of the activity, but it is not an approval process.
- **S177 written consent:** written consent from ECan will be required to construct the proposed bridge within their designation for soil conservation and river control. This could be sought in combination with an approval under the Flood Protection and Drainage Bylaw 2013.
- **Regional resource consents:** compliance with the conditions of any permitted activity rules will need to be confirmed, or otherwise any necessary resource consents from ECan secured before commencing physical works that would otherwise require consents. This is likely to apply to:

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- Construction of the bridge (and any culverts required along the road connection) and associated disturbance, discharges and diversion of water;
- Earthworks and vegetation clearance in riparian areas;
- Excavation and fill over an aquifer;
- Discharge of stormwater (construction and operational phases);
- Dewatering during construction;
- Bores for hydrological or geotechnical investigations; and
- Discharge of dust.
- **NES consents:** contaminated land along and in proximity to the route will need to be identified, and compliance with permitted activity requirements in the NESCS (relating to the disturbance of contaminated soil) will need to be determined. The compliance of activities addressed by the NES-F (relating to works near natural wetlands, fish passage and culverts in rivers) will also need to be assessed, and any necessary resource consents secured.

The intention of this memorandum is to support the project team at the early stages of developing the DBC. It is recommended that the statutory requirements, particularly the permitted activity conditions under the LWRP, the CARP and the NES-F are identified and used as guidance for design work and the consideration of construction methodology. A more detailed consenting strategy will ultimately be prepared to accompany the DBC, and revised as design detail and construction methodology is developed.

Yours sincerely,

**Stantec New Zealand**

**Ethan Archer**

Planner

Phone: +64 3 345 7703

Mobile: +64 27 269 4644

ethan.archer@stantec.com

Attachment: Designation D208 Conditions

Reviewed by: Janan Dunning

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## 14.13 Ashburton Second Bridge Conditions – Designation Number 208

Designations D208 is subject to the following conditions:

### General Conditions

- a) This designation will lapse if not given effect to within 15 years from the date on which it is included in the District Plan under section 175(2) of the Resource Management Act 1991 (“the Act”).
- b) Except as modified by the conditions below, and subject to final design, the Project shall be undertaken in general accordance with the Notice of Requirement Designation Plans referenced as 6/619/115/3604 sheets 1-4 and the plans referenced as 6/619/115/3604 sheets 5-14. And included in Appendix 14-8 of the Plan.
- c) For the avoidance of doubt, none of the conditions of this designation (except where explicitly provided for) prevent or apply to work required for the ongoing operation or maintenance of the Project following construction such as changes to street furniture or signage over time. Depending upon the nature of such work, outline plans or outline plan waivers may be required.

### Accidental Discovery Protocol

- d) All works shall proceed in accordance with Council’s Accidental Discovery Protocol. This protocol recognises the importance of archaeological sites to both New Zealand, as set out in the Historic Places Act 1993, and to Ngāi Tahu. In the event of an accidental discovery of archaeological matter, "accidental discovery", including human remains, the following shall be undertaken:
  - i. All work within 100m of the discovery will cease immediately.
  - ii. The works supervisor will shut down all equipment and activity and advise the construction supervisor for the project site.
  - iii. The construction supervisor will take immediate steps to secure the site to ensure the archaeological matter remains undisturbed and the site is safe in terms of health and safety requirements.
  - iv. The site construction supervisor will notify the Planning Manager at Ashburton District Council.
  - v. The requiring authority will ensure the matter is reported to the Regional Archaeologist at the New Zealand Historic Places Trust, and the consent authority.
  - vi. The requiring authority, with agreement from the consent authority, will ensure that a qualified archaeologist is appointed to ensure that all archaeological material is dealt with appropriately.
  - vii. In the event that the accidentally discovered material is confirmed as being archaeological, under the terms of the Historic Places Act, the requiring authority shall ensure that an archaeological assessment is carried out by the archaeologist pursuant to condition 4(f), and if appropriate, an archaeological authority is obtained from the Trust before works within 100m of the discovery resume



- viii. In the event of material being of Māori origin, the requiring authority will ensure that the local Rūnanga (Te Rūnanga o Arowhenua) is contacted in order that the appropriate cultural practices are implemented to remedy or mitigate any damage to the site.
- ix. The requiring authority shall ensure that the relevant representatives and contractors, as appropriate, are available to meet and guide representatives of the New Zealand Historic Places Trust, or Te Rūnanga o Arowhenua as relevant, to the site.
- x. Works within 100m of the discovery shall not commence until authorised by the consent authority, after agreement with the New Zealand Historic Places Trust, or Te Rūnanga o Arowhenua as relevant.

#### Outline Plan

- e) Prior to the commencement of works, the requiring authority shall submit to Council an Outline Plan in accordance with Section 176A of the Resource Management Act. For the purposes of this condition, the Outline Plan(s) shall show the following matters:
  - i. The height, shape, and bulk of the Project;
  - ii. The location on the site of the Project;
  - iii. The likely finished contour of the site;
  - iv. The vehicular access, circulation and the provision of parking;
  - v. The landscaping proposed; and
  - vi. For the purpose of avoiding, remedying or mitigating adverse effects on the environment:
    - (a) The management of construction noise and vibration;
    - (b) The management of erosion, sediment and fugitive dust;
    - (c) The management of temporary and construction lighting;
    - (d) The use of hazardous substances and the management of spills; and
    - (e) The management of traffic during construction.
- f) **Roading Design Plan**
  - i. The requiring authority shall prepare and implement a Rooding Design Plan for the Project which shall form part of the Outline Plan required by Condition e).
  - ii. The Rooding Design Plan shall be prepared by a suitably qualified transportation engineer.
  - iii. The Rooding Design Plan shall provide for cycle lanes, pedestrian facilities and traffic lanes on the new link road from Grahams Road, across the bridge and connecting to the existing Chalmers Avenue at South Street.
  - iv. The Rooding Design Plan shall demonstrate the measures adopted to achieve good quality detailed road design of the Project at the following locations where the Project interacts with local vehicular and pedestrian and cyclist movements:
    - (a) Chalmers Avenue / Walnut Avenue roundabout.
    - (b) Chalmers Avenue / Havelock Street / Wellington Street intersection, and the Chalmers Avenue / Victoria Street / Wakanui Road intersection.
    - (c) Walnut Avenue / William Street intersection.
    - (d) Chalmers Avenue, at the following mid-block locations:
      - (1) South Street to Dobson Street.

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- (2) Tancred Street to Burnett Street.
      - (3) Cameron Street to Wills Street.
      - (4) Cox Street to Aitken Street.
      - (5) Between the Mania-o-roto Scout Park and the Collegiate Squash Club.
    - (e) Bridge Street, between Princes Street and Orr Street.
  - v. The Roothing Design Plan shall address the following matters generally:
    - (a) Cycle lanes and footpaths on the bridge.
    - (b) Footpath and on-road cycle lane design (provision for minimum dimensions of 1.8m on-road cycle lanes adjacent to parallel parking, 1.5m where there is no parking, and 1.6m footpaths).
    - (c) Pedestrian crossing facilities. Locations and nature of such facilities to be determined to suit pedestrian and cycle facilities which are developed or proposed for the Residential C and D zones adjacent to the new link road at the time of design, and to suit pedestrian and cycle desire lines across Chalmers Avenue.
    - (d) Intersection upgrades.
    - (e) Visual narrowing of intersections.
    - (f) Location of road signage.
- g) The following site specific matters shall be provided for in the Roothing Design Plan for the following locations:
- i. Chalmers Avenue / Walnut Avenue intersection / roundabout:
    - (a) Measures to alter the roundabout layout in order to provide for heavy vehicle movements around the roundabout.
    - (b) Measures to enable safe pedestrian and cycle routes through the intersection.
    - (c) Measures to provide safe pedestrian and cycle access to the Netherby shops.
    - (d) Parking, including access to the existing parking area on Chalmers Avenue, and retention of existing parking on Bridge Street and Albert Street.
  - ii. Chalmers Avenue / Havelock Street / Wellington Street intersection, Chalmers Avenue / Victoria Street / Wakanui Road intersection, and Walnut Avenue / William Street intersection:
    - (a) Measures to address existing safety issues at the intersections, possibly including:
      - (1) Traffic calming measures;
      - (2) Improved pedestrian facilities;
      - (3) Improved delineation of the intersections for vehicles on the side roads.
  - iii. Chalmers Avenue mid-block locations
    - (a) Pedestrian facilities at mid-block locations, possibly including:
      - (1) Kerb build outs;
      - (2) Pedestrian pathways across grassed median;
      - (3) Zebra crossings.
  - iv. Bridge Street
    - (a) Pedestrian facilities, possibly including:
      - (1) Pedestrian Refuges;
      - (2) Zebra Crossings.

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- h) Road Lighting Design Plan
- i.* The Requiring Authority shall prepare and implement a Road Lighting Design Plan for the Project which shall form part of the Outline Plan required by Condition e).
  - ii.* The Road Lighting Design Plan shall be prepared by a suitably qualified lighting design engineer.
  - iii.* The Road Lighting Design Plan shall be in general accordance with the Concept Lighting Design (attached at Appendix D of the Lighting Assessment for the Notice of Requirement and which forms part of the proposal) and shall be designed to meet the requirements of AS/NZS 1158 - Road Lighting Standards and AS 4282:1997 - Control of the Obtrusive Effects of Outdoor Lighting.
- i) Landscape Design Plan
- i.* The requiring authority shall prepare and implement a Landscape Design Plan for the Project which shall form part of the Outline Plan as required by Condition e).
  - ii.* The Landscape Design Plan shall be prepared by a suitably qualified landscape architect.
  - iii.* The purpose of the Landscape Design Plan is to outline the methods and measures to be adopted to avoid, remedy and mitigate adverse effects on landscape amenity arising from the Project, and it shall provide for the completion and maintenance of the Project's permanent landscape works.
  - iv.* The Landscape Design Plan shall demonstrate how the Project fits within the environment and shall, as a minimum, address the following:
    - (a)* The extent of vegetation removal and earthworks.
    - (b)* The proposed finished road heights, road embankments, bridge and adjoining land levels.
    - (c)* Access to adjacent recreational, commercial and private properties and residences along the route of the proposed link road and Chalmers Avenue west.
    - (d)* How the landscape design addresses "crime prevention through environmental design" (CPTED) principles.
    - (e)* Landscape mitigation treatments, including the following:
      - (1) Detailed planting plans with plant and tree species, sizes and spacings;
      - (2) Landscape specifications;
      - (3) The re-grassing of construction zones;
      - (4) Swale and stormwater basin planting and treatment throughout the length of the proposed link road, including specimen tree planting in areas where shelterbelts have been removed and to give consistency and character to the proposed route;
      - (5) The screening of the Residential C zone from the proposed road, if residential development has occurred ahead of the road construction and residential properties do not gain primary access from the new road;
      - (6) The proposed planting and treatment of bridge embankments that is sympathetic to its surroundings, as assessed at the time of detailed design;
      - (7) Bridge and abutments form / aesthetic treatments;

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- (8) The reinstatement of riverside paths, and access to riverside paths, following construction;
  - (9) The provision of planted earth bunds adjacent to recreational and private properties adjacent to Chalmers Avenue west;
  - (10) The continuation of street tree planting on Chalmers Avenue west.
- j) Construction Noise and Vibration Management Plan
- i. The requiring authority shall prepare and implement a Construction Noise and Vibration Management Plan (CNVMP) for the duration of the construction period of Project. The CNVMP shall form part of the Outline Plan as required by Condition e).
  - ii. The purpose of the CNVMP is to identify the noise and vibration performance standards that will, where practicable, be complied with and sets the framework for the development and implementation of particular noise and vibration management and control methodologies during construction to minimise adverse effects on the health and safety of nearby residents.
  - iii. The CNVMP shall describe the measures that will be adopted to, as far as practicable, meet:
    - (a) The noise criteria set out in Condition a)(a)vi below, where practicable. Where it is not practicable to achieve those criteria, alternative strategies should be described to address the effects of noise on neighbours, e.g. by arranging alternative temporary accommodation; and
    - (b) The Category A vibration criteria set out in Condition a)(a)viii below, where practicable. If measured or predicted vibration levels exceed the Category A criteria then a suitably qualified expert shall be engaged to assess and manage construction vibration to comply with the Category A criteria. If the Category A criteria cannot be practicably achieved, the Category B criteria shall be applied. If measured or predicted vibration levels exceed the Category B criteria, then construction activity shall only proceed if there is continuous monitoring of vibration levels and effects on those buildings at risk of exceeding the Category B criteria by suitably qualified experts.
  - iv. The CNVMP shall, as a minimum, address the following:
    - (a) General
      - (1) Description of the works, anticipated equipment/processes and their scheduled durations;
      - (2) Hours of operation, including times and days when construction activities causing noise and/or vibration would occur;
      - (3) Management schedules containing site specific information;
      - (4) Identification of affected houses and other sensitive locations where noise and vibration criteria apply;
      - (5) Procedures for maintaining contact with stakeholders, notifying of proposed construction activities and handling noise and vibration complaints;
      - (6) Construction equipment operator training procedures, particularly regarding the use of excavators and vibratory compactors, and expected construction site behaviours;
      - (7) Roles and responsibilities of personnel on site;

- (8) Contact numbers for key construction staff, staff responsible for noise and vibration assessment and council officers.
- (b) Construction Noise
  - (1) The procedure for assessing construction noise
  - (2) The criteria for assessing construction noise
  - (3) Mitigation options, including alternative strategies where full compliance with the relevant noise and/or vibration criteria cannot be achieved
  - (4) Methods and frequency for monitoring and reporting on construction noise
- (c) Construction vibration
  - (1) The procedure for measuring vibrations;
  - (2) The criteria for assessing vibrations;
  - (3) List of machinery to be used;
  - (4) Requirements for vibration measurements of relevant machinery prior to construction or during their first operation, to confirm that the vibrations they generate will not be problematic;
  - (5) Requirements for building condition surveys of critical dwellings prior to and after completion of construction works and during the works if required;
  - (6) Requirements for identifying any existing infrastructure assets (services, roads etc) which may be at risk of vibration induced damage during construction;
  - (7) Methods and frequency for monitoring and reporting on construction vibration;
  - (8) Mitigation options, including alternative strategies where full compliance with the Project Criteria cannot be achieved;
  - (9) Procedures for managing vibration damage to existing services such as roads and underground pipelines.
- v. Construction noise shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'.

vi. The construction noise criteria for the purposes of the CNVMP are:

| Time of week                     | Time period | Duration of construction work at any one location |                    |                      |                    |
|----------------------------------|-------------|---|--------------------|----------------------|--------------------|
|                                  |             | less than 20 weeks                                |                    | more than 20 weeks   |                    |
|                                  |             | L <sub>Aeq(1h)</sub>                              | L <sub>AFmax</sub> | L <sub>Aeq(1h)</sub> | L <sub>AFmax</sub> |
| <b>Residential</b>               |             |   |                    |                      |                    |
| Weekdays                         | 0630-0730   | 60 dB   | 75 dB              | 55 dB                | 75 dB              |
|                                  | 0730-1800   | 75 dB   | 90 dB              | 70 dB                | 85 dB              |
|                                  | 1800-2000   | 70 dB   | 85 dB              | 65 dB                | 80 dB              |
|                                  | 2000-0630   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
| Saturdays                        | 0630-0730   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
|                                  | 0730-1800   | 75 dB   | 90 dB              | 70 dB                | 85 dB              |
|                                  | 1800-2000   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
|                                  | 2000-0630   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
| Sundays and public holidays      | 0630-0730   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
|                                  | 0730-1800   | 55 dB   | 85 dB              | 55 dB                | 85 dB              |
|                                  | 1800-2000   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
|                                  | 2000-0630   | 45 dB   | 75 dB              | 45 dB                | 75 dB              |
| <b>Industrial and commercial</b> |             |   |                    |                      |                    |
| All days                         | 0730-1800   | 75 dB   | -                  | 70 dB                | -                  |
|                                  | 1800-0730   | 80 dB   | -                  | 75 dB                | -                  |

- vii. Construction vibration shall be measured in accordance with the State Highway Construction and Maintenance Noise and Vibration Guide (NZTA, 2013).
- viii. The construction vibration criteria for the purposes of the CNVMP are:

| Receiver                 | Details                     | Category A   | Category B                             | Location            |
|--------------------------|-----------------------------|--------------|--|---------------------|
| Occupied dwellings       | Daytime: 6.00am to 8:00pm   | 1.0 mm/s PPV | 5.0 mm/s PPV                           | Inside the building |
|                          | Night time 8:00pm to 6.00am | 0.3 mm/s PPV | 1.0 mm/s PPV                           |                     |
| Other occupied buildings | Daytime: 6.00am to 8:00pm   | 2.0 mm/s PPV | 10.0 mm/s PPV                          |                     |
| All buildings            | Transient vibration         | 5.0 mm/s PPV | BS 5228.2 - Table B2 values            | Building foundation |
|                          | Continuous vibration        |              | BS 5228.2 - 50 percent Table B2 values |                     |
| Underground Services     | Transient vibration         | 20mm/s PPV   | 30 mm/s PPV                            | On pipework         |
|                          | Continuous vibration        | 10mm/s PPV   | 15 mm/s PPV                            |                     |

- ix. When construction equipment is being evaluated for its ability to cause structural damage at a particular residence, the relevant standard that shall be used is as listed in line 2 of table 1 of German Standard DIN 4150 3:1999. The criteria are as listed below:

| Type of Structure             | Vibration Thresholds for Structural Damage, PPV (mm/s) |             |              |                 |                 |
|-------------------------------|--|-------------|--------------|-----------------|-----------------|
|                               | Short-Term   |             |              | Long-Term       |                 |
|                               | At Foundation  |             |              | Uppermost Floor | Uppermost Floor |
|                               | 0 to 10 Hz   | 10 to 50 Hz | 50 to 100 Hz | All Frequencies | All Frequencies |
| <b>Commercial /industrial</b> | 20   | 20 to 40    | 40 to 50     | 40              | 10              |
| <b>Residential</b>            | 5  | 5 to 15     | 15 to 20     | 15              | 5               |
| <b>Sensitive/Historic</b>     | 3  | 3 to 8      | 8 to 10      | 8               | 2.5             |

*Note: When a range of velocities is given, the limit increases linearly over the frequency range.*

- x. Erosion, Sediment and Dust Control Management Plan
- (a) The requiring authority shall prepare and implement an Erosion, Sediment and Dust Control Management Plan (ESDCMP) for the duration of the construction period of Project. The ESDCMP shall form part of the Outline Plan as required by Condition e).
  - (b) The purpose of the ESDCMP is to control and manage the effects of:
    - (1) Stormwater discharge from the site during construction; and
    - (2) Fugitive dust emissions from the site during construction so as not to cause noxious, offensive or objectionable levels of dust beyond the designation boundary.
  - (c) The erosion and sediment control measures contained within the ESDCMP shall be prepared in accordance with the Environment Canterbury Erosion and Sediment Control Guideline 2007.
  - (d) The ESDCMP shall give effect to:
    - (1) Best practicable methods for avoiding or mitigating erosion, sediment and dust emissions during construction;
    - (2) Procedures for monitoring the effectiveness of the controls;
    - (3) A complaints procedure; and
    - (4) Inspection and auditing procedures, and contingency plans for if controls fail.
- xi. Construction and Temporary Lighting Management Plan



- (a) The requiring authority shall prepare and implement a Construction and Temporary Lighting Management Plan (CTLMP) for the duration of the construction period of Project. The CTLMP shall form part of the Outline Plan as required by Condition e).
  - (b) The CTLMP shall outline the measures to be taken to manage and control glare and light spill arising from construction and temporary lighting. Measures shall include, but not be limited to, the following:
    - (1) In areas adjacent to residences, all security and construction lighting will be installed so that it can be shielded, or directed to the required work area to minimise light spill beyond the site so far as is reasonably practicable, and to achieve compliance with relevant District Plan standards;
    - (2) Careful consideration to the location of site offices to ensure there is no obtrusive lighting effects to nearby residences.
- xii. Hazardous Substances, Spills and Emergency Management Plan
  - (a) The requiring authority shall prepare and implement a Hazardous Substances, Spills and Emergency Management Plan (HSSEMP) for the duration of the construction period of Project. The HSSEMP shall form part of the Outline Plan as required by Condition e).
  - (b) The purpose of the HSSEMP is to set the framework for the development and implementation of methods and processes for minimising potential environmental risks arising from the use and storage of hazardous substances, and the transportation, disposal and tracking of materials taken away during the construction of the Project, in accordance with best practice, and national standards and regulations.
  - (c) The HSSEMP shall include, but not be limited to, the following:
    - (1) Identification of the types of fuels and hazardous substances likely to be used on site;
    - (2) Fuel storage facilities and security;
    - (3) Fuel handling procedures;
    - (4) Management of fuel spills.

*Advice note: The use and storage of hazardous substances will be compliant with the relevant provisions of the Hazardous Substances and New Organisms Act 1996.*

- xiii. Temporary Traffic Management During Construction Management Plan
  - (a) The requiring authority shall prepare and implement a Temporary Traffic Management During Construction Management Plan (TTMCMP) for the duration of the construction period of the Project. The TTMCMP shall form part of the Outline Plan as required by Condition e).
  - (b) The purpose of the TTMCMP is to set out the minimum standards to be adopted for the implementation of temporary traffic management. These minimum standards, and any practices and procedures created from them, aim to eliminate, mitigate or isolate any risks to the environment, Project site staff and all road users.

- (c) The TTMCMP shall be prepared in accordance with the NZ Transport Agency “Code of Practice for Temporary Traffic Management, Fourth Edition, November 2012” to mitigate any actual or potential traffic effects associated with construction of the Project.
- (d) The TTMCMP shall include, but need not be limited to, the following:
  - (1) the staging of the works, including details of any proposals to work on multiple sections of the Project route concurrently;
  - (2) details of traffic management activities proposed within each section of the Project;
  - (3) the potential effects of traffic management activities and how these will be managed to ensure safety for all road users;
  - (4) a process for the development and submission of site specific traffic management plans;
  - (5) monitoring, auditing and reporting requirements; and
  - (6) training requirements for staff.
- xiv. Social Impact Management Plan
  - (a) The requiring authority shall prepare and implement a Social Impact Management Plan (SIMP) for the duration of the construction period of the Project. The SIMP shall form part of the Outline Plan as required by Condition e).
  - (b) The SIMP shall include, but not be limited to, the following:
    - (1) A summary of the social issues and effects to be addressed (benefits and adverse impacts) by the other specific management plans;
    - (2) Specific management plans detailing mitigation objectives, outcomes and responsibilities for decision making and for taking action;
    - (3) An outline of on-going public involvement associated with governance (e.g., a Community Reference Group) and accountability provisions for the SIMP;
    - (4) Specific liaison measures with the residential communities to ensure traffic, safety, noise or air quality issues are identified and addressed;
    - (5) A framework for monitoring, including selected indicators, responsibilities for data collection, and reporting requirements;
    - (6) An outline of funding provisions associated with monitoring activities, mitigation initiatives and plan management.

#### Road seal

- k) If not undertaken prior to the construction of the Project, Chalmers Avenue shall be sealed and maintained with a low-noise form of road surfacing, such as open graded porous asphalt or asphaltic concrete. For the avoidance of doubt, if Chalmers Avenue has already been sealed with a low-noise form of road surfacing prior to the construction of the Project, then resealing is not required.
- l) The new link road shall be sealed and maintained with a low-noise form of road surfacing, such as open graded porous asphalt or asphaltic concrete.

# CREATING COMMUNITIES

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Level 3, 6 Hazeldean Road, Addington, Christchurch, 8024  
PO Box 13-052, Armagh, Christchurch, 8141  
New Zealand: +64 3 366 7449 | [www.stantec.com](http://www.stantec.com)

