

**ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA**

ENV-2023-WLG-000005

Under the Resource Management Act 1991

In the matter of the direct referral of applications for resource consent and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project

By Waka Kotahi NZ Transport Agency

**STATEMENT OF REBUTTAL EVIDENCE OF ANDREW FERGUSON CURTIS
ON BEHALF OF WAKA KOTAHI NZ TRANSPORT AGENCY**

Dated 10 October 2023

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INTRODUCTION

1. My full name is **Andrew Ferguson Curtis**.
2. I prepared a statement of evidence (**Evidence**) regarding air quality effects of the proposed Ōtaki to North of Levin Project (**Ō2NL Project** or **Project**), dated 4 July 2023.
3. My qualifications and experience are set out in my Evidence.
4. In this rebuttal evidence I use the same defined terms as in my Evidence.
5. I repeat the confirmation given in my Evidence that I have read the 'Code of Conduct' for expert witnesses and that my evidence has been prepared in compliance with that Code.
6. This rebuttal evidence responds to points made in evidence by:
 - (a) Mr Peter Stacey, on behalf of Manawatū-Whanganui Regional Council (**Horizons**), Greater Wellington Regional Council (**GWRC**), Horowhenua District Council (**HDC**) and Kapiti Coast District Council (**KCDC**); and
 - (b) Mr Mark St Clair, on behalf of the Manawatū-Whanganui Regional Council (**Horizons**), Greater Wellington Regional Council (**GWRC**).
7. I attended expert conferencing on 28 July 2023 with Mr Stacey and we prepared a joint witness statement (**the Air Quality JWS**) which was inadvertently dated 27 July 2023. I confirm the contents of that document.

RESPONSE TO MR STACEY

8. Mr Stacey has prepared a statement, in which he has identified four outstanding issues:
 - (a) Drafting of condition RAQ1A;
 - (b) Communication of dust monitoring results;
 - (c) Trigger to stop work; and
 - (d) Additional monitoring.

9. The first three of these were matters discussed in our joint witness caucusing. Like Mr Stacey I am comfortable with the changes that have been made to the conditions by the planning experts in relation to them.
10. The inclusion of an additional monitoring location in Manakau (condition RAQ1B(b)) was something that was raised in the mediation process and therefore not something we could discuss in caucusing.
11. I was asked for advice on this matter by Waka Kotahi and suggested that a dust monitor at or about 46 Tame Porati Street (the location where I installed a weather station and dust monitor as part of my assessment), would be appropriate to deal with the concerns raised during mediation.
12. Consequently, I agree with Mr Stacey that the change to condition RAB1B(b) is appropriate.
13. Finally, Mr Stacey raises a concern about a change that Waka Kotahi made to the wording of condition RAQ1A(c) that Mr Stacey and I had agreed to in caucusing.
14. I understand from discussions with Waka Kotahi that the change in wording was made due to concerns raised in relation to the health and safety issues associated with sampling out of water tanks.
15. I accept that this is a relevant concern that I had not envisaged during expert caucusing where tank sampling was proposed to be required.
16. Consequently, I agree with Mr Stacey that sampling from a tap is an appropriate option, and it would resolve what I understand to be one of the reasons that a change in conditions was proposed by Waka Kotahi.

CONDITIONS

17. I have reviewed the air quality related conditions attached to the evidence of Mr St Clair and have the following comments.
18. I am comfortable with the change that has been made to condition RAQ1A(c) as this reflects the change suggested by Mr Stacey.
19. I am not comfortable with the deletion in its entirety of condition RAQ1A(d). I understand that in part this deletion has been made to remove the monitoring trigger component to the turbidity monitoring.

20. However, I consider there is merit in the first part of the condition, and that it should be retained in some form. Specifically, the first part of the condition which states:

“Except where contingency measures have previously been implemented in accordance with clause (f)(ii), the turbidity of any roof-collected drinking water supply must be sampled...”

21. The purpose of the turbidity monitoring is to ensure that if dust is generated by Ō2NL related activities it does not impact on drinking water. Consequently, if Waka Kotahi has identified that dust is impacting on drinking water at a particular location and implemented an appropriate solution to deal with that issue, e.g. fitted a first flush system, then there is little point in continuing turbidity monitoring as there will be nothing for it to detect.
22. I have worked with Ms McLeod to develop alternate wording consistent with my evidence for the conditions which is attached to her evidence.

Andrew Ferguson Curtis

10 October 2023