

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-Ā-TARA ROHE**

ENV-2023-WLG-000005

Under the

RESOURCE MANAGEMENT ACT 1991

In the matter of

the direct referral of applications for resource consents
and notices of requirement under sections 87G and
198E of the Act for the Ōtaki to North of Levin project

By

**NEW ZEALAND TRANSPORT AGENCY-WAKA
KOTAHI**

Applicant

JOINT STATEMENT OF AIR QUALITY EXPERTS

27 July 2023

INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of air quality.
2. This joint witness statement relates to the application by the New Zealand Transport Agency-Waka Kotahi (**Waka Kotahi**) for resource consents and notices of requirement under sections 87G and 198E of the Resource Management Act 1991 (**RMA**) for the Ōtaki to North of Levin project (**Project**).
3. The expert conferencing was held on 28 July 2023, facilitated by Environment Commissioner Buchanan.
4. Attendees at the conference were:
 - (a) Andrew Curtis (witness for Waka Kotahi). Mr Curtis is the author of Technical Assessment C: Air Quality lodged with the application, and of a statement of evidence dated 4 July 2023.
 - (b) Peter Stacey (witness for both the Regional and District Councils). Mr Stacey is the author of Appendix 8 of the section 87F report for Regional Councils and Appendix 12 of the section 198D report for the District Councils. Mr Stacey provided a note setting out issues that remain in dispute in advance of the conference.

CODE OF CONDUCT

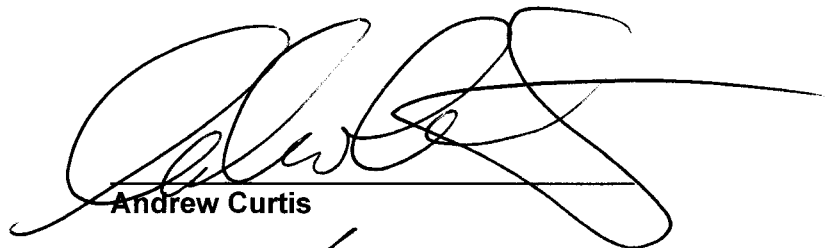
5. This joint statement is prepared in accordance with section 9.4 of the Environment Court Practice Note 2023.
6. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.

PURPOSE AND SCOPE OF CONFERENCING

7. The purpose of conferencing was to identify, discuss, and highlight points of agreement and disagreement on air quality issues arising from the Project.
8. Conferencing proceeded in line with the agenda agreed to by all relevant parties and experts, and provided to Commissioner Buchanan in advance of the conferencing.

9. All attendees reviewed Technical Assessment C and the evidence, council expert reports and notes on issues that remain in dispute in advance of the conference.
10. Except where recorded in **Annexure A**, the attendees agree that the primary data, methodologies and standards, and key facts and assumptions are as set out in the Assessment of Environmental Effects for the Project, and in particular Technical Assessment C: Air Quality.
11. **Annexure A** records those issues where there was discussion and the reasons, along with any reservations, and recommendations for changes to the conditions and Schedule 2.
- 12.

Date: 27 July 2023



Andrew Curtis



Peter Stacey

ANNEXURE A – EXPERT CONFERENCING ON AIR QUALITY

Participants: Andrew Curtis (AW), Peter Stacey (PS)

Issue	Agreed Position	Disagreements or reservations, with reasons
<p>Condition RAQ1 a) Wording of condition</p>	<p>This condition is not totally in alignment with the MfE Good practice Guide for Assessing and Managing Dust. We recommend the condition is redrafted to reflect the guidance and include the word “adverse” in from of effects.</p>	
<p>Effects on roof collected drinking water. What are the triggers for identifying that action needs to be implemented.</p>	<p>There was discussion that there may need to be more than a visual inspection of the water system. For example, that samples might be collected for turbidity. Therefore, the experts agreed that condition RAQ1A should be modified allow for sampling for turbidity or some other similar indicator of particulate in the water supply. The condition should allow for both collecting baseline samples and subsequent monthly sampling, with an allowance of in the order of +/-20%.</p>	<p>We note that while supporting the changes any condition needs to be able to flexible enough to account for the dust effects of non O2NL activities e.g. farming activities and natural variability.</p>
<p>Communication of monitoring results</p>		<p>Mr Stacey has concerns in relation to the reporting in Condition RAQ1A and that annual monitoring might be too infrequent. Mr Curtis understands that the Communication strategy will provide for wide dissemination of the collected data.</p>

<p>Need to have some trigger for halting site activities in the event that extreme dust nuisance effects are occurring.</p>		<p>Mr Stacey considers that there needs to be a specific condition that requires the site to cease work if dust is causing a nuisance. He notes that under certain scenarios, eg strong winds, dust may be challenging to control despite the implementation of all of the mitigation measures proposed.,</p> <p>Mr Curtis, thinks that there are other conditions proposed that will require the Applicant to implement all appropriate mitigation.</p>
<p>Schedule 2</p>	<p>The experts consider that it would be better if the words "in general accordance" were used rather than "have regard to" when referring to the various guidance documents.</p> <p>The experts agree that e) (iii) could be reworded so that it was clearer that it includes upgrades to the drinking water system as well as provision of clean drinking water.</p> <p>The experts note that apart from the above the draft changes made to Schedule 2 reflect the mitigation measures set out in Mr Curtis evidence.</p>	